

POOR QUALITY  
ORIGINAL

0161

Witnesses:

Off Burke

Counsel,

Filed,

189

Pleads,

THE PEOPLE

vs.

CONCEALED WEAPON.  
(Section 410, Penal Code.)

Hong Song

2. 1904

DE LANCEY NICOLL,

District Attorney.

See answer in document after the  
defendant's name of Hong Song

A TRUE BILL.

*[Signature]*

Sub-  
1894

Forwards.

POOR QUALITY  
ORIGINAL

0 162

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT,

DISTRICT.

of No.

occupation

that on the

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

Street, aged \_\_\_\_\_ years,

being duly sworn deposes and says,

day of

188

*Henry Song (nowhen) did feloniously  
carry concealed on his person ~~the~~  
with intent to use against another  
that weapon known as a  
slung shot in violation of  
Section 410 of the Penal Code  
of the State of New York.*

*John J. Burke*

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 188\_\_\_\_  
of \_\_\_\_\_  
Police Justice.

POOR QUALITY  
ORIGINAL

0 153

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Hong Fong* 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. *Hong Fong*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *China*

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

Answer. *57 North 6th Street*

Question. What is your business or profession?

Answer. *Interpreter*

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*

*Hong Fong*

Taken before me this

day of

1883

Police Justice.

POOR QUALITY  
ORIGINAL

0164

BAILED,  
No. 1, by Charles Leano  
Residence 210 E 64 Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

Police Court

District

THE PEOPLE, &c.,  
OF THE COUNTY OF

*[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*

Dated Aug 23 1891

*[Signature]*  
Magistrate

*[Signature]*  
Police Officer

Witnesses

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

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

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

\$ 500 to insure



*[Signature]*

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 \_\_\_\_\_

Refrund  
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 Aug 23 1891 *[Signature]* Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.



POOR QUALITY  
ORIGINAL

0165

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

458

THE PEOPLE OF THE STATE OF NEW YORK

against

*Hong Fong*

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

of a FELONY, committed as follows:

The said

*Hong Fong*  
late of the City of New York, in the County of New York aforesaid, on the *twenty-second*  
day of *August* in the year of our Lord one thousand eight hundred and  
ninety- *one*, at the City and County aforesaid, with force and arms, feloniously did furtively  
carry, concealed on his person, a certain instrument and weapon of the kind commonly known as  
*a slung-shot* with intent then and there  
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

SECOND COUNT—

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

*Hong Fong*  
of a FELONY, committed as follows:

The said

*Hong Fong*  
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, feloniously did possess a certain instrument and  
weapon of the kind commonly known as *a slung-shot*  
by him then and there concealed, and furtively carried on his person, with intent then and there  
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0166

**BOX:**

453

**FOLDER:**

4168

**DESCRIPTION:**

Fong, Tom

**DATE:**

10/27/91



4168

POOR QUALITY  
ORIGINAL

0167

Witnesses:

Grace H. Gordon  
August Gorman

Counsel,

Filed day of Oct 1891

Pleas, *Not guilty*

THE PEOPLE

vs.

*Tom Tong*

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

See another indictment against  
same defendant name of  
Hong Tong  
A TRUE BILL. H.S.H.

*Robert Williams*

*Robert Williams*  
Foreman.

*Robert Williams*  
pledges himself of  
1901 Sept 11 1891

4-7

The People  
Tom Fung

Court of General Sessions. Part I  
Before Recorder Smyth. November 4, 1891  
Indictment for assault in the first degree.  
Grace H. Gordon, sworn and examined.  
I live at No. 4 Dyer street in this city and  
lived there on the 13<sup>th</sup> of October. I occupied the  
second floor front, one room. I remember  
seeing the defendant in that room on the  
evening of the 13<sup>th</sup> of October last about half  
past nine o'clock. My lady friend was with  
me when he came, her name is Miss Lee  
Ling; he came in alone and sat on the  
edge of the bed; my room was near the  
street. I had known the defendant before  
this. I told him if he wanted to make  
any noise he had better go outside.  
He caught me by the throat and choked  
me on the bed. He was making a loud  
noise and talking to my lady friend.  
I do not know he was saying anything  
very particular, but still he was making  
a noise; my window was open; he was  
talking very loud, and that induced me  
to tell him to go outside. Then he got me  
on the bed and choked me with both  
hands around my throat. Then after that  
he let go of me, and I got up to comb  
my hair to get out. I said, if you don't  
go out, I will get an officer and put

you out. He said he would not go outside the room unless he took my life. My lady friend told me to get an officer. He caught me on the corner. He struck me first with his hand and took a "black Jack" from his pocket and struck me on the side of the head with it. He took it from his hip pocket on the right hand side. He struck me with his open hand on the side of the head, and then took the black Jack from his pocket and struck me on the other side of the head. He did not knock me down, still it numbed me. I went to bed, and as soon as I got to bed I could not move. I do not remember anything after that. I woke up about four hours afterward. I guess it was about one o'clock in the morning. My head was not cut, but it was swollen and sore. I saw the thing he had in his hand that he took out of his hip pocket. The handle was covered with leather and had a strap, and this strap he had fastened round his thumb. When he took it from his pocket it looked like a round ball that was covered with leather. What was inside I cannot tell, for I never saw one before.

Cross Examined. This is my signature on the paper shown to me. I swore to its contents in the Police Court. I spoke there of the defendant choking me and putting his hand on my neck. I have known the defendant three or four months. I was not on friendly relations with him. I wrote him the letter now shown to me. I was no more a friend of his than of anybody else of his class. I went to Boston in July. Did you write him this letter: "My darling, with a heart full of love for you alone I write you a few lines?" "Yes" I wrote this letter on July 23<sup>d</sup>. I came back to New York two days after and only stayed there two days. Had you seen the defendant between the time you got back from Boston and the night of the assault? I saw him several times in the street. He had not visited me at my room and I had not visited him at his room. So that the defendant did nothing between July 23<sup>d</sup> and October 13<sup>th</sup>. He threatened my life two or three times on the street. He came in this night about half past nine o'clock and said, "Open the door." I say, "Who is there, and what do you want?" He says, "I want to come in." He came in and sat down on the edge of the bed. My lady friend was dressed

at the time. There were no more Chinamen there. I did not swear in the Police Court that there were two Chinamen there. The defendant was talking to my lady friend and was making so much noise that I ordered him out. I don't know whether the instrument with which he struck me was loaded with ~~lead~~<sup>metal</sup> or not, but it felt heavy when I was struck with it. I did not talk much with the officer; my lady friend done all the talking. The officer did not ask me to show marks of violence if I had any. He told me he could not arrest the man without a warrant; he told me to go to the Jamb and get a warrant. I showed marks of violence in the Police Court. Officer English and one of my witnesses saw the mark. I exhibited marks to the Judge. I did not show any marks at the time the lawyer cross examined me, but I did the day I got my warrant. I did not say to the lawyer in the Police Court that I had no marks then, that they were all healed because I had marks on my head at that time. The defendant said that I had a Chinese bracelet that belonged to him. I never saw a Chinese bracelet on his arm.



He asked me for a bracelet that I had that belonged to a young man in No. 16 Mott street. I was in his place two or three times to write letters; his brother was sent away for leprosy. It is not a fact that the defendant has visited my room several times; he has been in the building but not in my room until that night. Before I went to live in No. 4 Doyer street I lived at No. 13; he visited the house, but he never visited me. I was living with a Chinaman myself but I was not married to him. There were more Chinamen there; they were all married. When I went to the Court to get a warrant I showed marks of violence. It was four days after I got the warrant that the defendant was arrested. After he was arrested there was no woman held. I did not tell the Counsel I had no marks because I had a mark on my head. My head was still swollen at that time, and it was ~~swollen~~ in the Police Court. I had no doctor attend me, only a Chinese doctor.

Patrick English, sworn and examined.  
I arrested the defendant on the 19<sup>th</sup> of Oct. at No. 57 Mott street, second floor front. I had a warrant for his arrest. I got the warrant on the 16<sup>th</sup> of October and I looked for him in several places on Pell and

Doyce street, places that he frequented and where I was informed he could be found I did not find him until the 19<sup>th</sup>. I found him at No. 57 Mott street on the second floor I should judge about one o'clock. I told him what he was arrested for and brought him to Court. I had the complainant with me when I made the arrest and she identified him. On the 14<sup>th</sup>, the day I got the warrant she told me to put my hand on the left side of her head. There was a lump on that side of her head and the right side of her jaw was swollen a little. I was present at the examination. What did the defendant say to you when you took him from the house to the Court? I asked him why he hit this girl, and he said he did not hit her; he also denied it in Court.

By Counsel Did he say anything about the bracelet? He did. What did he say about the bracelet? He said this girl had a bracelet belonging to him. I understood him to say that she had a bracelet belonging to him. And that he went to her house for that purpose? No, he did not say that.

Mr. Macdonna. I would not like to go to the jury in this case without some corroboration by Mrs. Lee Ling. The Court. If she comes in I will let you call her.

You Jorg. sworn and examined, testified  
 I live at 57 Mott street. I know the complainant  
 Grace Gordon. I have known her I guess about  
 six months; she has been in my room a  
 good many times and have visited her  
 place too. Our relations have always been  
 friendly. I remember the 13<sup>th</sup> of October. I  
 was at No. 4 Doyers street that night. I went  
 there about 8 o'clock. I asked her to go and  
 get my bracelet- it was a Chinese stone brace-  
 let. I paid eighteen dollars for it. I asked her  
 two or three times for the bracelet. She took  
 it away from under the pillow of my  
 bed. I did not let her take it; she said  
 she would take it home. Did you have any  
 shurf shot with you? No. nothing. Did you  
 strike this woman with a shurf shot?  
 No. Did you have any weapon at all of  
 any kind? Nothing of the kind. I met her  
 on the street about eight o'clock and I  
 asked her to give me back my bracelet; she  
 said, "you come up to my house." I just  
 went up. There were two or three women  
 there and two or three Chinamen. I asked  
 her to give me back my bracelet, and she  
 said, "Go away." I say, "I want my bracelet."  
 She said that she had a friend a policeman  
 and she gave away the bracelet. Two or  
 three ladies put me out of the door. She

went down the street and called for a policeman. She said, This man make too much fighting in the house. He (the policeman) knew me and knew her. He said, "Go home" He told me to go home and I skipped for home. She fired a wash basin at me and hit me on the neck. She ran down the street and the policeman asked me what was the matter? I say, Officer, this lady take my bracelet. Bridget Lee Lury, came into Court and was examined for the people.

I live at 11 Bell St. I was married to a Chinaman named Lee Ling. I was present in the room of Miss Gordon on the night of the 13<sup>th</sup> of October about 9/12 o'clock. I was in the room when the defendant came in. She was getting ready to go out with me. He commenced to halloo and she told him if he wanted to make a noise to go outside. He got up and choked her and threw her on the bed. He punched her on each side of the head and took a "Black Jack" out of his pocket and struck her with it. She went over to the bed and laid down; she lay there for four hours, she worked in fits and was throwing the clothes off her. I got a policeman.

The jury rendered a verdict of guilty of assault and battery in the third degree.

POOR QUALITY  
ORIGINAL

0176

Testimony in the  
case of  
John J. King  
filed Oct. 1911  
2012

POOR QUALITY  
ORIGINAL

0177

Police Court— District.

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

of No. 14 Doyer

occupation

House Keeper

Grace H. Gordon

Street, aged 22 years,

being duly sworn

deposes and says, that on the 13 day of October 1891 at the City of New York, in the County of New York, in Doyer Street

He was violently and feloniously ASSAULTED and BEATEN by Tong Hong who struck deponent in the head with a dangerous weapon known as a Black Jack, then and there held in the hand of the said Tong Hong—causing deponent's head to swell and giving her great pain

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 14 day

of

October

1891.

Grace H. Gordon

Do J. C. Murphy Police Justice.

POOR QUALITY  
ORIGINAL

0178

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

*Grace H. Gordon*

of No. *4 Dwyer* Street, being duly sworn, deposes and says,  
that *Tom Hong* (now present) is the person of the name of  
*Dong Hong* mentioned in deponent's affidavit of the *14th*  
day of *October* 18*91* hereunto annexed.

Sworn to before me, this *19*  
day of *October* 18*91*

*Grace H. Gordon*

*[Signature]*  
POLICE JUSTICE.



POOR QUALITY  
ORIGINAL

0179

Sec. 193-200.

CITY AND COUNTY,  
OF NEW YORK, ss.

District Police Court.

*Tom Hong* 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. *Tom Hong*.

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *China*

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

Answer. *57 West Street, 1 year.*

Question. What is your business or profession?

Answer. *Agent*

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. Tom Hong*

Taken before me this

day of

1891

Police Justice.

POOR QUALITY  
ORIGINAL

0 180

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 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 Grace H. Gordon  
of No. 4 Dyers Street, that on the 13 day of October  
1891 at the City of New York, in the County of New York,

and feloniously  
he was violently Assaulted and Beaten by Dong Hong who feloniously  
struck defendant in the head with a black Jack

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 him  
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 14 day of October 1891

D. J. C. Buckley POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0 18 1

30 N. China Agent on Yes 37 West Street

The within named

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.

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

Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Warrant-A. & B.

vs.

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

Magistrate.

Officer

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

*Walter D. O'Connell* Officer.

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

This Warrant may be executed on Sunday or at  
night.

*Do not seal* Police Justice.

POOR QUALITY  
ORIGINAL

0182

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court---  
District

14 / 1341

THE PEOPLE  
ON THE COMPLAINT

Wm. F. Lindley  
480 West 11th St.  
Long Beach

Offence Felonious  
Assault

Date Oct 19 1891

Magistrate

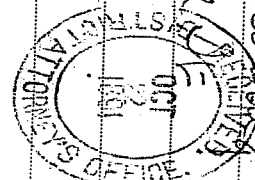
Officer

Const Precinct

Witnesses

No. 11 Cell 11

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



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

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

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

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 \_\_\_\_\_

Defendant

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 October 19 1891 \_\_\_\_\_ Police Justice

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Tom Fong*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Tom Fong*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Tom Fong*  
late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*one*, with force and arms, at the City and County aforesaid, in and upon  
the body of one *Grace W. Gordon* in the peace of the said People  
then and there being, feloniously did make an assault and *her* the said  
*Grace W. Gordon* with a certain *slung shot*

which the said *Tom Fong*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,

with intent *her* the said *Grace W. Gordon*  
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  
*Tom Fong*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Tom Fong*  
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 the said  
*Grace W. Gordon* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *her* the said *Grace W. Gordon*  
with a certain *slung shot*

which the said *Tom Fong*  
in *his* right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully  
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

*De Lancey Nicoll,*  
*District Attorney.*

0184

**BOX:**

453

**FOLDER:**

4168

**DESCRIPTION:**

Foster, John

**DATE:**

10/30/91



4168

Witnesses:

Arthur Berger

Samuel Jacobs

Jim Schultz

Mary Landman

Off Farrell

Mary Ulla (?)

or Mrs. Martin

Counsel,

Filed

day of

1891

Pleds.

THE PEOPLE

vs.

B

John Foster

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Robert L. ...*

Part 3. June 30/92

Foreman  
Defendant discharged on  
his recognizance. Bail  
discharged.

*(Signature)*

After the consideration.

allow of the reports

of the ...

Elaborate ...

Subscribed I ...

mean that the ...

has a ...

his own ...

June 29 1892 District of ...



city & county  
of New York fs:

Max Rosenblatt  
being duly sworn says. I live  
at 117 Ruggles St in the city  
of New York. I am an express  
man. I am acquainted with  
Mary Butko and knew her for  
several months prior to October  
6th 1891. while she and her hus-  
band lived at 224 2nd Street  
in the said city.

On October 6th 1891 I carried  
her trunk to the Steamship  
Harbor and saw her go on board  
and sail for Europe. I was  
informed by her that she  
was about to return to Hun-  
gary from where she came to  
this country and that she  
did not expect to return  
to this country again; that  
she had sold out her business  
in this country and had no  
occasion to return to America.  
I am acquainted with Harry  
Mills or Ella Martin & Kate Linn and  
saw Mary Butko two three days  
before she sailed, that the said

Ulla Martin & Kate Soren were  
about to leave the city of New  
York for the country as they  
had no relations or friends in the  
city after she left. I am well  
acquainted with the neighborhood  
about 224 E. Second  
St and have not seen since  
Mary Ulla or Ulla Martin or  
Kate Soren since they departed  
me of New York but the for  
Europe

Sworn to before me  
This 6<sup>th</sup> day of May 1892

J. P. G. McGinnis

Clerk of Court  
N. Y. C.

Max <sup>his</sup> Rosinblatt  
witness

The People v. John Foster

affiant of the Rosinblatt

The People of the State  
of New York  
vs  
John Foster

City and County  
of New York

Wm J. McCormick  
being duly sworn says that he is  
a member of the police force  
of the City of New York, a patrol  
man in the 25th Precinct.  
That for more than six years  
he was specially <sup>detailed</sup> as a word de-  
tective in the 13th Precinct  
that Number 224 East Second  
It is in said 13th Precinct  
that deponent has made diligent  
effort to find Mary Butko, and  
has not been able to find her  
whereabouts except that depo-  
nent was informed by several  
of the people residing in the said  
224 2nd St. that some time  
the month of September 1891  
the said Mary Butko left the  
United States for Europe from  
whence she originally came

Sworn to before me  
This 1st day of May 1892  
Thos J. Adair

Wm J. McCormick  
Grand Juror

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We commit as to  
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sketch

The People

to  
John Foster

The People v John Foster

City & County of  
New York ss:

Patrick Farrell  
being duly sworn says that he is  
a police officer attached to the 13<sup>th</sup>  
Precinct of the City & County  
of New York. that he has made  
diligent and repeated efforts  
to find Mary Outho Kate Fison  
or Mary Allen and Kate Fison  
but has been unable to find  
any of the persons last named  
that Mary Outho is at Loise  
in Hungary as he is informed by  
persons acquainted with her  
and verily believes that Mary  
Allen and Kate Fison have left  
the City of New York for some  
place unknown as deponent  
is informed by the people who  
resided at the same time with  
Kate & Mary at 224 Grand  
Street and verily believes that de-  
ponent verily believes that it will  
be impossible to produce either  
Mary Outho. Kate Fison or Mary  
Allen at the trial of the above accused

Sworn to before me ( Patrick Farrell  
this 6<sup>th</sup> day of June 1892  
J. J. [Signature] Comptroller of the City

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The People of John Foster  
apparent of off Fanelle

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0192

Coroners Office, New York County.

Inquest into the death

- of -

Michael Dutko.

)  
) Before  
) HON. LOUIS W. SCHULTZE,  
) and a Jury.  
)  
)  
)

New York, August 24th, 1891,  
10.30 A. M.

Appearances: Mr. Townsend appears for the District  
Attorneys Office, representing the people.

-----oOo-----

MORRIS JACOBS, being called as a witness by the  
Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. No. 141 Ridge Street.

Q Tell the Jury what you know of the killing of Michael  
Dutko? A. I was on 7th Street ~~Parkland Avenue~~ <sup>Avenue C</sup> that night  
going home to Avenue B; and I went into Second Street and I  
met Officer Foster and he asked me if I wanted to have a  
drink with him; I went in - a fellow stood by the door of  
that saloon with a pitcher and I followed after the boy and  
the officer behind me and the man opened the door, and he  
attended to the young fellow first, he sold him a pitcher  
of beer for five cents - five cents worth and let him out  
the front door; he was waiting on us, and he asked us what  
we would have; I said I would have a beer and the officer

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ordered a beer at the time; he gave him a quarter and he gave him fifteen cents change; I took my glass of beer and I drank it and the officer paid for his and after that he showed him his shield and told him he is under arrest.

By a Juror:-

Q Was he in uniform? A. No, sir; in civilian's dress; after the officer showed him the shield he walked out behind the bar and came up to me and said, "You stinken sheeny, do you see that nose? You will have it in a second a damn sight worse; I will kill you."

Q Who said that? A. The man in front of the bar.

Q The man that was shot? A. The man that was standing at the bar; then he socked me one in the mouth, and knocked me down on the floor and commenced to kick me around and I was only glad to get out of the place; that is all I know.

By Mr. Townsend:-

Q Where was this saloon? A. In Second Street, No. 224.

Q East 2nd Street? A. Yes, sir.

Q What time of the night was it? A. A little after nine o'clock.

Q Did you ever see Foster before? A. Yes, sir.

Q You and he were friends? A. No, sir; I know him about six months.

Q You know him as a police officer? A. Yes, sir.

Q Did you or the officer rap on the door of the saloon?

A. No, sir; a boy stood there by the door first - a young man.

Q Do you know his name? A. No, sir.

Q He stood in front of the door on the sidewalk?

A. By the door.

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ORIGINAL

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Q Were the shutters up by the windows? A. The shutters were down.

Q The shutters down? A. Only the shutters not the blinds.

Q Could you see any light coming out from the saloon? A. Yes, sir.

Q Any light in the saloon? A. There was light, yes, sir.

Q Did it shine through the shades, through the window, as you stood on the street - could you see the light in the saloon as you stood on the sidewalk? A. Yes, sir.

Q You could see it? A. Yes, sir.

Q Then what did you say, or what did the officer say to the boy? A. The officer said nothing.

Q Was the boy in charge of the saloon - did he have anything to do with the saloon or a stranger? A. He went in for five cents worth of beer.

Q He went in before you? A. Yes, sir.

Q Who was behind the bar when you got in? A. Only that man.

Q What man? A. That man.

Q The man that was killed? A. Yes, sir.

Q Do you understand the questions? A. Yes, sir.

Q Then answer that - who else was in the saloon? A. Only the young man there.

By the Coroner:-

Q Is he in the room now? A. I don't know.

Q You don't know the young man? A. No, sir.

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By Mr. Townsend:-

Q Any women in the saloon? A. No, no woman there.

Q Anybody else? A. No, sir.

Q Nobody but the man behind the bar and the fellow that went in after the beer and you and the officer? A. There was another young fellow, he stood outside of the bar.

Q What was he doing? A. He did nothing.

Q Did you see anybody drinking there besides the officer?

A. No, sir.

Q Then you stepped up to the bar - did you call for beer?

A. Foster asked me what will I have, I said beer.

Q Did Dutko - did you know him before? A. No, sir.

Q You never had seen him? A. No, sir.

Q Did you see him after he was shot? A. I seen him in the station house.

Q Dutko? A. Yes, sir.

Q Was he the man that helped you to the beer? A. Yes, sir.

Q You drank all your beer? and the officer only tasted his? A. Yes, sir.

Q And the officer pulled his coat back and showed his shield? A. Yes, sir.

Q What did Dutko do? A. He walked from behind the bar and came to me and said, "You stinking sheeny, you see that you see that nose, you will have it a damn sight worse than that in a minute.

Q What was the trouble with the nose? A. Some kind of a split.

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Q You didn't see anybody hit him at the time? A. No, sir.

Q Then what happened? A. He knocked me down on the floor.

Q What did the officer do? A. The officer came over to save me, and he let me come and he jumped at the officer and I sneaked out the back door.

Q Did you see the officer hit him? A. No, sir.

Q Did you see Dutko hit the officer? A. I didn't see that.

Q What further did you see, if anything, in there?

A. That is all I saw in there.

Q Did you hear the officer call him any names?

A. No, sir.

Q Did you hear Dutko call the officer any names?

A. No, sir.

Q Who else was in the saloon at the time he was struck - besides Dutko, the officer, yourself, was anybody present?

A. I don't know, I didn't see nobody.

Q Did you see any women? A. Yes, sir; after, when I got up from the floor.

Q When you got up from the floor? A. Yes, sir; when I was trying to sneak out.

Q You saw a woman? A. Yes, sir; she happened to come in.

Q What door did she come in? A. From the back/

Q There was a room off the bar, was there? A. Yes, sir.

Q Did you see any child? A. No, sir.

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Q Did you see anyone else besides the woman and the officer?  
A. No, sir.

Q What did the woman say? A. Nothing.

Q Did you hear her say anything? A. No, sir.

Q Did you see Dutko strike the officer? A. No, sir.

Q Did you see the officer strike Dutko? A. No, sir.

Q You got away? A. Yes, sir.

Q When did you next see Dutko? A. At the station house

Q The same night? A. Yes, sir.

Q Where did you see the officer again? A. I didn't see him no place.

Q Not again that night? A. No, sir.

Q That is all you know about it? A. Yes, sir.

-----oOo-----

OFFICER PATRICK FARRELL, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q To what precinct are you attached? A. The 13th Precinct.

Q State to the Jury all that you know about this case?

A. All I know I was at the corner of Avenue B when I heard shooting, a man had hold of the officer in his arms and down, like that (illustrating), I opened my coat and I had to tell him three times to let go, then he let go, and then he said he was an officer too.



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By Mr. Townsend:-

Q Was he in uniform? A. No, sir; in citizen's clothes

Q What time was this? A. About nine o'clock, near  
Avenue B. I was down when I heard the shooting.

Q Where did you go to? A. In front of the saloon, No.  
224.

Q Did you go into the saloon after? A. Afterwards I  
placed this man under arrest.

Q Who was this man, the dead man? A. No, sir, the man  
who was put under \$1,000 bail, his name is Phillips, I guess

Q This man Phillips, what was he doing? A. He had hold  
of Officer Foster, in front of the saloon.

Q Was he behind the officer? A. Right behind the offi-  
cer, so he couldn't raise his arm.

Q What was said? A. I opened my coat and I told him,  
here is an officer, and here is an officer also; I said  
hold him, and Officer Hogan came up and they went in the  
back way and a little boy - he was in the grocery store  
three or four doors away.

Q Did you go into the saloon? A. Yes, sir; as soon  
as we could get in.

Q Did the officer say what had happened? A. He told me  
the man in the saloon assaulted him.

Q The man had attempted to assault him? A. Yes, sir.

Q And what had happened did he say? A. He didn't tell  
me right away.

Q He didn't say that he fired at him or anything?

A. No, sir.

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Q Did you see anybody else there? A. No, sir; when I got in the saloon I saw the lady there.

Q Outside do you mean? A. Only this Phillippi had hold of the officer.

Q What did you do with Phillippi? A. I ~~had~~ held him there.

Q What happened after that? A. I waited until the ~~aman~~ was ready, this man's wife -

Q Did you go into the saloon? A. Yes, sir.

Q How did you get in? A. In the front door and went back into the back room.

Q What did you see there? A. I saw this pistol there.

Q Did you see Dutko? A. Not until I got to the station house.

Q Who did you see there? A. Nobody.

Q What was the name of the other lady? A. I don't know - two ladies came in the back way - they came in after the shooting.

Q Did you examine the front door? A. Yes, sir.

Q Did you notice anything there? A. The glass was broken.

Q How was the glass broken - a hole in the glass? A. It looked as if somebody had been pushed up against it; it was broken right through.

Q Did you learn there had been anybody shot? A. No, sir; not until I got to the station house.

Q Didn't look around in reference to that? A. I looked around and saw nobody shot.

Q Was it the front door glass or the window glass?

A. The door glass.

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Q Did you notice in reference to the shades? A. Yes, sir; they were light colored shades.

Q Up or down? A. They were up.

Q How high up? A. Near the top, about two inches from the top, the fan-light of the door was open.

Q On reference to the light in the saloon? A/ There was one light right near the bar and another --

Q The light hanging over the door? A. Yes, sir.

Q And where was the other light? A. Back further, at the lower end of it.

Q Tell the Jury which side of the room the bar was?

A. To the right as you went in the door --

Q Describe it? A. Here is the door and here is the bar here right up against the bar here.

Q Like this? A. Yes, sir; the door comes right in there.

By a Juror:--

Q On the right? A. On the left as you come in.

By Mr. Townsend:--

Q How do you get behind the bar? A. Around the further end.

Q That is the only way to get behind the bar? A. Yes.

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MYER LANDESMAN, being called as a witness by the Coroner, was duly sworn, and testified as follows:--

One of the Jurors interprets the testimony of this witness.

I live No. 220 East 2nd Street. I stood alongside



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of the stoop of 220 where I live, I was talking to other people; then I looked around to see what was going on and I heard two shots; the first one I only heard and the last one I saw myself; from my stoop No. 220 I saw that. That is all I know about it.

By Mr. Townsend:-

Q Do you know the names of the other people that were standing there? A. I don't know; there were a number of people there, I know one name, the housekeeper, his name is Phillippi.

Q That is the only man you know? A. Yes, sir.

Q About how far in feet were you from where you heard the report of the pistol? A. In the second house; I don't know exactly the feet, it is the next house to it.

Q Do you know how broad the houses are there - is it this broad? A. It is full width - a full width house, a four windowed house.

Q Were you on the same side of the street? A. Yes, sir; No. 222, I live, and 224 it happened, so I was close to it.

Q When you heard the first report did you see anybody have a pistol in his hand? A. I saw a shot fired, but it was too dark, my eyes are not sharp enough for that; I only saw the flash of the pistol.

Q What did you do when you heard the second report?

A. I went there, but all the rest went there - the crowd got there and I stood there for nearly half an hour before I knew what happened there.

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Q Did you see a man named Foster there? A. I never saw him - I don't know him, I don't know him to this day.

Q You heard the report of a pistol? A. Yes, sir.

Q What time elapsed between the first report and the second report? A. Between the first and the second there was a long intermission, and between the last one.

Q How much in point of time? A. I couldn't tell.

Q Could you tell whether it was five minutes? A. I couldn't tell.

Q Did you hear any noises at the time? A. No, sir; I didn't hear any noise.

Q Didn't hear anybody speak? A. The noise was too great there - it was too great - there was such a crowd around there you couldn't hear it.

Q Was there a crowd around there when you heard the first report of the pistol? A. There was a crowd of people there on account of the great heat it was a tenement house.

Q Was this crowd in front of the saloon? A. They all stood around on the stoop and sidewalk, each one in front of their own premises.

Q Did you see the flash of the two reports of the pistol? A. I seen the light flash from the body of them.

Q Not from the first report? A. No, sir; not from the first.

Q Where did the man stand who fired the pistol?

A. I didn't see <sup>where</sup> the man that fired the pistol was - it was too dark.

By a Juror:-

Q You saw the flash? A. Yes, sir; but I couldn't tell where the man stood.

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ORIGINAL

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By Mr. Townsend:-

Q Was it outside the house or inside? A. It must have been undoubtedly outside, on the sidewalk when I seen the shot, because I couldn't look in the saloon from the outside.

Q Did you know Michael Dutko, the deceased? A. Yes, sir; I knew him.

Q How long did you know him? A. I only knew him by sight; occasionally I drink a glass of beer there.

Q Did you see him that night? A. No, sir; I did not.

Q When you got down there did you see anybody that you knew? A. I didn't know anything was going on, until I seen the pistol shots and loud talking, I thought it was a brawl -

Q What about the door of the saloon, was it open ~~the~~ or closed when you got there? A. I don't know that.

Q Did you see anybody run after that? A. No, sir.

Q Did you see anybody have any pistol down there?

A. I didn't see that neither.

Q You recollect about the light in the saloon - were there any lights in the saloon? A. Yes, sir; I noticed that.

Q Did you notice whether the shades were up or down?

A. I don't know that I seen the lights, the reflection of the light, if it was up or down before that I don't know.

Q At the time you got there, did you notice the blinds?

A. When I came there everything was over - everybody was arrested and the door stood open - everybody ~~it~~ was arrested and the door stood open.

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As soon as you heard the report of the pistol did you go immediately there or did you wait? A. I would have gone there immediately, but the crowd was so great I couldn't penetrate across.

Q Did you know Mrs. Dutko? A. Yes, sir.

Q Did you see her there? A. No, sir.

Q Did you see Dutko there at all that night? A. No, sir

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DAVID BERGER, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q What is your full name? A. David Berger.

Q Where do you live? A. No. 224 East 2nd Street.

I stood on the sidewalk and I heard the noise and I turned around and I saw one man put another man through the door; I saw a man squeezed in the door, between the door, and I didn't hear anything more then until I heard a noise and two shots and then I went away; I then went back to my home which is two flights up.

By Mr. Townsend:-

Q How near were you to the man that was squeezed in the door? A. I was on the sidewalk about from here to about there.

Q About ten feet away? A. Yes, sir.

Q Which door, the front door or the back door? A. The front door at the sidewalk - it was the door that leads into

POOR QUALITY  
ORIGINAL

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the lager beer saloon.

Q Was he caught in the door? A. He was caught in the door; he was wedged in between the door, but by whom I couldn't say.

Q Did he say anything? A. I couldn't hear it because the noise was so great.

Q What noise? A. The people that came there.

Q Did you see anybody in the saloon? A. No, sir.

Q Was there anybody outside? A. There were plenty of people there all that I remember is the man between the door.

Q When you heard the report of the pistol did you see the pistol? A. No, sir.

Q Did you see anybody have a pistol? A. No, sir; when I heard the shot I ran up to my wife; that is all I did.

Q When you heard the report of the pistol shot, <sup>was</sup> the man still in the door or did he get out? A. I didn't know it - I heard the shot - that is all - as soon as I heard the shooting I ran away.

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ARTHUR BERGER, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q What is your full name? A. Arthur Berger.

Q Where do you live? A. No. 224 2nd Street. I was

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standing on the stoop and then I heard a noise; I looked around and I saw a man who had his foot between the door and got up and when he shot up I got frightened and I run away; that is all I saw.

By Mr. Townsend:-

Q Do you know Dutko? A. No, sir.

Q Did you see him there? A. No, sir.

Q Did you ever know any police officer by the name of Foster? A. Maybe I know him, if I saw him, but I didn't know him.

Q Was there anybody outside of the saloon when you got there? A. When I was on the stoop there were people there but I didn't notice - I was too excited.

Q How near were you to the man that shot in the air?

A. The man that was firing was down and I was up the stoop.

Q The saloon is in the basement? A. Yes, sir.

Q And this was underneath you? A. Yes, sir.

Q You ran down to the sidewalk? A. No, sir; I was up the stoop and I looked down.

Q You looked around to see whether anybody is in this room - look around now and see whether there is anybody in this room that looked like the man that fired up in the air?

A. I couldn't say.

Q Does that man look like the man that fired the pistol?

A. I didn't see the face.

Q How many reports did you hear? A. I heard one report and then I ran up.

Q That is all you heard? A. Yes, sir.

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Q Did you hear any noise before that? A. Yes, sir;  
I heard it; that is the reason I looked down.

Q How long were you on the stoop before you heard the re-  
port of the pistol? A. I cannot tell sure.

Q 20 minutes or half an hour? A. I cannot tell.

Q Did you go to school? A. No, sir.

Q Have you been to school? A. Yes, sir.

Q You go to school in the winter time? A. No, sir.

Q How old are you? A. Fifteen years.

Q Were you there alone on the stoop? A. No, sir;  
there were more people there - but they didn't look at it.

Q Do you know who was with you on the stoop - gives us  
the names of one or two people on the stoop? A. No, sir;

Q Don't you know any of their names? A. No, sir;  
I didn't know what I was doing at all - I was too excited.

Q Who were you talking with before that? A. With noone

Q You were there alone? A. No, sir.

Q ~~XXXXXXXX~~ Do you live in that house? A. Yes, sir.

Q How long have you lived in that house? A. Two years.

Q Were any of the people that lived in the house sitting  
on the stoop? A. Yes, sir; some were there - but I  
don't know who they were.

Q Do you know all the people that live in your house?

A. No, sir; not that time, some moved in just now.

Q Do you know any that live there as long as you have?

A. Yes, sir.

Q Give us their names? A. Koriscki.

Q Is he here? A. Yes, sir.

Q Who else? A. That is all.

Q That is the only one you know? A. Yes, sir; another one on the top floor, Stolzenhaler.

Q Was he there that night? A. No, sir.

Q Were there any women there? A. I saw my father down stairs.

Q When you heard the report of the pistol? A. Before that.

Q When you heard the noise in the saloon? A. When I looked down.

Q Did you hear any swearing or any loud talking before you heard the report of the pistol? A. I heard the noise.

Q Did you hear Michael Dutko's voice? A. No, sir;

I couldn't recognize it because there were so many; I heard a noise.

Q How long did the noise last before you heard the pistol?

A. About five seconds the noise was.

Q Was the man right under the stoop who fired the pistol or on the side of the stoop? A. On the side of the stoop - ~~that's the stoop~~

Q The steps don't go up over the door? A. This way is the door - that is the stoop and the man was here that shot up.

Q Was he entirely out of the saloon? A. He had his feet in.

Q He had his foot in the door? A. Yes, sir.

Q Which foot was it, do you recollect? A. No, sir.

Q Where did you go when you went away? A. In the hall.



**POOR QUALITY  
ORIGINAL**

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Q Up in your room? A. No, sir, in my hall.

Q The hall in your house? A. Yes, sir.

Q Have you talked with anybody about this matter?

A. No, sir.

Q Never have? A. No, sir.

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EMIL NEWFIELD, duly sworn, to interpret the testimony of MARY DUTKO.

MARY DUTKO, being called as a witness by the Coroner was duly sworn and testified as follows:-

By The Coroner:

Q Where do you live? A. No. 224 East 2nd Street, in the saloon. I was in the back, in the kitchen when they came in, the policeman and Jacobs, and they asked for two glasses of lager; my husband gave them two glasses of beer and they paid. When they paid for their beer he showed his shield, the officer. He told my husband to go to the station house; my husband said I am willing to go, and then he said to Jacobs, "What do you bring me that detective for, he told him, Jacobs, what did I ever do to you. Jacobs said and the officer said if you give me \$10 it will be all right; Jacobs said and the officer said at that time if you give me \$10 it will be all right. After that my husband got hold of Jacobs and chased him out and Jacobs went to hit my husband and then my husband got hold of Jacobs and threw him out. And then the officer opened the door and called in some other officers; and then my husband jumped to the door and closed the door and my husband called me, then I stood at the door with my husband and held the door, and then they opened the door, they only opened it about that much and then they shut in the ceiling and my husband stood behind the bar and I stood there, and he shot to the

window once and then the second time; then he said he will shoot every one down. From No. 222 the house-keeper got hold of the officers hand and after that they came in a good many people, loafers and officers to look for my husband and they threw everything down from the bedstead and from behind the bar, they took my money - my husband is not here, he is shot; when my husband got shot he went ~~thru~~ through the back door and I told my husband he should go to the cellar to hide himself and then my husband went to Horwitz's store and hid himself. Mr Horowitz he said be so kind and go for a doctor I am feeling very bad and Mrs. Horowitz told my husband he should lay down in the bed they would send for a doctor. He said I wont lay down, I am going back to the store to see how my wife is, and after the officer got hold of my husband they took him down to the station house and the officer hit him with his club, he wouldnt go; he asked for a wagon. After that they got me and put me down to the station house and I took the child and I went down to the station house and they asked me how old I am and they locked me up in the prison,-- and there was nobody home, and the child the officer took down to Horowitz; the child is six years old.

By Mr. Townsend:

Q When did you next see your husband?

A I seen him in the station house.

Q When did you see him, when he was dead? A. I went to the hospital.

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Q What day was that? A. On a Monday:

Q Did you see him dead at the hospital? A. I seen him when he was lying in the box at the hospital; I did'nt know where the hospital was.

Q Who, besides your husband was in the saloon at the time?

A Nobody, only me and two cousins of mine.

Q What are their names? A. Ula Martin and Kate Lison, My husband's two cousins.

Q Where do they live? A. They work in a restaurant and they sleep with us.

Q Are they here to-day? A. They are not here to-day.

Q Do they live now with you? A. They live there because I am afraid myself.

Q How old are they? A. One is 17 and the other about 20.

Q What light was in the saloon that night before they came into the saloon? A. One gas- was burning a little down.

Q Where were you? When they called for beer - when the officer called for beer? A. In the saloon.

Q How near to the officer? A. About that much.

Q About 15 feet? A. About that.

Q Where was your husband at the time? A. He was standing right there in the saloon.

Q Behind the bar? A. No, sir; in the middle of the saloon.

Q Your husband was? A. Yes.

Q Did you see them drink the beer? A. I seen it, they drink the beer and they put the glass back on the bar.

Q Did you know Forster? A. No, sir.

Q Never had seen him before? A. No, sir; that was the first time.

Q Did your husband have any club or pistol with him?

A No, sir; nothing.

Q After he sold them the beer and got their money what did your husband do? A. He put away the money.

Q After that what did he do? A. He took his coat -- he showed him a badge and he got his coat and wanted to go to the station house.

Q Did you see him take hold of the man that was with Forster? A. Yes, sir.

Q How did he take hold of him, show us? A. (Illustrating) "Go out, get out, get out -- son-of-a-bitch, get out".

Q Did he shove him to the door? A. Yes, sir.

Q Did he shove him outside of the door? A. He did chase them but he didn't get out.

Q What did the officer do when he was chasing this man?

A He opened the door and called for other policemen.

Q Did you see the officer have a pistol? A. He drew a revolver and he pointed it at my husband.

Q Where was the officer standing when he pointed the pistol at your husband? A. He was standing right here.

Q In the saloon? A. Yes, sir; he didn't shoot, he only stood there with the pistol, then the officer opened the door and he called in another officer.

Q Then what did he do? A. My husband closed the door on the officer.

Q Did he shut the door to - tight? A. He closed the door - he locked it.

Q Then what happened? A. And then he opened the door and broke the lock.

Q Up to that time had the pistol been fired? A. No, sir; only outside.

Q What do you mean by that? A. They didn't shoot inside, they only shot outside.

Q Was the door opened or closed when the pistol was fired?

A The witness illustrates the position they were in at the time) the door was only a little bit open, I was standing right next to my husband.

Q What was your husband doing? A. He stood at the door to hold the door.

Q Held the door from the inside? A. Yes, sir; I was standing there and he was standing there.

Q Then what happened? A. Then when they opened the door I begged my husband he should skip away.

Q Had any pistol been fired then? A. They then shot in the store.

Q How many times did they shoot?

A Once in the store and once in the window out to the door

Q What did your husband do after you heard the report of the pistol? A He was standing there.

Q Did he fall down? A. No, sir.



Q What did he say? A. He ran away from the other door in the yard.

Q How near were you to him when he was shot? A. I was standing with my husband at the door and there was one shot from the saloon and another one and another time the other side; he said, "My wife, my dear wife I got shot."

Q When did he say that? A. When he had two shots fired I told him to skip; that was about 5 minutes after the bullet was shot.

Q Where was he? A. He ran in the back.

Q Did you see any blood on him? A. I seen blood.

Q At the time you heard the reports of the pistol who besides your husband was in the saloon? A. The girls were there - the two girls.

Q Did you see the officer as he stood outside of the door with the pistol in his hand? A. I did.

Q How high up did he point the pistol the second time he fired? A. The second time through the windows.

Q Did you see any one through the window besides the officer? A. I didn't see anybody, I seen plenty of people out there - I was scared; my husband was here and the policeman was here - about two feet apart.

Q At the time of the report of the pistol did your husband have anything in his hand? A. No, sir, he only held the door.

Q Did he have hold of anybody? A. Only the door.

Q Was the policeman inside or outside of the room at the time? A. Outside.

POOR QUALITY  
ORIGINAL

02 16

Q And the doors were open or closed? A. They were closed.

By a Juror:

Q Was it the first, second or third shot that killed your husband? A. Not the first time, the second time.

-----000-----

OFFICER MARTIN HOGAN, duly sworn.

I am attached to the 13th Precinct. On Sunday night the 9th I passed Farrel and Foster going down the south side of 2nd Street pretty near Avenue C and I watched some boys there and while standing there I heard a pistol shot; I ran up the street and two shots after that were fired in succession, and when I got there officer Foster was there without any hat on; he said "Come up here Hogan;" I went up and we went through the building down the back and searched the same for this Dutko and in the yard and a boy we met he said I think he is in that grocery store; I went there to the store and I grabbed him on the door and the door was locked; I rapped for admission and a gentleman came out and another man behind him and we grabbed him quickly. Foster ran in after me and we grabbed him quickly and brought him to the station house; he never said a word about being shot and didn't know anything about him being shot until we got to the station house when he said, "Me



want a doctor," in the station house the sergeant sent for an ambulance.

By Mr. Townsend:

Q Where was the officer when you got there? A. On the stoop - half way up on the stoop, without any hat.

Q Was the door of his saloon open or closed?

A I didn't look at that he stood on the stoop <sup>over</sup> ~~at~~ the saloon and hollered to me to come to him.

Q How long after the last report of the pistol?

A I don't think it was a half a second; hearing the first shot I ran right over there.

Q He was then standing up on the stoop when you got there

A Yes, sir.

Q You saw ~~nothing~~ of Dutko at the time? A. No, sir.

Q Did you see anybody in the saloon? A. When I got down there Farrel, officer Farrel, had this other one as a prisoner and two or three citizens and a woman, Mrs. Dutko was in there too, and she didn't know anything about her husband and after searching under the bed and behind the wardrobe looked for her husband up and down - and finally a boy told me --

Q Did Foster say he fired at anybody? A. No, sir.

Q Did you have any conversation with him? A. No, sir.

-----000-----

OFFICER JOHN FOSTER, sworn in his own behalf:-

OFFICER FARRELL and I passed up on the south side of Second Street and Officer Hegan passed us down towards Avenue C. I crossed on the north side of Second Street and Farrell was on the south side of Second Street. I stopped in front of the door of No. 224 and I met this man Jacobs and I said Hallo, Jake, will you have a beer. There was a door there No. 224 and a fan light open over the door. You could see the reflection of the light and a man walking in the saloon. You could see the shadow of a man a man came over and went down stairs and he had a pitcher full of beer in his hand and Dutko came to the door and pulled the shade open and opened the door and I followed then in. I was the last man going into the place. The man asked for five cents worth of beer and he was let out by Dutko who had the knob to open the door in his hand, which he took out of his pocket. I said to Jacobs what will you have, he said beer. I put down a quarter for two beers and he gave me fifteen cents in change. I tasted a mouthful of beer. I said to Dutko do you own this place. I pulled out my shield and said, I am a police officer. He said are you a policeman? ~~He said~~ I said I am going to lock you up. He looked over to Jacobs and he said, you know me and then I didn't understand what he was saying as he spoke in the Slav language. He came from behind the bar and stood with his back to me facing Jacobs and said to him, do you see that nose, I will give you one like that and he struck him with his left hand and he knocked him down under the pool table.

There was an unknown man there during the time. During the rumpus I said hold on there now, I backed from him, (Dutko) when he came at me after the assault on Jacobs I saw there was no chance, then I saw his wife come out of the door and they all grabbed Jacobs, and backed up to the door to call the assistance of Officer Farrell. Then this unknown man came up and grabbed me around the body from behind and Dutko with a big beer glass in his right hand made a rap at me. He knocked my hat off; he hit me in the elbow with the glass and I warded off another blow and pulled out the revolver. I pointed it to the ceiling, and he put out his hand and I kept pushing him away. This unknown man grabbed me again and I backed up against the door and he fell against the wall. He grabbed me by the throat (illustrating) here is the door and here is the bar, the bar runs in this direction, north and south, it goes in this way; as soon as he got me at the door he held me with the left hand, - he had the key in the door - in his right hand, I tried to pull him with me as a prisoner and there at the door he held me by the testicles and I hollered "Farrell, Farrell, and while he was backing me up to the door he put my body through the pane of glass, breaking it; I got out half way, a little bit - he had hold of my testicles; and I screamed to him to let go but he would not; I had the revolver pointed towards the window - I don't know whether he was struck or not, I didn't see him until I seen him in the station house, that was the first I knew he was shot or anything.

By a Juror:-

Q Did you make any other arrests that day? A. No, sir.

Q That was the only one? A. Yes.

POOR QUALITY  
ORIGINAL

0220

Q Is that the only one was open? A. I was going around to see other places but I could not get into them.

Q You testified you asked this man to go in to take some beer - did he ask you? A. I asked him, that is what I testified to.

By Mr. Townsend:

Q Did you go to the hospital? A. I didn't feel the pain - I didn't know whether I was hurt.

Q Did you see a club in the hands of Dutko? A. No, sir

Q Did you get hit in the head? A. Yes, sir; he made a smash at me; he hit the hat that way and knocked it behind the bar.

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POOR QUALITY  
ORIGINAL

0221

CAPTAIN WILLIAM SCHULTZ, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

I am captain of the 13th Precinct. I would like to explain - one of the gentleman asked the officer whether he made any other arrests on that day; there was another arrest made by Officer Farrell upon that day; they were out together.

By a Juror:-

Q Is that the only place that was open that day?

A. I suppose there were more open - it is impossible to arrest them all. The officer, Officer Foster is a good officer, as far as his character goes, The day he was appointed was the 7th of November, 1889, and he has had but two days and a half fine in that time, for trivial offences.

Q He was detailed for excise duty? A. Yes, sir.

Q Is it customary for officers on excise duty to appear in citizen's clothes? A. Yes, sir; we always send them out in citizen's clothes.

-----oOo-----

THE CORONER: Gentlemen of the Jury:-This is all the evidence we have here. The deceased died from a pistol shot wound of the abdomen; that is how he came to his death. Whether he is to be held for the Grand Jury or whatever verdict you will bring in it is for you to determine. You may now retire.

-----oOo-----

**POOR QUALITY  
ORIGINAL**

0222

VERDICT: We, the Jury, find that Michael Dutko, came to his death from a pistol shot wound of the abdomen inflicted by Officer John Foster, August 9th, 1891, about 9.20, P. M., at the premises No. 224 2nd Street, New York City, and we hold the officer John Foster, to await the action of the Grand Jury.

-----oo-----



POOR QUALITY  
ORIGINAL

0223

Court of General Sessions.

-----X  
The People &c.,

-agst-

John Foster.  
-----X

S i r:-

You will please take notice, that upon the testimony taken ~~at~~ before the Coroner herein, the annexed affidavit and all the proceedings herein, We shall move before Hon. Frederick Smyth, at his Chambers in Room 161 Potter Building, Park Row, New York City, on Monday, August ~~31st~~, 1891, at 10.30 P. M., or as soon thereafter as Counsel can be heard, for an order admitting the above named defendant to bail, and for such further and other ~~order~~ order as may be meet.

Dated, New York, August 29th 1891.

Yours, &c.,

LEWY, FRIEND & HOUSE.

To,  
Delancy Nicoll, Esq.  
District Attorney.

*Defts Alley*

POOR QUALITY  
ORIGINAL

0224

Court of General Sessions.

-----X  
The People etc.,

-agst-

John Foster.  
-----X

City and County of New York, SS:-

Emanuel H. Friend being duly sworn deposes and says, I am one of the Attorneys for the above named defendant, who is a police Officer in said City. That said defendant was committed, by one of the Coroner's of said City, without ~~trial~~ bail, to await the action of the coming Grand Jury. As deponent is informed and believes, said defendant is charged with having caused the death of one Dutko, while attempting to arrest said Dutko for an alleged violation of law.

That said defendant is now in actual custody, but is desirous of having bail fixed. And therefore asks that an order be made admitting the said defendant to bail.

Sworn to before me this )

29th day of August, 1931.)

Henry W. Unger  
Notary Public

N.Y.C.

*E. H. Friend*



POOR QUALITY  
ORIGINAL

0225

N. Y. Gen. Sessions Court.

The People vs.

against

John Foster

Affidavit and Notice of  
Faction to fix bail.

LEVY, FRIEND & HOUSE,  
Defendants' ATTORNEYS,

25 CHAMBERS ST., NEW YORK.

Due and timely service of a copy of the within

is hereby admitted,

this \_\_\_\_\_ day of \_\_\_\_\_ 189

Received August 1891

Attorney for

See -  
Please take notice, that the within

is a true copy of an

in this action, this day duly filed

and entered, in the office of the

Clerk of this Court.

Dated, N. Y., 189

Yours &c.,

LEVY, FRIEND & HOUSE,

Att'ys for

To

Esq.,

Attorney for

POOR QUALITY  
ORIGINAL

0226

THE PEOPLE OF THE STATE OF  
NEW YORK

against

*John Foster*

*Placemum Inten*

*To District Attorney*

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET.

NEW YORK CITY.

POOR QUALITY  
ORIGINAL

0227

46

No. 49

THE PEOPLE OF THE STATE OF  
NEW YORK

against

*John Foster*

*Recommenced*

*to District Attorney*

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET.

NEW YORK CITY.

POOR QUALITY  
ORIGINAL

0228

COURT OF GENERAL SESSIONS.

-----X  
The People &c.

vs.

John Foster  
-----X

Manslaughter 1st deg.  
Indictment filed Oct.  
30th, 1891.

On the 9th of August 1891, the defendant John Foster, and one Patrick Farrell, both police officers attached to the 13th Precinct, were detailed by the Captain for Excise duty and together walked on the south side of 2nd Street as far as about Avenue C., when the defendant Foster crossed over to the north side of 2nd Street, and stopped in front of No. 224 East 2nd Street, in the basement of which was a saloon occupied and run by one Michael Dutko.

At the entrance to said premises, the defendant met an acquaintance, one Morris Jacobs, and invited him in to take a drink. A boy with a pitcher walked into the saloon first and was followed by Morris Jacobs who was followed into the saloon by the defendant. The saloon-keeper, said Michael Dutko, first filled the pitcher of the boy with beer and then, at the request of the defendant, filled two glasses of beer. The defendant Foster then showed his badge and attempted to arrest Michael Dutko. Dutko made a violent assault upon Morris Jacobs, the defendant's companion, calling him a spy &c., and drove him from the saloon and shut the door, and refused to permit the defendant to arrest him. The defendant and Dutko grappled with each other, and defendant, as he claims with the intention of obtaining

**POOR QUALITY  
ORIGINAL**

0229

help from his brother officer Farrell, drew his pistol and fired it off and accidentally wounded Michael Dutko, so that on the 10th day of August 1891, Dutko died.

The defendant asserts that he was violently assaulted by Dutko and held by a strange man while Dutko assaulted him, and that at the time he fired his pistol Dutko had hold of his testicles, and he is corroborated by Dutko's wife Mary, Dutko, who was present at the time of the shooting, to the extent that there was a struggle; and she further says that Dutko shut the door and was holding it to prevent defendant's getting out, and that defendant shot into the ceiling.

There were in the saloon at the time of the firing, Michael Dutko, the deceased, Mary Dutko his wife, Mary Ulla, Kate Lison and Steve Bilovecki. The two girls, Mary Ulla and Kate Lison, and Steve Bilovedki were in a back room which opened into the saloon and did not see the shooting but heard it.

Mary Dutko, who would be the principal witness for the People, is now in Europe and is not expected to return to America, having returned after her husband's death to Hungary, where she and her husband lived prior to their emigration to America. Mary Ulla and Kate Lison cannot be found. Bilovecki lives in Perth Amboy, New Jersey.

I recommend a dismissal of the indictment against the defendant for the reason that there are no witnesses for the People to be had whose testimony would be of any value in securing a conviction; and even if the witness, Mary Dutko could be produced, I am of opinion, from an ex-

POOR QUALITY  
ORIGINAL

0230

amination of her testimony before the Coroner, that a conviction could not be obtained.

June 1st, 1892.

James M. Osborne  
Deputy Asst

Having also examined this case I concur  
in the above recommendation

Saml. J. Asks  
Asst Dist Attorney

POOR QUALITY  
ORIGINAL

0231

\* **STORAGE** \*

No. 23568 Date issued \_\_\_\_\_  
Name Maria Quira

one Adult  
one Children, bet. 1 & 12.  
\_\_\_\_ Infant, under 1 year.

two TOTAL  
AGENT \_\_\_\_\_

Amount Paid \$ \_\_\_\_\_  
Steamer Kaibel Sailing May 10 89



POOR QUALITY  
ORIGINAL

0232

Issued March 9, 1891.

No. 3.

PROPOSED SAILINGS  
—OF—  
Norddeutscher Lloyd Express Steamers.  
From BREMEN via SOUTHAMPTON  
TO NEW YORK.

Steamers.	FROM Bremen.	FROM Southampton.
EIDER.....	Sat. .... May 2	Sun. .... May 3
TRAVE.....	Tues. .... May 5	Wed. .... May 6
FULDA.....	Wed. .... May 6	Thurs. .... May 7
SAALE.....	Sat. .... May 9	Sun. .... May 10
SPREE.....	Tues. .... May 12	Wed. .... May 13
WERRA.....	Wed. .... May 13	Thurs. .... May 14
ALLER.....	Sat. .... May 16	Sun. .... May 17
LAHN.....	Tues. .... May 19	Wed. .... May 20
KAISER <sup>Kaiser</sup> With II.	Wed. .... May 20	Thurs. .... May 21
EMS.....	Sat. .... May 23	Sun. .... May 24
HAVEL.....	Tues. .... May 26	Wed. .... May 27
ELBE.....	Wed. .... May 27	Thurs. .... May 28
EIDER.....	Sat. .... May 30	Sun. .... May 31
TRAVE.....	Tues. .... June 2	Wed. .... June 3
FULDA.....	Wed. .... June 3	Thurs. .... June 4
SAALE.....	Sat. .... June 6	Sun. .... June 7
SPREE.....	Tues. .... June 9	Wed. .... June 10
WERRA.....	Wed. .... June 10	Thurs. .... June 11
ALLER.....	Sat. .... June 13	Sun. .... June 14
LAHN.....	Tues. .... June 16	Wed. .... June 17
EMS.....	Sat. .... June 20	Sun. .... June 21
HAVEL.....	Tues. .... June 23	Wed. .... June 24
ELBE.....	Wed. .... June 24	Thurs. .... June 25
EIDER.....	Sat. .... June 27	Sun. .... June 28
TRAVE.....	Tues. .... June 30	Wed. .... July 1
SAALE.....	Sat. .... July 4	Sun. .... July 5
SPREE.....	Tues. .... July 7	Wed. .... July 8
FULDA.....	Sat. .... July 11	Sun. .... July 12
WERRA.....	Tues. .... July 14	Wed. .... July 15
ALLER.....	Sat. .... July 18	Sun. .... July 19
LAHN.....	Tues. .... July 21	Wed. .... July 22
EMS.....	Sat. .... July 25	Sun. .... July 26
HAVEL.....	Tues. .... July 28	Wed. .... July 29
EIDER.....	Sat. .... Aug. 1	Sun. .... Aug. 2
TRAVE.....	Tues. .... Aug. 4	Wed. .... Aug. 5
ELBE.....	Wed. .... Aug. 5	Thurs. .... Aug. 6
SAALE.....	Sat. .... Aug. 8	Sun. .... Aug. 9
SPREE.....	Tues. .... Aug. 11	Wed. .... Aug. 12
FULDA.....	Wed. .... Aug. 12	Thurs. .... Aug. 13
ALLER.....	Sat. .... Aug. 15	Sun. .... Aug. 16
LAHN.....	Tues. .... Aug. 18	Wed. .... Aug. 19
WERRA.....	Wed. .... Aug. 19	Thurs. .... Aug. 20
EMS.....	Sat. .... Aug. 22	Sun. .... Aug. 23
HAVEL.....	Tues. .... Aug. 25	Wed. .... Aug. 26
KAISER <sup>Kaiser</sup> With II.	Wed. .... Aug. 26	Thurs. .... Aug. 27
EIDER.....	Sat. .... Aug. 29	Sun. .... Aug. 30
TRAVE.....	Tues. .... Sept. 1	Wed. .... Sept. 2
ELBE.....	Wed. .... Sept. 2	Thurs. .... Sept. 3
SAALE.....	Sat. .... Sept. 5	Sun. .... Sept. 6
SPREE.....	Tues. .... Sept. 8	Wed. .... Sept. 9
FULDA.....	Wed. .... Sept. 9	Thurs. .... Sept. 10
ALLER.....	Sat. .... Sept. 12	Sun. .... Sept. 13
LAHN.....	Tues. .... Sept. 15	Wed. .... Sept. 16
WERRA.....	Wed. .... Sept. 16	Thurs. .... Sept. 17
EMS.....	Sat. .... Sept. 19	Sun. .... Sept. 20
HAVEL.....	Tues. .... Sept. 22	Wed. .... Sept. 23
EIDER.....	Sat. .... Sept. 26	Sun. .... Sept. 27
TRAVE.....	Tues. .... Sept. 29	Wed. .... Sept. 30
ELBE.....	Wed. .... Sept. 30	Thurs. .... Oct. 1
SAALE.....	Sat. .... Oct. 3	Sun. .... Oct. 4
SPREE.....	Tues. .... Oct. 6	Wed. .... Oct. 7
FULDA.....	Wed. .... Oct. 7	Thurs. .... Oct. 8
ALLER.....	Sat. .... Oct. 10	Sun. .... Oct. 11
LAHN.....	Tues. .... Oct. 13	Wed. .... Oct. 14
WERRA.....	Wed. .... Oct. 14	Thurs. .... Oct. 15
EMS.....	Sat. .... Oct. 17	Sun. .... Oct. 18
HAVEL.....	Tues. .... Oct. 20	Wed. .... Oct. 21
EIDER.....	Sat. .... Oct. 24	Sun. .... Oct. 25
TRAVE.....	Tues. .... Oct. 27	Wed. .... Oct. 28

All steamers call at Southampton for passengers from  
Paris and London, and then proceed direct to New York.

OELRICHS & CO., GENERAL AGENTS,  
2 BOWLING GREEN, NEW YORK.

POOR QUALITY  
ORIGINAL

0233

1891.

No. 3.

PROPOSED SAILINGS  
—OF—  
Norddeutscher Lloyd Express Steamers.  
FROM NEW YORK  
To BREMEN, via SOUTHAMPTON.

Steamers.	From NEW YORK.
ALLER .....	Saturday, May.....2.....Noon
LAHN .....	Tuesday, May.....5.....1 P. M.
EMS .....	Saturday, May.....9.....7 A. M.
HAVEL .....	Tuesday, May.....12.....9 A. M.
ELBE .....	Wednesday, May.....13.....10 A. M.
EIDER .....	Saturday, May.....16.....Noon
TRAVE .....	Tuesday, May.....19.....1 P. M.
FULDA .....	Wednesday, May.....20.....1 P. M.
SAALE .....	Saturday, May.....23.....6 A. M.
SPREE .....	Tuesday, May.....26.....8 A. M.
WERRA .....	Wednesday, May.....27.....8 A. M.
ALLER .....	Saturday, May.....30.....11 A. M.
LAHN .....	Tuesday, June.....2.....1 P. M.
KAISER <sup>Kaiser</sup> <sub>With 11.</sub> .....	Wednesday, June.....3.....1 P. M.
EMS .....	Saturday, June.....6.....6 A. M.
HAVEL .....	Tuesday, June.....9.....8 A. M.
ELBE .....	Wednesday, June.....10.....8 A. M.
EIDER .....	Saturday, June.....13.....10 A. M.
TRAVE .....	Tuesday, June.....16.....Noon
FULDA .....	Wednesday, June.....17.....1 P. M.
SAALE .....	Saturday, June.....20.....5 A. M.
SPREE .....	Tuesday, June.....23.....7 A. M.
WERRA .....	Wednesday, June.....24.....8 A. M.
ALLER .....	Saturday, June.....27.....9 A. M.
LAHN .....	Tuesday, June.....30.....1 P. M.
EMS .....	Saturday, July.....4.....5 A. M.
HAVEL .....	Tuesday, July.....7.....7 A. M.
ELBE .....	Wednesday, July.....8.....7 A. M.
EIDER .....	Saturday, July.....11.....9 A. M.
TRAVE .....	Tuesday, July.....14.....11 A. M.
SAALE .....	Saturday, July.....18.....1 P. M.
SPREE .....	Tuesday, July.....21.....6 A. M.
FULDA .....	Saturday, July.....25.....9 A. M.
WERRA .....	Tuesday, July.....28.....11 A. M.
ALLER .....	Saturday, Aug.....1.....1 P. M.
LAHN .....	Tuesday, Aug.....4.....6 A. M.
EMS .....	Saturday, Aug.....8.....8 A. M.
HAVEL .....	Tuesday, Aug.....11.....10 A. M.
EIDER .....	Saturday, Aug.....15.....1 P. M.
TRAVE .....	Tuesday, Aug.....18.....5 A. M.
ELBE .....	Wednesday, Aug.....19.....6 A. M.
SAALE .....	Saturday, Aug.....22.....8 A. M.
SPREE .....	Tuesday, Aug.....25.....10 A. M.
FULDA .....	Wednesday, Aug.....26.....11 A. M.
ALLER .....	Saturday, Aug.....29.....1 P. M.
LAHN .....	Tuesday, Sept.....1.....5 A. M.
WERRA .....	Wednesday, Sept.....2.....6 A. M.
EMS .....	Saturday, Sept.....5.....7 A. M.
HAVEL .....	Tuesday, Sept.....8.....8 A. M.
KAISER <sup>Kaiser</sup> <sub>With 11.</sub> .....	Wednesday, Sept.....9.....9 A. M.
EIDER .....	Saturday, Sept.....12.....Noon
TRAVE .....	Tuesday, Sept.....15.....1 P. M.
ELBE .....	Wednesday, Sept.....16.....1 P. M.
SAALE .....	Saturday, Sept.....19.....7 A. M.
SPREE .....	Tuesday, Sept.....22.....9 A. M.
FULDA .....	Wednesday, Sept.....23.....10 A. M.
ALLER .....	Saturday, Sept.....26.....Noon
LAHN .....	Tuesday, Sept.....29.....1 P. M.
WERRA .....	Wednesday, Sept.....30.....5 A. M.
EMS .....	Saturday, Oct.....3.....6 A. M.
HAVEL .....	Tuesday, Oct.....6.....8 A. M.
EIDER .....	Saturday, Oct.....10.....10 A. M.
TRAVE .....	Tuesday, Oct.....13.....1 P. M.
ELBE .....	Wednesday, Oct.....14.....1 P. M.
SAALE .....	Saturday, Oct.....17.....6 A. M.
SPREE .....	Tuesday, Oct.....20.....8 A. M.
FULDA .....	Wednesday, Oct.....21.....8 A. M.
ALLER .....	Saturday, Oct.....24.....10 A. M.
LAHN .....	Tuesday, Oct.....27.....1 P. M.
WERRA .....	Wednesday, Oct.....28.....1 P. M.
EMS .....	Saturday, Oct.....31.....5.30 A. M.
HAVEL .....	Tuesday, Nov.....3.....7 A. M.
EIDER .....	Saturday, Nov.....7.....9 A. M.
TRAVE .....	Tuesday, Nov.....10.....Noon

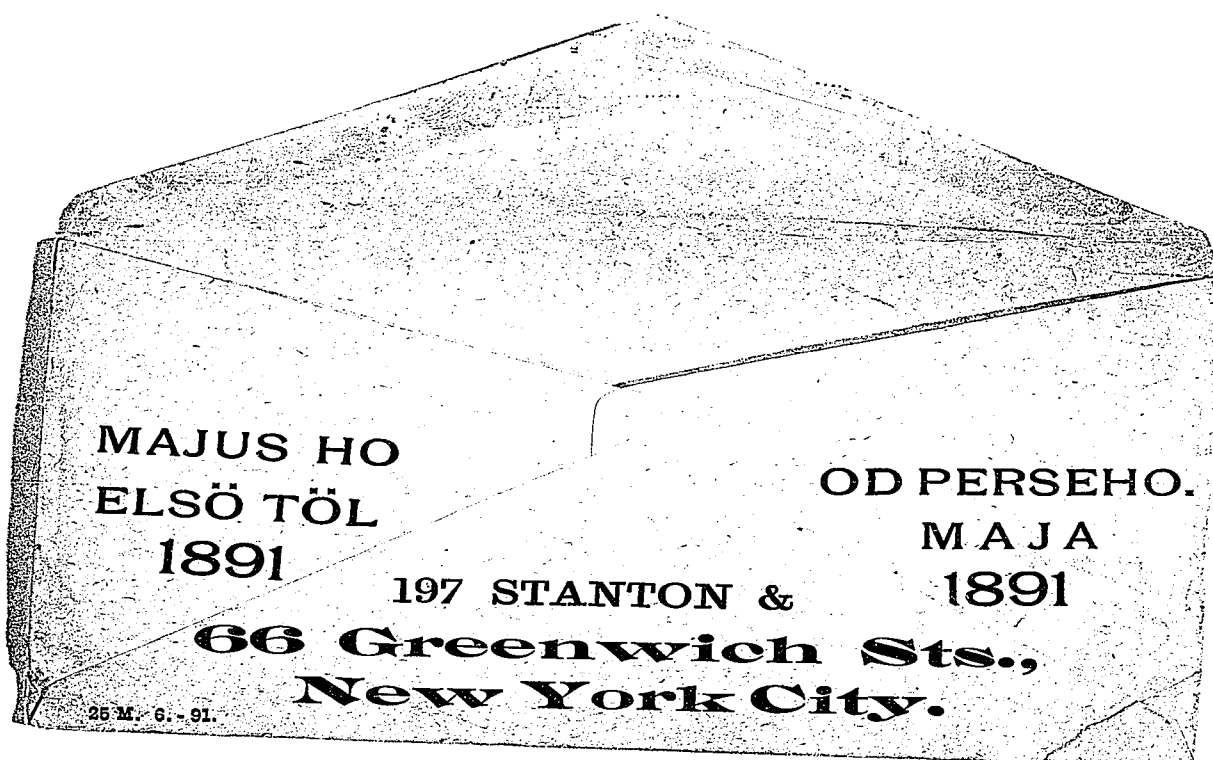
Steamers sail from Bremen Piers, foot of Second St., Hoboken, N. J.

All steamers touch at Southampton to land passengers for London and Paris, and proceed to Bremen

DELRICHS & CO., GENERAL AGENTS,  
2 BOWLING GREEN, NEW YORK.

**POOR QUALITY  
ORIGINAL**

0234



MAJUS HO  
ELSÖ TÖL  
1891

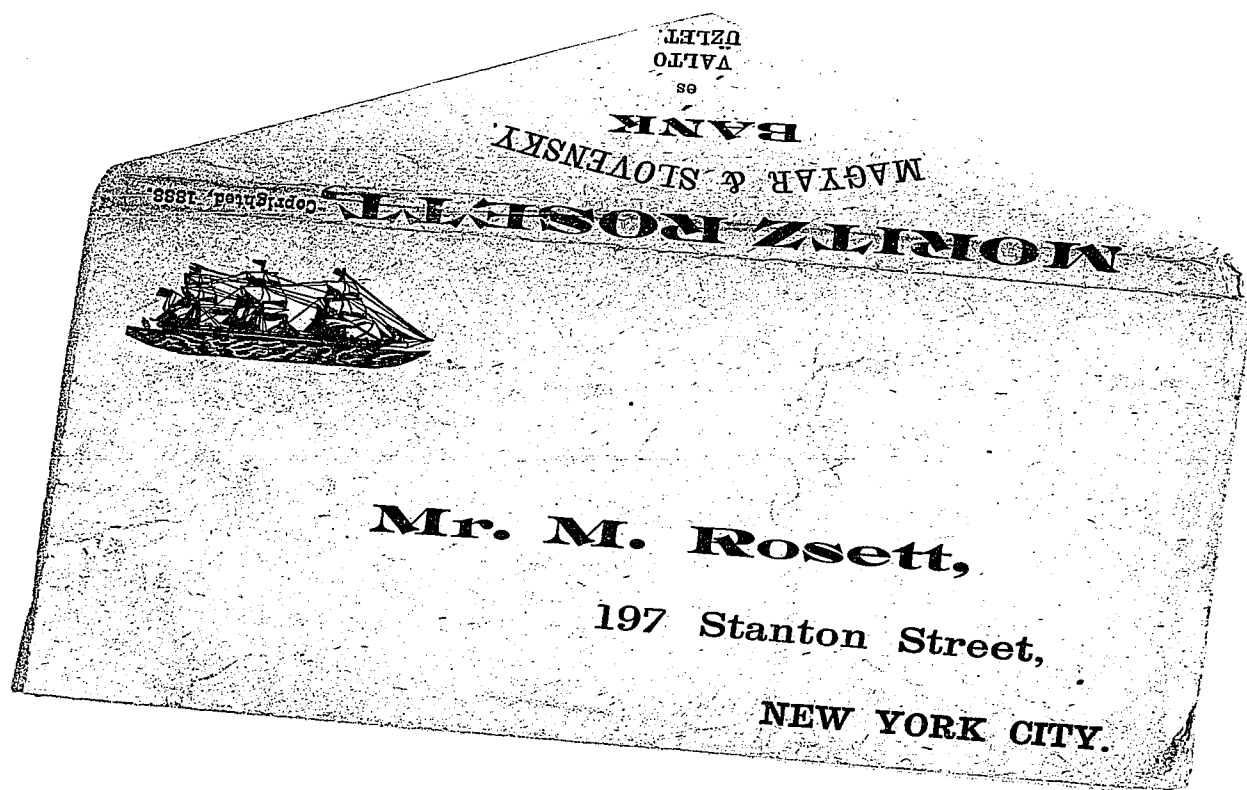
OD PERSEHO.  
MAJA  
1891

197 STANTON &  
66 Greenwich Sts.,  
New York City.

25 M. 6. - 91.

**POOR QUALITY  
ORIGINAL**

0235



POOR QUALITY  
ORIGINAL

0236

Löcse Cam Lips  
Hungary



POOR QUALITY  
ORIGINAL

0237

{ Steve Bilovecki  
Pete Auboy

{ A most important  
witness  
in the case  
vs John Foster.

Endeavor to get the  
above witnesses —

189

District Attorney's Office  
City & County of  
New York

POOR QUALITY  
ORIGINAL

0238

No. 2.

409

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

*10.30 <sup>vs.</sup> ~~written~~*

*Morris Jacobs*

*141 Ridge St*

*Off Pat Farrell*

*13th Precinct*

*Meyer Landsman*

*2220 E. 2nd St*

*David Berens*

*224 E. 2nd St*

*Arthur Banyan*

*224 E 2nd St*

*Mary Dutho*

*224 E 2nd St District Attorney.*

*Alla Martin*

*Kate Lison*

*224 E 2nd St*

*Off Martin Hagan*

*13th Precinct*



POOR QUALITY  
ORIGINAL

0239

## GRAND JURY ROOM.

PEOPLE

<sup>vs.</sup>  
John Foster

Steve Bilovecki  
Perth Amboy N.J.

Arrived for Oct 29

John Lindsay

and went to see Burke that  
about 5 o'clock I was in back  
room with 2 girls

Duke and me to come down  
to the door -

when shot was fired Duke was  
holding door.

Coroner's Office.

TESTIMONY.

Off. John Foster, 13th Precinct, duly sworn. On the 9th of Aug, about 9.20 P.M. I was passing No. 224 Second Street, and I saw a man going into No. 224 Second Street, which is a beer saloon, with a pitcher in his hand; I was in citizen's clothes at the time. I met another man by the name of Morris Jacobs, in front of the saloon and I asked him, Jacob, to come with me to take a glass with me in this saloon. The man with the pitcher, Jacob, and myself next went into the saloon of Michael Silko, which is at the above number. While in the saloon I saw Michael Silko, the proprietor, sell five cents worth of beer to the man with the pitcher. I then asked the proprietor, Michael Silko for a glass of beer and I asked Morris Jacobs what he would have and he answered a glass of beer; he served the two glasses of beer, putting them on the counter and I handed a twenty-five cent piece to Michael Silko, and he gave me fifteen cents in return. I then tasted the beer and opened out my coat and showed him my shield, and told him, Silko, that I was a police officer and that I was going to put him under arrest. He, Silko, then turned to Morris Jacobs and asked him did he bring the policeman into the saloon; they had some words in German or Bohemian language, and Silko came from behind the bar

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

and stood between Jacobs and myself and put his finger to his nose, and said to Jacobs in broken English, "do you see that nose? I'll make yours the same way." He then struck Jacobs, and I went over to Silko and told him to be quiet; he, Silko, then knocked Jacobs down and kicked him in the head and body; Silko's wife came then, and a man whom I don't know, and they commenced to assault Jacobs likewise. I left ~~my~~ the back to the door and tried to open it to get assistance when the unknown man came and grabbed me and pulled me away from the door. Silko in the meantime returned from the bedroom door and assaulted me with a bar glass, and then grabbed me by the throat with his left hand and struck with the glass. He pulled the front door open and tried to throw me out on the street, and called to him to let go but he continued his hold. Thinking my life in danger I drew my revolver and fired one shot into the ceiling to frighten him; he then grabbed for my revolver which I pulled out of his hand again; and then got me between the door and the ceiling and had me caught in such a manner that it was impossible for me to extricate myself - My head was on the outside of the door, and also my

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

right by was outside of the door. He kept striking me with a heavy large beer glass which had in his hand. I tried to get away but could not and then I pulled my revolver, and being unable to see into the place then being a curtain there, I fired a shot down towards the floor, through a broken pane of glass. He kept me in the same position and I fire another shot in the same direction; he then let go and a tumbled out into the area way. I then was attacked by another man by the name of Rudolph Shilippi when Officer Farrell came to my assistance.

John. Foster

Taken before me

this 19 day of May 1881

Louis M. M. M. M.

CORONER.

POOR QUALITY  
ORIGINAL

0243

Maane Sueken

Aug 10/91

Dick  
Aug 10/91

POOR QUALITY  
ORIGINAL

0244

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Myer Lindman  
of No. 220 E 2nd Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 4 day of MAY 1897, at the hour of 101/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of MAY  
in the year of our Lord 1897

DE LANCEY NICOLL, District Attorney

1700

Ask to see Mr. Osborn  
at 10 30 clock A.M.

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Arthur Berger  
of No. 224 E 2nd Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 4 day of MAY 1897, at the hour of 101/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of MAY  
in the year of our Lord 1897

DE LANCEY NICOLL, District Attorney

1700

Ask to see Mr. Osborn  
at 10 30 clock A.M.

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To David Berger  
of No. 224 E 2nd Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 4 day of MAY 1897, at the hour of 101/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of MAY  
in the year of our Lord 1897

DE LANCEY NICOLL, District Attorney

1700

Ask to see Mr. Osborn  
at 10 30 clock A.M.



POOR QUALITY  
ORIGINAL

0245

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Ulla Martin

of No. 224 E 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 14 day of MAY 1897, at the hour of 10 $\frac{1}{2}$  in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of  
in the year of our Lord 1897

MAY

DE LANCEY NICOLL, District Attorney

1700

Ask to see Mr. Osborne  
at 10 30 o'clock A.M.

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Mary Duthie

of No. 224 E 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 14 day of MAY 1897, at the hour of 10 $\frac{1}{2}$  in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of  
in the year of our Lord 1897

MAY

DE LANCEY NICOLL, District Attorney

1700

Ask to see Mr. Osborne  
at 10 30 o'clock A.M.

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF  
GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Mary Ullu

of No. 224 East 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 13th day of May 1892 at the hour of 10 $\frac{1}{2}$  in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of May  
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

1700

Ask to see Mr. Osborne  
at 10 30 o'clock A.M.



POOR QUALITY  
ORIGINAL

0246

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York.

To Kate Lison  
of No. 224 East 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of May 13th 1892 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of May  
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

1700

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York.

To Ella Martin  
of No. 224 East 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of May 13th 1892 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of May  
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

1700

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York.

To Mary Butko  
of No. 224 East 2nd Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of May 18th 1892 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of May  
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

1700

Court of General Sessions.

THE PEOPLE

vs.

John Doe

City and County of New York, ss :

John Hanna being duly sworn, deposes and says: I reside at No. 204 East 21<sup>st</sup> 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 12<sup>th</sup> day of May 1892 I called at No. 224 East 2<sup>d</sup> Street

the alleged residence of Mary Ella, Kate Sison, Ella Martin & Mary Little witnesses the complainant herein, to serve them with the annexed subpoenas and was informed by the

landlady and other parties in the house that they did not live there and that no one in the house knew of either of them or their whereabouts,

I also inquired from the officer on that post about them and he told me he had been ten years on that post and had never heard of either of them

Sworn to before me, this 13<sup>th</sup> day of May 1892

John Hanna

Subpoena Server.

H. W. Illusted

Com. of Fed. C.

POOR QUALITY  
ORIGINAL

0248

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

John Doe

Offence:

Deborah Lucall  
JOHN FELLOWS

District Attorney.

Affidavit of

John Hanna

Subpoena Server.

Failure to Find Witness.

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK,

AN INQUISITION,

Taken at the ~~house of~~ Coroners Office  
No. 124 Second Avenue Street, in the 17 Ward of the City of  
New York, in the County of New York, this 24<sup>th</sup> day of August  
in the year ~~Four~~ Lord one thousand eight hundred and 91 before  
Louis H. Schultz, Coroner,  
of the City and County aforesaid, on view of the Body of Michael Dutko  
lying dead at

Twelve good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Michael Dutko came to his death, do  
upon their Oaths and Affirmations, say: That the said Michael Dutko  
came to his death by

From a pistol shot wound of the abdomen  
inflicted by officer John Foster, August 9<sup>th</sup> 1891  
about 9<sup>th</sup> P.M. at the premises No 224. 2<sup>nd</sup> Street  
New York City and we hold the officer John  
Foster, to await the action of the Grand Jury

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

JUROS.

Alisonson  
A. Harwig  
Adolph Schantz  
Chas H. Lovell  
Chas J. Jones  
Jas. Hendell Jr.  
C. Gaultier  
H. Phillips  
J. Barian

491 Broadway  
46 1/2 East 42<sup>nd</sup> St  
1150 Broadway  
930 B'way  
1207 B'way  
510 6<sup>th</sup> Ave  
1178 B --  
795 Broadway  
1420 Broadway  
1145  
1188 Broadway

CORONER, E. S.

Daniel Roth

John C. Conroy

POOR QUALITY  
ORIGINAL

0250

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Foster* 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—

Question—How old are you?

Answer—

Question—Where were you born?

Answer—

Question—Where do you live?

Answer—

Question—What is your occupation?

Answer—

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

I am not guilty & I acted in self defence in the discharge of my duties as an officer of the law.  
*John Foster*

Taken before me, this 27 day of Aug 1881  
*Levin M. Smith* CORONER.

POOR QUALITY  
ORIGINAL

0251

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
29	Years	Months Days	Hungary	Bellevue Hospital	Aug 10.

I do not think  
 that the report can  
 be correct &  
 must be taken  
 at the word of the  
 the doctor who  
 gave the opinion  
 viz. Mary Weston  
 is a married woman  
 to know the relation  
 of the woman  
 that gave it  
 Aug 21/91  
 Board Sept 1/91 by  
 Queen & Grimes  
 10 Attorneys  
 Fred T. Thet  
 J. J. Leary & Co

Request taken on the 24 day  
 August 1891  
 Anna J. Clark  
 Coroner.  
 1891  
 Discharged  
 Cause of death



And 521-1891  
 HOMICIDE.  
 AN INQUISITION.  
 On the VIEW of the BODY of  
 Michael Daulto  
 whether it is found that he came to  
 his Death by the hands of  
 John Foster



POOR QUALITY  
ORIGINAL

0252

Dr. Artman

From Kellerie Hospital.

New York, August 10<sup>th</sup> 1891

To Coroner

Sir:

Please hold an inquest on the body of

Name: Michael Duko Residence: 224 East 2<sup>d</sup> St.

Age: 29 years 1 months 1 days. Admitted Sun day, August

Father Michael 9<sup>th</sup> 1891, at 10<sup>16</sup> o'clock P.M.

Nativity, Hungary; of

Mother Mary

By

Ambulance

10 years in U. S., 2 years in City.

From 13<sup>th</sup> Precinct Police Station

Civil Bond: Married Occup. Saloon Examined by Dr.

Keeper

Suffering from symptoms of

Pistol Shot Wound  
of Abdomen

Said Injuries said to have been received.

Death took place Mon day, August 10<sup>th</sup> 1891 at 7<sup>48</sup> o'clock A.M.

The Autopsy revealed

Remarks:

M. D.

HOUSE SURGEON PHYSICIAN.

Ad. 1. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name.

Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.



TESTIMONY.

William A Conway M. D., being duly sworn, says:  
I have made an autopsy of the body of  
Michael Dutko now lying dead at  
Bellevue Hospital and from such autopsy & examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is Pistol Shot Wound of Abdomen

W. A. Conway  
M. D.

An autopsy performed at New York Aug 10  
1891 showed following results. Laparotomy  
had been performed, but original wound from  
bullet showed plainly about 5 inches to the left  
& on a line with the navel. The course of  
the bullet was downward & backwards &  
obliquely towards the sacrum passing through the  
intestines, wounding the outer coats of the bladder  
and passing through the rectum. All organs of  
body normal. Brain normal.  
The cause of death was shock and  
haemorrhage from Pistol Shot Wound of  
the abdomen.  
W. A. Conway M. D.

Sworn to before me,

this 10th day of August 1891.

Louis J. Murphy

CORONER.

0254

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
			Hungary	Beecham Hospital	Aug. 11

29	Years	Months	Days	Hungary	Beecham Hospital	Aug. 10 <sup>th</sup>
----	-------	--------	------	---------	------------------	-----------------------

*On the VIEW of the BODY of*

AN INQUISITION

Michael Duke

whereby it is found that he came to

by death

is 44 death by  
Pastor Short  
Worship of Madonna  
influenced by office  
for other strange things, he

Aug. 9<sup>th</sup> / 21, at 22y  
 102 = 10

*Inquest taken on the day of*  
189 before  
DANIEL HANLY, COFONER.

~~DANIEL HAWLEY, Coroner.~~

James M. Schultze

121

POOR QUALITY  
ORIGINAL

0255

Court of General Sessions of the Peace

520

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Foster*

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

*John Foster* —

of the CRIME OF MANSLAUGHTER IN THE *first* DEGREE, committed as follows:

The said *John Foster*, —

on the — *ninth* — day of — *August*, — in the year of our Lord one  
thousand eight hundred and ninety- *one*, at the City of New York in the County of  
New York aforesaid, in and upon one *Michael Dumas*, then and there  
being, wilfully and feloniously did make an assault, and a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *John*

*Foster* — in *his* hand then and there had and held,  
to, at, against and upon the said *Michael Dumas* —  
then and there feloniously and wilfully did shoot off and discharge, and the said

*John Foster*, —

with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gun-  
powder aforesaid, shot off, sent forth and discharged, as aforesaid, *him*, the said  
*Michael Dumas*, in and upon the *abdomen* of *him*  
the said *Michael Dumas*, then and there feloniously and wilfully did strike,  
penetrate and wound, giving to *him* the said *Michael Dumas*,  
then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out  
of the pistol aforesaid, by the said *John Foster*, — in and

POOR QUALITY  
ORIGINAL

0256

upon the abdomen of the said Michael Duffas, one mortal wound, of which said mortal wound he the said Michael Duffas, at the City and County aforesaid, from the said ninth day of August, in the year aforesaid, until the tenth day of August, in the same year aforesaid, did languish, and languishing did live, on which said tenth day of August, in the year aforesaid, the said Michael Duffas, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said

John Foster, Junr., —  
the said Michael Duffas, in the manner and form, and by the means aforesaid, wilfully and feloniously did kill and slay; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0257

**BOX:**

453

**FOLDER:**

4168

**DESCRIPTION:**

Frederico, Guiseppe

**DATE:**

10/15/91



4168

POOR QUALITY  
ORIGINAL

0258

Witnesses:

off Young  
Helen Beender  
Henry Beender

Counsel,

Filed, 15<sup>th</sup> day of Oct, 1891

Pleads, *Guilty*

THE PEOPLE

25<sup>th</sup> *Carroll* vs. *✓*  
300 6.75

ABDUCTION, [Section 22, Sub. 1, Penal Code.]

*Giuseppe Fredrico*

DE LANCEY NICOLL,

District Attorney.

Nov 16 1891

*Adm. 1891-1892*

A TRUE BILL,

*Frederick Schmidt*

*Sub 2 - Nov. 24, 1891. Foreman.*

*Ready for signature*

*Gen 2 mos. - P.M., Dec 3*



POOR QUALITY  
ORIGINAL

0259

Police Court, 1<sup>st</sup> District.

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

William H. King  
of No. 100 East 23<sup>rd</sup> Street, in said City, being duly sworn,  
deposes and says, that a certain fe male child called Lulu Blender  
[now present], under the age of sixteen years, to wit, of the age of fifteen 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 General Sessions of, in and for the City and  
County of New York, entitled, The People against Fillippo  
Banao, wherein the said Fillippo  
Banao is charged with the crime of Rape, under  
Section 278 of the Penal Code of said State, in that he, the said Fillippo Banao  
did wilfully and feloniously perpetrate an act  
of sexual intercourse with a certain female  
called Lulu Blender the said Lulu Blender  
being then and there <sup>a female</sup> under the age of sixteen  
years, to wit - of the age of fifteen years  
not being his wife in violation of the  
statute in such case made and provided  
and especially of Section 278 of the Penal  
Code of the State of New York  
and that the said Lulu Blender  
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 Lulu Blender  
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 30<sup>th</sup>  
day of September 1891.

William H. King

Police Justice.

POOR QUALITY  
ORIGINAL

0260

POLICE COURT 4<sup>th</sup> DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William H. King*



AFRIDAVIDIT.  
WITNESS.

15-222 C. 57<sup>th</sup> W. 2<sup>d</sup> S.

Dated *September 30<sup>th</sup> 1891.*

*Gunnay* Magistrate.

*Young* Officer.

*25<sup>th</sup> precinct-*

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

STILES & SON, STEAM PRINTERS, 77 EIGHTH AVENUE, NEW YORK.

POOR QUALITY  
ORIGINAL

0261

14<sup>th</sup> District Police Court.

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

William H. King

of Number 100 East 23<sup>rd</sup> Street being duly sworn,  
that he has been informed by one Lulu Blender and has just caught her and does believe  
deposes and says that on the 29<sup>th</sup> day of September 1891, at the

City of New York, in the County of New York, at no. 302 East 75<sup>th</sup> Street -  
in said city of New York, one Guiseppe Frederica  
(now here) did wilfully and feloniously perpetrate  
an act of sexual intercourse with a certain  
female (now present) called Lulu Blender  
the said Lulu Blender being then and  
there a female under the age of sixteen  
years, to wit, of the age of fifteen years  
not being his wife, in violation of the  
statute in such case made and provided  
and especially of Section 278 of the Penal  
Code of the State of New York.

Wherefore the complainant prays that the said

Guiseppe Frederica

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

Sworn to before me, this  
day of September 1891

30<sup>th</sup>

William H. King

*[Signature]*

Police Justice.

POOR QUALITY  
ORIGINAL

0262

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 15 years, occupation Lulu Blender cash-girl of No. 222 East 57<sup>th</sup> Street, being duly sworn, deposes and says, that she has heard read the foregoing affidavit of William H. King and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 30<sup>th</sup> day of September 1898, } Lulu Blender

Henry H. H. H.  
Police Justice.

(3609)

CITY AND COUNTY }  
OF NEW YORK, } ss.

POLICE COURT, 14<sup>th</sup> DISTRICT.

of No. 222 East 57<sup>th</sup> Street, aged 43 years, occupation waiter being duly sworn deposes and says that on the 30<sup>th</sup> day of September 1898

at the City of New York, in the County of New York that Lulu Blender (now here) is the daughter of deponent and that the said Lulu was born on the 29<sup>th</sup> day of November 1875.

H. H. H.

Sworn to before me, this

30<sup>th</sup> day of September 1898.

Henry H. H. H.  
Police Justice.

POOR QUALITY  
ORIGINAL

0263

(1835)

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

4 District Police Court.

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

Question. What is your name?

Answer.

*Giuseppe Frederico*

Question. How old are you?

Answer.

*26 yrs*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*300 E 75th - 2 mos.*

Question. What is your business or profession?

Answer.

*Barber*

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*

*Giuseppe Frederico*

Taken before me this

*20*

day of *Sept* 189

*John J. Justice*

Police Justice.

0264

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
William A. King  
vs.  
Elizabeth Audencia  
Defendant.

Offence. Rape

Police Court - 4<sup>th</sup> District.

1269

Dated September 30<sup>th</sup> 1891  
 Juror James Young Magistrate  
 Officer James Young  
25<sup>th</sup> St Precinct  
 Witnesses Ball the officer  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
Henry Blunden  
 No. 222 Precinct 57 St. \_\_\_\_\_ Street \_\_\_\_\_  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 \$ 1000- to witness \_\_\_\_\_  
C. W. Young

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.....defendant-

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 September 30<sup>th</sup> 1891 Henry H. H. H. H. Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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* ..... 18 ..... *Police Justice.*



POOR QUALITY  
ORIGINAL

0265

131 East 89th St  
Sept 30th 91

Hon. Elbridge T. Gerry,

President of the Society for  
prevention of Cruelty to Children;

Dear Sir: -

I have this  
day examined Lulu Blewett,  
aged 15 years, of 222 East 57  
St., and find that there has  
been complete penetration  
of her genital organs by  
some blunt object.

Respectfully Submitted

W. Travis Gibb M.D.

POOR QUALITY  
ORIGINAL

0266

BAILED.  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court--- 14<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William H. King

1. Giuseppe Giudice

2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence Rape

Dated September 30<sup>th</sup> 1891

Murray Magistrate.

Young Officer.

25<sup>th</sup> Precinct.

Witnesses

Ball the officer

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

Henry Blunder

No. 222 Street \_\_\_\_\_

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

\$ 1000- to \_\_\_\_\_

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 defendant-

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 September 30<sup>th</sup> 1891 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0267

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

THE PEOPLE

VS.

BRIEF FOR THE PEOPLE.

GIUSEPPE FREDERICA.

STATEMENT OF CASE.

The defendant, Giuseppe Frederica, is indicted for the crime of Rape upon one Lulu Blender, aged 15 years, at the barber shop in the premises, No. 302 East 75th Street, on Sept. 29th, 1891.

WITNESSES:

Lulu Blender,  
Henry Blender,  
Officer Young,  
Officer Lynch,  
W. Travis Gibb, M. D.  
Officer W. H. King.

LULU BLENDER, aged 15 years, will testify: That on Sept. 29th 1891, she entered the barber shop on the premises No. 302 East 75th Street, to have her bangs cut; and that ~~she~~ she had sexual intercourse with ~~Giuseppe Frederica~~ Fillippo Carrao in the back room at that place and that subsequently the defendant, Giuseppe Frederica, told her that he would give her One Dollar, if she would let him have sexual intercourse. That the defendant coaxed her until she stood up against the wall, and held up her clothes; that he then inserted his penis into her private parts, hurting her so much that she kicked and screamed and told him to go away. That while she was thus standing, a policeman came in and found her with her clothes up and defendant in front of her with his penis exposed. That they were then all taken into custody.

HENRY BLENDER, of 222 East 57th Street, will testify: That his daughter, Lulu Blender, the foregoing witness, was born on the 29th day of November, 1875, and is therefore under 16 years of age.

OFFICER YOUNG will testify: That he was patrolling East 75th Street and, hearing some one screaming in the barber shop at No. 302 East 75th Street, saying "I want ot go home", summoned Officer Peter Lynch and in company with him went into the barber shop, and entering the bed-room in the rear saw Frederica with his penis exposed standing in front of the girl, Lulu Blender, who had her clothes up. That he and Officer Lynch then arrested all present and took them to the 25th Precinct. That on Sept. 30th, they were taken to court, where defendant was held for trial at General Sessions.

OFFICER PETERVLYNCH will corroborate the previous witness, Officer Young.

0268

ЭЛЕ БЮЛТЕ

DR. W. TRAVIS GIBB will testify: That he made a physical examination of the girl, Lulu Blender, and found complete penetration of her private parts by some blunt instrument.

[illegible]

**POOR QUALITY  
ORIGINAL**

0269

**N. Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

**GIUSEPPE FREDERICA.**

PENAL CODE, §

**BRIEF FOR THE PEOPLE.**

POOR QUALITY  
ORIGINAL

0270

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

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

New York, *October 6<sup>th</sup>* 1891.

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

*The People  
against  
Giuseppe Triderica*

*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.

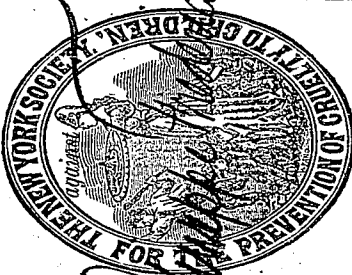
*I have the honor to remain, with great respect,*

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



POOR QUALITY  
ORIGINAL

0271

N. Y. GENERAL SESSIONS	CRUELTY TO CHILDREN
	THE PEOPLE
	
NOTICE OF PROSECUTION	
BY THE SOCIETY.	
ELBRIDGE T. GERRY, President, &c.	

POOR QUALITY  
ORIGINAL

0272

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

515

THE PEOPLE OF THE STATE OF NEW YORK

against

*Agnes Frederica*

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

*Agnes Frederica*

of the CRIME OF ABDUCTION, committed as follows:

The said *Agnes Frederica*,

late of the City of New York, in the County of New York aforesaid, on the 29<sup>th</sup> day of *December*, in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, did feloniously take, receive, harbor, employ and use one *Sarah Blunder*, who was then and there a female under the age of sixteen years, to wit: of the age of *14* years, for the purpose of sexual intercourse, he, the said *Agnes Frederica* not being then and there the husband of the said *Sarah Blunder*; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~DE LANCEY NICOLL,~~

*District Attorney.*

POOR QUALITY  
ORIGINAL

0273

Grand COUNT—

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

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTERCOURSE  
WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS, NOT HIS  
WIFE, committed as follows:

The said *Rogers Frederico*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year afore-  
said, at the City and County aforesaid, with force and arms, in and upon a certain female  
not his wife, to wit: her, the said *Sulu Blunder*, —

then and there being, wilfully and feloniously did make another assault, she the said  
*Sulu Blunder* being then and there a female under the  
age of sixteen years, to wit: of the age of *fifteen* years; and the said

*Rogers Frederico* — then and there  
wilfully and feloniously did perpetrate an act of sexual intercourse with her the said

*Sulu Blunder* — , against the form of the  
statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.