

0466

BOX:

390

FOLDER:

3636

DESCRIPTION:

Underhill, John D.

DATE:

03/19/90



3636

0467

H. C. Stocking
 John Haffner
 John Haffner
 John Haffner

Filed 19 March 1980
Pleads, 1 Worshipfully

THE PEOPLE
 22 ss. Underhill
 50
 John D. Underhill
 [Section 282, Sub. 1, Penal Code.]
 ABDUCTION

District Attorney.

Cont 3 Apr 20th - 6th
Cont 10th

A True Bill

John Sam R. R. R.

Foreman,
Parkville April 24 73
Tried and convicted
attempt at Abduction
W. J. P. 2 yrs 6 mo.
R. B. M.,

POOR QUALITY
ORIGINAL

0468

Police Court, 4th District.

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

Charles W. Gardner

of No. 100 East 23d Street, in said City, being duly sworn, deposes and says, that a certain male child called Julius Haggman [now present], under the age of sixteen years, to wit, of the age of 12 years, is a necessary and material witness on behalf of the People of the State of New York in a certain criminal case now pending in the Court of Sessions of, in and for the City and County of New York, entitled, The People against John B. Underhill, wherein the said John B. Underhill is charged with the crime of Abduction, under Section 282 of the Penal Code of said State, in that he, the said John B. Underhill did unlawfully take the said Julius Haggman to a certain place known as the West Side Hotel situated south west corner of Sixth Avenue and Eighth Street for the purpose of prostitution, the said child being under the age of sixteen years to wit of the age of thirteen years, said child not being the wife of the said John B. Underhill and that the said Julius Haggman will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his testimony at the instance of the people.

Wherefore, deponent prays that the said child Julius Haggman may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed temporarily to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the City or County authorities, as a witness, to appear on the trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided, and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 26

day of February 1890

Charles W. Gardner

Doyle C. Smith

Police Justice.

POOR QUALITY
ORIGINAL

0469

POLICE COURT 4 DISTRICT.

THE PEOPLE, &C.,
ON THE COMPLAINT OF



AFFIDAVIT.
WITNESSES.

Dated July 26 1888
W. R. Kelly Magistrate.
J. Henderson Officer.
W. R. Kelly

Disposition, Examined
to lay Society for
Prevention of Cruelty to
Children
CLAYTON & CO., NEW YORK PRINTERS, 77 EIGHTH AVENUE, NEW YORK.

POOR QUALITY
ORIGINAL

0470

CITY AND COUNTY }
OF NEW YORK, } ss.

Lulu Hoffman
aged 13 years, occupation School girl of No.

837 9th Avenue Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Charles W. Gardner.

and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 26
day of February 1890 } Lulu Hoffman

J. C. Smith
Police Justice.

POOR QUALITY
ORIGINAL

0471

Jameli District Police Court.

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

John W. Gardner,

of Number 100 East 23rd Street being duly sworn,
he has been examined, has just come to bed and does believe
deposes and says, that on the 22d day of February 1890, at the
City of New York, in the County of New York, at the West Side

Hotel, situated south-west corner of
South Avenue and Fifth Street in said
City, one John B. Underhill, (now present)
did unlawfully take,
and use a certain female (now
present) called Julia Hoffman,
said female then and there being
under the age of sixteen years
to wit of the age of thirteen years,
for the purpose of sexual intercourse,
not being her husband, in
violation of the Penal Code of
the State of New York and
especially of Section 282 of
the Penal Code as amended.

Wherefore the complainant prays that the said

John B. Underhill

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this

day of

26th

February

1890

John W. Gardner

To J. C. Hill

Police Justice.

POOR QUALITY
ORIGINAL

0472

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before John Daniel O'Reilly a Police Justice,
of the City of New York, charging John B. Underhill Defendant with
the offence of Abduction

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We John B. Underhill Defendant of No. Hoboken
New Jersey Street; by occupation a Clerk.
and George W. Montgomery of No. S. East. 54th

Street, by occupation a Merchant. Surety, hereby jointly and severally undertake that
the above named John B. Underhill Defendant
shall personally appear before the said Justice, at the 4th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of fifteen
Hundred Dollars.

Taken and acknowledged before me, this 28th

day of

February

188

Lo. J. C. ... JUSTICE.

John B. Underhill
George W. Montgomery

POOR QUALITY
ORIGINAL

0473

CITY AND COUNTY
OF NEW YORK,

Sworn to before me this 23rd
day of Feb^r 1881
Do hereby certify
Justice.

George W. Montgomery
the within named Bail and Surety being duly sworn, says, that he is a
holder within the said County and State, and is worth Thirty Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of a house & lot situated at
No 8 East 57th Street New City of the value
of Twenty thousand Dollars over and
above all

George W. Montgomery

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the..... day of..... 188

Justice.

POOR QUALITY
ORIGINAL

0474

CITY AND COUNTY
OF NEW YORK, }

Sworn to before me this 23rd day of July 1890
Do hereby certify
Justice

George W. Montgomery
the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *thirty* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *a house & lot situated at No. 8 East 54th Street New City of the value of Twenty thousand Dollars over all encumbrances*

George W. Montgomery

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the _____ day of _____ 188

Justice.

POOR QUALITY
ORIGINAL

0475

Police Court, 44 District.

City and County } ss.
of New York,

of No. 837-9 Avenue Street, aged 13 1/2 years,
occupation School kind being duly sworn, deposes and says,
that on the 22 day of February 1890, at the City of New
York, in the County of New York, John D. Henderson.

now present. met this deponent
on the North East Corner of Broadway
and 42 Street. and enticed her to go
with him to the premises No 30. N. 12
Street. which he represented as a bed
house. where men take girls to bed
and have a good time.

That being unable to enter said house
defendant induced and enticed deponent to
the West Side Hotel where he represented
as John Dixson.

That being refused admission there
he went away with deponent. gave
her one dollar and ten cents, returned
to said hotel and took deponent into
the hall way of the second floor.

That being refused a room. said
defendant. told deponent he would
write a letter to her. making an appoint-
ment to meet him again. for the same
purpose.

Deponent further says. that while de-
fendant was walking with her in
West 15 Street. about 9 1/2 o'clock on the
night of said day. he was arrested.

Deponent says. that she is an un-
married female of chaste character.
and charges that said defendant
did entice her to a house of bad
repute and elsewhere for the purpose
of prostitution or sexual intercourse.

Subscribed before me
this 23 Feb'y 1890

D. J. O'Reilly

Police Justice

Lulu Hoffman

POOR QUALITY
ORIGINAL

0476

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John B. Underhill 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.

John B. Underhill

Question. How old are you?

Answer.

52 years

Question. Where were you born?

Answer.

United States

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

Answer.

Haboken N.J. 25 years

Question. What is your business or profession?

Answer.

Idler

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

Answer.

I am not guilty
and demand an examination
J. B. Underhill

Taken before me this 23
day of February, 1890.

Edw. J. Kelly
Police Justice.

0477

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.....

Dated Feb 23 1890 La J. C. Bell Police Justice.

Dated March 5 1889 L. J. Kelly Police Justice.

Dated.....188.....*Police Justice.*

**POOR QUALITY
ORIGINAL**

0478

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

January 5, 1891.

Sir:

Application for Executive clemency having been made on behalf
of John D. Underhill who was convicted of abduction
in the county of New York and sentenced April 30, 1890,
to imprisonment in the Sing Sing Prison for the term of
two years, six months, I am directed by the Governor
respectfully to request that, in pursuance of Section 695 of the
Code of Criminal Procedure, you will forward to him a concise state-
ment of the facts of the case, together with your opinion of the
merits of the application.

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

Very respectfully yours,

J. S. Williams.
Private Secretary.

Hon. R. B. Martine,

New York City.

0479

**DOCUMENT(S)
MAY BE CUT OFF
FROM BOTTOM
OF PAGE**

0480

The People of the State of New York
-against-
John D. Underhill.

I am 18 years of age; I go to school in 47th St. between 8th and 9th Aves. On the 17th of February this year I received a letter through the mail. Before I received that letter I had never seen or known the defendant. When I received the letter I showed it to my father, and he directed me to go to the station house and show it to the Captain. I did so. The Captain instructed me to reply to the letter, and I did so, making an engagement to meet the writer of the letter at 42nd St. and Broadway on the 22nd of February at 8 o'clock. On that evening I went to 22nd St. and Broadway; I met the defendant; he asked me if my name was Lulu Hoffman, and I told him yes. I asked him how he knew ~~e passed by our house~~

**POOR QUALITY
ORIGINAL**

0481

him how he knew me and he said he passed by our house every Sunday in the elevated. Then he told me to walk a little distance and I walked up 42nd St. with him; there were a lot of carriages there and he asked me if I would take one of them, and I told him no. Then I walked with him towards 5th Ave. and down 5th Ave. While going down 5th Ave. he asked me again if I would take a carriage or the cars, and I told him no. While walking down 5th Ave. he told me where he wanted to take me; he told me, "We will go in the house No. 30, that that was where the fellows took their girls, that I should go to bed with him, that we would undress and have some fun. He went into the house No. 30 W. 12th St. and inquired for someone; then he came out and told me that the person he inquired for was not there. The defendant then asked me to go down to 6th Ave. to the West Side Hotel. I went with him. He went into the office and registered his name, and I waited for him on the stairs. He then came out and I walked upstairs with him; when we got to the second landing the porter would not allow us to go any further as he said I was not eighteen years of age. Two detectives were outside waiting for me all the time. When we came out of the West Side Hotel I walked with him as far as the corner of 6th Ave. and he gave me ten cents to ride home. In the hotel the defendant told the porter that I was eighteen years of age..

CROSS EXAMINATION:

I know a boy by the name of Willie Forrest. I have been in his company at different times. I did not write any obscene letters to him, or to anybody else. I recol-

**POOR QUALITY
ORIGINAL**

0482

lect the fact that he showed me a letter to which my name was signed, but I never wrote it.

Q Did your father go with you to the station house?

A No, sir.

Q You acted under the instructions of the police, during all this time?

A Yes, sir.

Q Whatever you did was done in pursuance of instructions received from the Captain at the station house?

A Yes, sir.

Q And two detectives accompanied you to meet this man to see that no harm was done you?

A Yes, sir.

Q You were going on this expedition with the understanding that nothing would happen to you?

A Yes, sir.

Q When you went down to the 6th Ave. Hotel with the defendant you felt sure and knew that the detectives were in the immediate vicinity looking out for you?

A Yes, sir.

Q Now, it is a fact that at that time you would not have gone into the room with this man, under any consideration, would you?

A No, sir.

Q And at no time that you were with him on that night were you obeying any request of his, or doing anything other than what the officers told you, were you?

A No, sir.

Q When you came out of the house the defendant gave you your carefare and told you he was going home?

**POOR QUALITY
ORIGINAL**

0483

A Yes, sir.

THOMAS McCORMICK, a witness for the People, sworn, testified:

I am a porter in the West Side Hotel. On the 22nd of February about eight o'clock I saw the defendant accompanied by the little girl who has just been on the stand come upstairs on the second floor in the West Side Hotel. I asked the defendant if the girl was his wife, and he said no. I told him that he could not have a room, that the girl was too young. And he says, "She is 18 years of age." I told him he could not have a room under any consideration. I am positive that he told me that the girl was 18 years of age. Neither the girl nor the defendant went into a room in that hotel on that night.

AUSTIN McDOWEEL, a witness for the People, sworn, testified:

I am the night clerk in the West Side Hotel in this city. I was on duty on the evening of the 22nd of February, this year. I produce the register of our hotel for that night. It appears by that register that the defendant registered and was assigned to Room No. 30 by me. I do not recollect of having any conversation with him.

JAMES H. REILLY, a witness for the People, sworn, testified:

I am a ward detective in Captain Killilea's precinct. On the night of the 22nd of February, in company with another officer I followed this little girl to the corner of 42nd St. and Broadway. I saw her meet the defendant and walk with him down 5th Ave as far as 12th St. I saw the defendant go into the house No. 30 W. 12th St.

**POOR QUALITY
ORIGINAL**

0484

and then come out again. I then followed the little girl and the defendant to the West Side Hotel at the corner of 15th St. and 6th Ave. I remained outside in the storm door while the defendant went in. I saw himself and the little girl walk upstairs in the hotel. I arrested the defendant at the corner of 7th Ave. and 15th St. I told him that I was an officer, and that he was my prisoner. He said, "This is a terrible blow to me, I did not mean any harm, I only wanted to see the girl in relation to a letter which she had written to a boy.

CROSS EXAMINATION:

I never lost sight of this girl from the time she met the defendant at the corner of 42nd St. and Broadway until I took him into custody. The defendant did not enter any room with that girl that night. I did not hear anything which the defendant said to the little girl. I asked the defendant what his object was in writing a letter to this little girl, and he said he wrote the letter with the intention of finding out why she wrote an obscene letter to a little boy.

Counsel for the defendant asks the court to advise the jury to acquit on the ground that the evidence of the people is not sufficient to convict.

The court denies the motion.

D E F E N C E .

GEORGE W. MONTGOMERY, a witness for defendant, sworn, testified:

I am an importer of hardware at No. 106 Fulton St. in this city. The defendant Underhill has been in my em-

**POOR QUALITY
ORIGINAL**

0485

ploy for nine years. He came to me highly recommended, and during the time he has been with me I have never known anything against his character.

CROSS EXAMINATION:

I do not know the associates of the defendant when he is at home. I do not know where he spends his nights.

WILLIAM D. DALY, a witness for defendant, sworn, testified:

I am a resident of Hoboken, and a member of the bar of the State of New Jersey. I have known the defendant as a neighbor for eight or nine years. His reputation in the community in which he lives is excellent.

FRANCIS McDONOUGH, a witness for the defendant, sworn, testified:

I live in Hoboken, N. J., and am the Recorded of the city. I have held that position for fourteen years. I have known the defendant between twenty and twenty-five years. I have never heard his reputation as a citizen questioned during that time. I have never heard anything said against his morality in my life.

CROSS EXAMINATION:

I have been in the defendant's company socially. He is a relative of my wife.

CHARLES P. RUDOLPHI, a witness for the defendant, sworn, testified:

I live at Hoboken, N. J., and transact business in this city. I have known the defendant for twenty years.

**POOR QUALITY
ORIGINAL**

0486

His reputation in the community in which he lives is excellent. I have never heard anything against his character for morality.

GEORGE W. CHURCH, a witness for defendant, sworn, testified:

I live in New Jersey. I have known the defendant about fifteen years. His reputation for morality and for general good character is excellent.

WILLIAM FORREST, a witness for defendant, sworn, testified:

I live at No. 803 Ninth Ave. I am in the employ of Montgomery & Company, 105 Fulton St., where the defendant worked. Some time early in February I received an obscene letter signed with the name of Lulu Hoffman. It dropped out of my pocket by accident one day in the store, and one of the clerks picked it up and showed it to the defendant. The defendant asked me where the little girl lived who wrote the letter, and I told him.

CROSS EXAMINATION:

I have never had any improper or immoral relations with Lulu Hoffman at all. She is a respectable girl.

FRANK P. MURRAY, a witness for defendant, sworn and testified:

I am a clerk in the employ of Montgomery & Company. I am the person who picked up the letter from the floor as described by the last witness. I read the letter over, and as a matter of curiosity I showed it to the defendant.

**POOR QUALITY
ORIGINAL**

0487

After he had read it I remarked that it was a very spicy letter and he agreed with me. I made a copy of the letter and afterwards destroyed it.

The jury returned a verdict of guilty.

**POOR QUALITY
ORIGINAL**

0488

Indictment filed Mar. 17-1890

COURT OF GENERAL SESSIONS

Part III.

T h o P e o p l e &c.

against

JOHN D. UNDERHILL.

Abstract of testimony on

trial New York April 22nd

1890.

POOR QUALITY
ORIGINAL

0489

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

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

New York, *March 26th 1890.*

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

*The People
against
John D. Underhill*

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 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

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

**POOR QUALITY
ORIGINAL**

0490

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

POOR QUALITY
ORIGINAL

0491

Philippina Hoffmann

John Hoffmann

Lulu Hoffmann

Anne Rockman

William Forrest

Detective Reilly

" Charlton

Captain Killian

Thos. Po. McCormack

Officer Gardner

Al Dowell, in the register, West Side Hotel.

Gayles, Apt Postmaster

537 4th Ave

of course, in front
W 54th St

of Hooking

22nd Precinct

" "

" "

West Side Hotel

Clark in in in

**POOR QUALITY
ORIGINAL**

0492

A handwritten signature in dark ink, appearing to read "C. L. Smith". The signature is fluid and cursive, written across the bottom right portion of the document.



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

Feb 26 1891

CAPTAIN OR OFFICER IN COMMAND:

Dear Sir:

I desire to see Officer Rielly

attached to your command in

Feb 1890 in relation to the case of
John D Underhill
sentenced April 30 1890 to 2
years and six months imprisonment by Justice
Martine

Please ask the officer to bring such information in
relation to the case, and as to the previous record of the defendant
as he may be enabled to
obtain.

Yours truly Wm N Penney
WILLIAM N. PENNEY,
Secretary.

POOR QUALITY
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0498

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John D. Underhill

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

John D. Underhill

of the CRIME OF ABDUCTION, committed as follows:

The said *John D. Underhill*,

late of the City of New York, in the County of New York aforesaid, on the
thirty day of *February*, in the year of our Lord one
thousand eight hundred and ~~eighty~~ *eighty*, at the City and County aforesaid, did
feloniously take, receive, harbor, ^{and} employ ~~and use~~ one *Sarah Haggman*,
who was then and there a female under the age of sixteen years, to wit: of the age of
thirteen years, for the purpose of sexual intercourse, he, the
said *John D. Underhill*, not being then and there
the husband of the said *Sarah Haggman*,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.