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BOX:

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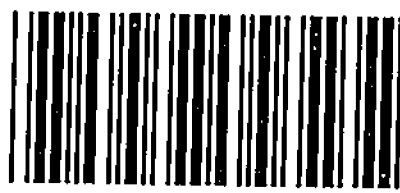
2727

DESCRIPTION:

Selig, Louis

DATE:

11/23/87



2727

POOR QUALITY
ORIGINAL

0252

Witnesses:

Counsel,

Filed, 23 day of Nov 1937

Pleads, *McMurry et al*

THE PEOPLE

vs.

Louis Selig

[Section Penal Code].

Section 552

RANDOLPH B. MARTINE,

Dec 7 1937
District Attorney.

A True Bill.

Ed. Magowan
Foreman,
Park III Defendant, 3/87.

Trick and Perjury
Dec 1937

G.S.B.

Fifth District Police Court
New York October 8th, 1887.

The People on Complaint of
Paulus Sachse }
vs. } Forgery
Bernard J. Kelly }

Examination before
How.

Andrew J. White -
Police Justice
Same Appearances, and
Charles J. Babbitt for defendant

Bernard J. Kelly, defendant, being
recalled in his own behalf
testified as follows -

Direct examination by Mr. Lowe
2. Have you any correction to
make in reference to the
testimony you gave, concern-
ing your whereabouts on the
12th of November 1886?

A. I have.

Q. Just state it. What did you say on the 12th of November in reference to your whereabouts after you returned from Ewald Bolt's house?

A. I stated that I returned home about half past eleven o'clock which was true, but I did not remain at the house.

Q. What did you state as to your having remained there?

A. I stated that I remained at the house half an hour, but I only staid a few minutes, probably three minutes, to ^{write} ~~write~~ out this acknowledgment.

Q. Then what did you do?

A. I immediately went to the office of Spencer C. Doty at 17 Union Square.

Q. You occupy that office with him?

A. I have a desk there.

Q. What time did you arrive at the office?

- A. About a quarter to twelve.
- L. What did you do when you got there. How do you know you got there at that time?
- A. When I reached the office Mr. Senar & Doty, and Frederick S. Hoyt were there waiting for me.
- L. What did you do?
- A. I acknowledged a deed which was recorded that same day at fourteen minutes past twelve in the Register's Office.
- L. Since the last sitting you have examined that record?
- A. I have.
- L. You find it was recorded at fourteen minutes after twelve?
- A. Yes sir.
- L. When was it executed in the office?
- A. Eleven minutes before twelve. When I came in they were waiting for me.
- L. Who took the deed after it was recorded?

a. Mr. Doeb.

Q. Cross examination by Mr. Conner
Then you did not take lunch
on that day?

a. No sir.

Spencer C. Doeb, a witness for the
defense, being sworn testified as
follows -

Q. Direct examination by Mr. Conner
Where do you reside?

a. My office is at 17 Union Square.

Q. Are you a member of the bar?

a. I am.

Q. How long have you been?

a. Sixteen years.

Q. Member of a firm?

a. Yes sir, in one sense of the word.
I have a law partner.

Q. Do you know Mr. Bernard J. Kelly?

a. I do.

Q. Does he occupy a desk in your office?

a. He does.

Q. Did he on the 12th of November 1886?

A. He did.

Q. Have you any recollection of a deed, in ~~of~~ your office to which he took an acknowledgment?

A. Yes sir. A deed executed by myself and Hoyt, as executors of Josephine Lyon deceased.

Q. Who took the acknowledgment?

A. Bernard J. Kelly.

Q. What time was that done?

A. I think about a quarter to twelve.

Q. On the 12th of November was it?

A. Yes sir.

Q. Who took the deed for record?

A. I took the deed directly to the Registers Office for record.

Q. Do you remember whether he had been in the office before, that morning?

A. We waited for him to come. He had not been there to my knowledge before.

Cross examination by

Mr. Cowan
(57)

Q. Do you remember what time it was when he got there?

A. I suppose about a quarter to twelve.

Q. That is your best recollection?

A. Yes sir.

Q. What impresses the 12th of November on your mind, as being the day?

A. That is the day the deed was recorded, and Mr Hoyt came up from down town to have it executed.

Q. Why do you fix it as the 12th?

A. The record of the deed.

Q. Have you seen the deed since?

A. Yes sir.

Q. You refreshed your memory by reference to the deed?

A. I have seen the deed, from my record of the record of it.

Q. Then you made an entry of the time the deed was recorded?

A. Yes sir.

Q. And that was the 12th of November?

A. The 12th of November.

Q. What time were you in the office, Mr. Doley, first?

A. I presume about half past nine or ten o'clock, my usual ~~hour~~ time.

Q. And you are positive that Mr. Kelly did not reach the office on that day until about the time you stated?

A. I did not see him until I executed the deed.

Q. Could he have been in the office before that time?

A. Not after I arrived.

Q. You arrived at your usual time ten thirty and Kelly was not there and did not come in?

A. No sir, not until the execution of the deed.

Q. That you are positive of?

A. Yes sir.

Q. You are positive and you will swear positively, you were at your office the 12th of November 1886?

A. Yes sir.

Q. No mistake about that?

- A. no mistake about that.
Q. at half past nine or ten?
A. Yes sir.

James J. Halpin, a witness,
called by the People in
rebuttal, being duly sworn
testified as follows —

Direct examination by Mr. Conner

- Q. What is your business or occupation?

A. I am at present employed with
Griggs, detective agency at 71
Broadway.

- Q. How long have you been so em-
ployed?

A. Over a year.

- Q. Did you ever see the defendant, Mr.
Kelly before?

A. Often.

- Q. And when did you first see him
to know him as Bernard J. Kelly?

A. About the tenth or eleventh of
October 1886.

- Q. You first saw him about the

tenth or eleventh of October 1886?

A. Yes sir.

L. From the tenth or eleventh of October 1886, did you see him frequently?

A. Many times, every day.

L. Were you employed to watch Mr Kelly's movements?

A. I was sir.

L. By who?

A. By Mr. Irving.

L. Who keeps a detective agency at 71 Broadway?

A. Yes sir.

L. And in pursuance of that employment, you watched Mr Kelly's movements, from about the tenth or eleventh of October up to what time?

A. Steady up to the 12th.

L. Of what?

A. Of November.

L. Steadily?

A. Steadily every day until the 12th of November, or the thirteenth.

I was taken off, for about six days and put on another branch of the case.

L And did you resume your watchfulness of Mr Kelly?

A. I did sir.

L. When?

A. About the eighteenth or twentieth of the month. I don't know exactly. About four or five days afterwards.

L In pursuance of that employment you made daily reports to Mr Irving your employer?

A. I did sir.

L. Those reports were written by you in your handwriting?

A. In my handwriting.

L. And were correct?

A. Yes sir.

L. Can you now state from memory the movements of Mr Kelly, on the 12th day of November 1886?

A. I cannot sir.

L. Did you make any memorandum

at the time?

A. I made a report to my employer.

L. When did you make that report?

A. On the night of the 12th of November, when I got home.

L. Have you that report with you?

A. Yes sir.

L. You can refresh your memory from that report as to the movements of Mr Kelly?

A. Yes sir.

L. Well where is it?

A. I have it here.

By Mr Love -

L. What paper is that?

A. This is a report that I made to Mr. Irving, the man who employed me.

L. When did you make it?

A. On the 12th day of November, it is dated. I have never seen it until two days ago.

L. When was it made?

A. On the 12th day of November 1886

on that night after I got through my day's work, and then I mailed it to Mr. Irving.

Q. Was it written up from your recollection?

A. No sir, I have a little scrap of paper, that any little thing that happens, I put it down at the time being, and then at night I copy from that on to a report and send it to Mr. Irving.

Q. Have you any recollection whatsoever of your own memory at all?

A. None whatever.

Q. Have you any recollection, out side of that paper?

A. None, sir.

Q. Then your evidence will depend simply upon the production and reading of that paper?

A. Yes sir.

Direct examination resumed

Q. Refreshing your memory by the report you made on the 12th of November 1886, as to Mr. Kelly's

movements, will you state to us whether on that day about. - what time he left his house that day?

Objected to by defendants Counsel
Objection sustained.

L. Examine the memorandum and refresh your memory from that and tell us - Now sir have you refreshed your memory?

A. I have.

L. And can you now state from your memory?

A. I believe I can.

L. Now sir, what time did Mr Kelly leave his house in the morning, if you remember?

A. 8.40.

L. Was he in company with any person?

A. He was alone.

L. And where did he go?

A. He went to the Elevator at 7th street and 3rd Avenue.

L. And from there, where did he go?
(13)

- A. Went to his office in Union Square.
- Q. Do you know the number?
- A. I think it is 17.
- Q. Do you remember how long ^{he} remained in the office?
- A. He arrived there at 9.15 and remained there until 1.10.
- Q. And from there where did he go?
- A. He came out at 1.10 and went to a restaurant in 13th street near University Place, and had dinner.
- Q. And then where?
- A. Then went to a liquor store at 32 University Place and had a drink, and went back to his office.
- Q. Did he remain in his office that afternoon?
- A. Got back to his office at 1.40. Then I went to dinner, and didn't see him again until 4.40.
- Q. Where did you see him?
- A. Coming out of the office.
- Q. Where did he go then?

- A. Took the train at 14th street and went to 67th street.
- L. And where?
- A. 3rd Avenue. Got off and went into McGovern's Real Estate office, I don't know the number. It is across the way from the 3rd Avenue depot.
- L. And from there where did he go?
- A. He stood talking in there for about half an hour, and from there he went home.
- L. What time did he arrive home?
- A. 6.50, I think or 6.30.
- L. Well how long did you wait?
- A. I waited around his house until 7.20. I didn't see any more of him and I came away.
- L. Now sir, the 12th of November you saw him ^{at 8.15} coming out of his house at 8.40 you saw him take the elevated railroad and go down to his office. Now sir, did he go to 160th street, that day?
- A. Not to my knowledge.

Q. You saw him every place he went didn't you?

A. Yes sir, every place with the exception, between at, 1,40, I went to dinner, and was away probably three quarters of an hour. I did not see him until 4-40. The streets were very crowded, and he might have turned right around and come out while I was to dinner.

Q. Could he have gone on that morning November 12th, with his sister to 160th street, near Courtlandt Avenue, without you seeing him?

A. He could not.

Q. Did he go?

A. No sir.

Q. Now how long have you been a detective?

A. About a year and a half.

Q. And have you ever been a detective prior to that time?

A. Yes sir. Fifteen or sixteen years ago, I was several years connected

- with the detective agency of John Young.
- Q. That was under the city government?
- A. After he resigned from the city government, he went into the detective agency himself.
- Q. How long were you with him?
- A. I suppose I was with him three or four years - I was with him until the time of his death.
- Q. Now you say you had been watching Mr. Kelly, since October 10th?
- A. Since about October 10th or 11th.
- Q. Daily?
- A. Yes sir, daily.
- Q. Well then, since that time, and up to the evening of November 12th you were watching him daily?
- A. Not Mr. Kelly all the time. At times I would be drawn off. The men were changed on Mr. Kelly. When it was thought they might be known, they were changed.
- Q. On and off, you have been watching him from October 10th?
- A. Yes sir, two thirds of the time.

Q. After November 18th you were watch-
-ing him?

A. Yes sir.

Q. On each one of these occasions,
that you were watching Mr. Kelly,
did you do the same as you did
in this instance?

Objected to.

By the Court - It is immaterial.

Cross-examination by Mr. Love.

Q. What time did you see Mr. Kelly
on the morning of the 12th?

A. 8.40.

Q. Where did you see him?

A. Coming out of his house.

Q. What time did you go to his house?

A. 8.15 sir.

Q. Where was his house?

A. 73rd street, two something.

Q. How long were you there before
he came out?

A. I was there probably 40 minutes.

Q. Where were you standing?

A. Corner of 73 street and 3rd Avenue.

2. On the open street?

a. Yes sir.

2. Where did he go?

a. He came right straight to 3rd Ave.
and up to 76th street and took
the Elevator.

2. And you followed him, and got
on the elevated road?

a. I did sir.

2. And he went where - where did
~~you~~ ^{he} land?

a. 14th street and 3rd Avenue.

2. You did the same?

a. Yes sir.

2. Followed right behind?

a. Yes sir.

2. How far?

a. Probably 150 feet, sometimes I
was right along side of him.

2. He didn't know you I suppose?

a. Evidently not.

2. He went where, then, when he
got off?

a. Union Square, across Union Square
to his office.

2. What number?

a. 17, I think. It is corner of 15th (19)

street at any rate.

L. Office of Mr. Doety?

A. Office of Mr. Doety.

L. What time did he arrive there?

A. 9.15.

L. Where did you stand when he arrived there, in the street?

A. No sir, I took a seat on a bench in the Park.

L. In full view of Number 17?

A. Yes sir.

L. How far from the door?

A. 300 feet.

L. No obstructions to obstruct the view?

A. Nothing. The sidewalk and streets were very clear at that time.

L. No trees around?

A. No sir.

L. No obstruction?

A. No sir.

L. How long did you sit there. You got there about a quarter past nine, and took a seat immediately?

A. Yes sir.

- Q. How long did you sit there?
- A. In and out —
- Q. Until what hour?
- A. Maybe an hour or an hour and a half.
- Q. Did you sit there continuously?
- A. No sir. I shifted. I might have been over on the corner of 15th Street.
- Q. How long did you lose sight of the door of number 17?
- A. Didn't lose sight of it at all.
- Q. During all that time?
- A. Yes sir.
- Q. Every minute of the time?
- A. I was there every minute, yes sir.
- Q. Now where is the office of Mr. Dretz?
- A. Two flights of stairs up — front —
- Q. Did you see Kelly go into the office?
- A. I seen him go up the stairs.
- Q. You saw him go into the front door?
- A. Yes sir.
- Q. Is there an elevator?
- A. No sir, just a long stairs right up. No elevator to my knowledge. (27)

Q. One long stairs right up from the front door?

A. Yes sir.

Q. Did you see him go up the stairs?

A. No, I saw him go in the door.

Q. Front door?

A. Yes sir.

Q. That is the last you saw of him?

A. Yes sir, until ten minutes after one o'clock.

Q. You are sure he didn't go out - He was there until ten minutes after one?

A. Well, not to my knowledge.

Q. He didn't come out out of the front door any how?

A. No.

Q. That you will swear to?

A. I am almost positive of it. There is such a thing as his coming out unknown to me.

Q. Is there another entrance to that building?

A. There may be, I don't know.

Q. And there an entrance to that

building on 15th street?

A. Not that I know of. There may be - I never explored the building.

Q. The next time you saw him was one o'clock?

A. Ten minutes after one.

Q. Then the next time you saw him was ten minutes after one. Where did you see him then?

A. Coming out of his office.

Q. Out of the office, or building?

A. Out of the door-way of the building.

Q. The main door of the building in which his office is?

A. Yes sir.

Q. Did you see Mr. Doety that day?

A. I think I did.

Q. What time?

A. That I could not tell.

Q. You didn't make any memorandum of that?

A. No sir.

Q. You know Mr. Doety?

A. I know him to see him.

Q. Do you know him now?

A. Yes sir.

Q. This man here?

A. Yes sir.

Q. You knew him at that time didn't you?

A. I did sir.

Q. You have no recollection of seeing him on that day?

A. I don't say I didn't see him. He might have passed in without my seeing him.

Q. You say you didn't take your eye off that front door, from fifteen minutes past nine o'clock, until ten minutes past one, when you first saw Mr. Kelly, you kept your eye on that front door all the time?

A. Yes sir.

Q. Could Doty have gone in without your seeing him?

A. He might have.

Q. Will you tell me how he could have gone in without your seeing him, and Kelly could not

get out without your seeing him,
will now explain that to us?

A. I was so intensely bent on watch-
-ing the door for Mr. Kelly, ~~or~~
~~somebody~~, that Mr. Doety, or
somebody else could have past
without me taking notice of him
I know Mr Doety had no interest
in the case.

L. Did you see Kelly, go into that
office from the front street door
at ten o'clock - 17 Union Square.

A. I seen him going in at 9.15.

L. Did you see him go in at ten
o'clock?

A. No sir.

L. At Eleven o'clock?

A. No sir

L. Half past eleven?

A. No sir.

L. Quarter to twelve?

A. No sir.

L. And you saw him at no time
after 9.15 until 1.10?

A. Until 1.10.

- Q. He couldn't have come in or gone out during those hours without you seeing him?
- A. I don't think he could.
- Q. You were watching him for what purpose?
- A. Yes sir.
- Q. Do you know a Mr. Woodward?
- A. There is two gentlemen by that name.
- Q. John H.?
- Q. I know him to see him?
- Q. Have you seen him recently?
- A. No sir.
By Mr. Ballitt—
- Q. With the permission of Counsel and of your honor— You say that you are employed by Mr. Irving, what Irving is that?
- A. William G. Irving.
- Q. And where are your headquarters?
- A. 71. Broadway, and 73.
- Q. You were employed by Mr. Irving when?
- A. Eight or ninth of October 1886.
- Q. And a while ago, you said it

was the tenth or eleventh?

A. That I began to shadow Mr. Kelly - I was employed before that on the case.

Q. What day was it you began to shadow Mr Kelly?

A. Probably on the 10th. A day or two after the first examination in the Surrogates office.

Q. And you identify the day at which you began to shadow Mr. Kelly, by a fact which occurred in the Surrogates Court?

A. Yes sir.

Q. Can you tell me what date that occurred?

A. I cannot, without I would refer to some memorandum. I have a very bad memory.

Q. Then why is it you fix the date you began to ^{watch} ~~fix~~ Mr Kelly as the tenth or eleventh?

A. It might have been the day, or day after the examination was down there.

Q. And you have no recollection, of (27)

- the day that examination occurred?
- A. No, but it strikes me, it was the ninth or tenth of October.
- Q. You are perfectly sure, it was the tenth or eleventh, you began to watch Mr. Kelly?
- A. Just from memory. I have no record of it at all.
- Q. How long did you continue to watch Mr. Kelly?
- A. Off and on I suppose, three months.
- Q. When you were on - what do you mean by that?
- A. I might have a week watching Mr. Kelly, and then be taken off, and put on somebody else.
- Q. When you were on, you mean you were on Mr. Kelly, or in the parlance of your profession, On to him?
- A. Shadowing him.
- Q. How long did you continuously watch Mr. Kelly, after October 10th?
- A. Up to and the day of November 12th - I was looking over the records, yesterday, and I see -

Q. Up to and including the day of November 12th?

A. Yes sir.

Q. Then you were off Mr Kelly after that?

A. For about four or five days.

Q. You are sure you are not off as to what you stated, occurred on November 12th?

A. I am sure I am not off.

Q. Now who did you go to watch on November 13th?

Question withdrawn

Q. What was your business before you became employed by Mr. Irving?

A. An attache of the New York Post Office.

Q. Did you on the 12th of November visit station D. I think it is just off Broadway on that street?

A. No sir.

Q. Are you positive of that?

A. Never went near station D. in my life.

Q. Where is station D.?

- A. In the Plymton Building - Off
Third Avenue in that square
what they call Stuyvesant Square
- L. You are sure you didn't visit that
station?
- A. I was never there in my life.
- L. Were you in that neighborhood
on that day?
- A. Not to my knowledge.
- L. Did you see anyone in that
vicinity that day?
- A. No sir.
- L. Will you say positively whether
you were in that vicinity, at
any time that day?
- A. Positively, I was not.
- L. What other name do you go
under, than Halpin?
- A. Never went under any other
name in my life.
- L. Did you ever give anyone M^cGovern?
- A. I did.
- L. Was that your true name?
- A. No sir.
- L. Who did you give that name to?

A. You know.

L. Did you ever give any name than the name of Halpin?

A. I did, to satisfy a gentleman's curiosity.

L. Was that statement, a true statement of your name?

A. No sir, it was not said ⁱⁿ ~~it~~ truth.

L. But yet you said your name was Mr. Governor?

A. We were joking.

L. Do you know whether you did or not, convey a false impression?
Question withdrawn.

L. At ten minutes past one you saw Mr. Kelly, for the last time until what hour?

A. I had him from 1.10 until 1.40 when I delivered him back in the doorway of his office.

L. He went out at 1.10 to get his dinner?

A. And from there to 32 University Place, Spinks liquor store.

L. You shadowed him back until 1.40?
(31)

- A. Yes sir.
- L. Then you lost sight of him until when?
- A. I didn't see him again until 4.40
- L. Where did you go after 1.40?
- A. I went to get my dinner.
- L. You were gone about three ~~quarters~~ hours?
- A. No sir, about three quarters of an hour. - He could have come out in the meantime.
- L. You went to get your dinner at 1.40?
- A. Yes sir.
- L. And were gone three quarters of an hour?
- A. Yes sir.
- L. And then returned to your watch at 17 Union Square?
- A. Yes sir.
- L. You had the door under your eye at that time?
- A. Yes sir.
- L. And kept the door under your eye until 4.40?

A. Yes sir.

Q. And at 11:40 you saw him come out of his office?

A. I did sir.

Q. And go where?

A. To 14th street and 3rd Avenue, and take the elevated and go ^{to} W. J. Gorman Real Estate Office.

Q. And you followed him up until when?

A. 6:30 or 6:15.

Q. Now sir, will you swear he was not in Brooklyn on that evening that very time?

A. No I won't swear that positively, there is a space between 1:40 and 11:40.

Q. You have testified that at 1:10 he came out of his office, and went to his lunch, and you followed him. At 1:40 he came back to his office and you followed him. From his lunch he went to the liquor store and from there at 1:40, to his office?

A. Yes sir.

Q. And that you went off for three quarters of an hour to get your dinner?

A. Yes sir.

Q. And after 1.40, you came back in three quarters of an hour and continued your watch until 4.40, when you saw him come out of the office, and take the elevated road uptown?

A. Yes sir.

Q. Will you swear, that between 1.40, and the time you returned to resume your watch after your three quarters of an hour dinner, he was not in Brooklyn?

A. No I won't.

Q. How long does it take to get to Brooklyn and come back?

A. I don't know I am sure. I might go quicker than you can go.

Q. Do you know 20th and 21st St. Brooklyn?

A. No sir.

L. Do you know what part of the city it is?

A. No sir.

L. Do you know how far it is from Fulton Ferry?

A. I don't.

L. Then if I understand your testimony, the only intermediate time, during which you were not watching Mr. Kelly, was the three quarters of an hour, that you spent getting your dinner, when you left him at the office at 1.40 and afterwards returned to resume your watch, is that true?

A. Yes sir.

L. For three quarters of an hour he was not under your watch?

A. Yes sir.

L. Only those three quarters of an hour?

A. Yes sir.

L. And they began at 1.40 which would make it twenty minutes to two?

A. Yes sir.

L. At twenty minutes to two you resumed your watch, and you kept it up until 4.40?

A. I went to get something to eat at 1.40 and came back at —

L. What time did you go to your dinner?

A. I went at 1.40.

L. What time did you get back to ¹⁷Union Square

A. I don't know exactly the time.

L. About?

A. Probably three quarters of an hour.

L. That would be how much after two o'clock?

A. Say a quarter past two.

L. Now then from a quarter past two or thereabouts, when you returned from your dinner, did you have him under your eye until you saw him come

out of the office at 4.40?

A. I was watching at the door-way

L. Then you saw him come out
at 4.40?

A. Yes sir.

L. Did you follow him uptown?

A. Yes sir.

L. Up to where?

A. Up to Mr Governor.

L. Where is Mr Governor?

A. It is a Real Estate office right
near the Third Avenue depot.

L. How long did he stay there?

A. Half an hour

L. From there?

A. HE went home.

L. Up to his home?

A. Yes sir.

L. What time did he enter his
house?

A. About 6.30.

L. Now will you swear sir, that
he was not in the city of
Brooklyn, between half past
two and six o'clock on that day?

Objections to by Peoples counsel.

Q. Can you say whether he was in Brooklyn between 4.40 and 6.15?

By the Court —

Q. The question is asked you, will you swear that between the hours of 4.40 and 6.15, he was not in Brooklyn?

A. He could not have been, if he was in my company.

By the Court —

Q. Was he between 4.40 and 6.15 in Brooklyn, on the 12th of November last?

A. He was not.

Re direct examination by Mr. Simonson

Q. Why did you give the name of W. G. Govern?

A. A detective that they had employed on the other side — they wanted to find out who I was he came to me, detective Fuller was his name, and said hello

I in Mac Alpin. I said you are mistaken sir. He said aint your name Jim Mac Alpin, I said my name is Jim McGovern

The cross examination by Mr. Love
Q. What detective was with you at the time this old Mr. Fuller called on you for your name?
A. I think a man name Wandell.

Paulus Sachse, complainant, being recalled by the People in rebuttal, testified as follows, —

Direct Examination by Mr. Levy
Q. How long had you known Mr. Bolt, before his death?
A. I think about eighteen years, I dont know exactly the year.
Q. You knew him well?
A. Yes sir.
Q. Frequently have seen him at his house?

- A. Awalt Bolt, the most Sundays
he comes in my house pretty
near every Sunday.
- Q. Most every Sunday, he called
at your house?
- A. Yes sir.
- Q. You were pretty well acquainted
with him?
- A. Yes sir, he belongs to the same
lodging what I do.
- Q. Do you know whether Mr Bolt
could talk any English?
- A. Well he can talk no English
nothing at all.
- Q. Did you ever try to talk English
with him?
- A. I asked him and he told me so
His son got an English wife
and she was in one room, and
when the son went to work
the old man was sometimes
left in the room with her
and he cant talk a word with
her all day. He cant talk English.
- Q. Ewald Bolt in his life time often

said that he could not talk English?

A. No he couldn't say nothing, pretty near.

Q. Do you know whether he could understand ^{any} English?

A. Money, he said right on a. He can understand that - He understands not quite as much as I do.

Q. Did you ever see Mr. Bolt trying to read English, either in print or in writing?

A. No sir.

Q. Do you know whether he could read English print or English writing?

A. No sir.

Q. Could he read English print or English writing?

A. No sir. he could not.

Q. Did he ever tell you he could not read English print or English writing?

A. Yes sir, he said he can't talk and

wrote.

L. And he could not read was that it?

A. Yes sir.

Annie Bandel, recalled by the People in rebuttal, testified as follows —

Direct examination by Mr. Levy

L. You are one of the children of Ewald Bolt deceased are you not?

A. Yes sir.

L. You testified previously in this present case did you not?

A. I did.

L. You were employed by Paulus Sachse the last witness?

A. Yes sir.

L. How long had you been employed by him?

A. Well I could not tell the exact time, but I suppose it was about a year or so.

L. Before your father's death?

A. Yes sir.

2. Can you recollect whether you were working for Mr Sachse for three days prior to your fathers death?

Objected to - Question withdrawn.

2. Were you at Mr Paulus Sachse's house on November 12th?

Objected to — by Def. Counsel

2. What time did you leave your fathers house on the morning of the 12th day of November, last year?

Objected to — by Def. Counsel

2. Your brother Henry Both, testifies that on the morning of the 12th day of November last year, about five minutes before seven he went to the store to get some things in for breakfast, on his way back he saw you going up Cortlandt Avenue. That was about a quarter past seven o'clock in the morning - were you out of the house on the 12th day of November 1886 at that hour?

Objected to by defendants Counsel
because it is not in rebuttal.

L. ^{Could} Could your father speak English?

A. He could not.

L. Could your father read English?

A. He could not, he could not
understand a word.

L. Could he write English?

A. No sir.

L. You remember your fathers
condition on the 12th of
November?

Objected to by defendants Counsel.

L. Your brother Henry, has sworn
that in the morning, about
five minutes after seven, he
went to the store to get some
things in for breakfast, on
his way back he met you going
up Cortlandt Avenue - That
was about a quarter past seven
in the morning - were you
out of the house at that time
on that particular day?

A. No sir, I was not.

L. Were you on Cortlandt Avenue, at the time sworn to by Henry, a quarter past seven, in the morning of the 12th?

A. No sir.

L. Your brother Henry has sworn, that he met you at five minutes past twelve, and that you were going home from the direction of Mr Sachs's. Were you out of the house at five minutes past twelve?

A. It was not as late as that. It was eleven if not a few minutes before eleven when I went to the store.

L. Were you out of the house about five minutes past twelve?

A. No sir.

L. Were you out of your house at any time after a quarter past or half past eleven?

A. I was not.

L. How long were you out of your house from the time that you
(457)

left, until you entered the house?

A. Not longer than fifteen minutes.

L. At any one time?

A. At that time, yes sir.

L. Had you been on that day, at that hour, as far south as 15th street, in the neighborhood of Mr. Sackse's place?

A. No sir.

L. Your brother has also sworn, that about twenty-five minutes past five, on the evening of the 12th day of November he met you on Courtlandt Avenue, going in the direction of your father's house, from the direction of Mr. Sackse's, in other words, going north, from Sackse's to your house, were you out of your house at that hour?

A. No sir.

L. Your brother Henry swears that he saw you at the house of Mr. Sackse, and that Rosa, your sister called, and that you had

a conversation with her, on the door-step of the house. were you at the house of Mr Becke on that 12th day of November at any time whatever?

A. No sir.

L. Did you see your brother Henry on the 12th day of November?

A. I did not.

Cross examination by Mr Love

L. Couldn't your father speak broken English?

A. Well he could speak about two words out of a thousand.

L. Couldn't he understand people talking English?

A. He couldn't understand much if anything.

L. Could it be he understand something?

A. If anybody came he would call somebody to tell him.

L. Didn't you hear Mr. Kelly, on former occasions speak to him in English?

A. There was always somebody there to speak back to my father.
Q. Do you recollect the time when your father, made a deed of this same land that is now in dispute to Mr Kelly, were you there?

A. Well, I suppose I was in the house.

Q. Do you recollect seeing Mr. Kelly there?

A. I do.

Q. Do you remember that your father was talked to by these gentlemen in ^{the} English language on that occasion?

A. I was not in the room.

Q. You won't swear that your father couldn't understand English?

A. HE couldn't understand much if anything.

Q. What do you mean by, much if anything?

A. HE could not understand half (48)

or one quarter, what you spoke to him.

Q. Did you the day that Mr. Reilly and Mr. Kelly were there, translate it for your father?

A. I was not in the room.

Q. Then you did not translate a deed that day?

A. I was not in the room.

Q. Was there anyone of the family present, on that occasion, to your knowledge?

A. Yes sir, there was my brother.

Q. No, the day that your father made the deed?

A. He was present.

Q. By the Court - Was he in the room with your father and those two gentlemen?

A. I am not positive.

Q. Can you speak German?

A. Oh, yes sir.

Q. Fluently?

A. Yes sir.

Q. Can you translate English into German?

a. Yes sir.

Rosa Bolt, being recalled by the People in rebuttal, testified as follows —

Direct examination by Mr. Levy
Q. Your brother Henry has testified that about ten o'clock, he left his house and went to the barbers and got a cigar. That he sat by the window facing south, and saw you with a basket on your arm, leaving your house — about a quarter past ten o'clock in the morning — were you out of the house on the 12th day of November 1896 at half past ten o'clock in the morning?

a. No sir, I was not out of the house that day.

Q. Your brother has further testified that he saw you go into a fancy store on the East side of Courtland

Avenue, Williams, from there to Theiss's butcher shop, from there to Fred Bauners store, and before that he had met you at 160th street and Courtlandt Avenue. Were you at either of those places at any of the times he has mentioned in his testimony?

A. No sir. I was not out of the house that day.

L. Did you at any time that day, go to Mr. C'achee's house on Courtlandt Avenue near 158th street, and there meet your sister Annie?

A. No sir.

L. And you are positive on the 12th day of November 1886, you were not out of your house on that day?

A. Not out of the house, no sir.

L. Do you know whether your father could talk English?

A. No sir, he could not talk English.

L. Did you ever try to talk English with him?

A. Yes sir, I often did.

Q. Did your father ever reply to you in English?

A. No sir.

Q. Did he ever tell you he could not speak English?

A. Yes sir, he often said he was sorry he could not talk English.

Q. Do you know whether he could read English print or writing?

A. No sir, he couldn't.

Q. Did you ever see him try to?

A. He didn't know, A. from B, in English.

Q. Did he ever say anything to you, that he couldn't understand English print?

A. Yes sir, he often did.

Q. And you are positive that he could neither read, write, or understand English?

A. Yes sir.

Cross examination by Mr Love

Q. If your father could not read English, why was he trying to read a newspaper?

- A. He often had a paper in his hand, but he didn't know an A, from a B. He often said he wished he could. I used to say, father why don't you let us talk English and you can understand, and he said, I am this old, and I can't talk English, there is no use of my learning now.
- L. He could not understand one word of English is that so?
- A. No sir. He might have understood Good morning, but that is about all, something like that.
- L. He couldn't say a word of English?
- A. No sir. He might have said Good morning, but not further, he couldn't.
- L. So that if anybody came to see your father on business, how did he get along?
- A. One of us would be there to talk to him. We would explain the matter to him in German.
- L. You would translate it to him

in German?

A. Yes sir.

Q. Do you know this gentleman, Mr. Terence C. O'Reilly. Did you ever see him before?

A. I never saw him in my house.

Q. You are sure about that?

A. Yes sir.

Q. You swear to that positively?

A. Yes sir.

Q. Then of course you never saw him and Mr. Bernard Kelly, there together at your house?

A. No sir, I did not.

Q. Have you any recollection of the time when your father made a deed to Kelly of this land?

A. I was not home at that time.

Q. Did you keep any servant at that time?

A. My sister was home.

Q. Was your sister home?

A. Yes sir.

Q. She was home that day, was she, the day that the deed was made

A. Yes sir, I believe she was home that day, she was telling me about it.

L. About the deed?

A. Yes sir.

L. Your sister was home?

A. Yes sir.

L. Was anybody home - except her?

A. I don't know sir.

L. Did you keep a servant?

A. No sir, my sister did the work.

L. Did you keep a servant?

A. No sir.

L. Then the only persons who lived there besides yourself, was your sister and your father?

A. Yes sir.

L. If you were not present, and your sister has testified, and she was not, please tell me, who was it did the translating. Did you hear of anybody being there to do the translating that day?

Objected to, by Peoples Council.

L. Do you remember the time, when

your father, signed the contract of sale of that property to Mr. Kelly's father?

A. No sir, I was not home that day.

Q. The same property I am speaking of?

A. My father was sick and I came home to take care of him.

Q. You were away from the house?

A. Yes sir.

Q. Who was then living with your father?

A. My sister was home and my brother and his wife was there.

Q. You were not there?

A. No sir, I was not there.

Re-direct examination by Mr. Levy.

Q. Mr. O'Reilly could have been in the house as a matter of course and you would not know it;

A. The time that lot was sold you were not in the house?

A. Mr. O'Reilly was there with a paper one evening, I was there then

My brother and his wife signed it
I believe.

By the Court - Did you see him
sign it?

A. No sir.

Re. cross examination by Mr. Love
Q. Do you remember the occasion
when Mr. Kelly wrote a letter
for your father?

A. No sir. I was not there at that time.

Q. Were you present when that will
was executed by your father?

A. No sir.

Elizabeth Cox, a witness called by
the People in rebuttal, being
duly sworn, testified as follows -

Direct examination by Mr. Levy.

Q. Where do you live?

A. 333 - West 29th street now.

Q. Did you know Ewald Bolt, in
his lifetime?

A. Yes sir, a little time.

- Q. How long had you known him?
- A. about six months sir.
- Q. Had you seen him often at his house?
- A. No sir, never at his own house, at his daughter's house. She lived apart from me, and he came to visit her.
- Q. Did you ever talk to Mr Bolt?
- A. I tried to, sir.
- Q. In English?
- A. I spoke to him but he could not answer me, He called to his daughter to tell him what I was saying, and likewise to reply to what I said.
- Q. Then do you believe that Mr. Bolt understood English?
- Objection to by defendants Counsel
Objection Sustained.
- Q. He could not understand you?
- A. No sir.
- Q. And you spoke English?
- A. I can't speak anything else.
when I spoke to him he referred
- (5-8)

to his daughter to tell him what I was saying and likewise to reply to me.

Q. Do you know whether he could write English?

A. I could not say positively.

Q. Did he ever say anything to you about being unable to write or talk English?

A. No sir.

Matilda Vanhorn, a witness called by the People in rebuttal, being sworn testified as follows —

Direct examination by Mr Levy

Q. Where do you live?

A. 15-2nd street.

Q. What number?

A. 653.

Q. Did you know Ewald Roth, in his lifetime?

A. Yes sir.

Q. How long had you known him?

A. For about twenty years.

- Q. You knew him intimately?
- A. Yes sir.
- Q. Did you visit his house?
- A. Yes sir.
- Q. Frequently converse with him?
- A. Yes sir.
- Q. Do you know whether Mr Bolt, in his lifetime could talk any English?
- A. No sir, he could not.
- Q. Did you ever try to talk English to him?
- A. Yes sir.
- Q. What would he say?
- A. He would say he did not understand me, so talk the German.
- Q. Do you understand German?
- A. Yes sir.
- Q. He never replied in English to any remarks, you may have made to him in that language?
- A. No sir.
- Q. Do you know whether he could read English writing or print?
- A. No sir, he could not.

Q. Do you know whether he ever made any remarks to you about being unable to write English print or writing?

A. He often told me he was sorry he couldn't.

Q. You are positive that from the day you knew him, that he could neither read or write English?

A. I am positive of that.

People's Case

Terence C. McElly, being called by defendant in Sur-rebuttal, testified as follows.

Direct examination by Mr. Love

Q. You have already been sworn?

A. Yes sir.

Q. You testified you knew Ewald Bolt?

A. Yes sir.

Q. Do you remember the occasion of the execution of any paper when you were present?

A. I remember the execution of a

deed, from Mr. Bolt to Bernard J. Kelly.

Q. Of this land in question here?

A. Yes sir.

Q. Were you present?

A. Yes sir.

Q. Who else was present?

A. There was with us a lawyer name William J. Mc Granahan Miss. Mead, and Mr Kelly, and in the room where the deed was executed was Mr Bolt and his daughter Annie, as my recollection goes, some members of the family.

Q. What was done Mr. McIlly?

A. I was a Notary Public at the time, and Mr. Kelly requested me to take the acknowledgment of this instrument. He informed me, he was about to purchase this land, and he showed me the deed, and also the mortgage as he was to pay only part of the purchase price. I accompanied

him to the house of Mr Bolt, and there I was introduced to Mr. Bolt. As I recollect, Mr Bolt was in the parlor, in the front room. The bed was there at that time, and we - I spoke to Mr Bolt afterwards. Then stated to him the contents of the instrument, of all the instrument, the deed, and mortgage, and bond. I asked him whether he understood what they were about, what were the contents, and he said yes. He told me so. By the Court -

2. Did he read this in English or German?

A. It was not in German, it was unquestionably in English. I then asked him whether he acknowledged the instrument, as his act, and deed, in the usual form, and in as much as he was sick, at the time, I took particular pains to explain

the whole matter to him, and I
then of course certified to the
acknowledgment

Q. Was any part of it translated by
anybody into German?

A. None whatever.

Q. Did he speak English or broken
English?

A. He didn't speak good English.

Q. With a German accent?

A. Yes sir. He understood ^{clearly} everything
I said, without question.

Cross examination by Mr. Conner

Q. You and Mr Granaham and
Kelly were all friends. There were
three lawyers there?

A. Yes sir.

Q. And all intimately acquainted
with each other, on good terms?

A. No not exactly, Mr Granaham
didn't know Mr Kelly intimately.

Bernard J. Kelly defendant, being recalled in sur-rebuttal, testified as follows -

Direct examination by Mr. Love.

Q. Did you hear the testimony of the last witness Mr. O'Reilly?

A. Yes sir.

Q. Were you present on that occasion when the deed was made by Mr. Bolt, to you?

A. I was.

Q. Who was present besides yourself?

A. William J. McGranahan, J. C. O'Reilly, S. C. Mead, and Ewald Bolt. We were together in one room.

Q. What was done?

A. A deed. The contents of a deed and mortgage, and bond, was thoroughly explained to Ewald Bolt.

Q. What did Mr. O'Reilly say to Mr. Bolt, about the deed?

A. He asked him if he thoroughly

understood the contents of the paper,
read the consideration and
various things.

Cross-examination by Mr. Conan

Q. What various things?

A. He pointed out the place to sign
his name, and told him the
consideration of the mortgage
and the consideration of the deed
and Mr. Bolt spoke a great
deal - Talking all the time.
First to one and then another.
I have spoken to him twenty or
thirty different times. He spoke
broken English that anybody
could understand.

Re-direct by Counsel -

Q. The papers were then executed?

A. Yes sir.

Q. How often have you spoken to
Bolt in his lifetime?

A. Twenty times perhaps.

Q. Didn't you draw a will for him?

A. Yes sir, and read it to him.

Q. Was it explained by anybody?

The whole family was there. When he dictated the will, the terms of his will, did he dictate it in German or English? He told me in English, what to put in the will.

2. Q. You say he did understand English?

A. He understood it very well, he spoke it, in broken English with a German accent.

Examination adjourned until
Saturday Morning, October 15th
at 10. a. m.

POOR QUALITY
ORIGINAL

0320

2

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF
Mum
Seigel vs.
Gorton

BEFORE HON.
P. G. Duffy
POLICE JUSTICE,
Oct 4 188*7*

APPEARANCES:

For the People, *Counselor Johnson*
For the Defense, *Strecker Brothers*
Oct 4-7-11 188*7*

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>Mary Mum</i>	<i>3-6</i>		<i>11</i>	<i>25</i>
<i>Annie Mum</i>	<i>6-10</i>		<i>25-31</i>	
<i>Gertrude Meyer</i>	<i>32-</i>	<i>35-</i>		
<i>Er Otto</i>	<i>36</i>	<i>39</i>		
<i>Gertrude Brown</i>	<i>42</i>	<i>51</i>		
<i>Anna Young</i>	<i>51</i>			

H. J. Treacy
Official Stenographer.

POOR QUALITY
ORIGINAL

0321

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Mumma
agst.
Seigel

Examination had

Before

Oct 4th 1884
Patrick G. Duffy Police Justice.

I, M. J. Heacy Stenographer of the 2nd District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of Mrs. Mary Mumma and all herein as taken by me on the above examination before said Justice.

Dated

Oct 17th 1884.

P. G. Duffy
Police Justice.

M. J. Heacy
Stenographer.

New York Oct 4th 1887
Second District Police
Court Hon. J. E. Duffy
Presiding

Mary Krumm } Portion
W. J. }
Levir Delig }

Summary Prosecution,
before formal Complaint
was entertained.

Judge Duffy — — Some three
or four weeks ago, this
lady's husband called
at my Office, (where I do
not conduct Court
business) and complained,
he said he kept a Concert
Gloom on Christie St; that
his neighbors were allowed
to keep open at all times
and hours; but that
he Krumm, had to pay

(2)

"Hush" money; I said
get and gave me the
evidence and no matter
how high in place she
is, if he took your money
I will lock him up. He
then came to Essex-Market
Police Court. There were
two charges made against
~~William Brown~~, Jim Brown
and they were dismissed
and I said then if they
were persecuting him, it
was not right to make
fish of one and flesh
of another; then the man
said he could get
evidence, and when he
was brought to produce
the evidence, he hesitated
and stumbled and was
rather disinclined to
make a charge or produce
the evidence he promised;
then he said his wife

(3)

Knew of it. And then
the wife came and
swore that she gave
Officer Delig money; and
now I propose to hear
her and if she substantiates
her statement then I will
have her make the
formal complaint.
Mrs. Truman take the
stand.

Mrs. Mary Truman of
167 Christie St. being duly
sworn, deposes and says,
We keep a Concert and
Saloon business.

Q

Did you at any
time pay money for
protection, or "bush money"
to any officer?

A

Yes Sir, Officer
Delig, \$2. and \$3. at a
time

Q

On how many
occasions?

3

(H)
Q Three, I gave
him just two dollars
(\$2.) He said he was
going to pull the house
and run down the house,
and on one occasion
I gave him two dollars,
I was not smart enough
to know better, He may
have trouble in our
place by men getting
intoxicating, but that is
all.

Q Did he say he would
give you these or any
privileges for this money

Q No, he ~~did not~~
clapped me on the shoulder
and said that is all
right, I never had
any trouble with him
or any one in the
neighborhood; nor
with the Captain of the
Prisoner.

(5)

Q

When did you pay this money?

A

Latter part of Oct 1886

Q

~~What~~ Why did you not make it known before?

A

I did not want to make any trouble for him, but now he is making trouble for me

Q

Why did you not make complaint before this?

A

Because my husband did not know anything about it. But now he is trying to ruin me and my husband -

Counselor Johnson -

Q

Did he make any remarks lately?

A

Yes, that he would put me in Sing Sing.

5-

(6)

Q

Did you hear him say that he would put you in the sewer?

A

Not that different language. It is not polite, that he would put the "son of a bitch" in a hole. I never use that language

Qurr

How long ago?

A

About two months ago, and I am not the only one he got money from

Mamie Kinnin, daughter of the first witness, being duly sworn deposes and says;

Q

On this occasion I saw the officer stop at my mother and he said he would break up the house, I saw

(6)

(14)

my Mother give him money. I saw it was bills.

Q What did your mother say to Delig?

A She spoke low, I did not hear what passed. but I saw the money pass

Court Show me how plainly you saw it (a roll of Bills handed to witness)

A I saw money taken out like this, she took it out of her pocket and gave it to him, I know it was money. I know that. I do not know how much it was

Cross Examination

Q When was this?

A About 9 or 10th months ago.

Q

Was that the first occasion?

A

That was the first time.

Q

Did you ever see anything after that?

Q

Twice. Each time in the same place?

Q

Yes, it was in at the door, Mother was standing in the doorway, on the threshold.

Q

What time of the day was it?

Q

In the evening. It was in the night about 11 o'clock.

Q

And your Mother stood on the threshold of the door?

Q

She was going out and saw him, then she stepped back.

9

Q

Who else was there at the time?

A

No one but my mother and myself.

Q

Was it in the hall way?

A

In front of the door.

Q

You appeared before Judge Duffy at Essex Market?

Q

Yes Sir.
Do you remember ~~any~~ seeing Mr. Trayner?

Q

No Sir.
Do you remember at any time seeing him?

Q

I do not know.
Are you now married?

Q

Yes Sir.
Can you see the officer now charged?

Q

I knew him, that is the man.

9

(10)
Q What distance can
you see when you wear
glasses?

Q About ten feet.
Do you remember
saying that you did
not know what your
mother passed, and that
you did not hear any
conversation between them
Court Let a Complaint now
be made.

Counsel agreed to
adjourn till Friday
Oct 14th 2, 30 P.M.

(10)

24)

Continuation Continued
Oct 17th 1887 - Hon C. G.
Duffy Presiding

Recall of Mrs Mary
Krumm.

Q

You say this was
in the month of Nov 1886
Yes Sir.

A

Her (Selig's) was on post
going up and down

A

He was on duty
and patrolling his beat
in front of my store

Q

And because of that
you spoke to him?

A

Yes Sir.

Q

What time was this?

A

In the evening a
little after seven o'clock

Q

It was about Nov
17th 1886?

A

Yes Sir

Q

Was it a day or so before
or after?

A

It was the 17th

(12)

or the 18th of Nov 1886
It was at the time
he was going up and
down the place?

Yes Sir.
There cannot be any
doubt about these days

You have any
answer, there is no doubt.

Court - You gave Officer Delig
money on three occasions?
Yes Sir.

A
Counsel
2

Delig was in front of
the house, in front of
the hall-way?

A
2

Yes Sir.
What did he say to you
when he came and asked
for the money, give the
exact ~~xxxxxx~~ language

Court - Give it as near as
you can.

A

He said, You
can make it all right

(13)

He meant by giving him money

Q

Give the entire con-
-versation?

A

That is what I
told you, he said you
can make it all right,
then I gave him the
money.

Q

What was the first
thing done and said,

A

He had a little
trouble in the house — and
he said you have bad
people in your house, I
said how can you talk
like that, there is no one
in my house but myself
and my daughter; he then
said you can make it
all right, and then I
gave him some money

Q

Did he ask you
for money?

A

He did

(14)

Q

I want you to give
the exact language and
conversation that took place

A

I told you twice,
I have not concealed
anything.

Court.

Tell the
whole truth and con-
-ceal nothing.

A

He asked
me for money, he wanted
to ruin my house, and
he said there were thieves
in it, and then he said
you can make it all
right, and I said so
you mean that I am
to give you money, and
then I gave him (\$2.00)
two dollars, and I said
that is all I had, I
swear I gave him the
money.

Q

On the third
occasion did he say

(X5)

Q anything? No, I said
nothing.

Q He came to you
and said what kind of
people have you got in
the house?

Q He said we
had thieves, and that it
was a bad house, and
said why do you say that
and he said you can
make it all right, I
said what do you mean,
do you want money, he
said yes, I had no reason
to fear the policeman, as
I was not violating the
law.

Q Did you need any
protection?

Q No Sir.
When he made that
statement, you knew it was
not so?

(16)

Q

I had no fear, I
keep a respectable house
Who was present on
that occasion?

Q

My Daughter.

Q

Any one else?

Q

People were there
going up and down
When was the
second time?

Q

Q

Between two and
three weeks after the first
time, a little ways from
the door, my Daughter
was there too.

Q

How many
days after?

Q

Two or three
weeks.

Q

He came along
alone, did he ask you
for anything?

Q

I gave it
to him because I prom-
ised it to him

(14)

Q And the third time?
A It was on the corner of Christie St, I was alone then.

Q For Mr. Selig the Defendant, made arrests from your place
He has.

Q How many arrests did he make from your house?

Q I cannot say. Do you not know that he arrested the leader of the Band and that he was sent to Elmira Reformatory.

Counselor Johnson - I object - it is immaterial.

Court - She admits that arrests have been made from her house, or they are from the best houses in the City, and the most respectable

(18)

Q

Houses.

Q

Do you know
Adenari yet?

Q

Only in by sight,
I am not personally
acquainted with.

Q

Did you
ever have any conversation
with him? About this
case?

Q

Never.
Did you ever have any
conversation about money
Never.

Q

Did you ever
tell him you over paid
money to any one?

Q

Never.
Who owns that place?

Q

My husband
Is he the licensee of
the place?

Q

Counselor Johnson, I object.
You went to the
Police Head Quarter

19

and made a complaint
on charge against Capt
Allaire?

Q

I never have.
Were you there as a
witness in a Complaint
made by your husband?

Q

Yes Sir.
Then were your officers
charged, was there not?

Q

I do not know,
I was not in the room.
Did you go on the
stand?

Q

Q

When I was questioned
you when you were asked
these questions were they
not in the room?

Q

Yes Sir?
Did you see Melleg in
the room?

Q

I saw him
Did you see your
husband have any
conversation with them

(20)

Q I saw them conver-
-sing with him, but I
cannot tell what they
said.

Q You were questioned
Did you see your husband
give them a cigar,

Q No.
Did you see him give
them money?

Q No.
So that all you know
yes Sir.

Q You never had a con-
-versation with the Captain
about money?

Q No Sir, he
was talking with my
husband, I cannot tell
what it was about, I
was not questioned about
myself.

Q If you had been
questioned about your-
-self, what would you

(21)

Q Have done?
A I would have
done in I have done
sure?

Q Were you not in
Court to make a Charge
against an Officer?

Q I was not.
A Were you not there in
answer to a subpoena?

Q Yes Sir, I was
not asked that

Q When you were
before the Police Commissioner
did you tell Commissioner
French that he was
getting money?

Q I did not
tell him, because I was
not asked.

Q Did you ever
pay any other money?

Q No Sir.

Q Did you not state to
Police Commissioner

(22)

that you had never
paid any money to a
policeman in your
life?

Q Did you ever tell any
one of this, before you
came before Judge Duffy?
Court - She did not come
before me, it was her
husband

Q Did you ever,
tell the day you went
before Judge Duffy, and
made this complaint,
make a statement to
any one else about giving
money to Officer Delig?
Court - Anything that pert-
ains to the case we
will admit, - did you
ever tell any one that
you had given him
money.

(23)

Q

To different parties,
I told other parties.

Q

Who
did you ever tell before
you came before Judge
Kuffy?

Q

Different parties.
Different people in the
house.

Q

Same one person
Court - He exclude that ques-
-ion

Comunitor Stocker - I am here
in the interest of the
Officer, I insist on an
answer -

Court -

He exclude that
question -

Q

Why did you
wait one year before
making this charge?

Q

Because the man
annoyed me.

Q

When did he
annoy you?

(24)

Q Different times, not
alone directly but indirect-
ly, through others, because
I heard him say he would
break up that son of a
Bitch and that he would
put my husband in
Sing Sing and in a
cellar

Q Did Mr. Selig have
your husband arrested?

Q No, he wanted to.
Did Selig arrest your
husband, before you
made this charge?

Q I think
he did

Q How many times
I cannot tell, I do
not remember.

Q It was before
you made this charge?
Yes Sir.

24

(25)

Q

Is it not a fact
that it was because
he made this charge,
that you made this
complaint?

A

Just because
he annoyed me.

Sworn to before me
This 17th day of Oct 1887

Police Justice

Annice Kuntze-re-called
Court— You testified that your
mother paid money to
Officer Spelig?

A

Yes Sir, it was
money & sweat it.

Q

Cross Examination
When was it?

A

That was the
latter part or middle
part of Nov '86 in the
evening.

Q

What time

(26)

Q I do not know the time, the lights were lighted. It was dark

Q Officer Delig was on post

Q Yes Sir, and in uniform.

Q He was patrol-
ing his post?

Q Yes Sir.

Q He was there all that night and all that week

Q I saw him there that night

Q And on that night he was doing duty?

Q Yes Sir.

Q Your mother was in the hall way?

Q Yes Sir, and my mother stepped back and said "Oh, here comes officer Delig, and he said how is business

(24)

Q

You are making piles of money, and then he said something low, I do not know what it was, I could not hear then I saw my mother give him money.

How far was he away? I was near my mother, I could ~~just~~ put my hand on her, I saw officer Delig and my mother, I heard what they were talking about, I was about a foot from the officer and a foot from my mother.

Q

You saw his uniform?

Q

Yes Sir.
Do you remember seeing this gentleman (Frazier)?

Q

Yes Sir,
He was present when you made a statement

(28)

Q

Ger. Sir.

Did you not
say to Judge Coffey that
you did not hear any
thing your Mother said,
and that you did not
see any money pass?

A

I did not say
that.

Q

Did you say, you
saw something pass, but
you did not know it
was money?

A

I did not
say that.

Q

Did you hear
him use threatening
language?

A

Yes. He was speaking

Q

Did you hear Mr.
Delig use threatening
language?

A

He said you
are doing good business

(29)

making piles of money,
now and then he spoke
low-

Q

When he spoke low
did he go to your
Mother's ear?

A

He came
a little near her, &
could not hear all.

Q

How long did he
speak what you did ^{not} hear

Q

How long were they
speaking?

A

I do not know
how long. He first
spoke low, and then
loud, & did not pay
any attention; he slapped
her on the shoulder, &
then went away.

Q

Did she tell you
what he said?

Q

Yes Sir.

Did your mother ~~say~~
tell you about giving

30

Q Him money?
A I said to her what are you giving him money for, and she said he is always bothering us.

Q Then you saw, that this was a one, two, or three dollars?

Q I believe it was more than one.

Q Can you tell the denomination of the Bill.

Q I say the Bill. I do not know how much it was, I do not know whether it was a one or a two \$ bill, I cannot say that it was a \$ 5. Five dollars. My mother was standing by the door, and Officerellig was standing on the side =

31

=nick. I was standing
in the hall way, and
my Mother was there in
front.

Q

Your Mother
stood in the hall
way?

Q

Yes Sir;
Is there room enough
for both you and your
Mother to stand in
the door way?

A

I was a
little beside her.

Q

Can you see
as well by night as
by day, on account of
wearing glasses?

A

Yes Sir, there
is far in the Hall way.

Oswald before me
this 4th day of Oct 1887

Police Justice

(32)

Teresa Meyer of 741 East
10th St, being duly sworn
deposes and says;

Q

Do you know
officer Delig?

A

Yes Sir.

Did you ever pay him any
money?

Counselor Thacker - We are here
to meet the Mary Pimm
Case, and not any other.

Court - He will admit this woman's
testimony and the testimony
of anyone else, as to whether
he had taken money
from other people, We are
not sitting here as a Court
of record, and I am not
bound here by the rules
of evidence, It is my duty
to admit all kinds of
evidence to see if there
is probable cause to hold
Counselor Thacker - I object to
and protest against the

(33)

admission or introduction
of this testimony as being
in gross violation of
Law, and all rules of
evidence. We come here to
answer the Complaint of
Mary Krumm - and I
object to any evidence not
pertinent to that case -
Court - Your motion is over-
ruled -

Q Did you ever
pay him Delig any money?
A I have a place in
Wooster St, and I have
16 Boarders and Delig
arrested me.

Q What for?
A He accused me of
keeping a House of
Prostitution.

Q Did you
ever give him any
money?

A Once Five Dollars
33

(34)

Q.

Any after that?

Q.

Yes Sir, (\$5.)

Q.

And after that, what?

Q.

One dollar (\$6.)

Q.

What was the total sum
you paid him (Delig)?

A.

Once five, once
seven, and once six
dollars.

Can't-

What did you
give him (Delig) that
money for?

A.

The reason
that he told me I
must give him something

Q.

Why did you give
him that money?

A.

He asked me for
it.

Q.

~~But~~ Did you
give this money before
or after ^{your} arrest?

A.

After the arrest.

Q.

He asked you for money?

(35)

Q

Yes Sir. He asked
the money from me.

Q

Did he threaten you,
if you did not give him
money?

Q

No Sir.
Did you of your own
free will and accord
give him (Seymour) money?

Q

No. He asked me
for it.

Signed & sworn me
this 1st day of Oct 1887

Police Justice

35

(36)

Frederick Otto, age 55
Baker, living at 18
Livingston St - being duly
sworn deposes and
says;

Q

Do you know
Officer Delig?

A

Yes you ever pay
him any money?

A

No.
Were you ever present
when anyone else paid
Officer Delig money?

A

It
was on the corner of the
street, I heard some one
passing by, they were girls
and the Officer Delig,
asked some for a dollar
and some for twenty five
cents, and one of the
women was crying, and
I said "What is the
matter," and one of the

(34)

woman said he (Delig)
took my last quarter.
I heard him (Delig) I
heard him say he would
put Krumm in the
sewer, and Krumm said
look out & do not break
you.

Q

Did you see money
pass between the girl and
Delig?

A

Yes.

Did you hear him (Delig)
ask them for money?
Yes Sir, I swear to
that.

A

Cross Examination.

Q

Have you ever made a
complaint against this
Officer (Delig)?

A

Yes Sir, about
8 or 10 months ago, I made
complaint against five or
six ~~officers~~ officers, he is

(38)

not the worst one.

Q

You are a friend of
Mrs. Krumm?

A

I know that
he is a grand Army
man.

Q

Here you subpoenaed
him?

A

I have been subpoenaed.

Q

Do you know Krumm,
and are you his friend?

A

I know him as
a grand Army Man and
we stood shoulder to shoulder

Q

Who is this man
Engle - here?

A

Q

I know him.
Did you ever have any
conversation with Engle
about Delig?

A

Yes Sir, he came
to my place

Q

Did you ever
say to or tell Mr Engle

(39)

That I never or you had
never paid any money
to him and that you
would have revenge on
the damn Jew?

a

I said
I never paid him money,
but I did not say that.

Sworn to before me
this 17th day of Oct 1884

Police Justice

William Grief of 210 Forsyth
St, being duly sworn deposes
and says;

Q

Did you ever
pay, at any time, any
money, to Officer Delig?

a

Yes Sir.

a

When? Sept 9th 1884, I
paid him (\$2.) Two
Dollars.

Q

What did you

(HC)

Q May it for?
A My Barkeeper
was arrested, and Delig
came and said I must
have a new license, and
I ~~he~~ gave him two (\$2)
dollars,

Q What did he do
for that?

A He said he
would fix it all right
when the case was called

Q Did officer Delig use
any threats before he was
paid the two dollars?

A No Sir.

Q Did you give the
money or did ~~the~~ ~~ask~~
he ask it?

A He said if
you give the money
it will be fixed all
right.

Q Who made the
complaint?

(H1)

Q Officer Selig made the charge

Q Was the case dismissed; Mr Getz gave bail did he not

Q Alderman Getz went this Bail

Counsellor Stecker - He says I waive further Examination Court - I will not allow

you to waive further examination, I am bound to probe this to the quick, and if necessary issue attachments to bring witnesses here in the interest of the People, and if the evidence shows the man innocent, I will at once discharge Officer Selig. Your Motion to Waive is denied. The further hearing is now adjourned to Oct 11th next at 2.30 P.M.

(#2)

Examination Continued
Oct 11th 1884 in Room
of Selig-

Counsellor Stecker We now
move to have further
Examination -

Court - Your Motion denied
Counsellor Stecker - We ask you
to fix bail

Court - At this stage - I cannot
tell what to hold him for
whether Murder or Petit
Larceny -

Terence Dignun
of 21 First St, a Saloon
Keeper being duly sworn,
Court - Officer Selig here, is
charged with taking
money from people &
protect them, What, if
anything, can you tell
or do you know about
it?

A I lived at 144
Christie St and was
#2

(43)

attending & furnished
rooms

Q

Then was that
This winter two years
ago.

Q

Did you see him
then?

A

I had a party in
my house and the wife
Mr. Selig asked money
from her, and said if
she did not give it he
would make a terrible
disturbance. I did not
hear him ask for money

Q

A

What did he say?

He said if you
do not see me on this
I will pull the house,
and I said, I keep a
decent house, a furnished
room house, and he
said an officer wants
to make a dollar once
in a while, and I

(H4)

Said I had nothing to
do with the house, only
I was in charge of it.

Q Did he ever ask
you for money?

A I gave him ten
dollars (\$10.)

Q When you gave
him the money did he
make any remarks, or
threats, or say he would
do anything?

A He said
I will fix you today,
I did not get a cent
of this whole business,
the lady said it cost
her one hundred and
fifty dollars, and I told
her that the officer
wanted some money, and
he said if I did not
make it all right, he
would try and get me
six months, and I told

(H3)

him I was only working
there.

Q

What were you doing
there?

A

Minding the house.
It was only a furnished
room house, I am married
and I knew the woman
who kept the house. The
money I paid I borrowed
from a man named Seitz
ten dollars (\$10.) and I
gave Officer Delig that,
because he threatened me
if I did not, he would
give me six months, if I
did not make it all
right.

Q

Did he molest
you after that?

Q

No Sir.
Did you give him
any money after that?

A

No Sir.

(H3)

(46)

Q How come you to come
here as a witness?

Q I was subpoenaed
You have a husband?

Q Yes Sir.
And your husband is the
Chief Cook in Holland?

Q Yes Sir.
Cant. What caused you to go
and keep her house?

Q Because my husband
was out of work I went
to take charge of the house,
it was not a disorderly
house, but let out to married
couples.

Q Would you allow
any one there that was
not married?

Q No Sir.

Q Cross Examination.
Who asked you to come
here?

Q Mr. H. A. Johnson
Hb

H H

Q

Is he a Lawyer?

Q

I do not

Q

know him

Q

You never saw him before?

Q

No Sir, He is a perfect stranger to me you never told any one about this?

Q

Q

Yes Sir, a good many

Q

Did you tell Mr Kemmer?

Q

No Sir

Do you know who sent Johnson? How did you get into this case?

Q

I was asked to come by Mr Johnson

Q

Did he tell you he was Kemmer's Lawyer?

Q

No Sir

And that he wanted you to swear against Belig?

Q

No Sir.

Q

H H

(H.D.)

Q

Did Officer Selig arrest you?

A

Yes Sir.

Q

When? I have to find out what month?

Q

I do not know what year?

Q

Two years this winter, about.

A

Q

Did you pay Selig before or after you were arrested?

A

After, when the trial came off in the Police Court.

Q

You were discharged?

Q

Yes Sir. Did you move out of the house?

A

The same week. How long after you were discharged did you give him the money?

Q

H.D.

(49)

Q

The same day in
the Court, before I was
discharged

Q

Was the Judge
on the Bench?

Q

No Sir.
Did the Judge come
in after you had given
it?

Q

I do not know.
The Judge came on the
Bench after you had
given the ten dollars?

Q

Yes Sir.
You moved out of that
house the same week?

Q

Yes Sir.
Of your own account

Q

Yes Sir.
The Judge did not
tell you that he would
discharge you on Con-
dition that you moved
out?

Q

I moved out

(50)

Q How came you to be
discharged?

A I had a
lawyer

Q Did you tell
the judge you had given
him ten dollars?

A No Sir, I was
discharged, I never gave
him money after that.

Q How long since you
saw him after that?

A Every day, I had
no trouble about, or with
him after that, after
that, and always I
spoke to people about
it.

Q And as soon as you
were discharged?

Q Yes Sir.
Q Did you tell the whole
neighborhood?

A I did not.

(51)

Q

Did you make any
complaint to any
other Judge?

A

No Sir, I told
several people that I
gave him ten dollars, &
do not know where they
live now.

Sworn to before me
this 11th day of Oct 1884

Police Justice

Anna Young being duly
sworn deposes and says
I am 63 years of age,
a Housekeeper and live
at 75 - 12th St.

Q

Do you know Officer
Delig?

A

I know him by
seeing him,

Q

Look around and
see if you behold him?

A

There he (Delig) is

52

Court He is charged with
taking money from different
persons at different times,
Did you ever see him
take money and see
any one giving him money

Q

No Sir.

Did you ever hear the
Officer (Delig) ask for
money?

Q

No Sir.

Do you know any
thing about this case?

A

I read it in the
papers?

Q

Do you know any
thing more than that?

A

Nothing

Counselor Doliver - Did I
not call on you
last evening, and serve
you with a Subpoena?

A

You came, but
not in my room,

Q

Previous to that, did

(53)

Q I not have a private
conversation with you?
A Yes Sir.
Q And you not then and
there admit to me that
you gave him money?
A No Sir.
Q And because of that I
served you with a subpoena
A No Sir, I was
getting a pint of Beer
and he handed me the
paper. I know nothing
about the case.

Sworn to before me
this 14th day of Oct 1887
Police Justice

Court- Officer Selig You are held
in \$500. to answer

Ald.

POOR QUALITY
ORIGINAL

0375

D. C.
District Police Court.

Mary Emma
vs.
Louis Delig

Extortion.

STENOGRAPHER'S TRANSCRIPT.

Oct-11 188*7*

BEFORE HON

O. G. Duffy

Police Judge.

E. J. Henry

Official Stenographer.

POOR QUALITY
ORIGINAL

0376

Sec. 192.

7

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY
OF NEW YORK, } ss.

An information having been laid before Patrick G. Ruff a Police Justice
of the City of New York, charging Louis Selig Defendant with
the offence of Extortion

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

We, Louis Selig Defendant of No. 114
Lee Howard Street; by occupation a Police officer
and Jacob Ripp of No. 308 Broome
Street, by occupation a Saloon Keeper Surety, hereby jointly and severally undertake that
the above named Louis Selig Defendant
shall personally appear before the said Justice, at the 7th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of five
Hundred Dollars.

Taken and acknowledged before me, this 7
day of October 1887
Patrick G. Ruff
POLICE JUSTICE.

Louis Selig
Jacob Ripp

POOR QUALITY
ORIGINAL

0377

CITY AND COUNTY } ss.
OF NEW YORK, }

day of
October
1887
Public Justice.

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth ten Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of the house and lot

situated and known as No. 44 Henry street
said City, said property being worth
twenty thousand dollars, subject to a
Mortgage of ten thousand dollars,
Jac. Ripp

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 1887

Justice.

POOR QUALITY
ORIGINAL

0378

SUMMONS.

*off until
at Tuesday
at 10:00
at 10:00
at 10:00*
POLICE COURT *3d* DISTRICT.

69 Essex St.

CITY AND COUNTY } ss.
OR NEW YORK,

The People of the State of New York,

To

W. D. Nichols

GREETING:

YOU ARE HEREBY SUMMONED to appear before me at the *3d*

DISTRICT POLICE COURT, *69 Essex St.* in the City of New York.

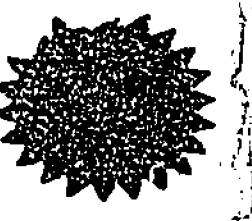
on *Thursday* the *22d* day of *September* 1887 at *2* o'clock

in the *after* noon of that day, to answer a complaint against you, made by

William H. Henry

WITNESS my hand and seal this *22th* day of *September* 1887

J. G. Deery POLICE JUSTICE.



POOR QUALITY
ORIGINAL

0379

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Mary Trumm
of No. *164 Christie* Street, aged *42* years,
occupation *Housekeeper* being duly sworn deposes and says,

on about *17* day of *November* 188*6*
that on the

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

She gave to
Officer Lewis or Lewis
nowhere, the sum of Two
Dollars (\$2.) and all other
times different sums of
money, and this Dependent
gave said sum and sum
of money because she was
threatened by said
that if she did not "make
it right" with him he
would by Color of his

Sworn to before me, this

of

188

day

Police Justice.

0380

Disposition.

Mary Turner

official right, ruin Dependent
business, and in fear of
avid Delig, Dependent gave,
said he Delig, effected from
her, the avid sum and sum
aforesaid, and now Dependent
prays that he be dealt with
as the Law directs

POOR QUALITY
ORIGINAL

0381

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 19 years, occupation None of No.

167 Christie Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mary Krumm

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

Sworn to before me this

day of

4th
1887

Mamie Krumm

John Puffy

Police Justice.

POOR QUALITY
ORIGINAL

0382

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty
and I demand a
trial by jury.
Louis Selig*

Taken before me this

day of

188

Police Justice.

POOR QUALITY ORIGINAL

0383

BAILED
No. 1, by William
Residence 308 Adams Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court--
District--
THE PEOPLE, &c.,
ON THE COMPLAINT OF
James J. Sullivan
vs.
John J. Sullivan
Dated Oct 11 1887
Offence Drunk
Magistrate, James J. Sullivan
Officer, James J. Sullivan
Precinct, 1
Witnesses James J. Sullivan
No. 500
Street, Adams
No. 500
Street, Adams

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Oct 17 1887 James J. Sullivan Police Justice.

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

Dated Oct 11 1887 James J. Sullivan Police Justice.

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

Dated _____ 1887 _____ Police Justice.

POOR QUALITY
ORIGINAL

0384

DISTRICT ATTORNEY'S OFFICE,

New York,

188

People vs. Louis Selig
List of Witnesses

Mary Krumm 165 Chrystie St.
Theresa Meyer 322 Bowery 2 fl.
Annie Krumm 165 Chrystie
Fredk. Otto 13 Rivington
Teresa Brown 21 - 1 St.
Mamie Krumm 165 Chrystie

Fifth District. Police Court
New York, October 1st 1887.

The People on Complaint of
Paulus Gachse
vs.
Bernard J. Kelly } Forgery

Examination before
Hon.

Andrew J. White

Police Justice

Same Appearances

Henry Bolt, a witness for the
defense being sworn, testified
as follows -

Direct examination by Mr Lowe

Q. Where do you reside Mr Bolt?

A. 161st street and Teller Place
Between 161st street and 162nd
street. It is called Teller Place

Q. Are you a son of Ewald Bolt?

deceased?

A. Yes sir.

Q. And brother of Rosa, and Annie Bolt?

A. Yes sir.

Q. Do you know Mr Bernard J. Kelly?

A. Yes sir.

Q. How long have you known him?

A. I have known Mr Bernard Kelly a little over a year, I think now.

Q. Bernard J. Kelly, isn't it?

A. Yes sir.

Q. Where did your father reside at the time of his death?

A. 612 - East 160th street.

Q. Do you remember seeing Mr Bernard J. Kelly on the 12th day of November - 1886?

A. Yes sir.

Q. Who was with him when you saw him?

A. His sister Mary Kelly.

Q. What time of the day was it, you saw him?

A. About half past ten o'clock.

Q. Where were you?

A. I was standing on the corner of 160th street and Cortlandt Avenue.

Q. How did you come to be there?

A. I came to be there because I was in the barber shop at that time. I got to the barber shop about a quarter past ten. I went in and took a cigar and a paper of tobacco. I saw my sister Rosa -

Q. Where were Mr Kelly and his sister when you saw them?

A. They were at the gate. Just opening the gate to go into my fathers house.

Q. How far was that from where you were standing?

A. About 150 feet.

Q. You saw them going in, did you?

A. Yes sir, I did.

Q. Did you see them come out after

-wards?

A. No sir.

2. How did you see anyone else at that time, or during that morning?

A. Yes sir.

2. Well, who, in that neighborhood?

A. I saw both my sisters on that day.

2. Do you mean Rosa and Annie?

A. Yes sir.

2. State exactly where that was and when?

A. In the morning about five minutes after seven. I went to the store to get some things in for breakfast, and on my way back I saw Annie, going up Cortlandt Avenue. That was about a quarter past seven o'clock in the morning. I went home then, and left the house about ten o'clock to meet a friend.

2. Where was Annie, going, what

direction?

A. Going down Cortlandt Avenue.

Q. Where, what direction?

A. South.

Q. Was it in the direction of Mr. Sachse's place?

A. Yes sir, same direction.

Q. The place where she was in the habit of working?

A. Yes sir.

Q. How go on?

A. I left the house about ten o'clock and went to the barbers to get a cigar. I sat by the window facing south, and I saw my sister Rosa, with a basket on her arm, leaving that house about a quarter past ten o'clock.

Q. Leaving what house?

A. My father's house, 612 - East 160th street. Going down Cortlandt Avenue. I took my cigar and went out, and I saw my sister Rosa go into the fancy store on the East side of Cortlandt Avenue.

2. Whose fancy store, do you know?

A. William's

2. Go on?

A. And then she crossed at 159th street and went to the butcher shop.

2. What butcher shop?

A. Theiss's.

2. Well now go on?

A. Then I met my sister Rosa in Fred. Ferdinand Bauners.

2. Did you meet her before that at the corner of the street?

A. Yes sir, I saw her turn the corner of 160th street into Cortlandt Avenue.

2. Did anybody meet you at the time you saw Mr Kelly go into your fathers house?

A. Yes sir.

2. Who?

A. I met my wife on the corner of 160th street.

2. How do you come to know it was half past ten o'clock?

A. I had my watch, and my wife asked me what time it was and I told her it was just exactly half past ten o'clock.

Q. How long after that was it that you were in Bauners?

A. Well, I should judge it was about twelve to fifteen minutes.

Q. Who was with you at Bauners?

A. My wife.

Q. Who did you see there?

A. My sister Rosa.

Q. In Bauners?

A. In Bauners, yes sir.

Q. When did your wife leave you?

A. I left my wife there - I was in Bauners altogether about ten minutes, I think.

Q. Well did you leave your wife there?

A. Yes sir.

Q. When you went out?

A. Yes sir.

Q. Where did you go?

A. I took the road down Cortlandt

Avenue, south.

Q. Where was Rosa?

A. Rosa had left Bauners, and went down toward Mr Sachse's store.

Q. Did you pass by Sachse's store?

A. Yes sir, I passed by Sachse's store and stood on the opposite corner.

Q. How far was Rosa, ahead of you, going down there?

A. Well, I should judge about 100 feet.

Q. Who did you see in the store, in Sachse's store?

A. I saw my sister Rosa go to the store, and I saw my sister Annie come to the door to talk to her - I went on about my business down the Avenue.

Q. Had you reason for observing the time?

A. Yes sir.

Q. What was the reason?

A. Because, in the first place, I had a good deal of reason to observe the time. Because I

Q. had some business to attend to.
L. Was there any particular hour
you had, to transact the busi-
-ness?

A. Yes sir, there was a particular
hour, about that.

Q. What was the hour?

A. I wanted to meet a friend
at half past eleven o'clock.

Q. You were to meet him?

A. Yes sir.

Q. When did you next see your sis-
-ter Annie?

A. I saw my sister Annie on my
way home, about five minutes
after twelve.

Q. On your way home?

A. Returning, going to her father's
house.

Q. You saw Annie?

A. Yes sir.

Q. Going from the direction of Mr.
Sachse's?

A. Yes sir, at about five minutes
after twelve o'clock.

2. And when did you see her after that?

A. About twenty-five minutes after ~~twelve~~ five o'clock.

2. The same evening?

A. Yes sir.

2. The evening of the same day?

A. Yes sir.

2. Returning from where?

A. From the direction of Mr Sachse's.

2. And going in what direction?

A. Going in the direction of her father's house.

2. What kind of windows are there at Mr Sachse's place of business?

A. Well, there are two stores separated by a partition.

2. What kind of front windows are they?

A. The ordinary store front windows big windows.

2. Are they large or small?

A. Good sized windows.

2. What they call show windows?

A. Yes sir.

Q. From the street could you see people in there readily?

A. Yes sir, from outside.

Q. Were you present at your father's house on the 9th of September 1886?

A. Yes sir.

Q. What hour of the day?

A. In the evening I was there.

Q. The witness is shown Peoples Exhibit "A" - Lost at that paper please, and tell me when you first saw it?

A. I first saw this paper on the 12th day of November.

Q. 1886?

A. 1886, yes sir, at about 8 o'clock in the evening.

Q. Where?

A. At my house.

Q. How did you come to see it?

A. Mr. Bernard J. Kelly brought that paper to me.

Q. And delivered it to you?

A. Yes sir.

Q. Did you have it recorded?

(11)

A. Yes sir.

Q. Who had it recorded for you?

A. Mr. Kelly.

Q. You handed it back to him to have it recorded?

A. I handed it back and told him to have it recorded.

Q. For you?

A. Yes sir.

Q. This alleged assignment from your father to you of this mortgage of \$500. Did you make any disposition of it afterwards yourself, did you sell it to anybody?

A. Yes sir, I did.

Q. To who?

A. I sold that to Mr. Kelly.

Q. Which Kelly?

A. Mr. Bernard J. Kelly's father.

Q. Christopher Kelly?

A. Christopher Kelly.

Q. Did Mr. Christopher Kelly pay you for it?

A. Yes sir.

Q. How much?

- A. \$400⁰⁰
- L. Through who did he pay it?
- A. Through Mr Bernard J Kelly.
- L. In check or bills?
- A. In bills.
- L. When was that, that you disposed of it to Mr Kelly's father, and got this \$400. for it?
- A. On the 25th of April 1887.
- L. Do you know who was present when you made the assignment to Mr. Kelly, and received the \$400. Objected to by Peoples Counsel Admitted - Objection Overruled
- A. Yes sir.
- L. Well state who were present?
- A. Mr Bernard J. Kelly was present, Mr. T. C. O'Reilly, and a friend of mine, Jacob Schremp, and my wife.
- L. How long before your father died had you seen him?
- A. About ten days before.
- L. Not longer than that?
- A. No sir.

Q. Do you know Doctor Hupfield?

A. Yes sir.

Q. Do you know how long he had been attending your father before his death?

A. I do.

Q. In his last illness?

A. Yes sir - Not over six months.

Q. Next preceding his death?

A. Yes sir.

Q. You are a married man?

A. Yes sir.

Q. Family of children?

A. Yes sir.

Q. How many?

A. I have one dead and one living.

Q. The one that died, died about the time you got that money didn't it?

A. No sir, the one that died, died on the 25th of January last, but I paid the undertakers bill with the money I received. I have the bill here - I paid this on the day after I received the
(14)

money from Mr Kelly.

2. You paid this bill of \$86. on the 26th of April 1887, out of the \$400. you received?

A. Yes sir.

2. That was the undertakers bill from your deceased child?

A. Yes sir.

The bill is offered in evidence and marked Defendants Exhibit B.

2. How long had you ~~father~~ been married before your father died?

A. I was married about six years.

2. Had you assisted your father, and to what extent, in supporting your father and his family?

A. Yes sir, I took care of the house.

2. For how long?

A. For over five years. Ever since my mothers death.

2. When did she die?

A. She died February first 1881.

2. And before that time had you done so?

A. Yes sir, before that time I gave all my money into the house.

Cross examination by Mr. Simonson

2. Mr. Bolt, what were you working at?

A. Varnishing, and polishing, that is my business, and I am employed in the building line.

2. Where were you employed anytime within a month before your father died?

A. I was employed by Kilpatrick

2. What is his first name?

A. Edward Kilpatrick.

2. Where does he live?

A. He keeps a shop at 78th street near First Avenue.

2. How long were you employed with him?

A. I am employed with him at the present time.

2. How long have you been employed continuously by him?

A. Three or four years.

Q. Were you working with him on November 12th 1886?

A. I was not working that day.

Q. Were you working the day before that?

A. A half a day before that.

Q. And on November 13th were you working then?

A. I worked that morning and came home that afternoon.

Q. Why is it you didn't go to work on November 12th?

A. Because I didn't feel very well.

Q. Were you sick?

A. Kinder.

Q. Had you seen Mr. Kelly before November 12th?

A. Yes sir, I had seen Mr. Kelly before November 12th.

Q. Well, when before that time?

A. Well I have seen Mr. Kelly several times.

Q. When was the last time before November 12th?

A. I don't remember the last time
I had not seen him in some
time before that.

2. Well, how long?

A. I cannot say how long.

2. Was it a year?

A. No sir.

2. Was it six months?

A. I don't think so.

2. Can't you give me any idea?

A. No sir, because I don't remem-
ber how long it is.

2. You remember it was not six
months?

A. Yes sir.

2. Was it four months?

A. I don't know.

2. Then you can't tell whether it
was four, or six, or eight months?

A. No sir, I can't tell.

2. You know where Mr. Kelly lives?

A. Not at that time, I didn't know.

2. When was the first time you
found out where Mr. Kelly lives?

A. I found out where Mr. Kelly lives
(18)

the time after I took him as my counsel.

Q. When was that?

A. That was a few days after my father died.

Q. Then a few days after your father died, you employed Mr Kelly as your counsel?

A. Yes sir.

Q. For what purpose?

A. I employed Mr Kelly, simply to go down and see how the will stood.

Q. You say that you had not been to see your father within ten days before he died?

A. Yes sir.

Q. How near did you live to your father?

A. I lived about, well, call it two blocks.

Q. You knew he was dangerously ill didn't you?

A. Yes sir, I knew his condition.

Q. And you didn't go to see him?

A. I didn't go to see him, no sir, for

the reason. I will tell you why if you want to know.

Q. How do you remember it was November 12th that you saw Mr. Kelly and his sister?

A. Well I remember it by one thing, because he came to the house that night with the assignment.

Q. Is that the controlling feature in your mind?

A. Well, I remember it, by seeing him that day - That I was up at the corner at the time I saw them.

Q. Now Mr. Bolt where were you on the morning of the 11th of November?

A. I was to work.

Q. Where did you go to work?

A. 79th street.

Q. What time did you go to work?

A. Between Madison and Fourth Avenues?

Q. What time?

A. At seven o'clock.

Q. How long did you work that day?

A. Until half past eleven, that made it half a day.

Q. What did you do after half past eleven?

A. I remained home.

Q. Did you stay home all that time?

A. Yes sir.

Q. Did you go out anywhere in the evening?

A. No sir.

Q. Did you see anybody that afternoon particularly?

A. No sir, not that I remember of - I met friends of course.

Q. Do you remember anybody that you met?

A. Not particularly, I met a great many. I remember friends that I met in the barber shop on the 11th, on my way home.

Q. What time was it that you went to the barber shop on the 11th?

A. I was there about half past one o'clock.

- Q. How long did you stay there?
- A. Probably half an hour.
- Q. Then where did you go?
- A. I went home.
- Q. What did you do after that?
- A. Nothing that I know off.
- Q. Now what did you do on the morning of the 12th?
- A. Probably I did a little work around the house on the 11th after I got home.
- Q. Why didn't you go back to work?
- A. I didn't care about going to work that afternoon.
- Q. Why didn't you work that afternoon?
- A. I didn't feel well - I had not felt very well all that week.
- Q. Did you go to see any Doctor?
- A. No sir.
- Q. What time did you get out of the house, on the morning of the 12th?
- A. I left the house about seven o'clock.

Q. Where did you go?

A. I went to the grocery store between 158th and 159th streets and Cortlandt Avenue.

Q. Where did you go from there?

A. I went home from there.

Q. What time was that when you got home?

A. I should judge it was about a quarter after seven o'clock.

Q. What did you do after that?

A. After that I had my breakfast I was doing a little for the children and then I left the house.

Q. What time did you leave the house?

A. About ten o'clock.

Q. Did you look at your watch?

A. Yes sir.

Q. You are positive you looked at your watch?

A. Yes sir.

Q. What was the occasion of your looking at your watch?

A. It was an occasion, just on that day. I had a friend to meet. I didn't want to disappoint him.

Q. Who was your friend?

A. A man by the name of Murphy.

Q. What is his first name?

A. Joseph Murphy.

Q. Where does he live?

A. In Harlem somewhere now.

Q. Whereabouts?

A. Somewhere.

Q. What is ^{his} ~~your~~ business?

A. Varnisher.

Q. Where does he work?

A. With me.

Q. In this same place?

A. Yes sir.

Q. Wasn't he going to work that day?

A. He was not working there, at that time.

Q. You didn't know where he lived?

A. No sir.

Q. Where were you going to meet him?

(2-A)

A. I was to meet him at Mott-Harlem.

L. Whereabouts in Mott-Harlem

A. Corner of 142nd street.

L. On the corner?

A. On the corner

L. In no store?

A. No sir, just on the corner.

L. What Avenue?

A. On Third Avenue.

L. Was there any occasion for your having to meet him, any business occasion?

A. Yes sir, about getting him work down at the shop - He had been to see me the day before.

L. Did he live in this part of the City?

A. No sir, he lived in this Harlem somewhere.

L. You live where?

A. 161st street.

L. How were you well enough to go down there to meet him on that occasion

- A. I guess so; why not.
- Q. You saw Mr. Kelly at what time?
- A. I saw him come from Washington Avenue or Elton Avenue as it is called.
- Q. How long were you on that corner?
- A. Well when I left the barber's shop I stood on the corner.
- Q. How long?
- A. For about 3 or 4 minutes no longer. I saw my wife coming from my house, and she called me across the street. I went across the street to talk to her, and looked up toward the house. I saw Mr. Kelly, and his sister go in the gate at my father's house.
- Q. You knew your father at that time was dangerously ill?
- A. Yes sir.
- Q. Didn't you think it a little strange for Mr. Kelly and his
- (26)

sister to be going there?

A. I don't think so - I was not interested in Mr. Kelly at that time.

Q. You knew Mr. Kelly was a lawyer?

A. Yes sir, I knew he was a lawyer.

Q. It didn't excite any suspicion in your mind?

A. No sir.

Q. Had you ever had any previous acquaintance with Mr. Kelly before this time?

A. No sir - I had seen him at my father's house.

Q. How many times?

A. Several times.

Q. Had you ever visited his family?

A. No sir.

Q. You say you saw Mr. Kelly's sister there?

A. I met Miss. Kelly at my father's house before that time.

Q. You say you saw his sister there?

A. Yes sir.

Q. They were 100 feet away from you

were they?

A. About that. Say 150 feet. That is the distance from where I stood to where they were.

Q. How many times had you met Miss. Kelly before?

A. I think I saw her twice before that.

Q. And yet at 150 feet, you are positive you saw Mr. Kelly's sister with him?

A. Yes sir.

Q. Well now what time did you get to 142nd street and 3rd Avenue?

A. About half past eleven.

Q. That was the time you were to be there wasn't it?

A. Yes sir.

Q. Did you meet your friend?

A. No sir.

Q. How long did you stay there?

A. I staid there for about 15 or 20 minutes.

Q. Where did you go?

A. I walked up the same way (28)

I came down. I stopped now and then to see a friend - I talked to him a minute or two and went about my business.

2. What friend did you meet?

A. I don't know who they were. I have so many of them.

2. Just name that friend you met, that you stopped to talk to, I want his name? I want the name of the friend that you met coming down, right after you failed to meet the friend at 142nd street?

A. My friend Van Allen.

2. Where does he reside?

A. At that time 160th street and Cortlandt Avenue.

2. Where does he now reside?

A. I don't know.

2. When did you last hear from him?

A. I haven't seen him now in some two months.

2. Where was he when you last

saw him?

A. He was at the corner of 160th street and Cortlandt Avenue.

Q. Two months ago?

A. Yes sir.

Q. 160th St. and Cortlandt Avenue?

A. Yes sir.

Q. What did he work at?

A. Barber.

Q. In this same barber shop, you always frequented?

A. Yes sir.

Q. Who else did you meet?

A. Well nobody else - I don't know who I did meet - I can't remember.

Q. What did you do the balance of the day, you had a long day before you?

A. I was home the balance of the day.

Q. And did you stay home the whole day?

A. All afternoon, after I reached home.

2. When did you reach home?
- A. About ten minutes after twelve.
2. You didn't go out?
- A. No sir, not after that until about - I went out about five o'clock.
2. You went to the barber shop of course, didn't you?
- A. Not that afternoon.
2. How did you skip the barber-shop?
- A. I went to the store - It don't say I have got to go to the barber shop every time I pass it.
2. You went to the store about half past five?
- A. Yes sir.
2. Where did you go from there?
- A. Home.
2. How long did you stay home?
- A. I staid home all the rest of the evening.
2. You say Kelly came to your home at 8 o'clock?
- A. Yes sir.

Q. You look your watch out?

A. I looked at the clock.

Q. To see what time it was when Mr Kelly came?

A. Yes sir.

Q. You are sure of that?

A. Yes sir.

Q. You are sure it was 8 o'clock?

A. Yes sir.

Q. You can't be mistaken about the time?

A. No sir, I can't be mistaken about the time.

Q. Now what time did Mr. Kelly leave?

A. He left there about - Mr Kelly left there to catch the 9.04 train.

Q. Did you look at the clock to see what time he left?

A. Not at the clock alone, I knew when the train was due.

Q. Did you look at the clock?

A. Yes sir.

Q. You wanted to be very particular about the time?

- A. I suppose so.
- L. How did Mr. Kelly leave the house alone?
- A. No sir, I went with him as far as the depot.
- L. Where is the depot?
- A. Just say 25 or 30 feet away from where I live.
- L. How long did you stay with Mr. Kelly?
- A. Until the train was due.
- L. What time was that?
- A. 9.04
- L. Did you look at your watch?
- A. No sir.
- L. Then what time did you get home?
- A. I got home about 9.05 - It only took me a minute to get home.
- L. Are you sure it was 9.05?
- A. The train may have been a minute early or late.
- L. Did you look at the clock?
- A. No sir.
- L. Did you see anybody that evening (33,

- A. I suppose so.
- Q. How did Mr. Kelly leave the house alone?
- A. No sir, I went with him as far as the depot.
- Q. Where is the depot?
- A. Just say 25 or 30 feet away from where I live.
- Q. How long did you stay with Mr. Kelly?
- A. Until the train was due.
- Q. What time was that?
- A. 9.04
- Q. Did you look at your watch?
- A. No sir.
- Q. Then what time did you get home?
- A. I got home about 9.05 - It only took me a minute to get home.
- Q. Are you sure it was 9.05?
- A. The train may have been a minute early or late.
- Q. Did you look at the clock?
- A. No sir.
- Q. Did you see anybody that evening (33)

when you went out with Mr. Kelly?

A. No sir.

Q. You say you got \$400. from Mr. Christopher Kelly?

A. Yes sir.

Q. What denominations were those bills, do you remember?

A. Well, there were two one hundred dollar bills, and the rest of them - I don't know what the rest of them were. There were tens and fives.

Q. Now what did you do with the money when you got it?

A. When I got the money I paid this bill.

Q. Where did you get the money?

A. Mr. Kelly brought the money to my house.

Q. And who came with him?

A. Mr. O'Reilly.

Q. And, who else?

A. That's all.

Q. The money was paid to you sir.

your hands?

A. Yes sir, the money was paid to me in my hands.

Q. And Mr. O'Reilly and Mr. Kelly were the only persons present?

A. No sir, they were not.

Q. Who else?

A. My wife and Mr. Schremps.

Q. Mr. Kelly's father was not present?

A. No sir.

Q. Where does Mr. Schremps live?

A. 900 Cortlandt Avenue

Q. Is he the barber?

A. No sir.

Q. Does he work in the barber-shop?

A. No sir.

Q. When you got that money what did you do with it?

A. I gave my counsellors their fees

Q. How much did you pay your counsel?

A. I paid them \$250.

Q. Did you get a receipt for that?

A. Yes sir.

Q. Have you got it?

(127)

- A. No sir, I have not got it here.
- Q. Have you got it home?
- A. No sir, I have a receipt, but I have not got it here with me.
- Q. Where is that receipt?
- A. It is home.
- Q. What day was it that you got that receipt?
- A. It was on the evening of the 12th - That was on the 25th of April.
- Q. The night that Mr. Kelly came up there and gave you the \$400. you immediately paid him \$250.?
- A. Yes sir.
- Q. Who were the counsel?
- A. Bernard J. Kelly, and J. C. O'Reilly.
- Q. You paid them \$250. that night?
- A. Yes sir.
- Q. What else did you pay them that night?
- A. Nothing.
- Q. What did you do with the

other \$150.

A. I paid this bill out of that.

Q. When did you pay that bill?

A. On the 26th of April.

Q. The next day?

A. Yes sir.

Q. In the morning?

A. In the morning.

Q. Didn't you go to work that day?

A. No sir.

Q. Were you sick that day too?

A. No sir, I was not sick, but I wanted to get out of debt.

Q. That is the reason you didn't go to work?

A. Yes sir.

Q. What did you do with the balance, did you pay any other debt?

A. I paid a doctor bills.

Q. Who did you pay?

A. Doctor Comfort.

Q. When did you pay him?

A. A few days after that.

Q. How many days after that?

A. 3 or 4 days after that - I don't

remember how long.

2. Was it a week after that?

A. Probably it was. I don't know.

2. Who else did you pay?

A. I had not much left after that.

2. How much did you pay Doctor Comfort?

A. I don't remember, I have the bill home.

2. About how much?

A. I guess about \$20.

2. Well then you had some left?

A. Yes sir, a little left, I had some clothes to buy, and other little things.

2. Did you buy any clothes?

A. Yes sir.

2. Where?

A. Vogel Brothers.

2. Where?

A. In Harlem.

2. How much did you pay for your clothes?

A. I spent that day with myself (38)

and wife - I spent very near all I had.

2. How much did you pay for your clothes?

A. Well, I spent what they cost. \$24. for a suit.

2. Is that what you paid?

A. Yes sir.

2. What else did you pay?

A. My wife bought other little things

2. How much?

A. I don't know how much.

2. Well about how much?

A. I can't say, There was very little of it left after I got through with my money.

2. You say you saw your sister Annie in Mr Sackee's store, that day?

A. Yes sir.

2. What time was it when you saw her there?

A. That was about 11 o'clock.
By the Court -

2. What day was this?

A. On the 12th of November 1886. (39)

Cross-examination resumed

Q. Did you look at your watch at that time?

A. No sir.

Q. Where is Mr. Sachs's place?

A. Between 156th and 157th streets on Cortlandt Avenue - The third house north of 156th street.

Q. How far was that from 142nd street, and Third Avenue?

A. Well that is - From 142nd street to Sachs's place ain't very far.

Q. Was Mr. Sachse in the store too?

A. I don't remember - seeing Mr. Sachse there.

Q. What is his business?

A. His business is a Tailor - He has a cigar and candy store.

Q. Was there anybody else in the store besides your sister Annie?

A. My sister Rosa, stood in the door, talking to my sister Annie.

Q. Anybody in the store?

A. No sir, I didn't see anybody else.

2. Your sister Annie works for Mr. Sacher?

A. At that time yes sir.

2. What work did she do there?

A. Tailoring clothes.

2. She was in the tailoring part of the store?

A. Yes sir.

2. You don't remember seeing Mr. Sacher there?

A. No sir.

2. You went by there in the afternoon you say?

A. Yes sir.

2. And you saw your sister Annie in the afternoon?

A. I saw her there about 11 o'clock.

2. When did you next see your sister Annie?

A. I next saw her about five minutes after twelve.

2. Where was she then?

A. Coming from Sacher's, to my father's house.

2. And when did you next see her?

A. I saw her after five o'clock that evening.

2. What was she doing then?

A. She was coming from Mr Sachs's home.

2. Now Mr Bolt, how many times have you talked with Mr Kelly in regard to this case?

A. Well, I have not talked anything with Mr Kelly, about this case much.

2. How many times have you talked with him?

A. I have not talked about this case much of any account to Mr Kelly at all.

2. How many times?

A. I don't remember how many times.

2. Have you talked with him ten times?

A. I don't remember.

2. Have you talked with him any more than ten times?

A. I don't remember.

2. Have you talked with him as much as ten times?

A. I don't remember, I may have and
I may not.

Q. Where have you talked with him
about this case?

A. Well, I have seen Mr. Kelly where-
ever I have met him.

Q. Where have you generally met him?

A. I have met him - I cannot say
where I have met him - I have
met him at his house.

Q. How many times?

A. Probably once.

Q. Now where else have you met
him?

A. I don't remember where else -
I may have met him in the
street.

Q. Would you talk about this case
in the street?

A. No sir.

Q. When was the last time you had
a talk with Mr. Kelly, about this
case?

A. About a week ago I guess.

Q. Was it the day of this last

examination - !

A. Yes sir.

L. Where did you see him then?

A. I was down to his office that day, that afternoon.

L. Did you see him before you went to his office?

A. No sir.

L. Then you were not working last Saturday afternoon?

A. No sir.

L. Were you here in Court?

A. No sir.

L. Positive you were not in this Court?

A. No sir, not last Saturday.

L. What time did you meet him at his office?

A. I don't remember what time it was.

L. Did you read any testimony in this case?

A. No sir.

L. Did you hear what Miss. Kelly had testified to in this case?

A. No sir.

2. What did you talk to Mr Kelly on Saturday afternoon about this case?

A. I simply asked him if it wasn't soon settled.

2. Is that all?

A. That's all.

2. Didn't tell him what you knew?

A. No sir.

2. When was the first time you told him you had seen him going into your father's house?

A. I don't remember what day it was I told him.

2. When was it how long ago?

A. Some time ago, - I can't remember how long it is.

2. Well was it as much as ~~ten days~~ six months ago?

A. No sir. - I don't remember how long ago it was.

2. You did tell him didn't you, that you saw him going into the house?

A. I did, yes sir.

2. Do you remember where it was you told him that?

A. No sir, I don't.

2. Are you on good terms with your sisters?

A. No sir.

2. And you as I understand - you contested the will of your father didn't you?

A. Yes sir.

2. How often have you visited ~~your~~ Mr. Kelly's office, since your father died?

A. The contesting part, I visited Mr. Kelly's office several times.

2. And when was the contest over?

A. The contest was over on the 24th. I think it was the 29th of January. I think that is about the time.

2. Up to the 29th, you had been in the habit of going there frequently?

A. Yes sir.

2. How many times since then?

A. Once.

2. How often have you met him out-

- side of his office since then?

A. Several times.

Q. And where were you in the habit of meeting him?

A. I can't just state that - He has been up to Melrose, a great deal.

Q. Have you met him there?

A. Yes sir.

Q. Did you ever meet him in the barber shop there?

A. I have met him in the barber shop.

Q. How often?

A. I can't remember how many times.

Q. More than once?

A. Probably more than once.

Q. Have you met him five times in the barber-shop?

A. I can't say.

Q. May be more than that?

A. May be more or less.

Q. You say you paid Mr. Kelly and Mr. O'Reilly \$250. Counsel fee out of the \$400. you received from Mr. Kelly's father?

A. Yes sir.

2. To who did you pay that money?

A. To Mr. Kelly.

2. Why did you say Mr. O'Reilly?

A. I paid Mr. Kelly and Mr O'Reilly.

2. You handed the money to Mr Kelly?

A. Yes sir.

2. And you understood Mr Kelly was associate counsel?

A. Yes sir.

2. You say you received a receipt for that money?

A. Yes sir.

2. Where is it?

A. Home.

2. And that \$250. that you paid, was a portion of the identical \$400. that you received for the mortgage?

A. Yes sir.

2. Then you actually handled the \$400. and paid out \$250. to the lawyer?

A. Yes sir.

2. He didn't reserve his fee first?

A. No sir.

Re. direct examination by Mr. Lowe

Q. What did you pay the Counsel, O'Reilly, and Kelly for?

A. For the contesting case.

Q. What contesting case.

A. My father's will.

Q. You paid them that fee?

A. Yes sir.

Q. How much to each?

A. \$125. to each.

Q. You paid it in the presence of both and handed it over to Mr. Kelly, to divide with Mr. O'Reilly?

A. Yes sir.

Q. At the time that the money was paid — Do you know Mr. James S. McGovern?

A. Yes sir.

Q. He is a Notary Public?

A. Yes sir.

Q. Wasn't he present that evening when you paid this money?

A. Yes sir, he was there.

Q. Did you sign any paper?

A. Yes sir.

2. Did Mr. McGovern, take the acknow-
-ledgment?

A. Yes sir.

2. He was present and saw the
money paid to you?

A. Yes sir.

2. You have been asked by the counsel
on the other side on cross examination
why you didn't visit your father
during his last illness?

A. Well, I had reasons not to go there.

2. What were the reasons?

A. Whenever I did go there my sisters
would always start trouble - I
didn't care about giving my father
more trouble than he did have,
that is the reason that I did
stay away.

2. Would that create a trouble
between you and your father?

A. Yes sir.

2. How had you always treated your
father yourself?

Objected to —

By the Court - It is immaterial (50)

Emma Bolt, of 161st street and
Teller Place, Melrose, a witness
for the defense, being duly sworn
testified as follows:

Direct Examination by Mr Lowe

Q. Mrs. Bolt, you are the wife of
Henry Bolt?

A. Yes sir.

Q. He was the son of Ewald Bolt
deceased?

A. Yes sir.

Q. Do you know Mr Kelly, Bernard
J. Kelly?

A. Yes sir.

Q. Do you know his sister Mary?

A. I have seen her, yes sir.

Q. How often have you seen her?

A. A few times.

Q. Do you remember seeing Mr Kelly
and his sister Mary, on the 12th
of November 1886?

A. Yes sir?

Q. Where did you see them?

- A. On the corner of 160th street as I was going to the store, and I met my husband —
- Q. What time of the day was it?
- A. That was about half past ten in the morning.
- Q. Where ^{were} they going?
- A. They were going in Mr Bolt's gate.
- Q. The gate of the house in which Mr Evald Bolt lived?
- A. Yes sir.
- Q. That you say, was on the 12th of November 1886?
- A. Yes sir.
- Q. Did you see them come out afterwards?
- A. No sir, I did not.
- Q. Where did you meet your husband?
- A. I met him on the corner of 160th street.
- Q. At that hour?
- A. At that hour.
- Q. After you saw Mr Kelly, and his sister go into your father-in-law's house —

A. I went down to Barrows grocery store.

Q. Yes, with your husband?

A. With my husband - I left him there and walked into the store. I met Rosa there in the store.

Q. How long was that after you had seen Mr Kelly, and his sister, going into the old man's house?

A. That was about half an hour.

Q. How long did it take you to walk down to the store?

A. About ten minutes - I had my two children with me.

Q. She was there at that store?

A. Yes sir.

Q. How long did she remain?

A. About ten minutes and then she went out and walked down Cortlandt Avenue.

Q. She was there before you got there?

A. Yes sir.

Q. You found her there?

A. Yes sir.

Q. Did she leave there before you did?

A. Yes sir.

Q. What direction did she go then?

A. Down Cordland Avenue.

Q. Towards her home?

A. No sir, she lives up.

Q. She went away from her home?

A. Yes sir.

Cross-Examination by Mr.

Q. How was Kelly dressed that day?

A. He was dark.

Q. Could you see his face?

A. The side of the face.

Q. Did you see his whole face?

A. Well, no, I saw the side of his face.

Q. Are you prepared to swear this was the man?

A. Yes sir.

Q. You can't tell how he was dressed?

A. He was dressed dark.

Q. Did he have an overcoat on?

A. Yes sir.

Q. What color?

A. Dark.

Q. Buttoned, or open?

A. Generally open.

Q. Was it open this day?

A. I guess so, it was quite a distance from 160th street.

Q. Can you swear his overcoat was buttoned or closed that day?

A. I think it was open.

Q. You are not positive are you Mrs. Bolt?

A. He had his coat on.

Q. Are you positive that his overcoat was open?

A. Yes sir.

Q. Tell me the color of his hat?

A. He wore a dark hat.

Q. High or derby?

A. Derby hat.

Q. Dark derby hat?

A. Yes sir.

Q. Was the sun shining that day?

A. It was a very dull day.

Q. It looked like rain, didn't it?

A. Yes sir.

Q. Did it rain that day?

(53)

- A. I don't know as it rained.
- L. Can you swear positively whether it rained that day?
- A. No sir.
- L. I am not speaking of this said time, did it rain that day the 12th of November?
- A. No sir, it didn't rain.
- L. You are positive about that?
- A. I am positive of that.
- L. How was Miss Kelly dressed?
- A. A dark sack, and dark suit - Black suit.
- L. What sort of a bonnet did she wear, what color?
- A. She didn't wear a bonnet.
- L. This day?
- A. She had on a Turban - brown hat - trimmed with black velvet.
- L. Do you know the time of the day you saw them?
- A. Half past ten.
- L. How do you know?
- A. My husband told me the time.
- L. When?

A. The 12th of November.

Q. Why did you ask him the time?

A. When I met him on the corner.

Q. How long before you saw Kelly?

A. It was not long - about five minutes there before Mr Kelly and his sister.

Q. Your husband called your attention to the fact?

A. Yes sir, as they went in the gate.

Q. You saw them go in the gate?

A. Yes sir.

Q. Have you talked with your husband about this case?

A. No sir.

Q. Not a word?

A. No sir, I didn't.

Q. You were subpoenaed to come here and testify?

A. I was subpoenaed.

Q. Did you know what you were subpoenaed to testify to?

A. No sir.

Q. Did anybody tell you what you were to be asked to say?

A. No sir.

Q. How did you know this young lady you saw with Mr. Kelly was his sister?

A. I had seen her at the house twice several times.

Q. How often have you seen Mr. Kelly before?

A. Well, about twice.

Q. And where?

A. At my father's house.

Q. How do you know this was the 12th day of November, what fixes that in your memory?

A. It was the day before father died - He died the 13th, this was the 12th.

Q. Have you seen Mr. Kelly since?

A. No sir.

Q. Nor Miss Kelly?

A. No sir - until this morning.

Q. Is this the first day you have been in Court?

A. Yes sir.

Q. Weren't you here the last time?

(5-8)

A. Excuse me. Yes sir, I was here last Saturday week.

Q. Have it you talked with any of the counsel in this case?

A. No sir, I have not.

Re. direct examination by Mr Lowe

Q. Have not you forgotten you spoke to Mr O'Reilly, about this case?

A. Yes sir, this morning.

Q. You had forgotten that?

A. Yes sir.

Q. Did you ever testify before in Court?

A. No sir, I never did.

Christopher Kelly, a witness for the defense, residing at 212-East 73rd street, being duly sworn testified as follows =

Direct examination by Mr Lowe

Q. Mr. Kelly, you are the father of Bernard J. Kelly?

A. Yes sir.

Q. Do you remember anything about an assignment of a mortgage having been made to you?

A. I do.

Q. By who was it made. who was the owner of it

A. Mr. Bolt.

Q. Henry Bolt?

A. Yes sir.

Q. What did you pay him for it?

A. \$400.

Q. Who did you give the \$400. to, to pay him?

A. To my son.

Q. You were not present when it was paid?

A. No sir.

Bernard J. Kelly, defendant, being sworn, in his own behalf testified as follows:

Direct examination by Mr. Lowe

Q. Where do you live?

A. 212 - East 73rd street.

Q. Mr. Kelly, you are the person against whom this accusation is made, that is no examination before his honor the Judge?

A. Yes sir.

Q. Did you know Ewald Bolt deceased?

A. I did.

Q. How long had you known him before his death?

A. Since the early part of September or the latter part of August 1886?

Q. Did you know him well?

A. Oh, yes quite well.

Q. Have you been his counsel in any matters?

A. I was yes sir. I drew up various legal papers.

Q. What kind of papers?

A. I drew up a will, and deed and mortgage - I also went to White Plains, and did a little

law business. Securing for him
the cancellation of a certain
mortgage that had been executed
and was paid off in seventy-one
and was never discharged on record.
Something he didn't know about.

Q. Ellen Kelly is your mother?

A. Yes sir.

Q. The witness is shown defendant's
exhibit "A". Did you prepare that
~~was your~~ contract sale from
Evald Bolt to your mother?

A. I did, I prepared that.

Q. Is that the same property?

A. That is the same property.

Q. Embraced in the same property?

A. Yes sir.

Q. And which is said to have been
assigned by Bolt to Henry Bolt?

A. Yes sir.

Q. Were you present at the execution
of this paper, defendant's exhibit "A"?

A. I was.

Q. And did you see Evald Bolt
sign it?

A. He signed it in my presence, my sister and Mrs. Kuhl.

Q. Did your sister witness it?

A. Yes sir.

Q. Who else was present?

A. Mrs. Kuhl.

Q. Where does she reside?

A. She is the wife of the Barber living at 160th street and Cortlandt Avenue.

Q. How many Kelly were you at the house of Ewald Bolt, on the 12th of November 1886?

A. I was.

Q. Who was with you?

A. My sister Mary C. Kelly.

Q. At what hour did you go there?

A. I got there at ten thirty;
By the Court—

Q. In the morning or evening?

A. In the morning

By Mr. Lowe

Q. How did you enter?

A. I entered by way of a gate lead-
ing into a hall on the east side
(63)

of the house. I went down the lot and entered on the entrance on the east side of the house into a hall. and from the hall into a middle room, used as a bed room, immediately back of the parlor.

Q. Where he was?

A. Yes sir.

Q. Was it the ^{usual} ~~only~~ entrance?

A. Yes sir, the front door was closed at that time.

Q. Did you find the door open or shut?

A. The outer door was partly open. I gave a double knock. The door open into the middle room. The knock on the door opened it and I could see Mr Bolt lying in bed. I walked in. He laid south of the centre of the room.

Q. When you went in describe what passed?

A. I said "Good morning Mr Bolt how are you" He said "very bad". I said Mr Bolt, I have come to pay

off the \$500. mortgage - I took out of my overcoat pocket, the inside pocket, this envelope.

Q. That leather pocketbook?

A. Yes sir - I had fifty ten dollar bills there - I brought them over to the bedside and tendered them to him - I said Mr. Bolt, "Here is the \$500. I wish to pay off the mortgage and assign it to my sister Mary -

She was standing at the foot of the bed and opposite a little table that was there - It was a little wider than longer - I remember the room well - There was a picture of Luther, on the wall

Q. What did he say?

A. He said "I will not take the money put Henry's name in there, and I will sign it."

Q. The witness is shown Peoples Exhibit "A" - Did you have that paper with you on that occasion?

A. I did.

- Q. Where had you prepared it?
- A. At my house.
- Q. Before you went there?
- A. On the same morning at my house at 212-East 73rd street in the Parlor.
- Q. Was the name of the assignee in there?
- A. No sir, that was left blank.
- Q. What did you tell him about your sister Mary?
- A. I told him if he would assign that mortgage to my sister Mary I would pay him the \$500.
- Q. What did he say?
- A. He said no, Henry has been a good son to me, I wish to give this mortgage to Henry, fill in Henry's name and I will sign it. As soon as he said that, I went over to the bed, and put another pillow back of his head - when I came in there was only one there, to put him in a sitting position. I put this leather pocket-book under his

- hand, and opened the paper -
- Q. Did you first fill in Henry Bolt's name?
- A. Before I gave him the paper to sign, I first filled in Henry Bolt's name. Then he glanced toward the table for his spectacles. They were a sort of steel-rimmed spectacles. I gave them to him - when he put the spectacles on, he seized the paper, and brought it very close this way, towards his face, and grasped the pen -
- Q. He brought the paper close to his face?
- A. Yes sir, to sign it - at that time I was right at the bed as you face the north - The head of the bed is to the west - He went and signed his name right there.
- Q. That is a genuine signature?
- A. Yes sir.
- Q. You saw him sign it?
- A. Yes sir, and seal it.
- Q. Who put the seal on?

A. I sealed it for him.

Q. Did you see your sister witness it?

A. I witnessed this paper, and before I witnessed it I said - "Do you acknowledge this to be, your act and deed". He said, yes.

After he had done so he told me to ~~take~~^{deliver} this paper to his son Henry - I folded the paper up and put it back again in that leather pocket book, and bid him goodbye.

Q. How long were you there altogether?

A. Ten minutes.

Q. No more than ten minutes?

A. It couldn't be more than fifteen.

Q. Where did you go?

A. Directly home the same way - First to Ellon, then to 159 street then to the bridge, and then the street cars to 73rd street.

Q. Where did you fill in that certificate?

A. At 212 - East 73rd street, I have a desk there.

Q. Was your sister present?

A. My sister was present.

Q. At the time you filled that in?

A. Yes sir.

Q. So I understand you, you took the acknowledgment at his bedside before you left?

A. Yes sir, he acknowledged it while in bed before I left, and before Mary Kelly signed as a witness.

Q. Now then what did you do with that paper?

A. That evening at 8 o'clock I brought it to Henry's house.

Q. Henry who?

A. Henry Bolt.

Q. Where does he live?

A. A place called Teller Place - between 161- and 162 streets on the west side of Cortlandt Avenue

Q. What hour did you go there?

A. 8 o'clock.

Q. Who was there when you went there?

A. Henry, was there, and I believe
(69)

his wife was there too, I am not positive. As soon as I gave it to him he told me to have it recorded, at his request I had it recorded.

2. You had it recorded?

A. Yes sir.

2. Now sir, what disposition was made of that assigned mortgage by Henry?

Objected to -

2. Do you know of your own knowledge to whom he assigned that mortgage?

A. Henry Bolt assigned it to Christopher Kelly.

2. HE is your father?

A. Yes sir.

2. What was the consideration?

A. \$400.

2. Who paid the \$400?

A. Christopher Kelly gave me four one hundred dollar bills - HE drew it out of the bank, and gave it to me.

2. Did you have any of them changed?

A. I did - I had two of them changed
Q. You took two onehundred dollar
bills, and other smaller ones to
the house?

A. Yes sir.

Q. Who did you give the money to?

A. To Henry Bolt. I gave him the
\$400.

Q. Did he pay any portion of that to
anybody?

A. Yes sir, he paid Counsellor O'Reilly
and myself each \$125.

Q. To what?

A. Counsel fee, in contesting the will
of Ewald Bolt.

Q. Have you any question, you wish
me to put?

A. None that I can think of.

Cross examination by Mr. O'Man

Q. Now Mr. Kelly you are a lawyer?

A. I am

Q. How long have you been admitted?

A. Three years.

Q. You have testified that you went into this sick man's house with your sister?

A. Yes sir.

Q. And acknowledged and instrument there?

A. Yes sir.

Q. And saw nobody in the house, called none of the family, and the man was very sick. Could you understand what he said?

A. Yes sir.

Q. I want you to give me exactly the conversation that happened between yourself and him, in regard to the acknowledgment and the assignment of this mortgage, that day, while he was so sick - Tell me what you said and what he said?

A. I said "Good morning Mr Bolt, how are you". He said, "Very bad"

Q. Now, how was that given to you in English or German?

A. Broken English.

Q. Could you understand it?

A. Yes sir.

Q. Without any difficulty?

A. Yes sir, as well as I can you.

Q. What next happened?

A. I said "Mr. Bolt, I have come to pay off the \$500. mortgage."

Q. Was it due that day?

A. It was due at any time - It was to be paid off, on or before five years - There was an oral understanding, that I should pay it off in three months.

Q. Were those three months up?

A. I had sold the lot on the 15th - I couldn't keep my word unless I paid it off.

Q. You knew he was sick?

A. Yes sir.

Q. Very sick?

A. No sicker than he had been for months - He had been ailing for months.

Q. Why didn't you tender him interest that day, you are a lawyer (73)

why didn't you tender him the interest?

A. I didn't tender him interest.

L. HE was entitled to it?

A. Yes sir.

L. What was next said, after you made the tender of the \$, 500. without interest, what was next said?

A. HE said he wouldn't take the money. HE said write my son Henry's name in the mortgage - HE used the word mortgage, I will sign it.

L. Well, you went to the small table, and inserted the son's name and brought it back - Did you read the document to him at all?

A. I gave it to him and he read it to himself - I know that he could read - HE told me before, he could read English and German. I have heard him read English print.

L. Did he keep this document or instrument in his hand and

read it?

A. Yes sir, while he had his spec-
-tacles on.

Q. and then signed his name?

A. Yes sir.

Q. Then you and your sister imme-
-diately left the room?

A. After he acknowledged it - I ask-
-ed him if he acknowledged
that to be his act and deed,
and he said yes.

Q. Then you left the house and
went home?

A. Yes sir

Q. Can you tell me what time
you got home.

A. I got home at half past eleven.

Q. What time did you leave the
house?

A. Well to the best of my recollec-
-tion, I left the house about
half past twelve - I don't think
I was in the house any later
than that - I had to go down
to the office

2. Did you go to the office from the house?

A. Yes sir.

2. You went to the office?

A. Yes sir.

2. Had you been to the office that day at all?

A. Not until then.

2. That was the first time?

A. First time.

2. Where did you go after you left the office?

A. I went to Brooklyn.

2. How long did you remain in Brooklyn?

A. When I got to Brooklyn, I suppose I spent an hour over there.

2. And what part of Brooklyn did you go to?

A. 20th and 21st streets Brooklyn.

2. Who did you go to see?

A. Tenants over there, I went there to examine the condition of a couple of tenement houses.

2. Who did you see, can you name

any of the tenants?

A. I don't recollect the names of the tenants.

Q. Tenants for who?

A. Spencer C. Doety.

Q. You were a witness in the Wardell will contest, or the Payne case?
Objected to by defendant's counsel
Objection overruled

A. I was.

Q. Can you tell me where you were on the 11th of November, the day previous to that?

A. All I can say is I was at the house.

Q. Which house?

A. My own house. I was at 17 Union Square, and I am not sure whether I was up in Melrose or not, I think I was.

Q. Can you tell me what time you left your house on the 12th of November, to go to that house with your sister?

A. About half past nine.

2. What route did you take?

A. I had a car at the corner of 73rd street to the bridge. The car came again from the bridge to 139th street where I got off then I walked west to Elton Avenue and north one block to 160th street, then west again down until I reached Mr. Boll's house. I went in by way of the gate and remained there ten minutes, and took the same route home.

2. Did you meet any acquaintances that day, that you can recall, on your route to Mr Boll's and back again?

A. I didn't meet any one.

2. Can you tell me what time you left your office on the 11th of November the day before?
Objected to - Objection sustained
Exception.

2. Were you a subscribing witness to the Payne will?

A. I was.

2. and you gave testimony before the Surrogate in regard to that matter?

Objected to - Objection Sustained

2. Where did you dine on the day of the 12th of November?

A. I dined at my house.

2. That was before you went to your office?

A. I had my breakfast there and lunch in the middle of the day.

2. And then went to your office?

A. Yes sir.

2. How long did you remain in your office?

A. I don't remember.

2. About how long?

A. I can't tell.

2. When did you leave there?

A. I don't know - I spent one hour in Brooklyn.

2. What time did you leave your office to go to Brooklyn?

A. I can't tell.

2. Was it at night?

A. In the afternoon, around two or three o'clock.

Q. You remained in your office from the time you went there, until you went to Brooklyn and that you think ^{around} was ~~at~~ two o'clock?

A. Exactly. It might have been a little later.

Q. You went then to Brooklyn?

A. Yes sir.

Q. How long did you remain there in Brooklyn?

A. About an hour.

Q. Then did you go back to your office?

A. No, I didn't - I went straight up to Henry Bolt's house.

Q. In the evening?

A. Yes sir.

Q. About what time did you start to go there?

A. I cannot say the hour over in Brooklyn, I reached Henry Bolt's house at 8 o'clock - I must have
(89)

started several hours before that
It takes about two hours and
a half perhaps.

Q. You went from Brooklyn direct
to Henry Bolts?

A. I did.

Q. You got there about 8 o'clock.

A. Yes sir.

Q. You figure it takes two hours
from Brooklyn to Bolts?

A. Yes sir, it takes longer than
that, it is thirteen miles.

Q. How long did you remain at
Bolts?

A. Until I took the 9.04 train ^{down} ~~home~~.

Q. Then you went home?

A. I went home then.

Q. Direct home?

A. Directly home.

Q. Did you leave the house that night?

A. Don't know, can't remember.

Q. Can't remember what you did
when you got home?

A. My impression is that I remained
home.

2. Then you swear positively that on the 12th of November 1886, you and your sister visited Bolt and the transactions you described took place?

a. Yes sir.

2. You can't be mistaken about the date?

a. No sir.

2. This assignment was drawn up by you at your house?

a. Yes sir.

2. And the name was left blank?

a. Yes sir.

2. And the name was filled in by you as you have testified at the House of Ewald Bolt, and that was filled in by you at that time?

a. That was all that was filled in in the body of the instrument at that time.

2. Everything else in the instrument excepting the name was filled in or was witnessed by you at

- your house prior to your departure
- A. The ruling was not done there it was done at my house.
- Q. I refer to the written words.
- A. With the exception of Henry's name and Mr Bolt signed his name there, and I signed my name after he signed his certificate. The acknowledgment was written at my house.
- Q. All the written part contained in this instrument, excepting the name of Henry Bolt, and the ruling, the signature of this Ewald Bolt, your name as subscribing witness, and your acknowledgment, excepting all that everything else contained in this instrument, so far as the writing was concerned was in, at the time you left your house on the morning of the 12th of November, and excepting the endorsement?
- A. It was Yes sir.

Re-direct examination by Mr Love

2. The witness is shown defendants exhibit "A" - you have testified to the execution of that paper in your presence. Was any member of the Bolt family there - were either of the ^{young} ladies, Rosa or Annie, present?

a. None of the Bolt family were there except Bolt himself - He signed it.

Re-cross examination by Mr Conner

2. You ceased to be the owner of this property in 160th street, about what time?

a. On the 15th day of November 1886.

2. You conveyed the property to who?

a. Ferdinand Wessendorf and wife.

2. And this mortgage September 11th 1886 was executed by you to Ewald Bolt to secure a portion of the purchase money of that

property which Mr Bolt had sold to you, is that so?

A. Yes.

Q. And you likewise executed the bond at the same time that you executed the mortgage?

A. I did.

Q. Christopher Kelly is your father?

A. Yes sir.

Terence C. O'Reilly, a witness for the defense, being sworn testified as follows -

Direct examination by Mr Lowe.

Q. Where do you reside?

A. 249 - East 52nd street.

Q. You are a member of the bar Mr O'Reilly?

A. Yes sir.

Q. Have been for how long?

A. About six years.

Q. You know Mr. Bernard J. Kelly?

A. Yes sir

Q. How long have you known him?

A. About four years.

Q. And his father?

A. Not very much.

Q. You know Mr Henry Bolt?

A. I do.

Q. How long have you known him?

A. Well I knew him I think, well about, the month of September 1886.

Q. Were you at Henry Bolt's house?

A. Henry Bolt, I didn't know Henry Bolt until I think the early part of November. I won't be positive as to the date.

Q. Were you at the house of Henry Bolt on the 25th day of April 1887?

A. In that neighborhood, I won't be positive as to the date.

Q. Who was with you?

A. Mr Bernard J. Kelly.

Q. What hour was it?

A. I don't recollect that - I think it was in the middle of the (86)

day. In the neighborhood of
one or two o'clock.

Q. Was there anyone else present
besides Mr. Kelly?

A. Mr. Bolt and some other person
and his wife.

Q. Was the Notary Public there,
Mr. McGovern? was he
there?

A. I am not positive of that.

Q. Did you see the money paid?

A. Question withdrawn.

Examination adjourned
until Saturday morning
October 8th at 10. A. M.

Fifth District Police Court
New York, October 15th 1887.

The People on Complaint of
Paulus Sackee
vs.

Bernard J. Kelly

Forgery

Examination before
Hon.

Andrew J. White

Police Justice

Same Appearance

Alfred D. Hoyt, of No. 60 Downing
street, Brooklyn, engaged in the
Coal business, being called by the
defense in sur-rebuttal, and
being duly sworn testified as follows.
Direct Examination by Mr Love

Q. Mr Hoyt, do you know Bernard J.
Kelly?

A. Yes sir.

Q. How long have you known him?

A. Well, something over three years. (1)

Q. This man Bernard J. Kelly, sitting by you?

A. Yes sir.

Q. Do you know Mr Spencer C. Doety?

A. Yes sir.

Q. How long have you known him?

A. Well, nearly four years.

Q. You and he, were executors of an estate, were you not?

A. We were.

Q. Do you remember in November 1886, being at his office for the purpose of executing a deed. You and he, as executors?

A. Yes sir.

Q. You and Mr Doety were executors?

A. Yes sir.

Q. Do you remember who took the acknowledgment of that deed?

A. My recollection is that Mr. Kelly did.

Q. Will you please state, according to the best of your recollection, what time you reached Mr Doety's office in November 1886. Do you

remember the day?

A. I don't remember the day. It was in the early part of November I should think.

Q. You executed no other deed in that month?

A. Not at that time.

Q. What time did you reach the office that day?

A. Well, as near as I can tell, it was between eleven and twelve o'clock.

Q. Was Mr Kelly there, when you arrived?

A. That I cannot say, I don't remember.

Q. You don't remember whether he was there, or arrived after you did.

A. No, I don't.

Q. Well, it was at that hour, that you executed this deed, between eleven and twelve?

A. As near as I can remember, it was.

Bridget O'Brien, of No. 291-21st Street
South Brooklyn, being called by the
(3)

defense, in sur. rebuttal, and being
duly sworn testified as follows -
Direct examination by Mr Love

Q. Do you know this gentleman Bernard
G. Kelly?

A. Yes sir.

Q. How long have you known him?

A. He was to my house on the 12th
of November 1886. That is the
first time I have seen him.

Q. That was the first time you ever
saw him, on the 12th of November
1886, at your house?

A. Yes sir.

Q. What time in the day was he there?

A. As near as I can remember, it
was between four and five o'clock
in the afternoon.

Q. How long does it take to go from
Hamilton Ferry to your house. How
long does it take?

A. That is something I could not tell.

Q. Well about how long, have you
any idea?

A. No sir, I could not tell. I seldom
(4)

ever come that way.

Q. What route do you come to New York?

A. I came by that route this morning.

Q. From your house?

A. Yes sir. I generally come the Court street line.

Q. How do you come to remember it was between four and five?

A. I had been to the store for things for my ^{family's} ~~family's~~ supper. As I passed sir, I saw this gentleman, and a lady in the hallway. I took no particular notice of either him or her until he came in my apartment.

Q. Now can you state how you come to remember it was the 12th of the month, the 12th of November?

A. I had paid half a month's rent to Mr. Abrahamson on that day. This gentleman asked me to show him some of my receipts. He said he was in the interest of Mr. Doty. I had never seen this gentleman until then.

Q. Did you show him your receipt?

- A. Yes sir, I gave him this.
- L. That receipt, that you have in your hand?
- A. Yes sir. Mr. Abrahams generally takes the rent in two payments.
- L. It was on the same day you got that receipt, you saw Mr. Kelly?
- A. Yes sir.
- L. That receipt is dated the 12th of November?
- A. Yes sir.
- L. That is the way you know it was that day?
- A. Yes sir. Then I didn't see him again, until the second of May 1887. Then he came to notify us, that we had Mr. Abrahams, back again as agent.
- L. For the collection of rents, was it?
- A. Yes sir.
- Cross examination by Mr. Cowan
- L. Let me see that receipt, madam please. Who wrote this receipt that I hold, do you know?
- A. I really, couldn't say.

L. You don't know who wrote it?

A. No.

L. Will you swear it was the 12th of November, you got it?

A. Yes sir.

L. How do you tell it, by the date?

A. No, I generally recollect. I have a very good memory.

L. Tell me what sort of a day it was?

A. The day was pleasant enough, but it rained that night.

L. When you saw Mr Kelly?

A. No sir.

L. Had you any previous acquaintance with Mr Kelly?

A. No sir.

L. Do you know Mr O'Reilly?

A. No sir. I ^{have} never seen either of those gentlemen.

L. And you remember this was about five o'clock in the afternoon?

A. Between four and five in the afternoon.

L. Can you tell me how Mr. Kelly was dressed that afternoon?

A. Well, I couldn't exactly say. I

- recollect peoples physiognomy, but I never notice their clothing much.
- Q. This was between four and five in the afternoon?
- A. Yes sir.
- Q. And you say you remember it was the 12th of November, besides the fact, that the receipt is dated the 12th?
- A. Well, I suppose I might not have remembered it quite so well.
- Q. Can you remember other circumstances that occurred on the 12th of November, beside the fact, of seeing Mr Kelly?
- A. Not exactly. I could in my own family.
- Q. Could you tell me what you had for dinner that day?
- A. I take a very light dinner.
- Q. Could you tell me?
- A. I generally take bread and tea, and beefsteak.
- Q. Will you swear you took it that day?
- A. Well, I don't know.

2. I want to know exactly what other things you remember regarding the 12th of November, besides seeing Mr. Kelly?

A. I couldn't tell you a number of things.

2. You remember this fact standing out, particularly?

A. Yes sir.

2. It was between four and five o'clock?

A. Yes sir. In November at that time the days are very dark.

2. You can't tell us how he was dressed?

A. No sir.

2. You can't tell any other particulars of the day except you saw him. When did you first get any intimation, that you were to come here as a witness?

A. Well I really don't remember anything about that.

2. Yet you can remember back to the 12th of November?

A. I didn't know what I was wanted for.

2. When were you first notified to

be here as a witness?

A. I cannot say.

Q. Have you talked with Mr. Kelly about this case?

A. No sir.

Q. Not a word?

A. Not until I saw him in Court this morning.

Q. Then you spoke to him?

A. I just said, Good morning.

Q. Did you know what you were to testify to?

A. No sir, I did not.

Q. How did you come to bring this receipt?

A. Well, I don't know. I was told it would be necessary to bring this receipt.

Q. Who told you that?

A. I couldn't really tell you.

Maria Armstrong, of 1444 - Third Avenue, being called by the defense in sur-rebuttal, and being duly sworn, testified as follows -

Direct examination by

Mr. Lowe

Q. Where do you reside?

A. 1444 - Third Avenue.

Q. Brooklyn?

A. New York.

Q. Have you any recollection of going to Brooklyn, to look for rooms?

A. Yes sir.

Q. When was that?

A. November.

Q. What year?

A. Last year, sir.

Q. November 1886?

A. Yes sir.

Q. Do you recollect the day?

A. Yes sir.

Q. What was the day?

A. The 12th of November.

Q. Have you any means of remembering why it was the 12th?

A. My reason for remembering the date was, I paid my rent where I was on the first, and the gentleman that was showing me the apartments, he wanted me to

commence rent on the 10th.

Q. Where, in Brooklyn?

A. Yes sir. And as that was the 12th he would only allow the three days.

Q. Who was the gentleman?

A. This gentleman.

Q. Mr. Bernard J. Kelly?

A. Yes sir.

Q. What time was it you saw Mr. Kelly in that house in Brooklyn on the 12th of November, what hour?

A. It must have been between four and five.

Cross examination by Mr. Conner

Q. How did you come to be a witness here to day?

A. Well, sir, I heard from Mr. Kelly. He wrote to me saying to me to be here.

Q. He did.

A. Yes sir. At least to call to his office, he wished to see me.

Q. You called at his office?

A. Yes sir, I did.

Q. Did he call to your mind the

fact, what you had been to Brooklyn on the 12th of November?

A. He asked me if I remembered going to Brooklyn.

Q. Did he ask you if you remembered being there on the 12th of November?

A. Yes sir.

Q. You said yes, it was the 12th of November. And was anybody present with you looking for rooms?

A. No sir.

Q. You went alone?

A. Yes sir.

Q. How did you come to go to Brooklyn?

A. I have always had a wish to go to Brooklyn.

Q. Did you look in any other houses that day?

A. No sir, I saw it was getting late and of course I came home. I didn't like the location at all.

Q. You are positive it was the 12th?

A. Positive, sir.

Q. What day of the week was it?

- A. As far as I can remember, I think it was on a Friday.
- Q. You won't swear it was Friday?
- A. I would not like to swear to anything I am not sure of.
- Q. Tell me how Kelly was dressed that day?
- A. Well that sir, I could not be positive of. He seemed to have dark clothing on.
- Q. Tell me the color of his hat, and the shape of it?
- A. I think it was a derby.
- Q. You won't be positive?
- A. No sir.
- Q. How often had you seen Mr. Kelly before that day?
- A. Never sir.
- Q. Did you take the room?
- A. No sir.
- Q. Did you give him your name that day?
- A. Yes sir, I did.
- Q. Did he take a memorandum?
- A. He wrote down the name and address. I told him I came from (14)

New York.

Q. Where did you see him in this house?

A. On the ground floor.

Q. In an office?

A. No sir, he was looking at the condition of the rooms.

Q. How was the weather that day?

A. Well sir, it was not very nice whether, it was pretty bad in the evening.

Q. How was it when you were in Brooklyn?

A. It was fine.

Q. Did you have an umbrella with you?

A. Yes sir.

Q. Was it fine when you went out?

A. Yes sir.

Q. And you took an umbrella?

A. I generally do.

Q. Did it rain before you got back?

A. No sir.

Q. What time did you get home?

A. It was after six.

Q. How do you know?

A. I know it was after supper time.

- Q. Did you have supper when you got home?
- A. Of course sir.
- Q. Then it was not after your supper time?
- A. No sir.
- Q. Who had supper?
- A. Myself, my little child, and my husband.
- Q. ^{What is} you mean, after your usual time for getting supper in November?
- A. About six o'clock.
- Q. Have you a husband?
- A. Yes sir.
- Q. What is his business?
- A. He is a blacksmith.
- Q. And on the 12th of November, you say you saw Mr. Kelly in Brooklyn - you never saw him until when afterwards?
- A. Until I saw him at his office.
- Q. When was that?
- A. Last Thursday week.
- Q. Didn't you move?
- A. No sir.
- Q. You did not?

A. No sir, I am in the same place still.

Q. You went over to Brooklyn looking for rooms and did not move?

A. No sir.

Q. Where did you live on the 12th of November last?

A. Where I am living now.

Q. Where is that?

A. 1444 - Third Avenue

Q. You say you went to Brooklyn to look for rooms, went directly to this house, saw Mr Kelly, talked to him, came back home, and never moved?

A. Yes sir. I never moved.

Casper Schellhauer Jr. residing at 670 - 151st street, being called by the defense in sur-rebuttal, and being duly sworn testified as follows -
Direct examination by Mr Love

Q. Where do you reside?

A. 670 - 151st street.

Q. New York City?

A. I believe they call it New York City.
(17)

- Q. How long have you lived in New York City?
- A. Ever since I have been born.
- Q. You were born here?
- A. Yes sir.
- Q. Did you know Ewald Bolt?
- A. Yes sir.
- Q. How long did you know him?
- A. Well about between nine to twelve years. Something of that kind.
- Q. Did you ever converse with him?
- A. Now and then I did.
- Q. Could Mr Bolt understand and speak English?
- A. He could understand it, but speak it broken.
- Q. He could speak it?
- A. In broken.
- Q. Could he?
- A. Anybody that watches him pretty close could understand him.
- Q. He spoke broken English?
- A. Yes sir.
- Q. Did he have some conversation in English with you?
- A. Now and then. I would go there

I would say, well Pop, how do you feel today, He would say, Not very good. I have had a conversation with him, it was not quite a conversation, about the grape arbor. I said, Mr Bolt why don't you attend to your grape arbor more. Well he said, I feel very sick, I can't attend to it, so my son when he comes home he is tired.

Q. You spoke to him in English, and he answered you in English, in broken English?

A. Yes sir.

Cross examination by Mr. Conner.

Q. Bolt could understand you when you spoke in English?

A. Yes sir.

Q. Could Mr Bolt understand this which I now read. (Counsel reads first clause of Peoples Exhibit "A")?

A. Yes sir, he could.

Q. You swear to that.

A. Yes sir, he could.

Sarah Farrar, of 5 West 123rd Street,
called by the defense. in rebuttal
being duly sworn testified as follows—
Direct examination by Mr. Love

Q. How long have you lived in New-
York?

A. Well I was born here, sir.

Q. What is your business?

A. Well, I am living in a family
as house-keeper.

Q. Did you know Ewald Bolt?

A. Yes sir, I knew him. My sister
is married to the son.

Q. That is, your sister married
Henry Bolt?

A. Yes sir.

Q. How long did you know the old
gentleman?

A. Well, I guess somewhere about
16 or 17 years.

Q. Did you see him often during
that time?

A. I would see him often but never
have much conversation with him.

Q. Have you heard him talk?

- A. Yes sir, I have talked with him.
- L. Do you speak German?
- A. No sir.
- L. You do not?
- A. Not a particle.
- L. You have talked to him have you
in English?
- A. Yes sir.
- L. Did he understand you?
- A. Yes sir.
- L. Did he answer you in English?
- A. Yes sir.
- L. Did you carry on a conversation
with him?
- A. No, not much of a conversation
I would ask him how he felt,
Better or worse, he would answer.
- L. Could you never had any long conversa-
-tion with him?
- A. No sir, never had any occasion for it.
- L. But he understood all you said,
and you could understand him?
- A. Yes sir.
- L. Did he speak in broken English, with
a German accent?

- A. Yes sir. I could well understand pretty near everything he said to me. Goes examination by Mr. Roman.
- Q. You say your sister married the old gentleman's son?
- A. Henry Bolt, yes sir.
- Q. Did you ever speak with old Mr. Bolt in conversation, twenty words together, connectedly?
- A. At one time.
- Q. Yes?
- A. Well, I guess I have.
- Q. Are you positive about it?
- A. Well, I would say, Good morning, and he would answer. He was sick one time, and went to bed. I fixed irons to his feet, and I asked him several questions. I should judge about twenty words.
- Q. How often in your acquaintance with him, have you talked with him, twenty times?
- A. Yes sir, twenty times during the time I have been acquainted with him.

- Q. And that is how long?
- A. Seventeen years.
- Q. On an average, how often would you see the old gentleman, for the last five years?
- A. The most often I saw him, when my sister was sick, I was with her two weeks at Bolt's house. I was nursing her, and that is the most I have ever been with the old gentleman.
- Q. Did you ever see him read an English newspaper?
- A. I wouldn't like to say.
- Q. Could he read an English newspaper?
- A. Well, I don't know. I won't say that. I am not positive.
- Q. You never saw him with one in his hand?
- A. No sir, I don't know as I have.
- Q. Look at this deed please - (Witness is shown People's Exhibit "A") could he read that?
- A. I don't know what to say about

this. I can read it.

Q. Do you understand it. He couldn't understand that could he. Old man Bolt couldn't understand that?

A. Well, I don't know what to say.

Q. Your acquaintance with Bolt is not sufficient, although you have known him twenty years?

A. No sir.

POOR QUALITY
ORIGINAL

0497

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Louis Selig

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

Louis Selig
of the CRIME of Extortion

committed as follows:

The said

Louis Selig

late of the Tenth Ward of the City of New York, in the County of New York afore-
said, on the seventeenth day of November in the year of our Lord
one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid,

did feloniously and extorsively obtain
from one, Mary Krumm, certain
property, to wit: the sum of two dollars
in money, lawful money of the United
States, and of the value of two dollars, with her
consent, induced by a wrongful use of fear, to
wit: fear on the part of her, the said
Mary Krumm, then and there by him,
the said Louis Selig, induced by a threat,
by him, then and there made to the said
Mary Krumm, to accuse her, the said
Mary Krumm, and Charles Krumm,
her husband, of a crime, to wit: the crime of
selling intoxicating liquors and wines as
a beverage on the first day of the

week, commonly called and known as Sunday, and also of a certain other crime, to wit: for that they, the said Mary Krumm and Charles Krumm being in charge of and having the control of a certain place, their situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close and keep closed on divers first days of the week so commonly called and known as Sunday and on the said days, the said place so licensed as aforesaid, unlawfully did then and there open, and remain open, and also for that the said Mary Krumm and Charles Krumm, being in charge of and having the control of the said place, so licensed as aforesaid, with force and arms, at the City and County aforesaid, the said place so licensed, as aforesaid unlawfully did not close and keep closed between the hours of one and five o'clock in the morning of divers days and between the said hours, the said place so licensed as aforesaid, unlawfully did then and there open and cause and procure, and suffer and permit at the time aforesaid to be open and to remain open on the

said divers days aforesaid, and also of a certain other crime, for that they did unlawfully exhibit to the public in the said place, a certain entertainment of the stage, no license for the said place of such exhibition for such purpose, having been first had and obtained as required by law, and also of a certain other crime for that they, in the auditorium of the said building and place of exhibition and performance, wherein a certain entertainment of the stage was being exhibited to the public, certain strong and spirituous liquors, and certain wines and beer, to wit: one gill of wine, one gill of brandy, one gill of gin, one gill of whiskey, 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 Grand Jury aforesaid unknown, unlawfully did on divers days, sell and furnish to certain persons, being in the auditorium aforesaid, and by certain other threats by the said Louis Selig, then and there made to ruin the said Mary Krumm and Charles Krumm, and to prevent and hinder them from carrying on their lawful business:

**POOR QUALITY
ORIGINAL**

0500

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

Richard J. Bannister

District Attorney.