

0123

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kaiser, Julius

**DATE:**

05/27/92



4396

0124

9117  
911F

Counsel,

Filed

1892

Pleads,

*Wm. H. Kelley*  
*Mary J. Jones*

THE PEOPLE

vs.

B

*Julius Kaiser*

*May 1/93*

RECORDED  
INDEXED  
MAY 1 1893

VIOLATION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. (7th Edition), page 1863, Sec. 21, and  
page 1869, Sec. 5.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Julius Kaiser*

Foreman.

Witnesses:

0125

**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 Kaiser

The Grand Jury of the City and County of New York, by this indictment accuse of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said Julius Kaiser

late of the City of New York, in the County of New York aforesaid, on the first day of June in the year of our Lord one thousand eight hundred and ninety-      , at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Julius Kaiser

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open and cause and procure and suffer and permit to be open, and to remain open, 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.*

0 126

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kaplan, Jacob

**DATE:**

05/05/92



4396

0127

Witnesses:

Off. Shouting Spec  
Rebecca Stevenson

Counsel,

Filed, 5<sup>th</sup> day of May 1892

Pleads,

Amendments

THE PEOPLE

vs.

30  
18  
P

Jacob Kaplan

ABDUCTION  
[Section 272, Sub. 1, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

9 May 1892  
May 13/92

A TRUE BILL.

Louis Cathin

Foreman.

Part 3. May 10/92  
Pleads guilty (2<sup>d</sup> count)  
Attendant by unlawful  
sexual intercourse 13.

my General Passions

The People, etc.,

Edward Walsh  
 Frank McCott  
 Archibald Madison

City and County of New York, ss:  
 John Gilbertson  
 being duly sworn says:  
 That he is  
 of the age of about 47 years and  
 upwards that he resides and has  
 his shop at number 23 Grand Street  
 in the City of New York where he has for  
 the past 18 years carried on his  
 business as a singer and  
 pianist. - That he is and has  
 been for the past five years and  
 upwards acquainted with  
 Archibald Madison above mentioned,  
 that during said period said  
 Madison has been in his employ,  
 that he is well acquainted with  
 many others who know said  
 Madison and that from his personal  
 experience with said Madison as

his (deponent's) workman and from what he has heard from others he declares that during said ~~for~~ period the character of said Madison has been that of a good honest industrious and respectable young man.

Deponent adds that during all said period he has lived in the same neighborhood as said Madison.

Witness my hand and seal this 1st day of August 1904.

John Gilbertson

Notary Public

N.Y. City

my General Sessions  
 of the People, etc.,  
 vs  
 Edward Walsh  
 et al.

City and County of New York, ss:  
 Charles E. Lichtenheim  
 being duly sworn says: That he  
 is of the age of 40 years and upwards  
 that he represents Charles E.  
 Lichtenheim, Commission Merchant  
 of 152 Reade Street New York; that  
 he is and has been for about a year  
 past well acquainted with Edward Walsh  
 the defendant above named by reason  
 of said Walsh's having worked for  
 his (the parent's) said house, that  
 he has met and observed said  
 Walsh frequently, that he is  
 well acquainted with many others  
 who know said Walsh, and that from  
 what he has seen been informed  
 of and heard of said Walsh, he  
 declares that the character of  
 said Walsh for Peace and

quiet as well as fair dealing has  
been good.

~~10th day of July 1892~~  
~~before me this~~

Charles S. Sinsheimer.  
Notary Public  
N.Y.C.

Charles E. Lighten

My General Sessions  
 The People, etc.,  
 Edward Walsh  
 et al.

City and County of New York ss:  
 John W. Allen,  
 being duly sworn, says:  
 That he resides  
 at 242 Pine Street Brooklyn  
 E.D.; that he is and has been  
 for the past 5 years what is known  
 a "boss truckman" - having succeeded  
 his father - that he is and has  
 been for the past four years well  
 acquainted with said defendant  
 Walsh, that said Walsh worked  
 for him for about the time of  
 one year (last past) that he is  
 well acquainted with many others  
 who before and have had dealings  
 with said Walsh, and that from  
 his personal experience and  
 from what he has heard from  
 others he deposes that the character

0133

of said Walsh is that of a good  
peaceable and hardworking young  
man

Sworn to before us this John W. Allen

10<sup>th</sup> day of May 1877  
Charles S. Susskinner  
Notary Public  
N.Y. Co

TORN PAGE

my General Sessions  
The People, etc.

Edward Walsh  
Frank Elliott  
Archibald Madison

County of New York ss:  
Charles Maher being  
duly sworn says: That he is a public  
house that he is at present

My General Sessions  
The People, etc.,

Edward Walsh  
Frank McEiffert  
Archibald Madison

City and County of New York, SS:   
William Murphy  
being duly sworn says:

That he is 43 years of age and upwards that he is a public truckman and has been such at the corner of Canal Street and West Broadway for the past 30 years.

That he is and has been since childhood well acquainted with Frank McEiffert, one of the defendants above named as well as with his entire family and that during such period he has always found and knew said McEiffert as a quiet sober and industrious young man.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1881  
Charles S. Sinsheimer  
Notary Public N.Y. Co. William Murphy  
his mark

N<sup>y</sup> General Services

The People  
etc.,

Edward Walsh  
et al:

Affidavit

J. C. Coates  
City Landette  
114 Nassau St  
New York

0136

0137

THE COURT OF GENERAL SESSIONS OF THE PEACE  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE

VS.

BRIEF FOR THE PEOPLE.

JACOB KAPLAN.

STATEMENT OF CASE:

THE DEFENDANT, JACOB KAPLAN, aged 30 years, of 18 Eldridge Street, is charged with the crime of ATTEMPTED RAPE, perpetrated on the person of Jennie Silverberg, aged 6 years, (who resides with her mother, Rebecca Silverberg, at the same address,) on Sunday, April 24th, 1892, at or about 4-00 P. M.

WITNESSES:

Mrs. Rebecca Silverberg,  
Rebecca Lewin,  
Officer Henry of 11th Precinct,  
" Schindler "  
W. Travis Gibb, M. D.

MRS. REBECCA SILVERBERG, mother of above-named Jennie Silverberg, residing at 18 Eldridge Street, will testify:

That on Sunday, April 24th, 1892, at about 4-00 P. M., her little boy aged 5 years came up to her and said: "Mama, - Jennie is in the room with 'Chincky' (the defendant Kaplan being so called by the children) and she wants to come out". That she (Mrs. S) thereupon went downstairs, where on the second floor Kaplan has a furnished room and called the child Jennie. That Jennie had two cents with her, which she claimed "Chincky" had given her. That the child was then told that she must not go into the man's rooms again. That the first time Witness imagined an assault had taken place was on April 27th, when she removed the child's underclothing and found upon her drawers what appeared to be semen and also discovered that the child's private parts were sore. That she ascertained from Jennie that the defendant Kaplan called her into his room (as he also called one of the cigar-maker's children -- one Rebecca Lewin, aged 9 years -- who live in the same house), where he gave her (Jennie) two cents, laid her on the bed, opened her drawers and tried to put his privates into her private parts. That the child told her "it hurt" and that "he made her all wet". That he then advised her "not to tell her mamma".

WITNESS will further testify as to the age of her daughter, Jennie Silverberg.

REBECCA LEWIN, aged 9 years, residing with her father, Samuel, at 18 Eldridge Street, will testify:

That on Sunday, April 24th, 1892, at about 4-00 P. M., she was induced by the defendant Kaplan, at the same time the invitation was given to Jennie Silverberg, to come into his (defendant's) room; that she did so; and that she saw Kaplan place Jennie Silverberg

0138

IVGOE KVLIVH

AP

USING FOR THE ENGAGE

JHS BEOLPE

upon the bed, lift up her clothes, take out his 'thing' and place it between the legs of Jennie Silverberg. That she also saw defendant give Jennie two cents. That when defendant had done with Jennie, he wanted to do the same with her (Witness) but she refused and left the room.

OFFICER HENRY, of the 11th Precinct Municipal Police, will testify as to the arrest of the defendant, Kaplan, and also as to the admittance made in the Third District Police Court, in the presence of himself and Officer Schindler, by the defendant, who distinctly stated: "On Sunday, the child and the cigarmaker's child came into my room. Jennie opened her drawers and showed me her 'thing' and then asked me to do it. When I refused, she came over and sat on my lap and took hold of my penis; and naturally I could not resist, and put my penis against her 'thing' and nature came, but I did not put it into her. Any doctor can examine her and see that."

OFFICER SCHINDLER, of the 11th Precinct Municipal Police, will corroborate that part of the testimony, as given by Officer Henry of the same Precinct, relative to the admittance by the defendant Kaplan in the Third District Police Court.

W. TRAVIS GIBB, M. D., will testify as to a physical examination made by him on the person of Jennie Silverberg.

-----:-----

COPY.

365 Lexington Avenue,  
April 28th, 1892.

Hon. Elbridge T. Gerry,  
President of the Society for the Prevention  
Of Cruelty to Children.

Dear Sir:

I have this day examined the person of Jennie Silverberg, of 18 Eldridge Street, and find there has been almost complete rupture of the hymen, indicating that her genital organs have been almost completely penetrated by some blunt object.

Respectfully submitted,

W. TRAVIS GIBB, M. D.,  
Examining Physician.

**N. Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

**JACOB KAPLAN.**

PENAL CODE, <sup>74</sup>

**BRIEF FOR THE PEOPLE.**

0139

The New York Society for the  
Prevention of Cruelty to Children

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, May 4<sup>th</sup> 1892

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

The People  
against  
Jacob Kaplan

Notice of Prosecution.

To the District Attorney of the  
City and County of New York,

Sir: This Society is interested in the prosecution of the above defendant, and is familiar with the facts of the case. It respectfully requests that before sending the papers to the Grand Jury, fixing the day of trial, consenting to any postponements thereof, or to any reduction of bail, or final disposition of the charge, you will duly notify me as its President and Counsel, so that I may confer with you in regard thereto. This request is made pursuant to the statute (Laws of 1886, Chapter 30, Section 1), and in furtherance of the ends of Justice.

I have the honor to remain, with great respect,

Elbridge T. Gerry,  
President, &c.

N. Y. GENERAL SESSIONS

*Attempted Rape*  
CRUELTY TO CHILDREN

THE PEOPLE



*Robert Kaplan*

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

*President, &c.*

0142

Police Court, 3<sup>rd</sup> District.

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

*Edward Becker*

of No. *108 East 23<sup>rd</sup>* Street, in said City, being duly sworn,  
deposes and says, that a certain ~~fe~~ male child called *Jennie Silverberg*  
[now present], under the age of sixteen years, to wit, of the age of *six* years, is a  
necessary and material witness on behalf of the People of the State of New York in a certain  
criminal case now pending in the Court of *General* Sessions of, in and for the City and  
County of New York, entitled, The People against *Jacob Kaplan*  
*Jacob Kaplan*, wherein the said *Jacob Kaplan*  
is charged with the crime of *Attempt Rape*, under  
Section \_\_\_\_\_ of the Penal Code of said State, in that he, the said *Jacob*

*Kaplan did attempt to have sexual  
intercourse with the said Jennie  
Silverberg*

and that the said *Jennie Silverberg*  
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his  
testimony at the instance of the people.

Wherefore, deponent prays that the said child *Jennie Silverberg*  
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed  
temporarily to an institution authorized by law to receive children on final commitment, and to  
have compensation therefor from the City or County authorities, as a witness, to appear on the  
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,  
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this *28<sup>th</sup>*  
day of *April* 18 *97*

*Edward Becker*

*Charles N. Lantieri*

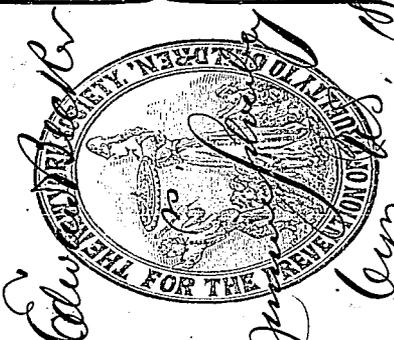
Police Justice.

0143

POLICE COURT DISTRICT.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

FRIDAVIT.  
WITNESS.



*John S. ... of ...*

Dated *April 28* 1892

*... ..* Magistrate.

*... ..* Officer.

*... ..*

Disposition  
*... ..*

*...*

0144

Police Court, District.

City and County of New York, ss.

of No. 108 East 53<sup>rd</sup> Street, aged 29 years,

occupation Officer of Police being duly sworn, deposes and says,

that on the 24<sup>th</sup> day of April 1892 at the City of New York, in the County of New York,

Jacob Kaplan (now here) did attempt to have sexual intercourse with a female child of the name of Jennie Silverberg age six years, for the reasons that deponent is informed by Rebecca Silverberg (now here) that she found the said child in the apartments of the defendant in said premises. That she subsequently examined the drawers worn by said child and found them soiled with semen. Deponent had a conversation with the defendant and he confessed to deponent that he had rubbed his penis against the private parts of the said Jennie and the said Jennie's private parts are sore and inflamed.

Edward Becker

Edward Becker

Sworn to before me this 28<sup>th</sup> April, 1892

Charles W. Harbo  
Police Justice

BOHNS COLLEGE  
THE PEOPLE'S...  
OF THE COUNTY OF...

0 145

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Jacob Keplan* 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.

*Jacob Keplan*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*18 Eldridge St. Newark*

Question. What is your business or profession?

Answer.

*Pedler*

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  
Jacob Keplan*

Taken before me this *25*  
day of *April* 189*2*

Police Justice.

0146

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

Dated *April 28* 188*9* *Charles J. Linton* Police Justice.

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

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

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

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

01477

532

Police Court--- 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edward Becker  
vs.  
Jacob Kaplan  
Offense Attempted Rape

BAILED,

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

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

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

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

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

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

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

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

Dated April 28 1892

Magistrate.

Officer.

Precinct.

Witnesses Rebecca Silveberg

No. 18 Eldridge Street.

Call off \_\_\_\_\_

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

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

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

\$ 3000 to answer.



Handwritten signature

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob Kaplan

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

Jacob Kaplan

of the CRIME OF ABDUCTION, committed as follows:

The said Jacob Kaplan,

late of the City of New York, in the County of New York aforesaid, on the 24th day of April, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, did feloniously take, receive, harbor, employ and use one Jennie Silverberg, who was then and there a female under the age of sixteen years, to wit: of the age of six years, for the purpose of sexual intercourse, he, the said Jacob Kaplan, not being then and there the husband of the said Jennie Silverberg, 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

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further

accuse the said

*Jacob Kaplan of  
the crime of attempting  
to commit* —

~~of~~ the CRIME OF PERPETRATING AN ACT OF SEXUAL INTERCOURSE  
WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS, NOT HIS  
WIFE, committed as follows:

The said

*Jacob Kaplan,* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year afore-  
said, at the City and County aforesaid, with force and arms, in and upon a certain female  
not his wife, to wit: her, the said *Jennie Silverberg,* —

then and there being, wilfully and feloniously did make another assault, she the said  
*Jennie Silverberg* being then and there a female under the  
age of sixteen years, to wit: of the age of *six* — years; and the said

*Jacob Kaplan* — then and there  
wilfully and feloniously did <sup>attempt to</sup> perpetrate an act of sexual intercourse with her the said —

*Jennie Silverberg* — , 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.*

0150

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kaufman, John

**DATE:**

05/23/92



4396

0151

Witnesses:

Counsel,

Filed, 23<sup>rd</sup> day of May 1898

Pleas, *Guilty*

THE PEOPLE

vs.

*B*

*John Kaufman*

VIOLETION OF EXCISE LAW.  
(Ill. Rev. Stat. (7th Edition), Page 1898, Sec. 5.)  
Keeping Open on Sunday.

I hereby consent and desire  
this case against me be sent to  
Court of Special Sessions for  
and final disposition.

*Done at Chicago, Ill., April 27, 1898.*

DE LANOXY NICOLL,

District Attorney.

A TRUE BILL.

*Louis Cathie*

Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*John Kaufman*

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

*John Kaufman*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said *John Kaufman*

late of the City of New York, in the County of New York aforesaid, on the *17<sup>th</sup>* day of *August*, in the year of our Lord one thousand eight hundred and ninety-*—*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, 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.*

0153

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kearns, Maggie

**DATE:**

05/20/92



4396

0154

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Wood, Herbert A

**DATE:**

05/20/92



4396

Witnesses:

Master Skiddan

Counsel,

Filed

day of

189

Pleadings

THE PEOPLE

vs.

Maggie Kearns

32nd Ave

Herbert A. Wood

No 2 Pen 6 ms

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Julius Caesar Foreman.

May 21/92

Part 3. No 2 Pen 6 ms

Receiving stolen goods

Dist Sentence Susper P. J. June 1892

Grand Larceny, Second Degree  
[Sections 538, 539, Penal Code.]

I am satisfied that  
the woman I suspect  
is Dr. [Name] of Ed. [Name]  
Agency at the hands of  
the Clerk - this woman  
was & served by the  
Complainant and gotten  
with child. The Complainant  
on my judgment is the  
more guilty of the [Name].  
Date 10-26-92. Robert [Name]  
Att. Dist. etc.

0156

(1305)

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

*Northrup Sheridan*

of No. *309 West 43* Street, aged *36* years,

occupation *Builder* being duly sworn,

deposes and says, that on the *14* day of *May* 189*7* at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *night* time, the following property, viz:

*Good and lawful money of the United States of the amount and value of One Hundred and ninety dollars, on a diamond pin of the value of about twenty dollars, and one pair of earrings of the value of fifty five dollars the property being altogether of the value of about Two hundred and fifty five dollars*

the property of *deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

*Huggin Kearns and Herbert Wood (both workers) from the fact that on about the 10th of May deponent met the defendant Kearns in the saloon at 2380 Third Avenue and near from there to several places and in company with the said Kearns went to the Harlem Station, in the South West Corner of 115th Street and 3rd Avenue. That deponent engaged a room there and went into the said room in company with the defendant Kearns about the hour of 3 o'clock A.M. on the 14th day of May. That deponent addressed and mailed his good the said sum of money, and the said pair of earrings in the inside pocket of deponent's vest, which vest deponent hung on a nail in*

Subscribed and sworn to before me this 14th day of May 1897

the room. That the said pin was in a defendant's  
possession, which defendant placed on a table  
in the room. That the defendant Keenan  
was in bed with a woman. That defendant  
fell asleep and woke up about the year  
of 1930. October 1st and the defendant Keenan  
was gone. That defendant put on his clothes  
and discovered that the said property was  
gone. That defendant went to the Keenan's  
and there met the defendant Wood and the  
defendant Wood of First Avenue and  
knowledge of the said property. That defendant  
was in Wood's room again and Wood then ad-  
mitted to defendant Wood that he  
had received one hundred dollars and the pin.  
That defendant received from Wood the said  
one hundred dollars and the pin.  
Therefore defendant prays that the defendants  
may be dealt with as the law directs.

Done by the court this } Fortimer Sheridan  
15th day of Nov 1932

W. W. Wood  
Justice

0158

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss:

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

Question. What is your name?

Answer. *Maggie Kearns*

Question. How old are you?

Answer. *19 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *672 1/2 East 127th St one month*

Question. What is your business or profession?

Answer. *Candy work*

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*

*Maggie Kearns*

Taken before me this *13*  
day of *July* 189*7*  
*John J. ...*  
Police Justice

0159

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss:

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

Question. What is your name?

Answer. *Herbert A. Wood*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *New York State*

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

Answer. *624 East 177th St. one month*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

*Herbert A. Wood*

Taken before me this

day of *March* 189*7*

*W. H. Keane*

Police Justice

0160

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

*W. J. ...*

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

Dated, May 18 1892 *A. J. ...* Police Justice.

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

Dated,          189                  Police Justice.

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

Dated,          189                  Police Justice.

0 16

P291 630 598  
1884  
Police Court--- District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Northrup Sherrin*  
*318 1/2 West 4th St*  
*Magpie Larous*  
*Robert Wood*

*Paul L. ...*  
Officer

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

3.....

4.....

Dated, *May 15* 189

*McCaughy* Magistrate.

*McCann* Officer

*29th* Precinct.

Witnesses *J. W. McCay*

No. *157* Street.

*John ...*

No. *318* Street.

*Henry ...*

No. *1318 E 126 St* Street.

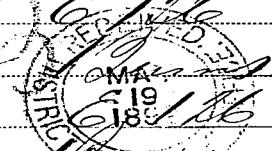
\$ *1111* to answer

*H. M. ...*

*May 29*

*1500 ... May 18-9 and*

*The Magistrate*  
*presenting in my*  
*absence will hear*  
*and determine this*  
*case*  
*(Mead)*  
*Police Justice*



0162

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

Maggie Kearns and Herbert A. Wood

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Maggie Kearns and Herbert A. Wood of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Maggie Kearns and Herbert A. Wood, both

late of the City of New York in the County of New York aforesaid, on the 14th day of May in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms, in the night-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 ninety-five

4/190

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 ninety-five

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ninety-five

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ninety-five

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ninety-five dollars, one pair of the value of twenty dollars, and one piece of paper of the value of one cent

of the goods, chattels and personal property of one Mortimer Sheridan 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.

*Second* COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Herbert A. Wood*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Herbert A. Wood*

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

*the same goods, chattels and personal property described in the first count of this indictment*

of the goods, chattels and personal property of one *Mortimer Sheridan* by one *Maggie Kearns*, and *other* by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Mortimer Sheridan*

unlawfully and unjustly, did feloniously receive and have; *he* the said *Herbert A. Wood*

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

0164

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Keegan, Mary

**DATE:**

05/06/92



4396

0165

# 115-  
~~115-  
115-  
115-~~

Counsel,

Filed 6 day of May 1892

Pleas, *Magally*

THE PEOPLE

vs.

*Mary Keegan*

Grand Larceny,  
(From the Person,  
Degree. Penal Code.)  
[Sections 538, 540]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Julius Cahn*

Foreman.

Part 3. May 12/92 -  
Tried & acquitted

Witnesses:

*Alfred J. ...  
off ...*

Police Court— 3 — District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 161 Chrystie Moritz Zwainig Street, aged 32 years,  
occupation Bricklayer being duly sworn,

deposes and says, that on the 3 day of May 1897 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession

and person of deponent, in the night time, the following property, viz:

About two dollars lawful  
money of the United States

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 Mary Keegan (now here) for

the reasons that deponent met  
the defendant on Delancey Street  
and accompanied her to a parlor  
at her solicitation. Deponent had  
said money in the pocket of the  
pantaloons then worn on his person.  
That the defendant inserted his hand  
into said pocket and took said  
money from deponent's person

Moritz Zwainig

Sworn to before me, this 4 day  
of May 1897

Police Justice.

(1885)

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. *Mary Keegan*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *Duland*

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

Answer. *155 Allen St. 3 months.*

Question. What is your business or profession?

Answer. *Keep house*

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*  
*her*  
*Mary Keegan*  
*sworn*

Taken before me this

day of *May* 1892

Police Justice

*[Signature]*

0168

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 security.

Dated *May 4* 188..... *[Signature]* Police Justice.

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

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

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

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

0160

544

Police Court--- 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Maria Zwick  
161 Chopter St  
Mary Keegan

Office  
Maudsberry

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 Mary 4 1892

Hogan Magistrate.

Ruiter Officer.

11 Precinct.

Witnesses .....

No. .... Street.

No. .... Street.

No. .... Street.

\$ 500 to answer 208



Handwritten signatures and initials at the bottom right.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Mary Keegan*

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

*Mary Keegan*

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

The said *Mary Keegan*

late of the City of New York, in the County of New York aforesaid, on the *3rd* day of *May* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night* time of the said day, at the City and County aforesaid, with force and arms,

*the sum of two dollars in money, lawful money of the United States of America, and of the value of two dollars*

of the goods, chattels and personal property of one *Moritz Zuewning* on the person of the said *Moritz Zuewning* then and there being found, from the person of the said *Moritz Zuewning* 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. Launcey Nicoll*  
District Attorney

0171

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Keenan, Patrick

**DATE:**

05/20/92



4396

0172

Witnesses:

Bill Richardson

603 103

Counsel,

Doyle  
day of May

Filed

189

Pleads,

THE PEOPLE

vs.

Patrick Keenan

Grand Larceny, Second Degree.  
[Sections 528, 58,  
Penal Code.]

W. Blank

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Stephen C. Carter  
Foreman.  
May 20 1890  
Henry J. Gray  
J. W. S. S.

0173

Police Court 2<sup>nd</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Bruce Lichtenheim

of No. 113 East 62<sup>nd</sup> Street, aged 20 years,  
occupation None being duly sworn,

deposes and says, that on the 18 day of May 1892 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:

A pocket-book containing  
gold and lawful money  
of the United States of the  
amount and value of eleven  
dollars. \$ 11<sup>00</sup>/<sub>100</sub>

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 Patric Keman (now living  
who seized said pocket-book from  
deponent's bank and ran away with  
the same. Officer Oliver A. Platt  
found the said pocket-book in the  
possession of the defendant  
which pocket-book defendant iden-  
tifies Bella Lichtenheim.

Sworn to before me, this 18 day of May 1892  
of Bruce Lichtenheim  
Notary Public

0174

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Oliver A Pratt*

aged *46* years, occupation *Policeman* of No.

*127th Precinct* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Belee Lichtenhein*

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

Sworn to before me, this *18*  
day of *May* 189*2*

*Oliver A Pratt*

*[Signature]*  
Police Justice.

0175

2

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*Patrick Keenan* 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. *Patrick Keenan*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *26 Clark Street 2 months*

Question. What is your business or profession?

Answer. *Helper on a soda water wagon*

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  
his  
Patrick Keenan  
mark*

Taken before me this

*18*

day of

*May*

*1892*

Police Justice

0-176

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 *200* 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, *May 18* 189*2* *[Signature]* Police Justice.

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

Dated, ..... 189 ..... Police Justice.

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

Dated, ..... 189 ..... Police Justice.

017

596

Police Court, Dy District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Belle Lichtenhein  
113 East 62 St  
Patrick Keenan

Offense, Larceny  
Felony

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, May 18 1892

Dinner Magistrate.  
Pratt Officer.  
19 Precinct.

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

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

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

\$ 1000 to answer G. L. Cannon

Cannon G. L. Cannon



0178

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Keenan

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

Patrick Keenan

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

The said

Patrick Keenan

late of the City of New York in the County of New York aforesaid, on the 18th day of May in the year of our Lord one thousand eight hundred and ninety-two 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 eleven

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 eleven

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of eleven

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of eleven

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of

eleven dollars and twenty-three cents, and one pocketbook of the value of one dollar

of the goods, chattels and personal property of one Belle Lichtenhein, on the person of the said Belle Lichtenhein then and there being found, from the person of the said Belle Lichtenhein 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.

0179

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kelly, John

**DATE:**

05/03/92



4396

0180

Witnesses:

*F. Brubaker*  
*off. W. J. ...*

25

Counsel,

Filed *2* day of *May* 189*2*

Plends,

THE PEOPLE

vs.

*John Kelly*

*John ...*

Grand Larceny, *Second Degree*  
[Sections 828, 829, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*J. C. ...*  
Foreman.

*John Kelly*  
*John ...*

0 18 1

Police Court 4<sup>th</sup> District.

Affidavit—Larceny.

City and County of New York, ss:

Frank Donohoe

of No. 423 East 48<sup>th</sup> Street, aged 17 years,

occupation Carpenter being duly sworn,

deposes and says, that on the 27<sup>th</sup> day of April 1892 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:

A quantity of Tools valued at about  
Thirty five dollars

\$ 35<sup>00</sup>/<sub>100</sub>

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 Kelly (nowhere)

from the fact that deponent had said property in the tool house at the corner of West End and 77<sup>th</sup> Street this City that he missed said property. He is informed by Officer McCormack that he arrested the defendant as he was in the act of attempting to pawn a spirit level one of the tools that deponent has since identified as part of property of deponent stolen from said place. Deponent therefore charges the defendant with having stolen said property and prays that he be held to answer

Frank Donohoe

4751

Sworn to before me, this 27<sup>th</sup> day of April 1892  
of [Signature] Police Justice.

0 182

(1885)

Sec. 198-200.

4

District Police Court

CITY AND COUNTY }  
OF NEW YORK } ss.

*John Kelly*

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he 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 Kelly*

Question. How old are you?

Answer.

*36 years*

Question. Where were you born?

Answer.

*United States*

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

Answer.

*N. 1 E Avenue + 36 Street - 1 year*

Question. What is your business or profession?

Answer.

*None*

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 Kelly*

Taken before me this

*29*

day of

*April*

1892

Police Justice.

0 183

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

Tom guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 500 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated April 18 92 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.

0184

5-26

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Frank Dodson*  
*123 East 41<sup>st</sup> St*

1 *John Kelly*

2  
3  
4

Offence *Carney*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *April 29* 18*92*

*Ryan* Magistrate.

*McComick* Officer.

*14* Precinct.

Witnesses *Call the Officer*

No. .... Street.

No. .... Street.

No. .... Street.

*1000* to answer *G.S.*



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 Kelly*

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

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

The said

*John Kelly,*

late of the City of New York, in the County of New York aforesaid, on the *27th*  
day of *April* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, with force and arms,

*one spirit level of the value  
of five dollars, and divers  
other carpenters tools, of a number  
and description to the Grand Jury  
aforesaid unknown, of the  
value of thirty dollars*

of the goods, chattels and personal property of one

*Frank Donohue*

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.

SECOND COUNT—

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

*John Kelly*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*John Kelly,*

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

*one spirit level of the value of five dollars, and divers other carpenter's tools of a number and description to the Grand Jury aforesaid unknown, of the value of thirty dollars*

of the goods, chattels and personal property of one

*Frank Donohue*

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

*Frank Donohue*

unlawfully and unjustly did feloniously receive and have; the said

*John Kelly*

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

DE LANCEY NICOLL,

*District Attorney.*

0 187

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kemple, Thomas

**DATE:**

05/11/92



4396

190 554

Counsel,

Filed 11<sup>th</sup> day of May 1892

Pleads, *Maguire*

THE PEOPLE

vs.

*T*

*Thomas Temple*

DE LANCEY NICOLL,

District Attorney.

*Burglary in the Third Degree, and  
Larceny in the Third Degree, and  
Section 498, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000*

A TRUE BILL.

*John Carter*

Foreman.

*Filed & corrected of*

*By my self &*

*Recommended to jury*

*John Carter*

0189

Office of the  
District Attorney, Kings County,  
Court House, Room 3.  
Brooklyn, N.Y.

Hon. JAMES FITZGERALD,

NEW YORK.

City Prison May 18/92

Hon Judge Fitzgerald: Sir  
please do not throw this  
aside but read it for  
what it is worth: I am  
told that Thos Kemple  
has been convicted of  
receiving stolen goods  
Judge Thos a com-  
promise verdict as  
the man is innocent I  
tell you that as the  
testimony has all  
been manufactured  
for the occasion he  
has been convicted

for the credit of the  
 Police - Do not wreck  
 his life by sending  
 him to prison - Do  
 not for Gods sake  
 I have been led into  
 a life of crime in  
 the same manner  
 first arrested innocent  
 How did Kemples know  
 we were thieves - The  
 police of New York  
 were looking for us  
 Kemples place  
 was quite and out  
 of the way than is  
 now we came to go

there - The truck  
 we used was marked  
 Independent Press  
 as they had witness  
 to testify to as that  
 was the first clue  
 they had as the  
 truck was taken  
 from Hamilton at  
 New York and put  
 back before it was  
 missed - Kemples  
 only crime was  
 his curiosity - Think  
 of a man testifying  
 that fifteen cases  
 of burglary were

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put into an express  
wagon ask any one  
and they will tell  
you it is impossible  
as a wagon would  
not hold over eight  
of the cases other  
were used to pack  
them Judge have  
mercy and do not  
wreck this man's  
prospects for life  
as the Police would  
have you do because  
he showed us with  
respect I am  
James A Wells

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Office of the District Attorney,  
Kings County.

Court House, Room 3,  
Brooklyn, N.Y.

May 18, 1892.

Hon. James Fitzgerald,

My dear Judge:-

I am asked by several of my friends in this city to write you in behalf of Thomas Kempel, who will be brought before you for sentence to-morrow.

I am informed that he was strongly recommended to the mercy by a jury that convicted him. The persons asking this letter, I have known for a great many years, and they are respectable people in this city, and I can depend upon what they represent to me; they inform me that prior to the charge for which he was convicted, that his reputation and character was good.

In view of these representations, I take pleasure in asking your honor to deal with him as leniently as the circumstances may justify.

Yours very truly,

*Isaac W. Rickeyway*

( Dictated M.I.B. )

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S. C.

THE PEOPLE  
vs.  
THOMAS KEMPLE.

{ COURT OF GENERAL SESSIONS, PART I.  
BEFORE JUDGE FITZGERALD.

Tuesday, May 17, 1892.

Indictment for burglary in the third degree, etc.  
BENJAMIN J. GUERRA, sworn and examined.

My place of business is 281 Pearl Street in this  
city.

Counsel: I will concede that the premises are in the Fourth Ward  
of the city of New York and also that on the night in ques-  
tion the premises were broken open and property mentioned  
in the indictment was stolen from this complainant and that  
James A. Wells and William Harrison who pleaded guilty are  
the two co-defendants and that sixty-five thousand cigars,  
valued at six cents each were stolen fro, Benjamin Guerra.  
Wells and Harrison were the men who committed the burglary  
and I intend to call them as witnesses

Witness: I saw the defendant the day he was arrested with those  
other two men who pleaded guilty yesterday, I saw him in  
Pearl Street, the police brought him with the other two men,  
they called me up to the Police Station, I think it was  
the 4th day of May; the burglary was committed in the  
night from the 22nd to the 23rd of April, it was ten or  
twelve days after that I saw him in the Station House.  
I had no talk with the defendant. I saw him with Harrison  
and Wells.

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MOSES KALFON, sworn and examined.

I am in the cigar business at No. 1 Cortlandt Street in this city, I saw the defendant on Tuesday morning, May 3rd, in my store; I had a conversation with him, a man by the name of Johnson was with him, I don't know where he lives and don't know where he is now. On Monday, the 2nd of May, Johnson came to me and said something and on Tuesday Johnson and the defendant came together, we had a conversation about buying those cigars. I had samples in my store, I knew Johnson before the 2nd of May; on the 2nd of May he brought samples of cigars, eight or ten boxes, and left them with me; then I had a conversation with both of them.

Johnson said, "this is the gentleman who has got the cigars," that was the forty or fifty thousand cigars I was asked to buy. I went with the defendant to Brooklyn and Johnson to his business place in Washington Street, he said it was his business, a liquor saloon in Washington Street. I asked the defendant where were the cigars and he said, "you wait a little while." After waiting for half an hour we went to Eork Street in company with Johnson and the defendant, I think it was 125 and knocked at the door, the defendant was with me, so the other two fellows inside opened the place. Harrison and Wells, who pleaded guilty yesterday. I looked at the cigars and recognized them right away as the cigars that were stolen from Mr. Guerra, there was about forty or fifty thousand cigars in boxes; it was about two o'clock, it was a basement store. I told him it was too late for me to stay to count the cigars, that they could bring them there the next day and I will pay for them; they were satisfied. Before I left I

asked Johnson and the two other prisoners that were there, "will you bring the cigars to-morrow, who shall I pay for them?" So Harrison said, "any one of us that will bring the cigars you can pay him." When I came up I gave the sign to the detective and the policeman arrested the defendant and the two detectives went inside in the basement and arrested the two other clerks. Before going there I visited the police and had a conversation with them, I had a talk with Officer Sullivan, I communicated the discovery to him and he and the two detectives accompanied me. They followed me all the time to Brooklyn, I left them outside, I went in and saw the cigars and made an agreement to have the cigars brought to me the next day. I heard of this burglary before this man Johnson came into my store, that there had been a robbery of some cigars in that neighborhood; Johnson came in and brought a sample of cigars and I communicated right away with the police, he came in on Monday about four o'clock with the samples, I knew they belonged to Mr. Guerra, I went at once and communicated with him and Capt. Sullivan authorized me to negotiate with the parties about these cigars. When I went over to Brooklyn I first went to the liquor store and finally went to a basement and saw those cigars and identified them. We went to the Station House in Brooklyn and then went to the Oak St. station in New York and from there we went back to Brooklyn and brought the cigars to the Station House, then I went with Mr. Guerra to the Station House and he made a complaint there. I saw the defendant at the Station House. I know the complainant since I have been in business and have done

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business with him.

The Court: Is it conceded that these cigars were over in Brooklyn and that they were the cigars stolen from this place on the night the burglary was committed and that they were a portion of the property?

Counsel: Yes sir.

By the Court. Q. What was the agreed upon price to be paid by you for these cigars along with Johnson and this other man, will you give some information on that? A. Yes, thirty eight dollars a thousand; there is a sample of the cigars they told me they had, that is what Johnson brought me. (Showing paper.) 29,500 of clear Havana. I was to pay \$1837.30; that is the memorandum Johnson brought to me but I do not know who wrote it.

CROSS EXAMINED.

I knew that Johnson was in the cigar business, I was introduced to him six years ago by Max Marks, I have seen him very seldom. On Tuesday Johnson told me, "there is the man who had the cigars" (meaning the defendant) "you can go with him and we will go to Brooklyn to his business place," and so I went to Brooklyn. Johnson said the cigars were not his, I went down to York Street. The defendant was arrested after I said, "who shall I pay for the cigars."

So the two prisoners said. "anyone that brings the cigars to-morrow you can pay him." So I opened the basement and Johnson and I went ahead; then I signalled the police and the defendant was arrested; it was about two o'clock in the daytime when I went out.

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DANIEL TOOHER, sworn and examined.

I am a porter for the firm of Liebman & Butler, 281 Pearl Street, New York, I have worked there two years last March; their business is essential oils and perfumes, it is in the same building with Mr. Guerra, he occupies one floor and Liebman & Butler three floors and there is a store underneath. I recollect the morning of the 23rd of April last I reached the store between seven and eight minutes after seven; when I got there I saw in front of the adjoining store a wagon load of cases and two men, it was a kind of light express wagon and it was in front of 283 Pearl Street. I saw the defendant on the morning that the load of goods was at the door, he was standing at the back of the wagon at the threshold of the door of 283; there was another man the other side of the wagon but I did not see his face. How near to the wagon was the defendant? Just the width of the sidewalk and he was on the threshold of the door, the wagon was backed in against the curb on the sidewalk. I did not see him doing anything, only standing at the door, I could not tell you what became of the wagon; the defendant was there when I opened the door and went into our own place, I don't know where they went after. When did you next see this defendant? In the Tombs Police Court where I identified him, I guess this was about a week after I saw him first, I then recognized him as the man I saw that morning, I selected him out of a lot of men, I think there were ten in a bulk standing up, I was brought right up in front to see if I could pick out any of the men. My boss was the first to ask me did I know them. I said,

yes; the detective asked me which one and I pointed to this man standing right opposite me. I recollect that it was Saturday morning, the 23rd of April that I first saw the defendant, I first heard of the burglary about nine o'clock on that same morning.

CROSS EXAMINED.

There was nothing unusual to excite my attention when I came along to open the store that morning, the fact of a man's standing there did not excite my suspicion in any way. I looked close at the defendant because I saw the man was looking close at me. The wagon was not between me and the man to some extent but the horses was between me and the other man so that I could not see the other man's face at all. The defendant was looking close at me when I was opening the door, I never saw goods going away so early in the morning before. I told the boss about it when I heard of the burglary. I did not see the defendant do anything, he was standing with his back to the door and his face towards the street, he had an ~~over~~ coat on his arm, I think he had a collar and tie but I would not swear it; I did not take much notice of the hat he wore, I am sure it was a black derby hat, I think it was light greyish clothing that he wore; it was a week after that that I next saw the defendant. I did not pick out the other man. The detective asked me to give a description of the man and I gave it, he asked me if I thought I could identify the man; he told me he had three men under arrest, I do not remember him giving me any description of any man. Take a good look at these two men (Wells and Harrison), did you ever see any of those

men around there that morning? I told you I could not identify the other man, he was on the other side of the horse and I could not see him, all I could see was just a part of his body and his legs, I could not tell you how he was dressed but I think it was in black. I have not the least doubt but the defendant is the man I saw that morning.

JAMES H. McCROREY, sworn and examined.

I am a police officer of the 4th precinct, I know a man named Moses Kalfon, I first met him the night before I made the arrest, the 2nd of May, I went up to 32nd Street to his house, he is the man who has been a witness here to-day, I had a conversation with him and made an arrangement to meet him at his store the next morning at half past ten and I did meet him, he told me to come back about one o'clock, about ten minutes to one this defendant here Kemple, and another gentleman came to Kalfon's store, 1<sup>1</sup>/<sub>2</sub> Cortlandt St. I saw them go in the store and I waited until they came out they were in there I suppose about ten minutes, I saw them come out together, Kalfon, the prisoner and another gentleman, Officer Calhoun and I followed them up to the Brooklyn Bridge and crossed over to Brooklyn, we went over in the same car with them, in the same train at least, and from there I went to this defendant's saloon, he claimed he owned the saloon; they were in there about half an hour and they came out and went around to York Street where these cigars were, I followed them around to York Street and they went into a basement there; they were in there probably ten or fifteen minutes, Kalfon came out and gave me the signal that

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take a walk down and look at some cigars; he put his coat on and went out. Before I went into the liquor business I went to school, I have been in the liquor business continually about twenty-two years. I kept a place at Prospect and Gold, at Hudson Avenue and Sand Street, at Sand and Pearl and now at Washington and Front Streets. I have known the defendant socially ten years by coming into my saloon, I had been continuously in the one neighborhood within a radius of ten blocks. I did not know that Harrison and Wells had these cigars, I first know of it when my partner came to me and asked me ~~to buy~~ about buying cigars, that there were a couple of men had some cigars for sale. I told him that we did not want any, I should judge that was a week before his arrest; he told me that they could be bought very cheap. that these men were agents of some kind, he did not say who the parties were who wanted to sell them, I told him that they would be dear at any price just starting in business, besides I could get goods on ninety days and we did not have any more money than we actually needed in business and therefore by getting cigars at ninety days, if these were ever so cheap they would be dear to us. I told him that we did not want them and that we would be better without them because these men wanted cash for the cigars and that I did not know whether the cigars would suit me; I did not care about laying out any money for what I did not want. I did not ask him where the cigars were and he did not tell me nor did I know until after the arrest.

JAMES A. WELLS, sworn and examined.

I am thirty-one years old and have pleaded guilty to burglarizing the premises of the complainant in Pearl Street and stealing the cigars the subject of this indictment; Harrison was with me, I decline to answer whether anybody else was with me or not. This defendant took no part in that burglary and was not there at the time; Harrison put the goods on the wagon and I was standing one side. How was it that the defendant came to go to the place where this property was? I know two reasons; I can judge when he went there with Harrison he came there through curiosity, I asked him if he would buy some cigars, I did not state no amount or anything of that kind, it may have been the Saturday or Monday before I was arrested, either the 30th of April or the 2nd of May, I went into the saloon occasionally of which the defendant is part owner. I tell this jury that the defendant had nothing to do with the commission of the burglary. I have been sentenced for four years on my plea.

CROSS EXAMINED.

I attended bar for a while at 20 Chatham Square, Harrison and I had been in to the defendant's saloon together maybe twice a day, I only went there once or twice previous to this but after the burglary I went there several times with Harrison; I talked with the defendant occasionally but not in reference to any burglary. I did talk with the defendant about these cigars prior to the arrest; I asked him how he was fixed for cigars? He said he had

some and did not want any. Harrison never talked with him in my presence about the cigars to my knowledge, I did not say where the cigars were and I asked him no price for them, I did not say that he could get them very cheap; all that he said was that he did not want them; it is possible that I told him that I had cigars and wanted to sell them cheap for cash; I did not say how many cigars I had. I have known Johnson a couple of weeks, I first met him in Kemple's store and told him I had cigars for sale, I did not tell him where they were but I told him what I wanted for them.

I told Johnson where I got them and he offered to sell them for me; I told him that I got them in that store in Pearl Street and they had to be re-boxed and re-stamped. I did not know that Johnson was negotiating with Kalfon for the cigars until after my arrest; he told me he had a party that he thought he could sell them to, he told me that on Monday and Tuesday, the 2nd and 3rd of May; he first told me that in the store and then we went out on the sidewalk and talked about it; we discussed the business between ourselves, he asked me to get him samples and I brought him eight or nine boxes of different brands; he said he took them over to New York and came back the next morning; he said he wanted one box of imported cigars, I got him one box of imported cigars at nine o'clock the next morning. I brought them down to the defendant's store and gave them to Johnson with the understanding that he was to take them over to a party in New York; I made an appointment with him to meet him the next morning at the store; he had left the cigars in New York, he said he had made arrangements to sell

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them, I did meet him the next day, Johnson brought Kalfon there and took him into the back room, that was Tuesday, the day we were arrested. I did not see this defendant come in with Kalfon, I did not see Kalfon until I met him in the basement where the cigars were, I was in the liquor saloon engaged in talking with Harrison at the table when they came in, I did not see them because my back was to them, they came in the Washington Street door and I was facing Front Street. I do not know how long I remained in the store before I went up to the store where the cigars were; I was told that the man who wanted the cigars was in the store, I took the keys and went up to the store where the cigars were to have the place open when they came. I was told by Harrison that this man (Kalfon) had arrived with Johnson; Harrison says to me, "there is the man in the back room, go on up to the store." I did not know who this man was at the time. Harrison, Kalfon and Johnson came to the place where the goods were. Johnson spoke something Spanish to Kalfon which we did not understand, Kalfon looked over some of the stock and opened a box of cigars and he handed us each one. Kalfon says. "it is no use counting these, you can pack them up and make what each case contains;" there was fifteen cases, he spoke about his check, who he would give it to and the remark was made to whoever delivered the goods, I am not sure whether it was Harrison or me; I supposed they were to be delivered the next day at Cortlandt Street or some other place he might designate. Kalfon, Kemple and Johnson went out leaving Harrison and me inside, I saw Kalfon return and Officer McCrorey was ahead of him, they

knocked on the door, I pulled the bolt and let them in and my arrest followed. We took these goods over from New York to Pearl Street, Brooklyn, on a New York truck, I decline to answer whose truck on the ground that it might criminate me. I knew that the defendant's father was in the trading business but I never saw him on a truck, I only know this from hearsay. I do not know that Johnson and the defendant left that saloon that morning and returned at two o'clock.

WILLIAM P. HARRISON, sworn and examined.

I am forty-five years old and I with Wells broke into the premises in Pearl Street. The defendant at the bar had no part in this burglary. Wells took the goods out of the hall and I was loading the wagon, I frequented the saloon owned by the defendant a few days previous to this, I recollect the day of my arrest and Mr Kalfon coming to the store of this defendant. Personally I did not offer the defendant any cigars for sale but Wells did. I was arrested in York Street, Brooklyn.

CROSS EXAMINED.

My right name is Patrick Carroll, I was in the liquor business, I met Johnson the Saturday previous to my arrest in Kemple's saloon, that was the first time I met Johnson, we had a drink at the bar. Wells had a talk with Johnson about the cigars but I did not hear the conversation I know that Johnson got some samples of cigars, I think it was on Saturday before the arrest, I gave Johnson one sample on Tuesday morning in the saloon, he had some samples before

that but I did not hand them to him, it was wrapped up in a newspaper and we had a glass of beer, he was to come back on Tuesday afternoon, I saw him there, he came back with Kalfon, I saw Wells give Johnson the other samples, we waited in the saloon until Johnson went over to New York, I did not see the defendant start with Johnson to New York nor did I see them come in together when they came back. The first I noticed was Kalfon and Johnson were sitting at the table in the back room and I was sitting with Wells facing them and then I told Wells that I thought that was the party that I thought was going to buy the cigars.

So you knew all the time from the time that they left at nine o'clock until the time they returned, that he was to bring some party over to meet you, that was the understanding? That Johnson was to come over with an answer, I did not expect him to bring anyone with him or I would not have consented to that. Why not? The result proves I was right. As a matter of precaution? Yes, I would not bring an outside party in it. Wells had the key of the basement he hired the place, I could not say whether he had the keys all the time, I never asked him where he kept them, that was unnecessary, we had confidence in each other. We slept home in New York the night before we were arrested. I was not introduced to Kalfon and nothing was said about the cigars; I walked along, there was hardly anything said, I had to pilot the way. I had never told Johnson where I kept the cigars and I never told him where I got them.

Counsel: That is the case for the defence.

Moses Kalfon, recalled by District Attorney.

I had a talk with the defendant in his saloon upon my return with Johnson about the cigars. He said they were worth thirty-eight dollars a thousand. He stated that he gave the samples to Johnson of the cigars to try to sell them; the defendant, Johnson and myself went up together to the basement in York Street.

By Counsel: I want to know why it is that you did not tell this Jury when you were on the stand before this defendant took the stand, the conversation you have just told us? The reason is that the defendant swore here that he told me that Harrison and Wells gave him samples of cigars; it is not so, he told me himself that he is the one who gave the samples to Johnson. You were asked what took place in this saloon, I want to know why it is that you did not tell this important testimony in your direct examination? Because they did not let me say what occurred in the bar-room. I asked him (the defendant) in the bar-room how did he get these cigars; he told me Harrison gave him a sample, he could not sell them and he gave them to Johnson, but now he says, Harrison and Wells gave them to Johnson; it is not so, he told me it was Harrison and Wells gave him the sample and he gave them to Johnson to try to sell them.

The Jury rendered a verdict of guilty of burglary in the third degree with a strong recommendation to mercy.

the goods were there, I jumped across the street and got hold of Kemple and handed him over to an officer in Brooklyn and I went into the basement; the people in the basement thought it was Kalfon who came back, I went in and Officer Calhoun and I placed Wells and Harrison under arrest; we found about sixty thousand cigars. I did not have any conversation with the defendant, I turned him over to a Brooklyn policeman, I had no conversation with the defendant at any time. The cigars were in the basement 215 York St.

I went with the defendant first to the Second Precinct Station House in Brooklyn and then brought them over to New York; I went over to Brooklyn and brought the cigars back to the Station House; the gentleman who owned the cigars made a complaint, I was in the station House but did not hear exactly what was said, I was present the morning of the arraignment in Court. I know Daniel Tocher and was present when he identified the defendant. Tocher came over to the Tombs, I suppose there was twenty men inside of the railing and he looked around and said, "there is a man who was in front of this place on the morning of the burglary" (pointing to the defendant who was about four or five feet from him).

DANIEL J. CALLAHAN, sworn and examined.

I am a policeman connected with the Fourth Precinct, I saw the defendant on the 3rd of May in Cortlandt Street, I know Mr. Kalfon the witness and I saw him that morning and a man by the name of Johnson, I was with Officer McCrorey, I saw the defendant start into Kalfon's store, I went over to Brooklyn with McCrorey and came back to the city with the

defendant; there was a Brooklyn officer with us at the time the defendant was arrested to take him to the Police Station.

I had no conversation with the defendant, I brought him back from Brooklyn to the Oak Street Station House in New York, I saw the witness Tocher at the Station House when he identified the defendant; there were six or seven men stood up in citizen's clothes and he pointed out one of those men as the man that was at the truck.

CROSS EXAMINED.

The defendant was picked out in the Tombs behind the railing where prisoners are arraigned charged with crime, I did not see the defendant when he was picked out in the Station House, the defendant was identified in the Tombs the next morning by the porter, this man here (Tocher). What I want to say is this, that this man the defendant was arraigned the following day at the Tombs and was identified by this porter.

By Counsel. Q. Then there was six or seven men in a line there in the Tombs? O, there was thirty or forty. What did you mean by swearing on your direct examination that there was six or seven men in a line when the District Attorney put the question whether Tocher identified this man, did not you understand the question? No, I did not.

EDWARD H. GLEASON, sworn and examined for the defendant, testified:

I am superintendent for R. Arbuckle Brothers, coffee merchants and have been connected with the firm ten years, I know the defendant over fifteen years, he resides in Brooklyn and I know other people who know him in the city of

Brooklyn, I know his reputation to be that of an honest man, I trusted him with several thousand dollars worth of goods and in every case it was satisfactory.

CROSS EXAMINED.

It was coffee goods that I trusted him with, the coffee was transferred by the firm that I am with from one store to another, he was truckman for Arbuckle Brothers off and on for the last ten years, I trusted him right along.

When did he give up the employment? He has not given it up to my knowledge. Whenever we have anything to do his father and himself always gets it. I have visited his family frequently, I am no particular friend of his but whenever I wanted to hire a team I would have to go to his stable and if I was late and did not find him at the stable I would have to go to his house; I know him in a business way and have been in his company in his saloon.

CHARLES E. MAXON, sworn and examined.

My business is trucking in Furman Street, Brooklyn; I have been there a little over twenty years, I have known the defendant over twenty years and his general reputation for honesty and good character is good, he has worked for me off and on and I have found him honest, he has shipped coffee from different warehouses in New York.

CHARLES EBBS, sworn and examined.

I am a truckman in Furman Street, Brooklyn, I have known this defendant eighteen years and know other people who know him in the city of Brooklyn, I have always found

it good, I have never heard anything against it, I always found him an honest, hard-working young man. He has done carting for me sometimes, he has handled coffee in boxes consigned to warehouses.

BENJAMIN VITT, sworn and examined.

I am a weigh master and at present I am working for Mr. Berry; I was representing a Boston house here which has since failed; it was in the rubber business and the defendant's father was my teamster, I have known the defendant eight or nine years and I know that he was entrusted with millions of dollars worth of goods when he was working with that firm; he had fully half a million dollars worth of goods to be conservative, on the team that he drove; his reputation for honesty was first rate or I should not have employed him.

JOSEPH F. CLARK, sworn and examined.

I am a wheelright and blacksmith and carry on business at 228 Court Street, Brooklyn, I have known the defendant I guess from fifteen to eighteen years. I know a great many people in Brooklyn who know him, I always found him to be a first class man in every shape and form, I did business for himself and his father for the last eighteen years, he always bore a good reputation to my knowledge.

WILLIAM J. PLANT, sworn and examined.

I am a member of Assembly for Kings County at present, I know the defendant in the neighborhood of ten or twelve

0211

years, I know he is a good, honest, upright man, that is his reputation over in my neighborhood, he is one of my constituents.

THOMAS F. WALDRON, sworn .

I am assistant clerk of the Board of Supervisors of Kings County, I know the defendant about fifteen or twenty years; I never heard his reputation for honesty questioned before, he is a thoroughly honest young man.

THOMAS KEMPLE, sworn and examined.

I am thirty years old, I was born in Brooklyn, Kings County and lived there all my life, I have been working in the trucking business up to six weeks ago; then I took a liquor store with a party named J.J.Gaven, who is in Court; I was in that business at the time of my arrest at 78 Washington Street corner of Front. I was never arrested before. I knew Harrison and Wells who pleaded guilty to this burglary about two weeks before I got arrested by their coming into the store to have a drink -- maybe they would spend half a dollar or a dollar through the day in the store. I never had any business transactions with them. On the day I was arrested I had some business in New York, I had to go over to the corner of Vesey and Church Streets to buy some screws and padlocks for the door, I left my order there, I was accompanied by Mr. Johnson he has been a cigar maker, he had a placevat one time corner of Front and Rosevelts Streets.; I have known him to be about six years in the cigar business. How was it that

Johnson came over to New York with you that day? After twelve o'clock I had nothing to do, we gave out soup at the lunch hour, lunch was all over, so about half past twelve or twenty minutes to one I put on my hat and coat, I was going out of the door and Johnson says, "where are you going?" I says, "I am going to New York." He says, "I will be with you, what way are you going?" I said, "I am going over the Bridge." We crossed the Bridge over to Broadway, New York, I went down in Vesey Street, I came up with him and he said, "I have got to see Mr. Kalfon." So I went down then with him to 1 1/2 Cortlandt Street to Kalfon's place, we went in there and had a cigar, I stayed in there a few minutes, Mr. Johnson had a talk with Mr. Kalfon; after we left the store we went down to the corner of Church and Cortlandt Street and had a glass of beer, we came back and Mr. Kalfon was standing outside the door, Johnson and I started up and went over the Bridge to Brooklyn and down to my store again. I had been asked by Johnson and the other man to buy some cigars, I told Johnson I did not want any cigars, I was after buying a thousand cigars, that was on Saturday morning, I had bought a thousand cigars of Barr & Isaac corner of Pearl and Whitehall Street; I had no words with Kalfon at all. Kalfon and Johnson sat down in the back room of my store and I fetched in a cigar and Johnson took a cigar. Mr. Kalfon treated, I drank some beer and Mr. Kalfon drank a little brandy, then they went outside. Johnson said to me, "come ahead, for you might make a bargain here." I says, "I don't care"; I did walk up with them to York Street; we three went together up to York Street --- there was another party with us, Harrison, it was he fetched us there, I first saw Harrison in my store

and he went along, Harrison and Wells were in the store when we came from New York. I suppose Wells went down to York Street ahead; when we went down there Harrison knocked at the door and it was opened; I went in with them and I suppose was about fifteen minutes in there looking over the cigars, Mr. Kalfon opened the boxes and passed around the boxes of cigars, I did not have a word to say in there, I did not examine them. Mr. Kalfon, Johnson and I came out together; I was arrested about fifteen feet away from the house, Johnson ran away; I had a talk with Kalfon going over on the ferryboat after the arrest. Kalfon said to me, "I want you as a witness against these two men"; he told me that in the Station House at Brooklyn and in the Station House at Oak Street in New York. I told him I did not know anything about it. There has been a witness called here this morning to swear that he saw you in front of these premises on the day that he says, about seven o'clock, how about that? He could not see me that time, I opened and closed my store, I was not in New York. During that week what time did you open and close your store? I opened at five o'clock and closed at twelve., my partner was working for Martin F. Connolly, he could not get off that week, I had to get a bar-tender, Monday morning he left me, I was never out of my store from five till twelve o'clock; I had to do night work.

CROSS EXAMINED.

I went into the liquor business on the 18th of April and up to that time I had been a truckmen; my partner and I bought the saloon from a widow woman. About two weeks

before my arrest I had met Harrison and Welis in my place I did not know what their business was, I saw them maybe two or three times a day in there, I had talks with them when they came in the saloon, I had known Johnson for six years but I only saw him a couple of times in my saloon.

It was after twelve o'clock when I left my place on the 3rd of May, I left my partner Mr. Gavan there; I was going to the corner of Vesey and Church Streets, New York, it is a big hardware store across the way from the Atlantic and Pacific Tea Company, I was going to buy some padlocks and screw eyes. Johnson joined me. he never said a word to me about the cigars, I first learned about the cigars on the Saturday morning. After I left the hardware store I went to 1 1/2 Cortlandt Street, Johnson did not introduce me to Mr. Kalfon, he did not say anything at all to me. I did not say to Mr. Kalfon that Johnson had given me samples of cigars, I did not fix any price for the cigars a thousand. I do not know the difference between imported cigars and other cigars.

There was no conversation between Johnson and Kalfon and me in my place of business in reference to the cigars, I went from my place to York Street near Hudson Avenue, Johnson asked me to go up, he said I might make a bargain in buying some cigars, that is the first time he ever had spoken to me about the cigars. I returned to my place of business about two o'clock. Harrison and Wells wanted me to buy some cigars on Friday morning at ten o'clock before I went over to New York; they asked me if I wanted to buy any cigars. I says, no, I did not want to buy any, I had bought a thousand cigars and I had got enough on hand for a couple of months. When I had the talk with Wells and

Harrison

~~Johnson~~ on Friday morning about the cigars Johnson was not present but he came in after the conversation. What day did you go with Johnson to this gentleman's place in Cortlandt Street? That was Wednesday, the 4th; I was arrested on that same day. Was it the Saturday before that that Johnson, Harrison and Wells came into your place at ten o'clock and had the talk about the cigars? Yes. So that this morning in question, the morning of the 4th, you had not seen Harrison and Wells until you came back with Johnson at two o'clock, is that it? That is right. Had you sold a thousand cigars in that time? No, I did not, I thought I might make a bargain down there with them. Then it occurred to you you might make a bargain with them? Yes.

So you, Harrison, Wells and this gentleman went up to this place in York Street but you say Harrison went ahead of you so that when you got there you found Wells in there? Yes. How long ahead had he gone? I do not know, maybe a few minutes. What was said in there with reference to the cigars? I do not know, I could not say, those three were talking, I did not say anything to them. I did not care for them after I seen the stuff. Why, were they damaged? No, they were all right; I did not like them, there was no price offered, there were too many of them and I did not want them, I thought they wanted to sell them altogether, I did not hear them say they wanted to sell them all together, they did not say anything at all to me about that; they were not in there longer than ten minutes, I did not open any of the boxes, I did not handle them. I do not know now where Johnson lives and I did not know where he lived at

that time. I suppose I have a thousand cigars now in my place. I recollect seeing the witness Toohar at the Tombs, I did not hear him say anything there, I suppose he was five or six feet from me. You heard him say that he saw you on the morning of the 23rd of April at seven o'clock opposite 283 Pearl Street? Yes, he stated that but I was not there because I had to open and close my store that week all alone, my partner was working for Martin Connolly and he did not get off until the week following. I have already said that Harrison and Wells wanted to sell me cigars on Saturday, they did not say where they got them and they did not say how many they had; I did not know they were not in the cigar business. they introduced themselves to me as agents selling them the time they fetched the cigars. Prior to that you had seen them for two weeks in your saloon drinking? Yes, that is right; they did not say what Company they were agents for. Did you ever buy goods before in that way? No sir.

JOHN J. GAVAN, sworn and examined.

I am a partner of the defendant in business in Brooklyn since the 10th of April, I remember the day that he was arrested, he left the store about ten or fifteen minutes after twelve, leaving me in it, I had no bar-tender, he went over to New York to order some glassware and some little utensils for the store; he said he was going to Vesey and Church Streets, the Metropolitan Hardware Company, where I deal. A man by the name of Johnson left with him, I next saw my partner in the police wagon between three and half

past in the afternoon. I have known the defendant about ten years, I knew his reputation to be that of an honest man or I would not have associated with him.

CROSS EXAMINED.

I think it was on a Wednesday that he was arrested about the 4th or 5th of May. I do not know Harrison or Wells but I saw them in the store on several occasions for a couple of weeks. I never had any talk with them, I asked them what they would have when they would call, they would stay periods of an hour and an hour and a half and go out and come back again, I have talked with them in a friendly manner, I afterward found out that they were in the cigar business, I learned that from my partner. I did not know that Harrison stated in Court that he was in the shoe-making business and do not know that Wells stated in the Court that he was a bar-tender. I recollect when they returned that day seeing Mr. Kalfon, I was attending bar at the time; my partner, Johnson and Kalfon came in together and Harrison and Wells came during the absence of my partner; I should judge they had been there half an hour, when they came in they did not ask for my partner, they asked no questions but sat down by themselves; they had no conversation with my partner when he came in but Johnson had a conversation with them on the outside. When my partner came in he took off his coat and walked behind the bar. Wells, Harrison and Johnson were talking between themselves for about half an hour, my partner during that time was walking around the store and had nothing to do with the conversation, he was talking to me about the topics of the day I suppose. I saw Wells, Harrison, Kalfon Johnson and my partner go out, Johnson asked my partner to,

02 18

*See*

53-9-11 (B) 10,000

Cal. No. ....

**Court of General Sessions**  
CLERK'S OFFICE

*filed May 11 1892*

**PEOPLE**

*vs.*

*James A. Wells*

0219

Police Court \_\_\_\_\_ District.

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

of No. 281 Pearl Street,  
occupation Manufacturer

Benjamin J. Guerra

Street, aged 37 years,  
being duly sworn

deposes and says, that the premises No 281 Pearl Street, 4 Ward  
in the City and County aforesaid the said being a Office used for the sale  
of cigars  
and which was occupied by deponent as such  
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly opening an iron  
shutter in the rear of the first floor of said  
premises

on the 22 day of April 1891 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

cigars of the value of four thousand  
dollars about \$5,000

the property of Deponent and co-partner  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

James A. Wells, William Harrison and  
Thomas Campbell Kemble

for the reasons following, to wit:

deponent is informed by James  
M. McCray and Daniel J. Callahan of the  
4th Precinct Police that they found the aforesaid  
property in the possession of Wells and Harrison.  
Deponent is further informed by Moses Kaplan of  
that the said Campbell came to his place of  
business and asked him if he would purchase  
the above described property. That said Kaplan  
accompanied the said Campbell to premises

0220

215 York Street Brooklyn and saw said Wells and Harrison in said premises and they had said negro in their possession. Kaffen further says that the said Wells and Harrison offered him the said negro for nineteen hundred dollars. Wherefore defendant charges the said Wells, Harrison and Campbell with Burglary and prays that they be held to answer.

Benjamin J. Guerra

Sworn to before me, this 4 day of May 1895  
W. T. ... Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated ... 1895 Police Justice

I have admitted the above named to bail to answer by the undertaking hereto annexed.  
Dated ... 1895 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 ... 1895 Police Justice

Police Court, District

THE PEOPLE, vs.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—BURGLARY.

Dated ... 1895

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0221

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 47 years, occupation Mace Kalfon of No. 1 Courtlandt Street, being duly sworn deposes and

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

Sworn to before me, this 4 day of May 1892 } M. Kalfon

[Signature]  
Police Justice.

0222

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 38 years, occupation Policeman of No. 4<sup>th</sup> Precinct Police Street, being duly sworn deposes and

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

Sworn to before me, this 4<sup>th</sup> day of May 1892 } Daniel J. Callahan  
[Signature]  
Police Justice.

0223

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation James H. McCarty  
Police man of No.

4th Police Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Benjamin J. Guana

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

Sworn to before me, this 4  
day of May 1892 James H. McCarty

[Signature]  
Police Justice.

0224

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*Thoms Campbell* <sup>*Kempfle*</sup>

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.

*Thoms Campbell* <sup>*Kempfle*</sup>

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*U. S.*

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

Answer.

*53 Sands Street, Brooklyn. 4 years*

Question. What is your business or profession?

Answer.

*Liquor Business*

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.  
Charges Heroin*

Taken before me this

day of

1897

Police Justice.

0225

(1895)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

*James A. Wells* 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 A. Wells*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *New York*

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

Answer.

Question. What is your business or profession?

Answer. *Bar tender*

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.*

*James A. Wells*

Taken before me this

day of

*May*  
189*7*

*H. J. ...*  
Police Justice

0226

(1895)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Harrison*

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. *William Harrison*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *165 Hays St 6 months*

Question. What is your business or profession?

Answer. *Shoe-maker*

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

Answer. *I am not guilty*  
*William Harrison*

Taken before me this

day of

1894

Police Justice.

0227

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 *fifty* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give sufficient bail.

Dated, *May 5<sup>th</sup>* 189 *2*

*[Signature]* Police Justice.

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

Dated,..... 189

..... Police Justice.

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

Dated,..... 189

..... Police Justice.

0222

188-89-10554  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Benjamin [unclear]  
281 Pearl St  
James A. Wells  
William Harrison  
Thomas Campbell  
Separate Remedy

Benjamin  
Offense

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Dated, 7/11/92 1892

Capt. Oliver M. M. Magistrate.

McCreary and Callahan Officer  
4 Precinct.

Witnesses Mrs. Kalfon

No. 1 Courtlandt Street.

James H. McCreary

No. 4th Precinct Street.

Samuel J. Callahan

No. 4th Precinct Street.

\$5000 to answer

\$1000 bond to answer

703-1500 or

Committed



**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 Kempe*

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

*Thomas Kempe*

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

The said *Thomas Kempe*,

late of the *Fourth* Ward of the City of New York, in the County of New York aforesaid, on the  
*Twentysecond* day of *April*, — in the year of our Lord one  
thousand eight hundred and ninety- *two* in the *night* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *warehouse* of  
one *Benjamin G. Ferrara*,

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

0230

SECOND COUNT—

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

*Thomas Hange*

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

The said *Thomas Hange,*

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

*sixty five thousand six hundred and*  
*the value of ~~money~~ six cents each,*

of the goods, chattels and personal property of one *Berjamin J. Jervis,*

in the *warehouse* of the said *Berjamin J. Jervis*

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

THIRD COUNT:

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

*Thomas Hempe*

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

The said *Thomas Hempe,*

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

*sixty five thousand copies of the  
value of six cents each,*

of the goods, chattels and personal property of *Benjamin J. Guerra,*  
*Augusta Wells, William P. Harrison, and*  
by a certain ~~person or~~ <sup>other</sup> persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *Benjamin J. Guerra,*

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

*Thomas Hempe*

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

DE LANCEY NICOLL,  
District Attorney.

0232

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kiernan, Thomas

**DATE:**

05/26/92



4396

0233

889

*Wm. J. Bennett*  
Counsel,  
Filed, *24 May* 189*2*  
day of  
Heads, *Myrtle* *Robt* *1/2*

*Thomas J. Stierman*

THE PEOPLE  
vs.  
B  
VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday.)  
(III. Rev. Stat. (7th Edition), Page 1080, Sec. 8.)  
DE LANCEY NICOLL,  
District Attorney.

*Subscribed and sworn to before me this 16th day of May 1892*  
*at the City of New York*  
*Attorney in the District*

*Wm. J. Bennett*  
A TRUE BILL.  
*Wm. J. Bennett*  
*Subscribed*  
*Foreman.*  
*24 June 1892*

Witnesses:

*Thomas J. Stierman*  
The above examination of evidence  
case I am satisfied that no  
evidence could be obtained as  
there was no evidence of any  
attempt to be made, but that

*for fee was not received*  
*and the same was not received*  
*Dec 15, 92*

*De Lancey Nicoll*  
*District Attorney*  
*155th*  
*adva.*  
*De Lancey Nicoll*  
*District Attorney*

0234

Excise Violation—Keeping Open on Sunday.

POLICE COURT, 4<sup>th</sup> DISTRICT.

CITY AND COUNTY OF }  
NEW YORK, } ss.

of the 23<sup>th</sup> Hyph Martin Police Precinct of the City

of New York, being duly sworn, deposes and says, that on SUNDAY, the 21<sup>st</sup> day

of September 1899, in the City of New York, in the County of New York,

being then and there in lawful charge of the premises No. 158, Second Ave  
Thomas J. Kierman (now here)  
~~Street~~, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be  
drunk upon the premises, DID NOT KEEP SAID PLACE CLOSED, contrary to and in violation of  
the statute in such case made and provided.

WHEREFORE, deponent prays that said Thomas J. Kierman  
may be ~~arrested~~ and dealt with according to law.

Sworn to before me, this 21<sup>st</sup> day } Hyph Martin  
of September 1899.

Paul N. ... Police Justice.

0235

Sec. 198-200.

14<sup>th</sup> District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas J. Kierman* 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. *Thomas J. Kierman*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *305-E, 7<sup>th</sup> St., 3 months*

Question. What is your business or profession?

Answer. *Bartender*

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

Answer. *I am not guilty and  
if held after examination I  
demand a trial by jury*

*Thomas J. Kierman*

Taken before me this *21<sup>st</sup>*  
day of *April* 188*9*  
*Charles W. ...*  
Police Justice.

0236

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

Dated *Sept 21* 1890 *Charles N. Sinton* Police Justice.

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

Dated *Sept 21* 1890 *Charles N. Sinton* 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.

023

Keeping open on Saturday  
Police Court 1452 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Hugh Martin  
vs.  
Thos. J. Keenan

Offence: *Violation*  
*Game Law*

Dated *Sept 21* 1890  
*Admiral* Magistrate.

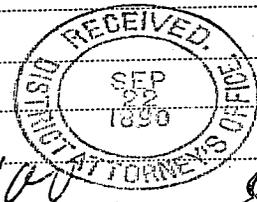
*Hugh Martin* Officer.  
*156<sup>th</sup> St. bet Morris & Castle* Precinct.

Witnesses *and*  
No. Street.

No. Street.

No. Street.

\$ *100* to answer *G. S.*



*Bailed*

BAILED,

No. 1, by *James King*  
Residence *2072 2<sup>nd</sup> St.* Street.

No. 2, by *Solomon Simonsow*  
Residence *252 E 6<sup>th</sup> St.* Street.

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

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

0238

480

**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 J. Kiernan*

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

*Thomas J. Kiernan*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said *Thomas J. Kiernan* late of the City of New York, in the County of New York aforesaid, on the *21<sup>st</sup>* day of *September* in the year of our Lord one thousand eight hundred and ninety, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, 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.*

0239

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

King, Daniel

**DATE:**

05/19/92



4396

Witnesses:

*off hand*

512  
*Hook*

Counsel,

Filed, *19* day of *May* 18*92*

Pleads, *Arguably* *63*

THE PEOPLE

vs.

*B*

*David King*

**POOL SELLING.**  
(Section 351, Penal Code, and Chap. 479, Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL.

*Luhio Catin*

*Foreman.*

*Transferred to the Court of Special Sessions for trial and final disposition.*

*Part of N.Y. L. 1892*

0241

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Daniel King

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

Daniel King

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said

Daniel King

late of the City of New York in the County of New York aforesaid, on the twenty-first day of May in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

George W. Draw

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called Vivid and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at the town of Gravesend in the County of Kings in the State of New York and commonly called the Brooklyn Jockey Club Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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

David King

of the CRIME OF POOL SELLING, committed as follows:

The said

David King

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one

George W. Oran and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called David and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at the town of Gravesend in the County of Kings in the State of New York and commonly called the Brooklyn Jockey Club Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0243

Witnesses:

*off*

546 546  
*Stack*

Counsel,

Filed *19* Day of *May* 18*82*  
Pleads, *Argued*

POOL BILLING.  
(Section 351, Penal Code, and Chap. 470, Laws of 1887, §§ 4 and 7.)

THE PEOPLE

vs.

B

*Daniel King*

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL.

*Luluie Catlin*

*Foreman.*

*Transferred to the Court of Special Sessions for trial and final disposition.*

Part 3.....1882



0244

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Daniel King

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

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said Daniel King

late of the City of New York in the County of New York aforesaid, on the twentieth day of May in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one Adam Savage

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "Siggie" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at De Tom of Ganessee in the County of Kings in the State of New York, and commonly called the Brooklyn Jockey Club Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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

*Daniel King*

of the CRIME OF POOL SELLING, committed as follows:

The said *Daniel King*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one

*Adam Savage* and to divers other

persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "*Digger*" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Jamestown*, in the County of *Franklin* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.*

0246

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kleine, William

**DATE:**

05/17/92



4396

0247

362  
362

Witnesses:

Counsel,

*Filed,* *17* day of *May* 189*2*

Pleads,

**VIOLATION OF EXCISE LAW.**  
(Keeping Open on Sunday.)  
(III. Rev. Stat. (10th Edition), Page 1058, Sec. 5.)

THE PEOPLE

vs.

*B*

*William Klein*

*Transferred to the Court of Sessions for trial and final dis...*

*Paul D. ... 1892*

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL,

*Louis Cathin*

*Foreman.*

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*William Klein*

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

*William Klein*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said *William Klein*  
 late of the City of New York, in the County of New York aforesaid, on the 8<sup>th</sup> day of *June* in the year of our Lord one thousand eight hundred and ninety-, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, 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.*

0249

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kline, Jennie

**DATE:**

05/06/92



4396

132

137

Counsel,

Filed, 6 day of May 1892

Pleads,

Maguelly

THE PEOPLE

vs.

B

Jennie Olive

KEEPING A HOUSE OF ILL-FAME, ETC.  
(Sections 822 and 865, Penal Code.)

Transferred to VAN CUREN'S Special  
Sessions for trial and final disposition

Part 8.....1892

A TRUE BILL.

Louis C. Carter  
Foreman.

Witnesses:

Wm. Smith  
" Schuster

0251

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Jennie Kline*

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

*Jennie Kline*

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

*Jennie Kline*

late of the *Fifth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty-sixth* day of *April* in the year of our Lord one thousand eight hundred and ninety-*two*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

*Jennie Kline*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

*Jennie Kline*

(Sec. 385, Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

*Jennie Kline*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty-sixth* day of *April* in the year of our Lord one thousand eight hundred and

ninety- *two* —, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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.

THIRD COUNT :

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

*Jennie Klue*

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows :

The said

*Jennie Klue*

late of the Ward, City and County aforesaid, afterwards, to wit : on the *twenty-sixth* day of *April* in the year of our Lord one thousand eight hundred and ninety-*two* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, 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.

0253

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Korb, Peter

**DATE:**

05/23/92



4396

0254

Witnesses:

Counsel,

Filed, 23 day of May 1893

Pleads,

*M. J. ...*

THE PEOPLE

vs.

*B*

*Peter Korb*

I hereby consent and desire  
this case against me be sent to  
Court of Special Sessions for trial  
and final disposition.

Witness, *Alfred M. ... 1893.*

DE LANCEY NICOLL,

District Attorney.

VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday)  
(Ill. Rev. Stat. (7th Edition), Page 1850, Sec. 5.)

A TRUE BILL.

*Julius Cattone*

Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Peter Korb*

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

*Peter Korb*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said *Peter Korb,*

late of the City of New York, in the County of New York aforesaid, on the *17<sup>th</sup>* day of *August* in the year of our Lord one thousand eight hundred and ninety-*—*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, 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.*

0256

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kubes, John J

**DATE:**

05/26/92



4396

0257

Witnesses:

855  
B. O. 885

Counsel,

Filed *26* day of *May* 189*2*

Pleadg *Argued*

VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday.)  
(III. Rev. Stat. (7th Edition), Page 1859, Sec. 5.)

THE PEOPLE

vs.

B

*John J. Reeves*

*Thompson & Co. Court of Sesssions for Linn and Finn & dispositive Part 3. P. 186. 186.*

DR LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Lubin Catter*

Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*John J. Kubes*

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

*John J. Kubes*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said *John J. Kubes*  
late of the City of New York, in the County of New York aforesaid, on the 26<sup>th</sup>  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-7, the same being the first day of the week, commonly called and known  
as Sunday, being then and there in charge of and having the control of a certain place  
there situate, which was then duly licensed as a place for the sale of strong and spirituous  
liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said  
place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day  
the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer  
and permit to be open, and to remain open, 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.*

0259

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kwetek, Isreal

**DATE:**

05/16/92



4396

0260

Witnesses:

Rosa Brown  
offr Gillespie

Counsel,

Filed

330 830  
16 day of May 1892

Pleads,

THE PEOPLE

vs.

Israel Kwetch

B

Lottery.

[Sec. 325, Penal Code]

57  
of the  
[Signature]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Julius C. [Signature]  
May 24/92 Foreman.

J. [Signature]  
June 8 1892

0261

Police Court, 2<sup>nd</sup> District.

City and County } ss.  
of New York, }

Rosa Brown

of No. 403 Hudson Street, aged 24 years,  
occupation Dry Goods being duly sworn, deposes and says,  
that on the 29<sup>th</sup> day of April 1892 at the City of New  
York, in the County of New York,

Israel Swetck (now here) did feloniously assist in contriving proposing and drawing a lottery in violation of Section 325 of the Penal Code for the persons following to wit: on the said date this defendant came to defendant's place of business at 403 Hudson Street and there offered to sell to defendant lottery tickets, which tickets represent a drawing to take place in the State of Louisiana and running as the Louisiana State Lottery Company. Defendant is informed by Officer Stephen Gillespie that when he Gillespie arrested the defendant he found in his possession a number of Louisiana State Lottery tickets.

Sworn to before me }  
This 29<sup>th</sup> day of April 1892 } Rosa Brown

P. O. - - -  
Police Justice

0262

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Stephen Gillespie

aged 27 years, occupation Police of No.

9th Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Rosa Brown

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

Sworn to before me, this 29 day of April 1892 Stephen Gillespie

[Signature]  
Police Justice.

0263

(1335)

Sec. 128-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

*Israel Kmetek*

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.

*Israel Kmetek*

Question. How old are you?

Answer.

*37 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*407 Grand St. # 96 Ludlow St.*

Question. What is your business or profession?

Answer.

*Plumber*

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

Answer.

*I am not guilty.*

*Israel Kmetek*

Taken before me this

*29*

day of

*1894*

Police Justice.

0264

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.....

*Respondent*

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, May 3 1892

*[Signature]* Police Justice.

I have admitted the above-named.....

to bail to answer by the undertaking hereto annexed.

Dated,.....189

..... Police Justice.

There being no sufficient cause to believe the within named.....

.....guilty of the offense within mentioned, I order h to be discharged.

Dated,.....189

..... Police Justice.

1892

0265

\$ 500 Ex May 3, 2 PM  
at 4, 10 AM

551  
1894

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Rosa Brown  
403 Hudson St.  
Paul Kretsch

Offense  
No penalty had

BAILED,

No. 1, by Brown's wife  
Residence City - Chamberlain Street.

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

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

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

Dated, April 29 1892

Brown & Gillespie Magistrate. Officer

Witnesses affirm

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

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

No. 500 to answer A. J.

Bailed



0266

COURT OF GENERAL SESSIONS, PART One (1706)

THE PEOPLE

INDICTMENT

us.

For

*Israel Kewitch*

*not found  
not known here*

To

M.

No.

Street.

*Israel Kewitch*  
*9th Ludlow*

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on the MAY the 18 day of instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,

*District Attorney.*

0267

(525)

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY  
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Israel Kuchta*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *Israel Kuchta* —

of the crime of *assisting in continuing and*  
*propagating a lottery.* —

committed as follows:

The said *Israel Kuchta,*

late of the City of New York, in the County of New York aforesaid, on the  
*twentieth* day of *April*, in the year of our Lord one thousand  
eight hundred and ninety-*two*, — at the City and County aforesaid,  
*did feloniously assist in continuing*  
*and propagating a certain lottery called*  
*the Louisiana State Lottery thereof,*  
*to wit: on the tenth day of May in*

The year 1862 to be drawn at the  
 City of New Orleans in the State of  
 Louisiana, the same being a scheme  
 for the distribution of property, to wit:  
 such large sums of money of great  
 value, by chance, among persons who  
 had paid a valuable consideration for  
 such chance, (a more particular description  
 of which said lottery is to be found in  
 a certain manuscript, and cannot now be  
 given); 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

Deane W. Mitchell,  
 District Attorney.

0269

**BOX:**

481

**FOLDER:**

4396

**DESCRIPTION:**

Kyley, Henry

**DATE:**

05/23/92



4396

TORN PAGE

0270

Witnesses:

Counsel,

Filed,

Pleads,

1890  
May 13

POOL BILLING.  
(Section 351, Penal Code, and Chap. 479, Laws of 1887, §§ 4 and 7.)

THE PEOPLE

vs.

B Henry Kyler

Janey

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lilias Carter

Foreman.

TORN PAGE

0271

Court of General Sessions of the Peace

512

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST

*Henry Hyley*

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

*Henry Hyley*

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said

*Henry Hyley*

late of the City of New York in the County of New York aforesaid, on the *eighteenth* day of *May* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

*Charles D. Kemp*

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Affinity Coet* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

*Henry Hyley*

of the CRIME OF POOL SELLING, committed as follows:

The said *Henry Hyley*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one

*Charles O. Kemp* and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Affinity 602* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.*