

0848

BOX:

511

FOLDER:

4661

DESCRIPTION:

Dahn, Frederick H.

DATE:

02/02/93



4661

0849

Witnesses:

Officer Nash

Counsel,

Filed,

day of

1893

Pleads,

Agentry

THE PEOPLE

vs.

B

Judith H. Dan

Transferred to the Court of Special Sessions for trial and final disposal

Part of Dec. 1893

VIOLATION OF THE EXCISE LAW.
(THE STATES WITHOUT LICENSE.)
[ARTICLE 101, LAWS OF 1892, § 31.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. Catlin

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frederick H. Wahn

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

Frederick H. Wahn

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINE, ALE AND BEER, IN QUANTITIES LESS THAN FIVE GALLONS AT A TIME, WITHOUT HAVING A LICENSE THEREFOR, committed as follows:

The said

Frederick H. Wahn

late of the City of New York, in the County of New York aforesaid, on the 9th day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantities less than five gallons at a time, to

certain

other

one Morris Wash and to

persons whose names are to the Grand Jury aforesaid unknown, without having a license granted to him in pursuance of any law of this State permitting him to sell either strong or spirituous liquors, wines, ale or beer, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,

District Attorney.

0851

BOX:

511

FOLDER:

4661

DESCRIPTION:

Daily, Thomas

DATE:

02/24/93



4661

0852

POOR QUALITY ORIGINAL

Witnesses and

Witnesses:

Machida Blaka

I appearing by
unsworn affidavits
of Detective Rice
that defendant
was sentenced to
State Prison, to
clear the record.
I recommend that
bail be discharged
in this case
Sept 6 1897

*R. W. Wright
Deputy Sheriff*

*J. S. Bandeen
Jury*

*Sept. 11, 1897 B.M. Dubois
Mark Dubois*

Counsel

Filed 21 day of July 1897

Pleads, Not Guilty, Oct 17/97

THE PEOPLE

vs.

Thomas Daily

*Carver
Oct 17/97*

DE LANCEY NICOLL,
District Attorney.

Plead guilty

A TRUE BILL. Pen 3 mos

John J. [unclear]
Foreman.

Sept 7/97

*Bail Discharged
See inside.*

*Burglary in the Third Degree.
Section 496, 506, 508, 509, 510, 511.*

1897

*see case file
acceptance of plea
D. Frank Reynolds
Oct 15/97*

0853

Police Court— District.

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

of No. 74 E. 118th Street, aged 35 years,
occupation keep home being duly sworn

deposes and says, that the premises No. 74 E. 118th Street, Ward
in the City and County aforesaid the said being a four story double
brick flat home and which was occupied by deponent as a dwelling home
and in which there was at the time of the burglary...

were BURGLARIOUSLY entered by means of forcibly prying open
the door leading from the hallway in the
second floor of said premises into deponent
parlor with a chisel or jimmy, and entering said
apartment with the intent to commit a crime.
on the 9 day of February 1893 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One pair of opera glasses of the
value of thirty dollars one gold ring and other
jewelry of the value of five dollars and
all of the value of thirty five dollars.
(\$ 35.00)

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

Thomas Daly (now here) and another
man unknown and not arrested.

for the reasons following, to wit: that at about the hour of
10.30 o'clock A.M. said date deponent
locked and securely fastened the door
and window of deponent's apartment
which is the second flat right-hand side
of said premises, and went out leaving
said apartment alone, and said
property therein, and when deponent returned
at about the hour of 4 o'clock P.M. said

0854

date. deponent saw this defendant and
said unknown man not arrested. in the
act of coming out of deponents front door.
deponent then examined her apartment
and discovered that said property was missing
and also discovered marks of a jimmy
or chisel on said door.
Wherefore deponent charges this defendant
and said unknown man not arrested
with being together and acting in concert with
each other and unlawfully entering said
premises as aforesaid and stealing said
property therefrom.

Sworn to before me }
this 10th day of Feb, 1892 } L. S. Hutchins Clerk

P. C. [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 take the within named
guilty thereof, I order that he be held to answer the same and he be committed to jail in the sum of
Hundred Dollars and he be committed to the Warden and Keeper of the City Prison
of the City of New York until he give such bail.
Dated 1892
I have admitted the above named
to bail to answer by the undertaking hereinafter
Dated 1892
There being no sufficient cause to take the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated 1892
Police Justice.

Police Court, District
THE PEOPLE, vs.,
on the complaint of
1
2
3
4
Date 1892
Magistrate
Officer
Clerk
Witness
No. Street
No. Street
No. Street
§ by Master General Sessions.

0855

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Thomas Dally

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

Question. What is your name?

Answer. *Thomas Dally*

Question. How old are you?

Answer. *27 years old*

Question. Where were you born?

Answer. *New Haven Ct*

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

Answer. *Philadelphia Pa.*

Question. What is your business or profession?

Answer. *Bookkeeper*

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 can not recall
Thomas Dally

Taken before me this

day of *May*

1897

Edmund

Police Justice.

0856

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.....

Alfred Smith

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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, *July 1st* 1897

W. E. Sumner Police Justice.

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

Dated,.....189

.....Police Justice.

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

Dated,.....189

.....Police Justice.

0857

P269
Police Court--- 5 District. 1893

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Matilda Glaser
274th E. 118
Annus Daly

Offense *Burglary*

BAILED,
No. 1, by *Henry Kelly*
Residence *673 Overton* Street.

No. 2, by.....
Residence..... Street.

No. 3, by.....
Residence..... Street.

No. 4, by.....
Residence..... Street.

Dated, *February 10* 1893
Simon Magistrate.
Gallagher Officer.
59 Precinct.

Witnesses *Off Francis Gallagher*
No. *29* Street.

No. Street.

No. Street.

\$2500 to answer
1000-Ex. Feb 13/93 2 P.M.

Bailed *John*

0858

COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 22 day of February
1893 in the Court of General Sessions of the Peace of the County of New York,
charging Thomas Davis
with the crime of Burglary in 1st degree

You are therefore Commanded forthwith to arrest the above named Thomas
Davis and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison
of the City of New York.

New York City, the 11 day of February 1893

By order of the Court.

John D. Carroll

Clerk of Court.

0859

New York General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,
against

Thomas Daily

BENCH WARRANT FOR FELONY.

Issued September 1897

Oct 26 7

The within named defendant was
arrested this day and brought to the
Court of General Sessions by

F. Price & H. Foy
Deputy Clerk

The officer executing this process will make
his return to the Court forthwith.

an & con.
Oct 26/97

0860

City and County of New York S.S.:

Frank S. Price being duly sworn deposes and says: I am a Police officer and attached to Detection Bureau in the City of New York.

That the defendant Thomas Daily who was arrested by me and Officer Gallagher charged with Burglary in third degree was sentenced in Brooklyn on another charge under the name of Thomas Donohue and sent to Sing Sing Prison. There is a warrant at Sing Sing Prison lodged against him. On information obtained a few months ago ^{it was learned} that he was transferred to Mott Haven Insane Asylum.

Sworn to before me — } Frank S. Price
this 6th day of April 1897 }
Thomas J. McGuire
Commuter of Peace
N.Y.C.

0861

Affidavit
People vs

Thomas Daily

0862

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 Daily

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

Thomas Daily

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

The said

Thomas Daily

late of the Twelfth Ward of the City of New York, in the County of New York aforesaid, on the ninth day of February, in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, in the day-time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Matilda Blake

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

0863

SECOND COUNT—

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

Thomas Daily

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *Thomas Daily*,

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

one pair of opera-glasses of the value of thirty dollars, one finger ring of the value of five dollars, and divers other articles of jewelry of a number and description to the Grand Jury aforesaid unknown, of the value of ten dollars

of the goods, chattels and personal property of one *Matilda Blake*

in the dwelling house of the said *Matilda Blake*

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

*De Lancey Nicoll,
District Attorney*

0864

BOX:

511

FOLDER:

4661

DESCRIPTION:

Dansinger, Louis

DATE:

02/16/93



4661

0865

BOX:

511

FOLDER:

4661

DESCRIPTION:

Flesch, Joseph

DATE:

02/16/93



4661

Witnesses:

~~James P. Peyer~~
~~Alfred W. Haddock~~
~~Arthur H. Haddock~~
Officer Hook
14th Precinct

Counsel,
Filed 16 day of July 1893

Pleas: ~~Guilty~~
Laws of the State of New York

vs. I
Louise Danziger
and I

Joseph Fleisch

DR LANCEY NICOLL,
District Attorney.
Part 2 - March 7/93
No. 2 - tried and acquitted

A TRUE BILL.

~~John T. Ford~~ Foreman.
Part 3 - 7th March 8/93
No. 1 Pleads Guilty, Burg 3rd Reg
No. 1 Elmira Ref. P.B.M.
March 3, 93.

Separate complaints.

Burglary in the Third Degree.
Section 498.5a of the Penal Law of 1909.

0867

Police Court 3 District.

City and County } ss.:
of New York,

of No. 814 Avenue B. Street, aged 27 years,
occupation Shoemaker being duly sworn

deposes and says, that the premises No. 814 Avenue B. Street. Ward 17
in the City and County aforesaid the said being a House Henry Brick
dwelling dwelling
and which was occupied by deponent as a dwelling
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by an amount forcibly Opening a
door leading from the hallway into
deponents apartments

on the 10 day of January 1890 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of Clothing of
the value of about One
hundred dollars

the property of deponent

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

Joseph Gresh (nomine) and two other
persons and Louis Dauszinger who has been held to
answer the acting the Grand Jury and acting
for the reasons following, to wit: That on said date deponent

left said premises at about the hour
of 7 A.M. and on deponent returned
at about 7 P.M. deponent discovered
that said premises had been entered
in the manner described above. Deponent
is informed by Officer John Stock of the 18
Precinct Police that he arrested the
said defendant Dauszinger who has been

0868

held for trial and that said Hauginger
informed him that the said defendant
Hesk and two other unknown had
entered said premises and did steal said
property. Depoant is further informed
that the said defendant Hesk admits
and confesses that he did take, steal
and carry away said property in concert
with the said Hauginger and the two others
not arrested wherefore depoant asks
that said defendant Hesk may be
dealt with as the law directs

In and before me this } Jacob W. ...
9th day of February 1893 }
Charles Hamilton
Clerk of Court

Dated _____ 1893 Police Justice.

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

There being no sufficient cause to believe the within named

Dated _____ 1893 Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated _____ 1893 Police Justice.

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

I 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,

THE PEOPLE, &c.,
on the complaint of
vs.
1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 1893

Magistrate.

Officer.

Clerk.

Witness.

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer General Sessions.

0869

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?

Answer. *Joseph Flisch*

Question. How old are you?

Answer. *18 Years.*

Question. Where were you born?

Answer. *Hungary*

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

Answer. *17 Lewis Street.*

Question. What is your business or profession?

Answer. *Harmon Maker*

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 was in company with the other three men but did not do anything. Very threatened to do me bodily harm.*

Joseph Flisch

Taken before me this *17th* day of *July* 189*3*

Police Justice.

0870

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 *Alfred Reed*

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

Dated, *May 17* 189*3* *Charles H. ...* Police Justice.

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

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

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

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

0871

173

Police Court, 3 District.

THE PEOPLE, &c.,
IN THE COMPLAINT OF

*Jacob M...
84 Ave. B.
Joseph M...*

*Indicted with
Louis D...*

Offense, Burglary

BAILED.

No. 1, by
Residence..... Street.

No. 2, by
Residence..... Street.

No. 3, by
Residence..... Street.

No. 4, by
Residence..... Street.

Dated, *July 9* 1893

Muller Magistrate.

Paul E. Hook Officer.

14 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

§ *1000* to answer *[Signature]*

[Signature]

[Signature]

0072

Police Court - 3 District.

City and County } ss.:
of New York,

of No. 84 Avenue B Street, aged 27 years,
occupation Shoemaker being duly sworn

deposes and says, that the premises No 84 Avenue B Street, 14th Ward
in the City and County aforesaid the said being a dwelling house; apart-
ments on the first floor
~~and which was~~ occupied by deponent as a dwelling
~~and in which there was at the time a human being by name~~

were BURGLARIOUSLY entered by means of forcibly breaking the
lock and fastening on the door leading
into said apartment

on the 18th day of January 1893 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of wearing apparel of
the value of about One Hundred
dollars

the property of deponent

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

Louis Dausiger (now here) and two other
men not named

for the reasons following, to wit:

that said property was
in deponent's apartments and the same
were securely locked and fastened.
Deponent found it broken and entered
in the manner aforesaid and said property
stolen. The defendant has acknowledged
and confessed that he and two other
men broke into said apartment and
carried away said property Jacob Weiss

Deponent before me
this 19th day of January 1893
Joseph W. [unclear]
Notary Public

0873

Sec. 198-200.

District Police Court.

1883

City and County of New York, ss:

Louis Dauringer 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. *Louis Dauringer*

Question. How old are you?

Answer. *19 years.*

Question. Where were you born?

Answer. *Hungary.*

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

Answer. *241 East 3rd St. New York*

Question. What is your business or profession?

Answer. *Butcher*

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

Answer. *I am guilty*
Louis Dauringer

Taken before me this *17th* day of *April* 189*9*
[Signature]
Police Justice.

0875

Police Court---

3

District.

159

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob Weiss
vs.
Abraham Dreyfus

2
3 *Indicted with*
4 *Joseph Fleisch*

Officer
Henry Long

BAILABLE.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 26 1893*

Joseph Magistrate.

Hock & Smith Officer.

14 Precinct.

Witness *Will Hoffman*

No. Street.

No. Street.

No. Street.

1000 to answer *J. J.*

Will

0876

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Louis Dansinger
and
Joseph Flesch

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

Louis Dansinger and Joseph Flesch

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

The said Louis Dansinger and Joseph Flesch, both

late of the 17th Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of January, in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, in the day-time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Jacob Weiss

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

0877

SECOND COUNT—

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

Louis Damsinger and Joseph Flesch

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *Louis Damsinger and Joseph Flesch, both*

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

*divers articles of clothing and
wearing apparel, of a number
and description to the Grand Jury
aforesaid unknown, of the
value of one hundred dollars*

~~of the goods, chattels and personal property of one~~

Jacob Weiss

in the dwelling house of the said

Jacob Weiss

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

*De Lancey Nicoll,
District Attorney.*

0878

BOX:

511

FOLDER:

4661

DESCRIPTION:

Defeno, Joseph

DATE:

02/16/93



4661

Witnesses:

Counsel,

Filed,

day of

1893

Pleads,

THE PEOPLE

vs.

Joseph Defeno

VIOLATION OF THE EXHIBIT LAW
[Comp. for Laws of 1892, § 32.]

Transferred to the Court of Special
Sessions for trial and disposition

Part of... 1893

A TRUE BILL.

[Signature]
Foreman.

0880

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 Defeno

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

Joseph Defeno of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Joseph Defeno

late of the City of New York, in the County of New York aforesaid, on the twenty-ninth day of January in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

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 New York and their dignity.

SECOND COUNT—

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

Joseph Defeno of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Joseph Defeno

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Lewis Kourim, the younger 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.

DE LANCEY NICOLL,

District Attorney.

0881

BOX:

511

FOLDER:

4661

DESCRIPTION:

Desmond, William J.

DATE:

02/15/93



4661

Witnesses:

Officer Leonard
30th Precinct

Counsel,

Filed, *10/30* day of *July* 1893
Plaintiff, *Agueda - No. 13*

THE PEOPLE

vs.

William J. ...

AVOIDANCE OF THE EXISTING LAW.
[Chap. 401, Laws of 1892, § 32.]

Transferred to the Court of Sessions for trial and final disposal.

Part 2. *17.04.15*.....1893

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Good Copell

Noteman.

0003

Court of General Sessions of the Peace

2007

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William J. Desmond

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

William J. Desmond

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

William J. Desmond

late of the City of New York, in the County of New York aforesaid, on the day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to *one*

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 New York and their dignity.

SECOND COUNT—

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

William J. Desmond

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

William J. Desmond

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

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.

DE LANCEY NICOLL,
District Attorney.

0884

BOX:

511

FOLDER:

4661

DESCRIPTION:

Dietrich, Helena

DATE:

02/10/93



4661

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Witnesses:

Frederick Marshall Kitchell

Mr. Mary Coleman

Officer Grockey

2nd Precinct

J. Burrows

Frieda Bauer

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Helena Dietrich

(2 cases)

Arson in the
Degree. [Section 486, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. A. Edgell

Foreman.

Submitted on a motion

indictment in Part 2

May 22/93

0886

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK.

.....

THE PEOPLE,)	BEFORE
)	
VS.)	HON. RANDOLPH B. MARTINE,
)	
HELENA DIETRICH.)	AND A JURY.
)	

.....

TRIED, NEW YORK, MAY 12TH, etc., 1893.

INDICTED FOR ARSON IN THE FIRST DEGREE.

INDICTMENT FILED, FEBRUARY 10TH, 1893.

.....

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY VERNON M. DAVIS,

For THE PEOPLE.

ADOLPH L. SANGER, ESQ., and JULIUS OFFENBACH, ESQ.,

For THE DEFENSE.

----- (o) -----

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JAMES MITCHELL testified that he is the Fire Marshal of the City of New York. He knew the premises, 356 East 62nd Street, in this City, and he was called there, on official business, during the month of December, 1892. His best recollection was that he first went there on the 15th of December. He visited the three floors of the building at that time. It is a three-story and basement brick building, situated on the South side of the Street. The hallway is in the Westerly side of the house. He first visited the apartments of the defendant, occupied by herself and her husband and children, and made an examination of the rooms. He also went into the basement or cellar, which is one-half below and one-half above the street level. It was finished as a basement. He subsequently made a diagram of those two floors, drawn to a scale of a quarter of an inch to the foot. The diagrams were produced in court and identified by him as the ones in question. The witness indicated on the diagram, representing the basement or cellar floor, a space marked "open cellar", and, opposite it, another space marked "kitchen", and another place marked "bed-

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room". The "Kitchen" and "Bedroom" were lathed and plastered, and were intended to be used as a kitchen and living room, though there was no stove or range there. It was not used as a kitchen at that time, and had nothing in it to indicate that it had been used as a kitchen. There was no bed in the room indicated "Bedroom", nor was there anything there to indicate that it had been a bedroom. The designations "Kitchen" and "Bedroom" were marked on the diagram, in consequence of information obtained on the premises, but he did not know, of his own knowledge, that they were as designated. The defendant spoke of the rooms above referred to as a "Kitchen" and a "Bedroom". The "Kitchen" was lathed and plastered on its four sides, and also the partition between the part designated "Open cellar", and "Kitchen". The letters "A" and "B" indicated two small windows. There was also a sink, and the arrangements for running water, but he did not ascertain whether there was any running water. In the part marked "Open cellar", the Eastern wall was a plain stone wall, whitewashed, and the front wall was the same. There were woodhouses in the North-

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west corner and a stairway leading immediately in the rear to the floor above, and in the Southeast corner there was a water-closet. There were three woodhouses. To the best of the witness's recollection there was a wooden floor laid in the part marked "Open cellar". The spaces were designated "Kitchen" and "Bedroom" on the diagram simply because the defendant so designated them, but they were not used for such purposes at that time. The part marked "Vestibule" leads from the Street into the Hallway. The space marked "Sitting room" is the witness's own arbitrary designation, because it was the front room of the suite of apartments. There was a bed in it at the time. It had two windows, which were indicated in blue on the diagram. There was a door leading from the "Sitting room" into the Hallway, and a passageway into the back room, marked "Kitchen". The designation "Kitchen" was used by him from the fact that the cooking stove or range was there, and the cooking utensils and the crockery belonging to the family. There were double doors closing the passageway from the sitting room into the kitchen, and there was a closet on either side

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of the passageway. In the room marked "Kitchen" 5
there were two windows. There was a small bedroom,
so-called on the diagram, leading from the kitchen.
He designated it "Bedroom" because it was originally
intended for that purpose, though it was not then used
as such, and there was no bed in it. The room marked
"Small bedroom" was immediately over the room marked
"Bedroom" in the basement. The premises are located
in the 19th Ward. In

C R O S S - E X A M I N A T I O N.

the witness testified that there was a doorway leading
from the "Open cellar", which was closed, at the time
that he, the witness, examined the premises. It
could have been readily opened from the inside. It
was then bolted on the inside. He did not examine
the little window from the street, to ascertain whether
it was bolted or not. The window was large enough
to admit the body of an ordinary-sized man from the
street. The window sill was about four feet from the
floor. There was a door at the foot of the cellar
stairs, but the witness did not understand that the

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door was ever locked, and any of the tenants had access to the three woodhouses. "W.C." was a Water-Closet common to all the people in the house. The bed that was in the front room on the main floor, when the witness visited the premises, he understood had been in that front room or sitting room all the time. There was a cradle, also some trunks, and something else, in the small room off the kitchen, on the main floor, designated as a bedroom. There was no elevator shaft. There was no railing or grating over the window; only glass and frame. The window was two feet 5 1/2 inches in length and about 18 inches in height, and there was only one sash to it. The witness's impression was that the window swung as the other windows, in the rear, of a similar character, swung. Directly outside of the window was the floor of the areaway. The areaway extended across from the steps leading to the doorway, across to the Eastern end of the house, across the whole front of the house, with the exception of the space taken by the entrance to the main door. There was no grating over the areaway; it was open, so that a person

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from the street could get right down into the areaway, ⁷
where the window was. There was an iron railing
along the edge of the areaway protecting it from the
sidewalk. The panes of glass of the window were not
broken, and the witness made no effort to raise the
window. The window did not appear to be disturbed.

JAMES BURRON testified that he lives now, and also last Decem-
ber, at 356 East 62nd Street, on the 2nd floor, one
flight up. The defendant and her husband, and their
two little girls lived on the floor below him, and
Mr. Bauer lived on the third floor, over him. The
witness's family consisted of himself and his wife.
He recollected the 13th of December last. He was
then living in the premises just described. He was
awakened between 1 and 2 o'clock in the morning, by his
wife, and saw the kitchen of his flat full of smoke
and he ran into the hallway in his night-shirt, without
stopping to dress, and saw the Hall full of smoke,
and smelt turpentine or alcohol, and he ran downstairs
to wake up the defendant's family, who lived on the

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floor below, and, at the same time, his, the witness's wife ran upstairs to wake up the Bauer family. The witness ran down to the defendant's hall, which was the main hall, and saw smoke coming up from the cellar. The witness went down the stairs to the defendant's kitchen--the rear part of the defendant's apartment. The witness saw nobody in the hall at that time. He then knocked at the door of the defendant's rooms, to wake Mr. Dietrich, and when he knocked at the door, the door opened, although he did not turn the knob, and he saw the defendant jump out of bed immediately. He could not see much more, because there was too much smoke in the room to see well. There was a kerosene oil lamp lit. He could see a bedstead in the room. He entered the room to wake up the people in it, and, the witness testified, "apparently she was jumping out of bed." About the same time people came down from upstairs. The witness said to the defendant, "The fire is in the house. You must look around to see if the fire is not in your room." The defendant had a child in her arms, but he saw no one else with her. The witness saw the defendant come into the kitchen.

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She brought the child with her. At that time the defendant was dressed. She has on a red jacket and a blue skirt, and was dressed just as the witness had seen her almost every day. He did not notice whether or not she had on shoes. It took the defendant about a minute to get out of bed and come into the kitchen. The witness did not have to wait for her to come into the kitchen from the bedroom; he saw her through the passageway get out of bed, and the next thing he saw her do was to come right out and look around. Witness testified that he lost sight of her, between the time she got out of bed and came into the kitchen, because he looked around for the fire. He could not tell how she was dressed as she got out of bed. About a minute elapsed between the time he saw her get out of bed and the time he saw her with the red jacket and blue skirt. During that minute the witness looked around the kitchen and the place where he was to see what was burning. There was a lamp lighted, and turned up fully, in the bedroom, but none in the kitchen. Mr. Dietrich was not there at the time. The witness looked all around but found no fire on the defendant's floor. The lamp

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was all right. He examined the bedroom and the kitchen but not the sitting room or closets. The witness asked the defendant if she used a kerosene oil stove and she said she did not. About this time Mr. Bauer and his wife and little girl, about 11 years old, and his bartender came downstairs, and commenced to look around, and the witness, who was in his bare feet, "stepped right in the place where the fire was, right in the cellar, and said, 'My God, it is awful hot here'" (indicating the floor). The defendant was near the witness, and could hear the remark he made. Somebody suggested sending for a policeman and a fire engine, and the defendant said, "What is the use? You had better look around. Go into the cellar and you might discover the fire." The witness and Mr. Bauer and his bartender went down into the cellar, taking the lamp with them. The witness smelled turpentine or alcohol there, and the place was full of smoke. He saw nobody in the cellar. He examined the three woodhouses, the water-closet, and the "Open cellar", but found no fire. Then he went to the door leading from the open cellar into the apartment

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portion of the cellar. The door was open about five or six inches. He saw no lock there at that time. He had, before that time, seen a lock there. On entering the room there, he saw a fire on the upper part of the partition, near the ceiling, in the larger of the two rooms. It was about 6, 7 or 8 feet from the floor. There was a hole, and the beam was on fire. The hole was about 2 1/2 feet long and 1 1/2 feet high, and it was in the side wall. The upright pieces of the partition and the beams of the ceiling were burning. There was no other fire there. The fire could be seen from the small or the large room, but better from the small room. The hole was in the bedroom---the room marked "Bedroom", in the cellar. The witness testified that on the plaster, on the partition, in the small room, where the big opening was, he saw a quantity of something yellow or black, which was wet and smelled like alcohol or turpentine. Water was thrown on the fire and on the yellow and black place, which left the yellow spot white and the dark yellow remained dark yellow, in color. Those spots were there before and after the water was put on

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the partition to put out the fire. Mr. Bauer and his bartender helped the witness put the water on. After the fire was extinguished, the witness felt the partition, and it was "red hot". And a policeman was called in, and he, after examining the place, called in another officer, who said, in the presence of the defendant, "Somebody put fire in this house." The officer then obtained an axe and broke the wall. There was no more fire there. While the fire was burning, the defendant did not help to put it out. The witness did not know what she was doing. The witness found a bottle in the main cellar, against the partition, on a pile of rags and paper and such things, outside of the room marked "Kitchen". It was a square white bottle, with a little liquid in it, that smelled similar to what the witness smelt before in the house. A rag was stuck in the bottle like a cork. The witness handed the bottle to Mr. Bauer to smell and then brought it upstairs to the defendant's apartments, and asked the defendant, "Mrs. Dietrich, you ever had such a bottle in your house?". The defendant answered, "No; I never had such a bottle."

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The witness then said, "My God, what is the reason that the lock was out of the door to-day? There was no key in it. There was no lock on the door",--- referring to the door going into the cellar and marked "A", on the diagram. The defendant said, "My husband took it away a week or so ago." The witness said, "That is impossible, because I went down into the cellar about half past 11 in the morning, and the lock was there, and I went down at half-past 8 at night and the lock was there." The witness and his wife brought down a bedstead and the lock was there then, at half-past 8 in the evening. The witness saw the lock on the door of the place leading to where the fire was at half-past 11 o'clock in the morning, and also at half-past 8 o'clock that night, but when he went down at the time of the fire the lock was not there. The defendant said that the partition was in a broken condition ever since she moved into the house. The lock referred to was a round, red padlock, that goes into a staple. Ever since the defendant lived in the house there was an old coat hanging over the window looking out in the front of the basement. The panes

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of glass were broken. The witness removed the old coat from the window, and put a piece of board there instead, about 5, 6 or 7 nights after the fire. On the night of the fire the coat was in the same position as it had been all the time that the witness lived in the house. The witness asked the defendant where her husband was, and she said, "In the meeting". When the witness came downstairs into the little room off the kitchen, and saw the smoke, there were rags in there, but no chairs or sofa or table or any furniture at all. There was no carpet on the floor of the kitchen or the little room. In the kitchen there were a table, a rocking chair and several other chairs. He did not notice any cooking stove there. He had never been in the rooms before. The witness worked for 10 years at Wallach & Son's, Shirt Manufacturers, in 64th Street. He first smelt the odor in the house about 5 or 6 o'clock in the afternoon. The witness remained home from work all that day. In

C r o s s - E x a m i n a t i o n .

the witness testified that he saw only one child in the

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rooms, and that was in her arms, as she came out of the bedroom. When the defendant got out of bed, the witness did not know how she was dressed; it was only when she came into the kitchen with the child, that he noticed that she had a red jacket on. The defendant went down into the cellar with the rest of the party when they went to look for the fire. The witness, Mr. Bauer and the bartender put out the fire. The defendant gave her coffee can to be used in helping to put out the fire. She gave it to the bartender who used it in throwing water on the fire. The lamp was burning when he went down for the first time, in the right corner near the window in the sitting room. The witness usually went away at 5 or 6 o'clock in the morning, and returned at 6 or 7 in the evening. He never heard the children cry in the evening after he came home. He didn't bother about other people's business. He did not know what the furniture was the defendant had in her rooms. The rags that he found in the cellar were on the right side of the door, by the partition, between the front part and the rear part, on the lefthand side going down. There were

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plenty of rags and paper. He did not know whether the basement or cellar was used as a storeroom. He did not know that rags and old paper were usually thrown there. He did not go down there often, as he had moved in that house only about two weeks at that time. He was down there probably once or twice. He saw rags the first time he went down there--about the day he moved in. The bottle previously referred to he found on that pile of rags and paper. The odor of the bottle was the same as that which he smelt in the house about 5 or 6 o'clock that afternoon. Though, after smelling the contents of the bottle in Court, the witness thought it was not the same odor as he had previously smelled. The dark yellow streaks on the wall smelled the same as the contents of the bottle. The latter were white. The witness and his wife carried a bedstead down and put it in the cellar on the evening of the 13th of December, and, on returning upstairs, he and his wife stopped in the hallway and had a conversation with the defendant, her husband being present at the time. It was about half-past 8 o'clock. Mr. Dietrich said he had to go to the meeting. The witness

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said to the defendant, "I don't think I will live in this house, unless Mr. Zittel can put an oil-cloth on the hallway and the stairs, and can repair the wall". That is, paint and paper and clean the hall; not to repair the masonry. The witness said to Mr. Dietrich, "You know you are a painter. I was a painter 14 or 15 years ago in New York, and if Mr. Zittel let me, if he give me all expenses, on Sunday I do nothing, and I will repair that myself." The defendant said "there is no use for to do such a thing, because that is old junk, and it is to go down one day or the other." The witness said, afterwards, that he could not say positively whether Mr. Dietrich or the defendant made this remark. The witness's wife was present at the time. The witness again thought he would do the repairing; not Mr. Dietrich. The witness learned, after the fire, that Mr. Dietrich was a painter; but he did not know it before the fire. He, the witness, could not say that the rags were such as were generally used by painters. The second officer that came broke the wall with an axe.

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CAROLINA BURRON, testified that she lived at 356 East 62nd Street, and was the wife of the previous witness, Joseph Burron. She knew the defendant, who lived in the same house with her last December. The witness occupied the floor just above the defendant's rooms. She remembered the fire on the 13th of December. She retired to bed at about half past 11 o'clock that night, and about half-past 1 in the morning she woke up and found the place full of smoke. She spoke to her husband, and said "There is a fire in the house, get up." She took a small light and looked down the staircase, and saw smoke coming from the cellar. She went upstairs and her husband went downstairs to give the alarm of fire. She then went downstairs, into the defendant's rooms. The defendant was alone. The defendant's rooms were full of smoke, and the witness said to the defendant, "How could you stop in such a place, so full of smoke?" The witness's husband and Mr. Bauer had, by this time, gone down into the cellar. The witness spoke very little English, but spoke to the defendant in English. The witness asked the defendant where Mr. Dietrich was, and the defendant re-

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plied that he was at the meeting. The witness said to the defendant, "Oh, My God, too much smoke you will have in that house, and you can stand the fire. Too much smoke; how you stand it? You have fire in the house." The defendant replied, "No fire at all; I gone every place." The defendant also said, "My sleep is so sound, that, whilst I am asleep, I don't hear anything. I understand no English." At that time the defendant was dressed in a house dress, of blue with red sleeves. She had no hat on. She had a baby in her arms, and there was another boy in the front room. The witness saw birds in the back room the day before. She had a bird cage in the back and another in the front room. On the night of the fire the witness did not notice whether there was a bird cage in the back room. The witness then went upstairs to her own rooms, and collected her money and jewelry, and went downstairs again into the cellar, and then went back to her rooms again. The witness's husband and Mr. Bauer and another man were down in the cellar looking for the fire. She saw the fire on the wall where there was a wooden beam. It was located in

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the cellar in the small room immediately underneath the defendants bedroom. The fire was on the partition about half way between the ground and the ceiling. There was a beam with a hole cut into it, and some stuff had been thrown inside. The witness saw the beam burning. The next day the witness saw the defendant showing some persons the place where the fire was, and the witness heard the defendant say that somebody had started the fire, but she did not give the name of such person. The witness could not get in the basement before she was awakened by the smoke, because the rooms were locked and they had the key---except to the main part. Two cellars belonged to the defendant and the balance were shared between the witness and the other family in the house. On the afternoon of the day of the fire, after 5 o'clock, the witness smelled kerosene or turpentine in the house. About 8 o'clock on that evening the witness was going into the cellar and met the defendant coming up out of the cellar, without a lamp, although it was then dark. The witness said, "Are you not afraid in the cellar without no lamp?" and the defendant answered, "I am

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not afraid at all." She did not see anything in the defendant's hands. The smell was strong, but she could not say whether it was paint--it was the strong smell of paint. The witness had never before 5 o'clock that day, noticed that smell. The defendant went into her rooms, but the witness could not say whether or not she closed the door after her. While the witness was in the open cellar, she noticed a lock on the door of the room where she afterwards saw the fire. As the witness and her husband went upstairs out of the basement into the hall, she saw the defendant and her husband standing in the hallway near the front room door. The witness's husband spoke to the Dietrichs. The witness did not understand the whole of the conversation, but remembered her husband saying "My wife does not want to remain in this house, if the landlord would not put the staircase to rights, if he would not repair the staircase." She did not understand what the Dietrichs said, but she with her husband then went upstairs to their apartments. In

C r o s s - E x a m i n a t i o n

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the witness testified that her husband wanted the stairs repaired, because they looked more like stairs of a stable than of a house. This conversation occurred after half-past 8 o'clock, just before the fire took place. The witness and her husband had often spoken about the fire, but had never told each other what testimony he or she intended to give. The witness could not say whether the smell was that of paint. She had never smelled paint. Her husband had been a painter, but had not been in that business since her marriage to him eight years ago. She, the witness, used a very small amount of kerosene for a night lamp; she always used gas. She could tell the smell of kerosene oil and also of alcohol. The witness saw a quantity of smoke, and sometimes saw the wood smouldering, but no flame, on the partition in the cellar. She, the witness, was very much excited, on the night of the fire, and could not see whether she took a lamp downstairs with her into the defendant's rooms. She, the witness, went into that cellar every day, before the fire, and saw the paper, but did not remember seeing rags there, as, in fact, she did not pay particular

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13 people lived in the house---7 on the top floor, and the deft. and two children and the witness and her husband. The tenants have latch-keys to the house. She, the witness, could not say whether the window in the front of the cellar was bolted or whether it could be opened; she never observed.

LEO ROTH, testified that he lived at 294 East 3rd Street, and was in the insurance business, his office being at 108 East 14th Street. He is employed as a clerk for A. Haubold & Son. The defendant called at the witness's place of employment last September and said that she would like to be insured for \$1500. and he filled out an application for insurance for the defendant, on the application blank of the Citizen's Insurance Co. that being convenient at the time, and took out a policy of insurance in the Hamburg-Bremen Co. on the defendant's household furniture at 523 East 83rd Street, where the defendant then resided. The defendant did not ask to have the insurance in any particular company, but the selection was made by the witness. The policy

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was for thirty-six months. The witness first saw the ²⁴ policy in 62nd Street--he did not remember the number. At that time he did not know that there had been a fire in the defendant's rooms in 62nd Street. The witness went there to see the defendant or her husband and saw both of them. He, the witness, then told the defendant that he had brought her the return premium on her policy, which was to be cancelled, as it did not cover her where she now lived. It was in January of this year that the witness saw the defendant and told her he came to pay her the return premium. He, the witness, gave the defendant the return premium and received from her the policy. The policy covered the defendant's property in 523 East 83rd Street, and also in 356 East 62nd Street, and was in force on December 13th, 1892. The policy was issued in September and continued in force to the 31st of January 1893. The return premium was paid to the defendant some time in January. The witness could not say whether any demand had been made upon the company for the payment of any loss under the policy, or that the policy had been cancelled to avoid

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paying them any loss. The Hamburg-Bremen Company instructed the witness to have the policy cancelled. The amount of the return premium paid was \$4.50. The amount, "\$3.38", is the net, on the calculation of the Company. In

C r o s s - E x a m i n a t i o n

the witness testified that Mr. Haubold made the selection of the Hamburg-Bremen Company, he being agent for several companies. The defendant did not request insurance in that particular company. Previous to issuing the policy, Mr. Haubold did not go up to the premises 523 East 83rd Street. The witness did not know from whom the information came that there had been a change from 523 East 83rd Street to some other premises, and he did not make the transfer personally, but this was done by another clerk. The witness read the following endorsement on the policy, "October 28th, 1892, transferred to the brick dwelling 356 East 62nd Street, New York City"---meaning the policy. When that endorsement was made, the policy covered the premises in which the property was insured. The

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witness could not tell whether any demand had been made upon the insurance company for the amount of the loss. He also testified that at the time of the cancellation of the policy the defendant had no property in the premises 386 East 62nd Street. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that the policy was first made to cover property in East 83rd Street, and was then transferred to the brick building at 386 East 62nd Street to cover property there. Witness could not say that he went to 62nd Street about the cancellation of the policy. The place he went to was not on the first floor right on the street, but it was two flights up. The house was on the South side of the street, about the middle of the block, and had two or three steps in front in the street.

RUDOLPH O. HAUBOLD. testified that he lived at 225 East 72nd Street, and was in the insurance business, and was also in that business last September and December. He saw People's Exhibit 4, the policy, before. He

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made it out and delivered it to the defendant about the ²⁷ 23rd or 24th of September, 1892, in 83rd Street, at the address mentioned in the policy. The witness went into her apartments and remarked that they were not furnished to the value that they were insured for. He was informed that they were just moving in, and had bought some new furniture which had not yet arrived, including carpets and front room furniture. He, the witness, had the policy in his possession when it was transferred to 356 East 62nd Street. The witness signed the transfer, and it was then returned to the defendant at the 62nd Street house. He also saw the policy after it was cancelled. After the first fire in 62nd Street, the witness went to those apartments. It was about the middle of December. He saw both the defendant and her husband. The witness told the defendant that he had come in regard to the fire, and wanted to look at the place where the fire occurred, and find out whether they intended to make any claim or had made any claim whatever. The defendant said that there had been considerable trouble about that, and that she, or that he, had been sub-

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poenaed to appear before the Fire Marshal, to answer an investigation, and that they had no loss whatever, and did not intend to make any claim; that the fire occurred downstairs, and that Mr. Dietrich had been out from early in the morning until a late hour in the morning, at a lodge meeting, and that the charge or suspicion that he had set the place on fire, was absurd, because he could bring witnesses to that effect. The witness the defendant and her husband then went downstairs to look at the place of the fire. The witness called the attention of the defendant to the fact that they should have a lock provided for the door which connected the front basement with their apartments, the two rooms in the rear. Dietrich said that he had provided a lock which had been stolen "some time ago" and he hadn't yet provided a new one. He spoke in German to the witness. The witness then advised Mr. Dietrich, in the presence of the defendant, to go and make an explanation to the Fire Marshal. The witness never saw the defendant again until the time of the trial. In

C r o s s - E x a m i n a t i o n

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the witness testified that Mr. Dietrich said that he would go to the Fire Marshal and make an explanation but that he could not very well afford to lose the time then to do so. He seemed perfectly willing to see the Fire Marshal. He did not go up there after the policy was transferred from the 83rd Street house to the 62nd Street house until the report of the fire occurred, and that was after the report of the fire on the 12th of December--about the 14th or 15th. When the witness went up in September to inspect the premises there was no carpet there, but the defendant said she had purchased it and it would be delivered but the witness did not know whether it had ever been so delivered. The place was clean but poorly furnished. He did not examine the clothing or wearing apparel or jewelry of the defendant, but accepted her word as to that. The defendant offered to allow the witness to inspect but he did not do so, thinking it unnecessary. She opened the trunk and told the witness that she would show that she had the wearing apparel and jewelry, and the witness told her that it was unnecessary, and he accepted her word for it.

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The witness did not think the property was worth \$1500.00, the amount of the insurance, but, in estimating that value, he did not look into the trunk. The witness thought the property would be of that value by the time anything might happen, or, in fact, within a very few days, as he expected the rest of the property would be brought there; otherwise he would not have written the policy for that amount. The property, at that time, was not worth \$1500. There might have been other property put in there after the witness left. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that in making the inspection of the property in the 83rd Street house, he went through the entire flat, containing 5 or 6 rooms, but did not look in closets or trunks. None of the rooms were carpeted. There was a pine-board kitchen table, two chairs and a very small quantity of crockery and the ordinary cooking utensils in the kitchen also a moveable range, that did not belong to the house itself. All the property above mentioned, in the kitchen, might be bought for \$75. to \$100. He could not say what was

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in the bedroom, as he had examined five or six hundred places since then, and could not accurately remember each place he had visited. The rooms were not in order, because, the defendant said, they had just moved in. Allowing a fair amount for clothing, the witness estimated the value of the defendant's property at that time, at \$800. or \$900., of which amount \$400. to \$450. was for furniture, and the rest for clothing. In

R e - C r o s s E x a m i n a t i o n

the witness testified that he knew the defendant was married, but did not know that there were children. The witness did not make a careful inspection or estimate of the property, but only a casual examination, as he passed through the rooms. He would not say that he would be justified in placing the value of the property at \$1500. if he had made a more thorough and careful examination. The witness visited the defendant's apartments, on the day after the fire, in 62nd Street, and he examined the premises, and found the furniture in the kitchen, etc., about the same

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as he had previously described it; but, as soon as he
found that there was no claim, he did not attempt
to look at the property there for the purpose of as-
certaining its value.

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JOHN BAUER, testified that he lives now at 655 11th Avenue, and
lived at 356 East 62nd Street, on the 13th of December
last, and the defendant and Mr. Burron lived there
then. His business is that of a saloonkeeper. On the
13th of December his saloon was at 371 East 62nd
Street. He remembered the fire at number 356 East 62nd
Street on December 13th, between 1 and 2 o'clock in
the morning. At about 8 o'clock on the evening before
the fire the witness returned home to his supper, and
smelt a peculiar smell, like alcohol. He spoke to
Fred Bauer, his bartender, who was with him at the
time, about the smell. On returning home about 12
o'clock that night, after closing up his saloon, he
noticed the same smell, and about one o'clock Mrs.
Burron woke his wife up, who then woke him, and as soon
as his door was opened, smoke came in from the hall.

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He took his wife and children, of which the oldest was 13 years, and the youngest a year and four months, out on the sidewalk for safety. Then he returned to the house, and met Mr. Burron in the hallway. He was the only person the witness saw. The witness and his bartender and Burron then went into the defendant's rooms. He saw her in the kitchen. She was dressed. She had on the day dress that she wore all the week, but the witness could not say whether or not she had on shoes. She had one of her children with her, but the smoke was so thick that the witness could not see the other child. There was a light on the table, in the kitchen, near the wall. The witness said, "Well, the best thing we can do is, that we will go out and ask for a policeman, and give him a fire alarm." the defendant said, "It is better you look around in the cellar first," The witness and his bartender and Mr. Burron then went immediately downstairs into the cellar, after examining the defendant's apartments for the fire. He noticed the same smell of alcohol in the cellar. He saw the fire on the partition, between the bedroom and the kitchen, under

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the ceiling, right under the girder of the ceiling, inside of the bedroom, the plaster was broken off, and the laths, about two feet wide or a little more, and a couple of inches high, and there was some yellow stain on the wall, that smelled like alcohol. It was on the wall near the broken part, and ran down from the ceiling. Water was thrown upon the fire and a fire and police alarm was given. When the witness saw the fire it was through from the small to the large room; it could be seen from both sides. Most of the plaster was removed from the bedroom. The girder under the ceiling at the top of the partition, was burning there. The studding under the girder, going up and down, was also burned off. The girder holds up the beams, and above it is the flooring. The witness remained there until the fire was out; they put most of the fire out themselves, and then the policeman came in. The policeman knocked the lath and plaster off, with a hatchet, so as to get a better chance to put out the fire. Then the witness, his bartender and burron went upstairs to the defendant's room, and the policemen went out of the house after

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the fire was out. The defendant and her children and the witness's wife and Burrton's wife were in the defendant's rooms. The witness was so excited that he could not remember what was done or said at this time, while in the defendant's room. Then the witness, the bartender and Burrton returned to the cellar, to make sure that the fire was out. They found the bottle then, in the front part of the cellar near the partition off the kitchen. It was a wide square bottle, with a smell of alcohol. The witness testified that the bottle shown to him, and which had been previously shown to Joseph Burrton, did not appear to be the same bottle, he "could not swear that it shows to have been the same bottle, and to my examination it was a little smaller and not so high, but it was a bottle like that." Mr. Burrton found the bottle. Mr. Burrton took the bottle up to the defendant's room, and asked her whether or not she had ever before seen it, and she said no. The witness put the bottle on the mantel piece in his room, and in the morning it was taken away by somebody, the witness did not remember who it was, but thought it was Mr. Zittel or the Fire Marshal.

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At the time of finding it, the front window in the cellar was closed, but the witness could not say whether it was fastened, as he did not examine it. In

C r o s s - E x a m i n a t i o n

the witness testified that the bottle referred to contained some white stuff. He did not know what it was. It had no label upon it.

PHILIPENE BAUER, testified that she lived at 655 11th Avenue, and is the wife of the previous witness. In December last she lived at 356 East 62nd Street. She knew the defendant at that time. She remembered the fire between 1 and 2 o'clock on the night of December 13th. She heard a cry of fire in the house, and opened the door and saw the smoke, and then she woke up her husband and children and the bartender and got her family out on the street to a place of safety. A little later on, she took the children into the defendant's house, as the danger did not seem so great as she at first supposed. The witness testified, "Mrs. Dietrich stands in the hall and has got a baby. and as soon as I come down, I seen the housekeeper coming in out of the

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next house, and she went down in the cellar, and so she comes up right away again and goes out, and says, 'I have got to get a hatchet.' And as soon as Mrs. Dietrich saw that lady she asked, 'what has she got to do here?' and I said, 'That is the housekeeper from the next house.' And she says, 'She has got no business here. As soon as I see her again, I chase her out.'" Then the defendant went downstairs and the witness remained in the defendant's rooms. There was no furniture or carpet or oilcloth in the room, only an old pillow, lying where the fire started, near the wall, and a bag of old rags, and a wash tub and a couple of pieces of wood. That was in the bedroom next to the kitchen of the floor above the cellar, occupied by the defendant. The kitchen was covered with a new piece of oilcloth, there was also in it, a table, stove, a rocking chair, and one or two other chairs. That was all the witness noticed in the kitchen and in the small room off the kitchen. She, the witness, did not look in the front room. The defendant was then in the cellar, and the witness in the defendant's rooms. When the defendant returned to

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her apartments, she said to the witness, "I wish my husband was home", or something like that; that was all that the witness could remember. The defendant's husband was then at the lodge. She heard him say, that evening, that he was going to the lodge. She did not see birds in the kitchen or bedroom of the defendant's apartments on the night of the fire. On the evening before the fire, about 8 o'clock, the witness asked the defendant what kind of a smell there was in the house, and the defendant said that she did not know. The defendant said, "Oh, I have much trouble to-night with the bird. The cage dropped down and I have to put two birds in one cage to-night." The witness did not see the cage that night. The next morning, after the fire, between 7 and 8 o'clock, the witness saw the birds in the defendant's front room. There were two birds in separate cages; and not two birds in one cage. In the front room there was a bureau without a looking glass on it; a table, folding bed, and about four or five chairs, not upholstered. The witness did not notice any carpet on the floor or pictures on the wall. The witness moved out of that

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house about the 1st of February. In

C r o s s - E x a m i n a t i o n

the witness testified that she visited the defendant's apartments a number of times, and always found her industriously at work cooking and cleaning, etc., like any good housewife. The witness did not examine the bird cage to ascertain if the bottom had fallen out. The cage was standing on the bureau. The witness did not hear the defendant call out, "Mrs. Bauer!" on the night of the fire. The defendant had two children. When the witness entered the defendant's rooms on the night of the fire the defendant had on an old blue dress, with red plush on top of the sleeves, that she wore every day. The witness went into the defendant's rooms about 3 or 4 minutes after she, the witness, woke up. The witness went downstairs first without a dress, and, afterwards with a dress and took her children out to a place of safety in the street, and afterwards brought them into the defendant's rooms. The witness went out of the house between 12 and 1 o'clock, and, on returning in the afternoon,

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observed the peculiar smell in the house, but mostly in ⁴⁰ the hall.

WESTCOTT F. ZITTEL testified he lived at 241 East 61st Street, and was in the real estate business, at 1026 Third Avenue. The witness had charge of the premises 356 East 62nd Street and knew the defendant. He first met the defendant about the 13th or 14th of October. He rented to her four rooms in the house 356 East 62nd Street. There was a front room, a back room and little hall room leading from the kitchen.. Between the front room and the kitchen there was a store or alcove room. There were also two rooms in the basement that went with the other rooms rented to her. About a week previous, the witness had the rooms on the first floor fixed up; the basement rooms did not require repairs, the walls in the basement at that time being solid. The partition between the two rooms in the cellar was in good condition, and no plaster was broken away near the ceiling. It was perfectly sound. The partition between the open cellar and

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the cellar room was also in good condition; also the partition separating two rooms on the side of the larger room; also the partition between the room and the open cellar, except under the sink, where a little of the basing was broken away. None of the walls or ceiling was broken away, one week before the witness saw the defendant, in October---about a week before before the defendant took possession. She moved in about the 14th or 15th of October. He recollected the fire on December 13th. He had not been to the premises for a month before that fire. From the time that he had the rooms fixed, a week before the defendant moved, down to the time of the fire, he had not seen the rooms in the back part of the basement. The defendant's husband never made any complaint to the witness about the condition of the premises or of the walls. The witness visited the premises on the morning after the fire, but did not go into the defendant's apartments but only into the cellar. At that time he saw Mr. Bauer & Mrs. Burron. Mr. Bauer went upstairs and brought down a bottle which he showed the witness. The bottle was a kind of oblong square, and had two

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labels on it, and contained a white sediment, that
smelted like alcohol. He recognized the bottle shown to
him in Court, as the one in question, by the two labels
on it. The witness took it to his office, and, after-
wards, delivered it to Mr. Frank, the Assistant Fire
Marshal. In

C r o s s - E x a m i n a t i o n

the witness testified that he was certain that the
bottle given to him by Bauer had a label on it, and that
the one shown to him in Court was the same one.

JACOB FRANK, testified that he is the Assistant of the Fire
Marshal, and had been attached to that department
over 8 years. He knew the premises 356 East 62nd
Street, and was there on the morning of December 13th
1892, between 9 and 10 o'clock A. M. He heard of the
fire being there before he went there. He saw the
defendant, in her kitchen, on that day. He asked her
where the fire was, and she said in the small room
in the basement. He asked her who occupied it, and

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she said she did. He went downstairs and made an examination, and returned to her apartments and asked her what she knew about the fire, and she said "Nothing." She said she was in bed, and was woke up by Mr. Burron. He asked her if she was insured, and she said yes, for \$1500. in the Hamburg-Bremen; that her husband was at a lodge meeting, in the Bowery, and did not return until about 3 o'clock in the morning. He asked her if she ever had a fire before, and she said yes, in 87th Street. That was the whole of the conversation that he had with the defendant, and then he reported the facts to the Fire Marshal. He saw the defendant before on February 28th, 1892, at 349 East 87th Street. He went there on official business, to investigate a fire in the rear hall, on the third floor, in the partition, of the water-closet, and burned out through the roof---through the partition out on the roof of the building. He had a conversation with the defendant then in reference to the fire and her insurance. He asked her if she was insured, and she said yes; for \$1000., in the German-American Insurance Company. She was on the third floor, East side, rear. The

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fire was on the third floor, in a partition that divides her room from the water-closet, on the third floor hall, rear. The fire occurred at 1.50 A.M., in the morning, on February 28th. He never inquired whether any claim for loss was made or paid. Going back to the premises 356 East 62nd Street, the witness found, on examination, on the morning after the fire of December 13th, that the defendant had, in the defendant's hall room, that is the small room off the kitchen, on the main floor, a trunk full of kindling wood, a small stand with a tin bread box; also in the corner, on the lefthand side as you go in, there was a bag of rags, and some odd trinkets or things--- small pieces of household effects, a broom, a shovel and a hatchet. That was about all there was in the room. The hatchet had plaster on the back end of it, and on the side, as if it had been used against a wall. There was no oilcloth or carpet on that room. In the kitchen there were four chairs, a table a sofa, a clock and a kerosine lamp, and a bureau. The table was a pine table; the chairs were old cane bottom chairs; and the bureau was of black stained wood. There was

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also crockery---dishes, plates, cups, and knives and
forks. Some wearing apparel was in a closet in the
alcove---a few dresses only, hanging up, and occupying
a space of about two feet wide in the closet. In the
front room there was a large bed, on the West side of
the bedroom, and a cot standing up against the East
wall of the room, and a small piece of carpet in the
center of the floor, about four feet square. The
room was about 12 feet deep. There were also three
cane bottom chairs and a bureau. He did not remember
seeing a lounge or any pictures there. The witness
reported the facts to the Fire Marshal, and visited the
place again the next day, with him. The rooms were
in the same condition, as to furniture, when he returned
with the Fire Marshal. He went into the cellar, and
examined the place where the fire was. He found
that there had been a fire in the partition dividing the
larger room from the smaller one, on top. The girder
beam was broken, and the studding and lathing were
broken. He found a discoloration on the plaster and
he smelt it, and it smelt of alcohol. He did not
see a bottle there, but he took one from Mr. Zittel's

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office, on Third Avenue, and when he received it from
Mr. Zittel it smelt of alcohol. He brought from the
house some portions of the building, and some paper and
rags, which he took from the place where the fire
occurred. They smelt of alcohol. He took from the
building pieces of the beam and studding which the
fire had burned in the back room partition. In

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C r o s s - E x a m i n a t i o n

the witness testified that his first visit to the house
was on the morning of the 13th. The witness went
there next day, also. The defendant went downstairs
with him into the basement, and pointed out to him where
the fire had occurred. She said she did not know anything
about the fire; that her husband went out that evening
to the lodge, and she was awakened by Mr. Burron.
That was all the conversation he had with the defendant
about the fire. Prior to that she knew nothing about
the fire, she said. She knew nothing about the bottle.
It had a label on it and it contained a white substance.
The rags were in a heap in the cellar. He had seen
rags that had been used by painters, but could not

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say that these were such rags. There was also a lot of old paper, collected together in the basement. On the morning of the 13th, he smelt the wall on the inside of the partition of the small room, and detected the odor of alcohol. The distance of the ceiling from the floor of the cellar is about 6 feet. There was no evidence of any kind of a break between the floor of the defendant's room and the cellar. All he did find was a break over the ceiling and under her floor; and that was about 6 feet from the floor of the cellar. In the front room in her apartments, some plaster had been removed from the wall; maybe 8 or 10 small holes. They looked as if they had been made by some instrument. In

Re - Direct Examination

the witness testified that when he cut out a piece of the burned wood, he cut it from the place of the fire in the basement, on December 13th. It was a piece of the center girder beam, and he cut it out on March 11th, between 10 and 11 o'clock in the morning.

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FREDA BAUER, testified that she lived at 655 11th Avenue, that John Bauer is her father, and that she is 11 years of age, and lived, once, on the top floor of 358 East 62nd Street. The defendant lived on the 1st floor at that time. She remembered the fire in December, 1892, but could not remember the day of the month. The witness had been in the defendant's room a few days before the fire. She brought in her mother's baby in the afternoon. The defendant and her two children were in. The defendant did not say anything to her. The witness took the baby in there to see the birds, there were two birds, one in the kitchen and one in the front room. There was a bird in each cage. A few days before the fire, the witness saw a bottle in the defendant's rooms---at the time she took her sister in to see the birds. The bottle was on the lefthand window, back. It was a white square bottle, with a white rag around it, and she could see only an inch from the bottom. Nothing was said about the bottle by the defendant. The witness again saw the bottle, or a bottle like it, when her father brought it up-

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stairs and put it on the mantel-piece the same night, ⁴⁹
after the fire. It was the same kind of a bottle that
she saw in the defendant's rooms a few days before,
and the witness thought it was one and the same bottle.
The witness did not notice anything in the bottle and
did not say anything to the defendant or anyone else
about it. In

C r o s s - E x a m i n a t i o n

the witness testified that she went to West 47th Street
school. Mrs. Kiersted is the Principal. The witness
always stayed at home when she lived in East 62nd Street.
She used to do the work and mind the baby. She used to
go to night-school with the defendant---to Miss Pell's
school, in 57th Street. She remembered that a few
days before the fire the witness wanted to go to night-
school with the defendant, and the defendant would
not take her. She did not tell her mother that the
defendant would not take her to night-school. She used
to go into the defendant's rooms, including the front
room. The witness did not remember knocking some of
the plaster off the wall in the defendant's front

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testify that she knew nothing about the fire, and that she did not see it. The witness did not talk about the bird cages but her mother did at Fire Marshal Mitchell's office. The witness talked about the bottle at that time. She said she saw it, with a white rag around it, at the defendant's rooms. Mr. Mitchell asked her whether she ever saw the bottle. Her mother did not say anything about it, nor did her father. Two or three days after the fire, the witness was shown the bottle by Mr. Mitchell, the Fire Marshall, at his office, and asked to look at it, and she did so. She had previously told her mother about having seen the bottle. It was on the inside of the window, and the window was shut. The witness did not remember about anything else except the bottle. She did not remember the defendant scolding her a couple of days before the fire, when she, the witness left the door open. She did not go into the defendant's rooms the day before the fire, and has not been in her rooms since the fire. The defendant did not scold her for anything. The witness could not say that she did not go into the defendant's rooms for several days before or since the

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room. She did not remember that either she or some of the children used to knock the plaster off the defendant's front room wall when the defendant was out. The witness did not say that she did not do it, but that she did not remember it. She saw the defendant on the night of the fire. The defendant had on a blue dress with red plush on the sleeves. The witness was in the street first and afterwards her mother brought her into the defendant's room. She was not in the defendant's rooms at that time before her, the witness's mother brought her there, so she did not know how the defendant was dressed before she was brought into the defendant's rooms. The birds were on the bureau, in the defendant's front room. Before the fire she saw one bird in the kitchen and one bird in the front room. The witness did not remember that her mother and the defendant had a quarrel about the children going into the defendant's rooms so often. The witness's father or mother did not tell her that if she was asked whether she talked with them about this case she was to say no. She came downtown with her father and mother, at Mr. Mitchell's request and see Mr. Davis. The witness did not

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fire, because the defendant had scolded her. Nobody told her, the witness to say that she could not remember. She went with her mother to Mr. Davis' office, after seeing Mr. Mitchell, and Mr. Davis showed her the bottle, on the day that she was there with her mother, and said, Is that the bottle that you saw in Mrs. Dietrich's room? The witness answered, Yes. There was some white stuff in the bottle, when Mr. Davis showed the witness it. The day that the witness saw the bottle on her father's mantel-piece, she did not have it in her hand. Her father or mother never asked her any questions about the bottle at any time. The witness did not think that Mr. Davis asked her, when she was in his office, whether she had seen that bottle on her father's mantel-piece. She first saw the bottle a few days before the fire, and she saw the bottle in her father's room on the same night of the fire. The witness testified that her papa did not tell her to say when she came into Court, that Mr. Burron gave the bottle to him. The witness remembered that the fire occurred in December, but could not tell the day of the month. Nobody promised her, the witness,

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anything if she came into Court. She went to the 57th⁵³ Street Court, with her father and mother, but she did not hear plainly what the people there said about the fire. She did not hear her father or mother or Mr. Burron or anyone else talking about the fire. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that she never broke the plaster on the wall of the defendant's rooms. She did not take an axe and hammer the wall and break the plaster. She remembered being in Mr. Davis's office, and that he was talking to her, and asked her about the bottle. Her mother was with her in Mr. Davis's office, at that time. The witness did not know whether Mr. Davis showed her the bottle in his office, when she came there.

NATHANIEL C. GROSKY, testified that he is attached to the 25th precinct, and was in that precinct on the 13th of December 1892, and knew the premises 358 East 62nd Street. He was in those premises on the 13th of December. He got there between 1 and 2 o'clock in the

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morning. His attention was called to those premises by Mrs. Coleman. He first went into Mrs. Coleman's premises, next door, and made an examination there but found nothing but smoke. He then went on post again. His attention was next called to the house by Mr. Burrton, between 1 and 2 o'clock---20 or 30 minutes after he had left Mrs. Coleman's. He was then on post, but went back with Mr. Burrton to No. 556 East 62nd Street, and he saw smoke when he got into the hallway, and smelt an odor like that of alcohol. He was directed to go downstairs, in the basement or cellar of the house, and there saw Mr. Burrton, Mr. Bauer and Mr. Bauer's bartender. The fire was out when he arrived there. It was on the girder right near the ceiling. The girder was charred very much, and black, and part of it was, apparently burned away. The studding was also burned, about four inches from the girder down---four or five inches of studding were burned away and charred. By the "studding" he meant the uprights. The plaster around the fire had been knocked away, leaving a space about 2 1/2 feet in length and about 10 inches in width. It was a sort of oval

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in shape. Yellow streaks were on the plaster around the fire. The streaks began right under the hole, and ran down to very near the floor. There were several of those streaks. In the room where the fire occurred, the witness noticed the same smell of alcohol. Then he went out and brought in his side partner, officer Sampson, and Sampson broke the rest of the hole to see if there was any more fire in there. Then he reported the facts at the station-house, and returned to his post. He did not see the defendant that night, he did not have any talk with the defendant after the fire, and he did not notice whether the front door of the cellar was opened or closed. In

C r o s s - E x a m i n a t i o n

the witness testified that there had been water poured on the fire before he got there. He went into the hallway of 362 and he smelled the same odor there. He went into Mrs. Coleman's house because she called him in, thinking there might be a fire in her house. He went into the basement of her house and found considerable smoke there, but no fire. He then went away. It

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did not occur to him to go next door. He noticed a smell of alcohol in the defendant's house and not in Mrs. Coleman's house. His partner broke down the wall, and, before breaking it down, there was plaster there. He could not remember whether the fire could be seen in the small room; he could not say whether the hole went through the partition; he did not pay attention to it. He is sure that there was plaster on the floor in the small room but was not sure about the large room. He went directly through the large room into the small room, and he did not look for anything in the large room as he passed through to it, and when he got into the small room, he noticed the charred girder and studding, and the hole, and it was of the dimensions already described by the witness, and it was afterwards made larger. When he first went into that room there was a little plaster on the floor.

JAMES MITCHELL, being recalled by Mr. Davis, testified that he went to the premises, 356 East 62nd Street where the fire occurred, arriving there, to the best of his recol-

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lection, on the afternoon of the 15th of December, Mr. Frank, his assistant being with him. He saw the defendant at that house. She was in her kitchen, and opened her kitchen door, on the first floor, and admitted the witness, he asked her whether she was the wife of the occupant of those premises. He said to her, "Are you the wife of the occupant of these premises?" and she said she was. He said to her, "Were you present at the time of this fire." she said she was. He said, "How did you first hear of this fire?" She said that she was asleep, and that some person came, she thought it was Mr. Burron, and knocked at the door, and she got out of bed, and then, for the first time she knew that there was a fire in the house. The witness asked her, "Are you insured?" and she said, "yes; \$1500." The witness then looked about the premises, taking a general survey, and in the course of his examination, he found, in a box, in the smaller room, which is designated there as a bedroom, on the first floor a hatchet. It was the afternoon of the 15th. The witness, Mr. Frank and the defendant went through the the second room, and through that into the small room, and examined the premises there. The witness found, in the

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smaller room, a hole broken in the plaster, where the partition joined the ceiling, where the plaster had been broken away for several inches, and several inches in width, excepting a beam and a girder, some of the upright studding, and the beam and studding. He referred to the smaller room in the cellar. The girder and the studding bore evidence of having been burned. The girder was burned and charred to the depth of about a quarter of an inch, or more, for some distance, and the studding was burned at the junction of the girder, for some distance; burned into the wood; none of it burned away. The studding was still in connection with the girder above. There was plaster on the floor of the smaller room, immediately below where this hole was. The witness testified further, "Immediately below the break in the plaster, I found some stains of a light yellowish tone, and also a stain, a darker stain in color, but apparently a stain of water, where water had been thrown on the wall. That is there were two distinct stains; one of them of a yellowish tone, and the other not, simply turning the whitewash or plaster a little bluer in tone. I asked

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the defendant as to the premises down there, as to how they were secured. I spoke generally of the premises down there. There was a door leading into the street, and a window opening into the areaway, outside. She told me that the door was fastened insecurely---the door leading to the street. She told me that she saw that door open after the fire, and that there was a pipe and some tobacco found on the floor, near the door. She spoke certainly of the pipe, and, I think, she said tobacco; found on the floor of the cellar; that is of the outer cellar. I asked her about the door at the foot of the cellar stairs, saying, 'Is that door closed or open?'. She said it was usually open, and it was not secured in any way. I asked her if she knew how the fire originated, and she said she did not. I asked her if she had done anything to produce the fire, and she said she hadn't. As far as I can recollect, that is all the conversation we had downstairs. We then went upstairs and I went through the rooms. In this smaller room, on the first floor, opening off the kitchen, I found, in one of the boxes lying there, this hatchet, with plaster on the head and blade. I asked her if that was her hatchet, and

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and she said yes; and I said, 'how did that plaster get on the hatchet?' and she said that the children had used it, in knocking the plaster wall. I then looked through the premises very thoroughly, to discover cuts in the plaster of that upper room, and she pointed out to me certain cuts in the chimney breast of the front room. There were several, as though they had been cut with a sharp instrument into the hard plaster of the corner of the chimney breast. I think the lowest of those cuts, to the best of my recollection was about seven feet from the floor. It was above the mantel piece. I think there were four or five cuts. I couldn't find any break in the plaster of the rooms, other than those breaks." The witness asked her how long she had been living there, and she said since October. He asked her where she came from, and she gave her previous address, which the witness forgot. He asked her if she had lived in 37th street, and she said she had. And he asked her if she was insured there, and she said she was, for \$1000. And he said, "You suffered a loss by fire then?" and she said she did; that the fire

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started in the water-closet. She said she had forgotten
how much she had collected. It was, however, some consid-
erable sum. She also said, in answer to a question
from him, that she was insured for \$1500. in the 62nd
Street house; and that her husband had been called to
a special meeting of his lodge on the night of the fire.
The witness took a general survey, and mental note, of
what her apartments contained. In the small bedroom,
on the main floor, the first floor, he saw, at that time
two trunks several boxes, like grocer's
boxes, some of them having loose paper in them, and others
had loose material in them, which you usually find in
a waste room. There was a big bag hanging up against
the wall, the contents of which the witness did not ex-
amine at that time. One of the trunks appeared to have
kindling wood in it; the other trunk was closed, and
he did not open it. The floor was bare. In the kitchen
there was a small, ordinary table, kitchen table, and
three chairs, and a medium-sized cooking stove; there
were three shelves to the righthand of the cooking
stove, upon which was a quantity of household china,
crockery, and a number of bottles, jars, glasses, knives
forks, cups and saucers and plates. He did not take

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an inventory of them. It was an ordinary pine table; the chairs were cane bottom. The table was not new and the chairs were not very old. The crockery and cooking utensils had all been used. He thought there was also a small lounge in that room, but he was not certain. He also examined the two closets. The one on the righthand side contained cooking utensils, and the one on the lefthand side contained articles of clothing--about 5 articles of clothing. Part of the clothing was men's and part women's. In the next room, the front room, there was a folding bed, the witness thought, but it was open and made up. There was also a skeleton folding bed, leaning against the wall. It had springs and a mattress on it, but no bed-cloths; and there were four or five ordinary cane chairs, and a bureau of dark wood. It appeared to be a veneered black walnut bureau. It had four drawers, but no glass. There were some few ornaments, and three or four pictures, of an ordinary kind, hanging on the wall. He thought there was also a small mirror hanging between the two windows, on the front wall. There was some carpet, on the center of the floor, that did not cover

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the entire floor. He did not have any conversation with the defendant as to the quantity or value of the furniture---no conversation at all about the furniture. The witness did not recollect having had any other conversation with the defendant before her arrest, but did after she was arrested. After her arrest he saw her in the 57th Street Court House, but he did not talk to her there. After her arrest, indictment and release on bail, she came to his office. He thought it was the month of January. She came there voluntarily to consult him, the witness, regarding her defense. She asked him about a lawyer to defend her, and said she had been in the hands of several people who had taken all her money. She asked what she should do, and the witness told her to go to the District Attorney's office and consult the District Attorney, because he, the witness, was not in a position to advise her. He had no conversation with her husband in her presence, in relation to the fire. In

C r o s s - E x a m i n a t i o n

the witness testified that he noticed a bedstead in the

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front room, when he saw the cuts that he spoke of; also chairs. The cuts were not in the neighborhood of the bedstead; they were on the opposite side of the room. There were two chairs on that side. One chair was close to the wall, to the left of where the cuts were. The witness did not hear Mrs. Bauer testify that there was an oil-cloth on the kitchen floor. He did not see any. He would not say that there was none prior to the 15th of December, or that it had not been taken up. He did not open the trunks or the drawers of the bureau in the front room, and, therefore, had no knowledge of their contents. To the best of his recollection, there were no curtains in any of the rooms. There were sheets. The witness thought there was a center gas fixture in the room. He did not examine, particularly, the crockery. He also saw a clock. He did not make an inventory of the property. He did not examine each article in detail, and put a value upon it, but he mentally estimated the values when he was there. He did not take out up the articles at all. He did not see the pipe and tobacco, to which the defendant referred, as being in the basement or

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cellar. It was not there on the 15th, but he would not say that it was not there on the 13th or 14th, nor at any time on the 15th before he got there. Mr. Burron said nothing to him about that pipe. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that he examined the marks in the plaster in the defendant's room. They might have been made with the sharp part of a hatchet. They did not look as if they had been made with the hammer part of the hatchet. They were sharp cuts. While indicating that they were made by some sharp instrument, there were rough edges, where some plaster had fallen off, but not such as could have been made by the hammer part of a hatchet. On the 15th he examined the lock on the door leading from the front cellar compartment to the rear compartment. The door was in good condition. The hasp and staple were still on the door, that is the hasp was on the door, and the staple was on the frame of the door. He saw no marks there that would indicate that the staple had been interfered with, in any way, or drawn. The wood around

the lock and hasp was intact. In

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R'e - C r o s s E x a m i n a t i o n

the witness testified that there was no lock there.

CARL KRUELBACH, testified that he lived at 404 Steinway Avenue, Long Island City, and is in the patent medicine manufacturing business, and keeps a road-house, or a saloon and a summer garden at that address. He had been previously in the upholstery business. He knew the defendant about three years, and the defendant's husband about 12 years. He knew the premises 523 East 33rd Street, and had been there. The defendant lived there at the time he was there. He called upon them at that house. The first time he saw them there was in May of last year--two year ago. He called there twice, the first time being about 14 days before. He was alone on the occasion of one call, and his wife was with him at the time of the other visit. The witness testified "when I came there, I guess the first time, Mr. Dietrich was not in, and I waited for him about an hour and a

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half, and there was also present the servant girl and two children. The defendant and his wife also called at his, the witness's house, once before he went to 33rd Street and once after. The first time he called alone. It was about 9 o'clock in the morning, in the middle of April, and the next time was 14 or 3 weeks after--some time in the month of May--after he, the witness, had been to his house. On the second occasion the whole family, including the two children and the servant girl, were present. That was at 404 Steinway Avenue, Long Island City. They remained the whole day, taking their meals with the witness. The defendant was also at his house in the month of June 1892, with her husband and two children; but not the servant. They wanted the witness to go with them to a picnic. The defendant and one of the children was sitting on the table, and one was laying on the lounge, and the witness's wife was present, and Mr. Dietrich was there. The witness testified, "We sat down for lunch, and had a conversation, first about all kinds of pleasant affairs, and I asked Mrs. Dietrich--Mrs. Dietrich said, 'I guess we go to Europe by next Christ-

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mas.' I said, 'Is that so? What do you do with all your furniture and things?' 'Oh', she said, 'We let a warm wind go over once more.' I said, 'How is that?' Her husband said, 'Shut up.' She says, 'Foolish people take kerosene oil, but we know better'. Then there was a conversation between them two. They spoke one to another, and in a very loud way, and spoke how the fire came out." The witness testified further, "When she said, 'We let a warm wind go over it' he said 'Shut up. What do you know about it?' The conversation was in German. Then she says, 'Yes, I know about it. Foolish people take kerosene Oil, but we know better.' and he said, 'You know I have plenty of stuff, paint and stuff, in the house, and, at nights, my alcohol broke. During the reparation in the house I had removed all the plaster, and removed it so that the stuff can soak in better.'" The witness also said, "And after that he said, 'Shut up.' he said it half a dozen times during the conversation. Then he said to me, it was in explanation to me, because I wanted to know it all, 'you know I have got plenty of stuff and paint in my house, and I take that plaster off so the stuff

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soaks in better." Before he said "Shut up," she said, "Foolish people use kerosene oil, but we know better". After this conversation, the witness left the table and went into the yard, followed by Mr. Dietrich, leaving the defendant behind. Mr. Dietrich returned and he and the defendant and the children went to the picnic. He had made arrangements to go to the picnic. He had no further talk with the defendant, only to say good-bye. In

C r o s s - E x a m i n a t i o n

the witness testified that the foregoing conversation occurred in June 1892---about the middle of June. It was on Sunday. That was the last time the witness saw the Dietrich family at his house, though he had met them elsewhere several times since then, and had spoken to them. He saw them and spoke to them in the Jefferson Market Police Court, where he, the witness, was under arrest. Mr. Dietrich charged that he the witness, wanted to swindle him out of \$220.00. The witness had received from Mr. Dietrich \$220. about the end of April, 1892, as a loan, giving Mr. Dietrich

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as security, a chattel mortgage on chattels worth \$1500. The witness gave him the mortgage in April, when he received the money. The furniture upon which he gave him the chattel mortgage was in Steinway, Long Island City. The witness's wife gave it to Mr. Dietrich's wife, in Bernard Ess's office, in Union Square, New York City. The witness testified, "That money is paid over to me, \$30. at the time, when I was at Mr. Dietrich's house, and \$170. by the chattel mortgage, at Mr. Ess's place in Union Square, and the other \$25. my wife got from his house in 83rd Street. When the \$170. was given he got the chattel mortgage for the whole amount. A man came to the witness's house and asked him to give Dietrich the chattel mortgage that the witness had promised Dietrich. This was just after Dietrich was at the witness's house. He, the witness did not give the man the chattel mortgage, but put him out. He, the witness, gave two chattel mortgages, one before and one after he, the witness, was arrested. He gave the first chattel mortgage at the time he got the money, in April; and the second chattel mortgage he gave him in Court, when

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he, the witness, was arrested. He gave him one in April and one in August. The one given in August was for the same debt that he gave the one in April. He did not give the second chattel mortgage until after he was arrested. The Judge did not tell him to give it. The Judge put him under \$2000. bail, and said, "You go home and try to find bonds." He did not keep the witness at all. The witness went home and furnished bonds a week afterwards. He did not know what he was arrested for. He did not know that he had been charged, at that time, with grand larceny, for having procured the \$225. from the defendant, or her husband, fraudulently. He, the witness, did not say he would get even with the Dietrichs because of his arrest. He did not threaten them. He knew detectives Charles Heidelberg, Dolan and Freel. He did not threaten the defendant, to get even, in the presence of any of the above named detectives. The witness testified, "All that I remember about speaking with Mr. Heidelberg was, Mr. Heidelberg said to me, "Give me \$150. and I will settle the case for you." He, the witness, did not give Heidelberg the money; he did not

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have it to give. He did not transfer his property; it is still in his name. The witness being asked why he came to testify in this case, he replied, "I came to see Mr. Mitchell, and told him what it was. I wanted to relieve my mind of what I knew about it. I read about the fire in the newspaper, and then I went to Mr. Mitchell, a few days afterwards, and told Mr. Mitchell what I knew about the first fire." The witness saw Mr. Mitchell after the second fire. The witness had a fire in his premises about 7 years ago in this city, in the Winter time--about Christmas; it was in Park Avenue near 126th Street. About two years ago a fire broke out in the same house, but it did not belong to the defendant--in Park Avenue near 126th Street. The fire happened at two or three o'clock. The witness had \$1500. worth of property there, at the time of the fire, belonging to him, the witness. Another man named Egge collected the insurance. It was in the name of the witness before the witness sold it to Egge. The witness transferred the property to Egge, and Egge then collected the insurance on it. He transferred the whole property to Egge. Egge did

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turn the insurance money over to him, the witness. Egge is in the brokerage and banking business in Broad Street, and lives in 8th Street, but the witness did not know the number at either place. The witness testified that he had been subpoenaed here as a witness, by the District Attorney. After his, the witness's arrest, he has not been on friendly terms with the Dietrichs. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that when he went into the yard with Mr. Dietrich, "I took it cool, but I wasn't cross against him. I was kind of friendly, you know, and was not rough." When asked, "Well, did you feel differently towards him after you had heard what you had heard about the fire?" he testified, "Yes, sir; I felt kind of disappointed in the man." When the witness parted with him, he said, "Good-bye." The subject of the loan was first mentioned between the witness and Dietrich in April, before that June of the same year, when they were at luncheon at the witness's house. He accepted the loan. He received the first

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installment at his house in 82nd o. 83rd Street, between 1st Avenue and Avenue A, as he, the witness thought. He received \$30. at that time---the first time, but gave no chattel mortgage then. He received the next money about 14 days later, through his wife. It was \$170. He gave his wife a paper, which he had signed and swore to in the presence of Mr. Senn. Ess, at 12 Union Square, about the end of April. Mr. Ess is a Notary Public. The witness gave the paper to his wife, at the time she left his house to go over to see Dietrich. The witness gave his wife instructions regarding the paper. When his wife returned she gave the witness \$170.00. He did not see that paper afterwards; he did not see what his wife did with that paper. He subsequently received more money from the Dietrichs. He received two demands on that loan---\$200.; no more. After he received the \$170. he saw the Dietrichs only once; that was in June, when they came over together. He had no trouble about the money; no bad feeling whatever; nothing was said. Nothing was then said about a chattel mortgage. That day Mr. and Mrs. Dietrich spoke about the fire, as the witness all ready testi-

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fied. The witness did not go to the picnic with them.
The next time he saw the Dietrichs was in Court, after
he was arrested in Long Island City and brought to
Headquarters and put under \$2000. bail. The Judge
allowed him to go home and a week afterwards he gave
bonds. He was finally discharged. All the money
has been paid to Dietrich, and he owes him nothing
now. When the chattel mortgage was due he paid the
money to Mr. Louis Hahnemann, a lawyer, in Beekman
Street. About 7 years ago he had a fire in 1836 Park
Avenue. The numbers have since been changed. He
then kept an upholstery business. There was consider-
able damage, and the insurance was paid. About three
years ago he sold out that place to Mr. Egge. There
was a second fire there. He did not own any of the
property in there at the time of the second fire,
except some small things, books and things, that he
did not remove---a little stuff---household furniture
that was not insured, and the went up with the lot.
They were not insured. The value of the property that
he lost in that way was \$150. In

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R e - C r o s s E x a m i n a t i o n

the witness testified that Mr. Egge has been a broker in stocks and bonds for about 18 or 20 years. Mr. Egge bought his upholstery business and he conducted the business for Mr. Egge for a while. After transferring the business to Egge, the witness remained in charge of it for about a year, and, during that time, the fire occurred. He received from Mr. Egge \$18. a week, for about a year and a half---as long as he was there. His wife, before his marriage to her worked in the same business, on a salary. Sometimes she kept the books. He forgot what salary was paid to her. The books were in a safe, the lock of which was broken, and the safe had not been opened in a year, but he would try to produce the books in Court, he said. He never received any income or dividend from the business, after the transfer to Mr. Egge, except his salary. The second chattel mortgage he made before Mr. Louis Hahnemann, who was his lawyer at the time he was arrested. He did not advise the witness to make the mortgage. He, the witness, went there to

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got it made. He had a different lawyer when he was arrested---in fact, he had three lawyers, who "skinned" him. He dispensed with their services, then, and took Mr. Hahnemann. He executed it before Mr. Hahnemann, and Mr. Hahnemann delivered it to the Dietrichs, and then the witness was discharged.

CHRISTINE MARTHA JEANETTE KRUELBACH, testified that she lived at 404 Steinway Avenue, Long Island City, and is the wife of the last witness, Carl Krudelbach. She has been married to him a year last April. She has known the defendant about two, three or four years, and Mr. Dietrich about five or six years. She lived at 404 Steinway Avenue last June, and at that time saw the defendant at her house. The defendant was with her husband and two children. The Dietrichs came to go with the witness and her family to a picnic at Schutzen Park. They took luncheon at her house. The witness testified, "We sat down to lunch, and we spoke about different things, about the children and different things; and, after a while, the conversation turned on

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Mrs. Dietrich and she said, soon they would go to Europe. My husband says, 'What are you going to do with the furniture?' Mrs. Dietrich says, 'Well, we will let a warm wind go over it as we did already.' My husband said 'what do you mean by that?' Then Mr. Dietrich says, 'Oh, shut up. What do you know about it?' My husband said, 'What do you mean by that?' Mr. Dietrich said, 'Well, you know, we have always got alcohol and pain and stuff in the house, and one night my bottle broke.' And it was something---'He had removed the plaster,' he said. 'so the stuff would soak in better.' And Mrs. Dietrich said, 'you know the insurance, it is rich enough. That wont hurt them.' Mrs. Dietrich said, 'Foolish people use kerosene oil. We know better.' In April or May, the witness gave her husband \$170. which she had received from Mrs. Dietrich---borrowed from the defendant. At that time the witness gave Mrs. Dietrich a paper signed by Ben Ess and her husband. They were in Ben Ess's place at the time of giving the defendant the paper. The paper had been given to the witness

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by her husband. The defendant made out a check for \$170 and handed it to the witness as the latter handed her the paper, which her husband had given her. The witness read the paper through. It was a chattel mortgage covering the property of the witness's husband, at that time situated in 404 Steinway Avenue. The witness gave it into the hands of the defendant, and Mr. Ben Ess was a witness to it--no saw it done. In

C r o s s - E x a m i n a t i o n

the witness testified that she remembered signing the chattel mortgage in Aug. 1892, but she was not sure about the one in April or May, as she had been sick shortly before that, about February or March; she did, however, think she signed it. The witness testified that she has told all that occurred there, except that, on leaving, they said "Good-bye." The visit lasted about an hour and a half. At that time her husband and Mr. and Mrs. Dietrich were talking about the weather the garden, the children and different things, but nothing in particular. Mrs. Dietrich said to the witness that she must get some hats and things for the

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children. She had conversed with her husband about the fire of December 13th, 1892, but not very often--- probably half a dozen times in all. Her husband did not, at any time, tell her, the witness, what he was going to testify to in Court, nor did the witness to her husband. The first time the witness saw Mr. Mitchell was in December 1892 or January 1893, and has spoken to him about three times. In the month of August, 1892, she signed a chattel mortgage with her husband. She signed it after her husband. The signature shown her was her signature. In April or May she delivered to Mrs. Dietrich a chattel mortgage for \$200. and this mortgage was for \$225. No interest was paid on the first mortgage. So far as she can recollect she signed the first chattel mortgage. The witness gave the second mortgage because the Dietrichs had denied that they ever had received any mortgage from the witness and her husband. The first one was for \$200, and the second for \$225. The witness testified, "At that time the \$25. was given to me, and, in return, I gave Mrs. Dietrich a gold watch of mine". The witness never received it back, and could not tell what

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became of it. Mrs. Dietrich did not give the witness back the watch. The witness signed the second mortgage because, at that time, it was given in a friendly way, as a present, to Mrs. Dietrich, "because she had proven herself to be such a friend at the time". The witness could not have received it back, as she gave the gold watch to her. The gold watch was given two or three days after receiving the money from Mrs. Dietrich--sometime in June. The watch was one which the witness received when she was 16 years old. The witness's husband was in need of the money at the time, otherwise he would not have borrowed it. Mr. Dietrich offered to loan the money, knowing that the husband of the witness was in need of it. After the witness and her husband had executed the second mortgage, the witness on the 8th of August, and her husband on the 5th of August, no proceedings were taken against the witness or her husband. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that Mrs. Dietrich loaned the \$25. to her and she gave her the gold watch as a pre-

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and that occurred before the conversation, at the witness's house, in June, about the fire. In

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R e - C r o s s E x a m i n a t i o n

the witness testified that she gave the watch to Mrs. Dietrich in her, the witness's, own house, in New York, in either 82nd or 83rd Street, in the early part of June, sometime between the 1st and 8th---the witness was not positive as to the exact date. A few days after the witness gave the watch to Mrs. Dietrich Mr. and Mrs. Dietrich called on them. It was in the morning, and they stayed about a hour or an hour and a half. After that the witness did not call on Mrs. Dietrich, and Mrs. Dietrich did not call on the witness.

MARY COLEMAN, testified that she lived at 360 East 82nd Street, and lived at 358 East 82nd Street last December. She lived on the first floor at that time. She was not the housekeeper there; there was no housekeeper in those houses. That is next door to Mrs. Dietrich's house. She lived on the first floor. On the 13th of Decem-

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ber, 1892, about 20 minutes to 2 o'clock, in the morning, she went into the defendant's house, being attracted by smoke in her, the witness's house. The front door was open, and Mrs. Bauer, and Mrs. Dietrich with her children in her arms, were there. The witness then went downstairs and saw Bauer only there. The officer came down with the witness. Mr. Bauer was putting out the fire. The door of the room in the basement, the back room, and all the doors were open, and there was smoke down there. The witness testified "Well, the policeman put up his hand to the hole that was in the wall, and then he pulled the plaster down, and he could not pull any more with his hand, and so he said, 'If I had a hammer or something, I would knock it down', and nobody around gave him anything, and so I went into my house and I got my hatchet, and I gave him the hatchet and he knocked part of the hole down where the fire was, and when he got through with it, he gave it to me, and I took it into my house, and it has been in my house ever since, and I did not leave it in Mrs. Dietrich's room." The witness stood there and saw the officer use the hatchet, and in about

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5 or 7 minutes he returned it to the witness. She thought she was in that house about a quarter of an hour---she went into her own house, next door, and returned with the hatchet. In

C r o s s - E x a m i n a t i o n

the witness testified that it was the officer and not Mr. Bauer, who knocked the plaster; he did not knock away very much of the plaster---about two feet. The witness, Mr. Bauer and the officer were present at that time. He knocked the plaster away all around where the smoke was coming out. There was no fire when the witness saw it; it was smouldering; there was no flame. The vestibule door in the front hall, was open when the witness entered the house. The door at the foot of the stairs going down into the cellar, and the kitchen door, and the door leading into the small room, where the fire was, were opened. She paid no attention to any other door or any window. She remained there five or ten minutes, and left when the fire was apparently out. She went in there and stayed

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five or ten minutes, then went out and got the hatchet,
and she was there about five or ten minutes from the
the time she first went in until she returned with the
hatchet to her own home. In

R e - D i r e c t E x a m i n a t i o n

The witness testified that she did not notice whether
the door leading to the street from the cellar was open
or not. When she came in, she entered through the
hallway, and went down into the cellar, and went
into the main cellar first, and from that into the
rear rooms and found that door open, so that she had
free access. The witness passed the cellar door be-
fore she came into the house from her house, as she
came along the street from her house to Mrs. Dietrich's
house---she passed steps leading down into the Dietrich's
cellar, but she saw no smoke coming out of it at that
time; nor out of the window next to the door of the
Dietrich cellar, and there was not very much smoke
in the cellar in the hall. She noticed the hole
in the wall before the policeman knocked the plaster

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down; it was there at that time. In

Re - Cross Examination

the witness testified that before the policeman knocked the plaster down the hole was about four inches from the girder and about a foot long. Mr. Bauer was in there before the witness went in there. She did not know how much of the plaster he pulled down. In the small room; she did not notice in the small room where there was a hole in the plaster.

BENEDICT ESS, testified that he lived at 12 Union Square, and kept a restaurant, and was also a Notary Public, and in the course of his business as a Notary, he sometimes drew legal documents. He knew the defendant, and saw her twice. He also knew Carl Krudelbach and Mrs. Krudelbach. He knew Mr. Krudelbach quite a while. He drew a chattle mortgage for Mr Krudelbach, in the Spring, about a year ago---last Spring. He drew it in his, the witness's office. He did not remember seeing anybody sign it. After drawing it, Mr. Krudel-

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bach took it away with him. He did not wish to be understood as saying positively that Mr. Krudelbach did not sign it in his, the witness's, presence, but that he, the witness, could not recollect whether he did, or not. Mr. Krudelbach brought the witness a list of the property and he entered the same in the mortgage. The name of the mortgagee was Dietrich. He did not remember whether it was Mr. or Mrs. Dietrich. The amount was \$200. He saw Mrs. Krudelbach, for the first time, with Mrs. Dietrich, several weeks after this paper was drawn. By "several" he meant a week or two. The two women came to his office, at 12 Union Square. Mrs. Dietrich did not speak to him, but Mrs. Krudelbach did, in the presence and hearing of the defendant. Mrs. Krudelbach asked for pen and ink, and he, the witness, saw Mrs. Dietrich use pen and ink in writing something on White paper, but he did not know what she was writing, and could not remember the size or shape of the paper upon which she was writing. Mrs. Krudelbach had some papers in her possession at that time, but the witness did not see the contents of those papers. After the writing was finish-

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the women exchanged some papers, and left together. He did not see what Mrs. Dietrich did with the paper on which she was writing, but merely saw them exchange some papers. They were there altogether about 10 minutes. They simply came in there, and were accommodated with the use of the office for the time, and the witness took no part in their conversation at that time; he was not called in and he was not inquisitive enough to inquire. In

C r o s s - E x a m i n a t i o n

the witness testified that he took no part in the conversation, either as Notary Public or in any other way, and he did not know what paper Mrs. Dietrich gave Mrs. Krudelbach. The witness could not remember the month or the day of the month, but it was in the Summer time. It might have been in June; he did not think it was as late as July. When Mr. Krudelbach was in there the first time the witness drew a chattel mortgage for Mr. Krudelbach, but the witness could not remember whether Mr. Krudelbach signed it at that time. He did not remember having taken Mr. Krudelbach's

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acknowledgement as a Notary Public. The witness only drew the paper; it was not executed before him. The witness testified, "Mr. Krutelbach simply came to me---I had known him for years--and he brought me a blank chattel mortgage, and requested me to draw the mortgage, as he wanted to get a loan of \$200. from some friends of his in Brooklyn, and I said that I would do it with pleasure, and he took the mortgage along. He said, 'I want to get the money from some friends of mine, in Brooklyn, and they dont want any mortgage, but I want to secure them, if anything happens to me.'"

FREDERICK BAUER, being recalled, testified that he lived at 621 10th Avenue, and was a bartender for Mr. Bauer on December 13th, 1893. He knew there was a fire in that house, but could not tell exactly the day; but it was in December. He went home to supper the evening before the fire, with Mr. Bauer, arriving home at 8 o'clock in the evening. As he entered the hallway of the house, he noticed a smell of alcohol or kerosene. The

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smell was all over the house. He left the house at half-past 8 to go back to business, and noticed the smell, also, when he went out. He slept at that house and reached there at half-past 12 o'clock that night, and he then noticed the same smell. About 2 o'clock that night he was awakened by Mr. Bauer. The witness asked him "What is the matter?" he saw smoke, and dressed himself and went downstairs to see where the fire was. Mr. Dietrich lives on the first floor. When the witness reached the first floor he saw his employer and Mr. Burron and Mrs. Dietrich. Then they went down into the cellar which was full of smoke. First they went into the front part of the cellar, and then to the rear, where the fire was. He did not know whether the front door, leading to the street, or the window at the side of the house, was open or closed. The door in the rear was open, and that was where it was smoking and burning. Water was thrown on it, and a policeman sent for. After the fire was extinguished the witness went upstairs and laid down to sleep. In

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the witness testified that he was in the cellar about 15 or 20 minutes, but did not help to pull down the plaster. The two policemen did that. Nor did his boss help to do it; he helped to throw water on it. The witness left the cellar when Burron and Bauer left the cellar, to go upstairs, and Burron and Bauer went into Mrs. Dietrich's room, on the first floor, and the witness went upstairs to bed. The tenants in that house used kerosene oil, there being no gas there.

JOHN B. SAMPSON, testified that he was attached to the 35th precinct, and knew the premises 358 East 62nd Street, and was there on the 10th of December, arriving there in the neighborhood of 2 o'clock in the morning. He went with Officer Grosky, his side partner. When he got into the hallway he saw Burron and Bauer, and some women; he did not pay much attention, however, to the parties there, but went immediately down into the cellar, Burron and Bauer accompanying them. The fire was out when he got there. There was a hole in the top of the wall, made by the witness, he asked

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for an axe, and cut down some of the wall with a hatchet that he received from a woman, but he did not look up to see who gave it to him, and could not say that he received it from Mrs. Coleman. The hole that he noticed in the wall, when he arrived there, was about a foot and a half long and about six inches wide from the top down. The witness testified, "The wall was all whole, all the way down, with the exception of that." The hole was close to the ceiling, and he could see the girder through it. It and the studding were charred black. When he arrived there, he noticed on the floor quite a little plaster, enough to fill up that hole that he saw. There is a door leading from that front cellar into the street. He did not notice, when he went down, whether that door was open or closed. After tearing down the plaster, to see that the fire was all out, they examined the cellar and saw the door, which was then closed and bolted; also the windows. In

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the witness testified that he could not say that the

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window was bolted, because he did not examine it to ascertain whether or not there was a bolt on it; but he did know that it was closed. He did not know who knocked down the plaster before he arrived there. He came there after the fire was all out, and, to make sure that there was no more fire there, he knocked down a part of the plaster. He examined all through the cellar to see if there was any more fire; the examination was not a careful one, but a "rough look." He was engaged in that examination about 15 minutes. He noticed some rags and paper on the floor, a bottle on the pile of rags and paper. He examined the bottle. It had a smell of alcohol. He did not notice any white sediment, as he did not make a very careful examination. He did not take anything away with him. There was a wet and dirty rag cork in the bottle; he did not know whether it was red, or what its color was, but threw it down on the heap of papers after he uncorked and examined it. He did not detect a smell of kerosene oil, only alcohol. He did not go into Mrs Dietrich's premises, nor in any part of the house except through the hall into the

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cellar.

CHARLES HEIDELBERG, testified that he was a Detective Sergeant, and had been ever since Superintendent Byrnes took command; that he knows Mr. Krudelbach; that Krudelbach was arrested on July 7th, 1932, and that he saw him 8 or 10 days after. Mr. Krudelbach's wife was arrested at the same time, and both were arrested for swindling the Dietrichs out of \$225. A chattel mortgage was given to the Dietrichs in Court. Judge White ordered the defendants to execute the chattel mortgage then the defendants were discharged. When he left the stand Krudelbach said to the Dietrichs, "I will fix you for bringing my sick wife to Court," and the witness said to Krudelbach, "You are big enough to carry the hod, rather than be making threats against these people; and if you dont stop making threats, I will arrest you again, and take you before Judge White." The witness said, "I did not tell the defendant that I would or could settle the case for \$150., or for any sum."

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EDWARD C. FREEL, testified that he is a Detective Sergeant, and that he and Dolan arrested the Krudelbachs and took them to Court, and they were held for examination by Judge White.

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HENRY EGGE, testified that at present he is Manager of the German-American Investment Company, of 82 Wall Street, and Broker, in stocks and bonds. He was also engaged in the furniture business to a small extent. He was formerly a bookkeeper for Hallgarten & Co. He remembered the furniture business that Mr. Krudelbach conducted in Park Avenue, near 130th Street. He made a transfer in writing of that business to the witness. He had "several interests" in that business. He never got any money from Mr. Krudelbach from the time that that interest was transferred to him, down to the present day, out of that business. He has not seen any books in that business. He did not know who deposited the moneys collected by Krudelbach. He supposed Mr. Krudelbach paid the money out, in the witness's name. He also supposed that Mr. Krudelbach

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paid the debts of the concern in his, the witness's name. The witness testified, "I received \$4,500. some fine day from the business," but he could not remember the "fine day"---when it was; it was two or three years ago. He remembered a fire breaking out there and he testified, "it was about that time that I got that check from the fire insurance company; "probably a month or so before---and then I got the check." He did not remember the company. He deposited the check. The money was handed over to Mr. Krudelbach, but the witness did not remember in what shape. In

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The witness testified that he is not related to Mr. Krudelbach in any way. Mr. Krudelbach's business was transferred to the witness, by a bill of sale, about three or four years ago; probably three years ago, and it was recorded at that time. The witness did not remember the consideration mentioned in the bill of sale. He did not pay any money for it. The witness testified,

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"Probably four years ago Mr. Krudelbach came to me and told me that he, for certain reasons, that he wishes to have his business transferred in my name, and I consented to that, and the transfer was made and filed, and that was all there was about it." He did not have any interest in the business at the time of the transfer, and Mr. Krudelbach owed him nothing. The witness was made a convenience by Mr. Krudelbach, by the making of this bill of sale to him, and by putting this property in his name. The witness did not give him anything. The witness testified, "Krudelbach was engaged by me, as far as I remember, for a certain amount per week, and that money was paid by himself, and he conducted the business under my name, and he was to get a stated sum per week. The business ran itself, under his supervision, and it was paid out of the general expense account." The witness was not to receive any money, and the business simply stood in his name. Krudelbach stated some reasons, at the time, for the transfer, but the witness did not remember them. He thought there was a little trouble somewhere, but

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he did not remember what it was. The witness considered it an honest transaction. The business belonged to Kruselbach, and the witness had no interest in it, but merely allowed the use of his name. The trouble was with his father-in-law, Schroeder. The consideration was a dollar or two dollars, which the witness received and kept. That was all that he received except the fire insurance money, which he received only as a cover for Mr. Kruselbach, and afterwards he handed it over to Mr. Kruselbach.

HELENA DIETRICH, testified that she can speak English, and that she was a married woman, her husband being Charles Dietrich. She was married four years ago. She was born in Germany, and came to the United States in 1888. She was nearly 18 years old when she came here, and took a situation as a domestic. She worked in her native country for her mother, who kept a saloon and a grocery, her father was a butcher, her uncle was a priest in Germany. She remained in her situation in Brooklyn, about 8 months, and then took a situation

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at No. 1 West Street, where she remained about three or four months, as upstairs girl. Then she worked for a midwife, and she had \$18.00 a week for doing embroidery work on covers for the mantel-piece and the table, for "fine people on 5th Avenue, and so." About that time she met her husband, Mr. Dietrich, and was married to him about four months after, and she has been living with him ever since. Her husband is a fresco painter. They lived in a flat, and had two children, one three years and the other one year old. She kept a girl sometime ago, during her sickness, only. She moved into 356 East 62nd Street on the 11th of October, 1892, and bought new furniture and clothing; she also had jewelry and silverware there; she had teaspoons, tablespoons, knives forks, soup spoons, and linen from Germany--about a dozen linen table cloths, about three dozen linen napkins and china tablecloths, and also cooking utensils and silk; also 18 chairs---three children's chairs, two folding beds, a bureau, her husband's pants, two coats and a summer coat; also four watches, two clocks, one clock for the night, three watch chains, two diamond pins, 10 or 12 scarf pins,

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about four gold rings, and the defendant's chain on her watch---four watch chains altogether, and a locket, and two pairs of earrings, from Germany, her husband's "stove-pipe" hat and three hats for herself. This property she kept in her bureau and trunk. She also had crockery, glassware, kitchen utensils, a stove, underwear, boots and shoes, pictures, etc. She considered the property specified to be worth \$2,500. She heard Krudelbach and his wife testify about her visit to their house in Long Island City in June---the 19th of June, 1892. She was over there, but not in the house. Her husband and two children and servant were with her. She was going to Schutzen Park, to a picnic, and stopped at Krudelbach's to find out whether they were going, but did not go into the house. She did not have the conversation that Mr. And Mrs. Krudelbach testified to, at that or at any other time. She did not say anything about going to Europe in the winter. She did not say anything about getting rid of her furniture by having a warm wind pass over it. There was not a word of truth at all in the statement which they made, as to such a conversation. Her hus-

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band made no such statement as they testified he made. The witness was there all the time, which was about 10 minutes, and all the conversation took place outside. As the witness and her family were in the car, passing Krudelbach's house, they saw Krudelbach standing in the doorway, and she said, "Perhaps he will go with us," and they got off the car, and they went up to Krudelbach, who was standing at the door, and she said, "Hello, Mr. Krudelbach!" Krudelbach's wife was not with him at that time, but "she came out when we had spoken about the money, that he should give me security, and then she came out." While outside, and before Mrs. Krudelbach came out, the defendant said to Mr. Krudelbach, "Mr. Krudelbach, I got two children, and if I die, or my husband, my poor children would not get a cent of that money. You can't feel mad, if I ask you for security." The defendant said, "certainly not. You can get it, if you send a man over." The defendant said, "All right. I know who will do it very cheap. It is not that I think you will not pay me, but it is better that that business is

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settled". He said, "Yes. Any time I give you security, how you want." Then he called "Martha!" to his wife, that being her name, and she came out. She asked them to go to the picnic, but Krudelbach declined, saying he was not dressed. Then the defendant said Good-bye, and Mrs. Krudelbach gave each of them a flower, and they left, and Mr. Krudelbach said, "Send a man over any time you want. I am home all the days." The defendant did send over a man, but he did not bring back the security. Mr. or Mrs. Krudelbach did not give the defendant any chattel mortgage in April, May or June, 1892; but they gave her one in August. The witness testified that "Krudelbach did throw out the man I sent for the security, and did whip him, and he came into my house and was nearly crying" and he did not bring back the security. The man's hat was all tore, and no buttons were on his coat, and the waist and everything was open, and his clothing spoiled. She could not get the security for the money she loaned the Krudelbachs, so she had them arrested, and then they gave the chattel mortgage. The wit-

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ness testified, "They wouldn't do it, first, and then Judge White said, 'If you do not give that lady a chattel mortgage, you got to go to the General Sessions' and then he said, 'I got one', and he pulled it out of his pocket, and Judge White said, 'Did you see that Mortgage?' and I said, 'No sir;' and he said, 'You go into that private room, and you see that mortgage, and see if you are satisfied.' and then Mr. Mertzbach has to explain to us all that mortgage. And then I said, 'I would not be satisfied. There isn't value enough. I wanted the piano on the chattel mortgage too.' And then he would not give it, and then the lawyer said, 'You had better give it. You will be in the Tombs to-night, if you do not give it'. And then he said, 'All right, I will give it.' And then he said, 'There is a balance on the piano yet.' and I said, 'I will pay that balance when the chattel mortgage is paid, or when it come to the time when it shall be paid.'" Krudelbach had signed it at that time, but not his wife, who did not want to sign it, but she did sign it finally. They were still under arrest then,

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and when they delivered the mortgage they were discharged. Mr. Krudelbach also said to her, the defendant, "I will get square with you." Mr. Heidelberg was standing right by at the time. Krudelbach came to her house, "Crying like a baby," and said, "You are my only friend. Will you please bring me out of that trouble? I have got such a bad trouble. I have nothing to eat. Would you please loan me \$30.?" The defendant's husband said, "Certainly. You are my friend. Whenever I have got 50 cents, you will have a quarter and I will have a quarter." And her husband gave him the \$30. at that time. Afterwards, Krudelbach sent his wife to the defendant for \$170. She went to the German Bank, the 14th Street, but it was closed. The defendant gave Mrs. Krudelbach a check for \$170. which she made out at Mr. Ess's place, and Mrs. Krudelbach gave the defendant Mr. Krudelbach's letter. She did not give the defendant a chattel mortgage at that time. Subsequently the defendant gave \$25. to Mrs. Krudelbach, who said that she wanted to buy shoes and clothes, as her shoes were without soles. Mrs. Krudelbach said, "I got two watches, and I will sell one." The defendant said, "If you sell it, I will buy it, if

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it is good". Mrs. Krudelbach said, "It is good, you can have it for \$25. My mother did give me that when I was 16 years old. The defendant said, if it is a good watch, I will buy it. Mrs. Krudelbach brought the watch to her, and it was broken, and about worthless, but the defendant gave her \$25. for the watch, and a pair of shoes. That was the second \$25.00 the defendant loaned Mrs. Krudelbach. The defendant gave Mrs. Krudelbach, altogether, \$250. The watch was not given as a present, but was purchased by the defendant for \$25.00. On the night of December 13th there was a fire in the house in which she, the defendant, lived. Her attention was first called to the fire about 2 o'clock. Her husband was then at his lodge--the Knight's and Ladies of Honor. He left about 8 o'clock to go there, and the defendant went to bed that night about 9 o'clock, putting the two children to bed first, in her bed. She undressed herself, removing her day dress, and putting on her night-gown, and she did the same with the two children. The witness testified, in regard to the fire, when she was awoken, at about 2 o'clock, as follows: "At nearly 2 o'clock it

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was somebody knocking on my door awfully hard, and I said, 'Can't you go easy? you wake all the people in the house.' I thought it was my husband; and then at that I got no answer, and they knocked again on the door, just so hard, and then I was afraid. I thought it was a tramp, or somebody that was in the cellar, and then I did go on the door, in my night-gown, and turn the key in the door, and then I saw Mr. Burron and his wife, and she had a little lamp in her hand, and when I saw it was strange people, I did go into the front room and take an undershirt over me. And then Mr. Burron said, 'You have fire in your rooms' and I said, 'Where?' and we took the lamp from the mantel-piece and looked around, and I said, 'Where?' and he said, 'Your kerosene stove is burning,' and I said, 'It is standing on the chair, and it is not burning' and he said, 'Well, there is smoke in the house, somewhere it burns,' and I said, 'We had better look around, and see,' and he said, 'No; I will go first and get a fireman, or a policeman', and I said, 'no; first we look around, and it is better we know where the fire is, and we will wake up the Bauers, on the top floor

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I and save them four children,' and then I go into the hall and holler, 'Bauer. Bauer,' two times, and this Burrton is going into nt rooms looking for fire, and the gentlemen find nothing, and I did open a closet, and there was smoke coming out, and I said, 'There must be fire in the cellar, and we will go quick down'; and there was in the closet and washstand, and there was a hole under that washstand, and the smoke came out and I went down into the cellar with him. I had two babies, Mr. Burrton did take my lamp, and we found no fire in any place, but when we did go in the small room, we see a small fire, it was not flames, but only smoke, big like my hand, a black place and smoke, and I said, 'here is some dishes. Take that coffee can and put some water on it.' There was a sink in the back room, and he did take some water.'" She gave the coffee can to Mr. Burrton, who threw water on the fire, from the sink in the basement, with the can. The fire was extinguished, and then Bauer and his bartender came down, and the women went into the defendant's room. Then the defendant went upstairs after Burrton had thrown the water on the

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wood that was burning, and Mrs. Bauer and Mrs. Burron went together into the defendant's room. They all remained there about an hour and a half. Her husband came home about half an hour after the fire---about three or half-past three. The defendant was in that cellar between 4 and 5 o'clock. She had to go to the water-closet there. The defendant denied having set the place on fire, or having had anything to do with the fire. She knew nothing of the fire until she was awaked at 2 o'clock. When the defendant went down into the cellar at 2 o'clock, the door there was open; it was not bolted. The door leading from the front part of the cellar into the little room was also open. Before that it had always been closed. "We had a lock there, but the day before, Sunday, my husband did go down to get some charcoal, to clean smonething, and then he did forget to bring up the key, he left it in the lock, and the lock was gone away; somebody did steal it." When the witness went into the cellar, at the time of the fire, the front or street door of the cellar was open. The fire was on Monday night, and on Sunday afternoon her husband

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missed the lock of the door. The first time the witness ever saw the bottle referred to in this case was when Mr. Burron brought it into her room. The witness never put alcohol in the bottle, and never had alcohol in her rooms, and used kerosene oil for illuminating purposes. The other tenants in the house also used kerosene oil. There was some plaster in her front room that had been cut into. She first noticed it about three weeks before the fire. The cutting was done by Lizzie, who was younger than Freda Bauer. The Bauer children often came into her rooms, and ate with her family and went out with them. The witness testified, regarding the cutting in the plaster, "One afternoon Lizzie and Freda Bauer comes in my rooms and I said, 'I have got to go to the butcher shop to get a little meat for supper, because my husband comes home at 5 o'clock, and I went out at 3 o'clock and I said, 'would you please mind the children while I go to the butcher shop around the corner?' and I went around to the butcher shop, and when I come back Lizzie Bauer was standing on a chair, near my sewing machine, and she did knock on the wall, and I said,

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'Lizzie, what are you doing?' and she said, 'If you tell my mamma, I will get some whipping.' and I said, 'I will not tell. I will get trouble from the agent, Mr. Zittel'. And I said, 'Where is Freda?' and she said, 'Mamma did call her up, the baby is crying.' Lizzie Bauer is 9 years old. She did the cutting with the hatchet that the defendant had in her apartments. Fire Marshal Mitchell fitted the hatchet into the cut portion of the wall, and it just fit. The defendant went to night-school in 57th Street--- The Mrs. Pell's school, that it was two years ago, and she continued there for two years. She was there also last Winter. The term closed about march 5th. She was there until the term closed. She was there every night for the past two years. There she learned to read and write English. The defendant had trouble with Mrs. Bauer about closing the front door, and Mrs. Bauer told the defendant that she would slap her, the defendant, in the face, if she closed it. The Bauer children left it open in cold weather. The defendant told the Bauer children, a few days before the fire, not to go into her, the defendant's rooms. The de-

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fendant used to take Freda Bauer to the night-school with her, and to other places, but ceased doing so, because Mrs. Hintze, the defendant's teacher said that she, the defendant, could not bring Freda to school every night. Freda was very much disappointed and angry because the defendant refused to take her to night-school after that. Regarding the bird cages; the witness testified, "I have two bird cages. One was hanging in the kitchen, and one in the front room, and that one in the kitchen did fall down the day before. I did give the birds some water and food and then the bottom did fall from the bird cage, and the bottom I had in my hand and it fell out, and the bird flew around the kitchen, and one of the holders was broke off, and I could not hang it up any more, because, it would be all open, and then I did put the cage with the other bird in the front room." About 20 people had keys to the house, including some of the trades people, as butchers, grocers, etc. Anyone could go into the cellar, by going through the front door in the main hall. That door that led into the cellar was not locked. The window could be opened;

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there was half a bolt on it, but it could be opened 112
from the inside and from the outside. In

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the witness testified that she did not work for a mid-
wife. When she was married she went to live at 428
East 32nd Street, on the first floor. That was in
1889. She had no fire there. She lived there over
a year. Then she moved to 446 East 37th Street,
on the first floor, and remained there a year. She had
no fire there. Then she moved to 349 East 37th Street
on the third floor, two flights up. She lived there
in February 1892. A fire broke out at that place.
She had three rooms, a front room, a bedroom and a
kitchen. She was then insured for \$1000. in the
German-American Company, and she received from the
Company, \$431 in payment for the loss that she sustain-
ed. The property was insured in her husband's name,
but she went to the office of the company and procured
the insurance. The policy was gotten a few months
after she was married, and was the same policy

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that she had in all the places. She first learned of the fire in 87th Street about 2 o'clock in the morning of February 28th, or about that time. The fire burned through the wall or partition between the water-closet and her kitchen---into the kitchen. The witness did not know where it originated, it burned up to the next floor. The witness said that she thought the fire burned below her floor. Some of her furniture was burned. Her husband was home at the time of the fire. She moved out of the building about half a month after. She would not remain in the smoke and smell. Her landlord offered her a whole month free, to stay, but she would not do so. She did not smell alcohol or kerosene at the time of that fire. Half of her furniture was burned and broken, so that she had to buy more from Ridley's. She took the new furniture to 83rd Street. She went from 87th to 83rd Street, on the third floor. She bought about \$50. worth of new furniture, including 7 chairs. She paid \$1.75 each for four chairs, and 75 cents each for the other three chairs. She bought them from a gentleman, on the first floor, at 521 East 83rd Street, whose name she

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did not know, but who was breaking up housekeeping. She bought some oilcloth on 3rd Avenue, somewhere between 80th and 90th Street. She paid \$7.50 for the oilcloth, she received a bill, but did not know where she put it. She made the purchase when she moved to 62nd Street, in October of last year. When she moved to 83rd Street she also bought two new trunks. That was in March, 1892. She paid \$9. or \$10. for one trunk, that she bought on Grand Street, near Ridley's, and \$7.85 for the other trunk which she bought at Bloomingdale's; that was in June. She did not get a bill for it. In the 37th Street house, where the fire occurred, there were about 14 or 15 apartments rented and about 5 empty. The people in the house had to get out of it at the time of the fire and ran across the street. About 20 people ran across the street, that night, among them being five children and some old people. Her husband did not, at that time, keep any alcohol or paints in the kitchen of his apartments. She did not see Assistant Fire Marshall Frank examine the fire in her room, nor her husband talking to Mr.

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Frank. She remembered Mr. Frank asking her, at that time, if she did not have a fire in 87th Street. The trunk that she bought at Bloomingdale's she had sent to 83rd Street. She lived in 83rd Street about 9 months. She had no fire there. From 83rd street she moved to 256 East 62nd street, where the fire happened. She continued to live in that house, in 62nd Street after the fire, until January 16th, 1893. She remembered January 14th, when the police officers came to her house about 8 o'clock. There was no fire there. It was not in the window of the little room where the fire of December 13th occurred. It was outside of the window, in the yard. She denied that the fire was inside of the window, and that the officers who came there found kerosene oil on the window of her little room, upstairs, or on the window of the little room downstairs, or that there was a heap of rags, filled with kerosene oil, burning in the window. She testified that it was outside of the window, that it was burning, and not a little bit of rag. The defendant did not know that Mrs. Coleman at 8 o'clock, that evening of January 14th, was in

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her back yard, or that she saw the flames coming from the window of the defendant's little basement room, and she did not hear Mrs. Coleman call, at the top of her voice, "Fire!" "Fire!". The witness saw the fire after, but not when she had opened the window. She put the fire out. The policeman came there after the fire was out. Mrs. Coleman was not there at all. Mr. Coleman and another gentleman were there. There were no rags; only paper, with kerosene oil on it. There was no kerosene oil on her window, but there was a stain outside, from the top of the house to the bottom. The Fire Marshal came after that, about the 15th or 16th. He went down into the cellar. Assistant Fire Marshal Frank took away some papers. The other fire was in the little room. From that house the defendant moved to 226 East 56th Street. She was insured at the time of both fires in the Hamburg-Bremen Fire Insurance Company. The insurance man came to the defendant's house, the day after the fire, but she did not know how long after the fire it was that the policy was cancelled. It was a few weeks after the fire of Jany. 14th that the money was paid and the

policy cancelled. The defendant made no claim for loss from either of the two fires. She heard that the Fire Marshal was investigating the fire, on the 15th. He was in her house on that day. He looked around the premises, and she knew that he was the Fire Marshall, and that it was his duty to investigate the cause of fires. Mr. Frank left notice for Mr. Bauer and Mr. Burron to call on him regarding the fire. This was known to the defendant, to whom the notices were given. That was after the second fire; not after the first fire. She did not know that Mrs. Coleman and the police officer had been called by Mr. Mitchell after the second fire. She would not be surprised, if she was told that neither Mr. Burron nor Mr. Bauer were called by Mr. Mitchell after the second fire, but that it was after the first fire. The witness testified, "Well, Mr. Frank come in my room, after the second fire, and he did look all around in my room, and at the window, and so he say, 'what is in that bag there?' and I said, 'That is pieces of children's dresses, and it is a few rags between it, and I need it, if I will fix a child's dress.' and he

said, 'Well, bring that bag in the kitchen and I want to see what is in it.' and I said, 'certainly, sir.' and I did bring it into the kitchen and put all the things in the bag on the floor. And he said, 'put them in again and I will take it along, and to-morrow you will get it again.' and he took the bag across the hall, and said, 'here, I have the cards. Mr. Dietrich must go and tell Mr. Barron that he must come to Mr. Mitchell's office, after 10 o'clock to-morrow morning.' and he did give me a card and my husband did go up-stairs with that card." That was the second fire, but there had been three fires in all which have occurred in apartments where the defendant lived. The witness did not know how the first fire in 87th Street started. She had enemies and suspected her neighbor, a family named Steinwetz. They lived on the same floor as the defendant, and she had known them three or four months and had trouble with them, as Mrs. Steinwetz was in the habit of going to the defendant's door and listening when the landlord was in her, the defendant's, rooms; and also Mrs. Steinwetz had a Mrs. Fisher dispossessed. Other people in that house suspected the Steinwetz of

having caused the fire, because Steinwetz had just come from the Tombs. Before she moved out of 62nd Street was was not dispossessed, but had a summons, requiring her to move on the 15th, and the fire occurred the day before she was to move--the fire of January 14th. She suspected somebody of having caused the December 13th fire, because it was not on the bottom but on the top. It smelled of alcohol. The plaster was not broken. There was a hole in the wall, "but not broken out." When she rented those rooms, the wall there was settling down about three inches, from one end to the other. There was a hole in the plaster of that little room when she rented it from Mr. Zittel, caused by the wall settling down. It was a crack about three inches wide and the length of the wall. It was on the inside of the small room, on the ceiling, close up in the corner; only on the little room. That was the room in the house 356 East 62nd Street, where the fire of December 13th occurred. It was that way when Mr. Zittel rented the premises to her. She heard Mr. Zittel testify that it was not that way at that time, but that was not true. Mr. Zittel served the

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summons upon her. She did not suspect any person of having set fire to that room. She had enemies in that house. They were the Barron and the Bauer family. The witness testified, "the first time, she knows that I did be good to the children, and take them along, but so soon as I did close the door, which her child did let open, then she did look upstairs down to me and say, 'if you close the door again, I do go down and give you a slap in the face,' and we was no longer friendly." That was about three days before the fire. As to Mrs. Barron, the witness testified, "I never did have something with that lady. But she always did sweep the dirt on my door, and she knock on my door, and said, 'I make a nice cellar fire. I make a nice fire in the cellar,' and such things she did spoke." She swept the dirt in the hall in front of the defendant's door; and she said, "I make fire in the cellar, I make nice fire," about ten times,--- whenever she saw the defendant. She also knocked on the defendant's door with a broom stick, but the defendant did not open the door, because she was afraid

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would strike her. The woman spoke so that other people in the house could hear her make that remark about causing the fire. She made those remarks after the fire of the 13th of December. The defendant did not know whether the woman meant that she or that the defendant made the "nice fire." The remark was made to make the defendant angry. After the fire the defendant did not go into Bauer's saloon, to get her beer, because his children were "awfully cross and sassy;" but she went around the corner for her beer, and that made Bauer mad. Before that fire the Bauer children and Mrs. Bauer were unfriendly to the defendant. The defendant suspected somebody of having caused the fire, but did not suspect any person in particular; she did not know. As to the third fire, she did not suspect anybody. She go into the back yard through her window; it goes straight out on the pavement. There was a wooden fence around the yard. It was about 4 1/2 feet high. She could get into the yard from the kitchen and the small window---from every window. The window where the fire was on January 14th is under

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her small room window. The room next to the kitchen---
under the window of the small room. These are the
only fires that ever happened to any rooms occupied
by her in her life. She got insured without her
husband's knowledge or consent. He did not know that
she was insured in 62nd street. At the time she gave
Mrs. Krudelbach a check for \$170. on the German Sav-
ings Bank, corner of 14th Street and 4th Avenue, she
also gave Mrs. Krudelbach her, the defendant's
Savings Bank book. Mr. Tiedeman, of 116 Nassau Street,
was the man the defendant sent to the Krudelbachs for
the security, and whom they assaulted. He was not a
lawyer. It was after the assault upon Mr. Tiedeman
that the defendant caused the arrest of Krudelbach.
The charge upon which Krudelbach and his wife were ar-
rested was for swindling the defendant and her husband
out of \$225. They were down to Jefferson Market and
afterwards were discharged. When she lived in 62nd
Street, she bought a carpet and oilcloth, which she
used on the front room. It was there at the time of
the fire. It was a mat about four and a half yards

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long and 2 1/2 yards broad. She bought it on the first
of December, at 1121 1st Avenue, and paid \$15.00 for
it. She did not remember the party's name, and she
did not get a bill for it. She also bought some
oilcloth at the corner of 3rd Avenue and 86th Street
which she used in the kitchen. There was 10 yards,
for which she paid \$5.35, "or something like that"
she also bought a new wash-tub, for which she paid
about \$1.50. She also bought a new kerosene oil-
stove, and about \$5. or \$7. worth of crockery and some
new dresses. The price paid for the kerosene oil-stove
was included in the price named for the crockery.
She bought two dresses, costing about \$10. for both;
also some things for Christmas, and some plush and
linen. This was all new. And cost about \$20. and
was bought in October or the first part of December.
She estimated the jewelry at \$200.00, and all the
other property was worth about \$2300. At the time of
the fire in 37th Street the property she lost was worth
\$800. or \$900., and she received, for her loss, \$400.
or \$451" or something like that." Some of that was

the money that she loaned Krudelbach. She had some of ¹²⁴
the money in the bank; part of it belonged to her and
part to her husband. In

R e - D i r e c t E x a m i n a t i o n

the witness testified that when she bought goods
sometimes she got bills and sometimes she did not get
bills for them. In addition to the two dresses
that she got before Christmas, she had other dresses,
and the children and her husband had clothing. She
had to buy new furniture after the fire in 37th Street,
and she had that furniture in 32nd street. The fire
on January 14th was outside of her window, underneath
the window, and the window was closed. She was in
another room, at the time, getting butter and bread, and
on returning, saw the light of the fire which was in
the yard; and she went into the hall and call "fire!"
to her husband who was in the cellar, to get some water.
He did not hear her at first, on account of the noise
of the running water in the cellar, and, therefore,
did not come up right away. She took a dish pan and

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opened the window and threw water on the top of the fire, and put out the fire. The witness testified, "there was a swing window, and after I was in, my husband did come up from the cellar, and I said, there was a fire again, and he said, 'Oh, you are crazy,' and I said, 'No, I show you', and I did put my hand in, and I did let more smell, and it was all kerosene, and he said, 'Oh, that is a trick of somebody in the house.' Then a policeman did knock on the door, just as my husband wanted to put on his rubbers to go for the policeman, and then they did come in, three policemen and Mr. Coleman, and another strange man, and the policemen said, 'Is this the house where the fire was?' and I said, 'Yes; come into that small room.' and I did open the window and said, 'it does smell awfully of kerosene', and then a policeman said, 'Give me a broome,' and he did get the broome, and he did open that window and throw all that paper in the cellar." The policeman shoved the paper into the cellar, and it was there when the Fire Marshall came there.

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People from the upper flats were in the habit of throwing things into the yard, such as butter dishes, paper, etc., and, on one occasion, two pounds of butter fell down. Mr. Frank was very rough, and said, "You did make three fires yet, and, if I do catch you again, we don't let you go again." He said he had 20 witnesses against the defendant. Mr. Zittel could not have discovered the crack in the wall, if he hadn't gone in and made an examination of the place. That was the only place that showed a crack; the other places seemed all right. The wood could be seen through the crack. When Mrs. Burron, after the fire, spoke to the defendant and said, "I make a nice fire in the cellar," she said it in a teasing way. Mr. Zittel took out the summons to dispossess the defendant in January, after the fire. No summons was taken out before that, and she had paid her rent regularly. No dispossess proceedings were taken against the defendant. She paid the rent up to the 15th of January and then moved. Behind her house, in 61st Street, there were vacant lots, and anybody could jump over the fence and get

into the defendant's yard. There was a stone yard
and a horse stable. In

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R e - C r o s s - E x a m i n a t i o n

The witness testified Mr. Mitchell came there and saw the fire. He did not go into the yard, but looked at it from the window. Mr. Frank and the police officers went into the yard that same night, and her husband and Mr. Coleman. That fire occurred about 7 o'clock at night, "and the Italian people had company that night." In the broken space on the wall, the witness could see the beam, but not the laths, or the studding. The wood that she saw was the wood of the beam and no other. She saw the wall after the policeman had broken it with the hatchet. The sticks going from the floor up to the ceiling did not go all the way up to the beam; they had settled. The plaster was all right in the back room. When her husband went out on the night of the fire, he did not return home until 3 o'clock, but, after the lodge meeting he went out with a friend.

MARTHA C.E.HINTZE, testified that she was a teacher in 1891 and is still a teacher. She was connected with the evening school, held in Grammar School No. 59, in 57th Street. She knew the defendant, who was formerly a pupil of hers, the witness's, at that school. She was a pupil during two years, April 1891 to 1893. The defendant was perfect in her attendance at the school. She, the witness knew the defendant, and knew others who knew her, and her reputation was good. She was truthful and proper in her deportment, and never had a mark against her.

C r o s s E x a m i n a t i o n

(None)

ELIZA A. PELL, testified that she was Principal of the evening school in East 57th Street in 1891, 1892 and 1893. She knew the defendant, who attended her school from 1891 to 1893, and was prompt in attendance, and of

excellent character. She came there, sometimes, with her child.

C r o s s E x a m i n a t i o n

(None.)

THOMAS ANDREAS LINDHOLM, testified that he was a blacksmith, and lived at 347 East 78th Street, and had known the defendant for 13 to 14 months. He also knew the defendant's husband, and had visited their house. The defendant's reputation was good.

C r o s s - E x a m i n a t i o n

(None.)

ALPHONSO CASTALDO, testified that he is the Manager of the Beethoven Maennorchor Hall, in 5th Street, between Bower and Second Avenue, and knew the defendant, but had only seen her twice. He knew her husband since 1885. In

the summer of 1892 he, the witness, saw Mr. and Mrs. Dietrich and Mr. and Mrs. Krudelbach in the Jefferson Market Court room. "When Krudelbach was going back from the Judge's stand, he passed down the alley, and we three were sitting together on one bench, and Mr. Krudelbach he nodded to me, and he said, in a low voice, "God damn it. I fix you. I make you suffer for it." The witness was sitting on the same bench with Mr. and Mrs. Dietrich, at the time.

C R O S S - E X A M I N A T I O N

(None.)

CHARLES ADOLPH DIETRICH, testified that he is the husband of the defendant. He was married to her in September, 1889. He was living, in the months of October, November and December, 1892, in 62nd Street. He is a fresco painter. The witness testified, as to how the rooms were situated in the basement, "When I did went down from the stairs, to go in the basement, you first came

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in the front basement, and, in the front basement was,
on the lefthand side facing to the street, three little
wooden departments for coal and wood; and, on the right-
hand side, in the corner, on the wall what was between
front and rear, was the water-closet, a wooden place
around there, and then the water-closet; and then,
after that, in the middle of this wall, was the door
to the rear room, what you call kitchen or something;
and, on one side, in the corner, was the sink, with
running water; and then, on the righthand side, when
you went in, was the door for the little room. The
wood and coal bins were for the tenants; everyone had
one. The two upper parties had one water-closet for
themselves, and the other was for the people down-
stairs, and that was not locked; and in the water-closet
was no ceiling at all; the slats and everything was
broken down. It was not in good condition when he
moved into that place. In the little room, on one
side, was nailed wood instead of plaster. That was a-
bout a foot and a half from the ceiling. A small
crack was there, near the ceiling, and under that

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crack there were other boards. From the corner of the ceiling, in the small room, there was a hole, going alongside to the door. The crack was 2 1/2 or 3 inches wide, and extended from one corner to the other; from the door that you enter, to the rear of the wall. And there was nailed, under this hole, going along, boards, about five or six inches wide, and old board kalsomined. It had been kalsomined before the witness moved there. It was now, fresh, blue, kalsomine, fresh before the witness moved in there. You could see three or four pieces of the strudding. The woodwork that had been nailed in that opening was covered with kalsomine, so that the whole of the wall appeared to be kalsomined. You could see the beams, and then there was the opening, and then the board. The board was three inches from the top of the ceiling, the board that was kalsomined; between the top of the board and the ceiling was about three inches; the hole. The witness testified, regarding the furniture in his apartments, "Well, we had in there one big folding bed, with a French plate ornamental glas in it, what you call

a mirror, with a hair mattress in it, and then one small folding bed, with a hair mattress in it, walnut--- that big bed was mahogany---and then the cradle, solid mahogany, with mattress in it and bedding, and so also in the other; and, in the front room, about 9 chairs, I am not sure, it might be one more or less, and then one walnut table, with turned legs, solid walnut and extension table and a sewing machine; and then a red rug or mat, what you call it---this is the 32nd street house I am now talking about---and about 8 or 9 pictures, engravings, different kinds, hanging on the wall; a small plate looking glass, and a small table, walnut, with ornamental legs; that is, there were two walnut tables; and one mahogany bureau; then another table, the under part was maple and the upper part was mahogany, what you could take out and place somewhere else, what you call a wine table, and then lace curtains, and curtain poles, and shades, and mantel ornaments, and bric-a-brac, and a clock; also many dresses, two coats, overcoats and several suits, four or five umbrellas, silver and gold canes, ten or

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twelve pairs of shoes, in good condition, and hats, and children's clothing and other things." He also had oilcloth in the kitchen, kitchen utensils, etc. He moved in there on the 14th or 15th of October, and left on January 13th, 1893. They were in there three months. The door that led from the large room in the cellar to the other room, in the rear, was not locked when he moved into that house. He, the witness, put in two hooks, with a lock, and he carried the key. Sometimes it was locked and some times it was not. He remembered the day of the fire or on the day after the fire, his attention was called to the fact that the lock was not on the door. On the evening of the 12th it was locked. He went to his lodge on Monday, December 12th, 1893, about 8 o'clock. It was the Knights and Ladies' of Honor, Schiller Lodge, No. 215. There was a general meeting of the lodge, held that night. The meeting lasted until after one o'clock. After the session the witness remained there talking with other members of the lodge, until about 2 o'clock, and, when he arrived home, it was about 3 o'clock, and the front door was locked, but he opened

it, and as soon as he opened the door, he smelt fire. He went into his wife's room, and had a conversation with her, and, at that time, the fire was over, and he did not see the fire. He remembered fire breaking out about a month afterward, in the same place, in 32nd Street. The fire was outside of a little light shaft for the window belonging in the basement. At the time of the fire, the witness was in the cellar in the basement, he went for water, as it was the coldest day of the year, and everyone had to go into the basement for water, as the pipes were frozen through the house. The other tenants had to do the same thing. He brought up water to last all night and for the next morning, and put it in pails, the dish-pan and other vessels. When he came upstairs his wife was standing there in excitement, she just came from the rear to the front to the door, where he was and she said, "Why did you not come up?" he said, "What for?" she said, "Now didn't you hear that I did call for you, and say 'Carl, fire !'". When the witness saw what was the matter, he put on his rubber boots, raised the window

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jumped out in the snow, and kicked snow on the fire in the hole, putting it out. After putting the fire out police officers came in, and asked the witness if there had been a fire there, and asked for a broome, and swept the debris into the cellar. One of the officers asked the other what report he should make of the fire. Then they called for paper and wrote, and went away, and about 11 o'clock they returned with Assistant Fire Marshal Frank. He looked at the window and said, "There is kerosene oil on it." The witness smelled kerosene downstairs where the fire was. The witness corroborated his wife as to their visit to Krudelbach's at Long Island City in June 1892. The testimony of Krudelbach and his wife was not true, that he, the witness, went into their house, and remained there half an hour or an hour and a half. His, the witness's, wife did not say, "We will let a warm wind go over it once more. That is the best way to sell ou," referring to the disposition that they intended to make of their furniture when they went to Europe. Krudelbach did not say, "What do you mean by that?" and he, the

witness, did not reply, "Shot up. What do you know about it?" and he did not then say, "You know I always have plenty of paint and stuff in the house, and, at nights my alcohol bottle breaks, and you know we had that fire, and I did some repairing in the house, and I removed the plaster in some part of the wall, so that the stuff can soak in better." He did not say, "Shot up. What do you know about it?" And his wife did not reply, "Foolish people use kerosene oil, but we know better." The witness testified that the whole statement with reference to the conversation between him and his wife and Mr. Krudelbach and his wife, is "The greatest lie." and absolutely false. On that occasion he was talking to the Krudeloachs about 10 minutes, and all the conversation was carried on outside of the house. He heard what his wife said at that time to the Krudelbach's. She spoke about security. The witness loaned Krudelbach money on a previous occasion. He offered, as security, a life insurance policy, but he never gave it to the witness. Mr. Krudelbach never gave him, the witness, any security

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before the month of July, 1902. On the 4th or 8th of August he received from Krudelbach a chattel mortgage, but before that time he did not receive any chattel mortgage from Krudelbach or any security. It was not until three weeks after the arrest of Krudelbach and his wife that they gave the chattel mortgage. The hearing was adjourned three or four times, until the month of August, and then they gave this chattel mortgage. First Krudelbach offered a chattel mortgage, privately, before they saw the Judge, after he was arrested, but the witness did not look at it. Then the parties went to see the Judge, and, then the opposite lawyers wanted to have the case adjourned again, and the witness objected, saying, "I am a working man, and I lose my work, to stay away so many times." The other lawyer then offered the chattel mortgage, and the Judge asked the witness, "Did you look at it?" and the witness said, no. The Judge then directed all the parties to go into another room, and examine the chattel mortgage. The witness explained to the Judge that he did not understand English

perfectly, and the Judge thereupon instructed a Mr. Mertzbach to go with them and explain the paper to the witness. Mr. Mertzbach suggested a number of changes in the paper, where it was defective, as, for instance, Krudelbach's wife did not join in it, there was no seal, only a portion of the property was included in it, and it was not acknowledged, and there was no rate of interest mentioned, and the piano was omitted from it. Mr. Mertzbach had these defects remedied, and the paper properly executed. When the case first came up, in July, the witness was in Court, and Mr. Castaldo was sitting next to him, and Mr. Krudelbach, as he came from the stand, and passed the witness, said, "Never mind. That you brought my wife, who is sick over here, I will fix you afterwards." He was mad, and said that in an angry tone, and he said it so that a good many people could hear him. In

Cross Examination

the witness testified that Mr. Castaldo heard Krudelbach's threat. At the time of the fire in the

little "box" or light shaft, in the yard, under the defendant's window, the witness went downstairs to get water for household purposes, and when he returned, his wife told him about the fire that she had discovered while he was downstairs. He was downstairs about 10 or 15 minutes, that includes the time of going down remaining in the cellar, and returning upstairs again. While in the cellar, he took a lighted candle, and held it to the water pipe to thaw it out, and then drew a pail of water and brought it upstairs. Mr. Mitchell and Mr. Frank examined the window sill of his rooms, over the fire, and also the scene of the fire in the yard. When he, the witness, learned of the fire, he started to go for a policeman, so that the policeman could see, for himself, the state of affairs because, the witness testified, "it was once fire in the house before, and it was the day before we had to move, and so everybody could understand that every one would say that I know something about it. And, for that, I went right away to get the officer." In answer to the question, "Well, why did you think that"

everybody would say that you knew about it?" The witness testified, "Of course, everybody did look after us after the fire, and did speak in the hall, that we could hear every time, as we done something," And the witness was afraid they would do the same thing about the second fire. As he was about to start for a policeman, several police officers entered the house, and inquired about the fire. He, the witness, did not know that Mrs. Coleman had been in the back of the house, and had discovered the fire and notified the police officers, who came in response to her alarm. He did not know what his wife was doing, while he was in the cellar. The door of the cellar was not locked at that time. The witness took the lock away one or two days before, and all his things that were in the cellar, because they were going to move. The lock belonged to the witness, and he had a right to take it away, when moving. The witness had a sewing machine for which he paid \$20.00, and had it about 3 1/2 yards. The Mahogany cradle he had about three years. He did not pay anything for it, but which

was worth \$8. or \$10. It was solid mahogany. He had a solid mahogany bed costing \$75. He had it two years. He had 8 or 9 engravings hanging on the wall, that were worth \$5. He also had a large number of engravings in his trunk, which are worth, altogether, \$250. His two walnut tables were worth, one \$2. and the other \$6., the mahogany bureau, \$8., and a table in the kitchen, \$3. lace curtains, about \$6. canes, umbrellas, umbrella stand, and mantel ornaments, \$35; stove \$15; clothing, about \$200. The engravings are at home in his trunk. He did not pay \$250. for them, but they are worth that sum. As to the fire of the 13th of December: the fire took place early on Tuesday morning. He was in the cellar on Monday, the 13th, about 5 o'clock in the afternoon, but did not see the lock. He hadn't removed it at that time, but it was gone. He saw the lock before that, on Sunday, about three o'clock in the afternoon. That was the last time he saw it. The lock was then in place on the door, as if the door was locked. He didn't go down into the cellar again until the afternoon of the

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next day, and then the lock was gone. He did not know who took it. He did not do anything to find the lock after he discovered that it was missing. He used alcohol in his business some times; very seldom. In

Re - Direct Examination

the witness testified that he never had alcohol in the house, and he never saw the bottle shown to him. The pictures he spoke about having in his trunk were works of art. He is a fresco painter, and his occupation deals in art matters, and he used the pictures in connection with his business. There were four or five hundred pictures, which he had gathered from time to time, in the course of his business; also designs, hand made, in water-color. Some of the pictures were two hundred years ago, and over, and books and engravings, and they were very valuable to him in his business.

R E B U T T A L

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LIZZIE BAUER: testified that she knew the defendant, and lived in the same house with her, and used to go into the defendant's house, and play with the defendant's children. She testified that she did not have any trouble with the defendant; that the defendant did not scold her, or chase her out of her, the defendant's rooms; that she, the witness, never cut the walls of the defendant's rooms with a hatchet; and that it was not true that the defendant went out one day and left her, the witness, and that when the defendant came back she found her, the witness, standing on the top of a chair, with a hatchet in her hand, cutting her wall with it; that she, the witness, never did it. Nobody ever caught her with a hatchet in her hand, standing on a chair, in the defendant's rooms. She remembered the day that the fire occurred, in the morning, when her, the witness's father took her out. She had been in the defendant's rooms the day before that fire. The witness and her sister told the defendant, on that

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occasion, that they were going to get Christmas presents from Bloomingdales, and thereupon, the defendant gave her, the witness, two cents. In

Cross - Examination

the witness testified that she used to go into the defendant's rooms every day since she lived there, and play with the defendant's little girls, and saw in the defendant's front room, a bed, a cradle and a number of chairs. In

Re - Direct Examination

the witness testified that she was 8 years of age, and that whenever she did wrong, or tell a lie, she was whipped for it. The witness testified that she never saw a hatchet in the defendant's apartments, and that she did not know if she had one there.

JAMES MITCHELL, testified that he carefully examined the cuts on the wall. He stood on a chair to inspect them. "The cuts were in the plaster in the wall, when I

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made the examination, were on the corner, the edge of the chimney breast, and I did not measure the exact distance, but to the best of my recollection or judgment at the time, the lowest of them was about six feet from the floor. There were four cuts, one after the other, in the edge of the corner of the chimney breast, cut in on the corner, as though they were cut in there. I examined them very carefully, and I got up to them very closely, because my sight is not very good, and I use glasses." He did not remember whether he took the axe and fitted it into the cuts, his memory is not exact about that, but he found indentations in the wall that were made by the edge of a sharp instrument. The direction of the cuts was downward, from the corner downward, so that the blow would be from above, apparently. The cuts were rather close to-gether, two inches would probably be the widest space between any two of those cuts. The witness went to the house in 62nd Street after the second fire, of January 14th. He found traces of kerosene on the stone sill and part of the wood of the

1032

147

frame of the window, and running down the stone on the outside of the sill, and running down the sill, to the opening of this window. He found a blotch of kerosene on the window sill. It had touched the wood-work, and the kerosene had run down on the outside, running from the window above to the window in the basement. There was also a trace of kerosene on the shutters of the little room, back on the first floor, but none outside. He examined the wall above the window, by stretching out and looking up, but saw no trace of kerosene above that window. He noticed the yard and back fence. The top of the back fence was covered with a coating of snow. There had been a recent fall of snow, and the snow was fresh in the yard, and the yard fence was covered with snow. There was a cross piece, about two inches broad, on the top and that bore a certain amount of snow all around, and of uniform depth. He looked at it carefully to ascertain whether there had been any approach to the window from the outside. He also noticed the snow in the yard itself. There was no breakage in the

sheet of snow in the yard except directly between the kitchen window and the window where the fire was found burning; no footprints, except from the kitchen and from that leading directly to where the fire was; and there was some stamping of snow immediately around this space, where the kerosene had run down and where some remnants of this burned paper, etc., was still lying. Referring to the fire of December 13th: the witness visited the premises the second day after the fire ---about December 15th. He went into the room. All the partition was standing except this portion that had been broken out where the evidences of fire had been at that time. The plaster and the partition was unbroken to the ceiling. There might have been a slight crack under the line of the ceiling, but no opening, except where the fire had been, broken away around this space where the fire was. About five feet of that wall, in length, was left unbroken; taking the space on both sides of the hole. In

C r o s s - E x a m i n a t i o n

the witness testified that there was a board on the

1034

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wall; it had been kalsomined over. There was some space between the top of that board and the ceiling; no opening; he could not see into the space; the wall was not broken away---that is, the portions that were not broken out by the fire. The board was a couple of inches from the ceiling. There might have been a crack above the board, he did not see any opening below it. The opening was where the plaster had been cut away around the space where the fire had been. There was no trace of kerosene on the outside of the shutter, but on the inside; so that if the shutter had been opened, and kerosene had been poured upon it, it would have appeared where the witness found it. He examined the outside wall, up to the next story, but found no streaks. The wall was perfectly dry at that time. The witness testified that there were two cuts, he thought, in the side of the wall. Some of the cuts were higher and some lower from the floor. The cuts on the side wall, in the front room, that he saw, were about six feet from the floor; the lowest was about six feet from the floor. The board on the partition of the basement was kalsomin-

1035

150

ed. It did not run the whole length of the room, but extended from a point near the break towards the front. It commenced some three or four inches from where the witness observed the break. The board was about six inches wide, and appeared to be a half inch plank. It was about two inches from the ceiling, and the witness could see over the top of the board to the wall, between the board and the wall, and in that space of two inches he did not observe any opening. He did observe a crack, that the blade of a knife could be run into. The beam could be seen only at that part where the break was, but not at the crack. He could not see the beam anywhere between the board and the ceiling. He could see two of the studdings through the part that was broken open. It exposed the beam, the side and the bottom of the beam and extended to the ceiling. The witness testified that the studding connected with the beam above.

OFFICER GROSKY, testified that he went into the premises in 62nd street after the second fire of January 14th.

He arrived there between 8 and 9 o'clock. Mr. Coleman gave him information regarding the premises. The witness went to the defendant's apartments, and saw Mr. Dietrich putting on his shoes. The witness asked where the fire was, and Mr. Dietrich said, it is outside, because somebody was playing a trick on me." The witness took a lamp and went outside of the window of the small room. Mr. Dietrich directed the witness to the place where the fire was, and said that he had put snow on it. The fire was out when the witness got there, and he saw no smoke, but smelled kerosene. Then the witness took a broom and swept more snow down where the fire was. He examined the yard and fence to see if there were footprints or marks, but saw none. In

R e - D i r e c t - E x a m i n a t i o n

the witness testified that the yard was about 10 feet square.

1037

152

In

R e - C r o s s E x a m i n a t i o n

the witness testified that he stood at the window,
and from there, looked over at the fence.

MARY COLEMAN: testified that she remembered the second fire in
the house next to her, on January 14th. She saw the
fire, and was in her own yard at that time. It was
between 8 and 9 o'clock. As she went into the yard,
from her back window, she saw the fire; it was burning
brightly. She went up to the fence, but saw nobody
in the yard of the house in which the fire occurred;
but she could have seen anybody if any one had been
there at the time. The fire was under the window of
the defendant's small room. The witness called her
husband to look at the fire. Then she saw somebody
throw water with a dish-pan out of the defendant's
apartments, on the fire, but could not see who did it.
That was after the witness called out.

-----X

The People

vs.

Helena Dietrich.

-----X

Indicted 10th of Feby. 1893. Arson 1st degree.
Charged with burning premises No. 356 E. 62nd Street,
on the 13th day of December 1892.

Mrs. Thomas P. Coleman, 360 E. 62nd Street, first floor,
states as follows:

I lived at No. 358 three years; Mrs. Dietrich lived in
the next house to me, 356. The first time that I ever
saw the defendant was about two or three weeks before
the first fire, December 13th.

About twenty minutes to two, December 13th, Mrs. Drake,
who lived up stairs, came down and knocked at my door, and
told me I had better get up as the house was full of
smoke. I was there with my three children. I got up and
got dressed. I looked out of the front window but didn't
see any smoke in the street at the time, but the hall was
quite full of smoke. I left my rooms and went out on
the street and into the next house to see whether there
was much of a fire there. The front door was open into
the main hall. As I entered the hall I saw the defend-
ant, Mrs. Dietrich talking with a lady who lived up stairs
I asked if there was a fire in there. The woman who was

2.

talking to Mrs. Dietrich, answered, no. Two policemen came in. The policemen went down in the cellar and I followed them. I left Mrs. Dietrich in the hall. When I got down there I saw Mr. Eower, the man who lived on the top floor, putting out the fire. I went into the kitchen and saw a fire in the partition between the closet and the back kitchen upnear the ceiling. I could see a hole in the plaster where the fire was about a foot and a half long and about four or five inches wide; I could see the cross beam burnt. The policeman wanted an axe to make the hole bigger; there was none around there; I said I would go and get him one. I went and got a hatchet and gave it to the officer. He used it to break away the plaster. I took the axe home again with me and it remained there. The fire had not burned through to the side of the partition in the pantry. When I got down there the kitchen was entirely empty, nor was there anything in the other room. All this took about five minutes. As we came up stairs I saw Mrs. Dietrich and also saw Mrs. Euron, who lived on the second floor. The defendant seemed quite calm.

About a month afterwards, on January 14th, on Saturday night about eight o'clock, I went out in the yard to take in some clothes. I saw the next yard where Mrs. Dietrich lived, all lighted up. I went to the fence to see what it was, looked over and saw the cellar window in a blaze; it was the window of the store-room next to the kitchen, where the first fire was; it was snowing at the time.;

3.

nobody was in the yard. I called to my husband to come out and look at it . He came and went over to the fence, and tried to knock a board off the fence to get over, and somebody threw a pan of water out to put it out. There was a strong smell of kerosene oil. I called loud to my husband before he came out so that people could easily hear me. I did not see who it was that poured the water; I could only see the tin dish-pan, and then I smelled a strong odor of kerosene.

4.

JOSEPH BURRAN, 356 East 62nd Street, states as follows

I am in the shirt business. December 13th I lived at this place, one flat over the premises occupied by the defendant Dietrich.

I own a parrot. He began to scream out about half-past one in the morning of December 13th, which woke up my wife. My wife called me and said, Joe, the kitchen is full of smoke--the parrot was in the kitchen. I then got up. While I was getting up my wife opened the hall-door and saw a lot of smoke in the hall, and said that the fire was in the house. I first examined my rooms, saw nothing and then went down stairs. I looked over the banister at the cellar stairs and saw a dense smoke in the cellar. I went down to the first floor to Mrs. Dietrich's back room; the door was partially open. When I got inside the room I called for Mrs. Dietrich. There was no light in the room I opened; the room was full of smoke. There was a light in the bed room. In about a minute after I called her Mrs. Dietrich came out of her bedroom with a lamp and dressed. I said in the presence of Mrs. Dietrich, "we had better send out an alarm for the engines, or for an officer." Mrs. Dietrich said we had better look first and see if we need anybody. At the time she said this, there were in the room, my wife, Mr. Bower, Mrs. Bower and the bartender and two children. I was in my bare feet, and we first examined Mrs. Dietrich's room, the floor seemed hot in one place, and that place was

5.

over the partition in the cellar. I asked her if there was a stove there. She said I have no fire in the house; you had better look into the cellar. Then we all went down in the cellar. The bartender went first, I followed him, and then Mr. Bower came. We looked at the front of the cellar, and there was no fire there. We then went into a small room at the back and there found a fire in the partition near the ceiling, under a beam; we threw water on the fire and put it out, the girder and partition was burnt.

About half-past eight that same evening my wife went down into the cellar to take a piece of bedstead. I remained in my room. My wife soon came up again to get some more to take down. I am informed by her that when she first went down she saw Mrs. Dietrich coming up out of the cellar. ^{then my wife and I carried something} Then my wife and I carried something down into the cellar, and we saw that the door leading into the back room in the cellar, was locked with a padlock; we also smelled something like turpentine or benzine or alcohol; it seemed to come from that room. I then went up stairs. I had been down there that morning. I had been down there Sunday morning with a piece of board and noticed that the room was locked. When I went down there at the time of the fire the room was open.

After the policemen had left we thought the fire was out. Mr. Bower, the bartender, and I remained in the room so as to be sure the fire did not break out again. We

6

threw a little more water on the fire, and then looked around the room and we found a bottle in the front cellar, lying in some rubbish; there was still some liquid in it. I brought the bottle up with me into Dietrich's room. I smelled the bottle, it smelled like that which my wife and I had smelled. Mrs. Dietrich was there, and my wife and Mrs. Bower. I said to Mrs. Dietrich, "Did you ever have such a bottle in your house?" She said, "no." I said; "Mrs. Dietrich, what was the reason the cellar was open to-night?" Mrs. Dietrich said her husband took the lock away about a week ago. I said that is impossible for me to believe, because I saw the lock on the door last night. I said, "Where is your husband to-night?" She said he went down to a meeting. I said it would be better if he was here to-night. Then I went up stairs in my house. I gave the bottle to Mr. Bower. I asked her about the wall which had been broken in the cellar, where the fire was. She said it was broken that way when she moved in. The Agent, Mr. Zeittel, says it was in perfect condition when she moved in.

7.

OFFICER GROSKY, 25th Precinct.

I was on post on the morning of December 13th. The premises where the fire occurred are on my post. Mrs. Coleman came out to me on post and gave me information of the fire. I immediately went to the premises. I went into Mrs. Coleman's house first, looked around but could not see any fire, but there was plenty of smoke. I left Mrs. Coleman's house and went out on post again up toward 2nd Avenue, having told her I would be within reach if a fire broke out. I had not been there but a few minutes, when Burran came up and told me there was a fire in his house. I then went down to the house 356 East 62nd Street, and went in. As soon as I went in there was a strong smell of smoke or alcohol, or benzine. I went down stairs in the rear kitchen, there I saw Mr. Barran and Mr. Bower putting water on this partition. I said I will call in my side-partner. I went out and got him, Officer Sampson. We both went down and found Mrs. Coleman down in the cellar. We asked for a hatchet, somebody gave us a hatchet, and we chopped down the wall; we found stains all along the wall. I smelled the wall and it had a smell of alcohol at the point where the yellow stains were. I reported the fire as a suspicious fire.

On January 14th, about eight o'clock, I and my partner, Officer Sampson were notified of another fire in these premises by Mr. Coleman. They went there but the fire had been put out by Dietrich. Examined the yard, there was a heavy fall of snow. I could see the yard was all clear of footsteps around the window where Dietrich

8.

had been working. The material which had been burning had been pushed into the little room in the back cellar. I examined it and found pieces of paper and cloth all saturated with kerosene oil; and kerosene oil was on the window sill. About half-past twelve the same evening, Assistant Fire Marshal Frank came to the station house, and we went over to the premises where the fire was together, and examined them, and found the saturated material there, and Mr. Frank took it away with him at that time.

Statement of
ASSISTANT FIRE MARSHAL FRANK.

I arrived at the premises in question between nine and ten o'clock the same morning of the fire. I seen Mrs. Dietrich the first one. I asked her ~~where~~ where the fire was, and she says, down in the rear room, in the cellar. I asked her who occupied it. She said she did, but did not use it. I asked her then what she knew about the fire, and she said she knew nothing. I asked her where her husband was, and she said he was down to a meeting of the lodge on the Bowery. I then asked her where she was at the time of the fire. She said she was in bed with the two children, sleeping on the first floor, she was aroused by some one coming to her door and told her to get up, that the place was on fire. She said she knew nothing of the fire. I returned to the basement and made an examination alone, and found that the fire was in the partition in the centre; found that the fire was up high under the girder and studding and lath. I examined it and found that there had been alcohol used; found that the walls on both sides were stained very yellow. I smelled it and found that it smelled of alcohol. I went up stairs again and spoke with her, and she said she was insured for fifteen hundred dollars in the Hamburg, Bremen Insurance Co. She had a policy in her possession. I asked her if she ever had a fire before. She said, yes, at East 87th Street where they

10.

lived. I then got through and returned to the office, and looked up the records of Dietrich, and found that they had a fire and recovered four hundred dollars from the Insurance Companies, about two or three months before. The next morning I again visited the premises and was then informed by Mr. Bower that Mr. Durran found a bottle lying in the front cellar in some rubbish, which contained some liquid. I asked him who had it. He told me the Agent had it. I went up to the Agent. He had the bottle in his office and he gave it to me. The bottle was labeled "Rochel Salts," and there was some Rochel salts in it, and the Rochel salts smelled of alcohol. *Bottle with Rochel Salts*

On the 14th of January I went to the same house accompanied by Officer Grosky; arrived there about 12:30, and went through and was admitted by Mr. Dietrich. He knew me from the previous fire. I says, got a lamp; he ~~fix~~ got a lamp, and I asked him in reference to the fire. He told me that he was down in the cellar to get some water on account of the water up stairs being frozen. He was down in the cellar, his wife called to him and told him there was a fire in the rear of the house. He came up to the window of their rear room-west-and he found a fire burning outside of his window, he said he took some water and put the fire out, after which he went out of the middle window(rear) to the yard, and threw snow on it. Then the officers came and the stuff was all pushed down into the cellar, in the room where the previous fire was.

II.

I then talked with her and asked her what she knew about the fire. She said she was going to the front room to get some bread was there, and took it and put it in the bread-box that stood in the window sill of the room where the fire was; that she had got as far as the door leading to the centre of the room to this rear room when she seen a bright light at the window. She then dropped her bread and called to her husband that there was a fire.

I then went with the officer down into the cellar, made an examination of the stuff, and found paper and rags, wooden butter dishes and rubbish saturated with kerosene oil, which I took away as an exhibit to the office. I then came again up stairs to this room where the fire was at the window and examined that. I found the kerosine oil saturated on the lintel of the window casing and the two slats of the shutters. I then left the premises.

12.

Statement of

MRS. JOHN BOWER, 655 11th Avenue.

At the time of the fire in December in Mrs. Dietrich's house I lived on the top floor. I came home about five o'clock in the afternoon before the first fire, and smelled something like varnish, or turpentine, or alcohol, and went up stairs, had my supper and still continued to smell an odor, and in the evening I went down to Mrs. Dietrich's room, asked her if she knew what it was, she said, no. Stayed there about half an hour, then went up stairs and went to bed. Later on, about half-past one, heard a noise as if somebody calling out in the house. Got up, opened the door, the house was full of smoke. We all went down stairs; got as far as Dietrich's room and told her about it. Somebody suggested that a policeman be called. Mrs. Dietrich said, no, it was not necessary, we had better look in the cellar first, that the fire might be down there. Then Mr. Bower and the bartender, Mr. Burran went down stairs. Mrs. Dietrich also went down in the cellar. I and Mrs. Burran went into Dietrich's rooms, into the small bedroom off the kitchen. There was no carpet on the floor of the bed room; there was no bedstead; no chairs; no mattress; some old pillows stuffed with straw and a bag of rags, also a washtub. This room was right over the place where the fire was.

Before Mrs. Dietrich went down stairs with the men to see about the fire, the housekeeper next door came in.

13.

Mrs. Dietrich said "What is she doing in here; what does she want." I said she is the housekeeper next door. Mrs. Dietrich said: "She has nothing to do in here; if she comes in here again I will chase her out."

Mrs. Dietrich was fully dressed when the fire was discovered.

14.

FREDA BOWER, 655 11th Avenue; eleven years of age.

A few days before the fire I was in Mrs. Dietrich's room playing with the baby; stayed in there a little while and saw a square bottle in Mrs. Dietrich's room, which was partly covered by a cloth. I saw the bottle again in my father's hands; he said he got it in the cellar. I used to go into her room nearly every day.

15.

JOHN BOWER, 655 Eleventh Avenue.

About eight o'clock Fred Bower and myself went over to the house for supper, and we smelled something like alcohol or benzine in the hall. We had our supper, went back to the store, smelled the same odor again going out. Closed the store at about twelve o'clock and went home together; smelled the same smell but stronger, went up stairs and went to bed.

I was aroused a little after one by somebody knocking at the door. My wife opened the door and the smoke came in from the hall. I put the children out in the street, and returned to look after the fire. I went back and up stairs to look for Burran; found him up there and we came down stairs together, and went to Mrs. Dietrich's room. The door was not locked--was wide open--and she was in the kitchen fully dressed.

I said Mrs. Dietrich, "where is the fire; we had better go and see a policeman." She says, "what is the use of going after a policeman, better go down in the cellar and look for it." We took a lamp and went down stairs and Mrs. Dietrich went after us. The cellar was full of smoke too thick to see anything. I said we had better get a policeman and give a fire alarm. Mrs. Dietrich said, no use getting a policeman, look in the back part first. We went in the back part and found the fire in the partition under the girder in the back room of the cellar. We put the fire out. Then we went out and got a policeman. The door of the cellar-room, where the fire was, was open when we got down there.

16.

After the fire was put out we went to Mrs. Dietrich's room. She was not at all excited; she said her husband was out at the lodge. Before going up to bed, my bartender and I and Burram, went down stairs again to see if the fire was all out. We smelled the same strong smell. We looked around and found a bottle. The smell came out of the bottle. I took the bottle up stairs, and afterwards gave it to the Fire Marshal.

1054

I7.

FREDERICK BAUER, 621 10th Avenue, between 44th & 45th
Streets.

Corroborates Mr. BOWER.

THE PEOPLE OF THE STATE OF NEW
YORK.

against

Aleena Dietrich

*Statements of
Witnesses*

DE LANCEY NICOLL,
DISTRICT ATTORNEY,
No. 82 CHAMBERS ST.,
NEW YORK CITY.

II.

Incriminating circumstances -

Hatchet -
Hatches -

In cases like this there is always
some detail overlooked. Wash off
Hatches - Frank came bet 9 + 10

Door open when Brown came -

his aunt took -

Alphabetical to going in of case -

Photo. get evidence with it. Frank William John ...

and its that is what the ... if he
was ...

Peo
Dietrich

List of Witnesses

- ~~5 Freda Bauer, 655 11th Ave~~
- ✓ 7 ~~Off Sampson, 75th~~
- 13 Mrs. M. J. Kruedelbach, 4011 Steinway Ave. L.I.C. City
- 14 Carl Kruedelbach Ditto.
- ~~11 St. Heinrich, 113 E. 14th, Hamburg, Bremen Ins Co.~~
- 10 Leo Roth Ditto.
- 3 Mr. John Bauer, 655 11th Ave
- 4 Mrs. John Bauer Ditto.
- ~~8 Astor Frack~~
- 6 ~~Off Groaty, 25th Ave~~
- 1 Joseph Burron 356 E 62
- 2 Mrs Joseph Burron Ditto.
- 2^a Mrs Thos P. Coleman 360 E 62 St
- 14 Westcott Zittel 61 St St 7 Third Ave.
- 9 Mitchell
- ~~Frank~~ 628 10th Avenue

Diagram -

Obtain witnesses from Mrs. Co. who paid prior loss.
Benjamin ... 12 ...
B ... in ...

75-1004 Ketchum -
Bedroom

800 or 900

400 to 450

400 to 450

1058

List of Witnesses.

+ Brak and ...
+ ... # 915

1059

District Attorney's Office
City & County of
New York

189

Feb. 28 1892

My dear Sir -
Will have been at side

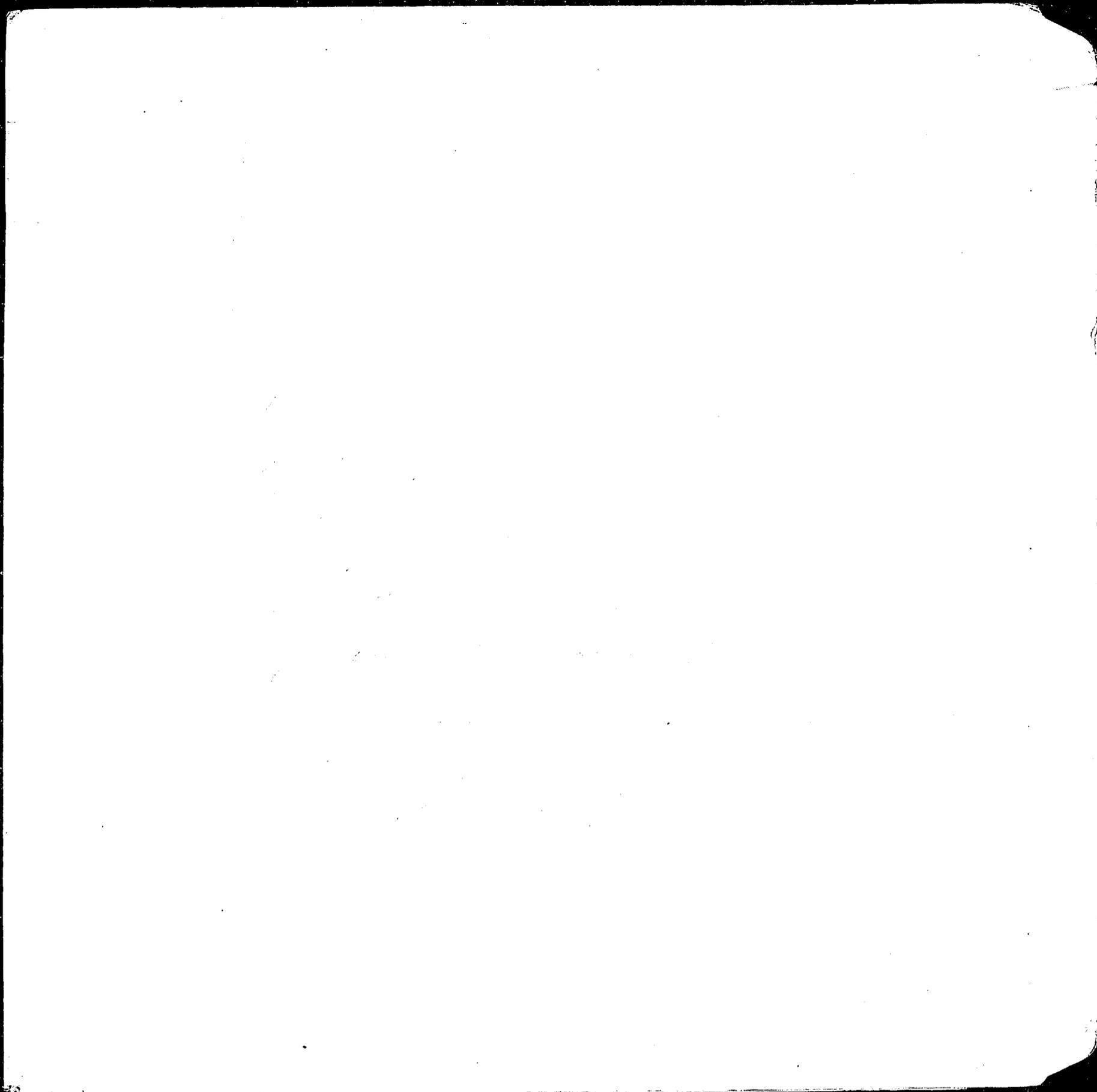
of office -

Truly yours at 6 P.M.

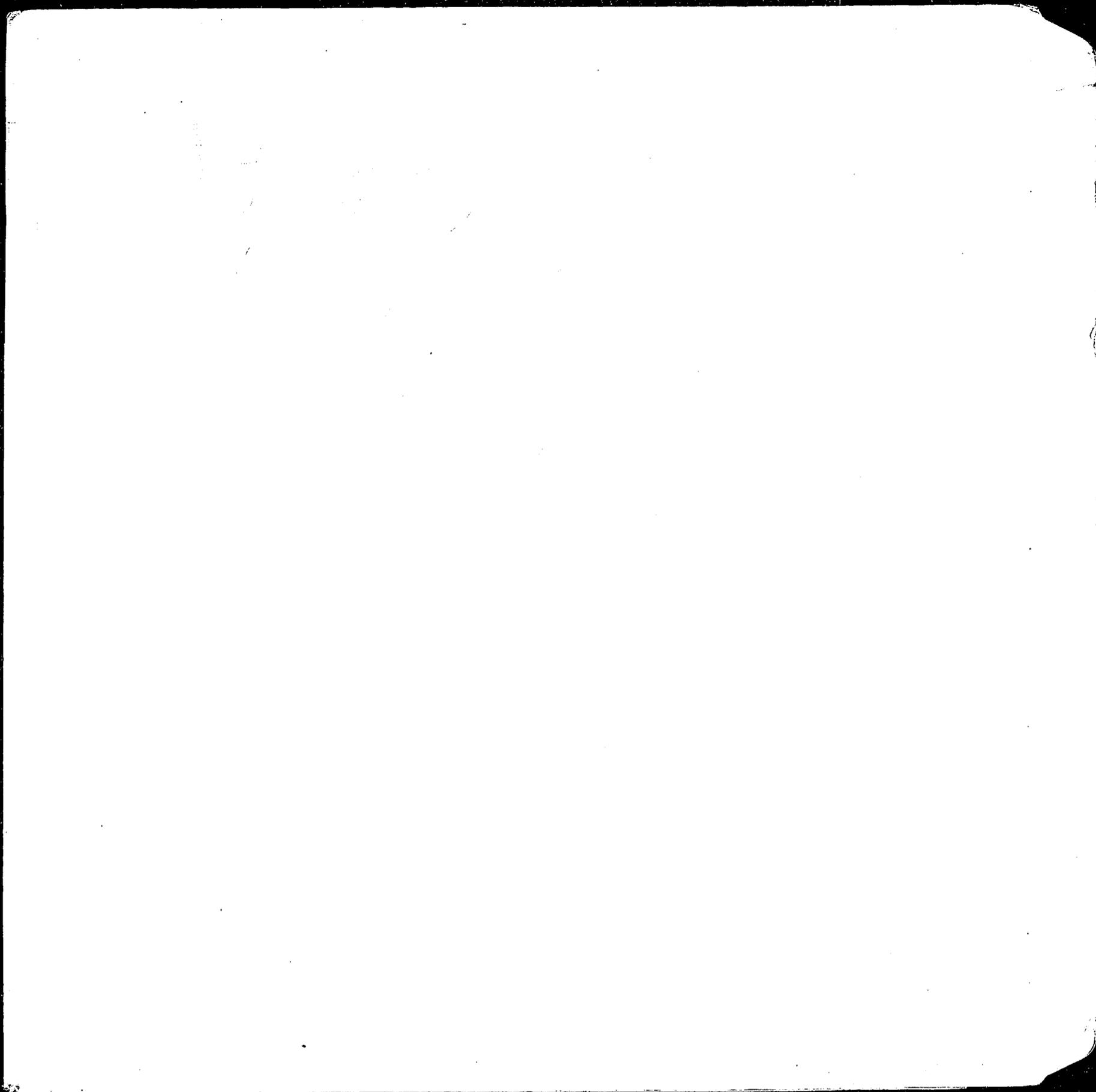
Wm. H. ...

430 +

1060



1061



1062

Headquarters
Fire Department

Bureau of Fire Marshal,
157 & 159 East 67th Street.

New York, Dec. 18th, 93. 189

Henry W. Unger, Esq.

Asst. District Attorney,

No. 32 Chambers Street, City.

Dear sir:

I have the honor to acknowledge the receipt of your note of the 14th inst., in reference to the case of Helena Dietrich, sentenced on May 26th last to 1 year and 8 months imprisonment for attempt at arson. ^u While I felt it to be my official duty to prosecute the woman at the time, I nevertheless could not help feeling personally much sympathy for her, a young woman with two small children needing a mother's care. Being of the opinion that justice has been fully satisfied in her case, and believing (unless it should turn out hereafter that she is a pyromaniac) that the community will be safe from any further similar attempt by her, I would gladly join in any recommendation to Executive clemency that the District Attorney may deem it proper to make to the Governor. +

Very respectfully yours,

Justitia

Fire Marshal.

Fire Department

157 & 159 East 67th Street,

Office of Fire Marshal

New York, Dec 16 1873

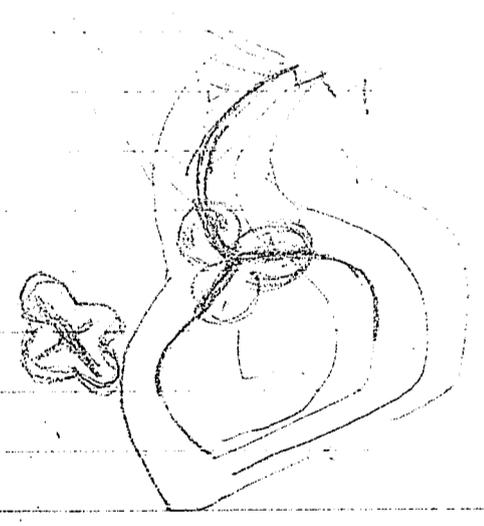
Mr. J. C. ...
City of New York

Dear Sir, I beg to
thank you for the
information
with the ...
I am,
Very respectfully,
Yours,
J. A. ...

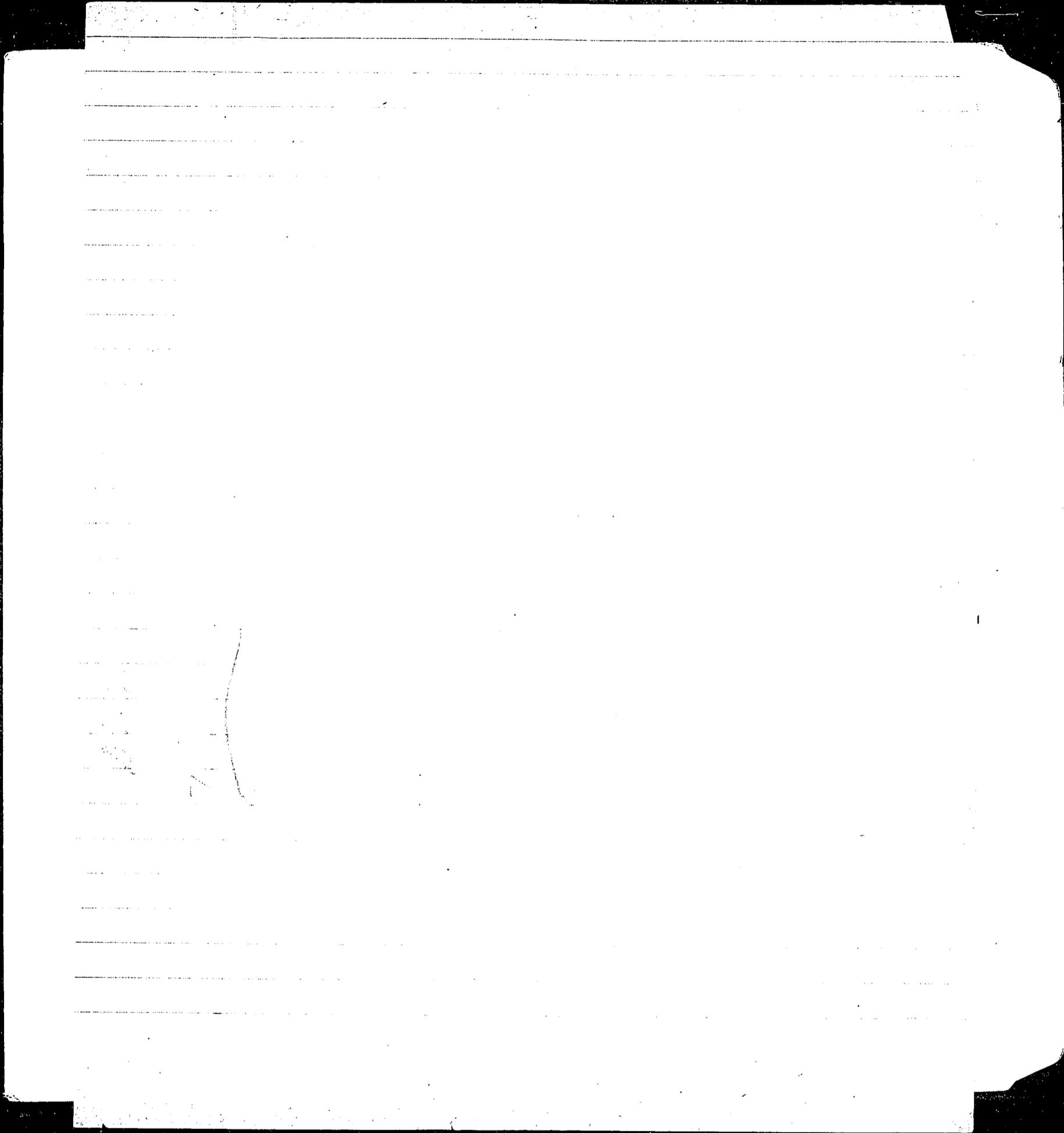
Sketch

By Lake at 10:30 AM

at the bottom of the hill



1065



Hambors - 173 called to see about
the fire. Mrs. D. said she would
present an affidavit as there was
nothing. Mrs. D. had some furniture
to go to the fire.

Mrs. Dietrich told Hambors that the
lock had been stolen some days
previous to fire -

Hambors description of furniture
in 62nd St. right side fire, 200 -

John Bauer - 102, ^{16 year 13 year} five children
Smelt at about on way to dinner at
5 P.M. 204. Returned home for
night at 12 & smelt at 207 -

Mrs. D. appears getting better at 211,
Smelt at 211 at 5 P.M. 215.
Yellow - also, on wall 215.

Bauer is out with the house 223.

Mrs. Bauer 221

Travelling time, Dietrich and other
Mrs. 200. Smelt at 5 P.M.
but not at 10th St. (see 245)

Gittell 251

Mrs. D. lives / residence, 252;

no part of fire

Plaster good - not cracked 253

Saw room
1 week before
the accident.

Yvette cent. same bottle smaller of
calentol. 259 Recharge with box
table. 254.

11
254

Found small bottle of ...
in ... 255.

Also ... 264.

... 264 etc.

Mitchell ... 270.

... 270.

... 292.

...

Mr ...

Hole 2 1/2 ft ... 308.

...

Smaller ... 350 ... 355

... when found in 355.

Mitchell - saw ... 355.

Some ... 360

Pike ... 365

... 371.

cuts only ... 376.

Saw around staple was in fact 387

Washburn May 28
Sagebrush plain
Ap. 1870

Allen Washburn
Sagebrush plain
W. 1870

Washburn
Sagebrush plain
W. 1870

588 oil at orth -

15. May.

1.50 Wash

6. ~~...~~ + Store -

(1)

\$

10. ... 2 dresses

20. ...

... - ... - #

... - ...

... was in cellar
... Water

Mr. Frank ... very ...

Call ...

... of ...

... of ...

Call ...

Mr. Dietrich
The crack ... corner
door ... wide

\$ 20

For 10

5

8

8

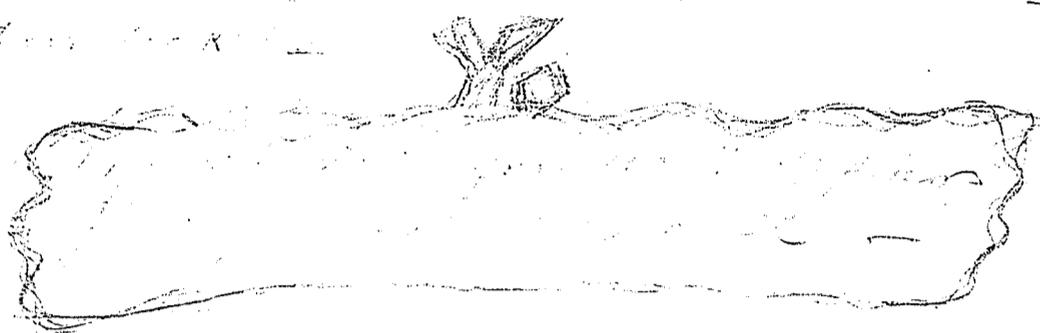
3

... 6
... 75.
... 2500
... 35
... 10000
... 15
Clothing 200 +

(2)

Mr. Dietrich + Put two books which I carried
to New - sometimes left it there, left King's
Coast +

He was very kind to me in 1775
and took me to



Some of the things
I saw at I think the

Page 30.

Joseph Burrin - Wallachton Shirts 12 yrs.
Wife woke him about two a.m. -
smoke in room. went part way down
stairs in bare feet - saw smoke coming

down hallway. saw nobody down there. 32
37
Saw what was happening - this time
went to
across the hall. 37. In sight when
got down.

37. Knew it was down the
hall. 38 saw light
getting out of door when saw smoke. Help
with fire.

was full night burning 45 - examined
apartments - fair little room but 4
bed. 52. Bauer suggested
alarm, but Mrs. D. said "No" go into
Burrin's room.

Burrin, Bauer & Bantander go into collar -
smell alcohol - see fire - door of room
open - hole in top of wall about 2 ft
long. 58. Saw clear glass stains on
wall - some of them on lines - were

with same as other smell. 62
Put water on feet - but water did not
quench some stain. 63. Went for
policeman.

Before going for police
somebody proposed to break wall, but
Burrin objected 64. Police came &

from wall with hatchet. Remained in
 cellar & found bottle + smelled alcohol
 then took it to Mrs S. She denies
 ever having it. Asked her why
 Dick was gone today 71. She said
 her husband took it away a week
 or so ago 72. Barron saw it
 at 11 A.M. & at 8 night before &
 when Mrs S. 73. Mrs S. 74
 She also told him that she was
 there when she was in the
 cellar at the time of the murder 75

Next day 76
 went to the 121 Had been
 in cellar at night before but had
 been met by policeman on stairs of
 cellar 77. It was
 down in the cellar and he
 of the way out of the 122 the
 door 78. Barron was first at 5
 or 6 o'clock 79. Barron 125. Left that
 piece of hatchet on the floor &
 went up to get husband. When he came
 down he found the hatchet & when
 came up saw Mrs S. & talked
 with them. She did not speak of fire in house
 on 13th 131.

1073

Additional witnesses in case of
Helena Dietrich
Arson

Joseph Burron
John Bauer
Frieda Bauer

356 East 62nd St

1074

Police Court 4th District.

City and County of New York, } ss.

of No. 159 East 67th

occupation Fire Marshal

that on the 13th day of December

James Mitchell

Street, aged 52 years, being duly sworn, deposes and says,

1892 at the City of New York, in the County of New York, one Helena Dietrich, now present,

did at or about the hour of 2 o'clock a.m., feloniously set fire to and burn, and that the said Helena Dietrich did further, at a later date, to wit, on the 14th day of January 1893, at or about the hour of 8 o'clock p.m., attempt to set fire to a certain building known as No. 356 East 62nd Street, situated in the 19th ward of the said City of New York, a dwelling house in which there were human beings at the two several times mentioned, to wit: on December 13th 1892 one Joseph Burron and one John Bauer, and on January 14, 1893, the said Joseph Burron and wife, tenants renting apartments in said building: in that the said Helena Dietrich, did on the first date mentioned, namely December 13th 1892, break the plaster from the ceiling of the basement under her apartments, from about a beam supporting the 1st floor, and did pour alcohol on said beam and on the contiguous lattice and did set fire to same, the setting of the fire being done in a compartment of the cellar or basement occupied by the said Helena Dietrich and her husband, the door of which compartment was, to the knowledge of the said Joseph Burron, usually kept locked, and was so locked at the hour of about 8³⁰ o'clock on the night of the fire, but which door was found to be open at the time of the discovery of the fire by the aforesaid Joseph Burron and John Bauer, the pad-lock having disappeared; that the said Helena Dietrich was in her rooms with her children at the time of the fire, her husband being absent; that the door opening from her rooms into the hallway was not latched, and ^{that she} when told of the fire avinced no surprise, but on the contrary appeared to be quite cool, and did, when the suggestions

was made that a policeman be sent for, till those present to make search in the basement - before sending for a policeman as the fire might be there; that a bottle of peculiar shape, with remains of alcohol in it was found in the basement by the said Joseph Cannon after the fire was extinguished, which bottle when shown to ~~her~~ the said Helena Dietrich denied ever having seen, but which has since been identified by the young daughter of John Bauer, Frieda Bauer, as being one seen by her on the window sill of one of the windows ^{of the kitchen} of the said Helena Dietrich two days before the fire: further, that deponent on the afternoon of the said 13th day of December 1892, did visit the said premises, did examine the burned beam and found there evidence of alcohol, and did further find in the premises of the said Helena Dietrich a hatchet the head and blade of which were more or less covered with the remains of plaster which the said Helena Dietrich ^{then alleged} had been put there by the children cutting into the plaster of the walls.

That on the night of January 14th 1893, as aforesaid, a bundle of paper and rags, saturated with kerosene oil, was seen burning in an opening communicating with the room under the apartments of the said Helena Dietrich and immediately under one of the rear windows of said apartments; that the sill of said window and ^{also} the inside of the shutters of same were covered with kerosene oil; that the point where this material was burning

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Offense.

1
2
3
4

Dated

189

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

to answer.

Sessions.

1076

Police Court District.

City and County of New York } ss.

of No. Street, aged years, occupation being duly sworn, deposes and says, that on the day of 189, at the City of New York, in the County of New York,

could only be reached through the rooms occupied by the said Helena Dietrich, or by some one scaling the fence surrounding the yard; that upon an examination by Officers N. C. Grotsky and Geo B. Sampson, at the time of the fire, no footprints were found in the snow of the yard and no indication that the snow on the fences had been disturbed by anyone crossing the same, except footsteps leading from the kitchen window of the said Helena Dietrich to the place where the burning had been; that the property of the said Helena Dietrich and her husband Charles Dietrich was insured at the several dates before mentioned in the Hamburg-Bremen Fire Insurance Company in the sum of \$1500.; that the said amount of insurance, in the opinion of deponent, grossly exceeds the value of the property seen in the premises; that said insurance, as alleged by the husband of the said Helena Dietrich, to the deponent, was taken out by his wife, without his knowledge at the time of its being secured -

Wherefore deponent prays that the aforesaid Helena Dietrich be held to be dealt with according to law made and provided in such case -

Sworn to this 19th day of January 1893, before me J. Mitchell

Police Justice

1077

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

H District Police Court.

Helena Dietrich

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. *Helena Dietrich*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *276 East 56 St - 3 days*

Question. What is your business or profession?

Answer. *Keep House*

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*
Helena Dietrich

Taken before me this 14 day of May 1919

1078

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.....

Alford

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, 189

W. M. ...

Police Justice.

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

Dated, 189

.....

Police Justice.

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

Dated, 189

.....

Police Justice.

additional witnesses

Joseph Burron }
John Bauer } 356 E 62
Frieda Bauer }

BAILED,

No. 1, by Caroline Miskuna
Residence 110 E 72nd Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- 4 District. 103

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Mitchell
159 East 67th
Anna Dietrich

2 Two indictments
3 _____
4 _____

Offense Adm

Dated, Jan 9 189 3
H. M. Mason Magistrate.
Chas Lenny Officer.
25th Precinct.

Witnesses Mary Coleman
358
No. 223 East 62 Street.
Officer Groaty
No. 25 Precinct Street.
Joseph Frank
No. 157 E 67th Street.

\$ 1000 to answer.
1000 paid Jan 24 2 P.M.

Adm

54
 75
 250
 35
 15
 6
 4 3 5
 2 0 0
 6 3 5

Dixley Jr
 Exhibit
 800

I.

Has dependant produced preponderance of evidence that the property was worth \$1500 -

- Sewing Machine 20
 - Mahogany Table 80 or 10
 - Bed 75.
 - 8000 Expansions - 5.
 - Other " 250.
 - 2 Walnut Stools 8.
 - 1 Mahogany Bottom 8.
 - 1 Table 3.
 - Electrics 200.
 - Sack Contain 5.
 - Worthless
 - Pancy Shells 35
 - 5 Cans
 - 1000 or 1200 worth } 15
 - Umbrella Sticks
 - Strom
- 625
- Jan 10 200
- 825

Ans Dietrich

Mitchell make exam 2 premises 375.
 Hambel description 108
 " description of other places where inv. was taken out - 179.
 Frank's descr. 267-274

II

Freda Bauer Coached.

VII

- Got afraid - thought it was tramp & unlocked door. 605. Rumor says door was already open - Thus she explains it. 606.

Husband missed lock from door.
Somebody stole the lock on Sunday 612

Chas Dietrich

3 inches across with a cross - board
 made with 751 Fresh Kalsomine,
 752

Opened 1000 across the board 750

Sunday the last was on 751
 however that it was called on
 Monday 752 - In morning at 5 the
 lock was gone - 853

Was located in business ~~850~~ 810

Mitchell - 853

Board extended from point near
 the back towards front 850
 Studying committee with leaving about
 852

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Melena Dietrich

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

Melena Dietrich

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

The said Melena Dietrich,

late of the Nineteenth Ward of the City of New York, in the County of New York aforesaid, on the Thirtieth day of December, in the year of our Lord one thousand eight hundred and ninety-two, 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 Joseph Brown, there situate, there being then and there within the said dwelling-house some human being, 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

Melena Dietrich

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

The said Melena Dietrich,

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 John Brown, there situate, there being then and there within the said dwelling-house some human being, 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.

DE LANCEY NICOLL, District Attorney.

Witnesses:

Mr. Marshall Mitchell
Mrs. Mary Coleman
Affirm Jansky
25th Street
J. Barron
Frieda Bauer

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

23
226 E. 56th St. TB

Helena Dietrich
(2 cases)

Arson in the Degree. [Section 48 b, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Walter Edgell Foreman.

Sept 2 - May 22 1893
Tried and convicted of
Attempt at Arson 3rd Deg.
with weapon & knowing guilt.
S. P. 1488 & Co. 20
May 26/93 RBM

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Adena Dickhut

The Grand Jury of the City and County of New York, by this indictment accuse
Adena Dickhut of the crime of attempting to commit
of the CRIME OF ARSON IN THE *first* DEGREE, committed as follows:

The said *Adena Dickhut*,
late of the *ninth* Ward of the City of New York, in the County of New York aforesaid,
on the *fourteenth* day of *January*, in the year of our Lord one thousand
eight hundred and ninety-*three*, 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 *Joseph Cannon*, there situate, there being then and there within the said
dwelling house, some human being, 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
Adena Dickhut of the crime of attempting to commit
of the CRIME OF ARSON IN THE *first* DEGREE, committed as follows:
The said *Adena Dickhut*,

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
Charles Dickhut there situate, there being then and there
within the said *dwelling house*, some human being, 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.

DE LANCEY NICOLL,
District Attorney.

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END OF
BOX