

0009

BOX:

160

FOLDER:

1636

DESCRIPTION:

Jacobs, Charles

DATE:

12/16/84



1636

Witnesses:

A. Keller
J. Macken 1911

160
olner

Counsel, Olner
Filed 16 day of Dec 1884
Heads Franklin (17)

THE PEOPLE
vs. P
Charles Jacobs
W. H.
22 Mar.
Grand Larceny, second degree
[Sections 528, 529, Penal Code.]

PETER B. OLNEY,
12 Jan 1885 District Attorney.
plea guilty
A True Bill.
Olner
P. B. Olner
P. B. Jan 14 1885 Foreman.
Rev. D. W. York

0011

Police Court— 11 District.

Affidavit—Larceny.

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

of No. 20 West 50th Street, aged 36 years,
occupation Banker being duly sworn

deposes and says, that on the 11 day of December 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Twelve Salver silver tea spoons
Seventeen Salver silver forks
Two Salver silver table spoons
Valued in all at the sum of
one hundred dollars \$100⁰⁰/₁₀₀

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Charles Jacobs (now here)

from the following facts to wit: That deponent was informed by one Mary McKenna that as she (Mary) ^{was} entering the ^{passage} ~~dressing~~ room of deponent's home at 20 West 50th Street, she saw deponent departing therefrom, having in his possession the above described property.

Albert Kelly

Sworn to before me, this 11 day of December 1888
of New York
Police Justice.

0012

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary McKenna
aged *30* years, occupation *Domestic servant* of No.
20 West 50th Street, being duly sworn deposes and

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

Sworn to before me, this *11*
day of *December* 188*8*

Mary McKenna
Henry Murray
Police Justice.

0013

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Jacobs 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.

Charles Jacobs

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New Haven Conn.

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

Answer.

23 Heater Street one month

Question. What is your business or profession?

Answer.

Peddler

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

Charles Jacobs

Taken before me this

day of *July* 188*4*

James J. Justice
Justice

00 14

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

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

Dated Dec. 11 188

Henry J. Smith
Police Justice

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0015

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court *H* District. *1521*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Albert Keller
20 West 50th

1 *Charles Jacobs*

2 _____

3 _____

4 _____

Dated *Dec. 11* 188 *4*

Murray Magistrate.

Trachin Officer.

19 Precinct.

Witnesses *Mrs. Barron*

No. *20 W. 50th* Street.

Mary McKinnon

No. *20 W. 50th* Street.

No. _____ Street.

\$ *1000* to answer *of Sessions*

Chas. H. ...

00 16

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Jacobus

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

Charles Jacobus

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

The said *Charles Jacobus*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms,

twelve spoons of the value of three dollars each, two other spoons of the value of five dollars each, and seventeen forks of the value of five dollars each,

of the goods, chattels and personal property of one *Albert*

Murray,

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

Peter B. Olney,

District Attorney

00 17

BOX:

160

FOLDER:

1636

DESCRIPTION:

Jacobs, Isaac

DATE:

12/02/84



1636

Witnesses:-

Geo Stalberg

Sept first 1885

FN

Since I deposed that
the Dep't. Sec Comm'r
to the State Rep'rntative
the Section's factious &
affair's have been
presented: I shal leave
that this is the proper
criminal offence - That
her character has been
been good - That her
has been involved in
consequences of her act.
That her credit is not
of her employment
I think that the
justice will be done
by. Such thing for the
the Section's present.

May 2 / 85 F.S.

Counsel,

Filed 2 day of Dec

1885

Pleads

W. H. Kelly

THE PEOPLE

vs.

F

Joan Jacobs
Theresa
19

Chapman
single
Carpenter

PETER B. OLNEY,

JOHN MCKEON

District Attorney.

A True Bill.

Dec 10 / 84

W. H. Kelly

Foreman.

W. H. Kelly

W. H. Kelly

May 2 / 85

F.S.

0018

0019

To the Honorable Frederick Smith
Recorder of the Court of General
Sessions of the Peace holden in
and for the City and County of New
York.

The Petition of David Jacobs re-
spectfully shows;

I. That he is the Father of one Isaac
Jacobs who was on the 10th day of
December 1884 upon his confession
convicted upon the charge of Forgery
in the Second Degree and sentenced to
the New York State Reformatory by
the Hon. Frederick Smith Recorder
of the General Sessions.

II. That your petitioner resides at No
79 Canal Street in the City New York,
with his wife and family, that your
petitioner son was formerly in the em-
ploy of one S. Rosenbaum that your
petitioner's son was always an hon-
est, upright and trustworthy young
man and was respected as such
among the community, that
your petitioner was and his family were
and now are respected among the
community as honest and upright

0020

People

Wherefore Your Petitioner prays
that the sentence imposed upon
his said son be suspended and
that he be discharged from such
said imprisonment and that
your petitioner will ever pray &c
Dated New York
December 20th 1884

State of New York

City and County of New York

David Jacobs of said City, being
duly sworn, says that he has heard
read the foregoing petition and that
the facts therein contained are true
to the knowledge of deponent in every
respect.

Sworn to before me this 20th day of December 1884
David Jacobs

We the Undersigned re-
spectfully recommend the
discharge of the above named

0021

Isaac Jacob and that we are
acquainted with him and that
we verily believe that he is an
honest and upright young man

L. J. Jacobson
79 Merrimack St.

Peddler) David Jacobs 79 Canal
Any goods, Isaac Jacobson

(Clothing) N. Fitterman & Son.
79 Canal St.

Jewelry Louis Goldstein
30 Orchard St

(Jewelry) Abraham Cohen
20 Essex St.

Jewelry Solomon Backus
375 Grand St.

Clock & Jewels J. Silberman & Bros
323 Grand St.

J. Backus
375 Grand St.
Revised Store Meyer Friedman
32 Fulton

Nathan Isaacson
39 Canal St

0022

State of New York,
City and County of New York ss,

Rosenbaum
of said City, being duly sworn, deposes
and says, that he resides at No 497,
Broome Street in said City.

Deponent further says, that on the
10th day of December 1884, one Isaac
Jacobs was upon confession convicted
of the charge of Forgery in the second
degree and was committed to the
New York State Reformatory.

That the said Isaac Jacobs was
prior to his conviction in the employ
of deponent and was in deponents em-
ploy for about two years last past
that deponent is in the Hat and Cap
Manufacturing Business and always
entrusted the said Isaac Jacobs
in any part of deponents Business
and always found him to be an
honest, upright and trustworthy
young man and that deponent is
acquainted with the parents of
the said Isaac Jacobs and that
they are honest, upright and trust-
worthy persons, and that if the said

0023

Isaac Jacobs was now to be discharged deponent would be willing and would take the said Jacobs in his said employ.

Sworn before me this } - H. K. H. H.
22 day of December 1884
Joseph Silverstone
Notary Public
N.Y.C.

0024

To The Honorable

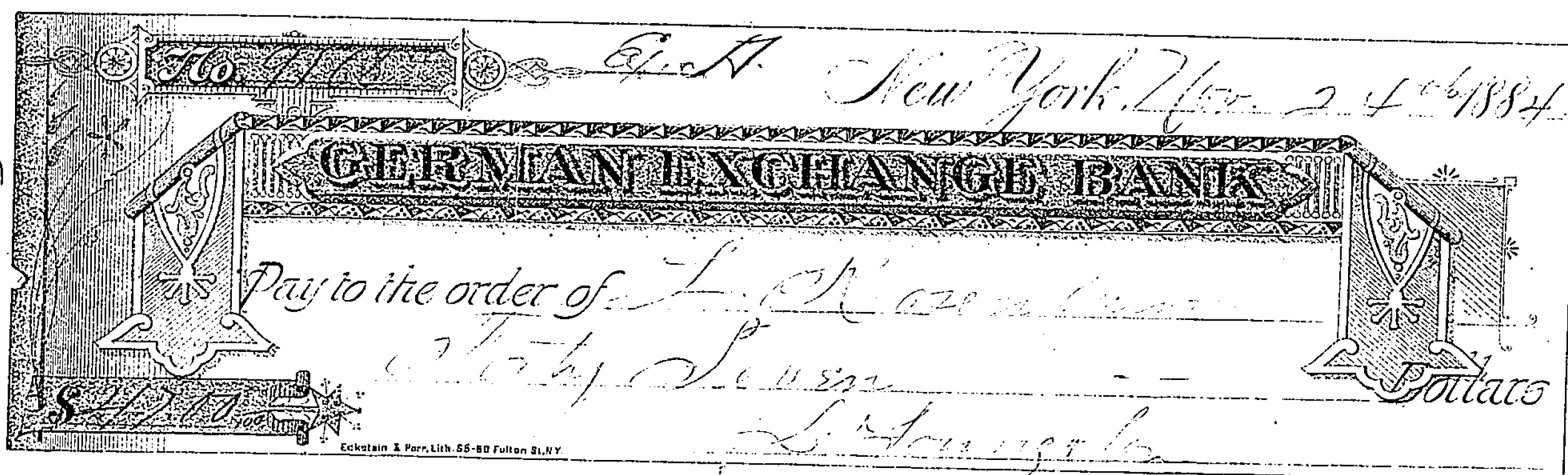
Fredrick Smyth

Recorder of the
City of New York

Petition and
Affidavits in
the Matter of

Isaac Jacobs

0025



0026

L. Roentgen

0027

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, ss:POLICE COURT, 2^d DISTRICT.of No. 417 W 54th Street, being duly sworn, deposes and says,that on the 25th day of November 1884at the City of New York, in the County of New York, Isaac Jacobs (now Leo)

Did unlawfully make, forge & utter a certain instrument, paper or writing which purports to be a cheque drawn on the German Exchange Bank and made by L. Young & Son & endorsed by L. Rosenbaum and did write and forge to, & upon said instrument the names of L. Young & Son and L. Rosenbaum. & with intent to cheat & defraud deponent.

That on the day aforesaid one James J. Bouchard of number 439 West 32^d Street, presented said cheque to deponent & told him deponent that he wanted said cheque cashed for the said L. Rosenbaum. That deponent being suspicious that said cheque was not genuine asked said Bouchard from whom he received it when said Bouchard told deponent he received it from said Jacobs. who was waiting down stairs. Deponent thereupon went down stairs with said Bouchard & found said Jacobs had gone away, Deponent then went to said Rosenbaum the endorser of said cheque and said Rosenbaum stated to deponent that said cheque was

0028

a forgery and that he never endorsed said cheque and that he never sent any person to deponent to get the same cashed.

Sworn to before me
this 26th day of November 1894

H M Patterson

Peace Justice

George H. H. H.

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Dated

1893

Magistrate.

by

Officer.

Witness,

Disposition

0029

STATE OF NEW YORK.
CITY AND COUNTY OF NEW YORK, ss:POLICE COURT, 3^d DISTRICT.James J. Bonchard
of No. 439 West 32^d Street, being duly sworn, deposes and says,
that on the 25th day of November 1884
at the City of New York, in the County of New York, Depovent met

Isaac Jacobs (man here) at or about the hour of 11 A.M. on the day afore said at the corner of Spring and Greene Streets, when said Jacobs asked depovent to take said cheque to the cashier on the first floor of the premises 68 Greene Street and take him to cash said cheque for Mr. Rosenbaum of South 5th Avenue.

and to say that Mr. Rosenbaum had sent him there to have it cashed, that depovent took the said cheque to said place and delivered the said message and when depovent came down stairs he found the said Jacobs gone.

Depovent fully identifies said Jacobs as the person he met on said day and as being the person who gave him said cheque to take to said premises and have the same cashed.

Sworn to before me,
this 26th day of November 1884

J. J. Bonchard
J. M. Patterson

Per Justice

0030

STATE OF NEW YORK.
CITY AND COUNTY OF NEW YORK, ss:POLICE COURT, 2^d DISTRICT.

of No. 532 Broadway Street, being duly sworn, deposes and says,

that on the 25th day of November 1884

at the City of New York, in the County of New York, That he is a

member of the firm of Lewis Young & Son. and that the cheque thereto annexed and marked Exhibit A. and which is the subject of this complaint is a forgery. and that the firm of L. Young & Son have never had and have not now any bank account with the German Exchange Bank. and that the signature of L. Young & Son as the makers thereof is a forgery. and that the name was written thereon without the knowledge and consent of said firm.

Sworn to before me
this 26th day of November 1884 } Lewis Young.
J. M. Patterson }
Peace Justice

0031

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 2^d DISTRICT.

Louis Rosenbaum
 of No. 497 Broome Street, being duly sworn, deposes and says,
 that on the 25th day of November 1884
 at the City of New York, in the County of New York, That he is the

person referred to as being the
 endorser on the cheque which
 is marked Exhibit A. and which
 is the subject of this Complaint
 and that the said signature of said
 L^r Rosenbaum is a forgery. and that
 he never did endorse such cheque
 and that he never sent any person
 to George Stallberg or any other
 person to have the said cheque
 cashed and that the same is written
 thereon without the knowledge
 and consent of deponent.

Sworn to before me
 this 26th day of November 1884

AM Patterson

Justice

L. Rosenbaum

0032

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Isaac Jacobs being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his *to* 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 *to* waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Isaac Jacobs.*

Question. How old are you?

Answer. *19 years.*

Question. Where were you born?

Answer. *Poland.*

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

Answer. *31 Charlton Street 1 month*

Question. What is your business or profession?

Answer. *Cap 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 guilty of the charge.
Isaac Jacobs.

Taken before me this

9th

day of *March* 188*8*

Edw. J. Sullivan
Police Justice.

0033

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

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

Dated November 1888 W. M. Patterson 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 within mentioned, I order h to be discharged.

Dated _____ 1888 _____ Police Justice.

0034

Police Court

81779 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Stallberg
417 West 54 St

1 Isaac Jacobs

2

3

4

Office for 900

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

November 2 1884

Patterson Magistrate.

Sever coal Officer.

8th Precinct.

Witnesses

No.

439 E 32 St.

No.

332 Bway Street,

No.

497 Broadway Street.

\$1000. to answer 4th Sessions.

Com.

0035

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Spedon

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

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

The said *James Spedon*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
twenty-fourth day of *November* in the year of our Lord one thousand eight hun-
dred and eighty-*four* with force and arms, at the Ward, City and County aforesaid, feloniously
did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain
instrument and writing, *to wit: an order for the payment*
of money of the said community called
Wards Checkers,
which said forged *Wards Check*
is as follows, that is to say:

No. 9,600

new York Nov. 24th 1884

German Exchange Bank

Pay to the order of J. Rosenbaum

Forty Seven

Dollars

\$ 47.00

J. Young & Son

with intent to defraud, against the form of the statute in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

0036

SECOND COUNT.

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

James J. [unclear]
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said James J. [unclear],

late of the Ward, City and County aforesaid, afterwards, to wit, on the said twenty-fourth
day of November — in the year of our Lord one thousand eight hundred and
eighty four, with force and arms, at the Ward, City and County aforesaid, with intent to defraud,
James J. [unclear] in his possession,
a certain forged instrument and writing, to wit: an order for
the payment of money of the kind
commonly called bank checks —
which said last-mentioned forged bank check,
is as follows, that is to say:

No. 9/60 New York Nov 24th 1884
German Exchange Bank
Pay to the order of J. Rosebaum
Forty seven Dollars
\$ 47.00
J. Young & Son,

with force and arms, the said forged bank check
then and there deliberately did utter, dispose of and put off
as true, the said James J. [unclear],
then and there well knowing the same to be forged, against the form
of the Statute in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

0037

BOX:

160

FOLDER:

1636

DESCRIPTION:

Jansen, Helga

DATE:

12/18/84



1636

Witnesses =

Elizabeth Crockett
Sgt. Stanley Carter

188

M^{rs} C

Counsel,

Filed day of Dec

1884

Pleads

Guilty (17)

THE PEOPLE

vs.

P

Helga Jansen

INDICTMENT.
Grand Larceny in the 3rd degree.
(MONEY.)

PETER B. OLNEY,

JOHN McKEON,

District Attorney.

A True Bill.

J. W. [Signature]
Dec 23/84 Foreman

Heads C. J. F.

Penic [Signature] m. h.
[Signature]

26

0038

0039

2d District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK,ss Elizabeth Lockitt, 32 years old, spinster
of No. 145 Clinton Avenue Street Brooklynbeing duly sworn, deposes and says, that on the 11th day of September 1884

at the Dry Goods Store No. 64 West 16 Street City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession and

person of deponent in the day time, with intent to deprive of the use and benefit of the property the lawful owner thereof — C
the following property, viz:

One leather pocketbook of the value of
One Dollar containing Sixteen Dollars
in good and lawful money of the United
States, bills or notes of various denominations,
and one check of the value of Twenty
five dollars and Fifty cents, in all
of the value of Forty Two Dollars and
Fifty cents

the property of this deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by Helga Janson, now here, from

the following facts: At about five o'clock
on the afternoon of said day deponent

was in Macy's store at said place having
in her hand a satchel containing said

pocketbook. Deponent found the satchel
open, missed said pocketbook. Deponent

is informed by Officer Charles A. Hanley
of the Central Office Police that, being

at said store at said time, he saw in

0040

The possession of said Helga Ganson
the pocket-book, here shown, which deponent
identifies as hers, and took the said pocket-
book from said Helga
Sworn to before me this
12 day of December 1884
J. M. Patterson
Police Justice } Elizabeth Lockhart

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles A. Hanly
aged 35 years, occupation Policeman of No.
of the Central Office Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Elizabeth Lockhart
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12th
day of December 1884

J. M. Patterson

Police Justice.

Chas A. Hanly
Elizabeth Lockhart

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

ss.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0041

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, }*Second* - District Police Court.

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

Question. What is your name?

Answer. *Helge Janson*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *Sweden*

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

Answer. *123 West 27th Street, New York*

Question. What is your business or profession?

Answer. *Servant*

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. I found the pocket-book and its contents in Macy's Store, on the floor. Helga Janson*Taken before me this *12*day of *December* 188*4**John J. Parsons*
Police Justice.

0042

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 *Melge Hanson*

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 *December 12* 188 *4 J. M. Patterson* Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0043

Police Court

1894 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Elizabeth Lockett

145 Clinton St. Brooklyn L.I.

Melge Samson

RECEIVED
DEC 15 1884
CLERK'S OFFICE

Offence Larceny from person

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

December 12 1884

Magistrate.

Charles A. Hanley

Officer.

Central Office

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 1000 to answer

Sessions.

Comd.

0044

The People
vs.
Helga Jansen.

Court of General Sessions, Part I.
Before Judge Gildersleeve.

Monday, December 22, 1884.

Indictment for grand larceny in the second degree.

Elizabeth M. Lockett sworn I live at 145 Clinton Avenue Brooklyn, on the 11th of December I was in the city of New York in Macy's store, I should say it was about four o'clock in the afternoon. Previous to taking my pocket-book I laid my satchel and umbrella on the glass case and placed two small parcels together. I immediately picked up my articles and bag, I was just crossing the store from one place to another with no particular place in view; about two minutes from the time I took up my bag, I was sure it was closed, I found it hanging open in front of me and the pocket-book gone. I have got the pocket-book - (pocket-book produced). I had seen the pocket-book about two minutes before laying my bag on the counter or on the glass case, I remember perfectly well putting it in the bag and I shut the bag after I put it in, I had gone about twenty-five feet in the store before I noticed the bag was open and the pocket-book taken. There were not so many people about that part of the store as in some other parts. I had in the pocket-book about sixteen dollars in bills and a check for \$25.50 drawn in my name to my order but it was not endorsed. There was in the bag one glove and a little pencil and memorandum, the pocket-book was put in endwise, I held it close to me and it could not fall out. I next saw the pocket-book when the Detective brought it to me the next day, it was Officer Hanley.

0045

Cross Examined.

There were few people around me at the time this happened, there might be half a dozen but there was no one crowding near by me, the parcels did not remain one minute on the counter, I never knew my bag to open in a crowd as I carried it in front of me pushing in a crowd; it does not seem possible that the pocket-book could drop out of the satchel. At the moment I found the bag open I noticed that the pocket-book was gone. I went to one of the desks and reported my loss.

Charles A. Hanley sworn. I am a police officer attached to the Central office as Detective, on the 11th of December I was in Macy's store, Sixth Avenue and 14th Street in this city from two until four o'clock, I was on duty there in plain clothes, I saw the defendant in there on that day. She came down through the center of the passage on the first floor and went upstairs to the second floor and went around there for a few minutes and came downstairs again by the same stairway and went over into the toy department; she rubbed up against a lady there, she stood against a lady there for a few minutes, about two minutes and immediately left her and went down, I turned in the passageway and went towards the door in 13th Street and went across the street; as she got on the south-east corner of 13th Street and Sixth Avenue I arrested her; she had then in her hand a pocket-book. (The complainant's pocket-book shown to the witness.) I did not mark the pocket-book, it is a pocket-book similar to that one. I followed her out of the store but did not see her come in; she came down stairs to where this lady, the complainant, was standing, Miss Locket was standing at the counter on the right hand side; the defendant was dressed

0046

as she is now, she had a cloak on and that hat; when she left Miss Lockett she went right out of the store, I was probably fifteen feet behind her and observed her all the time; when I got to the other side of the street I said, "Be kind enough to give me that pocket-book you have taken, she looked at me and then handed me the pocket-book. I brought her back and said, show me where you took this pocket-book; she walked right back to where Miss Lockett had been standing who had gone off to some other part of the store. I left word then with the Superintendent if anybody had lost their pocket-book to notify them to go to Police Headquarters, I kept the pocket-book until next morning, there was some sixteen dollars and odd cents and a check drawn to the order of Miss Lockett and signed by a man named Ruland, I gave it back to her by order of the Judge as she identified her property.

Cross Examined. I followed her during all the time she was in the store; I did not see her go to the dress department, when she went into the street I knew she had something, I saw her look at it the minute she got on the street, I never arrested this woman before but I saw her make several attempts, I do not know that she was in there purchasing goods that day, I never inquired if she purchased any goods in Macy's. I have been on the police ten years. Before the Magistrate she claimed she found it, I do not know how many people there were in the neighborhood of the complainant in the store, the store was very much thronged, I was about fifteen feet from the defendant and probably three people intervened between us. I saw the defendant put out of Macy's store by the special man on the 5th of December, I was outside at the time.

0047

There was several people walking by just before she got up to Miss Lockitt, they only prevented me seeing the motion of her hand, I could see her body. She could not have stooped down at any time during the five minutes I followed her with twenty people intervening unless I could see her, I did not see her look at the pocket-book in the place but she looked at it when she got to the door.

The Case for the Defense.

Helga Jansen soern. I was in Macy's store at the time the lady testified she lost the pocket-book, I did not take any pocket-book from that satchel, I have never been arrested charged with any crime before this. I went into Macy's store to get my dress and I went down to tell them to send my dress home when it was ready, I went down stairs and felt something at my foot and I stooped down and picked it up, I saw on the street that it was a pocket-book. The man in citizen's clothes said to me, will you be so kind as to give me that pocket-book, I said, yes, and I handed it to him, I had it in my hand all the time and did not put it in my pocket. (Miss Jones stood up in court.) I saw that lady there, I was in Macy's before to buy some clothes. The bill now shown me is a bill for my dress that I ordered on the 4th of December.

Counsel. This appears to be, New York, H. Jansen bought of R. H. Macy one suit \$47.98.

Witness. I purchase that on the 4th of December and paid twenty dollars on account. That was Thursday, I was to come back on Saturday but I did not on account of being ill, I just recovered from confinement, I went back on the Thursday that I was arrested, I did not pay any money on the dress then. You were going out, as you say, when you felt this

0048

pocket-book at your feet, you picked it up and you walked out of the store? Yes sir.

Counsel. The balance of this bill was paid on the 17th of December

Cross Examined. I went to the store that day about half past two or three o'clock. I saw Miss Jones when I bought the dress on the 4th of December, I saw another lady who is not in Court on the 17th of December, she was going to send my dress home. Miss Jones is in the department up stairs, the dress was done and she was going to send it, it was too big and I could not carry it, I told her my number where to send it. When I came down stairs I went right out and between the bottom of the stairs and the door I kicked against a pocket-book, I did not see Miss Lockitt on that day, I never seen her, I did not go up to ~~the~~ any counter on the lower floor, it is not true as the officer said that I stood beside her at the counter I stopped at a counter to look at some things within three feet of the door, I did not stop one minute, I live at 123 27th Street. My husband is on a boat, I do not know where he is, he goes away every two weeks, he went away before I was arrested, his name is Uloff Neilson, he did not live with me at that house, I never lived with him, he used to pay the rent for me, I lived alone. Is your husband a colored man? I do not know what he is, I had not been to Macy's between the 4th and the 11th of December I was there before I had my baby, I went to get my clothes for my baby, I did tell the officer that I found the pocket-book, I said I got it in Macy's store, I guess the dress was to cost seventy-five dollars, I paid twenty dollars down, Mrs. Brooks paid the rest after I went to jail, I was never requested to leave Macy's store.

0049

Counsel, With the consent of the District Attorney I will read the following certificate which was sent by Perkins her former employer. New York, December 22, 1884. Helga Jansen who is now under indictment, was in the employ of my family as a kitchen maid for one year prior to July last and that during that time the prisoner was an industrious and honest girl." I also read a certificate from Mrs. Perkins who probably was more familiar with this girl than any one else in the family. "Helga Jansen has lived with me a year or more as kitchen maid. I have found her an excellent servant, capable, honest and obliging. Mrs. L. S. Perkins, Glen Cove, Long Island.

Maggie Jones sworn. I was in the employ of Macy & Co. on the 4th of December, I remember the defendant purchased a suit for \$47.98, she paid a deposit of twenty dollars, it did not fit her and she was to return on the following Saturday but did not until the following Monday, she was then fitted for the second time and I did not see her afterwards; it was sent home on the 11th of December, it was delivered at 127 West 27th Street but it came back as it was the wrong address. A colored lady came for the purpose of taking the dress and the balance \$27.98 was paid.

Lucy Brooks sworn. I am a married lady living at 123 West 27th Street, the defendant had been with me two months. Her husband gave me the name of Neilson when he rented my room, he is a sea-faring man, I attended the defendant during her confinement, she has been a very nice respectable looking, quiet, decent woman.

John Killilea sworn. I am a police officer and saw the defendant at Macy's store on the 5th, the 9th and the 11th of December.
The prisoner pleaded guilty to petty larceny.

0050

Testimony in the case

of
Helga Janssen.

filed Dec. 1884

0051

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Eliza Hansen

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

of the crime of GRAND LARCENY IN THE *Second* DEGREE, committed as follows:

The said *Eliza Hansen*,

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *eleventh* day of *December*, in the year of our Lord one thousand eight
hundred and eighty-four at the Ward, City and County aforesaid, with force and arms,

one promissory note for the payment of money, being then and there due and unsatisfied (and of the
kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars
; *one* promissory note for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value
of ten dollars ; *three* promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the
value of five dollars each ; *five* promissory notes for the payment of money, being then and
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars,
and of the value of two dollars each ; *ten* promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination
of one dollar, and of the value of one dollar each ; *one* promissory note for the payment of
money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty
dollars ; *one* promissory note for the payment of money (and of the kind known as bank
notes), being then and there due and unsatisfied, of the value of ten dollars ; *three* promissory
notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of
the value of five dollars each ; *five* promissory notes for the payment of money (and of the kind
known as bank notes), being then and there due and unsatisfied, of the value of two dollars each ; *ten*
promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and
unsatisfied, of the value of one dollar each, *one* pocket book of
the value of one dollar, and *one*
written instrument and evidence of
debt, to wit: an order for the payment
of money of the kind commonly called
bank checks, the same being then
and wholly unsatisfied, for the payment
of and of the value of twenty-five dollars,
of the goods, chattels, and personal property of one *Eliza Dockrill*,
on the person of the said *Eliza Dockrill*, then and there being found,
from the person of the said *Eliza Dockrill*, 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.

PETER B. OLNEY,

~~JOHN McKEON~~

District Attorney.

0052

BOX:

160

FOLDER:

1636

DESCRIPTION:

Joeckle, Louis

DATE:

12/31/84



1636

Witness

Counsel, *Morris Myers*
Filed *24* day of *Dec* 188*4*
Plends *Washburn May 24th*

THE PEOPLE
vs.
P
Louis Joeckle
Murder in the First Degree.
(Section 189.)

PETER B. OLNEY,
~~JOHN MCKEON~~
April 13, 1885 District Attorney.
Tried and acquitted
A True Bill.

W. Wood
Exhibited to R. J. [illegible] [illegible] and [illegible]
Witness [illegible] [illegible] [illegible]
1885
Under Seal of [illegible] [illegible]

0053

0054

Michael Cassler being sworn
deposes and says that he re-
sides at 98 North Cliff Street
Williamstown M.F. and is
a cooper by trade aged 25
years. That he was acquainted
with Martin Byrne the de-
ceased and was in his company
on the night of October 20th
1883 being asked by Byrne
to go with him in search of
the candidate for Assembly in
the 8th District and looked for a
job. In company with said Byrne
deponent visited several places
in search for said candidate
who was named Smith & while
walking through Rutington Street
near Ludlow Street three men
attacked us. It was dark and
I could not get a good look
at their faces as they ran away
after making the attack but the
three men answer in description
the height and build of these
three defendants (now here).
The three men knocked against
me and Byrne and shoved us

0055

off the sidewalk whereupon
Byrne asked them if they wanted
the whole sidewalk & they struck
me in the neck ~~and~~ while I
was picking up Byrne's hat. I
did not see where Byrne had
been struck about ten minutes
after Byrne's deposition went
to the 10th Precinct Station House and
stated the case to the Sergeant
there in presence of Captain
Allaire. Then Byrne and I started
for home & I left Byrne Corner
Rivington & Suffolk Street. I saw
Byrne the following morning in
a stable at the rear of 136
Suffolk Street. I was with him
nearly all that day. The next time
I saw him he was dead and in
the hay loft at 142 Suffolk Street.

Cross Exam It was dark and
at 11.30 P.M. at night. I could not
get a good view of any of these
defendants. One was about my
height. Since I was attacked
I have seen numbers who were
the same height. I couldn't

0056

swear that either of these three
defendants are the ones who
attacked Byrne and me on the
night above referred to.

Re-Direct-Exam - by - Mr. Scharff

The three prisoners were coming
towards us when we were
attacked.

Sworn to before me this

24th day of December 1884

John B. Smith

Police Justice

Albert Dieter of 307 Delancey
St. being sworn says, ~~that~~ 26
years old, a piano polished
& was not acquainted with
Martin Byrne, the deceased. I
know Joseph Mitchell & was with
him at a ball on 5th Street on the
night of October 20th 1883 and
left there in company with Mitchell,
George Hallock & Stoenbold about
midnight. I went home. We separ-
ated at Springton St & Church Street.

0057

I am acquainted with Louis Joeckel
one of the defendants here and met
him that night on Orchard
Street near Stanton Street. Joeckel
was alone. It was between 12 and
One o'clock A.M. Joeckel said
that he had a fight corner of Ladlow
& Livingston Street and that ^{Joeckel} he stabbed
a man and broke two blades and
showed him a knife.

Mr. Simonson objected to the as-
sumption made by any of the de-
fendants to be possessed in Evidence.

I told him he might get in trouble.
I saw him a week after that and said
nothing to him.

Sworn to before me this } Albert. Dieter
27 Day of December 1884 }
Solomon R. Smith
Police District

0058

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

Just

District Police Court.

Louis Dockel

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 *Louis Dockel*

Question How old are you?

Answer *18 years*

Question Where were you born?

Answer *New York*

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

Answer *203 Avenue "B" 4th Street*

Question What is your business or profession?

Answer *Errand boy.*

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.*

Louis Dockel

Taken before me this

Dec 18 1884
Stewart

Police Justice.

0059

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 Louis Doekel

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.~~ he be legally discharged

Dated Dec 27 188 4 Solomon B. Smith 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 Joseph Mitchell Edward
Russell & George Koberg guilty of the offence within mentioned, I order ~~him~~ him to be discharged.

Dated Dec 27 188 4 Solomon B. Smith Police Justice.

0060

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

Richard Sullivan

10th Precinct

Louis Doekel

Joseph Mitchell

Edward Russell

George Koberg

Sullivan

Dated Dec 27 1884

Richard Sullivan

Off Michael White

Witnesses Michael Casser

No. 98 north Cliff St Brooklyn

Williamburg

No. Albert Dieter 107 Delaware St

John Gordon 12 Garden St

No. 121 Norfolk St

Wm A Conway

to answer Sessions.

Cirrus Officer

0061

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 1 DISTRICT.

Richard Sullivan

of No. 1018 Princes Street, aged 40 years,
 occupation Police officer being duly sworn deposes and says,
 that on the 21st day of Decr 1888

at the City of New York, in the County of New York, he arrested Joseph Mitchell Louis Dockel and Edmund Russell and on Dec 22^d he arrested George Koberg who are charged with having caused the death of Michael Burns on Oct 20th 1883, and Depment is informed that said Koberg ~~confessed~~ told parties he had broken the blade of his knife in the skull of said Burns. Depment prays said defendants may be committed to the City Prison until Friday Dec 26 at 3 pm, the Court for do... the... consenting that it...

Sworn to before me, this 21st day of Decr 1888
 J. J. Sullivan
 Police Justice

0062

286
+
888
Police Court, 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard Sullivan

vs.

Joseph Mitchell

Louis Jockel

Edward Russell

George Hoberg

Dated Dec 24 1888

Smith Magistrate.

Sullivan Officer.

Witness,

Disposition,

Dec 26 3 PM
Dec 27 11 AM

AFFIDAVIT.

Honorable

0063

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the *Coroner's Office*
No. *15* *Chatham* Street in the *4th* Ward of the City of
New York, in the County of New York, this *23* day of *November*,
in the year of our Lord one thousand eight hundred and *83* before

WILLIAM H. KENNEDY, CORONER,

of the City and County aforesaid, on view of the Body of *Martin Byrnes*

now lying dead at

See Upon the Oaths and Affirmations of
good and lawful men of the state of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the
said *Martin Byrnes* came to his death, do

upon their Oaths and Affirmations, say: That the said *Martin Byrnes*

came to his death by

by a stab wound of skull
Injuries received in a manner unknown
to the Jury on October 20th 1883 near
the corner of Rivington & Sullivan street

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

JURORS.

Aug. Thompson
Jos. P. Walsh
J. Levy
Levy Scherster
Henry Verplanck
Edwin Davis

4 Bleeker
733 Broadway
24 Baxter st
3 Bay St
145 Prince St
69 Decker st

William H. Kennedy

CORONER, T. S.

0064

Coroner's Office.

TESTIMONY.

Officer Michael White 10th Precinct
being sworn says. On Oct 23rd 1883 about
6.30 A.M. while on post in Suffolk St.
near Stanton. I was told that there was
a man dead in a stable Mr Suffolk St.
I went to the place and found the
man dead in a hay loft. I then
reported the case at the Station House,
I was told that deceased had been in the
habit of sleeping in the hay loft.

Michael White

John Gordon being sworn says I reside
at 131 Norfolk St., On Saturday Oct 24th 1883
about 1 A.M. I was in the lager beer
saloon of Wm Lang 132 Rivington St
when deceased came in with his head bandaged
and said he had been struck by a man
with a bottle in the corner of Rivington
& Gordon St. I asked him what happened.
He said he did not know who struck
him after a while he went home. I saw
him again in the morning about 10.30 A.M.
his head was still bandaged. I went away
and he remained there. I saw him again
on Monday in the same place, that he
Taken before me,

this 23 day of November 1883

William A Kennedy

CORONER.

0065

Coroner's Office.

TESTIMONY.

was ~~still before~~, he was not intoxicated
 I heard afterwards that he got out
 of the saloon and was found dead
 at 14¹/₂ Suffolk street, the stable where
 he was found dead in he had the keys
 of it.

John Gordon

Michael Hawker. being sworn says. I
 reside at 126. North Street St. William'sburg
 On ^{Oct.} 20/83 about 10 P.M. I was with the
 deceased and after leaving the Brewery
 and going through Rivington St. corner
 Ludlow. three men came towards us
 and pushed against deceased, who said
 Do you want the whole of the sidewalk?
 The parties then wanted to fight, and
 we in order to defend ourselves had
 to do something, in the fracas Martin
 Borman was struck and fell I picked
 him up and afterwards took him
 with the assistance of others to the Station
 House, he staid there about 10 minutes
 and then went back to Lang's at
 13¹/₂ Rivington St and I left him there
 I heard that he was dead on Tuesday
 Oct. 23/83

Taken before me,

Mike Hawker

this 23rd day of November 1883

William H. Kennedy

CORONER.

0066

TESTIMONY.

Wm. A. Conway M.D. being sworn says.
From a view of body of deceased and
testimony hereto I am of the opinion
that death is due to Encephalitis and
Meningitis, caused by fracture of the skull and laceration
of the brain by a blade of a knife.

On Oct. 23/83 I made an autopsy on the
body of Martin Byrne at 82 Stanton St.
An external examination of the body showed a
small scalp wound about 2 1/2 inches behind the
left ear. The wound was not more than 1/3 of an
inch long and had almost closed by first intention.
On removing the scalp and inspecting the skull
under the seat of the injury, there was discovered
a fracture of the bone and projecting from it something
which appeared to be a piece of glass. Closer in-
spection proved the substance to be metallic, and
on removing the calvarium from the brain, a knife
blade was found buried in the substance of the
brain. It had gone clean through the skull,
membranes of the brain, and brain substance for its
entire length breaking short off at the end of the
blade nearest the handle. There was a radius
of inflammation of about 3 inches around the wound
in the brain itself and in the membranes. Also
there had been some hemorrhage. The other
organs of the body were in normal condition.
In my opinion death was caused by Encephalitis
and Meningitis following fracture of the skull caused
by a stab wound of a knife in the head.

Wm. A. Conway M.D.

Sworn to before me,

this

23rd day of

October 1883

William A. Conway

CORONER.

0067

MEMORANDA.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
29 Years.	- Months.	Days	Ireland.	82 Stanton St from 182 Suffolk St in hospital	Oct. 23/83.

K.

Oct 200
1883

AN INQUISITION

On the VIEW of the BODY of

Martin B Spray

whereby it is found that he came to his death by

Chancery received
the fact as arrived and
to the family and
October 20, 1883

Inquest taken on the 23 day
of October 1883
before

WILLIAM H. KENNEDY, Coroner.

0068

K.

No. 200

4th Decr.

1883

AN INQUISITION

On the VIEW of the BODY of

Martin B Gray

whereby it is found that he came to his Death by

Self-Inflicted Wounds
in a momentary
fit of Madness and
Suicide
October 20, 1883

Inquest taken on the 23rd day
of Nov 1883

WILLIAM H. KENNEDY, Coroner.

REC'D OFFICE 7th DIVISION, APR 24 1884

MEMORANDA

AGE.	Years. - Months. - Days	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
29		Ireland.	82 Stanton Ave New York	Oct. 23/83

0069

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Sonir Gualata

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

Sonir Gualata

of the CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said *Sonir Gualata*

late of the City and County of New York, on the *20th* day of *October*,
in the year of our Lord one thousand eight hundred and eighty-*three* at the
City and County aforesaid, with force and arms, in and upon one

Martin Gualata

in the peace of the People of the State then and there being, willfully, feloniously, and
with a deliberate and premeditated design to effect the death of *him* the said
Martin Gualata did make an assault.

And the said *Sonir Gualata*, *him*

the said *Martin Gualata*,

with a certain *knife*,

which *he* the said *Sonir Gualata*,

in *his* right hand then and there had and held, in and upon the *head*

of *him* the said *Martin Gualata*,
then and there willfully, feloniously, and with a deliberate and premeditated design to
effect the death of *him* the said *Martin Gualata*,
did strike, stab, cut and wound, giving unto *him* the said *Martin*
Gualata, then and there with the *knife*

aforesaid, in and upon the *head*

of *him* the said *Martin Gualata*, one mortal wound of
the breadth of one inch and of the depth of six inches, of which said mortal
wound *he* the said *Martin Gualata*,
at the City, and County aforesaid, from the day first aforesaid, in the year afore-
said, until the *twenty third* day of *October*
in the same year aforesaid, did languish, and languishing did live, and on which
twenty third day of *October*
in the year aforesaid, *he* the said *Martin Gualata*, at the
City and County aforesaid, of the said mortal wound did die.

0070

And so the Grand Jury aforesaid do say: That the said *Barina*
Spaldar, Imin _____

the said *Martin Sayner*, in the manner and form
and by the means aforesaid, at the City and County aforesaid, on the day and in the
year aforesaid, willfully, feloniously, and with a deliberate and premeditated design to
effect the death of *Imin* the said *Martin Sayner*
did kill and murder, 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.

PETER B. OLNEY,

~~JOHN McKEON~~, District Attorney.

0071

BOX:

160

FOLDER:

1636

DESCRIPTION:

Jones, John J.

DATE:

12/24/84



1636

Witnesses:

Thomas Horn
Wm. H. S.

292

Counsel,

Filed 24 day of Dec 1884

Pleads Wm. H. S.

THE PEOPLE

vs. P
4th.

John J. Jones

Burglary in the THIRD DEGREE.
[Sections 488, 506, 315, 228, 523]

PETER B. OLNEY,

22 Jan 1885 District Attorney.

Pleads 1 Burg J.
A True Bill.

S. J. Jones years.

J. H. S. Foreman.

0072

0073

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

Thomas Roan

of No. 42 Beach Street, aged 22 years,
occupation Liquor Dealer being duly sworndeposes and says, that the premises No 42 Beach Street,
in the City and County aforesaid, the said being a Five Story Brick Building
in the Fifth Ward
and which was occupied by deponent as a Liquor Store
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly Burst Open
and Break the Panels in the Side Door
leading from the Hall way into said store.on the 21st day of December 1887 in the Night time, and the
attempted to be
following property feloniously taken, stolen, and carried away, viz:Good And Lawful Money of the United States
in Silver Coin of the amount and value of Five
Dollars one gold medal of the value of Ten Dollars
And a quantity of Seals of the value
Twenty Five Dollars altogether of
the value of Forty Dollarsthe 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 byOther Men not now arrested
John Phil (now here) and three

for the reasons following, to wit:

that Deponent securely locked
and fastened the aforesaid premises at about
the hour of 12 o'clock Midnight on the
21st day of December and at about the hour
of six o'clock and forty five minutes Deponent
was informed by Officer Martin J. Smith of
the 3rd Precinct Police that he saw the said
Defendant and three other Men not now arrested
running out of the hall way of the above

0074

premises and said Officer Martin Smith
found the aforesaid premises had been
burglariously entered and the aforesaid
property attempted to be taken stolen and
carried away

Sworn to before me
this 21st day of December 1884
J. P. Ruff
Justice of the Peace

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses

Committed in default of \$

Bail.

Bailed by

No.

Street.

0075

CITY AND COUNTY
OF NEW YORK, } ss.

aged 28 years, occupation Power Officer of No. 57 Orchard Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Thomas Roan

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

Sworn to before me, this

day of

21
Dec 188

Martin A Smith
Martin A Smith
Police Justice.

0076

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

Taken before me this
day of *Dec* 188*8*
John J. Jones
Police Justice.

0077

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 John J. Jones

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 Dec 11 188 J. J. Jones Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0078

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

Police Court—*First* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas Ryan
#2 Beach St.
Jim J. Jones

1
2
3
4
Office *Curry*

Dated *December 21* 188

Duffy Magistrate.
Martin Smith Off.
Precinct.

Witnesses *Call the Officer*

No. Street.

No. Street,

No. Street.

\$ *100* to answer Sessions.

0079

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John F. Jones

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

John F. Jones

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

The said *John F. Jones*.

late of the *5th* Ward of the City of New York, in the County of New York aforesaid, on the *21st* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*four*, with force and arms, at the Ward, City and County aforesaid, a certain *store* building there situate, to wit: the *Store* of one *Thomas*

A. Roan,

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

Thomas A. Roan

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.

0000

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said *John J. Jones* of the crime of attempting to commit the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *John J. Jones*,

late of the *52nd* Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said *21st* day of *December*, in the year of our Lord one thousand eight hundred and eighty *four* at the Ward, City and County aforesaid, in the night time of said day, with force and arms,

James coins, of a number kind and denomination to the Grand Jury aforesaid unknown of the value of five dollars. — one medal of the value of ten dollars, — and five hundred pieces of the value of five cents each

of the goods, chattels and personal property of one *Thomas Roan* in the store of the said *Thomas Roan* 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.

Peter B. Huey
District Attorney

0082

BOX:

160

FOLDER:

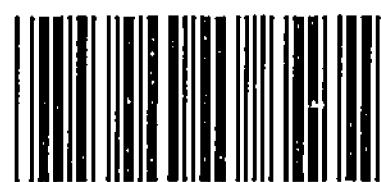
1637

DESCRIPTION:

Kahn, Lewis J.

DATE:

12/31/84



1637

1878

4

~~the facts within case are
in all respects the same as in case
above referred to and the proof on
behalf of the people is nearly the
same. The learned Judge before whom
the trial was had recommended that
within might might be dismissed,
Jury in this recommendation
and am of opinion that within
indictment should be dismissed,
July 2nd 1882~~

June 9, 1894
~~Robert B. Colwell~~
 District Attorney

THE PEOPLE *B*
vs. *##*
Louis G. Kahn
alias
Joseph Jacques
alias
Louis Jordan
1/2

Louis J. Kahn
 alias
 Joseph Jacques
 alias
 Louis Jordan
 [3 over]

PETER B. OLNEY,
District Attorney.

A True Bill.

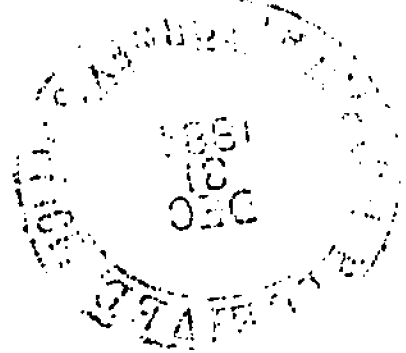
Foreman.

Ordered to N. Y. Court of App. and
Terminals for trial - Jan. 29. 1885

Feb. 16. 1885

Tried and acquitted

0003



Witnesses:
from -

~~Heck, having been tried in the
Court of Sessions before Judge
C. J. Dwyer, and having been
found guilty of murder in the
first degree, and sentenced to
penitentiary for life, on the 16th
of 1883, and again tried on the 31st
of 1884, he was found guilty of
murder in the first degree, and
sentenced to penitentiary for life.~~

~~The facts in the case are
in all respects the same as in
above, except to say that the
behalf of the people is hereby
named. The learned Judge before whom
the trial was had no comments that
within his court he dismissed
Joan in this case, and
and one of the minor was within
jurisdiction, and he dismissed,
March 9th, 1885.~~

~~Charles F. O'Connell
District Attorney~~

335 1849
Counsel,
Filed 31 day of Dec 1884
Pleads McMillan Dec 9/85

THE PEOPLE vs.
Lewis J. Kahn
alias
Joseph Jacques
alias
Louis Jordan
[3007]

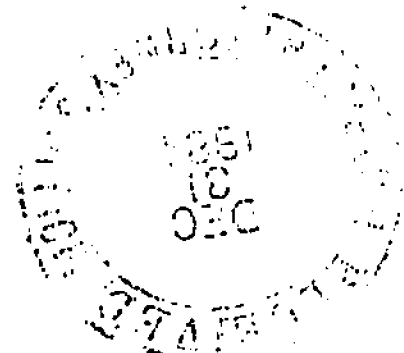
PETER B. OLNEY,
District Attorney.

A TRUE BILL.

J. N. O'Connell
Foreman.

Ordered to N. Y. Court of App. and
Term for trial Jan. 29, 1885
Feb. 16, 1885
Tried and acquitted

0084



0085

The People and
Samuel Vanderpool

Joseph Jacques
Louis J. Kahn
Louis Jordan

City and County }
of New York }

August Kreiser being
and sworn deposes and says that he is a
clerk doing business at Number 123
Fulton street in New York City; that on
or about the tenth day of November
1883 and upon other occasions between
the said tenth day of November 1883 and
the first day of February 1884 the deponent
visited the defendant Louis J. Kahn,
whom he believes to be the same person
as Joseph Jacques and to have also acted
under the name of Louis Jordan, at his
house Number 51 East 10th street in
New York City, pursuant to the inducement
of an advertisement in a daily paper
holding out said Kahn to be a specialist
in medical treatment; that upon his
first visit to said Kahn deponent consulted
with said defendant and paid a fee to

0086

sum of Five dollars for medical consul-
tation and advice; that thereafter upon
four subsequent visits deponent paid
to said Kahn for medical advice
treatment and prescription the sums
of twenty five dollars for each visit,
making in all the sum of one
hundred and twenty five dollars for
such medical services paid by deponent
to said defendant; that in the course
of such treatment at the hands of
defendant Kahn, deponent was sub-
jected to physical examination, and
received drugs and instructions as to
his case; and as deponent is informed
and believes the result of such treatment
was harmful and not beneficial
Sworn before me
this 28th day of Dec 1884 }

City and County of }
New York }

Charles McCarthy

being duly sworn deposes and
says that during the year of 1883 he
was an employee of Edward C.

0087

Reply at that time the counsel of the Medical Society of the County of New York and that on or about the fifth day of November 1883 he wrote a letter to Doctor L. J. Kahn, address Dr L. J. Kahn 57 East 15th St New York under the name of J. W. Williams stating that he was sick from derangement of the reproductive functions and received an answer acknowledging the receipt thereof and of a consultation fee of five dollars which deponent had enclosed to said defendant and a diagnosis of the case of deponent, based upon an examination of urine, as a case of spermatorrhea; that on or about December 21st 1883 deponent received a letter from L. J. Kahn stating under date of Dec. 21st 1883 that he had received twenty five dollars from deponent and had forwarded him medicines, with instructions for their use. Deponent further says that on or about October 28th 1883 he wrote to Lewis Jordan M.D. at 57 East 10th Street in New York City under the name of Charles Reade, 1831 Wharton Street Philadelphia, and received a reply dated November 7, 1883 saying that upon the receipt of particulars of the case a bottle of deponent's urine and five dollars fee, sent Jordan by whom the reply was signed, would analyze the

0000

wrote and inquired of the
 result and the cost of medical treatment;
 That defendant replied to said letter
 forwarding money and wrote as re-
 - quired and on or about Nov. 28th / 1884 -
 received a letter dated Nov 20 and signed
 by L.J. Jordan in & acknowledging receipt
 thereof and asking a personal interview;
 That defendant thereafter went in to the
 office of said Jordan and James Joyce to
 personally defendant for the purpose of
 said interview, and said Joyce was informed
 by said Jordan that his charge for treatment
 would be twenty dollars; That on or about Dec.
 1st 1884 defendant forwarded to L.J. Jordan by
 mail in a registered letter the sum of Twenty
 dollars and obtained a receipt therefor; That
 he also received drugs and directions to
 be followed in the course of treatment.
 Sworn to before me
 this 29th day of Dec. 1884 }

City and County of }
 New York }

Charles McCarty being

~~Ref. animal name~~

0089

duly sworn deposes and says that during the
 year 1883 he was in the employ of Edward
 Ripley then counsel for the medical
 Society of the County of New York; that on
 or about November 28th he wrote a letter
 addressed to Joseph Jacques M.D. at number
 6 West Eleventh street stating, under the
 name of James J. Ketchum, that he
 was ill and had used a great deal of
 Ricord's Celebrated Essence of Life and that so
 far it had done him no good; that on or
 about 3rd day of December he received an
 answer to said letter signed Joseph Jacques
 asking for particulars of the case a bottle of
 deponent's urine and the amount of Ricord's
 essence taken by him; that on or about
 Dec 8th, deponent received another letter
 signed by said Jacques saying that depon-
 ent was suffering from self abuse, as the
 result of deponent's analysis of said urine and
 needed a three months supply of medicine
 the price of which would be \$30; that
 deponent replied that he was unable
 to pay so large a sum and that on or
 about December 28th 1883 deponent received
 a reply dated Dec. 26, 1883 and signed
 by said Jacques M.D. saying that the
 best he could do would be to forward the

0090

medicine on receipt of twenty five dollars
 the balance to be paid in one month. ²
 Defendant says that he forwarded the twenty
 five dollars to said Jacques and received a
 receipt signed by Jos Jacques M.D. dated
 Jan 15th 1884 and promising to forward the
 medicine on Friday; that on or about Feb'y
 3^d 1884, Defendant went to Attleboro Mass.
 where he left letters to said Jacques had forwarded
 to come and receive the drugs and directions
 sent to him pursuant to said letter of Jan
 15th. Defendant says that he has the
 correspondence in the case and the
 receipts for the medicine and money
 and directions as to treatment

Given & before me
 this 24th day of Dec. 1884 }

0091

People

v

Kalun, alias

Jordan

Jacques

Applicants

August Kruiser

Chas W C Carthy

0092

"A"

A

Second District Police
Court, in the City of New York.

City and County of New York ss
 Samuel O. Vanderpoel, of
 No. 36, West 39th Street in said
 City, being duly sworn says
 I am a
 Physician and Surgeon, and am
 President of the Medical Society of
 the County of New York. I am informed
 and verily believe, that a person calling
 himself Lewis J. Kahn of No 57, East
 10th Street, said City, did, between
 November 1st & December 25th, 1883, in
 violation of the provisions of Section
 356, of the Penal Code of the State
 of New York, practise, and attempt
 to practise Medicine, in prescribing
 for, attending and treating
 James W. Williams, Charles McBarry
 and George B. Youngling and others
 without ^{being authorized} ~~having authority~~ so to do,
 by a license or sufficient diploma
 from any chartered
 School,

0093

So in original. Board of Medical Examiners
or Medical Society, ~~it~~ did
so practice, and attempt
to practice, under cover of an
illegal license or diploma
illegally obtained and fraudulently
obtained. (Signed) S. Vanderpoel

Sworn before me this }
15th March 1884 }
(Signed) Andrew J. White
Notary Public

City and County of New York ss
Charles McCarty
of said City, being duly sworn
says: The name "Dr. L. Kahn,"
appears upon the door of No.
51, East 10th Street, said
City. I saw George B.
Youngling enter said premises
on or about December 12, 1883.
I have examined the records
and find that no such
person physician as L.
J. Kahn, or Lewis J. Kahn

0094

So in original
Board of Medical Examiners
or Medical Society, ~~he~~ did
so practice, and attempt
to practice, under cover of an
illegal license or diploma
illegally obtained and fraudulently
obtained. (signed) G. Vanderpoel

Sworn before me this
18th March 1884 }

(signed) Andrew J. White
Notary Justice

City and County of New York ss
Charles McCauley
of said City, being duly sworn,
says: The name "Dr. L. J. Kahn,"
appears upon the door of No.
51, East 10th Street, said
City. I saw George B.
Youngling enter said premises
on or about December 12, 1883.
I have examined the records
and find that no such
~~person~~ physician as L.
J. Kahn, or Lewis J. Kahn

0095

1

has registered in the County
Clerk's office, and ^{to December 12, 1883}
subsequently sent said
Kahn, the fee of \$25⁰⁰, re-
ferred to, in the annexed
affidavit of Youngling and
received Kahn's receipt
therefor - (Signed)

I now before me
this March 18/1884 }
(Signed)

Charles McCarty

Andrew J. White
Police Justice

City and County of New-York
George B. Youngling
of said City, being duly
sworn says - On or about
December 12th 1883, I
called at No 51 East
10th Street, and asked
for Mr. Kahn, whose name
was on the door; a Man

0096

informing he was Dr. Nahr
saw me, and examined
me, and asked for a
fee of \$25⁰⁰ which I sub-
sequently caused to be sent
him -

(Signed) George B Youngling
I was to be for me }
March 18, 1884. }

(Signed) Andrew J. White
Police Justice

0097

Sec. 151.

Police Court 2d District.

CITY AND COUNTY } ss. In the name of the People of the State of New York; To the Sheriff of the County
OF NEW YORK, } of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Samuel Snyder of the City of New York, by
of No. 26 West 34th Street, that on the 25 day of December
1888 at the City of New York, in the County of New York,

Lewis Nathan of No. 57 East 10th Street
violated the provisions of section 356 of the
Penal Code, in unlawfully practicing
Medicine without a license or
Diploma

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring
forthwith before me, at the 2d District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 18 day of March 1888

(Signed) Samuel Snyder POLICE JUSTICE.

Police Court 2d District.

THE PEOPLE, Ac.,
ON THE COMPLAINT OF

vs

Warrant-General.

Dated 1888

Magistrate.

Officer.

The Defendant

taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated 1888

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest.

Native of

Age.

Sex.

Complexion.

Color.

Profession.

Married.

Single.

Read.

Write.

0098

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 h to be discharged.

Dated _____ 188 _____ Police Justice.

0099

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

Samuel O'Vandepore

vs.
Lewis J. Kahn

Dated

March 18th
1884

Magistrate.

Officer.

Prosecut.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

§ _____ to answer

Office of
William A. Durrington,
Counsellor at Law,
2 Wall Street,

People
v
Kalin }

New York, February 2^d 1885

Col Geo. R. Fellows
Asst. Dist. Atty

Dear Sir. I have the evidence in this case taken be-
- fore the committing Magistrate, stenographers
- notes, receipts for registered letters, express
- parcels &c. I enclose the names of the witnesses
for the people before the Magistrate. Of these Van
Meyer is dead, and Wilder too sick to come
within the jurisdiction. The counsel and detec-
- tive who worked up the case are no longer in
the employ of the Medical Society which I now
represent. Apart from the interests of the Society I
- should like to see the defendant successfully prose-
- cuted on account of what counsel in the case
have said as the office as lately organized. I
- have been talking over the affair with my friend Mr. Aubrey
of the Club lately, he suggests the importance
of timely consultation with you. Will you kindly let
me know some early time when I can see you. I can meet
you any evening, or at almost any hour except 4³⁰ P.M. tomorrow

Very truly
W. A. Durrington

0101

Assent Dec. 84.

The Ec. College is an Auxiliary Society
of the State Medical Society.

Pay Laws Art 1 § 2

And must make reports which become
the property of the State Society Art 2 § 2

Pays 4 + 5 of Transactions for 1872

Gurn will explain the discrepancy of Pats.

0102

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New-York.

-----x
The People of the State of New-York :
- against - :
Lewis J. Kahn, otherwise called :
Joseph Jacques, otherwise called :
Louis Jordan. :
-----x

The defendant to be tried upon the second count in the indictment, charging him with unlawfully practicing medicine under cover of a diploma fraudulently obtained, and under cover of said diploma unlawfully attending people and prescribing for August Kreiser as a physician.

August Kreiser will testify to his having called upon the defendant for treatment and to his having been treated by the defendant, &c. *induced so to do by a visit to the museum and reading Kahn's book which alarmed him. Kahn's directions to patients were to use false names and initials if they wished and Kreiser gave the name of Kulow.*
THE COUNTY CLERK will show filing of certificate by prisoner as required by law of 1880, Chap. 513, which certificate contains the name of Jacques but not Kahn. There is no registration in the County Clerk's office of a certificate containing the name of Kahn. *Jacques registers as practicing under a diploma of the Eclectic Medical College of the City of New York dated June 6, 1871. The session of that year ended Feb 11, 1871, and no class was graduated after wards - Hume & McCull and appointed professors in May 1871. So testify.*
ROUNDSMAN CAMPBELL will testify that when he arrested the defendant he gave the name of Kahn.

FREDERICK R. LEE will bring record of the New-York Eclectic Medical College of 1869, 1870 and 1871, to show that no such

0103

person as Joseph Jacques was upon the roll of the College during those years, as a student or graduate. Joseph Jacques is entered as Honorary.

a Professor on June 6, 1871 he never heard of Jacques or
Dr. Gunn ^{will testify that the name R. A. Gunn attached to the}
^{request a} diploma of Jacques ^{his signature on Jortons} was not put there by him - that to Latin

diplomas he always signed his name as Robertus A. Gunn, and to

English diplomas Robert A. Gunn - that he always signed his name

in full. *He will identify Assembly Dec. 84 of 1871 being the Trans-
actions of the State Eclectic Society, explain that the College was an
auxiliary Society + that in its Report neither Jacques nor 3 others afterward
reported to have had Honorary degree were mentioned.*
Dr. McClelland will testify that he never signed but one Latin

diploma with his initial, which diploma was signed in blank upon

the representation of Dr. Newton, President of the Faculty, that

professor Barham, whose chair McClelland assumed on May 25,

1871, had forgotten to sign the diploma for one Augustus Jacques,

a reputable physician at Bridgeport. *And that in the catalogue
putten up by Dr. Wilder the name of "Joseph Jacques of Bridgeport-
deceased, Honorary" was returned which Newton subsequently corrects*

DR. A. P. MORROW will testify that he never knew of Jacques and ^{diploma}
^{+ edited} never reported him for a degree. *He was a Censor but his name is not in the
the 6th Year Ec. Rev. containing the list of graduates of 71, but not the name of Jacques
Doctor Firth and Prankart in the class of 1871 will testify they
never saw Jacques.*

DR. ALEXANDER P. WILDER - who is too sick to testify personally

(as can be shown by Dr. Gunn, his attending physician), testi-

fied in his direct-examination before the Police Justice that he

never saw the defendant Jacques to his knowledge until he saw him

at the Police Court - that he never as a censor or trustee rec-

ommended Jacques for a degree, and never to his knowledge signed

a diploma for him. The Stenographer has been subpoenaed to

attend with his minutes of that examination. -

*Dr. Gunn will probably testify that the signature of J. M. F. Brown on the diploma is
forged, + that Daniels was not in the college. That Sanders was in Europe on*
The above named physicians were connected with the College during

the time when Jacques' degree purports to have been conferred as

*will testify
by her
husband
never
signed
H. E. Firth
with the
initials.*

0104

trustees or censors. The testimony of the above witnesses is relevant in case of the ~~degkx~~ diploma under which the defendant is practicing purports to be a regular diploma, and not merely an honorary diploma.

In case the defendant claims to be practicing under an honorary diploma it is a question of the construction of the statute whether an honorary degree conferred as therein provided will give the right to practice. The statute referred to is Laws of 1865, Chap. 452, as amended by Laws of 1869, Chap. 449, which reads as follows:

"Sec. 4. - The board of trustees are empowered, upon the recommendation of the faculty and board of censors, to grant and confer the degree of doctor of medicine upon students of said college; but no such student shall receive such degree unless he shall be twenty-one years of age, and shall have pursued the study of medicine for at least three years under the supervision of a reputable physician, and have attended at least two full terms of instruction in an incorporated medical institution, the last of which terms shall have been held by this college. The said board of trustees may also confer said degree, either honorary or ad eundem, in pursuance of the recommendation of the censors, upon eminent practitioners of medicine and persons holding diplomas from other reputable incorporated medical institutions."

Daniels & Cummings who will probably be called for Jacques are of bad character. The former got Jacques his diploma, & offered to go into the diploma business with Wilder (see Wilder's testimony to -) and with Gunn. He advertised to sell diplomas in Herald. Cummings advertised to treat women for peculiar ills & got in bad repute, was indicted in Jersey.

0105

People

vs.

Kahn.

Copy

Trial Brief.

0 106

EVENING POST JOB PRINTING OFFICE, 208 B'way, N. Y.

IN THE MATTER OF THE PEOPLE

VS.

JOSEPH JAQUES.

Brief of the Case as presented before Hon.
Andrew J. White, Police Justice.

This is a criminal action based upon section 326 of the Penal Code, in which it is provided that a person who *practices or attempts to practice medicine in this State, unless authorized so to do by a license or diploma from some chartered school, or who practices under cover of a diploma illegally or fraudulently obtained*, is guilty of a misdemeanor.

A warrant under this section was applied for and granted against *Lewis J. Kahn*, on the 18th day of March, 1884, and on that warrant the defendant, Joseph Jaques, was arrested.

The affidavits upon which the warrant issued were those of Dr. Samuel O. Vanderpoel, President of the Medical Society of the County of New York, Charles McCarthy, a detective in the office of Edward C. Ripley, one of the counsel prosecuting the action in the name of the People, and one George S. Youngling.

Dr. Vanderpoel's affidavit is made entirely on

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information and belief, and is to the effect that a person calling himself Lewis J. Kahn, of 51 East Tenth street, between November 1 and December 25, 1883, in violation of law, practised and attempted to practice medicine in prescribing for, attending and treating James W. Williams, Charles McCarthy and George S. Youngling and others *without being authorized so to do by a license or sufficient diploma from any chartered school, board of medical examiners or medical society, or did so practice under cover of an illegal license or diploma illegally and fraudulently obtained.*

The affidavit of *McCarthy* was to the effect that the name of Dr. L. J. Kahn appears on the door of 51 E. Tenth street; that he saw George S. Youngling enter the house 51 E. Tenth street about December 12, 1883; that he has examined the records, and finds that no such physician as L. J. Kahn or Lewis J. Kahn has registered at the County Clerk's office, and that he sent the fee of \$25 to Dr. Kahn, and received a receipt therefor.

George Youngling's affidavit was to the effect that he called at 51 E. Tenth street, and asked for Dr. Kahn; that a man who informed him that he was Dr. Kahn examined him and charged him twenty-five dollars, which amount was sent to him.

Copies of the warrant and affidavits above referred to are annexed thereto, and marked "A."

The first effort made by Mr. Ripley, the counsel, was to get into his possession the defendant's diploma, and this he tried to do by means of a subpoena, and by that first step he showed that he knew that Dr. Kahn and the defendant Dr. Jaques were not the same person, and that the defendant had a diploma, for he addressed his subpoena to

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Joseph Jaques, and directed him to produce his diploma received in 1871, in a proceeding against Louis J. Kahn.

Subpoena referred to is hereto annexed, marked "B."

To make it still more apparent that Mr. Ripley knew that Dr. Jaques was not practising under the name of Kahn, he put in evidence, in the early part of the examination, an affidavit of Dr. Jaques, sworn to September 11, 1880, in conformity with the laws, and filed in the ~~County~~ Clerk's office of this county, as certified by the County Clerk, that he had practiced medicine in this city since about June 6, 1871, by virtue of a diploma granted by "the Eclectic Medical College of New York City" (pages 32 and 33—Exam'n April 14, 1884).

A copy of such affidavit and certificate is annexed hereto, marked "C."

To sustain the prosecution, it is apparent from wording of sec. 326 of the Penal Code, that one of two things must be established :

- 1st. That Dr. Jaques practiced without a duly authorized diploma ; or,
- 2d. That he practiced under one illegally obtained.

And, so far as this complaint is concerned, if it be shown that he has a regular diploma authorizing him to practice medicine, it is altogether immaterial whether he practiced under the name of Kahn or not, as no part of the crime, under this section, consists in falsely representing himself to be some one else.

It was also admitted by the defendant in the very earliest part of the examination, that his affidavit, which was on file in the County Clerk's

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city, where the Eclectic College then was located, he saw Dr. Jaques and a friend of his pay Dr. Newton, the President of the college, but now dead, four hundred dollars for a diploma, which, at the same place, Dr. Newton subsequently delivered to him.

This was the only evidence offered by the prosecution to show that his diploma was illegally obtained. To show the falsity of this man's statement, Mr. Michael Phillips, an attorney connected with the law firm of Messrs. Wheeler & Souther of this city, was sworn. His testimony is to be found on pages 19, 20 and 21 of examination held June 14, 1884. He said that Mr. John Hoey owned the premises 1 Livingston place in 1871, and they were then occupied by a woman named Bishop, and that the Eclectic College did not take possession of those premises until 1875.

Was there ever a clearer case of perjury than this?

All of this man's testimony, as well as that of McCarthy, is worth reading, if only to show their prior association with the counsel Ripley, for whose own character I refer to his own brother, Chauncey B. Ripley, whose office is at No. 39 Park Row, in this city, to Mr. Frederick R. Lee, an attorney, at number 102 Broadway, who has been carefully looking up his history, and who has produced much proof of it in the District Attorney's office, and also to the chief clerk of the District Attorney, who can testify as to how much he is paid for each connection he gets on such cases as these.

To come at once to the only other question in the case: *Has Dr. Jaques been practicing medicine under a regular diploma issued by a chartered school or college?* What evidence has been produced by Mr. Ripley that he has not?

It is not disputed that the Eclectic College has been since 1869, a chartered institution.

Dr. Vanderpoel, the complainant, says that he

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knows nothing on the subject beyond what Ripley and the censors have told him, (page 4 of examination taken March 27, 1884).

Dr. Fred. R. Sturges, the only censor of the County Medical Society, called as a witness by the prosecution, says: That the only information he had, and which he gave to Dr. Vanderpoel, that Dr. Jaques had no legal diploma, was a *certified list of the Regents of the University, that Dr. Jaques had an honorary diploma*, and (p. 48, examination on April 14, 1884), *proof that he had practised* (p. 52, ~~same~~ day's examination).

This witness gave testimony, as did many other medical men called by the prosecution, that no one had a right to practice medicine upon an *honorary* diploma, and Dr. Jaques quite agreed with them, but as Dr. Jaques' diploma is *regular*, and not *honorary*, such testimony, which comprises a large portion of the examination, is entirely immaterial.

To such effect, *only*, was the testimony of Drs. Charles Pardee (p. 56, examination on April 14, 1884); Cornelius R. Agnew (p. 1, examination on April 29, 1884); James D. Bryant (p. 29, examination on April 29, 1884); Samuel O. Vanderpoel (p. 32, examination on April 29, 1884), and Stephen H. Brown (p. 99, examination on May 10, 1844).

All the witnesses, not already referred to who were called by the prosecution, had been at some time connected with the Eclectic Medical College, viz.: Drs. Firth, Prankard, Smith, Gunn, McClelland, Von Meyer, Wilder, Brown & Morrow.

Before any of these latter witnesses had been examined, Mr. Ripley put in evidence a copy of the names of persons who had received diplomas, *honorary, ad-eundem, and regular*, in the year 1871, as certified by the Secretary of the Board of Regents of the University, and the diploma of Dr. Jaques appeared as *honorary*.

No excuse was presented to the court why the books of the Eclectic College for the year 1871 were not offered in evidence, and regarding the question whether such certificates of the Regents of the University could be relied upon, several witnesses were examined.

Dr. Von Meyer, called by the prosecution, testified: That a *regular* degree was conferred upon him, after a regular examination, by the Eclectic College, and in the report made by the Regents of the University his diploma was called *ad eundem* (p. 38, examination on May 10, 1884). He added that a great many mistakes were made by this Board.

Dr. Wilder, who was president of the Eclectic College, said that he never knew that a report of the admissions was sent to the Regents of the University for 1871 until a few days before he testified here (p. 56, examination of May 10, 1884).

Robert Newton, son of the former president of the Eclectic College, and until very recently himself the secretary of the same institution, testified that any person could send a report to the Board of Regents of the University and they would publish it, and he said they were not as correct as they might be. He said further that, as secretary of the Eclectic College, he sent a report to such board for the year 1882, and, as published by them, part of his report was correct and part incorrect; and in the same report by them he is himself set forth as being dead (pages 47 and 48, examination had June 1, 1884).

Drs. Elizabeth Fitch, William Prankard, Dennis Smith, Alexander Wilder and E. Albert Morrow, testified that they had no remembrance of having seen *Dr. Jaques* before the present examination, and, except on the subject of what constituted the difference between *honorary, ad-*

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eundem, and *regular* diplomas, and excepting what they testified to on cross-examination in favor of the defendant, which will be referred to later, there was nothing of importance in their evidence.

At the close of the case for the prosecution, I asked that Dr. Jaques might be questioned by the judge as to what he had to say to the charge preferred against him. (His answer is to be found on pp. 13, 14, 15 and 16 of examination held May 16, 1884.)

Briefly he admitted practising medicine since 1871, but claimed that he did so upon a diploma received by him from the Eclectic College after he had fully complied with the requirements of the law. He stated that he paid nothing for it beyond the amount required by the rules of the college; that he practiced under it steadily here from 1871 until 1881, when he went to Havana in consequence of his wife's health, intending to practise there; that before he could get a license to practise there his diploma went through the hands of the Governor-General of Cuba, and he subsequently received his license to practice in Cuba; that he never practiced in any other name than his own, and that he only knew of Dr. Kahn from hearsay; that Dr. Jordan, who resided at 51 East Tenth street, is his brother-in-law, and at present is under the care of Dr. Allen McLean Hamilton for mental disorder, and that he has been looking after his patients since his illness, at the request of Mrs. Jordan; that his own residence and that of his family is at 78 East Eleventh street, where he attends to his own practise; that the reason the name of Dr. Kahn is on the door with Dr. Jordan at 51 East Tenth street is because some years ago the museum in the City of New York known as "Kahn's Museum" was jointly owned by Drs. Kahn and Jordan, and after Dr. Jordan bought out the former's interest, it was considered wise, in a business point of view, to re-

tain the name of Kahn at the museum and at the house—that the name had been on such door for quite ten years, although Dr. Kahn returned to England many years since.

At the time such statement was made, the diploma upon which Dr. Jaques has practiced, was exhibited to the court and counsel for the County Medical Society, and a motion was made to dismiss the complaint.

The judge took time to consider, and finally denied the motion, and directed Dr. Jaques to proceed with his defense.

EVIDENCE FOR THE DEFENSE.

Henry Jordan, the first witness called, gave a description of the interior of the house, 51 East Tenth street, where he had resided for nine years prior thereto, and demonstrated that the evidence given by the witness Youngling was false in every particular.

P. 1-17, Examination held June 1, 1884.

Michael J. Phillips was the second witness called for the defense. He testified that he acted for Mr. John Hoey, who owned the house 1 Livingston place in 1871, and who then rented it to a Mrs. Bishop, and only deeded it to the Eclectic College in 1875. This completely destroyed the only evidence produced by the prosecution for the purpose of showing that Dr. Jaques obtained his diploma fraudulently—to wit, that of *John A. Bassett*, who testified he saw Dr. Jaques pay four hundred dollars for his diploma, as heretofore stated, to the president of the College, at their building, 1 Livingston place, in the Spring of 1871 (pp. 19-21—examination had June 1, 1884).

Emmett R. Olcott, an attorney at law, of the

firm of Olcott, Mestre & Gonzalez, of this city, was called by the defense.

(The diploma of Dr. Jaques, upon which he has been practising, was now offered in evidence, together with the certificates attached, from Antonio C. Gonzalez, Notary Public, and the Consul-General of Spain in New York, together with the license Dr. Jaques received to practise medicine in Cuba. *NOTE.—None of these seem to have been set out in the stenographer's report of the testimony, but are with me, at the disposition of the District Attorney or Grand Jury.*) Mr. Olcott testified that he first saw Dr. Jaques' diploma in August, 1881, at their office, when Dr. Jaques called to have the diploma certified to enable him to practice abroad (p. 25, Examination had June 14, 1884). He says that his firm had done much of such business. He says he called on Dr. Newton, who was then, and was in 1871, the president of the Eclectic College, and he saw him, and also Dr. Robert S. Newton, Jr., his son, who was the secretary of the College. That President Newton then informed him that Dr. Jaques' diploma was genuine and properly issued for use, and that he could safely certify to it (p. 28, same date). He further said that the persons whose signatures appeared at the foot of the diploma occupied, at the time it was issued, the offices set opposite their names (p. 30, same date).

Antonio C. Gonzalez, partner of last witness, testified for the defense, that, from the report furnished to him at the time by his partner, he gave the certificate which is annexed to Dr. Jaques' diploma (pp. 33 to 35, Examination June 14, 1884).

Ferdinand D. Martin, Chancellor of the Spanish Consulate in this city, called by the defense, said that Dr. Jaques' diploma was received in the consul's office in this city from Washington, where it

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had been sent from Cuba for further inspection and proof, the Notary Public's certificate not being sufficient. That such diploma was placed in his hands on September 13, 1881. He called on the secretary of the college (Robert S. Newton, Jr.), and asked him if the diploma was legitimate or genuine. The secretary went to the register or book, and said it was all right or regular. Thus Mr. Martin reported to the Vice-Counsel, and on the strength of this report the certificate was made by him, in the presence of Mr. Martin, which appears on the back of Dr. Jaques' diploma.

pp. 36-40, in examination of June 14, 1884.

Dr. Robert S. Newton, (until last year), for several years the secretary of the Eclectic College, was the last witness called by the defense. He remembered having seen Dr. Jaques' diploma in the hands of both Mr. Olcott and Mr. Martin, as testified to by them, when they called on his father and him to obtain assurance of its genuineness. He says that on the face of it it is a regular diploma.

P. 46, examination had June 14, 1884.

Dr. Wilder, who was President of the Eclectic College in 1871, and whose signature is on the diploma of Dr. Jaques, and who was called as a witness for the prosecution, testified that he had told Mr. Townsend and Mr. Miller, his clerk, that Dr. Jaques diploma was a good one, and the candidate had complied with the requirements of the charter.

P. 94, examination had May 10, 1884.

Dr. Dennis Smith, a trustee and censor of the Eclectic College in 1871, and a witness called by the prosecution, said that he had seen Dr. Jaques' diploma, which was shown to him by Dr. Jaques counsel, and he said that his signature, and he

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thought the rest of the signatures to it, were genuine.

(P. 60, examination on April 29, 1884.)

After the testimony of the witnesses referred to had been given, I again moved the court to dismiss the complaint, and as he failed to comply with my request, I declined to proceed, and Dr. Jaques gave bail to respond to such action as might be taken by the Grand Jury.

It is proper for me to add that on the day Dr. Jaques was held by him, Police Justice White stated to me that he thought the Grand Jury ought not to find an indictment against my client, and said that he would call on the District-Attorney and express himself then to that effect. I do not know whether he has complied with his promise.

I think no intelligent man can read the testimony taken on the case, and think that Dr. Jaques should be indicted. The pressure for an indictment is not with the expectation of obtaining a conviction, but only to relieve certain parties from an action for damages.

JOHN D. TOWNSEND,
Counsel for Dr. Jaques.

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Court of General Sessions
of the City and County of New York

The People vs
 Plaintiff

vs
 Defendant

Joseph Jaques indicted
also under the name of Kahn

On the annexed affidavits of Joseph
Jaques & John D. Townsend and upon all the
indictments found against the defendant and
now entered in this County, let the District At-
torney show cause before me in part 2 of this Court
held in the Court House in the City of New York on
the 9th day of January instant (Friday) at 11 O'Clock
in the forenoon of such day or as soon thereafter as
counsel can be heard, why the indictments found
against the defendant by the Grand Jury on the
21st day of December should not be dismissed
and why the indictments found against the
defendant by the Grand Jury sitting at the Sep-
tember term of this Court 1884 should not be
dismissed for want of prosecution, unless the District
Attorney will consent to try the same during the
present term of this Court. ^{be efficient.} Since on a before the Court shall
January 7th 1885 W. A. Gildersleeve
J. G. S.

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Court of General Sessions in
the City & County of New York

The People vs
Haindoffs

— against —
Joseph Jaques indicted also
under the name of Kahn.

City & County of New York.

Joseph Jaques being duly
sworn says I am a practicing physician regularly
admitted as such by the Eclectic College in the
State of New York which has full power and authority
conferred upon it by law to grant diplomas.

Under the diploma so conferred upon me I have
been practicing in the city of New York for about
years and for several years I have resided at

my present residence No 78 East 11 Street in this
City. I am a brother in law of Dr. Louis J. Jordan
who calls Dr. Kahn as his partner, brought to this
country from Europe the valuable museum of wax
figures which have since been known as the "Kahn
museum". Dr. Kahn returned to Europe as I am
informed, and Dr. Jordan continued the exhibition of
the museum, he started with Dr. Kahn and also
the practice of medicine, and for several years, more
than ten years, his residence and place of business
was and is at 57 East 10 Street in this city.

Within a year or two since, Dr. Jordan's mind has
been seriously impaired and he has been under

the professional care of Dr. Allen M. Poau Hamilton of this city and at the request of Dr. Jordan's wife, deponent undertook to devote a portion of each day to receive the patients who called to consult Dr. Jordan.

And deponent says that he devoted this time purely as a matter of kindness towards his brother in law and with no expectation of making money by it, but he avers as matter of fact the attention which he so bestowed to his brother in law's practice was very detrimental to his own practice. That while so engaged in business deponent was arrested and taken
 4 before a police magistrate, on or about the 18 day of March 1884, where he was charged upon information and belief, by Dr. Vanderpool President of the County Medical Society with practicing without a licence or diploma, or with a licence or diploma illegally or fraudulently obtained either of which would constitute a misdemeanor under Sec 356 of the Penal Code. And deponent says that he was not then nor has he since been guilty of any such offense, but avers on the contrary that he was regularly admitted to practice by the Eclectic College and now holds a diploma in all respects regular and
 5 without fraud. Deponent further says that for about eight weeks he attended greatly to his injury, in a business point of view, before Hon. Andrew J. White Police Magistrate and at the end of such time he was held by such Magistrate in the sum of 1000 bail to await action by the Grand Jury.

And deponent says that he is informed that a Grand Jury found a bill of indictment against him

at the September term of this Court 1884 and that he
 was called upon to plead and did plead to the same on
 the 6th day of October 1884. That ever since that
 time deponent says he has been ready and anxious
 to have such indictment brought to trial and has
 6 advised his counsel John D. Townsend to urge upon
 the then District Attorney to bring the same to
 trial, and to present to him the fact that deponent
 has a wife and child depending entirely upon him
 for support which can only be obtained for them
 by the practice of his profession. And deponent
 says that he has been informed by his counsel that
 he could not induce the said District Attorney by
 any appeal he could make to him to bring such
 indictment to trial. And deponent says that for
 a long time after such indictment was found against
 him he ceased altogether to practice his profession
 7 hoping that the same would soon be tried and
 that he could thus proceed without further annoyance
 or molestation. And deponent says that finding it
 to be impossible to get such indictment tried and
 being in much distress to maintain his family
 he acted under the advice of his counsel and resumed
 his practice as before and at the same place.

About the same time that he resumed his practice
 as aforesaid deponent was informed that Mr.
 Repley the attorney who has prosecuted deponent
 before the committing Magistrate aforesaid had
 obtained access to the Grand Jury which found
 8 in the indictment aforesaid against the positive
 refusal on the part of Mr. Olney the then District

Attorney, and of Mr. Allen there an assistant in his office, as deponent is informed by Mr. John D. Townsend his attorney who was so informed by Mr. Olney.

And deponent says that he was informed by his counsel Mr. Townsend that during the last week of his administration of the office of District Attorney, Mr. Olney informed him that he had concluded to ask the Court to dismiss the indictment so found against deponent on the ground of the said Ripley's presence before said Grand Jury, and to ask that the papers be
 9 submitted to another Grand Jury. And deponent says that instead of such indictment being dismissed, he has been surprised to learn that two other indictments besides the one referred to here have been found and presented in this Court against Deponent for the same offence, to wit practicing without a regular diploma although the dates of such practicing are different. And deponent further says that a bitter feeling exists on the part of the County Medical Society against the Eclectic Society and that at present a proceeding has been instituted on the complaint of the County
 10 Medical Society by the Attorney General of this State having in view the extermination of the Eclectic College. And deponent believes and therefore avers from the facts presented by his own treatment that he is oppressed without cause, at the direction of the said County Medical Society, and that these indictments have been filed upon him in order to induce him by fear to leave his

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practice and the city of New York. And defendant says that so much malice has been manifested on the part of the said Medical Society and its attorney towards him that he believes they do not dare to allow such indictment to be brought to trial for fear that an acquittal would be had by defendant, and thereafter they be submitted to penalty for their action towards him. On the foregoing statement defendant asks that the indictments recently and at the last term of this Court served against him, be dismissed, and that the first indictment be also dismissed unless the District Attorney will place the same on the calendar and bring the same to trial at the present term of this Court.

I swear to before me this } Jos Jacques
7 days of January 1885

Albert Martineau

Secy. of Deeds

Ny City N.Y.

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7-1-1

Court of General Sessions
in the City and County of New York.

The People vs
plff
Agst
Joseph Jaques
indicted also under
the name of Kahn. } 3

City & County of New York ss:

John D. Townsend
being duly sworn says that he resides in the City
of New York and is a practising lawyer and at pres-
ent is the attorney and counsel of the defendant
herein - That he has read the foregoing affidavit
of Joseph Jaques and says that the statement therein
made of what was said to deponent by Mr. Olney
late district attorney is in all respects true and
further that it is true that the same Jaques contin-
ued his practice of Medicine on deponent's advice -
That such advice was given because deponent believ-
ed then, as he does now, that the defendant was
and is fully entitled to practice Medicine and that
it was not the intention of the said District Attorney
to give the said Jaques an opportunity of showing
his innocence - Deponent further says that he has
practised more or less in the Criminal Courts of
this State for twenty five years and that he has
never known it to be the practice of the District
Attorneys Office to allow indictments for second

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offence to be found until the first had been tried and
 deponent avers from the fact that such indictments
 as were found against the defendant at the last
 term of this Court put in issue the exact question
 as was presented by the former indictment and no
 other; to wit; that the defendant practised
 without a regular diploma is strongly indicative
 that such action is more the result of private
 pressure than any public necessity - And Deponent
 says that by Sec 8. of the Penal Code the Defendant
 is entitled "to a speedy and public trial" which
 language would indicate that it was the intention
 of the Legislature that one Complaint should be
 disposed of before another of the same character
 is entertained. A previous application has been made for this order.
 Sworn to before me this } John D. Townsend
 7th day of January 1885. }
 Albert Martinez }
 Court of Deeds }
 N.Y. City & Co }

E. M. General Sessions Court.

The People of the State
of New York

against

Joseph Jacques indicted
also under the name of
Kabin

Copy.

Read to show cause why
indictment should not
be dismissed or speedy trial
had

JOHN D. TOWNSEND

Attorney for

Defendant

32 PARK PLACE,

NEW YORK.

*W. L. Quady & B. Martiney
Printers*

C. B. Merwin, Printer, 218 Fulton Street, New York.

0125

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Report of General Sessions of
the City & County of New York

The People vs

et al. Rtp

Joseph James, indicted
also under the name of
Kahn

On the annexed affidavits
of Joseph James & John J. Townsend and
upon all the indictments found a writ the
defendant and now entered in this Court,
let the District Attorney show cause before
me in para 2 of this Court held on the
10th day of January instant (Friday) at 11 o'clock
in the forenoon of each day or as soon
thereafter as Counsel can be heard, why
the indictments found against the defendant
by the Grand Jury on the 31st day of December
should not be dismissed and why the
indictment, found against the defendant by
the Grand Jury sitting at the September term
of this Court should not be dismissed
for want of prosecution, unless the District
Attorney will consent to try the same during
the present term of this Court. Service made before the
7th inst shall be sufficient.

January 7th 1885

H. J. Gildersleeve
J. G. S.

0127

Follow:

Over of General lessons in
the City of New York, and
The People to, please

French lessons, would also
under the name of Home

City of New York

French lessons being

Regularly
admitted

Partly on loan
of Jordan
his connection
with
Hahn

Jordan
mentioned
discovered

I am a practicing physician
regularly admitted as such of the Eclectic College
in the City of New York which has full power and
authority conferred upon it by law to grant Diplomas
Under the diploma so conferred upon me I
have been practicing in the City of New York
for about 14 years and for several years
I have resided at my present residence number
78 East 11th Street in this City. I am a brother
in law of Dr. Hahn, Dr. Jordan who with Dr.
Hahn as his partner brought to this country
from Europe the valuable museums of wax
figures which have since been known as
the "Hahn Museum". Dr. Hahn returned to Europe
as I am informed, and Dr. Jordan continued the
operation of the museum to started with Dr.
Hahn and also the practice of medicine, and
for several years, more than ten years has con-
ducted a place of business and is at 51 East
16th Street in this City. Within a year or two
since, Dr. Jordan's mind has been seriously impaired
and he has been under the professional care of
Dr. J. H. Hamilton of this City and at the request

Not to
H. J. Jordan
through H. J. Jordan

Arrested
March 18th

Presented in
Court

Not by
Magistrate

of Dr. Jordan's wife dependent on him to do his
part of each day to receive the patients who
called to consult Dr. Jordan, depending on Dr. Jordan
says that he would then have fairly as a matter
of kindness towards his brother in law and with
no expectation of making money by it. but he says
that as a matter of fact the attention which he
so bestowed to his brother in law's practice was
very detrimental to his own practice. That while
in such a business dependent was arrested
and taken before a Police Magistrate, on or
about the 18th day of March 1884 when he was
charged upon information & belief by R. J. Davidson
President of the County Medical Society with pre-
sencing without a license or diploma or with a
license or diploma illegally or fraudulently obtained
either of which would constitute a misdemeanor,
under Sec. 336 of the Penal Code. Also he says
that he was not then as has he since
been guilty of any such offence, but says on
the contrary that he was regularly admitted
to practice by the Eclectic College and now
holds a diploma in the respects required and
without fraud. Dependent further says that
about eight weeks he attended justice to his injury,
in a business point of view, before the Standing
White Police Magistrate and at the end of such
time he was held by such magistrate in
the sum of 2000 bail to await action by
the Grand Jury. Also dependent says that he
is informed that a Grand Jury found a bill

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of indictment against him at the September term
of this Court 1854 - and that he was called
upon to plead and did plead to the same on
the 6th day of October 1854. That ^{ever} after since
that time ^{ever} since says he has been ready
and anxious to have such indictment brought
to trial and has directed his Counsel John
L. Bennett to arise upon the then District
Attorney to bring the same to trial and to
present to him the fact that ^{ever} since has
a wife and ~~children~~ ^{children} depending entirely
upon him for support which can only be
obtained for them by the practice of his profes-
sion. That ^{ever} since says that he has been in-
formed by his Counsel that he could not
induce the said District Attorney by any
appeal he could make to him to bring
such indictment to trial. That ^{ever} since says
that for a long time after such indictment
was found against him he ceased altogether
to practice his profession hoping that the
case would soon be tried and that he
could then pursue his trial for the same
or indictment. That ^{ever} since says that finding
it to be impossible to get such indictment
brought and being in much distress to main-
tain his family he acted under the advice
of his Counsel and continued his practice
as before and at the same place. About
the same time that he resumed his practice
as aforesaid ^{ever} since was informed that
Mr. Ribley the Attorney who had prosecuted

6
He, ^{ever} since
tried

7
I am of
practise
until I tell
him

Ribley the
next person

0130

8

obtained
access -

What
obey
promised

deponent before the Commission is a witness
afforded him obtained access to the Grand
Jury which found the indictment against
against the position refused on the part
of Mr. Olney the then District Attorney
and of Mr. Allen then an assistant in
his office, as deponent is informed by Mr.
John L. Downum his attorney who was so in-
formed by Mr. Olney. The deponent says
that he was informed by his counsel Mr.
Quinn that during the last week of
his administration of the office of District Attorney
Mr. Olney informed him that he had concluded
to ask the Court to dismiss the indictment
so found a writ ^{discharge} ~~discharge~~ on the ground of the
said the delay previous before said Grand
Jury and to ask that the papers be returned

9

Prohibited
against
some thing

to another Grand Jury. The deponent says
that instead of such indictment being dis-
missed, he has been surprised to learn that
two other indictments besides the one referred
to have been found & presented on this Court
a writ of habeas corpus for the same offense -
to wit practicing without a regular diploma
although the dates of each practicing are
different. The deponent further says that
a bitter feeling exists on the part of
the County Medical Society against the
Eclectic Society and that at present a pro-
ceeding has been instituted on the complaint
of the County Medical Society by the Attorney

10

0131

There is a
process
allied

11

General of the State being in view the expense
 action of the Estate College - And a person
 believes & therefore views from the facts pre-
 sented by his own treatment that he is oppressed
 without cause, at the direction of the said
 Board, Medical Society, and that there are
 indictments have been filed upon him in
 order to induce him by fear to leave his
 practice and the City of New York - And he
 fears that so much malice has
 been manifested on the part of said Med-
 ical Society and its Attorney towards him
 that he believes they do not dare to
 call such indictment to be brought to
 trial for fear that an acquittal would
 be had by consent, and thereafter they
 be submitted to penalty for their action
 towards him - On the foregoing statement
 of person says that the indictments, recently
 and at the last term of this Court found
 against them, be dismissed, and that the
 first indictment be also dismissed unless
 the District Attorney will place the same
 on the Calendar and bring the same to
 trial at the present term of this Court.

Sworn to before me }
 this 7th day of January 1880. } So Jacques

Albert Macomber
 Clerk of Deeds
 N.Y. City

0132

7001 Return of General Services

in the City & County of New York.

The People vs

John D. Tormund

Joseph Dague, indicted

also under the name of Kalm

City & County of New York

John D. Tormund

being duly sworn says that he resides in the

City of New York and is a practicing lawyer and

at present is the attorney & counsel of the

defendant herein - That he has read the

file in, affidavit of Joseph Dague and

says that the statements therein made of

what was said & reported by Mr. Olney,

late District Attorney, in the respects true

and further that it is true that the said

Dague continued his practice of medicine

on defendant's advice - That such advice

was given because informant believed that

as he does now, that the defendant was and

is fully entitled to practice medicine and

that it was not the intention of the said

District Attorney to give the said Dague

an opportunity of showing his innocence -

Defendant further says that he has practiced

more or less in the Criminal Courts of this

State for twenty five years and that he has

never known ^{it to be} the practice of the District

Attorney's office to allow indictments for

second offense to be found until the first

3
Indictment
for Second Offense

0133

4
has been tried. and deposed under, from the
fact that such indictments as were found
a court the defendant at the last term of
the Court put in issue the exact question
as was presented by the former indictment,
and no other. to wit that the defendant
was seized without a regular warrant,
is strongly indicated that such action
is more the result of private pressure
than any public necessity. And defendant
says that by Sec. 8 of the Penal Code the
defendant is entitled "to a speedy and public
trial" which language would indicate that
it was the intention of the Legislature
that one complaint should be returned of
before another of the same character is
entertained. No previous application has been made for this order
to be made in this case. John L. Townsend
1st day of January 1885

(Walter Martin)

Clerk of Courts

W. L. Martin

N.Y. General Term Court.

The People of the
State of New York

against

Joseph Jacques indicted
also under the name of
Kahn

Due to show cause why
Indictments should not
be dismissed or quashed
had.

JOHN D. TOWNSEND

Attorney for Defendant

32 PARK PLACE,
NEW YORK.

Due Service of a Copy of the within is hereby admitted.

Dated, N. Y.,

May 7 1885

John D. Townsend

Charles H. Merwin

C. B. Merwin, Printer, 218 Fulton Street, New York.

0134

0135

Allen

P. F. McBRENN, Steam Law and Job Printer, 61 Beekman St., N. Y.

Court of Appeals.

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondents,

vs.

ROBERT A. GUNN and others,
Appellants.

F. J. FITHIAN, *for Appellants.*

EDWARD C. RIPLEY, *for Respondents.*

EARL, *J.*

The question to be determined in this case is whether "the United States Medical College" of the City of New York, was legally incorporated at the time of the trial of this action. The defendants claim that it was legally incorporated under the Act, Chapter 319 of the Laws of 1848, and the several acts amending the same and supplementary thereto. That act was entitled "An Act for the incorporation of benevolent, charitable, scientific and missionary societies," and the first section, as originally enacted, provided that "any five or more persons of full age, citizens of the United States, a majority of whom shall be citizens of this State, who shall desire to associate themselves for benevolent, charitable, scientific or missionary purposes,

0136

may make, sign and acknowledge a certificate" and become incorporated. That Act was amended by Chapter 51 of the Laws of 1870, which provided that it should "be deemed to authorize the incorporation of any society for the purpose of establishing and maintaining any educational institution or chapel, or place of christian worship, or any parsonage, rectory, or official residence of any bishop, pastor, or minister of any Christian church or association;" and section three of that act provided that "any university or college incorporated under the said act, or under this act, may take and hold by gift, grant, devise or bequest, property or endowment not exceeding in value or amount one million of dollars." Section one of the Act of 1848, was again amended by Chapter 649 of the Laws of 1872, so as to read as follows: "Any five or more persons of full age, a majority of whom shall be citizens of and residents within the State, who shall desire to associate themselves together for benevolent, charitable, literary, scientific, missionary, or mission or other Sunday school purposes, or for the purpose of mutual improvement in religious knowledge or the furtherance of religious opinion, or for any two or more of such objects combined, may make, sign and acknowledge" a certificate and become incorporated.

We are of opinion that these acts did not authorize the formation of a medical college. According to the ordinary use of language a medical college would not be described as a scientific or literary institution. It would not be generally classified as such, and we do not think it was the purpose of the Legislature to authorize any five citizens at any time and place, and without any restriction, to organize an institution which could in its own way and upon such loose and liberal terms as it chose to prescribe, issue diplomas to its graduates, and confer upon them the degree of doctor of medicine. Medical colleges had before been organized by

0137

special acts, or under the general act of April 5, 1813, which was not repealed by the Act of 1848. Subsequently, by the Act, Chapter 184 of the Laws of 1853, the Legislature dealt with the subject of medical colleges. Section six of that act provides that any citizens, not less than ten in number, who may desire to found and endow a medical or surgical college, or school within this State, may make, sign and acknowledge a certificate and become a corporation, as therein provided. They are required to have an endowment of \$50,000, and every college organized under that act has power to grant and confer upon its graduates the degree of doctor of medicine, upon the recommendation of the board of professors of the college, and of at least three curators of the medical profession appointed by the trustees. "But no person shall receive a diploma conferring such degree, unless he be of good moral character and of the age of twenty-one years, and shall have received a good English education, and shall have pursued the study of medicine and the sciences connected therewith, for at least three years after the age of sixteen years, and have received instruction from some physician or surgeon fully qualified to practice his profession, until he is qualified to enter a medical college, and (except in cases hereafter provided,) shall also after that age, have attended two complete courses of lectures, delivered in some incorporated medical college". It cannot be supposed that the Legislature intended to authorize the creation and operation of medical colleges under the act of 1848, without any checks or restrictions while it requires that such colleges organized under the act of 1853 should comply with the requirements, perform the duties, and be subject to the restrictions carefully specified in that act. We think that before the passage of the act of 1853, the only way for the incorporation of a medical college, was either by special charter granted by the Legislature or under the act of

0138

1813 above referred to. After the act of 1853, the only general act for the formation of medical colleges was that act, and no medical college could thereafter be organized in this State except in the way prescribed in that act, or by special charter granted by the Legislature.

But it is claimed on the part of the defendants that if their college was originally illegally incorporated the corporation was legalized by the act, Chapter 367 of the Laws of 1882. That act is entitled "An Act to restrict the formation of corporations under Chapter 319 of the Laws of 1848, entitled "An Act to provide for the incorporation of benevolent, charitable, scientific and missionary societies," and the acts amendatory thereof, and to legalize the incorporation of certain societies organized thereunder and to regulate the same." If the act was intended to legalize the incorporation of this college, its title is very deceptive and misleading, because as has already been shown it had no right to organize under the act of 1848 and was not thereafter organized thereunder, or in fact in any way. Section one of the act of 1882 provides that, "hereafter no literary or scientific college or university shall be incorporated under the provisions of Chapter 319 of the Laws of 1848, without the approval of the regents of the university." As we have already stated the terms "literary or scientific college or university" do not embrace a medical college. Section two provides that "all scientific and all literary colleges and universities organized under said acts which shall have reported to the said regents, within the two years last past, are hereby declared legally incorporated." The United States Medical College is not a scientific or literary college, and hence again is not embraced within this language. Reading the language of this act as we find it, it has reference only to scientific and literary colleges, organized and authorized to be organized, under the act of 1848, in whose organization there

0139

5

has been some imperfection, and it was such corporations which are declared to be legally incorporated. We have no means of knowing from anything contained in this act or from anything of which we can take judicial notice, that it was the intention of the Legislature by the language used in the act, to legalize the incorporation of this college. If it was intended to do so, the language used by the framers of the act seems to have been intentionally deceptive. The words "medical college" are not found in the act of 1848, or in any of its amendments; and if it had been intended to deal with a subject of so much importance to the public health and the general welfare, it would probably have been mentioned in unmistakable language.

We are therefore of the opinion that the judgment below is right and should be affirmed with costs.

All concur.

(A. Copy.)

H. E. SICKELS,
Reporter.

0140

State of New York, } ss.
CITY AND COUNTY OF NEW YORK,

Joseph Jacques being duly sworn deposes
and says, that he resides at No. 7 *University Place*
~~Street~~ in the City of New York, and was born in *England*

or about
And that on the *6th* day of *June*
1871, he received a *Diploma*
granted by *The Eclectic Medical College New York City*

And deponent further says that by authority of said
Diploma
since *about* the *6th* day of *June* 1871
he has been practising *Medicine*

Sworn to before me, this *11th*

day of *Sept*

1880.

C M Smyth

Com. of Deeds
NYC

Joseph Jacques

0141

188

Filed

Practising

AFFIDAVIT OF

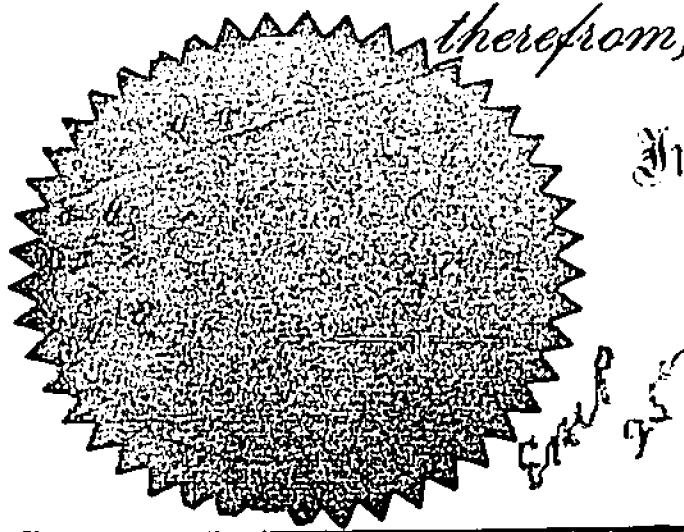
STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

I, PATRICK KEENAN, Clerk of the said City and County,
and Clerk of the Supreme Court of said State for said County,
Do Certify, That I have compared the preceding with the original
Physicians Affidavit

on file in my office and that the same is a correct transcript
therefrom, and the whole of such original. *Affiant*

In Witness Whereof, I have hereunto subscribed my name, and affixed
my official seal, this *Twenty-fourth*
day of *March* 188*8*

Patrick Keenan Clerk.



0142

The Clerk of the City County
of BROOK, will please search
in his office since the passage
of the Act known as Chapter 513
of the Laws of 1880, (passed Mar-
29, 1880), for any & all regis-
trations by

Joseph Jacques
and any & all affidavits made &
filed by him thereafter, to
the date of return; and let the
certificate show all the facts
upon the register kept by you,
& annex to your certificate a certi-
fied copy of any such affidavit,
or affidavits: let your return
show that no other registry or
affidavit is found within the
period; and certify the result for
Edward C. Ripley,
39 Park Row,
New York.

Dated March 22, 1884.

The preceding affidavit contains all and the only facts
of record in my office touching the above, excepting the
fact that above is likewise entered upon the Physicians
& Surgeons Register kept in my office, none other found
Dated March 24, 1884

EmP

Patrick Keenan Clerk

0143

C. C. Ripley

County Clerk's Search

Special

Wanted Mar. 24,
1882

C. C. Ripley
X A.
pp. 1 & 2
19-82

I, David Murray, Secretary
 of the Board of Regents of the
 University of the State of New
 York, having charge of the records
 of said Board & of the papers,
 documents & reports, filed
 thereunto according to law,
 do hereby certify that the
 following is a correct & true
 transcript of the original
 report of graduates of the
 Eclectic Medical College of
 the City of New York for the
 year 1871, filed by said Col-
 lege, & of the whole of said
 original, to wit:-
 1871.

Aislett, Matthew S.	Pennsylvania
Bishop, Meidas E.	New York
Chase, George W.	Massachusetts
Dickens, J. B. M.	Massachusetts
Firth, Elizabeth	New York
Griffith, Joseph	New Jersey
Gordon, Edward S.	North Carolina
Keynan, Peter	New York
Swett, Nathaniel	Massachusetts
Morgan, Eliza	Massachusetts
Prackard, William	New York

Parks, Mariah J.
 Ripley, Edwin,
 Ricker Joseph T.
 Simms, Joseph,

Indiana,
 Connecticut,
 Ohio,
 New York,

Ad Eundem.

Aspinwall, William,
 Bayley, Robert L.
 Davidson, Samuel,
 Lamb, George,
 Lewis, William
 Preston, E. S.
 Sohl, Krueger
 Smythe, Wm. Samuel
^{Smith}
~~Smythe~~, William T. V.

England,
 England,
 New York,
 England,
 England,
 New York,
 Massachusetts,
 Massachusetts,
 England,

Honorary.

Carpenter, George W.
 Clark, Samuel,
 Fox, Albert,
 Jacques, Joseph,
 Johnson, W. S.
 Monahan, E. M.
 Price, Clarence V.
 Sharp, James J.

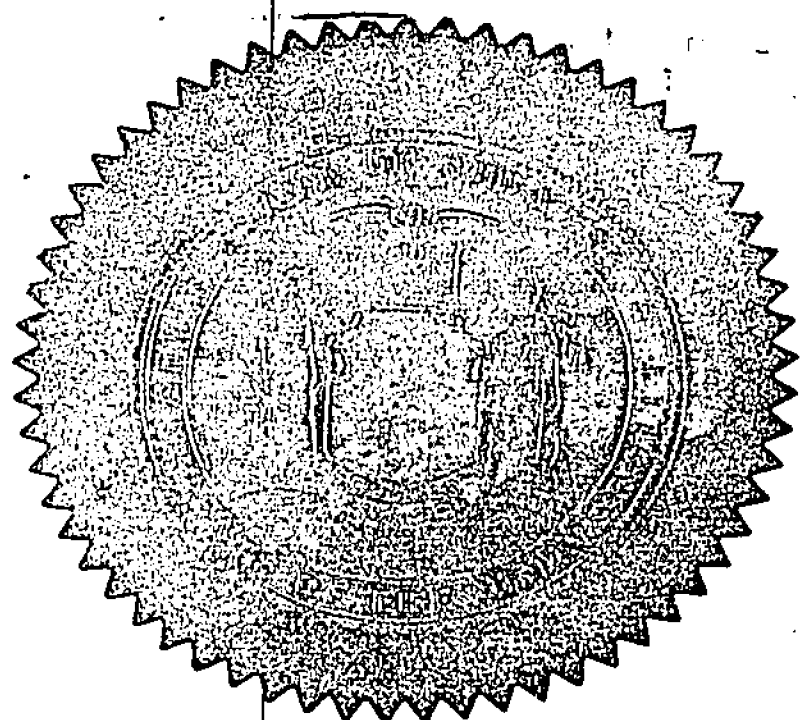
New York,
 Illinois
 New York
 New York,
 Vermont,
 Minnesota,
 Illinois
 New York.

In testimony whereof, I—

0146

have hereto set my hand & the
Seal of the University of Iowa
this ^{seventeenth} day of April
A. D. 1884.

Dani Murray
Secretary.



⊕ Smyth changed to Smith by me. D. Murray.

Attest

Frankard, William,

Amos R.

0147

The People vs
Vanderpool

vs.

Jacques, alias
Jordan, alias
Kahne

List of com-
plainants' wit-
nesses.

- ✓ Edward C. Ripley, 140 Nassau St., room 45.
- ✓ Charles McCarthy " " " " "
- ✓ August Kruger, Jr., 123 Fulton "
- ✓ Augi E. Wolf, New Jersey (Mr. Ripley will serve)
- ✓ Alexander Wilder " " " " "
- Robert A. Gurnea 45 East 22nd Street,
- ✓ Elizabeth Firth, 410 Bedford Ave., Brooklyn,
- William Prankard 114 Nassau St. —
- ✓ Dennis E. Smith, 131 Fort Green Place, Brooklyn,
- P. Albert Morrow, 66 West 40th St. —
- ✓ Ezra M. Clelland, New Jersey (Mr. Ripley will serve).
- ✓ Officer Mathew Campbell - 3rd Dist Court

0148

Living Witness
in the Caving the People
David J. G. about

0149

EDWARD C. RIPLEY,
ATTORNEY AND COUNSELLOR AT LAW.
140 NASSAU STREET

New York City, Jan. 27, 1885.

The People vs.

Jacques, alias Kalm vs.

Dear Cousin:-

The Trarar, Mr. M. Cathey,
who was one of the witnesses, in
this case, when it was before
Justice White; & who will
probably be a witness on the
trial of the indictment,
desires to know if the
case will probably be on
the calendar this month,
as he thinks of leaving town,
for a few weeks.

Very truly
yours

John M. Cowan, Esq.
Chief Clerk

E. C. Ripley

0150

Office of
William B. Furrington,
Counselor at Law,
2 Wall Street,

People }
vs. }
Kahu }

New York, Jan 21 1885

My dear Mr. Parnes:

If there is any need
of such assistance as I can give ~~the~~
the Kahu can, ^{if any} information as to witnesses
maybe required, will you be kind enough
to see that I am called on therefor, two or
three days in advance of the trial. Some of
the witnesses live in Newark and are
physicians, so that to get them requires
some arrangement.

Truly yours,

W. B. Furrington

0151

Wm. A. Huntington
Course for Mrs.
Mid Socy
2nd Hall St

0152

Witnesses

Witnesses for Ref. before Magistrate

Samuel Q. Vanterpool M.A. 36 W 39th - little use
 Chas. H. Carthy 74 McDougal St. now 205 King St.
 Geo. Gruenling 117 East 106th St - said to be at sea
 F.R. Bluzis 16 West 32nd St } testimony & addresses
 August Kreise Fulton St. } with Mr. Parnis
 Cornelius R. Agnew 266 Madison Ave
 Elizabeth Firth 410 Bedford Av Brooklyn
 Wm. Paunkard 229, 19th Brooklyn
 Jas. D. Bryant 66 West 35th
 Dennis E. Smith 131 74th Avenue Pl. Bklyn - Dear?
 Important Robt. A. Gunn 45 E 22nd St
 Mrs. A. Bassett 233 East 12th St
 Important Ezra S. McClellan Patterson N.Y.
 Julius Van Meyer Dear?
 Alex. Wilder - M.A. Newark N.J. Sick
 Spencer H. Brown 63 E 52nd
 E. Albert Morris 66 W 40

at
 Roundman Campbell

0153

OFFICE OF
PETER B. OLNEY

EQUITABLE BUILDING
20 BROADWAY,
NEW YORK.

NEW YORK.

1885.

Compt
Kaiser
Meyer

Aug 10th

Mr. Townsend
I have a letter in the
envelope from Evening
Post of last Evening is
"conspicuously in Error" to
use a more expressive
Mr. Townsend requested
me to send the matter
again before the General
any evening the last
Evening notwithstanding, on
the ground that one of

0154

the witnesses Ripley who was
examined by the Grand Jury
in regard to the first indictment,
and the return of the
indictments and therefore
ought not to have been
allowed to go before
the Grand Jury -

As much as I have
told Ripley, that he shall
not go before the Grand
Jury but by some trick
he got off before them,
I considered that towards
myself that the first indictment

0155

Should be dismissed from the
matter again this before the
Grand Jury was a proper
return and accordingly
the matter was again sent
to the Grand Jury who found
no bill - at last day of
their term & return -
One of them & presume you
will find reversed, the
first indictment, the other
dismissed (near same
value of time) but for
the criminal offense.
2. ~~Dismissed~~ are not same

0156

The any information of what
I look at, and I don't
think he gave me any
information except his heart
shall - It's not being he
can -

This is a measure of
the records is a little
trick with a view to prejudice
the case of the people -

If one of the new indictments
does not of itself supersede
the old indictment - then
the old indictment should be
dismissed and the new kept
in bail on the new indictment.

After reading will you findly know
this is Mr. Martin - Mr. Davis
is familiar with the matter

Yours truly,
Henry A. Goldstein

Yours truly yours

Henry A. Goldstein

0157

District Attorney's Office.

Oyer & Terminer

PEOPLE

vs.

Lewis J. Kpaka

Monday Feb 4"

0158

The Case of Louis J. Kahn.

Louis J. Kahn, who is also known by the names Joseph Jacques and Louis Jordan, was called to the bar of the General Sessions Court to-day to answer two indictments against him for unlawfully practising medicine. The accused was first charged with that offence in July last, and was indicted two months later after the case had been examined before a police magistrate. The two additional indictments were found by the latest Grand Jury at its final session.

John D. Townsend appeared for the accused when the matter was called before Judge Gildersleeve to-day, and declared that his client had been very unfairly treated by District Attorney Olney. He said, "I made frequent requests of Mr. Olney that the case be tried. Instead I find now that just before being retired he piled on two more indictments without having tried the first one. This matter is simply a fight between two medical institutions: one the Eclectic College, on a diploma from which my client practises, and the other, the County Medical Society, which instigates through its President, Dr. Samuel O. Vanderpoel, these proceedings. At the different times when I applied to Mr. Olney to have this first case disposed of by bringing it to trial I made statements which I now find were taken advantage of by him in securing these other indictments. I informed him that my client to sustain himself was obliged to practise, and this fact was placed before the Grand Jury."

Judge Gildersleeve said that unless the trial is begun at an early date he will consent to the dismissal of the indictments. He paroled the accused on the additional indictments.

0159

...from Mayor Grace during his term and made its reform, which is one of the most crying needs of the hour, almost impossible for several years to come. In that case the Attorney-General dwelt at much length upon the intent of the Legislature in passing the law. He had an excellent opportunity for dwelling upon the same point in the second case, for the intent of the last Legislature, in giving the new Mayor power to make appointments without the consent of the Board of Aldermen, was certainly not to vest the power in the hands of the resident of the old Board of Aldermen, but to let him into the Mayor's chair for twelve hours by a back door. It is pretty clear that the Attorney-General takes the "practical" rather than the "legal" view of the law. He decided in the first case against litigation because his man was in a contested office, and it would be an unnecessary disturbance of the public interest to get him out. He decides in the second case in favor of litigation because his man is in a contested office and litigation may give him a chance to get out. However, the result he to get a judicial decision upon one of our "chaotic" laws, the result will not be wasted.

It is reported from Washington that the Judiciary Committee has set next Tuesday for the consideration of bills now before it. Among the many important measures to be considered by the Committee, not the least important

of the principal could not be the labor. In Iowa, the Garfield publican largely and it were considered the se against were seven I pledged, feared, heavy I recognized, Democrats square, won the majority, sustained over 5,000.

It is reported from Washington that the Judiciary Committee has set next Tuesday for the consideration of bills now before it. Among the many important measures to be considered by the Committee, not the least important

0160

Y EDWARD C. RIPLEY,
ATTORNEY AND COUNSELLOR AT LAW,
140 NASSAU STREET.

New York City, June 27, 1884.
The People.
S. O. Vanderpool, From 2^d Dist.
Joseph Jacques, Police Court,
alias L. J. Kahn,
alias L. J. Jordan.

Dear Mr. Donnelly:-

When this case is to be
presented to the Grand Jury,
please send to this office, the
subpoenas for the following
witnesses, (out of the State), &
I will have them served, &
see that the witnesses are in
attendance, viz:-

Dr. Alexander Wilder,
Newark, N.J.

Dr. Ezra S. McCallum,
Patterson, N.J.

I would suggest that there
are many of the witnesses
who appeared before the magis-
trate, that are no longer
necessary to make the case.

0161

2) EDWARD C. RIPLEY,
ATTORNEY AND COUNSELLOR AT LAW,
140 NASSAU STREET.

New York City, 1884.

The following, I deem the
necessary witnesses,
Edward C. Ripley,
Charles McArthur,
August Kreiser, Jr.
Alexander Wilder,
Ezra S. McCallum,
Elizabeth Firth,
William Bankard,
P. A. Morrow,
Orville E. Smith,
Robert A. Gunn.

If the subpoenas are sent to
me two days before the hearing
I will have them served.

As two or three witnesses are now
out of the State, (at least), I suggest
that the case be not brought
on for a week or ten days yet.

Very truly,
Hugh Donnelly, Esq.
Chief Clerk of the Court for the Medical Society
of the County of New York

0162

JOHN D. TOWNSEND.
ATTORNEY AND COUNSELLOR AT LAW.
32 PARK PLACE.

New York, March 1884.

Wm. Donnelly Esq.
Chief Clerk District Ct.
Dear Sir,

My client Dr. Jaeger
who was indicted several years
ago for practicing medicine with
out a license (which is not true)
is now anxious to go to trial
as he says this charge interferes
seriously with his business.

Will you have the case
referred to the Judge & Terminer
& tried as soon as possible?
It will take but a few days
to try and there will be some
questions of law discussed which
I should prefer to present in
Judge & Terminer. Please let me
know what you can do about
it.

Very truly yours
John D. Townsend

0163

JOHN D. TOWNSEND.
ATTORNEY AND COUNSELLOR AT LAW,
32 PARK PLACE.

New York, Sept. 6th 1884.

Hugh Donnelly &
Robert Clark
District attys, office

Dear Sir,

Before you send
before the train going the papers
some time since sent from
the Jefferson Market Police
Court by Judge White on the
case of the People vs. Joseph
Jaques charged with practicing
medicine without a diploma with
you please notify Mr. Allen
that you are about to do so.
I think the whole matter is
a gross entrapment against Dr.
Jaques as I have explained
in detail to Mr. Allen. I
am informed that a brief
which I never saw, purporting
my to have been used by

0164

to General for the prosecution,
Mr. Edward C. Ripley was sent
from with the papers from the
Magistrate Court, and a note
in the package of papers to
be before the Grand Jury. I
and one of mine which I
request you will also put
among the papers with his

Very truly yours
J. H. Townsend


0165

EVENING POST JOB PRINTING OFFICE, 208 B'way, N. Y.

IN THE MATTER OF THE PEOPLE

VS.

JOSEPH JAQUES.

 Brief of the Case as presented before Hon.
Andrew J. White, Police Justice.

This is a criminal action based upon section 326 of the Penal Code, in which it is provided that a person who *practices or attempts to practice medicine in this State, unless authorized so to do by a license or diploma from some chartered school, or who practices under cover of a diploma illegally or fraudulently obtained*, is guilty of a misdemeanor.

A warrant under this section was applied for and granted against *Lewis J. Kahn*, on the 18th day of March, 1884, and on that warrant the defendant, Joseph Jaques, was arrested.

The affidavits upon which the warrant issued were those of Dr. Samuel O. Vanderpoel, President of the Medical Society of the County of New York, Charles McCarthy, a detective in the office of Edward C. Ripley, one of the counsel prosecuting the action in the name of the People, and one George S. Youngling.

Dr. Vanderpoel's affidavit is made entirely on

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information and belief, and is to the effect that a person calling himself Lewis J. Kahn, of 51 East Tenth street, between November 1 and December 25, 1883, in violation of law, practised and attempted to practice medicine in prescribing for, attending and treating James W. Williams, Charles McCarthy and George S. Youngling and others *without being authorized so to do by a license or sufficient diploma from any chartered school, board of medical examiners or medical society, or did so practice under cover of an illegal license or diploma illegally and fraudulently obtained.*

The affidavit of *McCarthy* was to the effect that the name of Dr. L. J. Kahn appears on the door of 51 E. Tenth street; that he saw George S. Youngling enter the house 51 E. Tenth street about December 12, 1883; that he has examined the records and finds that no such physician as L. J. Kahn Lewis J. Kahn has registered at the County Clerk's office, and that he sent the fee of \$25 to Dr. Kahn, and received a receipt therefor.

George Youngling's affidavit was to the effect that he called at 51 E. Tenth street, and asked for Dr. Kahn; that a man who informed him that he was Dr. Kahn examined him and charged him twenty-five dollars, which amount was sent to him.

Copies of the warrant and affidavits above referred to are annexed thereto, and marked "A."

The first effort made by Mr. Ripley, the counsel, was to get into his possession the defendant's diploma, and this he tried to do by means of a subpoena, and by that first step he showed that he knew that Dr. Kahn and the defendant Dr. Jaques were not the same person, and that the defendant had a diploma, for he addressed his subpoena to

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Joseph Jaques, and directed him to produce *his diploma received in 1871, in a proceeding against Louis J. Kahn.*

Subpoena referred to is hereto annexed, marked "B."

To make it still more apparent that Mr. Ripley knew that Dr. Jaques was not practising under the name of Kahn, he put in evidence, in the early part of the examination, an affidavit of Dr. Jaques, sworn to September 11, 1880, in conformity with the laws, and filed in the County Clerk's office of this county, as certified by the County Clerk, that he had practiced medicine in this city since about June 6, 1871, by virtue of a diploma granted by "the Eclectic Medical College of New York City" (pages 32 and 33—Exam'n April 14, 1884).

A copy of such affidavit and certificate is annexed hereto, marked "C."

To sustain the prosecution, it is apparent from wording of sec. 326 of the Penal Code, that one of two things must be established :

- 1st. That Dr. Jaques practiced without a duly authorized diploma ; or,
- 2d. That he practiced under one illegally obtained.

And, so far as this complaint is concerned, if it be shown that he has a regular diploma authorizing him to practice medicine, it is altogether immaterial whether he practiced under the name of Kahn or not, as no part of the crime, under this section, consists in falsely representing himself to be some one else.

It was also admitted by the defendant in the very earliest part of the examination, that his affidavit, which was on file in the County Clerk's

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office, and put in evidence by Mr. Ripley, that he had practiced medicine since 1871, was quite true, and therefore it was quite unnecessary, unless to annoy him, that McCarthy and Youngling, both of whom it was shown on the examination were utterly unreliable men, were called as witnesses.

The extent of their testimony was to show that he practiced medicine, and the latter witness said he had used the name of Kahn.

As a matter of curiosity, and to show what miserable specimens of humanity these men are, I would suggest the reading of the testimony of *McCarthy* on pages 49 and 50, taken March 27, 1884, and on pages 110, 111 and 112, taken April 3, 1884, as to what Dr. Wilder, a former president of the Eclectic College, had told him, and then read the testimony of Dr. Wilder, who was also a witness for the prosecution, denying such statements, on pages 61 to 66, taken May 10, 1884.

And as to the witness *Youngling*, read the whole of his cross-examination, from 137 to 157, taken April 3, 1884, but particularly his description of the interior of the house, 51 East Tenth street, where he says Dr. Jaques represented himself to be Dr. Kahn at pages 139 to 150 of same day's examination, and then read in opposition the testimony of Henry J. Jordan, a witness for the defense, who resided in the house, 51 East Tenth street, all the time referred to by *Youngling* as to the condition and appearance of its interior from page 1 to 6, as taken June 14, 1884.

Can there be any doubt that McCarthy and Youngling perjured themselves?

There was another perjured scoundrel produced by Mr. Ripley for the purpose of showing that Dr. Jaques obtained his diploma illegally. His name is *John A. Bassett*, and his testimony commences on p. 117 and runs to p. 145, in testimony taken April 29, 1884. On pages 118, 119, 120 and at page 143 of that day's examination this man says, that in the spring of 1871, at 1 *Livingston place in this*

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city, where the Eclectic College then was located, he saw Dr. Jaques and a friend of his pay Dr. Newton, the President of the college, but now dead, four hundred dollars for a diploma, which, at the same place, Dr. Newton subsequently delivered to him.

This was the only evidence offered by the prosecution to show that his diploma was illegally obtained. To show the falsity of this man's statement, Mr. Michael Phillips, an attorney connected with the law firm of Messrs. Wheeler & Souther of this city, was sworn. His testimony is to be found on pages 19, 20 and 21 of examination held June 14, 1884. He said that Mr. John Hoey owned the premises 1 Livingston place in 1871, and they were then occupied by a woman named Bishop, and that the Eclectic College did not take possession of those premises until 1875.

Was there ever a clearer case of perjury than this?

All of this man's testimony, as well as that of McCarthy, is worth reading, if only to show their prior association with the counsel Ripley, for whose own character I refer to his own brother, Chauncey B. Ripley, whose office is at No. 39 Park Row, in this city, to Mr. Frederick R. Lee, an attorney, at number 102 Broadway, who has been carefully looking up his history, and who has produced much proof of it in the District Attorney's office, and also to the chief clerk of the District Attorney, who can testify as to how much he is paid for each connection he gets on such cases as these.

To come at once to the only other question in the case: *Has Dr. Jaques been practicing medicine under a regular diploma issued by a chartered school or college?* What evidence has been produced by Mr. Ripley that he has not?

It is not disputed that the Eclectic College has been since 1869, a chartered institution.

Dr. Vanderpoel, the complainant, says that he

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knows nothing on the subject beyond what Ripley and the censors have told him, (page 4 of examination taken March 27, 1884).

Dr. Fred. B. Sturges, the only censor of the County Medical Society, called as a witness by the prosecution, says: That the only information he had, and which he gave to Dr. Vanderpoel, that Dr. Jaques had no legal diploma, was a *certified list of the Regents of the University, that Dr. Jaques had an honorary diploma*, and (p. 48, examination on April 14, 1884), *proof that he had practised* (p. 52, same day's examination).

This witness gave testimony, as did many other medical men called by the prosecution, that no one had a right to practice medicine upon an *honorary* diploma, and Dr. Jaques quite agreed with them, but as Dr. Jaques' diploma is *regular*, and not *honorary*, such testimony, which comprises a large portion of the examination, is entirely immaterial.

To such effect, *only*, was the testimony of Drs. Charles Pardee (p. 56, examination on April 14, 1884); Cornelius R. Agnew (p. 1, examination on April 29, 1884); James D. Bryant (p. 29, examination on April 29, 1884); Samuel O. Vanderpoel (p. 32, examination on April 29, 1884), and Stephen H. Brown (p. 99, examination on May 10, 1844).

All the witnesses, not already referred to who were called by the prosecution, had been at some time connected with the Eclectic Medical College, viz.: Drs. Firth, Prankard, Smith, Gunn, McClelland, Von Meyer, Wilder, Brown & Morrow.

Before any of these latter witnesses had been examined, Mr. Ripley put in evidence a copy of the names of persons who had received diplomas, *honorary, ad-eundem, and regular*, in the year 1871, as certified by the Secretary of the Board of Regents of the University, and the diploma of Dr. Jaques appeared as *honorary*.

No excuse was presented to the court why the books of the Eclectic College for the year 1871 were not offered in evidence, and, regarding the question whether such certificates of the Regents of the University could be relied upon, several witnesses were examined.

Dr. Von Meyer, called by the prosecution, testified: That a *regular* degree was conferred upon him, after a regular examination, by the Eclectic College, and in the report made by the Regents of the University his diploma was called *ad eundem* (p. 38, examination on May 10, 1884). He added that a great many mistakes were made by this Board.

Dr. Wilder, who was president of the Eclectic College, said that he never knew that a report of the admissions was sent to the Regents of the University for 1871 until a few days before he testified here (p. 56, examination of May 10, 1884).

Robert Newton, son of the former president of the Eclectic College, and until very recently himself the secretary of the same institution, testified that any person could send a report to the Board of Regents of the University and they would publish it, and he said they were not as correct as they might be. He said further that, as secretary of the Eclectic College, he sent a report to such board for the year 1882, and, as published by them, part of his report was correct and part incorrect; and in the same report by them he is himself set forth as being dead (pages 47 and 48, examination had June 1, 1884).

Drs. Elizabeth Fitch, William Prankard, Dennis Smith, Alexander Wilder and E. Albert Morrow, testified that they had no remembrance of having seen Dr. Jaques before the present examination, and, except on the subject of what constituted the difference between *honorary, ad-*

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eundem, and *regular* diplomas, and excepting what they testified to on cross-examination in favor of the defendant, which will be referred to later, there was nothing of importance in their evidence.

At the close of the case for the prosecution, I asked that Dr. Jaques might be questioned by the judge as to what he had to say to the charge preferred against him. (His answer is to be found on pp. 13, 14, 15 and 16 of examination held May 16, 1884.)

Briefly he admitted practising medicine since 1871, but claimed that he did so upon a diploma received by him from the Eclectic College after he had fully complied with the requirements of the law. He stated that he paid nothing for it beyond the amount required by the rules of the college; that he practiced under it steadily here from 1871 until 1881, when he went to Havana in consequence of his wife's health, intending to practise there; that before he could get a license to practise there his diploma went through the hands of the Governor-General of Cuba, and he subsequently received his license to practice in Cuba; that he never practiced in any other name than his own, and that he only knew of Dr. Kahn from hearsay; that Dr. Jordan, who resided at 51 East Tenth street, is his brother-in-law, and at present is under the care of Dr. Allen McLean Hamilton for mental disorder, and that he has been looking after his patients since his illness, at the request of Mrs. Jordan; that his own residence and that of his family is at 78 East Eleventh street, where he attends to his own practise; that the reason the name of Dr. Kahn is on the door with Dr. Jordan at 51 East Tenth street is because some years ago the museum in the City of New York known as "Kahn's Museum" was jointly owned by Drs. Kahn and Jordan, and after Dr. Jordan bought out the former's interest, it was considered wise, in a business point of view, to re-

tain the name of Kahn at the museum and at the house—that the name had been on such door for quite ten years, although Dr. Kahn returned to England many years since.

At the time such statement was made, the diploma upon which Dr. Jaques has practiced, was exhibited to the court and counsel for the County Medical Society, and a motion was made to dismiss the complaint.

The judge took time to consider, and finally denied the motion, and directed Dr. Jaques to proceed with his defense.

EVIDENCE FOR THE DEFENSE.

Henry Jordan, the first witness called, gave a description of the interior of the house, 51 East Tenth street, where he had resided for nine years prior thereto, and demonstrated that the evidence given by the witness Youngling was false in every particular.

P. 1-17, Examination held June 1, 1884.

Michael J. Phillips was the second witness called for the defense. He testified that he acted for Mr. John Hoey, who owned the house 1 Livingston place in 1871, and who then rented it to a Mrs. Bishop, and only deeded it to the Eclectic College in 1875. This completely destroyed the only evidence produced by the prosecution for the purpose of showing that Dr. Jaques obtained his diploma fraudulently—to wit, that of *John A. Bassett*, who testified he saw Dr. Jaques pay four hundred dollars for his diploma, as heretofore stated, to the president of the College, at their building, 1 Livingston place, in the Spring of 1871 (pp. 19-21—examination had June 1, 1884).

Emmett R. Olcott, an attorney at law, of the

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was called by

(The diploma 60, examination on April 29,
been practicing 1884.)

gether with the certificates attached.
C. Gonzalez, Notary Public, and witnesses referred to
eral of Spain in New York, together to dismiss
license Dr. Jaques received to practise medicine with
in Cuba. NOTE.—None of these seem to have been
set out in the stenographer's report of the testi-
mony, but are with me, at the disposition of the
District Attorney or Grand Jury.) Mr. Olcott
testified that he first saw Dr. Jaques' diploma in
August, 1881, at their office, when Dr. Jaques
called to have the diploma certified to enable him
to practice abroad (p. 25, Examination had June
14, 1884). He says that his firm had done much
of such business. He says he called on Dr. New-
ton, who was then, and was in 1871, the president
of the Eclectic College, and he saw him, and also
Dr. Robert S. Newton, Jr., his son, who was the
secretary of the College. That President Newton
then informed him that Dr. Jaques' diploma was
genuine and properly issued for use, and that he
could safely certify to it (p. 28, same date). He
further said that the persons whose signatures
appeared at the foot of the diploma occupied, at
the time it was issued, the offices set opposite their
names (p. 30, same date).

Antonio C. Gonzalez, partner of last witness,
testified for the defense, that, from the report
furnished to him at the time by his partner, he
gave the certificate which is annexed to Dr. Jaques'
diploma (pp. 33 to 35, Examination June 14, 1884).

Ferdinand D. Martin, Chancellor of the Spanish
Consulate in this city, called by the defense, said
that Dr. Jaques' diploma was received in the con-
sul's office in this city from Washington; where it

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inspection and
e not being suf-
placed in his
called on the
college (Robert S. Newton, Jr.),
if the diploma was legitimate or
the secretary went to the register or
and said it was all right or regular. Thus
Mr. Martin reported to the Vice-Counsul, and on
the strength of this report the certificate was
made by him, in the presence of Mr. Martin,
which appears on the back of Dr. Jaques' diploma.
pp. 36-40, in examination of June
14, 1884.

Dr. Robert S. Newton, (until last year), for
several years the secretary of the Eclectic College,
was the last witness called by the defense. He re-
membered having seen Dr. Jaques' diploma in the
hands of both Mr. Olcott and Mr. Martin, as testi-
fied to by them, when they called on his father and
him to obtain assurance of its genuineness. He
says that on the face of it it is a regular diploma.
P. 46, examination had June 14, 1884.

Dr. Wilder, who was President of the Eclectic
College in 1871, and whose signature is on the
diploma of Dr. Jaques, and who was called as a
witness for the prosecution, testified that he had
told Mr. Townsend and Mr. Miller, his clerk, that
Dr. Jaques diploma was a good one, and the candi-
date had complied with the requirements of the
charter.

P. 94, examination had May 10, 1884.

Dr. Dennis Smith, a trustee and censor of the
Eclectic College in 1871, and a witness called by
the prosecution, said that he had seen Dr. Jaques'
diploma, which was shown to him by Dr. Jaques
counsel, and he said that his signature, and he

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thought the rest of the signatures to it, were genuine.

(Ex. 60, examination on April 29, 1884.)

After the testimony of the witnesses referred to had been given, I again moved the court to dismiss the complaint, and as he failed to comply with my request, I declined to proceed, and Dr. Jaques gave bail to respond to such action as might be taken by the Grand Jury.

It is proper for me to add that on the day Dr. Jaques was held by him, Police Justice White stated to me that he thought the Grand Jury ought not to find an indictment against my client, and said that he would call on the District-Attorney and express himself then to that effect. I do not know whether he has complied with his promise.

I think no intelligent man can read the testimony taken on the case, and think that Dr. Jaques should be indicted. The pressure for an indictment is not with the expectation of obtaining a conviction, but only to relieve certain parties from an action for damages.

JOHN D. TOWNSEND,
Counsel for Dr. Jaques.

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BURGOYNE (LAWYER), 57, 59 & 61 PARK ST

Second District Police Court.

THE PEOPLE, &C., SAMUEL O. VANDERPOEL,

AGAINST

JOSEPH JACQUES.

Before HON. ANDREW J. WHITE,
Justice.

Complainant's Brief.

The evidence that the defendant has practiced medicine being supplemented by his admission (*after proof of the fact*), obviates the necessity of any point on that branch of the case.

The prosecution, therefore, starts out (so far as this motion is concerned) with the concession that defendant has violated the law, unless he has been practicing "under cover of a diploma" that has not been "*illegally or fraudulently obtained.*"

In other words, the Court should be *satisfied* that the defendant *legally has and lawfully-obtained* a diploma, granted TO HIM on the the 6th day of June, 1871, or the defendant's motion should not prevail.

The Court should, therefore, at the outset, peruse the testimony from the standpoint of the legally conceded attitude of the defense, viz.: that, *admitting* all the complainant's testimony to be true, there is no reasonable, *probable cause* to believe that the provisions of Section 326 of the Penal Code have been violated by the defendant, for this inquiry is not necessarily a final one, and that strict degree of complete proof is not here required, as in a *trial*, and this *investigation*, if defendant is held,

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is but the prelude to a trial, where conviction or acquittal upon the merits will follow.

I. To support a denial of the defendant's present motion to dismiss, it is only necessary for the Court to reach one conclusion, viz.: That the diploma which the defendant produces in Court was *illegally* or *fraudulently* obtained.

The diploma submitted by the defendant, in his statement, is what is known as a full degree, and therefore the Court can at once eliminate from the inquiry all considerations as to the "Honorary" and "*Ad Eundem*" degrees.

The Court's attention is, therefore, directed to what was *necessary* under the statute, to enable the applicant to *legally* obtain this degree.

Laws of 1869, Chap. 449.

"§ 4. The Board of Trustees are empowered, upon the recommendation of the Faculty and Board of Censors, to grant and confer the degree of Doctor of Medicine upon students of said college; but no such student shall receive such degree unless * * * he shall have attended at least two full terms of instructions, the last of which terms shall have been held by this college."

The question then becomes very simple. Did this defendant attend the "full term" ending in the spring, when he claims to have graduated? and was he "recommended" for said degree by the "Faculty and Board Censors."

The overwhelming testimony of seven reputable witnesses negatives both of these questions, and stamps this alleged diploma as one "illegally" and "fraudulently obtained," viz.: Doctors Elizabeth Firth and William Prankard, and Professors Smith, Gunn, McClellan, Wilder and Morrow.

And as follows:

Dr. Firth: "I attended lectures for a year prior to February, 1871, and graduated that year. I

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" never saw the defendant until to-day and he was
" not in the class in which I graduated."

Vide Direct Exam. Mrs. Firth.

Dr. Prankard: "I graduated in February, 1871,
" and took three courses of lectures prior to my
" graduation; to my knowledge, I do not know the
" defendant; and to my recollection I never saw him
" before to-day."

Vide Direct-Examination Prankard.

Professor Smith: "In the year 1871, I was a
" trustee and censor of the College. I do not know
" the defendant Joseph Jacques; never saw him be-
" fore to-day, to my knowledge; and I never heard
" of him at all."

Vide Direct-Examination of Smith.

Professor Gunn: "In May, 1871, I was elected a
" professor of the college and held the position two
" years. To my knowledge I never saw defendant
" until to-day; I never signed any diploma for him;
" nor as a censor, nor as a professor did I ever vote
" to confer any degree upon him."

Vide Direct Examination of Gunn.

Professor McClellan: "May 25, 1871, I was elected
" to the chair of Materia Medica of said college,
" and accepted the position and held it for two
" years, and examined candidates for graduation;
" I don't remember defendant Jacques and don't
" know him; I have no recollection of him, and
" never to my knowledge signed a diploma for him,
" nor saw him before to-day."

Vide Direct Examination McClellan.

Professor Wilder: "From January, 1871, to July,
" 1871, I was President of the college, a trustee and
" one of the censors. I never saw defendant
" Jacques, to my knowledge, until I saw him here
" in Court; I never, as a censor or trustee, recom-
" mended him for a degree; never heard of him;

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"didn't know him at all, and never to my knowledge signed a diploma for him."

Vide Direct Examination Wilder.

Professor Morrow: "I was a trustee and censor of said college in the year 1871, and in May and June. I do not know the defendant; never saw him before; never passed him for any degree, nor granted him any diploma."

Vide Direct-examination of Morrow.

Clearly, therefore, he did *not* attend one full term of instruction—nor attend at all.

In the face of this overwhelming evidence, what weight should be given to the unverified and unsatisfactory statement of defendant that he "received" said diploma from said "college"?

On the contrary, does not the very nature of the evidence, and the vagueness of defendant's assertions, call for the fullest and most complete development on defendant's part of the manner in which he obtained this diploma?

To *have* a diploma—the mere physical possession—is nothing; it must be a diploma granted *to him*. ("To whom it is granted.")

Chap. 513, Laws of 1880, § 5.

II. The statute above quoted (charter) requires that all proposed graduates *shall be recommended by the Board of Censors* for their degree.

The *evidence* shows that the censors in that year were Drs. Smith, Wilder, Tuthill, Morrow and Firth: *three* of this five, a *majority* of the board, wholly repudiate this defendant and his diploma, and say they never knew him—never heard of him and never passed him for a degree.

How, then, can this alleged diploma be legal or legitimate? Is there not a presumption of fact—nay more, absolute proof of a fact, that the Court

will insist upon being successfully rebutted before this defendant shall be discharged?

III. If any doubt, however, should still exist in the judicial mind, the attention of the Court is respectfully called to the testimony of Dr. Wilder, the president of the college, at pp. 56 and 57 of his cross-examination, where the defense made him *their own witness* as to defendants' diploma (for it had not been shown to the prosecution up to that time), and where he testifies that *two* of the alleged signatures to this precious document are *forgeries* of the names of Professors Saunders and Brown.

This testimony, taken in connection with that of Drs. Gunn and Firth, that the Jordan diplomas (Exs., 2, 3 and 4) contained the forged signatures of several professors, including Gunn's own and Mrs. Firth's husband's; also the fact that the Jordan "Honorary" degree is certified to upon a blank dated in May, when the form was not issued nor printed until weeks and months afterwards; also Jordan's bogus "Electric" professorship (Exhibits 5 and 6)—these conceded and uncontroverted facts, need but one other fact to stamp with eternal disgrace and infamy this record of crime; and it may be found by the Court, by comparing Jacques' so-called diploma, *dated June 6, 1871*, with the testimony of Professor Wilder at page 76 of his testimony, which shows that *this diploma of Jacques is signed by Daniels, when he was not in the college at all*, and in the expressive language of Dr. Wilder is "not worth any more than the paper it was written on."

IV. "The said diploma shall bear the date of its conferment," says the charter (Laws of 1869, Chap. 449, § 5). This diploma then was "conferred"

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on the 6th day of June, 1871, yet the testimony shows that Pres. Daniels was not then in the college. Censor and Trustee Morrow was not then in the city, and the testimony of every witness who was examined on the subject is that *no* degrees were conferred in 1871, except February 11th.

Neither in the "Medical Eclectic," nor in the *official report* of the college to the Legislature of all the graduates of that year, does the name of Joseph Jacques appear, so testifies Drs. Gunn, Wilder and Morrow; and the irresistible conclusion to be drawn from the evidence adduced is that the defendant's diploma was illegally and fraudulently obtained.

The conceded fact that two of its alleged signatures are forgeries, under the well settled rules of evidence and established principles of law, characterize the whole document as "illegal" and "fraudulent," and until the defendant can satisfy the Court that Dr. Wilder's testimony is false, and that the signatures of Professors Saunders and Brown are genuine, the case of the People is made out, and reasonable and probable cause shown that defendant is guilty of the charge.

All of which is respectfully submitted.

EDWARD C. RIPLEY,
Attorney for Complainant.

CHARLES A. HESS,
Of Counsel.

Dated May 19, 1884.

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Mr. Allen

~~Mr. Allen~~

What ~~the~~ ^{in this case}

papers are

from the

Green Gang

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Mr. Riley

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you know

Mullen -

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EVENING POST JOB PRINTING OFFICE, 208 B'way, N. Y.

IN THE MATTER OF THE PEOPLE

VS.

JOSEPH JAKUES.

Brief of the Case as presented before Hon.
Andrew J. White, Police Justice.

This is a criminal action based upon section 326 of the Penal Code, in which it is provided that a person who *practices or attempts to practice medicine in this State, unless authorized so to do by a license or diploma from some chartered school, or who practices under cover of a diploma illegally or fraudulently obtained*, is guilty of a misdemeanor.

A warrant under this section was applied for and granted against *Lewis J. Kahn*, on the 18th day of March, 1884, and on that warrant the defendant, Joseph Jaques, was arrested.

The affidavits upon which the warrant issued were those of Dr. Samuel O. Vanderpoel, President of the Medical Society of the County of New York, Charles McCarthy, a detective in the office of Edward C. Ripley, one of the counsel prosecuting the action in the name of the People, and one George S. Youngling.

Dr. Vanderpoel's affidavit is made entirely on

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information and belief, and is to the effect that a person calling himself Lewis J. Kahn, of 51 East Tenth street, between November 1 and December 25, 1883, in violation of law, practised and attempted to practice medicine in prescribing for, attending and treating James W. Williams, Charles McCarthy and George S. Youngling and others *without being authorized so to do by a license or sufficient diploma from any chartered school, board of medical examiners or medical society, or did so practice under cover of an illegal license or diploma illegally and fraudulently obtained.*

The affidavit of *McCarthy* was to the effect that the name of Dr. L. J. Kahn appears on the door of 51 E. Tenth street; that he saw George S. Youngling enter the house 51 E. Tenth street about December 12, 1883; that he has examined the records, and finds that no such physician as L. J. Kahn or Lewis J. Kahn has registered at the County Clerk's office, and that he sent the fee of \$25 to Dr. Kahn, and received a receipt therefor.

George Youngling's affidavit was to the effect that he called at 51 E. Tenth street, and asked for Dr. Kahn; that a man who informed him that he was Dr. Kahn examined him and charged him twenty-five dollars, which amount was sent to him.

Copies of the warrant and affidavits above referred to are annexed thereto, and marked "A."

The first effort made by Mr. Ripley, the counsel, was to get into his possession the defendant's diploma, and this he tried to do by means of a subpoena, and by that first step he showed that he knew that Dr. Kahn and the defendant Dr. Jaques were not the same person, and that the defendant had a diploma, for he addressed his subpoena to

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Joseph Jaques, and directed him to produce his diploma received in 1871, in a proceeding against Louis J. Kahn.

Subpoena referred to is hereto annexed, marked "B."

To make it still more apparent that Mr. Ripley knew that Dr. Jaques was not practising under the name of Kahn, he put in evidence, in the early part of the examination, an affidavit of Dr. Jaques, sworn to September 11, 1880, in conformity with the laws, and filed in the County Clerk's office of this county, as certified by the County Clerk, that he had practiced medicine in this city since about June 6, 1871, by virtue of a diploma granted by "the Eclectic Medical College of New York City" (pages 32 and 33—Exam'n April 14, 1884).

A copy of such affidavit and certificate is annexed hereto, marked "C."

To sustain the prosecution, it is apparent from wording of sec. 326 of the Penal Code, that one of two things must be established :

- 1st. That Dr. Jaques practiced without a duly authorized diploma ; or,
- 2d. That he practiced under one illegally obtained.

And, so far as this complaint is concerned, if it be shown that he has a regular diploma authorizing him to practice medicine, it is altogether immaterial whether he practiced under the name of Kahn or not, as no part of the crime, under this section, consists in falsely representing himself to be some one else.

It was also admitted by the defendant in the very earliest part of the examination, that his affidavit, which was on file in the County Clerk's

office, and put in evidence by Mr. Ripley, that he had practiced medicine since 1871, was quite true, and therefore it was quite unnecessary, unless to annoy him, that McCarthy and Youngling, both of whom it was shown on the examination were utterly unreliable men, were called as witnesses.

The extent of their testimony was to show that he practiced medicine, and the latter witness said he had used the name of Kahn.

As a matter of curiosity, and to show what miserable specimens of humanity these men are, I would suggest the reading of the testimony of *McCarthy* on pages 49 and 50, taken March 27, 1884, and on pages 110, 111 and 112, taken April 3, 1884, as to what Dr. Wilder, a former president of the Eclectic College, had told him, and then read the testimony of Dr. Wilder, who was also a witness for the prosecution, denying such statements, on pages 61 to 66, taken May 10, 1884.

And as to the witness *Youngling*, read the whole of his cross-examination, from 137 to 157, taken April 3, 1884, but particularly his description of the interior of the house, 51 East Tenth street, where he says Dr. Jaques represented himself to be Dr. Kahn at pages 139 to 150 of same day's examination, and then read in opposition the testimony of Henry J. Jordan, a witness for the defense, who resided in the house, 51 East Tenth street, all the time referred to by *Youngling* as to the condition and appearance of its interior from page 1 to 6, as taken June 14, 1884.

Can there be any doubt that McCarthy and Youngling perjured themselves?

There was another perjured scoundrel produced by Mr. Ripley for the purpose of showing that Dr. Jaques obtained his diploma illegally. His name is *John A. Bassett*, and his testimony commences on p. 117 and runs to p. 145, in testimony taken April 29, 1884. On pages 118, 119, 120 and at page 143 of that day's examination this man says, that in the spring of 1871, at 1 *Livingston place in this*

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city, where the Eclectic College then was located, he saw Dr. Jaques and a friend of his pay Dr. Newton, the President of the college, but now dead, four hundred dollars for a diploma, which, at the same place, Dr. Newton subsequently delivered to him.

This was the only evidence offered by the prosecution to show that his diploma was illegally obtained. To show the falsity of this man's statement, Mr. Michael Phillips, an attorney connected with the law firm of Messrs. Wheeler & Souther of this city, was sworn. His testimony is to be found on pages 19, 20 and 21 of examination held June 14, 1884. He said that Mr. John Hoey owned the premises 1 Livingston place in 1871, and they were then occupied by a woman named Bishop, and that the Eclectic College did not take possession of those premises until 1875.

Was there ever a clearer case of perjury than this?

All of this man's testimony, as well as that of McCarthy, is worth reading, if only to show their prior association with the counsel Ripley, for whose own character I refer to his own brother, Chauncey B. Ripley, whose office is at No. 39 Park Row, in this city, to Mr. Frederick R. Lee, an attorney, at number 102 Broadway, who has been carefully looking up his history, and who has produced much proof of it in the District Attorney's office, and also to the chief clerk of the District Attorney, who can testify as to how much he is paid for each connection he gets on such cases as these.

To come at once to the only other question in the case: *Has Dr. Jaques been practicing medicine under a regular diploma issued by a chartered school or college?* What evidence has been produced by Mr. Ripley that he has not?

It is not disputed that the Eclectic College has been since 1869, a chartered institution.

Dr. Vanderpoel, the complainant, says that he

knows nothing on the subject beyond what Ripley and the censors have told him, (page 4 of examination taken March 27, 1884).

Dr. Fred. R. Sturges, the only censor of the County Medical Society, called as a witness by the prosecution, says: That the only information he had, and which he gave to Dr. Vanderpoel, that Dr. Jaques had no legal diploma, was a *certified list of the Regents of the University, that Dr. Jaques had an honorary diploma*, and (p. 48, examination on April 14, 1884), *proof that he had practised* (p. 52, same day's examination).

This witness gave testimony, as did many other medical men called by the prosecution, that no one had a right to practice medicine upon an *honorary* diploma, and Dr. Jaques quite agreed with them, but as Dr. Jaques' diploma is *regular*, and not *honorary*, such testimony, which comprises a large portion of the examination, is entirely immaterial.

To such effect, *only*, was the testimony of Drs. Charles Pardee (p. 56, examination on April 14, 1884); Cornelius R. Agnew (p. 1, examination on April 29, 1884); James D. Bryant (p. 29, examination on April 29, 1884); Samuel O. Vanderpoel (p. 32, examination on April 29, 1884), and Stephen H. Brown (p. 99, examination on May 10, 1884).

All the witnesses, not already referred to who were called by the prosecution, had been at some time connected with the Eclectic Medical College, viz.: Drs. Firth, Prankard, Smith, Gunn, McClelland, Von Meyer, Wilder, Brown & Morrow.

Before any of these latter witnesses had been examined, Mr. Ripley put in evidence a copy of the names of persons who had received diplomas, *honorary, ad-eundem, and regular*, in the year 1871, as certified by the Secretary of the Board of Regents of the University, and the diploma of Dr. Jaques appeared as *honorary*.

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No excuse was presented to the court why the books of the Eclectic College for the year 1871 were not offered in evidence, and regarding the question whether such certificates of the Regents of the University could be relied upon, several witnesses were examined.

Dr. Von Meyer, called by the prosecution, testified: That a *regular* degree was conferred upon him, after a regular examination, by the Eclectic College, and in the report made by the Regents of the University his diploma was called *ad eundem* (p. 38, examination on May 10, 1884). He added that a great many mistakes were made by this Board.

Dr. Wilder, who was president of the Eclectic College, said that he never knew that a report of the admissions was sent to the Regents of the University for 1871 until a few days before he testified here (p. 56, examination of May 10, 1884).

Robert Newton, son of the former president of the Eclectic College, and until very recently himself the secretary of the same institution, testified that any person could send a report to the Board of Regents of the University and they would publish it, and he said they were not as correct as they might be. He said further that, as secretary of the Eclectic College, he sent a report to such board for the year 1882, and, as published by them, part of his report was correct and part incorrect; and in the same report by them he is himself set forth as being dead (pages 47 and 48, examination had June 1, 1884).

Drs. Elizabeth Fitch, William Prankard, Dennis Smith, Alexander Wilder and E. Albert Morrow, testified that they had no remembrance of having seen Dr. Jaques before the present examination, and, except on the subject of what constituted the difference between *honorary, ad-*

eundem, and *regular* diplomas, and excepting what they testified to on cross-examination in favor of the defendant, which will be referred to later, there ~~was~~ nothing of importance in their evidence.

At the close of the case for the prosecution, I asked that Dr. Jaques might be questioned by the judge as to what he had to say to the charge preferred against him. (His answer is to be found on pp. 13, 14, 15 and 16 of examination held May 16, 1884.)

Briefly he admitted practising medicine since 1871, but claimed that he did so upon a diploma received by him from the Eclectic College after he had fully complied with the requirements of the law. He stated that he paid nothing for it beyond the amount required by the rules of the college; that he practiced under it steadily here from 1871 until 1881, when he went to Havana in consequence of his wife's health, intending to practise there; that before he could get a license to practise there his diploma went through the hands of the Governor-General of Cuba, and he subsequently received his license to practice in Cuba; that he never practiced in any other name than his own, and that he only knew of Dr. Kahn from hearsay; that Dr. Jordan, who resided at 51 East Tenth street, is his brother-in-law, and at present is under the care of Dr. Allen McLean Hamilton for mental disorder, and that he has been looking after his patients since his illness, at the request of Mrs. Jordan; that his own residence and that of his family is at 78 East Eleventh street, where he attends to his own practise; that the reason the name of Dr. Kahn is on the door with Dr. Jordan at 51 East Tenth street is because some years ago the museum in the City of New York known as "Kahn's Museum" was jointly owned by Drs. Kahn and Jordan, and after Dr. Jordan bought out the former's interest, it was considered wise, in a business point of view, to re-

tain the name of Kahn at the museum and at the house—that the name had been on such door for quite ten years, although Dr. Kahn returned to England many years since.

At the time such statement was made, the diploma upon which Dr. Jaques has practiced, was exhibited to the court and counsel for the County Medical Society, and a motion was made to dismiss the complaint.

The judge took time to consider, and finally denied the motion, and directed Dr. Jaques to proceed with his defense.

EVIDENCE FOR THE DEFENSE.

Henry Jordan, the first witness called, gave a description of the interior of the house, 51 East Tenth street, where he had resided for nine years prior thereto, and demonstrated that the evidence given by the witness Youngling was false in every particular.

P. 1-17, Examination held June 1, 1884.

Michael J. Phillips was the second witness called for the defense. He testified that he acted for Mr. John Hoey, who owned the house 1 Livingston place in 1871, and who then rented it to a Mrs. Bishop, and only deeded it to the Eclectic College in 1875. This completely destroyed the only evidence produced by the prosecution for the purpose of showing that Dr. Jaques obtained his diploma fraudulently—to wit, that of *John A. Bassett*, who testified he saw Dr. Jaques pay four hundred dollars for his diploma, as heretofore stated, to the president of the College, at their building, 1 Livingston place, in the Spring of 1871 (pp. 19-21—examination had June 1, 1884).

Emmett R. Olcott, an attorney at law, of the

firm of Olcott, Mestre & Gonzalez, of this city, was called by the defense.

(The diploma of Dr. Jaques, upon which he has been practicing, as nothing now offered in evidence, together with the certificates attached, from Antonio C. Gonzalez, Notary Public, and the Consul-General of Spain in New York, together with the license Dr. Jaques received to practise medicine in Cuba. NOTE.—None of these seem to have been set out in the stenographer's report of the testimony, but are with me, at the disposition of the District Attorney or Grand Jury.) Mr. Olcott testified that he first saw Dr. Jaques' diploma in August, 1881, at their office, when Dr. Jaques called to have the diploma certified to enable him to practice abroad (p. 25, Examination had June 14, 1884). He says that his firm had done much of such business. He says he called on Dr. Newton, who was then, and was in 1871, the president of the Eclectic College, and he saw him, and also Dr. Robert S. Newton, Jr., his son, who was the secretary of the College. That President Newton then informed him that Dr. Jaques' diploma was genuine and properly issued for use, and that he could safely certify to it (p. 28, same date). He further said that the persons whose signatures appeared at the foot of the diploma occupied, at the time it was issued, the offices set opposite their names (p. 30, same date).

Antonio C. Gonzalez, partner of last witness, testified for the defense, that, from the report furnished to him at the time by his partner, he gave the certificate which is annexed to Dr. Jaques' diploma (pp. 33 to 35, Examination June 14, 1884).

Ferdinand D. Martin, Chancellor of the Spanish Consulate in this city, called by the defense, said that Dr. Jaques' diploma was received in the consul's office in this city from Washington, where it

had been sent from Cuba for further inspection and proof, the Notary Public's certificate not being sufficient. That such diploma was placed in his hands on September 13, 1884, called on the secretary of the college (Robert S. Newton, Jr.), and asked him if the diploma was legitimate or genuine. The secretary went to the register or book, and said it was all right or regular. Thus Mr. Martin reported to the Vice-Counsel, and on the strength of this report the certificate was made by him, in the presence of Mr. Martin, which appears on the back of Dr. Jaques' diploma.

pp. 36-40, in examination of June 14, 1884.

Dr. Robert S. Newton, (until last year), for several years the secretary of the Eclectic College, was the last witness called by the defense. He remembered having seen Dr. Jaques' diploma in the hands of both Mr. Olcott and Mr. Martin, as testified to by them, when they called on his father and him to obtain assurance of its genuineness. He says that on the face of it it is a regular diploma.

P. 46, examination had June 14, 1884.

Dr. Wilder, who was President of the Eclectic College in 1871, and whose signature is on the diploma of Dr. Jaques, and who was called as a witness for the prosecution, testified that he had told Mr. Townsend and Mr. Miller, his clerk, that Dr. Jaques diploma was a good one, and the candidate had complied with the requirements of the charter.

P. 94, examination had May 10, 1884.

Dr. Dennis Smith, a trustee and censor of the Eclectic College in 1871, and a witness called by the prosecution, said that he had seen Dr. Jaques' diploma, which was shown to him by Dr. Jaques counsel, and he said that his signature, and he

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thought the rest of the signatures to it, were genuine.

Examination on April 29,

After the testimony of the witnesses referred to had been given, I again moved the court to dismiss the complaint, and as he failed to comply with my request, I declined to proceed, and Dr. Jaques gave bail to respond to such action as might be taken by the Grand Jury.

It is proper for me to add that on the day Dr. Jaques was held by him, Police Justice White stated to me that he thought the Grand Jury ought not to find an indictment against my client, and said that he would call on the District-Attorney and express himself then to that effect. I do not know whether he has complied with his promise.

I think no intelligent man can read the testimony taken on the case, and think that Dr. Jaques should be indicted. The pressure for an indictment is not with the expectation of obtaining a conviction, but only to relieve certain parties from an action for damages.

JOHN D. TOWNSEND,
Counsel for Dr. Jaques.

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New-York.

-----x
The People of the State of New-York
- against -
Lewis J. Kahn, otherwise called
Joseph Jacques, otherwise called
Louis Jordan.
-----x

The defendant to be tried upon the second count in the indictment, charging him with unlawfully practicing medicine under cover of a diploma fraudulently obtained, and under cover of said diploma unlawfully attending people and prescribing for August Kreiser as a physician.

August Kreiser will testify to his having called upon the defendant for treatment and to his having been treated by the defendant, &c.

THE COUNTY CLERK will show filing of certificate by prisoner as required by law of 1880, Chap. 513, which certificate contains the name of Jacques but not Kahn. There is no registration in the County Clerk's office of a certificate containing the name of Kahn.

ROUSMAN CAMPBELL will testify that when he arrested the defendant he gave the name of Kahn.

FREDERICK R. LEE will bring record of the New-York Eclectic Medical College of 1869, 1870 and 1871, to show that no such

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person as Joseph Jacques was upon the roll of the College during those years.

Dr. Gunn - will testify that the name R. A. Gunn attached to the diploma of Jacques was not put there by him - that to Latin diplomas he always signed his name as Robertus A. Gunn, and to English diplomas Robert A. Gunn - that he always signed his name in full.

Dr. Mc'Clelland will testify that he never signed but one Latin diploma with his initial, which diploma was signed in blank upon the representation of Dr. Newton, President of the faculty, that professor Barhan, whose chair Mc'Clelland assumed on May 25', 1871, had forgotten to sign the diploma for one Augustus Jacques, a reputable physician at Bridgeport.

DR. A. P. MORROW will testify that he never knew of Jacques and never reported him for a degree.

DR. ALEXANDER P. WILDER - who is too sick to testify personally (as can be shown by Dr. Gunn, his attending physician), testified in his direct-examination before the Police Justice that he never saw the defendant Jacques to his knowledge until he saw him at the Police Court - that he never as a censor or trustee recommended Jacques for a degree, and never to his knowledge signed a diploma for him. The Stenographer has been subpoenaed to attend with his minutes of that examination.

The above named physicians were connected with the College during the time when Jacques' degree purports to have been conferred as

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trustees or censors. The testimony of the above witnesses is relevant in case of the ~~degree~~ diploma under which the defendant is practicing purports to be a regular diploma, and not merely an honorary diploma.

In case the defendant claims to be practicing under an honorary diploma it is a question of the construction of the statute whether an honorary degree conferred as therein provided will give the right to practice. The statute referred to is Laws of 1865, Chap. 452, as amended by Laws of 1869, Chap. 449, which reads as follows:

"Sec. 4.- The board of trustees are empowered, upon the recommendation of the faculty and board of censors, to grant and confer the degree of doctor of medicine upon students of said college; but no such student shall receive such degree unless he shall be twenty-one years of age, and shall have pursued the study of medicine for at least three years under the supervision of a reputable physician, and have attended at least two full terms of instruction in an incorporated medical institution, the last of which terms shall have been held by this college. The said board of trustees may also confer said degree, either honorary or ad eundem, in pursuance of the recommendation of the censors, upon eminent practitioners of medicine and persons holding diplomas from other reputable incorporated medical institutions."

0200

People

vs.

Kahn.

trial Brief.

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The People
v. Joseph Jacques
otherwise called
Kohu

JOHN D. TOWNSEND,
ATTORNEY AND COUNSELLOR AT LAW,
32 PARK PLACE.

New York, December 15th 1884.

Hon Peter B. Olney
District Attorney

Sir,

At your request I
put in writing the suggestion I
made to you a day or two since.
I think it fairer to the de-
fendant the indictment found
against him should rest and
and the facts submitted to
and the Grand Jury for the fol-
lowing reason.

Against your expressed refusal
to permit him to appear be-
fore the Grand Jury, E. C. Ripley
the attorney for the Complainant
in your absence obtained access
before said jury. I was the
attorney who represented the
defendant before the Committing
magistrate when complaint was
made against D. Jacques on
the charge and Ripley of

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perpetrated as the attorney for the
Complainer throughout the 24
annals which was a long
one. He was not a witness
and was examined and did
not pretend to know any
personal information which could
make him a witness.

I have been informed by the
Chief Clerk in your office that
Ripley received \$50 for each case
which he received in such cases
as this.

This reputation is bad and I
am informed by Mr. Friedman
see that he had said before the
District Attorney (whether you
or your predecessor I don't remem-
ber) charges of an appreciated
character against Mr. Ripley -
Mr. Ripley, an attorney whose
place of business is 102, Broad
way. I am certainly informed
that Ripley forged the name of
his brother Chauncey B. Ripley
and that the latter testified on
the stand that he would not
believe him under oath. This

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JOHN D. TOWNSEND,
ATTORNEY AND COUNSELLOR AT LAW,
32 PARK PLACE.

New York, 1884.

Statement was made to me by
Mr. Lee and I have reason to
believe that it is true for a
further reason that Edward C.
Ripley frankly admitted the fact
to me during the course of the
examination before the Commission
investigative referred to.

I am perfectly satisfied
that Dr. Jaeger has not been
guilty of any offense whatever,
and that he would not have
been indicted had not some
unfair weight been added to
his testimony. In fact I
was assured by Mr. Jaeger
while that he would find it
as his opinion of acquittal
again that an indictment might
not be found and that he had
held the defendant because

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3
JOHN D. TOWNSEND,
ATTORNEY AND COUNSELLOR AT LAW.
32 PARK PLACE.

New York, 1884.

It is an important case
which he preferred to have pre-
sented before your office on the
Grand Jury - I hope you will
find this a proper case in
which to take action

Respectfully
John D. Townsend

0205

vs, return to

D,

ORK.

Hon Peter B. Hays
District Attorney
W4 City

0206

Sec. 612 & 619.

"B"

3^d

DISTRICT POLICE COURT.

SUBPOENA.

"B"

CITY AND COUNTY }
OF NEW YORK, } ss.

In the Name of the People of the State of New York,

To Joseph Jacques

No. 51 East 10th Street.

You are Commanded to appear before Hon. Andrew J. White

one of the Police Justices in the City of New York, at the 3^d District Police Court, Essex Market,

Essex Street, near Grand Street in the said City on the 27th day of March

1884 at 3 o'clock in the after noon of that day, as a witness in a criminal action prosecuted by the

People of the State of New York, against Leung J. Kahu, being with you & produce

at said time & place the diploma granted you in 1871, by the Eclectic
Medical College of the City of New York, and all previous
diploma or diplomas issued to you by any medical College, School or Board.

And for a Failure to attend you will be deemed guilty of a Criminal Contempt, and liable to a Fine of Two
Hundred and Fifty Dollars, and Imprisonment for thirty days.

Dated at the City of New York, this 18 day of March 1884.

Edward C. Ripley,
Counsel for Complainant,
39 Park Row, N.Y.

(Sd) Andrew J. White, Police Justice.

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To Joseph Jacques,
No. 51 East 10th St.

0208

"C" "C"
State of New York, } ss.
CITY AND COUNTY OF NEW YORK,

Joseph Jacques being duly sworn deposes
and says, that he resides at No. 7 University Place,
in the City of New York, and was born in
England

And that on the 6th day of June
1871, he received a Diploma
granted by The Eclectic Medical College
New York City.
And deponent further says that by authority of said
Diploma, he has been practicing Medicine
since the 6th day of June 1871

Sworn to before me, this 11th
day of Sept 1880.

Jo Jacques
C. M. Smith
Comm. of Deed. N.Y.C.

0209

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK.

I, PATRICK KEENAN, Clerk of the said City and County,
and Clerk of the Supreme Court of said State for said County,
Do Certify, That I have compared the preceding with the original

Affidavit

on file in my office and that the same is a correct transcript
therefrom, and the whole of such original.

In Witness Whereof, I have hereunto subscribed my name, and affixed
my official seal, this *twenty sixth*
day of *March* 1884

Patrick Keenan

Clerk.

02 10

PART

THE COURT-ROOM IS IN THE BROWN STONE BUILDING, AND FRONTING THE CITY HALL.

If this Subpoena be disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court-Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

38.

SUBPOENA—(DUCES TECUM)
FOR A WITNESS TO ATTEND THE

Court of Madame

The People of the State of New York,

To Frederick R. Lee

of No. 145 Broadway Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Clerk & Terminals, to be holden in and for the City and County of New York, at the Court House in the Park of the said City, on the 9 day of February instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against Louis F. Kahn

in a case of Felony, whereof he stands indicted, and that you bring with you and produce, at the time and place aforesaid, a certain document in an of New York for the 1901-1902

now in your custody and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. David A. Davis Presiding Judge of our said Court, at the City Hall in our said City, the first Monday of February in the year of our Lord 1883

JOHN MCKEON, District Attorney.

0211

People
r
Kahn }

Facts as to Lewis J Kahn

August Kreiser of 122 Fulton street

was treated by Kahn from Nov. 1883 to Jan. 1884

I

He was induced to go to him by reading the book sold in his museum, the contents of which alarmed him, and made him consider himself in a dangerous condition, although regular physicians said his state was normal.

II

Kreiser called himself Kulow. This was fair and legitimate, because Kahn's directions to those seeking his advice are that they may use pseudonyms, or initials.

III

Kahn is not registered in the County Clerk's office pursuant to the requirements of the law of 1881.

IV

He admitted to Roundman Campbell who advised him that he was Kahn.

02 12

People

Joseph Jaques

}

Facts as to Jaques

I He practiced on McCarthy (and on
Kruis under the name of Kahn)

II

He is registered in the County Clerk's Office
as practicing under a Diploma granted
him on June 6th 1871 by the Eclectic
Medical College of the City of New York.

III

The Class of 1871 in said College was
graduated Feb 11, 1871 and there was
no session in the Spring. Proved by
Dr R. A. Gunn & Ezra P. McClellan

IV

No such person as Jaques was in atten-
-dance at the College in the Session of 1870
+ 1871. Proved by Mrs Dr Fritch, & Dr Rank-
-art who were in the Class

No such person was recommended by
the Censors (Morrow & Smith - not very strong)

V

No such name is included in the Report made by the College to the State Society and by the Society to the Legislature (Assembly Doc. 84 from by Sumner) Prove also by Wilder's testimony who made the Rept. as Recd.

VI

~~The~~ Jacques and three others not mentioned in Assemb. Doc. 84, were afterwards returned in the Report to the Regent as having an honorary degree

VII

This was a fraud by Hewton who got McClellan's signature by falsely representing the diploma to be intended for Augustus Jacques of Bridgeport Conn. (Prove by McClellan and the memorial volume of the 12th graduating class compiled by Wilder)

VIII

Prove the signature of J. M. F. Browne a forgery + that Milton Sanders was in Europe, by Sumner, and that

02 14

Firth, never signed with his initials
H. E., by his wife Elizabeth Firth

VIII

After that Sweet and Connolly are
among the Trustees of that year.

IX

The Diploma of Jaques is a full di-
ploma on its face, but he is returned
in the report to the Regents as Honorary.

X

A most suspicious circumstance is that
Newton when assigning the four honorary
names to the Regents report made them
also matriculants in his Magazine. And
matriculants never get honorary degrees!

0215

People
✓
Louis Jordan }

Practices on McCarthy.

His diplomas are forgeries

His honorary degree bears the forged names of Sumner, McClelland, Brown, Sanders, & is made from a stone cut one month after it is dated (See Wilder's testimony and the Rept. in Ars. Doc No 121 p 197 (Prove by Sumner) also Met Ec. Rev. prove by ~~the~~ McClelland).

0216

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Samuel G. Hahn, otherwise
called Joseph Jacques,
otherwise called Saml
Jordan

The Grand Jury of the City and County of New York, by this indictment, accuse
Samuel G. Hahn, otherwise called Joseph
Jacques, otherwise called Saml Jordan
of the CRIME OF Practicing medicine without
having a proper license or diploma, —
committed as follows:

The said Samuel G. Hahn, otherwise called
Joseph Jacques, otherwise called Saml Jordan
late of the Fifth — Ward of the City of New York, in the County of
New York aforesaid, on the 21st — day of December, in
the year of our Lord one thousand eight hundred and eighty-three at the Ward, City
and County aforesaid, without being authorized so
to do by a license or diploma from any
Chartered school, State Board of med-
ical examiners, or medical society,
did unlawfully practice medicine,
and on the day and in the year
aforesaid, at the Ward, City and
County aforesaid, and without such
authority did then and there
unlawfully attend, treat and
prescribe for one Charles McCarthy
as a physician; 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;

0217

Second Count:

And the Grand Jury aforesaid by this Indictment, further accuse the said Lewis J. Kahn, otherwise called Joseph Jacques, otherwise called Louis Jordan, of the Crime of Practising medicine under cover of a diploma fraudulently obtained, committed as follows:

The said Lewis J. Kahn, otherwise called Joseph Jacques, otherwise called Louis Jordan, 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, did unlawfully practice medicine, under cover of a diploma fraudulently obtained, and did then and there, under cover of the said diploma, unlawfully treat and prescribe for one Charles McCarty as a physician: 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.

James O. Henry,

District Attorney

Witnesses:

C McCarthy
A Kreiser
Dr Ed McCallister

The deft herein was tried in the Court of Queens County before George C. Barrett and a jury on Feb. 16-1885 and acquitted. The indictment having been found on Dec. 31-1884 for unlawfully practicing medicine and prescribing drugs August Meiner.

The facts in within case are in all respects the same as in case above referred to and the proof on behalf of the people is precisely the same. The learned judge before whom the trial was had recommends that without indictment be dismissed. Join in this recommendation and am of opinion that within indictment should be dismissed.

Randolph B. Martine
District Attorney
March 18-1885

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Counsel, *W. C. Cady*
Filed 31 day of Dec 1884
Pleads *M. J. Kelly Dec. 19.*

THE PEOPLE *B*
vs. *TH*
Samuel J. Kahn
alias
Joseph Jacques
alias
James Jordan
[Beaver]

7 1/2 Dec 13, 1884 PETER B. OLNEY,

District Attorney
W. C. Cady
A True Bill.
Dec 13, 1884

Ordered
and terminated for trial Jan 29, 1885
for March 1/85
for March 1/85

0219

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Samuel J. Kahn, otherwise
called Joseph
Jacques, otherwise called
Samuel Jordan.

The Grand Jury of the City and County of New York, by this indictment, accuse
Samuel J. Kahn, otherwise called Joseph
Jacques, otherwise called Samuel Jordan,
of the CRIME OF Practicing medicine without
having a ^{proper} license or diploma, ———

committed as follows:

The said Samuel J. Kahn, otherwise called
Joseph Jacques, otherwise called Samuel Jordan,
late of the First ——— Ward 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 eighty-three, at the Ward, City
and County aforesaid, without having authorized so
to do by a license or diploma from any
chartered school, state board of medical
examiners or medical society, unlawfully
did practice medicine, and on the
day and in the year aforesaid, and
without such authority, at the Ward,
City and County aforesaid, unlawfully
did attend, treat and prescribe for
one August Kreiser as a physician.
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.

0220

Second Count:

And the Grand Jury aforesaid, by this indictment further accuse the said Lewis J. Kahn, otherwise called Joseph Jacques, otherwise called Louis Gordon, of the crime of Practising medicine under cover of a diploma fraudulently obtained, committed as follows:

The said Lewis J. Kahn, otherwise called Joseph Jacques, otherwise called Louis Gordon, 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, did unlawfully practice medicine, under cover of a diploma fraudulently obtained, and did then and there, under cover of the said diploma, unlawfully attend, treat and prescribe for one August Kreiser as a physician: 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;

James O. O'Connell

District Attorney