

0848

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kane, James

**DATE:**

09/28/91



4142

Witnesses:

*Off. Henry 11th*

.....  
.....  
.....

*208*  
*McClary*

Counsel,  
filed *28* day of *Dec* 189*1*

Plends, *Myrtle*  
THE PEOPLE

vs. *I*

*James Kane*

Grand Larceny, (From the Person),  
Degree. (Sections 82, 83 and 84, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*M. J. LeBerry*

Foreman,  
*Part 3 October 29 1891*  
*tried & acquitted*

0850

CITY AND COUNTY OF NEW YORK, ss.

PODICE COURT, 3<sup>rd</sup> DISTRICT.

John Kenna No 2  
of No. 10<sup>th</sup> Avenue, Police Street, aged 37 years,  
occupation Police Officer being duly sworn deposes and says  
that on the 17<sup>th</sup> day of September 1891  
at the City of New York, in the County of New York James Kane

(now here) and two other young men not  
now arrested from the fact that defendant  
saw the said defendant while acting in  
concert with said two other young men not  
arrested place his defendant's hand  
on the coats and vests of two unknown  
men while standing in a crowd in a  
shooting gallery at No 103 Bowery with  
intent to steal as a pickpocket

John Kenna 2

Sworn to before me, this

of

*[Signature]*  
Police Justice.

0851

Sec. 108-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

*J M*  
District Police Court.

*James Kane* 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. *James Kane*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *16 Jackson St 3 years*

Question. What is your business or profession?

Answer. *Labelling Bottles*

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 of attempting to pick pockets (up to sign a waiver)  
James Kane*

Taken before me this

day of *July*

189*7*

Police Justice.

0852

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.....

*Dequidan*  
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..... *9/1* 18..... *John Ryan* 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.

Police Court--- District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Kenney vs James Kane*

*1239*  
*City of New York*  
*Withdrew from the Court*

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 *Sept 19* 18*91*  
*John Kenney* Magistrate.

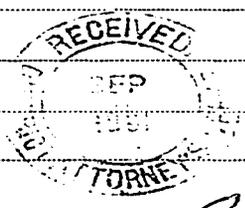
*John Kenney* Precinct.

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

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

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

No. *570* to answer \_\_\_\_\_ Street.



*John Kenney*  
*Attorney*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Hanes

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

James Hanes

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

The said James Hanes,

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

did unlawfully, feloniously, and feloniously steal, take and carry away, and did feloniously convert to his own use, certain goods, chattels and personal property, of a certain man, and did feloniously convert to his own use, the said goods, chattels and personal property, of a certain man, the value of which was one dollar,

of the goods, chattels and personal property of a certain man whose name is to the Grand Jury aforesaid unknown, on the person of the said man,

then and there being found, from the person of the said man, 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.

Deputy District Attorney

0855

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kaplan, Simon

**DATE:**

09/14/91



4142

0856

POOR QUALITY ORIGINAL

Bail of 3000 =  
Oct 1/91 JF

Witnesses:

Samuel Picard

Max Eisen  
Maurice Schiller  
Samuel Picard

*John* #79

Counsel,

Filed *14* day of *Sept*, 189*1*

*42*  
*Bureau*  
vs.

THE PEOPLE

vs.

*Simon Kaplan*  
*Sept 30/91*

*Spied by disagee*  
DE LANCEY, NICOLL,  
District Attorney.

*Spied & convicted*  
*Oct 21/91*

A True Bill.

*W. J. Berry*  
Foreman.

*Part I*  
*Sept 29<sup>th</sup> W. J.*  
*position back on*  
*by the belt at 7*

Grand Larceny Second Degree.  
[Sections 628, 657 — Penal Code.]

0857

POOR QUALITY ORIGINAL

Bail \$3000 =  
Oct 1/91

Witnesses:

.....  
.....  
.....

*J. H. [Signature]*

Counsel,  
Filed \_\_\_\_\_ day of \_\_\_\_\_ 1891

Plaintiff  
THE PEOPLE  
vs.

*Simon [Signature]*  
*Sept 30/91*  
*Spied [Signature]*

DE LANCEY, NICOLL,  
District Attorney.

*Spied [Signature]*

A True Bill.

*J. P. [Signature]*  
*Oct 1/91*

*[Signature]*  
Foreman.

Penal Code.  
[Sections 538, 557]  
Grand Larceny & C. C. & Degree.

*[Signature]*  
*[Signature]*

300 U.S.  
250 U.S.  
300 U.S.  
7 x 50 U.S.  
300 U.S.  
13/92  
7 x 50 U.S.  
7 U.S.  
1892 x

THE PEOPLE  
vs.  
SIMON KAPLAN.

COURT OF GENERAL SESSIONS, PART I.  
BEFORE JUDGE MARTINE.

Monday, October 19, 1891.

Indictment for grand larceny in the second degree.

Asst. Dist. Atty. Weeks for the People.

Mr. Levy for the Defendant.

A Jury was empannelled and sworn.

Mr. Weekes opened the case for the People.

HENRY WOLLNEY. sworn and examined.

By Mr. Weekes. Q. Where do you live, Mr. Wollney?

A. East New York, 20th Ward.

Q. You are in the employ of the firm of Jerkowski & Ernst?

A. Yes sir.

Q. Where is their place of business? A. No. 323 Broadway.

Q. What are your duties there? A. I am the elevator man.

Q. Where does the elevator land in that building?

A. On the first floor, even with the street.

Q. In Crosby Street? A. Crosby Street, 158.

Q. In the rear of the building? A. Yes sir.

By the Court. Q. Give us that number again in Broadway?

A. No. 326.

By Mr. Weekes. Q. What loft in that building does this firm occupy?

A. They occupy the first floor over the store, the fourth and the fifth.

Q. Were you on duty there on the 20th of August of this year?

A. Yes sir.

Q. What time did you go on duty? A. My duty is to come on at 12.30.

- Q. In the morning I am talking about?                   A. In the morning  
at half past seven o'clock.
- Q. Were you there on that day at that time?            A. I was, sir
- Q. And were you continuously on that elevator from half past  
seven in the morning until luncheon hour?            A. Yes sir.
- Q. That was at what time?                                A. Twelve o'clock, from  
twelve till half past twelve.
- Q. From twelve to half past twelve, when you took your lunch  
where were you located on that day?                   A. On the top  
loft right at the head, I have my table where I eat my lunch.
- Q. Was the elevator run at all during that time except by you?  
A. No sir, only by me, no one else handles it, but my-  
self.
- Q. While you are eating your lunch you are right by the elevator  
shaft so that the rope cannot be moved without your seeing  
it?                    A. It cannot be moved because I latch it.
- Q. Did you see the defendant Simon Kaplan on that day?  
A. I did, sir.
- Q. At about what time?                                    A. 1.30.
- Q. Where did you see him?                                A. At the head of the stair,  
right in front of the door where I have my elevator.
- Q. In Crosby Street in front of the rear entrance?  
A. Yes sir.
- Q. How please state what you saw at that time, what conversa-  
tion if any you had with him and what you did?  
A. Well, when I came down at that time I found this  
gentleman at my door asking to come upstairs.
- By the Court. Q. Who did he ask, you?                   A. Yes sir, to come  
up stairs with me on the elevator; I have taken the gentle-  
man up and four bags on his arm.

Q. You did take him up on that day? A. I did, sir, I brought him to the top of the building where the cutting department is.

By Mr. Weekes. Q. Was it at that time you took him up?

A. Yes sir.

Q. You said "I have taken him up on that day before that time", had you taken him up? A. O yes, often.

Q. On that day? A. No, only that time.

Q. On the 20th of August you first saw the defendant about half past one. A. Half past one.

Q. Down on the ground floor at the foot of the elevator?

A. Yes sir, at the elevator.

Q. The man then asked you to take him upstairs? A. Yes sir.

Q. Did you do so? A. I did, sir.

Q. When he got on the elevator what did he have with him?

A. He had bags hanging on his arm as usual, I took him to the top floor where the cutting department is.

Q. The cutting department of Jerkowski & Ernst?

A. Yes sir.

Q. What happened then? A. He stepped off the elevator with his bags, in the meantime I was called down and had a package for the Eastern Express which I had to get away;

I came down stairs on the elevator on the next floor below and received my parcels to go to the express. I brought it to the street and after I went to the floor below where the packing department is where I received my package I took it to the ground floor on the street and delivered it to the expressage; I remained a few minutes at the door as usual and finally I got on the elevator and went upstairs again.

When I got to the top floor I found this man at the head

of the hatch standing ready to go down; he had his bag placed right by the hatch on the floor of the cutting department, and I says, "are you ready?" He said, yes.

He takes his bag and he pulls it out on the elevator and he had the empty bags lying on the top of the bag which he had some goods in. Going down with the elevator I have a habit of placing my back sideways and looking into a man's face like and looking on the elevator; it looked to me kind of queer when I looked at the bag.-----

Objected to.

- Q. The bag attracted your attention? A. Yes, the bag he had on the elevator.
- Q. You took him down stairs with that bag? A. Yes sir; when he got on the ground floor he took the bag like this (showing) and pulled it off the elevator; as he slid the bag out I saw it was something wrong, shaped like a piece of goods, he drew it out, he was alongside the building and stayed there for a moment. I suppose until I got away out of sight.
- Q. What did you do then? A. Then as I saw that --
- By the Court. Q. Saw what? A. In the bag which I had mistrusted was something wrong, I halloed to the cartman, "please watch this man which way he was going"; with that I jumped on the elevator and rushed upstairs.
- Q. Where was he when you called that out? A. He was standing alongside the building.
- Q. How far away was he to the carman? A. The carman stood this side of the building off from Houston Street.
- Q. When you called that where was Caplan, how far from the carman? A. He must have been about ten or fifteen feet away from the building, the carman was right next to me

standing, the carman was the nearest to me, I spoke it in a light manner.

By Counsel. Q. Did Kaplan hear you? A. No sir, he did not hear me, I am positive, sure.

The Court: That goes out.

Mr. Weekes: No objection.

Q. Tell me what you did, don't tell me anything that you said to anybody unless I ask you, now what did you do after he went out with this bag? A. I went right up on my elevator and went right upstairs to the top floor.

Q. Of the cutting department? A. Yes sir.

Q. What did you do when you went upstairs? A. I called for Mr. Greenthal.

Q. You got off the elevator? A. Yes sir, I got off.

Q. Where did you go? A. I went right up where Mr. Greenthal's desk is.

Q. And did you speak to Mr. Greenthal? A. I did, sir.

Q. And after you had spoken to Mr. Greenthal what did he do?

A. They came right out on the floor and went with me down on the elevator at once.

Q. Who went down on the elevator? A. Mr. Greenthal and Mr. Lankay.

Q. Had you spoken to them? A. They were both standing close together.

Q. You spoke to both of them at once and they went down on the elevator with you and went into the street? A. Yes sir.

Q. In which direction did they then go? A. Towards Blecker Street.

Q. Now did you at or about that time speak to anyone else in the store about what you had seen? A. No sir, only those two.

Q. Do you know whether or not Kaplan's express wagon was in front of the Crosby Street entrance at that time?

A. No sir, I have not seen his wagon whatever.

CROSS EXAMINED.

By Mr. Levy. Q. You were a witness upon the last trial of this case, were you not? A. Yes sir, I was.

Q. And you testified upon that trial, didn't you? A. I did.

Q. How long have you been in the employ of Ernst & Jerkowski?

A. I am now about three or four months.

Q. And during that time you have had occasion to frequently see Kaplan who was an expressman, go up and down on the elevator, have you not? A. I did so, yes sir.

Q. Upon the day in question, the 20th of August, did Kaplan pay you any money? A. Did he what?

Q. Pay you any money? A. Yes, he gave me ten cents for a drink. The same as a good many friends does that goes up and down.

Q. He gave you ten cents for a drink? A. Yes sir.

Q. Did he give you those ten cents before he went up or after he was on the top floor? A. He gave them to me when he went up.

Q. On his way up? A. Yes sir.

Q. Do you remember the conversation that you had with him at the time he gave you the ten cents? A. I had nothing with him whatever.

Q. You said nothing to him nor did he say anything to you but without any conversation he handed you ten cents?

A. He handed it to me frequently.

By the Court. Q. Did he say anything to you? A. No sir.

By Counsel. Q. He gave you ten cents and you put it in your pocket?

A. I put it in my pocket.

Q. When Kaplan came to that place and you rode him up and down on the elevator, had you been in the habit of receiving money from Kaplan?

A. No sir, never.

Q. Had you at any time before received any money from him?

A. I believe he did treat me once before, if I am not mistaken.

Q. Outside of treating you, had you received any money from him?

A. No sir.

Q. So that this was the first time he had given you any money?

A. That is the first time that man ever handed me anything.

Q. There was no conversation? A. No sir.

Q. You rode him up to the top floor and let him off?

A. Yes sir.

Q. Had he the empty bags with him when he came up on the elevator?

A. He had.

Q. Did he carry them on his arms? A. In his arms.

Q. These bags are ordinary canvass bags, in which the cut clothing is placed, are they not? A. Yes sir.

Q. And they are the bags which are usually carried by express men? A. Yes sir, by every expressman.

Q. In which they receive the work for delivery to the tailors to make up, is not that it? A. Yes sir.

Q. Now you say that the first and the fourth and fifth floors or lofts are occupied by your firm? A. Yes sir.

Q. And the second and third lofts are occupied by other people?

A. Yes sir, by two other people.

- Q. What are their names? A. Micheals and Sutley.
- Q. In what business are they? A. Clothing.
- Q. The same line of business which your firm is engaged in?  
A. Yes sir.
- By the Court. Q. Was your elevator connected with their place?  
A. Yes sir.
- By Counsel. Q. What is the name of the next? A. M.A. Frank is  
the next.
- Q. What business are they engaged in? A. Clothing also.
- Q. The same line of business as that in which your firm is en-  
gaged in? A. Yes sir.
- Q. And the elevator which you run connects with both those  
firms, does it not? A. Yes sir.
- Q. The elevator running from the street floor runs into the  
lofts, does it not? A. Turns to every loft.
- Q. Inside the lofts? A. No sir.
- Q. Outside the lofts? A. Outside.
- Q. What connection is there between the elevator and the lofts,  
that is to say, what separation is there between the eleva-  
tors running through each of the five lofts and the eleva-  
tor itself? A. Between them is the doors and the  
bars.
- Q. The only separation are the doors and the bars?  
A. Yes sir, and the bars.
- Q. So that if the bar is off and the door is open, any person  
may go into any one of the five lofts from the elevator, is  
that so? A. Yes sir, that is when I knock  
they can get in, they open for me.
- Q. It frequently happens that those doors are not locked?

- A. They are always closed, they are not locked but closed.
- Q. Have any of the employees been in the habit of riding on the elevator?                   A. No sir, they are not allowed.
- Q. Who uses the elevator other than yourself?                   A. Nobody but the firm, the bosses.
- Q. That is to say your firm and the two other firms that you have mentioned?                   A. Yes sir.
- Q. Any of the other employees at all?                   A. With the exception of the head stock clerk and the porter.
- Q. Altogether take that elevator running up the five lofts, about how many people are usually in the habit of using the elevator?                   A. Well, it is very hard for me to tell how many is using it right along.
- Q. Twenty, forty or fifty people, can't you estimate?                   A. Do you mean every day?
- Q. Yes, on an average every day.                   A. There is about ten men.
- Q. You say about ten men?                   A. Yes, that is, with the expressage.
- Q. Employees and employers?                   ... Expressmen I mean, they are the ones I have to take up and down.
- Q. When you speak about ten men you speak of ten expressmen only?                   A. Everybody.
- Q. As I understand it, your instructions are that you are to take expressmen with their loads up on the elevator?                   A. I do so, I have to do that.
- Q. You average you say about ten of those expressmen, is that it?                   A. Not all express, I mean express and the firm included together.

- Q. Can you tell us now about how many expressmen serve your firm? A. Yes sir.
- Q. About how many? Katzenstein is one, Fetter from Brooklyn, and there is one from Brownsville, I do not know his name, and then we have another small express comes up there from the city, I do not know his name.
- Q. Do you count Kaplan too? A. No, I did not count him, I cannot count him now, he don't come up now.
- Q. At that time four or five different expressmen came up there and those expressmen have been in the habit at or about the day in question of going up and down on that elevator, either delivering loads or receiving, I am talking about that time? A. At that time, yes sir.
- Q. Now in addition to the elevator which runs and connects with each floor in that building there is a stairway, is there not? A. There is, yes sir.
- Q. And that stairway connects with each floor in the building, does it not? A. In the building.
- Q. So that a person going on the stairway from the first loft which is occupied by your firm and a fourth loft also occupied by your firm, would have to pass by the place occupied by the two other strange firms, is that so. A. Yes sir, they pass them of course.
- Q. Do the firms who occupy the second and the third lofts deliver and receive goods by means of the elevator that you run? A. They do, sir.
- Q. And they have quite a number of expressmen? A. They have two expressmen.

By the Court. Q. Each? A. No, one each, I forget their names, I cannot remember.

By Counsel. Q. After you had placed this man upon the top floor, which is the cutting floor, and had left him there and had gone down how much time had elapsed between the time of your return and your taking him again on your elevator?

A. Not over ten minutes.

Q. At the time when you received him on your elevator to take him down were all the employees of your firm in the cutting department at their places?

A. They were.

Q. How many people are engaged in employment upon that cutting department floor?

A. I will have to think.

Q. About how many?

A. To my calculation there is about fourteen men.

By the Court. Q. In the cutting department altogether.

A. Yes sir,

By Counsel. Q. That is on the fifth floor?

A. About twelve

or fourteen men, something around that.

Q. There are also other employes engaged upon that same floor?

A. No sir, they are on the floor beyond. they have nothing to do with that top floor.

Q. So that there are about fourteen men employed on that floor?

A. Yes sir.

Q. Do you know where the piece goods are placed on that floor?

A. I do, sir.

Q. When Kaplan got into the elevator to come down did you speak to him?

A. All I says, "are you ready to come down", that is all I said to him.

Q. What did he reply to you?

A. He says, "yes", and

that was all, he got on the elevator and came down with me.

Q. What was his position or where were placed the empty bags that he had taken up at that time?

A. He had them on his arm

when he left me.

Q. I am talking of the time he went down? A. He had them placed on top of this bag where he had the goods in.

Q. You said a minute ago that he had them in his arm?

A. When he came up, I am speaking about coming up, he had them placed on his arm. When he went down his bag was lying on the ground floor and the empty bags on top of the other when he picked it up.

By the Court. Q. He went up with empty bags? A. Yes sir.

Q. Did he come back with them full or still empty?

A. One had goods in and the others was empty.

Q. He had one bag with goods in? A. Yes, I do not know at the present time what it was.

Q. The others were still empty? A. They were empty, he had four bags when he went up.

Q. And when he came back he still had four bags and one had something in? A. Yes sir.

By Counsel. Q. You say he had four bags, did you count them?

A. Yes, I seen the bags, four bags, I can see what a man has got on his arm.

Q. Were they on his arm? A. When he came out the bag was placed on the ground floor with the goods and the other bags on top.

Q. You say that when you came up again to take him down that you found him waiting for you and that you said, "are you ready", and he said "yes." A. Yes sir.

Q. Now I ask you at tht time where were the bags?

A. On the ground floor placed on top of the other bag which the goods was in.

- Q. Lying upon the floor?                    A. On the floor, yes sir.
- Q. How did he get them into the elevator?                    A. I will show you; there is the elevator square (illustrating) he stooped down and he got the end of the bag and he dragged it across the elevator and the empty bags were placed over the top, spread out.
- Q. And then he pulled them out when he got to the ground floor?                    A. He replaced it from the elevator in the same position as he put it on.
- Q. Those are very large bags?                    A. They are bags standing about four or five feet in length and about that high and that width (illustrating); they have different sized bags, large and small.
- Q. You live in East New York?                    A. I do, yes sir.
- Q. And the defendant here lives in East New York?                    A. He lives in Brownsville, East New York is the 26th ward and Brownsville is the other side.
- Q. How long have you known the defendant?                    A. I only know him from seeing him come to New York with his wagon, here and there, but otherwise I do not know the man at all.
- Q. You have heard that there had been some suspicion directed against other people in the house about removing or taking goods?                    A. No sir.
- Q. You never heard of that until this occurrence?                    A. No sir, I never heard anything, I heard that there was goods missing, yes, but I had no suspicion.
- Q. Isn't it a fact that suspicion was at one time directed against you for having removed some goods?                    A. Against me?
- Q. Yes?                    A. Never.

- Q. You were anxious to catch the thief, were you not?
- A. Very anxious to hold my respect in the house under the position in which I stand.
- Q. If you were not suspected why were you anxious to retain the respect under which, as you say, you stand?
- A. Not to place myself so as they would think perhaps I would do such business.
- Q. You did think that they might think you would do such business?
- A. I did not say that at all, that they thought I would do anything of the kind but to show my honest character it was my duty to protect myself and see that I could put my hands onto the person which done this mischief.
- Q. You were never accused of having taken any article?
- A. I did not say that I have been accused, no sir.
- Q. You felt a little indignant, you felt as though it was your duty to catch the perpetrator?
- A. That was my duty, I was looking for the interest of the house to find out who the man is under my position where I take everybody up and down.
- Q. Then complaint had been made to you of articles having been missing?
- A. I have heard it.
- Q. Did any of the firm call your attention to that?
- A. No sir, they did not call my attention.
- Q. Are you prepared to testify to these gentlemen of the jury now that you were not suspected of having stolen articles from that house?
- A. I am.
- Q. You are very anxious to have this man convicted, are you not?
- A. I do not wish to convict any man which is honest.
- Q. You have an interest in securing his conviction in this case,

haven't you? A I have no interest whatever only my weekly payment which I received.

Q. The testimony that you give to-day is it the same as you gave upon the last trial? A. Well I should think it is.

Q. Isn't it a fact that upon the last trial you testified that he kicked the empty bags into the elevator on its way down?

Objected to. Objection sustained.

Question withdrawn.

Q. You went upstairs immediately after you took him down, didn't you? A. I did, sir.

Q. You did not catch hold of the bundle or the bags and try to discover what was inside of them, did you? A. I never put my hands on them.

Q. And did not touch them at all? A. No sir.

Q. You saw something was in them? A. In a bag.

Q. You did not put your foot out or try to discover the contents? A. No sir.

Q. And you did not ask him what he was taking down?

A. No sir.

Q. You did not say anything to him at all about it even after he pulled the bags out in the hallway? A. I did not.

Q. But you immediately rushed upstairs by the elevator and reported it to parties up there? A. I did report it.

Q. Whom did you report it to? A. To Mr. Lumkay and Jo Greenthal.

Q. Mr. Lumkay is the foreman of the cutting department?

A. Yes sir.

Q. And Mr. Greenthal is the trimmer in the cutting department?

A. He is the gentleman gives out the work.

Q. Did you pass anyone on your way to tell these two gentlemen?

A. I didnot, I never come near them, they are awa  
off on the ~~lower~~ upper end.

Q. Did you regard it as being a rather strange circumstance  
that this man should have given you ten cents without a word  
of explanation on the way up? A. I will explain it.

Q. Did not you regard it as a strange circumstance or was it a  
usual circumstance? A. It is a usual habit of the  
men that when a man rides up and down on an elevator and  
you accomidate him, sometimes help him to take off a box or  
help him to take his work out. he says, "Henry, her is a  
cigar", or another one would say "here is ten cents" ; they  
have a reguar habit of doing that.

JOSEPH E. GREENTHAL, sworn and exam-  
ined by Mr. Weckes..

Q. Where do you live, Mr. Greenthal? A. No. 32 South Ninth  
Street, Brooklyn.

Q. You are employed by the firm of Gerkowski & Ernst?  
A. Yes sir.

Q. In the cutting department? A. Yes sir.

Q. On the fourth loft of 623 Broadway? A. The fifth loft.

Q. Is it part of your duty to give out the work to tailors to  
make up? A. Yes sir.

Q. Now on the 20th of August of this year at what hour did you  
get there that day? A. A quarter of one o'clock.

Q. And where is your desk on that loft? A. In the center  
of the loft.

- Q. And where are the pieces of goods stored?  
A. In the rear part of the loft.
- Q. That is toward the Crosby Street entrance?  
A. Towards Crosby Street.
- Q. Do you know those pieces of goods here?  
A. Yes sir, I recognize that piece of goods.
- Q. Do you remember where that piece of goods was on the morning of the 20th of August?  
A. Yes sir.
- Q. Whereabouts?  
A. Toward the rear end of the loft I should judge about eight feet from the elevator.
- Q. Almost direct out from the elevator?  
A. On a line with the elevator.
- Q. And where was that piece of goods, in a box?  
A. Yes sir.
- Q. Describe how?  
A. The elevator wheel bay is about here and there is the wall and there is a row of cases toward the front and then there is a row of cases on the other side which formed another aisle, here is the elevator and along this line was this case with this piece of goods in it.
- Q. How are those cases set on these aisles?  
A. One above the other, close together.
- Q. But are they set only one row of cases or are the cases set back to back?  
A. Back to back.
- Q. And the case in which these goods here was on that morning, how was that case facing, toward the front of the store, toward the side of the store or towards Crosby Street?  
A. This piece of goods faced the elevator, faced the aisle, we have two aisles.
- Q. Did this case of goods face Crosby Street?  
A. It faced Bleecker Street.

- Q. Now from your desk there could you see the case where that piece of goods was?                   A. No sir.
- Q. You were at your desk you say at a quarter to one?  
  A. A quarter to one.
- Q. And that was after you had your luncheon, was it not?  
  A. Yes sir.
- Q. You had been there all the morning, had you not, before that?  
  A. Yes sir.
- Q. At a quarter to one you were there?                   A. Yes sir.
- Q. Did you see the defendant Kaplan on that day in your loft?  
  A. No sir.
- Q. At what time did you first ~~see~~ <sup>hear</sup> anything about the loss of a piece of goods?                   A. It must have been about half past one.
- Q. Did the witness Wollney then speak to you?  
  A. I did not hear anything about the loss of a piece of goods.
- Q. You had a conversation with Wollney about half past one?  
  A. Yes sir.
- Q. What did you do after you had the conversation with Wollney?  
  A. In conjunction with Mr. Lunkay I got on the elevator and we rode down and started; somebody yelled. "run toward Bleecker Street", and Mr. Lunkay and I ran towards Bleecker Street. Mr Lunkay saw the wagon.
- The Court: You tell what you saw.
- By Mr Weekes. Q. You ran toward Bleecker Street and you saw what?  
  A. Mr. Lunkay said to me, "the wagon is turned" -----
- Q. You went down Crosby and went toward Bleecker Street?  
  A. Toward Bleecker.
- Q. And when you got near the corner of Bleecker what did you see?

- A. I did not see anything.
- Q. Did you see Kaplan's express wagon? A. No sir.
- Q. When did you see it? A. When Mr. Lunkay drew my attention to it.
- Q. You saw it, didn't you? A. Yes sir, I saw the wagon standing.
- Q. You saw Kaplan's express wagon? A. Yes sir.
- Q. Where? A. Turning into Green Street.
- Q. What then? A. We ran towards Green Street.
- Q. Did you overtake the express wagon? A. Yes sir.
- Q. Whereabouts? A. In front of Newburger & Rosenberg's place on Green Street between Lleecker and West 3rd St.
- Q. Then who was in the wagon when you found it? A. His son and two other boys.
- Q. What did you do when you got to the wagon? A. We remained there a while and we had a conversation.
- Q. Did the wagon stop? A. Yes sir, the wagon stopped.
- Q. Did you call out to stop? A. No sir, it had stopped when we got there.
- Q. You had a conversation with them? A. Yes sir.
- Q. What did you do? A. I immediately after the conversation got on the wagon and searched.
- Q. Searched the wagon? A. Searched the wagon.
- Q. And did you find anything there? A. Yes sir, I found the bag which appeared to me ----
- Q. Did you look in the bag? A. Yes sir, I opened the bag.
- Q. What did you find in the bag? A. That piece of goods.
- By the court. Q. That piece that is here? A. Yes sir.
- By Mr. Weekes. Q. And had you ever seen that piece of goods before? A. Yes sir.

Q. Where? A. In our loft.

Q. And at the time you found it there in the wagon it was in just the condition it is now, was it? A. Yes sir.

Q. With this eyelet left in the piece of string, was it?

A. Yes sir.

Q. And after you found this piece of goods there which you recognized as coming from this store, what did you then do?

A. I awaited the return of Mr. Lunkay.

Q. Mr. Lunkay came back did he, shortly? A. Yes sir.

Q. Who was with Lunkay? A. A policeman.

Q. What did you do then? A. I walked off to look for Mr. Kaplan.

By the Court. Q. Was Lunkay with you when you examined the wagon?

A. No sir.

By Mr. Weekes. Q. Mr. Lunkay was not there when you examined the bag?

A. No sir.

Q. Did you go to the station house? A. Not then.

Q. Subsequently, and did you find this piece of cloth there at the station house? A. Yes sir.

Q. At the time you discovered this piece of cloth in the bag did you have any conversation with anyone? A. Yes sir.

Q. With whom? A. With the son.

Q. And did you have any conversation with anyone else on the wagon? A. With the boy.

Q. With the other boy that was with him? A. Yes sir.

Q. And how many boys were there on the wagon when you got there? A. There was the son, another boy and another young man.

Q. Altogether three boys? A. Three boys.

Q. Did you have a separate conversation with each of them?

A. Only with two of them.

- Q Where? A. In our loft.
- Q. And at the time you found it there in the wagon it was in just the condition it is now, was it? A. Yes sir.
- Q. With this eyelet left in the piece of string, was it? A. Yes sir.
- Q. And after you found this piece of goods there which you recognized as coming from this store, what did you then do? A. I awaited the return of Mr. Lunkay.
- Q. Mr. Lunkay came back did he, shortly? A. Yes sir.
- Q. Who was with Lunkay? A. A police man.
- Q. What did you do then? A. I walked off to look for Mr. Kaplan.
- By the court. Q. Was Lunkay with you when you examined the wagon? A. No sir.
- By Mr. Weckes. Q. Mr. Lunkay was not there when you examined the bag? A. No sir.
- Q. Did you go to the station house? A. Not then.
- Q. Subsequently, and did you find this piece of cloth there at the station house? A. Yes sir.
- Q. At the time you discovered this piece of cloth in the bag did you have any conversation with anyone? A. Yes sir.
- Q. With whom? A. With the son.
- Q. And did you have any conversation with anyone else on the wagon? A. With the boy.
- Q. With the other boy that was with him? A. Yes sir.
- Q. And how many boys were there on the wagon when you got there? A. There was the son, another boy and another young man.
- Q. Altogether three boys? A. Three boys.
- Q. Did you have a separate conversation with each of them? A. Only with two of them.

Mr. Weeks: I offer this piece of goods in evidence.

Counsel: I object on the ground that its identity has not been properly established.

The Court: I will give you the opportunity to examine this witness upon that point ---- the offer is made.

CROSS EXAMINED.

By Counsel. Q. You were a witness upon the last trial, were you not? A. Yes sir.

Q. A trial in which the jury disagreed? A. Yes sir.

Q. Do you remember or did you swear upon the last trial that there were but two boys upon the wagon when you made the search?

Objected to.

By the Court. Q. Do you know whether you did or not say there were two? A. No sir, I remember saying there were three.

By Counsel. Q. You remember saying there were three? A. Yes sir.

Q. You have known this man Kaplan for a long time?

A. A few years.

Q. You had occasion to visit him at his house?

A. On one occasion, two occasions.

Q. Any more? A. No sir.

Q. Has he visited you? A. Never.

Q. Not in your house, at your door? A. No sir.

Q. Has he ever been in front of your house where you live?

A. Not to my knowledge.

Q. To speak to you in front of your house? A. Never.

Q. You have not received little gifts from time to time?

A. Never.

Q. Did you receive any eggs? A. I did.

Q. A present to you, given to you? A. No sir.

Q. Given to you without compensation? A. I offered him pay.

Q. He did not take the pay? A. No sir.

Q. How many times have you been in the habit of receiving eggs from him? A. Three times I offered to pay him.

Q. Did you pay him? A. No sir.

Q. Is it not a fact, Greenthal, that you at one time was suspected of having stolen some goods from this establishment?

A. No sir.

Q. Don't you know it is a fact? A. I know it is not a fact.

Q. Suspicion was directed against you? A. No sir.

Q. You give out the work in that establishment, don't you?

A. I do.

Q. You are brought in actual and direct contact with the express men? A. I am.

Q. Expressmen occupying similar positions to that of Kaplan?

A. Yes sir.

Q. That is you give them the cut work for the purpose of transporting that to the tailors to make up? A. Yes sir.

Q. How long have you been in the establishment in which you work? A. Seven years.

Q. During that time how long has Kaplan served the house?

A. I should judge two or three years.

Q. During the three years you have been in direct and actual contact with him in the delivery of work to him?

A. Yes sir.

Q. And also in the receipt by you of work which had been made up by tailors and returned to the house? A. Yes sir.

Q. Do you receive the work that comes back from tailors?

A. I do not.

- Q. That is received by Mr.Lunkay, is it? A. No sir.
- Q. Who receives work that comes back from tailors?  
A. The elevator man lays them on the table, we have special receivers for that.
- Q. Who is the receiver in your establishment?  
A. We have one by the name of Rote.
- Q. Is Mr.Lunkay a receiver? A. No sir.
- Q. During these three years that Kaplan has served your house have you frequently conversed with him when he came into your establishment? A. Occasionally.
- Q. Is it a fact that it is his duty to come direct to you for the purpose of receiving his load? A. Yes sir.
- Q. You say you did not see Kaplan on that day, the 20th of August? A. Not in our building.
- Q. I am talking about in your building, you are quite positive about that? A. Yes sir.
- Q. The elevator leads right into the loft upon which you work? A. Yes sir.
- Q. And the only thing that separates the elevator from the loft is what, a door and a chain? A. The door and the bar.
- Q. Is that door locked usually? A. Not in the summertime.
- Q. It is open? A. Yes open.
- Q. Is the bar on? A. The bar up there.
- Q. On the 20th of August was that door closed or open? A. Open.
- Q. The door was open, open in or out? A. IN.
- Q. And the bar on it? A. Certainly.
- Q. The employees in the house, the men engaged upon the working floor, do they use the elevator to go down? A. No sir.

- Q. They walk down the stairway, do they? A. We have a passenger elevator on the Broadway side.
- Q. Do you use the passenger elevator or do you use the stairway on Crosby Street? A. I always use the passenger elevator, the cutters use the passenger elevator in the morning and at night they go down the stairway.
- Q. During the lunch hour what method do they use to go down?  
A. The passenger elevator.
- Q. Do they ever go down the stairway? A. No sir.
- Q. None of them? A. No sir.
- Q. But that stairway that does run on the Crosby Street side passes the left of two other firms in that building?  
A. Yes sir.
- Q. And leads direct from the floor described by you as your cutting department, does it not? A. Yes sir.
- Q. There have been several people in that house to your knowledge discharged because they have been suspected of stealing from the house? A. No sir, not several.
- Q. How many? A. I know of one case.
- By the Court. Q. During what period of time? A. Well, about a year.
- Q. A year ago? A. Yes sir.
- By Counsel. Q. Was it round the month of July or August?  
A. No, I think it was in the latter part of the year.
- By the Court. Q. Of last year? A. Yes sir, the winter of 1890.
- By Counsel. Q. You got on the wagon and you had a talk with two boys?  
A. Yes sir.
- Q. You went and opened the bag? A. Yes sir.
- Q. Did you open any other bags? A. No sir.
- Q. And you went directly to this one bag in which you found the piece of cloth?  
A. No sir.

- Q. Did you not so testify upon the last trial?  
Objected to. Objection sustained.
- Q. Did you open any other bag besides the one in which you found this piece of cloth as you say, at all on that truck?  
A. No sir.
- Q. Was there any other article besides that one article upon that truck?  
A. Yes sir.
- Q. How many articles were there and what were they?  
A. I should judge about a dozen of bags.
- Q. And were any of the dozen bags filled?  
A. Several of them.
- Q. Was there any manufactured clothing upon that wagon?  
A. Yes sir.
- Q. Was this bag on the top?  
A. No sir.
- Q. Did you open any bags containing cut clothing?  
A. No sir.
- Q. How did you come to put your hands upon a bag containing that piece of cloth?  
A. I got on the wagon, there were several empty bags and of course I looked at the bags, I passed several bags but when I reached this bag I felt the bag and I says to the boy, "there is a piece of god s in this bag." I felt the bag. I said something to the boy.
- Q. Was Kaplan on that wagon?  
A. No sir.
- Q. Was he around the wagon at all?  
A. No sir.
- Q. You did not see Kaplan in the neighborhood?  
A. Not at that time.
- Q. What time was it that you found that piece of cloth?  
A. I should judge it may have been about twenty-five minutes of two.
- Q. Within what period of time did you find that piece of cloth after you had left your establishment and went down on the

elevator?

A. About five minutes.

Q. How far away from your establishment did you find this piece of cloth?

A. Three blocks.

Q. Across Broadway?

A. Yes sir.

Q. Near Green Street?

A. Yes sir.

Q. On the corner of Bleecker?

A. Yes sir.

Q. Did the people on the wagon make any attempt to drive the wagon away when they saw you come up?

A. They stopped before we got there.

Q. And they stood right at the corner, you came there when the wagon was at a standstill?

A. Not at the corner, in the center of the block.

By Mr. Weeks. Q. When was it Mr. Kaplan presented you with these fresh eggs?

A. I think it was in the month of June, my mother was being - - - - -

Objected to.

Q. It was in the month of June?

A. Yes sir.

Q. At that time your mother was ill in the hospital and you desired to get some fresh eggs for her, is that so?

A. Yes sir.

Q. How many times did you get eggs from Kaplan?

A. Three times.

Q. Did you each time offer to pay him?

A. I did.

Q. You did not completely answer the question of Mr. Levy as to why this bag containing this cloth was the only bag that you opened, when you went upon the wagon were all the bags alike that you saw there, that is the quality of the bag itself?

A. No sir.

Q. What was the difference?

A. You can easily distinguish a bag that has a piece of goods in it from a bag that

has cut work in it.

Q. Do I understand you to testify that it was because the bag containing this piece of goods was different in appearance from the bags containing cut garments that you went at once to this bag?

A. Objected to as leading.

Q. How many bags were there with goods in them on the truck?

A. I should judge about a dozen.

Q. Did you look at them all until you came to this bag?

A. I looked at about three or four.

Q. Did you touch any of them? A. Yes sir, felt each of them.

Q. And what was the conclusion in your mind when you touched the bag in which was this piece of cloth?

A. Objected to. Objection sustained.

By the Court. Q. You looked at two or three bags and passed them by? A. Yes sir. I found a bag which appeared to me to be suspicious.

The Court: Strike that out.

Q. You can't tell what the conclusion of your mind was but the feeling of your hand was -----

A. That there was a piece of cloth in the bag.

By Mr. Weeks. Q. By a piece of cloth what do you mean?

A. Objected to. Objection overruled.

A. A roll of cloth.

Q. A roll of cloth, that is such as this? (Showing cloth.)

A. Such as that.

By the Court. Q. You opened the bag and what did you find in it?

A. I found a piece of goods -- -- that was the piece of goods I found.

- Q. Were there any other goods in the bag but that piece of goods? A. No sir.
- Q. No clothing or anything in it? A. No sir.
- Q. So that the only thing that that bag contained was that piece of goods? A. Yes sir.
- Q. The other bags had something in them? A. Yes sir.
- Q. And this bag, what was its shape or appearance as compared with the other bags the same or different? A. Different.
- Q. You opened this bag you say and you found this piece of goods in it and nothing else? A. That is all.

By Counsel. Q. I want you to tell me whether there was any peculiarity about the material of which these bags were made?

A. No sir, they were the same as all expressmen might use.

- Q. Are there expressmen who serve in your house to your knowledge using bags of the same material? A. I cannot say whether they do or not, they appear the same.

By the Court. Q. They are of the same color and about the same character of goods? A. Yes sir.

- Q. What are they? A. They are made out of
- Q. Had you missed the goods before you found that piece of goods in that wagon? A. No sir.
- Q. You say that that piece of goods was a piece of goods that was placed in a case upon that fourth floor about eight feet from the elevator? A. Yes sir.
- Q. Had you seen the piece of goods there that day?
- A. Yes sir.
- Q. What time was it when you saw it? A. In the morning.
- Q. About what hour? A. I should judge about ten o'clock.
- Q. How are you able to identify that piece of goods there as

being the piece of goods you saw in your place in the morn-

ing?

A. I can remember the occasion very distinctly.

Q. By what marks do you identify this piece of goods, any?

A. No sir.

Q. How do you know the goods were ever in your place?

A. I remember this piece of goods being there.

Q. Do you know those goods?

A. Yes sir.

Q. Are you able to tell this Jury that this is a piece of goods that came from your establishment?

A. I believe that

is the piece of goods.

Q. How do you identify it, how do you know it, do you know the goods you deal in?

A. Yes sir, certainly.

Q. Have you any means of telling this Jury how you know it?

A. Simply because the piece of goods is the same goods we had when I got to the Station House. When Mr. Picard arrived there in the meanwhile -----

Q. Tell the jury how you identify these goods, how you know that those are the goods which came from your employer's place, anything peculiar about the goods?

A. No sir, there

is nothing peculiar about the goods.

Q. Other houses deal in a similar class of goods?

A. I cannot say whether other houses do or not.

Q. Any marks on it?

A. No sir.

Q. How do you identify it?

A. I never measured the piece of goods; after it was brought in the Station House I could not say whether it was exactly the same piece of goods. When I found the string in the Station House I seen that the eyelet was pulled out and Mr. Picard after arrived with the ticket, then I certainly seen that it was the same piece of goods as was missing from our place by fitting in the ticket with the eyelet, I knew it was our piece of goods;

more over Kaplan admitted to me on the way to the Station House -----

The Court: I will strike out the word "admitted."

Q. State what he said: A. He said to me "I took that piece of goods and I will pay for it."

By Counsel: Q. You are also very anxious to see this man convicted are you not? A. Not at all.

Q. You have an interest in saving any of the employees in the house from suspicion? A. None at all.

Q. Or against yourself? A. No sir.

Q. Were not you under suspicion? A. No sir, if I were I would have been discharged instantly.

Mr. Weeks: Does your Honor pass upon my offer?

Counsel: I still object.

The Court: I will receive those goods as the goods this man found in that wagon which he claims were the goods which came from his place.

AARON LAMRAY, sworn and examined.

By Mr. Weeks. Q. Where do you live? A. No. 198 Penn Street, Brooklyn.

Q. You are in the employ of Jerkowskie & Ernst? A. I am.

Q. Were you on the 20th of August of this year? A. I was.

Q. What time did you reach the store on that day? A. One P.M.

Q. Where is your desk in that loft? A. It was on the fifth floor about the center of the loft.

Q. Did you have any conversation with the elevator man at about

- half past one that day? A. I did.
- Q. Where were you standing at the time? A. About five feet from my table.
- Q. Were you conversing with anyone? A. Two or three feet from Mr. Greenthal's desk.
- Q. Who were you talking with? A. With Mr. Greenthal and I believe Mr. Picard was present.
- Q. After your conversation with the elevator man what did you do? A. I jumped on the elevator and went down the elevator after calling to Mr. Greenthal to follow me. Somebody on the walk when we got down told me -----
- Objected to.
- Q. What street was it? A. Crosby Street.
- Q. There somebody said something? A. Somebody said something which occasioned me to run towards Bleecker St., I ran up Bleecker Street towards Broadway and when I got to the corner of Broadway I saw Kaplan's wagon on Bleecker St. between Mercer and Green; I called Mr. Greenthal to follow me as I saw Kaplan's wagon; I saw Kaplan's wagon turn into Green Street and just as I got to Green Street and turned the corner Kaplan's wagon stopped in front of Newburger & Rosenberg's on Green Street between Bleecker and West 3rd St.; I ran up to the wagon and addressed Kaplan's son when I found on the wagon, he just alighted from the wagon and was about to enter the building of Newburger & Rosenberg. I then addressed him and asked him -----
- Objected to.
- Q. You had a conversation with him and left Greenthal there, didn't you? A. I left Greenthal there.
- Q. You left Greenthal on the wagon and you went after an officer?

A I went for an officer and I brought the officer back with me.

Q. You had the boys on the wagon arrested and they and the wagon taken to the Station House? A. I did.

Q. After you had gone with them to the Station House what did you do? A. I had a conversation with Kaplan's son.

By the Court. Q. In the presence of Kaplan, was Kaplan there?

A. NO.

By Mr Weeks. Q. After they had all get to the Station House did you stay in the Station House or did you go out? A. I did not; knowing that somebody was going for the firm I went to the corner of West 3rd Street and Mercer on the corner of the Station House and waited for Mr. Picard to come there to the Station House.

Q. What then did you do before you saw Kaplan, the defendante

A. After waiting a few moments I saw Mr. Picard, Mr. Greenthal and Kaplan and the officer coming along; I walked up to them and I said to Kaplan, "this is a very fine thing you have done", or something to that effect.

Q. Did you speak to Kaplan in English or German?

A. In English; he says, "I done nothing"; I says to him, "yes you did, I have got your son in custody. I have got your son locked up"; and he (the defendant) said, "well, Mr. Lamkay. I done it"; he did not tell me what he had done, but he said, "Mr. Lamkay, I done it, I am willing to pay for it, let me off"; that is all I did there.

Q. Then what happened, did you go to the Station House?

A. I went to the Station House with the balance of them, I told the Sergeant in the presence of Kaplan that he

admitted to me he stole the piece of goods; that he admitted to me that he done it. not that he stole the piece of goods, he admitted to me that he done it. The Sergeant then says to him, "did you steal that piece of goods?" (Pointing to that piece of goods, I presume that is the piece.

Q. Look at it and see if you can tell? A. That is the piece of goods; and he said, "yes, I did." Kaplan, Sr., then turned to me again and said. "Mr. Lamka, do what you can for me, get me out of my trouble, I will pay for it. I will pay all that it is worth." I left the Station House by direction of Mr. Picard to take care of the business because he said he would attend to the rest of the business with Mr. Kaplan.

Q. How long have you known Kapla.? A. I only know him from taking the work in and out of the house.

Q. How long is that? A. I should judge about three years.

Q. And have you been in the habit of talking to him more or less when you have seen him? A. I could not recall any of the conversations.

By the Court Q. You can recall the fact? A. Yes sir.

By Mr. Weeks. Q. How did you speak to him? A. Always in English.

Q. Did you ever have any difficulty in making him understand? A. Never.

Q. That has been going on now for three years? A. Three years.

CROSS EXAMINED by Counsel.

Q. You say you cannot recall any particular conversation with him but is it not the fact that you have visited him at his house? A. I was to his house once.

Q. You have known that the firm for which you work had for some time been missing quantities of merchandise sometime prior to this alleged discovery? A. I did.

Q. You have known also that there had been suspicions of theft directed against a number of employees there, had you not?

A. NO .

Q. You have known for instance of the discharge of one or more persons in the employ of the firm who had been suspected of stealing from the house, is that so? A. NO.

Q. Do you testify under oath that no person had been discharged by your house prior to this alleged occurrence because he was suspected of having stolen merchandise from the firm?

A. I am.

Q. Do you know a man of the name of Bergman? A. Yes sir.

Q. You know that he was discharged by your firm? A. I do.

Q. And are you prepared to testify now or do you testify that he was not discharged because he was suspected of having stolen from the firm? A. I do.

Q. Does the testimony that you now give agree with the testimony as given upon the last trial of this case on your part?

A. I do not recollect what the question was asked me before; you are asking me a question now and I am answering you. I am satisfied to testify that Bergman was discharged because he understood that he was in with a rag-man which had nothing to do with stealing; he was in with a rag man for doing some crooked business and he was discharged but it had no reference at all to stealing any goods from the house.

Q. Is it not a fact in consequence of suspicions being directed as to property or goods being stolen, that in consequence of that the firm directed that extra vigilance should be had in

examining or seeing people who entered that place?

A. I presume there was.

By the Court. Q. Do you know anything about it? A. No sir.

Q. You are foreman of the cutting department, aren't you?

A. I am.

Q. How many people are under you? A. About ten cutters and four trimmers something of that kind, about fourteen or fifteen men.

Q. How many men are altogether in that cutting department?

A. Twelve or fourteen.

Q. They were all there in the pursuit of their duties upon the day when the elevator man came to you and had this conversation? A. With one exception.

Q. And that exception was who? A. Was the man whose desk is at the elevator who examines pieces of goods.

Q. What was his name? A. I cannot recall what his name is.

Q. How long have you known him? A. While he was in the employ of the house.

Q. How long is that? A. I should judge he was in the house seven months, but he was sick a long while; we made so many changes that -----

Q. You do not remember his name? A. If the name was only mentioned to me I could tell the name.

Q. Is he in the employ of your house now? A. No sir, he is not ----- I have got it, Andrews.

Q. Andrews left the employ of the firm when? A. After this occurrence.

Q. Was it not because he was suspected of having stolen these goods that he was discharged by your firm? A. No sir, he

left the house because he got a different position where he got more pay.

- Q. Is that the only reason? A. That is the only reason, he never was suspected.
- Q. Wasn't he suspected of stealing? A. No sir, that man was always a straight and honest man, he was known to be an honest man by everybody in the house.
- Q. He was discharged? A. He was not, he left the house of his own accord.
- Q. Do you know where he is employed now? A. I do not.
- Q. You got back to your work at a quarter to one you say and the elevator man came to you at about half past one?
- A. Thereabouts.
- Q. And when you went to the elevator did you find the door leading to the elevator open? A. I did.
- Q. Are those doors open always? A. Yes sir, in the summer time they are.
- Q. The bar up? A. The bar down, the bars are across and nobody is allowed to lift them up only the elevator man himself.
- Q. How long to your knowledge has Kaplan served this firm of yours? A. About three years I should judge.
- Q. In that time he has handled many thousand dollars worth of goods and he has always received goods from your firm, amounting to many thousands of dollars? A. He has.
- Q. And he has delivered them safely? A. We got them back safely.
- Q. They were returned to you by the tailors? A. They were.
- Q. No complaint was made of his dishonesty before this occurrence? A. Not before this occurrence.

SAMUEL PICARD, sworn and examined.

By Mr. Weeks. Q. You are a member of the firm of Jerkowskie & Ernst?

A. Yes sir.

Q. The other members of the firm are who? A. Max Ernst  
and Morris Schiller.

Q. Do you see this piece of goods here? A. Yes sir.

Q. Can you tell me whether or not it is the property of your  
firm? A. Yes sir.

Q. How do you identify it? A. The goods that I bought  
personally. I bought all there was of them.

Q. You bought all that special weave? A. Yes sir.

Q. You identified the weave? A. Yes sir.

Q. When did you first see this piece of goods? A. On the  
20th of August I saw it in the morning, when I got to the  
store I seen it and I seen it at dinner time. I seen it at  
half past seven and I seen it at twelve o'clock.

Q. Were you on the fifth floor or the cutting left of that  
building 228 Broadway when the elevator man came up about  
half past one and spoke to Mr. Greenthal and Mr. Lamkay?

A. Yes sir.

Q. Did you see them immediately go down on the elevator after  
he spoke? A. Yes sir.

Q. What did you do? A. I went back to the piece goods  
stock and examined the pieces of goods.

Q. What did you notice there, if anything? A. I missed  
that piece of cloth.

Q. Did you see this tag anywhere around? A. I found it on  
the floor.

Q. Whereabouts? A. Directly in front of the box that

piece of goods was in.

- Q. Do you know whether or not this tag is the tag that was attached to that piece of goods on the morning that you saw it at twelve o'clock?                   A. Yes sir.

Mr. Weeks: I offer that tag in evidence.

- Q. After you missed that piece of goods and found the tag lying on the floor what did you do?                   A. I went out to look for Kaplan.
- Q. Where did you go?                   A. To the corner of Mercer and Bleecker Streets.
- Q. Did you find him there?                   A. Yes sir.
- Q. What did you then do?                   A. I remained on the opposite side of the street until the policeman came along.
- Q. Who was that officer?                   A. I do not recollect his name.

By the Court. Q. He was not with the wagon.                   A. No sir, Kaplan was not with the wagon.

- Q. What was the defendant doing?                   A. Conversing with some stranger.

By Mr. Weeks. Q. When you found the officer. what did you do?

A. I walked up to Kaplan; he asked me what I wanted

- Q. How did you speak to him, in English or German?

A. In English; he asked me what I wanted? I says, "I don't want anything. the policeman wants you"; he says, "what for?" I says. "for stealing goods"; says he, "I have not stole any goods"; so I says, "yes, you have", and with that the officer came along, and he denied it half a dozen of times until he got over near the Mercer Street station and then when Mr. Lamkay accused him of stealing and told him that his son was -----



three thousand dollars worth of goods, Kaplan. you stole them all." He said, "no, this is the only goods I have stolen."

I said, "you have been stealing goods for eight months." We said, "no, not so long, only six months." Then he began amounts from five hundred dollars I says, "you stole three thousand dollars worth " He said, "well, I will pay you three thousand dollars but I will not pay it all at once, I will pay you a little every week till I have squared it up." That conversation was repeated half a dozen of times until we got into the Police Court.

Q. Then when you got in the Police Court what happened?

Objected to.

Q. Were you present at the Police Court on the 20th of August that afternoon and did you see the defendant Kaplan, were you there when he was examined?

A. Yes sir.

Q. Did you see him sign his name there in Hebrew to that sheet of paper?

A. Yes sir.

Q. And was this signed by the magistrate?

A. Yes sir.

Q. Was he examined there in English or in German?

A. In English.

Q. And when he made his answer to a question, "give any explanation you think proper" --

Objected to.

By the court. Q. Did you hear any question translated to him?

A. Yes sir.

Q. Did you act as interpreter?

A. I did. and the Clerk did.

Q. And translated that?

A. Yes sir.

Q. On the first day I am talking about now?

A. Yes sir, on

the first day, that is right.

Q. Did you explain to him fully the meaning of the various questions?

Objected to.

A. Yes sir.

By the Court Q. Tell what you did about that translation?

A. I translated it to him, I translated the question guilty to him, and the Clerk translated the question 'guilty' but the answer was in English when we asked him in German.

By Mr. Weeks. Q. The answer was in English when you asked him in German?

A. Yes sir.

Mr. Weeks: I offer that record, the question which was put to him and the answer he made.

Counsel: I object on the ground that it is immaterial, irrelevant and incompetent. Your Honor will discover that the paper subsequent to that withdrew the alleged plea of guilty and another plea was subsequently made on behalf of the prisoner. I object to the paper as not being a true record of the proceedings.

The Court: I will admit it. This witness says he translated a certain question to him and he says this is the question he translated.

Q. Is that right?

Witness: Yes sir.

Q. You say the answer he gave in English is the answer in this paper?

A. Yes sir.

Q. Did you see him write that? A. Yes sir.

Counsel: Will your Honor give us the benefit of a exception?

The Court: Certainly.

Counsel: I would like an additional ground to be stated, that the defendant was not fully informed of the nature of the document.

The Court: This witness says that he put to this defendant a

certain question and he translated the question into the German language.

Witness: Yes sir, in German.

The Court: I will receive it as going to show that that was the question put to him at that time and the answer made and also that he saw the signature signed.

By Mr.Weeks. Q. You say this answer to that question put to him in German was in English, A. Yes sir. He says. "I know what they are asking me, I done it, I done it, do with me what you like." Judge Hogan repeated the ----

Q. After that was the defendant taken up before the Police Justice, Judge Hogan? A. Yes sir.

Q. And were any questions then asked him by Judge Hogan? Objected to on the ground that the record is the only competent evidence.

The Court. Q. You may answer yes or no whether questions were asked? A. There were questions asked.

By Mr.Weeks. Q. Please state what questions were asked by Judge Hogan and what answers were made? Objected to.

By the Court. Q. Was Judge Hogan present when you put that question? A. Yes sir, I told Judge Hogan ----

Q. When you were talking to the defendant and when he signed that was Judge Hogan there then? A. He was on the bench.

By Mr.Weeks. Q. The examination was taken before the Clerk one side and then they were taken up before the Judge? A. Yes sir.

Q. When they were taken up before the Judge I understand Judge Hogan asked the defendant some questions? A. Yes sir.

Q. Were those questions translated to him or not?

Objected to on the ground that the record is the only proper evidence of any transaction or proceeding in Court.

The record is already in evidence by your Honor's direction and any other transaction is not a part of the record and therefore not competent evidence.

Objection overruled. Exception.

Q. What conversation occurred then between Judge Hogan and the defendant?

A. Judge Hogan asked him if he knew what he was charged with? He answered yes. So Judge Hogan says, "you pleaded guilty to this charge, do you know what you have done?" He says, "yes. I know. I have done it, I will pay for the goods if you will let me go". That was all in English. I says to Judge Hogan. "he understands everything thoroughly as the clerk and myself have interpreted to him in German."

Q. On the following day were you there in Court? A. No sir.

Q. Did you attend the Police Court after that? A. No sir.

Q. After that day you never testified in the Police Court?

A. No sir.

Q. Do you know whether or not any of your clerks who have testified here to-day gave any further evidence in the Police Court on the following day? A. No sir, none of them.

Q. And the piece of goods was taken away from the Police Court that afternoon of the 20th and given in your charge by Judge Hogan? A. Yes sir, and I gave a receipt for it.

Q. Mr. Picard, there have been a considerable number of insinuations here, how long has Mr. Lamkay been in the employ of your firm? A. About six or seven years.

- Q. How long has Greenthal been in the employ of your firm?  
A. About seven or eight years, thereabouts.
- Q. How long has the elevator man been in the employ of your firm?  
A. About five or six months.
- Q. When did the loss of the property from your firm begin?  
A. About in February I first missed goods.
- Q. That was prior to the engagement of your present elevator man?  
A. Yes sir.
- Q. Has he ever been under suspicion by your firm?  
A. No sir.
- Q. Has Lamkay ever been under suspicion by your firm?  
A. No sir.
- Q. Has Mr. Greenthal?  
A. No sir.
- Q. This clerk Mr. Andrews who was discharged by your firm or who left your employ, is the proper expression, within a few months, is it not?  
A. Yes sir.
- Q. When was that?  
A. That was about two months ago.
- Q. Was he discharged by you?  
A. No sir.
- Q. And at the time he expressed his intention to leave your employment was it your desire to retain him?  
Objected to. Objection overruled.  
A. Yes sir.
- Q. And you offered him an increase of salary if he would remain?  
A. I offered him five hundred dollars a year advance to stay.

Counsel: You will allow us the benefit of an exception.

The Court: Certainly I will.

- Q. What is the value of this piece of cloth?  
A. About two hundred dollars.
- Q. Had the defendant Kaplan any right or authority to remove

that piece of cloth from your premises?

A. No sir.

CROSS EXAMINED by Counsel.

Q. Mr. Picard, you were also a witness upon the last trial?

A. Yes sir.

Q. You have some personal animosity or feeling against the defendant, have you not?

A. No sir.

Q. Haven't you so expressed yourself to me and to others?

A. No sir. I felt sorry for him.

Q. You felt sorry for him?

A. Yes sir.

Q. Is your testimony to-day the same in substance as delivered upon the other trial?

A. Yes sir.

Q. Particularly the testimony that you have given to-day with regard to the translations of what this man said in your presence?

A. Yes sir, I may have used different words but the same meaning.

Q. Are you prepared to testify that you said anything at all upon the last trial about having translated a solitary word to the defendant in the German or English language?

A. Yes sir.

Q. You say that when you spoke to the defendant and he said, I think the words that you used were, "I done it", he was very much agitated was he?

A. No sir.

Q. Frightened?

A. No sir.

Q. Cool and calm?

A. Cool and calm.

Q. Indifferent?

A. Indifferent.

Q. Did not care at all?

A. Did not care.

Q. He did speak about his son?

A. No.

Q. Did you speak about the son?

A. Yes sir, I did.

Q. You told him his son was arrested?

A. Yes sir, he said

- Q. "let my son go. I done it."
- Q. Did not he deny that he did this thing before you got to the Police Station?
- A. Yes sir.
- Q. Denied it several times?
- A. Denied it two or three times.
- Q. And he was very calm when he denied it, was he not?
- A. Yes sir, calm when he denied it.
- Q. He said, "I did not do anything?"
- A. No, not like that.
- Q. What did he say?
- A. He says "I didnot do it."
- Q. You said to him, "you have stolen from us", didn't you?
- A. Yes sir.
- Q. And he said "I did not do it", and then you told him, "your son has been arrested", didn't you?
- A. No sir.
- Q. When did you tell him his son was arrested?
- A. I did not tell him his son was arrested.
- Q. Somebody in your presence told him his son had been arrested?
- A. Lankay, I was there.
- Q. And he got very much frightened when he heard his boy was arrested?
- A. No sir.
- Q. He still remained that cold, calm, indifferent person?
- A. Yes sir.
- Q. Not at all agitated?
- A. No sir.
- Q. Did he show no feeling at all from the time that he was arrested until the time that he got to the police station?
- A. None at all, he was very calm.
- Q. Talked in a low tone of voice?
- A. Talked very lo
- Q. Did he talk to you lower for instance than I am talking to you now?
- A. Not any lower than that.
- Q. Just in a low, ordinary conversation?
- A. Yes, just

the way you are talking.

- Q. You replied to him in English and he spoke to you in English?  
A. Yes sir.
- Q. The policeman was walking alongside of you? A. Yes sir.
- Q. And alongside of him? A. Alongside of him, he was in the center.
- Q. Where were Mr. Lamkay and Greenthal at the time?  
A. I had sent them back to the store.
- Q. Mr. Greenthal did not go into the Station House?  
A. Yes, he did.
- Q. Did Mr. Lamkay? A. Yes sir.
- Q. Did Mr. Lamkay go into the Station House at the time?  
A. Yes sir, from the Station House I sent him back.
- Q. Did Lamkay and Greenthal go into the Station House?  
A. Yes sir.
- Q. And you sent them back from the Station House?  
A. Yes sir, I told them to go back to the store.
- Q. Did not he talk to you at the time as though his whole effort was directed towards shielding his son? A. No sir.
- Q. Are you sure about that? A. Pretty sure.
- Q. Was there an interpreter in the Police Court on the day that you were there? A. No sir.
- Q. There was no interpreter there and you were the complainant and you acted as interpreter for this man, did you?  
A. Not in the Police Court, no sir.
- Q. You told these gentlemen that you acted as interpreter, where did you act as interpreter? A. At the Jefferson Market Court.
- Q. That is a Police Court? A. We were at two Police Courts, I am talking about the Police Court in the Mercer St.

- station, that is the way I understand you.
- Q. Where did you act as interpreter? A. At the Police Court, Jefferson Market.
- Q. You say you were the one that translated the contents of the document? A. The clerk translated and after the clerk translated I translated.
- Q. The Clerk at the police Court? A. Yes sir.
- Q. Are you prepared to swear that he spoke German? A. Yes sir, I do not know his name, but he is German I believe, he might be an American born boy but he talks pretty good German.
- Q. Don't you know that this man is not a German? A. I do not know what he is.
- Q. Don't you know that he is a Russian? A. No sir.
- Q. He worked for you three years? A. He did not work for me three years.
- Q. Don't you know that he speaks a jargon? A. I do not know that he is a German, I heard him talk English, I never heard him talk German.
- Q. Nevertheless you talked to him in German? A. Yes sir.
- Q. Bergman was discharged from your employ. was he not? A. Yes sir.
- Q. And he was discharged because suspicion was directed against him? A. No sir.
- Q. He was connected with some crooked transaction? A. Not that I know of, he was discharged because I was with the firm.
- Q. You are one of the recent additions to the firm? A. Yes sir.
- Q. In any transaction except this one which he is unfortunately charged with you have always known him (the defendant) to

perform his duties properly, have you not? A. Yes sir.

Q. He has received property of great value from your firm, has he not, and has delivered it honestly and safely and he also returned goods worth many thousand dollars to your house, has he not? A. Yes sir.

Q. And without any question at all with regard to their delivery? A. No sir.

By Mr. Weeks. Q. When was Bergman discharged?

A. About two years ago.

Q. That was before the loss of the piece of goods occurred?

A. Yes sir.

By Counsel. Q. Two years ago?

A. About two years ago, I was in business in the same building I dissolved in order to go into this concern.

By Mr. Weeks. Q. You had some familiarity with this firm?

A. I am the brother-in-law of Mr. Ernst.

By a Juror. Q. You say you entered the stock room and you found this piece of goods missing? A. Yes sir.

Q. You had a good many goods in the stock room? A. I had five pieces and there was only four left, I had made out a cutting ticket for the five pieces of that goods before I went to lunch, and when this conversation took place and I ran back to the piece goods department there was only four of those pieces and that other ticket on the floor.

By Counsel. Q. You have a large quantity of piece goods on that loft, you had on that day, I mean on the 20th of August, many hundred pieces of goods? A. Yes sir.

Q. They are piled in various piles all over the loft?

A. All in boxes.

Q. Did you search any particular box when you ran over to see

which goods were missing? A. No, I went back, not to this one case. I walked up and down the piece goods department until I got to the box that I knew the goods were missing.

Q. You looked in a box and you determined a piece was missing?

A. I saw four pieces and I knew there ought to have been five; they lay flat; the box stands out like this and the goods stand up.

Q. Two boxes are piled on the top of each other?

A. Yes sir, you do not have to lift them up. the goods run right to the head of the box.

Q. There are two other firms who occupy two lofts in the same building in which your firm is engaged in business?

A. Yes sir.

Q. And the stairways used by your firm leading from your loft as well as the elevator, lead both to your place of business your cutting department, as well as to their place of business is that so? A. The staircase is independent of each loft.

Q. Don't you have the same stairway to go up from the bottom of floor to the top? A. Yes sir.

Q. And that stairway is employed by your firm as well as by the two other firms and the elevator that runs from the ground floor to the top is also used by your firm? A. Yes sir.

Q. Do you recollect whether the door leading from the elevator to your cutting room was open on that day or not? A. It was open.

Q. It is usual in the summer to leave the door of the hatchway open, is it? A. Yes sir.

Q. Is there any partition or door separating the floors in the stairway? A. Yes sir.

Q. Those doors open easily and were not locked on that day, were they? A. No sir.

Tuesday, October 20, 1891.

JOSEPH E. GREENTHAL recalled by Counsel.

- Q. You remember when you testified yesterday you stated that you found a wagon belonging to Kaplan on Bleecker Street between Mercer and Green, is that correct?           A. No sir.
- Q. Where did you find his wagon?                           A. I found the wagon on Green Street between Bleecker and West 3rd.
- Q. You said then, I understood you to say, that there were three boys upon that wagon at the time?                   A. There were three on the wagon.
- Q. I have recalled you for the purpose of identifying those boys if they are in the court-room, do you see them here?
- A. Yes sir.

By the Court. Q. Point them out?                           A. There is the son, then that fellow there, his name is Pete, I recollect hearing the name mentioned; they were on the wagon, and there is a boy next to the son behind the tailor.

By Counsel. Q. Those are the three boys?                   A. Yes sir.

HENRY E. HOPPER, sworn and examined.

By Mr. Weeks. Q. You are an officer of the municipal police and now attached to the street cleaning department, are you?

                          A. Yes sir.

Q. Do you remember the 20th of August, 1891?                   A. Yes sir.

Q. You are the officer who brought to the Mercer Street station house the wagon containing the roll of cloth on which wagon were the three boys who have stood up in Court, or two of them?

                          A. Yes sir, two of them, them two first ones stood up there, Kaplan's son and that stout, tall one.

Q. How long after you got to the Station House did the defendant Kaplan come in? A. I should judge about fifteen

minutes when he was brought in by another officer.

Q. Tell us what happened after Kaplan was brought into the Station House, what you heard? A. Simon Kaplan,

he asked me if I had his son here. I said, "yes, we have got your son in custody in the back room." He said, "I wish you would let him go for he has nothing to do with this case at all, I took the roll of cloth myself, let him go along about his business and serve his route, take care of the route", that was the express route.

Q. Did he say that in English? A. Yes sir, as plain as I could.

Q. Go on? A. I then said, "you state here that you stole that roll of cloth?" He says, "yes." I went in and got the boy, young Kaplan, that is the son and brought him out; I says to the Sergeant, "this is the father of this boy and he claims that he stole this roll of cloth and not the boy. The Sergeant says, "we cannot hold that boy, let him go as long as the parent acknowledges his guilt of taking this cloth. So finally he let the boy go about his business on the express wagon but we took the cloth off, I had that in the Station House, I took the cloth out of the bag.

Q. That is the same roll of cloth that was in Court here yesterday, you took that over to the Police Court?

A. No sir, in the Station House of the 18th precinct; I took the cloth out of the bag and showed it to several employees of the firm of Jerkowskie & Ernst, which they identified as the piece that had been stolen. So then we proceeded over to the Court accompanied by Mr. Picard.

Q That is, the defendant Kaplan in your custody and Mr. Picard went over to the Court? A. The three of us together.

Q. On the way to Court what conversation if any did you hear between Picard and Kaplan if it was in English or any conversation that you had with Kaplan? Of course I did not say anything much to him only I asked him where he got this cloth and he would not answer me. So Mr. Picard questioned him about what he had been doing with the rest of the cloth that had been taken right along previously. Well, he says, "Mr. Picard, I will tell you. I am willing to settle this business at fifty dollars a week, I do not want you to prosecute me;" Mr. Picard says. "that aint the way I do business, you have been robbing me for the last six months right straight along;" now he says, "I intend the law will take its course." Of course he pleaded all the way; he got hold of his hand and begged him not to prosecute him."

By the Court. Q. This was on the way to the Station House?

A. On the way to the Court, he begged of him not to prosecute him, he will settle any amount, fifty dollars up.

By Mr. Weeks. Q. Did he mention a specific amount that he was willing to pay? A. Fifty dollars up.

Q. Do you remember any particular sum? A. Fifty dollars a week. he came down as low as that.

By the Court. Q. Did he say how much he was going to pay?

A He said he was going to pay for all he had taken, he acknowledged that he had taken every piece.

By Mr. Weeks. Q. Try and use the language that Kaplan used and the language that Picard used? A. They spoke plain English, Mr. Kaplan acknowledged the guilt of taking --- ---

Q. In what words, what words did he use in acknowledging his guilt? A. He said, "MR. Picard, I have taken this cloth all right straight along for the past six months but I am willing to settle for it at fifty dollars a week until paid." Mr. Picard said that he did not do business in that way, he intended the law would take its course, and then when he got over to Court I took him up before Mr. Ormsby, one of the clerks.

By Mr. Weeks. Q. The stenographer? A. And had the affidavit made out and I told Mr. Ormsby that this man was a German man, to get an interpreter and state to him what he was charged with.

Q. Where was Kaplan then, close to you? A. Kaplan was right up close to the desk.

Q. How near to you? A. We were both side by side, Mr. Ormsby says -----

By the Court. Q. He said this right in his hearing?

A. Yes sir. The clerk said, "I understand what he says, Officer, he speaks plain enough English for me, I am writing down just what he states." So after he had made the affidavit and signed it and he looked at it, the clerk Ormsby says, "that is a hebrew signature, aint it?" He says, "yes." He says, "do you know what you are signing?" He (the defendant) said yes. "Do you know what you are charged with?" And with that he spoke to Mr. Rosenthal, that is the other clerk, the German clerk there in the court, and brought him up.

Q. Who brought him up? A. Ormsby, and he says, "I wish you would speak to this man Kaplan and see if he knows what he is pleading guilty to." So he did; he stated what he

was charged with and he told Ormsby that he wanted to settle with Picard and pay for the goods right here. Mr. Ormsby said, "you are not brought here for that business."

- Q. Did he say that in English? A. Yes, everything in English. I did not understand a word of German. So then after the affidavit was made out I brought him up before Judge Hogan and the judge told him to step up close to the desk right in front. He says, "Mr. Kaplan, do you know what you are charged with, it is a very serious charge." He says, "yes, I want to settle it." Judge Hogan says, "you can't settle that business here, this is not a Court to do any business like that, we will have to place you under two thousand dollars bail to answer"; so finally then he was locked up.
- Q. And this record here, Peoples' Exhibit No. 2, is the one that you refer to as having been signed by Kaplan in Hebrew to which Mr. Ormsby called his attention?

CROSS EXAMINED.

- By Counsel. Q. Officer, you were a witness were you not, on the last trial? A. Yes sir.
- Q. And I presume you are gifted with a good memory, aren't you? A. Kind of, I have a little recollection about things back.
- Q. You have got a vivid recollection of what you say transpired in the Court-room, have you? A. Well, kind of.
- Q. This examination of yours upon the last trial was more recent than the examination which took place in the Police Court, wasn't it? A. Not as I know of, no.
- Q. You mean to say that your examination as a witness in this

case was taken before the defendant was taken to the Police Court, is that so?                   A. I do not know.

Q. Were you examined as a witness on the first trial of this defendant before he went to the Police Court or after?

A. After.

Q. So that the examination on your part as a witness in the last trial took place long after the examination in the Police Court, didn't it?                   A. Yes sir.

Q. Is your recollection with regard to the transactions of the last trial in this case where you were a witness more vivid than your recollection of what took place in the Police Court or to put it plainly, which do you remember the best, what you testified to upon the last trial in this case or what took place in the Police Court?                   A. I can remember

both places very well, what took place in the Court and also at the last trial.

Q. Do you remember whether or not you testified to what took place in the Police Court as you have testified to-day at the last trial?                   A. Yes sir.

Q. Did you testify to this conversation with the interpreter?

A. No sir.

Q. Did you testify about the conversation that was had with Rosenthal, the clerk of the Court?                   A. I did not say nothing <sup>about</sup> Rosenthal..

Q. Did you testify about the conversation that was had with Rosenthal, the clerk of the Court?                   A. I did not say nothing about Rosenthal.

Q. By that you mean upon the last trial you said nothing at all in your testimony about the conversation with Rosenthal?

A. No sir, I did not.

Q. Has any circumstance arisen since the last trial which has refreshed or revived your recollection as to that circumstance?                   A. It has.

Q. What circumstance has arisen?                   A. I had forgotten that

Q. Officer, you say this man spoke in English?                   A. Yes sir.

Q. You are quite sure about that?                   A. Yes sir, I cannot understand one word of German.

Q. I am quite sure you do not understand the jargon language that the man speaks?

                  Objected to.                   Objection sustained.

                  A. I did not understand what he then said.

Q. You have stated to these gentlemen that he said to Mr. Picard, "don't you prosecute me", are you sure he said that?

                  A. Yes sir.

Q. Officer, at the last trial did you testify to the defendant having used the word "prosecute" at all?                   A. I believe I did.

Q. In the Police Court did Mr. Rosenthal speak to the defendant in any language other than the English?                   A. He spoke to him in German.

Q. Did the defendant reply to Mr. Rosenthal in German or in English?                   A. In German.

Q. Did Mr. Brmsby speak to the defendant in any language other than the English?                   A. No sir.

Q. Did Mr. Picard speak to the defendant in any language other than the English during all the time that you were with him?

                  A. He spoke a little German to him.

Q. You say that you were the one that took the wagon to the Police Station?                   A. Yes sir.

Q. Did you make the arrest before you took the wagon to the



Q. Were you requested to make the arrest of young Kaplan by anyone on the sidewalk while the boy was upstairs?

A. I waited until young Kaplan came down at Greenthals request, he told me that he was upstairs getting some goods, I waited until he came down; I says --- --

Objected to.

Q. Officer, the boy made no resistance? A. No, he made no resistance.

Q. He went with you to the Station House and you drew the wagon up there? A. Yes sir.

Q. Did the other boys go with you up to the Station House?

A. Two went with me. Pete and Kaplan's son and I placed Mr. Greenthal on the express wagon. we drove to the Police Station.

Q. You did not arrest the defendant at the bar? A. No sir.

Q. Do you know who arrested the defendant? A. I could not find out who was the officer, he simply brought him in and turned him over to me; he asked me if I wanted any more search and I told him no.

Q. Did you request that officer to make the arrest of the defendant? A. No sir, I did not.

Q. You said in the direct examination in reply to questions by Mr. Weeks that the defendant said to you that his boy was taking care of his express route, did he say that?

A. Yes sir, he said he was taking care of it.

Q. You say he spoke in English; I want his language?

A. The boy was taking care of it.

Q. Did he say in English, "my boy is taking care of the express route?" A. He told me on the route, going on serving it.

Q. Did he speak to the boy in English or in German?

A. I did not notice what language.

By the Court. Q. How do you know what he said then?  
went off.

A. The boy

Q. Did you hear him say anything?

A. Yes, he told him in English, "go on the express wagon", that is what I heard him say.

By Counsel. Q. Officer, you have been on the patrol right near the place of business of Jerkowski & Ernst?  
was in that precinct.

A. Yes sir, I

Q. You know Mr. Picard?

A. I never seen him before

till this case.

Q. You know some of the employees in that place?

A. I never seen none of them, never had any dealings with any of them, never in that precinct, I was patrolling Green Street on the opposite side.

Q. Do you know where their place of business is?

A. No. 329 Broadway.

Q. The elevator is on the Crosby Street side?

A. Yes sir.

Q. The arrest was made by you on Green Street?  
of Green Street.

A. In front

Q. How far is that distance from the entrance in Crosby Street?

A. It is about two and a half blocks.

Mr. Weeks: That is the case for the People.

The Case for the Defence.

Counsel: I move that you advise the Jury to acquit on the ground that the People have failed to make out their action as stated in the indictment.

The Court: Motion denied.

Counsel: Your Honor will allow us the benefit of an exception.

Counsel for the Defence opened the case to the Jury.

FREDERICK W. HAHN sworn and examined.

By Counsel. Q. Mr. Hahn, what is your business?

A. I am a dealer in sewing machine cutlery and silver plated ware.

Q. Where is your place of business situated?

A. No. 356 Grand Street.

Q. You have been in business how many years Mr. Hahn?

A. Twenty-six years for myself.

Q. Do you know the defendant at the bar? A. Yes sir.

Q. How long have you known him? A. I have known him about six years or a little over, it may be.

Q. Do you know other people who know him well, I suppose?

A. Yes sir.

Q. Do you know his reputation for honest, and his general character? A. Yes sir.

Q. What is his reputation and character? A. His reputation always was very good.

Q. An honest man? A. Yes sir, a good honorable man.

Q. Straightforward in his business transactions?

A. Yes sir.

Q. In fact you have trusted him various times with monies?

A. Yes sir.

Q. He has always been honest with you in his transactions?

A. He has.

## CROSS EXAMINED by Mr. Weeks.

Q. How intimate have been your relations with him, Mr. Hahn?

A. If I can state it he lived in Brownsville, I rent a great many machines over there, he used to come and get them, he used to bring me the money for them. in fact he was the only man we had about the premises that had the freedom of the shop, we did not allow any strangers to come.

Q. He served as expressman for you? ... Not for me, he done it for those people, I did not pay him, they sent for their own goods.

Q. You had business dealings with him however? A. As far as that.

Q. And I suppose your conversation with him was in English as a rule, was it not? A. No sir.

Q. Never? A. No sir, I do not think ever, he could understand enough English to old conversation with him, in fact my conversation was in German with him was very doubtful because the language that he speaks out of every ten words I could probably understand five ---- German all mixed up; the language they speak they speak partly German and partly Polish and partly Hebrew.

By the Court. Q. What is he, a Pole? A. I think he is a Russian Pole.

By Counsel. Q. He is a Russian from the section of country called Lithuania? A. Yes sir, in Russia.

By Mr. Weeks. Q. How long have you been doing business with him?

A. Well this business directly probably three or four years; before that he was with some manufacturer of the same name I think it is, I don't know whether he is any relation to him or not, and he was the man that continually

came and got things for the other party who ran an account.

Q. You have known him for six years in a business way?

A. Yes sir, it might be a trifle more, I do not know exactly.

Q. You saw during that time you never carried on any business conversation with him in English? A. No sir, never.

JOSEPH MORRIS, sworn and examined.

By Counsel. Q. What is your business, Mr. Morris? A. Real estate.

Q. The owner of real estate in the city of New York?

A. No, in Brooklyn.

Q. You deal in real estate? A. Yes sir.

Q. Do you know the defendant at the bar, Kaplan? A. Yes sir.

Q. How long have you known him? A. I know him since the last four years.

Q. Do you know his general character and reputation?

A. Yes sir.

Q. What is it? A. He is an expressman.

Q. With regard to his honesty? A. Yes, he is an honest man so far as I know till now.

Q. An honest man and straightforward in his business transactions? A. Yes sir.

CROSS EXAMINED by Mr. Weeks.

Q. How many business transactions have you had with him, Mr. Morris? A. None at all.

Q. And yet you have just testified you have found him honest in his business transactions? A. Yes sir.

- Q. You never had any with him? A. No sir.
- Q. You were not connected with him in any way?  
A. I know he is an honest man.
- Q. How do you know it, you never have had any dealings with him?  
A. I never had any dealings. I hear how he lives in the town and he is an honest man.
- Q. What business have you beside that of a real estate dealer?  
A. That is my trade.
- Q. What other business do you conduct in Brownsville?  
A. I am the owner of property, I am building and selling, that is my trade.
- Q. Did you ever keep a saloon? A. Yes sir.
- Q. Do you keep one now? A. Yes sir.
- Q. Why did not you answer me what other business you conducted beside real estate business, you are not ashamed of the saloon business?  
A. No sir.
- Q. It is not a disgraceful business? A. No sir.
- Q. How many people have you heard discuss Kaplan's character, talk about his character?  
A. I know other people in this town, they say Mr. Kaplan is an honest man.
- Q. Have you heard them talk about the man as to whether he was an honest man or not?  
A. Yes sir.
- Q. Frequently? A. Yes sir, he is an honest man.
- Q. His character then has been talked about a good deal over there?  
A. Talked that he was an honest man, that is what I always heard, never heard anything wrong of Kaplan.
- Q. Do you know Kaplan? A. Yes sir.
- Q. How well do you know him? A. I know him because he passes through always with an express wagon.
- Q. Did you ever speak to him? A. Sometimes I speak

to him certainly.

- Q. What did you say to him when you met him in the morning?  
A. I might say good morning, and he would say the same.
- Q. Did you have any other conversation with him?  
A. No sir, good morning, that is all.
- Q. Did you ever say good evening when he came home?  
A. Yes sir, I did.
- Q. Did you ever ask him about business?                   A. No sir, because I had no time to ask him about business.
- Q. Did you ever ask him to buy any piece of property?  
A. No.
- Q. Never attempted to have any business dealings with him at all?  
A. No sir.
- Q. Never said a word to him except good morning and good evening?  
A. Yes sir, good morning and good evening.
- Q. And when you testified that you formed your opinion of Mr. Kaplan's character for honesty by the business dealings that you had with him, did you mean that or didn't you?  
A. I mean that he is an honest man, he is known in town.
- Q. All you know of him when people have been talking about his character is, you heard them say that he is an honest man?  
A. An honest man, that is all.
- Q. Where were you born?                   A. Russia, Poland.
- Q. How far from where Kaplan was born.                   A. I could not tell you.
- Q. How long have you been in this country?                   A. I am in this country twenty-two years.
- Q. How long were you in this country before you could speak English?  
A. I cannot remember that, I was first in

England and when I came over I used to speak a little English already.

- Q. How long were you in England? A. I have been there six years.
- Q. Then after you were six years in England you could speak the English language? A. Yes sir.

ABRAHAM NEWMAN. sw orn and examined.

- By Counsel. Q. What is your business? A. I have got a shoe business.
- Q. Where is your shoe business situated? A. In the 20th ward of Brooklyn.
- Q. Do you know Kaplan? A. Yes sir, I know him.
- Q. How long have you known him? A. About four or nearly five years, I could not remember.
- Q. Do you know his general character and reputation? A. I do not understand that.
- Q. Do you know about the man's character? A. Character, yes, I know that.
- Q. What is his character? A. He always was right, I was living once in his house. we were good friends. I say he was all right, an honest man.
- Q. A straightforward man? A. Straightforward.
- Q. You never heard of his having done anything wrong before this time? A. No, I never heard.

CROSS EXAMINED by Mr Weeks.

- Q. Then I suppose you do not consider that he is guilty of this charge? A. I think not, I could not tell because he was always right before, I do not know.

Q. You say you do not think he is guilty. is that it?

A. I could not tell, I do not think he is guilty.

Q. Where were you born? A. I am born in Cooland, it belongs to Germany but they speak German.

Q. How far is it from where Kaplan was born? A. I never heard of that place at all.

Q. How long have you been in this country? A. I am about nine years.

Q. How long were you in this country before you could speak English so that you could make yourself understood?

A. I could not understand everything now.

By the court Q. As well as you can now? A. Only about two or three years.

By Mr. Weeks. Q. What was your father's name? A. My fathers name was Hyman Newman.

Q. Did your father come over to this country with you?

A. No, he is not here.

Q. What business are you in? A. The shoe business.

Q. Have you ever been in Court before to-day?

A. This is the first time I am in the court.

Q. Have you ever been interested before to-day in anybody who was accused of crime?

Objected to. Objection sustained.

By the Court. Q. How often have you seen Kaplan within the last year? A. I seen him sometimes everybweek and sometimes every day.

JACOB KAPLAN, sworn and examined.

By Counsel. Q. You are the son of Simon Kaplan, the defendant?

A. Yes sir.

Q. How old are you, Jacob? A. Seventeen.

Q. You live with your father and mother in Brownsville?

A. Yes sir.

The Court: Where is Brownsville?

Counsel: It is in the 23th Ward of Brooklyn.

Q. You assist your father in his business do you not, his express business, you help your father? A. Yes sir.

Q. And helped him on the day that he was arrested, the 20th of August? A. Yes sir.

Q. Do you remember what time of day it was that you left your house on that morning, the morning that your father was arrested? A. Yes sir.

Q. What time was it? A. Half past seven we generally do every morning.

Q. That morning? A. Yes sir, the same as every morning, half past seven.

Q. Who left your home with you? A. My father and Eddy.

By the Court. Q. Who is Eddy, another brother?

A. No sir, a stranger, he was at work.

Q. Is that the boy (pointing to a boy in Court)?

A. Yes sir, that is him.

By Counsel. Q. You got on your wagon to leave your place?

A. Yes sir.

Q. You drove over to the city of New York? A. No sir.

Q. Where did you drive to? A. On my route.

Q. Did you have a load when you left your place? A. Yes sir.

Q. A load of manufactured clothing? A. Yes sir.

Q. To be delivered to different houses? A. Yes sir.

Q. What time was it that you arrived with your wagon in the

- city of New York?                      A. It was twelve o'clock.
- Q. And did your father come over with you at that time?  
A. Yes sir.
- Q. And was he on the wagon when you came over?                      A. Yes sir.
- Q. Was Eddy, the boy, with you also?                      A. Yes sir.
- Q. Was Pete, the other boy, there?                      A. No sir.
- Q. Pete helps on the wagon too, does he not?                      A. When he has no work he helps on the wagon.
- Q. You know of course where Jerkowskie & Ernst's place of business is?                      A. Yes sir.
- Q. You know their entrance at their place in Crosby Street?  
A. Yes sir.
- Q. Do you remember having been at that entrance on the morning or the day when your father was arrested, do you understand my question?                      A. No sir.
- Q. You know the day your father was arrested?                      A. Yes sir.
- Q. Did you drive with your wagon to Jerkowskie & Ernst?  
A. We drove past, we did not stop there.
- Q. Did you stop there?                      A. No sir.
- Q. Did your father stop there                      A. Yes sir.
- Q. He jumped off the wagon, did he?                      A. Yes sir.
- Q. Where did he go?                      A. Upstairs.
- Q. Did he go up the stairs or up the elevator?                      A. I do not know, I left him standing there and I drove off.
- Q. Where did you drive to?                      A. I drove to B.L. Newburger first.
- Q. Where is it?                      A. Corner of Mercer and Elecker Sts.
- Q. Did your father come up to that corner after?                      A. No sir.
- Q. Did you drive to any place on Green Street?                      A. No sir.
- Q. On Mercer Street in the middle of the block?                      A. Yes sir.

- Q. Rosenberg, what is the name of that firm?      A. Newburger & Rosenberg.
- Q. Did you drive your wagon in front of their place?  
A. Yes sir.
- Q. Where is their place?      A. Green Street.
- Q. Where did you drive to?      A. Isadore Kaufman, Mercer Street, in the middle of the block between West 3rd and Blecker Street.
- Q. Did you stop in front of Kaufman's?      A. About twenty minutes or so.
- Q. Did your father come up to you in front of Kaufman's?  
A. Yes sir.
- Q. Was that the first place that your father came to you after he left you at Jerkowskie & Ernst's, you understand that question do you?      A. Yes sir.
- Q. After he went up to Jerkowskie & Ernst's you did not see him again until he came to you in front of Kaufman's place?  
A. Yes sir.
- Q. Their place is where?      A. Mercer between Blecker and West 3rd.
- Q. At that time you were not arrested, were you?  
A. No sir.
- Q. You were arrested in Green Street, weren't you?  
A. Yes sir.
- Q. You left Kaufman's in Mercer and drove around to Green St.?  
A. Yes sir.
- Q. You stood your wagon in front of whose place?  
A. Newburger & Rosenberg.
- Q. They are on Green Street?      A. Yes sir.

- Q. Between what streets is Rosenberg?  
Bleecker and West 3rd Street.
- A. Between
- Q. It was there that you were arrested?
- A. Yes sir.
- Q. Jacob, you went upstairs to Newburger & Rosenberg's?
- A. Yes sir.
- Q. To deliver work or to receive work?  
work and received work back again.
- A. I delivered
- Q. You delivered as well as received work?
- A. Yes sir.
- Q. When you got down stairs were you arrested?
- A. Yes sir.
- Q. Whom did you find waiting for you in front of this place?
- A. The first man I seen was Mr. Lankay.
- Q. Was there a policeman there?
- A. Yes sir.
- Q. And the policeman arrested you?
- A. The policeman did not want to arrest me; he says, "do you know sure this is the man stole your god's?" He said, "yes." He (the policeman) said, "I will have to arrest you."
- Q. And they took you to the police station?
- A. Yes sir.
- Q. Jacob, there was a piece of cloth they say found upon that wagon?
- A. Yes sir.
- Q. Do you know anything about that of your own knowledge, not what has been told you?
- A. No sir.
- Q. Was anything said to you by Eddy, the boy, when you got down about the piece of cloth?
- Objected to.
- A. Yes sir.
- Q. When you left Isadore Kaufman's did you see your father there in Mercer Street?
- A. Yes sir.
- Q. And where did he go?
- A. Upstairs.
- Q. Upstairs to the place?
- A. Yes sir.

Q. Did he stop there or did he go down with you to Green St.?

A. He stopped there.

Q. He remained there for the purpose of getting work?

A. Yes sir, and delivering work.

Q. When did you see him after that took place, after you left the Green Street place?

A. I did not see him at all

Q. The first time that you saw him after that was in the police station?

A. Yes sir.

CROSS EXAMINED.

By Mr. Weeks. Q. On the way from Jerkowskie & Ernst's to D.L. Newburger's you drove, did you?

A. Yes sir.

Q. And who was on the wagon with you then?

A. Me and Eddy.

Q. Where was Pete?

A. He was on the other truck, the moving truck.

Q. What do you mean by the moving truck?

A. We have got two trucks.

Q. Were not they together at that time?

A. No sir.

Q. Was not Pete on your wagon at all that day?

A. No sir.

Q. Do you mean to say that Pete was not on the express wagon on which you and Eddy were at all on that day?

A. Yes sir, that is what I said.

Q. Was he standing by it?

A. No sir.

Q. Not at any time on that day?

A. No sir.

Q. Do you remember whether or not you testified in that way on the other trial?

A. Yes sir.

Q. You testified that, did you?

A. Yes sir.

Q. How long did you wait at D.L. Newburger's?

A. We did not wait at all, we delivered work and drove off again.

Q. How long did you wait there?

A. About five minutes.

- Q. You stopped in front of the store and you went upstairs?  
A. Yes sir.
- Q. Who did you leave on the wagon? A. Eddy.
- Q. When you came down did you bring down any bundles?  
A. No sir, I had no time.
- Q. You got on the wagon again? A. Yes sir.
- Q. Were there any bundles on the wagon then? A. Yes sir.
- Q. How many? A. There was a good many bundles on, I could not count them, about twelve or something like that.
- Q. Where had you received them? A. We had not received them, we were to deliver them.
- Q. Where were you to deliver them? A. All around.  
Sykes, Kaufman. two bundles was not delivered yet. Newburger & Rosenberg three bundles.
- Q. What other bundles have you to deliver that day?  
A. Fetheimer four bundles.
- Q. Anybody else? A. M. Sampter, two bundles.
- Q. Had you delivered the Fetheimer bundles before you went to Kaufman's?  
A. No sir.
- Q. Had you delivered the Sampter bundles? A. No sir, how could I deliver them.
- Q. Then you went to Kaufman's and you took some bundles up, did you?  
A. No sir.
- Q. What did you do when you got to Kaufman's? A. I waited there.
- Q. For whom? A. For my father to come.
- Q. Did your father tell you he would meet you at Kaufman's?  
A. No.
- Q. Why did you think he would meet you at Kaufman's?  
A. I could not get along myself I had so much work to do.

Q. Did you carry the bundles up to Kaufman's? A. I had two, no sir; Eddy could not watch the wagon and stuff all alone.

Q. Who did you leave in charge of the wagon in front of D.L. Newburger's? A. There is a good many people around there, I left Eddy there and I told a boy to help watch them, the boy stands at D.L. Newburner's, a small boy always stands down stairs.

Q. You could not do that in front of Kaufman's? A. No sir.

Q. You would not trust Eddy with the wagon in front of Kaufman's? A. I could trust him but he could not watch it.

Q. Do you mean to say it is harder to watch a wagon on the corner of West 3rd than the corner of Bleecker and Mercer?

A. Yes sir, because there are not so many people around there.

Q. How long did you wait for your father in front of Kaufman's? A. I can't tell you how long.

By the Court. Q. The best information you can give about it, about how long, two hours or ten minutes? A. No, about twenty minutes.

By Mr. Weeks. Q. You waited there about twenty minutes for your father? A. Yes sir.

Q. And did not deliver the bundles to Kaufman? A. No sir, I had two bundles for Kaufman.

Q. How many bundles had you delivered to D.L. Newburger? A. Fourteen bundles.

Q. You delivered those all alone? A. Yes sir.

Q. You have testified that Eddy made some statement to you about a piece of cloth? A. Yes sir.

Q. When was it that Eddy told you anything about this piece of cloth? A. When I came down from Newburger & Rosenberg's.

0933

- Q. And not before? A. No sir.
- Q. When you came down from Newburger & Rosenberg's you found Mr. Lankay standing there by the wagon with a police officer, did you? A. Yes sir.
- Q. Officer Hopper? A. I do not know what his name is.
- Q. The officer that is here in Court? A. Yes sir.
- Q. Where was Greenthal? A. He was trying to get up on the wagon.
- Q. Was he not up on the wagon? A. No sir.
- Q. And had not been there? A. No sir.
- Q. Did you then make any statement to Mr. Lankay about that roll of cloth on the wagon, did you tell him who gave it to you? A. No sir.
- Q. You are sure about that? A. Yes sir, sure.
- Q. Did you not tell Mr. Lankay when he pointed to that roll of cloth on your wagon that the elevator man of D L. Newburger had given it to you? A. How could I say that?
- Q. Did you or did you not? A. No sir.
- Q. When your father met you in front of Kaufman's did he have any bags with him? No answer.
- Q. And he took bags when you left him off in front of Jerkowskie & Ernst's, didn't he? A. Yes sir.
- Q. And when he came up did you ask him whether he had got any bundles from Jerkowskie & Ernst? A. Yes sir.
- Q. You knew that he went to Jerkowskie & Ernst to get work, didn't you? A. Yes sir.
- Q. What did he tell you? A. He said no.
- Q. Did you ask him whether he had seen anybody and asked them for any work? A. No sir, I did not ask him at all.
- Q. What did you say to him and what did he say to you? A. He asked me did I deliver Kaufman's; I says no, and

he took them and delivered them.

- Q. He delivered them and you went off? A. Yes sir.
- Q. And when you go to Newburger & Rosenberg's around on Green Street just a block away from Kaufman's, you went upstairs then to deliver four bundles, did you? A. Three bundles.
- Q. And who did you leave in charge of your wagon there?  
A. Eddy.

EDWARD FITZSIMMONS, sworn and examined.

- By Counsel. Q. Edward, how old are you? A. Eighteen.
- Q. Where do you live? A. 2288 Atlantic Ave., Brooklyn.
- Q. Do you know Mr. Kaplan? A. Yes sir.
- Q. You know his boy who has just been on the stand?  
A. Yes, sir.
- Q. Do you know Pete? A. Yes sir.
- Q. Were you on the wagon on the day when Kaplan was arrested?  
A. Yes sir.
- Q. Did you leave East New York with them to come to New York?  
A. Yes sir.
- Q. That was early in the morning? A. Yes sir.
- Q. And who was on the wagon when you came from East New York?  
A. Kaplan and his son.
- Q. And yourself? A. Yes sir.
- Q. Are you familiar with the streets in the city of New York?  
A. No sir, not down town, uptown.
- Q. Upon the day when Kaplan was arrested you remember driving around with him, don't you? A. Yes sir.

- Q. Did he bring a load of goods over with him from Brooklyn to deliver in New York? A. Yes sir.
- Q. You remember his stopping at different places, do you? A. Yes sir.
- Q. You remember his delivering goods and receiving goods, don't you? A. Yes sir.
- Q. Now remember I am talking about the day upon which he was arrested only; do you remember your wagon standing in front of a store on Green Street, do you know where Green Street is. A. No sir, I do not.
- Q. So as to call your attention to it the place where Kaplan's boy was arrested, you remember standing in front of that place? A. Yes sir.
- Q. Do you remember the boy Jacob going upstairs before he was arrested? A. Yes sir.
- Q. How long do you know did he remain upstairs? A. About fifteen or twenty minutes.
- Q. Then he came down stairs, did he? A. Yes sir.
- Q. Before he came down stairs was there a policeman that came up to the wagon? A. Yes sir.
- Q. And was he accompanied by any person? A. Yes sir.
- Q. This gentleman here, Mr Lamkay? A. Yes sir.
- Q. Before the policeman came up and while Jacob was upstairs was there any other person that came up to the wagon that you were minding? A. Yes sir.
- Q. Who was it do you know? A. Yes sir.
- Q. And what did he do? A. He got on the wagon.
- Q. Who was it? A. Some fellow over there; there he is, that is the gentleman (pointing to Mr. Greenthal).
- Q. Before Mr. Greenthal came up to the wagon and while Jacob was

upstairs was there any other person came to the wagon?

A. No sir.

Q. Let me call your attention to this, was there any person came over with any bundle or anything of that sort?

A. No sir.

Q. No bundle? A. No sir.

Q. So that the only persons that you saw at that place while the boy was upstairs was Mr Greenthal and Mr. Lankay?

A. Yes sir.

Q. Do you remember Mr. Greenthal picking out a bundle and saying that that was their property, picking up that piece of cloth?

A. The first bundle on the tail board that he got hold of -----

Q. It was the first bundle upon the tail-board of the wagon?

A. Yes sir.

Q. And that was the bundle, was it? (Pointing to a piece of cloth.)

A. I believe it was.

Q. Do you know how that bundle came to be on the tail-board?

A. Yes sir.

Q. Will you tell his Honor and these gentlemen how that bundle came to be placed upon the tail-board of that wagon?

A. There was a gentleman before weever came to this place where Kaplan was arrested that put it on the tail-board.

Q. What kind of a man was he? A. He was a man with a light moustache, a young man with light hair.

Q. Under what circumstances how did he come to place that bundle on that wagon?

A. He just had it on his shoulder and he put it there and he said he would be back in a few minutes, he said that to me, I was the only one on the wagon.

Q. Where did he go? A. I do not know, I did not watch him.

- Q. Did he go into the house? A. I do not know.
- Q. Was that wagon standing still at the time he laid it on the wagon? A. Yes sir.
- Q. In front of some place of business? A. Yes sir.
- Q. Do you remember the place? A. Yes sir.
- Q. Was it the place before the one at which young Kaplan was arrested? A. Yes sir.
- Q. Sure about that? A. Sure about that.
- Q. It was in front of the place which was the one that you went to before the place at which young Kaplan is arrested, is that it? A. Yes sir.
- Q. He came up and had the bundle on his shoulders, did he? A. Yes sir.
- Q. He laid it on the tail-board and said "I will be back in a few minutes, and went away? A. Yes sir.
- Q. Have you ever seen him since? A. No sir.
- Q. Do you know who it was him if I saw him again. A. No sir, I would know
- Q. Was it Kaplan? A. No sir.
- Q. Kaplan was not there? A. No sir.
- Q. Kaplan was upstairs? A. I could not say where he went, he went away from the wagon.
- Q. You are quite certain it was not Kaplan? A. Yes sir.
- Q. Did you see Kaplan carrying any bundle of that kind: at or near or around the place where you received it? A. No sir.

## CROSS EXAMINED.

By Mr. Weeks. Q. Now Eddy, are you very positive that the place where this mysterious stranger put the bundle upon the wagon

- was the place just before the one where young Kaplan was arrested?                   A. Yes sir.
- Q. You are positive of it?                   A. Positive of that.
- Q. I cannot positively change your recollection on that point?                   A. No sir.
- Q. You came over with Kaplan and Jake that morning?                   A. Yes sir.
- Q. And how often had you run the express wagon with them before?                   A. I was on with them about a dozen of times.
- Q. Before that?                   A. Yes sir.
- Q. And was it their habit to go away and leave you in charge of the wagon while they went upstairs and delivered goods.                   A. Yes sir.
- Q. And how frequently would they both leave you in charge of the wagon?                   A. I do not understand you.
- Q. Were you ever left alone with the wagon?                   A. Yes sir.
- Q. How many times?                   A. A good many times.
- Q. They never seemed to be at all afraid to leave you with the wagon alone, did they?                   A. Not as I know of, they never said anything about it.
- Q. Did you see Pete at all on that day?                   A. Yes sir.
- Q. Where did you see him?                   A. I saw him in the morning down in Brownsville.
- Q. But after that you did not see him at all?                   A. No sir.
- Q. Did not you see him that afternoon, think?                   A. No sir, I did not see him.
- Q. Mr. Greenthal says that he saw Pete there standing by the wagon at one time?                   A. I did not see him.
- Q. You did not see him?                   A. No sir.

0939

- Q. He might have been there?                   A. Not as I know of.
- Q. Do you remember whether the wagon stopped at all near Jerkowskie & Wrnst's in Crosby Street?                   A. I do not know where Jerkowskie & Ernst's is, unless I seen the name on the door I would not know the place.
- Q. Do you remember when Kaplan got off the wagon that morning?
- A. Yes sir.
- Q. And after he got off did he join the wagon again?
- A. No sir.
- Q. Then after Kaplan first got off the wagon you never saw him again that day until you saw him in the Station House, is that right?                   A. The last time he got off the wagon I never seen him.
- Q. Did he ever get off the wagon and stay away fifteen or twenty minutes?                   A. No sir.
- Q. The only time he got off the wagon and stayed away a long time was just before he was taken to the Station House - -- you were all taken there?                   A. Yes sir.
- Q. I mean Simon Kaplan?                   A. Yes sir.
- Q. He went away, how long, fifteen or twenty minutes before you were taken to the Station House, maybe more?                   A. I could not tell how long it was.
- Q. Some little time?                   A. Yes sir, a good while.
- Q. He jumped off the wagon with some bags on his arms, didn't he?                   A. Yes sir.
- Q. And after that you did not see him again until you got to the Police Station, that is right?                   A. Yes sir, that is right.
- Q. He never came and joined the wagon at all, did he?
- A. No sir, not as I know of.

By Counsel. Q. You say ~~you~~<sup>he</sup> would go away sometimes for a while?

A. He would not go away for a long time, he went up and down that morning but he did not go upstairs, he went up and down on the sidewalk.

Q. I am talking before the last time after you left Brooklyn, when you got to New York he jumped off the wagon and went into different houses, didn't he? A. No sir, he generally gets off and walks.

Q. And he went into places, didn't he? A. I did not look around to see whether he went in, he was by the wagon pretty near all the time, he would not get on the wagon, he would go up to the side of it.

Q. And he would go away again? A. Yes sir.

Q. Did he bring any bundles to the wagon at any time?

A. Not as I know of.

Q. Did he take any bundles off the wagon? A. Yes sir, I believe he took a few.

By Mr. Weeks. Q. When you say he got up and walked alongside of the wagon it would be for a few minutes, he never would go away for any length of time. A. He was on the sidewalk.

Q. Right in sight of you all the time? A. His back was sometimes to me.

Q. But you never saw him go back to the wagon and put any empty bags in, did you? A. He threw a couple in.

Q. When? A. When he went away the last time, he went away one time and he threw some bags in and he went away again with two bundles.

Q. When did you see him after that? A. He took some more bags and he went away and I never saw him any more until he

went to the Station House.

Q. Then he went away with two bundles and he came back again after that sure? A. Yes sir.

Q. And then he took some bags and then he went away? A. Yes sir.

Q. You never saw him again until you saw him in the Station House? A. Yes sir.

Q. The last time you saw him he went away with some empty bags, is that right? A. Yes sir.

By a Juror. Q. You say this bundle was lying on the tail-board of the wagon? A. Yes sir.

Q. Was it in the bag? A. Yes sir.

Q. Was it in a bag belonging to the wagon? A. No sir.

Q. The same kind of bag as others you had on the wagon?

A. No sir, it was a different kind of bag, it was a different made bag, the stuff, the material was different altogether.

By another Juror. Q. Are you in the employ of Kaplan?

A. No sir, I just take a ride over to New York when I am slack.

Q. What do you work at? A. Brush making.

Q. What was the difference between that bag and the others?

A. The bag that was in the wagon was coarser stuff.

By the Court. Q. The same color? A. No sir, it is light color.

Q. Do you know what burlap is? A. No sir.

By Mr. Weeks Q. Was that the only bag on the wagon that was different from any of the others? A. Yes sir.

Q. When that bag was put on the wagon you never said anything to anybody about it, did you? A. No sir.

By Counsel. Q Did you tell Jake anything about it when he came down?

A. No sir, not there, I told him after he came down from Rosenberg's.

By Mr. Weeks. Q. You did not tell him anything about it until after Greenthal came there and made a row about it?

A. Yes sir.

Q. Then you told Jake about it just before he was arrested?

A. Yes sir.

SIMON KAPLAN, sworn and examined by Counsel, through the Interpreter.

Q. Kaplan where were you born? A. Cogna in Russia.

Q. How long have you been in this country? A. Eight or nine years.

Q. Are you a married man? A. I have a wife and three children.

Q. You live with them where? A. I live in Brownsville.

Q. You have been in the express business how long?

A. It will be nearly four years.

Q. You deliver to a great many clothing houses, do you?

A. I have served twenty-eight stores, the biggest houses in New York.

Q. Do you remember the day you were arrested? A. Yes sir.

Q. Do you remember the time of day it was when you left your home in Brownsville to come to New York.

A. At half past seven I hitched up the horses and I went on my route to get the bundles from the customers.

Q. And who went on the wagon with you to New York?

A. I. my boy and Eddy.





A. No sir.

Q. Did you understand what Mr. Picard spoke to you after you were arrested?                    A. I talked the Jewish German language with him.

By the Court. Q. Ask him if he understood what Mr. Picard said?

A. I talked Jewish with him.

Q. Ask him if he understood what Mr. Picard said, yes or no?

A. I did not understand what he said; and he said something more.

The Court: I do not care for it, if the Counsel wants it he can get it out.

By Counsel. Q. The police officer has sworn to this statement which he says you made to Mr. Picard. "I have been stealing, don't you prosecute me and I will settle with you", did he say that or words to that effect?                    A. I did not say this.

Q. Tell him to repeat after me in English this word, let him say "prosecute":                    A. "Presecute."

Q. Did you say to Mr. Picard. "don't prosecute me", in English:

A. I do not know what it means.

Q. In the Police Court did the interpreter there speak to you?

A. Always Picard talked to me.

Q. And not the interpreter?                    A. I did not see anyone, I was disgusted, I did not see anyone.

Q. They did tell you that they had arrested your boy?

A. Yes sir.

Q. And you said, "let my boy go"?                    A. Yes sir, I said.

Q. I will now read to you a question and I want you to explain to this jury what you understand it to mean: "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?"

A. I do not understand it.

Q. Do you know what the word "exculpation" means either in German or English? A. No.

Q. Then if you answered in the Police Court "I am guilty" in answer to that question, you did not understand the question?

A. I did not.

Q. And it was only the next day after the matter was explained to you that you asked permission of the Court to withdraw that plea of guilty and substitute not guilty, or words to that effect? A. I said the next day, "I am not

guilty" after explanation.  
Q. And after you had said you were not guilty you made the mark at the bottom of this paper? (Paper shown.) A. They gave me a pen in my hand and they held my fingers and said, "make a cross", and so the cross was made.

Counsel: I offer that in evidence.

Mr. Weeks: I suppose it is admitted that he knew the meaning of the questions that he answered.

The Court: He says after explanation he then changed his plea and said he was not guilty. I do not suppose you object to the paper being received in evidence.

Mr. Weeks: No.

By Counsel.

Q. While you were in jail after you were arrested, Kaplan, did

Mr. Picard come to the prison to see you?

A. Yes sir.

## CROSS EXAMINED by Mr. Weeks.

- Q. Now Mr. Kaplan, will you kindly tell me who started over from Brownsville that morning on the wagon?  
A. I cannot understand.
- Q. Mr. Interpreter, please translate?  
A. I, my boy and Eddy.
- Q. Will you ask the witness to please look at me when I ask the questions and also to look at me when he answers them.  
You know the boy Pete who is in Court?  
A. Yes sir.
- Q. His name is Pete Rogers, is it not?  
A. I do not know his other name.
- Q. Did you ever hear him called "rags"?  
A. No sir.
- Q. And he was not upon the wagon that morning when you left Brownsville or at any time?  
A. I did not see him.
- Q. You were on the wagon yourself, were you not?  
A. Yes sir.
- Q. And he (Pete) did not leave Brownsville with the wagon, is that true?  
A. No sir.
- Q. When you went up into the store of Jerkowskie & Ernst, for whom did you look?  
A. For Lamka and Jo.
- Q. Why did you look for Lamka, and Jo Greenthal when you went up there?  
A. Lamka is the foreman and Jo used to give me the work and put it into the bags.
- Q. Then am I right in supposing that you went up there to get some bundles of work?  
A. Yes sir.
- Q. Did you ask your express wagon to wait for you down stairs?  
A. No sir.
- Q. Did you tell your boy or Eddy or anyone upon the wagon where you were to bring the bundles of work that you expected to get in Jerkowskie & Ernst's?  
A. I told him if I

have a great many bundles I will leave the bundles and call him to take them down to the wagon, if there are not many I will take them and I will find them at Kaufman's.

- Q. How many bundles did you expect to carry yourself from Jerkowskie's and Kaufman's?                    A. There is a man who makes vests there and if he gives me about ten, fifteen or twenty vests then I carry them myself.
- Q. Then you did tell your boy that if you got some large bundles you would meet him at Kaufman's, that if you carried the bundles you would meet him at Kaufman's?                    A. I told him if I have bundles then I will come, I will find him there and I will tell him.
- Q. How long did you stay in Jerkowskie & Ernst's?                    A. About four or five minutes.
- Q. And after you came down from there where did you go?                    A. I went to Kaufman's.
- Q. Direct?                    A. Yes sir.
- Q. Did you stop on the way?                    A. No sir.
- Q. You have said that when you were upstairs in Jerkowskie & Ernst's you did not see Mr. Lamkay or Mr. Greenthal, did you speak to anyone up there?                    A. I did not talk to no one because I have no business with them, I have only business with Jo and the foreman.
- Q. You made no inquiry as to where the foreman or Jo were?                    A. O sir, I did not ask because Jo sometimes told me to come later in there, two or three hours later and he will have something.
- Q. He did not tell you anything that day?                    A. I have not seen him but sometimes it happens.
- Q. Do you know Mr. Isadore Kaufman in Mercer Street, the one who

has a large manufacturing department? A. Yes sir.

Q. How long have you been having business dealings with him?  
A. The second year.

Q. And is he the man who gives you work there or did give it to you before this present difficulty? A. There is a boy.

Q. Does not he give it to you sometimes? A. The boss does not do it.

Q. I mean young Isadore Kaufman, is this the one you used to have dealings with? A. I talked with him.

Q. And in what language were you in the habit of talking to him?  
A. The Jewish.

Q. Is that the one you mean by the boy (the young man just pointed out)? A. No, that is the boss's son, the boy is another man.

Q. But you used to talk with him, didn't you? A. Not very often.

Q. And in what language did you talk to him? A. The German.

Q. You did not talk to him in English? A. I only talked to him once when I was out on bail; then I lost all my customers, then I went to him and talked with him, he shall give me work, but he did not give me.

Q. In what language did you talk to him? A. Jewish German.

Q. Do you know Charles Katstein also in the express business? A. I meet him in the shop sometimes because he used to take also from Jerkowskie's Ernst work.

Q. When you met him you spoke to him, didn't you, Charles Katstein?  
A. I had nothing to talk to him, I take my work and he takes his, I have no conversation with him.

Q. You never have talked with him in English? A. Very seldom,  
I meet him and I had not a talk with him.

By the Court. Q. Did he ever talk with him? A. Always  
Jewish.

Q. He said he did talk to him in Jewish? A. Yes, when I  
talked to him.

By Mr. Weeks.

Q. Do you know Charles Levine, a clerk for Fechtheimer, Goodkind  
& Co. A. He wants to tell something about Kats-  
tenstein, I told him he may tell afterward.

Q. Ask him if he knows anything about Charles Levine who used  
to give out the work for Fechtheimer, Goodkind & CO.

A. I do not know who you mean.

By the Court. Q. Ask him if he knows Fechtheimer, Goodkind & C o.

A. One time I had dealings with them.

By Mr. Weeks. Q. Do you remember this young man? (Pointing to a  
young man ) A. Yes sir.

Q. He used to give out work for Fechtheimer, Goodkind & CO.

A. Yes sir.

Q. You used to talk with him sometimes, didn't you?

A. Yes sir, when he gave me work then I would talk to  
him.

Q. In what language would you talk to him? A. I did not  
have much to talk about and the few words I had to say to him  
I talked German.

Q. Then you did not talk to him in English whenever you talked  
to him A. I had nothing to say.

By the Court. Q. Ask him to answer yes or no to that question; did  
he talk to him in English? A. No sir.

By Counsel. Q. When you say you spoke Dutch you mean what is known  
as gibberish, a Dutch jargon? A. Yes sir, my own  
language, the way I talk.

PETER REISKEY, sworn and examined, through the  
Interpreter.

By Counsel Q. Peter, you work for Kaplan. don't you?

A. Yes sir.

Q. How long have you worked for Kaplan? A. For Kaplan I  
worked two years.

Q. Do you remember the day when Mr. Kaplan was arrested, just try  
that in Polish. A. He says, I do not understand  
that question.

Q. Do you remember the day upon which Kaplan was arrested?

A. I do not recollect the day but I recollect the  
fact that he was arrested.

Q. Do you remember the day upon which Kaplan's boy was ar-  
rested? A. Yes sir.

Q. Were you on the wagon in the city of New York that Kaplan's  
boy was on when he was arrested? A I was not on the  
wagon, I did not see when he was arrested.

Q. Where were you if you can remember. upon that day?

A. I moved my own things from Brownsville to New  
York.

By the Court. Q. On that day? A. Yes sir, the day that he  
was arrested.

By Counsel. Q. Did you go with Kaplan or his son at all on that  
day to deliver or receive any goods? A. No sir.

CROSS EXAMINED by Mr. Weeks.

Q. Did you go to New York with them that morning from Browns-  
ville? A. I was not with him when he came from  
Brownsville to New York.



you: "Q.What are the names of the two more boys? A.Eddy Fitzsimmons and Pete Rogers, we call him "Rags". Do you remember so testifying? A. No sir.

EDDY FITZSIMMONS recalled by Mr Weeks.

- Q. Now Eddy, I understood you to testify this morning that the bag in which this piece of cloth was was on the tail-board of the wagon, was that right? A. Yes sir.
- Q. And that the tail-board of the wagon was down? A. No sir I did not say the tail-board was down.
- Q. Was the tail-board down? A. No sir.
- Q. How was this on the tail-board of the wagon? A. When the tail-board is down it is all the way down.
- Q. Was the tail-board out and held up by a chain? A.Yes sir.
- Q. And this was on the tail-board? A. Yes sir.
- Q. And it was there when Greenthal got in the wagon? A. Yes sir.
- Q. And it was there when the officer came up and arrested Jake Kaplan? A. No sir.
- Q. Where was it then? A. He throwed it over there.
- Q. Who did? A. Jo Greenthal or whatever his name is.
- Q. But you saw it there when he got on the wagon? A.Yes sir.
- Q. We have just had Pete on the stand a few moments ago, did Peter leave Brownsville that morning with the wagon or didn't he? A. No sir. he did not leave Brownsville.
- Q. You remember testifying on the former trial, do you? A. Yes sir.
- Q. Do you remember hearing these questions and making these answers: "Q.And who was on the wagon when you came over from

Brownsville that day? A. Jake Kaplan and another workman named Pete. Q. Pete, that is another workman? A. Yes sir.

Q. What is Pete's other name? A. I cannot say." Now is the Pete who is in Court here to-day the Pete that you referred to then?

Objected to. Question withdrawn.

Q. Who was the Pete Eddy, that you testified about on the other trial?

Objected to. Objection overruled.

Q. Did you testify about any Pete on the other trial?

A. Not as I remember.

Q. If you did testify about any if your memory was refreshed so that you did remember testifying about any Pete as having been on the wagon with Jake Kaplan, is it this Pete that you refer to?

Objected to. Objection sustained.

By the Court. Q. Do you know any Pete except one? A. I know a good many Petes.

Q. Do you know any Pete that works for Kaplan except this one?

A. Yes sir.

Q. He works for him? A. No, he does not work for him but he goes for him.

By MR. Weeks. Q. Who is the other Pete? A. A fellow that has contract business.

By Mr. Weeks. Q. Do you know any Pete that rides on Kaplan's wagons except this one? A. No sir.

Q. Now I will put the question again, do you remember on the former trial being asked these questions and making these answers: "Q. And who was on the wagon when you came over

from Brownsville that day? A. Jake Kaplan and another workman named Pete." Do you remember that question and answer? A. No sir.

Q. Do you remember this question and answer: "Pete, that is another workman? A. Yes sir."

By the Court. Q. Do you remember that? A. Yes sir, I remember that but that was a mistake.

By Mr. Weeks. Q. You remember that question and answer but that was a mistake? A. Yes sir.

Q. Then Pete was not another workman, is that it?

A. I do not understand how you mean.

Q. What was the mistake? A. The mistake was you asked me so many questions at a time and did not give me time to answer one before you put another one.

Mr. Weeks: This was a question asked by Mr. Levy and not by me.

The Court: The record will show.

By Mr. Weeks. Q. Don't you remember now that that was a question asked you by Mr. Levy and not by me? A. What question was that?

Q. As to whether Pete was another workman? A. No sir.

Q. Your explanation of the mistake is I asked the questions so fast that you could not answer them properly, is that it?

A. Yes sir.

Q. You remember that there was some mention made of Pete on the former trial, don't you? A. I do.

Q. And what Pete was referred to on the former trial?

A. What Pete?

Q. Yes, who are you talking about? A. I do not understand.

By the Court. Q. You know who Pete is? A Yes sir.

Q. If you spoke about Pete on the former trial are you talking about Pete who was a witness here to-day? A. Yes sir.

By Counsel. Q. I want you to state positively one way or the other is it a fact or is not a fact that Pete was not near that wagon on the day of Kaplan's arrest? A. No sir, he was not.

Q. Any statement to the contrary is not true? A. No sir.

REBUTTING EVIDENCE.

MAX KAUFMAN sworn and examined by Mr. Weeks.

Q. You are a member of the firm of Isadore Kaufman?

A. Yes sir.

Q. Whose place of business is in Mercer Street between Bleecker and West Third? A That is right.

Q. Do you know the defendant Simon Kaplan? A. Yes sir.

Q. Was he acting as expressman to take packages from your firm to tailors prior to his arrest in this case? A. Yes sir.

Q. How long had you known him? A. About two years.

Q. What department of the business have you charge of?

A. Manufacturing.

Q. In what connection did you meet the defendant?

A. He comes up for work in our place.

By the Court. Q. For the work?

A. For the work to give

out to tailors.

By Mr Weeks. Q. Have you ever had occasion to talk with him very much? A. Yes sir.

Q. How frequently? A. O, about two or three times a week perhaps.

By the Court. Q. Within the two years?

A. Yes sir.

By Mr. Weeks. During that period in what language has your conversation been conducted with him? A. In English.

Q. Ever in any other language? A. No sir.

Q. Then if the defendant testifies that your conversation has been conducted with him in Jewish German or in jargon German is he telling the truth? A. No sir, he is not telling the truth.

Q. You have never conversed with him in any other language but English? A. Not to my recollection.

CROSS EXAMINED.

By Counsel. Q. You know Samuel Picard of the firm of Jerkowskie & Ernst, don't you? A. I know him by sight only.

Q. Which member of the firm of Jerkowskie & Ernst do you know? A. I know Mr. Ernst.

Q. You know Mr. Ernst very well, don't you? A. No sir.

Q. Which member of the firm are you intimate with? A. I am not intimate with any.

Q. You have been talked to about the desire on the part of this firm to use you as a witness, haven't you? A. No sir.

Q. You say this man did business for you for about two years? A. Yes sir.

Q. How did you come here as a witness? A. Because I was asked to come by the District Attorney.

Q. In the two years that he served your firm you had no occasion to question his honesty?

Objected to Objection sustained.

Q. Mr. Kaufman, you have talked about this prosecution of Kaplan haven't you before? A. Yes sir.

Q. This prosecution has been the subject of conversation among a number of the clothing people for whom he had worked?

A. Not with me.

Q. You have spoken about it to others. haven't you?

A. Yes sir.

Q. You have expressed an opinion, haven't you, about his guilt or innocence one way or the other? A. Yes sir.

Q. And that probably prompted your appearance here as a witness?

A. No sir.

Q. You probably have expressed your opinion either as to his guilt or innocence to Mr. Ernst of the firm of Jerkowskie & Ernst?

A. No sir, I never had a conversation with Mr. Ernst at all.

Q. Who did you talk to about this case? he is in the clothing business.

A. With my uncle,

Q. And who has been served by this man? not know.

A. That I do

Q. To him you expressed an opinion?

A. No sir.

Q. To whom did you express an opinion? collect.

A. I cannot rec-

Q. And yet you have a vivid recollection of having spoken only in one language to this man and cannot recollect the name of the person to whom you expressed an opinion?

A. No sir, I cannot recollect that I ever expressed any opinion as to his guilt or innocence.

By the Court. Q. I thought you said before you had?

A. No sir.

By Counsel. Q. You say you did not know Mr. Picard?

A. I know him now being introduced to him; this is the first time I ever met him, ever spoke a word to him.

By the Court. Q. Since this case? never spoken to him.

A. Since this case I have

Q. In relation to this case? A. Just a little while ago  
in the hall to-day.

By Counsel. Q. Can you explain to us whether you know through what  
means the District Attorney became acquainted with the know-  
ledge of your existence as a witness?

A. That I do not know.

Q. Do you know Mr. Lamkay or Greenthal? A. No sir.

Q. Do you know Mr. Levy of the firm of Jerkowskie & Ernst?

A. No sir.

Q. Do you know anybody with that firm; either as a principal or  
employee? A. I only know Jerkowskie & Ernst.

Q. You know Mr. Jerkowskie well? A. Yes sir.

Q. Any conversation with them about this case or with anybody  
in the house? A. No sir.

Q. What is the name of the uncle you have spoken about?

A. Mr. Leo Kaufman.

Q. Is he in your firm? A. No sir.

Q. Is he in another firm? A. Yes sir.

By Mr. Weeks. Q. Mr. Jerkowskie is not now a member of your firm, is  
he? A. No sir, he is not.

Q. I understand that your place of business is the Kaufman  
clothing business 649 Broadway running through to Mercer?

A. That is right.

Q. Between Bleecker and West Third that is, it is on the east  
side of Mercer? A. Yes sir.

Q. You have met the various gentlemen connected with this case  
from the house of Jerkowskie & Ernst here at my office during  
recess? A. Yes sir.

By Counsel. Q. Did you ever hear the defendant Kaplan speak in  
any language other than English? A. Not to my recol-  
lection to me.

Q. Do you speak German? A. Yes sir.

Q. And do you speak what is known as Jewish Dutch?

A. No sir, I understand it.

Q. Thoroughly? A. I do not speak it.

By the Court Q. Do you say thoroughly? A. No sir, not thoroughly, I understand it.

CHARLES S. LEVINE, sworn and examined.

By Mr. Weeks. Q. You are a clerk for the house of Fetsheimer, Good-  
king & Co.?

A. Yes sir.

Q. Was the defendant Simon Kaplan at one time the expressman  
taking packages from that house to tailors to be made up?

A. Yes sir.

Q. During the time that he was so employed in connection with  
that firm what was your position in the firm?

A. I superintended the giving out of work.

Q. And as such gave the work to him? A. Yes sir.

Q. Were you in the habit of giving the work to him then?

A. I did not give the work directly to him, I gave  
vouchers for the work to another man who gave the work to  
him but I saw the man who gave the work to him give it him.

Q. How long do you know Kaplan in that capacity?

A. As long as he rode for the house, about four or five  
months.

Q. After that four or five months Kaplan no longer rode for  
the house, did he? A. No sir.

Q. That was sometime prior to his arrest upon this charge, was  
it not?

A. Two or three weeks prior to his  
arrest.

Q. During the time that you knew Kaplan four or five months,

did you ever speak with him?

A. Yes sir.

Q. In what language did you speak?  
language.

A. In the English

Q. Did you ever speak to him in any other language?

A. I might have spoken to him in German also.

Q. What was the language in which he was in the habit of speaking to you?

A. English.

Q. You spoke to him in English and Kaplan spoke to you in English?

A. Invariably.

CROSS EXAMINED.

By Counsel. Q. How old are you?

A. Twenty years old.

Q. How long have you been with that house?

A. Five years.

Q. You say you have known Kaplan about four or five months?

A. Four or five months.

Q. You say you sometimes spoke to him in German?

A. Occasionally.

Q. What were the subjects of your conversation generally?

A. Only in regard to work.

Q. You would say, so many coats and so many pants to such a tailor?

A. And I would also tell him things to tell the tailors.

Q. You would tell him that very often in German?

A. More in English, he invariably spoke English to me and I spoke to him in English.

Q. Sometimes you did tell him in German?

A. Occasionally.

Q. Generally the amount of your conversation consisted in giving the names of the tailors and the quantity of work, is not that it?

A. Not always, I would tell him occasionally to tell this man and that man about the work

and also the number of the lot and I would also have conversation with him about some of the goods that were over there ~~see~~ which I thought he had taken over there by mistake, and he promised me to see about them; we had also some trouble about tailors getting in goods, I had several conversations with him about that, I asked him if they were working and how they were working..

- Q. Did he speak good English? A. Not perfect English, given with an accent as any foreigner would speak, not very grammatic but English that would be understood by everyone that spoke the English language.
- Q. How did you happen to come as a witness in this case? A. Mr. Lamkay came up to see whether anybody up there had any dealings with the defendant.
- Q. So you came down? A. And I was called as having dealings with him.
- Q. You know Mr. Lamkay? A. No sir, I never met him before in my life until the day -----
- Q. Did you meet Greenthal? A. No sir.
- Q. Do you know any of the employees? A. No sir.
- Q. Did your employers ask you to come down? A. I went down to them and asked them whether I can go or not; they said yes, I should go.
- Q. You say Lamkay came to you first? A. He came up- stairs and asked the book-keeper who called me.
- By Mr. Weeks. Q. The book-keeper called you as the man who had the most dealings with Kaplan while he was there?
- A. Yes sir.
- Q. Lamkay asked you if you would come down and testify in this case? A. Yes sir.

Q. You asked permission of your firm and your firm in the interests of justice permitted you to come? A Yes sir.

Counsel: I object to the "interest of justice".

The Court: Take out "the interests of justice".

By Counsel. Q. Were you promised any compensation for coming down here? A. No sir.

AARON LAMKAY recalled by Mr. Weeks.

Q. Mr. Lamkay, the witness young Jacob Kaplan was asked the question as to whether when you pointed to the roll of cloth on the wagon that day he told you it was given him by the elevator man of D.L. Newburger corner of Bleecker and Mercer Sts.

A. He did.

Q. Jacob Kaplan denied having made such a statement to you, now did he make such a statement or not? A. He did.

Q. You are positive of that? A. If you will allow me I will make a statement.

Q. What was the conversation between you and Jacob Kaplan at that time?

Objected to. Objection overruled.

A. When I arrived at the elevator door with the policeman I said to young Kaplan that you have a piece of cloth which is stolen property, something to that effect, "you have got a piece of cloth which is stolen property on your wagon."

By Counsel. Q. Was the defendant there? A. Simon Kaplan was not there.

Counsel: I renew my objection.

The Court: The same ruling upon the objection.

Witness: I told him that I was going to have him arrested for

having stolen property in his possession.

The Court: This is simply something that is introduced now for the purpose as the District Attorney avows, of discrediting the witness Jacob Kaplam ; it is admitted for that purpose solely; the statement is not intended to bind this defendant at all as to that being stolen property or anything else, it simply goes to the credit of the witness Jacob.

Witness: After I made that statement to him that he was to be arrested for having stolen property in his possession -----

By Mr. Weeks. Q. You had called his attention to that roll of cloth?

A. Yes sir, I received that piece of goods from the elevator man of D.L. Newburger's, it was left there at D.L. Newburger's and I received it corner of Bleecker and Mercer Streets.

Q. And that was this piece of goods, was it? A. That piece of goods which was found on his wagon, that is the piece of goods.

By Counsel. Q. Besides Kaplan who is the expressman for your house.

A. Katzenstein.

Q. Katzenstein was here in Court to day as a witness?

A. I saw him in the hall, I don't know whether ----

Q. Do you know as a fact that he was brought here by your firm as a witness?

A. Not to my knowledge.

Q. I am asking you whether you know it? A. No, I do not but I do know that he came down of his own free will and accord.

Q. Was he the expressman in conjunction with Kaplan around the month of August. about the 20th?

A. He was.

CHARLES KATZENSTEIN, sworn and examined,  
by Mr. Weeks. Q. What is your business, Mr. Katzenstein?

A. Express business.

Q. You are one of the expressmen for the firm of Jerkowskie & Ernst?

A. Yes sir.

Q. And have been for how long?  
five years.

A. Off and on about

Q. And you are still

A. Yes sir.

Q. Do you know the defendant Simon Kaplan?

A. I do, sir.

Q. He was also an expressman for that firm?

A. Yes sir.

Q. How long have you known him?

A. I have known him as

expressman for about three or four years.

Q. And during that period of time have you been in the habit of talking with him upon different subjects?

A. Yes sir.

Q. And in what language has your conversation generally been conducted?

A. English.

Q. Has it ever been conducted in any other language?

A. No sir.

Q. Have you ever had any special difficulty in understanding the defendant's English?

A. No sir.

Q. Has he ever seemed to have any difficulty in understanding you when you spoke to him in English?

A. No sir.

CROSS EXAMINED.

By Counsel. Q. They have considerable business for express people?

A. Well, yes, considerable.

Q. You knew that he served the house, didn't you?

A. Yes, I served it myself too.

Q. You have not any particular love for the defendant?

A. I have no dislike for the defendant.

Q. Did you express your opinion with regard to the guilt or innocence of this man? A. I may have.

Q. Did you express your opinion in this hallway?

A. I may have.

Q. Were not you particularly vindictive in your language?

A. I do not know as I was.

Q. To me? A. I do not know as I was.

Q. It was not very pleasant language you spoke of him?

A. Well, I do not know, I have not spoken anything out of the way.

Q. Was it to his favor or disfavor? A. I do not think it was to favor no more than to his disfavor.

Q. What kind of bags do your men use? A. The same kind mostly as he uses.

Mr. Weeks: I think I will have to call the stenographer.

WILLIAM ANDERSON, sworn.

Mr. Weeks: It is admitted by Counsel for the defendant that on the former examination the witness Eady Fitzsimmons upon direct examination was asked the following questions and made the following answers: "Q. And who was on the wagon when you came over from Brownsville that day? A. Jake Kaplan and another workman named Pete. Q. Pete, that is another workman? A. Yes sir." And that the witness Jacob Kaplan on the former trial was on his direct examination by MR. Levy asked the following question and made the following answer: "Q. What are the name of the two more boys? A. Eady Fitzsimmons and Pete Rogers, we call him Rags."

By Counsel. Q. Mr. Anderson, upon the last trial was there any testimony given by the police officer or by Lamkay or by

Greenthal or by Picard with relation to any translation of a paper in evidence to the defendant in the Police Court?

A. My recollection is that there was not.

Counsel: I renew my motion that your Honor advise the Jury to acquit.

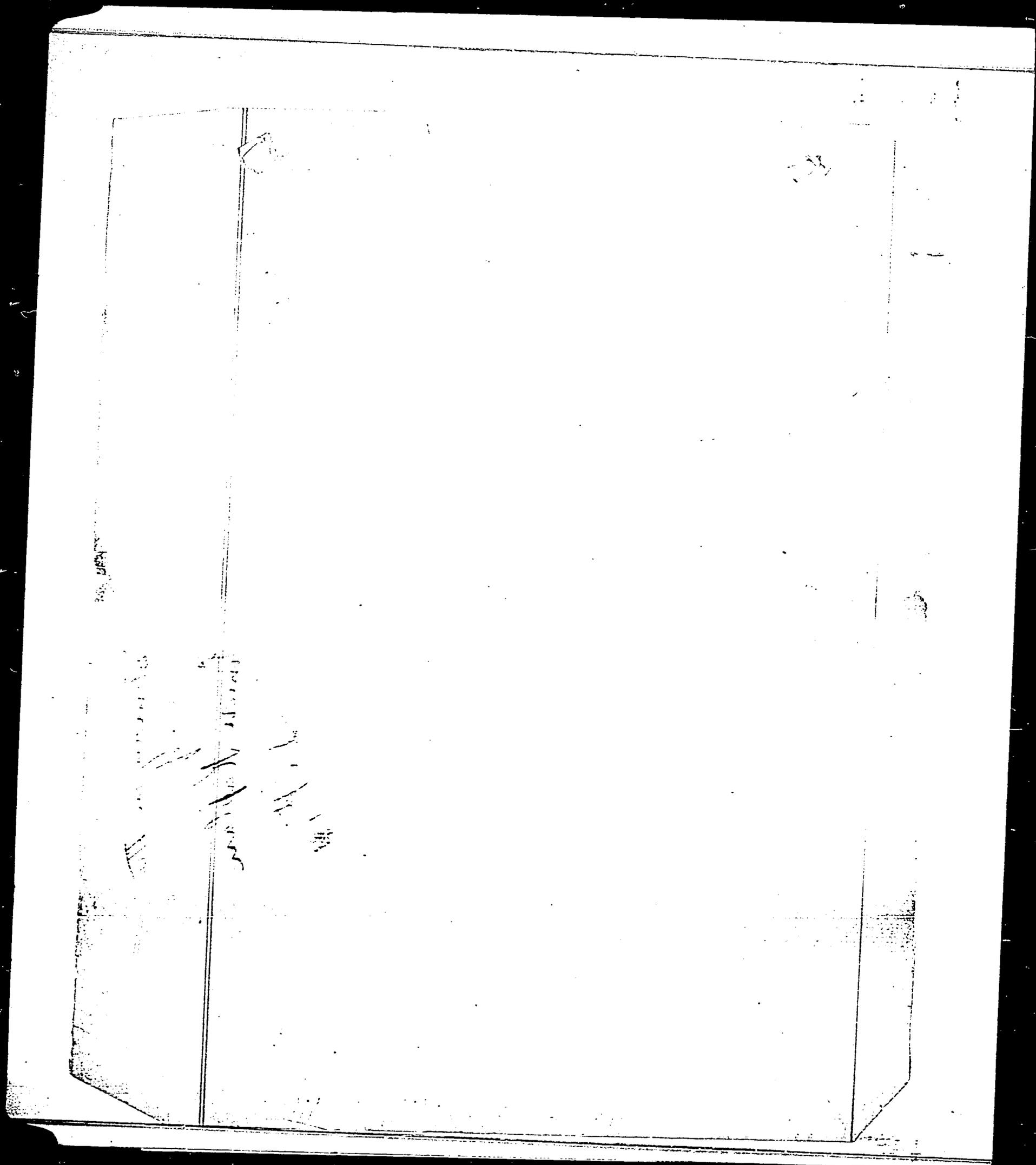
The Court: That will be denied.

Counsel: Allow us the benefit of an exception.

Counsel summed up to the Jury.

The Jury rendered a verdict of guilty of grand larceny in the second degree.

0968



0969

Testimony in the  
Case of

Simon Kaplan

filed Sept.

1891

0970

(Copy).

State of New York, Sing Sing Prison.

Medical Department.

R. T. Irvine, M.D.,  
Physician.

Sing Sing, N.Y., Nov. 19th, 1932.

I have to-day examined Simon Kaplan and find him in very poor health, suffering from chronic bronchitis, atonia dyspepsia and general nervous depression. Symptoms of above diseases made their appearance some months ago and said diseases seem to be progressing.

R. T. Irvine, M.D.,

Phy. - Sing Sing Prison,

Sing Sing,

N.Y.

In Re,  
 Application  
 of  
 Simon Naplan,  
 for  
 Pardon  
 Copy Certificate  
 of Honor Doctor  
 King King  
 P. Gen. Services  
 Oct. 23, 1891

0972

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

Samuel Picard

of No. 626 Broadway Street, aged 27 years,  
occupation Clothing Store

deposes and says, that on the 20 day of August 1891 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 :

one piece of black  
corkscrew cloth of the value of about  
two hundred dollars \$200

the property of Gerkowski & Ernst, and in  
deponent's care as a member of the firm

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 Simon Kaplan, (now here) the

deponent was in the habit of coming to said  
store for work, and came to said store on  
said date, and on his departure he was  
followed and arrested with the said  
stolen property in his possession by Officer  
Henry E. Hopper (now here)

Samuel Picard

Sworn to before me this

20th day

1891

Police Justice.

*[Handwritten signature of Police Justice]*

0973

Sec. 198-200

2 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Simon Kaplan 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. Simon Kaplan

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. Germany

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

Answer. Bronxville (East N.Y) 4 years

Question. What is your business or profession?

Answer. Expressman

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. On further examination and by advice of counsel I withdraw my former plea of guilty and now plead not guilty.

Simon <sup>his</sup> Kaplan  
mark

Sept 20/98  
ve

Taken before me this 21  
day of August 1898

Police Justice

0974

FRANKLIN M. DANAHER,  
ATTORNEY AND COUNSELOR-AT-LAW,  
COR. SO. PEARL AND NORTON STS.,  
ROOMS 41 AND 42 BENSEN BUILDING.

(Dictated)

ALBANY, N. Y., Nov. 23rd. 1892.

Hon. Delancey Nicoll,  
District Atty., New York County,  
New York City.

Dear Sir:-

The many friends in Brooklyn of Simon Kaplan have made an application to the Governor for his pardon or a commutation of his sentence and the matter is now pending in the Executive Department, awaiting the report from your office. Kaplan was convicted in the Court of General Sessions in the City of New York before Judge Martine, of Grand Larceny in the 2nd degree and sentenced on Oct. 23, 1891, to Sing Sing prison for 4 years. Without passing upon the justice of the conviction, which we take for granted to have been warranted by the evidence, they believe that Kaplan was the victim of circumstances and of his employes and seem to think that his sentence was unduly severe and that the

0975

FRANKLIN M. DANAHER,  
ATTORNEY AND COUNSELOR-AT-LAW,  
OCR. 80. PEARL AND NORTON STS.,  
ROOMS 41 AND 42 BENSON BUILDING.

--2--

ALBANY, N. Y., .....189

ends of justice have been subserved by the time he has already served of his sentence. Kaplan's family are very poor and his children small. They have the sympathy of all who know him and they have united in a large petition signed by the leading citizens of the 26th ward of the City of Brooklyn, asking for his pardon or a commutation of sentence, which petition is on file in the Executive Chamber. The reason ~~why~~ they ask for his pardon or commutation is, that his health is bad, that it is not likely that he will live during the remainder of his term and they are very anxious that he should be allowed to go home to his family and to save them the horrors of his having died in prison. I inclose herewith a copy of the official certificate of Dr. R. T. Irvine, the prison physician, certifying to his condition. A perusal of its contents will at once convince you that the application is made in good faith and that the ends of justice

0976

FRANKLIN M. DANAHER,  
ATTORNEY AND COUNSELOR-AT-LAW,  
COR. 80, PEARL AND NORTON STS.,  
ROOMS 41 AND 42 BENJEN BUILDING.

--3--

ALBANY, N. Y., ..... 189

will be served if his sentence is commuted, so he  
can spend the rest of his days with his family.  
Col. Joyce, the pardon clerk in the Executive Cham-  
ber informs me that he sent an application for a  
report on the case to your office in the middle of  
October last and that he has not heard from it. As  
the Governor will not consider pardon cases after  
the 1st of January and the health of the prisoner  
being precarious, I would respectfully ask that you  
make a prompt report in the matter, and if you  
would find it consistent with your duty to recom-  
mend his pardon or a commutation of his sentence,  
you will do a merciful act and confer a great favor  
upon many people who are anxiously awaiting the  
outcome of this application.

Yours very truly,

*F. M. Danaher*

0977

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Simon Kaplan*

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. *Simon Kaplan*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *Germany.*

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

Answer. *Brownsville (East N.Y.) 4 years*

Question. What is your business or profession?

Answer. *Electrician*

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*

*1121 7th Ave*

*Simon Kaplan*

Taken before me this *20* day of *August* 189*1*

Justice Justice  
*[Signature]*

0978

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

*Simon Kaplan*

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 *August 20* 18..... *[Signature]* 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.

0979

1111

Frederick Gustafson  
D.C. Newborg

Police Court --- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel Picard  
626 Bway  
Simon Kaplan

Larceny  
Offence  
Belong

Dated August 20 1889

Hogan Magistrate.  
Henry E. Hopper. Officer.  
West Cleaning. Precinct.

Witnesses Aaron Samkay  
626 Bway  
No. 2 of receipt case Street.  
626 Bway  
Henry V. Velle (Elevator man)  
626 Bway Street.  
Judge Hogan (at 1 o'clock)  
No. Street.

\$2000 to answer  
G.S.  
E. Brown

BAILED.

No. 1, by A. L. Richardson  
Residence 130 Avenue D 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

*Simon Kaplan*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

*Simon Kaplan*

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

The said *Simon Kaplan*

late of the City of New York, in the County of New York aforesaid, on the *20th* day of *August* in the year of our Lord one thousand eight hundred and ninety *one*, at the City and County aforesaid, with force and arms,

*one piece of cloth of the value of two hundred dollars*

*Arrested by Police of Court on return of Warrant of Attorney*

of the goods, chattels and personal property of one

*Samuel Picard*

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 Ricoll, District Attorney*

*James J. Wheeler, Grand Jury*

0981

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kellett, John

**DATE:**

09/11/91



4142

0982

Witnesses:

James Murphy

The complainant in this action has withdrawn his complaint against the defendant. It appears that the defendant has been made by the defendant, the account of the papers that prior to the filing of the indictment, the character of the defendant was unimpeachable, that he was a man of good character and was trusted and regarded by his employer who is now willing to aid him in finding work. It is shown that the defendant is a man of good character and is a worthy citizen. It is recommended that the defendant be released on his own recognizance.

Counsel,

Filed

189

day of Sept

Pleas,

THE PEOPLE

vs.

John Hellett

Grand Larceny, Second Degree, [Sections 528, 531 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Sept 17, 1891  
City of New York  
A TRUE BILL.

W. J. Berry  
He is also on the list of  
of a very respectable  
All present  
Sept 17, 1891

0983

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 140 West 53<sup>rd</sup> Street, aged 60 years,  
occupation Labourer being duly sworn

deposes and says, that on the 21<sup>st</sup> day of August 1899, 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:

Good and lawful money of the United States to the amount and of the value of seventy eight (\$78.00)

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 John Kellett (now here) from the fact that— at the hour of 6.30 a clock. A. M. said date when deponent went to work, deponent left this defendant, who slept, with deponent in the room, where the trunk which contained said money was. and at the time deponent went to work deponent discovered that the key of said trunk was missing from the pocket of deponent's pantaloon, and when deponent returned from his work on the same day, deponent got a new key, and opened said trunk, and

of  
Subscribed and sworn to before me, this  
18

Police Justice.

disclosed that - said sum of money was missing from said trunk. Deponent is informed by Officer Charlton that - when he arrested this defendant he found a trunk key in the defendant's possession and that the defendant admitted to him that he had taken said sum of money from said trunk.

Deponent further says that - he has since seen the trunk key so found in this defendant's possession and identifies said key as his property and as the key of said trunk where said money was. Wherefore deponent charges the said defendant with feloniously taking, stealing and carrying away said sum of money.

Sworn to before me ) James Murphy  
this 23 day of Aug 1891 ) Mark

Wm. M. M. M.  
Police Justice

0985

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Robert Charlton*

aged \_\_\_\_\_ years, occupation *Police Officer* of No.

*212* *Princet-Park* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *James Murphy*

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

Sworn to before me, this *29* } *Robert Charlton*  
day of *Aug* } 189*6* }

*Wm. A. ...*  
Police Justice.

0986

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*John Kellett*

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.

*John Kellett*

Question. How old are you?

Answer.

*17 years old*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*140 W. 58th St. 3 weeks*

Question. What is your business or profession?

Answer.

*Butcher*

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*

*John Kellett*

Taken before me this

*21/9*

day of *September* 1891

*W. W. Anderson*

Police Justice.

0987

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 Smith*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Fifteen~~ *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 *Aug 23* 188*7*, *W. D. ...* Police Justice.

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

57 Police Court- District 7103

THE PEOPLE, &c..  
ON THE COMPLAINT OF

James Murphy  
140 West 53 St  
John Kellett

Office of Arcury

2  
3  
4  
Dated July 22 1891

Northbrook Magistrate.

Robt Charlton Officer.

22 Precinct.  
Witnesses Robt Charlton

No. 22 Precinct Police Street.

Mr. Vera  
No. 14 West 53 Street.

No. Street.

\$ 1500 to answer

Com

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

The People vs

vs  
John J. Killutt

Frank H. Warden

Being duly sworn deposes and says, that he is a Stenographer Employed by the Acqueduct Commission, at 780 Broadway in the City of New York, and resides at 104 West 40 St this City. That he has known the above named defendant John J. Killutt for several years last past and knows that heretofore and prior to his arrest on the present charge that he was a young man of good character, honest sober and industrious - Deponent is acquainted with many others who know the defendant well and they all speak most highly of his previous good character.

Sworn to before me  
this 12<sup>th</sup> day of Sept. 1897  
Thos J. Sullivan.  
Cand. of Deeds  
City & Co. of N.Y.

Frank H. Warden

Court of General Sessions  
The People vs  
<sup>vs.</sup>  
John J. Mellett

City and County of New York, ss.  
Mrs Madge Roughton  
being duly sworn deposes  
and says, that she resides at No.  
104 West 40th St. in the City of  
New York, that she has known  
the defendant for many years, and  
that she knows of her own knowl-  
edge that heretofore he has always  
~~found him to~~ been a young  
man of exemplary and honest char-  
acter - and also knows of her own  
knowledge that he has never been  
heretofore arrested. Defendant is  
acquainted with many who know  
him well and they speak of him  
in the highest terms.

Sworn to before me this  
10th day of Sept 18th 1894 M. E. Hoyle

Thomas Sullivan  
Clerk of Court  
City & Co of N.Y.

City & County of New York, ss  
 I Anna Coghlan,  
 being duly sworn deposes  
 and says, that from infancy  
 she has known John J. Miller  
 the defendant herein, that  
 she has been brought in almost  
 daily contact with him and  
 has always found him to be  
 in every sense of the word  
 a truly model, as well as  
 an honest, exemplary and  
 trustworthy boy in all respects  
 She further says that she has  
 heard many people who know the  
 defendant speak of him since  
 his arrest and they all express  
 surprise that a boy who has  
 heretofore borne such an  
 excellent reputation should  
 be in any way connected with  
 the offense of which he now  
 stands charged.

Sworn to before me this  
 10th day of Sept. 1891.

J. M. Sullivan.

Anna Coghlan

Comptroller  
 City & Co. of N.Y.

City and County of New York s.s.

William J. Rooney, being duly sworn, deposes and says, that he resides at No 661 Fifth Avenue, in the City of New York, and is by occupation a Real Estate Broker, that he has known John J. Willett, the defendant herein, for a period of about two years, and always found him to be a young man of exemplary character, that at different times the deponent sent him out with large sums of money and always found him to be honest in these transactions, as well as in <sup>all</sup> other things. The deponent further says, that he <sup>has</sup> heard many other people <sup>speak</sup> of him in the highest terms of praise.

Sworn to before me  
this 15 day of September 1891.

Reynolds Seward.

Commissioner of Deeds  
in and for the City and  
County of NEW YORK.

William J. Rooney

General Lessons

The People's

Mr. Millitt.

Applicants of  
Character.

0994

General Sessions

The People vs

vs

John Bellotti.

Attendants

Book of Council Records

Mr. [Name]

John [Name]

[The following text is a dense, handwritten record, likely a council decision or report. It is written in cursive and spans the majority of the page. The text is difficult to decipher due to the handwriting and fading, but it appears to contain several paragraphs of text, possibly detailing a meeting or a specific event. Key words like "Council", "Records", and "Book" are visible at the top. The text continues with various names and dates, though they are not clearly legible.]

0996

Wm. C. M. M.  
1874  
Thomas Sullivan  
Com. of H. S. N. Y. Co.

Delia Rose Loggins

New York,  
Sept. 28/91.

I, Delia Dolan, do  
hereby swear that I  
have received from  
John J. Kellett at  
different times certain  
sums of money in  
payment for the  
lodging of his sister  
Ida M. Kellett.

witnesses  
{ J. W. Gardner  
A. Coghlan

Delia Dolan  
228 E. 46

New York Sept 2.8.91

This is to certify that John J. Skellett was in my employ for a period of two years, during which time he has had the handling of my money from day to day and I always found his accounts correct in every particular.

He was of a strictly honest disposition, temperate in his habits and a cheerful steady worker.

I only parted with him when he thought he had a chance of bettering his condition.

I was surprised to hear of his misfortune and can only account for it that he did it on the impulse of the moment, as he had many an opportunity of taking much larger sums from me if he had so desired.

It being his first offence and he being just in the start of life I think that if sentence was suspended the lesson would be sufficient to last him a life time. I am

General Lessons

The People's

John. Killeth

Applicants of  
Character

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

John J. Ellett.

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

It is my wish that this honorable may extend all the Clemency possible to the above defendant, as I am satisfied that he was subjected to very great temptation at the time he took the Money - From my own knowledge and from what I am informed, I am satisfied that he has always, heretofore led an honest and upright life -

Since his arrest, full restitution has been made to me by the defendant and I respectfully ask this honorable Court if it can consistently do so, to give the defendant a chance to begin life over again, as I am informed and believe that it is his intention to live an honest life in the future.

Wm. J. Murphy  
Sept 30th 1871,

Wm. J. Murphy

Admitted to the Bar of the Court of Sessions, New York, Sept 30, 1871. Court of Sessions, N.Y.C.

Announcements

The People

Ed. J. M. West

Compliments.  
Withdrawal.

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Kellett

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

John Kellett

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

The said

John Kellett,

late of the City of New York in the County of New York aforesaid, on the 21st day of August in the year of our Lord one thousand eight hundred and ninety-~~one~~ at the City and County aforesaid, with force and arms, in the day time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of

\$78.00

thirty-nine

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of

thirty-nine

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of

thirty-nine

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of

thirty-nine

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of

thirty-nine dollars

of the goods, chattels and personal property of one

James Murphy

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.

1003

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kelly, Joseph

**DATE:**

09/24/91



4142

1004

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Keiser, Charles

**DATE:**

09/24/91



4142

Witnesses:

Michael J. Dewney

de. Coonick...  
of Dept by name  
of Charles Ehemann  
Nov 13/88. & Smine,  
to P.P. for. 3/2/97  
by Rev.

W. Edmund, 27-51  
J. J. ...

Counsel,

Filed *Sept 1891*

Pleads, *March 75*

THE PEOPLE

23 vs. 24

*Joseph Kelly*

*Charles Keiser*

*Osborne, 1st & 2nd degrees*  
*[Section 217 (218, Penal Code)]*

DE LANCEY NICOLL,

District Attorney.

AT RUE ...

*W. J. Berry*

*W. S. ... Foreman.*

*Pleads March 21/89*

*H. J. P.*

Police Court \_\_\_\_\_ District.

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

of No. Homeopathic Hospital Street, aged 43 years,  
occupation Steward being duly sworn

deposes and says, that on the 4<sup>th</sup> day of September 1867 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Joseph Kelly Charles Keiser (now seen, but a fine) officer not arrested, said Kelly, having assaulted deponent with a stone then seized him about the body, threw him in the water and held deponent under the water by standing on deponent's body while deponent was carrying in the water, and that said Keiser assisted said Kelly in said act by striking deponent on the head with an oar while deponent was in the water, and that the parties not arrested also assaulted deponent in company with said Kelly & Keiser

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 5<sup>th</sup> day of September 1867

Michael J. Deviney

A. White Police Justice.

1007

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK.

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

Question. What is your name?

Answer. *Charles Kaiser*

Question. How old are you?

Answer. *14 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *347 E 104th St*

Question. What is your business or profession?

Answer. *Labourer*

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 Kaiser*

Taken before me this

day of

*[Signature]*  
188*[initials]*  
Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
of NEW YORK. } ss.

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

Question. What is your name?

Answer. *Joseph Kelly*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *W -*

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

Answer. *206 E 54th St*

Question. What is your business or profession?

Answer. *Bookkeeper*

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*

*Joseph Kelly*  
*Wm Kelly*

Taken before me this  
day of *Sept* 188*7*  
*Wm Kelly*  
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 Charles Kewin

guilty hereof, 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 Sept 5 1891 Agnew Police Justice.

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

Dated Sept 13 1891 Agnew 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.

1010

341 1201  
Police Court District.

THE PEOPLE vs.  
ON THE COMPLAINT OF

Michael J. Deviney  
Amesbury, Mass.  
Traffic Dept.  
Joseph Kelly  
Charles Kluck

Almond  
Cassell  
Office

3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated Sept 11 1891

Magistrate  
O'Brien Officer.  
Patrick Keely, 29 Precinct.

Witnesses Thomas H. Moore  
No. 100 E. 23 Street.  
Richard R. Woodcock

No. Ward 5 Street  
Sept 11 9.30  
Witnesses  
No. \_\_\_\_\_

\$ 700.00 to answer  
to 2 B. 11  
Sept 13 9.30

**BAILED.**

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

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

No. 2, by Charles Speaffer

Residence 2019 10th 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

Joseph Kelly and Charles Keiser

The Grand Jury of the City and County of New York, by this Indictment accuse Joseph Kelly and Charles Keiser

of the crime of Assault in the first degree;

committed as follows:

The said Joseph Kelly and Charles Keiser, both

late of the City of New York, in the County of New York, aforesaid, on the 7th day of September, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid,

in and upon one Michael J. Deviney, willfully and feloniously did make an assault, and threw the said Michael J. Deviney into the waters there, commonly called the East River, then and there willfully and feloniously did cast and throw, and did then and there willfully and feloniously sink and submerge the body of the said Michael J. Deviney in the waters aforesaid; and the said Joseph Kelly and Charles Keiser, with a certain man whose name they then and there held in

their hands, from the said Michael J.  
 Demery, in and upon the head of John  
 the said Michael J. Demery, then and  
 there wilfully and feloniously did strike,  
 beat and wound: the same being by such  
 means and force as were likely to  
 produce the death of the said Michael  
 J. Demery, with intent from the said  
 Michael J. Demery then and there  
 there wilfully and feloniously to kill;  
 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

*Joseph Kelly and Charles Keiser*  
of the CRIME OF *Assault in the second degree,*—

committed as follows:

The said *Joseph Kelly and Charles Keiser*, both

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

*Michael J. Demery,*  
in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said *Joseph Kelly and Charles Keiser,*

with a certain *bar* which *they* the said *Joseph Kelly and Charles Keiser,* in *their* 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 J. Demery,* then and there feloniously did wilfully and wrongfully strike, beat, bruise 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.



10 15

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kerr, Thomas

**DATE:**

09/09/91



4142

10 16

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Stanton, Florence

**DATE:**

09/09/91



4142

Witnesses:

James M. Swan  
Off. Justice  
6th Prec.

(Marked)

Counsel,

Filed

23rd Sept 1891

Pleaded

THE PEOPLE

vs.

Thomas Kerr

and

Florence Stanton

N.D.

Grand Jury, from Degree,  
(From the Person)  
[Sections 528, 580  
Penal Code].

DELANCEY NICOLL,

JOHN R. HARRIS

23 Sept 17-1891 District Attorney.

W. H. Fried and convicted  
H. S. L. 1 day

A True Bill.

Sept 25 1891  
Sept 30 1891

W. H. Fried, Foreman

Sept 2 - Sept 30 1891 Foreman

By 2 trial and convicted.

W. H. Fried, F. J.  
Oct 2/91

10 18

CITY AND COUNTY } ss.  
OF NEW YORK, }

POLICE COURT, 1 DISTRICT.

James E. Liston  
of No. 6<sup>th</sup> Precinct Street, aged \_\_\_\_\_ years,  
occupation Police man being duly sworn deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188

James Maguire  
at the City of New York, in the County of New York,  
now here is a material witness against  
Thomas Kern and Clarence Stanton  
charged with Larceny from the Person (attempt),  
and as deponent fears that the said  
James Maguire will not appear and testify  
when wanted, he prays that the said  
James Maguire be committed to the House  
of Detention as a witness in default of  
One Hundred dollars bail.

James E. Liston

Sworn to before me, this

of September 1891

9<sup>th</sup> day of

Do Police Justice.

1019

(1805)

Police Court - 1 - District.

Affidavit-Larceny.

City and County }  
of New York, } ss.

James Maguire  
of No. 1813 First Avenue Street, aged 37 years,  
occupation Bricklayer being duly sworn,

deposes and says, that on the 2 day of September 1891 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 <sup>attempted to be</sup> ~~the~~ time, the following property, viz:

Good and lawful money of the United States of the amount and value of Twenty Eight cents

the property of deponent

has a probable cause to suspect, and does suspect, that the said <sup>attempted to be</sup> ~~property~~ was feloniously taken, stolen and carried away by Thomas Kerr <sup>and</sup> Florence Stanton

(members) Deponent is informed by James E. Liston of the 6th Precinct Police that he saw said defendants leaning over a fence while he was lying on the sidewalk in North Street and said Liston saw said Kerr have his hand in the pocket of the pantaloons which contained

Sworn to before me this 11th day of 1891  
Police Justice

said money and <sup>said pantaloons</sup> was then and there  
 worn by defendant - Defendant is  
 further informed by said Officer  
 that he saw defendants walking  
 and conversing together previous  
 to them committing the aforesaid  
 felonious act and he charges  
 them with acting in concert  
 with each other in attempting  
 to take the aforesaid money  
 from his person

his  
 James + Maguire  
 mark

Brought before me  
 this 2 day of Sept 1891

Do of court Police Justice

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 39 years, occupation Officer of No. 6th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of James Maguire and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 2 day of Sept 1896 James E. Liston

[Signature]  
Police Justice.

1022

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

Thomas Kern 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.

Thomas Kern

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

N S

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

Answer.

178 Mulberry St 21 years

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty

Thomas Kern

Taken before me this

day of

Sept 1911

P. J. McKeefe Police Justice

1023

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Frederick Stanton* 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.

*Frederick Stanton*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*U S*

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

Answer.

*1692 Park Ave 2 years*

Question. What is your business or profession?

Answer.

*Labourer*

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  
F. Stanton*

Taken before me this

day of *Sept*

*1911*

*P. J. Connelley* Police Justice.

1024

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

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

Dated Sept 2 1891 So J. C. Kelly 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 h to be discharged.

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

1025

Police Court--- District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Maguire*  
vs.  
*Thomas Kew*  
*Flurence Stanton*

1170  
Offence *committed from*  
*the person* *committed*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Sept 2* 18*91*

*Daniel O'Reilly* Magistrate.

*Liston* Officer.

*6* Precinct.

Witnesses *James E Liston*

*6th Precinct* Street.

Complainant committed to the Honor of  
& Detention in default of \$ *100* Bail  
No. .... Street.

No. .... Street.

\$ *1000* to answer *G S*

COMMITTED.

COURT OF GENERAL SESSIONS, PART III.

----- X  
 :  
 The People of the State of New York, :  
 :  
 against : Before  
 : Hon. Fred'k Smyth,  
 : and a Jury.  
 Thomas Kerr impleaded with Florence :  
 Stanton. :  
 :  
 ----- X

Indictment filed September 9, 1891.

Indicted for an attempt at grand larceny in the first degree.

New York, Sept. 17, 1891.

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

For the People,

Asst. District-Atty. Henry J. Stapler;

For the Defendant,

Jacob Berlinger, Esq.

JAMES McGUIRE, a witness for the People, sworn, testified:

I live at No. 913 First Avenue. I work around buildings as a laborer. On the 2d. of September I could not say where I was. I can't tell you anything about it. I went around to the lower part of the City looking for some work. I started out at 9 o'clock that morning. I had a few drinks of beer and I didn't remember anything more. I could not say where I had the last drink. I had about 50 cents altogether in my pocket. I can't tell you anything more.

JAMES E. LISTON, a witness for the People, sworn, testified:

I am a Police Officer attached to the Sixth

2.

Precinct. I was in the neighborhood of Mott Street and Chatham Square on special duty on the 2d. of September last. I saw the complainant who has just left the stand there on that occasion. He was laying down at the entrance of 205 Worth St. at about a quarter or twenty minutes past one in the morning. I saw these two men Kerr and the co-defendant come up Worth Street and come into Mott Street; then turn around the corner of the Rutter Insurance Company Building, walk about 50 feet up Mott Street; stand there conversing for about a minute or a minute and a half; then Kerr goes to the corner and looks up and down Worth St. He came back then and had another conversation with the co-defendant and they both started from the corner and went across the street to the entrance where the complainant was. I started down slowly and close to them and I saw Kerr with his hand in the complainant's pocket. Stanton was leaning over the railing within two feet of him. I am positive that I saw Kerr put his hand into the right side pantaloons' pocket of the complainant who was lying asleep in the door-way. I grabbed the two of them and with that a man came running behind me and I says: "Get me a policeman". I started to the corner and got the assistance of the roundsman who came along and we arrested those two men. I examined the pockets of McGuire and found two dimes and four pennies in his possession. The defendant made a statement in the Police Court that he had dropped a match and was

about picking it up.

Cross-examination:

Q Did the defendant have a belt around his waist? A I think he did.

Q When this act was being done you jumped right there and caught hold of the two of them. A I immediately grabbed the two of them.

Q Was the complainant lying down? A He was laying down in the door-way just over the sidewalk. Part of his limbs were on the sidewalk.

Q You saw his clothes? A Yes, sir.

Q Did you wake McGuire up? A Yes, sir; with the assistance of the roundsman.

Q Did you try to speak to him? A Yes, sir. He said he had lost 23 cents.

Q Where did he say that? A In the Station House.

Q Do you know Kerr? A I don't believe I ever saw him before I arrested him. I have been in the precinct three years. This man was searched in the Station House and I found some cigarettes in his pocket. This occurrence of which I have told took place at half past one o'clock in the morning.

Q Where is the electric light? A There is one right on the corner.

Q That was the nearest light to them? A Yes, sir.

DEFENCE:

THOMAS KERR, one of the defendants, sworn, testified:

I live at No. 178 Mulberry Street in this city.

4.

I am 21 years of age. I have never been convicted of any crime nor have I ever been arrested. I am employed driving a truck for G. P. Lydecker at 39 Ann Street. I had been idle for 2 months because I was laid up in the hospital sick. I didn't put my hand in this man's pocket. The officer was mistaken when he said I did. On this night in question I was on my way down to the Chambers Street Hospital. I was suffering very much with my head on that night and I got up out of bed to get down there. On my way down I met this young man Stanton and when I met him on the corner I asked him if he would give me a match. He said certainly. He was taking out his match box to give me a match and my cigarette full, and while stooping to pick it up the officer came over and grabbed me. I asked him what I had done and he punched me in the mouth twice. The roundsman came and the two of us were arrested. I am positive I saw the co-defendant take the match-box out of his pocket and hand me a match.

## Cross-examination:

- Q You had worked before this as a truck-driver? A Yes, sir.
- Q Where had you worked? A 39 Ann Street.
- Q Where had you lived? A No. 178 Mulberry Street.
- Q What time did you go to bed on this night? A I went to bed about 10 o'clock.
- Q And got up at one? A About twenty minutes past one I got arrested.

5.

- Q You were going down to Chambers Street Hospital? A Yes, sir.
- Q Where is that hospital? A It is down near Greenwich St.
- Q Had you ever seen Stanton before? A No, sir. I never saw him before in my life.
- Q Did he give you the match? A Yes, sir; he gave me the match and I was just about lighting the cigarette when I got arrested. I never saw Stanton before that night.
- Q Did Stanton ever say in the Station House, or in the Police Court, anything about where he was going? A He said he was on his way up home to take the Elevated.

FLORENCE STANTON, the co-defendant, sworn, testified:

I am an electric light wireman. I was employed on the day of my arrest at 39th. Street and Lexington Ave. On the night of the 2d. of September I met the defendant Kerr. I had never seen him before to my knowledge. I live at No. 1392 Park Avenue. I have never been arrested before in my life. On that evening I was at Nizer's Theatre. I came down to take the elevated and in coming down the Bowery I walked down to get something to eat in a Chatham Square restaurant. I had a cigar. When I got out of the restaurant I turned around and walked up through Centre Street up as far as Worth Street and I was going through Worth Street again to take the elevated road at Chatham Square when this young

5.

man Kerr met me at Mott Street and asked me if I had a match. He had a cigarette or a cigar, I don't know which, and I gave him a match out of my match-box. His cigarette fell down. He stopped to pick it up and just as he did, this officer came over and arrested the both of us.

Cross-examination:

- Q You were living in Harlem at this time? A Yes, sir.
- Q What time did you leave Miner's Theatre? A About 11 o'clock.
- Q Where did you go then? A I went down to the Chatham Street restaurant to have something to eat.
- Q Where had you been the night before? A Home in the house with my brother.

The Jury returned a verdict of "guilty of an attempt at grand larceny in the first degree".

Indictment filed Sep. 9-1891.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE, v.

against

THOMAS REEB, Inspector of the

Flouring Station.

Arrested at testimony on

total law book, Sept. 17-1891.

1891.

1032

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 Kerr  
and  
Florence Stanton

The Grand Jury of the City and County of New York, by this indictment accuse  
Thomas Kerr and Florence Stanton  
of the CRIME of GRAND LARCENY of the first degree, committed as follows:

The said Thomas Kerr and Florence Stanton, both

late of the City of New York, in the County of New York aforesaid, on the second day of September in the year of our Lord one thousand eight hundred and eighty-nine, in the night - time of the said day, at the City and County aforesaid, with force and arms,

one silver coin of the kind called quarter dollars of the value of twenty-five cents, two silver coins of the kind called dimes of the value of twenty five ten cents each, four nickel coins of the kind called five cent pieces, of the value of five cents each, and eight coins of the kind called cents of the value of one cent each,

of the goods, chattels and personal property of one James Maguire on the person of the said James Maguire, then and there being found from the person of the said James Maguire 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.

Wm Lancy Nicoll,  
District Attorney

1034

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

King, Charles T.

**DATE:**

09/14/91



4142

# 1076

*M. B.*  
Counsel,

Filed *14* day of *Sept.* 18*91*  
Pleads, *Not Guilty*

THE PEOPLE  
vs.  
Charles J. King

ASSAULT IN THE THIRD DEGREE  
(Section 217, Penal Code.)

DELANGYER,  
JOHN R. FELLOWS,  
District Attorney

Case No. *2991 B. 100*  
Oct. 9, 1891

A True Bill.

*M. J. Berry*

Foreman.

*sent to Special Account*  
*Oct 12 1891*

Witness:  
*J. Hurley*  
*19<sup>th</sup> Dec*

**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 F. King*

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

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows.

The said *Charles F. King*

late of the City of New York, in the County of New York, aforesaid, on the 14<sup>th</sup>  
day of *August* in the year of our Lord one thousand eight hundred and  
*ninety one* at the City and County aforesaid, in and upon the body of one *John*  
*H. Hurley* in the peace of the said People then and there being, with force  
and arms, unlawfully ~~do~~ make an assault, and *him* the said *John H.*  
*Hurley* did then and there unlawfully beat, wound and ill-treat, to the great damage  
of the said *John H. Hurley* 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.

*Dea Nancy Nicoll,*  
~~JOHN R. FELLOWS,~~  
District Attorney.

1037

**BOX:**

449

**FOLDER:**

4142

**DESCRIPTION:**

Kleeblatt, Julius

**DATE:**

09/22/91



4142

Witnesses:

Henry L. Weston  
Max [unclear]  
David [unclear]

L. Parker  
Counsel.

Filed, 22 day of July 1891

Placed, 23

305 683 THE PEOPLE

Julius Kleckner

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

DE LANCEY NICOLL,

District Attorney.

May 26th

A TRUE BILL.

A. J. O'Leary  
Part 2 - May 24/92  
Herd & Co. [unclear]

Sentence suspended

1039

13000-  
10000-5  
58.00-  
10.75-  
2.40-  
17

*E. Licht*

OFFICE OF

LICHTENSTEIN & LYONS,

370 BROADWAY,

NEW YORK, *Sep 9* 1891

Malloran	690	J. Conetta	785
Storak	180	Calzagno	915
Coyne	1175	Beller	1555
M. Conata	795	M. Klunkhoff	960
Schneider	1845	Davis	1085
Madace	1005	Marx	1880
Mongolott	970	Stalfooy	1070
Morris	1825	Applebone	1310
Missue	1155	Klunkhoff	705
Schonberg	750	Shackford	570
Funk	400	Tarley	360
Silvermann	1850	Olson	690
Waldman	995	Gull	910
Simon	1110	Olfer	840
Troner	615		
Fiskler	1080		
			<u>7 303.75</u>

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Henry Lichtenstein

of No. 370 Broadway Street, aged 36 years,

occupation Manufacturer being duly sworn,

deposes and says, that on the 9 day of 1891 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:

Good and lawful money of the United States of the amount and value of Fifty dollars

the property of Debenant & Coartner

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 Julius Kleebatt

Debenant says that said defendant was in the employ of himself and Coartner as Bookkeeper and by virtue of such employment did receive the same and having so received and taken it into his possession for and on account of his Employer's did unlawfully and feloniously appropriate the same to his own use with intent to deprive Debenant and Coartner of the same. That deponent is informed by David L. Decker, cashier of said firm, that he gave the aforesaid sum of money in envelopes (written on the back name and amount called

Sworn to before me this 11th day of 1891  
Police Justice

for in the annexed statement now here shown and  
 annexed which is made part of the affidavit  
 and complaint the same being in the  
 hand writing of Julius Kleblatt

Deponent is informed by  
 Max Tarr that said Kleblatt had from the  
 sum of \$8.80 on Sept 9, 1891 and he signed  
 a receipt in the account book for the annexed  
 sum of \$8.<sup>00</sup> Deponent says that said defendant  
 in the annexed statement charged Max \$15.<sup>00</sup>  
 and divers other persons with divers other  
 amounts which were not due to them to  
 the amount of \$50 as annexed

Given to before me

This 10 day of Sept 1891

In presence of  
 J. J. Justice

1042

CITY AND COUNTY }  
OF NEW YORK, } ss.

Max Janz  
aged 19 years, occupation Operator of No. 128 Delancey Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Henry Lichtenstein and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 10 day of Sept 1896 } Max Janz

[Signature]  
Police Justice.

1043

CITY AND COUNTY }  
OF NEW YORK, } ss.

*David L. Drake*

aged 21 years, occupation Cashier of No.

207 E 114

Street, being duly sworn, deposes and

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

Sworn to before me, this

10

day of

Sept

1896

*[Signature]*

*[Signature]*

Police Justice.

Sec. 108-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

District Police Court.

Julius Bleblatt 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.

Julius Bleblatt

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Germany

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

Answer.

328 E-83 St 2 years

Question. What is your business or profession?

Answer.

Clerk

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  
Julius Bleblatt

Taken before me this

day of

1911

Police Justice

1045

Sec. 151.

Police Court 1 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Henry Lichtenstein of No. 370 Broadway Street, that on the 9 day of September 1891 at the City of New York, in the County of New York, the following article to wit:

Seed and lawful money  
of the value of Twenty Dollars,  
the property of Complainant and Copartner  
w. as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Julius Klebbatt

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 10 day of Sept 1891

[Signature] POLICE JUSTICE.

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated ..... 188

Magistrate

*McManus & Langs* Officer.

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

Officer.

Dated ..... 188

This Warrant may be executed on Sunday or at  
night.

*J. C. [Signature]* Police Justice.

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Dated ..... 188

Police Justice.

The within named

1047

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 Sept 10<sup>th</sup> 1891 To J. C. Keefe Police Justice.

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

Dated September 11 1891 To J. C. Keefe 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.

# 300 & Sept 11. 10 a.m.

Police Court--- 1st District. N 1209

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Lichtenstein  
vs. 370 Broadway  
Julius Kleblatt

Officer *Lanning*  
*W. King*

BAILED.

No. 1, by *Hermine Kleblatt*  
Residence *328 E. 83* Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *10* 189*9*

*Daniel O'Reilly* Magistrate.  
*Lang & McManus* Officer.  
*C-0* Precinct.

Witnesses *May Tang*

No. *128* *Delancey* Street.  
*David L. Miller*

No. *370* *Broadway* Street.  
*Michael Biller* *141 Orchard St*  
*Marie Dunne* *112 B'nim Place* *73 1/2*  
*Joan Snyder* *132 Ridge St*  
*Philip Silberman* *226 1/2 St*

§ *5.0.0* Joinswer

*4* Bailed *W. King*

1049

T. F. GIBBONS,

*Attorney and Counsellor at Law,*

NOTARY PUBLIC AND COMMISSIONER,

264 West 19th Street,

bet. 7th & 8th Aves. *L 36-7874*, NEW YORK.

OFFICE HOURS, 6 TO 10 IN THE EVENING.



COURT OF GENERAL SESSION.

-----

The People.	:
	:
vs	:
	:
Julius Klockblatt.	:
	:

-----

CITY AND COUNTY OF NEW YORK: ss-

Maximilian P. ...

... No. 127 Green Street New York City, ...

That up to ... member of the firm ... mutually dissolved ...

That Julius Klockblatt was employed by said firm as assistant Superintendent for three years, and in all that time said Klockblatt was a hard working industrious and honest person, and this defendant would not hesitate to re-employ said Klockblatt in a position of trust, had it not been the want of a ...

*Maximilian P. ...*

SWORN TO BEFORE ME, THIS }  
25th, DAY OF MAY 1901.

*J. J. ...*

COURT OF GENERAL SESSIONS.

-----

The People.

vs

Julius Kleeblatt.

-----

CITY AND COUNTY OF NEW YORK: ss-

Julius Kleeblatt being duly sworn deposes and says that he is the defendant above named.

That this defendant is 30 years of age, is married, is a resident of No. 108 East 12th Street New York City, and is at present employed as a collector for the New York Real Estate Company.

That this defendant never was arrested nor was he ever charged with any crime or any offense of any kind or nature except the one hereinafter stated.

That this defendant admits his conviction in 1907 that he ever committed the offense charged, but since the time this defendant was arrested he has led a honest life and will continue to do so.

This defendant therefore prays that the judgment may be suspended and a chance given him to live down the crime of which he is brought upon himself.

*Julius Kleeblatt*

SUBSCRIBED TO BEFORE ME, THIS

26th, DAY OF MAY 1908.

*John J. Shea*  
*John J. Shea*  
 7/2/08

COURT OF GENERAL SESSIONS.

-----

The People.

vs

Julius Klechlatt.

-----

CITY AND COUNTY OF NEW YORK: ss-

Louis Aaron, being duly sworn  
 & deposes and says that he is in the real estate business and  
 that his office is No. 121 Second Street New York City.

This deponent says that he has known Julius Klechlatt  
 for four years last past, and that the character of said  
 Klechlatt is that he is an honest and industrious young man  
 and that this deponent has the utmost confidence in  
 said Klechlatt and would trust him in any position.

*Louis Aaron*

SWORN TO BEFORE ME, THIS  
28th, DAY OF MAY 1901.

*Stephen J. ...*  
*Notary Public*  
*County of ...*

General Sessions Court.

Please take notice, that the within is a copy of

The People

made herein and duly entered and filed in the office of the Clerk of the

Plaintiff  
against  
Julius Klutznick

on the day of 189  
Dated New York, 189

Defendant.

Yours etc.,  
ISAAC KUGELMAN,

Affidavits of  
Character

Attorney for  
182 Nassau Street,  
New York.

ISAAC KUGELMAN,

Attorney for  
97 1/2 Nassau Street,  
NEW YORK CITY.

To ..... Esq.,

Attorney for .....

Due and timely service of a copy of the within is hereby admitted.

Dated ..... 189

Attorney for .....

ELIAS EINSTEIN.

MORRIS FINN.

JOS. WAXELBAUM.



80755-070600-270587

New York, February 10<sup>th</sup> 1891

To all whom it may concern this is  
 to certify that the Honorable Edwin Bleckett  
 has been in our employ for three years and part  
 of the time as Assistant Superintendent.

We can recommend him as an honest  
 and hard working young man worthy  
 the confidence of his employers.

Respectfully

W. C. Cushman, Clerk & Cashier  
 by C. C. Cushman

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Julius Kleblatt*

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

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

The said

*Julius Kleblatt*

late of the City of New York, in the County of New York aforesaid, on the *ninth*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, being then and there the *clerk*  
and servant of *Henry Lichtenstein and*  
*Benjamin Lyons, copartners*

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  
*Henry Lichtenstein and Benjamin Lyons*  
the true owner thereof, to wit:

*the sum of fifty dol-*  
*lars in money, lawful money*  
*of the United States of America,*  
*and of the value of fifty dollars*

the said *Julius Kleblatt* 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 *Henry*  
*Lichtenstein and Benjamin Lyons*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *Henry Lichtenstein and Benjamin Lyons*

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.

1057

**END OF  
BOX**