

0383

BOX:

518

FOLDER:

4719

DESCRIPTION:

Gormley, William

DATE:

04/11/93



4719

Witnesses:

Margaret Wanken

Counsel,

Filed

Pleads,

114

day of April 1893

THE PEOPLE

vs.

William Gamley

Burglary in the Third Degree.
[Section 498, Penal Code.]

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel Dwyer
Foreman.

April 17/93

Heads of Jury Seley

S.P. 20886 mo. 1893

0385

Police Court—

3rd District.City and County { ss.:
of New York,Margaret Warrken
of No. 338 East 14th Street, aged 38 years,
occupation Keep house being duly sworndeposes and says, that the premises No 338 East 14th Street, 17th Ward
in the City and County aforesaid the said being a dwelling house; apart-
ments on the first floor, of
and which was occupied by deponent as a dwelling
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly turning the
knob of the door and enteringon the 8th day of April 189³ in the day time, and the
following property feloniously taken, stolen, and carried away, viz:with intent to commit some crime
therein

the property of

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

William Garmely (now here)

for the reasons following, to wit: that said door was
closed and large quantity of personal
property was in the apartment. Deponent
went into the rear apartment and
immediately returned and found the
defendant in the room and saw that
a bed in the room had been moved
from in front of a wardrobe where
said property was in and deponent

Charges that said entry and said
act in said room was done with
intent to steal and carry away
personal property
Sworn to before me
this 9th April 1893 } Marguerite Warner
Charles J. Linton }
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
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 1888
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

vs.

1.
2.
3.
4.

Offence—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witness,

No. Street,

No. Street,

No. Street,

No. Street,

to answer General Sessions.

0387

Sec. 198-200.

3 District Police Court. 1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

William Garvey

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

New York

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

Answer.

West 4th & Bowery 1 month

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty
William Garvey
mark

Taken before me this 9th

day of April 1893

Charles J. ...
 Police Justice.

0388

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 Ten 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, April 9 189 3

Charles N. Luntz Police Justice.

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

Dated, _____ 189

Police Justice.

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

Dated, _____ 189

Police Justice.

0389

Police Court---

393 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Margaret Warner
vs
William Gormley

2
3
4

Offense

Burglary

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, April 9, 1893

Taunt Magistrate.

Bush Officer.

Precinct.

Witnesses Marika Warner

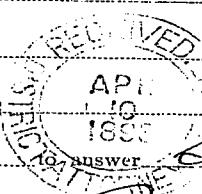
No. 338 E. 14th Street.

Call officer

No. Street.

No. Street.

\$ 1000



338 E

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

THE PEOPLE OF THE STATE OF NEW YORK

against

William Gormely

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

William Gormely

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

The said

William Gormely

late of the *17th* Ward of the City of New York, in the County of New York aforesaid, on the
eightth day of - *April* - in the year of our Lord one
 thousand eight hundred and ninety- *three* , with force and arms, in the *day* time
 of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Margaretthe Warnken

there situate, feloniously and burglariously did break into and enter, with intent to commit some
 crime therein, to wit: with intent the goods, chattels and personal property of the said *Margaretthe*
Warnken in the said dwelling house then and there being, then and there
 feloniously and burglariously to steal, take and carry away, against the form of the statute in
 such case made and provided, and against the peace of the People of the State of New York and
 their dignity.

De Launcey Nicoll,
District Attorney.

0391

BOX:

518

FOLDER:

4719

DESCRIPTION:

Gottschalk, Moritz

DATE:

04/05/93



4719

0392

BOX:

518

FOLDER:

4719

DESCRIPTION:

Gottschalk, Mendel

DATE:

04/05/93



4719

0393

Witnesses:

C. Ruckstahl
Herman Lorn
Off Heidelberg

24.

Counsel,

Filed,

day of

April 1893

Pleads,

THE PEOPLE

vs.

1 Moritz Gottschalk

2 Mendel Gottschalk

DENISEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel Dwyer

P. J. June 30. 1893. Foreman.

42 Tried and acquitted

Grand LARCENY, 2nd degree.
(False Pretenses.)

[Section 533, and 531, Penal Code.]

CITY AND COUNTY OF NEW YORK SS:

CAROLINE RUCKSTUHL being duly sworn, deposes and says:-

That she resides at No. 159 1/2 Essex Street, in the City of New York; that on the 10th day of November, 1891, at the said City of New York, in said County, the sum of Two, ^{and thirty-five} Hundred ^A Dollars ^A was feloniously stolen, taken, and carried away, from the possession of the said Caroline Ruckstuhl, and that she has just cause to suspect and believe, and does suspect and believe, and there is probable cause to believe, that Moritz Gottschalk and Mandel Gottschalk did steal, take and carry away the same; that the facts upon which this affidavit is based are as follows:-

On the said 10th day of November, the said Moritz Gottschalk and Mandel Gottschalk called upon deponent at her former place of residence, at No. ^{152 Essex St} ~~133 Stanton~~ Street, in said City of New York and, having conspired with intent to deceive and defraud the deponent and to obtain money from her by trick and device, falsely and fraudulently represented to deponent, Caroline Ruckstuhl, that her husband, Jacob Ruckstuhl, had purchased certain Real Estate in the Village of Holbrook, County of Suffolk and State of New York, and had sent them to her for the money, namely, Three Hundred (\$300.) Dollars, and, at the same time, said Moritz Gottschalk and Mandel Gottschalk produced a paper, which they represented was a deed of the property so purchased; that deponent, re-

lying upon said representations and believing them to be true, paid to said Moritz Gottschalk and Mandel Gottschalk the sum of Two Hundred ^{and thirty-five} (\$235.00) Dollars; that said representations were false and untrue to the knowledge of said Moritz Gottschalk and Mandel Gottschalk; that the said Jacob Ruckstuhl, the husband of deponent, had not purchased, or agreed to purchase said property, nor had he sent the said Moritz Gottschalk or Mandel Gottschalk, or either of them, to deponent for the said Two Hundred Dollars, or any part thereof, nor had he made any arrangement or agreement with them in reference to the matter.

Taken, subscribed and sworn to before
me this 3rd day of March, 1893.

Charles H. Smith
Justice

Caroline Ruckstuhl

0396

Sec. 198-200.

3

1883

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Mendel Gottschalk

Question. How old are you?

Answer.

39 Years.

Question. Where were you born?

Answer.

Germany

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

Answer.

336 East 106 Street. 4 months

Question. What is your Business or profession?

Answer.

Sign Maker

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**Mendel Gottschalk*

Taken before me this

221

day of *March* 1893

Police Justice.

0397

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

Mendel Gottschalk
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of ten 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, March 23 1893

[Signature] Police Justice.

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

Dated, _____ 189 _____

Police Justice.

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

Dated, _____ 189 _____

Police Justice.

0398

\$500 bail by March 23 at 2 R
where further evidence

BAILED,

No. 1, by _____
Residence _____ 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

Car Ruckstuhl
vs.
Moritz Gottschalk
Mendel Gottschalk

Dated March 21 189
Magistrate.

C. Heidelberg P.O. Precinct.

Witnesses Jacob Ruckstuhl
No. 159 1/2 Essex Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer

any - C. W.
Kell ordered

0399

Mr. D. Makov

Hakerman Eng Co.

Laurel Hill P.O.

Berlin City L.I.

No 33 East 10th St. N.Y.

0400

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 48 years, occupation laborer of No. 159 1/2 Essex St NYC Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Caroline Ruckstuhl
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

of

189

James J. Jacob Ruckstuhl

Charles Hunter Police Justice.

0401

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.**21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	RECEIVED BY	CHECK
3 DV	m	Day 9 Paid	1052

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. 4/10 1893

Dated Albany N.Y. 10

To John D. Lindsay

32 Chamber St
New York

Have papers all right start
at once for Chicago
Heidelberg

Form No. 168.

THE WESTERN UNION TELEGRAPH COMPANY.**21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

W 177 CH AH & GL 9 PD

1-40

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y.

APL 12

189

Dated CHICAGO 12

To JOHN D LINDSAY

32 CHAMBER ST NEWYORK.

G WAS DISCHARGED MONDAY LAST WILL EXPLAIN ON ARRIVAL

HEIDELBERG

The Courts.

New York City

June 24th 93

Justice Martine

Court of General Sessions.

New York City

Honorable Sir:-

For the past three months have been held in the Tombs and unable to get a trial.

I understand the law to read a person can be held two terms of court, 60 days! without trial. That after that time the prisoner is entitled to an immediate trial or discharge.

I do not understand why I cannot get a trial as per the law of this state.

I have a wife & five children dependent upon me for support.

Three of the children are now sick and my wife without funds.

My wife gave Mr Van Meter of the firm of Westfield & Van Meter, No. 10, for which he agreed to take my case & wait for the balance of his fee.

He now refused to do anything for me or return the \$10.

I earnestly request your honor will either discharge me or give me a trial without delay.

I write you as my case is in your court.

I am, sir,

Very respectfully,

Your obedient servant
Mendel Gottschalk

Justice Mathew
Court of General Sessions

Dear Sir,

In behalf of the Evening News
Cops of Free Physicians for Sick Babies
I am taking care of Mrs. Gottschalk
Chile who is very sick and the mother
is unable to buy medicines or proper
food.

Very truly yours

W. N. Hubbard M.D.,
7 East 41st St.

The Tomb -

Monday

Am. District Attorney:

Dear Sir: I have been confined in the Tomb for five weeks and over. My family are destitute with no means of support. I have not been indicted or called to the Court once. My brother sold some property to a lady and has been absent from the city five months, I don't know where. He was arrested in Chicago but they let him off. I was arrested because I was with him at the time - I know nothing about it. I am a cigar maker & was arrested at work. The lady says she has no charge against me. I have no money to pay a lawyer. Please inform my wife what I am to do - if I could get my release. Resp

Mendell Gottechalk

0405

Mr. Loring -

Please take
up the case & return
to me -

L. Loring

STATE OF NEW YORK.

-----X

IN THE MATTER

of

Moritz Gottschalk,
a fugitive from Justice.

-----X

City and County of New York, SS:

Charles Heibelberg being duly sworn deposes and
says as follows:

I am a Detective Sergeant of the Municipal Police of
the City of New York. The above named fugitive is
jointly indicted with his brother, Mendel Gottschalk, for
having swindled Caroline Ruckstuhl out of two hundred
and thirty-five dollars, by means of false pretenses.
These two defendants and Bruno W. Gottschalk, another
brother, prior to the month of February 1892, carried on
a so-called banking business at No. 1 Union Square, in
this city, and under cover of their business succeeded,
according to numerous complaints made to the Police
Department of this city, in swindling a large number of
poor Germans in this city out of large sums of money.

Caroline Ruckstuhl, the complainant in this present
case, in the month of November 1891, resided with her
husband, Jacob Ruckstuhl, at No. 152 Essex Street. They
had been in this country only about a year, and were
unfamiliar with the customs of the country. They are

2.

uneducated people, but hard-working and honest. Neither of them speak the English language. The husband was at the time employed as a waiter in a restaurant, the complainant did washing and housework, and thereby contributed to the support of the family.

At the time of the commission of the offense, she had saved up Two hundred and thirty-five dollars, and this she had deposited in the German Savings Bank at the corner of 4th Avenue and 14th Street, in this city. In some way the Gottschalks' learned this fact and used it in order to insinuate themselves into her confidence. The indictment exactly states the means by which they obtained this money from her, which was every cent she had in the world. The defendants intended to get three hundred dollars from her, and when they found that two hundred and thirty-five dollars was all she had, Morris Gottschalk, the fugitive, threatened her with violence unless she paid the balance.

Numerous complaints against the Gottschalk family had been placed in my hands for investigation by the Chief Inspector of Police, and in the month of February 1892, the Grand Jury of this county, upon evidence procured by the police investigation, found two indictments against Bruno W. Gottschalk for grand larceny in the second degree, in having swindled two ignorant Germans, and I was detailed to apprehend him. I discovered that he was in Chicago, and requisition proceedings were instituted for his rendition. I was named as the Agent

3.

and went to Chicago where the fugitive was delivered into my custody. Having brought him back to this city and lodged him in the City Prison, Caroline Ruckstuhl, the complainant, called at Police Headquarters for the purpose of ascertaining whether he was the person who had swindled her. She found he was not, and her case was then placed in my hands for investigation. In the month of March 1892, I having been unable to locate the persons who had swindled her up to that time, I was sent to Denmark in company with Detective Sergeant Philip Reilly, as the Agent to receive from the Danish government the fugitives Greener and Bjorkman who were surrendered upon certain charges of forgery and larceny, and I did not return to New York until June 1892. I was unable after that time to learn anything about the whereabouts of the fugitives until the arrest of Mendel Gottschalk in March 1893. The complainant herself, in some way and without my knowledge, learned that Mendel Gottschalk was working in a cigar shop in Lullow Street, in this city, and she at once went before Police Justice Taintor in this city, and procured a warrant for his arrest. The warrant was issued on the third of March, but the defendant was not arrested until the 21st of March. He was taken before Police Justice Koch and committed for trial in default of one thousand dollars bail, and he is now confined in the City Prison in this city, awaiting trial upon an indictment which has been

4.

found against him and his brother, Moritz Gottschalk, jointly. After Mendel Gottschalk had been arrested I learned that in the summer of 1892, Mendel Gottschalk was arrested and sentenced to three months in the Penitentiary of this county for another swindle, and that about the time of his arrest, but the exact date whereof I am ignorant, Moritz Gottschalk, in apprehension that he would be involved in the same prosecution, fled from this State and went to Chicago where another brother resides and is engaged in business.

Immediately upon the finding of the indictment in this case, an original bench-warrant against Moritz Gottschalk was forwarded to the Chief of Police of Chicago by the Police Department of this city, together with a communication fully setting forth the facts in the case and requesting that Moritz Gottschalk be arrested and held pending rendition proceedings.

I am informed by William W. McLoughlin, Inspector of Police of this city, that on this 8th day of April 1893, he received a telegram from the Chief of Police of Chicago informing him that the said Moritz Gottschalk had been arrested there and would be held to await the arrival of the necessary documents.

There has been no delay on the part of the complainant in this case to press her charge against the fugitive and to secure his prosecution and punishment, and the delay in locating and apprehending him has been due to unavoidable circumstances.

5.

Bruno W. Gottschalk, above referred to, whom I brought back from Chicago in February 1892, was tried and convicted of the offense of grand larceny in the second degree before Judge Martine, in the Court of General Sessions, and on April 14th 1892, was sentenced to imprisonment in State Prison at hard labor for the term of four years and ten months.

The application for this fugitive's rendition is made at the request of the Police Department in pursuance of an earnest effort to effectually punish a gang of dangerous swindlers who for several years past have preyed upon their ignorant and confiding countrymen.

Sworn to before me this :
:
8th day of April, 1893. :

0411

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Morty Liptschalla
and *Mendel Liptschalla*

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

Morty Liptschalla and Mendel Liptschalla

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

The said *Morty Liptschalla and Mendel*
Liptschalla, both —

late of the City of New York, in the County of New York aforesaid, on the *Tenth*
day of *November*, in the year of our Lord one thousand eight hundred and
ninety- *one*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one Caroline Rudstul* —

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the
use and benefit thereof, and to appropriate the same to *their* own use, did then and there
feloniously, fraudulently and falsely pretend and represent to *the said*
Caroline Rudstul. —

That *they* the said *Morty Liptschalla*
and *Mendel Liptschalla* were then the
sole authorized representatives of a certain
savings institution in the said City
known as the *German Savings Bank*
wherein the said *Caroline Rudstul* then
had on deposit certain moneys, as *they*
the said *Morty Liptschalla* and *Mendel*
Liptschalla then and there well knew, that
the said *German Savings Bank* then owned
certain real estate situated near the said

City of New York, and which might be reached within thirty minutes from the 34th Street Ferry in said City, which real estate had formerly belonged to the United States Government, who had sold the same to the State of New York, from which the said German Savings Bank had purchased the same at a very low price. That the said German Savings Bank then desired to sell the said real estate, and that they the said Moritz Gottschalk and Mendel Gottschalk were then and there authorized to sell the same for and on behalf of the said German Savings Bank. That one Gustav Rudastuhl, the husband of the said Caroline Rudastuhl had agreed to purchase a portion of the said real estate and then required the sum of Two Hundred dollars whereunto to pay the purchase price thereof, and that he the said Gustav Rudastuhl had sent them the said Moritz Gottschalk and Mendel Gottschalk to him, and had authorized them to obtain from him the said sum of Two Hundred dollars as much as they could raise, in order to pay for the portion of said real estate which he had agreed to buy. By color and by aid of which said false and fraudulent pretenses and representations, the said

Moritz Gottschalk and Mendel Gottschalk

did then and there feloniously and fraudulently obtain from the possession of the said

Caroline Rudastuhl, the sum of Two Hundred and Thirty Five dollars in money, lawful money of the United States of America, and of the value of Two Hundred and Thirty Five dollars,

of the proper moneys, goods, chattels and personal property of the said Caroline Rudastuhl.

with intent to deprive and defraud the said Caroline Rudastuhl.

of the same, and of the use and benefit thereof, and to appropriate the same to their own use.

Whereas, in truth and in fact, the said Moritz Gottschalk and Mendel Gottschalk were not then the duly authorized representatives of the said German Savings Bank, and the said German Savings Bank did not then own any real estate near the said City and which might be reached within thirty minutes from the said 34th Street Ferry, which had formerly belonged to the United

State government, and no real property had been ceded to the State of New York by the United States government, and the said German Savings Bank had not purchased any real property from the State of New York at a very low price, and the said German Savings Bank did not then desire to sell any real estate, and the said *Montefeltro* and *Mendel* were not then and there authorized to sell the same for or on behalf of the said German Savings Bank.

And whereas in truth and in fact the said *Montefeltro* had not agreed to purchase a portion of the said real estate, and did not then require the sum of three hundred dollars whereunto to pay the purchase price thereof; and the said *Montefeltro* had not sent then the said *Montefeltro* and *Mendel* to her the said *Caroline Rudolph*, and had not authorized them to obtain from her the said sum of three hundred dollars, or as much thereof as she could raise, or any sum of money whatever, in order to pay for the portion of the said real estate which he had agreed to buy, or for any purpose whatever.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said *Montefeltro* and *Mendel* to the said *Caroline Rudolph*, was and were then and there in all respects utterly false and untrue, as the said *Montefeltro* and *Mendel* at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said *Montefeltro* and *Mendel* in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said *Caroline Rudolph*,

then and there feloniously did STEAL, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

04 14

BOX:

518

FOLDER:

4719

DESCRIPTION:

Graham, Nicholas

DATE:

04/17/93



4719

04 15

BOX:

518

FOLDER:

4719

DESCRIPTION:

Hayes, Arthur

DATE:

04/17/93



4719

04 16

Witnesses:

Appl Maggerty
perfor 11/11/93

Carthage Graham
801 Pike St

Marta Hayes
136 Madison St.

Counsel,

Filed

1893

day of April

Pleads

THE PEOPLE

vs.

Nicholas Graham

and

Carthage Hayes

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

David Dwyer

Foreman.

April 17/93

Wm. J. Dwyer

Per the sentence enclosed
24th 1893 R.M. J.

Burglary in the Third Degree.
[Section 485, no. 6, 1st & 2nd Degrees.]

0417

Police Court— 3 District.City and County } ss.:
of New York,

of No. 251 Madison Street, aged 16 years,
 occupation Shoe House being duly sworn
 deposes and says, that the premises No. 251 Madison Street, 7 Ward
 in the City and County aforesaid the said being a Fire Store and
basement into basement
 and which was occupied by deponent as a Storage place.
 and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly opening the
lock of a door leading into a
storage room deponent occupied in
the basement of said premises and
breaking open a trunk in said room
 on the 1st day of April 1888 in the day time, and the
 following property feloniously taken, stolen, and carried away, viz:

Three coats, two pairs of pants, and two
vests, of the value about twenty
dollars
\$ 20.00

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

Nicholas Graham and Arthur Hayes
(Both now here and acting in concert)

for the reasons following, to wit: That said property was
in a room in the basement of said
premises and in a metal trunk. The
door of said room was securely fastened
and locked. Deponent is informed by Officer
James Haggerty and Henry Smith of the 7th
Precinct Police that they arrested the
said defendants having said premises
with some clothing in their possession

Deponent has since seen the property found in the possession of said Defendant and fully and positively identified said property as the property taken stolen and carried away from said premises in the manner described above.

Sworn to before me this } Minus X Lipschitz
10 day of April 1893 } Mark

Charles N. Linton
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
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 _____ 188____ Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 188____ Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated _____ 188____ Police Justice.

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1. _____
2. _____
3. _____
4. _____

Offence—BURGLARY.

Dated, _____ 188____

Magistrate.

Officer.

Clerk.

Witnesses, _____
No. _____ Street,
No. _____ Street,
No. _____ Street,
\$ _____ to answer General Sessions.

04 19

Sec. 198—200.

District Police Court.

1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

Nicholas Graham

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York City

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

Answer.

80 Pike St.

Question. What is your business or profession?

Answer.

Printer

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 guilty**Nicholas Graham*

Taken before me this

day of

April

1893

Charles M. Switzer

Police Justice.

0420

Sec. 198—200.

1882
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *Arthur Hayes*

Question. How old are you?

Answer. *14 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *136 Madison St.*

Question. What is your business or profession?

Answer. *Sell newspapers*

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*
*Arthur Hayes*Taken before me this *18*day of *April*

1893

Charles J. Tamm

Police Justice.

0421

It appearing to me by the within depositions and statements that the crime ^{wherein} mentioned has been committed, and that there is sufficient cause to believe the within named Defendants

Ten 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. 11 1893 Charles N. Lomax Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0422

Police Court---

3

405 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Lipschutz
221 Madison
Nicholas Graham
Arthur Hayes

Offense
Drury

3

4

Dated,

April 10

1893

Magistrate.

Haggerty & Horlick

Officer.

Precinct.

Witnesses

Call & Green

No.

John H. Dietz
108 E 23 St

Street.

No.

Street.

No.

Street.

\$

1000

to answer

[Signature]

Drury

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0423

Count of
General Sessions

The People
vs
Arthur Hayer

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23D STREET,

New York, April 12th 1893

CASE NO. 71549 OFFICER Dietz
DATE OF ARREST April 10/93
CHARGE Burglary
AGE OF CHILD 14 years
RELIGION Protestant
FATHER John dead
MOTHER Martha
RESIDENCE 136 Madison Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The Society
has no record of boy being arrested before.
Boy bears a bad reputation in the house
where he lives with his mother who he
often beats.

All which is respectfully submitted

Willow L. L. L.

To Dist Atty.

Count of
General Sessions

The People nr	Arthur Hayes
PENAL CODE, ss Lungberg	

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

0425

Charles J. Smith
Police Justice.

Sworn to before me, this *1893* day of *June* *1893*
James Haggerty

knowledge.

and that the facts stated therein on information of deponent are true of deponent's own

says, that he has heard read the foregoing affidavit of *James Haggerty*
Street, being duly sworn, deposes and

aged *7* years, occupation *Freemason* of No. *1021*

James Haggerty
Witness

CITY AND COUNTY OF NEW YORK, ss.

0426

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation _____ of No. _____

_____ Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of _____

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this _____ day
of _____ 1893

_____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Nicholas Graham
and
Arthur Hayes

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

Nicholas Graham and Arthur Hayes

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

The said

Nicholas Graham and Arthur Hayes, both

late of the *7th* Ward of the City of New York, in the County of New York aforesaid, on the
tenth day of *April* in the year of our Lord one
thousand eight hundred and ninety-*three*, with force and arms, in the *day*-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one
a
certain building there situate, to wit:
the building of one Simon Lipschitz—
there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Simon*
Lipschitz in the said dwelling house then and there being, then and there
feloniously and burglariously to steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

Nicholas Graham and Arthur Hayes
 of the CRIME of Petit LARCENY committed as follows:

The said

Nicholas Graham and Arthur
 Hayes, both

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

three coats of the value of four
 dollars each, ^{two} three vests of the
 value of two dollars each and
 two pairs of trousers of the
 value of two dollars each pair

of the goods, chattels and personal property of one

Simon Lipschitz

in the dwelling house of the said

Simon Lipschitz

in the building

there situate, then and there being found, from the dwelling house aforesaid, then and there felon-
 iously did steal, take and carry away, against the form of the statute in such case made and pro-
 vided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
Nicholas Graham and Arthur Hayes
 of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Nicholas Graham and Arthur Hayes*, both

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

three coats of the value of four dollars each, two vests of the value of two dollars each and two pairs of trousers of the value of two dollars each pair.

of the goods, chattels and personal property of

Simon Lipschitz

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

Simon Lipschitz

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

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

DE LANCEY NICOLL,

District Attorney.

0430

BOX:

518

FOLDER:

4719

DESCRIPTION:

Moran, Thomas

DATE:

04/24/93



4719

0431

BOX:

518

FOLDER:

4719

DESCRIPTION:

Griesmann, Michael

DATE:

04/24/93



4719

0432

No. 1. Has been incl. of P.B.M.

Witnesses

Louis Bantz

Subpoena officer
for the 5th

Counsel,

Filed

day of

1893

Pleads

20

THE PEOPLE

532 9th Ave

filman vs.

Michael Griesman

and

Thomas Moran

DE LANCEY NICOLL,

District Attorney.

May 2, 1893. WND

A TRUE BILL.

Daniel Dwyer
Foreman.

Part 2 - May 3, 1893.
No. 1 Pleads Burg. 3rd Deg.
Sent 1 yr 8 mos P.B.M.
May 1893
No. 2. Tried and Acquitted
May 3, 1893. Part 2.

Burglary in the Third Degree.
[Section 498, vs 6, 1887]

0433

Police Court—2 District.City and County } ss.:
of New York,of No. 416 West 39th Street, aged 26 years,
occupation Sailordeposes and says, that the premises No 416 West 39th Street,
in the City and County aforesaid, the said being a five story brick
Buildingand which was occupied by deponent as a Sailor Store
~~and in which there was at the time a human being by name~~were **BURGLARIOUSLY** entered by means of forcibly breaking a
panel in a door leading from the
hall into said store.on the 16 day of April 1893 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:One pair of pantaloons. of the
Amount, and value of thirty
dollars(\$ 30 ⁰⁰ / 100)the property of deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byMichael Griesmann and Thomas Moran (both now here)
and while acting in concert with each other—for the reasons following, to wit: that about the hour of 12 o'clock
mid-night of the 15th day of April 1893. deponent securely
closed and fastened the aforesaid door and said
premises, and went away. and at that time
the aforesaid property was in said store. and
that about the hour of 7 o'clock A.M. of said
date. deponent discovered the panels of said
door broken in. and the above mentioned property
taken stolen and carried away. and that said

0434

Defendant Griesman - admitted and confessed
 to Detective Officers Hoy and Curry of the 20th
 Precinct Police, that he had taken and stolen
 said property - and had secreted the same in the
 Cellar of premises No 421 West 39th St - and
 that said Officers. went to said Cellar and there
 found in said Cellar 3 pair of Pantaloons -
 which Pantaloons defendant has seen and recognizes
 as his property - and as part of the aforesaid
 property stolen from him on said date - and
 that the defendants after being advised of
 their rights - admitted and confessed in Open
 Court to defendant in presence of said Officers
 Hoy and Curry. that they had taken and
 stolen said property - defendant therefore asks
 that said defendants may be held to answer

Sworn to before me
 this 17 day of April 1893 } Louis Bantz

John P. Bantz
 Police Justice

Police Court	District
THE PEOPLE, &c., ON THE COMPLAINT OF	
Degree	Burglary
Dated	188
Magistrate	Officer
Clerk	Witnesses
Committed in default of \$	Bail
Bailed by	No.
Street	

0435

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation Police Officer of No. _____

20th Precinct Police Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Louis Bantz
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 17 day
of April 1893

Allan Hay

John B. Woodie Police Justice.

0436

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation _____ of No. _____

20th Precinct Police

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

Louis Banz

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

Sworn to before me, this _____ day
of _____ 189 _____

Patrick Curry

John P. Woodhig

Police Justice.

0437

Sec. 98-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *Michael Griesman*

Question. How old are you?

Answer. *20 years -*

Question. Where were you born?

Answer. *NY,*

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

Answer. *532-9-Avenue - 1 Month*

Question. What is your business or profession?

Answer. *Assistant Engineer*

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 guilty of taking*
And stealing three pair of
Wool Pantaloon
Michael Griesman

Taken before me this

day of

1893

John H. McLeod

Police Justice

0438

Sec. 198-200

1883
District Police Court.

City and County of New York, ss:

Thomas Moran

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

Question. What is your name?

Answer. *Thomas Moran*

Question. How old are you?

Answer. *22 years -*

Question. Where were you born?

Answer. *W.S.*

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

Answer. *404 West 24 Street - 1 year -*

Question. What is your business or profession?

Answer. *Track Driver*

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 guilty -*

Thomas Moran

Henry
Blenkinsop
39th St

Taken before me this
day of *March* 1883
John H. Edwards
Police Justice.

0439

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 defendants

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

Dated, April 17 189 3 John H. [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1891

0440

Police Court---

435 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Bault
Michael Freeman
Thomas Moran

Bluglam
Offense

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

3.....

4.....

Date, *April 17* 189*3*

W. H. Bay Magistrate.

Curry Officer.

20 Precinct.

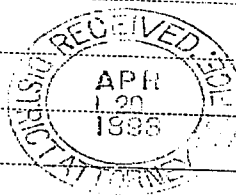
Witnesses.....

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *W. H. Bay*



(Cov)

Burg
912

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

THE PEOPLE OF THE STATE OF NEW YORK

against
Michael Guesmann
and
Thomas Moran

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

Michael Guesmann and Thomas Moran

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

The said *Michael Guesmann and Thomas Moran, both*

late of the *20th* Ward of the City of New York, in the County of New York, aforesaid, on the
sixteenth day of *April* in the year of our Lord one
thousand eight hundred and ninety-*three* in the *night*-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one *Louis Barty*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Louis*
Barty in the said *store*
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

SECOND COUNT—

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

Michael Guesmann and Thomas Moran

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

The said

Michael Guesmann and Thomas Moran

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

*five pairs of trousers of the
value of six dollars each
pair*

of the goods, chattels and personal property of one

Louis Bantz

in the

store

of the said

Louis Bantz

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

*De Laurey Nicoll,
District Attorney*

0443

BOX:

518

FOLDER:

4719

DESCRIPTION:

Griffith, Pierce

DATE:

04/07/93



4719

Witnesses:

Off. Baker

Counsel,

Filed,

7 day of April

1893

Pleads,

Magistrate

THE PEOPLE

vs.

B

Pierce Griffith

May 23 93

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel D. Orpin
Foreman.

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Pierce Griffith

The Grand Jury of the City and County of New York, by this indictment, accuse
 — *Pierce Griffith* —
 of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND
 BEER ON SUNDAY, committed as follows:

The said

Pierce Griffith

late of the City of New York, in the County of New York aforesaid, on the *twelfth*
 day of — *March* — in the year of our Lord one thousand eight hundred and
 ninety — *three* —, at the City and County aforesaid, the same being Sunday, certain strong
 and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill
 of rum, 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 spiritu-
 ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~.

and to certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against
 the form of the statute in such case made and provided, and against the peace of the People of
 New York and their dignity.

SECOND COUNT—

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

Pierce Griffith

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,
 WINES, ALE AND BEER, committed as follows:

The said

Pierce Griffith

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the
 same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of
 wine, one gill of brandy, one gill of rum, 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 offer and
 expose for sale to one

Henry Kohn

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the
 form of the statute in such case made and provided, and against the peace of the People of the State
 of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0446

BOX:

518

FOLDER:

4719

DESCRIPTION:

Gross, Maurice

DATE:

04/24/93



4719

0447

POOR QUALITY
ORIGINAL

Witnesses:

John Kraus
Max Pollock
Chas. H. Whitman

Bail on motion
of A. A. Rogers
to \$2500-

After a careful examination of the
case, in view of the conflicting state-
ments of the complainant, I am
satisfied that no conviction can be
obtained and therefore recommend the
dismissal of the indictment.

May 19, 93.

T. J. Stokes
C.D.

Counsel,

Filed,

day of

1893

Pleads,

THE PEOPLE

vs.

Maurice Gross

Pl. 3, May 19, 93
Sur. & Comm. of
DE LANCEY NICOLL,

District Attorney.

Part 3 May 8, 93 B.S.U.

A TRUE BILL.

Nathan Swick

Foreman.

Part 3. May 19, 93
Indictment dismissed

Grand Larceny, 1st degree
(False Pretenses)
[Section 528, and 537, Penal Code.]

0448

POOR QUALITY
ORIGINAL

317

Witnesses:

John Krauss
Max Pollockschek
Chas. H. Whitman

Counsel,

Filed, 24th day of April 1893

Pleads, to

THE PEOPLE

vs.

Maurice Gross

Pl. 3, May 93
Sur. & Committee
DE LANCEY NICOLL,

District Attorney.

Bail on motion
of D. A. reduced
to \$2500-

After a careful examination of this
case, in view of the conflicting state-
ments of the complainant I am
satisfied that no conviction can be
obtained and therefore recommend the
dismissal of the indictment.
May 19. 93. J. B. S. S.
A.D.A.

A TRUE BILL.

James W. W. L.
Foreman.
Part 3. May 19/93
Indictment dismissed

Grand Larceny, 1st degree
(False Pretenses.)
[Section 528, and 530, Penal Code.]

0449

1600
District Attorney's Office.

Pro
v
Cavence Cross

Complainant has brought a
civil action, and depts
alleges that the criminal
case is a cover to
collect debt. That no
case is made out,
and requesting invest-
igation before its
submission to the
Grand Jury.

Three

Referred to Mr. Findson
by Judge Bedford

Adm. Str. 11/1/11

0450

A. H. Berrick
Attorney and Counsellor at Law.
258 & 259 Broadway,
Rooms 16 & 17. *New York.*
Telephone Cortlandt 3708.
Hon: Delancey Nicoll,

New York, April. 13th, 1893.

32 Chambers Street

N. Y. City.

Dear Sir:-

I had taken the liberty of calling to see you at your office several times, for the purpose of consulting you with relation to the case of one Maurice Gross, now confined in the Tombs on a charge of grand larceny upon the complaint of one Joseph Krauss but being unable to find you, I explained the object of my calling to your private Secretary Mr. Henry W. Unger and he suggested to me the advisability of forwarding in the shape of a communication the circumstances under which I took the liberty of calling upon you. I had intended to make known to you the fact that it was my idea that your office was being used and the machinery of the criminal Courts set in motion for the purpose of bringing about or forcing a settlement in a certain civil action now pending between the parties above-named in the Superior Court of this City. The circumstances of the case are as follows:- My client is in the Tombs charged with having defrauded complainant out of upwards of \$6000 in the sale of certain European Government Premium Bonds. The warrant for the arrest of my client was issued by his Honor Police Justice White upon an affidavit, the facts of which, if true and suf-

A. H. Berrick:
Attorney and Counsellor at Law:
258 & 259 Broadway,
Rooms 16 & 17. New York.
Telephone Cortlandt 3708.

ficiently proved would, I concede bring about a conviction of the defendant, but in the course of an examination which was reduced to writing and transcribed by a Stenographer, it appears beyond the shadow of a doubt, that the affidavit upon which the warrant was issued was with respect to its essential features absolutely false and that it appeared from such testimony that no representations of any character whatever were made by which the complainant was induced to part with any money

The papers in the case have, as I understand, not as yet been presented to the Grand Jury, nor has an indictment been found and in the interest of my client, I thought it proper to explain the exact situation of affairs to you so that such attention might be given to the matter as the circumstances of the case warrant and the facts will permit. What I have asserted with regard to the case, can be better substantiated upon a careful examination of the testimony of the complainant and his witness given in the course of the examination before the committee Magistrate.

While it is true that the complainant testifies that he parted with upwards of \$6000, he concedes the fact to be, that he knew he was engaged in a sort of lottery scheme and took

0452

A. H. Berrick
Attorney and Counsellor at Law.
258 & 259 Broadway,
Rooms 16 & 17. New York.
Telephone Cortlandt 3708.

a chance of winning prizes which attach to the sale of European Government Bonds such as he purchased from the defendant /

I repeat that I have taken the liberty of forwarding this communication at the suggestion of your private Secretary, and trust that under the circumstances, you will give the same your kind and careful consideration.

Very respectfully yours,

A. H. Berrick
Atty. for Maurice Gross,
Deft.

0453

-2-

Rec'd
2
Gross
Mamie

DEPT. OF JUSTICE
RECEIVED
JUL 10 1944

THE FOLLOWING IS A SUMMARY OF THE INFORMATION RECEIVED FROM THE
OFFICE OF THE ATTORNEY GENERAL, DEPT. OF JUSTICE, ON JULY 10, 1944:
THE INFORMATION RECEIVED FROM THE OFFICE OF THE ATTORNEY GENERAL,
DEPT. OF JUSTICE, ON JULY 10, 1944, IS AS FOLLOWS:

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JUL 10 1944
DEPT. OF JUSTICE
RECEIVED
JUL 10 1944

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Joseph Strauss
vs.
Marice Gauss

BEFORE HON.

Alexander J. White
POLICE JUSTICE,
April 8-10 1883

APPEARANCES: { For the People, _____
For the Defence, _____
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INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>Joseph Strauss</i>	1-53			
<i>Charles H. Whitman</i>	54-57			
<i>Alexander Peris</i>	58-81			

A. J. Altman

Official Stenographer.

First District
Police Court

John Krauss } Charged with
maurice ^{agent} } Grand Larceny
Joseph Krauss } April 8th 1893
Deputy New
Hampshire
Police Justice

Appearances

Mr. Jones - on the part of the people
Mr. H. H. Bernier " " " Dept.

Complainant's copy retained
by Mr. Bernier

Q Do you speak English?
A No Sir

Q How long are you in this country
A 35 years

Q Where Krauss where do you reside
A 248 Northampton Street

Q What is your business?
A Tailor

Q Do that your signature (showing
written a paper)

Ayessii

Q You signed & swore to it?

A No Sir I didn't swear to it!

By the Court

Q Now him if he didn't kiss the bible the other day when he signed his name to it?

A No!

Continued Chap. Ex.

Q Do you know what this paper is?

A No!

Q When you sign a paper in this court room upon which you procured the warrant for the arrest of Mr. Gross the defendant?

Ayessii

Q And did you know what that paper contained before you signed it?

A I don't know I didn't understand English

Q Was that paper read to you before you signed it?

Ayesii

Q By whom?

A A young man

Q Is he here now?

A No

Q Was that paper read to you by any person before you signed it?

A Yes.

Q Now was it read to you in the English or German language?

A It was all English

Q Had anybody translate it to you in your native tongue?

A Yes.

Q Who was it?

A A young man

Q Is this the man (meaning the stenographer)?

A No.

Q Is that the man (pointing to the other Jacob)?

A No.

Q How many times do you know

4

11

Mr. Gross?

Ayes, Sir.

Q How long have you known him?

A Over a year.

Q Where did you become acquainted with him?

A Through a gentleman
 Rept. General moves to strike
 and the answer

By the Court strike it out.

Q Where did you become acquainted with him, not through whom but where?

A In 2^d Avenue 68th is his office
 Q Who introduced you to him give me the man's name?

A Mr. Reiss

Q How long have you known Mr. Reiss?

A Over a year

Q Mr. Reiss used to visit your house?

A Yes, Sir.

Q Do you have any business with Mr. Reiss?

Q Did you not make up with him
of the money ever give McKee any
money?

A He collected the money from me
when I got the bonds, I didn't
pay him all at once

Q How much money did you
pay or give McKee on the first
occasion?

A I cannot say exactly \$20.00 dollars
of the first time?

A I think it was \$20.00 dollars

Q Did McKee give you anything
at that time?

A No

Q Nothing at all?

A No

Q What did you give him the \$20.00
dollars for?

A For the bonds that I got from
McGee

Q At the time you paid McKee the
first \$20.00 dollars, had you ever
seen McGee up to that time?

Q Was Grass was next in my house.

Q How long after you paid Reiss the first \$20 dollars did you see him again?

A Next month, very much later.

Q How much money did you give him on the second occasion?

A \$20 dollars

Q How much the 3rd time?

A \$20.00 dollars.

Q And the 4th time?

A I am not so sure how much I gave him sometimes \$20.00 and sometimes \$30.00 dollars

Q And that money you gave Reiss every time?

A Yes sir

Q How many times did you give Reiss \$20.00 dollars?

A I don't know how many times for sure. I gave him \$30.00 dollars

Q Where did you give him \$30.00 dollars?

was that in March 1892?

Ayes Sir

Q And you gave him the \$300 dollars
at different times?

Ayes Sir

Q And what did he give you for
the \$300 dollars?

A None?

Q But what did Davis give you
for the \$300 dollars?

A Nothing

Q Did he give you any papers?

A Yes Sir I got the papers from him
(wanting to defend our Gross)

Q Did Davis give you any papers
when you paid him \$300 dollars

A Yes Sir

Q Did he give you anything at all?

A Yes Sir

Q Did you sign any papers?

A Yes Sir

Q Did you read that paper before
you signed it?

A Mr Davis read it for me

8
Q In the German language?

A Yes Sir

Q And you understood what he said?

A Yes Sir

Q You say Weiss didn't give you anything when you paid him the 300 dollars! did you after ^{that} not get any other papers for the 300 dollars?

A Not from Weiss but from Gross

Q You can read German can't you?

A Yes Sir

Q I want you to point out yourself which papers you received after you paid the \$300 dollars? which are the papers Weiss gave you when ~~you~~ paid the first \$300 dollars?

A I cannot find them I don't take any particular notice of it

Q Have you any of those papers?

A No I cannot see them

8 Q What are those papers that

9

11

you have produced here now?

A I got them from Mulgros

Q Where did he give you those papers?
A When I paid all my money, after
I paid all my money

Q Did Mulgros personally give
you those papers?

A Yes Sir

Q Where did he give you those papers?

A In the office in 2^d Avenue

Q Was anybody present when he
gave you the papers?

A Not Reiss

Q Those papers which you have
produced are printed partly in the
English and German language is
that so?

A Yes Sir

Q And you read German?

A Yes Sir

Q When you read those papers when
you received them the German
portion of it?

9 A Yes Sir

19

11

And you knew what was in them
at the time, you knew what they
contained?

Yes sir

Papers offered for identification
and marked Repts Ex A

Now going back to March 1892 do
you know what the papers are
which you say McGraws handed
to you when you paid him the
first \$300 dollars?

That is all the papers I got. There
no other papers except what I
brought here.

By the Court

Give those the papers that Gross gave
you when you gave him the \$300
dollars?

Yes sir

Re Crops Ex C and D

What are the papers that Gross
gave you when you paid the
\$300 dollars?

10 I don't get any papers then

11

Q If you received no papers at all
when you paid the first three
hundred dollars?

A I received papers

Q Where are those papers?

A I don't know I don't see them

Q What did you do with them?

A Nothing I bundled them up and
put them away

Q Those were different papers?

A Those are here I got no other
papers.

Q Had you understood the question
I put to you?

A Yes Sir

Q You say the first time that you
paid \$300 dollars to Peris you
did in different times and in different
payments?

A Yes Sir

Q And after that you gave you
some papers is that correct?

A Yes Sir

11 Q Do you know what papers you

112

received for the \$300 dollars
 A I got no other papers except what
 I paid for?

By the same

If all those the only papers you
 received altogether for your
 money (referring to the papers
 witness produce) the \$300 dollars

A That is all the papers I got

If you received no other papers at all
 A No Sir

If was there any other papers that
 you had exchanged for these papers

A Yes we exchanged

Receipts

If I ask you again what papers did
 you receive when you paid
 the \$300 dollars to Reiss?

A I cannot remember what
 papers they were

If I ask you for any conversation
 with ^{Grass} Reiss when you received
 the first papers.

12 A with those papers no!

13

Are you sure of that?
 Ayer Sir

And you cannot be mistaken?
 A Went with Mr Reis to the
 office and the papers were exchanged
 and nothing was said by Gross
 to you?

A No, not about those papers
 What did Gross pay the second
 time?

A I cannot say exactly
 When did you see Reis the next
 time?

A I saw him every month
 After you paid the \$300 dollars
 how much did you pay next?
 A \$2860 dollars

What did you pay that to?
 A Gross

Did Gross personally?
 Ayer Sir

Where?

A 3d Avenue

13 What his place?

114

Ayes si

Perkins ?

A I don't know the sure time I guess
March or April ?

Q 1892 ?

A yes

Q Did you have the money in cash
\$2860 dollars ?

A yes all cash I got it out of
the bank.

Q Did you take the money out
of the bank ?

A yes Sir

Q What bank ?

A German Savings Bank ?

Q 14th Street and 4th Avenue ?

A yes. And the Boy Hook Bank

And the Bowery Savings Bank

Q How much money did you
take out of the German Savings
bank ?

A \$2860 dollars

Q At one time ?

14 A yes Sir

15

Q How much did you take out
of the Dry Dock Savings bank?

A \$1794.⁰⁰ dollars

Q And how much out of the Savings
A \$1357.⁰⁰ dollars.

Q Were all these moneys taken out
of the Savings banks in March
and April 1893?

A Yes sir

Q Did anybody go with you when
you drew the money out of the
banks?

A Mr Reis

Q And your wife?

A She was along

Q Did you turn that money over to
Reis?

A Yes sir

Q Did you hand it to Reis?

A Yes sir

Q Did you hand the \$860 dollars to
Reis?

A Yes sir

15 Q Did you hand the \$1794 dollars to

Reiss

A 910 si

Did you hand the \$1352 dollars to
Reiss?

A 910 si it was all in my hand
Did you draw \$2860 dollars from
the German Savings Bank you
say Reiss was with you?

A yes sir

Where did you go to after you
left the bank?

A I went to Grace's.

With Reiss?

A yes sir

Was anybody else along?
A 910 si my wife was along
when I got the money

Was anybody else in Grace's
place?

A Reiss was there.

And you say you handed \$2860
dollars to Mr. Grace personally
in his hand? Turned it over to
him in his hand?

Ayes Si

Q Now when you paid the \$860 dollars
to Gross say what did
he give you?

A I got those papers

Q These papers Ex A (showing)

Ayes Si

Q Any other papers?

Ayes Si

Q I asked you what he gave you
when you paid him the \$860
dollars?

A He gave me some papers. I don't
know exactly what they were
Q He didn't know what they were
A They were papers.

Q What kind of papers?

A The paper contained the amount
of money that I paid him
Q Was it a receipt for the money
paid?

A It was a receipt

Q Where you got that receipt now

A Yes Si

18

By the Court

Q And exchanged the papers?

A Had to bring the papers back along with me to 2^d Avenue
Rec'd of Ex Cont

Q Do you now now added you can now what papers you have handed to you if any at the time you claim to have handed him \$5860 dollars?

A I cannot recollect now positively what kind of papers they were

Q Did you get a whole lot of papers a bundle of papers?

A Yes

Q How many papers were there try and refresh your recollection? at the time you paid the \$5860 dollars?

A I don't know of any papers except what I have here and those that are changed

Q Will you make a statement of this case to your counsel

18

19

before you received the check
of Milgras?

Yes Sir

Q After you paid the \$860 dollars to
Grass I wanted like you to tell
me and the court what you
claim to have received from
Grass?

A I don't know what they were
Q Did you ever know

A I don't look at them exactly
Q Did Milgras pay anything to
you when you paid the \$860 dollars

A He took the money

Q Did he pay anything

A He took the money, he said
something but I don't know
what he said, he said your
money stand good here

Q Did he pay anything else?

A I cannot remember

Q Is there any paper or memoran-
dum in this room or in your
possession or in the possession

19

of your counsel that would enable you to refresh your recollection as to any statement made by Grass when you paid him as you claim the \$860 dollars A 910.

Q. Do you know of any other statement that Grass made to you when you paid the \$860 dollars besides that which you have testified to?

A. He didn't say anything else to me, I can't remember. Q. When did you see Grass again after that?

A. I saw him 3 times, when I paid money there 3 times.

Q. How much did you pay after you paid the \$860 dollars?

A. \$1792 dollars.

Q. Who did you pay that to?

A. Grass.

Q. Personally?

A. Yes sir.

Garbure ?
 A 5th Avenue
 at his place of business ?
 Agassi

Was anybody present ?
 A Muleis
 of anybody else ?

A Rossi
 of that the man you took to the
 Dryden Savings Bank ?
 Agassi

When you paid the \$1792 dollars
 how long was that after you
 paid the \$2860 dollars ?

A I believe I paid everything in
 money

After you paid the \$1792 dollars
 papers did he give you any
 kind of papers ?

A I didn't see any papers
 of what did Milgrove give you
 if anything for your \$1792
 dollars ?

A I don't know of anything further

23

any of the papers I have here
 of these papers here?
 Yes sir

Q Did Milgras pay anything to
 you?

A I cannot remember
 of what conversation if any took
 place between you and Grass
 when you paid the \$792 dollars
 A There was not much conversation
 I gave him the money and Grass
 took it.

Q Is that all that took place?
 Yes sir

Q Are you sure of that?
 A I cannot say exactly positive
 if you want want to change your
 testimony here after and then
 point it out to you?

Objected to By the Court Sustained
 Counsel Exception

Q I want you to be as exact as
 you possibly can be and
 tell me what conversation

took place between you and
Gross when you paid him the
\$1492 dollars.

A There was not much conversation
between us only he told me
that my money would draw
bigger percentage there than it
would at the bank.

Q Did he say anything else?
A He said he owed me my money
at any time I wanted it.

Q Did he say anything else?
A No.

Q Are you sure of that?
A Yes.

Q That you are positive of?
A Yes Sir.

Q And you say that took place in
either March or April 1892?

A Yes Sir.

Q And did you see Gross after
that?

A I didn't see him in a long time.

Q Did you see him again?

24

A Later I saw him

Q How many months subsequent to the first day of April?

A I cannot tell for sure when it was

Q What month did you see him in after the first of April?

A It was a good while after and I cannot remember

Q Where did you see him after that in his office?

Q In what month?

A I cannot tell you the month.

Q What were you doing there then?

A He was there when I paid the money in?

Q How much did you give him the first time you saw him?

A \$353 does not

Q Who did you give that money to?

A Mulpass?

Q Personally?

24 Yes sir

Was Rees's present?

Ayes si

What did Milgras give you?

A These papers. or papers like these

What did he give you another occasion

when you paid the \$1392 dollars

A I received papers that they were exchanged afterwards.

What papers did he give you?

A picture papers.

Did Milgras tell you what they were?

A No!

Are you sure of that?

Ayes si

Did anybody else tell you what those papers were?

A I didn't show them to any body

Did you ever know what they were?

A No I never knew.

Do you know now?

Ayes I know now they are not worth anything

Q And told you that?
 A Yes and the papers
 Q And that is all that you know about
 it?

A Yes Sir

Q After you paid the \$1352 dollars
 did you pay any more money?

A No Sir

Q That you are sure of?

A Yes

Q Did you pay any more money
 after you paid the \$1352 dollars?

A No Sir

Q Just you paid \$300 dollars?

A Yes Sir

Q Then you paid \$560 dollars?

A Yes Sir

Q Then you paid \$1792 dollars?

A Yes Sir

Q Then you paid \$1352 dollars?

A Yes Sir

Q And you don't pay a cent
 more than that?

A No Sir

27

Q And that you swear to positively
A No Sir

Q That amounts to \$6304 dollars
in your affidavit you swear
that you paid 6900 dollars which
is correct?

A I should have more than \$6900
dollars that is the percentage
on it.

Q You have testified here today
of all the money that you
pay you paid over to Gross &
Reiss And it amounts to \$6304.⁰⁰
dollars And your swear in your
affidavit it is \$6900.⁰⁰ dollars
now which of the statements is
correct.

A There is a mistake somewhere
Q You didn't pay out any more
money than you testified here
today did you?

A No Sir

Q Had you get any of that money
back

27

28

A I received once sixteen dollars
 Peris took my papers to a safe
 deposit company
 Q Peris took you to a safe deposit
 company?

A Yes sir
 Q How you know where it was?
 A 3rd Avenue New York Street
 Q And Peris took you in there?

A Yes sir
 Q And put your papers in a box

A Yes sir
 Q In his name?

A Yes sir
 Q And he kept the key?

A Yes Sir I had the key also
 Q And whenever you wanted any
 money and papers you went to
 Peris?

A Yes I went to Peris
 Q How much money did you
 pay that you got at that time?
 A I got \$50.00 once and there was
 11.00 deducted for safe deposit

28

29

and that left me \$16⁰⁰ dollars
 Q Did you get any more money
 than that?

A I got \$50⁰⁰ and that is all.

Q Is that all?

A \$140⁰⁰ dollars

Q Did you get any more money
 than that?

A That is all \$20⁰⁰ dollars

Q What did you mean a minute
 ago when you said you got
 one hundred ^{and} seventy dollars?
 what did you mean by that?

A Mr. Reiss told me he got \$150
 dollars for my credit.

Q That came from ~~the~~⁶¹ Broadway

A \$140 dollars Reiss got

Q Did you get the money?

A I never got the money

By the Court

Q Is that all the money that you
 received that \$20 dollars?

A Yes sir. And I paid \$4⁰⁰ for the
 papers and that left me \$16⁰⁰

29

do cross

Recross Ex Contd

If you went with Reiss to
Broodway, the place of busi-
ness of C B Richards & Co?

Answer

If what did you go with Reiss to
Broodway for? you went there
to sell some papers?

Answer

If those papers you had in the
safe deposit company?

Answer

If and you went with Reiss ^{and}
took them out of the safe deposit
company?

Answer

If and went to C B Richards & Co
to sell them?

Answer

If what did you go to C B Richards
& Co for?

Answer how did you take those money
out of there on a receipt

Q And did you tell Mr. Davis to sell
your papers that you had with
you?

A Yes Sir.

Q You authorized him to sell them

A Yes Sir.

Q And how much money did he
get?

A \$170 dollars.

Q You saw him get the money
didn't you?

A Yes Sir.

Q What he done with it you don't
know do you?

A He gave me \$50⁰⁰ dollars.

Q And do you know what he
done with the other \$100 dollars

A Yes Sir it was deducted from
the credit which he took out
from me for two hundred
dollars. Davis had the papers
in his pocket in which everything
is stated!!!?

31 Q And you take any other papers

32

to CB Richards & Co
A yes Sir

Q You say in your affidavit upon
your procuring the arrest of
the defendant that he procured
some papers and obtained
\$290⁰⁰ dollars which was paid
to Grace, did you get the \$290⁰⁰
dollars?

A yes Sir

Q From whom?

A I didn't get it

Q Look at the paper I now show
you and say if that is your
signature?

A yes Sir

Q Did you read it in German
before you signed it?

A Yes read it

Q In your presence?

A yes Sir

Q And you understood what he
read?

32 A yes Sir

Q and you were right by him when
he read it?

A yes sir

Q and then you signed it?

A yes sir

Q and your wife signed it?

A yes sir

Q In back page?

Paper offered and marked left

Ex B for Identification

Q Is that your writing (showing
witness)?

A yes sir

Q Did you ever see that before?

A yes sir

Q Was it read to you in German?

A yes sir

Q And you knew what you were
signing?

A yes sir

Offered and marked left Ex C

for Identification

Q Is that your signature (showing)

A yes sir

Q you read that did you not?
 A Heir's read everything to me
 Q you know what was in the paper
 when you signed it?

Yes Sir

Paper offered & named kept
 for identification

Q that your signature (showing)
 Yes Sir

And your wife?

Yes Sir

Q That is written in the German
 language?

Yes Sir

Q all these papers are written
 in the German language?

Yes Sir

Q And all these papers had been
 read to you before you signed
 it?

Yes Sir

Q And you know what was in
 them?

34 Yes Sir

Paper offered for Identification
and marked Repts to E. E.

Q Do that your signature?
A Yes Sir

Q Did you sign that before a
Notary Public?

A No Sir

Q Did not Mr Reiss take you to a
Notary Public?

A Did not sign any paper before
a Notary Public

Q Do you know what that paper is
A Power of attorney?

Q Did you ever see that before?

A I saw it in the office

Q Did you sign that power of
attorney?

A If my name is there I signed it

Q If you signed the power of attorney
what did you sign it for?

A That I was entitled to get money

Q Did you sign the power of attorney
to Alexander Reiss?

35 A No Sir

Q Who did you give it to?
 A Mulgras. if it was not Grass
 it must have been Reiss

Q Who did you give that power
 of attorney to?

A I never gave any power of attorney

Q Can you read English?

A No Sir

Q When I showed you this paper a
 few minutes ago you said it
 was a power of attorney! Did
 you say that?

A I think so

Q How do you know it was a
 power of attorney?

A I only think so

Q Did you ever sign a power of
 attorney at the request of Reiss

A No

Q Do you know for what purpose
 you signed that paper?

A No Sir I do not

Paper offered for Identification
 and marked Expts Ex F.

37

Q Now you now stated all the transactions that took place between you and Gross from the first of March 1892 down to the present time?

A Yes Sir

Direct Examination

Q Look at the papers now shown you and state whether they are all the papers that you ever received from Gross and which are now in your possession?

A Yes Sir that is all that is the last I received, that is all I have no other papers, the others were taken back

Q Who handed you all these papers?

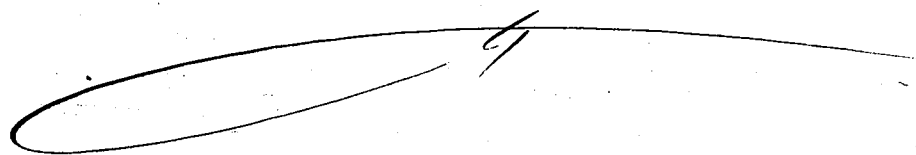
A In the office of Mr Gross
Q What conversation if any did you have with Gross of any as to the value of the papers

37

Depts Counsel

38

objected to
 By the Court Sustained
 State whatever conversation
 you had with Grace?
 Objected to by depts Counsel
 By the Court Sustained



38

39

Alexander Peiris a witness
 called by the people being duly
 sworn deposes & says
 Direct Examination

Q Where do you reside?
 A 91. 2^d Avenue

Q Do you know Maurice Gross
 A Yes Sir

Q Do you know John Krauss?
 A Yes Sir

Q Were you at one time in the
 employ of Mr. Gross?

A Yes Sir

Q How long have you known John
 Krauss?

A A year or so last March

Q What was the first transaction
 you had with Mr. Krauss?

A It was a \$50.00 dollar paper
 and he paid me \$7.00 dollars

Q What did you do with the \$7.00
 dollars of the ^{first} transaction you had
 with Krauss?

39 A It was handed into the business

place?

Of which business place?

Al Gross place

Q Did you pay eight dollars
cash or did you keep it in your
possession in view of Commission
and Etc?

Mr Bernier depts Counsel
objected to

By the Court Sustained.

Q What was the next transaction
you had with him?

A The next was a three hundred
dollar transaction

Q He paid \$300⁰⁰ dollars?

A Yes.

Q Did he pay the \$300⁰⁰ in full or
in installments?

A Once \$180⁰⁰ & \$120⁰⁰ dollars
and then he got the \$300 dollar
papers.

Q So when did he pay the \$300⁰⁰
dollars to

40 A Mr Gross.

41

Q were you present when he paid
it to him?

A yes sir

Q what was Gross to deliver to
Krauss for the \$300 dollars?
do you know?

A The papers in which it was
stated \$300 dollars in the certificate
Q were you present at the time
of the payment of the Three
hundred dollars to Gross?

A yes sir

Q what became of your personal
knowledge of the papers after
which Krauss paid \$300 dollars
after they reached Krauss possession

A They were returned back to
Gross again and accepted for
his other transactions

Q what was the next transaction
you had with Krauss?

A The next was when we got
\$2850 dollars for that he ought
to have got one hundred Turkish

41

42

boards And instead of that he got
one hundred Bonetta bonds
Q you were then the agent of Mr
Mulgras.

A Mr Berner objected to
By the Court sustained
Q In what capacity did you negotiate
with Krauss?

A I was employed by Grass
Q And the \$2850 dollars were
paid to whom?

A Mr Mulgras I never received any
money it is self evident

Q Do you know of your own
knowledge what became of
the one hundred Bonettas which
you delivered to him at the time
the \$2850 dollars were paid
to Grass?

A I don't know they were exchanged
later

Q By whom were they exchanged?

A Mr Mulgras because Krauss
42 took them there himself

x3
1

Q What was the transaction if you
had any contract or talk with
Krauss about the changing
of the one hundred Bonlettas bonds
A I had no contract, I brought
Krauss to Grass and there the
one hundred bonds were
exchanged

Q He had the transaction himself
A Undoubtedly I saw it
Q Do you know into what they
were changed?

A For three three hundred.

Q Did he receive the 300 bonds for
the Bonlettas?

A I believe so I cannot remember
Q Did you bring Krauss to the
office of Grass as Grass requested
a number of instructions from
Grass?

A Mr. Berner's defendant counsel
objected to

By the Court admitted
Defendant's Counsel Exception

X3
1

Q What was the transaction if you
had any contract or talk with
Krauss about the changing
of the one hundred Bonettas bonds
A I had no contract, I brought
Krauss to Grass and there the
one hundred bonds were
exchanged.

Q He had the transaction himself
A Undoubtedly I saw it
Q Do you know into what they
were changed?

A For three three hundred.

Q Did he receive the 300 bonds for
the Bonettas?

A I believe so I cannot remember
Q Did you bring Krauss to the
office of Grass at Grass request
or under instructions from
Grass?

Mr. Berner defendant counsel
objected to

By the Court admitted
Def. Counsel Exception

44

Ayessu undoubtedly I have to
obey his orders.

Q. When did you next bring
Krauss to the office of Mr
Gross?

A. 14 days later may be

Q. What was the nature of the
transaction that brought Krauss
to the office of Gross through
you at that time?

A. Krauss paid \$17 or 1800 hundred
dollars and he received therefore
\$164.⁰⁰ or I don't know the
exact sum 172 Hallau and the
white cross bonds.

Q. Are they here?

A. Yes, they were sold

Q. By whom were they sold?

A. Mr Krauss paid them an account
of the debts that he had. I think
for \$240 dollars. I can not say
exactly.

44. Q. How much did he pay for
the bonds that he sold for \$240.⁰⁰

145-

dollars?

A He had 64 additional I must
 feel the truth he paid \$17 or 1840
 dollars. I cannot remember
 which, he paid for 107 white
 Cop bonds, there is 64 Hallam's
 bonds, they were a different
 transaction.

✓ Q Do you know of your aunt
 knowledge of how much money
 Krauss paid to Gross in your
 presence?

A According to my figures and
 his Krauss, it is about \$6900.
 hundred dollars.

Q What did Mr Krauss receive
 of your knowledge for the
 \$6900 hundred dollars?

A That which is lying on the
 table here!

Q Can you enumerate it?

A I cannot say I don't know it
 exactly.

45 Q Look at the papers now shown

you and state to the Court whether these are all the papers that ^{he} ~~you~~ received on the final transaction that you had with him?

A That is all that he received but he received other papers before and they were exchanged in the office

Q Were you present at any time ~~when~~ ^{where} Krauss and Gross had any conversation relating to these bonds?

A Every time.

Q Do you know of your own knowledge whether any representations were made by Gross to Krauss as to the value of the papers?

Ans. Berner objected to

By the Court Sustained

Q When the first \$300 dollar bonds were delivered to

Krauss what did Gross

147

pay to Krauss?

A Nothing he had no occasion
of saying anything there was no
need of saying anything
Q Did you tell anything to Krauss
in the presence and hearing of
Gross?

A No Sir it was not necessary.

Q Why was it not necessary?

A Objected to

By the Court Admitted
Counsel Exception!

A Because Krauss gave Gross
all the papers he had

By the Court

Q You told Gross the business
you had with Krauss?

A Gross knew what we were
doing with him it was all
agreed between Gross & me
what to do, and this was the
transaction. Gross said if
the man would come there
and bring the money that

48

we would close the transaction
 And Krauss came in and laid
 the money down and that closed
 the transaction

Q In your employment as the
 agent of Gross what instructions
 if any did you have?

Objected to

By the Court Sustained
 Counsel Exception

A None other than I should bring
 him along to the office

Q And you at that time make
 any representations to Mr Krauss
 as to the value of the papers
 he received, in the presence
 and hearing of Gross?

Objected to let him state the
 conversation?

By the Court Sustained
 Counsel Exception

A No.

Q Were you present at all the
 times when Krauss and

48

149

Gross had a conversation
as to Krauss purchases?
Answered

Q State all the conversation that
you ever listened to between
Gross and Krauss and state it
as fully as you can remember
+ ?

A Krauss asked if I could draw
his money and Gross ~~you~~ said
yes.

Q Do you remember any other
conversation?

A I don't know anything else
Q Did you go with Krauss to
the German Savings Bank
to draw a certain amount
of money?

Answered to

By the Court Answered

Q How long have you been in
this business?

A About a half year in
this country I am with

49

country. I was a quarter of a century
 of Howlong have you been in
 the European bond business
 A Twenty years brought me in the
 business

Q Do you know what those
 papers are? (showing)

A Those papers represent \$400

A And when a person has paid
 \$400 dollars, he gets certain
 bonds described in here, what
 the bonds are worth I do not
 know. I do not pay any attention
 to it, he gets the bonds enumerated
 in the certificate.

Q What are the value of the
 bonds?

A I do not know

Q How long have you been in
 the European bond business

A I have been for years in there
 And not in the bond business

Q Do you know what value
 the certificate represents

bond premium bond is worth
 A 12 gul den

Q The book of the same?

A 30 gul den 24 gul den

Q Look at this paper (showing
 witnesses and state whether you
 know what the actual value
 of that paper is?)

A 10 gul den I don't know exactly
 2/10. or 2/80.

Q Have you stated all the courses
 taken that Grass and Krauss had
 at any time when this trans-
 action occurred?

A Yes I stated every thing that took
 place every thing that I know
 it was Grass that done the
 business with Krauss

Q Krauss stated that he had
 certain credit upon which he
 made payments, what was
 that credit?

A It was credit on Hallander's
 bonds and that is all paid

132
 I believe
 Q To whom did he pay it?
 A To Gross

Q He stated you credited him one
 hundred dollars at the time
 there were said certain bonds
 he received one hundred and
 seventy dollars, now state
 what transaction was again

A That I don't remember he paid
 \$300 dollars in the beginning
 and got 300 in bonds

Q State the whole transaction?
 A I never had any transactions
 with him.

Q What became of the 300 bonds
 A They were exchanged

Q By whom?

A By Gross

Q And what did he receive for it

A That I don't know I believe he
 got some thing

Q Were you present at the time
 when Gross received the bonds

1 J3

\$2500 dollars

Ayes Sir

Garbat did Krauss receive for
that money?

A 100 Borletta instead of 100

Turkish, he got 100 Borletta

Garbat present on the
next occasion when Krauss
paid \$1750 dollars?

Ayes Sir

Garbat did Krauss receive for
that?

A 107 Hall andische

Garbat did Krauss at that time know
could detect what the paper was
worth that he received?

A No Sir, he was informed he
could draw his money

Cap examination to be proceeded
with at next hearing

J3

1 54

Charles H. Whitman called
as a witness by the people
being duly sworn and
says

That is your business?
A clerk in Dischloff's banking
house. Tryon Row

Q You are in the banking business
A Yes Sir

Q How long have you been in
that business?

A Years

Q Are you familiar with European
Government Bonds?

A Yes Sir I saw the Bond clerk
I will you look at the paper now
shown you and state what it is
A Rattendaw Annuity 2 1/2

per ann

Q Do you know the present value
of the bond?

A It has no value

Q Do you mean by that it has
no quotation?

45
A share company is bust up in 1891.

Q will you look up state the value of the Hallandische Cross bonds
A 6 florins 5.40

Q will you state what it is?
A It is a certificate for sum of money to deliver certain bonds if the party paid one hundred dollars.

Q Are you married?

Q Where were you born?
A Germany

Q How long have you been in this country?

A 6 years.

Q And during those years have you been in Europe?

A No Sir

Q You are not mistaken about that?

A No Sir

Q You have not been in Halland during those years?

A 910 Si

Q How do you know that that paper
(okoung is right, how do you
know it is genuine?

A By inspection of it
Q Will you swear that that paper
was issued or emanated
from the Hall and Government

A 910 Si it is a society

Q Will you swear they were never
issued from the society?

A I am sworn to it.

Q Will you swear that those
are genuine papers?

A Yes I know so far as my
experience in looking at
a bank note and saying if it
is genuine or not.

Q You say that this society suspended
payment in 1871. that you
only know about you from your
examination of the European
Newspapers?

56 A Yes Sir and from the banking

57

house

What banking house?
 A Shekell and banking house
 of Hyatt & Co of Rotterdam
 of whom now whether the sig-
 natures on these papers are
 genuine or not?

A 910 Si

If you are sure you
 don't know anything at all
 about them do you?

A 910 Si

Defendants Counsel moves to
 strike out the whole of the
 witnesses testimony.

By the Court Motion
 Denied

Counsel Exception

The further hearing was then
 adjourned to Monday April
 10th 2 Pm

57

F11

April 10th 1893

All parties being present the
 Conf. Examination of Alexander
 Kerris continued by Mr. Bernick
 Where do you reside?
 At 41 2d Avenue
 How long have you been acquainted
 with Mulgrass?

About well say 2 years
 You have testified in your direct
 Examination that you were in
 his employ?

Yes certainly I was
 In what capacity?
 As an agent

Where you employed on a
 party

A 2nd it was on a commission
 Are you willing to swear that
 besides the transactions with
 Krauss that you had other
 transactions with Mulgrass?

Yes Sir

How many?

A That I don't remember Mulgrass
can tell that in his book

Q Was it half a dozen?

A I cannot tell you

Q Can you tell if it was one or a
hundred?

A Several transactions

Q And how were you paid?

A It was according to the business.

Q How you had any specific
agreement with Mulgrass as

to any salary or commission
that was to be paid you?

A No never

Q Now how long have you known
Mr. Krauss?

A Since February of last year.

Q And where did you become
acquainted with him?

A In his house

Q Through whom?

A At the transactions in business

Q What transactions?

59 A I had some business along

3

while ago
 Q With whom were you
 A Not with me

Q Did his transactions do you refer to
 A He had papers before I became
 acquainted with him

Q From whom?

A That I do not know

Q How did that bring you in
 contact with Kraus?

A The address we received the
 address is given from one to
 another

Q Who gave you Kraus's address
 A That I do not remember

Q Did you tell Kraus your
 business?

A Yes undoubtedly

Q What did you tell him?

A I told Mr. McGraw that there was
 another party to do this business
 and McGraw says will you do it
 and I say I will

Q I asked you what you said to

14

Krauss when you introduced
yourself

Q That was a representative of
Krauss?

A And what else
I offered to do this business with
him, I offered him the papers
and he accepted and so we made
the transaction

Q And you tell him what the papers
were?

A Yes undoubtedly I told him what
the papers were, I explained to
him they were Government papers
and they were issued by the
Government

Q And did you tell him that the
bonds were apt to draw prizes
A Yes that the papers bore a
premium and that is true?

Q And didn't he tell you that
he knew all about it and that
he had purchased such papers
before from other people?

Q And that was before reported
with any money?

A Yes sir.
Q The first transaction you say
he paid you \$800 dollars?

A Yes sir.
Q What did you do with \$800 dollars
A I reported the fact to Mr. Gross
that I received \$800 dollars and
according to custom we had
a receipting about the transac^{action}
and the receipt was sent to Krauss
Q Did you ever turn this \$800 dollars
over to Mr. ~~Krauss~~ Gross?

A That I cannot remember if
I gave it to him or not. It was
entered in the accounting and
gone it to him.

Q The second money, how much
money did you receive from
Krauss?

A The second time I think he
paid the balance of \$300 dollars

And then received the papers either once or twice he paid all that money

What was he to get for the \$300 dollars?

He received the 15 bonds that were promised to him when he made the payment of \$300 dollars

He received the bonds?

Yes sir

The next transaction what did they consist of?

He received \$2850 dollars I cannot remember exactly what he paid to the banking house

Did you know that Krauss had money in bank?

Yes.

How did you ascertain that Krauss had money in bank?

He told me himself

And did you go with him to the bank to get the money?

17

Ayes but I didn't go inside
 of Milgras didn't go along?
 A 910

of How did you get at the figures
 \$2850 dollars

A I don't know if it was exactly
 \$2850 or whether it was \$2845.

of How did you arrive at the fact
 that it was either one or the two
 figures?

A I said him one hundred thirty
 bonds.

of Who fixed the price?
 A Milgras

of Was that price fixed before you
 saw Kraus?

A Yes Sir

of Was anybody present when
 Kraus fixed the price with
 you?

A 910!

of Who asked you to accompany Kraus
 with his wife to the bank?

A 910 body. He asked me to go along

18

Q Did you go there to get this money
 May I know what he was going
 there to get this money?

A Yes.

Q Did you ever handle that money
 A No

Q Did you not?

A No Sir

Q And you swear to that positively

A Certainly

Q Did you ever count it?

A No Sir

Q Who handed the money to
 Gross if any body?

A Mr Kraus

Q In your presence?

A Yes Sir

Q Where?

A In the bank

Q In what bank?

A In Gross bank

Q On 2^d Avenue?

A Yes Sir

Q If you don't mean at the Savings

9

bank where he drew it?

A yes sir

Q And Mr Kraus received certain bonds for that money?

A He got other bonds 100 Portettas.

Q He got one hundred Portetta bonds

A yes sir

Q And those bonds were prizes didn't they?

A yes sir

Q How do you know that?

A Because Mr Graves didn't deliver those bonds to him that he should have received but gave him 100 Portettas.

Q And Mr Graves made known the fact to Kraus that those were Portetta bonds?

A yes sir

Q Then Kraus was aware of it before he accepted it?

A yes sir

Q And that was the second transaction?

10

A Ma Shi there was others but I
cannot remember exactly
about them, he seemed to many
birds.

Q Was there anything else done or
paid besides that which you
testified to in the second transaction
A Yes in the second transaction he
paid \$1700 dollars.

Q What was that for?

A Oh you I don't remember what
he got for that 107 Hollandische

Q Do those men prize?

A Yes they do

Q Did you tell Krauss that?

A No it was told him in the
bank

Q By whom?

A Mulgrass

Q And Mr Krauss knew that
those birds were prize?

A Yes Sir

Q Have you now stated everything
that took place with relation

11

to the 1700 hundred and \$2850 hundred
 a accor. transaction?

Ayes Sir

Q What was the next transaction?
 A \$6900 he paid I want to reckon
 up -

Q I don't want you to reckon up
 I don't want you to reckon
 anything I want you to tell
 me what the next transaction
 was?

A There was 64 Hallau dishe
 Q What was paid for them if
 anything by Krauss?

A Thirteen hundred and something
 those were delivered
 Q And so those 64 Hallau dishe
 bonds are all paid?

Ayes Sir

Q All Krauss know that?

Ayes Sir

Q After that transaction was there
 any more?

68 A There was some others for the

128

rest of the sum
 Q after you had the transactions with
 relation to the Hall and the bonds
 and you go with Mr Krauss to the
 Stuyvesant safe deposit company
 corner of 7th Street and 3rd Avenue?
 A Yes Sir after they were exchanged
 I went

Q you did go with him to the safe
 deposit company afterwards?
 A after he had nothing more in
 his hands then I went with him
 Q did you hire the check in the
 safe deposit company
 A yes with Mr Krauss together.
 Q you and Mr Krauss? Don't you
 mean you went there with
 Mr Krauss?

A No Sir

Q was the hiring of the safe deposit
 done in your name?

A Yes Sir

Q and did you take the key?

69 A Yes Sir Mr Krauss?

13
 Q If you gave it to Krauss didn't you
 A Yes he went with me after the
 box was hired and deposited the
 papers himself in the box?

Q Who was with you besides
 Mr Krauss when he put the
 papers in the box?

A Nobody else.

Q Nobody but you and Krauss?
 A Yes Sir.

Q Why do you hire the box in the
 safe deposit company in
 your name?

A By the advice of Mr Gross.

Q And you did it at his bidding?
 A Yes Sir.

Q And you turned the key over
 to Krauss?

A Yes Sir.

Q If you went to C B Richards & Co
 with Krauss didn't you?

A Yes Sir.

Q To see certain papers?

70 A Yes then I accompanied him;

Q Was anybody with you besides
Krauss?

A No sir nobody

Q Was anybody with you besides
Krauss when you sold any
of Krauss bonds to C B Richards
& Co?

A No sir there was nobody

Q Who acted as spokesman at
C B Richards & Co?

A Mulgrass

Q By the Court

Q Recall his attention to the time
when Krauss paid those bonds
to C B Richards & Co who was
present then?

A At the time of pledging them
Mulgrass was there and at the
selling of them ^{Krauss} ~~James~~ was
there

Q Who did the talking at the
time Krauss & he were
together, at the last visit, who
at the office of C B Richards & Co

15

A Richards would not listen to us?

Re Craft Ex

Q Didnt you get \$240⁰⁰ dollars from C.B. Richards & Co?

A Yes Sir

Q Wasnt that money paid to you
A No it was paid to Gross

Q You said a minute ago that Gross was not there?

A At the time of the selling
Krauss didnt have any money
to receive because he owed
the money.

Q Why did you go to C.B. Richards
& Co with Krauss?

A To enquire whether Richards
& Company were liable

Q About you know now and didnt
you know then and for the past
2 years that C.B. Richards & Co
is a house rated upwards of
a million dollars?

A No Sir I never knew that

16

Q Do you know C B Richards book
keeper?

A Yes Sir

Q Didnt you gather with Mr
Krauss Ed received from his
bookkeeper or then cashed
the sum of \$319⁰⁰ dollars in
cash?

A Yes yes Ed I.

Q With Krauss. but you saw taking
about?

A Yes I took it at the window for
Krauss.

Q Was Krauss with you at the
time?

A Yes Sir

Q Was anybody with you when
you got the \$319⁰⁰ dollars?

A No yes

Q And you were working for
Krauss you say?

A Yes Sir

Q Then how is it that you took the
money and Krauss didnt take it?

17

Q For the purpose of paying Krauss debts?

Q Did Krauss instruct you to pay his debts?

A Yes sir.

Q When did he give you those instructions?

A Two days before and the same day.

Q How long after that did you see Krauss again?

A Darrago talked with him and saw him.

Q You have been in his company several times since these proceedings were brought?

A Oh yes.

Q You introduced him to Mr. Joel like attorney in this case?

A Yes I wanted to introduce him 3 months ago.

Q But you didn't introduce him to Mr. Joel until you your self had been arrested upon

74

the complaint of Adolph Mayer
 Yes Sir

Q And before Mulgrass was arrested
 and while you were in prison did
 you send for Mulgrass?

A Yes Sir

Q Didnt you send nobody to him
 and ask him to procure bail for
 you?

A Yes Sir

Q And didnt he refuse?
 A He refuses everything where
 money is in it

Q And did you afterwards make
 any threat to him?

A Yes Sir

Q After he refused to furnish bail
 for you, you then hunted up
 Krauss and took him down
 to the office of your attorney is
 that true?

A First I went to Grass and asked
 him if the poor devil could
 draw his money and he said no

19

and I said there will be trouble
 and then you went to Kraus
 and took him down to your attorney
 Q Yes certainly Ed I said I will go as
 a witness

Q Did you make any money out
 of these transactions?

A Certainly I received something
 Q When Kraus paid the first
 \$300 dollars how much did
 you make?

A The amounts I received I don't
 know

Q How much did you receive
 when you claim Gross received
 \$5500 dollars?

A That I don't know either

Q How much did you receive
 when he paid the 77 hundred
 dollars?

A The same I don't remember it
 is all in Gross Books?

Defendants Counsel asks to
 strike out the last part of the

answer?

Q By the Court Strike it out
 Q How much did you receive
 when he paid the balance?
 A Which balance?

Q The difference between the
 sums I just mentioned ^{in the}
 \$6900 hundred dollars, how
 much did you get out of it?

A I don't know

Q Can you mention any sum
 that you claim that Gross paid
 you in any one of the trans-
 actions in which you claim
 or pretend that you were acting
 as the agent of Gross?

A No Sir

Q Do you know how much you
 made?

A That I don't know I made a
 great deal I received a
 very good compensation for
 all that I did, but what it
 was I cannot say the sum

(21)

of money don't have anything to do with this case he has it in his books?

Q Did you keep any books?
A No Sir

Q Did you keep any memorandum of these transactions between you and Krauss?

A No Sir

Q And everything you have testified to here to day you testified exclusively from memory?

A Yes only from memory what I remember because I wish to tell the whole truth?

Q Do you know now how you became acquainted with Krauss?

A That I don't know

Q Should you say that you had transactions with him previous to this?

A No I never ^{said} made that

78 Q Did you say that he had similar

business previous with other
agents?

A yes a little business
of a similar character?

Q He paid a dollar

Q How do you know it?

A I saw it

Q Where?

A By Krauss.

Q And you say that Krauss told
you he knew that those bonds
were good and that they were
prizes?

A Undoubtedly he knew.

Q And didn't Krauss tell you
that he was willing to speculate
and take a chance to win a
large prize with his money?

A Yes he wanted him to win
the Capital prize

Q Honey, you must state everything
that took place as far as you
and Krauss are concerned
and as far as Krauss and

123
 17
)
 You are concerned with
 relations to these transactions,
 Ayco stood everything

Peoples Journal Book

Defendants Journal!

I move to dismiss the
 proceeding and ask for the
 discharge of the defendant
 upon the following grounds
 First that there is a variance
 between the proof and the affidavits
 upon which the warrant was
 issued.

Second accepting the theory
 of the prosecution in this case
 no crime has been proven
 and no sufficient cause
 of action has been established
 upon which the warrant in
 the criminal proceedings was
 had for the defendant, and I
 refer your honor to the affidavits
 By the Court

123
 Motion Denied.

124

17

1)

Samuel E. Sexton

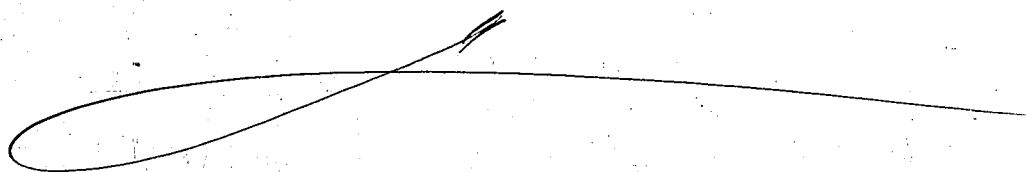
Defendants Samuel

Jack for a reduction of
bail!

By the Court Bail reduced

from \$10.000 dollars to \$5.000

Defendants Samuel waives
further examination



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1 District Police Court.

Joseph Krauss

vs.

Thurman Gross

STENOGRAPHER'S TRANSCRIPT.

April 11 1883

BEFORE HON.

Thurman Gross

Police Justice.

D. C. Bellman

Official Stenographer.

Superior Court of the City of New York.

1st District Police Court N.Y.C.

John Krauss

against

Maurice Gross

City and County of New York, S. S.

John Krauss the plaintiff herein, being duly sworn, deposes and says, that he resides at No. 248 Rivington street in the City of New York, and is a shop tailor by occupation. That heretofore in the City of New York, between the first day of February, 1892, and the 20th day of December, 1892, by means of false and fraudulent representations more particularly set forth hereafter, and with the intent to cheat and to defraud him, this plaintiff obtained from him divers sums of money in the aggregate of \$6,900.00 lawful money of the United States, and fraudulently misappropriated the same to his own use.

And Deponent further says, that the particular facts heretofore mentioned are as follows:

That in the month of March, 1892, in the City of New York, the said Maurice Gross, by trick and device, and by the false and fraudulent representations of selling this Deponent European Government Bonds of great value delivered to this Deponent two certain Certificates of the Vienna Bank Exchange; which said ^{Vienna} Bank Exchange as Deponent is informed and believes is an ^{unincorporated} ~~unincorporated~~ body, consisting of the Defendant Maurice Gross, only, said two Certificates being Certificates of sales of certain European Bonds, twenty in number as Deponent believes, and obtained therefore from this Deponent the sum of \$300.00

That said two Certificates of the said Vienna Bank Exchange were absolutely of no value whatever, and the Defendant well knew them to be of no value, but in pursuance of the aforesaid fraudulent intent, the Defendant represented them to be of the value of \$300.00; and that Deponent relying upon the said representations of the Defendant, and believing them to be true, so paid the aforesaid \$300.00 to the Defendant as aforesaid.

And Deponent further says, that afterwards, in the month of March, 1892, the said Defendant, with the like false and fraudulent intent, and for the same purpose as aforesaid, towit, to cheat, and to defraud this Deponent, obtained from him the further sum of \$2.860.00 which this Deponent paid to the Defendant. That at the time of the payment of this sum of \$2.860.00, the Defendant delivered to Deponent 100 Barletta Bonds, distinctly telling this Deponent that the aforesaid 100 Barletta Bonds were reasonably worth the sum of \$2.860.00 and upwards; while in truth and in fact the said 100 Barletta Bonds were not worth more than about \$500.00; that the Defendant well knew them to be not more worth than about \$500.00; but that the Defendant intentionally represented them to be of such value of \$2.860.00 for the purpose of cheating and defrauding this Deponent; and that this Deponent at that time believed the statements of the Defendant to be true and relied on them at the time he paid to the Defendant such amount.

And Deponent further says, that thereafter in the month of April, 1892, the Defendant with a like fraudulent intent and purpose, induced this Deponent to pay to him again the sum of \$3.500.00 for which the Defendant delivered to this Deponent 17² Bonds of the Holland ^{White} Red Cross Society; the ~~same~~ being certain European Premium Bonds of the value of about

\$450.00 which however the Defendant with the intent to cheat and to defraud this Deponent, represented to be worth about \$3.500.00 and upwards, well knowing that these representations were at the time he made the same false and fraudulent; that Deponent however relying upon said representations, and believing the same to be true, paid the aforesaid, \$3.500.00 to the Defendant.

And Deponent further says, that in December, 1892, the Defendant with the intent to cheat and to defraud this Deponent by false and fraudulent representations, and by trick and device induced this Deponent to exchange the 100 Barletta Bonds herein before mentioned, for 100 Shaumburg Bonds; advising and telling this Deponent that the said Shaumburg Bonds were very valuable; and more valuable than the aforesaid Barletta Bonds; while in truth and in fact the said Shaumburg Bonds were at the time and still are worth only about ten cents a piece and therefore the 100 Shaumburg Bonds are worth about ten Dollars; and that Deponent having no knowledge of European Bonds or of their value, which was however well known to Defendant, and relying on the representations of the Defendant and believing them to be true, made the said exchange afore mentioned.

And Deponent further says, that in December 1892, the Defendant with the like intent to cheat and to defraud this Deponent, induced him to pledge the 172 Holland White Cross Bonds heretofore mentioned, for \$290.00 and to purchase from him, the Defendant, for that amount of \$290.00, 200 additional Shaumburg Bonds, representing, with the false and fraudulent intent aforesaid, that such pledging of the 172 Holland White Cross Bonds for \$290.00 and the purchase of the 200 Shaumburg Bonds, would make this Deponent to have secured

an excellent investment the more so as he, Defendant, would give him in addition to the 200 Shaumburg Bonds, one Ottoman Bond, and ^{one} Holland White Cross Bond and two Certificates of the Vienna Bank Exchange aforesaid, which in the aggregate are worth all the money he, the Deponent had ever paid to Defendant; that these representations of the Defendant as to their value were all false, untrue, fraudulent and were willfully and intentionally made by him to induce this Deponent to obtain the loan mentioned at some Bank and to pay the proceeds of such loan over to the Defendant, which Deponent, relying on the representations of the Defendant and believing them to be true, did as aforesaid, and pledged the said Holland White Cross Bonds and paid the said \$290.00 to the Defendant, although the Defendant then well knew that all his aforesaid representations and statements made to Deponent were untrue and false.

And Deponent further says that these representations of the Defendant as to the value of these European Premium Bonds made by the Defendant to this Deponent were all false and fraudulent at the time he made them and Defendant made them for the fraudulent intent and purpose to cheat and to defraud this Deponent; that these representations as to the value of these Bonds were not matters of opinion expressed by the Defendant, but were distinct falsehoods because he, the Defendant, well knew their values, that these values are quoted and published in European newspapers and Deponent avers and alleges and charges it to be a fact, that the Defendant was at all times during which the dealings heretofore set out were going on, fully informed of the values of these bonds and that he intentionally, willfully and fraudulently stated to Deponent fictitious values concerning them,

to induce this Deponent to purchase them, knowing that Deponent had absolutely no knowledge about these Bonds, but solely and implicitly relied on the statements and representations made to him concerning such values by the Defendant in person and by the Defendants agents and messengers made to him in Defendant's behalf; ^{and with Defendant's knowledge} and that by reason of the aforesaid false and fraudulent representations this Deponent was defrauded out of the sum of \$6.900.00 which the Defendant obtained from Deponent and for which \$6.900.00 after the various fraudulent manipulations of the Defendant has now in his possession:

One Holland White Cross Bond,

One Ottoman Premium Bond,

Three hundred Shaumburg Bonds,

Two Certificates of the Vienna Banking Company,

and that the aggregate value of all these alleged Bonds, papers and Certificates, is the sum of about \$100.00; and that that was their value at the time when he obtained the same from the Defendant as aforesaid, and that the Defendant well knew their value to be about \$100.00

Deponent further says, that no previous application has been made for this order to any Court or Justice.

And Deponent further says that this action is brought for

John Kraus

Sworn before me

this 31st day of March 1893

A. J. White
Police Justice

0543

THE PEOPLE, &c.,

District Police Court.

ON COMPLAINT OF

vs.

Examination of Surety.

following questions, as follows:

Question. What is your name?

Answer.

Question. Where do you reside?

Answer.

Question. What is your business?

Answer.

Question. Do you own any Real Estate,—if so, where situated, and of what does it consist?

Answer.

Question. When did you purchase, of whom, and what did you pay?

Answer.

Question. Are there any mortgages upon the same—and if so, to what amount?

Answer.

Question. When are they due?

Answer.

Question. Is the property in your own name alone?

Answer.

Question. Is the Deed or Deeds on record?

Answer.

Question. Are you surety for anyone else,—and if so, to what amount, and for what?

Answer.

Question. Do you owe any money,—and if so, how much?

Answer.

Question. Are there any judgments against you?

Answer.

Question. Are there any proceedings in foreclosure now pending against you?

Answer.

Meinrad R. Mertz

Sworn to before me this

day of

Police Justice.

0544

Sec. 198—200.

1882
District Police Court.

City and County of New York, ss:

Maurice Gross being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to a 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.

Maurice Gross

Question. How old are you?

Answer.

45 years

Question. Where were you born?

Answer.

Hungarian

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

Answer.

85 E 107 St

Question. What is your business or profession?

Answer.

Broker

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
Danmy Hoff

Taken before me this
day of *Sept* 188*8*

Police Justice.

0545

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

Teft 75 75 I order that he be held to answer the same, and he be admitted to bail in the sum of 75 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, April 10 1893 H. J. White Police Justice.

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

Dated, April 14 1893 H. J. White Police Justice.

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

Dated, _____ 189 _____ Police Justice.

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Thomas
248 vs. Reformation
Maurice Cross.

2

3

4

Dated,

189

White Magistrate.

Jacob H. Kinsley
Officer.
Precinct.

Witnesses

No.

No.

No.

Street.

\$ 500.00 answer

April reduced to G.S.
Bail
2 Apr 4.30 PM
" 8
" 10

District Attorney's Office,
City & County of
New York.

189

Hon. Barton S. Weeks;

People }
or
Gross }

Sir:

According to your instructions
I came here at 10 A. M. & remained—
awaiting you—until 11 A. M. I return
to my office 233 B'way—where I am
wondering, if you wish me to come here
again, kindly send word. I will
promptly come.

Yours respectfully

Wm. H. Loring
233 B'way

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Maurice Gross

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

Maurice Gross

of the CRIME OF *Grand* LARCENY in the 2nd degree, -
committed as follows:

The said

late of the City of New York, in the County of New York aforesaid, on the *twelfth*
day of *April* - in the year of our Lord one thousand eight hundred and
ninety- *two* , at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one John Krauss*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the
use and benefit thereof, and to appropriate the same to *his* own use, did then and there
feloniously, fraudulently and falsely pretend and represent to *the said John*

Krauss,

That ~~one~~ *one* hundred and seventy two
certain bonds called Holland White Cross
Society bonds, being bonds of the kind
commonly known as European Premium
Bonds, (a more particular description
whereof is to the Grand Jury aforesaid
inclosed) which the said *Maurice*
Gross then and there produced and exhibited
to the said *John Krauss*, and offered
to sell to him for the price and consideration
of three thousand and five hundred
dollars, - were then and there of the
value of said sum of three thousand and

Five hundred dollars, and upwards,

[Handwritten signature]

By color and by aid of which said false and fraudulent pretenses and representations, the said

Maurice Gross —

did then and there feloniously and fraudulently obtain from the possession of the said *John Krauss*, the sum of three thousand and five hundred dollars in money, lawful money of the United States of America, and of the value of three thousand and five hundred dollars,

[Handwritten signature]

of the proper moneys, goods, chattels and personal property of the said

John Krauss, —

with intent to deprive and defraud the said *John Krauss*, —

of the same, and of the use and benefit thereof, and to appropriate the same to *his* own use.

Whereas, in truth and in fact, the said *Krauss* while he the said *Maurice Gross* so as aforesaid then and there produced and exhibited to the said *John Krauss*, and offered to sell to him for the price and consideration aforesaid, near not then and there of the value of the said sum

of three thousand and five hundred dollars and upwards, or of any great value, but were worth a much less sum, to wit: the sum of four hundred and fifty dollars, or thereabouts,

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Maurice Gross to the said John Strauss was and were then and there in all respects utterly false and untrue, as he the said Maurice Gross at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said Maurice Gross in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said John Strauss,

then and there feloniously did STEAL, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.