HISTORY OF ROCHESTER AND MONROE COUNTY, NEW YORK

By WILLIAM F. PECK

CHAPTER VII.
Whenever human beings are gathered together, whether in Eden or in Rochester, there must be some wrongdoing; the strife and the contrast between good and evil, so early typified, must, it would seem, go on while the world endures, and the most that advancing civilization can do is to repress the manifestation of wickedness and to instill a growing respect for the observance of law. That will in time bring about the universal recognition of right as the governing principle, as is plainly indicated by the progress of affairs, for it needs but a glance to see that, in spite of constant instances of retrogression, the forward steps are greater than those backward and that with all the shocking individual crimes and the appalling national sins the world is growing better every day. Selfishness will always prevail, but altruism will more and more serve to check the aggressions of egoism. The settlement of Rochester was probably no worse and no better than other localities, and no violent disorder can be found to have existed here till the place had got pretty well advanced.

EARLY CONSTABLES.
The earliest record that can be found regarding the peace establishment is that of the election, in 1812, of Solomon Close, Pelatiah West, Jonathan Parish and Hope Davis as constables for the town of Gates, which of course included the western half of what afterward became the city. There is no reason to suppose that the exercise of their powers went any further than the arrest of delinquent debtors, who might then be imprisoned for their insolvency, and even that authority had its limits, for the river divided the counties of Ontario and Genesee, so that if a fugitive happened to be more fleet than his pursuers all he had to do was to reach the middle of the bridge first, when he could turn and laugh the officers to scorn. When the village was incorporated, in 1817, the charter provided that the duties of the constable should be the same with those of the constables chosen at the annual town meetings of Gates, but it is probable that he had also the power to make arrests for criminal offenses in the daytime, when the night watch were necessarily off duty. At that first meeting of the freeholders and inhabitants, held May 5th in the year named, Ralph Lester was chosen as constable, and some time in 1818 Matthew Brown, Roswell Hart, William P. Sherman, Daniel Mack and Hastings R. Bender were appointed as street patrol, but it is difficult to see how their services could have been very valuable, as they were all business men and most of them held other offices than this.

THE FIRST JAIL.
When Monroe became a county, in 1821, it was of course necessary to have a jail, for that, as well as the court-house, was the outward and visible sign of a county, so the jail was built in that year. It stood on North Fitzhugh street, then called Hughes street, on the present site of the German United Evangelical St. Paul's church. No further description of it can be obtained than that it contained two tiers of cells, divided by a hall through the middle, and was inclosed with a high and insurmountable stone wall. It was situated in the rear of a commodious brick house, occupied by the jailer's family, and the two buildings together cost the county $3,674.41. Until the erection of the jail on the island, eleven years later, this one answered its purpose quite well; after that it was used for some time as a recruiting office for the United States army. Who were the first inmates of that place of confinement we do not know.
THE FIRST BURGLARY.
It ought to have been, but probably was not, the burglars who committed the first crime recorded here, when it is mentioned in the *Telegraph* of August 21st, 1821, that the store of Hart & Saxton, which was located on the spot where the Elwood block now stands, had been feloniously entered the week before, when the clerks, who, after the custom of those times, were sleeping in an adjoining room, were awakened by the noise made in attempting to open the cash drawer, whereupon the thieves departed without carrying off the plunder which they had piled up on the counter; no arrests seem to have been made. The increase of the tax to two hundred dollars to support the night watch in 1822 would seem to indicate that the constituency of that body must have been doubled. Raphael Beach was elected constable in that year, succeeding George G. Sill and Charles Millard.

BLOODSHED COMES IN.
The first homicide in what is now the county took place not in Rochester but in the town of Gates outside of the village in July of the year named, when in a quarrel a man named Nichols struck Squire Hill on the head, inflicting a wound from which the latter died a few days later. The assailant was arrested, lodged in jail (of which he may have been the first occupant), from which he escaped, was retaken and escaped again, probably not captured after that, as there is no record of his trial. What was in all likelihood a more cold-blooded murder occurred in the town of Parma, in the following April, when a man with his throat cut was discovered by the side of the Ridge road; no trace of the assassin was ever found. As the village grew in size it seems to have become more immoral, for the *Telegraph* of February 10th, 1824, after making the rather rash assertion that “probably no place in the Union of the size of Rochester is so much infested with the dregs and outcasts of society as this village,” speaks of a meeting that had been held during the previous week, at which a committee was appointed to draft a petition to the legislature for the passage of a law to erect a tread-mill, or “stepping-mill” as it was called. Although the journal applauded the scheme as being likely to inspire non-resident criminals with such terror that they would stay away from this region, the law was never passed, public sentiment being then, and ever since then, too strongly opposed to it in this country, though Great Britain retained that form of torture until five years ago. At any rate there were a sufficient number of evil-doers to fill up the jail, and some of the prisoners made a desperate attempt at escape on the night of July 31st. The sheriff, John T. Patterson, had, however, received warning of the plot and had notified a few citizens thereof, so that when the conspirators broke out of their cells about ten o’clock and blew out all the lights there was a hand-to-hand conflict in which iron bars and hickory clubs were freely used, so that several on both sides were badly hurt, but the riot was finally quelled.

WIFE-KILLING, BUT NOT MURDER.
John H. Ribby was, at the October circuit, found guilty of killing his wife, under circumstances of great brutality, but as the woman lived for a week after her husband had beaten and kicked her, he got off with a conviction of manslaughter and Judge William B. Rochester sentenced him to the state prison for fourteen years. In the following April Judge Walworth, of Saratoga county, was for some reason presiding over the court of Oyer and Terminer held here, when a man named Jones was brought up for trial. By means of a succession of skillfully forged deeds he had become possessed of a thousand acres of valuable land in Brighton, turning out of their rightful homes a number of innocent occupants. The district-attorney, Vincent Mathews, was assisted in the prosecution by Messrs. Chapin and Hosmer, while Messrs. Lee, Marvin and Dickson defended the prisoner. Sixty witnesses, from four different states, testified for the
people, but the trial lasted only two days, resulting in conviction, followed by a sentence of life imprisonment.

**THE SECOND JAIL.**
The second jail, begun in 1831, was completed in the following year, standing on the artificial island formed by the river and the bend of the Fitzhugh and Carroll race, on the site now covered by the train-shed of the Erie railroad station. It cost $13,412.56, including $1,250.19 for the lot, from which should be deducted $2,600 realized from the sale of the former jail on Fitzhugh street. The structure was one hundred feet long by forty feet wide, built entirely of stone and so close to the river that the waters washed its eastern foundation wall. In the main prison, which was sixty by forty feet, was a block of forty cells, each cell being four feet wide, eight feet long and seven feet high; above them was a room of the whole area of the prison, which at a later period was fitted up with cells of a larger size. The jailer’s dwelling, which formed a part of the building, was forty feet square and three stories high, the third floor being divided into seven rooms intended for debtors, for women and for men charged with minor offenses. Those of the last-named class were commonly employed in making furniture, in weaving, tailoring and shoemaking. **Edwin Avery**, who seems to have been the first jailer, was succeeded by **Ephraim Gilbert**. This jail stood for more than half a century, and for many years before it was torn down it was a disgrace to the county, simply from the parsimony of the board of supervisors in systematically neglecting to keep it in decent repair. Escape from it became proverbially an easy matter in certain seasons of the year, for the inmates, after letting themselves down from the windows, had only to walk across the river bed when it was dry from the drought of the summer or frozen over in the winter.

The third and present jail, on **Exchange street**; was completed and occupied for the first time on October 4th, 1885; it cost $56,419.91, besides $20,000 for the lot.

**UNDER THE MUNICIPALITY.**
In 1834 **Rochester** became a city, its population being then, according to the directory of that year, 12,252. The act of incorporation was passed April 28th and on the 2d of June the freeholders held their last village meeting, electing five aldermen, with as many assistants, five assessors and five constables, the last-named being **Cornelius Fielding, Joseph Putnam, Isaac Weston, Sluman W. Harris** and **Philander Davis**. A week later the common council completed the list of the first officials of the municipality, among those appointed being **Thomas H. Dunning, Samuel Miller** and **Nathaniel Draper**, with **Sidney Smith** as the first police justice. **Ephraim Gilbert** was appointed city marshal, an officer who seems to have been a kind of head constable, serving warrants issued by the city treasurer and also executing processes from the mayor’s court. The office ceased to exist in 1850. By the terms of the original charter the thickly settled part of the city was constituted the “lamp and watch district,” the limits of which were to be prescribed annually by the common council, and a separate column was to be provided in the assessment rolls for the tax to be imposed upon the real estate within that district, and upon the personal property of all persons living therein, “to defray the expense of lighting the city and compensating watchmen and for the prevention and extinguishment of fires,” it being carefully provided that the sum “to be appropriated to the lighting of the city and for the support of a night watch” should not exceed $1,500.
THE NEW WATCH.
On July 17th Newton Rose, Edwin Avery and William Wilbur were appointed city watchmen, with the first named as captain; they were simply, the night watch, as their predecessors had been, for they were ordered to patrol the watch district from ten o’clock at night to the succeeding daylight, and evidently there were no day policemen at all. These nocturnal guardians had a great variety of duties imposed upon them by ordinance and a good deal of inquisitorial power, for they were authorized to enter any dwelling-house, grocery or other building where they had good reason to believe that any felon was harbored or secreted. Besides that, the whole force had to start out on moonless nights (for when that luminary was shining there was not supposed to be any need of additional illumination), each one of them with a string of oil lamps on his arm, which he would place on different posts at long intervals, leaving them there till morning, when he would gather them and take them to the watch-house, where they would be stored till the next evening. The officers were also expected, possibly as a matter of courtesy, to call out the hour while patrolling their beats, accompanying the temporal announcement with remarks of a meteorological nature, such as “Twelve o’clock and all’s well,” or “Two o’clock and a starry night,” or “Three o’clock and a frosty morning,” or “Four o’clock, it snows and it blows,” which tidings were not always productive of early rising on the part of the hearers.

THE POLICE STATION.
At the council meeting just mentioned the lamp and watch committee was directed to report a suitable section of the city for the location of a watch-house, which would seem to indicate that up to that time the jail had been used for the storage of all offenders, those who were too much intoxicated to get home as well as those who had committed serious offenses, for both classes must have been locked up somewhere. In accordance with the report of the committee the southwest corner of the basement of the court-house was then fitted up, not only for the police court-room but with the necessary number of cells, so that for the next sixteen years all the passers-by on South Fitzhugh street were saddened by the constant sight of the gratings and oftentimes by that of the mournful or vicious faces behind the bars. When the court-house was torn down in 1850, to make way for the new county building, the police court was taken across the street to the present site of the Powers Hotel, while the lockup was removed to an old stone structure on the southwest corner of West Main street and Plymouth avenue. Both were, however, soon transferred to the north wing of the old Center market, on Front street (which up to that time had been used as an armory for the militia companies), the cells being located in the basement, with the court-room above reached by iron steps on the outside. There they remained till 1873, when they were located for a year on North Water street, near Mortimer, while a city building was going up to take the place of the old market. Back then they were removed, but they did not stay there long, for in 1875 they were installed in the new city hall, then just completed, and there they remained till the erection of the central police station on Exchange street.

POLICE HEADQUARTERS.
That large and somewhat ornate building, devoted entirely to the police department, was completed, after a year of labor, in June, 1895, at a cost of sixty-five thousand dollars, exclusive of the land on which it stands. The basement is given up to the boiler room and cellars; on the first floor are the captain’s offices, the assembly room, with lockers, and the lockup for males, with twenty-two cells; the second floor contains offices for the chief of police and the director of the detective bureau, the police court-room, with rooms for the judge and the clerk; on the third floor are the living apartments for the matron, rooms for the detention of witnesses and the
lockup for females, with thirteen cells; the fourth floor is devoted to the gymnasium, the bathroom and the room of the police patrol operators; these control the police telegraph system, on which more than sixty thousand dollars has been expended and of which there are now some sixty stations, Rochester having been the first city in the state to adopt the plan; the office also operates a duplicate telephone system consisting of two separate switchboards in direct connection with fire headquarters by means of a central energy telephone, this city being the first in the United States, so far as is known, to apply that invention successfully in this connection; the two patrol wagons, which are kept in the rear of the building, have lately been equipped with electric power, so that the horses have been discarded.

THE LYMAN MURDER.

Turning now to the purely criminal side it may be as well to record a series of murders. Of these the first within the limits of Rochester—not only then, but the first within the present boundaries—was the one that overshadowed all those that came after it and it produced a state of excitement more pervasive and more lasting than any other deed of violence that was ever committed here. On the morning of October 24th, 1837, the body of William Lyman was found in an open lot between St. Paul and North Clinton streets, quite near his house, which was on the latter street, a little north of Franklin. He was a respected citizen, who had his office in a small building that stood on the southeast corner of East Main and South Water streets, the city terminal of the horse railroad that ran to Carthage. Horace Hooker & Co. had extensive grain warehouses at the latter point and held the lease of the road. Lyman being in their employ, both in the wheat-selling and in the railroad, of which he was practically the treasurer. Mr. Hooker had sent to him from Hartford two days before this nearly five thousand dollars in bills of the Connecticut River Banking company, which, besides several hundred dollars just received from the railroad, Lyman had put into his pocket that evening to carry home with him. After the discovery of the body a little boy remembered that on the previous evening about nine o’clock he had seen the flash of a pistol near by and by its light had perceived three men standing at the place first mentioned, one of whom wore a glazed cap. It being known that a young man of French extraction, named Octavius Barron, habitually wore such a cap, a watch was set upon him and he was seen to go to the Tonawanda railroad station at the corner of West Main and Elizabeth streets, apparently with the intention of getting out of the city, then to turn into a woodyard and hide something between two piles of lumber. Going away for a little distance he soon came back to the spot and was arrested, the hidden package in the meantime having been found to be a wallet known to have belonged to the murdered man, which had in it several hundred dollars in bank bills and which was wrapped in a handkerchief marked with Barron’s name. It transpired afterward that he had been watching outside of Lyman’s office on the previous evening and had seen through the window the disposal of the money, after which he followed his victim and shot him in the back of the head, probably killing him instantly. He then took from the body the wallet containing some five hundred dollars, though he overlooked entirely a pocket-book which had in it ten times as much. Of his two companions at the scene of the crime one, named Bennett, was noticed in a saloon with him at a later hour, both spending money freely and in a state of great excitement; the other, Fluett, helped to carry his trunk to the station on the following morning; both were taken into custody a little later.

THE FIRST EXECUTION.

Barron’s trial was deferred till the following May, when Judge Dayton was the presiding justice. The district-attorney, Abner Pratt, conducted the prosecution, but the matter was considered sufficiently important to call for the aid of the attorney-general, Samuel Beardsley, who made a
powerful appeal in closing the case. For the defense Horace Gay, E. B. Wheeler and A. A. Bennett appeared, but their efforts were unavailing, for a verdict of guilty was rendered within an hour after the jury had retired. Barron was hanged on the 25th of June in the jail on the island, his execution being the first one in Monroe county. Darius Perrin, the sheriff at the time, performed the repulsive task himself, though he declined to accept the legal fee of five hundred dollars for doing it, whereupon the board of supervisors struck out of his bill at the next settlement the item of one dollar and a half, which he had expended for a new flax rope to be used on the occasion. Up to that time the universal method of hanging, at least in this country, consisted in simply dropping the criminal, with the rope about his neck, through a trap door into a room or pit beneath, but in this case a new method was adopted- which came afterward to be called the “jerk system” - in which the prisoner is raised suddenly to the ceiling of a lofty apartment and is then dropped instantly through two stories, the fall usually resulting in breaking his neck. This was the first use of that method in the United States, where it is now generally practised, though the ancient custom of slow strangulation is still employed in England. This primary execution roused so much interest, both here and in the vicinity, that the militia had to be called out on that day to keep away from the jail the crowd that had gathered with the hope that they might obtain some glimpse of the ghastly spectacle. The same consideration of fairness that operated to delay Barron’s trial caused the postponement of that of Bennett and Fluett till after his execution, and even then it was held at Batavia, so that popular clamor might not influence the verdict. They were both acquitted, not, as was supposed at the time, that there was any doubt of their guilt, but because of a general feeling that justice should be satisfied with one victim.

The contagion of crime is well shown by the fact that before the first murderer was tried the act was duplicated and on the same side of the river, when Austin Squires, who lived with his wife at the corner of Lancaster (now Cortland) street and Monroe avenue, shot her without provocation on the evening of May 4th, 1838. He was somewhat intoxicated at the time and besides that he was so eccentric that many of his neighbors considered him unbalanced, whereby at the present day he would doubtless have escaped the gallows; not so then, for he was hanged on the 29th of November at the age of thirty-five.

THE HARDENBROOK TRIAL.
More than a decade had passed by when the third murder trial took place, in May, 1849. Dr. John K. Hardenbrook, a practising physician, was accused of having killed Thomas Nott, a hardware dealer, by poison, on the 5th of February preceding. The doctor was an intimate friend of the family and his friendship for Mrs. Nott was supposed to have impelled him to remove the husband, who was suddenly seized with violent convulsions, in which, after some temporary relief, he expired two days later. The administration of strychnine was alleged as the productive cause, but the jury evidently gave the prisoner the benefit of the doubt and he was acquitted. The case was tried before Judge Marvin, the prosecution being conducted by William S. Bishop, the district-attorney, assisted by Henry G. Wheaton of Albany, who had been detailed by the attorney-general to represent him; the defense was supported by Henry R. Selden, John Thompson and Leonard Adams, of this city, together with H. K. Smith of Buffalo, who made the principal argument.

A PORTUGUESE MURDER.
Maurice Antonio, a Portuguese, applied to the poormaster in January, 1852, for assistance to return to his home in the island of Madeira. Receiving the aid, he started off, together with the
wife and children of Ignacio Texeira Pinto, a fellow-countryman. The husband did not go with them and it was found on inquiry that he had not been seen since the previous November. Search was then made in an old hut that they had occupied for three months before that in the town of Gates, and the body of Pinto was found under the earth in the cellar, with wounds on the head that showed how his end had come. His wife and her paramour were followed to Albany, where they were found in the almshouse and brought back. Judge Harris presided at the trial of Antonio; with Martin S. Newton, the district-attorney, for the prosecution; Luther H. Hovey and J. D. Husbands appeared for the prisoner, who, being promptly convicted, was hanged on the 3d of June.

Only a passing interest is excited nowadays when a person disappears, but it was different half a century ago, and the most intense excitement was produced in February, 1848, when Porter P. Pierce, a young woolen manufacturer, was lost, and again in November, 1854, in the similar case of Emma Moore, aged thirty-seven. In both instances meetings of citizens were held, committees appointed and rewards offered, with no result; both bodies were subsequently found in the water with marks of violence upon them, but the murderers remained unknown.

In May, 1855, Martin Eastwood was tried for the murder of Edward Bretherton in the northern part of the city; after conviction and the death sentence he obtained a second trial and got off with a long imprisonment, as the two men had been engaged in a quarrel and premeditation had not been clearly shown.

THE LITTLES MURDER.
The Falls Field tragedy, as it was long known, which occurred in the last week of 1857, warrants a full description, both from the peculiar circumstances of the case and on account of the intense excitement that pervaded the community at the time. Marion Ira Stout (commonly known by his middle name), born in Pennsylvania in 1835, was a wonderfully precocious youth, who even in early boyhood had obtained considerable knowledge of Latin and French, as well as a fair acquaintance with English literature, and before he was much older he was well up in metaphysics, being familiar with the writings of Hume, Locke and other philosophers. All this was coincident with the very worst possible environment, for from an early age he had been thrown into association with professional criminals, his father being an expert workman as member of a gang of counterfeiters and finally sent to prison for ten years for forgery, soon after which Ira himself spent more than four years in the Eastern penitentiary of Pennsylvania for being concerned in a burglary.

On his release he came to Rochester to complete his education, spending his days in a mercantile college and devoting his nights to the study of commercial law, mathematics and general literature. His family, with the exception of his father, had preceded him and his sister was married to Charles W. Littles, a practising attorney, but employed at the time in the office of Henry Hunter. There was much discord between the married couple, owing to the intemperance, marital infidelity and general wickedness of the husband, and Ira naturally took the part of his sister, between whom and himself a peculiar affection existed. He soon formed the determination to murder his brother-in-law, and he made at least one attempt before he was successful, having tried to induce Littles to walk with him one night over the slippery planks of Andrews street bridge, which was then being repaired, where one blow would have sent his victim into the water and thence over the falls, as the river was running high at the time. Littles was of a jealous disposition, which enabled Stout to convince him that his wife had an
appointment at Falls field for the evening of December 19th, and the two men went to the spot on that night, Sarah, who was dominated by her brother, preceding them a little, so as to lure her husband to his doom.

That came soon enough, for when they had got near the edge of the bank Ira struck his victim a sudden blow with an iron mallet, smashing the skull and producing death instantly. Stout then threw the body over the precipice, supposing that it would fall into the river and be swept into the lake before sunrise, but instead of that it struck on a projecting ledge thirty feet below the upper level. Perceiving that there had been some failure in the matter, Ira started to go down a narrow path that led sideways along the cliff, but in the darkness he missed his footing and fell headlong, breaking his left arm in the descent and landing beside the corpse. Summoning all his remaining strength he was just able to push the body again over the bank, when he sank in a dead faint, on recovering from which in a few minutes he called to his sister, who was still above, to come and help him. Starting to do so, the bushes to which she clung gave way, she stumbled, broke her left wrist and fell beside her prostrate brother. But it would not do to remain there, wretched as was their plight, and so, after searching in vain for Ira’s spectacles, which they had to leave behind them, but taking with them the fatal mallet, they scrambled slowly and painfully up the bank and made their way laboriously to their home on Monroe avenue. The first thing was to remove all obvious traces of the crime; the mallet was hidden away on the premises so carefully that it was not found till after the trial, and the blood stains were as far as possible washed away from their clothes. Both were able to bear without manifestation the pain of their wounds, but the swelling and the inflammation of Ira’s arm increased so rapidly that the result might have been fatal if surgical aid had not been summoned, dangerous as that step was. So Dr. Rapalje and Dr. Whitbeck were called in at a late hour of the night, the limb was set and bandaged, Sarah not mentioning her own injury, and then the household waited for the dawn and for what might come after.

Now, two days before this a man named Newhafer had fallen from the Andrews street bridge and been swept over the falls, that incident, in fact, suggesting to Stout one of his plans for disposing of his brother-in-law. The Jewish congregation of which Newhafer was a member offered a large reward for the recovery of his body, stimulated by which a number of persons engaged in the search and early on the morning of the 20th they went down the path which Ira and his sister had trodden the night before. Descending to its foot they found, not the object of their search, but the corpse of Littles, which had been thrown back by the rushing water into a shallow eddy, where it remained. It took not long to identify the remains, and within an hour the officers, armed with a warrant, went to the house on Monroe avenue, and there the evidence of guilt confronted them almost at once. Incredible as it may seem, Sarah, misled by her evil genius, had neglected to remove from her cloak and even from her hair the burrs of the yellow burdock that had clung to her in her frightful fall and that were afterward shown to be similar to those that grew in the fatal field. The culprits were taken at once to the police office, where the coroner was already; a jury was immediately summoned, although it was Sunday, and the inquest proceeded through that whole day, late into the night and for the three days and evenings following. It was, practically, the trial, the subsequent proceedings before the grand and petty juries bringing out little more testimony than had been already produced. The trial itself of the principal criminal took place in the following April before Justice Henry Welles, John N. Pomeroy being appointed counsel for the prisoner, who was destitute of pecuniary means. Conviction was easily secured, followed by sentence, but an appeal was taken, so that it was the 22d of October when Ira Stout was executed. During that six months’ interval his cell was
almost daily thronged by visitors, for the morbid curiosity to see him continued unabated to the end. In the meantime Mrs. Littles was tried for manslaughter, her counsel being Chauncey Perry and John C. Chumasero; being convicted in the second degree, she was sentenced to Sing Sing for seven years, was pardoned before her term expired and subsequently married again.

THE ROBERTSON TRIAL.
Between the time of the commission of Stout’s crime and his trial for the offense there was another trial, which would not have aroused the great interest that it excited but for the prominence of the principal parties. John B. Robertson, the cashier of the Eagle bank and city comptroller (an office that existed for a few years at that time), was accused of trying to effect the murder of his wife by inducing a young physician of the city to administer poison in the shape of successive prescriptions, Mrs. Robertson being then quite an invalid. The doctor testified that Robertson had called repeatedly at his office, urging him to use sanguinaria, and that he (the physician) had given instead the milder remedy of sambucus, of the same color and producing similar effects, though to a harmless degree. These conversations were testified to by several well-known citizens, who were concealed in an adjoining room, but the defense met that by the ingenious hypothesis that it was easy to be mistaken as to the identity of a person heard but not seen, and supporting that theory by various tests in the courtroom. The jury preferred to believe that the conspiracy was on the part of the doctor against the prisoner, rather than of the accused against his wife, and a verdict of acquittal was rendered after a deliberation of three hours. It is not often that the attorney-general of the state appears, especially away from the capital, except in cases of the utmost importance, and the fact that he was here in this instance to assist the district-attorney, Calvin Huson, was doubtless owing to the imposing array on the other side, consisting of John H. Martindale, himself afterward attorney-general; Selah Mathews and Alfred Ely, afterward member of Congress, with Henry R. Selden, then lieutenant-governor, as counsel. A few years subsequently it was found that Robertson had been a defaulter with the funds of the Mt. Hope commissioners, of which he had charge as comptroller.

STATE INDUSTRIAL SCHOOL.
One of the most important institutions in this part of the country is the State Industrial school, which is to be officially known after April 1st, 1907, as the State Agricultural and Industrial school, but which during most of its existence has been commonly called the Western House of Refuge, its real name for the first twenty-five years and the one under which it was formally opened on August 11th, 1849. Authorized by act of the legislature of May 8th, 1846, four thousand two hundred dollars was paid for forty-two acres lying west of Lake avenue and fronting Phelps avenue, the state contributing three thousand dollars of that, and the citizens of Rochester making up the balance. Three years was taken up in the construction of the building, with its inclosure of the stone wall, under the supervision of the commissioners, William Pitkin, D. C. McCallum and Isaac Hills. Room was furnished for only fifty inmates at the outset, but the increasing demand was met by the erection of successive additions till more than a thousand could be accommodated, the girls’ department with a frontage of two hundred and seventy-six feet, completely separated from the other part, being built in 1876. Even from the outset the reformatory element existed, but the punitive quality was then predominant, whereas now, owing to the evolution of penology, the relative positions of the two influences are reversed and it has become a school for the training of juvenile delinquents, to whom more than twenty different trades are taught. A change is now in process of making, not only in the congregate system that has prevailed until recently, but in the location of the institution, which is being moved to the
town of Rush, where the cottage plan will be carried out. To effect this some forty new buildings, including a hospital, have been erected already and about twenty-five more will be put up before the plant is complete and twenty-one different colonies shall be provided for, with as wide separation from each other as the area of fourteen hundred acres will permit. When that is done most of the old buildings will be torn down and Phelps avenue extended across the canal. Of the present officers of the school the president of the board of managers is Miss Lura E. Aldridge; vice-presidents, John M. Lee, M. D., and Rt. Rev. Thomas F. Hickey, D.D.; secretary and treasurer, Andrew H. Bown; superintendent, Franklin H. Briggs; assistant superintendent, David Bruce; Protestant chaplain, Rev. Arthur Humphreys; Catholic chaplain, Rev. Michael J. Kreig; physician, Dr. D. Lansing Vanderzee.

Through the instrumentality of an association formed for the purpose in May, 1853, with William Pitkin as president and S. D. Porter as secretary, the Home for Idle and Truant Children was established on St. Paul street, remaining there till 1877, when it was given up.

THE PENITENTIARY.
Up to 1853 people must have had the mistaken idea that the jail was the proper place of confinement for those who had been sentenced to short terms of imprisonment, for there was no other place to put them unless they were sent to one of the state prisons. In the year mentioned a committee of the board of supervisors was appointed, consisting of Joshua Conkey, Samuel H. Davis, Ezra B. True and Lewis Selye, under whose supervision the Monroe county penitentiary was erected in the course of the following year at a cost of $22,707.60. In 1865 it was almost completely destroyed by fire and, having been rebuilt, suffered a similar loss nearly as great three years later. After its second restoration a large workshop was added in 1873 and another extensive addition was made twelve years after that, with two hundred and fifty cells in five tiers, most of which were occupied at once by convicts transferred from their former quarters, which had become badly overcrowded. Not far from three hundred is the average number of inmates, though once, about nine years ago, there were five hundred and twenty-five there at one time. Only a small proportion of them can be kept at work, most of those in the garden and the farm during the summer months, for an iniquitous provision of the state constitution, dictated to the politicians by the labor unions, forbids the employment of convict labor in the prisons or penitentiaries except so far as the products of their toil can be used in other institutions of the state, which of course is an insignificant amount. The first superintendent was Z. R. Brockway, who, after serving three terms, resigned, to take the same position in the House of Correction at Detroit, becoming afterward the head of the Elmira Reformatory, where he acquired a national reputation. He was succeeded by William Willard, after whom came Levi S. Fulton, then Alexander McWhorter, then Charles A. Webster, the present incumbent. The chaplains are Bishop McQuaid and Rev. H. Clay Peepels; the physician is Dr. Henry T. Williams.

THE POLICE DEPARTMENT.
It is time to turn to the police department and see how that is getting along. By a charter amendment in 1853 the mayor was authorized to appoint one police constable for each of the ten wards, one of them to be chief of police and an equal number of watchmen, presumably for the night force, one of whom should be captain of the watch. The terms employed were misleading, for the powers of the “police constables” were more restricted than ever, as they could not after that make arrests without a warrant; about all they could do was to serve papers issued by the courts, and it was only the “watchmen” who were the real policemen as we understand the term.
The mayor, **General John Williams**, exercised his powers only sparingly, probably in the interest of economy, for he appointed only five watchmen, with **George Bradshaw** as captain, and three police constables besides **Addy W. Van Slyck** as chief of police, he being the first one to bear that title. In the following years the force was rapidly increased, almost annually.

**THE POLICE COMMISSIONERS.**
There was a new law in 1865, by which the control of the department was placed in the hands of three commissioners, two of whom, **Henry S. Hebard** and **Jacob Howe, sr.**, were named in the bill, though their successors were to be chosen by the common council, the third member being, *ex officio*, the mayor, who at that time was **D. D. T. Moore**. The board had almost unlimited authority within its sphere, except that the number of policemen to be appointed was regulated by the council, and they themselves, with the exception of the mayor, could be removed from office only by a three-fourths vote of the aldermen. The office was not at first a salaried one, but it became so in 1877, when nine hundred dollars was paid, which, after being lowered and raised several times, stood at that point when the board went out of existence at the end of 1899. **Commissioner Hebard** acted as clerk of the board till 1871, when the commissioners, authorized by the legislature, appointed a police clerk, who should act, not only as clerk of the board, but also as clerk of the police court, in which double capacity he was to keep a full account of all proceedings in both branches of the service. The change was a most important one, for it secured not only the making but the preservation of records which, up to that time, had never existed, the lack of which has been very annoying to all historical investigators in that line. **B. Frank Enos** was appointed to the office in April of that year and held it till his death in 1898; he was succeeded by **Richard Curran**, who continued for a short time after the close of the board, as clerk of the police court; **Roy P. Chadsey** now fills that position. The board started out by appointing thirty patrolmen, strong material, for eleven of them were still in service at the time of the semi-centennial celebration, twenty-nine years later. By 1872 the number had been increased to sixty-five, twenty-five of them day policemen; the next year six of those were appointed detectives; in 1874 there were eighty on the force, two of them being made roundsmen, to look after the others; a steady increase after that caused the number of policemen to reach nearly two hundred when the board retired from the field. The work of the commissioners was, on the whole, well done and they put the force on a much better basis than it had been before. Their worst blunder was made when they ran up against the civil service commission and undertook to disregard the law, but they repented of their error afterward, as has been described in a previous chapter.

**THE MURDER RECORD.**
Turn we now, again, to the seamy side of life and confront those crimes for the past forty years which, by reason of their enormity or the peculiarity of the circumstances attending them, may be worthy of record. A hackman named **Jonathan T. Orton** was found on the floor of his barn on the evening of March 8th, 1866, with his skull crushed to pieces, evidently by a cart stake that lay near by; there were suspicions as to the perpetrators, but they were not thought sufficient to warrant an arrest.

**A DEPRAVED WRETCH.**
In the village of Penfield **Franz Joseph Messner** beat his wife to death on April 13th, 1868; his case furnishes an illustration of what a glaring travesty upon justice the administration of law may be, for after a fair trial he was convicted and sentenced to be hanged June 4th, 1869; just before that time **Governor Hoffman** gave him a reprieve of two weeks, then a writ of error was granted.
and after argument at the general term he was again sentenced to die on December 10th; on the very day before that date Judge Martin Grover granted a stay of proceedings; after more than a year’s delay the case was argued before the Court of Appeals and a new trial was ordered, which again resulted in conviction; his lawyers got tired of carrying the matter any further, so he was hanged on August 11th, 1871. The utter depravity of the wretch was shown by his solemn affirmation on the scaffold, while looking into the face of death, that he was innocent of the crime, when he knew that there stood before him a reporter who had in his pocket the written confession of Messner, signed by him after his first trial, when he thought his end was at hand; the paper was, of course, kept a secret till after the execution and was published on the following day.

A case presenting somewhat similar features was that of David Montgomery, a cartman, living on Monroe avenue, who brained his wife with an ax while she was sleeping, on November 13th, 1870; the defense was insanity, it being claimed that he was an epileptic, but the jury convicted him and the general term affirmed the action of the lower court; the judges, however, delayed passing sentence, and Governor Hoffman appointed a medican commission to determine the question of sanity; they took their time about it and it was more than two years after the commission of the crime that Montgomery, who had lain in jail all the time, was adjudged insane and sent to the insane asylum attached to the state prison at Auburn on December 30th, 1872.

THE HOWARD RIOT.
We come now to the most serious riot, in fact the only real riot, that ever broke the peace of the city. A young negro named Howard had committed an aggravated assault upon a little girl and had fled, but was followed, caught a few miles out of town, brought back and lodged in jail, with great difficulty, as the crowd at the railway station was in a dangerous temper. During the afternoon of that day, the 2d of January, 1872, the signs of coming trouble were so pronounced that the Fifty-fourth regiment was ordered out to protect the jail, two companies being posted at the west end of the bridge over the raceway. As darkness came on, a large crowd gathered on Exchange street, which, after taunting and insulting the military, began to throw stones at them. After enduring that as long as possible a charge was made by the soldiers, but the mob continued to hurl missiles and a volley was fired by both companies. Several persons fell to the ground at once and the crowd then dispersed. Two of the wounded, John Elter and Henry Merlau, both reputable citizens who had probably been attracted to the spot by curiosity, died in a few minutes, but the others, five in number, eventually recovered. The next morning the situation was worse than ever, for the indignation of the populace had turned against the militia, none of whom dared to appear upon the streets. Perplexed by the absence of any armed force to protect the city, the commissioners accepted the services of the three veteran organizations—the Old Thirteenth, the One Hundred and Eighth and the One Hundred and Fortyeth (or Ryan Zouaves)—who had tendered their services, and all the members were sworn in at once as special policemen. Their assistance, fortunately, was not needed, for the regular police force, headed by Captain Patrick H. Sullivan, himself a veteran and as brave a man as ever lived, drove back the angry mob that assembled on Exchange street during the afternoon and prevented them from getting at the jail. Some days later the grand jury censured the members of the militia companies for firing without orders, but nothing further was done in that matter.

But the cause of the trouble was not removed, and it was felt that as long as Howard remained in the city the disturbance might recur at any moment. Judge E. Darwin Smith consented to
hold an extra session of the court and to have it sit at night, so the windows of the court-room were darkened and Howard, with his face chalked to disguise him, was taken thither by a back street. He was arraigned at once, pleaded guilty, through his counsel, C. C. Davison, a former district-attorney, who was assigned to defend him, and was sentenced to state prison for twenty years; he was immediately put in a carriage with three trusty officers, and driven to Honeoye Falls, where the party took the train for Auburn. There was much severe criticism of this proceeding at the time, as being a base surrender to the spirit of mob violence, but, after all, there was only one alternative to that course, an orderly trial with the customary forms and the certainty of disturbance with the not remote possibility of further bloodshed. The prison doors sheltered Howard for a time, but he met his fate a few years later when, yielding to his vicious temper, he got into quarrel with a fellow convict, who threw him from an upper corridor to the floor below, whereby he was instantly killed, his neck being broken.

THE CASE OF JOHN CLARK.
Several burglaries were committed here during the early summer of 1875, and in one case, where the house was not entered, the thief climbed a tree in the yard, and with a fishing pole, line and hook caught a watch from the bedside of a sleeping man. This ingenious performance was traced to John Clark, a well-known criminal, who was seen to hide the timepiece in a lumber yard on Atkinson street. When he returned there the next day, July 3d, officer Kavanagh was on hand to arrest him, but Clark resisted, shot the policeman, wounding him badly though not fatally, ran over the canal bridge and turned into Waverley place. There John Trevor, a bank watchman, came out of his house and stopped the fugitive, who, seeing no other way of escape, shot Trevor, who died of the wound two days later; in spite of his desperate hurt he held his captive till other officers came up and secured him. After Clark's conviction his counsel, William F. Howe, the celebrated criminal lawyer of New York, made strenuous efforts to secure a new trial, going to six Supreme court judges in different parts of the state to obtain a stay of proceedings, but in vain; after a reprieve of two weeks Clark was hanged on the 5th of November, having never lost his nerve for a moment and disdaining all religious consolation, showing that bravery is not inconsistent with wickedness.

ESCAPES FROM THE HALTER.
Three bad murders in 1876, but no death sentences, as there ought to have been. A case in 1883 shows the untrustworthiness of solitary testimony. An old man named Jacob Lutz, living on the River road, was found in his house on the morning of October 20th, with his skull crushed, evidently by one of his own boots that was found on the floor, the heel covered with clotted blood and hair. The only other occupant of the house was his son, who lay in the woodshed bleeding from wounds in the head, and the boy told the story, both then and on the trial, that the deed was committed by John Kelly, a neighbor. The accused was convicted of murder, his previous bad record operating against him in the minds of the jury, but on a new trial it was shown that he was elsewhere at the time and that the act was the work of two men, neither of whom was ever discovered. It was evidently a case of mistaken identity on the part of the boy. Kelly was killed in a railroad accident a few years later.

There was a curious case in the last week of 1884. Two burglaries had been committed in Brockport and a full description of three suspicious looking men was sent to this city, in consequence of which three persons were arrested in a hotel on West avenue. They went to the police station willingly enough, where one of them gave his name as George Clark, the others saying that they were brothers, Albert J. and Frank Brown. The first of them, remarking that he
would take some cough mixture, put his hand in his pocket, drew a pistol, shot himself and fell to the floor, the blood streaming from a wound in his fore head. At the City hospital, where he died a few hours later, he made a sworn statement before Coroner Sharpe that his name was George Clark and that he and his companions had committed the Brockport burglary, the details of which he narrated with much minuteness, besides which he gave some particulars of his life, saying that he had a wife and three children living at Weedsport. Two days later a trustworthy officer went to that village and found, first, that no such family was living there; second, that the three men had slept at the hotel there on the night before the Brockport burglary; had stayed through the morning and had taken the train late in the afternoon, so that they could not possibly have committed the robbery. The affair being telegraphed over the state, police officials from West Troy and from Clinton prison came on here and positively identified the body of the so-called Clark as that of William Herrick, known by them as a desperate criminal who had served twenty years at Dannemora. Why he should have taken his life and then have told that fairy tale in the very hour of death has always remained a mystery, the only possible solution of it lying in the supposition that he had committed a murder somewhere, had then, upon his arrest, shot himself in desperation, and then, taking the remote chance of his recovery, had manufactured a story that he hoped might land him within the walls of a state prison, as the safest place in which to hide.

Here is another case presenting some similarity to the foregoing, only that the voluntary confession of another crime was a true one. Emory Thayer, a farmer living at Avon, was aroused from sleep on the night of October 28th, by two burglars, one of whom shot him dead. Edward Bowman and Frank Squires were arrested for the crime, and the circumstances were so conclusive against them that, as the only means of escape, Squires confessed that on the night in question they were both engaged in the robbery of a freight car at Honeoye Falls. That being satisfactorily proven, Bowman was, on the evidence of Squires, sent to Auburn for five years.

THE LAST EXECUTION HERE.
The first person to suffer death in the new jail was Edward Alonzo Deacons - who was hanged July 10th, 1888, for the murder of Mrs. Alonzo A. Stone on August 16th, 1887 - and he was also the last, for, before the turn of the next one came, electricity had been substituted for the rope, and all executions since then have taken place in a state prison.

Arthur H. Day, a worthless criminal of this city, took his wife, Desire, to Niagara Falls on Sunday, July 27th, 1890, and pushed her over the precipice on the Canadian side. His sister, Mrs. Quigley, who had accompanied him, and had probably been his accomplice, on being arrested here some two weeks afterward consented, with much reluctance, to accompany the officers to the place and show them where the deed was committed. Arriving at the exact spot she said: “Over there lies the body of Arthur Day’s wife,” and immediately fainted away, accounting afterward for her swoon by saying that a mist rose before her eyes, in the midst of which she saw the form of the murdered woman. The corpse was found at the foot of the bank, badly disfigured by the fall and partially decomposed. Day was then arrested here, taken to Canada, indicted, tried, convicted and hanged at Welland on December 18th.

YOUNG AND DORTHY.
Charles Young, an Englishman, made himself conspicuous during 1893 by his habit of buying out saloons and their fixture, then selling them, partly for cash and partly on time, taking the property when the purchasers failed to pay up, which they generally did, and shooting at them
when they came back to get what belonged to them. Being indicted he fled to England, where he was imprisoned for swindling; when he got through with that he was brought back here and convicted of assault, but had to be released on the decision of the general term that his conviction was illegal, as it was for a crime different from that for which he was extradited, so he returned to England again and got into more trouble, which sent him to Portland prison, from which he tried to escape but was shot dead by the guard in February, 1895.

Another vicious creature was John F. Dorthy, a lawyer of more ability than many of his brethren at the bar; he had a good practice but he could not keep from going wrong, so he used to appropriate to himself the money that was entrusted to him by his clients and also to cheat various people, including his mother-in-law, by means of forged mortgages. This course carried him so far that he was disbarred from practice in June of 1896 and expelled from the Baptist church three months later. Indictments followed and piled up at a frightening rate, many convictions ensued and state prison sentences, but his ingenuity enabled him to keep free for more than four years, during which he became a public nuisance from the constant repetition of his name in the newspapers in connection with his appeals and stays and injunctions and motions for new trials, so that everybody felt relieved when he was sent to Auburn in January 1901, for one of the least of his offenses.

SIX YEARS IN THE DEATH CELL.
A noteworthy case, remarkable only for the unprecedented length of time during which the culprit lay under sentence of death, was that of George A. Smith, aged seventy years at the time when the story begins, who was found on the morning of September 9th, 1897, lying on the floor in his house in Churchville, bound and gagged, with his legs tied to the dining-room table. His statement to the neighbors who came in was that two burglars had entered the house during the night, shot his wife while she was sleeping, dragged him from bed, tied him as he was discovered and escaped through the window. None of his hearers believed the tale, and the fact that Mrs. Smith, who was found upstairs in her bedroom, with a bullet wound in her head, affirmed to the very hour of her death, which took place two days later, that she did not know who shot her, did not convince them of the husband’s innocence. The trial did not take place till nine months later and then, after it had continued four weeks, one of the jurors fell sick and it was called a mistrial. Starting all over in the following September, it took six weeks to obtain a conviction and a sentence of death. Execution was stayed by carrying the case to the Court of Appeals, which ordered a new trial on the ground that it was an error to admit Mrs. Smith’s statements, though they had all been favorable to her husband. An unaccountable delay took place in fixing the time for the retrial, which did not come off till more than four years after the previous one, in February, 1903; in the meantime, eleven of the witnesses had died, eight of them for the prosecution, and others were missing, but in spite of that Smith was again convicted and again sentenced to the electric chair; of course another appeal was taken and there was more delay, till finally Governor Higgins, on February 1st, 1905, commuted the sentence to life imprisonment, not because there was any doubt of the guilt of the accused, but because he had then suffered the awful punishment of spending more than six years in the death cell at Auburn.

Four prisoners at the jail escaped on the 10th of January, 1900; two were recaptured, one of whom, Clarence Egnor, was sent to Auburn for five years; he had not been there long before his ugly disposition prompted him to assault one of the keepers, Archie W. Benedict, stunning him by a blow on the head with an iron bar, then to take a pistol from the officer’s pocket and deliberately shoot him dead; Egnor was executed for this September 14th, 1903.
THE KEATING MURDER.
A feeling of horror ran through the community when the body of a young woman named Theresa Keating was found, with marks of violence upon it, behind a high bill board on North Union street, on the morning of November 14th, 1900. The whole country was ransacked to find the perpetrator, sixty persons brought to the office being examined without eliciting information, and telegrams being sent to the police departments of one hundred and fifty cities of the United States and Canada with a full description of the crime and of a mysterious stranger who was seen in the vicinity; all in vain, but nearly three years later a weak-minded fellow named August Russell, voluntarily confessed that he had committed the deed and had escaped from the city on a freight train; a commission adjudged him insane, and he was sent to Matteawan for life.

Leslie E. Hulbert, a graduate of Cornell, admitted to the bar in 1895, practised his profession for the purpose of running a divorce mill by means of an elaborate system of perjury. Successful for a time, an indictment was found against him in 1901 and he fled the city. Getting to Mexico with some of his associates, he murdered, in Chihuahua, his own brother-in-law for the sake of getting his life insurance money. The sentence of death against him was affirmed last fall by the Mexican Supreme court, so that he has now awaiting him a blank wall, an open grave and a file of riflemen.

THE BROWN MURDER.
Another mysterious murder was that of Bela E. Brown, a highly respectable jeweler, who was found in his shop on the second floor at the corner of State and Corinthian streets on Sunday evening, January 19th, 1902. He had been beaten to death with a hammer taken from the workshop, after a vain attempt to make him open his safe, before which he sat, gagged, in a chair. Although it was close to the Four Corners, and done in the daytime, the assassin got away without the discovery of any trace of his identity from that day to this.

Nine months after that, Leland Dorr Kent, a Buffalo medical student, came to Rochester in company with Ethel Dingle, a professional nurse, registering her name at the Whitcomb House as that of his wife, on the 14th of September. Groans were heard the next morning issuing from the room occupied by the couple, and when the door was forced open the girl was seen lying dead on the bed, while Kent, with a slight wound in his neck, lay beside the body. The grand jury, inclining to believe his story that it was a case of suicide, indicted him for manslaughter in abetting that act; tried, convicted, hard labor at Auburn for twenty years.

Here was a case of jealousy. On the 18th of November, in the same year, Lulu Miller Youngs, aged twenty-eight, having convinced herself that the affection of her husband had been taken away from her by Florence McFarlane, aged twenty-two, stabbed the latter to death. Indicted for murder, she was convicted of a lesser crime, as being temporarily insane, and got off with a short imprisonment. .

William Brasch was mean enough to push his wife into the Erie canal and drown her, on June 16th, 1906, just because he was in love with another woman and wanted to marry her. Convicted and sentenced to death, but counsel filed an appeal at the last moment and the case is still undecided at the present writing.

That closes the criminal record, bringing it down to the beginning of 1907. It is a long and ghastly one, but it has left unmentioned many cases of deliberate murder, and has passed over
entirely the almost innumerable instances of homicide in a lower grade. These crimes of violence are very frequent, especially among the Italian population, with whom the knife continues to be the potent weapon of revenge and of argument. Five murder trials took place last year, two of them ending with life imprisonment. Representatives of the district attorney’s office appeared in more than one thousand trials, and there were three hundred and sixteen indictments, with one hundred and thirty-four convictions under them.

THE PRESENT DEPARTMENT.
With the beginning of 1900 the police department came under the control of a single person, subject to the superior authority of the mayor, the commissioner of Public Safety. James G. Cutler was appointed to that office by Mayor Carnahan, but he resigned in the course of the summer and was followed by James D. Casey, who, at the beginning of 1902 was succeeded by George A. Gilman, who had been the chief clerk of the department during the previous two years. He appointed C. Alonzo Simmons as clerk and Dr. John A. Stapleton as surgeon, both of whom, as well as Mr. Gilman, fill their positions at the present time. In September, 1904, Major Francis Schoeffel was made deputy chief of police; he resigned seven months later and the office was abolished. On the 1st of March, 1905, the chief of police, Joseph P. Cleary, a brave soldier of the Civil war, was retired on his own application, having held the office for just twenty years; he died on the 24th of April, in the same year. John C. Hayden was appointed in his place, which he fills at this time. Under him are one inspector, Captain Hillman acting; six captains, Zimmerman, Ryan, Stein, Klubertanz, Russ and Sherman; six lieutenants, sixteen sergeants, one interpreter, four park officers and two hundred and four men, making a total of two hundred and thirty-nine. It would be interesting to describe some of the changes that have been recently made in the system, tending to its betterment, but this chapter is already too long, and it will suffice to say that the department will in every way compare favorably with that of other cities.”