

0574

BOX:

228

FOLDER:

2240

DESCRIPTION:

Schultz, Frederick

DATE:

08/02/86



2240



0576

Police Court—

District.

CITY AND COUNTY  
OF NEW YORK, { ss.

of No.

33

years old.

Labner

being duly sworn, deposes and says, that

on

the

4<sup>th</sup>

day of

July

in the year 188

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

he was violently and feloniously ASSAULTED and BEATEN by

Schultz

Moro Present

who did fire and discharge

a pistol loaded with powder

and lead the ball or missile

from said pistol striking

and wounding deponent upon

his right eye. That deponent

was in a Water Closet of the

premises No 7 James Street

when the said pistol was fired

and discharged, and deponent

is informed by one Denis Murphy

that the defendant fired the

shot which struck and

wounded deponent and deponent

believes the same to be true and

therefore charges the defendant

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without

any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer

for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

of

July

188

at

New York

Police Justice.

Patrick Hogan

0577

Sec. 105-200.

CITY AND COUNTY  
OF NEW YORK, ss

District Police Court.

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

Question. What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer

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

Answer.

*I am not quite sure I fired  
the shot but did not know  
that there was anybody about  
at the time. I did not know  
that the complainant was in the  
water closet or I would not have  
fired in that direction*

*Fred Schultz*

Taken before me this

188

Police Justice.

0578

NEW YORK EYE AND EAR INFIRMARY,

To Judge of Tombs Police Court Dr.

July 20-86. Patrick Strgan is a patient in this institution and is suffering from effect of a bullet wound received July 4-86. His physical condition is such as will prevent his leaving the Hospital - Am unable to state just how long he will need to stay in Hospital, but think from a week to ten days -

Very Respectfully

Fred Whiting M.D.

Asst. Surgeon of

N.Y. Eye and Ear Infirmary

0579

NEW YORK EYE AND EAR INFIRMARY,

To Justice of Towns Police Court DR

Patrick Hogan is at present an inmate of  
this Hospital suffering with a gun shot wound of  
nose and eye - His <sup>right</sup> eye is entirely destroyed  
and at present it is impossible to state the extent of  
his injuries further - He is physically incapac-  
itated to appear at Court,

Very Respectfully Yours

J. d. Whiting M.D.  
Asst. Surgeon  
New York Eye and Ear Infirmary

0580

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 1 DISTRICT.

of No.

occupation

that on the

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

Sworn Stanley

Street, aged 46 years,

Police Officer being duly sworn deposes and says

14 day of July 1886

he arrested

And Schultz (now known) charging  
him with assaulting one Patrick  
Morgan, by discharging a ball  
from a pistol at the body of  
said Patrick Morgan, inflicting  
injuries, as per annexed certificate.  
The said Morgan being unable to  
appear in court, defendant prays  
the said defendant be held to  
answer the result of the injuries  
inflicted.

Oswald Stanley

Sworn to before me, this

of

1886

day

Police Justice.

0581

Police Court, 12th District.

THE PEOPLE & c.,

ON THE COMPLAINT OF

Chas. Stanley

vs.

Freu Schultz

AFFIDAVIT

Sworn in before me

Dated

July 3 1886

Murray Magistrate.

Stanley Officer.

Witness,

Disposition,

Committed to  
prison for 30 days



0582

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

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

Dated *July 20* 188*6* *Benjamin M. M. M. M. M.* Police Justice.

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

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

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

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

0583

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Patrick Hogan*  
*765*  
*vs.*  
*Fred Schultz*

*offence*  
*Johnnie*  
*Cassner*

BAILED,

No. 1, by *Frederick Schmeers*

Residence *218 Henry* Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No. *578* *816* Street.

No. *Dr. F. Whitling* Street.

No. *Eye & Ear Infirmary* Street.

\$ *5.00* to answer

*(Cm)*

0584

## PART II.

THE COURT ROOM IS IN THE THIRD STORY, AND FRONTING THE PARK.

☒ If this Subpoena is disobeyed, an attachment will immediately issue.

☒ Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

## SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To

of No.

*Abriel Logan*  
*765*  
*3rd Ave*

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 *18th* day of *February* instant, at the hour of *11* in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*Frank Schuck*  
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 *February*, in the year of our Lord 188*7*

RANDOLPH B. MARTINE, District Attorney.

*He is not known in the house*

0585

GLUED PAGE

## Court of General Sessions.

THE PEOPLE

vs.

Frederick Schultz

City and County of New York, ss.:

George B. McLoon

being duly

sworn, deposes and says: I reside at No. 365 East 62  
 Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the  
 City and County of New York. On the 16<sup>th</sup> day of February 1887.  
 I called at No. 765 - 3<sup>d</sup> Avenue

the alleged residence of

Patrick Hogan

the complainant herein, to serve him with the annexed subpoena, and was informed by the lady  
 in the house that she knows no one  
 by that name and that he does not  
 reside there. I also inquired in  
 the cigar store and was informed  
 by the proprietor and workman that  
 neither of them know the said  
 Patrick Hogan and does not reside  
 there.

Sworn to before me, this

18

day

of February, 1887

Rudolph K. Schaf

 COMMISSIONER OF DEEDS,  
 N. Y. CITY & COUNTY.

G. B. McLoon

Subpoena Server.

0586

Court of General Sessions.

THE PEOPLE, on the Complaint of

*Patrick Hogan*

28.

*Fredrick Schmitt*

Offense: *Account*

RANDOLPH B. MARTINE,

District Attorney.

Affidavit of

*George B. McLean*

Subpoena Server

Failure to Find Witness.

0587

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frederica S. Duddy*

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

*Frederica S. Duddy* —  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Frederica S. Duddy* —

late of the City of New York, in the County of New York aforesaid, on the  
*29th* day of *April* — in the year of our Lord  
one thousand eight hundred and eighty-*nine*, with force of arms, at the City and  
County aforesaid, in and upon the body of one *Esthera Waagen*,  
in the peace of the said People then and there being, feloniously did make an assault  
and to, at and against *him* the said *Esthera Waagen*  
a certain  *pistol* then and there loaded and charged with gunpowder and one  
lead bullet, which the said *Frederica S. Duddy* —  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,  
with intent *him* the said *Esthera Waagen* —  
thereby then and there feloniously and wilfully to kill, against the form of the statute  
in such case made and provided, and against the peace of the People of the State of  
New York and their dignity.

## SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Frederica S. Duddy* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Frederica S. Duddy* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the  
year aforesaid, at the City and County aforesaid, with force and arms, in and  
upon the body of one *Esthera Waagen* —  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault, and to, at and against *him* — the said

*Esthera Waagen* —  
a certain  *pistol* then and there charged and loaded with gunpowder  
and one lead bullet, which the said *Frederica S. Duddy* —  
in *his* — right hand then and there had and held, the same being  
an instrument likely to produce grievous bodily harm, then and there feloniously  
did wilfully and wrongfully shoot off and discharge, against the form of the statute  
in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

**RANDOLPH B. MARTINE,**

District Attorney.

0588

BOX:

228

FOLDER:

2240

DESCRIPTION:

Scully, Timothy

DATE:

08/03/86



2240

0589

Witnesses:

Off. Kerpinger  
29th Precinct  
C. A. Blanchard

Counsel,

Filed

Pleas

day of Aug 1886.

THE PEOPLE

vs.

Timothy Scully  
Pl. 19th Precinct

Burglary in the second Degree.  
[Sections 497506, 5282, 5321]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Caleb D. Murray

Foreman

Headed by 3 day

S.P. H. year.



0590

Police Court—2 District.City and County } ss.:  
of New York,

Charles F. Blanchard  
of No. 136 West 41st Street, aged 24 years,  
occupation Manager being duly sworn  
deposes and says, that the premises No. 136 West 41st Street,  
in the City and County aforesaid, the said being a Dwelling house

and which was occupied by deponent ~~as~~ and others as a dwelling house  
and in which there was at the time a human being, by name

Thomas C. Keane  
were BURGLARIOUSLY entered by means of forcibly

breaking the  
shutter of a window of the room occupied  
by said Thomas C. Keane on  
said premises,  
on the 25 day of July 1886 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

three clocks of the value  
of twenty dollars (\$20)

the property of Thomas C. Keane

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

for the reasons following, to wit: The said Scully was  
familiar with the premises, and on the  
night in question was seen by the said  
Keane near the premises about 11.30 P.M.  
The burglar was heard at work at 12.30  
A.M. and was seen to leave the premises  
without coat hat or shoes. James Cummings  
the porter saw the burglar go into the  
liquor store corner of 41st Street and

0591

Broadway, as deponent is informed. immediately upon leaving <sup>said premises</sup> a deponent is informed by William Huntchman barkeeper of said premises that the defendant Terriolly Reully is the man who came into the said liquor saloon without hat, coat or shoes shortly after 12 30 A.M. and remained there until 5 A.M. There was a hat coat and shoes subsequently found in the premises on which the burglary was committed which the defendant admitted to Officer Keringer to be his property. The said defendant admitted to the said Officer Keringer, that he had been upon the said premises and justly explained his conduct by saying that he was drunk.

Shown to before me this 27<sup>th</sup>  
day of July 1886

Solomon B. Smith  
Police Justice

Charles A. Blanchard

|                            |           |
|----------------------------|-----------|
| Police Court               | District. |
| THE PEOPLE, &c.,           |           |
| ON THE COMPLAINT OF        |           |
| vs.                        |           |
| Burglary                   | Degree.   |
| Dated                      | 188 1     |
| Magistrate.                |           |
| Officer.                   |           |
| Clerk.                     |           |
| Witnesses:                 |           |
| Committed in default of \$ | Bail.     |
| Bailed by                  |           |
| No.                        | Street.   |

0592

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 28 years, occupation John Kirzinger  
Policeman of No.

29th Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Charles A. Blanchard  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 27  
day of May 1886 } John Kirzinger  
Solomon Smith  
Police Justice.

0593

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

*Timothy Scully* 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

*Timothy Scully*

Question How old are you?

Answer

*21 years*

Question Where were you born?

Answer

*Ireland*

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

Answer

*629 1/2 Ave A - 2 weeks*

Question What is your business or profession?

Answer

*Elevator boy*

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

Answer

*I was out that night with the porter and went home with him pretty full. I thought I was home and took off my clothes to go to bed. I know of nothing that occurred from that time until I woke up in the cellar of the liquor store*

*Timothy Scully*

Taken before me this

27

*John J. Scully*  
Judge of the Court of Justice.

0594

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

*James J. Deady*  
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 July 27 1888 *Salmon B. Smith* Police Justice.

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

Dated 188 . Police Justice.

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

Dated 188 . Police Justice.

0595

Police Court-- 2 1107 District.

THE PEOPLE, &c,  
ON THE COMPLAINT OF

Charles F. Blanchard  
136 West 41<sup>st</sup> St.  
vs.

Timothy Scully

Office  
Bryant

2  
3  
4

Dated July 27 188

Oliver B. Smith Magistrate.

Kirzinger Officer.

29 Precinct.

Witnesses  
Officer  
Thomas Keane Street.

James Cummings

Wm Dinghausen

136 West 41<sup>st</sup> St.

No. \$1000 to answer Street.

Done

BAILED,

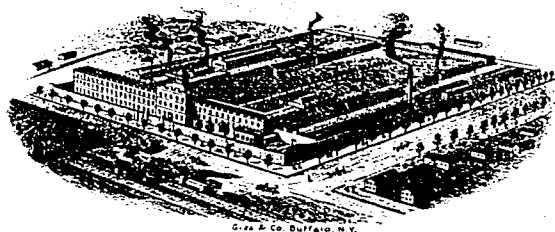
No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

0596



PHYSICIAN'S OFFICE

**AUBURN PRISON.**

Auburn, N.Y. March 4 1887.

William W. Perry

Sir. In regard to Timothy Scully's condition, he was transferred from Sing Sing on the 13<sup>th</sup> day of last January, in a weak and feeble condition, with a diseased lung, he was taken in to the Hospital as soon as he came, has remained there ever since, his condition is such that he does not sit up, can walk but a short distance, has a harassing cough with night sweats and expectorations, pulse one hundred and twenty,  hectic fever and emaciation. This is his present condition, he has improved in no respects since he came to this Hospital, I should have considered it hazardous to have sent a patient from Sing Sing to Auburn in the condition that he entered Auburn Prison. His present condition is very bad.

B. A. Cooper

Phys.

0597

## State of New York.

## Executive Chamber.

ALBANY, Feb. 28 1887.

SIR :

An application for Executive clemency having been made on behalf of Timothy Scully, who was convicted of Larceny, 3d degree in the County of N.Y., and sentenced Aug. 4 1886, to imprisonment in the City Prison for the term of 4 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,



Private Secretary.

To Hon. C. B. Martin,
Civil Atty. of N.Y. Co.,  
N. Y. City,



0598

Answered  
Jan 28/84  
R. B. Sw.

0599

Brooklyn February 1/87.

P. Phe

Honorable Rufus B. Cowing  
Honored Sir:

Pardon me for taking  
the liberty of addressing you. I have  
received a letter from a sister of Tim  
Scully, who was sentenced by you on  
August the 4<sup>th</sup> I think for Robbery in  
the "Hotel Vandamme" to 4 Years in Sing  
Sing. He was found drunk in the  
basement of the hotel, and his shoes and  
stockings were found there. The detectives  
said articles of Value was stolen, and he

0600

3.

look into this matter for to pardon him if it is in your power. his parents are poor and honest and are above reproach, have never had anything to trouble them in law and are afraid he will die in prison, they are Country people and think that New York is too severe to their son. I will say that if he ever gets free he will leave the City and not return again. it is his first offence and has proved a terrible one, hoping you may look into this matter and save his family from disgrace.

Remain Yours

Obdient Servant

E. L. Lambert

162. 24th St. S. Brooklyn.

was unfortunate enough to be drunk on this night and was arrested, he not having money enough to get a lawyer thought that if he pleaded guilty he would get about 29 days or so, the sentenced gave him such a shock that he has not been able to work and has since been in the Hospital at Sing Sing and Auburn, he has lung trouble and can not live long. his father is dying at home in North Brookfield and as it is a mere matter of time only that the family may loose its Father. I ask you in the name of god, to be merciful and

0602

Will you be so kind as to  
answer this note to

E Louis Lambert  
162 24<sup>th</sup> St S. Bklyn

I hope you shall render  
a just and honorable decision  
in this matter,

~~Chatter~~

Indistinct  
filed Aug 3/86

0603

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Timothy Saddy*

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

*Timothy Saddy*

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

The said *Timothy Saddy*

late of the *Twenty-second* Ward of the City of New York, in the County of New York  
aforesaid, on the *Twenty-fifth* day of *July*, in the year  
of our Lord one thousand eight hundred and eighty-*six*, with force and arms, about the  
hour of *Twelve* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*Thomas R. Heane.*

there situate, feloniously and burglariously did break into and enter, there being then and there some  
human being, to wit: *The said Thomas R. Heane.*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels  
and personal property of the said *Thomas R. Heane.*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away.

against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity,

0604

SECOND COUNT—

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

*Timothy Sautter*  
of the CRIME OF ~~GRAND~~ LARCENY, ~~IN THE~~ ~~SECOND~~ ~~DEGREE~~, committed as follows :

The said *Timothy Sautter*

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

*Three Dollars & the value of seven  
dollars each.*

of the goods, chattels and personal property of one

*Thomas C. Keane.*  
in the dwelling house of the said

*Thomas C. Keane.*

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

*David J. Martin*  
*Attorney at Law*

0605

BOX:

228

FOLDER:

2240

DESCRIPTION:

Seaver, Emily

DATE:

08/17/86



2240



Witnesses:

Francis Dayner

The witnesses in this case  
cannot be found. (See office  
filed herein). I recommend  
def't's discharge upon her  
own recognizance.

Sept 20<sup>th</sup> 88.  
Sam M. Dan  
Clerk

Counsel,

Filed

17 day of Aug

1886

Plends, *Michichy Sept 1<sup>st</sup> 88*

THE PEOPLE

vs.

*B*  
Emily Seaver

KEEPING A HOUSE OF ILL FAME, ETC

(Sections 322 and 385, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Callahan*

Part III Sept 20<sup>th</sup> 88

Foreman

Part 1 Part 2

Sept 20

0606

0607

**PART III.**

THE COURT ROOM IS IN THE THIRD STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

*Open to court on order***SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

**The People of the State of New York,**To *Joseph Ransom*  
of No. *119* *4<sup>th</sup>* *ave* 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 County Court House, in the Park of the said City, on the *30<sup>th</sup>* day of *Sept* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against*Emily Seaver*  
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 the City Hall in our said City, the first Monday of *Sept*, in the year of our Lord 1887.RANDOLPH B. MARTINE, *District Attorney*

0508

GLUED PAGE

## Court of General Sessions.

THE PEOPLE

vs.

by *Seaver*

County of New York, ss.:

deposes and says: I reside at No.

*Charles J. Lyons*

being duly

*656**2 Avenue*

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the

*24*

day of

*March*

188

I called at

*No. 119**4th Avenue*

the alleged

*residence of Joseph Ransom*

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

*the*  
*costumer living at that address that*  
*the said Ransom is an actor travelling*  
*with the Monte Christo Theatrical Company,*  
*that she does not know where he is at*  
*present or when he will return. That*  
*she has not heard of him since he*  
*left, about 2 months ago.*

Sworn to before me, this

*26*

day

of

*March*

188

*Rudolph L. Schauf*COMMISSIONER OF DEEDS,  
N. Y. CITY & COUNTY.*Chas. J. Lyons*  
Subpoena Server.

0609

21.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Emily Seaver

Offense:

RANDOLPH B. MARTINE,  
District Attorney.

Affidavit of

Chas. J. Lyons

Subpoena Server.

Failure to Find Witness.

06 10

The People  
vs  
Emily Seaver

The Defendant above named hereby  
authorizes James W. McWilliam Coun-  
sellor at law to appear for and in  
her behalf upon any and all plead-  
ings, answers, trial & all proceedings  
upon indictment herein  
9/15 Sept 60

Emily Seaver

On this 6th day of September before me  
present came Emily Seaver the per-  
son who executed the above instru-  
ment & to me known personally  
who acknowledged that she  
executed the same for the pur-  
poses therein mentioned

John L. Seaver  
Notary Public  
W. 7

0611

Wm. W. W. W.

W. W. W.

Emily Secor

W. W. W.

W. W. W.

W. W. W.

W. W. W.

of W. W. W.

W. W. W.

W. W. W.

06 12

Sec. 32, Penal Code.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK ss.

of No. Frank. Hayner -  
Geo. E. Arnold - Street, in said City, being duly sworn says  
 that at the premises known as Number 43 West 18th Street,  
 in the City and County of New York, on the 3 day of June 1886 and on divers  
 other days and times, between that day and the day of making this complaint

Emily Seaver -  
 did unlawfully keep and maintain and yet continue to keep and maintain a house of  
prostitution and did then, and on the said other days and times, there unlawfully procure  
 and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come  
 together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said  
 other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil  
 name and fame there to be and remain drinking, ~~drinking, fighting~~ disturbing the peace, whoring and misbehaving  
 themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and  
 there passing is habitually disturbed, in violation of the statute in such case made and provided.

Dependent therefore prays, that the said Emily Seaver -  
 and all ~~the~~ disorderly and improper persons found upon the premises, occupied by said Emily Seaver -

may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 26 day of June 1886 Frank Hayner  
Mar. H. H. H. Police Justice.

06 13

Police Court— 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James H. Hays

vs.

Emily Sears

AFFIDAVIT—Keeping Disorderly House, &c.

Dated June 26 1886

Wm. H. Hays Justice.

Sgt. Heston — Officer.

24 Precinct.

WITNESSES :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



City and County of New York for  
Frank Hayden being duly  
sworn says that he is above the age  
of Twenty One Years, That he resides  
at No. 600 - 5th Avenue in the City  
of New York.

That he knows the house No 43 West  
18th Street in the City of New York, to be  
a house of prostitution or bawdy house  
That said house is kept by one Emily  
Seaver, otherwise known as Lizzie Ackerman  
or Deborah is informed by one  
Bell Browning, an inmate of house - kept by  
said Lizzie Ackerman, or Emily Seaver,  
as said Bell Browning so stated to  
deponent.

That on the 3d day of June 1886, at  
Ten o'clock in the Evening deponent  
says that he was admitted to said house  
by a colored servant, and upon asking for  
Mrs Seaver was ushered  
into a parlor on the first floor in the  
front of the said house on the left hand  
side of hall in said house,  
That after a delay of some ten minutes

City and County of New York for-  
 Frank Kayser being duly  
 sworn says, that he is above the age  
 of Twenty One Years, That he resides  
 at No. 600 - Sixth Avenue in the City  
 of New York.

That he knows the house to 43 West  
 18th Street in the City of New York, to be  
 a house of prostitution or bawdy house  
 That said house is kept by one Emily  
 Seaver, otherwise known as Lizzie Ackerman  
 or ~~disponent~~ is informed by one  
 Bell Browning, an inmate of house kept by  
 said Lizzie Ackerman, or Emily Seaver,  
 as said Bell Browning so stated to  
 disponent.

That on the 2d day of June 1886, at  
 Ten o'clock in the Evening disponent  
 says that he was admitted to said house  
 by a colored servant, and upon asking for  
 Mrs Seaver was ushered  
 into a parlor on the first-floor in the  
 front of the said house on the left hand  
 side of hall in said house,  
 That after a delay of some ten minutes

a woman entered said parlor and introduced herself as Bill Browning an inmate of the house kept by Emily Leaver, or Lizzie Ackerman, and told deponent that Mrs. Leaver was sick and had retired. Thereupon deponent ordered and received and drank together with said Bill Browning and another, Joseph Ransome who accompanied deponent to said house, one quart of wine known as <sup>G.H. Muny & Co.</sup> Champagne for which deponent paid to said Bill Browning, instead of a bill for said purchase, the sum of Five dollars. That thereafter deponent ordered and drank together with said persons two more quart bottles of said kind of wine for which he paid the sum of Five dollars for each and every bottle of wine so received.

That said Bill Browning invited deponent to a room, once of light of stairs above said parlor, or reception room, in the rear of the <sup>page house 49 W 18 St -</sup> house, where said Bill Browning offered her self for unlawful purposes. Deponent further states that said Bill Browning, while in said room undressed herself and went to bed, and invited deponent to do the same,

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Deposant further states that said Bell  
brought along him to copulate,  
for which deposant paid to said  
woman the sum of two dollars

Sworn to before me  
this 4<sup>th</sup> day of June 1886. } Frank Mayner  
Engle Breen  
Notary Public (088)  
City & County of New York. ✓

Sworn to before me  
this 21<sup>st</sup> day of July 1886  
Solomon Smith  
Police Justice.

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Deponent further states that said Bell  
brought along him to Copulate,  
for which deponent paid to said  
woman the sum of two dollars

Sworn before me  
this 4<sup>th</sup> day of June 1886. } Frank Haynes  
Engle Breen  
Notary Public (108)  
City & County of New York. ✓

Sworn before me  
this 21<sup>st</sup> day of July 1886.  
Solomon B. Smith  
Police Justice.

City and County of New York ss  
 Joseph Ransome  
 being duly sworn says; That he is above  
 the age of twenty one years,  
 That he resides at No 119 - Fourth Avenue  
 in the City of New York,  
 That he knows the house No 43 West  
 18<sup>th</sup> Street, in the City of New York, to be a  
 house of prostitution or bawdy-house.  
 That said house is kept by one Emily  
 Seaver otherwise known as Lizzie Ackerman  
 as deponent is informed by one Bill  
 Browning an inmate of said house  
 That on the 30 day of June 1886. at 10.  
 o'clock in the evening deponent together  
 with Frank Hayner, was admitted to  
 said house No 43 West 18<sup>th</sup> St. by a  
 colored servant, and upon said  
 Frank Hayner asking for Sam Seaver  
 deponent & said Hayner were admitted  
 into a reception room or parlor, on the  
 first floor, in the front of said house,  
 That after waiting about ten minutes  
 a woman entered said parlor or re-

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ciation room and introduced herself as  
 Bill Browning, an inmate of said  
 House, No 48 West 18<sup>th</sup> St. kept by Emily  
 Reaver, otherwise known as Lizzie Ack-  
 man, and told deponent that Mrs  
 Reaver was sick and had retired.  
 Thompson deponent ordered and received  
 and drank together with said Bill  
 Browning and another, Frank Hayner,  
 whom deponent accompanied to said  
 house, one quart bottle of wine known  
 as E. & J. Munroe & Co. champagne, for  
 which deponent paid to said Bill  
 Browning for and in stead of said  
 proprietress the sum of three dollars.  
 That thereafter deponent ordered and  
 drank together with said persons  
 some two more quart bottles of said  
 wine for which deponent paid the  
 sum of five dollars for each and  
 every bottle of said wine so ordered.  
 That deponent asked said Bill Brown-  
 ing, if she could furnish a lady  
 companion for him, whereupon said  
 Bill Browning told deponent it was  
 too late for her to procure a lady  
 that evening, but if he would call  
 any evening earlier she would be most

Lafayette to accommodate him with a lady that she was the only one disengaged at that time.

That deponent heard said Bill Browning invite Frank Garner to accompany her, up stairs to a room, that said Frank Garner did leave the reception room or parlor, in company with said Bill Browning and both parties remained out of said room for an hour, during which time deponent remained in said parlor or reception room until said Bill Browning & Frank Garner returned.

Sworn to before me this  
7<sup>th</sup> day of June, 1886  
at New York City  
Mary Huber  
Notary Public

Sworn to before me  
this 2<sup>nd</sup> day of July 1886  
Solon B. Huber  
Police Justice



City and County of New York &c.

George St Rose being  
duly sworn says, that he is above the  
age of Twenty one years, That he resides  
at No 660 Sixth Avenue in the City of  
New York,

That he knows the house No 43 West  
18<sup>th</sup> Street in the City of New York to  
be a house of prostitution or Bowdy-house  
That he knows said house is kept  
by one Emily Seaver otherwise known  
as Lizzie Ackerman,

That on the 17<sup>th</sup> day of June 1886 at  
8.30 o'clock in the evening together  
with Frank Hagner he was admitted  
to said house No 43 West 18<sup>th</sup> Street  
by Emily Seaver otherwise known as  
Lizzie Ackerman, who is the  
proprietress of said house, No 43 West  
18<sup>th</sup> Street, and who told deponent  
that she was the proprietress of  
said house.

That upon being admitted to said house  
deponent was invited together with  
Frank Hagner whom he accompanied  
to said house, to a reception room

or parlor on the first floor front to the left of the Hall-way in said house and thereafter deponent ordered and received and drank together with said Lizzie Ackerman or Emily Seaver and Frank Haynes one quart bottle of wine known as G. H. Mummery & Co Champagne for which he paid to said Emily Seaver, otherwise known as Lizzie Ackerman the sum of Five dollars.

That said Emily Seaver otherwise known as Lizzie Ackerman, sent for and procured and introduced to deponent for unlawful purposes, a woman whom she called and introduced as Miss Grace, which woman invited deponent to a room on Third floor front or two flight of stairs above said reception room, or parlor in said house at 43 West 18th Street, where and where said Miss Grace offered herself for unlawful purposes. Deponent further states that said Miss Grace while in said room, undressed herself and went to bed, and invited deponent to do likewise.

Deponent further states that

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said Miss Grace, while in said  
room allowed him to copulate;  
for which defendant paid to  
said woman, the sum of nine  
dollars.

Sworn to before me

this 19th day of June 1886

Joseph H. Butler

Notary Public (N.Y.)

New York County

Geo. W. Rice

Sworn to before me  
this 21st day of July 1886.

Edw. W. Smith  
Police Justice

City and County of New York to  
 Frank Hagner  
 being duly sworn says: That he is  
 above the age of Twenty One years  
 That he resides at No 660<sup>th</sup> Fifth Ave-  
 nue in the City of New York,

That he knows the house No 43 West  
 18<sup>th</sup> Street in the City of New York to be  
 a house of prostitution or Lawdy-house  
 That he knows said house is kept  
 by one Emily Seaver, otherwise known as  
 Lizzie Ackerman,

That on the 17<sup>th</sup> day of June 1886 at  
 8.30 o'clock in the evening together with  
 Geo St. Rice he was admitted to said  
 house No 43 West 18<sup>th</sup> St by Emily Seaver  
 otherwise known as Lizzie Ackerman, who  
 opened the front door of said house  
 & admitted deponent and Geo St Rice, and  
 invited both to a reception room or  
 parlor on the first floor in the front  
 of said house, on the left hand side of  
 the hall way,

Thereafter deponent ordered and received  
 from said Emily Seaver or Lizzie

Ackerman, and drank together with  
 said Emily Leaver otherwise known as  
 Lizzie Ackerman, and one Geo St. Rice,  
 who accompanied deponent, one quart  
 bottle of wine known as A. H. Minner  
 Champagne, for which deponent  
 paid to said Emily Leaver or Lizzie  
 Ackerman, the proprietress of said  
 house the sum of five dollars.  
 That said Emily Leaver sent for  
 procuree, and introduced to deponent  
 and Geo Rice, for unlawful purposes  
 a woman whom she called  
 and introduced as Miss Grace.  
 Deponent heard said woman with said Rice  
 to accompany them to a room  
 on an upper floor. That said  
 Rice did leave the reception room  
 or parlor in company with said  
 Miss Grace, and both were absent  
 from said room for about  
 an hour. That upon the return  
 of said Geo St. Rice & said Miss Grace  
 to said parlor or reception room  
 said Miss Grace admitted to deponent  
 that she allowed said Rice to copulate.  
 Deponent states that during the time  
 said Geo St. Rice & said Miss Grace

sure about from said reception  
room that he remains in said  
parlor or reception room engaged  
in conversation with the said  
Emily Seaver otherwise known as  
Lizzie Ackerman, and that said  
Emily Seaver told deponent that  
she and Lizzie Ackerman were the  
same persons that while engaged in  
the same business in East 2<sup>nd</sup>  
Street, she lived under the name of  
Lizzie Ackerman, but now lives and  
carries on her business in said house  
under the name of Emily Seaver,

Sworn to before me

this 18<sup>th</sup> day of June 1886 } Frank Hayden  
Clerk of Court  
Notary Public (108)  
City & County of New York

Sworn to before me

this 21<sup>st</sup> day of July 1886 }

Solomon B. Smith  
Police Justice

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Sec. 198-206

CITY AND COUNTY  
OF NEW YORK

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty and  
demand a trial by jury -  
Emily Searn*

Taken before me  
this 21<sup>st</sup> day of July 1886.  
Solomon B. Smith  
Police Justice

Taken before me this

day of

1886

Police Justice.

0628

Sec. 151.

Police Court—2—District.

CITY AND COUNTY } ss *In the name of the People of the State of New York; To the Sheriff of the County*  
 OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by *Frank H. Taylor* of No. *Eleven* Street, that on the *3* day of *June* 188*8* at the City of New York, in the County of New York, *Emily Seaver* did keep and maintain at the premises known as Number *43 West 18th* Street, in said City, *House of Prostitution* and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

*Emily Seaver* and all vile, disorderly and improper persons found upon the premises occupied by said *Emily Seaver* and forthwith bring them before me, at the *2* DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this *26* day of *June* 188*8*

*W. A. Burke* POLICE JUSTICE.



0629

Police Court— District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated..... 188

Magistrate

Officer.

29<sup>th</sup> Precinct.

The Defendant

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

Officer.

Dated..... 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

Dated

188

Police Justice.

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

The within named

0630

July 1<sup>st</sup> / 86.  
The Justice presiding  
at the Police Court will please  
have come determine the  
within case in my absence.  
Wm. H. Boardman  
Police Justice

BAILED,

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

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

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

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

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

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

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

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

Police Court-- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank Hayner  
vs.  
Emily Seaver

Dated \_\_\_\_\_ 188

Magistrate.

Officer.

Precinct.

Joseph Rinsome

No. 119. 4<sup>th</sup> Avenue Street.

George H. Rice

No. 287. 5<sup>th</sup> Avenue Street.

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

\$ July 21-10 a.m. to answer

Ex 15 July 21<sup>st</sup> 1886.

Ex 30 July 21<sup>st</sup> 1886.

Offence: Receiving stolen property

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 July 27 1886 Police Justice.

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

Dated \_\_\_\_\_ 1886 Police Justice.

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

Dated \_\_\_\_\_ 1886 Police Justice.

POOR QUALITY  
ORIGINAL

0631

BAILED,

No. 1, by Frank Rucelle  
Residence 41 Leroy St. Street.

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

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

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

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank Rucelle  
668 - 6 Ave  
Emily Seaver  
Office Keeping  
Handwriting

Dated July 29 1886

Magistrate.

Officer.

29 Precinct.

Witnesses Joseph Ransom

No. 119 - 4 Ave Street.

George W. Rice

No. 287 - 5 Ave Street.

660 - 6 Ave

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

\$ 500 to answer G.S.

Bailed

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

Dated July 29 1886

I have admitted the above-named

to bail to answer by the undertaking hereunto annexed.

Dated July 29 1886

There being no sufficient cause to believe the within named

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

Dated \_\_\_\_\_

Police Justice.

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*Moved Away*  
**PART III.**

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.  
 Bring this Subpoena with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

# SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To

of No.

*George W. Rice*  
*660 6th Avenue*

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 day of *September* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

*Emily Seaver*  
 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 *Sept*, in the year of our Lord, 1888.

JOHN R. FELLOWS, District Attorney.

*11. 10. 1888*

0633

Court of General Sessions.

THE PEOPLE

vs.

Emily Leaver

City and County of New York, ss:

sworn, deposes and says: I reside at No.

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

City and County of New York. On the 9<sup>th</sup> day of Sept. 1888, and on divers other days I called at 660 6<sup>th</sup> Ave.

the alleged stopping place of George W. Rice of ~~a witness~~ the complainant herein, to serve him with the annexed subpoena, and was informed by

the clerk of said premises which is known as the Bryant Park Hotel, that said ~~Haynes~~ Rice had left said hotel, where he had been employed, about one year previous and said clerk further stated that he believed said Rice is at present residing in Canada

Sworn to before me, this 20 day

1888

Terence Duffy  
Subpoena server

0634

Court of General Sessions.

THE PEOPLE, on the Complaint of  
*James H. H. H.*  
vs.  
*Emily Deaver*  
Offence: *Dis. H. H.*

JOHN R. FELLOWS,  
District Attorney.

Affidavit of  
*Ference Duffey*  
Subpoena Duces.

Failure to Find Witness.

0635

## SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To

of No.

660

6th Avenue

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 day of September instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

Emily Seaver  
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 Sept, in the year of our Lord, 1888.

JOHN R. FELLOWS, District Attorney.

PART II.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

sworn, deposes and says: I reside at No.

74 Beach

0636

THE PEOPLE

vs.

Emily Seaver

City and County of New York, ss:

Terence Duffy being duly sworn, deposes and says: I reside at No. 74 Beach Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the 19th day of Sept. 1888, and on divers other days I called at 660 6th Ave.

the alleged residence of Frank Hagner the complainant herein, to serve him with the annexed subpoena, and was informed by the clerk of said premises which is known as the Bryant Park Hotel, that said Hagner had not stopped at said Hotel, (where he had been employed) for over the past year, and he believed that said Hagner, is at present residing in Canada.

Sworn to before me, this 20 day of Sept. 1888

William J. [Signature]  
Clerk of City Court

Terence Duffy  
Subpoena server.



**Court of General Sessions.**

THE PEOPLE, on the Complaint of

*Frank Wagner*

vs.

*Emily Deaver*

Offence: *Dis. Peace*

JOHN R. FELLOWS,

*District Attorney.*

*Affidavit of*

*Terence Duffy*

*Subpoena Server.*

**Failure to Find Witness.**

0638

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Erindry Deaver*

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

*Erindry Deaver*

(Section 322,  
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND  
HOUSE OF ILL FAME, committed as follows:

The said

*Erindry Deaver,*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid,  
on the *third* day of *June*, in the year of our Lord one  
thousand eight hundred and eighty-*six*, and on divers other days and times as well  
before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County  
aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did  
keep and maintain; and in the said house divers evil-disposed persons, as well men as women,  
and common prostitutes, on the days and times aforesaid, as well in the night as in the day,  
there unlawfully and wickedly did receive and entertain; and in which said house the said evil-  
disposed persons and common prostitutes, by the consent and procurement of the said

*Erindry Deaver,*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers  
unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in  
the night as in the day, were there committed and perpetrated; to the great damage and  
common nuisance of all the good people of the said State there inhabiting and residing, in  
manifest destruction and subversion of, and against good morals and good manners, against the  
form of the Statute in such case made and provided, and against the peace of the People of  
the State of New York, and their dignity.

## SECOND COUNT

and on divers other days and times between the said day  
and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with  
force and arms, unlawfully did keep and maintain a certain common, ill governed house, and  
in said house, for *John* own lucre and gain, certain persons whose names are to  
the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dis-  
honest conversation, to frequent and come together then and on said other days and times,  
there unlawfully and wilfully did cause and procure, and the said men and women in said  
house, at unlawful times, as well in the night as in the day, then and on said other days and  
times there to be and remain, *drinking, gaming, cursing, swearing, quarreling, making*  
great noises and otherwise misbehaving themselves, unlawfully, wilfully did permit and  
suffer, to the great annoyance, injury and danger of the comfort and repose of the said  
neighborhood.

0639

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

*Erindry Seaver*

(Section 322,  
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said

*Erindry Seaver,*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid, on the *third* day of *June*, in the year of our Lord one thousand eight hundred and eighty-*six*, and on divers other days and times as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

*Erindry Seaver,*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT

and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill governed house, and in said house, for *own* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, *drinking, gambling, cursing, swearing, quarrelling, making* great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of the

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

**RANDOLPH B. MARTINE,**  
District Attorney.

0640

**BOX:**

228

**FOLDER:**

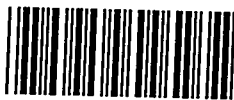
2240

**DESCRIPTION:**

Sheppard, Frank

**DATE:**

08/10/86



2240



0642

*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

*New York, September 13 1886*

*Court of General Sessions of the Peace in and for the  
City and County of New York.*

*The People  
against*

*Frank Sheppard*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886, Chapter 30, Section 3), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,  
President, &c.*

0643

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN.  
*Abduction*

**NOTICE OF PROSECUTION**  
BY THE SOCIETY.

ELBRIDGE T. GERRY,  
*President, &c.*

0644



*The New York Society for the  
Prevention of Cruelty to Children.*

NO 100 EAST 23<sup>RD</sup> STREET. (CORNER 4<sup>TH</sup> AVE.)

*New York* October 19, 1886

Hon. John M. Coman,

My dear Sir:

Word has come from your office that my brief for the People in their case against Frank Sheppard, indicted for abduction, has been lost. I have had mine copied and herewith enclose it, with the request that you will ask the gentleman to whose handling the papers are entrusted to be in future more careful. These briefs are of great value to the People, and ought not to be read by everybody. Only the Assistant District Attorney who has charge of the case on the trial should be permitted to have them, and I am quite sure you will agree with me that a little more vigilance in this respect is desirable, as this is the first time such an occurrence has taken place.

I remain as always,

Sincerely yours,

*Wm. D. Gerry*  
President &c.



0645

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT,

15<sup>th</sup> DISTRICT.

of No. 366 Baltic St Brooklyn Street, aged 15 years,  
 occupation Silver plate worker  
 that on the 3<sup>rd</sup> day of August 1886

being duly sworn deposes and says  
 at the City of New York, in the County of New York,

Frank Sheppard did  
 unlawfully and wilfully take &  
~~have~~ <sup>harbor</sup> ~~received~~ <sup>harbor</sup> ~~conceal~~ <sup>harbor</sup>  
 said defendant who is under  
 the age of sixteen years ~~and~~  
 to wit; of the age of fifteen  
 years for the purpose of sexual  
 intercourse that <sup>said</sup> Sheppard did  
 take said defendant to a house  
 of assignation situated at no 77  
 Elizabeth <sup>Street</sup> in said city that said  
 Sheppard not being her husband

Sworn to before me, this

188

day

Police Justice.

in violation of Section 202 of the Penal Code of the State of New York as amended wherefore deponent prays that said Sheppard may be apprehended and dealt with as the law directs. *Harold Sherman* Sworn to before me

*Witness* this 6 day of Aug 1886

(w) Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Wm. Sheppard*

*Frank Sheppard*

Dated Aug 6 1886

*Duffy*

Magistrate

(Witness)

Witness

*Wm. Duffy*  
*Police Justice*

Disposition

0647

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK.

District Police Court.

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

Question What is your name?

Answer *Frank Shepard*

Question How old are you?

Answer *26 years*

Question Where were you born?

Answer *England*

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

Answer *107 Sheneu Street Brooklyn 5 years*

Question What is your business or profession?

Answer *Silver Plater*

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**Frank Shepard*

Taken before me this

day of

*Sept 1889*

Police Justice.

0648

Sec. 151.

Police Court 1 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*  
 OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
 Justices for the City of New York, by *Mamie Sherman* *gr 15 yrs*

of No. *366 Baltic* — Street, that on the *3* day of *August*

188 *6* at the City of New York, in the County of New York,

*one Frank Sheppard, did unlawfully & wilfully*  
*take & use the said Mamie Sherman, for the purpose*  
*of sexual intercourse in violation of section 1282*  
*of the Penal Code of the State of New York*

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring forthwith before me, at the 1 District Police Court, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 6 day of August 188 6

*[Signature]*  
 POLICE JUSTICE.

0649

Police Court 1 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mannie Sherman

vs

Frank Sheppard

Warrant-General  
Chas. J. Smith

REMARKS.

Time of Arrest, 11:20 am

Native of England

Age, 26

Sex, \_\_\_\_\_

Complexion, \_\_\_\_\_

Color, Dr

Profession, Cilver Plates

Married, No

Single, \_\_\_\_\_

Read, Yes

Write, Yes

107 Spencer St. New York

Dated August 6 1886

Deuffy Magistrate.

Wood Officer.

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

Brown Officer.

Dated August 7 1886

This Warrant may be executed on Sunday or at  
night.

Plg Deuffy  
Police Justice

0650

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

Frank Shepard  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifteen 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 August 6 1886 W. H. Coffey Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_ W. H. Coffey Police Justice.

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

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

Kate Fern  
47 Flatbush ave.

0652

People  
Shepherd

District Attorneys Office.  
City & County of  
New York.

January 7.

Hon Rufus B. Cowing  
Dear Judge

We consider  
that the bill of exceptions  
as ruled hereon may be  
taken from the files in  
order that it may be printed.  
and afterwards re-entered.

Yours truly,

L. A. Mearns, Esq.

Respectfully

Given to D. J. Mearns

Jan 17



0653

Rejoice  
and  
Shepard

0654

Dear Mr. Martinie

Please sign this -

Yours ever faithfully

W. H. Howe



The "Hutch"

Between 168<sup>th</sup> and 169<sup>th</sup> Streets.

Boston Avenue.

New York City.

June 21<sup>st</sup> 1887

To

Mr. James Fitzgerald

Mr. Howe informs me that  
Sheppard (abductor) is  
brought down before Recorder  
on notice of motion for  
discharge - As I told Mr.  
Hannum I consent

Yours &c

Respectful Attorney

0655

TELEPHONE, 531 LAW.

MEMORANDUM

FROM

HOWE & HUMMEL,

Counsellors at Law,

WM. F. HOWE,  
A. H. HUMMEL,  
BENJ. STEINHARDT,  
JOS. F. MOSS.

87 & 89 CENTRE STREET  
AND  
136, 138 & 140 LEONARD STREET.

*For Jas. Fitzgerald,*

*New York, June 26, 1887*

My dear Sir,

Won't you see Mr.  
Martine for me?

He never yet  
broke his word.

Can he forget  
what he said  
re Sheppard?  
I know not!

0656

TELEPHONE, 531 LAW.

MEMORANDUM

FROM

HOWE & HUMMEL,

Counsellors at Law,

WM. F. HOWE,  
A. H. HUMMEL,  
BENJ. STEINHARDT,  
JOS. F. MOSS.

87 & 89 CENTRE STREET  
AND  
136, 138 & 140 LEONARD STREET.

TO

New York,

188

Sheppard has been  
in Prison 15 Months

The General Term  
says he should  
be discharged.

You say so -  
Judge Cronin says  
so - Mr. Martine  
"said" so - and he

0657

TELEPHONE, 531 LAW.

MEMORANDUM

FROM

HOWE & HUMMEL,

Counsellors at Law,

TO

WM. F. HOWE,  
A. H. HUMMEL,  
BENJ. STEINHARDT,  
JOS. F. MOSS.

87 & 89 CENTRE STREET  
AND  
136, 138 & 140 LEONARD STREET.

New York,

188

will get- say so- if  
he thinks back.

Ask him for  
Justice' sake.

Sincerely,

W. F. Howe,

0658

The People  
of  
Shepherd  
with Hall

0659



87 & 89 Centre and 136, 138 & 140 Leonard Sts.  
NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

July 5<sup>th</sup> 1887.

Hon. R. B. Martine.  
District Attorney.

Dear Sir.

In the hour of your great triumph, you must remember mercy.

I don't ask it for Sharp and wouldn't care if he were sent up for a life time.

But I do ask you to discharge Frank Sheppard, who has already served fifteen months imprisonment for abducting a girl, who abducted him, and who told him she was over 16 years of age at the time.

She had made love to him for some time prior to the occurrence, and given him a lock of her hair; (Pp. 1.)

She was the "Miss Potephar", and he, it was true, was not a Joseph. —

Judge Cowing and Senator Fitzgerald, as you know, both agree that Sheppard should be discharged, and some time since, you agreed to that; and said so, to Mr. Steinhardt in the Oyer and Terminer. —

I pray you order him to be put on the list, and discharged this morning on his own recognizances.

0660



87 & 89 Centre and 136, 138 & 140 Leonard Sts.  
NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

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*You will feel better for doing so.*

*Yours truly,  
William F. Howe*



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

The People

v.

Frank Sheppard.

BRIEF FOR THE PEOPLE.

STATEMENT OF THE CASE.

The prisoner, who is a married man, 26 years of age, a silver plater, is indicted for the abduction on August 3, 1886, of Mary Elizabeth Schurmann, otherwise called Mamie Sherman, a girl 15 years of age, for the purpose of sexual intercourse, in violation of the provisions of § 282 of the Penal Code as amended by Chapter 46 of the Laws of 1886. The facts of the case appear in the evidence.

EVIDENCE FOR THE PEOPLE.

MARY ELIZABETH SCHURMANN: - Otherwise called Mamie Sherman, was born February 19, 1871, at Jersey City. Her mother died five years ago last February, and immediately after her burial her father John Henry deserted her and his whereabouts are unknown, and since that time witness has been living with her uncle Sylvester and aunt Frances Snyder of 366 Baltic Street, Brooklyn, Mrs. Snyder being her mother's sister. Witness is employed in the Manhattan Silver Plate Company, corner of Hoyt and 3rd Streets, Brooklyn, and earning \$5. per week; has been employed there for the last 10 months, her uncle Sylvester and the prisoner also working in the same factory. On August 3rd, 1886, witness accompanied her uncle and aunt Snyder to the Silver Plate Workers Excursion, which left from Jewell's Dock, Brooklyn, to Riverview Park

0662

on the Hudson. On the barge was the prisoner and his three sisters. Prisoner was on the Reception Committee, and Uncle Snyder was on the Floor Committee. The prisoner is a married man and has one child. His wife is now in the country. During the day she was entertained by prisoner, who danced with her and treated her to refreshments. During the afternoon her uncle and aunt had a quarrel, and she told the prisoner that she was afraid to go home. About 9 o'clock in the evening one of the barges landed in Brooklyn, and her aunt and uncle together with prisoner's three sisters got off, and the other barge landed at Broome Street dock, East River, New York, and then she and the prisoner got off and walked through Grand Street, and on the way prisoner told her that as she was afraid to go home, he would give her a night's lodging. He then took her to 77 Elizabeth Street and rang the bell. The door was answered by a young lady about 22 years old, and the prisoner asked the latter if she had any rooms to rent this evening. The woman said Yes, and asked him how high he would like to go, and he gave no answer. She then asked him if he would like to go as high as \$2. and to stay all night, and the prisoner said that would suit. The young lady then called a colored woman and told her to take the parties to top floor, front room. On entering the room prisoner bolted the door, then both undressed, and he put out the light and then she went to bed first and the prisoner immediately after. Prisoner then put his arm around her neck, and she then told him that she didn't come there to do anything wrong, and he told her it was hard for a man to sleep with a woman and not have anything to do with her. He then said that he wouldn't do any coaxing and wanted her answer, yes, or no. She was so bewildered

0663

that she said yes, and the prisoner then had sexual intercourse with her. They remained there all night till a little before 7 o'clock next morning, when he again had sexual intercourse with her, and they then dressed and she told him that she was going to her uncle's in Jersey City. He accompanied her to Jersey City and instead of going to her uncle's, he took her to the New York Bay Cemetery and remained there till 10 o'clock A.M., when they came over to New York again and took the Desbrosses Street car, and on the corner of Grand Street and the Bowery prisoner got off and said he was going to his brother's shop. Witness then rode along to Grand Street Ferry to Brooklyn and then went to another aunt's house, named Agnes Smith, at 32 Reid Avenue. While on the cars prisoner told her to tell aunt that she was in Jersey City all night and slept in the depot. Witness arrived at her aunt's house about 12 o'clock noon, August 4th, and told her that her Aunt Snyder and her husband had quarreled yesterday at the excursion and so she was afraid to go home. So Aunt Smith sent her daughter to Aunt Snyder's house for her to come over and she came and took her home. Witness did not tell that she was with prisoner all night, but said that she was at her uncle's house in Jersey City. Witness has known the prisoner since the time she began working in the factory. He has been to the house a number of times and was very intimate with her uncle and aunt. Witness never had anything to do with any man before, and the prisoner was the first.

Copy of the Baptismal Certificate (which will be produced on the trial) shows that Mary Elizabeth Schurmann was born on the 19th day of February, 1871, of Henry Schurmann from Bedford, Mass. U.S., and of Mary Anna Mayer from New York; was baptized May 15,

0664

1871, in the Church of the Most Holy Redeemer.

JACOB MEYERS: - 360 Monmouth Street, Jersey City, has the family Bible, which corresponds with Baptismal Certificate, and will produce same on the trial.

MRS. FRANCES SNYDER: - Is the aunt of the girl Mamie, who was 15 years old last February, 1886, and has been living with her during the last 5 years. The first witness heard of prisoner having anything to do with Mamie was on August 5th, when prisoner came to her house and asked whether Mamie came home yesterday. He then stated to witness that he had had Mamie out all night in New York, August 3rd, and had had sexual intercourse with her, and if she got in the family way, he would see her out all right. Witness next morning caused the arrest of the prisoner.

OFFICERS YOUNG AND BURLANDO: - Officers of The New York Society for the Prevention of Cruelty to Children. On August 7th, 1886 took the girl Mamie to 77 Elizabeth Street and she recognized the young lady at the door, and also the colored woman who took them to the rooms. Officers then took her to top floor front room, and she identified the room as the one she slept in on August 3rd with the prisoner. The house in question is a notorious house of assignation, and was recognized as such by Officer Young.

0665

**N.Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

*Frank Sheppard*

PENAL CODE, *in*

**BRIEF FOR THE PEOPLE.**

0666

**At a Court of General Sessions of the Peace,**

holden in and for the City and County of New York, at the  
City Hall of the said City, on \_\_\_\_\_ day, the  
day of \_\_\_\_\_, in the year of our Lord One Thousand  
Eight Hundred and \_\_\_\_\_

**PRESENT,**

*The Honorable*

*of the City of New York,*

*Justice of the  
Sessions.*

\_\_\_\_\_ is in due form of law arraigned at the  
bar upon an indictment for \_\_\_\_\_, and  
having heard the indictment read and being asked whether he demanded a trial  
thereon, answers that he does require a trial, and says that he is not guilty  
thereof. Whereupon the following Jury is balloted and sworn to well and truly  
try and a true verdict give according to evidence, viz.:

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

who upon their oath aforesaid do say that the said \_\_\_\_\_  
is guilty of the \_\_\_\_\_ as by the indictment  
is alleged against him,

It is thereupon demanded of the said \_\_\_\_\_  
what he hath to say why judgment should not be pronounced against him  
according to law, who nothing further saith unless as before he hath said.

Whereupon it is considered, ordered and adjudged by the Court, that the  
said \_\_\_\_\_ for the felony aforesaid whereof  
he is convicted as aforesaid be imprisoned in the \_\_\_\_\_  
for the term of \_\_\_\_\_.

*A true extract from the minutes.*

*Clerk of Court.*

0667

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Frank Sheppard*

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

*Frank Sheppard*  
of the CRIME of *Abduction*

committed as follows:

The said *Frank Sheppard*,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the — *third* — day of *August* in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, with force and arms, did ~~fulfilling~~ *feloniously* take, receive, harbor and use one *Mamie Sherman*, who was then and there a female under the age of sixteen years, to wit: of the age of *fifteen* years, for the purpose of sexual intercourse, he the said *Frank Sheppard* not being then and there the husband of the said *Mamie Sheppard*; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

*Randolph B. Martine*  
*District Attorney*

0668

Witnesses:

Counsel, \_\_\_\_\_  
Filed, 10 day of Aug 1886  
Pleads, *Not Guilty (Aug 10<sup>th</sup> 1886)*

THE PEOPLE  
vs.  
*Frank S. Shepard*  
[Section - 282 - Penal Code]  
*Michael Stein*

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*Calix B. Kuevel*  
Foreman.



0669

-----X  
The People &c.

vs.


REPORT  
-----

Frank Sheppard  
-----X

The defendant was tried and convicted upon the indictment herein, October 26, 1886, before Judge Cowing, and on November 15, 1886, was sentenced to imprisonment in State Prison for three years and three months, for the abduction of Mamie Sherman, for the purpose of sexual intercourse.

Upon the trial, in order to support the allegation as to the age of the complaining witness, an entry in what purported to be the Sherman family bible, was offered and received in evidence against the objection of the defendant's counsel.

This the Supreme Court has held to be error, because it was not shown that the father, in whose hand-writing the entry was made, was dead or inaccessible as a witness and also for absence of any proof of endeavors made to find and produce him.. The Supreme Court in its opinion also intimates a very serious doubt as to the competency of this evidence in any event in a case of this character, citing authorities holding these entries to be only admissible as declarations as to pedigree - and not to prove an affirmative allegation as age.



✓

For these reasons, and also because of the alleged impropriety on the part of the Society for the Prevention of Cruelty to Children, in placing the complaining witness (who had formerly worn a long dress, and with her hair so arranged as to rest upon the top of her head) upon the witness stand "in short clothes, with her hair braided in a child-like way," the Supreme Court held, that in its opinion, injustice was done, affecting the substantial rights of the defendant; and under Section 527 of the Code of Criminal Procedure, reversed the judgment and ordered a new trial.

The girl's mother is dead, and her aunt, with whom she resided for some years prior to the abduction, upon the trial, was unable to swear positively as to the year of her birth.

Thus, without the bible entry, the only proof as to age would be, (1), the girl's own testimony, which is obviously unsatisfactory; and 2nd, the inspection by the court and jury, provided for by Section 19 of the Penal Code (as amended by chapter 46, Laws of 1884).

The defendant, has from the beginning, admitted the sexual intercourse, and has no legal defense, except the inability of The People to prove the age of the girl.

In view of the facts herein - the want of sufficient evidence as to age; also the declaration of the complainant (which she admits), that she was above the age of sixteen years, and also of the fact that by her appear-

0671

ance she might readily be taken to be a person of eighteen or nineteen,- I have reluctantly come to the conclusion, that it would be useless to again place the defendant upon trial.

I therefore recommend that he be discharged upon his own recognizance..

New York, July 5th 1887.

*Wm. D. Lindsay*  
*District Attorney*

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THE PEOPLE OF THE STATE OF  
NEW YORK,

against

*Frank Sheppard*

*Report*

*July 5th 1887*

RANDOLPH B MARTINE.

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

*Approved  
R.B.M.  
July 5/87*

*R. B. Martine*

0673

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

Eranda Sheppard

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

of the CRIME OF

Whoredom,

committed as follows:

The said Eranda Sheppard,

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the third day of August, in the year of our Lord  
one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid,  
with force and arms, did unlawfully  
take, receive, harbor and use one  
Marie Sherman, who was then  
and there a female under the age  
of sixteen years, to wit: by the age  
of fifteen years, for the purpose  
of sexual intercourse, by the said  
Eranda Sheppard not being then  
and there the husband of the said  
Marie Sherman, against the law  
of the State in such case made  
and provided, and against the peace  
and dignity of the said People.

Candlish B. Martin,

Attorney

0674

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Franka Shepard*

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

*Franka Shepard*  
of the CRIME OF *Abduction,*

committed as follows:

The said *Franka Shepard,*

late of the *First* Ward of the City of New York, in the County of New York afore-  
said, on the *third* day of *August*, in the year of our Lord  
one thousand eight hundred and eighty-*nine*, at the Ward, City and County aforesaid,  
*with force and arms, did unlawfully*  
*take, receive, harbor and use one*  
*Marie Sherman, who was then*  
*and there a female under the age*  
*of sixteen years, to wit: of the age*  
*of fifteen years, for the purpose*  
*of sexual intercourse, the said*  
*Franka Shepard not being then*  
*and there the husband of the said*  
*Marie Sherman; against the laws*  
*of the State in such case made*  
*and provided, and against the peace*  
*and dignity of the said People.*

*Charles R. Martin,*

*District Attorney*