

0999

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kaestar, George

**DATE:**

04/13/93



4723

1000

POOR QUALITY  
ORIGINAL

Witnesses:

*Off. Harley*

Counsel,

Filed

*13*

day of

*April*

1893

Pleads,

THE PEOPLE

vs.

*B*

*George Raestur*

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

*April 17 93*

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL.

*Samuel Dwyer*

*Foreman.*



1001

POOR QUALITY  
ORIGINAL

Witnesses:

*Off. Hare*

Counsel,

File

*13*

day of

189

Pleads,

THE PEOPLE

vs.

*Geo. Mac*

VIOLATION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 82.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel Dwyer*  
Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Kaestler*

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

*George Kaestler*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

*George Kaestler*

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

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

SECOND COUNT—

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

*George Kaestler*

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

The said

*George Kaestler*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

*Charles F. Farley*

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

DE LANCEY NICOLL,

*District Attorney.*

1003

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kehm, Max

**DATE:**

04/18/93



4723

Real name Max Cohen  
BBM

Witnesses:

Eustace Trauzgag  
Co. Mall

Counsel,

Filed

1893

day of April

Pleads,

17 April 19

THE PEOPLE

vs.

Max Kohn

Grand Larceny,  
(From the Person,  
Degree.  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James W. Miller  
Foreman.

Ordered & granted of  
April 17/93

W. H. Miller  
Deputy  
April 19/93

1004



1005

The People } Court of General Sessions. Part I  
vs  
Max Kahon } Before Judge Martine. April 21. 1893  
Indictment for attempt at grand larceny.

Samuel Moll, sworn and examined. I keep a bakery corner of Browne and Ferry streets. I was in my bakery about half past six o'clock on the 14th of April last. I saw the defendant there. What was he doing when you first saw him? He tried to pick a woman's pocket in front of my door. I saw him put his hand into a woman's pocket, a very old lady. I was inside of the store when I saw him do it, looking out into the street through my store window. There was quite a little crowd there. The officer had a little girl with an Italian boy there. A number of people came around. The defendant was behind the lady and there was another fellow with him. He put his left hand in the lady's right side pocket, the side towards me. I saw his hand go down into the pocket of her dress. The lady crossed the street and went up Ferry the street, and they went across the street after her. They looked back and they saw nobody following them and then they went for the woman.

again. They got up close to her. I came out of the store and took a couple of witnesses with me; my wife called me. The names of the witnesses are Mr. Mangret and Alfred Miller. I was close behind them in front of 120 Perry the street; one fellow went ahead of the lady, and the other one (the defendant) grabbed in the pocket again, put his hand in her pocket again. at the same time I grabbed him and the other fellow too; the other fellow did not do anything; he only went in front of the lady.

Cross Examined My bakery is 307 Broome corner of Perry the street. My wife said, "Look out, they are stealing the woman's pocket book." This was about half past six o'clock, it was light. There was a big crowd followed the woman, but I kept my eyes on these two men. They were about four or five feet behind her; and there was no one between them and the lady. When I first saw the young men I was reading a paper inside the store; the door was closed, but it was a glass door and they were in front of the door about two feet away. How far did the woman go before this fellow and the

other one came up? About six houses. I asked the defendant what he did it for and he did not say a word. I did not hear anything the officer said. I speak German, the defendant spoke very good English in the station house. I went to the station house and made the complaint. I heard the Sergeant ask the defendant where he lived. I think he said No. 56 Forsythe street, that it was the corner of ~~W~~ Foster and Grand streets; that is impossible; it could not be.

Gustav Franzreb, sworn and examined. I live at 30 Livingston street. I saw the defendant the night Mr. Moll told me to follow him in Forsythe street. I was right behind him. I was standing on the corner of Forsythe and Broome streets Thursday evening, April 13<sup>th</sup> when there was a little crowd there over a fuss with an Italian. This lady went up the street and the defendant and his friend followed her. I seen his friend go in front of the woman; they were speaking together. The defendant walked on the right hand side of the lady and placed his left hand into her pocket, and the moment we got hold of him the

other man went away. All what he done was to walk in front of the lady and bumped into her. The defendant was taken to the station house and tried to play off that he could not speak English. He said that he lived at 65 Perry street and I investigated - I know the housekeeper's son - and he said he did not know that the defendant was living in the house.

Cross Examined. I am a printer. I have told what I saw, not what Mr. Moll told me.

Alfred Miller, sworn and examined.  
 I live 319 Broome street. I collect and sell goods for my father in the cigar business. I know Mr. Moll and Mr. Kanger.  
 On Thursday night the 13<sup>th</sup> of April I was standing in the corner with Mr. Kanger. Mr. Moll came out of the store and spoke to me. I saw the defendant standing in the corner and I saw him make an attempt to put his hand in the woman's pocket; the other man was coming along and he got in front of the woman. Mr. Moll came up and we followed him up Perry street. Then they got to 120 Perry street. There was a young fellow with him, he was



a dark complexioned young man and had a dark hat and a black overcoat. He stopped in front of the woman, and as he did this fellow put his hand in her pocket when we caught him in the act, the other fellow ran away.

Cross Examined The reason why we did not catch the other fellow was that he got away too quick. I tried to get the woman as a witness, I walked up as far as Delaney street for that purpose, but it seemed the woman would not go. She said as long as she did not lose anything there was no need of her going around.

That is how the fellow escaped. I don't know where he went to. I am not a detective. You thought you would get the woman to make a complaint? Yes. I collect and sell poods for my father, he is in the cigar business at 39 Broome street. I work for him pretty nearly every day. I drove a wagon for Lord and Taylor around the holidays.

I am 20 years old. I went up and had a talk with the old lady, she felt for her pocket, she did not put her hand in the pocket; she felt

on the outside of the pocket; she said, "I did not lose anything. Was this man there when she said that?" No, he was being brought to the station house at the time. When the defendant was in the station house I think he said that he lived in 65 Perrythe street, and I think the defendant said he did not live there. So the Sergeant asked him where it was and he told a different street altogether. I think he pulled a pawn ticket out of his pocket and said he was going to get his coat and vest out of pawn; and he had a dollar in his pocket. The other witness who has not had time to come here hit the defendant, not with a piece of iron, but with his fist. I think he struck him in the face, but I am not sure. Was he knocked down on the ground? No. Do you know how his hat got broke? No.

#### The Case for the Defence.

Max Kahn sworn and examined, testified I live in 65 Perrythe street in the rear house, and when I went to the station house I said I lived there. I lived with my father and mother - I remember the night I was arrested; it was Thursday evening.

1011  
Did you put your hand in any lady's pocket and try to steal anything from her? No. I did not do it; she would have felt it if I had done it. Have you ever been arrested before for anything? Never before. How long are you in this country? Two years and a half. Did anybody hit you or knock you down that night? [Interpreter] He shows where he was hit. He says, two of those young men hit me, and then the last witness Miller, also came up and hit me. I was hit by several. I was hit from behind and in front and from all sides.

Cross Examined. How long have you lived in 65 Forsythe street? I have been living there nearly a year. I have been in that house during the whole of last year. I used to make children's coats, and I then took from Mr. Minx in Canal Street sixty dollars worth of dry goods to peddle; after that I was sick and I went to the Charity Hospital. Ask him if he did not live longer than a year in Forsythe street? Not longer. Ask him if he did not say in the Police Court that he lived there two years? No sir.

13  
1869

John Maynard sworn and examined.  
I am attached to the 11<sup>th</sup> precinct. I arrested  
the defendant on the 13<sup>th</sup> of April on First<sup>the</sup>  
street between Broome and Delancey sts.  
My attention was attracted by a crowd  
standing up in the centre of the block  
and I ran up that way. I found the  
defendant in the hands of Moll and  
Frankret. They told me what happened. I  
told them to let go. I would take charge  
of him. I asked them what was the  
trouble, and they said that the defendant  
attempted to pick an old woman's pocket.  
They said that while the defendant was  
there and he did not say anything.  
On the way to the station house he  
wanted to know why I was arresting  
him? I told him I was arresting him  
on this man's complaint. He said no-  
thing until he got to the station house,  
and when he got there he did not say  
anything about being assaulted. He said  
he lived at 65 First<sup>the</sup> Street. The defend-  
ant spoke to me in English; it was  
not good English, but I understood him.  
The jury rendered a verdict of guilty  
of an attempt at grand larceny.



10 13

Testimony in the  
case of  
Max Kahn

filed

April

1943

20th

1014

Police Court—3 District.Attempt<sup>1912</sup>  
Affidavit—Larceny.City and County } ss.  
of New York,

Gustav Franzgrub

Person

of No. 30 Rivington Street, aged 18 years.occupation Printer being duly sworn,deposes and says, that on the 13<sup>th</sup> day of April 1893 at the City of NewYork, in the County of New York, ~~was~~ <sup>attempted to be</sup> feloniously taken, stolen and carried away from the possession of ~~an unknown woman~~ <sup>an unknown woman</sup> in night time, the following property, viz:personal property, the quantity  
or value of which is unknown to  
deponent

the property of

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 Max Kahn (now living and anunknown man not arrested who  
were in company with each other  
and acting in concert for the  
purpose that deponent saw said  
unknown woman walking along  
Forsy th<sup>street</sup> and noticed the movements  
of the defendant and the unknown  
man and saw the unknown man  
step in front of the woman so as  
to hinder her progress and then  
the defendant jostle the woman  
and place his left hand into the right  
pocket of the dress worn by said  
woman in her person

Gustav Franzgrub

Sworn to before me, this 14<sup>th</sup> day of April 1893  
Charles J. Bennett Police Justice

10 15

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Max Kahn* 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.

*Max Kahn*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*65 Forsyth St. 2 years*

Question. What is your business or profession?

Answer.

*Machine operator*

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  
max Kahn*

Taken before me this

*14*

day of *April* 189*3*

*Charles J. Smith*

Police Justice.

10 16

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.

April 14 1883 Charles N. Larrick Police Justice.

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

Dated ..... 188..... Police Justice.

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

Dated ..... 188..... Police Justice.



10 17

Police Court

420 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Gustav Trautzsch*  
*30 Broome St.*  
*Max Kahn*

2

3

4

*Office Attorney*  
*Grand Juror*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated

*April 14* 189*8*

*Tamtor* Magistrate

*Maynard* Officer.

*11* Precinct.

Witnesses

*Conrad Moll*

No.

*307 Broome* Street.

No.

*Alfred Miller*

No.

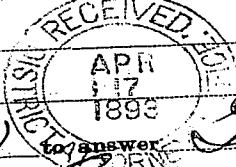
*319 Broome* Street.

No.

*500* Street.

\$

*500* to answer



*Com*  
*att*

10 18

504

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Max Kehn

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

Max Kehn  
attempting to commit the crime of  
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

Max Kehn

late of the City of New York, in the County of New York aforesaid, on the thirteenth  
day of April in the year of our Lord one thousand eight hundred and  
ninety-three, in the night-time of the said day, at the City and County aforesaid,  
with force and arms,

divers goods, chattels and  
personal property, (a more par-  
ticular description whereof is to  
the Grand Jury aforesaid unknown)  
of the value of ten dollars

of the goods, chattels and personal property of one a certain woman, whose  
name is to the Grand Jury aforesaid unknown  
on the person of the said woman  
then and there being found, from the person of the said woman  
then and there feloniously did steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

De Laney Nicoll,  
District Attorney.

10 19

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kehr, August

**DATE:**

04/13/93



4723

Witnesses:

*C. J. McCarroll*

Counsel,

Filed,

day of

1893

Pleas,

THE PEOPLE

vs.

B

*August Stern*

I hereby counsel and desire to  
be sent to a  
House of Special Sessions for trial  
and final disposition.

*April 17 1893*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel Surplus*  
Foreman.

VIOLATION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 82.]

1020

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*August Behr*

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

The said

*August Behr*

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

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

## SECOND COUNT—

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

*August Behr*

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

The said

*August Behr*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one  
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of  
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and  
expose for sale to one

*John McCabe*

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

DE LANCEY NICOLL,

*District Attorney.*



1022

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kelly, Thomas

**DATE:**

04/05/93



4723

Been in Pen & Off!  
McGaffey says has been  
a thief for years - P.B.M.

Witnesses:

Ed. O'Connell

Off. Robinson

Counsel,

Filed

Pleads,

day of

1893

THE PEOPLE

vs.

Thomas Kelly

Grand Larceny,  
(From the Person,  
First Degree,  
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Stanley A. Dwyer

Foreman.

April 5/93

Henry J. Kelly

S.P. 4 yrs

P.B.M.

1023

Police Court—4 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Bernard Donohue  
of No. Van Rensselaer County New York Street, aged 30 years,  
occupation Stone Mason being duly sworn,  
deposes and says, that on the 17 day of March 1893 at the 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 night time, the following property, viz:

One silver watch and plated chain of  
the value of twenty dollars

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 Thomas Kelly (now here) for the  
reason that on said date deponent had the said  
watch in the lower left hand pocket of his vest then  
on his person and attached to said chain.  
Deponent felt a tug at his chain and immediately  
caught defendant who was about removing his hand  
from deponent's body. Deponent is informed by  
Thomas Morris of 43 East 62<sup>nd</sup> Street that  
he saw when Donohue caught a hold of this defendant  
he Morris saw this defendant drop said watch on  
the floor in the Park at Avenue "A". Deponent therefore  
charges the defendant with larceny from the person.

Bernard Donohue

Sworn to before me this 18 day  
of March 1893

John J. Moran  
Police Justice.

1025

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 20 years, occupation Thomas Morris  
Labour of No.

43 East 62nd Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Bernard Dmohue  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 18 day }  
of March 189 3 } W. Morris Morris

W. Morris Morris Police Justice.

1026

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK } ss:

*Thomas Kelly* 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 sees 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. *Thomas Kelly*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *346 East 16<sup>th</sup> street. 7 months*

Question. What is your business or profession?

Answer. *Monday*

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.**Thomas Kelly*

Taken before me this

day of

*March*

1898

*W. J. McKelvey*

Police Justice.



1027

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 *Twenty* 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, *Mar 18* 189 *3*

*W. T. M. Jackson* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

Police Justice.

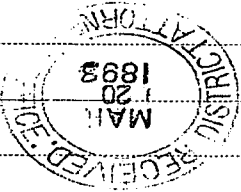
There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

Police Justice.

1028

312  
District. Police Court---  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Bernard Spink  
James Kelly  
4  
3  
2  
1  
Offense, charging him with the murder of  
Dated, March 18, 1893  
Magistrate. Officer. Precinct. Witnesses. No. Street.  
James Kelly  
43. E. 62  
No. Street.  
No. Street.  
No. Street.  
to answer  
James Kelly  
312  
District.



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

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Kelly*

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

*Thomas Kelly*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:  
The said *Thomas Kelly*,

late of the City of New York, in the County of New York aforesaid, on the *seventeenth*  
day of *March*, in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the *night* time of the said day, at the City and County aforesaid,  
with force and arms,

*one watch of the value*  
*of fifteen dollars and one chain,*  
*of the value of five dollars*

of the goods, chattels and personal property of one *Bernard Donohue*  
on the person of the said *Bernard Donohue*  
then and there being found, from the person of the said *Bernard Donohue*  
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.

## SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Thomas Kelly*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Thomas Kelly*

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

*one watch of the value of  
fifteen dollars, and one chain  
of the value of five dollars*

of the goods, chattels and personal property of one

*Bernard Donohue*

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

*Bernard Donohue*

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

*Thomas Kelly*

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

DE LANCEY NICOLL,

*District Attorney.*

1031

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kelly, William

**DATE:**

04/25/93



4723



Witnesses:

*for Schlessenger*

Counsel,

Filed, *25<sup>th</sup>* day of *April* 189*3*

Pleas, *Not guilty*

THE PEOPLE

*21<sup>st</sup> and vs.  
24/6-1<sup>st</sup> home showing*

INJURY TO PROPERTY.  
[Section 654, Penal Code.]

*William Kelly*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Stanley Durkin*  
Foreman.

*Part 3. May 29<sup>th</sup> 1893 -  
Please Swifty, Miscellaneous  
Property value of less than 25.  
5.*

*Imvo New*  
*May 15 1893*

*Said for  
Moss. Carroll  
128<sup>th</sup> at bet 26 & 32 one*

1033

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*William Kelly* 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 sees fit, to answer the charge and explain the facts alleged against *him*; that he is at liberty to waive making a statement, and that *his* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer. *William Kelly*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *216 First Avenue 3 years*

Question. What is your business or profession?

Answer. *Horse Show*

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**Wm. Kelly*

Taken before me this

day of

*Sept 1897**James C. Smith*  
Police Justice.

1034

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, April 22 1893 Wm. H. Burke Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

1035

444

Police Court, 5 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Joseph Schlessinger*  
*2501 2nd St*  
*vs.*  
*William Kelly*  
*Offense, [illegible]*

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, April 22 1893

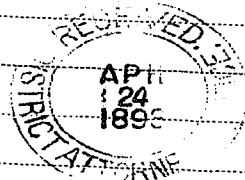
*Curke* Magistrate.  
*J.P. Sullivan* Officer.  
29 Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 500 to answer 505



*DMK*  
*right hand*

1036

1852

CITY AND COUNTY }  
OF NEW YORK, } ss.

POLICE COURT, 5 DISTRICT.

of No. 2501 Second Avenue Street, aged 26 years,  
occupation Liquor Dealer being duly sworn, deposes and says  
that on the 21 day of April 1893

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

(now here) did wilfully and maliciously  
break and destroy a large plate glass  
in the show window in the store in  
premises no 2501 Second Avenue by throwing  
a large stone through said plate glass  
causing damage of the amount and  
value of twenty five dollars the  
property of Mr. Hayes  
Joseph Schlessinger

Sworn to before me this

of

April 1893

day

John J. Conk  
Police Justice.



**Court of General Sessions of the Peace**

517

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*William Kelly*

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

*William Kelly*

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said

*William Kelly*

late of the City of New York, in the County of New York aforesaid, on the *twenty-first* day of *April*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*one pane of plate glass*

of the value of *seventy-five dollars* of the goods, chattels and personal property of one *Joseph Schleginger* then and there being, then and there feloniously did unlawfully and wilfully *break*

*and destroy:*

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

## SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said  
*William Kelly*  
 of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER,  
 committed as follows:

The said

*William Kelly,*

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

*one pane of plate glass*

of the value of *seventy-five dollars*  
 in, and forming part and parcel of the realty of a certain building of one *Joseph*  
*Schlesinger* there situate, of the real property of the said

*Joseph Schlesinger*  
 then and there feloniously did unlawfully and wilfully *break*

*and destroy:*

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

DE LANCEY NICOLL,

*District Attorney.*

1039

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kennedy, Frank

**DATE:**

04/14/93



4723

Witness:

*Merriam Foster*

*5933*  
*Charles*

Counsel,  
Filed *14* day of *April* 189*3*  
Pleads, *M. J. Smith*

THE PEOPLE

vs.

*Frank Kennedy*

Grand Larceny,  
(From the Person,  
[Sections 528, 530,  
Penal Code.]

*De Lancey Nicoll*  
District Attorney.

A TRUE BILL.

*Samuel Dwyer*  
*June 25/93*  
Foreman.

*Fried. & convicted*  
*Elmira Ref. Bk. 12*

*Aug 5*

*Supprena*  
*officer in 1893*

27

The People  
 Frank Kennedy } Court of General Sessions Part I  
 Indictment for grand larceny first degree  
 Before Judge Martine April 25-1893

Hermon Foster, sworn and examined  
 I live at 498 Hudson street. I am a bar-  
 tender for George Ehret, 498 Hudson street.  
 I do not know Frank Kennedy, but I  
 saw him on the 10th of April, the night  
 I lost my pin on the corner of Sixth  
 street and the Bowery at half past  
 twelve o'clock. I did not talk to him  
 nor he to me. He passed me and took  
 my pin out of my neck tie. I was  
 coming out of the water closet at  
 the corner of Sixth street and the  
 Bowery. He grabbed my pin and took  
 it out of my neck tie. I say, Give  
 me my pin back and I will let  
 you go. He says to me, "What are  
 you talking about?" and hit me in  
 the eye. I still held on to him by  
 the left hand. I held him about five  
 minutes till the officer came and I  
 told him what the defendant had done.  
 My pin was found after that. Another  
 fellow came along and I say to  
 him in the presence of the defendant,  
 What do you think that son of a



you? He stole my neck tie pin." This fellow says to me. This defendant was by his side. This other fellow said to me, "here is your pin;" I says, "Where did you get this pin from?" He says, "I picked it up. What did the defendant say when he said that he picked it up in the street? He said nothing. The pin is worth only 48 cents.  
 Cross Examined. What were you doing on the corner of Eighth street and the Bowery that time of night? I was with my brother at Hamburg theatre and I went over to the corner of Bowery and Houston streets and had a cup of coffee. The theatre came out at eleven o'clock. After I had the cup of coffee then I went over to the corner of Fourth St. and the Bowery and had a glass of beer. I went to go over to Eighth St. because I wanted to take a car to go home. The defendant grabbed my pin in the water closet. He was in the water closet when I went in. I went first out of the urinal; this man was drunk; he passed me and pulled the pin out. I had the same overcoat on I have now. I

remember every thing that happened that night. I was sober. He passed me on my left side. I am sure the defendant is the man who took my pin. There was light enough to see his face. I had the watch chain on then that I have now; he did not make a grab at the chain, but he put his two fingers in this little pocket. This is the first time I ever told anybody about that. I did not say anything in the Police Court about his putting his hand in my pocket. He did not get anything out of my pocket; there was nothing in it to get. He did not make a grab at my watch chain, for I had my overcoat buttoned up. He made no remark to me at all while I was in the urinal and I made no remark to him. I caught him five or ten feet from the urinal. I don't know from what direction the stranger came with the pin. The defendant had the pin in his right hand, and he put his right hand behind him and I grabbed his left hand. I took hold of his left hand after he took it out of my pocket.

Was he standing in front of you? Yes sir.  
 Did not you grab him after he put his  
 hand in the first pocket? Yes. I guess so.  
 He took the pin out with one hand  
 as he stood in front of me. I think he  
 put the left hand behind him. I was  
 excited at the time. He did not say  
 a word all this time. and I did not  
 say anything. You did not catch  
 hold of his hand when he put his  
 hand in the first pocket? No. It was  
 quickly done. I had no time to grab  
 his hand. Where do you say you had  
 been before you went into that urinal?  
 Corner of Fifth street and the Brewery in  
 a German saloon. You live at 498  
 Hudson street? Yes. Why did you not  
 take a Houston street car instead of  
 going down to that urinal when you  
 left that saloon? If I took a Houston St.  
 car I would have to walk ten blocks.  
 I live corner of Christopher and Hudson  
 streets. That car were you going for?  
 Corner of West Tenth street and Hudson St.  
 the Eighth street car. Is there not a  
 Houston street car running by 498  
 Hudson street? No. It runs near Houston  
 street. The nearest car to me is the Eighth

Street car. It goes around through West  
 Tenth street and through Christopher St.  
 Did you hold this man with both  
 hands while you were hallooing? No,  
 with one hand. I had him with his left  
 hand and I had my handkerchief in  
 my right hand. He was not struggling  
 at all although I was hallooing police  
 at the top of my voice; he was drunk  
 and could not do anything. He was  
 not so drunk but that he could take  
 your pin and rifle your pockets? No.  
 As matter of fact did you not make  
 an indecent assault on that man  
 in that urinal? No. Did you touch  
 him at all? No. How long have you  
 been a bartender in a saloon? Over  
 six months. Were you not working in  
 a pool room before that? Yes, a long  
 time ago in the Bowery. Did you  
 ever see this defendant before? No sir.  
 William McEvoy, sworn and examined.  
 testified What precinct are you attached to?  
 the Fourteenth. The part of Cooper Union  
 is in that Precinct. What tour of duty  
 did you have? The early tour from  
 twelve at midnight until six o'clock  
 the next morning. Did you arrest this  
 defendant? Yes on the Fourth Avenue

side of the Park between Sixth and Seventh streets. That was done when you arrested him. The complainant in the case and another man by the name of Anderson said something to me and I brought both of them down to the station house and to the Essex Market Court. The complainant halloed "Police" first and I went to his assistance. He said, "that man took my pin (pointing to the defendant). I did not see the man Anderson (who is not here) hand the complainant the pin, but he was with him; the defendant was at least ten to fifteen feet away from where he was with Anderson. The prisoner was intoxicated. Did you see this pin there at the time? I did not see the pin at that time until he (the complainant) said that Anderson had given him the pin that he had found on the sidewalk. The defendant was not there when this conversation took place, he had walked away? The defendant was about fifteen feet away from where the complainant was and was going away; he was intoxicated. The complainant said that Anderson had given him the pin. There was Kennedy at that time? He was

By Counsel



about fifteen feet from where Anderson and the complainant was.

By Dist. Atty. When you came up the complainant did not have hold of this defendant Kennedy. Not just at that time? He said he had hold of him before, but I did not see it. I was about fifteen feet away. He was rather staggering I thought. The complainant and Anderson were sober. What did the defendant say when you arrested him, did you tell him what you arrested him for? Yes. I told him this man charged him with stealing his pin. What did he have to say? He said he would have to prove it, but he did not say anything else relative to the case going to the station house.

In the morning Anderson was discharged by the Police Justice at Essex Market Court. Anderson is not here.

You did not hear the complainant say anything about the defendant having put his hand in his pocket? No. I did not hear him say anything about it. Is that all was said between the parties? That is all. The defendant was staggering away from where the complainant was.

Frank Kennedy, sworn and examined in his own behalf testified. My real name is Frank Kearney. I gave the name of Kennedy because I thought I would get out in the morning. I also gave a wrong address. I have never been arrested or charged with crime before. I have always lived in the city since I was a little boy. I have heard the testimony of the complainant about my trying to steal his pin. Tell the jury in your own language just what occurred between you and the complainant until you were arrested by this officer? I went into the urinal which is at the junction of Sixth Street, the Bowery and Fourth Avenue. I went there about a quarter after twelve. I was not so drunk but what I could remember a little about it. I walked in. This man came in and he ran over and he touched my person. He said, "I would like to kiss that." I said, "Get out of here you dirty bunk," and I pushed him. He waited outside for me. I went down stairs, I put my foot on the step, he hit me and grabbed me. He said, "Give me my pin." I says,

What firm? And then he halloed, "Bliss"  
Then this other fellow came up. I think  
he said his name was Anderson  
He said, "Is this your firm?" This fellow  
said, "Yes, that is my firm." He said,  
"Let the fellow go. You see he is drunk."  
I remember walking up towards Ninth  
Avenue. I was going home. I walked  
up Ninth Avenue when the officer  
caught me; and that is all I know.  
You never took his firm? No. I just  
pushed him, that is all. At that time  
I lived at 26 West Thirteenth Street. My  
mother has moved since. What were  
you doing out so late that night?  
I was with a friend of mine that  
afternoon. I met a plumber; he had  
not gone home yet. I was going  
home at the time. I had been to Brooklyn  
with a plumber. I was not doing any-  
thing Sunday. I was walking around.  
I think it was about half past three  
o'clock in the afternoon when I left  
home. I met this plumber; he came  
up to my house. We were over to  
Brooklyn to see his house. I got  
over here about nine or ten o'clock  
I guess, and started to go up home.

This plumber insisted upon my having a drink. I never drank whiskey until that night. Where did you go? I went into a saloon. I could not tell you where. The last place I was in was in Houston street and the Bowery. Coopers' saloon I think it was. I was only in Brooklyn once in my life. I was born in New York. How old are you? I am twenty. Where do you work? I am working for my mother now at a newspaper stand. No. 142 Fourth Avenue. You got pretty drunk that night? I was pretty drunk. You cannot recollect exactly where you went and what you did? I knew enough to go home. I was going home. You recollect these things happening to you? Yes, I recollect all that. But you cannot recollect the names of all the saloons you were in? Only one; that was Houston street and the Bowery, that is the last one, but I do not recollect the names.

By District Attorney. You have been living in New York all your life, and this particular day when this man assaulted you in the urinal - was that the first time you had ever been assaulted

in a animal? Yes. That day was the  
first time you ever went to Brooklyn?  
Yes, the first time. That was the first  
time you ever had a drink of whiskey?  
Yes. I was arrested once for playing ball  
the jury rendered a verdict of  
guilty.



Testimony in the  
case of  
Frank Kennedy

filed April  
1992

25-62

Court of General Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County } ss  
of New York }

James Kelly, being duly sworn, says that he knows the defendant in the above entitled action, that on April 9th. 1893, the day on which the robbery is alleged to have taken place, he met the defendant at Eighth Street and Broadway between half-past three and four o'clock in the afternoon, that together with the defendant the deponent walked through the Bowery, stopping at several saloons and drinking, then together with defendant took a car to the Bridge, walked over the Bridge to Brooklyn and stopped at deponent's house, No. 71 Poplar Street, Brooklyn, arrived at deponent's house at about half-past six o'clock, there the defendant and the deponent, together with some companions, played cards and drank for three or four hours. Defendant was slightly under the influence of liquor when he left deponent's house. Deponent and defendant left deponent's house together and returned to New York, walking over the Bridge, and had <sup>more</sup> some to drink. Defendant became intoxicated and complained of feeling ill and drank some whiskey. Then saying that he could find his way home alone defendant said "Good night" to deponent, and deponent returned to Brooklyn. It was about twelve o'clock at night when defendant finally left deponent.

Sworn to before me this  
twelfth day of May, 1893.

J. Midough Main  
Notary Public  
N.Y. Co.

*James Kelly*

Court of General Sessions of the Peace

The People

vs.

Frank Kennedy.

City and County }  
of New York } ss.

Frank Kearney being duly sworn says that he is the defendant in the above entitled action, that the case came on for trial before the Honorable Randolph B. Martine, Judge of said Court, on the 25th. day of April 1893, that the deponent had no means to employ Counsel, and Counsel was thereupon assigned to him by the Court, that he was thereupon convicted of the crime of Grand Larceny in the first degree, that deponent is informed by his Counsel and believes that if he had had time to obtain the presence of the Witnesses whose affidavits are hereto annexed the Jury would have acquitted deponent, and deponent further says that his not having obtained the said Witnesses was not owing to laches on his part, but to his ignorance of Law and his not having had an opportunity of consulting Counsel.

Sworn to before me this }  
fifth day of May, 1893. }

Court of General Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County }  
of New York } ss.

Edward Collins, being duly sworn says: I live at #280 Bowery in this City. I know Herman Foster, the complainant in the above entitled action, and I know him to be a most depraved man, of very bad moral character. He is in the habit of committing the crime against nature, with boys.

Sworn to before me this

4<sup>th</sup> day of May 1893.

*Edward Collins*  
*Henry Public*  
*No. 300 5th*

Court of General Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County }  
of New York } ss.

Walter Robinson, being duly sworn, says that he lives at No. 20 First Street, this City, that he knows the complainant in the above entitled action, Herman Foster, that the said Foster works at 498 Hudson Street in this City and that the reputation of the said Foster is exceedingly bad, that he has read the affidavit of Edward Collins hereto annexed, and the reputation of the said Foster is known to deponent to be such as is therein stated.

Sworn to before me this

A day of May 1893.

*Thos. E. Ryan*  
*Notary Public*  
*N Y Co.*

*Walter Robinson*



Court of general Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County }  
of New York } ss.

Edward Ryan, being duly sworn, says that he lives at 37 Bowery in this City, that he knows the complainant in the above entitled action, Herman Foster, and he knows the said Foster's reputation to be exceedingly bad, that he has read the affidavit of Edward Collins, hereto annexed, and that the reputation of said Foster is known to deponent to be as is therein stated.

Sworn to before me this

4 day of May 1893.

*Edward Ryan*  
*Herbert*  
*Thomas*  
*on 3000*

Court of General Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County } ss.  
of New York }

*Joseph Sillars* being duly sworn, says that he lives at 217 East Fourth Street in this City and knows the complainant in the above entitled action, Herman Foster, and that the said Foster's reputation for morality is exceedingly bad, that he has read the affidavit of Edward Collins, which is hereto annexed, and knows the reputation of said Foster to be as is therein stated.

Sworn to before me this

*4* day of *May* 1893.

*Theodore van Cuyper*  
*Notary Public*  
*N Y Co.*

Court of General Sessions of the Peace.

The People

vs.

Frank Kennedy.

City and County }  
of New York. } ss.

Richard Darcy, being duly sworn, says that he is a manufacturer of awnings, having a store on the corner of 13th. Street and Fourth Avenue in this City, that he has known the defendant in the above entitled action for about ten years that he has always known him to be a good, honest boy and had never heard of his having done anything wrong before he heard of the above case.

Sworn to before me this  
4<sup>th</sup> day of May 1893.

*Richard Darcy*

*Sydney Rosenberg*

Notary Public N.Y.C. (46)

Court of General Sessions of the Peace

The People

vs.

Frank Kennedy.

City and County }  
of New York } ss.

B. Braghiroli, being duly sworn, says that he lives at 139 East 13th. Street in this City, that he has a fruit store at 144 Fourth Avenue, that he has known the defendant in the above entitled action for the last six years and has always found him a good, respectable and honest boy, and never knew of his being arrested before.

Sworn to before me this

4<sup>th</sup> day of May 1893.

*B. Braghiroli*  
*Graz Lombardi*  
Notary Public N.Y.C. (46)

The People  
vs.

Frank / Kennedy

Affidavits in Support for New Trial

L.S. Chandler

Asst. Atty

16 Exchange Place

N.Y. City



Police Court 3 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:Herman Forsterof No. 498 Hudson Street, aged 22 years,  
occupation Bar tender being duly sworn,deposes and says, that on the 10 day of April 1893 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 night time, the following property, viz:A scarf pin of the value of  
Forty eight centsthe property of deponentand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by Frank Kennedy(now here) for the reasons that  
the defendant suddenly snatched  
said pin from a scarf worn  
on deponent's personHerman ForsterSworn to before me, this 10 day  
of April 1893  
at New York Police Justice.

1063

Sec. 198—200.

3

District Police Court.

1882

City and County of New York, ss:

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

Question. What is your name?

Answer. *Frank Kennedy*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *437 East 13<sup>th</sup> St. 2 years*

Question. What is your business or profession?

Answer. *Plumber*

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**Frank Kennedy*

Taken before me this

*10*day of *April**1893**Charles W. Denison* Police Justice.

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

*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, *April 10* 189 *3* *Charles N. Tintin* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

Police Court---

District.

THE PEOPLE, &amp;c.,

ON THE COMPLAINT OF

*Herman Forester*  
*49 E. Hudson*  
*Frank Kennedy*

2

3

4

Offense

*Grand Jury*

Dated,

*April 10* 189 *3*

Magistrate.

*McEvoy* Officer.

Precinct.

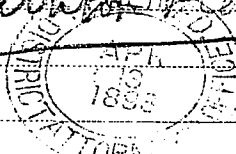
Witnesses

*John Anderson*

No.

*39 Clinton Place* Street.

No.



Street.

No.

*500 - 52* Street.

\$

to answer

*Claw*

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frank Kennedy*

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

*Frank Kennedy*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:  
The said *Frank Kennedy*

late of the City of New York, in the County of New York aforesaid, on the *tenth*  
day of *April* in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the *night*-time of the said day, at the City and County aforesaid,  
with force and arms,

*one scarf-pin of the  
value of forty-eight cents*

of the goods, chattels and personal property of one *Hermann Forster*  
on the person of the said *Hermann Forster*  
then and there being found, from the person of the said *Hermann Forster*  
then and there feloniously did steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

*De Lancey Ricoll,  
District Attorney.*



1067

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kerr, George

**DATE:**

04/06/93



4723

Witnesses:

*Off. Sullivan*

Counsel,

Filed,

1893

Pleads,

THE PEOPLE

vs.

B

*George Stern*

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

DE. LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Russell D. H. [Signature]*  
*for [Signature] Foreman.*

Dec 4 93

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*George Ken*

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

The said

*George Ken*

late of the City of New York, in the County of New York aforesaid, on the *12<sup>th</sup>*  
day of *March* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill  
of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spiritu-  
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to~~ ~~re~~

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

## SECOND COUNT—

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

*George Ken*

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

The said

*George Ken*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one  
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of  
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and  
expose for sale to one

*Joseph Sullivan*

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

DE LANCEY NICOLL,

*District Attorney.*

1070

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kestenbaum, Louis

**DATE:**

04/11/93



4723

1071

POOR QUALITY  
ORIGINAL

Witnesses:

Lena Kestenbaum  
Moses Lindenbaum

Counsel,

Filed,

Pleads,

THE PEOPLE

vs.

Louis Kestenbaum

BIGAMY.  
Section 208, Penal Code.)

DE LANCEY NICOLL,

Part 3. June 2, 1893  
Tried and convicted

S.P. 4 yrs & 6 mos.

A TRUE BILL.

Samuel Dwyer

Foreman



1072

POOR QUALITY  
ORIGINAL

Witnesses:

Lena Kestenbaum  
Moses Lindenbaum

Counsel,

Filed,

day of

1893

Plends,

THE PEOPLE

vs.

Louis Kestenbaum

BIGAMY.  
Section 208, Penal Code.)

DE LANCEY NICOLL,

Part 3. June 29, 1893. District Attorney.

Tried and convicted

S.P. 4 yrs 8 mos.

A TRUE BILL.

Samuel Dwyer  
Foreman

LAWS OF AUSTRIA RELATING TO MARRIAGE.

Translated by Mr. Samuel D. Sowards from "The General Civil Law Book of the Empire of Austria, with all the supplementing and explaining laws and regulations pertaining thereto. 13th edition. With a synopsis of the decisions of the highest Appellate Tribunal of Austria. Edited and published by Dr. Joseph VonSchey, Professor of Law at the University of Gratz."

Section 21: Those who, on account of their defect in years, of a defect of their mind, or for other causes, are not capable of taking care of their affairs are particularly under the protection of the law. Those are: Infants under the age of seven years; minors under the age of fourteen; and minors under the age of twenty-four. Furthermore maniacs and insane people, who are unable to use their mental powers, or who are disabled from using their mental powers either altogether or partially, and are incapable of knowing the effect of their actions. Furthermore, those who have been declared by the Court to be spendthrifts and therefore have been forbidden from managing their own affairs.

Section 47: Impediments to marriage: Everybody may enter into the marriage relation provided that there is no legal impediment standing out against them.

Section 48: The first impediment is inability to consent. Subdivision A: On account of a defect of the capacity to consent. Maniacs, persons of unsound mind and minors. Minors under fourteen are called infants, and are incapable of entering into the marriage contract.

Section 49: Minors, and even those of age who

from any cause whatever are unable for themselves, to enter into a valid obligation, are also incapable without the consent of their legal father to marry lawfully. In case the father is not alive, or is incapable of representing the minor, then it is necessary to have the declarations of the regular representative, and the consent of the Orphan's Court for the purpose of making the marriage valid.

Section 50: Minors who are not born of a lawful wedlock must have the consent of their guardian, and the consent of the Orphan's Court to enter into the marriage relation.

On the margin of Section 48 it says: Impediments to the marriage are, first, absence of the consent. Subdivision A: From inability to give consent. Section 2: Physical disability.

On the margin of Section 60 there is a second class of disabilities which refers to physical disabilities.

The margin opposite to Section 69 speaks of inability on account of the absence of substantial solemnities. The substantial solemnities are referred to in Section 69 which reads as follows: The validity of the marriage is also dependent upon the banns, of a solemn declaration of the consent.

Section 70 speaks of the banns which is the publication of the prospective marriage, naming first the family name, the place of birth, the civic condition, the place of residence of both the betrothed, with an admonition that every one who may know any impediment to this marriage should report it; and the report is to be made

directly or through the minister who has announced the prospective marriage, and is to be made to the minister who is competent to perform the ceremony.

Section 71: The announcement must be made on three successive Sundays or holidays, in the usual congregation of the parochial district, and if each of the betrothed live in another district then in both parochial districts.

Section 72: If the betrothed do not live in the parochial district where the marriage is to be solemnized for at least six weeks, then the banns must be published also in the place where they have resided longer than six weeks, or they must continue their residence at the place where they are at the time for six weeks longer so that the publication of the proposed marriage be sufficient.

Section 73: If within six months after the publication of the banns the marriage is not solemnized then the three announcements of the banns must be repeated.

Section 74: It is sufficient to the validity of the publication of the banns, and to the validity of the marriage depending thereon, that the names of the betrothed and their forthcoming marriage be published at least once in the parochial district of the bridegroom and of the bride, and the defect in the form and number of the announcements or publication of the banns does not invalidate the marriage; but the betrothed people and their representatives and the priest are bound, under proper penalties, to take care that all the publications as herein prescribed be made in proper form.

Section 75 refers to the solemnization of the marriage. A solemn declaration of the consent must be made in the presence of the regular minister of one of the betrothed people according to the creed, the parson, pastor or by whatever name he may be known or the representative of that priest in the presence of witnesses.

Section 80 refers to the keeping of a marriage register. The chief clergyman is obliged, for the purpose of a permanent evidence of the contract, to enter the same in a register of marriages in his own handwriting. He must mention the first and family name, the age, residence and the occupation of the married couple, with the addition whether or not they have been married before; also the first and family name and occupation of their parents, and of the witnesses, the date on which the marriage was solemnized, the name of the minister before whom the solemn declaration was made and the documents by means of which the obstacles, if any, had been removed.

Section 81: In case a marriage shall be solemnized at another place from the one to which the betrothed belongs as members of the church, the regular minister must, at the time of executing the document whereby he nominates and appoints a substitute at the other place, enter that fact naming the place where and in the presence of what minister the marriage is to be solemnized in his register of marriages.

Section 82: The minister of the place where the marriage contract was entered into must enter the fact of the marriage having been solemnized there in the regis-



ter of his parish, stating by what minister he was appointed as a representative, and he must also send notice to the minister who appointed him stating the fact of the marriage being solemnized.

Section 123 refers to exceptions as to relationship. Exceptions are made as to the Jews.

Section 129: A marriage of Jews which has been concluded without observing all legal regulations is void.

These regulations are particularly stated in Sections 126 and 127.

Section 126 says the publication of the banns of a Jewish marriage must be made in the synagogue or in the common prayer house, and where there is no such synagogue it must be made by the municipal authority to the chief or special community to which one and the other of the betrothed parties belong, and must be made on three successive Sabbaths or holidays, and observing the provisions laid down in Sections 70 to 73.

The same section says: To obtain relief from the necessity of the publication it must be done as laid down in Sections 83 to 88.

Section 83 provides: For important reasons the provincial government may be applied to to relieve from impediments to a marriage. The provincial government may, under such circumstances, take the necessary steps.

Section 84: Before a marriage is contracted the petition for relief from impediments to the marriage must be applied for by the parties themselves, and in their

name; but if after their marriage was contracted the impediment shall turn up, which was formerly unknown to them, and such impediment could not be remedied, then they may apply, through their minister, for relief, and the minister may do this without mentioning the names of the parties.

Section 85: In places where there is no provincial government the government of the district or of the circuit has the same power.

Section 86: In cases of great urgency the provincial government or the circuit government, and in cases of immediate danger of death even the municipal authorities may relieve from the necessity of the banns; but in that case the betrothed must swear that they are not cognizant to any impediment to their marriage.

Section 87: Relief from the three announcements of the banns may be granted upon such oath also when two persons are to marry of whom it has been generally believed or presumed that they were already married. In this case the minister may, without mentioning the names of the parties, apply to the provincial government for relief.

Confessions & Admissions Competent.  
(1 Parker Crim. Rep.)

Gahagan vs The People.

Parker J.

Confessions of Marriage admissible  
I do not see upon what principle they can be excluded, and though insufficient of themselves to prove Marriage, even when aided by proof of cohabitation and reputation yet they may be important evidence & I think they are in all cases competent. They corroborate the positive evidence of an eye witness to the marriage. They strengthen the proof of the identity of the parties, or of the clergyman or officer officiating; and they add to the weight and certainty of the proof which the marriage be proved by the record or one present.

I see no reason for making a distinction between cases of marriage in a foreign country and marriage in this State.

In absence of proof, the Law of marriage of a foreign country will be presumed the same as our own State  
82 N.Y. 47 . <sup>Casey v. Penn. note</sup> 5 N.Y. 447. 44 N.Y. 298  
See 2 Bosw. 75.

John - Wm Lang -

First met Meier - in Jan '90.

Came in Store as Customer -

Came - (2) or (3) times a week  
until - about - 16<sup>th</sup> of August '90.

Mrs. Fournier - Bliss. 454 - W. 43<sup>rd</sup> St

Mrs. Stafford (mother of Boy) 153 - E. 88<sup>th</sup> St.

Mr. Fizzel - Pres. Fifth Ave Bank.  
44<sup>th</sup> St. and 1<sup>st</sup> Ave.

The Representative of the Bank  
who appeared in Court 1<sup>st</sup>  
time for Bank -

Officer Penny -

Arthur Taylor

Stenoymper - Pollard.

6<sup>th</sup> Dist. Court -

Bring minutes of trial - before  
Judge Moore Nov. 22<sup>nd</sup> 1892

Wm Lane Neill

App. Ref.

John William Lane

Deputy

Proceeding - in Yonville Court.

Jan 8<sup>th</sup> '92 - The Pro.

Price.

Justice Gairton



Where was she ~~was~~ living when you  
 were engaged to her?  
 How long did she live with her parents?  
 How long after the engagement was it  
 that you could not live with her?

You found that out by trying?

Your wife was bad tempered?

Her parents used to beat her?

She had five children?

She spent up the time of the  
 time with her parents?

Do you know her sister's name?  
 How was your position?

What was her maiden name?  
 What did her parents <sup>do</sup> for a  
 living?

What did you do for a living?

What was she doing when you  
 met her?

How were you ~~seeing~~ visiting her be-  
 fore you got engaged to her?

Did you ever speak to her when  
 you visited her?

How old were you when  
 you went to the army?

Did you leave your trade before

of or after you went into  
the army

You offered to marry her five  
years ago?

Did you send her money from  
the country?

You deserted her when you came  
to the country?

You left her without support -  
when you saw where was she  
living?

How was she making a living?

Were in love with her when you  
became engaged to her?  
Why did not you marry her then?

after she had four children you  
and her to marry her?

She refused?

and afterwards had another child?

Then four children were yours?

Why did you want to marry her?  
where was she living when  
the children were born?

When was the first child born?

Where was she living then?

Where the second child born?

Where was she living then?

Which of the children are dead?

Did you have a funeral?

where were you?

Did you make her go to the

funeral?

Who supports these children?

Are her parents living or

dead?

When did they die?

Do you know ~~Robert~~ Robert ~~Robert~~ Robert

Moses ~~Robert~~ Robert

~~You were very close to him?~~

When did you know him?

He was present at the funeral?

What talk did you have with him about her?

Did you know Max Kerschbaum?

/ how many times have you  
been married?  
What year was it if you were engaged to her?

First-

Improbable He was only 19  
General Statement - about Army  
Particular Statement - about Army

Second

Improbable Mother did not know of en-  
gagement.

You were engaged in a searchlight  
at the home of James Correll.  
Who was there, when you were engaged?  
Did you give a ring? When did you buy it?  
Did you tell your mother that you  
were engaged?

Did you keep the secret?

Was it public?

Did your mother know since  
she ever saw any of the children.  
When was she when you were  
engaged to her.

How long did she live there?

When did she leave home?

Where did you live?

What did you work at when you were?

Did you contribute to her support?

How?

Did you ever leave when you  
were engaged?

She was willing to marry you

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

§ 99 The presump-  
tion is always in  
favor of the validity  
of the marriage.  
The alleged imped-  
iment must  
consequently must  
be distinctly proved





1086

Lena Bann.

I live at 205 Delancey St.  
& knew Lena ~~Kestenbaum~~ <sup>Greenfield</sup>  
before she married Louis Kestenbaum. I also knew Louis Kestenbaum before he married Lena. He used to keep company with me. I was present at the marriage of Lena Greenfield to Louis Kestenbaum by a Rabbi in his house and I knew them to live together as man & wife. I used to visit them <sup>in Galitzia</sup> after the marriage. I was here when he married Molly Erbslein but not at the wedding. I saw the def. in Essex Market Court and can positively identify him as the man whom I saw marry Lena Greenfield in Galitzia Austria. I knew him in Galitzia as Oshias and in Essex Market he gave the name of Louis. When I left Galitzia I can not say whether he had three or four children by Lena Greenfield. I have heard him introduce Lena as his wife.

They were always recognized  
 as husband and wife up to the  
 time I left Galitzia 5 years  
 ago, and I know them to occupy  
 the same room for  
 Lena & Baum.  
 mark

Lena Baum.

Lena Kestenbaum

I live at No. 74 Henry Street. I was married to Osias Kestenbaum Sept 1st 1879 in Galitzia Austria by a Rabbi in my Mueli's house (Marcus Schlein) (I don't remember the names of the witnesses) There were ~~two~~ <sup>four</sup> witnesses.

I lived with him in Galitzia for 11 years & had five children by him. Three years ago he left me telling me that he was going to N. Y. U.S.A and that he would send for me to come and join him when he earned enough money. We had ~~no money~~ <sup>no money</sup> & I got a letter from Max Kirschenbaum that my husband was going to marry another woman and for me to come over here and if I did not have money that he would send it to me. I came over about 2 yrs ago. I came on a German ship from Bremen.

When I arrived in N. Y. I remained in Castle Garden 3 days then I was met by Max Kirschenbaum who took me to his house.

That same day I went to see my husband. I saw him walking with a lady in Ridge St. and I went up to him and said. When he saw me he started to ~~run~~ walk away. Then I ran after him to speak to him. I said you are my husband and he shoved me away knocking me down and said ~~he~~ I don't know you. Then Max came up & said Hello Kestenbaum. This is your wife. K. said I have ~~no~~ wife. The other wife said <sup>you were</sup> what do you want with my husband. The K. began beating me and the officer arrested Kestenbaum & Kirschenbaum. This was about 10 P.M. The next morning I went to Essex Market Court and made a complaint against my husband, that he was my husband and that he married another woman.

~~The record of the notes the~~  
Marriage



The Marriage certificate I gave  
 to the Judge I saw in the  
 hands of my husband's Lawyer  
 Reppert Rosensheim. 62 Essex St. I took  
 it from him & put it on  
 the Judge's ~~desk~~ <sup>in his hands</sup> and left it  
 there. I have not seen it since.  
 I also left a letter in Polish  
 with the Judge, from a Judge  
 of Galizia..

In Austria Galizia is kept  
 a record of marriages.

Dunn      Dunn

1093

Lena Kistubann

29  
34<sup>th</sup>

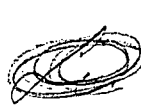
187

30 30

Officer Richard Berkeley

3rd Dist Police Ct.

I was present  
keeping the prisoners in line  
when the Dept. was examined  
for Bigamy. There was a  
letter written in Hebrew produced  
which the Compt. claimed as a  
certificate but when translated  
by a person called from the  
audience who could read Hebrew  
and speak Eng. We were told  
that it was only an engagement  
letter. That letter the Judge says  
that was pinned to the papers &  
sent to Gen. Bess. May 10th/93.  
(Judge Skintor.) After exam. my  
name was put on the paper  
as an Officer (being the officer  
of the Court.) Officer Clark  
arrested Dept. & Marks Kirschbaum  
for disorderly conduct, they were  
discharged for that & Dept arrested  
for abandonment on April 3rd  
on 6th he was arraigned for  
Bigamy.

29. years  
years years years years years  
Many Many Many  
years years years  
years years  
years  
But Mr. Holloman Police  
Learn   
But Learn Learn

Officer Berkeley  
 10/10/10

I could not let mother  
 that to go from place to  
 place  
 5 years

Her parents sent me so  
 that to learn.  
 1. the name - my —

Max Kirschenbaum.

I live at 40 Moore St Brooklyn. I know Louis Kestenbaum for 10 or 12 years and I knew him before he was married to the Complainant Lena Kestenbaum. He used to work for my uncle at Galatzia Austria. He was working for my uncle at the time he was married to Complainant. ~~He~~ I handed to Judge a letter containing foll. Gribish ("Lena Greenfield was legally married to Louis Kestenbaum before a Rabbi.") This was written at the wedding by the Rabbi (also the names of the witnesses written by him) and handed to Lena Kestenbaum.

A Polish letter handed to Judge contained

To Good Christians & Jews. This will certify that Lena Kestenbaum ~~was~~ is the lawful wife of Oshias Kessenbaum. I know Oshias Kestenbaum of Galatzia Austria and Louis Kestenbaum of New York to be one & the same



1097  
~~man. person,~~

~~I am a cousin to~~

My step-mother is a sister  
to Lena Greenfield. I visited  
my Cousin Marks Goldford at  
113 Ridge St. and was told  
Louis Kestebaum was going  
to marry Molly Erstein.

About the first of January  
I met Louis Kestebaum in  
Clinton Street. I said I hear  
that you are going to marry  
Molly Erstein. He said I am  
not going to do anything of  
the kind & am only going  
to board there. I told him that  
if he did marry her that I  
would send for his wife and  
bring her over here.

About two weeks after the  
marriage I heard that Kestebaum  
had married Molly  
Erstein. I made sure that  
he was married then I wrote  
for his wife telling her of the  
marriage. She came  
to New York and saw me. She  
& I went down to Ridge St.

and met the dept in front of  
111. I sent Lena to the dept  
and he shoved her away  
and knocked her down.  
and the 2<sup>nd</sup> wife called the 1<sup>st</sup> wife  
a whore. The 1<sup>st</sup> wife called for  
me. I went up & I said  
Lena this is your husband.  
He said she is not my  
wife. He & 2<sup>nd</sup> wife then assaulted  
the first wife. I rushed in to  
keep them apart and called  
for police. A police man  
came & arrested us Kestenbaum  
& myself. Mrs. Kestenbaum  
went to court and made  
her complaint.

1099

Max Kirschenbaum

See no 1  
Sund-3

About the 15-

no 2. Manned second time

no 3. He offered to marry  
her in the old country where  
found royal decree to the  
justice & offered to marry  
her in the future?

Lena Wappeler him to marry her

If you are right -  
 a lady has no right to  
 get information outside -  
 but a candidate for lady?  
 of 11 men - are with them -  
 Will the Rabbi com-  
 mit an appeal -

- Concede that the Rabbi ~~was~~  
there -  
 2nd marriage -

~~She's not about trying~~  
 to get him married ~~before~~ with the  
 consent of the records -  
Telegraph -

Max Kirchbaum - ~~And~~  
 him - ~~and a relative~~ -

Rabbi ~~should~~ not take  
 the chance -  
 15 years old -

Woman went to the Tribe

Manned up -

Born of ~~foreign~~ of marriage  
 - Berlin -

Lena Wappeler to the Wappeler -



Leon Baum

He told  
Leon Baum, he paid 150 Florins  
 for a divorce.

He told the Minister that his  
 wife was dead.

He told Minister his second wife

He Kirchenbaum that he  
 had gotten his first wife.

As you know, Pastor Schlegel  
 Isaac Schlegel.

3

in the old country?  
 And you work for the male?  
 And what after you came to  
 New York?  
 Did the Schenckman know  
 Sam?  
 Did you know any talk  
 in the country about Sam?  
 And you know Isaac Schenckman  
 and you know Peter Schenckman?  
~~You were married by the fact~~  
 When were you married?  
 And what police?  
 When you were married in N.Y.  
 You had the talk with the  
 law?  
 What did you say?

Then?

Improbable possibly engaged that he  
 would be immediately cornered  
 interview?  
 What did you go with Sam after  
 your engagement?  
 Where were your parents living  
 then?  
 I was living with Sam with his  
 parents  
 What did you do for living?

where did you sleep?  
 You said you tried to sleep with  
 your mother and?  
 Where did you try?  
 Why could you not sleep with  
 her?

What did you say  
 when you were with your mother?  
 What did you say to the children?  
 I know what you said?  
 You said to them?  
 Where did you learn your  
 words?

Before or after you went in  
 the morning. Did you work  
 at home in the morning?  
 What class were you in when  
 you worked at home?  
 You were 15 when you came  
 in the morning.

I have seen your children  
 since you came home?

Lindenbaum. That he paid his wife  
150 Guilden for a divorce.

Kraemer. That the marriage with Molly  
Erbstein was his second marriage.  
That his first wife was dead.  
Certificate That he was widowed.

That Sept. did Military Service.  
That he was in 3rd Service.  
At what age did he begin  
How many years does such  
service last.

Did you tell Max Kirschenbaum  
that you sent home money regul-  
arly to your wife in Austria.  
That you did not intend to  
marry Molly Erbstein, that you were  
only going to board there

He is an only  
child

His mother is

71 years of

age.

How long after

his mother was

married, was

and.



fol 1

Court of General Sessions of the Peace,

Held in and for the City and County of New York.

-----X  
The People, etc.

vs

Robert W. Buchanan.

-----X  
Hon. Delancey Nicolay, District-Attorney.

Dear Sir:-

Please take notice that we shall move before  
the Hon. Frederick Smyth, Recorder, in Part II of the above  
Court, on Thursday morning June 29th, 1893, at 11 o'clock  
A. M., or as soon thereafter as counsel can be heard, for  
leave to file in the motion for a new trial now pending here-  
in, the additional affidavits of Drs. Allen McLane Hamilton,  
Landon Carter Gray, William James Morton, Graeme M. Hampden  
and Edward C. Spitzka, relating to matters set forth in the  
affidavits of Drs. Carlos P. and A. E. Macdonald and Moses  
Allen Starr, filed and read upon the argument of the said  
motion heretofore had and in behalf of the people by you

2  
Dated, New York, June 27th, 1893.

*W. J. O'Brien*  
*Charles W. Brooke*  
*Counsel for Defendant*  
*111 Broadway*  
*July.*

General Sessions Court.

People vs.

Plaintiff

against

Robert M. Buchanan

Defendant

John J. Sullivan

BROOKE, ~~WILLIAMS~~ & BROOKE,

ATTORNEYS FOR Defendant.

111 BROADWAY, NEW YORK.

Due and timely service of a copy of the within

is hereby admitted,

this \_\_\_\_\_ day of \_\_\_\_\_, 189

W. Deane Jacobs Esq.  
Attorney for People

J. Meyers, M'gill and Dring, New York City

W. C. G.

N.Y. General Sessions

-----:  
The People &c :  
                  against :           Indictment for Bigamy  
Louis Kesterbaum :  
-----:

To Hon DeLancey Nicoll

District Attorney of the City and County of New York  
Please to take Notice, that a motion will be made for the  
discharge of the above named defendant on his own recognizance  
and for a dismissal of the indictment herein before Hon: Rufus  
B. Coving one of the Judges of the Court of General Sessions  
of the Peace for the city and county of New York, in Part 1  
thereof on the 13th day of June 1893 at 11 A.M. in the fore-  
noon of said day or as soon thereafter as counsel can be  
heard on the ground that more than two terms of said court of  
General Sessions have elapsed without bringing the indictment  
herein to trial.

Dated N.Y. June 10th 1893

Yours respectfully

Alfred Steckler

Of counsel for Defendant

CITY AND COUNTY OF NEW YORK, ss.,.....  
being duly sworn, deposes and says: that he is.....years of age, and a clerk in  
the office of ALFRED & CHARLES STECKLER, the attorneys for the.....  
in this action; on the.....day of.....189 at No.....  
in the City of New York, he served the annexed.....

upon \_\_\_\_\_ the \_\_\_\_\_ therein  
by delivering to, and leaving with \_\_\_\_\_ personally \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ true cop thereof \_\_\_\_\_

Deponent further says that he knew the person so served to be.

Sworn to before me this  
day of \_\_\_\_\_ 189

My General Account.

The People vs  
Plaintiff,

## AGAINST

Louis Kastenbaum  
Defendant.

*Copy*  
*Notice of Motion*

**ALFRED & CHARLES STECKLER,**

*Depts.*  
*Accepted Books*  
**PULITZER BUILDING,**  
*Attorneys.*

CORNER PARK ROW AND FRANKFORT ST., NEW YORK CITY.

Due and timely service of a copy within

...and indorsed notice of

entry is hereby admitted

Dated, N. Y., ..... 1899

Atty.

To Mr. J. C. Mearns, Esq.

Atty.

Sir:

Please take notice that the within is a

...true copy of an...

this day duly filed and entered in the office of  
the clerk of

in this action.

Dated, N. Y., ..... 189.....

Yours, etc.,

**ALFRED & CHARLES STECKLER,**

Attorneys for:

To:

Esq.,

Atty. for...

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.  
Go Sam D Swards  
Stewart-Riding  
Friedman  
92 Spring St

District Attorney.



1112

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

See tomorrow.  
June 9<sup>th</sup> 1893

Abraham Krausman  
360 East 3<sup>rd</sup> St.

Moses Lindenbaum  
166 Attorney St.

Dora Longweil St. St.  
41 Rialto St.  
46 Rialto St.

Isaac Achloner  
ask Dora Longweil.

Max Kirschbaum  
40 More St. Bklyn.  
District Attorney

Lena Kistenbaum  
74 Henry St.

Sury

My mother & father were  
present -

His mother present

Mummed by a Rabbi in  
a Hall.

Pastor -	Leiter Schlanger	188 Ringler
Present -	Isaac Schlanger	188 Ringler
Present -	Dora Langwain	111 Ridge St -
Present -	Levi Bunn	205 De Runy
	Marx Kirchbaum	40 Main St
	Moses Lindenbaum	Served 1711
	Abraham Kraemer	Served 1711
	Levi Kestenberg	Served 1711
	Off Clark	
	Off Borkly	
	Louis Kestenberg	21 years.
	Levi Kestenberg	20 years.

# First Marriage

1<sup>st</sup> That ~~Lena~~ Oshas Kestebbaum <sup>was</sup> married by a Rabbi to Lena Greenfield at Sokoloff Galitzia Austria, in the house of her uncle ~~by a Rabbi~~.

Lena Baum      Lena Kestebbaum  
Dora Longueil  
Hester Schlanger } Examine & see.  
Isaac Schlanger }

2<sup>nd</sup> That They lived together as husband and wife and were introduced as such.

Lena Kestebbaum      Lena Baum  
Moses Lindenbaum.

3<sup>rd</sup> That Defendant admitted he was married.

Rev. Abraham Kroemer  
Max Kirshenbaum  
Moses Lindenbaum

(b) Deft. told Lindenbaum that he paid his wife 100 Gulden for a divorce.

(c) Deft. told Rabbi Kroemer that his first wife was dead, that he was a widower, see testimony at Police Court.

## Second Marriage.

1<sup>st</sup> Abraham Kroemer } Markus Weiss  
Copy of Marriage Certificate } David Schwartz  
Moses Lindenbaum }

Polish  
Certificate of Judge  
for Translation

2<sup>nd</sup> That Elias Kistenbaum and  
 Louis Kistenbaum are one  
 and the same person  
 Luca Baum  
 Max Kistenbaum  
 Moses Lindenbaum

symptoms

1116

Synopsis



2<sup>nd</sup> That Elias Kestebaum and  
 Louis Kestebaum are one  
 and the same person  
 Lena Baum  
 May Krahnbaur  
 Moses Lindenbaum

synopsis

Mrs. Lindenbaum

166 Attorney St.

I know Ozius Kestebaum in Austria, & Louis Kestebaum in N.Y. City they are one & the same man.

I know that Ozius Kestebaum lived with Lena Josenfield & had children by her in Austria.

I know that Kestin married Molly Epstein in New York City. I was present.

I asked Kestebaum what became of his first wife, he said he paid her (\$150) Guilden for a divorce.

I was not present at the marriage ceremony in Galatzia Austria. I often heard the Dept. say that his wife was a very troublesome and quarrelsome. (This was while he (Dept) was in partnership with her.

COURT OF GENERAL SESSIONS,

Part 3.

THE PEOPLE OF THE STATE OF NEW YORK, )  
 ) BEFORE  
-against- ) HON. RANDOLPH B. MARTINE,  
 )  
LOUIS KESTENBAUM. ) AND A JURY.  
 )

NEW YORK, JUNE 27TH, 1893.

INDICTMENT FILED APRIL 11TH, 1893.

INDICTED FOR BIGAMY.

APPEARANCES:

FOR THE PEOPLE, ASSISTANT DISTRICT ATT'Y JAMES W. OSBORNE.

FOR THE DEFENDANT, MR. ALFRED STECKLER.

LENA KESTENBAUM, a witness for The People, sworn, testified:  
I live with my uncle, at No. 111 Ridge Street, in the City of New York. I know the defendant at the bar. I met him in the year 1879, in Austria. I saw him on the first day of September, 1879, in a little place called Boila Arichitza. He had an uncle who lived at Sokolof. On the 1st of September, 1879, I went to my uncle's house, in Sokoloff in company with my parents. The defendant came to my uncle's house, and there was a ceremony performed there. His mother was present. My mother and father were also present. A rabbi was there. The defendant and myself stood up together before the rabbi. I could not under-

stand what the rabbi said, because he spoke in the ancient language of the Hebrews. I did not say anything at all. Hester Schilling~~er~~, Isaac Schilling~~er~~, Lena Baum and Moses Lindenbaum were among those present at the wedding. The defendant had spoken to me in reference to becoming his wife, previous to this ceremony at my uncle's house. I saw him two or three times during the two years before this ceremony was performed by the rabbi. He said to me, on one occasion, that he wants to get married to me, and that I should go to my uncle's house. I went with my parents to my uncle's house, and it was there the rabbi performed the ceremony. Before the ceremony was performed my father spoke to the rabbi. There was a large crowd of people present in my uncle's house, and after the ceremony was performed there was dancing. I was given a ring by the defendant, but I have since lost it. The defendant placed the ring on my finger. The rabbi stood, under a canopy supported by four poles. A glass of wine was handed to the defendant, who drank some of it, and handed it to me, and then broke the glass under his foot. The rabbi read something from a book which I did not understand. After the dancing was over, I went to my parents' house, in company with the defendant. I do not recollect whether I slept alone on the night of this ceremony or not. The defendant came to my parents' house with me, and about eight days after the marriage we slept together. I have had five children by the defendant. The defendant left Austria a few years ago, and came to this country. He promised to send for me and the children. He never did.

While he was here from time to time he sent me money for my support.

C r o s s - E x a m i n a t i o n .

I do not recollect the name of the rabbi. He was a cousin of mine. His business was that of selling flour. I believed he was a rabbi, because he spoke in Hebrew and read from the book. I did not understand the words he read from the book. When we stood before the rabbi the defendant, Kestenbaum, said that he was marrying me. That is all that I understood. The rabbi also drank some of the wine that was there. I am thirty-three years of age. The defendant was in the third military class at the time of this ceremony, and I believe was between 23 and 24 years of age. I am a Hebrew. I attended the synagogue in the old country. I never saw the rabbi who performed this ceremony in the synagogue as I did not attend the one in which he officiated.

\*\*\*\*\*

ISAAC SCHILLINGER, a witness for The People, sworn, testified:

I live at No.188 Ridge Street, in this City. I know the defendant, Louis Kestenbaum. I know his wife, Lena. I knew both of them in the old country. I was present at the ceremony referred to by the last witness. I had known the rabbi who performed that ceremony for eight or ten years. I had frequently attended service in the synagogue where he officiated as a rabbi.

C r o s s - E x a m i n a t i o n .

I do not remember the name of the rabbi. In our place no baker is a rabbi. I did not know that he was a



cousin of Lena Kestenbaum. I have been in this country three years. In our place the people did not call the rabbi by his name. They simply call him rabbi. I remember that the rabbi blessed the wine, drank some of it, then gave it to the bride, then gave it to the bridegroom. Afterwards the bridegroom broke the glass which had contained the wine, under his foot. I have known Lena Kestenbaum about twenty years. I am a distant relation of hers.

\*\*\*\*\*

ABRAHAM KRONMAN, a witness for The People, sworn, testified as follows: I am a rabbi, in charge of a synagogue in this City. I live at No.60 East 3rd Street. I performed a marriage ceremony between the defendant and Mollie Erbstein, at 143 Goerck Street, in this City. That ceremony was performed according to the rites of the Jewish church. After I had performed this ceremony, I filed the proper papers with the Health authorities in this City. That marriage ceremony was performed by me on the 15th day of March, 1893. The woman now shown me is the woman who was married by me to this defendant.

\*\*\*\*\*

MOSES LINDENBAUM, a witness for The People, sworn, testified: I reside at 166 Attorney Street, in this City. I am a peddler by occupation. I knew the complainant and the defendant in Austria. The defendant and I were in business together, peddling cherries. We kept a garden together. Lena Kestenbaum very frequently came there to see the defendant, and he always referred to her as his wife. I

knew that he had children. I remember on one occasion staying all night at his house. His wife and children were there. I was present at the marriage of this defendant to Mollie Erbstein, in this City. That marriage was performed in the month of March, 1893.

C r o s s - E x a m i n a t i o n .

I have been in this country nine years. I made the acquaintance of the defendant six or seven months before he left for America.

\*\*\*\*\*

MOSES KIRSCHENBAUM, a witness for The People, sworn, testified:

I live at No.40 Moore Street, Brooklyn. I knew the defendant in the old country for about 16 or 18 years. I also knew Lena Kestenbaum, his wife. She was a servant girl, and I often saw her coming to see Louis Kestenbaum at my uncle's place. Afterwards the complainant and the defendant lived together. I believe them to be man and wife. They lived together in the old country for about 13 years. The defendant and I were like brothers together. He also referred to the complainant as his wife. He told me when he was coming to America that he would earn money, send it to her, and have her come to this country to him. I was present at a ceremony at which there was a contract written down by a man who was there. Two copies were made, and one given to the woman and one to the man. Then the man gave the woman an engagement ring. I cannot tell exactly when that was. These people were considered as married people in the old country. In this country I noticed that the defendant was paying attention to Mollie Erbstein. One day I met him, and I said to him,

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"What are you doing? I will send for your wife, and I will have you arrested." Then he said to me, "I will not marry this woman. She has some money, and I will get some money from her, and I will go back home." The defendant was married to Mollie Erbstein. Fourteen days after the marriage I said to him, What did you do? You got married. I will send for your wife. The defendant said, "She was about to have me arrested, and I was obliged to marry her. I was forced to marry her." I wrote a letter to Lena Kestenbaum, to whom I am related, and she at once came to this country. When she arrived here she swore out a warrant against the defendant, and he was placed under arrest. I was present at the time of his arrest. The defendant and Mollie Erbstein were on the street. I came along in with Lena Kestenbaum. Lena went up to the defendant, embraced him and said, You are my husband. Then the second woman ran up to Lena and she slapped her face. An officer came then, and the whole party of us were arrested. It was in that way that the story came out in the police court.

#### C r o s s - E x a m i n a t i o n .

I lived a mile and a half from the residence of Louis Kestenbaum, in Austria. Lena Kestenbaum and my step-mother were sisters.

\*\*\*\*\*

DORA LANGWEIL, a witness for The People, sworn, testified:

I come from Sokoloff in Austria. I have been in America eight years. I knew Lena Kestenbaum in the old country. I was often at her house. I am very familiar with the marriage ceremony as performed in the village of Sokoloff.

I was present at the ceremony which took place between the complainant and the defendant. There was a canopy supported by four poles. The rabbi and the complainant and the defendant stood under this canopy. The rabbi readsomething from a book in Hebrew. He drank some wine and passed the wine to the bride and bridegroom, and afterwards the bridegroom broke the glass under his foot. A ring was placed by the bridegroom on the finger of the bride. Then the rabbi gave a blessing and the ceremony was over. There was dancing by the people present at the ceremony. It took place in the house of Lena Kestenbaum's uncle in the village of Sokoloff. I have frequently heard the defendant speak of the complainant as his wife.

C r o s s - E x a m i n a t i o n .

I am certain that it was a rabbi who performed this ceremony. In our community the rabbi drinks wine at every wedding. I never lived in the same house with Kestenbaum. I do not know the business of the rabbi. So far as my knowledge goes, he was not a miller or a baker.

\*\*\*\*\*

HESTER SCHILLINGER, a witness for The People, sworn, testified:

I live at 188 Livingston Street, in this City. I have been in this country one year. Before that time, I lived in Austria. I know the complainant and the defendant. I was at the house of the complainant's uncle on the occasion when this ceremony was performed. There were as many as 30 or 40 persons present. I saw a rabbi stand up and read from a book. Lena Kestenbaum and Louis Kestenbaum stood in front of the rabbi. I saw the glass of wine passed and the glass broken under the foot of the defendant. I did

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not understand what the rabbi said, because it was in ancient Hebrew. The defendant and complainant visited my house together at different times. The complainant had five children. They were all known by the name of Kestenbaum. The rabbi who performed this ceremony I had seen on previous occasions officiating in the synagogue and performing similar ceremonies.

C r o s s - E x a m i n a t i o n .

I do not know the name of the rabbi. I am 28 years of age. I did not say, at the Essex Market Police Court that I was 24 years of age. I am certain that the rabbi drank some wine.

\*\*\*\*\*

LENA KESTENBAUM, recalled:

I am a Jewess. I am 33 or 34 years of age. I cannot read or write. The defendant was crying when he left the old country. He promised to work hard and send for me and my children.

\*\*\*\*\*

JOHN G. CLARKE, a witness for The People, sworn, testified:

I am an officer connected with the police force in this City. On the 3rd of April, Sunday evening, about 10 o'clock, I saw a crowd collected in front of 111 Ridge Street. I went up to the crowd and found two women fighting together. I took the whole party in, for disorderly conduct---fighting in the street. I was not present at the examination where the charge of bigamy was made.

\*\*\*\*\*

RICHARD BERKLEY, a witness for The People, sworn, testified:

I am a police officer, connected with the Third District



Police Court--Essex Market. I was present when the examination was held in these proceedings. I saw the complainant, Lena Kestenbaum, there, and saw her swear to the complaint.

\*\*\*\*\*

T H E D E F E N S E .

----

FREDA KESTENBAUM, a witness for The Defendant, sworn, testified

I am the mother of this defendant. He is now in his thirtieth year. My husband died fifteen years ago. I never gave my consent to the marriage of my son in Austria. There was no marriage. I saw the complainant, Lena Kestenbaum, in the Tombs one day last week. I saw my son on the same day. She said to my son, "If you get married to me in court then I will take you out." The defendant said, "I cannot marry you, because I am here kept as a prisoner, but you go to court, and if the court gives you permission that you shall marry me, then I will marry you."

C r o s s - E x a m i n a t i o n .

I lived in Gallicia, in Austria. I have been in this country four years. I never was in Sokoloff. I remember, at one time, being in a place---I don't know if it is Sokoloff or not---and looking in through a window and seeing people dancing. I did not see any marriage ceremony being performed. I was not present at any time when my son was married to the complainant. I have seen

children of the complainant, but they were nothing to me.

\*\*\*\*\*

JOE ARRONSDORF, a witness for the Defendant, sworn, testified:

I am a ~~t~~ailor. I have been in this country fifteen years. I am related to the defendant, Louis Kestenbaum. He was born in 1864, in the month of April, I believe.

\*\*\*\*\*

LOUIS KESTENBAUM, THE DEFENDANT, sworn, testified:

I am 29 years old, last April. I first saw the complainant, Lena, in this country, when I met her on the street in company with one of her relatives. I was married to Mollie Erbstein, as has been testified here. When I met the defendant and her relative on the street, they shouted to have me arrested. The man who was with her was her cousin. I never had any notice published of my intended marriage to Lena in Austria. My name was never read out in the synagogue at any time announcing the coming marriage between myself and the complainant. I never had any license from the authorities in Austria granting me permission to marry Lena, the complainant. There was never any publication of banns in the synagogue, as required by the laws of Austria. In 1879 I was in Sokoloff, in Austria, as an apprentice learning a trade. I was about 15 years of age at that time. I never requested permission from the authorities of that place to marry Lena the complainant. I never received any license from the authorities of Sokoloff in September, 1879, or at any other time to marry Lena, the complainant. I did not receive permission from the Orphans' Court in Sokoloff or from any other court of

Austria in the year 1879 to marry any person I never asked for any such thing, and never received it. I have been locked up on this charge since the 15th of April. Lena, the complainant, has been to see me. She said if I was willing to marry her in court, she would have me released. I told her to see the judge and tell the judge so. Then she said, If I go to court they will find out I have not been married. It is true that I lived with this woman in Austria and had children by her. I was never married to her, however. The ceremony that was performed between us was simply a ceremony of engagement of marriage, as prescribed by the laws of the Jewish church. I promised her that whenever I was of age, and otherwise competent to marry her, that I would. I lived with her for several years, in this illicit relation. The children that were born were my children. When I came to this country I sent her money from time to time, for the support of those children. I did not send it to her, as my wife, but simply for the purpose of taking care of the children, who were mine.

\*\*\*\*\*

SAMUEL D. SEWARDS, a witness for The People, sworn, testified:

I am an attorney and counsellor at law, and have practiced in this State for twenty-six years. Prior to that time I practised as an attorney in the courts of Austria. I am an Austrian by birth. I am familiar with the laws of Austria. I have here the official edition of the Civil Code of Austria. The laws, as stated in this Civil Code,

were in force in that country in the year 1879, to my personal knowledge. I have visited Austria two or three times during the last 26 years. I was there last ten years ago--in 1884. At that time I did not practise in any Austrian court, but I acquainted myself with any changes that had been made in the Austrian laws since the time I left that country. I am at present counsel for the Austrian Consul in this City. I have had occasion to examine the laws of Austria in my capacity as such counsel. I have from time to time familiarized myself with the laws of Austria relating to marriage, and believe I am competent to state what they are. I have here the amendments to this Civil Code, which were adopted in 1848. The Civil Code which I hold in my hand was first adopted in 1802. The title of the book which I hold in my hand is, The General Civil Law Book of the Empire of Austria, with all the supplementing and extending laws and regulations pertaining thereto. 13th Edition. Published by Dr. Josef Von Shey, Professor of Law at the University of Gratz. The laws relating to marriage as stated in this book, are as follows:

Minors under the age of 24, maniacs and people who are unable to use their mental powers and are incapable of knowing the effect of their actions are prohibited from marrying. Such persons are under the control of the law.

Section 48 of this Code speaks of impediments to marriage. The first is inability to consent. Persons under the age of 24 years are incapable of giving consent and incapable of entering into a valid marriage contract.

Section 49 provides that minors and even those of

age who , from any cause whatever, are unable for themselves to enter into a valid application are also incapable of marrying lawfully. In case the father is not alive or incapable of representing the minor, then it is necessary to have a declaration of the regular representation and the consent of the Orphans' Court, for the purpose of making the marriage valid.

Section 50 provides, that minors that are not born of legal wedlock, must have the consent of their guardian and the consent of the Orphans' Court before they can enter into the marriage relation.

Section 69 speaks of certain requirements to be complied with before marriage can be entered into. The banns must be published in the synagogue at the place of residence of both the parties with the admonition that any one who may know any impediment to the marriage should report it. Such announcement must be made on three successive sundays or holidays in the usual congregation of the parochial district, and if any of the parties live in separate districts, then in both parochial districts.

Section 72 provides that if the betrothed do not live in the parochial district where the marriage is to be solemnized for at least six weeks, then the banns must be published also in their last place of residence.

Section 73 provides that if, within six months after the publication of the banns the marriage is not solemnized then the announcements must be again repeated. Penalties are prescribed for a failure on the part of the rabbi to comply with all these requirements.



Section 82 provides that the minister of the place where the marriage contract is entered into must enter the fact of the marriage having been solemnized in a book. Special requirements are made in the case of Jews.

Section 126, relating particularly to Jews, says, that the publication of the banns of a Jewish marriage must be made in the synagogue or in the common prayer house, and, where there is no such synagogue it must be made by the municipal authority.

Section 83 provides that, for important reasons, the State or provincial government may be applied to for relief to any impediments to a marriage.

Another section of this Code specially provides that where these requirements have not been complied with, all Jewish marriages so contracted are void.

#### C r o s s - E x a m i n a t i o n .

The consent of the parents is absolutely necessary under the law of Austria. Men under the age of 24 are considered minors under this law.

\*\*\*\*\*

REV. WOLF FREEMAN, a witness for the defendant, sworn, testified: I am a rabbi, living in the City of New York. I was a rabbi in Austria before coming to this country. I have performed marriage ceremony between Jewish people in Austria, and was a witness to about one hundred such marriages. I never knew of a marriage ceremony being performed by a regular-constituted rabbi in a private house. Marriages are always performed in the synagogue. The facts stated by the various witnesses here of the drinking of

the wine, etc., does not constitute a marriage ceremony according to the rites of the Jewish church. The rabbi never drinks any wine at such a ceremony.

C r o s s - E x a m i n a t i o n .

I performed the duties of a rabbi in this City. At times marriage ceremonies are performed in this City in public halls by duly constituted rabbi. They are never performed in private houses, so far as my knowledge goes. My father was a rabbi in the old country, and I succeeded him.

\*\*\*\*\*

LOUIS KESTENBAUM, recalled:

C r o s s - E x a m i n a t i o n .

I have been married once, and that was here in New York, to Mollie Erbstein. I never was married to Lena Kestenbaum, though I had five children by her. The money which she said she received from me was sent by me for the support and care of the children. At the time of the engagement ceremony there was no rabbi present. It took place at the house of her uncle in the village of Sokoloff. What the witnesses and she stated about our living together is true. I cannot tell whether all of the children that Lena Kestenbaum had were mine. At one time I was engaged in the cultivation of cherries in the old country, in business with a man who has testified here. I did not tell anybody in this country that I had been married in Austria. I did not say that I sent my wife 150 florins to relieve me from my marriage with her. When I entered into the marriage ceremony with Mollie Erbstein, I did not believe that I had

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been lawfully married to Lena Kestenbaum in Austria. I was only 15 years of age at the time I became engaged to Lena Kestenbaum, and had no intention of marrying her at that time. I was never in the third military class, nor did I do any service whatever in the army in Austria. I was relieved from service because my mother was a widow, and, under the laws of that country, if a woman has but one son, and is a widow, he is relieved from service in the army. I was engaged to be married to Lena at the time I was summoned for service in the army, but I never did any service. I always treated the children of Lena Kestenbaum as my own while I lived in Austria. My intention in coming to this country was to better my condition. At the time of the engagement ceremony there was no canopy raised on four poles over the rabbi. After the engagement ceremony was over, I went to live at the house of Lena's father and mother. I was given two weeks' free board there.

\*\*\*\*\*

ABRAHAM KRONMAN, recalled:

At the time I performed the marriage ceremony between the defendant and Mollie Erbsstein, I asked the defendant how many times he had been married. He told me this would be the second time, and that he was a widower.

\*\*\*\*\*

LENA KESTENBAUM, recalled:

The defendant was in the third military class, at the time this marriage ceremony was performed. I believe he was between 23 and 24 years of age. I am now 33 or 34 years of age.

-----

17

Counsel for The Defense asked The Court to direct the jury to acquit the defendant, on the ground that, under the laws of Austria, no legal marriage was contracted.

Motion denied. Exception.

-----  
The Jury returned a verdict of GUILTY OF BIGAMY.

////////////////////

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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 Asfendul

Twenty 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, Apr 6 1893

Charles N. Linton Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.



1137

Ex Ape 6/45 2 PM

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court---

392 District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Lina Kestenberg  
205 Delaney  
74 1/2 W. 17th St.  
Louis Kestenberg

2.....  
3.....  
4.....

Offense  
Jury

Dated, April 6, 1893

Frank J. Tait

Magistrate.

Off Clerk of Court

Officer.

Precinct.

Witnesses Moses Lindenbaum

No. 166 Attorney Street.

No. 360 3rd St. Street.

No. Street.

\$ 2000 to answer

C

1138

(1335)

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

*Louis Kestubann* 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 Kestubann*

Question. How old are you?

Answer. *29 Years*

Question. Where were you born?

Answer. *Austria*

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

Answer. *111 Ridge Street 6 weeks*

Question. What is your business or profession?

Answer. *Tailor*

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*

*Subscribed*  
*Louis X Kestubann*  
*Mark*

Taken before me this

day of

*April 1893*

*Charles J. Santis*  
Police Justice

Police Co.

THE

Police Court, 3 District.

City and County of New York, ss.

of No. 205 Delancey Street, aged 34 years, occupation - being duly sworn, deposes and says,

that on the 4 day of March 1883, at the City of New York, in the County of New York, the deponent was

legally married to Louis Kestubbaum (now here) on or about the 1<sup>st</sup> day of September 1879, at Sokoloff, Galatzia ~~Austria~~ and that there are three children, the issue of said marriage. That during the year 1890, said Louis Kestubbaum left this deponent, his said wife and came to New York so deponent was informed that deponent was informed by Moses Lindbaum, whose affidavit is herewith annexed that said Louis Kestubbaum was married to one Miss Molly Erbstein and living with her at No. 111 Ridge Street N.Y. City. That said deponent upon information given by Rev. Dr. Kroenman, whose affidavit is also herewith annexed, the said Louis Kestubbaum, did feloniously marry and take as wife said Molly Erbstein, with force and arms on the 4<sup>th</sup> day of March 1893 in the City of New York, N.Y. and to the said Molly Erbstein was then and then married, the said Lena Kestubbaum was then and there living and in full life. That said Lena Kestubbaum was not divorced from said Louis Kestubbaum and is not divorced from him to her knowledge. - She therefore charges said Louis Kestubbaum with the crime of bigamy and asks the

he be dealt with according  
to law

from & before me } Lena <sup>her</sup> X Kerlenbaum  
this 5<sup>th</sup> day of April 1893 } mark  
Charles N. Lainton  
Police Justice

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

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

1  
2  
3  
4

Offence,

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions

1141  
Police Court, 3 District.

City and County } ss.  
of New York,

of No. 360 East 3<sup>d</sup> Street, aged 53 years,  
occupation Minister being duly sworn, deposes and says,

that on the 4 day of March 1883, at the City of New  
York, in the County of New York, ~~at his residence~~

at No. 43 Goerck Street, this deponent  
was called upon and did officiate  
as Minister and did marry at their  
request one Louis Keckbaum and  
Molly Erbstein - That said  
deponent in his official capacity  
as Minister asked said Louis Keckbaum  
if he was single or widowed - he  
answered "this is my second marriage"  
and when asked where his first  
wife was he replied that she  
is dead.

Abraham Krawman

Sworn to before me  
this 5<sup>th</sup> day of April 1883 }  
Charles A. Smith  
Police Justice



1142

Police Co.

JHE

## Police Court, 3 District.

City and County } ss.  
of New York,

of No. 166 Attorney Street, aged 46 years,  
 occupation Reder being duly sworn, deposes and says,  
 that on the 4 day of March 1893, at the City of New  
 York, in the County of New York,

this deponent was  
 informed by Louis Kestubbaum  
 (now dead) that he would be pleased  
 to have him (deponent) come to the  
 wedding of a cousin of his to take  
 place at 143 Goerck Street N.Y. City  
 on the 4<sup>th</sup> day of March 1893 -  
 that deponent went to said place  
 on said day and there saw the  
 defendant Louis Kestubbaum, married  
 to one Molly Erbstein - That  
 deponent asked the said Louis  
 Kestubbaum what became of his  
 first wife and he replied that  
 he was divorced from her - that  
 he has paid her One hundred  
 and fifty (150) Guilden for said  
 divorce -

That deponent has known  
 said Louis Kestubbaum for the past  
 three years and knew the said  
 Louis Kestubbaum to be the wife  
 husband of said Lena Kestubbaum  
 as he was so informed by said Louis  
 Kestubbaum - That he is positive  
 that the Louis Kestubbaum, married  
~~and deponent is informed, to~~ Molly  
 Erbstein is the legal husband of  
 Lena Kestubbaum -

Moses Lindenbaum

Sworn to before me  
 this 5<sup>th</sup> day of April 1893 }  
 Charles H. Laintor  
 Police Justice

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Lena Kestubum  
vs.  
1 Lena Kestubum  
2  
3  
4  
Offence,

Dated \_\_\_\_\_ 188  
Magistrate.  
Officer.  
Clerk.

Witnesses, Abraham Kroenman  
No. 360 East 3rd Street,  
Moses Lindeman  
No. 146 Attorney Street,  
No. \_\_\_\_\_ Street.  
\$ \_\_\_\_\_ to answer \_\_\_\_\_ Sessions

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

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

Dated \_\_\_\_\_ 188 Police Justice.

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

Dated \_\_\_\_\_ 188 Police Justice.

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

Dated \_\_\_\_\_ 188 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Sonia Kertensbaum*

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

*Sonia Kertensbaum*

of the CRIME OF BIGAMY, committed as follows:

The said *Sonia Kertensbaum*,

late of the City of New York, in the County of New York aforesaid, on the *first* day of *December*, in the year of our Lord one thousand eight hundred and

*nineteen*, at the

did marry one *Sena Kertensbaum* and *her*, the said

*Sena Kertensbaum*, did then and there have for

*his wife*; and the said *Sonia Kertensbaum*,

afterwards, to wit: on the *fourth* day of *March*, in the year of

our Lord one thousand eight hundred and ninety-*three*, at the City and County

of New York aforesaid, did feloniously marry and take as *his wife* one

*Mollie Kertensbaum* and to the said

*Mollie Kertensbaum*, was then and there married, the said

*Sena Kertensbaum*, being then living and in full life,

against the form of the statute in such case made and provided, and against the peace of the

People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

1145

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Keyser, Benjamin

**DATE:**

04/14/93



4723

Witnesses:

*J. L. Meyer*

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

I

*Benjamin Keyser*

DE LANCEY NICOLL,

District Attorney.

*May 5, 1893*

A TRUE BILL.

*Alvin C. Murphy*  
Foreman.

*Part 2 - May 5, 1893*

*Ready for trial*

*Per 174 P.B.M.*

Forgery in the Second Degree.  
(Sections 140 and 141 Penal Code.)

*14 day of April 1893*

*May 17*

*314 4.69*

*314 4.69*



Police Court, 2 District.

1901

City and County of New York, ss. Joseph L Myers  
of No. 288 Fifth Avenue Street, aged 26 years,  
occupation Milliner being duly sworn, deposes and says,  
that on the 3d day of April 1899, at the City of New  
York, in the County of New York, one Benjamin Keyser

(now deceased) did alter and forge  
certain paper and a book of account  
used in deponents business with the  
intent to defraud deponent, and  
whereby deponent was defrauded  
of the sum of three dollars. The  
defendant was employed by deponent  
as a porter, and on said date  
the defendant received from one  
of deponents porter named George  
the sum of twenty dollars on account of  
a bill of goods delivered to Mr A  
J. Mack, at 29 West 84th St for  
which a memorandum showing that  
the said twenty dollars had been  
received, was handed to defendant.  
Subsequently the defendant handed  
over only seventeen dollars, and  
the ticket or memorandum and a  
certain book of account of deponent  
were altered and forged by the  
defendant with the intent to  
appear that only seventeen dollars  
had been collected, thus defrauding  
deponent of the sum of three dollars.  
And defendant admitted to deponent  
that he had so altered said books  
and papers, and defendant also  
made such admission in the presence  
of Detective Charles Wade

Sworn to before me on the  
6th day of April 1899  
Thos. H. Brady  
Notary Public

Joseph L. Myers

1148

Sec. 198-200.

2

1882  
District Police Court.

City and County of New York, ss:

*Benjamin Keyse*

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

Question. What is your name?

Answer. *Benjamin Keyse*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *N. S.*

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

Answer. *344 West 69 St 4 months*

Question. What is your business or profession?

Answer. *Clock*

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*

*Benjamin Keyse*

Taken before me this

day of *June*

189*7*

*Wm. J. Brady*  
Police Justice.

1149

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

*Benjamin Keyser*

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 *April 10<sup>th</sup>* 18 *93* *Thos. H. Brady* Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

1150

404

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph L. Myers  
288 5th Ave  
Benjamin Keyser

Office

BAILED,

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

2  
3  
4  
Dated April 6 1899

Grady Magistrate.  
Wade & Montgomery Officer.  
CO Precinct.

Witnesses George Habon 203  
No. 17th St. Myers

288 5th Ave  
No. 17th St. Myers  
care of the

No. 505 to answer 9.8  
Street.

\$500 4 Apr 10. 2 P.M.



MME. MYERS,  
42 West 23d Street.  
No. 5260  
New York, 4/13 1893  
M. Mrs. J. Mack  
29 W 84 St  
289  
1 Blk Hat  
Call for  
Changed  
Memo.  
C. D. D. 17 or



4/10 90  
 Mrs. C. Black  
 29. 4. 84 4/4  
 28. 1/2 1/2 1/2 1/2  
 1/2 1/2 1/2 1/2

Court of General Sessions of the Peace

1721

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Benjamin Kuper

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

Benjamin Kuper  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Benjamin Kuper,

late of the City of New York, in the County of New York aforesaid, on the day of April, in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with intent to defraud, feloniously did forge a certain instrument and writing, which said forged instrument and writing is as follows, that is to say:

Being a debt and receipt in the employment of one Joseph D. Meyer, feloniously did unlawfully and corruptly alter a certain writing belonging to and appertaining to the business of the said Joseph D. Meyer, to wit: a certain paper writing, being a memorandum of the sale by the said Joseph D. Meyer on said day to one Mrs. A. J. Mack of a black hat of the price of twenty dollars, said hat to be paid for on delivery, and said writing being in the words and figures following, to wit:

name. Meyer  
42 West 23d Street  
no. 5260 New York, 4/3 1893  
m. Mrs A. J. Mack 29 W 84th St  
219  
call for changed  
C.O.D.  
Sold 24 K  
1 Blk Hat  
20 "

By then and there feloniously, unlawfully and corruptly erasing the figures "2" in the item "20." therein appearing, and substituting in place thereof the figure "1" and by erasing the figure "0" in the same item and substituting in place thereof the figure "4", which said altered writing is as follows, to wit:

name. Meyer  
42 West 23d Street  
no. 5260 New York, 4/3 1893  
m. Mrs A. J. Mack 29 W 84th St  
219  
call for changed  
C.O.D.  
Sold 24 K  
1 Blk Hat  
14 "

and whereby the said writing was made to falsely indicate and represent that the said hat had been sold by the said Joseph D. Meyer at the price of fourteen dollars, 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.

Samuel M. Hill,  
District Attorney.



1154

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kinkale, Charles

**DATE:**

04/07/93



4723

Witnesses:

Michael Brown  
Mrs. Wanda Brown

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

Filed

Pleads,

*[Signature]*  
7 *[Signature]*  
May 10 1893

THE PEOPLE

vs.

P

*Charles Simkale*

Assault in the Second Degree.  
(Section 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel Dwyer*  
Foreman.

*April 26/93*

*Fred [Signature]*

1155

Police Court—4<sup>th</sup> District.

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

of No. 338 East-38<sup>th</sup> Street, aged 21 years,

occupation Waiter being duly sworn

deposes and says, that on the 3<sup>rd</sup> day of April 1893 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Charles Henkale

(now here) who willfully and maliciously  
stabbed deponent, in the stomach  
with a cigar knife; deponent  
further says this assault was  
committed

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

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

Sworn to before me, this 4<sup>th</sup> day  
of April 1893.

Michael Devoni

James Police Justice.



1157

Sec. 198-200.

4 District Police Court. 1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

*Charles Kinkale*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*Spain*

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

Answer.

*690-2 Avenue, 9 months.*

Question. What is your business or profession?

Answer.

*Leigar Buncher*

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 Kinkale*

Taken before me this

day of

1882

Police Judge.

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 Two Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, April 4 1893

*Police Justice*

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

*Dated,* ..... 189

*Police Justice.*

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

*Dated,.....189*

## Police Justice

1881

Police Court--- District. <sup>381</sup>

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael W. Quinn*  
*Charles Kinkade*

*Assault*  
*4 days*  
Offense

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated, *April 4* 189 *3*

*Meade* Magistrate.

*10 yrs* Officer.

*21* Precinct.

Witnesses *Mrs. Winnie Durwin*

No. *335* East *24* St. Street.

*Susan Rogers*

No. *690* Street.

*APR 5 1893*

No. *1000* Street.

\$ *1000* to answer *G. S.*

*Levin*

*and*

# 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 Kinkadee*

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

*Charles Kinkadee*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Charles Kinkadee*

late of the City and County of New York, on the *14th* day of *April* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, in and upon one

*Michael Dervin*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said

*Charles Kinkadee*

with a certain *knife* which *he* the said *Charles Kinkadee*

in *his* right hand *then* and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, *him*, the said *Michael Dervin* then and there feloniously did wilfully and wrongfully strike, beat, cut, stab ~~twice~~ and wound, 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.

1 16 1

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— *Charles Kinkale* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Charles Kinkale*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon the said

*Michael Derwin*

— in the peace of the said People then and there being, feloniously  
did wilfully and wrongfully make another assault; and the said *Charles Kinkale*  
the said — *Michael Derwin* —  
with a certain *knife* —

which *he* the said *Charles Kinkale*

in *his* right hand then and there had and held, in and upon the  
*— a touch —* of *him* the said *Michael Derwin*  
then and there feloniously did wilfully and wrongfully strike, beat, *cut, stab*  
*bruise* and wound, and did then and there and by the means aforesaid, feloniously, wilfully  
and wrongfully inflict grievous bodily harm upon the said *Michael Derwin*  
*—* to the great damage of the said *Michael Derwin*  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*



1162

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kirkham, Alfred

**DATE:**

04/13/93



4723

Witnesses:

*Off Lowrey*

Counsel,

Filed,

*12* *Apr* 1893

Pleads,

THE PEOPLE

vs.

*B*

*Alfred Kirkham*

*Part I*

*April 26*

*and desire  
me be sent to  
sessions for*

*April 27*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel Dwyer*  
Foreman.

1163

**Court of General Sessions of the Peace**

2967

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Alfred Kirkham*

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

The said

*Alfred Kirkham*

late of the City of New York, in the County of New York aforesaid, on the 5<sup>th</sup>  
day of March in the year of our Lord one thousand eight hundred and  
ninety-three, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill  
of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spiritu-  
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~,

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Alfred Kirkham*  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said

*Alfred Kirkham*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one  
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of  
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and  
expose for sale to one

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

DE LANCEY NICOLL,

*District Attorney.*

1165

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kopecky, Otto

**DATE:**

04/19/93



4723

Witnesses:

*Off Gordon*

Counsel,

Filed,

Pleads,

*19* day of *April* 1893

THE PEOPLE

vs.

*B*

*Otto J. Sipecky*

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

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel D. Dupke*  
Foreman.

1166



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Otto J. Kopecky*

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

*Otto J. Kopecky*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

*Otto J. Kopecky*

late of the City of New York, in the County of New York aforesaid, on the 16<sup>th</sup> day of April in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

## SECOND COUNT—

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

*Otto J. Kopecky*

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

The said

*Otto J. Kopecky*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

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

DE LANCEY NICOLL,

*District Attorney.*

1168

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kosman, Joseph

**DATE:**

04/26/93



4723

Witnesses:

*Casper H. Hubbard*

Counsel

Filed

*1893*

Pleads,

*Wm. H. May*

THE PEOPLE

*224* vs.

*258*

*R*

*Joseph Kosman*

Grand Larceny,  
[Sections 528, 536,  
Second Degree,  
Penal Code.]

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Samuel W. Wylie*

Foreman.

*Part 3. May 10/93*  
*Ind. & Convicted 8/22/93*

*Ed. Ref. 17.*

COURT OF GENERAL SESSIONS, PART III.

- - - - - x  
:  
The People of the State of New York,  
:  
                    against                   : Before  
  : Hon. James Fitzgerald  
  : and a jury.  
Joseph Kosman.  
:  
:  
- - - - - x

Indictment filed April 26, 1893.

Indicted for grand larceny in the second  
degree.

New York, May 10, 1893.

A P P E A R A N C E S:

For the People,

Asst. Dist) Atty. James W. Osborne;

For the Defendant,

Mr. J. Canton.

CASPER H. HEBBERD, a witness for the People, sworn, testified:

I live at Stapleton, Staten Island. I am an exporter of furs. I have been in that business for 23 years. The defendant Kosman was in my employ the most part of the last three years. On the 20th. of April 1893 I received word to go to the Station House of the Tenth Precinct. When I went there I saw the prisoner and I also saw a bag of furs which were identified by me as part of my property. I was able to identify them by their general appearance and by my knowledge of skins of the same character. The total value of the skins found in the possession of the defendant was about \$115. I said to the defendant:

"Is this the way you reward me for all the kindness shown to you?" He didn't answer me. He burst out into tears and took my both hands and kisses them. I asked him again if he had anybody to help him in the store, and he said no; that he did it all alone. He said: "I did it all alone myself". I asked him then "How did you take the skins? Did you put them under your clothing?" He says "No. I wrapped them up in a paper and took them away a few at a time". He pleaded with me to let him out. He said: "I have never been in such a place before". I wanted to get from him the information as to where he intended to sell them and whether he had sold any before, so I asked him: "Did you not take skins from me the winter before this?" He said: "Yes: I took about thirty". I saw the defendant sign his name to the paper in the Police Court. He pleaded guilty there.

Cross-examination:

I have been all of 23 years in the furrier business. I am an exporter and dealer in all kinds of skins. The value of a skin depends upon its condition. In its worst condition the value of a marketable skin would be from twenty cents to a dollar seventy. These skins were not in their worst condition. They were in a raw state but were in condition to be manufactured. I valued them at \$1.70 apiece.

PATRICK MULLEN, a witness for the People, sworn, testified:

I am a police officer attached to the 18th Precinct. On the morning of the 20th. of last April about



3.

two o'clock I noticed the defendant passing through Prince Street . He had a bag under his arm. It was raining very hard and he was walking very rapidly. I was suspicious of him at that time in the morning. I stopped him and I asked him what he had in the bag. He told me he had raw furs; that he was bringing them from South Brooklyn to a place in Fourth Street. He said he had bought the furs from a friend of his. I asked him what brought him over to Broadway and Prince Street if he was coming from South Brooklyn and intended going east to Fourth Street. He said that he came up on a Broadway car and could not wait for a Prince Street car. I took him to the Station House and locked him up. The following morning I made inquiry among the several dealers in furs in that vicinity and found the complainant who came to the Station House and identified the goods as his.

## DEFENSE:

JOSEPH KOSMAN, the defendant, sworn, testified:

I am 22 years of age. I was born in Hungary. I have been in this country for 11 years. I was employed by the complainant as he has testified for about three years. I was never convicted of any offense in my life. The skins which I had in my possession on the night I was arrested were skins which I had taken from the store of my employer. They were of no value. They were skins which had been thrown by the truckmen into the ash barrel. At lunch time I would go to the ash barrel and take out these skins and clean them and take them home one or two at a time. I put them over in an ice-house in South Brooklyn

with a friend of mine. On the night of my arrest I was taking them from <sup>the</sup> ice house in South Brooklyn to a place in Fourth Street where they were to be manufactured. I am positive that the skins were of no value and had been thrown away by truckmen in the employ of the complainant.

Cross-examination:

I live in East 4th. Street. When I came across the ferry I went up to Broadway and took a Broadway car. I did not take the Avenue B. car because I knew nothing whatever about it. I am not very well acquainted downtown in the City. I did not make the statement in the Station House or in the Police Court that I was guilty of this offense. I asked my employer to be merciful with me because I had not committed any crime.

The jury returned a verdict of guilty of grand larceny in the second degree.

Indictment filed Apr. 26 - 1893

Count of General Sessions

Part ~~II~~

Le Prophète.

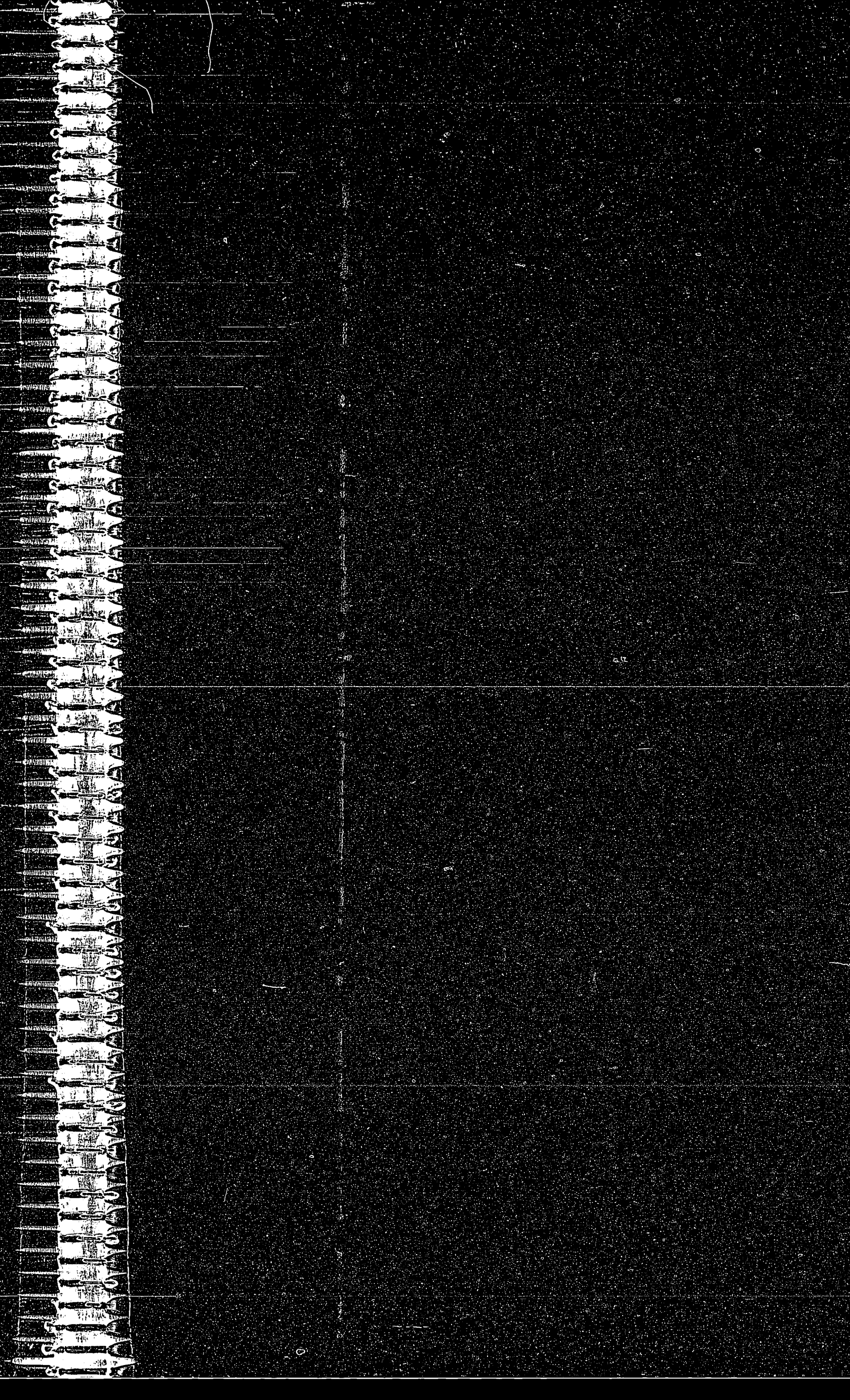
Joseph Rozman

Abstract of testimony

on trial. New

Yours Truly,  
May 10<sup>th</sup>

1893.



1 168

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kosman, Joseph

**DATE:**

04/26/93



4723



Witnesses:

Raymond H. Habbach

Counsel

Filed

Pleads,

THE PEOPLE

vs.

Joseph Kosman

Grand Larceny,  
[Sections 528, 537,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel W. Waples

Foreman.

Part 3. May 10/93  
Ind & Convicted 8/22/93

Ed. Ref. 17.

COURT OF GENERAL SESSIONS, PART III.

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: The People of the State of New York,  
: against : Before  
: Joseph Kosman. : Hon. James Fitzgerald  
: : and a jury.  
: :  
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Asst. Dist) Atty. James W. Osborne;

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ter. The total value of the skins found in the possession  
of the defendant was about \$115. I said to the defendant:

1171  
2.

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JOSEPH KOSMAN, the defendant, sworn, testified:

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1173

4.

with a friend of mine. On the night of my arrest I was taking them from <sup>the</sup> ice house in South Brooklyn to a place in Fourth Street where they were to be manufactured. I am positive that the skins were of no value and had been thrown away by truckmen in the employ of the complainant.

Cross-examination:

I live in East 4th. Street. When I came across the ferry I went up to Broadway and took a Broadway car. I did not take the Avenue B. car because I knew nothing whatever about it. I am not very well acquainted downtown in the City. I did not make the statement in the Station House or in the Police Court that I was guilty of this offense. I asked my employer to be merciful with me because I had not committed any crime.

The jury returned a verdict of guilty of grand larceny in the second degree.



being taken in the second degree.

The jury returned a verdict of guilty of

because I had not committed any crime.

this offense. I asked my attorney to be selected with me

because I was in the police court that I was guilty of

committing the crime. I did not make the statement in the

document which was read to me and which was not admitted

into evidence. I did not make the statement which I read

because I was in the police court and I was not

admitted into evidence. I was in the police court

because I was in the police court

because I was in the police court and I was not

admitted into evidence. I was in the police court

because I was in the police court and I was not

admitted into evidence. I was in the police court

because I was in the police court and I was not

Indictment filed Apr. 26 - 1893

Count of General Records

Part III

De Propriet

Joseph Kosman

Abstract of testimony

on trial

May 10

1893

1175

Police Court— District.

1912

Affidavit—Larceny.

City and County of New York, ss.

Casper H. Habberd  
of No. 43, Ave. 10<sup>th</sup> Street, aged 42 years,  
occupation Expert

deposes and says, that on the 20 day of April 1893 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:

Sixty five Skunk Skins of  
the full value of Twenty  
five dollars

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 Joseph Kasman

Joseph Kasman, who while in deponent's employ had access to said property and further that deponent is informed by Officer Patrick Mulligan of the 10<sup>th</sup> Precinct, that he arrested said Kasman with the above number of skins in his possession in place that deponent has seen the skins so found and fully identifies them as belonging to him

Casper H. Habberd

Sworn to before me this 20<sup>th</sup> day of April 1893  
of [Signature]  
Police Justice.

1176

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

*Patrick Muller*  
aged *10* years, occupation *Police Officer* of No. *10* Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Casper K. Hubbard*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day

of

189

*Patrick Muller*

*John Ryan*

Police Justice.

City and County of New York, ss:

*Joseph Kasman* 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. *Joseph Kasman*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Austria*

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

Answer. *255 E 4 St.*

Question. What is your business or profession?

Answer. *Currier*

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*

*De. Hoffman*

Taken before me this

day of

189

*John Ryan*  
Police Justice.



1178

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

On guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of One 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, Jul 21 1893 John H. Ryan Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.



1179

Police Court---

448  
1334  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Casper H. Habicht  
43 vs. Joseph B. Rosman

1  
2  
3  
4

Charge  
Habit

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Dated, Apr 21 1893

Magistrate.

Officer.

10 Precinct.

Witnesses.....

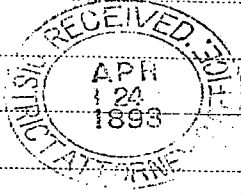
No. .... Street.

No. .... Street.

No. 1070 Street.

\$..... to answer.

Committed



1180

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Kosman*

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

*Joseph Kosman*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed  
as follows:

The said

*Joseph Kosman*

late of the City of New York, in the County of New York aforesaid, on the *twentieth*  
day of *April* - in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, with force and arms,

*sixty-four skunk skins of  
the value of one dollar and  
twenty five cents each*

of the goods, chattels and personal property of one

*Casper N. Habbert*

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.

*De Lancey Nicoll  
District Attorney*

1181

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Krekeler, Frederick

**DATE:**

04/10/93



4723

Witnesses:

Emma Gottlieb  
Off James

I have heard the  
testimony of the complainant  
in this case, & from  
her history & look of  
life, I am convinced  
that no jury would  
convict the defendant  
upon the testimony available.  
I therefore recommend  
the deft's discharge  
upon his own recogni-  
tance.

May 8 1893

V. M. Davis  
Clerk

Vol. 97

Counsel,

Filed

day of April 1893

Pleas,

May 17

THE PEOPLE

vs.

Grand Larceny,  
(From the Person,  
[Sections 828, 830,  
Penal Code.]

Frederick Kuchel

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel Dwyer  
Foreman.

On recom. of Dist Atty,  
deft. discharged on his own  
recog. - R. B. M.  
Date - May 8/93

1182

28

New York April 3rd 1893  
 Third District Police  
 Court  
 Hon Charles H. Taintor  
 Presiding Justice.

Emma Gottlieb }  
 vs. }  
 Fred Kikler }

Emma Gottlieb being  
 duly sworn deposes  
 and says

Q. Where do you  
 live?

A. 42 1/2 First St  
 Q. This article was a  
 safe, not a Decker  
 book?

A. A safe, I said  
 it was

Q. How much  
 money did the safe



Q,

Q. Certain? \$3.20%

Q. How do you know that?

A. I looked at it, I am sure, it

Q. registers. How did

A. You met the Defendant

Going there I met him, he asked me to go with him, it was after twelve o'clock (night) or a little after one o'clock

Q. You went to a house of Resignation?

A. Q. Yes.

Q. How long were you together?

A. Q. Half an hour. This date was with you while you were

Q

with him?

A. Q.

Yes Sir,  
He paid for the  
service you rendered  
him?

A. Q.

Yes Sir,  
Did you have any  
intercourse with him?

A. Q.

Yes Sir,  
In this house?

A. Q.

Yes Sir,  
You asked him to  
put something in the  
"safe"?

A. Q.

Yes Sir,  
Did  
Then you went out  
together?

A. Q.

Yes Sir,  
You were about to  
separate?

A. Q.

Yes Sir,  
You had the "safe"  
in your hand?

3

H

Q I did, I asked him to put some-thing in my "Safe", I held my hand out and he took it from my hand.

Q Did you know the Defendant before?

A I never saw him before, I met him on the street between 11 and one o'clock

Q Wednesday night? That was about one o'clock Thursday morning?

A Q Yes Sir, Did you have the "Safe" with you when you went into the house?

A Yes Sir, Always

H

5

Q. Have it in my hand  
What did you have  
it for that night?

A. I always carry  
it with me, so as  
not to leave my money  
at home, I carry  
part in the safe

Q. When he snatched  
it did he run away?

A. Yes Sir, I ran  
after him, I called  
for an Officer, and  
it happened that (2)  
two men came and go  
into the house on the  
same block, the  
Officer went up stairs,  
he were allured in  
the room and the  
Defendant admitted  
he threw the "Safe" out  
of the window; he

6

Told me in court that  
he threw it out of the  
window

Q

You say you  
never saw him before  
that night?

Q.

No Sir,

Have you ever been  
arrested for soliciting?

A.

Yes Sir, twice  
for soliciting

Sworn to before me  
this 3<sup>rd</sup> day of April 1893

Police Justice

C



Peter James being  
 duly sworn deposed and  
 says, I am an Officer  
 attached to the 14<sup>th</sup>  
 Precinct

Q. Did you make  
 this arrest?  
 A. Yes Sir, on  
 her Complaint, I  
 found him in bed in  
 86 Second St in the  
 neighborhood of three  
 o'clock a.m. March 30<sup>th</sup>  
 (1893) He denied the  
 Charge

Q. Did you say  
 you wanted him for  
 stealing a pocketbook  
 containing \$3.20 and  
 he denied it?

A. On the way to  
 Court he said he took  
 it and was drunk and

8

did not know what  
he was doing, I did  
not find the "Safe"  
Mr. Begart. I move to dismiss

Court. What is this "Bank" or  
"Safe"

Complainant. - I Registering  
Magic Bank, a Prime  
Bank made of Metal, I  
carry my money in  
that

Mr. Begart. I move to dismiss  
the Complaint on the  
ground that the evidence  
does not show anything  
more than Petit Larceny,  
while the Defendant is  
charged with Larceny  
from the person

Court. The Motion denied

Shown to before me }  
8 this 3<sup>rd</sup> day of April 1893 }  
Police Justice

9

Frederick Kiebler being  
any more depos<sup>er</sup>  
days

Q. Where do you live?

A. 16 Second  
Street, I am a  
Machinist and I am  
employed by Cranstoun  
& Co 164 Wooster St  
New York

Q. Have you  
ever been arrested in  
your life?

A. Never in my

Q. life Where were you  
employed before that?

A. Wilmington, Pa,  
Westinghouse Co

Q. Are these your  
recommendations?

A. Yes Sir,  
[Signature]

9

9

Frederick Kieckler being  
only sworn deposer

2. Q Where do you live?  
A No 86 Second  
Street, I am a  
Machinist and I am  
employed by Cranstou<sup>nd</sup>  
Deer 164 Wooster St  
New York

2. New York Have you  
ever been arrested in  
your life?

Q. Your life? Never in my  
life I have seen a person

2. life Where were you  
employed before this  
one?

A. W. L.

2. Are these your recommendations?

1. Recommendations  
E. A. <sup>Aug. 18</sup> J. S. Chis.

9

10)

Q. Did you match that

A. "Safe" She asked me to put something in it one time in the Bed House, on Church St, I she held it out, I said let me see when I got hold of it

Q. Had you been drinking?

A. Yes Sir, Very much; I had no intention of stealing; I had money in my pocket, my own \$8.00

Q. Do you wish to say any more?

A. I wish to get free

Q. Did you have

10



1194

11

Sexual intercourse  
with her?

A. Q.

Yes Sir, Did

A.

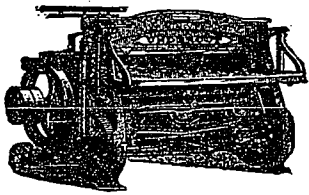
You know her before?  
No Sir

Exposed to before me }  
this 3<sup>rd</sup> day of April 1893 }

Police Justice

Held in # 500, Fairmen  
~~~~~

1195



SOLE MANUFACTURERS  
OF THE

"UNDERCUT"

"OVERCUT"

PAPER  
CUTTING MACHINES

# CRANSTON & JONES, MACHINISTS

PATENT FRICTION PULLEYS AND COUPLINGS, AND ADJUSTABLE REAMERS.

Die Presses and Patent Roll Pulp Cutters.

All kinds of Paper Machinery a Specialty.

167 AND 169 WOOSTER STREET,

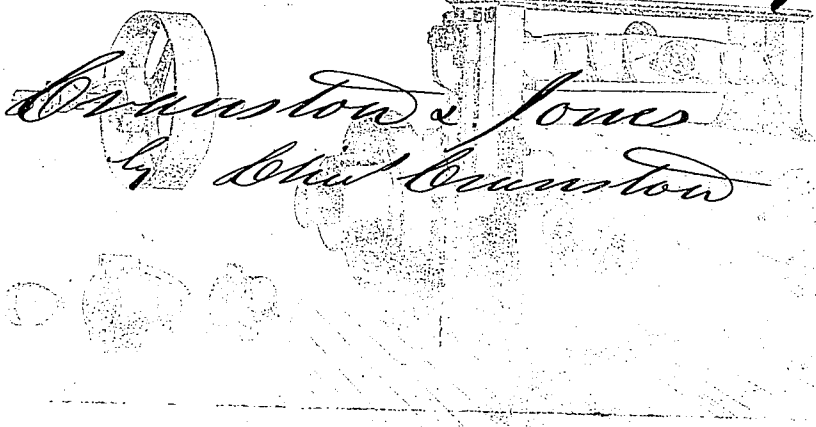
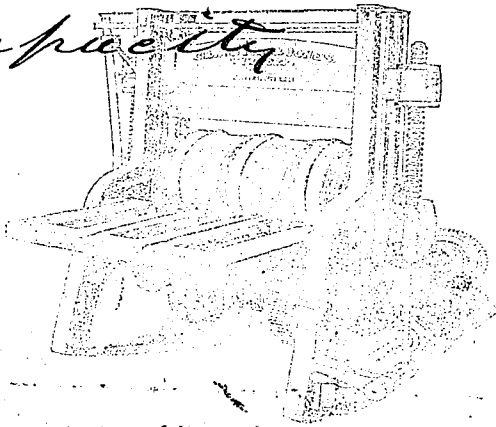
Near Bleecker St. Station on 6th Ave. Elevated.

LONG DISTANCE TELEPHONE,  
913 SPRING.

New York, Apr 13<sup>th</sup> 1893

To Whom it may Concern  
This is to certify that Mr. Fred Herckeler  
has been in our employ for the last six months  
He came to us highly recommended. We have  
found him perfectly reliable sober and  
industrious. From what we have seen  
of him we would trust him in any  
Capacity.

Cranston & Jones  
By Wm Cranston



Court of General Sessions.

The People vs  
 apt -  
 Fredrick Kretschmer.

City of New York ss:

Emil Feimer being duly sworn says. I am a lithographer by trade and at the present time employed by Messrs Schumacher & Edwiger No. 100 Bleeker Street said City. I know the defendant - for about two years last past, the largest portion of which time I resided in the City of Pittsburg Pennsylvania, where the defendant was employed by the Westinghouse Company.

I have been in the defendant's Company very often and have met other people who have known him for about the same period of time as I have, and one and all have spoken to me about him and in each and every instance have looked upon the defendant as a sober, industrious lad - and have heard or known of the defendant ever before being charged or convicted of any crime.

Subscribed and sworn to this 25 day of April 1893  
 1900  
 Notary Public of the City & County of New York / 105 /

Out of General Sessions.

The People

vs. <sup>the</sup> <sup>Upper</sup> <sup>Frederick Hecker.</sup>

City & County of New York ss.

Indorsed. Walter

being duly sworn says.

I am employed at the Electric Light Company, at No 30 Stanton Street, New City - where I have been working for the past five (5) years -

I know the defendant since the month of November 1892 and since then have seen him very frequently and have formed an opinion as regards him from personal observation and intercourse as also from the fact of being acquainted with several other persons who have known for about the same length of time, and I swear that he has impressed me by reason of the above as a hard working and industrious young man. So far as I know or am advised

The present charge is the first one that he has ever before been arrested for.

I know of his now being employed by Messrs Cranston & Jones Machinists at No 167 & 169 Brooster Street in said City.

Shorn to before me  
This 25 day of April 1853

J. J. Walker

J. J. Noerber  
Notary Public of the City & County of New York  
1057



Court of General Sessions.

The People

vs

— against —

Fredrick Keteler.

City and County of New York ss:

Otto Hamburger being duly sworn deposes and says. I am a citizen of the United States and carry on business at Corner of Chrystie & Horston Streets in said City. I gave for the appearance of the defendant herein and know him for about six months last past. I am also acquainted with a number of persons who know the defendant and who held the said defendant in good esteem and who regard him as an industrious and hard working young man and so far as I have been able to learn, the charge upon which he has been arrested herein, is the first accusation brought against him, for any wrong doing. He is now as I am informed and believe employed by Messrs

Crauson Jones 167 + 169 Wooder Street (Machinists,

in this City -  
sworn to before me this 25 day of April 1893

Otto Hamburger

J. H. Hougher  
Notary Public of the City & County of New York 105

Court of General Sessions.

The People vs }  
 vs }  
 Frederick Kekewich. }

City and County of New York SS:

Alexander Wiener being duly sworn  
 says I reside at No 86 - 2<sup>nd</sup> Street  
 in said City.

The defendant has lodged with me  
 at the above address for about  
 three months - during which  
 time I have seen him very  
 frequently - He conducts himself  
 in a proper and respectable  
 manner and so far as I  
 know is and has been continually  
 at work at his trade - That of  
 a Machinist - I have regarded  
 as a sober and industrious  
 young man.

Sworn to before me this  
 25<sup>th</sup> day of April 1873

J. J. Koerber

Notary Public of the City & County of New York  
 91057

Alexander Wiener

Court of General Sessions

The People vs

— 9th —

Fredrick McKeen

Affidavit vs

Geo W Berlinga

Atty for Defendant

23 Chambers St

N.Y.



1202

1912

Police Court—

3rd

District.

Affidavit—Larceny.

City and County { ss.  
of New York,

Emma Gottlieb

of No. 72 1st

Street, aged 23 years,

occupation. Keep house

being duly sworn,

deposes and says, that on the 30<sup>th</sup> day of March 1893 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the night time, the following property, viz:A pocket book containing three  
dollars and twenty cents

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 Frederick Kreckler (nowhere) for the reasons that deponent  
was in company with the defendant  
and the defendant suddenly snatched  
said pocket book containing said  
money from deponent's hand and  
ran away

Emma Gottlieb

Sworn to before me, this 30<sup>th</sup> day  
of March 1893

Police Justice

1203

Sec. 198—200.

3

District Police Court.

1882

City and County of New York, ss:

*Fred Krekler* 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. *Fred Krekler*

Question. How old are you?

Answer. *20 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *86 2<sup>d</sup> Street. 3 months*

Question. What is your business or profession?

Answer. *Machineist*

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*

*Fred Krekler.*

Taken before me this *30* day of *March* 188*2*  
*Charles W. Daniels*  
Police Justice.



1204

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

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, Mar 30 1893 Charles N. Linton Police Justice.

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

Dated, Apr 5 1893 Charles N. Linton Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

24 April 1<sup>st</sup> 1893  
10<sup>30</sup> P.M.  
April 3/93 10 A.M.

BAILED,

No. 1, by Otto Hamburger  
Residence 157 E. 4<sup>th</sup> Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

The Justice presiding during  
my absence will please  
hear and determine the  
within Complaint.  
March 31<sup>st</sup> 1893  
[Signature]  
Police Justice

~~782~~ 388  
Police Court, 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Emma Gold  
72 First  
vs.  
Fred Wehler  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Officer Larney  
from the Prison

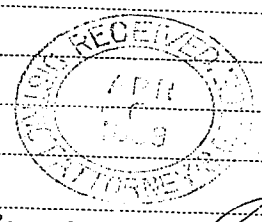
Dated, Mar 30 1893

Hogan Magistrate.  
Jones Officer.  
14 Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.  
\$ 500 to answer Gis.



[Signature]  
421  
Prison

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frederick Krekeler*

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

*Frederick Krekeler*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

*Frederick Krekeler*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *March* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *night* time of the said day, at the City and County aforesaid, with force and arms,

*the sum of three dollars and twenty cents in money, lawful money of the United States, and of the value of three dollars and twenty cents and one toy safe of the value of fifty cents*

of the goods, chattels and personal property of one *Emma Gottlieb* on the person of the said *Emma Gottlieb* then and there being found, from the person of the said *Emma Gottlieb* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey McCall,*  
*District Attorney.*

1207

**BOX:**

518

**FOLDER:**

4723

**DESCRIPTION:**

Kreyssig, Arthur H

**DATE:**

04/24/93



4723

Witnesses:

Chas. H. Cook

Counsel.

Filed

Pleads

THE PEOPLE

vs.

Arthur H. Kreysing

and versus

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James D. Gorkie  
Foreman.  
Henderson D. Gorkie  
2 m. 16 v. 100 D. Gorkie

LARCENY, and degree of MISAPPROPRIATION. (Sections 528 and 53 / of the Penal Code.)

396 B.V. (528) 1893



DISTRICT ATTORNEY'S OFFICE  
City and County of New York

CITY AND COUNTY OF NEW YORK SS:

CHARLES T. ROOT of No. 78 Walker Street, aged 43 years, occupation publisher being duly sworn, deposes and says that on the 14th day of April 1893 at the City of New York, in the County of New York, one Arthur H. Kreyssig who was a cashier in the employ of a corporation known as the Textile Publishing Company, of which corporation deponent is President did appropriate to his own use, the sum of three hundred dollars in money, property of the said corporation, in his care, custody and control as such cashier as aforesaid.

On the said date the said defendant received the sum of twenty two hundred and eighty two dollars and thirty six cents in money to deposit in the Nassau Bank. Deponent is informed by the Receiving Teller of said bank that the said defendant deposited only the sum of nineteen hundred and eighty two dollars and thirty six cents on the said date. The deposit slip in the handwriting of the said Arthur H. Kreyssig also shows that but the said sum of nineteen hundred and eighty two dollars and thirty six cents was deposited on said date.

Wherefore deponent prays that the said Arthur H. Kreyssig be apprehended and dealt with as the law directs

Sworn to before me  
this 21st day of April 1893

Charles T. Root

Thomas A. Maguire,  
Notary Public,  
N.Y.Co.

12 10

DEPOSITED

by

The Textile Publishing Co.

in

The Nassau Bank

New York 4/14 1893.

|           |
|-----------|
| .83       |
| 1.35      |
| 1.60      |
| 1.92      |
| 1.96      |
| 4.00      |
| 2.40      |
| 2.50      |
| 3.00      |
| 12.00     |
| 94.50     |
| 35.00     |
| 6.00      |
| 7.00      |
| 40.00     |
| 10.50     |
| 11.80     |
| 12.96     |
| 50.00     |
| 26.67     |
| 29.68     |
| 48.97     |
| 60.00     |
| 75.00     |
| 80.00     |
| 110.00    |
| 225.00    |
| 250.00    |
| 269.22    |
| 500.00    |
| <hr/>     |
| \$1982.36 |

1211

DISTRICT ATTORNEY'S OFFICE  
City and County of New York

CITY AND COUNTY OF NEW YORK SS:

CHARLES T. ROOT of No. 78 Walker Street, aged 43 years, occupation publisher being duly sworn, deposes and says that on the 14th day of April 1893 at the City of New York, in the County of New York, one Arthur H. ~~Kreisig~~ <sup>Kreyssig</sup> who was a cashier in the employ of a corporation known as the Textile Publishing Company, of which corporation deponent is President did appropriate to his own use, the sum of three hundred dollars in money, property of the said corporation, in his care, custody and control as such cashier as aforesaid.

On the said date the said defendant received the sum of twenty two hundred and eighty two dollars and thirty six cents in money to deposit in the Nassau Bank. Deponent is informed by the Receiving Teller of said bank that the said defendant deposited only the sum of nineteen hundred and eighty two dollars and thirty six cents on the said date. The deposit slip in the handwriting of the said Arthur H. Kreyssig also shows that but the said sum of nineteen hundred and eighty two dollars and thirty six cents was deposited on said date.

Wherefore deponent prays that the said Arthur H. Kreyssig be apprehended and dealt with as the law directs

Sworn to before me  
this 21st day of April 1893

Charles T. Root

Thomas A. Maguire,  
Notary Public,  
N.Y.Co.

12 12

DEPOSITED

by

The Textile Publishing Co.

in

The Nassau Bank

New York 4/14 1886.

|           |
|-----------|
| .83       |
| 1.35      |
| 1.60      |
| 1.92      |
| 1.96      |
| 4.00      |
| 2.40      |
| 2.50      |
| 3.00      |
| 12.00     |
| 94.50     |
| 35.00     |
| 6.00      |
| 7.00      |
| 40.00     |
| 10.50     |
| 11.30     |
| 12.96     |
| 50.00     |
| 26.67     |
| 29.68     |
| 48.97     |
| 60.00     |
| 75.00     |
| 80.00     |
| 110.00    |
| 225.00    |
| 250.00    |
| 269.22    |
| 500.00    |
| <hr/>     |
| \$1982.36 |

DEPOSITED  
BY  
*The Textile Publishing Co.*  
IN  
**THE NASSAU BANK.**  
*New York, 4/14 1892.*

|                    | DOLLARS | CENTS |
|--------------------|---------|-------|
| <del>Bills,</del>  | —       | 83    |
| <del>Specie,</del> | 1       | 35    |
| <del>Checks,</del> | 1       | 60    |
|                    | 1       | 92    |
|                    | 1       | 96    |
| 2 x 2              | 1       | 40    |
|                    | 2       | 50    |
|                    | 3       | —     |
| 3 x 4              | 12      | —     |
| 21 x 4.00.         | 94      | 00    |
| 7 x 5              | 35      | —     |
|                    | 6       | —     |
|                    | 7       | 00    |
| 4 x 10             | 40      | —     |
|                    | 10      | 50    |
|                    | 11      | 50    |
|                    | 12      | 96    |
| 2 x 25             | 50      | —     |
|                    | 26      | 67    |
|                    | 29      | 68    |
|                    | 48      | 97    |
|                    | 60      | —     |
|                    | 70      | —     |
|                    | 80      | —     |
|                    | 118     | —     |
|                    | 225     | —     |
|                    | 250     | —     |
|                    | 269     | 22    |
|                    | 500     | —     |
|                    | 1982    | 36    |



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

City and County } ss.  
of New York,

Charles T. Root  
of No. 78-80 Walker Street, aged 43 years,  
occupation Publisher being duly sworn, deposes and says,  
that on the 14th day of April 1893 at the City of New  
York, in the County of New York,

one Arthur H. Kreyssig, who was a cashier  
in the employ of a corporation known as the  
Textile Publishing Company, did appropriate  
to his own use, the sum of three hundred  
dollars in money, property of the said cor-  
poration, in his care, custody and control, as  
such cashier as aforesaid.

On the said date the said defendant received  
the sum of twenty-two hundred and eighty-two  
dollars and thirty-six cents in money to deposit  
in the Nassau Bank. Deponent is informed  
by the ~~paying~~ receiving teller of said bank,  
that the said defendant deposited only, the  
sum of nineteen hundred and eighty-two dollars  
and thirty-six cents on the said date. The deposit slip  
in the hand-writing of the said Arthur H. Kreyssig  
also, shows that but the said sum of nineteen hundred  
and eighty-two dollars and thirty-six cents was  
deposited on said date.

Wherefore deponent prays that the said  
Arthur H. Kreyssig be apprehended and dealt  
with as the law directs.

Sworn to before me  
this 21st day of April, 1893

Charles T. Root  
Notary Public  
N. Y. Co.

12 15

DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles T. Root

vs.

Arthur H. Kreyssig

Offence Grand Larceny  
2nd degree

Dated April 21st 1883

Witnesses, Paying Tell

No. Off Handy & Wade Street,

Receiving Teller

No. Nassau Bank Street,  
Beekman & Nassau 14th

No. Street,

12 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

Arthur H. Kreyseig

The Grand Jury of the City and County of New York, by this indictment, accuse  
Arthur H. Kreyseig  
of the CRIME OF Grand LARCENY, in the second degree, committed  
as follows:

The said

Arthur H. Kreyseig,

late of the City of New York, in the County of New York aforesaid, on the fourteenth  
day of April in the year of our Lord one thousand eight hundred and  
ninety-three, at the City and County aforesaid, being then and there the clerk  
and servant of a certain corporation known as  
The Textile Publishing Company

and as such clerk and servant then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said

corporation

the true owner thereof, to wit:

the sum of three hundred  
dollars in money lawful money of  
the United States of America, and  
of the value of three hundred dollars:

the said Arthur H. Kreyseig — afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said sum of money —

to his own use, with intent to deprive and defraud the said corporation  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said corporation

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

DE LANCEY NICOLL,  
District Attorney.

12 17

**END OF  
BOX**