

0360

BOX:

332

FOLDER:

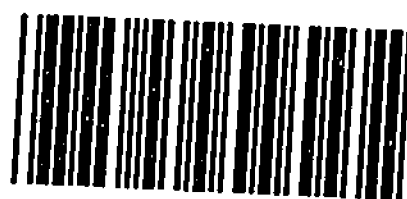
3144

DESCRIPTION:

Faber, Charles

DATE:

12/20/88



3144

0361

352. *Wm Cottrell*
214 Monroe

Counsel, *Do* day of *Dec* 188*8*
Filed
Pleads, *Charged*

THE PEOPLE
vs.
Charles Taber
(ex-conv)
H.D.

Burglary in the Third degree.
Section 4885a 6, 28, 51, 55a.

JOHN R. FELLOWS,
District Attorney.
Back to my office

A True Bill.
Wm. Widdup
Deputy Foreman
James J. Widdup
JAN 24-89

Witnesses:
Malvin Daly
John McCarty

0362

The People
vs.
Charles Faber.

{ Court of General Sessions, Part I.
Before Recorder Smythe.

Thursday, January 24, 1889.

Jointly indicted with Augustus L. Moore for burglary in the third degree and grand larceny.

Katie Posner sworn.. I live 95 Delancy St. with my father; there are three other families in the building, my family consists of three beside myself, sisters and brothers. My father is engaged in the clothing business at 95 Delancy Street in the rear house and we live in the front; the ground rear floor is used for manufacturing, I keep my father's books for the last three or four years, I remember the 8th of December last and on that day we had in the place six or seven hundred coats and trimmings; they were in the care and custody of my father George Posner; the clothing was furnished to him to manufacture; there were on the 8th of December at least five hundred coats -- about two hundred finished and a great many half finished. I have been employed during the last three or four years by Lichenstein until five months ago but I was able to take care of my father's books at the same time. The usual time we close the place up is half past five and it was closed at that time on the night of the 7th of December, I was present at the time it was closed. There is a door from the alley leading into the yard and there was a lock on it and then there was another door from the street into the shop; there were two windows in the front and two in the back. The key was handed to me and I went home to the front house. We were awakened about half past four on Saturday morning by a

police officer, we went right to the shop; the both locks of the front door were broken right off and lying on the floor, the alley door was open and the shop door was closed but the lock was broken off; we went into the shop and missed ninety-one coats, some were finished and some unfinished; there was trimmings for about three hundred and eight coats in the yard that the officer took in; they had been in the shop when I left it; there was also missing two pairs of shears and a clock. I went to the Station House afterward and saw twenty-one coats which I identified were in the store when I locked it up that night, I went to the police headquarters afterwards and saw the rest of the coats, about seventy which I also identified as being in the shop on that night; I saw two pairs of shears and a clock which I identified.

Cross Examined. These coats were the property of Sinsheimer & Levinson, my father had to account for them, there was three hundred and eight in the lot, I counted the coats, I stood there when the man was counting them when they came from this firm, they came in bundles and we received a statement and the goods were compared with the statement to see if they were correct. They were placed in my father's shop, we had twelve or fifteen working there about that time. I can't explain how I identify the coats but I know they are the same as were in my father's shop the night before -- some were checked and some were striped, I can tell them by the colors and sizes and the way they are made. I spoke about the clock in the trial before Judge Gildersleeve.

0364

Thomas K. Snyder sworn and examined.

I am an officer of police of the 11th precinct and was on duty on the morning of the 8th of December, the premises 95 Delancy Street are in the tenth ward in this city, my tour of duty was up to six o'clock in the morning. My attention was attracted that night by three men going along the street between four and half past four in the morning, one of them was carrying a bundle, the other one was walking in front and one was walking in the rear. I should judge it was a green paper muslin bundle, I arrested the man with the bundle and the other two ran away. I arrested the defendant and made him carry the bundle to the Station House and undo it there and it was found there were twenty-one coats in it; he gave his name and pedigree and he was locked down. I went on post and afterward my attention was called to the premises in Delancy Street about five o'clock in the morning; the first thing I did was to notify Posner and I went into the yard and there found bundles of clothing. I noticed that the bolt was completely wrenched off therear door and the lock was still fastened hanging but the staple had been burst. I went to the Station House with Miss Posner and saw her identify the twenty-one coats.

Cross Examined.

This morning of the 8th, Saturday was pretty dark, the men were coming toward me when I first saw them, I was in uniform, the man with the bundle had no chance to escape, they were coming from the corner of Delancy Street toward me, the men may have been about seventy-five feet from me when I first saw them. I had some conversation with Detective

0365

Sergeant O'Brien about this matter, he did not tell me what I was going to testify to here to-day; I have not the slightest doubt that the defendant is one of the three men; the name he gave when arrested was James A. Stewart.

I told the sergeant at the desk what I arrested this man for and that there were two other men who ran away; the defendant did not see me at first but kept right along.

Steven O'Brien sworn and examined, testified: I am a detective sergeant attached to central office, I heard of this burglary at 195 Delancy Street on the morning of the 8th of December, I arrested the defendant in company with detective sergeants McAuley and Crowley at 119 Ludlow Street on the second floor; we arrested two women who were also on the premises at the time and a man named Augustus L. Moore; we searched the place for property, I went into the yard to prevent these men from getting out of the windows; I had been there a few moments and McAuley came down and told me they had the men upstairs and when I got upstairs I found they had Moore and Faber handcuffed together; two women were in the room also. Detective Sergeant Crowley went over to the closet and opened it and pulled out a lot of coats, some were made and some unfinished. At that time Moore turned to this Millie Daly and says, "it is all up with us". A portion of the clothing that we recovered was found in another house at 140 Essex Street where one of these girls resided, we arrested Pauline Walker there. We first took the two prisoners and one of the women to headquarters; we found some clothing, a clock and a pair of shears and some

other property of not much value at 119 Ludlow Street;; Millie Daly gave me some information which led me to go to 140 Essex Street, Pauline Walker's house; we searched the premises and found more coats and a clock that was identified, the proceeds of another burglary and two jimmies. We got a wagon and put all the property in it and took it to Police Headquarters and the other girl Pauline Walker.

Cross Examined. I had some conversation with Faber going to the Police Court; he said he never was in that place before that time, that he just dropped in to make a visit, he did not say to me, "why didn't you get the right man." Did you hear Moore say to you or say to McCauley or Crowley, "why don't you get the right man, he just left here to get a pint of beer"? Millie never said anything of the kind to me, Millie Daly told me that they had been in there several times together and the defendant told me that he had never been in there but one time when he was arrested; no one said anything to me concerning getting the right man.

Millie Daly sworn and examined.

In December last I lived at 119 Ludlow Street, I know Moore, he lived in the house with me, I know Charles Faber also, I remember the night before the morning of the 8th of December, Charles Faber and Gus Moore were in the house the night before, they came in about six o'clock and went out together about eight o'clock, I can't tell you the time when they came back, I went to bed a quarter to nine o'clock and I woke up at six o'clock in the morning, Charles Faber was lying on the floor asleep and Gus Moore

was in bed also, I saw some coats there that morning when the officers came, I was gone when they took them away, I could not tell you how many there were for I did not count them, I asked Gus Moore what they were and he said he bought them secondhand, Faber was there at the time.

Cross Examined. Faber was lying on the floor at the time, I don't know whether he was awake or asleep; Faber had been to my house about two or three times a week for two or three weeks preceding the arrest. I am a married woman and my husband is living, I was living with this man Moore; I was not awakened during the night by any noise, I don't know whether the defendant and Moore came in together and cannot tell who brought in the coats; my room was in the rear part of the house, I took some part in taking some of these coats to the rooms of Pauline Walker, Faber was in the room but he did not say anything concerning the disposition of the coats; Moore told me to take part of these coats to Walker's place, that was between eight and nine in the morning and I brought them over, these were some of the coats that were brought in while I was asleep, I don't know how many coats I brought over, Gus Moore put them in a wash basket, the defendant was lying down on the floor at the time, I took the basket to Pauline Walker's, Faber was awake at the time, Pauline took the basketful of coats, she took another basketfull, Faber had gone away that time, he came back the second time with Gus Moore and they were in the house up to the time of the arrest. Faber slept in the house one night a week before this.

0368

John McCauley sworn and examined.

I am a detective sergeant attached to the central office of police of this city, I remember hearing of this burglary at 95 Delancy Street on the morning of December 8, Detective Sergeant Crowley, O'Brien and myself went to Ludlow Street, we arrested Gus L. Moore, Charles Faber, Millie Daly and Pauline Walker; Detective Sergeant Crowley went to the closet and searched it and found a lot of made and unmade clothing in the closet. Moore said to Millie Daly in the presence of Faber when they were handcuffed together, "it is all up with us"; the coats were lying there in the closet at that time; we left the premises and took the prisoners to Police Headquarters, we left Sergeant Crowley in the house with Pauline Walker and the goods, we went back to the premises and made a further search, we returned to 119 Ludlow Street and found the made and unmade clothing, a clock, some pad-locks and a shoe. I had no conversation with Millie Daly on the way to headquarters; we left afterward to 140 Essex Street, Pauline Walker's house and made a search of those premises we found there a lot of made and unmade clothing, a clock and those two jimmies there; Officer O'Brien came to the house 140 Essex Street with an express wagon and all the goods were put into it and then we returned to 119 Ludlow Street and got the other goods and brought them all to police headquarters, I saw Katie Posner at Police Headquarters after that that same day, she was shown the goods that we took out of those two houses that I have described and the clock and shears, she identified them as property that was in the premises 95 Delancy Street on the preceding

night before the premises were broken into.

Cross Examined. The first thing that was said when we went in was by Moore, the Defendant wanted to know what they were getting collared for. Did he not make use of the exclamation, "why did not you take the right man?" Not at that time. On the way to Police Headquarters Faber made that statement, he wanted to know why we did not wait a while and get the other fellow, he said some man went out for beer.

Micheal Crowley sworn and examined.

I am a detective sergeant attached to police headquarters and remember the 8th of December, I was present at 119 Ludlow Street at the time of the arrest of the defendant Faber, Moore and the two women Daly and Walker were arrested at the same time, I was present when the search was made of those premises and there were found boys coats made and unmade there, I found an odd lady's shoe up on the shelf in the closet where those goods were and some locks and a pair of shears and a buttonhole cutter. I remained in the premises after Sergeant O'Brien and McCauley left with the prisoners, I staid with Pauline Walker and a woman who rented the rooms, I remained in charge of those premises until they came back.

Cross Examined. When I arrested the defendant he said that he was coming here a little while only together with this man Moore, he said nothing else, I did not take him to Police Headquarters, Officers O'Brien and McCauley went out with him, I do not know who took him to Police Headquarters for a remained in the room.

Mr. Fitzgerald: That is the case for the People.

The Case for the Defence.

Charles Faber sworn and examined, testified:

How old are you? Twenty-three. Where did you live at the time of your arrest? No. 121 First Street. You are acquainted with Augustus L. Moore, are you not? Yes. How did you form an acquaintance with him? I was attending bar in Allen Street and my wife called me up, Augustus Moore and a young lady passed at the same time, my wife knew the young lady and the young lady introduced Moore to my wife and she introduced me to him. How long ago was this? Some four months ago. How came you to be sleeping in his house on the night of the 7th of December? I was out late that night and the door of the house I lived in was locked, I did not like to ring the bell being I owed some board, I thought of Moore and he told me I could sleep there any time I liked, I went up and knocked and he let me in. Had you been in there the night previous? Yes. How long were you in his company? Close on to two hours. What time of the evening did you leave with him? About eight o'clock I should think. Did you part from each other? Yes. Where did you go? I went down to the corner and I met my wife and I took a walk with her and from there I left her about ten o'clock and went back to the saloon corner of Houston and Essex Streets. How long did you stay there? I staid there until they closed up. What time was that? I think it was after one o'clock. What did you do next after that? I walked with a friend of mine up to 7th Street and Avenue A and I kept talking to him quite a while and after I left him I went back to my house and found the door locked, I did not like to ring

the bell and I thought of Moore and went to his house and he allowed me to sleep there. At what time in the morning was it that you entered his house? I could not tell exactly, about four o'clock I think, he was in the room, he was in his underclothes, he got up out of bed. Where did you sleep? On the floor. You staid there until the next morning, did you? Yes. What next occurred? I left there about nine o'clock, I went out and had some breakfast, Moore went out with me, I left him at the corner and had my breakfast, I came back and met him at the corner, he asked me to go up, to the house with him and I went back with him again. What time was it when you got back the last time? I got back about eleven o'clock. What is your business? Cigar maker. By whom have you been employed since you worked? By Mr. Crowe of Schilling Bros. Have you ever been arrested before charged with any offence? No. Have you a father and mother living? A mother living. How long is it since you left her home? About two years and a half. What was the cause of your leaving home? A dispute about my wife. Have you any knowledge of or any connection with this alleged burglary at 95 Delancy Street? No sir. Did you in any way assist in disposing of any of the property? No. Did you ever have any conversation with Moore in relation to it? No. Did you on the morning of the 8th of December before leaving the house notice that some goods were being placed in a basket? I seen a basket standing there but I did not know what was in it. You did not inquire what was in it? No. At the time that you valled at Moore's house or up to

the time of his arrest, know what his business was? NO. Did you know that he was an ex-convict? I heard so but I never took any stock in it, I paid no attention to it, I heard so but I did not believe it.

Cross Examined. What time did you go to Moore's house on the evening of the 7th of December? About six o'clock. I went there on a friendly visit, Miss Daly and Miss Walker were there, I remained there until about eight o'clock, my wife came there about seven o'clock; there was a little racket there and my wife and I went out, my wife and I had no racket, Moore had some words with my wife, my wife and I left alone and she left me at the corner, I went back there again, I had my jacket up there, I was in my shirt sleeves when I went down, I was not quarreling with my wife, I felt badly at her being abused by Moore, I told her I would see her in a little while, to wait for me.

After I got my coat I went to my wife at the corner but did not find her there, Moore went out with me as far as the corner, we had some words and Moore apologized and said he did not mean it, I saw my wife after that on the corner of Essex and Houston Streets, we took a walk around to Orchard Street and came back through Allen and I took her home, I lived at 21 First Street, I did not live with my wife then, I left her home about ten o'clock, I went into the saloon on the corner of Essex and Houston Streets kept by Mr. Klet, I met him there and a friend of mine August George, I had a couple of drinks there and sat down and played a game of cards, this was the night before I was arrested, we started to play about eleven o'clock, the saloon closed about one o'clock and I walked up Avenue A

0373

to 7th Street with my friend George, he lived uptown somewhere, 15th or 16th Streets, I left him at 7th St. to go to my own house, it was locked and I had no key, I lost it about two weeks before I was arrested, I have been out before and got into the house when I had no key, I borrowed a key from my brother, I had my brother's key three nights before and I returned it to him the next morning, I do not know whether my brother is in Court or not he lives 121 First Street, we boarded there together. I tried the knob and found it was locked, it must have been between three and four o'clock when I got to Moore's house. Moore never told me he was an ex-convict, I did not know that he was living with a woman who was not his wife, he introduced me to her as his wife. I knocked pretty loud, I did not take notice whether his wife was woke up or not, he had a sort of screen in front of the bed and I could not see his wife when I came in, I did not see any other woman there that night, I woke up between eight and nine o'clock in the morning and saw Millie Daly and Gus Moore, I saw Pauline there that morning before I went out, I did not see the clothing there, I saw a basket on the sofa but I did not ask anything about it, I did not see them put anything in the basket, I had never been in Pauline's house. I don't know anyone named Charles Wilson personally but I have heard his name mentioned, I was introduced to him when I came back from getting a furnished room with Moore. Moore did not tell me where he had been the night before. Moore told me afterwards when I was in the Tombs that Wilson left the goods there for him to mind. I had never seen Wilson before that, I do not remember

0374

testifying at the last trial that I knew Wilson had been to State Prison, I heard Moore had been in State Prison but not Wilson. My friend George is a salesman in some cigar place. Did not you testify on the last trial that you and your wife and Moore left his house together and that Moore went with you and your wife to the corner and then Moore left you and your wife together? No sir, I do not remember saying that.

Catherine Faber sworn and examined.

I live in Brooklyn, the defendant in this case is my son he is twenty-two years old, he is a good boy, he has never been arrested to my knowledge for any offence, I think it is about two years ago since he left my house, the cause of his leaving me was that he got married and I did not like the woman. I do not remember going to 119 Ludlow St. after my son's arrest, I was never there.

Erastus H. Crowe sworn and examined.

I am a civil engineer and do business at 234 Broadway, I have been superintendent for the last seven years and a half, I know this defendant, I have known him since he was a boy, he was in my employ eight months, he was in my engine room taking care of a couple of wheels, I had no work for him and I let him go, I always heard his character was good, I had several thousand dollars worth of goods in my charge and I always found everything all right with him.

Christian Schilling sworn. I am a butcher, I know the defendant twelve years I guess, he was in my employ three or four months steady and then I hired him off and on Saturdays and Sundays. He has always been honest and faithful.

The Jury rendered a verdict of guilty.

MA BOWDOKE AND I STAYED DOWN: SLEEPING WITH
 AND BOSS? I WAS WORRIED AT A STRONG SLEEPING
 FOR ME AND I T. STAYED I STAYED DOWN.
 THIS LONG SLEEPING AND OF A SLEEP: I WAS NO LONG
 A MA: IN THE FUTURE: STAYED DOWN: IN THE FUTURE
 WITH: I WAS A MA: STAYED DOWN: A MA: STAYED DOWN
 MA: IN THE FUTURE: STAYED DOWN: IN THE FUTURE
 T WAS DOWN: IN THE FUTURE: STAYED DOWN: IN THE FUTURE
 MA: IN THE FUTURE: STAYED DOWN: IN THE FUTURE

1889

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above matter. I am sorry to hear that you are unable to attend to the matter at present. I am sure that you will be able to do so in the near future. I am sure that you will be able to do so in the near future. I am sure that you will be able to do so in the near future.

vestimentary in the
case of Charles Faber

Filed for
Dec. 1889

0376

Testimony in the
case of
Charles J. Fifer.
filed Dec.
1888.

0377

Testimony in the

case of

Charles J. F. per.

filed Dec,

1888.

0378

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles E. Baker

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

Charles E. Baker

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

The said *Charles E. Baker*,

late of the *Seventh* Ward of the City of New York, in the County of New York, aforesaid, on the *twelfth* day of *November*, in the year of our Lord one thousand eight hundred and eighty *eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *factory* of one

Israel Rosenthal

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Israel Rosenthal

in the said *factory* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided; and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Charles F. Baker

of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Charles F. Baker,

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

six dollars of the value of twenty
dollars each, and two and one half
yards of flannel of the value of
two dollars each yard,

of the goods, chattels and personal property of one Israel Rosenthal,

in the habitation of the said Israel Rosenthal.

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

0380

THIRD COUNT—

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

Charles F. Finner
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Charles F. Finner,

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

six books of the value of twenty
dollars each, and two and one
half yards of flannel of the
value of two dollars each
yard.

of the goods, chattels and personal property of one Israel Rosenthal,
by one Augustus S. Moore, and
by ~~a~~ certain ^{other} person or persons to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said Israel Rosenthal—

unlawfully and unjustly, did feloniously receive and have; the said

Charles F. Finner

then and there well knowing the said goods, chattels and personal property to have been feloniously
stolen, taken and carried away, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0381

BOX:

332

FOLDER:

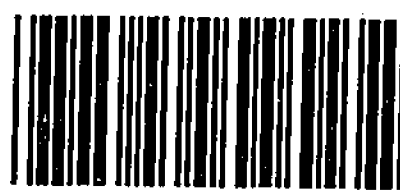
3144

DESCRIPTION:

Farley, Patrick

DATE:

12/05/88



3144

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Counsel,
Filed *5 Dec* 188
Pleads,

Witnesses
Lewis Jackson
offr dware

THE PEOPLE
vs.
Patrick Farley
Burglary in the THIRD DEGREE
(Section 498, 506, 34, 528 & 533)

H 1967
JOHN R. FELLOWS,
District Attorney.

A True Bill
Wm. Woodruff
Dec 6/88
John P. Dwyer
2453 mo 1888

0383

Police Court— / District.

City and County } ss.:
of New York,of No. 51 Bleeker
occupation FurnierLouis Jalkoff
Street, aged 30 years,being duly sworn
deposes and says, that the premises No 51 Bleeker Street,in the City and County aforesaid, the said being a four story brick house
an apartment on the top floorand which was occupied by deponent as a living apartment
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking the pad
lock fastening two screw-eyes which when
joined fastened said door leading into
said apartment opening said door and
entering said apartmenton the 23 day of November 1888 in the day time, and the
was attempted to be
following property feloniously taken, stolen, and carried away, viz: a quantity ofwearing apparel of three hundred dollarsthe property of deponent and his wife Mary
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property ^{attempted to be} taken, stolen, and carried away byPatrick Farley (nowhere)for the reasons following, to wit: that on said day the doors
and windows leading into said apartment
were securely locked and fastened and the
said property was therein. That at about
the hour of ten and one half o'clock on the
morning of said day deponent securely
locked the door leading into said apart-
ment by placing a pad lock through
two screw-eyes one of which was fastened

0384

in the said door and the other ~~fastened~~
was fastened in the casement of the door-
way and locking the said pad-lock.
Deponent returned in about a half hour
and found said lock broken and when
deponent opened said door deponent
found the defendant therein.
Sworn to before me }
this 28th November, 1888 }

A. M. Platt
Police Justice

J. J. Hoff

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0385

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Patrick Failey*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *419 E. 17th Street. 8 years*

Question. What is your business or profession?

Answer. *Plumber*

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**Patrick Failey*

Taken before me this

*23*day of *November* 188*8**J. M. Williams*

Police Justice.

0386

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
Fifteen *Hundred Dollars,*.....*and be committed to the Warden and Keeper of*
the City Prison, of the City of New York, until he give such bail.

Dated Nov 25th 1888 *J. M. Peterson* *Police Justice.*

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

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

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

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

0387

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1850 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Louis Jackoff
31 Brecken St
Patrick Farley

2 _____

3 _____

4 _____

Offence Burglary

Dated Nov 23 1888

Patterson Magistrate.

Surge Officer.

6 Precinct.

Witnesses _____

No. Ed Nov 25 Street.

No. 10. Street.

No. Street.

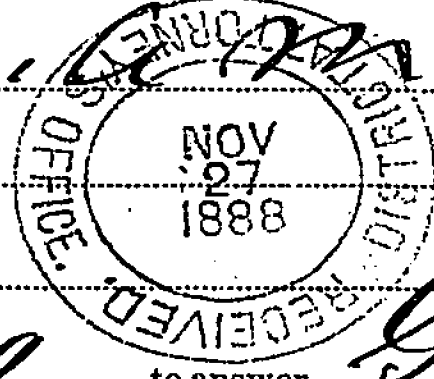
No. Street.

No. Street.

No. Street.

\$ 15.00 to answer

Cond



0388

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Salinda Sander

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

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

The said *Salinda Sander*

late of the *Fourth* Ward of the City of New York, in the County of New York aforesaid, on the *22nd* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, in the *day* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Daniel Gallagher*.

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said *Daniel Gallagher*.

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0389

SECOND COUNT—

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

Calista Bader

attending to commit
of the CRIME OF *Grand* LARCENY *in the second degree* committed as follows:

The said *Calista Bader*

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

did take and carry away
of the goods, chattels, and personal property
of the said Louis Falloff
to the value of
three hundred dollars.

of the goods, chattels, and personal property of one *Louis Falloff.*

in the dwelling house of the said *Louis Falloff.*

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

John R. Kellogg,
Attorney at Law

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BOX:

332

FOLDER:

3144

DESCRIPTION:

Faust, William

DATE:

12/17/88



3144

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Delaware Motel
Deshner Alley

Nov. 21. 1891

THE PEOPLE

vs.

William Saust

monition

[Section - 193 - Penal Code.]

JOHN R. FELLOWS,

District Attorney.

THE BIL

Mrs. Woodruff
 ex Mo. of R. Co. of
 1821 March 10 on her
 own Record
 Lee Mans Warden

W 44:0995
R Salom
Jackson Am Family
28 Nov 1920
W 44:0995

Wm. Keelson
21 Oct.
James Macquarie
Jackson Bay, Newbr
Oct 1821
Richard Carlton
216 W 27th St.
James Bly 141 E 14th St.

Paul
George Janet
219 Spring St

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AN INQUISITION IN THE MATTER OF THE :

VIEW OF THE BODY OF JOHANNA MURPHY. :

-----x

Before John R. Mugent, Coroner, and a Jury.

New York, July 12, 1888.

I N D E X.

	Page
Daniel B. Donegan	2
Richard Dolan	2
James Monogue	17
Kate Murphy	27
William Faust	29, 41
Frank Eouressi	34
William O. Mcagler	41

28th St - S. S. about seven houses east of 3rd Ave.

Munson & Kenyon,
Stenographers,
Tribune Building.

0393

DANIEL B. DONEGAN, being duly sworn, testified as follows:

(3rd run)
I am a police officer, attached to the Twenty-first Precinct. On June 18, 1888, about 6:45 A. M. I was on post at 31st street and Third Avenue, when a citizen informed me that an old lady had been injured at 28th street and Third Avenue. I went there immediately, and found the deceased lady, Johanna Murphy, sitting in the gutter with her daughter. Officer John M. Hefferon, Twenty-first Precinct, was taking her pedigree. He told me that it was a run-over case and that I had better take care of the driver of a butcher cart which was standing at the corner, the horse of which was held by a citizen. I arrested the driver, William Faust, and took him to the station house and charged him with having injured the old lady. I spoke to the driver about the case and he said that she must have been behind an elevated railroad post, and that he did not see her till the shaft of the cart struck her. The deceased was sent to Bellevue Hospital by ambulance, where she died June 19, 1888, at 1:30 A. M.

RICHARD DOLAN, being duly sworn, testified as follows:

By the Coroner.

Q What is your name ?

0394

3

A Richard Dolan.

Q Where do you live ?

A 518 West 51st street.

Q What is your occupation ?

A Iron moulder.

Q Did you know the deceased lady, Johanna Murphy ?

A No, sir; I never see the lady before.

Q Were you present when she sustained the injuries that caused her death ?

A Yes, sir; I was walking across the sidewalk, I was going across when I see the horse knock the lady down.

Q Just state what you saw -- do you remember the day ?

A It was on a Monday morning; I was going to work, about a quarter to seven.

Q Do you recollect the day of the month ?

A I think the 18th, if I am not mistaken.

Q On Monday morning about seven o'clock, on the 18th of what month ?

A June.

Q You were going to work and you reached where ?

A I reached just at about the curb stone where you cross over, on Third Avenue and 28th street.

Q On which side ?

A On the down town side of the car track, about at the car

0395

track.

Q Which way were you going ?

A Over towards First Avenue, east .

Q Which way was the wagon coming ?

A The wagon was coming down Third Avenue.

Q State what you saw ?

A When I came there I seen the horse knock the lady down and seen the wheels go over the lady, and I ran over, with another young fellow, and we picked up the lady and carried her up towards the sidewalk, and I ran for an officer and I met an officer and I told him to send for an ambulance.

Q You took her to which side of the street ?

A On that side, the west side, where the Thomsonian Hotel is.

Q Where the hotel is, on the south-west corner of 28th street and Third Avenue ?

A Yes, sir.

Q When did you first see the wagon or the cart coming along ?

A I seen the wagon about as far as from here to that railing. I saw the driver trying to stop, and the horse was going too fast.

Q Was it a one horse wagon ?

A A one horse wagon.

Q A wagon or a cart ?

0396

POOR QUALITY
ORIGINAL

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A A two wheeled butcher cart.

Q Drawn by one horse ?

A Drawn by one horse.

Q What attracted your attention first to it ?

A Nothing called my attention; I was going right along and I see the horse knock her down; I was just going over that way; I was looking right straight ahead of me.

Q Which way was the old lady going .

A Towards the west.

Q Was she on the cross walk ?

A Yes, sir.

Q Which cross walk ?

A She was on the up town cross walk.

Q Were there any other vehicles or cars on the street ?

A No; there was nothing in the way at all.

Q Were there any other carts, or any Third Avenue cars, or any other wagon there ?

A No.

Q Or any vehicle of any description ?

A No.

Q Was there anything to impede the driver's view of the old lady ?

A No; there was nothing at all.

Q How far from the old lady was the wagon or the horse when

you first saw the wagon ?

A About from here to that railing when I first seen it, and the old lady was going slowly across; she was stooped over and had a cane in her hand, and the horse struck her. The old lady didn't see the horse coming. The driver tried to stop, but he couldn't, and went right over her.

Q How do you know he tried -- did he make any effort to stop ?

A Yes, sir.

Q Did you notice that he was trying to check the horse ?

A I got too excited; I couldn't tell. As soon as I seen it I hollered.

By Mr. Steinert.

Q The old lady, you say, was stooped over like that, wasn't she (indicating) and she had a cane in her hand ?

A Yes, sir.

Q Did you notice an elevated post where the old lady was standing ?

A No; she was right on the cross walk.

Q This occurred right at the track, did it not ?

A It was by the track.

Q Up near the corner of 28th street there is an elevated railroad post, isn't there ?

A Yes, sir.

0398

7

Q Was there a post there, an elevated railroad post ?

A Not right close to the walk, there is not.

Q But near to the track ?

A Yes, sir.

Q Do you know whether that old lady was standing by that elevated railroad post before you saw her ?

A The old lady was going right on the sidewalk.

Q I want to know whether she stood still at the elevated railroad post ?

A Not at the time I saw her.

Q Do you know whether she was there or not just before you saw her ?

A Before I saw her I couldn't say.

Q You don't know whether she stopped at that elevated railroad post or not ?

A I couldn't say that; she was walking when I seen her.

Q This man was driving his butcher cart down on the middle of the track ?

A Yes, sir.

Q Before he got to 28th street, don't you think the elevated railroad post shut off his view of the old lady ?

A That is all what I know; I see the old lady coming across on the crossing, and that is all I know.

Q How far from this elevated railroad post was the old lady

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8

laying or knocked down when you saw her ?

A She was knocked down, it was about ten feet, I should judge from the crossing.

Q Can't you give us some idea of how many feet it was from this elevated post ?

A I couldn't tell that; I didn't take notice.

Q Was it within four or five feet ?

A I couldn't tell that.

Q She was going east, down 28th street ?

A She was going west, towards Fifth Avenue; I was going east; I was going towards Jackson's Iron foundry.

Q Are you sure she was not going east ?

A I said she was going west.

Q I know you said that, but I asked you that, positively --

The Coroner:- He said three times that she was going west.

Q When you saw this butcher cart, when you first saw this horse coming down Third Avenue, as you say, can't you give us anything definite as to how far you were away from her ?

A I told you I was at the curb stone.

Q At which corner were you ?

A On the down town side.

Q At the curb ?

A Yes, sir.

Q You were going this way, and she was going that way

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(indicating) ?

A Yes, sir.

Q And you were near the curb-stone when you first saw the horse ?

A When I see the lady I was going down; when I first see the horse I was a little further away.

Q How far were you from the curb-stone ?

A I couldn't tell that; I wasn't making any figures. I was near enough to see everything that happened.

Q Were you facing in the direction that this horse was coming, down Third Avenue ?

A I didn't see the horse until all of a sudden, until I should think it got up about as far as from here to that railing, and I saw the horse knock the lady down.

Q Isn't it a fact that the first thing you knew was of the horse knocking this lady down on the ground ?

The Coroner:- He has so stated.

A That is about fifteen times I have said that and I an't going to say it any more. I seen it before it knocked her down.

Q Were you looking at it ?

A If I wasn't looking at it I couldn't see it.

Q Isn't it a fact that you were going across to the west and she was going to the east -- you were going to the west

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10

and she to the east ? When you got there, near the curb stone, is that the time you first saw the horse ?

A No.

Q How long before she reached the curb did you see the horse ?

A About five or six feet.

Q Were you looking in that direction, or to the west ?

A I was looking right before me.

Q Were you looking east ?

A I was looking east.

Q Direct ?

A Not direct; I was looking both ways when I see her. I was going like that (illustrating) and I happened to turn and I saw the horse coming down, and the horse didn't go but two or three steps until the lady was knocked down.

Q I suppose you turned around and looked this way, and you saw this horse and he was two or three steps from the old lady; is that so ?

A Yes, sir.

Q (By the Coroner) I want to know from you -- you can say whether it is so or not -- was the horse two or three steps from the old lady when you saw the horse for the first time ?

A It might have been two or three and it might have been

six.

Q When this man got near to where the old lady was, he drew the horse back as quick as possible, didn't he ?

A I got so excited I couldn't tell that.

Q (By the Coroner) Let me ask you if he succeeded in stopping the horse, to any extent ?

A I was so excited I couldn't tell.

Q Did he try to pull the horse back, as far as you could see ?

A Yes, sir.

Q Did he try to do all in his power to avoid the accident ?

A Yes, sir; but it was too late.

Q You testified that the old lady didn't see the horse coming; is that so ?

A Yes, sir.

Q (By the Coroner) How do you know that ?

A I couldn't take an oath to it, but the old lady was coming along and had her head down; she was a pretty old lady, from what I seen.

Q You don't know whether the old lady saw the horse coming or not ?

A I don't know that; she had her head down.

Q Wasn't she bandaged up with a shawl or something over her head ?

A She had something over her head; I didn't take notice.

0403

12

Q She was coming very slow ?

A Yes.

Q Did you notice whether she was looking up or down, around, to see whether there was a horse coming ?

A She was looking right in front of her.

Q You don't know whether she was looking in any other direction ?

A No, sir.

Q Where was the old lady when you first saw her ?

A Coming across from the crossing.

Q Did you watch her all the time ?

A I only just see her coming across.

Q What part of the street was she when your attention was first called to her ?

A She was just between the two car tracks when I first saw her, and the cart was coming.

By the Coroner.

Q Was the horse coming down on the down-town track ?

A Yes, sir; the west side track.

Q You think the old lady didn't see the horse, from the way she acted ?

A Yes, sir.

Q She was walking along with a stick ?

A Yes, sir.

0404

13

By Mr. Keane.

Q Would you say this old lady was exercising care in walking across the street ?

A Yes, sir; she was going along slowly.

Q You saw this old lady, the way she was walking ?

A Yes, sir; she was walking slowly.

Q She was walking carefully, wasn't she ?

A Yes, sir; she was going along slow, crossing the street.

Q And of course the wagon came along and this man tried to stop it; you say he tried to stop it ?

A Yes, sir.

Q He was going so fast he couldn't stop it before he ran over her ?

A He was going fast and the horse knocked her down.

Q He was going so fast he was unable to stop this vehicle ?

The Coroner:- That is fairly to be presumed.

Q Why was he unable to stop the horse ?

A Because the horse was going too quick.

Q Was the wagon on the two tracks ?

A On the two tracks.

Q And he was driving rapidly on those two tracks ?

A He was going along pretty fast; I couldn't say how fast he was going, though.

Q You saw how fast the horse was going ?

0405

14

A I couldn't tell at what rate he was going.

Q You could tell whether he was going fast or slow ?

A He was going fast, of course.

Q There was nothing to obstruct his view, so that if he had been looking ahead he would have seen this lady ?

A There was nothing there; no, sir.

Q And the old lady was right out in the middle of the street, where there was nothing to hide her from his view ?

A She was right on the crossing.

Q There was no elevated pillar or anything of that kind to hide her from his view ?

A Not when I seen her.

Q You saw her before she was struck ?

A Yes, sir.

Q And you saw her when she was struck ?

A Yes, sir.

Q And neither before she was struck or when she was struck was there anything to hide her from the view of this man that was driving ?

The Coroner:- There must have been at some time, before she got into the position where she was struck, there must have been one of these elevated pillars.

Q From the time when you first saw the old lady and saw the driver in his wagon, was there anything which would obstruct

the view of the driver from the old lady ?

A No; there was nothing in the way at all; there was not even a car passed until a couple of minutes after, because the wagon stood right on the track.

Q And this old lady was going slowly ?

A Yes, sir; going along slowly.

Q And there were no other carts or vehicles on the street except this one ?

A No, sir.

Q Will you please tell the jury the condition of this poor old lady when you saw her struck ?

The Coroner:- When she was struck, what was the effect ?

A The horse struck her and from what I saw I should think the horse stepped on her, because after the horse went over her there was a lot of blood on her face.

By the Coroner.

Q When you picked her up what was her condition ?

A She was lying right on the car track.

Q On her face ?

A On her face, sideways, as if the horse had stepped on her.

Q Where was the wagon ?

A It was almost on top of her; the wagon had passed over her and we had to shove the wagon up to take the lady out.

By Mr. Keane.

Q After the horse struck the lady, isn't it true that if the driver, instead of turning the horse to the west, had turned the horse to the east, he wouldn't have run over her ?

A Yes, sir.

Q Which wheel of the wagon ran over this lady's body ?

A The wheel towards the west side.

Q Are you sure of that ?

A Yes, sir; I could swear to that.

Q Was she conscious or unconscious after that ?

A I didn't hear her make a holler or anything; she never said anything when we carried her over.

Q (By the Coroner) She appeared to be unconscious ?

A She appeared to be unconscious.

Q You didn't see anything about this old lady when you saw her walking across that track to show that she was recklessly walking over the track ?

A She was walking along on the sidewalk.

By Mr. Steiner.

Q Have you and the other young man who is a witness had a conversation to-day, together, in this court room ?

A No, sir; we didn't speak about it at all.

Q Did you and he have a talk to-day about what testimony

0400

17

you were going to give, with the lawyer ?

A He asked me about how it happened and I told him.

J A M E S M E N O G U E, being duly sworn, testified as follows:

By the Coroner.

Q Where do you reside ?

A 334 West 25th street.

Q What is your occupation ?

A Iron moulder.

Q Did you know the deceased, Johanna Murphy ?

A No, sir.

Q Did you ever see her ?

A No, sir; not before, to my knowledge.

Q You did see her ?

A I seen her that day.

Q The day of the accident ?

A Yes, sir.

Q Just tell us, in your own way, how it occurred, as you recollect it ?

A I was going through 28th street, towards First Avenue.

Q About what time ?

A I was between Lexington and Third Avenue -- I think that is right -- and I seen the old lady crossing over, and I

says to myself "That is a pretty old lady to be out so early in the morning."

Q What time was it in the day ?

A About a quarter to seven.

Q You were going to work ?

A Yes, sir. I watched the old lady; she was stooped over and walking along, and the first thing I heard was a screaming, and there was a wagon coming along pretty fast and the horse's head struck the woman and knocked her over, and as it knocked her over, instead of him taking and turning as he should to his left, he deliberately pulled right to his right, and pulled right over the woman, and after he went over her he kept backing up, and me and three or four men that was standing there had to put our shoulders to the wagon and shove the horse and wagon away to keep him from backing over her the second time. He jumped off his wagon, and when he saw the men carry her towards the curb, when he saw her carried there to the curb, he got off the wagon and he went over to see her, and then he went through the crowd and got on the wagon, and I don't know whether he was going to drive away or not, but some men ran and caught hold of him and would not let him go away until the policeman came. That is about all I know about the case.

0410

19

Q What direction was the horse going ?

A He was going down town.

Q Where was he on the track ?

A He was right on the down town track.

Q The west side track, the down town track ?

A Yes, sir.

Q When you first saw the old lady, you say your attention was attracted to her because she was old and stooped; how much time intervened between that and the time the horse struck her ?

A Well, there was from two to three minutes from the time I saw her.

Q Where was the old lady when you first saw her ?

A On the far corner; she was just crossing over.

Q You didn't see the horse and cart before it struck the old lady ?

A I saw the horse when it was about ten feet away from the woman.

Q Did you see the driver ?

A Yes, sir.

Q What was his position ?

A He was trying to hold on to the horse.

Q Can you describe how he looked ? What was he doing ?

A He was so excited I don't think he knew what he was doing.

Q You say he was trying to hold the horse; how was he doing that ?

A An ordinary pull, trying to pull on the horse; that is all.

Q What was the position of the old lady when she was knocked down ? Where was she ?

A She was on the up town crossing, right on the down town track, that is the west side track, when she was knocked down, and he knocked her just about five feet away from the crossing, because after it was done I walked over to be sure, and I saw the blood marks on the crossing. I done it for the reason that when I was there, when the policeman was taking the names, the prisoner said it was done at the middle of the street, and I knew where it was done, and I went over to be positive; so I seen the blood marks, and I seen it before and I knew just where it was.

By Mr. Steinert.

Q Where were you when you first heard the old lady cry ?

A I didn't hear the old lady cry.

Q Didn't you hear her scream ?

A No, sir.

Q Didn't you say so here to-day ?

A I said I heard another lady scream.

Q Where were you then ?

0412

21

A On the corner.

Q Which corner ?

A On the south-west corner.

Q Were you walking towards the east at that time ?

A First I stood still.

Q What drew your attention to it, the screaming of this lady ?

A The screaming of the lady.

Q Where was the lady that was screaming ?

A She was over on the far corner.

Q Did you turn around to look where the lady was screaming ?

A No, sir; I looked right up the Avenue.

Q When you looked up the Avenue how far away was the horse from the old lady ?

A About five feet.

Q When you first saw the driver you said he was endeavoring to pull his horse back, and that was about five feet away from the old lady, before she was struck ?

A Yes, sir.

Q Did you watch the old lady from the first time you saw her until the accident occurred ?

A Pretty much all the time.

Q Did you watch the horse too ?

A No, sir.

04 12

21

A On the corner.

Q Which corner ?

A On the south-west corner.

Q Were you walking towards the east at that time ?

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A Pretty much all the time.

Q Did you watch the horse too ?

A No, sir.

A On the corner.

Q Which corner ?

A On the south-west corner.

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A Yes, sir.

Q Did you watch the old lady from the first time you saw her until the accident occurred ?

A Pretty much all the time.

Q Did you watch the horse too ?

A No, sir.

0414

22

Q You did not ?

A No, sir.

Q You paid particular attention to the old lady all the time ?

A Yes, sir.

Q Do you mean to tell the jury now, under oath, that that old lady was ^{thrown} five feet away from where the horse struck her ?

A Yes, sir.

Q Was she thrown on the side of the track or on the middle of the track ?

A Right on the track.

Q Wasn't it right across the track ?

A Right on the track.

Q Wasn't it across the track ?

A How do you mean, across the track ?

Q This other witness said she laid right across the track ?

A That is on the track.

Q Is that what you mean ?

A That is what I mean.

Q Was it across both tracks or only on e ?

A Only one, the west track.

Q Are you sure it was not the east track ?

A I am sure.

0415

23

Q While you were watching the old lady, did you remain standing just where you were ?

A From the first time I seen her, do you mean ?

Q Yes.

A No; I was walking down towards the corner, from the first time I saw her.

Q Why did you pay such particular attention to the old lady ?

A Because she was such an old lady.

Q Did you keep watching her from this time you saw her until the accident occurred ?

A I did.

Q And you were going in one direction and she in another, and you watched that woman all the time ?

A Yes, sir.

Q Which way were you going and which way was she walking ?

A I was walking to the east and she was walking to the west.

Q When the wagon was five feet away from her, were you watching the old lady ?

A Yes, sir.

Q Did you stand in the same place ?

A No; as soon as I see the wagon coming up near her I ran, but I was too late.

Q Was there an elevated post near where you were ?

A No, sir.

0416

24

Q Was there an elevated post anywhere near where the old lady was ?

A No.

Q No elevated posts on 28th street ?

A Yes; but not up against me.

Q How many elevated posts are there there ?

A I guess about four.

Q Did you notice what kind of pillars they were ?

A Ordinary pillars.

Q The ordinary pillars that are usually on Third Avenue ?

A Yes, sir.

Q Do you know how wide they were ?

A I couldn't exactly say.

Q When you got there, when the old lady was run over, did you see an officer there, just after the old lady was taken to the gutter ?

A Yes, sir; there was two officers there.

Q Do you recollect the officer telling this man to drive on the side there ?

A Yes, sir; because he was on the car track and he had to drive away. That was not when he got on the wagon; he got on the wagon before the policeman came at all.

By Mr. Keane.

Q Did he run to the wagon as if to run away ?

0417

A Yes, sir.

Q (By the Coroner) How do you know that ?

A From his actions; that is what I think.

Q What stopped him ?

A Two or three men caught hold of his horse's head and wouldn't let him drive away.

Q You said several men ran up and caught hold of the horse ?

A Yes, sir.

Q They would have detained him if he had tried to go away ?

A Yes; they told him he couldn't go away.

Q Please tell the Coroner and the jury whether you saw this old lady as she was coming across the track. Was she going slowly and carefully ?

A She was going just as fast as you see any ordinary lady going, just nice and slow.

Q Was there anything in the way, to conceal her from the view of this driver as he came along ?

A Nothing at all, because there is no pillar in the way on the east side of the Avenue until you get right over near the curb stone on the west, and it was right between the two pillars, and it is quite a good many feet from the east pillar to the west side, where the accident happened, on the west side.

Q Did you see how fast this driver was going ?

0418

A Yes, sir; he was going a little bit too fast.

Q Was he driving rapidly ?

A He was driving rapidly.

Q How many miles an hour do you think he was going ?

A I couldn't say exactly, but I think about 2:30.

Q What efforts did he make to hold the horse in ?

A He just pulled right up; he didn't pull until right near the lady, and then he pulled up.

Q Did he pull up very hard, as hard as he could ?

A I don't think he did; he might have pulled up pretty hard, but he couldn't have been very strong or I think he could have stopped the horse.

Q (By the Coroner) A horse that is going at a 2:30 gait is very difficult to stop.

A I know it, but if he had pulled up in time he could have done it.

Q What was the condition of this old lady ? Was there any blood on her ?

A I see blood on her head; my opinion is the horse struck her on the head, but the horse didn't walk on her; I am positive of that.

Q Was she conscious or unconscious ?

A She was unconscious.

K A T E M U R P H Y, being duly sworn, testified as follows:

By the Coroner.

Q Where do you reside ?

A 212 East 28th street.

Q The deceased was your mother ?

A Yes, sir.

Q Do you recollect what occurred on June 18th ?

A Yes, sir; my mother got run over at the corner of 28th street.

Q When did your mother leave home that morning ?

A She left our house at twenty minutes to seven.

Q Where was she going ?

A To St. Stephen's church; she went there every morning.

Q Was she in usual good health ?

A Yes, sir; she never complained of anything; her sight was perfect.

Q How old was she ?

A Eighty-three years old; she has always had good health.

Q She used to carry a cane ?

A Yes, sir.

Q When did you first learn of this accident ?

A I don't think she was out of the house more than five minutes when I heard of it.

Q How did you learn of it ?

0420

A I heard the shouting on the street and I rushed to the window. My attention was drawn by the crowd on the street. I saw the crowd and I ran back to go after her, to know if it was my mother, and a boy ran up and said "Your mother got hurt at the corner." I ran down as fast as I could, and my sister after me.

Q What then?

A She was lying there and a gentleman was holding her in his arms, right on the sidewalk, and she was bleeding profusely from the head, a fracture of the skull.

Q Was she conscious when you got there?

A Yes, sir; she told me to take off her shoes and stockings, because her clergyman was there to anoint her.

Q What did you do?

A I went to take them off and the doctor wouldn't allow me; a physician was there from Bellevue Hospital and he said not to take the stockings off, to leave that to me. He took her down to Bellevue Hospital and allowed my sister and I to remain with her during the time she was in the hospital until the head surgeon told us she had been run over and was killed by the cart. She died about a quarter past one, in Bellevue Hospital, that same day.

Q Your mother was in the habit of going to church every morning?

A Every morning unless it was very stormy.

Q Was she capable of taking care of herself on the street ?

A Yes, sir; and was most careful.

Q She didn't require any attending when she went out ?

A No, sir; always went alone. I had to go to work.

Q And she died about --

A Quarter past one.

Q On the same day ?

A On the same day.

WILLIAM FAUST, being duly sworn, testified as follows:

By the Coroner.

Q Where do you reside ?

A 645 Second Avenue.

Q What is your business ?

A My business is butcher.

Q Did you know the old lady, the deceased, Johanna Murphy ?

A No.

Q Did you ever see her ?

A I never saw her before.

Q You saw her the morning of the accident ?

A Yes, sir; and I only saw her after the accident had happened.

0422

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Q Just tell us -- you were the driver of that wagon ?

A I was the driver of that cart.

By Mr. Steinert.

Q You were employed by your brother to drive the butcher wagon, taking out orders ?

A Yes, sir.

Q How long have you been driving a butcher cart in New York City ?

A About five years now.

Q You have been driving through the principal streets in the City of New York ?

A All over.

Q What kind of a horse did you have that day ?

A The horse was about six years old.

Q Was he a horse that is usually driven in a wagon ?

A Driven all over.

Q Is he a horse that is usually driven in a butcher cart, in a wagon ?

A Yes, sir.

Q Won't you tell the coroner and the jury just what occurred on the morning that this accident occurred ?

By the Coroner.

Q When did you start out that morning ?

Q I started out about 6:40.

0423

Q Where did you go ?

A I go up to 35th street and Third Avenue.

Q To serve a customer ?

A Serving customers, and went down to the Bowery and Houston street.

Q Where did you go from 35th street ?

A To Houston street and the Bowery.

Q What time did you get down there ?

A I didn't get there that morning; I wanted to go there.

Q You went to 35th street and Third Avenue; tell us what occurred -- you went down Third Avenue ?

A I went along on a slow trot, because the horse can't go fast.

Q Were you on the middle of the track ?

A On the west side track, and when I came to 28th street, all I know was all of a sudden I heard a screaming and a hollering, and as soon as I heard the holler I tried to pull my horse back, and I backed the horse and I looked down and there was an old lady that was laying along side of the track. I took the horse with my right hand and I had to turn him this way. If I turned him to the left side, the wheel would have gone right over her head. I saved her from the wheel going over her head; and a couple of men came and took the lady up and took her on the other

0424

side and through that time a policeman came and told me to drive on the above side, on the right side, and I drove there and I jumped off the wagon and stayed there until the policeman came and took me along. That is all I know.

Q You say you left 35th street; what time did you get to 35th street ?

A I left home about six or half past six.

Q Did you have any delay at 25th street ?

A No; my first customer is down in Houston street and the Bowery.

Q What time were you due in Houston street and the Bowery ?

A Any time; there is no time set for me; if it is a little late or sooner it don't make any difference.

Q You were driving down Third Avenue ?

A Yes, sir.

Q How is it that you didn't see this old lady ?

A I looked down the track and the track was free, and the pass walk was free and I couldn't see anybody and I went right along and all of a sudden I heard a holler; she must have been standing behind the elevated post.

Q This lady had passed from the east side to the west side; now she must have passed and it must have taken an old lady some time to pass, even from the elevated pillar, so

you must have been driving at a rapid rate, or you must have been inattentive ?

A I looked right in front of the horse, ahead, and looked at the side and I couldn't see anybody. I only saw the lady when she was lying on the floor and I tried to save her.

By Mr. Steinert.

Q Was this lady coming from the east side or the west side ?

A I don't know; I couldn't see the lady.

Q Didn't you see her when you got to 28th street ?

A I didn't see the lady.

Q When did you first see her ?

A When she was laying along side of my cart.

Q That was the first time you saw her ?

A That is the first time I saw her, when she was run over.

I tried my best to save the lady and I couldn't do it.

By the Coroner.

Q Where were you taken to ?

A First one policeman had me and then another policeman came and he took me on my cart and I drove around to 35th street, to the station house, and from there I have been taken up to the court.

Q What judge ? What did he say ?

A They didn't do anything, they didn't ask me one word.

Q You were placed under arrest ?

A Yes, sir.

Q What bonds ?

A A thousand dollars.

By Mr. Keane.

Q Were you looking right straight ahead of you all the time ?

A If I drive a horse I look at the side and at every cross walk, not to run anybody over.

Q Where were you looking when you struck this old lady ?

A Right ahead of the horse. Before I got to the crossing I didn't see anybody on the crossing, not on the other side on this side, and the car track was free too.

Q So the first thing you knew you had run over the old lady ?

A The first thing I heard a scream and the lady was lying on the west side. She must have been behind a post or I would have seen her.

FRANK BOURESS I, being duly sworn, testified as follows:

By the Coroner.

Q Where do you reside ?

A 154 East 22nd street.

Q What is your business ?

A News dealer.

0427

35

Third Avenue.

Q Were you present there the morning of the accident ?

A Yes, sir; I was present.

Q Did you see it ?

A I just went to look up and a butcher came driving along and the next thing I saw the lady was lying right under.

Q Just tell us in detail -- did you see the butcher cart before it struck the old lady .

A I see it about a second before.

Q Was he driving rapidly ?

A Pretty fast, but not very rapidly; ordinary speed.

Q Did he make any apparent effort to check or stop the horse?

A After the lady was struck, yes.

Q Was there anything there to obstruct his view, to prevent him from seeing this old lady ? Was there any vehicle or anything ?

A I suppose she came from behind a pillar.

Q How far was the pillar from where the old lady was ?

A About eight or nine feet, I should think.

Q The east side pillar must be almost as far as that stove is from here ?

A Yes, sir.

Q She was coming from the east side, consequently it must have taken all the time it would occupy to pass from here

0428

36

to the stove ?

A As far as I know, she must have been coming from the west side.

Q Did you see the old lady ?

A I see the old lady just when she came from behind that pillar and went across and was laying down.

Q Which pillar ?

A On the west side, the west side pillar; that is what I suppose, she came from behind there. I see her just as she ran right under the horse's hoofs.

Q Do you know how old the old lady was ?

A I know by her appearance.

Q She was eighty-three years old; she doesn't go skipping along, you know. What was your position ?

A I was just folding papers and I looked up and saw the butcher cart, and the next moment the lady was struck.

Q You want to be very careful about your statement, because there has been testimony that leads me to think the lady was coming from the east side. Now, you say your were folding your papers and you looked up; what did you see when you looked up ?

A I looked up and the lady made two steps forward and she was struck by the butcher cart.

Q In what direction were those two steps ?

0429

37

A Towards the east, as far as my opinion goes.

Q Are you positive ?

A I should think so.

Q Are you sure ?

A I was busy and I don't know whether the lady wanted to go east or west; I can't say that.

Q But you stated she made a couple of steps towards the east ?

A Because she wanted to cross the track, I suppose.

Q But she hadn't left her house five minutes before and the house is situated in 28th street, east of Third Avenue, and she was going to church, west of Third Avenue ?

A Well, that is only my opinion.

By Mr. Steinert.

Q Have you ever seen this man Faust before ?

A No, sir.

Q You were standing right by your newspapers ?

A Yes, sir; right by my stand.

Q You have got a newspaper stand there ?

A Yes, sir; on the south-west corner and the north-west, at both corners.

Q Which corner were you at this morning ?

A The south-west corner.

Q And you are quite sure this old lady was up against the

0430

38

elevated post ?

A Well, she must have been, as far as I consider.

By the Coroner.

Q Tell us what you know; tell us what you saw ?

A I looked up for a minute and see the butcher cart coming along and see the lady get struck by the horse.

Q Where were you standing ?

A At the south-west corner, about twenty-five feet away from the accident.

Q Which way was the old lady facing ?

A She was facing down town.

Q Was she facing you ?

A No; she was going across, I think.

Q Tell us if you know, or if you do not, say so, which way was she facing ? Which way was she going ?

A I didn't see that.

Q But you have already testified about it.

A I said she was going east, that is what I think, what I believe.

Q If you don't know when you are asked a question, say you don't know. If she was behind that elevated post, and if she remained there until the wagon was coming along, and if she threw herself in front of the cart, the driver could not be responsible; but if she was going slowly across

Third Avenue, and going as she had a right to, about her business, and there was no vehicle and nothing there to obstruct the view of the driver, and he ran over her and knocked her down, it would be altogether different from a person coming from behind an elevated railroad post. Besides, it makes a difference about which way she was going. If she was coming from the other direction, it must have occupied a good deal of time to cover the distance between where the post was situated and where the wagon was when it struck her. Consequently I tell you to be careful in the testimony you give. Now you say you were folding your papers and you looked up; tell us what you saw ?

A I saw that cart was coming along the Avenue, and in the next moment the lady was struck. I can't say surely which direction she came from, but as far as my opinion goes, she came from the west side.

By Mr. Keane.

Q Now then, admit that you don't know ?

A I wouldn't say I don't know.

Q You didn't see her, did you ?

A I didn't see her before.

Q Do you know, or don't you know, in what direction that lady was going ?

A No; I can't tell that. I say I suppose so, that she was coming from the west side.

Q You don't know in what direction she was going, do you ?

A I don't know.

By the Coroner.

Q When two reputable witnesses have testified she was going in the other direction, and when you are not positive, wouldn't that have any weight with you ?

A I wouldn't testify to anything I don't know; I say I suppose she was behind that elevated post and came from behind there.

Q (By Mr. Keane) You have admitted that you don't know what direction that lady came from ?

A Yes, sir.

Q When she was struck did you go over to her assistance ?

A No, sir.

Q You don't know what position she lay in after she was struck ?

A She was laying with her back on the ground.

Q Where was her head, in what direction was that ?

A I couldn't say that.

Q It appears to me that when a thing like that occurs, you would naturally look at it ?

A I only see that she was struck.

0433

41

W I L L I A M F A U S T, recalled.

By Mr. Steinert.
ever

Q Did you have an accident before ?

A No, sir.

Q Ever run over anybody before ?

A No, sir.

The Coroner then read the following testimony to the jury:

W I L L I A M O. M E A G H E R, M. D. being duly sworn, says:

I have made an examination of the body of Johanna Murphy, now lying dead at 212 East 28th street, and from such examination and history of the case, as per testimony, I am of the opinion the cause of the death is shock, from scalp wound, concussion of brain, fracture of several ribs on both sides, laceration of lungs, internal hemorrhage, etc.

CORONER NUGENT'S CHARGE TO THE JURY.

Gentlemen:

You have heard the evidence in this case. The testimony of two witnesses, and they appear to be intelligent and reputable, is that they were going along and

0434

42

were on the scene of the occurrence; that this old lady was going across Third Avenue, about seven o'clock or a little before, on the morning of the accident. She was proceeding to church. The church is situated between Lexington and Third Avenues, on the other side of 28th street, west of Third Avenue. Her residence was east of Third Avenue, No. 212, I believe, between Second and Third.

The evidence is that she was going across and had reached the down town track when she was struck by this horse, thrown down, and the wheel of the wagon passed over her. The witnesses state that the driver made an effort to restrain the horse, but the fact that he had passed over and knocked down the woman, is conclusive that he did not make sufficient effort, or else the horse was going too rapidly.

If you believe that the old lady was behind the elevated post, and if she appeared suddenly in front of the horse, as one of the witnesses has partly testified to, it might have been accidental; but I hold, if you believe the testimony that that old lady was walking along slowly, from the east to the west side, and there was no vehicle or anything to impede the sight, there are only one or two conclusions to come to, either that he was negligent, he was not paying proper attention, or he was

0435

driving recklessly and rapidly. There is no other conclusion to arrive at in this case.

If a person remains on the street, a wagon has no right to drive over him; and an old person is entitled to some consideration.

If, as the testimony states, she was going from the east to the west side, there was ample time for him to see. He could have seen the old lady before he was within a hundred yards of her, and would have seen her if he had been attending to his business. It is inexcusable, in my judgment, that a poor old woman should be run down and killed in this way; it is inexcusable and there is no justification I can see for it.

The only case of justification would be, as was attempted to show by one witness, that she came suddenly from behind this post. If you believe that witness, in contradistinction to the other two, who I think told the truth and honestly -- but, for the life of me, I cannot see any excuse for the driver.

He says himself he only saw the old lady when his wagon was passing over her. How can he account for that, had he been attending to his business as he should? How much time would it take her to pass from the east to the west side of the street? It must have taken her a

0436

minute or two. How can he reconcile that with the fact that he was attending to his business, when he states that he did not see her ?

This reckless driving is getting very prevalent and it ought to be stopped. I think a man who recklessly endangers life or causes the loss of life in that way is almost as reprehensible as a man who does it deliberately by violence.

It is but fair to state in this case that if you bring an a verdict censuring this man, and hold him for reckless driving, it will be necessary for me to hold him and send him before the Grand Jury, who will in all probability indict him, and he is liable to be punished for a felony. If the case is according to the facts presented to us here, I think it would be followed by an indictment.

You have heard the testimony. There is no question about the cause of her death. Her death was caused by the injuries received there; but if you believe that she was run down, and it was owing to negligence, if you believe the driver was not paying proper attention to his business, you will say so in your verdict.

If you believe such was not the case, you will say so, accordingly. But I do not hesitate to state that the evidence warrants the conclusion that the old lady was

0437

45

knocked down and her death was the result and that this driver is censurable for reckless driving, for not paying not only necessary attention, but no attention at all to his business.

Mr. Steinert:- I ask you to charge the jury that if they believe the statement of the driver that he had not seen the old lady, that she fell under the wagon, they have a right to take that into consideration, and if they believe that, to exonerate him.

The Coroner:- I will not charge that, because he must have seen the old lady. If you believe the witnesses, that that old lady was going from the east to the west side of Third Avenue, I hold that the driver must have seen the old lady, and it was inexcusable, there is no justification if he did not.

If you believe the driver exercised every necessary precaution and did all he could to avert the accident, and it was purely accidental, you can say so, if you can find anything in the evidence to warrant any such conclusions. If you believe the witness that she came from behind the post and fell -- it was possible, but I hold if she was going from the east to the west side, there is no excuse that he didn't see her; he should have seen her.

0438

If the jury believe that she appeared suddenly from behind that post, they may take that into consideration, but I do not hesitate to tell the jury that the evidence does not warrant any such conclusion. I believe the old lady was going from the east to the west side, and the driver should have seen her; and it was gross negligence if he did not see her.

Mr. Steinert:- If his theory is true, that she came out from behind the pillar --

The Coroner:- If the jury believe that; but the evidence does not warrant any such conclusion.

I submit the matter to you without any further comment.

The jury then retired and brought in the following verdict:

The jury find that Johanna Murphy, deceased, came to her death by being run over by a butcher cart driven by William Faust, at 28th street and Third Avenue, at the time indicated in the evidence, and we hold the driver responsible; that he was driving recklessly, and that he is censurable for so doing.

The Coroner:- That is, you hold him responsible for the death of the old lady ?

The Foreman:- Yes, sir.

.....
People

vs.

Faust
.....

In this case, referred to me for examination, I report as follows:

The defendant, William Faust, was indicted December 17th. 1888, charged with the crime of Manslaughter in causing the death of Johanna Murphy in the City of New York on the 18th. day of June 1888 by running over said deceased with a butcher's cart drawn by one horse which the defendant was then driving, while the deceased was crossing Third Avenue on the northerly crossing of 28th. St. at about 6.30 A. M. on the morning of said date. Deceased was an aged woman upwards of eighty three years of age, and was walking at the time of the accident with head bent down and eyes fixed on the ground. The defendant was driving his cart down the Avenue on the westerly car tracks when the accident occurred.

The testimony would seem to show that ^{when defendant} ~~he~~ became aware of his proximity to the deceased he used every effort to avoid injuring her but without success, as his horse could ^{not be} stopped in time, and the accident occurred resulting in injuries to the deceased from which she died the same day at about one o'clock P.M. at Bellvue Hospital.

The defendant claims that the deceased suddenly came from behind a pillar of the Elevated R. R. structure on to the tracks on which he was driving and so near to his horse and wagon that he did not have time to avoid the

(2)

accident.

The situation of the posts of the Elevated R.R. structure at the point in question would seem to render it necessary if the defendants contention be correct, that the deceased at the time should ^{have been} ~~be~~ going in an easterly direction. On this point there is a conflict of testimony. At the Coroner's inquest two witnesses for the People testified that the deceased at the time in question was going in a westerly direction while the defendant and one other witness testified to facts which, if true, would seem to indicate that she was going in an easterly direction. After the accident the position of the body of the deceased upon the crossing was side face downwards with the head of the body towards the east.

In the interval which has elapsed since the finding of the indictment one of the two witnesses for the People has left the State and cannot be obtained to testify upon the trial of this action so that the People have only one witness, as there seems to be no other witness whose testimony could be submitted to the jury in support of the charge in the indictment; and this witness states that the defendant did endeavor, though unsuccessfully, to stop his horse. That he pulled in his horse, but did not pull hard enough, or soon enough.

The defendant had driven a butcher's cart for five years in this city prior to the occurrence in question and without having injured any one. No allegations are made against his character, nor is it claimed that he was intoxicated at the time of the accident.

(3)

A judgement against him in favor of the representatives of the deceased has been partially or wholly paid.

The daughter of the deceased, Margaret Murphy, who appeared as the representative of the family in the earlier stages of the prosecution has appeared ~~at~~ ^{to} this office in behalf of the defendant. Her letter on this point and that of her Counsel's are hereto annexed.

In view of all the circumstances of this case, I am of the opinion that a grave doubt exists ~~with~~ ^{as to} the ability of the People to obtain a conviction of the defendant and therefore recommend that this indictment be dismissed.

Respectfully submitted

Henry J. Hapler
Assistant District Attorney

To Mr. Delaney Keell
District Attorney

0442

Dictated by Mr. Keane. WALKER & KEANE,

COUNSELORS AT LAW,

40 WALL STREET,

JOHN T. WALKER,
DAVID KEANE.

NEW YORK, ~~October 10th~~, 1891.

H. B. B. Stapler, Esq.,

Assistant District Attorney.

Dear Sir:-

Referring to our conversation of the 10th instant regarding the action of the People against Faust, for causing the death of Mrs. Johanna Murphy by running over her, I beg to say, as the attorney of the next of kin of the decedent, that I have carefully investigated all the facts of the case, and do not consider that under all the circumstances the defendant should be held criminally liable. The decedent was an aged woman, eighty years of age, a cripple and alone, and unable without assistance to take care of herself, and ought not to have been unprotected. The defendant was driving a butcher's wagon along Third Avenue upon the down town track, and a broad iron post of the Elevated Railroad concealed the decedent from his view until she stepped forward at the instant this wagon struck her. He has expressed great sorrow for the distress brought upon the family, of which he was the unwitting and unavoidable occasion, and has made all the reparation in his power, and I therefore request, on behalf of the next of kin, the daughters of the decedent, that he may not be subjected to a criminal prosecution.

I beg to enclose herewith a letter addressed by the daughter of the decedent to the District Attorney, signifying that she, on her part, is unwilling to press the suit unless the District Attorney should consider it his imperative duty to do so.

Yours truly,

David Keane

Enclosure.

0443

WALKER & KEANE,

COUNSELORS AT LAW,

40 WALL STREET,

JOHN T. WALKER,
DAVID KEANE.

NEW YORK, October 10th, 1891.

Hon. Delancey Nicoll,
District Attorney.

Dear Sir:-

I am informed by my counsel, Messrs. Walker & Keane, that the action of the People against Faust is about to be brought on to trial. In that case, the defendant is under a criminal charge of negligence in causing the death of my mother. He has made to us all the reparation in his power and expressed the deepest regret for the accident, and unless you should consider that the facts and circumstances of the case render it your imperative duty to continue the prosecution against him, I would respectfully ask that the same be discontinued.

Yours truly,

Margaret Murphy

0444

No. 40

40

THE PEOPLE OF THE STATE OF
NEW YORK

against

William Sant

Report.

DE LANCEY NICOLL,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

0445

Coroner's Office.

RECOGNIZANCE TO ANSWER.

City and County of New York, ss:

Be It Remembered, That on the
 Twelfth day of July in the year of our
 Lord 1888. William Faust
 of No. 645 Second St. Street, in the City of
 New York,
 and George Faust
 of No. 218 Spring Street, in the said city,
 personally came before the undersigned, one of the Coroners in and for the City and County
 of New York, and acknowledged themselves to owe to the People of the State of New York,
 that is to say, the said William Faust,

the sum of Twenty Hundred Dollars,
 and the said George Faust
 the sum of Twenty Hundred Dollars,
 separately, of good and lawful money of the State of New York, to be levied and made
 of their respective goods and chattels, lands and tenements, to the use of said People, if
 default shall be made in the condition following, viz.:

Whereas, the said William Faust
 was charged before the undersigned, Coroner as aforesaid, on the verdict of a Coroner's
 Jury, with Criminal negligence for having, on the 18th
 day of June 1888, in the City and County of New York
 aforesaid, caused the death of wounding of Joanna Murphy
 by running over her with a butcher cart
 at 28th St and 3rd Avenue

And Whereas, he has been brought before said Coroner to answer said charge, and
 upon the examination of the whole matter, pursuant to statute, it appearing to said Coroner
 that said offense has been committed, and that there is probable cause to believe said defen-
 dant to be guilty thereof; and the said offense being bailable by said Coroner, he did thereupon
 order the said de'endant to find sufficient bail in the sum of Twenty
 Hundred Dollars, for his appearance at the
 next Court of General Sessions, to be held in said City and County, to answer to any in-
 dictment to be preferred against him for said offense.

Now, therefore, the condition of this Recognizance is such, that if the above-named
 William Faust shall personally appear at the next
 Court of General Sessions, to be held in said City and County on the first Monday of
 next, to answer to any indictment that may be preferred
 against him for said offense, and abide the order of the said Court, and not depart there-
 from without leave, then this recognizance to be void; otherwise to remain in full force.

Taken and acknowledged before me,
 the day and year first aforesaid.

Wm. Faust
 George Faust
 J. M. Ruger
 CORONER.

0446

W. R. Nugent
Clerk.

Sworn before me, this 12th day of July, 1888

City and County of New York, ss:

George Faust
the within-named bail, being duly sworn, says that he resides at *213 Spring*
St is a *free* holder in said city and county, and is
worth *forty* hundred dollars over and above the
amount of all his debts and liabilities, and that his property consists of

Real Estate at 213 Spring St
George Faust

0447

NEW YORK CORONERS' OFFICE.

THE PEOPLE, &c.,
ON THE FINDING OF A CORONER'S JURY,

vs.
William Faust

Recognition to Answer.

Taken the 12 day of July 1888

John R. Neagent Coroner.

Filed day of 188

0448

— STATE OF NEW YORK, —

CITY AND COUNTY OF NEW YORK, ss.:

AN INQUISITION,

Taken at the Coroner's Office

No. 67 Park Row Street, in the 4th Ward of the City of New York, in the County of New York, this 12 day of July in the year of our Lord one thousand eight hundred and 88 before

JOHN R. NUGENT, Coroner,
of the City and County aforesaid, on view of the Body of Johanna Murphy
now lying dead at

Upon the Oaths and Affirmations of
Seven 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 Johanna Murphy came to her death, do upon their Oaths and Affirmations say: That the said Johanna Murphy came to her death by

Injuries received by being run over by a butcher Cart driven by William Faust at 28th St and 3rd Ave. on June 18/88. We hold the said William Faust responsible

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

JURORS.

Th Drymoyt	908 Bridge St
B Deimmon 81	Suffolk
P J Burns 173	New Chambers St
Ed. Berner	320 E. 9th St
G C Wetherham	609 9th St
Walter Lane	619 East 9th
Henry Antonius	59 Bridge St

John R. Nugent

CORONER, E. S.

0449

TESTIMONY.

Hannah Murphy being sworn says
 Joanna Murphy, now lying dead
 in our home at 912 E 28th
 was my Mother. She was going
 to church at 6³⁰ am yesterday Mon-
 day 18th inst and was run over by
 a carting wagon, severely injured in
 the head, chest and other portions of
 the body. She was taken to Bellevue
 Hospital where she died at 1¹⁵ pm
 same day.

Hannah Murphy
 Mark

Sworn to before me,

this

day of

June 1888

J. R. Trenchard
 CORONER.

0450

TESTIMONY.

William O'Meara M. D., being duly sworn, says:

I have made an examination of the body of

Harriet Murphy now lying dead at

212 E 2nd St and from such examination

and history of the case, as per testimony, I am of opinion the cause of death is

Shock from scalp
wound, concussion of brain
fracture of cervical ribs, cervical
ribs - laceration of lungs, inter-
nal hemorrhage -

William O'Meara M. D.

Sworn to before me,

this

19 day of June 1888

CORONER.

0451

MEMORANDA

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
83 Years Months Days	Ireland	222 E 28th St	Jan 19/88

Not by David Mason
146 13th Ave
J. M. H. H. H.
130 13th Ave

John W. Heferson
Spec. in a Reg.
5th Hvy 1st Ave
Alto house

J. R. N.

138226

SP 990 1845

Quaker 1888

AN INQUISTION

On the VIEW of the BODY of

John W. Heferson

It is found that the same

death by

stroke from early

injury, immersion of the

fracture of several ribs

in both sides, location

of lungs a internal

hemorrhage of

the lungs etc

W. H. H. H.

JOHN R. HOFER

1888

1888

1888

1888

1888

1888

1888

1888

1888

1888

1888

1888

1888

0452

POOR QUALITY
ORIGINAL

Rec'd Oct 1/88

John M. Keelson
Officer 2nd Recd

5th St. 1st Ave
Station house

J. R. N.

B 226

No. 990 1845

2nd Quar.

1888

AN INQUISITION

On the VIEW of the BODY of

Johanna Murphy

whereby it is found that she came
her death by

Shock from scalp
wound, concussion of brain
fracture of several ribs
on both sides, laceration
of lungs internal
hemorrhage &c

The People vs

William Faust

Inquest taken on the

12th day

JOHN R. AUGENT, Coroner.

990

0453

Grand Jury Room.

PEOPLE

vs.

William D. Dyer

Kate Murphy

*212 E. 28th St.
unmarried
Dyer on the 14th day
of June at about
6:30 in the morning
mother (deceased) left
the house before business
at St. Stephen Church
bet 2x & 3rd Ave 28th St.
& we live bet. 2 & 3 Ave
28th St. Co. side.*

*Above 7 minutes after
she left heard noise
in the street & immediately
they came by house
& said mother was
hurt.
I ran to the
corner & saw*

0454

mother a man named
Carlton had her in
arms.

There was a surgeon
there also she said
remove my clothing
but surgeon would not
allow it.

My mother was 83
years old, tolerably
strong & spry & healthy.
She walked with the
aid of a small
cane.

She could hear
pretty well.

~~January~~
Off. ~~January~~
21st Dec.

I made the arrest
on Jeff's charge
When I arrested him
(he said) he said "I
did not all the women
I could not help it.
She must have been
behind the elevated
post or so."

0455

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Sand

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

Indictment accuse William Sand

of the crime of Manslaughter,

committed as follows:

The said

William Sand,

late of the City of New York, in the County of New York, aforesaid, on the

eighteenth day of June, in the year of our Lord one thousand
eight hundred and eighty-eight, at the City and County aforesaid,

with force and arms, in and upon
one Johanna Murphy, then and
there being, feloniously and
willfully did make an assault,
and a certain act, drawn by a
certain horse, then and there being
driven by him the said William
Sand, to, at, against and upon the
said Johanna Murphy, then and
there willfully and feloniously did
force and drive, and then the said
Johanna Murphy, with the said

cat and mare, got on and driven
 as aforesaid, then and there wilfully
 and feloniously did strike, launch
 down and run over, giving into
 her the said Johanna Murphy,
 then and there by the means aforesaid,
 in and upon the head, neck,
 breast, belly, back and sides of
 her the said Johanna Murphy,
 divers mortal wounds, bruises,
 fractures and contusions, of
 which said mortal wounds, bruises,
 fractures and contusions, she the
 said Johanna Murphy then and
 there died.

And so the Grand Jury aforesaid
 do say: That the said William
 Faust then the said Johanna
 Murphy, in the manner and
 form and by the means aforesaid,
 wilfully and feloniously did kill
 and slay: against the form of
 the Statute in and case made
 and provided, and against the peace
 of the People of the State of New
 York, and their dignity.

John R. Fellows,

District Attorney

0457

BOX:

332

FOLDER:

3144

DESCRIPTION:

Fischel, Morris

DATE:

12/20/88



3144

0458

410

Witnesses:

John M. Moley
M. M. Moley
March 30, 1944
State Bar, in favor of
Clamency - P.B.M.

Counsel,
Filed,
Pleads,

Dec
day of

188

THE PEOPLE,

vs.

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

Morris Fischel

JOHN R. FELLOWS.

District Attorney.

A True Bill.

M. M. Moley

Dec. 21, 1888 Foreman.

Pleas Guilty

Clamency Ref. P.B.M.

2135

0460

Mr. J. D. V. 28


December 8th 1888
Dear Gentleman

Please be so kind and
let me have the a to b of the
best Butter the last I got
from you it did not suit
me all my customers complain
about it. Please give
the 7 beany better butter
then you have give him the last
time I don't want to loose any
trade at once please try to do
better this time if you can
and do not dis appoint me if
you can't help it

Yours Truly

R. W. Searby

0461

Book <u>20</u>	
 Slip No. <u>188</u>	New York, <u>Deer sth</u> 1888
Received, ON BOARD <u>His Boy</u>	
FROM FRANCIS H. LEGGETT & CO., West B'way, Franklin & Varick Sts.	
THE UNDERMENTIONED PROPERTY, IN GOOD ORDER.	
MARKED.	
<u>M. Swansonky</u> <u>14 Duane St.</u>	<u>one @ Tub Butter</u> <u>same item</u>

0462

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 1st DISTRICT.of No. 128 Franklin Street, being duly sworn, deposes and says,that on the 8 day of December 1888

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

Thomas Fisher

(now here), did unlawfully, feloniously and wilfully make, forge, utter and counterfeit the name M. Swarsenky to the annexed order with the intent to defraud for the reasons following to wit: on the said date this deponent who is employed by the firm of Messrs. Leggett & Company received from the defendant the annexed order, which order purports to be signed by M. Swarsenky, and upon which order the defendant received from George Langford (now here and an employee of said firm) the said tub of butter mentioned in said order. Deponent is informed by Max Swarsenky (then present) that he Swarsenky did not write the said order, nor did he authorize any one to sign his name to any order. Wherefore deponent charges the said defendant with feloniously making, forging and uttering the said order with intent to defraud.

Sworn to before me

John Woodley

This 11th day of December

Solomon B. Smith

Police Justice

0463

CITY AND COUNTY }
OF NEW YORK, } ss.

Max Swarsensky
aged 40 years, occupation Crozier of No.

144 Hudson Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John Woolley
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 11th
day of December 1888 } Max Swarsensky

Solomon B. Smith
Police Justice.

0464

CITY AND COUNTY }
OF NEW YORK, } ss.

George Langford
aged *43* years, occupation *Reliving Clerk* of No.

128 Franklin Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me this

day of

Feb 188*8*

George Langford

Solomon Blum

Police Justice.

0465

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Morris Fischel

Question. How old are you?

Answer.

20 years.

Question. Where were you born?

Answer.

Germany

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

Answer.

201 Greenwich Street, Jersey

Question. What is your business or profession?

Answer.

Prison

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 took the order to the complainant's store and received the butter.
Morris Fischel

Taken before me this

11th

day of

June

188*8*

John D. Smith
Police Justice.

0466

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.....

Thereupon
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.....*Dec 11* 188

Police Justice

I have admitted the above-named.....

to bail to answer by the undertaking hereto annexed.

Dated..... 188

Police Justice.

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

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

Dated..... 188

Police Justice.

0467

Police Court---

1926
District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John Morley
vs.
Morris Sichel

2

3

4

Officer

Sargent

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Dec 11th* 188

Smith Magistrate.

Handy & Nunn Officer.

5 Precinct.

Witnesses *George Langford*

No. *128 Franklin* Street.

Max Swannick

No. *14 Hudson* Street.

Thermon M. Reeves

No. *1000 G.S.* Street.

\$ *1000* to answer *G.S.*

Com

0469

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Morris L. Linder

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

Morris Linder

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Morris Linder*,

late of the City of New York, in the County of New York aforesaid, on the
nineteenth day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*nineteen*, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly
act and assist in the forging a certain instrument and writing, _____

which said forged *instrument and writing*
is as follows, that is to say:

New York, December 8th, 1888
Dear Gentelman
Please be so kind and let me
have the a lot of the best Butter the
last I got from you it did not suit
me all my customers complained about the
Butter please give me) clearer butter
Butter then you have give me the last
time I don't want to loose my Trade
or once please try to do better this time
if you can and do not disappoint me in
you can't help it

Yours Truly

W. L. Linder

with intent to defraud, 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

Morris Zindler
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Morris Zindler,

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, _____

which said forged instrument and writing
is as follows, that is to say:

New York
December 8th 1898

Dear Banker

Please be so kind and let me have
the a lot of the best Butter the best
I got from you it did not suit me
all my customers complained about the Butter
please give me the heavier better butter
then you have give him the best
time I don't want to lose my Trade or
once please try to do better this time
if you can and do not disappoint me
if you can help in

Yours Truly

M. Zindler

with intent to defraud, he — the said Morris Zindler
then and there well knowing the same to be
forged, against the form of the Statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0471

BOX:

332

FOLDER:

3144

DESCRIPTION:

Flanagan, Daniel

DATE:

12/06/88



3144

Witness: *James Schumacher*

Edy Koraes

Filed 6 day of Dec 1888 J

day of Dec

Eds

THE PEOPLE

vs.

INJURY TO PROPERTY. [Section 654, Penal Code.]

[Section 654, Penal Code.]

Daniel Hanagan

JOHN
Chapman
Chapman

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Miss Prichard

Foreman.

Dec 7/78
O. J. C. Smith

Genl. yr. B.M.

0472

0473

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 1 DISTRICT.

John Schindell
of No. 16 Boverly Street, aged 22 years,

occupation Salesman being duly sworn deposes and says,

that on the 23rd day of November 1888

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

Daniel Flanagan, now here, did
wilfully and unlawfully break
and destroy a plate glass window
in said premises, of the value
of one hundred dollars, property
of Jacob Cohen.

That deponent then and there
saw the said defendant wilfully
and deliberately throw a large
stone at and through said
window. John Schindell

Sworn to before me, this

24th day

of November 1888

Police Justice,

0474

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Daniel Flanagan 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.

Daniel Flanagan

Question. How old are you?

Answer.

38 years of age

Question. Where were you born?

Answer.

Dublin, Ireland

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

Answer.

I have no home

Question. What is your business or profession?

Answer.

Machinist

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 have nothing to say.

Daniel Flanagan

Taken before me this

24
" 188*8*

day of *November*

W. M. McClellan

Police Justice.

0475

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 and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated November 24 188 8 J. M. Beuterson Police Justice.

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

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

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

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

0476

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

60
Police Court--- 1st 1851 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Schindler
16 Bowser
Charles Hagan

2. _____

3. _____

4. _____

Dated *November 24* 188*8*

Patterson Magistrate.

Michael Kehoe Officer.

6 Precinct.

Witnesses _____

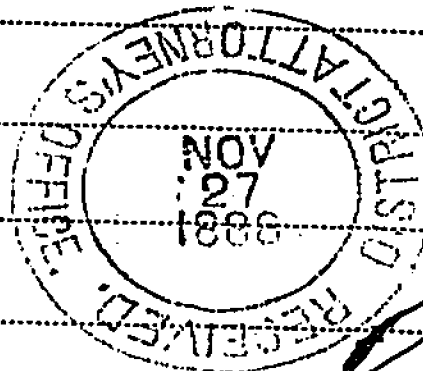
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *G. B.*

Comd



0477

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

David Shanagan

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

David Shanagan

of the CRIME OF UNLAWFULLY AND WILFULLY destraining

PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said David Shanagan,

late of the First Ward of the City of New York, in the County of New York

aforesaid, on the twenty third day of November, in the year

of our Lord one thousand eight hundred and eighty- eight, at the Ward, City and

County aforesaid, with force and arms, a certain part of

State Farm,

of the value of one hundred dollars,

of the goods, chattels and personal property of one Good Eden,

then and there being, then and there feloniously did unlawfully and wilfully steal

and destroy

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.

0478

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said
Daniel H. Haggan
of the CRIME OF UNLAWFULLY AND WILFULLY destroying
REAL PROPERTY OF ANOTHER, committed as follows:

The said Daniel H. Haggan,
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, with force and arms, a certain
piece of State Land,

of the value of one hundred dollars,
in, and forming part and parcel of the realty of a certain building of one John
W. H. Haggan,
there situate, of the real property of the said John W. Haggan,

then and there feloniously did unlawfully and wilfully destroy and
destroy,

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

JOHN R. FELLOWS,

District Attorney.

0479

BOX:

332

FOLDER:

3144

DESCRIPTION:

Fox, Richard

DATE:

12/20/88



3144

0480

412

Counsel,
Filed 20 day of Dec 1888
Pleads,

Burglary in the Third degree.
Felony and
[Section 498, 506, 528, 532, 535, 550.]

THE PEOPLE

vs.

P

Richard Sox

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Madraff

Foreman.

Dec 21/88

James H. Hays

House of Reps. R.M.

Witnesses

James H. Hays
John R. Fellows

0481

Police Court— District.

City and County }
of New York, } ss.:Henry Mayer
of No. 93 Park Row Street, aged 41 years,
occupation Barber being duly sworndeposes and says, that the premises No 93 Park Row Street,
in the City and County aforesaid, the said being a two story and attic building
the basement of which
and which was occupied by deponent as a Barber shop
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking a pane
of glass in the side of the door way
and entering into the said basementon the 15th day of December 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz: Two hair clippers
of the value of ~~the value~~ nine dollars
and good and lawful money of the United
States of the value of One dollar

the property of Deponent

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

Richard Fox (now here)

for the reasons following, to wit: that on said day the doors
and windows leading into said premises
were securely locked and fastened and
the said property was therein. That on the
evening of the 14th December, 1888 deponent
securely locked the doors of said premises.
Deponent is informed by Horatio S. Allen
an Officer of the Fourth Precinct Police
that he Allen saw the defendant coming

0482

out of said basement at about the hour of one and a half o'clock on the morning of said day and had the clippers here shown in his possession. Deponent identifies the property as belonging to him. Deponent further states that he has since examined the premium aforesaid found the same broken into and the entrance made as aforesaid.

Wherefore deponent charges the defendants with feloniously breaking and entering said premises and taking and stealing and carrying away said property.

Sworn to before me this 3 Henry McCoy
16 day of December, 1888

A. M. Platter

Police Justice

Police Court — District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

Burglary

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

0483

CITY AND COUNTY }
OF NEW YORK, } ss.

Horatio S. Allen
aged *29* years, occupation *Police officer* of No.
4 Precinct Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Henry Mayer*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *16*
day of *December* 188*8* *Horatio S. Allen*

J. M. Patterson
Police Justice.

0484

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Richard Fox

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

Question. What is your name?

Answer.

Richard Fox

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

New York

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

Answer.

61 Vesey Street 7 months

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

*I was not in the place.
The property was handed to me
by a boy on the inside
Richard Fox*

Taken before me this

16

day of December 1888

McArthur

Police Justice.

0485

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
One 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 Dec 16 1888 *McGowan* *Police Justice.*

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

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

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

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

0486

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1946
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Mayer
931 Park Row
Richard Fox

2 _____

3 _____

4 _____

Offense *Durphy*

Dated *Dec 16* 188

Patterson Magistrate.

Allen Officer.

Precinct.

Witnesses *C. W. Gardner*

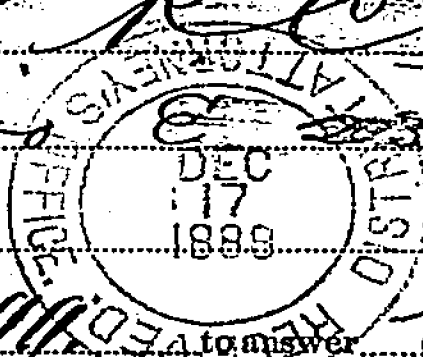
No. *Call the office* Street.

C. W. Gardner

No. *S. R. Co* Street.

No. _____ Street.

\$ *1000* to answer



G. S.

Comd.

P. H. R.

0487

District Attorney's Office.

PEOPLE

vs.

Richard Fox
Burglar

*Bill recommended
in this case.*

Harry H. Solomon
Dep. Dist. Atty.

Dec 19/88

0488

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Fox

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

Richard Fox —

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

The said

Richard Fox

late of the *Fourth* Ward of the City of New York, in the County of New York, aforesaid, on the *fifteenth* day of *December* in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *shop* of one

Henry Mayer —

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Henry Mayer

in the said *shop* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0489

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
Richard Fox
of the CRIME OF *Petit* LARCENY — committed as follows:

The said *Richard Fox*
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *night*-time of the said day, with force and arms,
two hair clippers of the value
of four dollars and fifty
cents each, and the sum of one
dollar in money, lawful money.
of the United States and of the
value of one dollar

of the goods, chattels and personal property of one *Henry Mayer*
in the *shop* of the said *Henry Mayer*

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

THIRD COUNT—

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

Richard Fox
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

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

two hair-clippers of the value of four dollars and fifty cents each, and the sum of one dollar in money, lawful money of the United States, and of the value of one dollar

of the goods, chattels and personal property of one

Henry Mayer
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Henry Mayer
unlawfully and unjustly, did feloniously receive and have; the said

Richard Fox
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0491

BOX:

332

FOLDER:

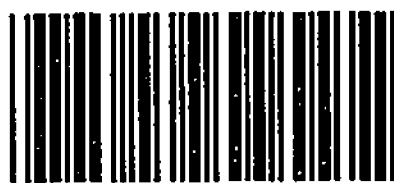
3144

DESCRIPTION:

Francis, Eliza

DATE:

12/10/88



3144

Witnesses:

H. Beck

Off. Murphy

I recommend that a plea
of petit larceny be
accepted. J. W. Goff
Clerk Dist. Ct.

90.

Counsel,

Filed

day of

1888

Pleads,

Guilty

THE PEOPLE

38 vs.

155639

Eliza Francis

Grand Larceny in the 2nd degree.
(MONEY.)
(Sec. 528 and 53, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Woodruff

Foreman.

Per II December 12, 1888.

Reple Petit Larceny.

Dec 14/88

P. 30 days.

14.

0492

0493

Police Court—4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. 418 East 71st Street, aged 34 years,
occupation Porter being duly sworndeposes and says, that on the 5 day of December 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

Genl and lawful money of
the United States of the Amount
and value of thirty dollars.
(\$30.00)

the property of

Deponent

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

Oakley (now here) from the fact
that deponent met defendant at 3rd
Avenue and 9th Street at about 11
O'clock P.M. on Dec 4th 1888 and
Accompanied her to the Crompton
Shed 3rd Avenue and 24th Street
where deponent engaged a room
and she and defendant undressed
themselves and went to bed at
about the hour of 12 O'clock
Midnight. Deponent fell
Asleep and when he awakened
about two hours thereafter he
missed the aforesaid property

Sworn to before me, this

day

188
Police Justice.

0494

which was taken from his over
Coat pocket which was hanging
up in the Bedroom.

Dependent thereupon
Caused defendants Arrest and
when searched the said property
was found concealed upon
her person

Sworn to before me
this 5th day of Dec 1887 ✓
J. M. Galtison
Police Justice

Henry Beck

0495

Sec. 198-200.

14 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Eliza Francis alias Mary Oakley being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h^{er}* right to
make a statement in relation to the charge against *h^{er}*; that the statement is designed to
enable *h^{er}* if *h^{er}* see fit to answer the charge and explain the facts alleged against *h^{er}*
that *h^{er}* is at liberty to waive making a statement, and that *h^{er}* waiver cannot be used
against *h^{er}* on the trial.

Question. What is your name?

Answer. *Eliza Francis alias Oakley*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *England*

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

Answer. *No 155 East 39th St. Dumont*

Question. What is your business or profession?

Answer. *Dressmaker*

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*

Eliza Francis

Taken before me this

day of

1888

John J. Sullivan Police Justice.

0496

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
Fifteen *Hundred Dollars,.....and be committed to the Warden and Keeper of*
the City Prison, of the City of New York, until he give such bail.

Dated *Dec 5* *1888* *J. M. Bennett* *Police Justice.*

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

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

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

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

0497

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 1880 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Beck
116 East 71 St
Liza Francis
alias

2
3 *Mary Oakley*
4

Lancery
Office
Galaxy

Dated *Dec 5* 188 *8*

Patterson Magistrate.

Murphy Officer.

18 Precinct.

Witnesses _____

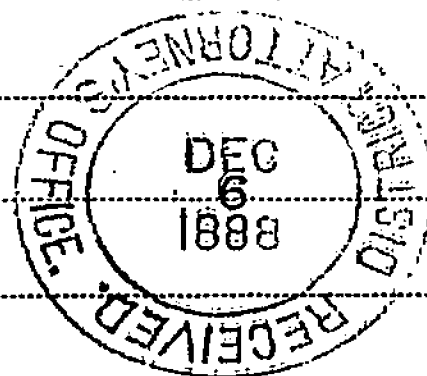
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1500* to answer *Yes*

Comd



0498

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Julius Francis

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

Julius Francis

of the crime of GRAND LARCENY IN THE ~~second~~ DEGREE, committed as follows:

The said *Julius Francis*.

late of the City of New York, in the County of New York, aforesaid, on the *21st* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, with force and arms, in the *night* time of the same day, *one* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars *—* ; *\$30.-* *three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars *each* ; *six* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars *each* ; *fifteen* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of two dollars, and of the value of two dollars *each* ; *twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of one dollar, and of the value of one dollar *each* ; *one* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *—* ; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each* ; *six* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each* ; *one* United States Silver Certificate of the

0499

denomination and value of twenty dollars _____ ; *three* United States Silver
 Certificate of the denomination and value of ten dollars *each* ; *six* United
 States Silver Certificate of the denomination and value of five dollars *each* ; *fifteen*
 United States Silver Certificate of the denomination and value of two dollars *each* ;
thirty United States Silver Certificate of the denomination and value of one dollar
each ; *one* United States Gold Certificate of the denomination and value of
 twenty dollars _____ ; *three* United States Gold Certificate of the denomination
 and value of ten dollars *each* ; *six* United States Gold Certificate of the
 denomination and value of five dollars *each* ; and divers coins, of a number, kind and
 denomination to the Grand Jury aforesaid unknown, of the value of *five dollars*.

of the proper moneys, goods, chattels and personal property of one *Henry*

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

JOHN R. FELLOWS,
 District Attorney.

0500

BOX:

332

FOLDER:

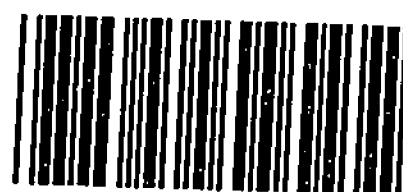
3144

DESCRIPTION:

Fuller, Albert

DATE:

12/10/88



3144

0501

Witnesses:

Off Craig

106. *over*
Counsel,
Filed *10* day of *Dec* 189*7*
Pleads, *Chargely*

THE PEOPLE

vs.

ATTEMPTING SUICIDE.
(Section 17, Penal Code).

Albert Fuller

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Wm Woodruff
Foreman.

Dec 11/97
Found Guilty.
Sentence suspended
B.M.

0502

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

of No. 20th Precinct Police Street, aged _____ years,
 occupation Police Officer being duly sworn deposes and says
 that on the 27th day of November 1888

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

(Now here) did with the intent to
 take his own life feloniously
 jump into the North River from the
 dock at the foot of West 36th St.
 Deponent further says that after he
 the defendant was taken from the
 river he the defendant told deponent
 that he was sorry that they did not
 let him drown. as he was out of
 work and wanted to die. Wherefore deponent
 prays he may be dealt with according to
 law.

Joseph J. Craig.

Sworn to before me, this
 of Nov 1888
28 day

John J. Moran
 Police Justice.

0503

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Albert Fuller

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. *Albert Fuller*

Question. How old are you?

Answer. *44 years old*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Nohm.*

Question. What is your business or profession?

Answer. *Work on a farm*

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 out of work and
crippled and I am best off.
dead.*

Albert Fuller

Taken before me this

day of

188

John J. ...
Police Justice.

0504

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.....

Alfred Amb
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 *NW 25* *188* *John J. Herman* *Police Justice.*

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

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

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

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

0505

Officer Craig
will prove attempt
at murder
Andrew H. Dawson
D A D A

B.O., 106 1870
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Craig
vs.
Albert Fuller

Offence Attempted
Suicide

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Nov 25 1888

John Craig Magistrate.

Officer.

20 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

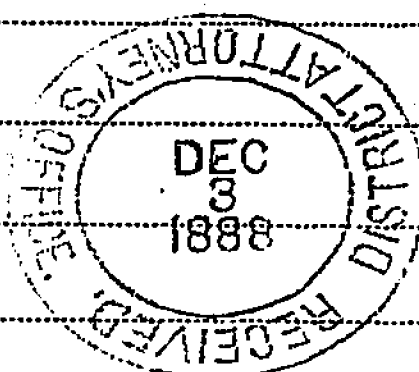
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer

Craig



0506

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Albert E. Fuller

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

Albert E. Fuller

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *Albert E. Fuller*

late of the City of New York, in the County of New York aforesaid, on the

twenty seventh day of *November* in the year of our Lord
one thousand eight hundred and eighty-*eight*, at the City and County aforesaid,

with intent to take *his* own life, did feloniously *cast and*

throw himself into the
waters there commonly called
the North River, and with
the same intent aforesaid
did then and there voluntarily
sink and submerge his
body in the waters aforesaid;

the same being an act dangerous to human life, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.