

0387

BOX:

4

FOLDER:

54

DESCRIPTION:

Lauer, William

DATE:

01/21/80



54

0300

Monday
Day of Trial 1900

Counsel,
Filed 21 day of July 1888
Pleads in Court

THE PEOPLE

vs.

B

William B. ...

March 25/1888

170

BENJ. K. PHELPS,

City Prison 60 days
\$50. fine
A True Bill.

W. K. King

May 21. 1888
Jury Council
May 4. day

reman.

Handwritten notes on the left page, including "1800" and other illegible text.

0389

Testimony in the case
of
William H. Lamer
filed Jan. 21.

55-

0390

Court of Gen Sessions

The People vs

apt

Wm H Lauer

Please take note that
on the affidavits annexed
I will move this issue
at the Court House Part
1. at the City Hall in the City
of New York on the 19th day
of July 1880 at 11 am that
the fine of \$500 imposed
on the defendant herein
be remitted and that I do
order that further relief
as to the Court may seem
just -

Dated July 19th 1880

John L. Hudson,
Attorney General

W B. K. Phelps Esq
Dist Atty

0391

Court of General Sessions
of the Peace.

The People vs.
apt.
William H. Lauer.

City & County of New York vs: William
H. Lauer above named being
duly sworn says; that on the 21st
day of May 1880 he was convicted of
manslaughter in the fault degree,
with a recommendation to mercy,
and the Court thereupon sen-
tenced him to sixty days in
the County Jail and to pay a
fine of five hundred dollars.
Deponent further says
that he has been confined in
the County Jail ever since
the rendition of said sentence
and his term of imprisonment
undersaid sentence will expire
on the 10th day of July 1880.

Deponent further says an
action was brought in the
Superior Court of the City of New
York by Ann Healy an Administratrix

57

3

re of Maurice Healy, deceased,
 against Ludwig Lauer the
 father of deponent as the employer
 of deponent, to recover damages
 for the same offense charged
 in the indictment herein, and
 such proceedings were had in
 said action that on the 17th
 day of June 1880 judgment
 was rendered therein in favor
 of said Ann Healy Administratrix
 &c. against said Ludwig Lauer
 for one thousand dollars damage
 and two hundred and fifty ~~two~~ ^{two} hundred dollars
 costs amounting in the aggregate
 to ~~one thousand two hundred and fifty~~ ^{one thousand two hundred} dollars.

Deponent further says
 that he has no means whereunto
 to pay said fine or any part
 thereof, and if said fine is paid
 it must be paid by his father
 the said Ludwig Lauer.

Deponent therefore prays that
 the fine imposed on him

herein be remitted.
 Done to before me this 27th day of July 1880
 at New York
 William B. Lauer
 Henry Mayhew

Court of General Sessions
of the Peace.

The People &c.
vs.
Wm. H. Lauer.

City & County of New York ss:
John S. Lindsay
Attorney for Ludwig Lauer the
defendant in an action in the
Superior Court of the City of
New York wherein one Am. Healy
as Administrator &c of Maurice
Healy, deceased, was plaintiff.
That such proceedings were
had in said action that on the
1st day of _____ judgment
was rendered therein against said
Ludwig Lauer, who is the father
of William H. Lauer above named
for one thousand dollars dam-
ages and _____ dollars
costs, with interest at the rate of 6% per annum \$1,242.62
That said action in the
Superior Court was brought to
recover damages against the
said Ludwig Lauer as the
employer of the above named

0394

William H. Sawyer for the alleged
negligence of the said William
H. Sawyer by causing the death
of the said William Sawyer in
the manner charged in the
indictment herein
Signed & referred to
17th day of June

John L. Bradley

Francis W. Judge Jr
Notary Public
New York City

The District Attorney, is assured
by the foregoing affidavit, that of the
defendant Sawyer, and by the evidence that
the defendant is unable to pay the
fine imposed upon him. Under
all the circumstances, he does
not oppose the return of the

Warrant.

Wm. H. Sawyer
Attorney at Law
New York City
17th day of June 1880

Sawyer
v.
Sawyer

Applicant
to permit firm

²⁵⁶
 The People
 vs.
 William H. Lauer } Court of General Sessions. Before Recorder
 Smythe. May 19, 1880. Indictment for
 Manslaughter.

Darinus B. Scofield, sworn and examined, testified:
 I am one of the Court officers of this Court, I live
 422 East 122nd St. On Friday evening October 24th
 I was at the corner of 119th St. and Third Ave.
 at about 6.25 or 6.30. I first saw the prisoner
 there, but not to know him though. When I
 first saw him ~~he~~ was on the east side of Third
 Avenue, I just stepped from the north curb of
 119th St. on Third Avenue facing south. At that
 moment my attention was attracted to the feet
 of a horse, I heard a moving pretty fast, I looked
 towards the car track and saw Mr. Lauer dri-
 ving a bay or dark brown horse, and he was
 then about ten or twelve yards probably south
 of the south crossing of 119th St. coming up town
 facing north, on the Avenue in the car tracks,
 the deceased was about six feet east of the car
 tracks and going to the west, probably two paces
 east of the east track on the south crossing of
 119th St. I should judge about twenty feet from
 the curb up to where he was. While he was making
 those two paces the driver of the horse made the
 other eight or ten yards, so that they come together
 just as he reached into the car track the shafts
 of the wagon came in contact with his breast.
 At that instant the driver hallooed, "Halloa, take

0396

care there," and at that instant the man fell. As he fell his head went into the track, and the east side of the wheels of the wagon driven by Lauer crossed his breast and the wagon bounded. I then commanded this driver to stop, and he paid no heed to it, and I commanded him again to stop. I say, "stop there," and repeated it. At that moment he raised up in his seat and he caught the lines in his hand and hit the horse with them; the driver jumped from the east to the West track; his horse at this time came to a run. He went from the east track midway between the gutter and the west or down tracks of the Third Avenue. I gave chase, but by the time he reached 121st that was two blocks distant from the run over, I got run out; he turned the corner and went west towards Fourth Avenue. I called twice as I ran, that was all, as loud as I could. When I first called I was not twenty feet from him, but I never after that got near enough to see where his place of business was. All I got near enough to discern on the wagon was that it was Lauer's wagon, dealer in wines. When the wheels went over the body of the man the wheels bounced; you could hear it and see it both; the front and rear wheel passed over the body. Then I first saw the

0397

prisoner I should think he was two paces from the car track. At that I saw the wagon come up; it looked like an Adams' Express wagon painted green; I should think it weighed 1600 pounds or thereabout, one horse. Then you first saw the wagon at the time the man was two paces from the track how far down town was the wagon? The wagon was probably between 25 to 30 feet, along from nine to ten or eleven yards as near as I could guess at it from the south crossing of 119th St. Did you know the man who was hurt? I did not. What was his name? I subsequently learned that his name was Healey I think. After I had quite run out I came back and went to look for a police officer and then went to see what had become of the man. I judge him to be probably 45 years old, between 40 and 45; a laboring man from all appearances. Where was he when you saw him on your return? He was lying in the side door of a grocery store, I think it is on the south east corner of 119th St. He had been picked up and carried back to the walk there. I went near enough to him to satisfy myself at the time that he was sober; there was no odor of liquor about him, but he could not speak. I went to see if the man was dead I went so close as to put my head to his

0398

breast to see whether he was breathing, whether life was extinct or not. I think I saw him dead the next morning at his late residence 82 nd St. and Third Avenue. The accident happened at 6.25 in the evening; it was not light, it was just coming dusk, the street lamps were lit and all the stores in the neighborhood were lit up. I could see well enough from where I stood across the street I had no difficulty in seeing. Cross Examined I looked for indications of liquor. I went near enough to put my head to his breast to see if he was breathing. I smelled tobacco but no liquor; he might have been intoxicated, but he walked straight. This was 6.25. I pulled out my watch as I was crossing the bridge. I don't know when the sun set that day but I think it was in the neighborhood of six o'clock. I have no interest in this case. The Elevated Railroad is over the track and the street is somewhat obscured. ~~It~~ but not enough to affect the vision much. There was a lamp on the corner where I was. What first attracted my attention was horse's feet; when I heard the noise I was just stepping down from the curb on the northeast side. In looking diagonally across the man stood, not stood but was in a position walking across just

0399

between the wagon and myself diagonally right across. Then standing on the upper corner looking for the coming of the wagon the man stood just about in the line of vision? Yes sir. I saw this horse and wagon coming. Was it plainly visible or dimly visible? O, it was very plain. I judge he was ten to twelve yards off then; the man was coming across on the lower crossing from the east side to the west. Are you certain he was on the crossing? Yes sir. I could see the crossing as plain as I can see you. When I first heard the noise the man was crossing, he was then probably between two and three paces away from the Railroad track. I should judge probably eight or nine feet. Did you not testify before the Coroner's jury that when you saw the man he was three feet east of the track? Three paces I might have said. I am positive I did not say three feet. If they have it put it was fact I said. At what time or point of the occurrence was he two paces east of the track? When the horse was about eight or nine yards south of the crossing. How far was the horse south of the crossing when you first saw him? I should judge about ten or eleven yards. I have not measured it since or at the time. The distance would be imperceptible in a dim light. Was it dim? No sir. Was it very bright? As much as forty or fifty stores and the

0400

light that street lamps would give; the neighborhood is all built up there. When the man got within two paces of the track how far was the horse off? I should judge he was about eight or nine yards. That would be twenty four to twenty seven feet? Yes sir or thereabouts. Was the man when you saw him going west? Yes sir. He had two paces to reach the track. That time would it take him to pass two paces? Not more than three or four seconds. While the man was making the two paces the horse had covered the distance of eight or nine yards. I looked at the man diagonally right across his back. Did you see ~~the~~ accident at the time it occurred? Yes, I saw it. The man is crossing the street here in this shape, and while he is making the two paces, the horse makes those eight or nine yards. The driver halloo, "Halloo, take care;" this man turns, and as he turns he is struck with the shaft and down he goes. He falls that way and the wheels go across him that way (showing) the wheels right around when the wagon passes over him; the feet are faced toward the East; the man has turned; he was West. Whereabouts did the shaft strike him? Somewhere up here about the right breast, were the wheels of the wagon in the track? Yes, and the horse was

0401

between them; of course he was going right along in the centre; it is what you call ^{an} track wagon. How did he fall? his head ^{was} inside between the track? Yes, sir, that is the way he fell just as I told you. As he was struck here in the right breast he was turned, he turned in that direction and fell with his head in the centre of the track right ^{under} the horse's feet and his feet pointed toward the east, the blow had turned him right around. He fell under the horse. Was there any mark of the horse's feet upon his face? He was somewhat discolored ^{on} the right side and bleeding pretty hard, the blood running down each side falling from the top of his head. Where did the wagon cross him? Between the abdomen and the upper part of the breast just midway between. I did not see any bruises on the man afterwards; all I am testifying to was what I saw. I saw the wheels pass over him so distinctly as I see you now. At what rate of speed was the driver going? At that time I should judge he was going on a four minute gait, but that was only for two or three blocks, I got run out two blocks I mean at the time of the accident he was going a four minute gait. Before that he might not have been going so fast as that I consider myself capable of judging. I have

0402

harnessed horses a great deal. Did you see enough of his traveling to judge how fast he was going? At that time I did not see but ten yards up to the time the man was knocked down in those ten yards it might be pretty hard to compute it. I should think he was going four or five ~~minutes~~ minutes to a mile at the time he knocked him down. I formed my opinion of that an hour or two after. The quick movement of the feet, his feet were sounding so fast that is what attracted my attention. I don't know what kind of a horse it was. Do you know what he was drawing? It looked like an Adams' Express wagon. I have seen a grocer's wagon as light as that, but it was a medium business wagon; the wagon should weigh anywhere from eleven to fifteen hundred pounds or thereabouts. Did you not testify before the coroner's jury that he was going faster than four minutes? I think not. If you did so testify would that be the truth? That is merely an opinion. Was there anything in the wagon? Nothing that I could see. I have been connected with the Court going on two years. Until the thing had happened there was nothing to arouse your attention particularly as to the place that he was traveling at? Nothing at all. You saw that it was fast and heard that it was fast? That is what attracted my attention;

0403

then it happened. I should say he was going a mile in four minutes at the time he ran over. Were there any elevated trains going overhead at that time? Not at that instant, but immediately afterwards there was one passed up and one went down. Had they been coming I probably would not have heard the horses. Was there any obstruction on that track at the time of the accident, any other wagon? Nothing before him or nothing behind him that I could see. How soon after he had driven over this man did he quicken his pace? Did he strike the horses with the reins? Immediately on my commanding him to stop that was at the very instant. I saw that the man had made no attempt to stop after knocking the man down, I then commanded the prisoner to stop. I spoke in a peremptory way. As I understood he held the reins with one hand and clapped the horses with the reins? He did, I supposed he was going to stop. He caught the lines and struck the horse with the lines and set his horse from a jump to a run from east to west midway between the curb and the track; this was one horse. Where do the pillars of the elevated Road come down into the street at that point? Probably about thirty feet south of the south crossing and probably the same distance north of the north crossing and one post in the centre

0404

of the street, I should judge probably three or four feet from the track. As Mr. Laneer shouted "Halt on there," he checked for an instant. I don't know what sort of a shaft it was on this wagon. I have driven horses a great deal when I was quite a boy. I drove in Tompkins Market for two or three years and in later years I have driven fast horses that were owned by friends and relatives of mine. The sound of the horses hoofs first attracted my attention. I know by the way they were going on the ground he was going pretty fast and when I looked I saw his movement. I was convinced that he was going fast. Were there a considerable many people in the street? There were very few there, but 18th, 19th and 20th Sts. are all built up there. You did not see the man again, he had been taken up, removed? He had been removed from the track to the grocery store. I do not know exactly at what time he was picked up. I lost probably a minute and a half in running after the driver. This man lived where? He lived on the west side of Third Avenue. Are you certain about that? Positive. In what street? Just south of 87nd, I think between 81st and 87nd Sts. on Third Avenue.

Mr. Rollins. Of course I have not proved the cause of death. I rest with the understanding of introducing that evidence by the Coroner who is absent.

Testimony for the Defence.

Charles Grufe, sworn and examined, testified.
 You are attached to the 99th St. Hospital? Yes sir.
 And you were in October last? Yes sir. Did you see
 one Maurice Kealey about the 24th of October? Yes sir.
 Was he brought to the Hospital? Yes sir, he was brought
 to the Hospital by an ambulance. About what
 time did you see him? I believe about 9 P.M.
 in that region, in that neighborhood. Of that day?
 Yes sir, the 24th of October. Did he die in the
 Hospital? Yes sir. When? The following morning
 about half past seven A.M. Did you examine
 him to see whether he was suffering from any
 physical injuries? Yes sir. And what did you
 discover? I found a fracture of the third, fourth,
 fifth and sixth ribs on the right side. There
 was also a scalp wound. What was the cause of the
 death in your judgment? Hemorrhage and shock com-
 bined. Resulting from those injuries? Yes sir; all
 the other organs were healthy. You had no personal
 knowledge of the circumstances under which those
 injuries were received, I suppose? No sir.
 Cross Examined: Did you find any other injuries
 than those in the ribs? I found a scalp wound.
 Where was that? The scalp wound was situated
 over the eye on the right side also. About the
 temple? Yes sir. Could not that be from falling
 on the pavement? Yes sir. How tall was the
 man? I do not know. I do not remember finding

0406

any other injuries on the body. Suppose a man was run across the chest by a fall and a wheel of a wagon weighing about two thousand pounds, what in your judgment would be the effect of that on the body? I believe that he would show some wound or contusion of some kind on the body. Across the chest? Yes sir - across the front of the body. Did you find any such wound? Not that I can remember. By Mr. Rollins. Have you ever had occasion to examine anybody that was run over by a wagon that weighed two thousand pounds? Not that I remember specially, but I have examined a number of patients with fractures of the ribs. I am referring to such a particular case. Not that I remember particularly. By the Court. Suppose a person was lying knocked down and was run over very rapidly at the rate of about a mile in four minutes what would be the effect? On the chest you would not necessarily find any wound there, but the probability is I would expect to find a wound or a contusion of some kind. Do you know how this man was clothed when he was brought to the hospital? No, I do not. Would the clothing have something to do with it? O yes. By Counsel. Would not a wagon of that weight passing over the chest be likely to leave some contusion? Yes sir, I would expect to find some contusion

0407

By the Court. If it went at the rate of a mile in four minutes rapidly over the front wheel and the rear wheel what effect would that have, would that necessarily leave a mark or contusion on the body? Not necessarily, I do not think. Suppose a body of a man were lying a little on the side, not completely on his back and the wagon passes over him in that direction would that necessarily leave any contusion on the breast? Not necessarily, I would expect to find a contusion. By Mr. Rollins. That do you call a contusion, doctor, a little plainer language than that? It is a blow producing ecchymosis, I would say an injury of the tissue. That means discoloration? Yes sir. By the coming of the blood there? Yes sir. That occurs after violence at different intervals in the bodies of different people, does it the black and blue? Yes sir, the black and blue. Some people get black and blue very easily? Yes sir. Some people if you pinch them hard they will not become black and blue? No sir. Of the early indications on this man's body you know nothing I suppose? No sir. Were you in charge of the hospital that night? Yes sir. Were those ribs crushed in? They must have been I think because the man had spit blood. Was it not true that the rib was crushed into the lung? Yes sir, the lung was lacerated. Did you find any wound on the top of the head? I found a wound on the

0408

right temple. I believe it was about an inch or two inches long; it was cut to the bone I believe; it might have been produced by a fall and it might have been produced some other way? Suppose a body lying across a track of a street railroad and a wagon coming along at the rate of a mile in four minutes could it be possible, doctor, in your judgment that that wheel or those wheels of that wagon would strike that body without producing a perceptible concussion? Yes sir I have seen cases where a man received a blow and no evidence of contusion. One case was of a man struck by an engine and lacerated the intestine and simply left a small contusion not injuring the abdomen at all, simply lacerating the intestine. There was no contusion on this man that I remember. I examined him; there was the external evidence of a blow but it was very slight. Presupposing all the conditions of a body lying across the railroad track the surface of which would be indented to permit the passage of wheels that if struck by a wagon and the two wheels of a wagon going at a rapid rate of speed would it not be your judgment that some evidence of a contusion would be seen? I should expect to have some contusion. In what shape was

0409

his lung lacerated by those ribs that were broken? That I do not remember; the Coroner made the post-mortem examination. I did not participate in it. Was there any discoloration where those ribs were broken on the right side? Not that I remember. Could the ribs be broken without any discoloration? Yes sir, I should think so. Would there be any difference whether this wagon passed over the abdomen or over the lung? Yes sir. Which would be most likely to give evidence of contusion? The chest. Now suppose this condition, doctor, that a wagon drove at a rapid rate of speed at the instant that this collision occurred was drawn up, so that the rate of speed was checked and then at a lessened rate of speed the wagon went over, would you not expect to find evidences of contusion? Yes sir. Which would you regard as most likely to produce evidences of contusion to go at a rapid rate of speed or a slow rate? At a slow rate. If the speed of the horse had been checked and then started on you would then expect to find evidences of contusion? Yes sir. Do you know Erickson's Science and Art of Surgery? I am acquainted with the book, but I have not got it myself. Do you know how it is regarded in the profession whether it is a standard work? Yes sir it is one of the standard works both in Europe and in this country.

0410

William H. Lover, sworn and examined testified. I am 20 years of age. I am a collector and attend to my father's business; he is a wholesale liquor dealer at 163 Christopher St. I have been so employed for six years. During that time I have been delivering goods with this horse and wagon mostly every day. I never had an accident of this kind before; the horse is I should judge between 18 and 19 years old; my father has had the horse fifteen years. When my father bought him he used him as a truck horse and then he has went into the wagon ever since; the wagon weighs 1180 pounds empty; the horse has been crippled ever since I have taken hold of him; he was spavined in both hind legs and sprung in both front legs and has corns in both front legs, and he has to wear crossbar shoes; they come all around the feet. I hitched the horse up in the morning and took him over to Hoboken, ran around my route and came back. I was three hours or three hours and a half on that trip. I had demi-johns, kegs and other articles; the time I went over to Hoboken I had a weight of six or seven hundred pounds. I then unhitched him, put him in the stable and fed him. I hitched him up about an hour afterwards.

0411

and went up to the Knickerbocker Ice Co. to get a cake of ice. Then I loaded the wagon with demi-johns and liquor of all descriptions and started. I left the office about a quarter to five and the first place I stopped was thirty seventh St. between Seventh and Eighth avenues and I enquired for a friend, and from there I went to 41st street near Ninth Avenue. There I delivered two demi-johns, and from there I went to Eighty third St. and Eighth Avenue, to Mr. Knickerbocker. I remained there about five or ten minutes. I did not deliver anything from the wagon there. I stopped to water my horse, when I was there it was about a quarter of six. I drove right up to Eighth Avenue and crossed 110th St. to Third Avenue. I drove on the east track going up to where I had this accident. I turned out of the track once, there was a car coming behind me and they whistled. I turned out of the track to get out of the way to let them pass me, then I turned in the track again and went right along the same as I usually do, the cars went by me four times till I got to the bridge from 110th St. to 119th St., and then I followed them up again. About what weight was there on the wagon at the time of this accident? Counting myself and everything about nine hundred to ten hundred pounds. The wagon weighed 1180 pounds without anything on it. I drove up on Third Avenue on the east track going up

0412

As I come about 25 feet this side of 119th St. I saw an object in front of me. As soon as I saw it I pulled up my horse and halloed as loud as I could "Hey," and this man came running down on the upper track. I was coming up on the upper track I struck him with the shaft on the right side; he fell on the east track clear of the track. Did the wheel of the wagon pass over him? No sir. Are you positive about that? Yes sir. About what rate of speed were you going at the time? About the rate I generally drive at, about eight or nine miles to a mile. I was going at a slow trot. I pulled up my horse as soon as I saw this man. When you struck the man did you suppose he was hurt? No sir, I supposed he was hurt. I did not suppose he was hurt seriously otherwise I would have stopped. I was excited at the moment and drove ahead. I drove directly home. I turned out of 119th St. and went west to Lexington. Are the shaft of the wagon is bent. I could not tell how large the man was, he seemed to be about the same height as I am. five feet five or six. If you had not checked the horse with that shaft level where would it have struck this man? It would have struck about a foot and a half lower than it did strike.

Cross Examined. If the shaft is bent down it would not strike so high? O, certainly, but I pulled my horse up immediately after I saw the man, as

0413

room as I saw the man; the first time I saw the man I was about 25 feet away from him. Had control of my horse, he was not running away from me, I had a good hold of the reins. I did not stop, but I pulled him up short. Did you check his speed when you pulled him up very considerably? Yes sir. What was the man doing while you were slowing up? The man kept running down towards me. How far should you think you were south of the south crossing of the street when you first saw the man? Do you mean you were about as far as from here to that pillar? No sir; that is the time I saw the man; the man was twenty five feet below the south crossing - that would be about fifty feet. South of the 119th St. crossing, do you mean that? Yes sir. He was twenty five feet south of the 119th street crossing? Yes sir. There was he when you hit him? Yes sir. And where was he when you first saw him, cross before he was hit at all, do you mean he was back at the crossing then? No sir, he was on the track when I saw him first. How far from the crossing? Twenty five feet. You have just told me that when you first saw the man he was 25 feet south of the south crossing at 119th St? He was 25 feet ahead of me when I first saw him. By the Court of the District Attorney wants to know where he was with reference to that crossing at the time you struck him, how many feet was he south of that crossing? Twenty

0414

five to thirty feet. I was further down town than he was when I hit him. How much further down town was he when you hit him than when you first saw him? Five to ten feet; when I first saw him he was from twenty to twenty five feet away from me. I suppose when I pulled up my horse the horse could not have went faster than about eleven minutes to a mile; that is hardly above a walk. I can walk faster than my horse can walk. So far as I could see the man was not trying to cross the street at all; he seemed to me to be going down town; he was running right towards me. My horse was making a good deal of noise - more than usual on account of these shoes. How much faster than you were the horse cars going that you got out of the way for? The horse cars after they get to 92nd st make up for lost time and they go faster. I cannot tell how fast they were going. I generally have to get out of the way of the horse cars; their running time is ten minutes to twenty blocks. How far below 119th st was it that you last turned out on account of a car coming up? I turned out at 116th st. right under the elevated depot. There was a car in front of me at the time I saw this man, I could see the green light; it was a block and a half in front of me. I hit the man in the breast and knocked him

0415

down. You say you thought it did not hurt him? I do not think it hurt him seriously. What made you think so? In the excitement of the moment I saw the man go down, I did not think I hurt him, I saw I knocked him down. But you thought you did not hurt him? I thought I did not hurt him. Did you stop and ask? No I did not. Did you drive fast? No sir. Not a bit faster? I went to work and pulled up my horse and drove to 121st street right down. Did you pull up your horse after you had run over the man? No sir. Did you drive faster after you had driven over the man? No sir. Did you keep along at the same pace? Yes sir. You mean to tell the truth? Certainly. You are sure you did not quicken that horse's pace at all after you ran over the man? Not to my knowledge, no sir. You did not slap the reins on his back? No sir, I did not hit him. You did not try to get off that track? I went up that track to 120th St. and then turned to the west side of Third Avenue up to 121st St. Why did you turn on to the west side? Because there was a wagon coming across 121st from the west to the east, and I turned around that way to let him pass this way. Was he coming across the wagon? Yes sir, the wagon was. What street were you going to, what street were you intending to reach ultimately? [No answer.]
By the Court. Before you struck the man where were you going? I was going to 143 or 142nd streets

0416

and Third Avenue. By Mr. Rollins. Why did you turn up 121st Street? In the excitement of the moment I turned the first street I came to. But you did not - 120th St. was the first street you came to, why did you turn at 121st St.? No particular reason. To get out of the way? Yes sir, to get out of the way. To get out of the way of what? To get out of the way of the police. What did you fear the police were going to do? They would imprison me, I had things in my wagon. In the excitement I never had an accident and I was afraid. Did you have any sympathy for this poor fellow that you knocked down? I did not know whether I hurt him or not, but they would arrest me. Did not you think a good way to find out was to stop to see? I was so excited I did not think that far. Did you care? Certainly I would have cared; I do now. Well, when did you make enquiry about whether you had hurt him? The next morning. When were you arrested? I was not arrested, I went down to Court at 9 o'clock the next morning. Did you hear there was a warrant out for you? No sir, there was no warrant out for me. With whom had you any conference as to what was the wisest thing to do? I went home and did not say anything that evening. Then I got up in the morning I went down to Court. There was a person up at the house looking for me, I was not in, I was down to see my sister;

0417

the person did not wait for me. Did you have any suspicion about who that person was? A detective from the station house. You heard that? Yes sir. This was what time? The time he was up to the house? Yes? I should judge about ten o'clock. You were not home? No sir, I was not home. Who was at home? My father. Had you seen your father? Yes sir. Had you told him about this? No sir. Not a word? No sir. Did you tell anybody before you went to the station house? No, sir. Not anybody? No sir. O, what is that you say? Before I went to the station house as soon as I came home father told me there was a man here for me and I asked him who it was? But you did not enquire who the man was? I enquired from my father, but the next morning I enquired in the station house. My father did not know anything about it. Did you hear then he was dead? He was not dead when I got to the station house; he died afterwards. By the Court: That time did you get to the station house? I got to the station house about 9 o'clock. By Mr. Rollins: What did you have in the wagon? I had a cake of ice, horse feed, demi-johns and groceries. How many demi-johns? Ten to twelve. How many groceries? Well, I do not know exactly the pounds. Every Friday I took up a lot of groceries. For home use? Yes sir. For home use. What else beside demi-johns and groceries? Feed—three bags of oats, one of corn and two of bran, I believe, and one cake of

0418

ice. That was that, how big? That weighed two hundred and fifty to three hundred pounds. The ice that you use in your business? No, ice to use in my refrigerator at home. Well, when you first saw this man you called out you say? Yes sir. That was when he was 20 to 25 feet south of the south crossing of 119th St? Yes sir. What did you call out? I halloed, "Hey." Loud? Yes sir. You intended to arrest his attention? Yes sir. It was loud enough you thought to arrest his attention? Yes. What did he do then? The man kept right on. Right on towards you? Yes sir. Did you call out again? Yes sir. Before you hit him? Yes sir. What did you call out then? I called out the same thing, "Hey, look out." That was before you hit him? Yes sir. And he kept still coming towards you? Yes sir. Did you call out again? I cannot recall whether I called out twice or three times. Either twice or three times at intervals you called out? Yes sir, I called out. And he still kept running towards you? Yes sir. Not walking? Running. And did you say anything to anybody after you hit him? No sir. Not a word? No sir. Then you went on? Yes sir. Did you hear Mr. Scofield calling you to stop? No sir. You did not hear him call at all? No sir. If you had heard him you do not know whether you would have stopped? I should judge I would. Anybody that calls me I stop for. Whether

0419

you have run over anybody or not? I never run over anybody before this; so I have not had the experience. I generally stop if anybody calls me. Well, he fell clear of the track? Yes sir. How many feet was it? When I hit him he fell right over that way with his head towards the gutter. Which side did you hit? I hit the right side. Did he fall east of the track? East of the track. How far away from the track? Well, as he fell I drove right ahead. Well, did you see where he fell? I saw that he fell east. I saw him swing over that way. Did you look at him to see where he fell? No sir. By the Court. Did you see him touch the ground? Yes sir. I saw him fall. By Mr. Rollins. Did you see him on the ground? Yes sir. Where was he? East of the track. How far is it? He was laying lengthways. How far away from the track? About two feet and a half. Entirely clear of the track? Yes sir, entirely clear of the track. His head up town. Suppose? No sir; his head towards the east river and his feet toward the north river. By the Court. Did he incline that way? Yes sir. He did not lie straight across? No sir. He inclined north and east? Yes sir. His feet were nearer to you? Yes sir. Do you know whether he was lying on his back or on his side or how? He was lying on his back; he fell back. Well now, when you saw this man within 25 feet of you was there anything on the west side of that track, was there any wagon,

0420

any car, anything of that sort on the west side of the track - you were on the east side going up? I was on the east side of the track. Was there anything on the west side of the track on that block? I believe not. By Counsel Mr. Lauer, about what time was it? When the accident happened it was about 20 minutes after six. What in reference to whether it was dark or light? It was as dark then as it is now at 8 o'clock in October. Had the lamps got their full force, were the lamps lighted? Yes sir, the lamps were lit. It was under the elevated Railroad? ~~Under~~ the elevated road. Now I understood you to say in answer to the District Attorney's question that when you first saw the man he was ascending & you best judgment 25 feet south of 115th St.? Yes sir. On the track coming towards you? Yes sir. That is more than 25 feet from you to that post, is it not, that white post? Well, I do not know, I should judge that would be about twenty five feet. ~~By~~ the Court. Was he that distance from where you are sitting from that post when you first saw him? About that. By Counsel. In what condition was your horse and lines and yourself then? I was sitting on the right side of the wagon, I always drive that way holding a taut line. Did you have any whip in your hand? No sir, I never carry a whip. Now when you first saw him coming toward you you shouted? Yes sir. And

0421

he did not stop? No sir, he did not stop. Then you shouted again and pulled up? Yes sir. Did you pull up between the shouting the first time and the second time? I pulled up as soon as I saw the man and kept pulling up. But not to stop your horse? I did not stop the horse, I stopped him from going fast, he went slower than he did - that is what I mean. Then you saw he did not stop or turn out you shouted again? Yes sir. Then he did not stop - he kept running towards you? Yes sir. Where did you go after you left this? I went on the track to 120th St. and then I turned out and drove west down 121st St. Well then where? I drove up towards Lexington avenue, there is no pavement there - to 126th St., up Third Ave. to 143rd St. and stopped there for a few moments and then drove home. Where is your home? 163rd St. and Grove avenue, one block east of Third avenue. After I got home I unhitched my horse, fed him, and went down to see my sister. Did you get your supper? Yes sir. That time was it when you left and went down to see your sister? About 8 o'clock. Up to this time you had said nothing to anybody about it? No sir. Where does your sister live? Six blocks from where we live. I stayed there till a little after ten and I went home. Then your father told you somebody had been there and he told you about the accident? Yes sir. What did he tell

0422

you? objected to.
Did you remain at home during the night? Yes
sir. The next morning what time did you get up?
About a quarter or half past six. What did you do
then? I had breakfast, stayed around the house
and at half past seven went down to my broth-
er-in-law's to come down to Court with me
to go bonds for me. You went down of your own
motion? Yes sir, I went down of my own motion
to Court to surrender yourself? Yes sir, to the
police station. By Mr. Rollins. How old do you
say you are? Twenty years of age. How long
have you driven? Six years. You have had
some experience? Six years. You do not con-
sider yourself green at it? No sir. By the
Court. When you struck the man did you feel
any jar in the wagon at all? No sir, I did
not. By counsel. How much do you weigh Mr
Lamer? I now weigh about 174. Then you say
the wagon weighed 1180? Yes sir, there was about
800 pounds, altogether about two thousand
pounds behind the horse. By Mr. Rollins. You
find it easier to get along when you are in a
street with railroad tracks to drive in the
tracks do you? No sir, I do not on account
of the horse got corns, on the car track there
is cobble stones, I was driving that night,
the paving stones were not level, it was dark
and I did not want to go into a hole.

0423

Green Wright, sworn and examined, testified.
Mr. Wright, where do you reside? 150th St. Morris-
parnia, New York. What is your business? Contracting.
How long have you been engaged in that business?
Thirty odd years. Do you know Maurice Healey, the
man that was killed? Yes sir. Has he been in your
employ? About two years. He has been in your
employ two years previous to his death? About two
years. Was he in your employ on the day of his
death? Yes sir. Did you see him on that day? No
sir, not on the day of his death. When did you see
him? The day before his death. You saw him the
day of the accident? Yes sir. By the Court. You heard
of the accident? Yes sir, I heard of the accident the
next day. Did you see him the day you heard the
accident took place? Yes sir, I saw him about one
o'clock that day I think. By Counsel. Do you know
what day of the month it was? No sir, I do not
know the day of the month. Do you know he was
hurt on that day? I heard he was hurt in the
evening, or the following day I heard. Had he
been working for you that day? He had worked
half a day in Yorkville. He stopped working? In the
middle of the day as I understand from those who
were working with him, I did not see him
on the work. Did he go off somewhere? He came
on part of my work at 23rd St. where I had other
work going on, he left the work from where he
was. He left the work about what time? He

0424

middle of the day; they worked half a day. So the men informed me that, was working with him. I did not see the man at work at all. About what time in the afternoon was that? It might have been two o'clock. I could not say as to the hour. He with other men come up, got in the wagon that was working for me - a hired team, three or four come up. I can not tell what men come with him. By Jemuel Did you notice what his condition was? He was in liquor at the time; he was intoxicated; to the best of my judgment he was intoxicated at that time. By District Attorney. At two o'clock? About two o'clock I should think. I could not say as to the time, but it was some time after dinner.

Thursday May 20. 1880. Atwick Callaghan sworn and examined. What were you working at in October? Taking out rocks for Green Tright. The witness that was on the stand yesterday? Yes sir. Do you know Morris Healey? Yes sir. Were you with him on the day that this accident occurred? I was from seven o'clock in the morning; we worked half a day. What did you do then? We went up for our money. You went where? Up to Morrisania where Green Tright was, off the third avenue, for our money. In what condition was Healey there at that time? Well, he was pretty good; he was well able to walk and able to talk. Had he been drinking any that afternoon? He had a little, not much, though.

0425

Well, after you left Mr. Wright's did you and him drink any together? He had four glasses of beer together.
By the Court. Four each or two each? He had four and I had three. That makes seven? Yes seven between us both By Counsel. What time did you leave him on that day? I guess it was about 20 minutes past five. Where? To the best of my opinion Cortland Ave. and the bank. In what condition was he at that time? Well, he was well able to talk and walk too I gave him ten cents to pay his fare down I wanted him to take the cars at the bank; he said that he would walk to Harlem and would take the cars down. That is the last I saw of him. By the Court. Where was that? Corner of Cortland Avenue.
By Mr. Rollins. About how far out is that street? I do not know exactly the name of the street. I suppose about half a mile from Harlem Bridge. I walk every morning from where I live in 15 minutes. Did you give him ten cents and tell him to drink any more? No sir, I gave him ten cents and told him to take the cars there. He said he would not; he said he would walk. That is why I knew about the man. Cross Examined. Where did you go? I went home to my own house. That beer did not trouble you any did it? No not a bit of it.
By the Court. Did you know where this man Healey lived? I did, sir; he lived on the third ave. and Yorkville. What street? I think it is between 80th and 81st sts. I am not sure now.

0426

How long have you worked with him? I was working
a year with him. I never seen the sign of no
liquor on him until that time; he was a little
knocked around that day.

Joseph Kinsley, sworn and examined, testifies I am a veterinary surgeon. I know the horse that Mr. Lauer uses in his business, the horse was about eighteen or twenty years old, the horse was weaned at that time, but he had no disease, for his age he was in good condition; the horse is a cripple, has two spavins, a knee sprung and has got corns. Cross examined. Did you see him travel as fast as he may be driven? Yes sir. I did not drive him, but I seen Mr. Lauer and son sometimes. Did you see him whip him up? Yes sir; I saw ~~him~~ ^{him} on third avenue. I am always around the city and I meet him sometimes and see the horse coming. Then I saw young Lauer drive he was a very careful driver.

Thomas McNeese, sworn and examined, testified. I am a horse shoer at 161 Christopher St; it is next door to Lauer's place of business I know the horse they use in connection with their business; they only use one in connection with their business. I have shod that horse for six years. I know he has got poor feet, got corns, he is a little sprung forward in both legs. I don't know whether he is spavined or not; he has been shod for five years with bar shoes forward, round shoes, they are a plain shoe; there is a little bit of toe but no heel cock. I should

0428

judge that the bar shoe would make more noise than the open shoe. I have seen Lauer drive this horse before this wagon. I never rode with him but once, I rode with him six Hocks once I saw him drive away from his place of business. I should judge he is a careful driver as far as ever I saw or know of him. I believe he generally goes home to his own place twice a week to his own place where he lives. Christopher St is a pretty wide street down below till it gets up to Hudson St and then it gets narrow. The street is sometimes pretty full of people; the people come up from the Hoboken ferry and the cars go through the street; there are a good many teams there. I have seen this man drive away from his place of business, and that is all I know about the case. I have known Lauer six years, I have resided in the neighborhood. I live one block from my shop. I know Lauer pretty well. As far as I know about the young man's character it has always been good. Charles Reading sworn. I know the accused over five or six years. I live in 11 Wichawken St, a small street that runs out of Christopher into West 12th St. I am a butcher. I have seen the accused drive

0429

this horse frequently. I have been sick my
self and drove out a good many times with
him; it has been extending over the last three
years. I never saw him but what he was a
very careful driver. I always considered him
a very industrious, persevering young man.
I never drove the horse. William Bradford,
sworn and examined. I reside 629 Washing-
ton St. I know the accused. I know the horse
he drives in connection with his father's
business, I have driven him a good many
times, a couple of hours at a time, between
six and seven years. I should say the
accused is a very careful driver; his gen-
eral character is very good. Cross examined.
I am a wheelwright, I am employed at 165
Christopher St. I am not an intimate friend
of the prisoner - only a next door neighbor to
him. I have never been up to Harlem with
him but once, I have been around the city
in the day time. This was a platform wagon,
the accused has complained to me several
times that he could not turn his wagon
on account of his wheel being too high.
William Hogg - sworn and examined, tes-
tified. I am a leather merchant at 52
Ferry St. and I reside at 158 Morrisania
I know the accused I think about eight
or ten years; he was a scholar in my

0430

Sunday school. I should judge I knew him for five or six years in the Sunday school of the First Congregational church, Morrisania. I have not been connected with that Sunday school for two or three years, but he was there after me, I could not say when he left it. His general character was very good as far as I know. They teach humanity and kindness in that Sunday school. Thomas J. W. Miner sworn and examined testified. I am a manufacturer of globe street lamps in Morrisania. I know the accused about ten years. I know his general character is good, he was a scholar of mine in the Sunday school and has been an officer in our Sunday school for three years, librarian. Cross Examined. I have heard all this transaction, my judgment about his character has not been modified at all. Is it entirely up to your standard of a good Sunday school young man to run over a man, knock him down with the wheels of his carriage and drive on at an increased rate of speed in order to get out of the way instead of going back and seeing how much he has hurt him, is that up to your standard of a Sunday school young man? Some young men would have stopped and made enquiries. Under the circumstances would have stopped and enquired. Human nature is weak and liable to err.

0431

John J. Clark, sworn and examined, testified I am employed by the Jerome Park Railway Co. I have known Lauer about twelve years. I reside in Merrissania. His general character is very good. Henry Ruhl sworn, I am a practicing physician and have been for seven years in Merrissania and reside there now. I have had experience in surgical practice. This that I have here is part of a skeleton of a young girl aged 20 that died in the hospital about two years ago. Will you state, doctor, what would be the effect of a forward and aft wheel of a wagon weighing about two thousand pounds passing over the chest of a human being alive? In all probability it would fracture the ribs where it passed. Where would the ribs be fractured? At its greatest convexity, about there (pointing to the skeleton) provided the wheel went over the body lying on its back, near the angle of the back because there is the greatest convexity. I know the book Erichson's Science and art of Surgery. It is a standard in the profession in this country and in Europe. Do you think that a weight which passed over the chest sufficient to break these four or five ribs here - do you think it would be possible that it would not break those ribs at the greatest convexity in the back, that is, if the weight was sufficient to break the ribs in front? It would not have been possible; it would not be possible; it

0432

would have broken ribs in the rear and most likely on both sides. I did not see the man after his death. I only what his injuries are from hearsay. I heard the doctor describe them here. Do you believe it possible that a weight which would inflict those injuries, that is, that a wagon passing over the body, inflicting such injuries as you have heard described would do that without leaving some discoloration or contusion or mark of some kind? I do not; the mark would be contusions, discolorations upon the skin across the chest. I suppose the shaft left the same mark on the skin. The mark across the body - it would make a difference whether the wagon was driven at a slow or rapid rate of speed. It would leave a mark upon the skin if the ribs were broken previously. The amount of clothing would make a difference as to the distinctness of the mark.

Cross Examined. I live in Washington St. near 166th St. Morrisania. I am brother-in-law of the prisoner and am 32 years old. I have been a little over seven years in practice there. Did you have ever any occasion to examine the body of a person who had been run over? More than once. I think the last was two years ago; the man was struck by a railroad train, I thought it went over his

0433

chest. Then another case was three or four years ago I think the man was run over by a street car - his foot was injured. I hardly think it possible that a carriage can pass over a man and ~~not~~ break his ribs in front if the man was lying on his back; it could near the sternum; if it did the ribs would break ~~through~~ ^{from} the cartilage; the ribs would give away at the angle (^{here} pointing) Charles Grube recalled. The ribs were broken anteriorly; they were broken between that cartilage and the angle about three inches from the breast bone; the break was not at the articulation as far as I remember; the ribs themselves were broken; they were driven into the lung and lacerated it. I do not remember any contusion or wound I think there was no scraping of the flesh, but I do not recollect positively. Would the blow of a shaft of a wagon be apt to break six ribs? That would depend upon the shape of it I think. I do not think a straight shaft would. If it was round I think it would break a few of the ribs about three, possibly four. I do not think it would break any more. Did we understand you to say yesterday that there was no discoloration? Yes sir. Did you look for it? Yes sir. You and the other doctor don't agree on that? I cannot

0434

help that. David B. Miller, sworn. I am a practicing physician and have been twenty years. I was deputy Coroner last October. I made a post mortem examination of the body of Healey. There were four fractured ribs upon the right side and laceration of the lung. If I remember rightly it was the third, fourth, and fifth ribs. I think the injuries were more likely to be the result of a direct blow than by being run over; the injury occupied a space of about four inches in diameter, whereas if it had been a run over the contusions would more than likely have continued across the body in some way, either from above downwards or laterally. If a wagon weighing two thousand pounds passed over the body it would be likely to leave marks on the body of some kind or some discoloration. It would be possible for a wagon of that weight to pass over the chest without breaking the ribs at the angles on the back at or near that angle. If the body were lying on the back and the wheels passed over the chest, the rib would be more likely to be fractured at the point of contact. That amount of force would cause the fracture of the third, fourth, fifth and sixth ribs? That altogether depends upon the condition of the bone if it is very brittle or very elastic.

0435

Now, doctor, assuming that on the right side of the man the second, third, fourth, fifth and sixth ribs are broken between the cartilage and this puncture and the apex rib or the angle, that the two middle ribs are driven in, so that they penetrate the lung half an inch in your judgment would that fracture and depression be caused by a direct blow or by the compression of the wheel passing across the chest? That must be the result of a direct blow. Cross Examined the blow would be directly where it comes in contact with the body.

John Hurdfield sworn and examined testified. Have been a practicing physician for the past ten years and have had experience in surgical practice. Doctor, suppose the fore and aft wheels of a wagon weighing about two thousand pounds should pass over the body of a man lying on his back across the track what do you think would be the effect upon the ribs? The effect would be a fracture. If the rib were not broken the next most likely place would be about midway between the two points of compression. The jury rendered a verdict of guilty of manslaughter in the fourth degree with a recommendation to mercy.

0436

Now, doctor, assuming that on the right side of the man the second, third, fourth, fifth and sixth ribs are broken between the cartilage and this junction and the apex rib or the angle, that the two middle ribs are driven in, so that they penetrate the lung half an inch in your judgment would that fracture and depression be caused by a direct blow or by the compression of the wheel passing across the chest? That must be the result of a direct blow. Cross Examined the blow would be directly where it comes in contact with the body.

John Hurdfield sworn and examined testified. There been a practicing physician for the past ten years and have had experience in surgical practice. Doctor, suppose the fore and aft wheels of a wagon weighing about two thousand pounds should pass over the body of a man lying on his back across the track what do you think would be the effect upon the ribs? The effect would be a fracture. If the rib were not broken the next most likely place would be about midway between the two points of compression. The jury rendered a verdict of guilty of manslaughter in the fourth degree with a recommendation to mercy.

0437

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the Coroner's Office No. 40 E. Houston Street in the 15th Ward of the City of New York, in the County of New York, this 28th day of April in the year of our Lord one thousand eight hundred and 79 before

RICHARD FLANAGAN, Coroner,

of the City and County aforesaid, on view of the Body of Maurice Healey now lying dead at

99th St. Hospital, Oct 25th Upon the Oaths and Affirmations of 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

Maurice Healey came to his death, do, upon their Oaths and Affirmations, say: That the said Maurice Healey came to his death by

Injury received by road being run over by a wagon, driven by William H. Laube, at 109th St & 3rd Av. on evening of Oct. 24th 1879, & we censured the driver for not being more careful when driving over the crossings.

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.

W. Williams
Jacob Feinich
McCarthy
Ben J. H. Stokes
H. Rosenbaum
K. Wolfson

Richard Flanagan
CORONER, S. S.

0438

TESTIMONY.

Charles Gust M. D. being sworn
I am House Surgeon, 99 St. Hosp.
The deceased was admitted Oct. 24th about
7.40 A.M. suffering from fracture of
3rd & 4th ribs, right side, with laceration of
lung, & emitted considerable blood, cause
-tion of such. He gradually got weaker
& died at 7.30 P.M. 25th

Sworn to before me
this 25th day of
Oct 1879

C. W. Miller M.D.

Philip Flanagan
Coroner

J. B. Miller M. D. being sworn
I made an examination of
the body of the deceased, Francis Healy,
lying at 99 St. Hospital, found 4 ribs
fractured on the right side. Death was
caused by shock & internal haemorrhage,
due to said injuries.
J. B. Miller, M.D.

Sworn to before me
this 25 day of Oct 1879
Philip Flanagan

CORONER.

0439

WITNESS.

RESIDENCE.

HOW SERVED.

DEFENDANT.

Ann Healy	1424 3rd Ave		Mrs H. Lauer
Darius B Scofield	421 E 115th St		
Mrs H Lauer	163rd St + Delmonico Place		
Off McCabe	12th Precinct		
D B Miller M D	Depty Coroner Office		
W. P. J. Smith	12th Precinct		

0440

Coroner's Office.

TESTIMONY.

John McCabe, being sworn says,
I reside and an office attached
to 12th Precinct. On Oct 24, I saw
a man lying on the S.E. corner of
3rd St & 14th St. He was groaning at
the time but said nothing. I saw
a woman walk open body passing
up the avenue. I could not see any
name on it. I took the deceased
to the Station House. The accident
occurred at 7 1/2 P.M. It was quite
dark. I did not know the deceased.
He was removed to 7 1/2 P.M.
A young man called my attention
to the deceased.

John McCabe.

Taken before me
this 28 day of Nov 1879.
Richard Harrison CORONER.

0441

Coroner's Office.

TESTIMONY. 2.

Ann Nealy. Being sworn says
I reside at 6424 Third Avenue.
Am wife of the deceased. He
left home at 2 1/2 P.M. Oct 24.
I heard at 10 P.M. and night he
was injured. He was about 35 yrs of
age, good eyesight & hearing. I
saw him at the hospital, but did
not speak to him. I did not witness
the accident. He died at 8 A.M.
following day.
Ann Nealy,
witness

Taken before me,
this 28 day of Nov 1879.
Richard H. Hanger

CORONER.

0442

Coroner's Office.

TESTIMONY.

3

James W. Scofield being
 sworn says I reside at 421 E. 11th
 St. On Friday evening Oct 24, I
 was coming down 3rd Avenue, on
 E. cor of 159th St, about 3 feet E of
 3rd St. track. I saw a man; in a
 few moments I heard a man holler,
 this man was driving a wagon he
 at a fast gate; the shaft of the wagon
 struck the deceased in right breast
 knocked down & ran over the deceased.
 I ^{ran} out for the driver to stop, he
 did not. I ran after the wagon up
 to 125th when I was run out. Stopped.
 Mr. Lauer was the man on the wagon.
 It was 6.25 P.M. I reported the case
 to the Station House. The man, who
 was injured about 5 ft. 6 in. The wagon
 was rather light. & one horse wagon.
 The deceased was removed to a grocery
 store. The sound of the horse feet at-
 tracted my attention to the wagon.
 The horse was going faster than a fan-
 minute gait. He was trotting at the
 time he struck the deceased. Some driven
 horses. The horse wagon was about 10 yds from
 the deceased when I ran. I examined the deceased
 after the accident, he had no signs of liquor on him.
 Taken before me

this 27 day of

1879.

James W. Scofield
 Coroner.

Richard H. Hanson

0443

Coroner's Office.

TESTIMONY.

57

William W. Sawyer living
 125 West 163rd St. & Mel-
 morie Place. Am employed by
 father in wholesale liquor business.
 as driver & accountant I was driving
 up 3rd Avenue, about 25 min past
 6 P.M. Oct 24. The horse is crippled
 & goes at the rate of a mile in 8 min-
 utes in reaching 119th St. I saw
 a man, hollered at him, & struck
 him. The man had some deui-
 phus, with liquor & green eye. The
 man weighs 180 lbs weight. The
 horse is 18 years old. My father has
 owned him 14 years. The horse is
 sprung forward. This is the only
 horse we own, is bay in color. He
 has been driven to a double truck,
 for 2 years, also been driven to a 14
 horse truck. I saw ^{deceased} ~~horse~~ about 25-
 feet ahead of me. The man was coming
 down on the up track when I first saw
 him, he was running. I did not
 stop for fear of a mob, & I did not
 think ~~I~~ ^{was} ~~had~~ ^{heard} the deceased. The ac-
 cident occurred 25 feet from S.E. cor. of street.
^{In pulling up the horse, the shafts went up. I was in a}
^{blow of that.}

Taken before me
 this 28 day of Nov

William W. Sawyer
 1879
 Fred Hays
 CORONER

0444

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
25 Years. - Months. - Days.	Ireland.	49 St. James.	Oct 25.

At 20 yrs on 11th of 1879

Injured by being struck on head by a wagon on 31st & 119 St. Oct. 27 1879.

St. James' 12th

F.

Wm. J. ...

1879

AN INQUIRY

On the view of the body of

Maurice ...

whenever it is found that he came to his death by injuries received

by being run over by a wagon driven by ...

of ... Oct 24 1879.



Richard Flanagan ...

RICHARD FLANAGAN, Coroner.

Witnessed by

Henry ...

66 & ...

City

0445

Talk with me before answering
please
By

STATE OF NEW YORK.



Executive Chamber.

Albany, June 1, 1889.

Sir Application having been made to the Governor for the Pardon of William H. Lauer who was sentenced on May 25, 1889, in your County, for the crime of Manslaughter 4 Degree for the term of sixty days and fined \$500 to the State Prison Penitentiary. you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a Pardon. Be pleased also to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully, your obedient servant,

Edward Inge

Warden Clerk.

To: Benj. H. Phelps
District Attorney, &c.

0446

State of New York
City and County of New York ss

The jurors of the people of the
State of New York in and for the County of
the City and County of New York upon
their oath present

That William H. Lauer late of the
twelfth ward of the City of New York in
the County of New York aforesaid on
the twenty third day of October in
the year of our Lord one thousand
eight hundred and seventy nine with
force and arms at the ward City and
County aforesaid in ~~the~~ a
certain public highway and Street
known as Third Avenue in and upon
one Morris Healy in the peace of the
said people then and there being
wilfully and feloniously did make
an assault and a certain wagon
then and there drawn by one horse
which he the said William H. Lauer
was then and there driving in and
along the Street and highway aforesaid
in upon and against the said Morris
Healy feloniously and wilfully did
then and there force and drive
and hit the said Morris Healy

0447

did thereby then and there throw
down to and upon the ground
and did then and there feloniously
and wilfully force and drive one
of the wheels of said wagon
against upon and upon the body
of him the said Morris Kealy
then lying upon the ground and
thereby did then and there give to
the said Morris Kealy in and
upon the body of him the said
Morris Kealy divers mortal fractures
and contusions of which said
mortal fractures and contusions
the said Morris Kealy at the town
City and County aforesaid from
the day first aforesaid in the year
first aforesaid until the twenty
fifth day of October in the same
year aforesaid did languish and
languishing did live and on which
twenty fifth day of October in the
year aforesaid he the said Morris
Kealy at the town City and County
aforesaid of the said mortal fractures
and contusions did die.
And so the jurors aforesaid
upon their oath aforesaid do say

0448

That he the said William A. Lawer
killed the said Morris Kealy in the
manner and form and by the means
aforesaid at the work city and
County aforesaid on the day and
year aforesaid wilfully and fel-
oniously did kill and slay against
the form of the Statute in such
case made and provided and
against the peace of the ^{people of the} State
of New York and their dignity

Benj. L. Phelps
District Attorney

0449

BOX:

4

FOLDER:

54

DESCRIPTION:

Leary, Edward

DATE:

01/16/80



54

0450

W. M. ...

Day of Trial,
Counsel,
Filed *11* day of *July* 18*70*.
Pleads *Not Guilty (7)*

THE PEOPLE

vs.

Edward Leary

BURGLARY—THIRD DEGREE.
NOTHING STOLEN.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. M. ...
Foreman.
Discharged

0452

BAILED,
No. 1, by _____
Deponent,
No. 2, by _____
Deponent,
No. 3, by _____
Deponent,
No. 4, by _____
Deponent,
No. 5, by _____
Deponent,
No. 6, by _____
Deponent,
No. 7, by _____
Deponent,

City and County
of New York ss

Moses McCarthy of
35th Precinct Police being duly sworn
says that on the night of the 11th day of
January 1880 at about 11⁵⁰ deponent's
attention was directed to the store of
John Burns on Riverside Avenue by
a noise like some person attempting to
force an entrance in said store upon
going to said store deponent found
Edward Leary now present on the steps
of said store near the door of said
store and near enough to reach said
door with his hand

Moses McCarthy

Sworn to before me this
12 day of January 1880 }
J. J. [Signature]
Police Justice

0453

THE COUNTY OF NEW YORK

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

Question. What is your name?
Answer. *Edward Leary*

Question. How old are you?
Answer. *28 years*

Question. Where were you born?
Answer. *U. S.*

Question. Where do you live?
Answer. *Boston Mass.*

Question. What is your occupation?
Answer. *Furniture polisher*

Question. Have you anything to say and if so, what,—relative to the charge here preferred against you?
Answer. *I am not guilty*
Edward Leary

Taken before me, this
day of
1880
Justice

0454

COUNSEL FOR COMPLAINANT.

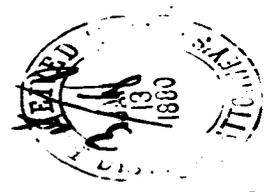
Form 66.
POLICE COURT, SIXTH DISTRICT

Name,
Address,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Barnes
Special Wd. working
Edward Leary



Offence, *Attempt to Burglarize*

BAILED,
No. 1, by
Residence,
No. 2, by
Residence,
No. 3, by
Residence,
No. 4, by
Residence,

Dated *January 12 1880*

COUNSEL FOR DEFENDANT.

Name,
Address,

Smith
McCarthy 35

Magistrate.

Officer.

Clerk.

No. 4, by
Residence,
No. 5, by
Residence,
No. 6, by
Residence,

Witnesses,

Officer McCarthy
35th Precinct

\$1,000 to Am. S. S.
Committed

Received in District Atty's Office,

0455

CITY AND COUNTY)
OF NEW YORK, (RR. :

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

That *Edward Leary*

late of the *Twentyfourth* Ward of the City of New York, in the County of
New York, aforesaid,
on the *Eleventh* day of *January* . in the year of our Lord
one thousand eight hundred and ~~seventy~~ *Eighty* with force and arms,
at the Ward, City and County aforesaid, the *Store* of
John Purvis -----
there situate, feloniously and burglariously did break into and enter, the said *store*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of -----
John Purvis -----

with intent the said
goods, merchandise and valuable things in the said *store* ----- 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.

BENJ. K. PHELPS, District Attorney.

0456

BOX:

4

FOLDER:

54

DESCRIPTION:

Lechner, August

DATE:

01/31/80



54

0457

Filed 31 day of June 1880.

Pleas *Indictment*

THE PEOPLE

Supra
Indictment B
August 2nd 1880

Assault and Battery—Felonious,
Firearms.

BENJ. K. PHELPS,

District Attorney.

A True Bill

OK [Signature]

Foreman.

0458

Police Court—Fifth District.

CITY AND COUNTY OF NEW YORK, ss.

August Seelner

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

Question. What is your name?

Answer. *August Seelner*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Germany.*

Question. Where do you live?

Answer. *126 E. 139th St.*

Question. What is your occupation?

Answer. *Brewer.*

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

Answer. *I am not guilty.*

Taken before me, this

day of

187

John J. ...

Police Justice.

0459

5th
Police Court—North Judicial District.

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

John Burns

of No. *141* Street near *5th* Avenue Street,
on *Monday* the *26* day of *January*
in the year *1880*. at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by *August Lechner*
(now here) who did wilfully and
maliciously aim and discharge at
deponent a pistol loaded with
powder and leaden balls in the
said Lechner then and there holding
said pistol in his hand, that
a leaden ball so discharged from
said pistol entered the right arm
of deponent thereby wounding and
bruising deponent - that deponent was
so feloniously assaulted and beaten

with the felonious intent to take the life of deponent, or to do him bodily harm; and without any
justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me this

27 day
January 1880 -

John Burns
mark

POLICE JUSTICE.

0460

5th
Police Court—~~Ninth~~ Judicial District. 160

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

John Burkholder
141 W. near 5th Ave
vs.
August Lechner
RECEIVED
JAN 30 1880
J. B. B.
FELONIOUS.

Dated January 27 1880-

Smith Magistrate.

Smith Officer.

Witness,

\$ 500 Am. G. S.

Bailed by
Anton Schmidt—
126 East 129th

0461

CITY AND COUNTY }
OF NEW YORK, } SR.

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

That August Lechner

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

on the *Twenty sixth* day of *January* in the year of our Lord
one thousand eight hundred and ~~and~~ *eighty* with force and arms, at the City and
County aforesaid, in and upon the body of *John Burns*
in the peace of the said people then and there being, feloniously did make an assault
and to, at and against *him* the said *John Burns*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *August Lechner*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *John Burns*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT.

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

with force and arms, in and upon the body of the said *John Burns*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *John Burns*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *August Lechner*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,
with intent *him* the said *John Burns*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

0462

THIRD COUNT.

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

with force and arms, in and upon the body of the said John Burns then and there being, wilfully and feloniously, did make an assault and to, at and against him the said John Burns a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said

in his right hand, August Lechner then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby him the said John Burns

wilfully and feloniously then and there to injure, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

with force and arms, in and upon the body of the said John Burns then and there being, wilfully and feloniously, did make an assault and to, at and against him the said John Burns a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said

in his right hand, August Lechner then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby him the said John Burns

wilfully and feloniously then and there to injure, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

0463

BOX:

4

FOLDER:

54

DESCRIPTION:

Lloyd, Michael

DATE:

01/21/80



54

0464

Counsel,
Filed *9* day of *May* 187*6*
Pleads

Ireland
21
22-15 act
whoever
single
mother

THE PEOPLE

vs.

P
Michael Lloyd

INDICTMENT.
Petit Larceny of Money from the Person.

BENJ. K. PHELPS,

District Attorney.

A True Bill

W. Keegan

Foreman.

Part 2nd Law 22, 1880.

Pleads guilty

Ref. Alms.

0465

Form 112.

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

Police Court—First District.

of No. 206 Water Edwin Andrew Jr
with H. M. Johnston Street, being duly sworn, deposes
and says, that on the 17 day of January 18 80
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, and from deponent's person

the following property, viz: Good and lawful money
of the issue of the Treasury of the United
States consisting of one note of the denomination
and value of two dollars and one note of
the denomination and value of one dollar
in all

of the value of three Dollars,
the property of Henry M Johnston and in care and
charge of this 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 Michael Lloyd (now here)
for the reason that deponent saw said defendant
thrust his fingers into the change pocket of the
over coat then and there worn by deponent
and take therefrom the aforesaid money
deponent immediately ~~caught~~ ^{caught} hold of said
defendant and handed him over to Officer
Beldon of the 25th Precinct Police

Edwin Andrews Jr.

Sworn to, before me, this

of January

1880

day

[Signature]

Police Justice.

0466

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK. } ss.

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

Question. What is your name?

Answer.

Michael Loyd

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

Belmont

Question. Where do you live?

Answer.

18 Baxter St

Question. What is your occupation?

Answer.

Shoe maker

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

Answer.

I am not guilty.

Michael Loyd

Taken before me, this
17
day of *January* 18*80*
William W. ...
Police Justice.

0467

COUNSEL FOR COMPLAINANT.

Name, Address,

COUNSEL FOR DEFENDANT.

Name, Address,

Police Court—First District.

THE PEOPLE, &c., vs

ON THE COMPLAINT OF

Edwin Andrews Jr
206 Water St
with H. M. Johnson
Michael Lloyd



Dated 17 January 18 80

Delbert Riddon
Magistrate

Witness: Officer Riddon
25 West
Clark

Witness: Officer Riddon
25

with 13...

\$ 10.00 to answer

at Sessions

Received at Dist. Atty's office

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

0468

CITY AND COUNTY { No.
OF NEW YORK.

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

That *Michael Lloyd*-

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

~~One Dime~~ Promissory Note for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as United States Treasury Note, of a number
denomination of one dollar and of the value of one dollar
~~and denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of~~

~~One Dime~~ Promissory Note for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as Bank Note, of a number and denomina-
tion of one dollar and of the value of one dollar
~~tion to the Jurors aforesaid unknown, and a more accurate description of which cannot
now be given, of the value of~~

~~Divers Due Bills of the United States of America, the same being then and there
due and unsatisfied, and of the kind known as Fractional Currency, of a number and
denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of~~

~~Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-
known, and a more accurate description of which cannot now be given, of the value of~~

*one promissory note for the payment of money
The same being then and there due and unsatis-
fied and of the kind called a United States
Treasury Note, of the denomination of one
dollar and of the value of one dollar*

*One promissory note for the payment of money
the same being then and there due and unsatisfied
and of the kind called a Bank Note, of the
denomination of one dollar - and of the
value of one dollar*

of the goods, chattels, and personal property of one *Edwin Andrews Junior*
on the person of the said *Edwin Andrews Junior* then and there being found,
from the person of the said *Edwin Andrews Junior* 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.

BENJ. K. PHELPS, District Attorney.

0469

BOX:

4

FOLDER:

54

DESCRIPTION:

Lohman, William

DATE:

01/21/80



54

0470

232

Filed: 21 day of June 1876

Pleads, Not Guilty (22)

THE PEOPLE

vs.

William Lohman

been in S.P. before (bad)

ROBBERY.—First Degree.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

Chas. King

Foreman.

Part. Stro. Jan. 23, 1880.

Child convicted of it.

P. 1 year -

0471

Police Court, Halls of Justice.

CITY AND COUNTY OF NEW-YORK.

William P. S. Trayer

of No. 161 West 57th Street, being duly sworn, deposes and says, that on the Night of the 4th day of January 1890, at the 5th Ward of the City of New-York, in the County of New-York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, the following property viz:

Good and Lawful Money, consisting of one bill of the denomination of one dollar, and Silver Coins to the amount of Seventy cents in all

of the value of One \$1.00 Dollars, 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 force and violence as aforesaid, by

William Cochran now present: That as deponent was passing along West Broadway at about Six O'clock P.M. on the aforesaid day the prisoner approached deponent and Seizing deponent by the throat placed his foot behind him and threw deponent to the ground with great force and while deponent was so lying down said Cochran grasped deponent by the throat firmly with one hand and with the other he took from deponents vest pocket the aforesaid property by force and violence as above stated

Wm. P. S. Trayer

Dep't of January 1890
Wm. P. S. Trayer
Police Justice

0472

City and County,
of New York

Dennis J. Fogarty of the
5th Precinct Police being sworn
says that he saw ~~and~~ said
Lohman approach and knock
down said Frazer in West Broadway
on said night and saw the prisoner
in the act of riffling said Frazer's
pockets when defendant approached
and took him into custody

Dennis J. Fogarty
I swore to before me this
16th day of January 1880
A. W. [Signature]
Police Justice

Police Court—Halls of Justice.

THE PEOPLE, &c.

vs. THE COMPLAINT OF

vs.

Indictment—Robbery.

Dated

1880

Magistrate.

Officer.

WITNESSES:

0473

Police Court—First District.

X

CITY AND COUNTY)
OF NEW YORK,) ss.

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

Question. What is your name?

Answer.

William Lohman

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

New York

Question. Where do you live?

Answer.

In Bedford Street

Question. What is your occupation?

Answer.

Saddler

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

Answer.

I did not knock the man down intentionally he pushed against me and I shoved him when he fell I did not take any money from him

William Lohman

Taken before me, this

11th day of *January* 18*80*

J. J. [Signature]
POLICE JUSTICE.

0474

Form 66.

Police Court—First District.

COUNSEL FOR COMPLAINANT.

Name,

Address,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William D. Gray
161 N. 57th Street
William J. Moran

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence



Offence,

W. Herring, Gustafson
Peery, Fogarty, & Hanley

COUNSEL FOR DEFENDANT.

Name,

Address,

John J. Aroney 16 1880
J. J. Albert Magistrate.
Fogarty and Hanley Officer.
3 Clerk.
Witnesses, *Sail Fogarty*

\$ *200* to answer
Sessions, *Com*

Received in Dist. Atty's Office,

0475

CITY AND COUNTY }
OF NEW YORK, } MR.

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

That

William Johnson

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *Fifteenth* day of *January* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *Eighty*, at the Ward, City, and County
aforesaid, with force and arms, in the night time of said day, in and upon one
William P. S. Fayer
in the peace of the said People then and there being, feloniously did make an assault and

~~ONE~~ ~~Bank~~ Promissory Note for the payment of money, the same 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*
~~and denomination to the Jurors aforesaid unknown, and a more accurate description of which~~
~~cannot now be given, of the value of~~

~~ONE~~ ~~Bank~~ Promissory Note for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as Bank Notes, of ~~a number and denomination~~
~~of one dollar and of the value of one dollar~~ *one dollar*
~~and denomination to the Jurors aforesaid unknown, and a more accurate description of which~~
~~cannot now be given, of the value of~~

Divers Due Bills of the United States of America, the same being then and there
due and unsatisfied, and of the kind known as Fractional Currency, of a number and
denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of *One dollar and seventy cents*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-
known, and a more accurate description of which cannot now be given, of the value of
One dollar and seventy cents

of the goods, chattels and personal property of the said *William P. S. Fayer*
from the person of said *William P. S. Fayer* and against
the will and by violence to the person of the said *William P. S. Fayer*
then and there violently and feloniously did rob, 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.

BENJ. K. PHELPS, District Attorney.

0476

BOX:

4

FOLDER:

54

DESCRIPTION:

Luyster, Charles M.

DATE:

01/30/80



54

0477

B. & O. R. R. CO.
MASTER TRANS. DEPARTMENT.
BALTIMORE, MD.

Chambers Station, Kan 2d 1880

Sp. C. W. D. Bissell
C. S. W. L. & S. W. Benson
N. 4, . . . R. R. R.

Sir,

The car
of Mr. Durdge one of the B & O
passenger conductors is on leave of
absence and wishes the indulgence
of your road to charter and return
please comply and oblige

Yours respectfully
W. M. Clements
Master of Passengers
B. & O. R. R.

(D)

0478

FOURTH DISTRICT POLICE COURT.

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

Charles M. Russell
Superintendent Harlem Division New York Central
and Hudson River Railroad Company of the Grand
Central Depot being duly sworn deposes and says,
that on the 20th day of January 1880
at the City of New York, in the County of New York,

Charles Luyster alias Charles ~~McLurdy~~ (now here) did then and there with intent to cheat and defraud the New York Central and Hudson River Railroad Company, a Corporation in the State of New York designedly and by means of a false token or writing obtain from said Company personal property a valuable thing to wit, a written pass entitling the holder thereof, to a passage in the cars of said Company over the Harlem Division from New York City to Chatham and return said pass having the signature of deponent thereon and of the value of five dollars and fifty cents said pass was obtained from deponent by means of a certain false and fraudulent letter addressed to deponent purporting to have been written by William M. Clements and signed W. M. Clements Master of Transportation B. O. R. & N. H. R. which letter is hereto annexed marked (D) that deponent is informed by said W. M. Clements Master of Transportation that said letter is a forgery and was not written or signed by the said Clements.

Chas. Russell

Sworn to before me this 27th day
of January 1880

J. M. Peterson Police Justice

0479

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

Police Court, Fourth District.

of No. Baltimore 77 1/2 Street, being duly sworn, deposes and says,

that ~~he~~ ~~is~~ ~~the~~ ~~Master~~ ~~of~~ ~~Transportation~~ ~~of~~ ~~the~~ ~~Baltimore~~ ~~Ohio~~ ~~Railroad~~ ~~Company~~ ~~that~~ ~~he~~ ~~has~~ ~~seen~~ ~~the~~ ~~letter~~ ~~marked~~ ~~(D)~~ ~~purporting~~ ~~to~~ ~~have~~ ~~been~~ ~~signed~~ ~~by~~ ~~deponent~~ ~~as~~ ~~such~~ ~~Master~~ ~~of~~ ~~Transportation~~ ~~referred~~ ~~to~~ ~~in~~ ~~the~~ ~~un-~~ ~~needed~~ ~~complaint~~ ~~of~~ ~~Charles~~ ~~H.~~ ~~Russell~~ ~~and~~ ~~that~~ ~~said~~ ~~letter~~ ~~and~~ ~~the~~ ~~signature~~ ~~thereon~~ ~~is~~ ~~a~~ ~~forgery~~ ~~and~~ ~~was~~ ~~not~~ ~~written~~ ~~by~~ ~~or~~ ~~with~~ ~~the~~ ~~consent~~ ~~of~~ ~~this~~ ~~deponent.~~

W. M. Clements

J. M. Williams
POLICE JUSTICE.

Sworn to before me, this 24 day of March 1888

0480

Police Court, Fourth District.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Charles McLuster

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

Red Bank N.J.

Question. Where do you live?

Answer.

22 Prince Street New York City

Question. What is your occupation?

Answer.

Steamboating

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

Answer.

I met Mr Howard in the house 22 Prince Street he wrote the letters and sent me to the Hudson River and New Haven offices and the Mallory Steamship Company. I obtained passes from the Hudson River and the New Haven Railroad Companies officers. Howard took the passes and sold them and gave me what he chose. I saw him sell one to a man named Frank under the Astor House. he gave me a dollar and a half out of the proceeds of the sale. I don't know what he got for it.

Chas McLuster

Wm. Westcott

Taken before me this

27th day of January 1880

Police Justice.

0481

Police Court—Fourth District.

THE PEOPLE &c.
ON THE COMPLAINT OF

Charles M. Bissell
Grand Juror &c. &c. 422-1144

Charles Luyster
alias

Charles M. Cowley



Office of Magistrate
J. H. P. T. T.

BAILABLE:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Dated

January 27 1876
Patterson Magistrate.
Henry 19 Officer.
Clerk.

Witnesses

Wm M. Clements
Patterson M.
500 to Ans G. S.
Com

Received in District Atty's Office.

0482

N. Y. C. & H. R. R. Co.

OFFICE OF THE

Attorney for the Hudson River Division,

GRAND CENTRAL DEPOT,

Corner 42d Street and 4th Avenue.

FRANK LOOMIS,
Atty.

New York, N.Y.

1880

Messrs Clark & Co
Dear Sir

The train Mr J M Poney
Supt NYC & HR R R subpoenaed
to attend at Jm Sefonis today
against the R Hall's will
I please to say that Maltermeyer
alias Howard is the principal
offender & now under arrest in
Manhattan & will confer with you

0483

about delaying trial of Hallis
until Wallermeier can be got
or of using Hallis or Lytle,
as Walter's evidence against
Wallermeier

Thurgood
Anne Lewis

0484

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That

Charles Luyster otherwise called
W. H. Kill

late of the First Ward of the City of New York, in the County of New York, aforesaid
on the *twenty third* day of *January* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *eight*, at the Ward, City and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent feloniously to cheat and defraud ~~the~~ *The New York New Haven and Hartford Railroad Company*

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to *John F. Moody* who was then and there authorized by the said corporation to grant passes to persons going and coming in over and upon the said *New York New Haven and Hartford Rail Road Company*

That *a certain paper writing* which he the said Charles Luyster otherwise called *W. H. Kill* then and there presented exhibited and delivered to the said *John F. Moody* and which said paper writing is in the words and figures following that is to say
*B. O. R. R. Co. Master Trans. Department Camden Station
Jan 2^d 1880 Mr. J. F. Moody, Supt N. Y. N. H. & H. R. R. Co.
The bearer Mr. W. H. Kill one of the freight conductors of the
B. O. R. R. is on leave of absence and wishes the indulgence of
your road to Hartford and return please comply and oblige
Yours respectfully W. M. Clements Master of Transportation
B. O. R. R. Master of Transportation B. O. R. R. Co. Camden
Station Jan 2^d 1880*

was a ^{genuine} ~~genuine~~ and valid request for the delivery of a pass to him the said Charles Luyster otherwise called *W. H. Kill* and that the said instrument was written and signed by ~~him~~ the said *William M. Clements* and was given by him the said *William M. Clements* to him the said Charles Luyster otherwise called *W. H. Kill* for the purposes named therein

0485

And the said

John F. Moody

then and there believing the said false pretences and representations

so made as aforesaid by the said *Charles Luyter otherwise known as W. H. Hill*

and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said *Charles Luyter otherwise called W. H. Hill* a certain instrument and writing of the kind commonly called a pass the same being an instrument by which a right and title to a conveyance over the *New York New Haven and Hartford Rail Road* from *New York City* to *Hartford City* and return was conveyed to the said *Charles Luyter otherwise called W. H. Hill* the value of the said instrument being the sum of four dollars

of the proper moneys, valuable things, goods, chattels, personal property and effects

of the said *The New York New Haven and Hartford Railroad Company*

and the said *Charles Luyter otherwise called W. H. Hill* did then

and there designedly receive and obtain the said instrument and writing of the kind commonly called a pass the same being an instrument by which a right and title to a conveyance over the *New York New Haven and Hartford Rail Road* from *New York City* to *Hartford City* and return was conveyed to the said *Charles Luyter otherwise called W. H. Hill* the value of the said instrument being the sum of four dollars - of the said

John F. Moody

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said

The New York New Haven and Hartford Rail Road Company by means

of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said

The New York New Haven and Hartford Rail Road Company of the same.

0486

And Whereas, in truth and in fact, the said paper writing which he the said Charles Luyter otherwise called W. H. Kill then and there presented exhibited and delivered to the said John F. Moody was not a true genuine and valid request for the delivery of a pass to him the said Charles Luyter otherwise called W. H. Kill, was not written and signed by the said William M. Clements, was not given by the said William M. Clements to him the said Charles Luyter otherwise called W. H. Kill for the purposes named therein, but on the contrary was false forged and counterfeited

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said Charles Luyter otherwise called W. H. Kill to the said John F. Moody was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Charles Luyter otherwise called W. H. Kill well knew the said pretences and representations so by him made as aforesaid to the said John F. Moody to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Charles Luyter otherwise called W. H. Kill by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said The New York New Haven and Hartford Rail Road Company the said instrument and writing commonly called a pass by which a right and title to a conveyance over the New York New Haven and Hartford Rail Road from New York City to Hartford City and return was conveyed to the said Charles Luyter otherwise called W. H. Kill the value of the said instrument being the sum of four dollars of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said The New York New Haven & Hartford Rail Road Company, with intent feloniously to cheat and defraud them of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

0487

BOX:

4

FOLDER:

54

DESCRIPTION:

Luyster, Charles

DATE:

01/30/80



54

0488

319 J. M. ...

Counsel,
Filed 30 day of May 1878
Pleads *Not Guilty*

THE PEOPLE

P
Charles M. Luyster
alias
Charles McCurdy
alias
William H. Gill
alias
Peter R. Halli
4 cases

INDICTMENT.
FORGERY in the Third Degree

BENJ. K. PHELPS

Hallen
District Attorney.

A True Bill.

W. King
Foreman.

0489

B. & O. R. R. CO.
MASTER TRANS. DEPARTMENT.
BALTIMORE, Md.

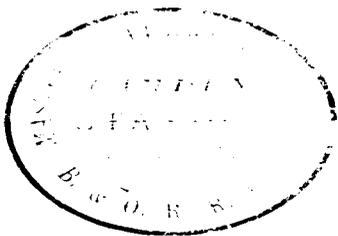
Camden Station. Jan²⁰ 1880

Mr. J. S. Moody
Super. N. Y. & N. J. R. R.

Sir

The bearer
Mr. Whittle one of the freight
conductors of the B. & O. R. R. is
on leave of absence and wishes
the indulgence of your road
to Hartford and return
Please comply and oblige

Yours Respectful
W. H. Clements
Master of Transporter
B. & O. R. R.



(C)

0490

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

FOURTH DISTRICT POLICE COURT.

John T. Moody
Superintendent of the New York New Haven & Hartford
Railroad Company, of the Grand Central Depot
42nd St & 4th Avenue,
being duly sworn, deposes and says,
that on the *23^d* day of *January* 1880
at the City of New York, in the County of New York,

Charles Leyster alias H. H. Gill did
then and there with intent to cheat and
defraud the New York New Haven & Hartford
Railroad Company a corporation having
an office and doing business in the State
of New York, designedly and by means
of a false token or writing obtained from
said Company personal property of a
valuable thing to wit: a written pass
entitling the holder thereof to a passage
in the Cars of said Company from
New York City to New Haven and return
to New York, said pass having the
signature of deponent thereon and of
the value of four dollars, said
pass was obtained from deponent by
means of a certain false and fraudulent
letter addressed to deponent and purporting
to have been written by one
William M. Clements and ~~addressed~~ signed
W. M. Clements Master of Transportation
B. & O. R.R. which letter is hereto
annexed marked (C). That deponent
is informed by William M. Clements that
said letter is a forgery and was not
written or signed by the said Clements.

John T. Moody.

Sworn to before me this 27th day
of January 1880

J. M. Patterson J. P. *Reception*

0491

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

Police Court, Fourth District.

William M Clements

of *Baltimore Md*

Street, being duly sworn, deposes and says,

that ~~he~~

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

he is the Master of Transportation of the Baltimore & Ohio Railroad Company. That he has seen the letter marked (C) purporting to have been signed by deponent as such Master of Transportation, referred to in the annexed complaint of John J. Moody, and that said letter and the signature thereto is a forgery and was not written by or with the consent of this deponent.

W. M. Clements

J. M. Patterson

Police Justice.

Sworn to before me, this

July

187

0492

Police Court, Fourth District.

CITY AND COUNTY OF NEW YORK, ss.

Charles Luyster, alias M. H. Gill being duly examined before the undersigned, according to law, on the annexed charge: and being informed that he was at liberty to answer, or not, all or any questions put to him states as follows, viz:

Question. What is your name?

Answer. Charles McLyster

Question. How old are you?

Answer. 32

Question. Where were you born?

Answer. Red Bank N.J.

Question. Where do you live?

Answer. 22 Prince Street N.Y. City

Question. What is your occupation?

Answer. Steamboating

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

Answer. I met Howard in the House No 22 Prince Street. He wrote the letters and sent me to the offices of the New York Central & New Haven Railroads I obtained passes on the letters from those offices. Howard sold them and gave me what he chose
Cha^s M Luyster

Taken before me this 27th day of January 1874
J. M. Dawson
Police Justice.

0493

Police Court—Fourth District.

THE PEOPLE &c.
ON THE COMPLAINT OF

John J. Moody
Grand Juror, RR Station
Charles Lyster
alias

Mr. H. Gall



Offence, forger and fictitious

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Dated *January 20 1888*

Magistrate,

Officer,

Clerk.

Patterson

McMahon

Pub

Witnesses *Wm M. Clement*

Baltimore Md

Next and 500. 18

Com

Received in District Atty's Office.

0494

1/21 B. & O. R. R. CO.
MASTER TRANS. DEPARTMENT.
BALTIMORE, Md.

Comden Station, Jan 20 1880

Mr. J. J. Juncy
Genl. Supt
N. Y. & N. E. R. R. R

Sir,

The bearer
Chas. J. Burdy, one of the B & O.
Freight-Conductors - is on leave of
absence and wishes the indulgence
of your road to Buffalo & return.
Please comply. And oblige

Yours Respectfully
W. H. Clements
Master of Transportation
B & O R R

(B)

0495

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That

Charles Luyster otherwise called
Charles McCurdy

late of the First Ward of the City of New York, in the County of New York, aforesaid
on the ~~twentieth~~ day of ~~December~~ in the year of our Lord
one thousand eight hundred and ~~eighty~~ eighty, at the Ward, City and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent feloniously to cheat and defraud ~~the~~ *The Harlem Division New York Central and Hudson River Railroad Company*

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to Charles M. Bissell who was then and there authorized by the said corporation to grant passes to persons going and coming in and upon the said Harlem Division New York Central and Hudson River Railroad

That A certain paper writing which he the said Charles Luyster otherwise called Charles McCurdy then and there procured exhibited and delivered to the said Charles M. Bissell and which said paper writing is in the words and figure following that is to say -
B & O R R Co Master Trans. Department Baltimore Md
Camden Station Jan 2^d 1880 W. M. Clement Supt N Y
& H. Division N Y C & H R R Co. In the bearer Charles McCurdy one of the B. O R R Freight conductor is on leave of absence and wish the indulgence of your road to chatham and return please comply and oblige yours respectfully W. M. Clement Master of Transportation B. O R R Co Camden Station Jan 2^d 1880 -
was a true genuine and valid request for the delivery of a pass to him the said Charles Luyster otherwise called Charles McCurdy and that the said instrument was written and signed by the said William M. Clement and was given by him the said William M. Clement to him the said Charles Luyster otherwise called W. H. Bill for the purposes named therein -

0496

And the said *Charles M. Bissell*

then and there believing the said false pretences and representations so made as aforesaid by the said *Charles Luyter otherwise called Charles McCurdy* and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said *Charles Luyter otherwise called Charles McCurdy* a certain instrument and writing of the kind commonly called a pass the same being an instrument by which a right and title to a conveyance over the *Hudson Division New York Central and Hudson River Rail Road* from New York City to Chatham City and return was conveyed to the said *Charles Luyter otherwise called Charles McCurdy* the value of the said instrument being the sum of five dollars and fifty cents

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said *Hudson Division New York Central and Hudson River Rail Road Company* and the said *Charles Luyter otherwise called Charles McCurdy* did then and there designedly receive and obtain the said instrument and writing of the kind commonly called a pass, the same being an instrument by which a right and title to a conveyance over the *Hudson Division New York Central and Hudson River Rail Road* from New York City to Chatham City and return was conveyed to the said *Charles Luyter otherwise called Charles McCurdy* the value of the said instrument being the sum of five dollars and fifty cents of the said

Charles M. Bissell

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said *Hudson Division New York Central and Hudson River Rail Road Company* by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said *Hudson Division New York Central and Hudson River Rail Road Company* of the same.

0497

And Whereas, in truth and in fact, the said *paper writing* which he the said Charles Luyter otherwise called Charles McCurdy then and there presented exhibited and delivered to the said Charles M. Bissell was not a true genuine and valid request for the delivery of a pass to him the said Charles Luyter otherwise called Charles McCurdy, was not written and signed by the said William Clements, was not given by the said William Clements to him the said Charles Luyter otherwise called Charles McCurdy for the purposes named therein but on the contrary, was false forged and counterfeited

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said Charles Luyter otherwise called Charles McCurdy to the said Charles M. Bissell was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Charles Luyter otherwise called Charles McCurdy well knew the said pretences and representations so by him made as aforesaid to the said Charles M. Bissell to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Charles Luyter otherwise called Charles McCurdy by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said *Hudson River Rail Road Company* the said instrument and writing commonly called a pass by which a right and title to a conveyance over the *Hudson River Rail Road* from New York City to Chatham City and return was conveyed to the said Charles Luyter otherwise called Charles McCurdy the value of the said instrument being the sum of five dollars and fifty cents of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said *Hudson River Rail Road Company* with intent feloniously to cheat and defraud them of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

0498

316 *Montgomery*
Dist. Ct.

Filed *30* day of *Jan* 189*0*
Plends *W. Smith (31)*

THE PEOPLE

vs.

Charles Luyter
vs. Charles McCurdy

Obtaining Goods by False Pretences

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL

W. King

Foreman.

0499

FOURTH DISTRICT POLICE COURT.

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

John M. Fucini
General Superintendent of the New York Central and Hudson River Railway Company, at the Grand Central Depot, being duly sworn, deposes and says,

that on the 29th day of January 1880 at the City of New York, in the County of New York,

Charles Luyster alias Charles McCurdy (now here) did then and there with intent to cheat and defraud the New York Central & Hudson River Railroad Company a corporation of the State of New York. Unlawfully and by means of a false token or writing obtain from said Company personal property a valuable thing to wit: a written pass over the Broadway of said Company from New York City to Buffalo and return to New York, said pass having the signature of deponent thereon, and of the value of eighteen and a half dollars. said pass being obtained from deponent by means of a certain false and fraudulent letter purporting to be the writing of William M. Clements addressed to deponent and signed W. M. Clements Master of Transportation B. & O. R.R. meaning the Baltimore & Ohio Railroad Company, a copy of which letter is hereto annexed marked (D). That deponent is informed and believes that said letter is a forgery and was not written or signed by William M. Clements, but was written and signed by the said Charles Luyster alias McCurdy. That deponent is informed and believes that the said pass by obtained by false pretenses is now in the possession of Mulford & McHughie Railway Ticket Brokers at the office No 2 Astor House, in said City of New

0500

York, and pray that a warrant may
issue to search the said office in the
daytime for said pass. *Edw. Lawrence*

Sworn to before me this 24th day
of January 1880.

J. W. Patterson J. Police Justice

Police Court—Fourth District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFIDAVIT.

vs.

Dated

187

Magistrate.

Officer.

0501

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

Police Court, Fourth District.

of No. Baltimore Md William M Clements
Street, being duly sworn, deposes and says,

that on the 1st day of May 1878,
at the City of New York, in the County of New York,

he is the Master
of Transportation of the Baltimore & Ohio
Railroad, that he has seen the letter
marked (B) purporting to have been
signed by Deponent as such Master
of Transportation; referred to in the annexed
Complaint of John M. Tracey, and
that said letter and the signature thereof
is a forgery, and was not written by
or with the consent of this deponent

W. M. Clements

Sworn to before me, this 1st day of May 1878
J. M. [Signature]
POLICE JUSTICE.

0502

Police Court, Fourth District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Charles M. Augustus*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *Red Bank N.J.*

Question. Where do you live?

Answer. *22 Prince Street N.Y. City*

Question. What is your occupation?

Answer. *Steamboating*

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

Answer. *I met Howard in the house 22 Prince Street. he wrote the letters and sent me to the Hudson River & New Haven Railroad Companies. I obtained passes from each of the offices. Howard took the passes and sold them and gave me what he chose. He sold one to a man named Frank under the Astor House. He gave me one dollar and a half out of the proceeds of the sale.*
Chas M Augustus

J. M. P. Currier
Taken before me this 29th day of 1902

0503

Police Court—Fourth District.

THE PEOPLE &c.

ON THE COMPLAINT OF

John M. Lancy
Branch Court Report 112/14

Charles Lyster

alias
Charles McCurdy

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,



Dated *January 18 1886*

Watson Magistrate

McMahon Officer

Sub Clerk

Witness, *W. M. Clements*

Baltimore Md

Kept on \$500. Com

Received in District Atty's Office.

0504

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

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

That

Charles M. Luyster otherwise called
Charles M. Curdy, otherwise called William N.
Gill otherwise called, Peter R. Hall's

late of the First Ward of the City of New York, in the County of New York, afore-
said on the *twentyeth* day of *January* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *eighty* with force and arms, at the Ward,
City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and
cause and procure to be falsely made, forged and counterfeited, and willingly act and
assist in the false making, forging and counterfeiting a certain instrument and writing
to wit a request for the delivery of goods,

which said false, forged and counterfeited *request for the delivery of goods,*
is as follows, that is to say:

B & O. R.R. Co. Master Trans Department.
Baltimore, Md. Camden Station Jan 2^d 1880
Mr J M Toucey, Genl Supt. N Y C & N R. R.R.
Sir The bearer *Charles M. Curdy* one of the
B & O Freight Conductors, is on leave of absence
and wishes the indulgent of your Road
to Buffalo & return Please Comply and
oblige. Yours Respectfully, W. M. Clements
Master of Transportation B & O R.R.
Master of Transportation Camden Station
Jan'y 2^d 1880. B. & O. R.R. Co.

with intent to injure and defraud *William M. Clements, The*
New York Central and Hudson River Rail Road
Company, The Baltimore and Ohio Rail Road
Company, John M. Toucey
and divers other persons; to the jurors aforesaid unknown
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity

0505

And the Jurors aforesaid, upon their Oath aforesaid, do further present :

THAT the said *Charles M Luyster* otherwise called *Charles McCurdy*, otherwise called *William A Lico*, otherwise called *Peter R Hallis* —

late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said *William M Clements, The New York Central & Hudson River Rail Road Company, The Baltimore and Ohio Road Road Company, John M Tracy,*

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing. *to wit, a request for the delivery of goods.*

which said last-mentioned false, forged and counterfeited *request for the delivery of goods,* is as follows, that is to say :

*B. O R R Co Master Trans. Department
Baltimore Md. Camden Station, Jan 2^d 1880
Mr. J. H. Tracy Gen Supt N Y C. & R R R
Sir The bearer *Charles McCurdy* one of the *B&O* freight conductors is on leave of absence and wishes the indulgence of your road to Buffalo & return. Please comply and advise Yours respectfully *W. M. Clements*
Master of Transportation B. O R R.
Master of Transportation B. O R R Co Camden Station, Jan 2^d 1880*

the said *Charles M Luyster*, otherwise called *Charles McCurdy* otherwise called *William A Lico*, otherwise called *Peter R Hallis*

at the same time *he* so uttered and published the last-mentioned false, forged, and counterfeited *request for the delivery of goods,*

as aforesaid, then and there well knowing the same to be false, forged and counterfeited, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

BENJ. K. PHELPS, District Attorney.

0506

BOX:

4

FOLDER:

54

DESCRIPTION:

Lee, Patrick

DATE:

01/13/80



54

0507

~~3~~ 4

Counsel,

Filed 13 day of June 1850

Pleas, Not Guilty (4)

THE PEOPLE

vs.

+ Patrick Lee. P.

BURGLARY—Third Degree, and
Grand Larceny.

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL

[Signature]
Foreman.

Verdict or Guilty should specify of which count.

June 16. 1850

[Signature]

0508

Police Office, First District.

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

Rosanna Durdell

of No. 157 Elizabeth Street, being duly sworn,

deposes and says, that the premises No. 157 Elizabeth

Street, 14 Ward, in the City and County aforesaid, ^{has and there is} being a dwelling house
and which was occupied by deponents as a dwelling house

were BURGLARIOUSLY

entered by means forcibly breaking open the ^{back} door of room
No 13 leading from the hallway of the 5th floor
of said premises into said room

on the day of the 8th day of January 1880

and the following property, feloniously taken, stolen and carried away, viz.:

Two blankets of the value of Four dollars
Four dresses of the value of Twenty dollars
Two Shaws of the value of Twenty dollars
Ten flannel Shirts & drawers of the value
of Ten dollars and other property consist-
ing of wearing apparel.

the property of Patrick George Durdell deponent's
husband

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

Patrick Lee (now here)

for the reasons following, to wit: That deponent is informed
by Annie Durdell that she saw said
Lee break open said door at about
the hour 3. P.M. in said day. Deponent
further says that her daughter Annie
Durdell came to where she is employed
at No 175 Elizabeth Street in said City
and informed her that said Lee had

0509

broke open said door that defendant immediately returned to said premises and said Lee had gone and said property had been taken stolen and carried away

Sworn to before me this

9-day of January 1880

Rosanna ^{her} Durdell

R 17 Mpls, Police Justice

City and County of
New York 1880

Annie Durdell of No 157 Elizabeth Street being duly sworn says that in the 8-day of January 1880 at the hour of three P.M on said day she saw Patrick Lee break open the door of premises described in the petition of Rosanna Durdell her mother

Sworn to before me

this 9th day of January 1880

Annie Durdell

R 17 Mpls, Police Justice

0510

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Lee

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

Question. What is your name?

Answer. *Patrick Lee*

Question. How old are you?

Answer. *42*

Question. Where were you born?

Answer. *Ireland*

Question. Where do you live?

Answer. *No 157 Elizabeth St*

Question. What is your occupation?

Answer. *Gun's man*

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

Answer. *I did not do it.*

*Patrick ^{his} Lee
mark*

Taken before me, this

9

day of *January* 187*8*

Police Justice.

A. H. [Signature]

0511

Form 64.

Police Court—First District.

COUNSEL FOR COMPLAINANT.

Name,

Address,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Rosanna Dardell
157 Elizabeth St.

Garick Lee

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

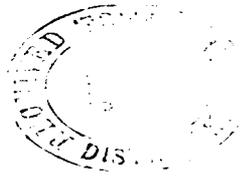
Residence

No. 5, by

Residence

No. 6, by

Residence



Offence, *Forgery*

Dated *Sand 9th* 1880

Buller H. Perry Magistrate.

W. J. M. Lee Officer.

M. Lee Clerk.

COUNSEL FOR DEFENDANT.

Name,

Address,

Witnesses, *Ann Dardell*
157 Elizabeth St.

\$ *5.00* to answer

General Sessions

Received in Dist. Atty's Office.

0512

CITY AND COUNTY }
OF NEW YORK. } ss.

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

That *Patrick Lee*-

late of the *fourteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *Eight* day of *January* in the
year of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* with force and
arms, about the hour of *three* o'clock in the *day* time of the same day, at the
Ward, City and County aforesaid, the dwelling house of _____

George Dowdell
there situate, feloniously and burglariously did break into and enter ~~by means of forcibly~~

_____ he the said *Patrick Lee* _____

then and there intending to commit some crime therein, to wit: the goods, chattels, and
personal property of

Rosanna Dowdell _____

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.

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

Patrick Lee-

late of the Ward, City, and County aforesaid,
Two handkerchiefs of the value of two dollars each -
Five shirts of the value of three dollars each -
Four cravats of the value of one dollar each -
Four neckties of the value of one dollar each -
Two shirts of the value of fifty cents each -
Two pairs of drawers of the value of fifty cents each -

of the goods, chattels, and personal property of the said _____
Rosanna Dowdell _____

in the said dwelling house then and there being, 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.

BENJ. K. PHELPS, District Attorney.

05 13

BOX:

4

FOLDER:

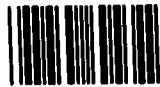
54

DESCRIPTION:

Lynch, James

DATE:

01/15/80



54

0514

Witner 1

SF Counsel
51 W 132

Henry Ward
190 St. Hudson St

Henry Welch
104 Simpson St

Bail for Lynch in
5 indictment

Day of Trial
Counsel,

Filed 15 day of July 1870
Pleads Not Guilty 27

35
29 10
THE PEOPLE
vs.
JAMES LYNCH
Violation Excise Law.

BENJ. K. PHELPS,
District Attorney.

A True Bill
W. King

19th Febry 25th
Foreman.

Part 100, Feb 25, 1880.
Fines & convicted 2 Conv
Pen 30 days +
Fines \$100 in addition
1 day for each

0575

SUBPENA.

COURT OF GENERAL SESSIONS OF THE PEACE.

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

The People of the State of New York,

Richard Baxter, Charles D. & Bunin, George A. Campbell, Matthew Tompkins, James H. Hill, Charles Jacob, Officer Gilman, James S. Henry, Peter Henry, Officer W. Conroy, Officer Hanly, William, C. A. Giddens, D. J. Whiting, Peter W. Hampton, Charles A. Hudson, William Kelly, Edward Drum



WE COMMAND AND FIRMLY ENJOIN YOU, That all and singular business ceasing, you be in your proper person at a Court of General Sessions of the Peace, to be holden in and for the said City and County of New York, at the City

Hall of the said City, on *Wednesday* the *25th* day of *February* Instant at the hour of ELEVEN O'CLOCK in the forenoon of the same day to testify the truth according to your knowledge of all such matters and things as shall be objected against *James Lynch, Charles Wakefield*

and *John Dorsey* who stands indicted for *violation of the Excise Law.* And this you are not to omit, under the penalty of TWO HUNDRED AND FIFTY DOLLARS,

WITNESS, Hon. *Henry A. Giddens, Judge of Sessions* and presiding Justice of the Sessions. the *20th* day of *February* 1850.

JOHN SPARKS, Clerk.

John W. Giff Of Counsel.

The Court is held in the Court House, 32 Chambers Street.

0517

End of Annual Session

The People

vs

James Lynch

affiant of
Service

John W Goff
of council
229 W W

0518

CITY AND COUNTY }
OF NEW YORK. } ss.:

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

That *James Lynch*

late of the *fifteenth* Ward of the City of New York, in the County of
New York aforesaid, on the *twenty eighth* day of *December* in the year
of our Lord one thousand eight hundred and seventy-*nine*, at the Ward,
City and County aforesaid, certain strong and spirituous liquors, and certain wines, to
wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of
whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of
beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor, to the
jurors aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one
time, to one

Henry R Ward

; without having a
license therefor, as required by law, contrary to the form of the statute in such case made
and provided, and against the peace and dignity of the People of the State of New York.

SECOND COUNT.—*And the Jurors aforesaid, upon their Oath aforesaid, do further
present:* THAT the said

James Lynch

late of the Ward, City, and County aforesaid, then and there being a person duly
licensed according to law to sell spirituous liquors and wines on the day
and in the year aforesaid, at the Ward, City and County aforesaid, the same
being the first day of the week, commonly called and known as Sunday, with
force and arms, certain strong and spirituous liquors and certain wines, to wit: One
gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one
gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one
gill of lager beer, and one gill of a certain strong and spirituous liquor to the jurors
aforesaid unknown, unlawfully did sell, as a beverage, to one

Henry R Ward

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

BENJ. K. PHELPS, District Attorney.

05 19

BOX:

4

FOLDER:

54

DESCRIPTION:

Lynch, James

DATE:

01/15/80



54

0520

W. Jones
John H. Clark
5/11/1872
Henry Ward
190 174 Ridge Road

Day of Trial

Counsel,

Filed *15* day of *July* 187*2*

Pleads *Not Guilty*

THE PEOPLE

vs.

James Lynch

Violation Excise Law.

BENJ. K. PHELPS,

District Attorney.

part No. 2000 28. 1872
file and guilty 1. June 1872

A TRUE BILL

W. King

Foreman.

0521

PART 2.

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

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

By giving this Subpoena will you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE
Court of General Sessions of the Peace.

The People, of the State of New York,

To *Sidney K. Couclic*
of No. *57 West 137*

Street,

Samuel C. McKim
is the principal
witness. He is
in the room.

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person, before the Court of GENERAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the day of *Feb* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

James Lynch Etal

in a case of FELONY, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, HON. FREDERICK SMYTH, Recorder of our said City, at the City Hall, in our said City, the First Monday of *Feb*, in the year of our Lord 1881

DANIEL G. ROLLINS, District Attorney.

0522

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

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

That *Charles Wakefield and James
Lynch each*

late of the *Fiftieth* Ward of the City of New York, in the County of
New York, aforesaid, on the *Twentyfirst* day of *December* in the year
of our Lord one thousand eight hundred and seventy-*three*, at the Ward,
City and County aforesaid, certain strong and spirituous liquors, and certain wines, to
wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of
whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of
beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor, to the
jurors aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one
time, to one *Sidney A. Coukline*

; without having a
license therefor, as required by law, contrary to the form of the statute in such case made
and provided, and against the peace and dignity of the People of the State of New York.

SECOND COUNT.—*And the Jurors aforesaid, upon their Oath aforesaid, do further
present:* THAT the said

*Charles Wakefield and James
Lynch each*

late of the Ward, City, and County aforesaid, then and there being a person duly
licensed according to law to sell spirituous liquors and wines on the day
and in the year aforesaid, at the Ward, City and County aforesaid, the same
being the first day of the week, commonly called and known as Sunday, with
force and arms, certain strong and spirituous liquors and certain wines, to wit: One
gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one
gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one
gill of lager beer, and one gill of a certain strong and spirituous liquor to the jurors
aforesaid unknown, unlawfully did sell, as a beverage, to one

Sidney A. Coukline

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

BENJ. K. PHELPS, District Attorney.

0523

Witness
Sidney A. Conklin
51 W 132 -

Henry Ward
190 St. Phleg Road

Bail
No 1
H J Welch
104 Thompson St

Day of Trial

Counsel,

Filed *15* day of *July* 18*77*.

Pleas *Not Guilty* 27

THE PEOPLE

W. B. ...
Charles Wakefield
86
2 James Lynch
Violation Excise Law.

BENJ. K. PHELPS,

District Attorney.

part no entry 28. 1881

plea do guilty 1 of 10.50
True 12.50

A True Bill.

W. H. King

Foreman.

0524

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

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

That *James Lynch* _____

late of the *fifteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *Twenty first* day of *December* in the year
of our Lord one thousand eight hundred and seventy-*nine*, at the Ward,
City and County aforesaid, certain strong and spirituous liquors, and certain wines, to
wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of
whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of
beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor, to the
jurors aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one
time, to one

Sidney H. Conklin

; without having a
license therefor, as required by law, contrary to the form of the statute in such case made
and provided, and against the peace and dignity of the People of the State of New York.

SECOND COUNT.—*And the Jurors aforesaid, upon their Oath aforesaid, do further
present:* THAT the said

James Lynch

late of the Ward, City, and County aforesaid, then and there being a person duly
licensed according to law to sell spirituous liquors and wines on the day
and in the year aforesaid, at the Ward, City and County aforesaid, the same
being the first day of the week, commonly called and known as Sunday, with
force and arms, certain strong and spirituous liquors and certain wines, to wit: One
gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one
gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one
gill of lager beer, and one gill of a certain strong and spirituous liquor to the jurors
aforesaid unknown, unlawfully did sell, as a beverage, to one

Sidney H. Conklin

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

BENJ. K. PHELPS, District Attorney.