

0702

**BOX:**

23

**FOLDER:**

289

**DESCRIPTION:**

Lee, Lizzie

**DATE:**

11/11/80



289

0703

No 93 2

X Counsel,  
Filed 11 day of Nov 1886,  
Plends vs. [unclear]

THE PEOPLE  
vs.  
Henry R. Allen  
Lizzie Lee  
Larceny, and Receiving Stolen Goods.

BENJ. K. PHELPS,  
District Attorney.

A True Bill.  
[Signature]

Forman,  
Part in Nov 11, 1886  
Both years U.S.

[Signature]

0704

Form 112.

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

Police Court—First District.

William A. Stevens

of No. 396 Broadway Street, being duly sworn, deposes  
and says, that on the 3 day of November 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried

away from the possession of deponent, and from premises No 396  
Broadway  
the following property, viz: Three coats of the value of  
forty dollars

of the value of \_\_\_\_\_ Dollars

the property of Emanuel Hirschkind and Simon Adler copartners  
and in care and charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
was feloniously taken, stolen, and carried away by

Henry R. Allen and  
Dizzie Lee (both now here) from the fact that  
deponent saw said defendants enter said  
premises in company with each other and  
heard said defendants converse with  
each other. said Allen asked deponent to  
show him some coats and said Allen tried  
on several coats and he selected one coat  
and one vest, and paid a deposit of fifty cents  
upon said coat and vest giving the name of  
G. H. Wilson and as said defendants was leaving  
said premises deponent became suspicious of said  
defendants and cause their arrest and upon

Stevens by my ore and, this

Police

0705

Searching said Lizzie Lee she drop the aforesaid property on the floor under her dress where she had said property concealed

Wherefore deponent charges said defendant with acting in concert <sup>with said other</sup> in taking stealing and carrying away the aforesaid property

Given to before me this <sup>2nd</sup> William A Stevens  
14 day of ~~November~~ 1890

Police Justice

0706

POLICE COURT—FIRST DISTRICT.

CITY AND COUNTY  
OF NEW YORK

*Henry R Allen* being duly examined before the undersigned,  
according to law, on the annexed charge, and being informed that he was at liberty  
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *Henry R Allen*

Question. How old are you?

Answer. *27 Years*

Question. Where were you born?

Answer. *United States*

Question. Where do you live?

Answer. *35 Clinton Street*

Question. What is your occupation?

Answer. *Printer*

Question. Have you anything to say, and if so, what—relative to the charge here  
preferred against you?

Answer. *I am not guilty*  
*Henry R Allen*

*Taken before me, this*  
*27th day of November 1886*  
Police Justice.

0707

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Lizzie Lee being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to refuse to answer any question that may be put to her, states as follows,  
viz:

Question. What is your name?

Answer. Lizzie Lee

Question. How old are you?

Answer, 29 years

Question. Where were you born?

Answer. Ireland

Question. Where do you live?

Answer 150 Houston Street

Question. What is your occupation?

Answer. Domestic

Question. Have you anything to say, and if so, what—relative to the charge  
here preferred against you?

Answer. I am guilty but the man  
that was with me is innocent

Lizzie<sup>her</sup> Lee  
Mark

Taken before me, this  
15th day of November 1890  
[Signature]  
Police Justice

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COUNSEL FOR COMPLAINANT.

Name, \_\_\_\_\_  
Address, \_\_\_\_\_

COUNSEL FOR DEFENDANT.

Name, \_\_\_\_\_  
Address, \_\_\_\_\_

901 1093

Police Court—First District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William A. Stevens  
396 Broadway

1. Henry R. Allen  
2. Lizzie Lee

3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_

Dated 4 November, 1898

By \_\_\_\_\_  
Suffery Magistrate,  
Greer Officer,  
20 Clerk.

Witnesses: Max Shirkind  
396 Broadway  
Nello S. Davis - 25 Fremont  
Suter Lewis - 25 Fremont

\$ 1.00 to answer  
at Greer Sessions  
Received at Dist. Atty's office

BAILED:

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

No. 5, by \_\_\_\_\_

Residence, \_\_\_\_\_

No. 6, by \_\_\_\_\_

Residence, \_\_\_\_\_

A Affidavit—Larceny.

0709

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York, upon  
their Oath, present:

That

*Henry R. Allen and Lizzie Lee*  
*each*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
*third* day of *November* in the year of our Lord  
one thousand eight hundred and eighty — at the Ward, City and County aforesaid  
with force and arms,

*Three coats of the value of thirteen*  
*dollars and thirty three cents each*

of the goods, chattels, and personal property of one *Emanuel Nitschkiud*

there being found, 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. then and

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*And the Jurors aforesaid, upon their oath aforesaid, do further present*

**That** the said

*Henry R. Allen and Lizzie  
Lee each*

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

*Three coats of the value of thirteen  
dollars and thirteen cents each*

of the goods, chattels, and personal property of the said

*Emanuel Nischkind*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said

*Emanuel Nischkind*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*Henry R. Allen and Lizzie Lee*

then and there well knowing the said goods, chattels, and personal property, to have been feloniously  
stolen,) 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.

**BENJ. K. PHELPS, District Attorney.**

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**BOX:**

23

**FOLDER:**

290

**DESCRIPTION:**

Bacon, Francis

**DATE:**

11/16/80



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4162

The People  
vs.  
Francis Bacon

Court of General Sessions. Before Judge Cowing  
Friday, November 19<sup>th</sup> 1880. Part First.  
Indictment for felonious assault and battery.  
John J. Elbert, sworn and examined, testified as  
follows: Where do you live? No 337 East thirty second  
street. Do you recognize the prisoner at the bar  
Francis Bacon? I do. Where did you see him  
the first time to your knowledge? I never seen  
him before that time that this happened. What  
evening was that? It was on a Sunday evening  
the last day of October. Whereabouts was it that  
you saw him? It was in thirty second st. near  
First Avenue. About what time of day was it? That  
was about 11 o'clock in the evening. Any one with  
you? John Bowser. What were you doing and  
where were you when you first saw him? Me  
and my friend were pasting election posters.  
What is your business? My business is barber.  
We went into thirty second st. at first avenue,  
and while we were in thirty second st. we went  
across the street from one side to the other.  
There were about ten or twelve standing together  
and while we were going across the middle  
of the street this man here, Bacon, he struck  
my friend Bowser right in the back of his  
head. My friend Bowser halloed, "watch" and  
"police." I went up to him, I said, "Bowser, keep  
quiet; let it go; we want have anything to do

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with it." We walked up thirty second st. By doing so we were followed by Bacon and his brother who is here in the room. We were up halfway towards the Second Avenue when one halloed "If you dont get out of our way we are going to murder you." We walked slowly up to the corner and when we got at the corner they met us again and there they had a row again with my friend Rowser; while they were fighting and growling with one another, I never mentioned or said anything until I saw that he took a knife. My friend had a hammer to protect himself and knocked him on the head with the hammer in self defence and when I seen the knife I tried to save my friend. I went up and caught him by the back of his coat and said, "Rowser, come away;" he has got a knife and somebody else halloed, "Look out, he has got a knife in his hand." So I got hit right in the back here with a knife. I went back to the sidewalk, and as soon as I got back to the sidewalk the officer came along and arrested Rowser on a charge of Bacon for striking him with a hammer. My friend called me to go around and see a friend to go up to the station house after him. I went to the friend and called him and went up to the station house; he made a charge

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against Howser; so I made a charge for stab-  
bing me. The Sergeant sent an officer with me  
to the Bellvue hospital. Where were you cut?  
Right through the coat, vest and suspenders all  
through to the shirt. Is this the cut, this hole  
here (pointing to the coat) Yes sir. Did it bleed?  
Yes sir, I can show the marks. Cross Examined  
You say there was a party out in thirty third  
st. near First avenue? Yes sir. Was there a  
row going on there? That is what I do not know,  
I could not say. All you know your friend got  
hit in the back of the head? He got hit by this  
man Bacon. I did not see him hit him. Was  
this man drunk? No sir, he was a little under  
the influence of liquor; he could manage him-  
self very well; he did not need anybody to  
hold him; his brother was along with him;  
they walked up Second Avenue behind us;  
we did not stop at all; we walked slowly; there  
was nothing said about fighting up at the corner.  
He used that hammer for tacking on posters;  
it was a very small sized hammer, the han-  
dle was nine or ten inches long. I could not  
tell whether the man fell or not where he was  
struck with the hammer everything went so  
quick. I stood on the sidewalk looking at the  
row. I tried to go in, and somebody told me  
"if you go in, I will go in too." I stood on the

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sidewalk and I saw the knife in his hand. I went to take out my friend. I could fight before if I wanted to have a fight with him. I wanted my friend to go away, to leave the place, to have nothing to do with him. All I wanted to do was to save my friend, not to strike him or do any harm to him whatever. I never was in trouble and never had a fight before. I am a barber. How long a time elapsed between your friend striking him and his cutting you? That was not more than about eight or ten minutes. There was no fight while we were going from First Avenue up to the corner of Second Avenue. The blow of the hammer was made on the corner of Second Avenue; he cut me on the same spot. I stood there until I saw the knife to grab my friend out of the fight when I got stabbed in the back. How long a time elapsed from the time that your friend struck him with the hammer to the time that he cut you? O, that did not take more than four minutes - it did not take more than two or three ~~minutes~~ minutes. I did not strike or kick anybody or offer to kick anybody. The prisoner said if I undertook to strike his brother that he would strike me. The prisoner pleaded guilty to assault and battery and the trial stopped. He was sent to the Penitentiary for sixty days.

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Testimony in the case  
of Francis Bacon  
filed Nov. 16.

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**Police Court, Fourth District.**

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Francis Bacon* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer. *Francis Bacon*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Rochester N.Y.*

Question. Where do you live?

Answer. *30 1/2 East 20<sup>th</sup> St.*

Question. What is your occupation?

Answer. *Gardener*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer. *I have nothing to say about stabbing I don't believe I done it*

*Francis Bacon*

*Mercer Westburn*  
Taken before me this 1<sup>st</sup> day of November 1872  
Police Justice.

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Police Court—Fourth District.

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

of No. *334 East 35<sup>th</sup>* Street,  
on *Sunday* the *31<sup>st</sup>* day of *October*  
in the year 18*80* at the City of New York, in the County of New York.

being duly sworn, deposes and says, that  
he was violently, *and feloniously* ASSAULTED and BEATEN by *Francis Bacon*

*(now here) who stabbed deponent  
in the back with a knife which  
he (Bacon) held in his hand, said  
knife cutting a gash in deponent's  
back causing great loss of blood*

with the felonious intent to take the life of deponent, or to do him 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, &c., and be dealt with according to law.

Sworn before me, this *1<sup>st</sup>* day  
of *November* 18*80*

*M. W. O'Connell*  
Police Justice

*John J. Elbert*

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60/21 007

Police Court—Fourth District.

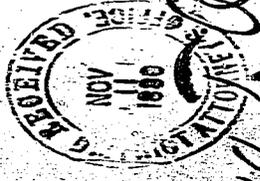
JOHN PEOPLE, do.,  
 OF THE COUNTY OF  
*John P. People*  
 337 W. 32nd St.  
*James Bacon*

Date: Nov 1 1886

*Atterbury* Magistrate

*Brown* Officer

Witness: *John Nasser*  
720 E. 88 St.



*#11000*  
*General detentions*

*Cover*

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *Francis Bacon*

late of the City of New York, in the County of New York, aforesaid, on the  
*twenty first* day of *October* in the year of our Lord  
one thousand eight hundred and eighty — with force and arms, at the City and  
County aforesaid, in and upon the body of *John J. Elbert*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *John J. Elbert*  
with a certain *knife*  
which the said *Francis Bacon*

in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, willfully and feloniously did beat, strike, stab, cut, and wound  
with intent *him* the said *John J. Elbert*  
then and there, feloniously and willfully 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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said *Francis Bacon*  
with force and arms, in and upon the body of the said *John J. Elbert*  
then and there being, willfully and feloniously did make an  
assault and *him* the said *John J. Elbert*  
with a certain *knife* (which the said

*Francis Bacon* in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, willfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there willfully and feloniously  
do bodily harm unto *him* the said *John J. Elbert*  
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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-  
said, the said *Francis Bacon*  
with force and arms, in and upon the body of *John J. Elbert*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *him* the said *John J. Elbert*  
with a certain *knife*

which the said *Francis Bacon* in *his* right  
hand then and there had and held, willfully and feloniously did beat, strike, stab, cut,  
and wound, the same being such means and force as was likely to produce the death  
of *him* the said *John J. Elbert* with intent *him* the

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said *John f. Elbert* then and there feloniously and willfully 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

*Francis Bacon* with force and arms, in and upon the body of the said *John f. Elbert* then and there being, willfully and feloniously, did make another assault and *kill* the said *John f. Elbert* with a certain *knife* which the said *Francis Bacon* in *his* right hand then and there had and held, the same being then and there a deadly weapon, willfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there willfully and feloniously main *kill* the said *John f. Elbert* 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.

BENJ. K. PHELPS, District Attorney.

*Apr 121*

Filed *16* day of *Nov*

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Pleaded *in Specialty*

THE PEOPLE

vs.

*Francis Bacon*

Felonious Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL.

*[Signature]*

Francis Bacon

*Jan 19 1882*

*[Signature]*

*Pen 60 days.*