0152

BOX:
200
FOLDER:
2002
DESCRIPTION:
Kahout, Edward

DATE:
12/18/85

2002

0153

BOX:
200
FOLDER:
2002
DESCRIPTION:
Kahout, Josephine

DATE:
12/18/85

2002

0154

BOX:
200
FOLDER:
2002
DESCRIPTION:
Kahout, Henry

DATE:
12/18/85

2002

Witnesses:

Fire Marshall Sheldon
Capt. John Walsh
Richard Attridge
A. Seely
Officer Dave G. Campbell
Henry M. Bentham

Feb. 3. 1886
Both tried and convicted
Arson 1st degree
Sentence suspended
for life N.Y.

Counsel, Ben. N. Cardozo 237 Broadway

Filed 18 day of Dec 1885

Pleads Not Guilty

25
204 664
degree murder

THE PEOPLE

vs.

Henry Kahout
23
200 664
degree
Edward Kahout
and
Josephine Kahout

Arson-First Degree

[Section — of the — Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman

Sentence suspended
Indeterminate
as to Josephine Kahout

0156

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
☞ If this Subpœna is disobeyed, an attachment will immediately issue
☞ Bring this Subpœna with you, and give it to the Officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To Frank Greenski

of No. ..... Street.

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 28 day of January instant, at the hour of ~~eleven~~ 10 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

[illegible]

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

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of January in the year of our Lord, 188 .

RANDOLPH B. MARTINE, *District Attorney.*

0157

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188 _____

Ques' Did you carry out a wooden fence
I went up Steam with Machine
he let the Gas I then fence a wooden
fence in the Entire I picked up
thinking it Contained water but I found
the fence was a fire I then went to
the watchman who I think it was a
Policeman

Ques' Where did you find the
Insurance papers

Ans I have always carried the
Insurance papers in my pocket also
My Brother

Ques" Did your Brother sleep in the
room in which the Gas light was
and was the Gas light open when
you discovered the fire in the hall
was

Ans I think it was open

0158

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Nov 23rd Sunday 23rd inst 8.30 P.M.

Ask the Prisoner Henry Robert if himself Wife and Brother was home and in Bed at the time the Fire broke out in his apartments in 64th Street

Prisoner Ans" Yes all home and in Bed asleep

Ques Who discovered the Fire first was it you your Brother or Wife

Ans Himself and Brother heard what ~~I Heard~~ they believed to be an Explosion they both jumped out of Bed the Fire was in the hallway it was not in his apartments at that time

Ques How do you know the Fire was in the hall

Ans When I jumped out of Bed I saw the Blaze through the fan light from the Bed Room I picked up my Wife and Carried her with her clothes to the rear Fire Escape to the next house and took her to Mr Anton Seitz apartments I then returned and helped to carry out two children my self and

Wife left Anton Beitz afternoons about 5 O clock the fire was there and we went to a Francis house John Kyliani house in 6th Ward left Anna A & B I left his house in about three hours my Wife remained I do not know what became of my Brother I took care of my Wife I met my Brother in 64th Ward but 6 days since I all in 64th Ward I have not seen him since

2 What floor did you take the two Children from

Ans I was from the afternoons on the right of Mami

2 Did you have any wooden pails in your house

Ans No. all I had was a Tin Bucket for Beer Except I had and wooden pail for dirt

A Tin pail or Bucket was thrown the footman it was the one found in the house. Prisoner ans the one he owned was that like but he could not say that was the one he only knew that it was that like

0160

0161

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

Serulo
Fire Patrol
Deputy Marshal
Policeman Sanders
Officer Campbell
Captain Gunner

Bartholomew agent

0162

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

0163

Circumstantial evidence

Machine
Felt
Leather
Rubber

0164

404 664 Nov 28

Institute of Space Medicine
Dept. Space Medicine

- Earl R. Chase — Ex
- Stahl -
Kitzes
Ed. Gentile
Rossman Jr
Mitchell
Hoffman
Goodwin
Farrell -
Hamilton
Ellis

Institute of Space Medicine
Space Medicine

Chairman Life Sciences
Executive Life Sciences
Chairman Life Sciences

61

0165

Challenge - Defense - Presentation

~~IIII IIII IIII~~ II II

0 166

The chiefs of Police
chief of Station
Sergt. Hamilton

0167

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

1858

Fire Marshal. Sec 467
Consolidation act -
Policy - Proof that
Evidence p 478

Michael H Power
Chief of Police

Sergt Hamilton
20th Precinct

See 300 - Confession of
Pfh

0168

Declaration of a prisoner
additional proof of alleg.

Pe V Kennedy 15 March 14

Pe [illegible] Boogley 16 March 03

0169

DISTRICT ATTORNEY'S OFFICE,

New York, ... 188

0170

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

1888

The Policy of Insurance

Campbell
Agnew
Sipion

Body

Morgan driver and
attendants.

Mrs Seitz

Breath

By the insurance Company
~~Contributory~~

0171

Confidential

Proof

1 Building [illegible]

2 [illegible] and [illegible]

3 [illegible]

4 [illegible]

5 The testimony [illegible]

6 The testimony of the occupants of the [illegible] immediately underneath [illegible] fire escapes [illegible] No one in the premises [illegible] shall be called. —

7 Captain [illegible] and the fireman who found the [illegible]

8. [illegible] Mrs. Kyle & [illegible] Crane.

9 [illegible] — (Kelly)

10. [illegible]

0172

Wharton Crim Evidence § 326 [illegible]

" " § 200 Circumstantial Evidence [illegible]

" [illegible] 500 - 679 [illegible]

Burrill Circumstantial Evidence [illegible]

---

49 Ind 137 - [illegible]

for Court to take question [illegible]

18 Ind. 179 - Ricketts v. Dufour - [illegible]

[illegible] - [illegible]

[illegible]

Geo. A. Q.

0173

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

Fitzgerald 1/27

✓ 49 Barb 137
✓ 18 Wend 186
42 Barb 2

Burnett on
Cor Commitment

3 Parker 197
3 C. M. Red 45
13 Abb Pra N.S. 207

0174

Rudoff 2 parkinson

0175

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

1915

Occupants of House Number 4, Cor

Mrs. Bernard, Henry Hudson

Mrs Rosenthal room 15

Mr. & Mrs. Donoday

" " " Bell.

Mrs. Franz

The rule that [illegible]
debit must be [illegible]
by [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
be [illegible]

9L10

TORN PAGE

0177

Army Nokomis - 25 yrs - Bohemian
Cannot speak English or German -
married - 2 children = His wife was
married for three - Wife born in
Czech S.S.R. Did not see husband
speak politics or religion = Czech
Pair married due to property inheritance
rights - His parents died in Czech
and Kansas - Main reason, to escape
conscription - All of his brothers
who were drafted are in the Czech
Army - Speak German to the Czech
speak to their mother - He feels
his life would be in danger if he
went back to Czech - Wife's parents
live in Czech

(Illegible) Office - 2 years - Germany - Hen
left 1938 - Had left Germany - Hen
a Kind of [illegible]

(Kronfeldt)

Left Czech - Left Czech because of
my brothers - Old Czech "[illegible]
[illegible] - [illegible]
[illegible] - Had [illegible]
Reason came - My wife [illegible]
[illegible] - No [illegible]
Schlesinger = Had no Religion

When he [illegible] he got up [illegible]
[illegible]
& all 3 [illegible] in the [illegible]
There was then no fire in the room
the fire in the bed room - under the
door. Went into [illegible] - We
[illegible] on the [illegible]
[illegible] and [illegible]
[illegible] window - [illegible]
[illegible]
[illegible] one [illegible]
[illegible] into [illegible] window. Then another
then [illegible]
[illegible] & went on the [illegible]
[illegible]
Saw the [illegible]
[illegible] Always [illegible]
[illegible]
wife and went on the [illegible]
with a [illegible]
[illegible]
[illegible]
[illegible]
the 3/4 of [illegible]
[illegible]
We went [illegible] (Lee [illegible]
in 71st [illegible]) Then he went down
town to [illegible] with his wife - then
home [illegible] 3/4 of a [illegible] - about
5.30 [illegible]

$202=

Went back to [illegible] and was
arrested - a bohemian man arrested
me - How much did the [illegible]
Can [illegible]. The case wound [illegible]
only [illegible] [illegible] - Had [illegible]
[illegible] [illegible] first on [illegible]
Mrs - [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] - [illegible] [illegible]
the [illegible] of [illegible] - [illegible] [illegible]
[illegible] [illegible] when Edward [illegible] [illegible]
him [illegible]
[illegible] [illegible] [illegible] - Saw him
again in [illegible] - Saw him
again in Ypsilanti - [illegible] [illegible]
[illegible] [illegible] - I did [illegible]
tell him [illegible] much one - I
[illegible] [illegible] [illegible] paid me -
All night [illegible] [illegible] [illegible]
but [illegible] [illegible] anything [illegible]
[illegible] [illegible]

TORN PAGE

0180

Edward Patrick Bell

Lived in 1st
North 23 - Born Nov 6 1866 - 2 floor
back - 23 yrs old - Married
Church Clerk Y.M.C.A. - Non Drinker
Single. Came Feb - 3 years -
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] - Saw fire open fireplace
[illegible] - [illegible]
[illegible] - [illegible] on window
[illegible] [illegible] out
Sister [illegible] - [illegible]
[illegible] - Sister in law
[illegible] in room - Henry [illegible]
a child - Mr Bolles child - Saw father
& mother - Threw his brother [illegible]
in another child off Bolles - Children
2 to 4 years of age = Affair took
place [illegible] about
8 minutes - Helped Mr Chief
with a [illegible] - I was
with one shot = My other [illegible]
I don't know [illegible] Must have a

TORN PAGE

[illegible] - Not [illegible]
Some bullet revolver in [illegible] in a
Saloon - [illegible] you [illegible]
Henry [illegible] to fight - in [illegible]
At a Saloon [illegible] people [illegible]
there - then [illegible] to [illegible]
Saloon - (Laughter) [illegible]
him down / Left [illegible] and [illegible] in
bed in Saloon - (Brother [illegible]
he was going to [illegible]) I [illegible]
a [illegible] from [illegible] bar [illegible]
Wed = [illegible]
I did not go with them - I remained
[illegible] in a room of the [illegible] - My
brother told me to go [illegible] to [illegible]
friends - I [illegible] [illegible] going
lady gone and [illegible] - I was [illegible]
[illegible] 6th [illegible]
[illegible] my brother [illegible] in bed there =
When he was [illegible] to bed there was a
light burning in a room - kitchen -
It was burning on table - First
was the [illegible] I found my sister in
bed dead - [illegible] fire in
room where the [illegible] was - No fire
in the room - but was [illegible] to the
place - No dwelling house [illegible] was
going to be burned - Saw a little
flame coming in upon the
roof -

TORN PAGE

0182

Edwin & Friends Bill
[illegible] Lake on land
Nov 23 - Born New York City - 2 floor
walk - 22 yrs old - Business
Church School - Friends - Non Jewish
Single. Came here - 3 years ago -
[illegible]
[illegible]
[illegible] Mark K [illegible]
[illegible] 1922 - Hard
[illegible] - Sad face over [illegible]
[illegible] - [illegible]
[illegible] - [illegible] on [illegible]
[illegible] [illegible] out
Sister [illegible] - [illegible]
[illegible] - Sister in [illegible]
work in room - Very hard to [illegible]
a club - Mr Bolton child - Sad for his
mother - Then his brother [illegible]
in another club of Bolton - Children
2 to 4 years of age = After the
[illegible] in [illegible] [illegible]
8 minutes - Helped Mr [illegible]
with a sewing machine - I was
with one [illegible] = My other [illegible]
I don't know what [illegible] a

TORN PAGE

0183

His brother had only one can have [illegible]
of [illegible] for dinner
Had no other daughter. Clothes broke
match [illegible]. Family had a [illegible]
The people now [illegible] 200. Gave
for the 200 [illegible] The property all in
room the night of the fire. Arrested
March 17th 26th 1912 — Strong [illegible]
had been arrested the day before.
Brothers and are kinds and [illegible]
in [illegible] the other. — The [illegible] on [illegible]
[illegible]

Journal Pulaski

0184

S. T. Smith, 14 Park Place, N. Y.

STENOGRAPHERS' MINUTES.

In the Matter of the Inquest upon the bodies of Mary Fialka et al

BEFORE

Hon Ferd Levy, Coroner and a Jury

December 2d 1885

Witnesses:	Direct.	Cross.	Re-Direct.	Re-Cross.
George H Sheldon	1	12		
John Walsh	14			
Richard Attridge	18			
Joseph Shaw	21			
M Bendheim			26	31
John Gunner	33			
Coroner's Charge	36			

Henry W. Unger
Stenographer & Law Reporter

In the matter of the Inquisition upon the Bodies of MARY FIALKA, Emilia Fialka and Rosa Fialka, by the Coroner's Jury of the City and County of New York.

New York, December 2nd 1885.

Inquest resumed pursuant to adjournment.

Before Hon. FERDINAND LEVY, Coroner, and a Jury.

Appearances :-

For the People, Asst. Dist. Atty E.L.Parris,

For the Defendants, Elias G. Levy Esq.

GEORGE H. SHELDON, a witness called on behalf of the People, being first duly sworn by the Coroner, testified as follows :

By the Coroner--

Q Give your name in full, and occupation.

A George H. Sheldon, Fire Marshal of the Cxity.

Q Mr. Sheldon, will you tell the jury in what manner you became connected with this case in your official capacity, etc. ?

A I was informed on Monday morning a week ago--

Q That was the 23rd ?

A The 23rd, yes-- of this fire, and I went up there in the afternoon. I have been engaged in investigating it in one way or another ever since.

Q You mean 404 East 64th Street ?

A Yes sir.

Q Will you tell us something about the result of your investigation as far as you can ?

A I made an examination of the premises, and found evidences of a fire on the stairs leading from the second to the third floor of the building. The plaster was somewhat broken on the under side, opposite about the 10th stair. There was no mark ~~x~~of fire on the under side of the stairs between the floor and that point inside-- I saw the string pieces of the stairs were very badly burned, and, on examining the surface of the stairs, I found that the fire had worked through from the underside up to the upper side, and then passed upstairs and gone to the rooms . On en~~t~~tering the rear rooms on this second floor, on the opposite side of the building from which the stairs were on (I think that was the East side of the building) which

I ascertained were occupied by Henry Kohout and his fam-
il , I saw ev dences of fire in the different rooms there.
In the first room, entering from the hall, were evidences
of fire right behind the door-- rubbish there on the
floor-- wood of one kind and another, and burnt embers,
representing something-- I couldn't tell exactly what,
and perhaps three or four feet from that door, along the
wall, stood this trunk, the charred end towards the door.
This evidence of fire on the floor, the rubbish, and the
wood and the burnt board were between this end of the
trunk (indicating) and the door. The inside of the door
was burnt-- the outside casing of that door was not burnt
except just at the edge where the fire worked through the
crack of the door. In the room adjoining that, which is
a rear room looking in the yard, evidences of fire were
on the floor right in front of the stove and at either
side of the room; in the rear, between the two windows
stood a table, and at the outward side of the room, next
to the wall of the inner room, where I described seeing
this trunk and the other fire, was another table. There was
evidences of fire on the tops of each one of those tables
the legs were not burnt and the sides were not burnt--

and there were no marks of fire in the immediate vicinity of those tables. To the back of the stove-- the mantel-- there had been some hangings there of a black material which had taken fire. Those were the evidences of fire that I found in that building on that floor. Upon examination, I found that there was an insurance there of Nine hundred Dollars.

Q Have you the policies with you ?

A Yes sir, one for $600. in the name of Henry Kohout, and one for $300 in the name of Edward Kohout, making $900. on the property there.. I made a pretty careful examination of the contents of the room, and I am very well satisfied---

Defendants Counsel-- I object to any such testimony.

Q You had not seen those rooms before, I presume-- you never had occasion to go there ?

A No sir, I had never been there before.

Q Are you familiar with the value of household goods and furniture ?

A Yes sir, I think I am.

Q How long have you been Fire Marshal, Mr. Sheldon ?

A Twelve years.

Coroner-- I think I will have to admit the statement;

Defendant's counsel-- Did Mr. Sheldon ever buy and sell personal property of that description.

Q Did you, Mr. Sheldon, ever buy and sell furniture ?

A Yes.

Defendant's counsel-- How often in the past five years ?

Coroner-- I won't exactly allow it in that form-- it isn't to be expected that Mr. Sheldon is engaged in the sale or purchase of furniture.

Deft's Counsel-- I have two objections to the question. One is that he is not an expert, as he is assumed to be, and the next objection is Mr. Sheldon did not know what property was in that room until after the fire occurred; there may have been $10,000. worth of furniture in that room, and not $10. worth when he called there. I suppose the object in putting the question is to show that he got a heavy insurance on that property.

Coroner-- We must take the surrounding circumstan-

ces and all the probabilities, and consider everything we think has a bearing upon that question. I will give you the benefit of an exception.

Defendant's counsel excepts to the admission of the testimony.

Q You said, in your opinion-- what were you about saying about the furniture ?

A One hundred and fifty dollars would be more than the property is worth that I saw in that room.

Q What did you say the value was ?

A I don't think the value was One hundred dollars.

Q Did you make a careful examination of that property ?

A Yes sir, in examining the bed-rooms, I found on the bedsteads matresses and bolsters-- no other bed furniture whatever; the surface of the matresses was smoked evenly and all over the same color-- the surface of the bolsters-in raising the bolsters, the matresses underneath where it is supposed to have protected it in each bed was clean showing the condition of the bedsteads as the smoke settled on them. I found in the place everywhers goods smelling some of benzine and some of kerosene. I saw

there the remainings of a demi-john, and the glass borken, and the wicker-work partially consumed-- which apparently was a large demi-john from what I saw-- I should say a three-gallon demi-john-- I saw there a gallon demi-john which smelled strongly of kerosene-- and a two-quart bottle which smelt, I thought of benzine; two tin cans smelling of kerosene, and one of benzine. The small demi-john and the bottle were taken out of a closet in the back room-- the others were in the back room where the fire had occurred on the floor.

Q You had made examination, I presume of a great many cases, since you held the position of Fire Marshal ?

A Several thousand.

Q Then judging from that, in your opinion, give some of the causes or some idea as to the cause of the fire and its origin.-- in a general way.

Defendant's counsel-- I object to that, for this reason-- I don't want the Fire Marshal's general opinion as to how the fire originated. Give your direct opinion

Coroner-- This man is Fire Marshal, and his opinions are important on this point.

Defendant's counsel-- They may be on certain subjects but not on a subject of this kind.

Coroner-- I want to find out whether he can state it or not-- I want that brought out.

Deft's counsel-- I take an exception.

Q Can you give us an opinion or not ?

A I can give you an opinion on what I saw and based on my experience as a Fire Marshal. In my opinion there have been four separate and distinct fires burning in the rooms of this man Kohout, and one in the hall on that floor-- entirely separate and distinct, and every one could not poss bly have communicated the fire to the other-- there is no communication between them.

Q Is that opinion based upon a thorough and careful examination made by you. ?

A Yes sir.. I forgot to say I saw evidences of kerosene on this trunk-- from evidences of the use of kerosene and oil both in the rooms and in the hall where I smelt it quite strongly, on turning up the rubbish-- it is my opinion those fires were started by some human agency.

Q Could you by looking at this diagram (handing witness sheet) could you exp ain anything to the Jury with refer-

ence to those premises ?

A Yes sir, I find that correct.

The witness here arose and exhibiting the diagram to the jury, indicating the various pints mentioned thereon, states as follows ;-

This represents the main-hall; the stairs go up from here; the stairs go up from the street, and there is a turn which lands you on this floor; the other stairs start here, and go up here; the passage, of course, alongside of the stairs, and here are windows looking out of the apartments on either side into the hall, and here is the door of Kohout's room, and right here is the apartment where the tru nk was standing-- this trunk was standing between here and the door, and this is where the burnt wood and burnt base-board was found-- and the fire ran up this door which is charred on the inside, the outer side is not for there are no marks of fire on the outer side at all; this represents the other side of the hall; the plastering is broken away and here is the floor-- there are no marks of fire there.. Looking on the inside here are these stringpieces, and these rises on the steps on the

under side, on examining the upper side, you will find that this fire has worked through the cracks and steps. There is a mark of fire current into this room and to the trunk and the burnt wood. You will find here a table with marks of fire upon it, and here on the floor in front of the stove are evidences of fire with the burnt stuff hanging under this mantel, and this table and everywhere there there were marks of fire, and here is a window, and there is a window with the Boles apartments on the other side.. There is a fire escape conducting into Boles room, this room and the rooms of the next house. The distance between this fire here and the fire which burned on this floor was probably fourteen feet. The distance between the fire here on the table was just like this..

Diagram received in evidence and marked "Ex.1, Dec.2d, '88-- H.W.U."

By a juror--

Q I would like to ask the Marshal if he knows how it is in the lower hall-- is there a passage to the yard, or is there no passage to the yard ?

A I don't know-- my impression is there is-- I didn't go through there-- Mr. Bendheim, the owner, can tell you that

The Coroner-- I would simply tell the jury that one policy is for $300. in the name of Henry Koubout , on the back dwelling and store situate at 404 East 64th Street taken out on April 6th 1885-- the company is the Hamburg- Bremen Fire Insurance Company, a German Company, of Hamburg and Bremen, Germany-- they have an agency here in 94 and 96 East 14th Street.

Policy marked "Ex. 2, Dec 2d '85, H.W.U."

The other Policy is in the name of Edward Kohut, the brother; the policy is for $300. on the beds, bedding, wearing apparel, linen, trunk, jewelry, etc. contained in the brick building occupied as dwelling and store situate at 404 East 64th Street, taken out September 1885, in the same company.

Policy marked "Ex.3,Dec 2d '85, H.W.U."

These are evidently original policies.

Q Mr. Fire Marshal, have you got through with your statement as to the result of your investigation that you made there ?

A That is about all.

By a Juror--

Q I would wish to hear of the Fire Marshal as to the other

two fires. Mr. Bendheim testified as to three fires in six months-- do you know anything about that ?

A I couldn't state now-- they were accidental fires-- I couldn't tell without reference to my books.

Q Was there any loss of life then ?

A No sir.

CROSS - EXAMINATION--

By Defendants' Counsel--

Q Mr. Sheldon, didn't you find rooms on the west side of that house on the same floor with Kohout xxxx in a worse condition for fire and evidences of fire than you did in Kohout's room.

A There was not the slightest evidence of fire there..

Q Is not the wood-work charred there too ?

A No sir..

Q Blackened with smoke ?

A No. sir.

Q Sure of that ?

A Yes sir.

Q Isn't it the best room, or next to the best room as to fire ?-- that is, isn't there less fire in Kohout's room than in any other one in the house ?

A I examined Bolcs' room s and the rooms in the front, and there was no fire in the rooms-- no marks of fire whatever no burning in the room.

Q Above Kohout's floor, isn't it a fact that there wasn't a floor left in the house ?

A It is a fact that the fire from these stairs went completely up to the toof.

Q Isn't it the fact that the upper portion of that house is completely burnt out ?

A from the middle of the stairway leading from Kohout's room or stairway to the roof-- the roof is completely damaged.

Q Isn't it a fact that the floors have been burnt through ?

A Yes sir.

Q Through and through ?

A Yes sir..

Q As to the furniture and effects of Mr. Kohout-- you don't know what furniture Mr. Kohout had in those rooms before you went there ?

A Certainly not.

Q You never visited those rooms there ?

A Only what I saw there at that time .

Q You don't know the amount of jewelry or the amount of property they had there ?

A No sir-- before I was there, no sir.

Q Can you tell the jury how many bedsteads were in those rooms ?

A Two bedsteads .

Q Were they black walnut or mahogany, or pine ?

A They were stained.

Q Well, was it pine or stained ?

A A It was-- it might have been mahogany.

Q Did you examine the matrasses ?

A I did.

Q Were they hair matrasses ?

A No.

Q Bolsters ?

A Not hair.

Q Sure about that-- You didn't see any clothing there-- wearing apparel ?

A Yes sir.

Q Hanging up around the rooms ?

A Yes sir.

Q You didn't see any bed covering, did you ?

A I saw a sheet laying across the chairs.

Q Did you see any blankets or bedding ?

A I saw no blankets-- no bedding of any kind on the beds or elsewhere-- nothing but the bolsters and matrasses.

Q One question as to the fire escapes-- is there a communication from 406 to 408 through these escapes ?

A I didn't examine them.

Q Is there any way by which a person could go out of the window at 406 and go into the next house east-- 408 ?

A I didn't examine them at all.

By the Coroner--

Q I understood you yesterday that they communicate from 404 to 408, isn't that what you say ?

A Yes sir, they are all connected. From each room you come to a fire escape.

By Deft's counsel--

Q On those two houses ?

A 404, 406 and 408.

Q You can recall that.

A Not at all..

By a juror--

Q You didn't find any evide ce as if a female had lived there ?

A There were no female dresses whatever there. I saw none there. There were two trunks and a small hand-bag in the place and they were all empty.

By deft's counsel--

Q Look at this endorsement upon that polic y, and see if you don't find that there has been a allowance upon a policy previous to this-- that this is a renewal (Referring to Exhibit) "Return on old policy 70 cts." isn't that a renewal.

A I don't know whether it is a renewal or not-- I can't state about that..

Q There was either less insurance and a return of the premium or a new policy issued ?

A It may have been a change in the rate.

JOHN WALSH, a witness called on behalf of the People being first duly sworn by the Coroner, testified as follows :-

By the Coroner--

Q Captain, state your full name.

A John Walsh.

Q What is your occupation ?

A I am Captain of Engine Company, No. 8.

Q Will you tell the jury what you know about this fire ?

A I received the alarm about 1-25 on the 25rd instant, A.M., and proceeded with the company to the hydrant at 68rd Street and First Avenue-- the northeast corner, and reported to the officer in charge of the fire. On my way in the hall-way, I saw a fire as if it was coming out between the crevices of the wainscot and down the stairway. I looked at it and looked, and it appeared as if it was all kerosene or benzine-- it smelled very strong; and I reported to the officer in command of the fire, and he ordered my line on the roof.

Q What time did you say you got there ?

A I received the alarm about 1-25 A.M., and it may have been

about three and a quarter or four minutes after I got there.

Q Were you there when those bodies were recovered ?

A No sir-- I didn't see the bodies-- I wasn't there.

Sworn to and subscribed before me this 9th day of December 1865 Elias Lustice
Notary Commission
John Welsh.

RICHARD ATTRIDGE, a witness called on behalf of the People being first duly sworn by the Coroner, testified as follows :-

By the Corner--

Q What is your full name Mr. Attridge ?

A Richard Attridge .

Q To what company are you attached ?

A Hook and Ladder No.13.

Q Now, Mr. Attridge, just tell the jury what you know about this fire and about the bodies at the time they were discovered.

A While over-hauling on the fourth floor in the rear was the

the time we came across the bodies . The first body was a child's we discovered while we were loosening the rubbish.

Q That was on the top floor ?

A No, the fourth floor-- that fell through. The truck company always does that over-hauling; and, then, after that we went further on, and in another room we came across the other body, the other child-- we found the two children first and then the mother afterwards.

Q Then the top floor was all gone ?

A Yes sir.

Q And they fell right through ?

A They must have-- we went up through the 400 roof, and worked our way down.

Q From what you saw they were the bodies of human beings ?

A Yes sir.

Q That is all you know ?

A Yes sir.

Q Three, you discobered ?

A Yes sir.

Q And, from what you saw, they must have fallen through from the floor above-- the fifth ?

A Yes; the first one we discovered, I suppose was about four feet from the rear window, and the lady she was about two foot east of the child; the other was supposed to be in her room-- in the bed-room-- we couldn't tell what it was .

By a juror--

A Was the rear wall standing at the time ?

A Yes sir.

Q Was the fire escape on the fifth floor in its place ?

A I couldn't tell that-- but on the fourth I know it was all right.

Q That is the floor where you found the bodies ?

A Yes sir.

By another juror--

Q Was the fire escape encumbered with anything ?

A Not that I saw.

By Doft's counsel--

Q Of course, you couldn't tell anything about the fire escape on the top floor ?

A No sir.

Q That was all broken down, wasn't it ?

A I don't know-- I couldn't say-- it was through the roof we got there.

Sworn to and subscribed before me this 9th day of December 1898
Richard Attridge
Police

JOSEPH SHAW, a witness called on behalf of the People, being first duly sworn by the Coroner, testified as follows :-

By the Coroner--

Q Your full name, Mr. Shaw ?

A Jospeh Shaw.

A And your occupation ?

A Foreman of Hook and Ladder Company No. 13

Q Will you state now what you know about the fire ?

A About 1-25 on the morning of the 23rd, I received an alarm for a station at 61st. I proceeded with my apparatus and my company to the corner of 64th Street and First Avenue, and ascertained the fire was in 404 East 64th Street. When I arrived in front of the building, I

found quite a number of people on the fire escapes trying to come down-- very little fire or indications of fire on the front fire escapes with the smoke-- but in the rear the fire was heavy. I assisted Hook and Ladder Company 2 to raise a thirty-five foot ladder and get these people down off the fire escapes, and then was ordered to up through the other building-- that is 406--, and I found from the third floor up to the roof in the air shaft, fire between the two buildings-- one air shaft connects both buildings. I went back and got a line up there on the top floor, and the fire commenced to burn through to 406, and I assisted Engine Company 39 to get their line there to extinguish the fire on that floor, and then was ordered on the roof, the burnt roof of 404, and take the tin off and make a hole so as to get in at the fire on the front part of it. After doing that I went down, and the Chief Officer had no further use for me up there. And the Cheif Reeves he ordered me up to 404, to overhaul the rubbish and stuff. I went as far as the fourth floor and did considerable work there, and we come across the other Hook and Ladder company, and both of the companies met together. One of the men called my attention to some

thing he saw in the bed-room while we were connecting with the rear room-- he called my attention to it on entering, so I happening to have a lamp, I investigated and found it was a human body-- a child. We very carefully removed the rubbish and st uff around it, and it was burnt very badly, and I didn't think we would be able to get it out hole, but, however, after a little work we got it out and some of the men got a quilt, and we rolled it in that, and took it down stairs; and then I was informed there was a widow with two children lived on the fifth floor. That was the first intimation I had of anybody being lost after we found the first child.

Q Who informed you some of the parties living there were missing ?

A Some of the people. As I got there, the men living there couldn't speak English, but one man come up and said there was a widow with two children. So Iwent there, and worked, and looked for the others, and I come across them in the kitchen or rear room on this fourth floor. I couldn't tell at the time what the bodies were, but afterwards discovered they were females-- two female children and a woman.

We got another quilt-- somewheres-- I don't know where got the quilt-- and we rolled the bodies up and took them on the first floor in the bar-room; and I looked around for the woman's body, and I found that; it was laying her feet to the South, and her head to the north, and a beam across her had been laying over the body and the ~~xxxxxx~~ press, which I think they use for pressing cigars, that laid on her stomach. I removed these, and took the body down with the two children..

By a juror--

Q Did you see a fire escape on that floor.

A Yes sir.

Q Did you notice whether there was one on the floor above ?

A Yes sir.

Q You saw it ?

A Yes sir.

Q Apparently in good order when you saw it ?

A Yes ~~sir~~. fire escape seemed to be in good order.

By another juror--

Q Did it seem to be encumbered with anything or blocked ?

A Not that I saw there. When I got there, we broke the

lumber out, and when I walked over the beams, there was some of the rubbish we had thrown out into the yard laying on it, and that was all I saw.

By the Coroner--

Q Do you know what was done with the body after you saw them ?

Q I delivered them into the care of the police-- the officer there took charge of them.

Q You transferred the bodies to the care of the police ?

A Yes sir.

By a juror--

Q You say when you proceeded to the fire, you saw fire or smoke coming out of the first floor, and people on the fire escape ?

A No sir, I didn't say that.

Q When you got to the fire, what did yousee-- when you got to 404 ?

A I ascertained the fire was at 404, and I see the people on the fire escape.

Q What fire escape-- the first floor or the second ,

A The first, second, and I guess there was one on the third floor.

Q You raised your ladder then ?

A Yes sir.

Q And where did you go up ?

A I sent my men up to get the parties down the ladder..

Q On what floor ?

A The first and second.

Q Had you seen anything then ?

A No sir.

Q Did your men notice anything ?

A Nothing that was called to my attention.

Sworn to and subscribed before me this 9th day of December 1885. Joseph Shay
O M Egan Police Justice

Mr. BENDHEIM, re-called--

By the Corner--

Q Mr. Bendheim, I believe you stated when cross-examined by

the defendants's counsel, there had been three fires there within the last six months ?

A Yes sir.

Q And one of the jurors wants to know the nature of the other two fires. This fire that we are now investigating has been explained-- what about the other two fires ?

By Deft's counsel--

Q Were there two or three besides this ?

A Two.

By the Coroner--

Q What were the other fires ?

A The first fire originated in the factory.

Q When was that ?

A That was in April.

Q In what number was that ?

A 402.

Q When was that-- in the day-time ?

A In the evening.

Q And much damage caused there ?

A Yes sir, there was much damage.

Q And how about the other fire ?

A The other fire started in 408.

Q That was also in the factory ?

A No sir, that is a tenement house.

Q Where did that start from ?

A It started from the top floor. It was in the evening at 10 o'clock.

Q Do you know what the cause of it was ?

A Yes sir, a family moved in at nine o'clock in the evening and the man wanted to hang up his looking-glass, and he upset the kerosene lamp-- that is what I was told.

By a juror--

Q So there was only one fire at 404 ?

A Yes sir, only this fire.

Q I would like to know whether all evidence of former fires were obliterated in 404. Yesterday, when you were asked whether there were any more fires there, and you answered three.

A No, not at 404.

Q I would like to ask whether the fire escape on the 5th floor at 404 was in good order to his personal knowledge ?

A Yes sir.

By Deft's Counsel--

Q You know it to be so ?

A Yes sir, I think it is in good order.

Q The top floor of 404 ?

A Yes sir, in good order yet.

Q The foreman just stated there was no fire there at all.

A ot at all.

Q It was broken down.

A No, it is in good order yet.

By the Coroner--

Q On the morning of the fire, didn't Mrs. Kohout, and her brother-in-law, Edward Kohout, say to you while you were interpreting to Captain Gunner and the Fire Marshal-- xxx what did they say to you ?

A When I first met Mr. Kohout after the fire in the morning?

Q We mean the time they were in your office.

A Yes sir-- I asked Mr. Kohout "What do you know about the fire?" Mr. Kohout said to me in the Bohemian language-- there was somebody present who also understood the Bohemian language-- he said "At twelve o'clock, I had a headache, and got up, and lit the lamp, and after a little

while, I seen there was a fire in the hall. Then I woke my wife and my brother, and told them to get up, that there is a fire in the house, and we went on the fire escape into Seitze's room."

Q Was Kohout's wife and brother there at the time he said that ?

A No sir, only Kohout alone -- Henry Kohout alone.

Q What did he tell you about his wife and brother ?

A "Itold them to get up there is a fire.

Q That is what he said to you ?

A Yes sir, to me.

Q Did he say anthing else-- is that all he said ?

A Later he told me something else.

Q He told you in Bohemian, and you translated it again into English to the Fire Marshal, that he told you he told his wife and brother to get up, that there was fire ?

A Yes sir, that is the story he told me when he was in my office.

Q That was the morning after the fire ?

A Yes, the Fire Marshal was there.

Q And he repeated it again when you explained to the Fire

Marshal ?

A Yes the same story again, only he sais when I was in 57th Street Court and conversed with him again, he said to me--

Defendants Counsel-- Was he then under arrest ?

Witness-- Yes.

Coroner-- Then I over-rule that.

By a Juror-- Was anything found on the brother when he was arrested ?

Detective Campbell-- Nothing was found on him except six or seven matches that were loose in his pockets. The lady was not searched at the station-house, but she was searched at Bellevue Hospital, and there was some money found on her person.

Defendants Counsel-- Didn't Henry Kohout tell you the first thing that started him from his sleep was an explosion-- that it gave him a headache when he awoke ?

Witness Bondheim-- No sir.

Q That he heard an explosion, and woke about 12 or 1 o-'clock ?

A Yes sir.

Q Are you sure about that ?
A Yes sir.

Q And that he went to the bed-room, woke his wife and brother, and they had just time enough with the smoke that was there to get on the back fire escape, and escape that way through the rear of the house on the fire escape?

A Yes sir, that was what he told me-- explosion ? He didn't say anything about an explosion.

Q Did he say he heard a noise ?

A Not to my recollection-- not that I can remember.

Q Just state again what he told you as to the first intimation or idea he had there was a fire.

A He said "About twelve o'clock I had a hard ache, and I woke up and lit the lamp-- soon afterward, I don't know how he expressed himself, I noticed a fire in the hall.

Q Excuse me, if you don't know how he expressed himself, how do you know what he said ?

A I don't know the exact words.

JOHN GUNNER, a witness called on behalf of th People, being first duly sworn by the Coroner, testified as follows :-

By the Coroner--

Q You are a Captain of Police attached to the 28th Precinct?

A Yes sir.

Q Did you draw this diagram (Handing witness Ex.1) ?

A I did. I showed it to the Fire Marshal. There was evidence of four distinct fires not connecting with one another.

Q You made a personal examination ?

A Yes sir. I would like to open this trunk and show it to the jury-- there was something said about there being oil in it, and I want to ah ow it. (The witness opens the large trunk standing on the table in front of the jury-box).

Q I think the jury can judge for themselves with out examining the trunk, and hardly think it is necessary to ask any question.

A Between that trunk and the door is where we found this wood, which is kindling wood, and it had all been afire

burning the wainscot, and it burnt into the door, and it burnt a hole through the inside, but when you opened the door outside, there was no sign of fire. The other three fires was in the back-room and the other fire was between the stairs.

By Deft's counsel--

Q Is that kindling wood you found near the fire ?

A Yes sir, near the trunk.

Q Is that close to the door leading to the hall ?

A The distance between this door, on an angle in this way and that trunk is four feet six inches.

Q That is the hall door ?

A The door in the room leading to the hall.

Q QAnd the kindling wood was between the trunk and the door?

A Yes sir.

Q In whose care has this trunk been since ?

A The rooms have been nailed up by the insurance patrol, and I had them opened last night and removed the trunk to the station house, and they were in my care and will remain so until disposed of.

Q How long after the fire was extinguished was it that the

room was nailed up ?

A That morning..

Q What time ?

A I am only speaking now on my information.

Q Then I don't want it

The Coroner-- Mr. Levy, do you desire to place your clients or the defendants on the stand ?

Deft's Counsel-- No sir, I don't think it is necessary.. By advice of counsel, they refuse to take the stand for the reason they don't think it is necessary-- there is nothing to explain

Coroner Levy Charged the Jury as follows :

Gentlemen of the Jury, the case that we have just got through investigating, at least so far as the evidence is concerned is that of Amelia Fialka, Rose Fialka and Mary Fialka, who it is claimed and from the evidence appears were burnt by the fire that occurred between the hours of one and three or one and two at No. 404 East 64th, Street, on the morning of the 23rd, of November last - last month.

If those bodies had been burnt, or they had met their death in what we term an ordinary manner, your duty would be a very simple one, namely; to say when, and state in your verdict that those and those persons came to their deaths at a fire that occurred at that and that place. But inasmuch as a prisoner appears before you, who is accused of having set fire to those premises thereby causing the death or the deaths of those parties - this woman and her two children, you have a further and more important duty to perform. You have to look into the testimony that has been given here in a very careful and conscientious manner.

It is for you to say whether you can see by a careful examination of that evidence whether Henry Kohut was in any manner implicated or identified with this fire

or whether he is, in any manner guilty of the charge that now rests against him.

There are others arrested with him - his wife and his brother. They were arrested subsequent to his arrest. It is claimed that they are more or less directly or indirectly implicated in this crime. If you believe that the sworn testimony warrants you in saying that Henry Kohut was in any manner or shape connected with the cause of this fire, or its origin, you must so state in your verdict. If you believe that Mrs. Kohut and the brother were in collusion with him, you must also include that in your verdict.

As to the question of any organization or association or club that Kohut was or was not connected with - with that part of the investigation you have nothing to do. The District Attorney is represented here, and if it shall appear at any time, or if there is any evidence in the hands of the authorities that Mr. Kohut was connected with any socialistic or anarcistic association as has been claimed by the press of this city, then the District Attorney will see to it that the Grand Jury will take care of that part of the case - you have nothing to do with that.

Now gentlemen it is hardly necessary for me to go over the testimony.

We have give you everything that we could obtain in the way of evidence as to the question of identity which I thought was not fully established yesterday.

I charge you now that I believe the question of identity has been fully settled - in other words that you need not hesitate in saying that the persons burnt on that occasion, at that fire were Mary Fialka and her two children Rose and Amelia. Therefore I may say to you that the first portion of your duty that you have to perform, namely; is to establish the cause of death, and that death did take place. That in itself is very simple.

As to the second duty, and the most important duty which you have to perform in this case, as to whether anybody was implicated or caused the death of those parties by fire, or had anything to do with causing that fire - that of course is a matter that belongs to you, and that you can only decide by the evidence, and nothing else.

I presume that about covers everything that I have to say to you in reference to this case, unless the counsel desires me to charge anything special upon it.

Defdt's counsel --

I ask your honor to charge this jury that there is not a scintilla of evidence against either of the accused in any manner, or charging Kohut with this fire or the origin of it. I ask your honor to say that to the jury.

The Coroner - I leave that to the jury.- I would rather leave that to the jury for them to decide.

Defdt's counsel - could your honor possibly point out to the jury a word of testimony that connects either one of them either directly or indirectly.

The Coroner -- I leave that entirely with the jury.

Defdt's counsel excepts to the ruling.

Defdt's counsel-I ask you to charge the jury that if they find from the testimony and the circumstances in this case, that the fire occurred there, and the person is unknown, that they should find it in their verdict. That the fire originated there is no doubt the fire was there, and people were burnt- but if they cannot determine who these people are, they must render a verdict that the fire came through some person unknown.

The Coroner -- I must refuse that for the following reason: there is evidence here that the rear of the

top floor was occupied by Maru Fialki and her two children, Amelia and Rosa. There were three bodies there in the rear of that top floor-- the bodies were found in the next floor-- the fourth floor-- by the firemen and all those bodies recovered were recognized as human beings, the body of a female, an elderly person abd two children; besides that those parties were the only persons missing from that building since that time; they have not been seen since, and the only manner to account for them was the recovery of their bodies.

Deft's Counsel-- I ask your Honor to charge the jury that there is no evidence to show where the fire originated, either at the top or bottom.

Coroner-- That I refuse to charge-- I think there is evidence to that effect.

Deft's Counsel-- I except to your Honor's ruling.

The Jury thereupon retired.

TORN PAGE

0225

STENOGRAPHERS' TRANSCRIPT.

December 2 1885

Henry Wenger
Stenographer & Law Reporter
32 Chambers St

Before the Coroner

In the Matter of the Inquest upon the bodies of Mary Fialka &

0226

(1

[illegible]

0227

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

the beds, nor pillows, only ~~[illegible]~~ bolsters of "excelsior" ~~& St[illegible]~~ & mattresses of clean [illegible] — a few old clothes. No [illegible] clothes but a [illegible] shawl & 2 hats.

I afterwards made an inventory of every thing in the place — nothing was removed from these rooms after [illegible] the articles removed by [illegible] Grimm[illegible] [illegible] [illegible] rooms & in front [illegible] There was a good deal of [illegible] then a number of [illegible] Among other things I was in charge of place about 14 days. Saw the [illegible] None of [illegible] Anything stolen [illegible]

0229

District Attorney's Office
City & County of
New York

0230

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[illegible]

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

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

[illegible]

0233

DISTRICT ATTORNEY'S OFFICE.

New York, 188

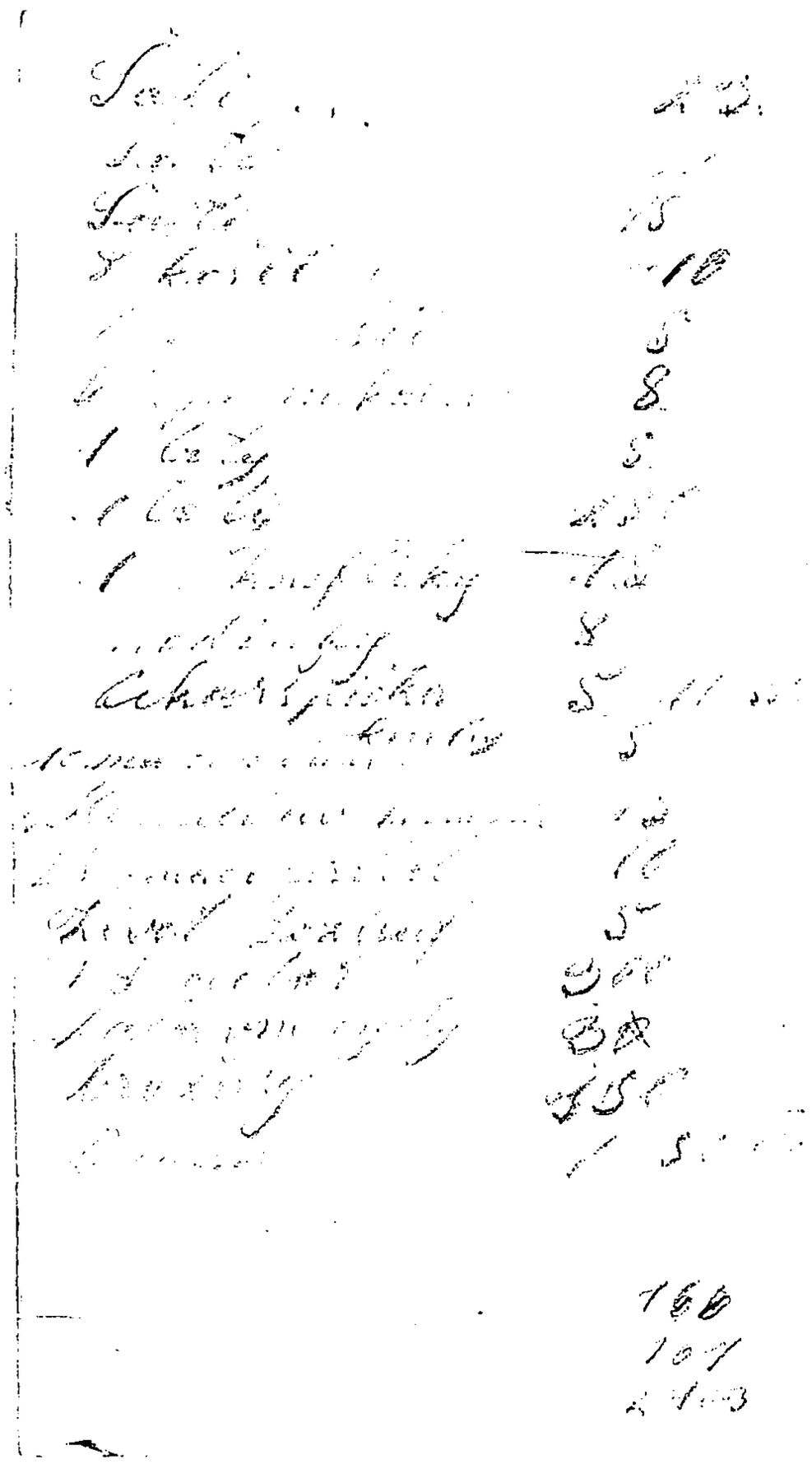
0234

In what part
of 40 + bil
to go with
p[illegible]
by what [illegible]

He has an
internal fund
in 71st St. [illegible]
[illegible]

Why go down
to 6th St to a
man he hardly knew

0236



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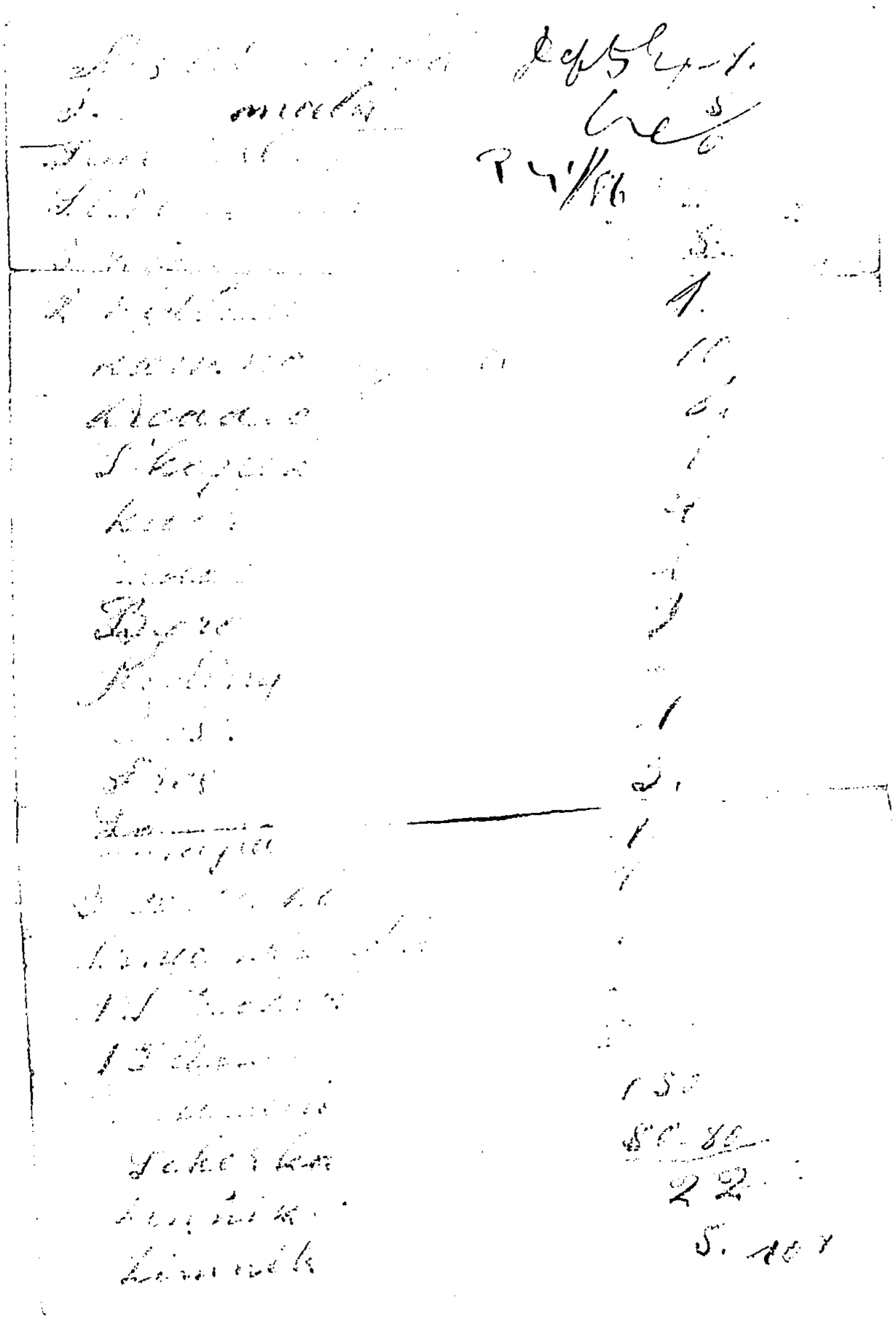

0238

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Left Kohout
Left 2 Dec
Left 12/9/86
Left

City and County of New York, Josepha Kohout being duly sworn deposes says my husband's name is Henry Kohout - we lived last Sunday at 404. E. 64th St fifth floor (conflagration). in the rear - Sunday night my husband and I were sleeping in one room in one bed in the middle room, the room next the kitchen my brother in law Edward Kohout boards with us and he slept in the next bedroom. The first I knew of the fire my husband got up & called me & said there was a fire in the hallway. We all got up ~~and~~ and put on what clothing we could, my husband, and my brother in law and myself, then we all went out on the fire Escape and went into Mr Seitz rooms. I saw there was fire in the hallway by the light through the glass over the door. I did not look out of the door. I saw no fire in my room when I went out. the only fire I saw was in the hall. when we went into Mr Seitz room from the fire Escape, I saw Mr Seitz, his wife

0239

Mr. Lohark.

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

and several children they were defending themselves - we went into dining room through the window, ~~we~~ remained there about five minutes. ~~I then went away with my~~ My husband came down stairs and then came back took me away - they locked in back door in dining room. My husband took me from there to the saloon in 6th St - the next the grocery store near where we lived (the 3rd & 4th houses from mine). There was a whole room full of people in the saloon. Most of them lived in the same house where the fire was, & the next house. Before I left my room at the time of the fire - I put on my petticoats, dress & jackets - put ~~this~~ a wrap on my head stood a shawl in my hand - The clothes that I have on now are the same that I put on that night. Except this outside jacket. Burned Kerosene, had only one lamp, a high lamp. ~~I remember that it was burning when I went to bed myself~~. It was burning and stood on the table in back room, the table nearest the bedroom where I slept

0240

Cont-

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

The Kerosene was kept in a tin quart
Can I always bought tin quarts
at a time. My husband bought it
the last time. Had only one tin can
in my room. and that was for oil
I do not know what kerosene is -
(Small pail shown) Had no such pail as
that in my room. _____
(Larger pail shown) Had no pail that sign
had one a little larger -
Had a ~~large~~ gallon demijohn in my
half full of wine. Drawn in the back
room where the lamp was burning -
Had only one demijohn. and one tin can
and one tin pail for beer
left the lamp burning on the table when
we went to bed. Always left it burning
at night. Had one large tin pail for coal,
& two wooden pails. I think they were
yellow. On Sunday last. My husband
bought in two trips half a quart each time
11 & 1 o clock, & got back between 8 & 9
o'clock intervening. We came in 6th St. by a family
named Kilian. I do not know the
members of the house. ~~After going to the~~
~~Saloon in 6th St.~~ We remained in the
Saloon in 6th St. after leaving Lely room

0241

4
Prec/

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

for about a quarter of an hour & then my husband took me to Kilian's in 6th St, where I slept - my husband also slept there - he left me there about seven o'clock Monday morning he went away with Kilian. On Sunday night, my husband & brother in law carrying a trunk home together from 6th St. The gas in the hallway is put out at ten o'clock, it was burning when we went to bed - It cannot have been 10 o'clock when we went to bed. My husband was sick that night; nor my brother in law nor me - When my husband woke me & told me of the fire, he stood by the side of my bed & said Josephine get up. & he called to my brother in law to get up at same time - There were two trunks in the room where we slept - The flat top one is mine. I brought it from home, it had my maiden name on it - The other trunk is my husbands. On Sunday night last that trunk of mine was three quarters full of clean clothes brown for the wash & nothing else was in it & the trunk was closed

0242

Mrs. P. Kohoutt.

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Edward Kohoutt has no trunk, only a hand bag it was in his bedroom _____ In my husbands trunk was ~~[illegible]~~ clean clothes belonging to him & his brother The clothes we wore were hanging up in the bedroom. Edward Kohoutt owned nothing but his clothing, the hand bag and one feather over bed and two pillows — he owned no furniture. When I went in the saloon in 64th St after leaving Detg room. I saw two families who lived in 404 E. 64th St Iriska & Zemula (Zemula). I think I did not speak to them I had three pillows under me Sunday night & a feather bed over me. There was also one sheet on my bed and a blanket _____ On Edward Kohoutt's bed were one sheet two pillows & a feather bed. When I got out of bed at time of fire I left all the bed clothes on the bed. Brought out every week or over a week, I cleaning everything & putting in fresh clothes

Josefa Kohoutova

Interpreted & witnessed by —

Ed Wagner — 989. 3d Ave. —

[illegible] 1148. 2d Ave

0243

Police Department of the City of New York,

Precinct No. 20th

Replies by A

Re 6/26/86 New York, 404 E. 64th St, 188

City & County
of New York } - Edward Kohoch
being duly sworn deposes says -
I live no where - Last I used to
live at 404. E. 64th St - with my
brother Henry Kohoch. I am 23
years of age. I am a segar maker -
I have lived with my brother Eight
or ten months - I did not own any
furniture in my brothers room -
I had clothes, books, a watch, bed
clothes one pillow & a feather bed -
nothing else. I have no other
is $300 - I had them insured for $100 -
I kept the policy in my coat - I lost my
coat - I do not know where the policy
is - I do not know whether it was
in the coat or not - I saw it last
Sunday nights. I took it from my
Sunday clothes I was going to put it in
the pocket of my week day clothes - this
was about 8 30 Sunday nights - I
always carried it in my pockets -
I do not know whether I put it in my
coat Sunday nights or left it lay
I took it out of my Sunday coat in the

0244

2/
E. Kakowski

Explaining his failure to communicate

Police Department of the City of New York,

Precinct No.

New York, 188

bedroom where I sleep. I do not know where I put it. I did not give it to my brother. I put it some place in my room. I have not asked my brother if he had it. I have not seen it since. I went to bed Sunday night about half past two. I do not know what time my brother & sister went to ~~sleep~~ bed. My brother Henry woke me up & told me there was fire. I do not know what time it was. I put on my pants & vest. I did not look for my insurance policy. I was glad to get out. I saw through the window of my room that there was fire in the hallway. I did not go out into the hall. There was a lamp burning on a table in the room where the stove is. There was no fire in our rooms only in the hall. My sister in law put her dress on. I do not know what my brother put on, we all went out together on the fire escape. My sister in law went first, then I went & then my brother. We knocked on the shutters next door & some one let us in. The people were not dressed. We hollered fire in our rooms & on the fire escape. Saw a man & woman in these rooms next door &

Sworn to

0245

3/E.K

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

few children. There was no fire in our rooms when we left them, we were afraid they would burn & that is the reason we got out. I do not know the name of the people who lived in their rooms. ~~[illegible]~~ Know the man by sight. I helped take children from the fire escape into the room where I went after leaving our own rooms. — I stain there about half an hour. ~~He was the last to leave the room away by the fire escape.~~ The man now before me (Mr Deitz) is the man who let me into his room. My brother ~~in law~~ & his wife went away before I did. I am not sure that they went away together — The lady & children ~~who escaped~~ in the apartment into which I went from my rooms (Mr Deitz) remained in their room all the time I was there half an hour, none of them were dressed. I do not know whether Mr Deitz had his clothes on when he went away by the fire escape. I went from there to the saloon next the grocery store — I saw no firemen in Mr Deitz room

0246

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

nor on the fire escape. I went from the saloon into the grocery next door & there I found my brother & his in law. this was about three o'clock also I stayed with them about half an hour. then they left me & went to some place in 6th st I do not know the place ~~where~~ - afterwards I went to 6th st to the same place. I do not know the number it, it is a new building near Ave B - between A & B - on the right hand going from A to B - I drank nearly daylight I slept there - it was day light when I woke up - my brother got up ~~& went~~ up to 6th st. after I which I got up & dressed & went down up to 6th st. I had become of the sisters ~~my brother was drunk~~ - ~~I got to 6th st with him. I did not go because I wanted to sleep.~~ I was in my room yesterday forenoon. I was all wet I looked for my insurance policy but could not find it. there is nothing burned in my room. ~~I did not see~~ I said a mark of fire in the room going out into the yard ~~of our room.~~ My brother burned

0247

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Kerosene had burned lamps. Kept Kerosene in a tin can. The lamp was a high lamp. My brother has two trunks. they are in the middle bedroom. I do not know what was in the trunks but usually they usually contained under wear, using my brothers & my sisters clean clothes. The can used for Kerosene was like those shown but smaller. I never saw both that one tin can in the rooms. I know there was one demijohn in the rooms it was used for wine. I think it was a gallon demijohn. I got the beer sending my boy in a white pitcher. Had a tin pail (like one shown) in the rooms. It was wiped for beer.

Edward Hohorst

0248

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Kerosene had brown lamp. Kept Kerosene in a tin can. The lamp was a high lamp. My brother has two trunks. They are in the middle bedroom. I do not know what was in the trunks last Tuesday night. They usually contained under wear, running togs, brothers & my sister's clean clothes. The can used for Kerosene was like two one shown Mr Kwaller. I never saw both that one tin can in the rooms. I know there was one demijohn in the rooms it was used for wine. I think it was a gallon demijohn. I saw no beer standing upon in a white pitcher. Had a tin pail (like one shown) in the rooms. It was used for beer.

Edward Rohorok

Interpreted the imp
by
[illegible]
908 2d Ave
1148. 2d ave.

Subscribed & sworn before me
this 24th Nov 1888.
G H Shelton
Fire Marshal

0249

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Conversation had by Mr Bendheim with Henry Kohout in Clerks office at 57th St Police Court Nov 20th 1885.

Bendheim states. "I told Henry Kohout to tell me the truth about the fire — I asked him "what do you know about the fire". He said I had a headache & got up out of bed & then I noticed a fire in the hall on my floor. And then right afterwards I woke my wife & brother & then I seen there was some newspaper burning in the rear room by the window near the fire Escape. And the three of us went out of the room over the fire Escape into Seitz room. In going out of my room I burned my shoe — I did not light the lamp in my room, the light was burning —

H. M. Bendheim

Bushnell
Conversation

with Kohout.
~~Nov 25th~~

050

0251

Police Department of the City of New York,

Precinct No. _____

New York, June 4 1881

Mr Bernheim says that Kohrath told him early monday morn about 8 am. That his wife was not home at time of fire - that she was with some friends, in 6th St - That he had a headache & got up about 12 o clock lighted the lamp & then heard an explosion in the hall & then he left the house.

Bundheim
Statements of
Conversations
with Robertson

Mr. Cowan on 18
Nov. at 12
of

0253

Newyork November 26th 1885

Albertina Franz of #336 E 38th st NY City deposes & says:

I was at home Sunday night last at the time of the fire, & was living then at 404 E 64 st 2d floor front on the same side as the Kohuts, boarding with John Maschin. Kate Maschin, the wife of John, was awake at the time of the fire & saw the reflection out in the Hall through a window in her bed Room. She awake her Husband and told him that there was fire in the Rear and they both wake me up. Maschin, his wife & myself went out on the fire Escape in the front of the House & wanted to get into the next Room of #406. — We burst in the window, but found that the windows were closed with wooden shutters, and I then returned to the Room to get some money that I left in the pocket of a Dress on a Chair. — I then opened the Door leading out into the Hall & seen the stairs & floor leading to the next floor above were burning. — then I saw that it was possible for me to go down the stairs leading to the Street. I then went back to the middle of the Room and called to Mr & Mrs Maschin who were still out on the fire Escape, & said = come on, we can get down the stairs = There was no fire on the lower stairs then. — I and Mrs Maschin went down together. — what be came of Mr Maschin I do not know. When we got down to the bottom of the stairs, to the side entrance of Maschin's Saloon, I knocked on Maschin's door and receiving no reply, I opened the

0254

door leading to the street and there met Henry Kohut entering the house. I said = Mr Kohut there is fire in the house, do not go in. Mr Kohut answered me, saying "I know it already". Then I went to 408 E 64th st with Mrs Marchin. When Kohut came in the hall, he was all dressed and had on a long overcoat. I know Henry Kohut from childhood and am positive he is the man I met in the hallway, as he comes about a half mile from the place were I was born.

I seen fire close to Kohut's door and on the stairs the time that I went out into the hall. Did not see any of the Kohuts before or after the fire.

Albertina Franz.

Subscribed & sworn
before me this 26th
day of November 1880
T H Thudson
Kindlebacher

5520

0256

Police Department of the City of New York,

Precinct No. .....

New York, Dec 16th 1885

Occupants of house No. 404 East 64th St. at the time of fire Nov. 22nd and 23rd 1885

Room No. 1 2nd Floor	Telestor Danofsky Pallinia " Emma " Titus " Hermann "	Residence 406 East 64th St.
Room No. 2. 2nd Floor	John Mashin Catherine Mashin Albertina Mashin	Residence 333 East 38th St
Room No. 3. 2nd Floor	Henry Kohout Josephine " Eduard "	
Room No. 4. 2nd Floor	William Boll Julia " Clara " Henry " Clara " Marie " Bertha "	Residence 408 East 64th St

0257

Police Department of the City of New York,

Precinct No.

New York, 188

Room No. 5. 3rd Floor	Toney Kalash Annie " Charles "	Residence 408, East 63d St.
Room No. 6. 3rd Floor	Frank Tjeechinsky Barbery " " " Annie " Toney " Mary " John Tureck "	Residence 208, E. 63d St.
Room No. 7 3rd Floor	Mathias Kopp Lizzie " Lena " Aller " Lizze " Mathias " George " William "	Residence 404, East 63d St
Room No. 8. 3rd Floor	Anton Mashyn Barbra " Vincent Prochaska	Residence 337, East 38th St.

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Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Room No. 9. 4th Floor	Otto Semler Francious Semla	Residence 323 East 73d St
Room No. 10 4th Floor	Josephren Nadoehck Mary " Charles " William " Joseph " Barbary "	Dr of Ky Residence 406 E. 64th St.
Room No. 11. 4th Floor	George Heidueck Annie " Jane "	Residence 427 E. 72d St.
Room No. 12 4th Floor	John Triska John " Joseph " Charles " Thomas " Tomey " Mary " Rosey " Joseph Benedick	Residence 40 f. East 64th St

0259

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Room No. 13. 5th Floor	Mary Fialka Emelia " Rosey "	
Room No. 14 5th Floor	Peter Korchek Catherine " Catherine "	Residence 1134. 1st Ave.
Room No. 15 5th Floor	Max Rosenthal Laura " Ellen " Simon "	Residence 1158. 1st Ave
Room No. 16 5th Floor	Vacant	

Total number of Persons which occupied the house No. 404. East. 64th St. on the above night 70. of which Mary. Emelia. and Rosey Fialka who occupied Room No. 13. on 5th floor are missing

Mr Rosbiani 253 Houston St foundry on

0260

Police Department of the City of New York,

Precinct No. .....

New York, ... 188

Barbara Zita Sister to Wieczorek
resides at 317 - East 54th Street

Frederick Blaha Brother to Wieczorek
resides at 428 - East 59th Street

Peter Hoecher 1134 - 1st Avenue

Alarm of Fire Det at Premises
Here 1st Ave Nov 21 1888 Thursday

0261

H. M. BENDHEIM,

Cigar Manufacturer,

402, 404, 406, 408, 410 & 412 East 64th Street, near First Ave.

New York, 188

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

0262

Statement of Barbara Sila who is Sister to Anna Zeala who was burnt to death on Sunday night Nov. 22d 1885 at 404 East 64th Street

Barbara Sila who resides at 317 East 54th says that her Sisters two children came to her apartments at about 2 P.M. Sunday Nov. 22d 1885 to make a visit to her they remained with her until bet 4 and 5 P.M. when the took the children home to their Mother who resides at 404 East 64th Street when I entered my Sisters apartments she was drying some clothes I remained with my Sister until bet 5 & 6 P.M. when I left and went home to my apartments 317 East 54th on Monday Morning I heard of the Fire and that a Woman and two children had been burnt to death I saw the Bodies at the Undertakers in 54th Street I recognized the Woman as my Sister by one half of her Face and her upper teeth which was good the rest of her teeth in the upper jaw was Broken gone or stumps the two children was burnt so much that I could not recognize them

Statement of Barbara Sila 317 East 54th Street
Witness to death of Anna Zeala 404 East 64th Street

02663

Police Department of the City of New York,

Precinct No.

New York, 188

Witnesses

Joseph Stiebeck	404. E. 64th St.	G.
Albertinie France	333. E. 38th St.	G.
Frederick Blaha	428. E. 59th St.	G.
Barbara Zita	317. E. 54' St.	G.
Peter Horchek	1134. 1st ave.	G.
Vincent Machin	404. E. 64' St.	G.
W. Boll	406. " " "	G.
Mrs. W. Boll	" " " "	G.
Anton Seitz	406. " " "	G.
Mrs. A. Seitz	" " " "	G.
Henry Birnheim	" " " "	G.
Jacob Bauer	1154. 1st ave.	G.
May Rosenthall	1158. 1st ave.	N.
Mary Probst	406. E. 64th St.	"
Lwamek Probst	406. E. 64' St.	"
Folasfor Danousky	406 - E. 64' St.	"
Pauline Danousky	" " " "	"

0264

Police Department of the City of New York,

Precinct No. .....

New York, ... 188

Peter Skrbel 71st St. bet. 1st and 2d Ave. says that his Son in Law, Frank Laymansky and himself did live at 1350. 1st Ave. his Son in Law and Henry Kohout was the first persons that started this Club and another man named, Schaub. this Club had for its object the makeing of Dynamite in a more perfect form. Laymansky would make the receipt and Kohout make the dynamite and then vis a versa Kohout would make the receipt and Laymansky make the dynamite. Skrbel went to see his Brother in Law in 1404. E. 64th St. Saturday Nov. 21/85 whose name is Geo. Heidusek and resided on 3d floor front and while there Skrbel smelt a peculiar smell something like Sulpher and asked his Bro. in Law what was that smell and his Bro. in Law said he did not Know. They purpose was when they made this perfect that they would become strong and be able to compete with the Government and put down the Capitalists X Kohout and Laymansky visited one another every day. it was about 6-months ago they commenced to make dynamite

0265

and put those in power who had
mussel that is what Kohout said
There was 9. members to this club
and Kohout made the rules for the club

0266

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

_____ 188_____

0267

Samuel Campbell, being duly sworn — testified as follows:

[illegible] — by — [illegible]

I was acquainted with Mary [illegible] — on the 23rd of March in 18[illegible] [illegible] fire all [illegible]. I never [illegible] any of the defendants [illegible] [illegible] any of any conversation [illegible] amongst themselves by [illegible] the fire. I know [illegible] personally of my own knowledge that they had anything to do with the fire. I don't know who started it.

Samuel J. Campbell

[illegible] Ben. [illegible] [illegible]

[illegible]

//

[illegible] Examination — by [illegible]

I am a [illegible] manager [illegible] and [illegible] [illegible]. when this fire occurred ~~at~~ No. 404 East 64th St. The fire occurred on the 28th of

0269

November 1885. Three people were burned to death in this fire.

Cross Exam by — Mr Levy

Adolph Kron has stated he only was at my house for a few minutes. I heard it was burning while it was burning. I don't know whether Mr. Edwards or Charles Nash, he or anything about it. The fire was out of place, I heard he was in Cor. Canal St. I saw them in reference to it. Adolph Kron they came to the premises to take an inventory.

Sworn to before me
16th December 1885
[illegible]

Henry M. Bendheim,

Francis Keenan of No. 343 East 6th St.

Direct Exam by — Mr. Farr

Was a cigar maker and was the agent of the premises 343 East

3

[illegible] the [illegible] ocean. A
[illegible] [illegible] remains of this woman
in [illegible] – [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] to remove the soot from
[illegible] or age of the ceiling painting
in the room they [illegible] occupied.
The Turpin family occupied room
on the [illegible] floor of 40 [illegible], [illegible] [illegible]
the war. Since 1883 [illegible] have [illegible] [illegible]
all the tenants to [illegible] [illegible] the [illegible]
[illegible] [illegible] [illegible] of them. At the time
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
the time they occupied room [illegible] [illegible]
[illegible], [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] apartments.

Sworn to before me
16th of December 1885 — [illegible]

[illegible]
Notary Public

Vincenzo Machini of 404 East [illegible], sworn says: I am

Saloon keeper. I keep a saloon there & [illegible] the [illegible] me. I knew Mrs Balke & her daughters and there was a fire which occurred [illegible] 1 o'clock AM. I was at 406 then. I was awakened [illegible] about 1 AM. [illegible] there was a fire [illegible] [illegible] of [illegible] was [illegible]. I saw that was a fire [illegible] upstairs [illegible] of 404. I passed [illegible] my Saloon. I saw Henry Kalt there. When I opened the door I saw him coming down the stairs of No. 404. I saw [illegible] fire [illegible] the hall. Henry Kalt had a Coat on his arm & I told him to throw it on the fire & he did it. There was a [illegible] standing on the [illegible] & he threw it on the fire & it blazed right up then. I was alarmed. Then I

4

Closed the [illegible] & went into the saloon
Cross Examn by Mr. Berry
X & [illegible] OK [illegible] [illegible] the middle
[illegible] on [illegible] [illegible] [illegible]
saloon. Kahn ([illegible]) was [illegible])
then coming down stairs. The place
there [illegible] [illegible] stairs [illegible] burn. There
was a spot [illegible] [illegible] [illegible]
circumference [illegible] which was burning.
[illegible] [illegible] [illegible] spot burning around,
he came [illegible]. As soon as he came
down-stairs the fire from above
dropped down-stairs. It was about
six inches square when he got
down stairs. There was no light in the
house [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] like water [illegible] the
[illegible] [illegible] [illegible] [illegible] [illegible]. I [illegible].
[illegible] the out when Kahn picked
it up. I saw their dead bodies when
they were taken into saloon [illegible]
that were so burned I could not [illegible]
[illegible] them. I didn't hear any con-
versation between the defendants along

[illegible] the Lower Regulations [illegible]

By our Paris

The house was burning in Jan Salon [illegible] it was burning [illegible] up in the air [illegible] the [illegible] was [illegible] [illegible] [illegible] [illegible] [illegible]

By Saul Dupy

"We was a rear door leading into the ~~court~~ yard in the rear. At the time I opened the rear door I did [illegible] when the rear door was opened [illegible]

By "Shepard"

I knew the other persons who were burned to death at this fire. They were taken in my salon, then chained [illegible] [illegible] Regulators brought them into my salon

0274

SL 20

9L20

0277

BL20

6L20

0820

0281

Superior Court Part III
Jan 22. 1886

Hon Frederick Smyth
Recorder

My dear Sir,

Mr. Henry M. Berdheim & Mr. Franz Rebhuhn are now in attendance before this Court, under subpoena and as defendant in a case now on trial before me. I am informed that they are also subpoenaed in the case of the People vs. Mohout, on behalf of the People. Will you kindly indulge this Court to the extent of excusing these witnesses until noon or thereabouts, when it is expected they will be able to be discharged here. The courtesy of so excusing them will be duly appreciated

Yours, with great respect

Richard Gorman
Superior Court

0282

Police Department of the City of New York,

Non E. 84th St

Precinct No.

New York, 188

City of New York
County of New York } John Kilian of 542
6th St. being duly sworn
deposes & says - I am married, have
three children. Occupy two rooms
am a cornice maker. I know
Henry Kohorst, got acquainted with
him in a Labor Union. I know his
wife. I know his brother Edward
They came to my house off & on
Sundays. Sometimes Henry Kohorst
came there when he was going
to the meeting. Last Sunday after=
=noon (Nov. 22) about two o'clock Edward
Kohorst came to my house and
went with me to a meeting. Henry Kohorst did not come
at five o'clock we went back together
to my house - an hour afterwards
Edward went home. I did not see
him any more that night. Henry
Kohorst and his wife were not at
my house last Sunday to my
knowledge, they were not there while
I was at home, they were not there
last Sunday Evening after five o'clock
Between three & four o'clock last

0283

2/
Kylian

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Monday morning Henry Kohorst this wife came to my house, and half an hour or an hour after=wards Edward Kohorst came there. They said they were burned out & did not know where to stay & wanted to stay by me over nights I let them stay there. They were at my house when I went away to work Monday morning. I have not seen Henry Kohorst since then his wife & brother slept at my house on Monday night. None of them told me how the fire happened They said they were burned out had nothing to sleep on any more. Sunday Evening about six o'clock I went out and returned about nine o'clock. My wife was at home all the Evening. I am a Bohemian. have been in this Country since Dec 24. 1883. I have known Henry Kohorst about a year or a year & a half. I do not know whether Kohorst has any property in my house or not. I know he has nothing there

Kylian Lohan

Subscribed & sworn before me
this 21st day of 188

Deputy Fire Marshal

Interpreted by H. M. Bendheim.

0284

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

City & County of New York } ss.

Anna Kylian wife of John Kylian being duly sworn deposes & says - I live at 472 E. 6th St. I know Henry Kohonk. I have seen him twice - I met him once at a picnic - and once at my house some time ago - I know he has been at my house only twice. I know his wife. I know his brother Edward Kohonk, he came to my house last Monday with his brothers wife. ~~that~~ I had seen him before but did not know who he was ~~at the first time I ever saw Edward~~ I asked Mrs Kohonk who he was & she said "that is my husbands brother." Henry Kohonk was at my house last Sunday afternoon at three o clock when I went to church my husband with him - Kohonts wife & brother were not with him. I came home from church about dusk. When I got home from church my husband & children were home and my mother was ~~home. She was in the house.~~ All of the Kohonts were there when I came home from church. They all went away together after seven o clock ~~I have you seen the husband Henry Kohonk of the Kohonts. Henry or his wife or brother were at my house~~ after dusk on Sunday evening when he left the house after ~~evening~~ seven o clock. ~~the first time that I saw any of the Kohonts after Sunday Evening~~

0285

2/
Mr P Kyleard

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

was about dark on Monday evening ~~Tuesday night~~. The brother & two sisters came ~~there~~ to my house Monday night about dark. Said their house was burned ~~and they wanted to sleep there~~ & they slept there ~~that~~ night. They left my house next morning & have not been there since. They asked me if they could sleep there again in case they could find no other place & said I had no place for them — There is nothing in my house belonging to them but a shawl — I loaned Mrs Kohout a long coat.

Anna Kylian

Interpreted by
E. E. Zeigler

Subscribed & sworn
before me this 20th
day of 1885

G H Sheldon
Fire Marshal

98 20

0287

Conference

8

0288

District Attorney's Office
City & County of
New York

0289

Colonel Henry Kabat testimony

[illegible] – getting rid of minors –
Knowledge of [illegible] girls –

Henry [illegible] statement [illegible]

Colonel Pollock [illegible]
[illegible]
Minors
[illegible]
[illegible] 25th March

My Lords, Colonel Henry Kabat, recalled, on his oath, further examined by Colonel Pollock, the witness gave the following evidence in the Russian language, which Colonel Pollock explained thus –

Colonel Kabat [illegible]
[illegible]

0290

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

0291

The manner of Felon and the children
Only in a crowded tenement - Children
many cases of Mother and daughter at
New York -

I remember three cases -
Father and mother in Rent Poverty trying to
Children in the way of receipt and food
Daughters struggling to support a mother and
and young children and sister.
Looking by day and night to meet the wants of
Confined to their mother's employment till
Kitchen & overworked and dying, till
Pain left the children in Kitchen and amid the
Sorrow & the Sympathy [illegible]
Joy from [illegible]
[illegible]

1872 & 73 families crowded of [illegible]
Many cases [illegible]

0292

From a Lancashire Mass. 7

Old and young in the
[illegible] – Shades of [illegible]
Smoking and burning, The [illegible]
[illegible] The [illegible] of [illegible]
fall in flames and wide ruin spreading
down its destroying [illegible]

The [illegible] Confusion [illegible]
They are [illegible] [illegible] [illegible]
[illegible] –

0293

Corpus delicti

The family of the Thomas Foster and his 2 children living in the [illegible] and the [illegible] Mrs Foster —

His Sister who came to see the [illegible] his children and the neighbors testify to the fact of poison — Robert Horsfall's wife

The testimony of the [illegible] family immediately before — Sister — wife

The Evidence of the [illegible] testimony the secretary — Inspector Harry — Mayne Dayan chemist — Dr Kenyon — Dr Johnson

Stokes & brother —

The Counsel for in defence — Gjoannidan
for the [illegible] three [illegible]

0294

Confusion of Ideas 3

The Nebular Cosmogony - that following adopted by a number of

The idea of gradual growth
but the substitution of the
Spiral Theory and [illegible]
[illegible] - [illegible] [illegible]
on [illegible]

The rule [illegible] the Spiral theory
must be proved [illegible]
a check for the [illegible] of the
Brooks [illegible] [illegible]
[illegible]

0295

1

Roll Calling of

Bell
Ellis
Alberta Gray
Vincent Meschini
Jacob Beeler

} To the indictment the first and second counts, the action taken on the night the fire

Fire Patrolman Barr
Deputy Marshal Frank
Fire Marshal Sullivan
Captain Gunnison
Detective Campbell

} To the affirmative upon consideration of the fire and of the observations the cross-examination

The Witness

Captain Gunnison (The attorney of the defendant asked questions of the witness for the benefit of

0296

Motive

4

The Insurance =

[illegible]

[illegible]

[illegible]

The insured agent fears the values upto [illegible]

In the amount of Jewels - [illegible]

$400 - Having [illegible] of [illegible] Jewels -

He claims that the insurance was effected for [illegible]

0297

STATE OF NEW YORK

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the Coroners Office No. 16 Chatham Street, in the 4th Ward of the City of New York, in the County of New York, this 30th day of Nov & Dec 1 in the year of our Lord one thousand eight hundred and 87. before

FERDINAND LEVY, Coroner, of the City and County aforesaid, on view of the Body of ~~Mary Clarke~~ Anna Fuchs now lying dead at

Upon the Oaths and Affirmations of good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said ~~Mary Clarke~~ Anna Fuchs came to her death, do upon their Oaths and Affirmations, say: That the said ~~Mary Clarke~~ Anna Fuchs came to her death by shock from general burns of the body received at premises No 404 East 60th St Nov 23/87 about 1.30 Am and we believe that the fire was of incendiary origin and that Henry Kohaut should be held as principal in the act, we find further that Edward Kohaut was an accessory, while we think that Josephine Kohaut was to a certain extent an accessory before the fact, not being under the influence of her husband the said Henry Kohaut and her brother-in-law the said Edward Kohaut and in the absence of more positive evidence exhibiting her participation we discharge her.

In Witness Whereof, We, the said Jurors, as well as the **CORONER,** have to this Inquisition, set our hands and seals, on the day and place aforesaid.

JURORS.

Hermann Schwarzschild 444 Bdway
John G. Corson 198 William St
John Schmidt 408 W 53
Julius Fischer 40 Gold St
Dennis Mechan 22 Peck Slip
John Gunson 192 William St
Emil J. Bondy 182 William St
Rupert Wittkamm 21 Bankfort St

C. Hammerson
Geo Pelletreau Jr
Louis Lochman 1618 first Ave
Benjamin Newman 257 E 57th St
Fritz Lagerstrom 225 Fr 27th St

Ferdinand Levy
CORONER, N. Y.

0298

TESTIMONY.

Frank Fyala being sworn says; I reside at 617 West 12th St. Chicago, Illinois, and am husband of the deceased Anne Fyala, who came to her death by general burns at a fire at 404 E. 64th St. on Nov. 23/85, about 1:30 A.M. also my two children Emma and Rosa Fyala who came to their death at same time and from same cause,

Frank Fiala

Sworn to before,
this 2nd day of December 1885
Ferdinand Ivy CORONER.

0299

TESTIMONY.

Philip E Conlin M. D., being sworn says:
I have made an examination of the body of
Mary Dealka now lying dead at
Morgan and from such examination
and history of the case, as per testimony, I am of opinion the cause of death is
[illegible]

M. D.

Sworn to before me,
this 28 day of [illegible] 188
Ferdinand Leon CORONER.

0300

MEMORANDA.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
Years.	Months.	Days.			
43			Bremen	Turner	Nov 23. /88

404 E 64 St

Stuart Gail Brunn & body
Nov 23. 4 am.
12.10 Am

Fred Blank
406 E [illegible]
[illegible]

F. L.

No. 5147

by the Quest.

1888

AN INQUISITION

On the VIEW of the BODY of

Anne [illegible]

subscribed, it is found that she came to her death by [illegible]

Michael [illegible]
Samuel [illegible]
[illegible]

Certificate of Inquisition
Inquest taken on the [illegible] day of [illegible], 1888, before
FERDINAND LEVY, Coroner.

[illegible]

F. L.

No. 514

4th Quar. 1885

AN INQUISITION

On the VIEW of the BODY of

Anne ~~Mary~~ ~~Fuller~~ F[illegible]

whereby it is found that she came to her death by

Shock from general burns of the body.

Inquest taken on the 27th day of December 1885, before

FERDINAND LEVY, Coroner.

514

MEMORANDA.

AGE. Years.	AGE. Months.	AGE. Days.	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
~~40~~ 43			Bremen	Nursery	Nov 23/85

404 E 64 St

Shock from [illegible] Burns [illegible]

Nov 23. 4 am.

12.10 Am

Ford [illegible]

[illegible]

0302

1st District Police Court,
New York, December 7 1885

To
The presiding Magistrate
in the 4th District Police Court
will please hear and determine
the case of the people against
Henry Kohout, Edward Kohout
and Josephine Kohout on a charge
of arson and oblige

P. Duffy
Police Justice

0303

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

POLICE COURT, 1 DISTRICT.

Samuel J. Campbell

of No. 25th Pct in Precinct Street, being duly sworn, deposes and says,

that on the 24 day of November 1885

at the City of New York, in the County of New York, he arrested Edward Kohaut and Joseph Kohaut on a charge of conspiring with Henry Kohaut in selling fire to a tenement house situated at number 404 East 64th Street in said City, on the 23rd day of November 1885. That deponent is not able at present to produce the evidence which he has against defendants. Therefore deponent asks that defendants be held till such time as deponent can produce such evidence. S J Campbell

Sworn to before me, this 25 day of November 1885

Police Justice

0304

POLICE COURT— 4 DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel Johnsprecl

vs.

Edw. Kohaut
Joseph Kohaut

AFFIDAVIT.

408 E. 65th St. 2 story Rohemia
" " " " 19 " "

Dated Nov. 25 1885

Dwyer Magistrate.

Campbell & Mc Officer.

Witness,

Disposition

0305

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

POLICE COURT 7 DISTRICT.

Samuel J Campbell

of No. the 28 Precinct Street, being duly sworn, deposes and says,

that on the 23rd day of November 1885

at the City of New York, in the County of New York, he arrested Henry Kahoot now present on a charge of arson — to wit setting fire to and burning in the night time the premises 404 East 64th Street the same being an inhabited dwelling

Deponent now asks that the defendant may be held a reasonable time to enable deponent to procure testimony to establish the guilt of the defendant

S J Campbell

Sworn to before me this 24 day of November 1885

Police Justice.

0306

Nov 27

POLICE COURT— 4 DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel J Campbell

vs.

Henry Kahoe

AFFIDAVIT.

Dated Nov 27 188 5

Duffy Magistrate.

Campbell Officer.

Witness,

~~Nov 28th godfet~~

Nov. 28th 2 o'clock pm

Disposition

ex Decr 11th at 10 a.m.

0307

Police Court, 4th **District.**

City and County of New York, } ss.

Depts Ex. Inc.

Julia Bolle 12/9/86

of No. 408 East 64 Street, aged 30 years,

occupation House Keeper, being duly sworn, deposes and says,

that on the 23rd day of November 188 5, at the City of New York, in the County of New York, I was a tenant and occupied rooms on the second floor at No. 408 East 64th Street my, Wife at the time of the fire in premises No 408 East 64th Street in said city, at the time of the fire I went on the fire Escape on the second floor with my children off the Window of rooms occupied by Mr Seitz at No. 408 East 64th street I saw a young man in Seitz's room who was at the window near the Fire Escape and then assisted me in taking my child from me into Mr Seitz's room at the time the young man took my child from me the fire only began. I cannot say that the young man was Henry Schmidt or not I was very much excited at the time and did not notice the young man's face sufficiently to identify him. the young man had one shoe on and one off his foot.

Sworn to before me this 11th day of December 1885.

Julia Bolle.

Henry Ulmann Police Justice

0308

Police Court--Fourth District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1 Henry Krahout
2 Edward Krahout
3 Josephine Krahout
4

Offence, Homicide!

Dated 188

Statement of

Magistrate.

Officer.

Julia Boyle

Clerk.

Witnesses, 408 E 64th St

No. Street,

No. Street,

No. Street.

$ to answer Sessions.

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

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

Dated 188 *Police Justice.*

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

Dated 188 *Police Justice.*

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

Dated 188 *Police Justice.*

0309

State of New York.

Executive Chamber.

ALBANY, [illegible] 188[illegible].

SIR:

An application for Executive clemency having been made on behalf of [illegible], who was convicted of [illegible] in the County of [illegible], and sentenced [illegible] 18[illegible], to imprisonment in the [illegible] for the term of [illegible] ~~years~~ and [illegible] months [illegible] and to pay a fine of $ [illegible], I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial or upon the preliminary examination, or before the Coroner's jury, if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since the conviction.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Very respectfully yours,

William [illegible]

Private Secretary.

To Hon. [illegible]

Recorder's Office, [illegible]

N. Y. City

03 10

State of New York.

Executive Chamber.

ALBANY, [illegible] 188[illegible].

SIR:

An application for Executive clemency having been made on behalf of Samuel Thomas, who was convicted of Petit Larceny, in the County of [illegible], and sentenced [illegible] 1886, to imprisonment in the Penitentiary [illegible] for the term of [illegible] ~~years~~ and months and to pay a fine of $, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial or upon the preliminary examination, or before the Coroner's jury, if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since the conviction.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Very respectfully yours,

William Pierce
Private Secretary.

To Hon. [illegible] Martine,
Dist. Atty. of New York Co.
N. Y. City.

Answered
Dec 29/87
R. B. Ks

0312

Roger B. Hamlett.
Richard Attridge
William Signer
William Dennis
John Walsh
Joseph Shaw
Henry H. Pontz.
Jacob Frank

0313

0314

Walch's Claim		
Feather bed large		10.00
" " 2 Bolsters	from 30 lbs	40.~~00~~
~~3 Suits of clothes~~	[illegible]	
Almost Suit	~~[illegible]~~ [illegible]	18.00
Bombay Suit		16.00
[illegible]	" "	22.
8 or 10 Shirts	@ 50	6.00
6 Undershirts	@ 50	3.00
2 pr Shoes	@ 2.00	4.00
about 5 Ties		2.00
		123.00

0315

0316

0317

See [illegible]
Campbell Kawasaki, [illegible] Insurance LLC
re [illegible]

0318

1.

Mary Mahoney Estate, Miss Fern, Mr. L. Thomson & Mr. Wright.

Kitchen

2 [illegible]	[illegible]	8.00
Stove	"	10.00
[illegible]	"	[illegible]
[illegible]	"	7.00
5 Chairs	"	5.00
2 Mirrors	" 50c	1.00
[illegible]	"	6.00
[illegible]	"	6.00
1 [illegible]	"	15.00
1 [illegible]	[illegible]	50.00
1 [illegible]	" " " Brass	3.60
2 [illegible]	" " " "	
2 [illegible]	" " " "	
[illegible]	"	African Brass rifle " "
1 [illegible]	" Brass	3.00
3 [illegible]	" "	
[illegible]	" "	1.80
2 [illegible]	[illegible]	
[illegible]	" Brass	3.00
[illegible]	" "	
1 [illegible]		5.00
Middle Bedroom		
Trunk Mirror		4.25
" Mirror	[illegible]	
		138.65

0319

Model non-rental 138 65

Brushes 7.00
Balls 6.00
" Sponge 1.00
Tooth Paste 1.00
Mouth wash 1.00
2 Pillows 2.50
Washing cloth 2.00
Nylon net
Nylon net assorted
6 Bar [illegible] 3@ [illegible] 3.00 1.20 6.00
11 men shirts [illegible] 10.20
5 [illegible] @ 1.25 10.00
10 [illegible] @ 1.50 1.50
3 [illegible] 2.40 1.30
Tubes 3 @ [illegible] 1.75

~~Hospital~~ Fire

[illegible] Quarter [illegible]
3 Bed } = 2 [illegible] Mattress
2 Pillows } 3 " Bedsheet
2 H.O " Mattress
20 Hospital " "

2 1250 Over roof col 23.00
212.50

0320

2

General [illegible] order 212.50

4 suits 21.00

1 " 17.00

1 " [illegible] 15.00

1 Hat 27.[illegible]

1 lb Shoe 5.00

1 " 2.00

Payable [illegible] in [illegible] 2[illegible]

20 days

0321

If a man has
a pig, his own
property only
[illegible]
[illegible]

0322

Inventory of H. H. Lin
Henry Kohouts premises 404 Eah 64th

Kitchen

Tinc under Stove
1 Stove and Fixtures
Oil cloth on mantle
3 Iron Pans
1 Coffee Pot
Coal Scuttle Poker and Small Shovel
1 B. W. Drop Table and oil cloth cover
1 Small Kitchen Table and oil cloth Cover
1 Bureau B. W 4 Drawers (white cloth Cover)
1 Mirror
3 Cain Bottom Chairs (Maple)
1 Wooden Chair
3 Tin Spit-toons
2 Wooden Pails
1 Dish Pan
1 Small Chamber
1 Lamp
6 Plates
1 Dish (round
5 Tea Cups
1 China Cup and Saucer
3 Earthen Milk Pots
1 Pitcher
1 Cullender (Tin)
1 Rolling Pin
1 Doz Boxes Matches in Small Boxes
1 Knife Box (Wooden)

1 Tin grater
1 " Ladle
2 Brushes 1 Stove and 1 Blacking
1 Pair Vases
2 Tin Pepper Boxes
1 Match Box Tin
2 Jelly glasses
5 Goblets
1 Glass Cake dish
1 Blue Wine glass
1 Bakh Flowers (artificial)
2 Large Tin Spice Boxes
1 Old over coat
2 Old Brown Hats (Gents)
1 Pair Mens Shoes (Very old)
1 " Ladies Slippers (" ")

Drawer 1

Articles in Burca Drawers

1 Prayer Book
1 Hymn "
2 Round Paper boxes
1 Ring Box
1 Black Kid Glove torned
1 Necktie 1 Linen collar Lot rags papers and Letters

Drawer 2

1 Small Prayer booty
1 Pair Black cloth gloves and 1 old black Kid glove
1 Collar 1 Pair Socks Lot Ball tickets old rags and Pamphlets

0324

Kitchen

Drawer 3 — 1 Pair mens drawers old 3 Knitting needles and Lot old rags

Drawer 4 — Lot Ball tickets and check 2 Pamphlets 2 mens Collars 1 Marriage Certificate dated 4/20 2 Pieces old rags

---

2 Lot tin can ~~[illegible]~~ Krosene
1 " " " Krosene
1/2 Gallon bottle Benzine
1/2 " Dimejan Krosene
2 " " "
Large Squar Can Benzine
3 Small Pitchers Photografs
all taken away by Fire Marshal Sheldon and Capt Gunner 28th Precit
Excepting Large Squar Can (Benzine) and 2 1/2 Cans Krosene

Middle Room

1 BW Bedsted
1 Stram Mathrass
1 Excel Bolster
Lot Segar molds Sea loos tobacco
1 Bed Sheet
1 Wash tub
1 Window Curtain
1 Small bag tobacco
1 Rocker Chair
2 Cain bot Chairs
1 Wash Board

0325

Middle Room

1 Wooden Chest (found 1 Tin Can of benzine
1 Chromo
2 Pair Pants 1 Vest 1 Coat old
1 Old Shoe 1 Old rubber shoe
1 Trunk Empty
taken to Station house by Capt. Sumner

Bed Room

1 Iron Bed Steel
1 Mattress (Cotton top)
1 Bolster Ease
1 Wash Boiler
1 Empty Satchel Canvas
1 Straw hat Gents
1 " " Ladies
1 Felt " "
1 Knit Shawl " (colored)
1 Wash Basket
1 Tobacco Press
1 Milk Can
2 Old Coats
3 " Pants
1 " Vest
1 Wooden Chair

0326

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.] 404, E. 64th St.

(155 & 157 MERCER STREET.)

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

Henry M Beutheim

of No. 342, E 79th St.

being duly sworn, deposes and says: I am the janitor 404-6-8, E. 64th St. Kahoutz has lived in the house 4 or 5 since July last. I did not know him except by name. I was told of the fire about 2 o'clock this A.M. I went to the building. I saw Deitz & heard his story. I went up to Kahoutz room with him & the patrolman & policeman. The fire was in the rear room. I saw on the floor where it had been burned the remains of a demijohn. I smelled benzine or kerosene in the room. I also saw a tin can there that would hold 2 or 3 gallons, the top was off, apparently melted off. I think it was under the table. I also saw in that room 4 or 5 small cans with spouts to them. In the next room in a trunk that was open I saw another tin can. It was between

Subscribed and sworn to, this ..... day of ..... 188 , before me,

0327

Z
Burkhein

5

56 o clock when I saw them
cars - I told the patrolman
to look after them - I heard
a bomb say so that some of
those cars were missing -
Directly after that I saw
Kabouts in Moskins Saloon
there were several of his
countrymen there talking
together, but he did not join
them, he was pale & nervous
walked about the saloon
by himself speaking to no one
I asked him if he was intimi
the said yes for about - I got
him into my office at 406. E
64th I asked him about the
fire - He said his mother was
asleep in the bedroom the
slept in the Kitchen, that he
had a head ache & got up about
12 o clock & lighted the lamp
& all at once he heard an
Explosion - Some one then
interrupted us & he said no
more - He said his wife was
down monday in the family
way - Mrs Mary Fiddler

0328

Bernheim

a widow woman & teacher
many. seven years old & Minnie
six years old lived on the top
floor & were smothered or
burned to death - She made
beg pardon for having & had about
$700 - laid up in bonds. Her
husband left her about four
years ago. they had $700 there
& took half of the money & left
her half - The building & furniture
is insured for $10.000.

H. M. Bernheim.

Subscribed & sworn
before me this 27th
1888.

T. H. Weeden
Fire Marshal

0329

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form [No. 3.] 406 E. 64th

(155 & 157 MERCER STREET.)

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

Vincent Mashin

of No. 406 E. 64th St

being duly sworn, deposes and says: I keep a saloon at No 406 E. 64th Street on street floor of No 406. My barkeeper Joseph Franz lives with me he woke me up about half past one this am that there was fire up stairs on next floor in back room - I got up & went into my saloon - I turned up the gas & opened the hall door - No one in the house was crying fire, when I opened the hall door there was no fire in the hall. I heard footsteps up stairs. I stood there a moment & saw Kabout coming down stairs. he had on pants & shirt & a coat in his hand. At the same time, something began to pour down from the top floor above & fall on the ~~stairs~~ stairs as it fell, I told Kabout to throw his coat on it. He laid down

Subscribed and sworn to, this ..... day of ..... 188 , before me,

0330

Z Moskin

his coat took up a pail that stood in the corner in the hall & threw the contents on the fire that was burning in the hall, then it all flashed up in a blaze I closed my door as soon as I saw that ~~I also ran down~~ to run for my wife & children. I do not know where Kahoh went. He never said a word to me all the time that I saw him in the hall.

Subscribed & sworn before me this 23 day of 1880

G. H. Theeson
Notary Public

Vincent Moskin

0331

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.] 402 E. 64th St.

(155 & 157 MERCER STREET.)

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

Jacob Bauer

of No. 1154. 1st Ave

being duly sworn, deposes and says : I am a baker.

My bake shop is in the basement I was at work there and an alarm of fire about 1½ this am I ran out on the Avenue, & round around into 64th St to the saloon at No 402 - I saw smoke coming out of windows of 2d & 3d floors - the street door was open & I saw fire dripping down from upstairs into the lower hall next the saloon. It was a blue fire - It smelled like Kerosene - I went outside the door & stood on the top step. I saw a man come down stairs & pick up a pail of something & throw it on the fire that was burning on the stairs & it all went up in a blaze, the man ran back into the back hall I saw a coat burning on the floor after the man had gone away. I cannot say how the man was dressed - I did not know the man

Subscribed and sworn to, this 23 day of 188d, before me,

Jacob Bauer

H. H. Hylton
Fire Marshal

0332

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form [No. 3.] 402 E. 62d St.

(155 & 157 MERCER STREET.)

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

William Bell

of No. of 402 E. 62d St.

being duly sworn, deposes and says : I live in the rear rooms up one flight of stairs next door to Kahoutz. I was in bed in the middle room. I was awake, heard a noise like an Explosion. At same time ~~heard~~ saw a light through the transom of my door that opened into the hall At same time, my mother called me from the back room & said there was fire - I woke my wife & children got my bedding out on the fire Escape & knocked at Mr Seitz window — then I got my children into my Seitz room, I saw the floor & mantel piece in Kahoutz room burning - I made three trips to Mr Seitz room with my children & clothing, then I opened my hall door & saw fire burning at the foot of the stairs -

Wm. Bell

Subscribed and sworn to, this 23 day of Apr 188[illegible], before me,

[illegible]
Fire Marshal

0333

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.]

(155 & 157 MERCER STREET.)

Hon. E. 6th St
Mar 23/85. 1st Ave

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

Anton Seitz of

of No. 406. E. 6th St

being duly sworn, deposes and says: I live in the rear rooms up one flight of stairs I was in bed asleep from noon up at about half past one this morn. by William Rose who was outside in fire escape rapping on my window. I got up to open the window & Rose said "there is a fire in the house". Rose lives in room on same floor as I do in room 6 and below me Lin Hang Kolhoff in room Where I opened the window Rose threw his bed into my room from back to his own room I went out on the fire escape & saw the fire burning in Kolhoff's rear room: the windows were closed. the floor in front of the stove was on fire. the mantle back of it. & a table was burning The table was on fire on top. The fire on floor was about five feet away from table. My wife came out on fire escape

Subscribed and sworn to, this ..... 188 , before me, ... day of

0334

2 File

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.]

(155 & 157 MERCER STREET.)

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

~~of No.~~ ~~being duly sworn, deposes and says~~: Thought we afraid of water I opened the windows threw the water in, then more water was brought & I got in the room & put the fire out - after that I looked through Kohanty bedroom. No one was there - I saw lights shining through the glass over the hall door - I opened the door & saw fire on the floor ~~on the hall~~ on the stairs. As soon as I opened the door the draft made the flames ~~the~~ burn & came towards me. I only had time to holler fire two or three times when the fire got so near I jumped back into Kohanty room & shut the door, ran back to my room by the fire escape - when I was putting out the fire in Kohanty room I saw a broken demijohn on the floor in the center of the flames. When I went back to my room I told my wife the fire was not out to get ready to go

Subscribed and sworn to, this ..... day of ..... 188 , before me,

People, Ex

B Inventory of Property found in rooms said to have been
(... occupied by -- Kohut on 2d floor of Building No 404
East 64th St N.Y. Estimated at cost of new or
1.27/86 like kind & quality

In Kitchen - No signs of carpet - - - - - - - - -

1 Stove 7.50 Pipe & Elbow 25c Ring 10c -	7.85
3 yds Shelf oil cloth 30c 3 tin pans 25c 15c & 25c	95
1 Coffee pot 35c Coal Kettle & Pokker 75c Shovel 10c	1.20
1 B W Drop leaf table 4.00 Cloth cover & seam 1½ yds c30 45c	4.45
1 Small Kitchen Table 1.00 Cloth on same 30c - - -	1.30
1 4 drawer B W Bureau & Cl. Cloth on same 30c	10.30
1 Mirror (Glass cracked) & 8.00 3 CS & Wash Chairs 2.25 - 1 Wash cloth 35c	10.60
3 Tin Spittoons 75c 2 Wooden pails (2 Hoop) 50c 1 dish pan 35c	1.60
1 Small Chamber 20c - 1 Lamp 1.75 6 Plates 42c 1 dish 25c	2.62
5 - Tea Cups 25c 1 Cup (broken) 20c 1 China Saucer 10c 3 Milk Pots 55c	1.10
1 Pitcher 40c 1 tin Colander 15c 1 Rolling Pin 25c - -	80
1 doz Small Bros Matches 06. 1 Grater & 1 Ladle 25c	31
1 Stove Brush 10c - 1 Blacking do 15c 1 Pr Vases 1.00	1.25
2 tin Pepper Boxes 10c - 1 Match Safe 10c 2 Jelly Glasses 10c	30
5 - Goblets - 75c 1 Glass Cake dish (no cover) 35c 1 [redacted]	30
1 Basket Artificial Flowers 1.50 - - - - -	1.50

2 Stin Spice boxes (not with funds) 1 Overcoat (worn thing to at Elbows & cuffs - -
2 Brown Fur round top hats (Coarse) 1 Pr Mens Shoes. (Soles worn out)
1 Pr Ladies Slippers (Soles worn out)

In top drawer of Bureau -
1 Small Prayer Book - 1 Small Hymn book - 2 Small round Paper Boxes -
1 Empty ring Box - 1 torn Kid glove - 1 neck tie (Knit) 1 Linen Collar (gents)
Lot of rags, papers & Letters - - - - - - -

In next drawer of Bureau - 1 Small Prayer Book, ornamented Cover -
1 Pr Black Cloth gloves, 1 old Kid glove, Lot of programmes, Printed tickets
Papers & Rags - 1 Collar (gents) 1 Pr Gold Eyeglasses - - - - -

3d drawer of Bureau - Lot of Rags, 3 darning needles, 1 old pair mens drawers -
Bottom drawer of Bureau - Lot of rags - Printed tickets & checks, 2 Pamphlets -
Lot of small pamphlets - 2 Mens Collars - Marriage Certificate of Apr 4/85 -

Middle room - No signs of carpet - 1 B W Bedstead 5.00	5.00
1 Straw Mattress 2.00 (no springs) 1 Excelsior Bolster 1.00 - -	3.00
Lot Cigar Moulds and Perm tobacco - 1 Bag tobacco - - - - -	- -
1 Cotton Sheet 60c 1 Wash Tub 1.25 1 Cotton Curtain 50c - -	2.35
1 Rocking Chair 2.25 - 2 CS Chairs 1.50 1 Wash Board 50c	4.25
1 Soft Wood Chest 1.50 1 Chromo & frame 1.25 - - -	2.75
2 Pr pants, 1 Vest & 1 Coat all old & worn (Own)	4.70

0336

In Back Room — No Signs of Carpet —

1 Stand 1 Bedstead 3.00 ; 1 Mattrap (cotton top) 3.00 — No Spring —	6.00
1 Excelsior Bolster 90c — 1 Wash Boiler 1.25	2.15
1 Empty Canvas Satchel, 1 Straw hat (mens) 1 do (ladies) — 1 do Felt (ladies)	— — —
1 Colored Knit Shawl (badly torn) 1 Tobacco Box — 1 Milk Can —	— —
1 Wash Basket 1.50 1 Wood Chair 35c — — — — — — — —	1.85
3 old Coats 3 old pants — 1 old vest — — —	— — —
~~1 Cigar Box~~ — — — — — — — — — —	

New York Dec 4th 1885

G. E. Chase Jr
John E. Mitchell Jr.

0337

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.]

(155 & 157 MERCER STREET.)

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

~~of No.~~ ~~being duly sworn, deposes and says~~ : ont. Roe this night
between twelve in my room
no one else except my own family
then I came down to the street
& opened the street door of 270 4
& saw fire in the lower hallway
seemed to be on the floor on the
stairs in the cellar. I then went
back to my own house & got
my family out. After the fire
was out I took a patrolman
lamp & went into Kohout's
room with a patrolman &
a policeman & saw in the
room where the fire had been
a three gallon tin can with the
top off - there was something in
it - how much it was I cannot say
an empty trunk in bedroom
I saw a tin can with benzine
in it - I also saw some other
small tin cans in the room
I know Kohout this night by sight
did not see them last night I was
between 4 & 5 o'clock this morning
when I saw these things (two cans)

Subscribed and sworn to, this ..... day of ..... 188 , before me,

0338

Fire Department of the City of New York.

BUREAU OF FIRE MARSHAL.

[Form No. 3.]

(155 & 157 MERCER STREET.)

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

I went up against with Mr. Frank about 30 this all the big tin can to some smoke over were writing.

Anton Stolz

~~being duly sworn, deposes and says:~~

Subscribed and sworn to, this 23 day of May 188[illegible], before me,

Arthur Sullivan
Tiny

Hon. E. Bates

affts -

H. M. Bentheim

V. Marchin

Jacob Baer

Wm Bell

0340

Police Court, 4 **District.**

City and County of New York, } ss.

of No. 11 Eldridge Street, aged 44 years,

occupation Police Officer being duly sworn, deposes and says,

that on the 23 day of November, 1888, at the City of New York, in the County of New York, Henry Kahout (now present) did unlawfully and feloniously set fire to and burn down in the night time, the premises 404 East 6th street. That said premises was an inhabited dwelling, and at the time contained several living human beings and was so set on fire, by the said Henry Kahout as deponent believes and is informed. That deponent further charges the said Kahout with having caused the death of Mary Fialka and Emilia Fialka and Rosa Fialka who were at the time of such setting fire to and burning of said premises, occupants and residents of rooms in said premises, and who by reason of said fire and burning lost their lives therein. That the base of deponents charge is derived from testimony and evidence taken in deponents presence before Coroner Levy in an investigation of such charge against said Henry Kahout. And deponent further charges Edward Kahout and Josephine Kahout now present with being accessories before the fact and with conspiring and having knowledge of the felonious acts and intents of the said Henry Kahout before his act of so firing said premises. That deponent bases such charge on the evidence and testimony presented to Coroner Levy on an investigation of the cause of said fire and the deaths of said Mary, Emilia and Rosa.

S J Campbell

Sworn to before me this 11th day of December 1888

William Wilson Justice

TORN PAGE

0341

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

4th District Police Court.

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

Question. What is your name?

Answer. Henry Kahout

Question. How old are you?

Answer 25 years

Question. Where were you born?

Answer. Austria

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

Answer. 454 East 89th Street

Question What is your business or profession?

Answer. Cigar 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 am not guilty of the charge

Henry Kahout.

Taken before me this 4th *day of* December 1887

John Hannon

Police Justice.

TORN PAGE

0342

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

4th District Police Court.

Edward Kahout 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 Edward Kahout

Question. How old are you?

Answer 23 Years

Question. Where were you born?

Answer. Austria

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

Answer. 1 West 64th Street

Question What is your business or profession?

Answer. Cigar 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 am not guilty of the charge

Edward Kahout

Taken before me this 7th *day of* December 188 9

Police Justice.

TORN PAGE

0343

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK } ss

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

Question What is your name?

Answer Josephine Kahout

Question. How old are you?

Answer 19 years

Question. Where were you born?

Answer. Austria

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

Answer. In East 4th street

Question What is your business or profession?

Answer. Housekeeper

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 of the charge

Josefa Kahoutova

Taken before me this 4th *day of* December *188* 7

Thomas Mc Mahon

Police Justice.

0344

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 Henry Kahout Edward Kahout & Josephine Kahout

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

Dated December 11th 188 5 Henry Hamm *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188

Police Justice.

~~There~~ being no sufficient cause to believe the within named

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

Dated 188

Police Justice.

0345

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court 4 District. 1409

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel J Campbell
28 Prct
Henry Kahout
Edward Kahout
Josephine Kahout

Offence Assault and Homicide

Dated December 11th 1885

J Murray Magistrate.
Samuel J. Campbell Officer.
28th Precinct.

Witnesses

No. Street.

No. Street,

No. Street.

Held without bail for General Sessions.

Com

0346

Examination
Nov 25th 1888 404 E. 62nd St
Henry Rohout Exd by Deputy Marshal Sheldon

Q. What is your name

Ans Henry Rohout.

Q How old are you -

Ans Twenty five years.

Q Where do you live

Ans 404 E. 62nd St

Q What is your occupation

Ans Sugar Maker -

Prisoner is instructed by the Marshal as to his rights & privileges. and asked if he wishes to make any statement -

He declines to make any statement by advice of his counsel -

Henry Rohout.

TORN PAGE

0347

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Sir:

January 25th, 1888.

Application for Executive clemency having been made on behalf of Henry Kahout---------- who was convicted of arson, first degree, in the county of New York------ and sentenced February 3, 1886, to imprisonment in the Sing Sing Prison---------- for the term of life----------, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

William G. Rice,

Private Secretary.

Hon. F. Smyth,

Recorder, &c.,

New York City.

TORN PAGE

0348

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

January 25th, 1888.

Sir:

Application for Executive clemency having been made on behalf of Henry Kahout---------- who was convicted of arson, first degree in the county of New York---- and sentenced February 3, 1886, to imprisonment in the Sing Sing Prison----------for the term of life----------, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

William H. Rice,
Private Secretary.

Hon. John R. Fellows,
District Attorney, &c.,
New York City.

Answered
March 3rd 1888
J. R. F.

TORN PAGE

0449

People Ins & Ins 1 27/86

No. 17925

$300

THE Hamburg-Bremen Fire Insurance Co.

OF HAMBURG & BREMEN

GERMANY

Gott mit uns

BOARD OF DIRECTORS.

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MANAGING DIRECTOR,
S.v. DORRIEN,
Hamburg.

MANAGER FOR BREMEN,
G. MÜLLER.

MANAGERS FOR THE
UNITED STATES
F. O. AFFELD.
H. C. BUCHENBERGER
NEW YORK.

TORN PAGE

In Consideration of Two and 00/100 Dollars,
Do insure Edward Kohout Against Loss or Damage by Fire
to the Amount of Three Hundred Dollars
On beds bedding wearing apparel, linen, trunk and jewelry in use, while contained in the brick building occupied as dwelling and store, situate No 404 East 64th Street, New York City

$300 One Year $2.00

And said HAMBURG-BREMEN FIRE INSURANCE COMPANY hereby agree to make good unto the said assured his Executors or Administrators, all such immediate loss or damage, not exceeding the interest of the assured in the property except as herein provided, as shall happen by fire to the property above specified, from the Third day of September 1886, at 12 o'clock at noon, the amount of loss or damage to be estimated according to the actual cash value of the property at the time of the loss, subject always to the terms and conditions and to the classification of Hazards printed on this Policy, and which form a part of this contract.

This Policy shall not be valid unless countersigned by the duly authorized Agents of this Company, and no alteration or waiver of any of said terms or conditions shall bind said Company, unless made in writing hereon by the Officer or Agent duly authorized thereto and signed by him.

In Witness Whereof, The HAMBURG-BREMEN FIRE INSURANCE COMPANY have caused these Presents to be signed by their Managing Director at Hamburg, Germany, and by their Manager for the United States of America.

Dated at [illegible] this Third day of September in the year of our Lord one thousand eight hundred and Eighty Five and issued there.

S.v. Dorrien MANAGING DIRECTOR.

F. Affeld MANAGER.

C. Hanboeck

AGENT FOR SAID COMPANY.

POOR QUALITY ORIGINAL

TORN PAGE

0351

S. T. Smith, 14 Park Place, N. Y.

STENOGRAPHERS' MINUTES.

Coroner's Office.

In the matter of the Inquisition upon the Bodies of Mary Fialka, Emelia Fialka and Rosa Fialka.

BEFORE

Hon. Ferdinand Levy
Coroner.

Monday Nov. 30, 1885

Witnesses:	Direct.	Cross.	Re-Direct.	Re-Cross.
Henry M. Bendheim	1	5		
Jacob Frank	9	13		
Vincentz Maschin	15	24		
Anton Seitz	27	34		
[illegible] Böll	37	40		
Bauer	43	45		
Frank, recalled.	46			
Lawlor	49	52		
[illegible] Campbell	54			
[illegible] E. Donlin	54			
[illegible] Bendheim, recalled.		11		
[illegible] Frank recalled.				
[illegible] to dismiss.				
[illegible]liam Böll, recall[illegible]				

0352

0353

In the Matter of the
Inquisition upon the Bodies
of
Mary Fiska, Emelia Fiska, and
Rose Fiska.

- - - - - - - - - - - - - - - - - -

Before Hon. Ferdinand Levy, Coroner, and a Jury.
Monday November 30, 1885.

- - - - - - - - - - - -

APPEARANCES:-

For the People - - - - Asst. Dist. Atty. E. L. Parris.
For the Prisoner - - - Elias G. Levy, Esq.

Henry M. Bernstein, being called as a witness for the People, was duly sworn, and testified as follows:-

By Coroner Levy.

Q What is your full name?

A Henry M. Bernstein.

Q Where do you reside?

A I reside at number 406 East 64th. Street. I am a cigar manufacturer. The tenants who lived at number 404 East 64th. St. worked for me. On November 23d. 1885, at 1.30 A. M.

I was called from home by the firemen. An hour after I was called I took my books and asked for my tenants. I discovered that the family of Fialko were missing. They also worked for me. They lived on the top floor of number 404 East 64th. Street, rear. The prisoner Kohut lived on the first floor, rear, one flight up. He is the only tenant who lived on the east side of the house. Maschin occupied the ground floor. The Kohuts' occupied three rooms, for one month; they are piper makers - I saw the furniture in their rooms after the fire, not before. Mr. Bolt occupied rooms on the west side of the house.

Q Who hired the rooms, Mr. Bernheim, Henry Kohut or the other one - the other brother?

A Henry, the married one.

B Y A J U R O R.

Q When you say you had seen the furniture after the fire - do you mean to say by it that you discovered anything burnt?

A Yes, sir.

B Y T H E S A M E.

Q What was that?

A As soon as I entered the room I smelt kerosene or benzine as soon as I went into the room.

BY A JUROR.

Q Which was it, benzine or kerosene?

A More kerosene - I XXXXXXX smelled more kerosene.

BY THE CORONER.

Q That is all you discovered there?

A I discovered I think about eight or ten cans standing around, they all smelled after kerosene - tin cans and some demijohns in the room, [illegible] I found in the trunk, in a trunk standing in an open trunk.

BY A JUROR.

Q Were they all full?

A That I didn't look.

BY THE CORONER.

Q Did you lift them?

A No, sir; I smelled on them - they smelled like kerosene.

Q Was that after the fire?

A After the fire was put out.

Q How long after?

A Between 5 and 6 o'clock, Monday morning.

BY A JUROR.

Q Did the fire reach the rooms where the parties lived - where Kohut lived or did the other part of the house catch fire?

A I can only answer what I saw- I was told by a tenant of mine-

Objected to by prisoner's counsel. Objection sustained.

BY THE SAME.

Q Did you see any evidence of fire in the room?

A Yes, sir; that I have seen.

BY THE CORONER.

Q Anything else than you have described?

A No, sir.

Q What evidence did you see?

A I have seen fire in three different places in the room.

Q Describe that?

A Well, I have seen fire on the table, there were two tables in the room - fire on the table and fire on the mantel-piece and fire in front of the stove - near the stove on the floor.

BY A JUROR.

Q Was the wood charred?

A Yes, sir.

BY THE SAME.

Q What distance was it between the three different places where the fire was?

A For instance, I think it must have been about five or six

feet distance from one fire to the other.

CROSS EXAMINATION BY MR. LEVY.

Q How many houses do you own in that block?

A Three.

Q Have you an agent?

A Yes, sir.

Q Who lets your rooms - your agent?

A Yes, sir.

Q Did the agent let these rooms you spoke of?

A Yes, sir.

Q What did you mean by stating a moment ago that you rented the rooms to Hymen Kahat, were you mistaken in that particular?

A No, sir.

Q Did you, or did you not rent them to him, or your agent?

A I didn't; the agent.

Q You remember saying that you did?

The Coroner; we cannot afford to be as technical as all that; He meant that this agent let the rooms when he said that.

Defendant's Counsel; I thought that your Honor had an object in showing that, and that it was material as to that object which appears in some of the former questions. Supposing it turns out that he did not rent the rooms and was

only a boarder there?

Question withdrawn.

Q Mr Bendheim; you did not examine the rooms until about three hours after the fire was put out?

A Between five and six in the morning - four hours after the fire.

Q Did you go through the building at that time?

A No, sir; only to his rooms.

Q That is on the first floor?

A Yes, sir.

Q Did you notice that the upper portion was entirely burnt out?

A Yes, sir.

Q And there was but very little fire on the first floor?

A Yes, sir.

Q It was not as much as a floor left on top of that house after the fire had been put out?

A Yes, sir; from the first floor on.

Q And the first floor was not disturbed by the fire?

A Yes, sir.

Q Anything more than the wood charred?

A The stairs was burned up.

Q The wood only charred or burnt?

A It was burnt. It rises up, it always --

Q Are those rooms nailed up that Kohut lived in - were the doors all nailed up so that no person could go in there?

A I think so.

Q Don't you know they are?

A I was not in there since.

Q You recollect yesterday going there with me?

A Yes, sir.

Q And the doors were nailed and you were not able to get in there?

Objected to by Mr. Levy, counsel for prisoner.

Q Don't you know the fire in the room that you spoke of came in under the door from the hall of Kohut's rooms?

A No, sir.

Q You know the fire originated in the hall or in his room?

A Where it originated, I don't know.

B Y T H E C O R O N E R.

Q As to the fire escapes, do they connect with the three houses 404 and 406?

A It connects with 404 and406 with 408. There is an escape from every room. There is an escape from every room.

Q So that a person going on the fire escape of No. 404 could walk over to No. 406?

A Yes, Sir.

Q Either side of the hall?

A Yes, Sir; front and rear, east and west.

J A C O B F R A N K, being called as a witness for the people, was duly sworn and testified as follows:-

Direct Examination:-

B Y C O R O N E R L E V Y.

Q What is your full name?

A Jacob Frank.

Q What is your business, or occupation?

A Assistant to the Fire Marshal.

Q Can you tell us anything about this fire?

A I arrived there in the morning of the 23rd., shortly before day-break. I guess it was about in the neighborhood of half past six or quarter to seven. I saw quite a crowd of people around there, and I learned that they accused XXXXXX Kunst of setting fire to the building.

Q Who did?

A The people there, around there - the tenants of the building.

Q Did you hear them accuse them?

A Yes; at that time I did not know who the man was. I immediately gathered the information of the witnesses; I got five or six. Five or six we have here, and in the meantime Captain Gunner's officers had arrested the man and took him to the station house.

Q Did you make an investigation that morning?

A Yes, sir; I went up in the room in Kohut's room - in the rear room east. I went through the three rooms, and I found there was a pore burning in three separate places. One in front of the table, and one in front of the stove, and in front of the mantel piece. I found five or six demijohns and a trunk which had oil in it, - a travelling trunk about the size of a Saratoga trunk, it had a tray on it. I took the tray off that was on top of it. That was in the middle of the room, standing on the right hand side, facing the wall in that room, in the opening to the wall XXXXXXXXXXXX [illegible] there behind that room, which had burnt underneath, and behind the door. This trunk with the oil was right on against the floor of the trunk there was nearly a sixteenth of an inch burnt through and had not reached the trunk, and next an old - fashioned German trunk I found a quart can and there was still a little oil in it.

Q Was it kerosene oil?

A Yes, I am positive of that.

Q Where was that trunk standing?

A It was along side of this other one, in the same room.

Q What about the demijohn?

A Yes, there were demijohns broken - demijohns partly consumed by fire, with the wicker work burnt off.

Q Was there any smell, did you discover any smell?

A Yes; turpentine and kerosene oil.

Q Did you find any liquid in the demijohns?

A Very little, it had all been emptied out.

Q You found very little?

A I found very little, - a mouth full.

Q Anything else that you discovered in your investigation?

A No, sir.

B Y A J U R O R:

Q What kind of cans were they?

A The largest one in the kitchen and in front we found a tar new one - that was your the best we occupied?

B Y T H E C O R O N E R.

Q What kind of cans were they?

A Regular oil cans.

Q How many did you find altogether?

A Counting demijohns and cans, about seven I guess - altogether we got seven - six to seven.

B Y A J U R O R:

Q How much would these cans hold?

A Altogether?

Q [illegible]

A From four to five gallons [illegible].

Q There were smaller cans?

A Yes.

B Y A J U R O R.

Q How many [illegible] truck [illegible] you [illegible] to [illegible] all from [illegible] three cans?

A [illegible] fifteen (15) feet. The three different fires were [illegible] the rear room.

B Y T H E S A M E;

Q Didn't you find the cans in the front?

A This truck [illegible] - they on fire [illegible] the truck next to it had [illegible] - the truck was [illegible]. [illegible] scattered all around the truck. There was no [illegible] in the truck.

B Y T H E S A M E.

Q Was there oil in the [illegible] of the truck?

A No, sir; oil on the bottom of it.

B Y A J U R O R.

Q It was about fifteen feet from where the fire was?

A Yes, sir.

B Y T H E C O R O N E R.

Q Did you discover any furniture or articles saturated?

A No, sir; only the indication on top of the tables. The

legs of the tables were burnt.

Q What other part of the building was burnt?

A The whole upper portion of the building, I went all through it.

Q You saw how the fire communicated from that room to the upper portion of the building?

Question withdrawn.

CROSS EXAMINATION.

BY Mr. L E V Y.

Q How many conflagrations did you find in the room?

A I think we have got three conflagrations, one a smaller one, I think the whole room is fully burnt out, another whole room, and another part of one.

Q That is three - any more than that?

A We have got some.

Q How many rooms?

A About three or four.

Q Are they quart or million rooms?

A Quarter more or less.

Q You say there was a fire in that room?

A Yes, sir.

Q In three places?

A Yes, about 5 to 7 feet apart.

Q The truck was not a fire?

A No, sir; the fire had not got into it yet.

Q At the same time the whole top of the building had been burnt out?

A Yes, sir.

Sworn to before me this

November 1985.

Vincenz Maschin, being called as a witness for the people, was duly sworn and testified as follows:-

BY CORONER LEVY.

Q What is your full name?

A Vincenz Maschin.

Q Where do you live?

A 404 East 64th Street.

Q What is your business?

A I am a lagerbier man.

Q What do you mean, - do you keep a saloon or do you drink beer?

A Both.

Q You keep a saloon?

A Yes, Sir.

Q Where is that saloon?

A No. 404 East 64th Street.

Q That is the building where the fire occurred?

A Yes, Sir.

Q How long did you have a saloon there?

A Fourteen months now.

Q Are you married?

A Yes, Sir.

Q You live on the premises?

A Yes, Sir. I live next door.

Q What number?

A 406.

Q What do you know about the fire, which occurred at No. 404 East 64th Street?

A Well, I got a barkeeper, - I said to him - -

(Objected to.)

Q Where were you Sunday night, on the twenty-second of November where were you, - when did you leave your place, - what time?

A I go to sleep at about nine o'clock.

Q You went to bed at about nine o'clock?

A Yes, Sir.

Q On Sunday night?

A Yes, Sir.

Q What rooms do you occupy in 406?

A The floor downstairs, the first floor downstairs, the ground-floor.

Q Front or rear?

A The whole floor.

Q You went to bed at about nine o'clock Sunday night?

A Yes, Sir.

Q How did you hear of the fire?

A The barkeeper, he said: "Get up, there is fire in the house."

Q At what time was that?

A Between one and two o'clock.

Q The barkeeper woke you then?

A Yes, Sir.

Q Where is your barkeeper, is he here?

A No, he is home.

Q He woke you?

A Yes; I jumped up and went into the saloon; I opened the door of the hall and in about four or five minutes, Mr. Kohaut came.

Q From what direction did Mr. Kohaut come?

A From the second floor down.

Q Which one do you mean?

A Henry Kohaut, the married one, the prisoner.

Q What took place?

A I said to him, - he had a coat in his hand, - I said to him, - I've seen the fire, - he had a coat in his hand, - he had come downstairs.

(At this point of the examination, the witness was permitted to give his testimony in the German language.)

Q Tell us in German, what took place, after the barkeeper woke you and got you out of the bed.

A When the barkeeper woke me up, I came out into my saloon, and in four or five minutes after that, Mr. Kohaut came down the stairs, and when he came down the stairs, I saw fire dropping down the stairs. I said: "For God sake, throw your coat on top of it." There was a pail standing on the side there and I threw the contents of it on the fire there. After I threw the contents of the pail on the fire, - that was the last I saw of Mr. Kohaut.

Q Did Mr. Kohaut say anything to you then after that?

A No, Sir.

Q Was he excited?

A Yes, he was blue and yellow.

BY A JUROR.

Q Where did that pail come from, - where was that pail, - where did it come from?

A The pail was down in the hall on the ground floor.

BY THE SAME.

Q There was a pail there?

A Yes, Sir.

BY THE SAME.

Q Do you know, what was in the pail?

A I do not know.

BY THE SAME.

Q What kind of a pail was it?

A A usual water pail.

BY THE CORONER.

Q Did you call Kohaut's attention to the pail or did he seem to know, it was there?

A I called his attention to it and I told him to throw it on the fire.

Q Did you see the pail?

A Yes, Sir.

Q Was it your pail?

A No, Sir.

Q You say, that the pail was in the hall-way on the ground floor?

A Yes, Sir.

Q Did you see the pail there before?

A As he came downstairs, he only had a coat in his hand.

Q Did you see that pail at any time before that?

A No, Sir.

BY A JUROR.

Q Did you see him throw this on the fire?

A Yes, Sir, I saw that.

BY THE CORONER.

Q What effect did it have, when he threw it on?

A The flame got larger when the contents were thrown on the fire.

Q Is that correct, - did you understand that correctly?

A Yes, Sir.

BY A JUROR.

Q When he threw this water on the fire, did it extinguish or flame up more?

A It flamed up more.

BY THE SAME.

Q What impression did it make on you as to whether the contents was water or something else?

(Objected to, - Objections sustained.)

BY A JUROR.

Q What did you do when you saw the fire flame up?

A I closed the door and woke up my wife and left the premises.

BY THE SAME.

Q You were satisfied, the house would burn?

A Yes, Sir.

BY THE SAME.

Q You say, as he came down there was a flame following like out of the coat; did it seem to you, as if there was a flame following him?

THE CORONER: I do not understand it that way.

BY THE CORONER.

Q You know Mr. Kohaut?

A Yes, Sir.

Q How long have you known him?

A About a year.

Q You know his brother?

A Yes, Sir.

Q They occupy the same premises?

A Yes, Sir.

Q You know Mrs. Kohaut?

A Yes, Sir.

Q What is Kohaut's business?

A He is a cigar maker.

Q His brother too?

A I don't know, but Henry makes cigars.

Q You say, you keep a public saloon - or lagerbier saloon?

A Yes, Sir.

Q Does any society meet in your place?

A I got no club nor nothing.

Q You know, you are on the stand under oath, you must tell the truth?

A I tell the truth.

Q You keep a saloon?

A Yes, Sir.

Q You kept it there about fourteen months?

A Yes, Sir.

Q Have you got a club room?

A I got a club room.

Q Who meets in this club room?

A No clubs in there, - there are no clubs that meet there.

Q No body of men come there and meet there once a week or month?

A No, Sir.

Q You belong to any club around there?

A No, Sir.

Q You know, if Mr. Kohaut belongs to any around there?

A I don't know that.

Q Do you know of any Socialistic organizations that meet around there, - the Anarchists?

A No, Sir, no such club meets there.

Q Any club there of the cigar makers?

A They had rented the place, but not now. Two times they met there when they had a strike there, - the cigar makers.

Q Was Kohaut one of the members?

A No, Sir.

Q You do not know of any association that meets around there of such as I have described?

A No, Sir.

Q You do not belong to any yourself?

A No, Sir.

BY A JUROR.

Q Has witness and the prisoner ever had any trouble or quarrel?

A No, Sir.

BY THE CORONER.

Q You are on good terms with him?

A Yes, Sir.

BY A JUROR.

Q Does Mr. Kohaut owe you anything?

A No, Sir.

BY THE SAME.

Q You do not recollect about the pail whether it was tin or wood?

A I don't know.

BY A JUROR.

Q Can you tell us whether a light was burning in the hall at the time?

A I lit the gas in my saloon.

BY THE SAME.

Q Is the gas turned off every night by the janitor of the building?

A Yes, Sir.

BY THE SAME.

Q No gas after ten o'clock?

A No, Sir.

BY A JUROR.

Q How could you see the pail?

BY THE CORONER.

Q What light did you use then? What part of the saloon did you light the gas?

A I lit it right near the meter and that threw light into the hall.

Cross-examination by Mr. Levy.

Q How long have you been in that saloon?

A Fourteen months.

Q How long has Kohaut lived there?

A I don't know positively; I don't know. I cannot tell you sure.

Q Has he lived there over three or four months?

A About three or four months.

Q Do you recollect seeing Kohaut coming from the street into that entry when you opened that side door?

A I've seen him coming downstairs from the second floor.

Q From 404 or 406?

A From 404.

Q Are you sure of that?

A Yes, Sir.

Q Tell the Jury how far the stairs is from the street about?

A I don't know.

Q About four or five feet?

A I think, it is more than that.

Q Just give the Jury an idea.

A About ten feet, I think.

Q About ten feet from the street?

A Yes, Sir.

Q And when you opened the side door, you saw fire dripping down the steps?

A Yes, Sir.

Q Was the hall door open or closed at that time?

A The street door was open.

Q Was it open after you opened your side door or was it open before?

A That I cannot tell.

Q Is it not possible or don't you believe now, that at the time the front door was opened the draught started the blaze on the stairs?

A I don't believe so.

Q Was there not a draught there when the door was opened?

A I did not feel any.

Sworn to before me this :
:
day of 1885. :
:

Anton Seitz, being called as a witness for the people was duly sworn and testified as follows:-

BY CORONER LEVY.

Q What is your full name?

A Anton Seitz.

Q Where do you live?

A 406 East 64th Street.

Q What is your business or occupation?

A I used to be janitor for Mr. Bendheim.

Q What are you doing now?

A I was out of work just then.

Q Will you tell the Jury all that you know of your own knowledge about this fire that occurred a week ago?

A I was woke up by a rap at my window by half past one o'clock in the morning and got up - -

Q Where was that?

A In my room - the room adjoining Kohaut's in the next house. I went and I opened the window and a gentleman by the name of Boll in the next house was at the window with his bed in his arms. He said there was fire. I asked him where it was and he said, it was in the room next to me and I quick ran

out of the fire escape. He chucked his bed in my room and one child. I opened Kohaut's window. Before I opened it, I could see fire in his room and a table that stood between the two windows was burning and there was a big flame in front of the stove and the machine-press was burning. I holloaed for water; I thought, I could put it out. My wife handed me one pail, and I threw it right on there - I swept it right on. Mr. Boll's brother gave me another pail and I was handed about five pails and after that I had it all out, but I noticed, there was a demijohn in the centre of the flames, - the basket I can see yet. I went through the two rooms, to look, where the furniture was. I could not see anything there. I noticed a fan-light above the stairs. Before I went out, I thought, it was all right, - I had the fire all out; but as soon as I opened the hall door, I've seen a terrible blaze outside. I made about four steps and holloaed up "Fire!" through the building and when I did so, my arm got scourged. When I run in, the flames came in through the room. When I opened the door, the flames got bigger than they were first off. I went to my room and picked up all the children and got out of my house, because the building was burning down. I ran down

the stairs and holloaed: 'Fire!' through the house. I went to Mr. Bendheim's house, where Mr. Boll lives, and then I've seen everything in flames. After the fire was all out and after they let me in the building, I took a patrolman with me and went up in Mr. Kohaut's rooms with a policeman. When I got in, I seen cans standing there, - I seen cans standing around and one big can - like painters use, and the top was off. I took it up and smelled and it smelled after benzine. I handed it to the patrolman, and the policeman smelled it too. When I walked out, I could see a can in a trunk to the right next to the door.

Q Where was the trunk?

A In the next room.

Q In Kohaut's room?

A Yes, Sir.

BY A JUROR.

Q Did you look at the ceilings?

A I did not.

BY THE CORONER.

Q How many cans did you find in Kohaut's rooms?

A I don't know.

Q How many did you see?

A About four or five.

BY A JUROR.

Q Kohaut was insured?

Objected to.

A I don't know.

BY THE CORONER.

Q What kind of a smell was it - did you say any peculiar smell?

A Not when I entered the room first. I was too excited; but when I went through it again, I smelled it. It was not kerosene, it was benzine. It had a smell of benzine.

BY A JUROR.

Q Did the room seem to be in order?

A There was a broken lamp lying on the table between the two windows.

Q Were the chairs upset?

A I didn't notice. The bed was empty.

BY A JUROR.

Q Were there any clothes hanging up on the wall?

A I didn't notice that.

BY THE SAME.

Q Any boxes standing there except what you have told us?

A No, Sir.

BY THE CORONER.

Q Did you examine the trunks?

A The trunk, I've seen, was empty and the other one, - I didn't look at.

BY A JUROR.

Q About that broken lamp, - you know anything more about that?

A I swept it off, when I spilled the water. It must have been a small glass lamp.

BY THE SAME.

Q Did you break it?

A No, Sir; it was broken, when I've seen the table burning.

BY A JUROR.

Q What was there crushed about that lamp?

A The pieces of the glass, the burner was whole.

BY THE SAME.

Q Was it as good as ever?

A I think the burner was whole.

BY THE SAME.

Q You say, you extinguished the fire in Kohaut's room?

A Yes, Sir.

BY THE SAME.

Q And you went out after that?

A Yes, Sir.

BY THE SAME

Q How do you think that it came to burn?

A No, I can't tell that.

BY THE CORONER.

Q When did you first see Mr. Kohaut?

A I've seen him at the time he got arrested.

Q Not at the time of the fire?

A No, Sir; not until he was arrested.

Q Didn't you see him at all during the fire?

A No, Sir.

Q You only saw him after he was arrested?

A Yes, Sir.

Q Where did you see him then?

A In Mr. Hendheim's office.

Q He was under arrest then?

A I didn't know, whether he was or not, or whether he was watched there.

Q What about the other Kohaut?

A I never seen him before.

Q And the wife, - did you know the wife?

A I know her.

Q Did you see her the morning of the fire?

A No, Sir.

Q How long have you lived around there, in that neighborhood?

A In that room for about a year.

Q You are acquainted with Mr. Maschin, the man that keeps the saloon?

A Yes, Sir.

Q You know anything in regard to any club that meets around there?

A There were a couple of meetings, while I was there, - but they were out of shops - next door - a shop - some carpenters.

Q You know whether Kohaut belongs to any organization up there?

A I don't know, Sir.

Q You did not see Kohaut or his wife that morning at all?

A No, Sir, not while I was in. I could not have gone to my room or else I would have seen him.

Q You know of any organization that meets around there, or in any saloon in that block of Socialistic character?

A No, Sir.

Q You know of any Socialists that meet there?

A No, Sir.

BY A JUROR.

Q Where pails kept on every floor in case of fire?

A No, Sir.

Cross-examination by Mr. Levy.

Q How long to your knowledge has Mr. Kohaut lived in the house that was afire?

A In that room for one month.

Q And in the house, how long?

A On the top floor more or less - sometimes - I cann't tell how long.

Q You are the janitor, you ought to know. A year?

A No, Sir, not as long as that. Perhaps, about two or three months. I could not tell exactly how long.

Q Were you not very much excited when you found there was a fire there?

A The first moment.

Q Just the first or second?

A No, Sir, I was trying to get it out.

Q You know, how many people were on the first fire escape, when you first got on it?

A Mr. Boll and his children.

Q Don't you know, that Henry Kohaut helped to save some of the

Q Do you know that Henry Kohaut helped to save some of the children out of the house?

A I can swear, he did not.

Q Will you swear, he did not? From the time - were you there from the time the alarm was sent out until the end?

A (No answer.)

Q Don't you know that Mrs. Kohaut got into your room and partly dressed herself in your room? Will you swear, she did not?

A No, Sir, she could not have passed me.

Q She could not have passed you?

A I must have seen her.

Q Don't you know that people can pass one another on a fire escape?

A Yes, Sir.

Q In the hurry of the moment, - that this woman did not go into your room and there partly dressed herself, while you were working at the fire?

A No, Sir, she did not.

Q While you were working, - are you sure of that?

A Yes, Sir.

W I L L I A M B O L L? a witness called in behalf of the People, was duly sworn and testified as follows:-

B Y C O R O N E R L E V Y.

Q What is your full name?

Q Wi[illegible] Bo[illegible].

Q Where do you live?

A 4[illegible] [illegible] Street, [illegible] City.

Q A[illegible] your business?

A [illegible].

Q What part of the [illegible] in [illegible]?

A The first floor.

Q Rear - front or rear?

A Rear.

Q You [illegible] the [illegible] floor?

A I [illegible] one flight of stairs.

Q Are you married?

A Yes, sir.

Q You occupied how many rooms?

A Three rooms.

Q To the East or West?

A To the West.

Q What do you know of this fire - of its origin?

Q It was about half past one o'clock; I heard an explosion and my mother hollered she was lying in the bedroom, "there is fire in the house." I looked down through the window and saw flames and light flames. I went and woke my wife and children and then my bed and went through the fire-escape to Seitz's room, knocked at his window, he opened [illegible] Seitz's room, I went into Kohut's room, and saw fire at the far-off great dresser in his room. After [illegible] Seitz's room I returned [illegible] and I found that [illegible] and I took [illegible] and returned to Seitz's room [illegible] we [illegible] remain either. We had to leave there [illegible] we went to the next fire-escape into the street [illegible] 408.

Q Did you see Kohut that morning?

A No, sir.

Q Did you see Kohut - you know him, don't you (the prisoner was directed to stand up to be identified) did you see him that morning?

A I didn't see that man that morning at all?

Q Did you see his wife?

A No, sir!

Q How long have you lived [illegible] that house?

A About four months.

Q [illegible] know anything about Kohut at all did you?

A I [illegible] that his name was Kohut, but I didn't know him [illegible].

Q Did you see him [illegible]?

A No, sir, I [illegible] any [illegible] between [illegible], [illegible] time he was arrested.

Q Did you see [illegible] again?

A No, sir.

Q Did you see his wife (Mrs. Kohut was directed to rise to [illegible] the witness) did you see that lady?

A No, sir.

Q Did you see any of them [illegible]?

A I didn't see any of them.

Q Where do you work now?

A For Mr. Bodenheim.

Q Where does Mr. Kohut work?

A I don't know.

Q Mr. Brestler?

A I don't know.

Q Do you know what society meets there - cigar makers?

A No, sir.

Cross Examination.

BY MR. LEVY.

Q Did you see the fire in the hall or in the house before you saw any fire in Kohnt's room?

A No, sir; [illegible] Kohnt's room.

Q [illegible] first in the fire?

A I [illegible] house.

Q [illegible]?

A Yes, sir.

Q And did you see any fire in [illegible] before you saw any fire in Kohnt's room?

A No, sir; I [illegible] the hall.

Q Have you a very light hearing in the hall?

A Yes, sir.

Q Didn't you see whether there was a fire in the hall through that?

A I didn't pay any attention to it.

Q Did you and your family go to a saloon - did you go to a saloon with your family after the fire?

A Yes, sir.

Q And did you see Kohnt, his wife and his brother there that

morning?

A Yes, sir; in the saloon. I saw him in a saloon that Monday morning.

Q Was he properly dressed?

A He was dressed.

Q And was his wife fully dressed?

A I didn't see his wife that morning.

Q Did you not promise to come back to the house that morn?

A I don't know.

B. [illegible] G O R D O N B.

Q What time was it that you saw Kennedy that morning, what time was you down?

A About nine o'clock.

Q You say you saw Kennedy in a saloon?

A Yes, sir.

Q What time was that?

A Between seven and eight o'clock.

Q Did you see him before that?

A No, sir.

Q At 2 or 3 or 4 o'clock?

A No, sir; only once, between seven and eight o'clock.

Q Where did you take your family after you left your room?

A I went to an acquaintance, a lady near First Avenue.

BY A JUROR.

Q You was awakened by an explosion?

A Yes, sir.

BY THE SAME.

Q How do you know it was from the gas?

A It was quite heard - just which we it was. You could see a light too.

Q Was it in the direction of Kemble's room?

A That I did is not my. I - not tell.

Q You know whether there was a gaslight over the door in Kemble's room?

A Yes, sir, there was.

BY THE CORONER.

Q That explosion - what kind of a noise was it, can you describe it or give us some idea?

A I cannot say exactly. It was like the report of a cartridge.

Sworn to before me this

day of 1885.

Jacob Bauer, a witness called in behalf of the Prosecution, was duly sworn and testified as follows:-

BY CORONER LEVY.

Q What is your full name?

A Jacob Bauer.

Q Where do you live?

A I live in First Avenue, No. 1154.

Q What number is that?

A It is between 63 and 64th. Streets.

Q What is your occupation?

A I am a butcher.

Q What did you hear at the fire?

A I heard a noise and I went out into the street.

Q What time was that?

A About half past one, on Monday morning, on the ward.

Q What did you do?

A I went to 64th. Street around the corner and I saw smoke in the second and third floors.

Q What number was that?

A 404 East 64th. Street.

Q What else did you see?

A I stood at the entrance - the main entrance and the door was open - the hall door, and I looked up the stairs and

[illegible] man [illegible] fire drinking were the stops, and then a man came and poured something on it and the flames went way up.

Q Who was that man?

A I don't know who the man was.

Q Did you pay any attention to him at all?

A Not [illegible]; I [illegible] tell how [illegible] - I [illegible] give a description.

BY A JUROR.

Q [illegible]?

A He must have stood in the corner and when the fire was drinking [illegible] - he [illegible] it and the flames started from it?

BY THE CORONER.

Q What did you do then - did you follow that man?

A I went out on the street - on the sidewalk and saw the people escaping from the fire.

Q Did you see a man after that come out of the hall - the front way?

A No, sir.; he must have gone out through the rear.

Q You cannot describe the man, can you?

A No, sir; I cannot.

Q Was he a large man?

A He was not very large.

Q You could not identify him?

A No, sir. I could not

A No, sir; I could not.

Cross Examination

By Mr. Levy.

Q [illegible] your [illegible] to that [illegible]?

A Yes, sir.

Q [illegible] the [illegible]?

A Yes, sir.

Q Are you [illegible] that?

A Yes.

[illegible]

[illegible] 3385.

Jacob Kohut, a witness for the People recalled:-

By Commissioner Levy.

Q Can you tell us anything in reference to the furniture?

A I have a inventory. In the kitchen there is a stove, two tables and a bureau. In the center there was a bed without any bedclothing and two XXXXXXXXX empty trunks. In the middle room there was two empty trunks. In the third room there was a bedstead with a mattress and bolster only, three pair of pants and a coat of pots, an old hand satchel, milk cans in the corner, two sugar presses, an [illegible] and a table.

By a Juror.

Q No clothing?

A Nothing right near it. There was a few nick nacks - pictures - nothing that was of any value at all.

Q The same.

Q No baby garments?

A I didn't see any. The man has no family.

Prisoner's Counsel: He is soon going to have some.

Witness - From appearances.

Q You know anything in reference to the insurance?

A At the station house when they searched Henry Kohut they

found two policies on him. Mr Campbell searched him and found one policy for $600 - -

Mr Levy, counsel for the coroner objects to this part of the answer on the ground that it would be use to the coroner. Objection overruled. Exception.

A We found two policies - one for $600 and one for $900.

Q The coroner.

Q You found two policies?

A One for $600 and the for $900. The one for $600 for Henry Kohut, and the one for $900 for Edward Kohut.

Q Was that here?

A In the inside coat pocket - they were found in the inside coat pocket of Henry Kohut, rolled up in a circular or cylinder of that kind, with thirty or forty matches and a box of the wind matches. You strike them and hold them up. Swedish matches - Russel's.

By a Juror.

Q Where did you find the matches?

A On his person. It was taken out of his coat pocket I believe.

By the Coroner.

Q Wrapped up or loose?

A No, sir; [illegible].

By Mr. Levy, Counsel for Petitioner.

Q Are you prepared to swear now that the amount this was insured for, that he didn't have property with the [illegible]?

A I don't say that I wouldn't [illegible].

Q Did you visit the [illegible] the morning [illegible]?

A No, [illegible] [illegible] [illegible] room.

Q [illegible] [illegible] [illegible] or not?

A No, sir.

Q You don't know [illegible] 7 [illegible]?

A About 7 - before 7 [illegible].

Q Between 6 [illegible] 7 in the morning?

A About half time; yes, sir.

James Lawlor, being called as a witness for the P[illegible], was duly sworn and testified as follows:-

By Coroner Levy:-

Q What is your full name?

A James Lawlor.

Q [illegible] you [illegible]?

A [illegible].

Q [illegible]?

A About 1.05.

Q State to the jury what you observed?

A At the time that I got there I saw some person throwing a [illegible] out of the [illegible] and it blaze.

Q What [illegible]?

A At 404, the front house.

By a Juror.

Q Where - the front or rear?

A The front.

By a Juror.

Q In the street?

A It was thrown on the sidewalk and somebody kicked it in the street - I went to look for it afterwards, and I could not find it.

Q What was the next thing happened?

A I saw two or three persons in the hall throwing out an old coat or part of it, and the stairs at that time was all ablaze.

Q You know whether the hall was on fire inside or outside?

A Inside.

Q What - the first thing you discovered?

A I went to 404 to see if all the occupants were awoken up - I pounded on the door quite a - [illegible] and out. At the time I [illegible] the occupants were coming and there was quite a crowd on the fire escapes. So I was just looking up towards them - I didn't see nothing more until my attention - called by Mr Berlein who appeared was there and an officer of the Insurance Patrol, throwing a large can in the room where the fire was supposed to have taken place first. When I got there I seen the large can - it contained about three or four gallons.

Q Did you smell of it?

A No, sir.

By a Juror.

Q What floor was that on?

A The second floor back room, one flight up, on the east side.

By Coroner Levy.

Q What else took place?

A My attention was called to some bodies that were found and I was left in charge of No. 406 by the sergeant and then my attention was called to the bodies and to report them. I said I would not report them until I saw the bodies first. The bodies were carried down and I got Mr Bender to interpret [illegible] and I sent them in.

Q Did you see the bodies that morning?

A Yes, sir; they were [illegible] down stairs, and left on the billiard table/ in the saloon.

Q From what room were [illegible]?

A From down stairs by the [illegible].

Q You saw the bodies as they were brought in?

A Yes, sir; on the billiard table.

Q At 404?

A Yes, sir.

Q In Mr Maschin's saloon?

A Yes, sir.

Q Have you any idea as to the conditions of the bodies, were they grown persons or children?

A No, sir; they were in quilts - bed clothes I believe.

The bodies were not opened out.

Q The bodies were removed while you were there?

A I was relieved at ten minutes past six and there was another man put in charge of it.

Q You know this man Kohut?

A No, Sir.

Q You know his brother?

A No, Sir.

Q Did you see Kohut there that morning?

A No, Sir.

By a Juror.

Q Do you know who brought down the bodies?

A One of the firemen; I don't know his name.

Q Those bodies, that you saw, were bodies of human beings?

A Yes, Sir.

Cross-examination by Mr. Levy.

Q Did you see a paint pot in his room?

A No, Sir.

Q Did you look carefully at everything that was in the room?

A No, Sir, I had too much to attend to.

Q Were you brought in purposely to inspect the amount of bed clothing?

A I went up to see them - they spoke about everything there being insured that was not there; - there were demijohns -

Q But you did not take particular notice of it?

A No, Sir.

Sworn to before me this :
:
day of 1885:

S A M U E L J. C A M P B E L L, being called as a witness for the People was duly sworn and testified as follows:-

By Coroner Levy.

Q What is your full name?

A Samuel J. Campbell. I am on special duty in the 28th Precinct.

Q Please state to the Jury what you know of the fire which occurred upon the night in question?

A I was directed by Captain Gunner to make an investigation in reference to the fire. I got down to No. 406 East 64th Street; - I found that Bendheim had Kohut in his office.

Q That morning?

A Yes, Sir, about 8 o'clock. I questioned Mr. Bendheim and Mr. Maschin in relation to the fire which gave me in my judgment sufficient evidence to make the arrest. After arresting him, I took him up to his rooms and asked him, if those were the rooms - if that was where the fire occurred I asked him, if those were the rooms he occupied. He said they were. It was very wet. There was a great deal of water in it; - I seen two trunks in the middle of the room, - both empty. One was a Saratoga trunk. He

lifted a tray out of it and I should judge, it had benzine two inches deep in it. It left a mark of that kind. It smelled to me like benzine. It soaked through, I presume, and got out. It was not in there, but a mark - that high - was in it. The corner of the trunk had been afire. The door also had been afire and burnt through. I found no bed clothes there, nothing, except a bed-tick and a large bolster in the back room, and also in the middle room, I found a matress and a bolster - on each of the beds, no bed clothing whatsoever. In the kitchen a stove, two tables, and a bureau, two pictures hanging up. In another room a satchel on a shelf with nothing into it, a milk can and some cigar presses.

Q. Did not Capt. Gunner point out a can to you in the hall-way there?

A. That was in the afternoon; we went through the house again and coming downstairs he pointed out a can that was standing there at the head of the stairs and he picked it up and it had water and benzine in it - about a quart of it. It was a tin pail which would hold about two quarts. In that there was about a quart of water and benzine . It smelled so to me.

By a Juror.

Q When you lifted out the tray, did you find any benzine in the trunk?

A No, Sir, it had all gone out.

By the same.

Q Did you look at the ceilings?

A Yes, Sir.

By the same.

Q Was there anythingthe matter with that?

A The water had come through a great deal; the plaster was off

By the same.

Q Was it cut through by the flames?

A No, Sir; the door was burnt, - the fire that burnt that hole in the door, was burnt from the inside.

By the same.

Q Are you sure of that?

A Yes, Sir.

By a Juror.

Q How near was the fire - near the trunk?

A One end of the trunk was on fire, but had not burnt through.

By the same.

Q I understood before that the trunk was not touched, only at

the edge?

A Yes, Sir, from the floor to the top. (Indicating) Supposing that is the trunk; now, this end was burnt from the floor up to here.

By a Juror.

Q How badly was it burnt?

A Very nearly through, so that you could scrape it through.

By the same.

Q Were there any signs of fire on the flooring?

A Yes, Sir, the floor was burnt some. All the wood work was burnt.

By a Juror.

Q Where did the fire originate from?

A In my judgment, the fire originated behind the door, - between the door and the trunk and travelled both ways.

By the same.

Q Did you see the lamp on the table, - the broken lamp?

A No, Sir.

By the same.

Did you arrest Kohut?

A Yes, Sir.

By the same.

Q How did you come to arrest him?

A I arrested him after he was in Mr. Bendheim's office - I questioned Mr. Bendheim and Mr. Maschin - they were both in Mr. Bendheim's office at the time - I questioned them not to any great length, but I was satisfied there was enough to make the arrest -

By the Coroner.

Q Did you search Kohut?

A I searched him in the station house - I found in the inside of his vest, in here, I found two papers, which looked like policies - Insurance papers, in fact they read that way - In his vest pocket I found probably thirty matches and in this pocket I found double headed matches - fussees -

Q Had you seen Kohut before?

A No, Sir, not to my knowledge.

Q Did you ever arrest him?

A No, Sir; I never seen him in my life before.

Sworn to before me this :
:
day of 1885. :

P H I L I P E. D O N L I N, M. D., being called as a witness for the People, was duly sworn and testified as follows;-

By Coroner Levy.

Q What is your full name?

A Philip E. Donlin.

Q State what examination you made of the bodies?

A I went up to the morgue and found the bodies. I found three bodies; they were burnt to a crisp. One of them represented a woman as near as we could judge, about forty years of age; - that we could only judge by the general form of the body. It was a charred mass with the skin and [illegible] tendons burnt. A smaller mass was recognized as the body of a child; it was supposed to be Emilia Fialka, and a smaller mass of charred flesh was recognized as Rosa Fialka, the youngest daughter, - about four years of age. There was nothing to recognize the sex by it, or age, except the general size and shape of it being human beings, so charred were the bodies.

By a Juror.

Q What was the cause of death?

A Shock from burns, - that we are sure of, - whether they died

from Asphyxia or not, I could not say, - both died from shock of burns, I am sure of that.

Sworn to before me this :
:
day of 1885. :

HENRY M. BENDHEIM, recalled.

By Coroner Levy.

Q Do you know who occupied the rooms on the top floor in the house No. 404 East 64th. Street?

A Fialka.

Q Who were they?

A Mrs. Fialka and her two children.

Q Which room did they occupy, do you know?

A The rear on the West side, - the rear part of the building on the West side.

Q You know, where the bodies were found at the time they were discovered by the police?

A I cannot tell.

Q Have you seen all the parties that occupied that building prior to the fire? Those that were uninjured?

A I think I inquired and I found there was nobody else sing.

HENRY M. BENDHEIM, recalled.

By Coroner Levy.

Q Do you know who occupied the rooms on the top floor in the house No. 404 East 64th. Street?

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Q Who were they?

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A The rear on the West side, - the rear part of the building on the West side.

Q You know, where the bodies were found at the time they were discovered by the police?

A I cannot tell.

Q Have you seen all the parties that occupied that building prior to the fire? Those that were uninjured?

A I think I inquired and I found there was nobody else missing.

Q Was anybody missing of 404?

A No, sir; only Fialka.

Q And her children?

A Yes.

Q How soon did you know that there were parties missing - had been fatally injured or burnt?

A I think it must have been before five o'clock that morning.

Q How did you come to know that fact?

A We keep a book where all the numbers of the rooms are, and the names. The numbers run from one to sixteen and I inquired after every party, and nobody knew anything about the Fialka's.

Q They all responded except Fialka and her children?

A Yes, and I told the firemen they should look around for them and I also told all the tenants; every one of them.

Q Are there any tenants here now?

A Yes, sir.

Q They lived on that floor?

A Only Mr. Bell, he lived on the second floor, one flight up.

Q How many stories had that house?

A Five stories.

Q They lived on the top floor, these Fialka's?

A Yes, sir.

Q That top floor is all burnt?

A Yes, sir; the house in the rear is all burnt out - burnt all through - all clear burnt out. After I heard that the fire started in Kohut's room, between five and six o'clock I went up with a policeman, and patrolman, and Seitz and myself, we went up to the room and examined his rooms. Seitz said he put out the fire in his room.

Counsel for the prisoner objects to anything that Mr. Seitz said to this witness, on the ground, that it is not evidence.

Q Who told you that the fire originated in that room?

Objected to by prisoner's counsel. Objection overruled. Exception taken.

A Mr. Seitz told me and Mr. Bell told me, both witnesses. I said to all the tenants.

Objected to by prisoner's Counsel. Objection overruled. Exception taken.

I told them it looked very suspicious. I told them as soon as they seen this man Kohut they should inform me; I would like to see him. I heard he was in the lager-beer saloon. I went in and asked for him, and some people showed him to me. I went up to him and asked him

whether he was insured. All the people were talking about the fire and Kohut was walking up and down alone. I asked him, how much he was insured. He said: "Six hundred dollars."

Q Insurance on what?

A Insurance - he said: "I am insured for six hundred dollars." All those people were very excited.

BY A JUROR.

A Do you know, whether the tenants in your house were insured generally?

A Some of them are and some are not; I don't know.

CROSS-EXAMINATION.

BY Mr. LEVY.

Q How many fires have you had there within the past six months, Mr. Bendheim?

A Three.

Q You are insured?

A Yes, Sir.

Q You got your insurance every time?

A Yes, Sir.

J A C O B F R A N K, a witness for the People, recalled

BY CORONER LEVY.

Q The Jury would like to know in reference to those insurance policies; whether you can tell us anything about them, in refernce to the furniture - whether the policies were on the furniture?

Objected to by prisoner's counsel.

Objection overruled. Exception.

A On the household furniture. That I know. I saw the regular clause of the household furniture - a printed slip you can see on every policy - -

Q State to the Jury about that trunk.

A In the trunk, - I was mistaken. I meant to say the ends. This is the end, (witness indicating) this is the end of the trunk; here is the door, this is the end and the oil inside - it was like a high water mark, it showed a line, where this oil had been in it. It had dissolved itself, but the line at present is the same way as when we closed the door.

Q Did you not say, there was some oil left in the corner of the trunk?

A Not in the corner, - in the bottom of the trunk. It was

dissolving all the time, because it was open and worked itself out. It was still damp. It has an oil mark on the paper, all the way around, besides the ends of the trunk - -

BY A JUROR.

Q Was there any fire inside of the trunk?

A No, Sir. It had not come through the trunk, only on the end.

Testimony for the People closed.

Mr. Levy, counsel for the prisoners, moves to discharge the prisoners from custody on the ground that the evidence is insufficient and askes that his Honor, the Coroner, instruct the Jury to render a verdict of acquittal, and recommand their discharge in the Police Court.

Especially in respect to Henry and Josephine Kohut, there is not a word of testimony implicating them. The only thing they tried to bring home to Henry Kohut, is, that

TORN PAGE

W I L L I A M B O L T, a witness for the People, recalled:-

B Y C O R O N E R L E V Y:

Q What floor did you occupy in this house in question?

A The first floor.

C O R O N E R L E V Y.

I would ask the jury whether they desire any further evidence on the question of identity of the deceased woman and her two children, or whether they are satisfied with the evidence as it stands as to the question of identity. If they are not, we shall have to adjourn the case, so as to have the fire marshal here.

After some deliberation the jury expressed a desire to hear further evidence in the case.

The Coroner adjourned the case until Tuesday December 1st. 1885, 11 o'clock, A. M.

George Strassner, Stenographer.

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Edward L. Davis Esq
261 Bway
City

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0423

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Hahnert
Edward Hahnert and
Josephine Hahnert

The Grand Jury of the City and County of New York, by this indictment, accuse Henry Hahnert, Edward Hahnert and Josephine Hahnert

of the CRIME OF Murder in the first degree,

committed as follows:

The said Henry Hahnert, Edward Hahnert and Josephine Hahnert, each

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the twenty third day of November, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid,

in the night time of the same day, with force and arms, the dwelling house of one Mary Sidlo, there situate, there being then and there some human being, to wit: the said Mary Sidlo, within the said dwelling house, feloniously, wilfully and maliciously did set on fire and burn; and did then and there and thereby feloniously, wilfully and maliciously commit and perpetrate the crime of arson in the first degree.

And the said Henry Hahnert, Edward Hahnert and Josephine Hahnert, in committing and perpe=

striking the arrow in the first degree aforesaid, in manner aforesaid, then and there feloniously did mortally wound the body of her the said Mary Fiala, so as aforesaid then and there being within the said dwelling house, by which said mortal wounding of her body, the the said Mary Fiala then and there died.

And so the Grand Jury aforesaid do say, that the said Henry Stahont, Edward Stahont and Josephine Stahont, then the said Mary Fiala, in manner and form and by the means aforesaid, feloniously and in committing the said arrow in the first degree, did kill and murder, against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Second Count:

And the Grand Jury aforesaid by this indictment further accuse the said Henry Stahont, Edward Stahont and Josephine Stahont of the same crime of **Murder in the first degree**, committed as follows:

The said Henry Hobart, Edward Hobart and Josephine Hobart, each late of the Ward, City and County aforesaid, afterwards to wit: on the same day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of the same day, with force and arms, the dwelling house of one Mary Sidle, there situate, wilfully, feloniously and of their malice aforethought did set on fire and burn, the said Mary Sidle, then and there, before, at and during the said burning being in the said dwelling house; and the said Henry Hobart, Edward Hobart and Josephine Hobart, in so setting on fire and burning the said dwelling house as aforesaid, then and there wilfully, feloniously and of their malice aforethought, did mortally burn the body of the said Mary Sidle, of which said mortal burning of her body, she the said Mary Sidle, then and there died.

And so the Jurors aforesaid do say, that they the said Henry Hobart, Edward Hobart and Josephine Hobart, then the said

Mary Fiala, in manner and form and by the means aforesaid, wilfully feloniously and of their malice aforethought did kill and murder; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Third Count:

And the Grand Jury aforesaid, by this indictment further accuse the said Henry Hohnt, Edward Hohnt and Josephine Hohnt of the same crime of Murder in the first degree, committed as follows:

The said Henry Hohnt, Edward Hohnt and Josephine Hohnt, each 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 same day, the dwelling house of one Frank Fiala, there situate, there being then and there some human being to wit: one Mary Fiala, within the said dwelling house, feloniously, wilfully

and maliciously did set on fire and burn, and did burn and scald and feloniously, wilfully and maliciously commit and perpetrate the crime of arson in the first degree.

And the said Henry Hobart, Edward Hobart and Josephine Hobart, in committing and perpetrating the arson in the first degree aforesaid, in manner aforesaid, then and there feloniously did mortally burn the body of her the said Mary Fiske, so as aforesaid then and there being within the said dwelling house, of which said mortal burning of her body, she the said Mary Fiske then and there died.

And so the Grand Jury aforesaid do say, that the said Henry Hobart, Edward Hobart, and Josephine Hobart, her the said Mary Fiske, in manner and form and by the means aforesaid, feloniously, and in committing the said arson in the first degree, did kill and murder, against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.