

0 18 1

BOX:

116

FOLDER:

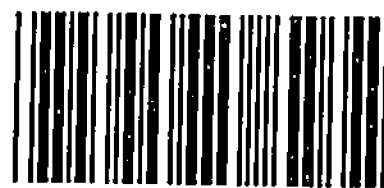
1230

DESCRIPTION:

Kane, Michael

DATE:

10/31/83



1230

POOR QUALITY
ORIGINAL

0 182

286
NW Oct 31
8054
Filed 31 day of Oct 1883
Pleads *Iniquity (Charge)*
THE PEOPLE
vs. ~~Michael~~
Michael
Shane
[80217 and 218]
Assault in the First Degree.
(Firearms.)
JOHN McKEON,
District Attorney.
Jan 25th
Spec. Acquit
A TRUE BILL.
W. A. Cornelison
Foreman.
Part 1
Friday 20th
Off. House of Reps.
17

Bail Hoo

Ed

Bailed by
Joseph Garry
2/14 Capt 39th

0183

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Michael Kane

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

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

The said *Michael Kane*

late of the City of New York, in the County of New York aforesaid, on the *Sixteenth* day of *October* in the year of our Lord one thousand eight hundred and eighty *three* with force and arms, at the City and County aforesaid, in and upon the body of *Daniel Kelly* in the peace of the said People then and there being, feloniously did make an assault, and to, at and against *him* the said *Daniel Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *Michael Kane* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent *him* the said *Daniel Kelly* thereby then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Michael Kane of the Crime of assault in the second degree, committed as follows:

The said *Michael Kane, late of the City and County of New York* afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Daniel Kelly* then and there being, feloniously did, willfully and wrongfully, make an assault, and to, at and against *him* the said *Daniel Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *he* the said

Michael Kane in *his* right hand, then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there shoot off and discharge

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.

JOHN McKEON, District Attorney.

²⁸⁶
In the Matter

of

Michael Kane.

Witnesses

Daniel Kealey, ✓

305 E. 25th St.

St. Morris, Bellvue H. ✓

~~Michael Kane~~

Francis Kealey ✓

217 E. 26th St.

John Kealey ✓

311 E. 26th St.

By Oyl. Patrick Mullin 18th St.

36th St. 6th St.

Oyl. Samuel Murray

18th St.

0 185

City and County of New-York, SS.:

Daniel Kelley, of No. 305 East 25' street, in said City, being duly sworn, deposes and says: That on the night of the 16' day of October, 1883, at about 10 o'clock, while deponent was on his way home, and when on 27' street, near Second Avenue, he was shot in the arm by one Michael Kane; that deponent had never seen the said Kane before and knows of no reason why he shot him; that the said Kane was arrested by two officers at the corner of 27' street and Second Avenue, right after the shooting, and taken to the Station House that night and the next morning taken to the Fifty-seventh street Court, before Justice Power; that deponent was taken to the Station House the night of the shooting and from there was taken to Bellevue Hospital, where he remained for ~~ten~~ 8 days, and then left with instructions to call at the Hospital every day until further instructions; that seven pieces of bone were taken out of deponent's arm by the surgeons at the Hospital, who informed deponent that they could not tell him yet whether he would lose the use of his arm or not; that on the morning of the 17' day of October an officer came to the Hospital for deponent to go to Court to appear against the said Kane, but ^{deponent} was not allowed to leave by the surgeon in charge, who sent a certificate to the Court that deponent was unable to go. And deponent further says that he has been informed by parties that the said Kane was released on bail, and by others that he is still locked up.

Sworn to before me, this :
26' day of October, 1883.

Daniel Kelly

John H. [Signature]
Notary Public, N. Y. Co.

POOR QUALITY
ORIGINAL

0186

ST. STEPHEN'S CHURCH,

New York, Oct. 25, 1883.

Hon. John M. S. Ryan,
District Attorney.

I write of the murder of Mrs.
Sarah Kelly, who was recently shot through
the arm by a man till then an utter
stranger. Mrs. Kelly is an exceptionally
worthy man, is, and has been for years
respectable member of the St. Vincent de
Paul Society attached to this church,
has been prominent in visiting the sick
and poor especially in St. George's Hospital,
and was returning home from the weekly
meeting of the above named Society when
he was shot. He is an exceptionally
credible witness.

Very respectfully,
Yours ob. serv.

Edw. M. S. Ryan.

Michael Kane #

0187

Court of General Session

The People

v

Michael Kane

Withdrawal of the Complaint
by complainant Daniel Kelly

0 188

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Michael Kane

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage

to myself. On the 16th day of October 1883 I was walking along 27th Street between Second and Third Avenue when the defendant whom I did not know at the time, stopped me and asked me whether I knew him, before I could speak he fired two shots at me, one of which, (the first) struck me on the left arm, inflicting a wound which I had dressed at Bellevue Hospital and which is now almost healed, I had him arrested a few minutes after the shot was fired. I did not see any pistol in his hand and there was none found on ^{his person when arrested,} ~~him~~ I was led to believe that said Kane fired the shot from the fact that there was no one else present, (to my knowledge) and my coat sleeve was burnt by the powder. I think the said Kane was at the time under the influence of liquor, and have been informed since then that said Kane had had some trouble with another man and mistook me for some one else. I had never to my knowledge seen the defendant before that evening, and never had any trouble with him.

As I am informed and verily believe that said Michael Kane did not intentionally fire said shots at me, and my wound being now almost healed I earnestly request that the complaint be withdrawn.

Dated New York, January 24th 1884

Daniel Kelly

Witness:
Rudolph E. Schaff
Peter James
J. J. J. J.

0189

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,


against

Michael Kane
365 E. 25th Street
New York

Bench Warrant for Felony.

Issued

October 3rd 1883

 The officer executing this process will make his
return to the Court forthwith.

Nov. 15th 1883

*The within named
defendant was
arrested this day
and brought here
by Von Reichten & Reilly*

0 190

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 31st day of Oct
1883, in the Court of General Sessions of the Peace, of the County of
New York, charging Michael Kane

with the crime of A assault in the first degree

You are therefore Commanded forthwith to arrest the above named Michael
Kane and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

New York City, the 31st day of Oct 1883.

By order of the Court,

[Signature] Clerk.

0191

BOX:

116

FOLDER:

1230

DESCRIPTION:

Keator, Alexander

DATE:

10/23/83



1230

By app. civ.

F.D.

194

Counsel,
Filed 23 day of Feb 1923
Pleads Not guilty

THE PEOPLE

'13 by vs. R
Kingdom

Alexander

Traitor

Burglary, 5 Years Degree,
Grand Larceny, 5 Years Degree,
and ~~Carrying a Dangerous Weapon~~
(Sections 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

JOHN McKEON,

District Attorney.

22 Dec 26/1923
Filed 2 by L. C. Day
A True Bill.

W. H. Arnold

Foreman

H. H. G. M. S. P.
F.D.

0192

0193

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Alexander Keator

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

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

The said Alexander Keator

late of the Eighth Ward of the City of New York, in the County of New York aforesaid, on the 21st day of October in the year of our Lord one thousand eight hundred and eighty-three with force and arms, about the hour of seven o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of Dennis Keator

there situate, feloniously and burglariously did break into and enter,

whilst there was then and there some human being, to wit, one Sarah Carey within the said dwelling house, the said

Alexander Keator then and there intending to commit some crime therein, to wit: the goods chattels and personal property of the said Dennis Keator in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0 194

SECOND COUNT.

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

Alexander Heaton
of the CRIME OF GRAND LARCENY IN THE First DEGREE, committed as follows:

The said Alexander Heaton

late of the Ward, City and County aforesaid, afterwards, to wit: on the said 15th day of October in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, in the night time of said day, with force and arms, one overcoat of the value of fifteen dollars, of the goods, chattels and personal property of one Devitt Heaton, and one other overcoat of the value of fifteen dollars.

of the goods, chattels and personal property of one Paul Cunningham in the dwelling house of the said Devitt Heaton there situate, then and there being found in the dwelling house 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.

John McKeon
District Attorney.

0195

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

Police Court-1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

McNeil Heaton
5 Watts St.
Alex. Heaton

Offence *Burglary*
& Larceny

Dated *October 20* 188*3*

Patterson Magistrate.

Wm. Pearson Officer.

Con. Long Precinct.

Witnesses

Richard Scott

No. *54 Thompson* Street.

Wm. Pearson

8 West 10th St.

Wm. Cunningham

No. *5 Watts* Street.

W. B.

Conrad

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 _____

Alexander Heaton

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 *October 20* 188*3* *J. M. Patterson* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0 196

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

2

District Police Court.

Alexander Keator

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

Question. What is your name?

Answer. *Alexander Keator*

Question. How old are you?

Answer. *23 years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *Kingston N.Y.*

Question. What is your business or profession?

Answer. *Waiter*

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 took the property and pawned
it. (Richard Scott, the witness
against me put the job up
and I gave him a document
out of the money I received at
the pawn shop by pledging
the stuff. Alexander Keator*

Taken before me this

day of *October*

188

John P. ...

Police Justice.

0197

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Richard Scott
Writer of No.

54 Thompson Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of De Witt Heaton
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20th
day of October 188 5 } Richard Scott

J M Patton
Police Justice.

0198

Police Court—2^d District.City and County }
of New York, } ss.:of No. 5th Watts De Wit Reator Street, aged 16 years,occupation Bell-Boy being duly sworndeposes and says, that the premises No 5th Watts Street,in the City and County aforesaid, the said being a Lodging Houseand which was occupied by deponent as a Sleeping roomand in which there was at the time a human being, by name SarahLoanowere BURGLARIOUSLY entered by means of forcibly opening thedoor of deponent's room on the secondfloor of said premises by means ofa false key, at about the hour of7 o'clock P. M.on the 15th day of October 1883 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

Two iron Coats, together of the valueof thirty dollars, one of said Coatsbeing the property of deponent andthe other Coat being the propertyof a room mate of deponent namedPaul Cunningham.and

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

Alexander Reator, now here,for the reasons following, to wit: That deponent locked andsecured said door at about the hourof 9 o'clock A. M. and said propertywas then within said room. Thatdeponent returned to the room about10 o'clock P. M. and found that saidproperty had been stolen therefrom.That deponent was then informed by

0199

Richard Scott, here present, that the
said defendant stole said property.
That said defendant now here in
open Court admits stealing said
property and passing the same.
Seen & known me the } Deem: Reator
20th day of October 1888 }

J. W. Patterson

Police Justice

Police Court _____ District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Burglary

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses :

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0200

BOX:

116

FOLDER:

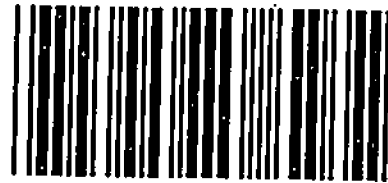
1230

DESCRIPTION:

Kelly, George

DATE:

10/12/83



1230

POOR QUALITY
ORIGINAL

0201

77
by Dept. he
says he has
a woman named
in my dining
room.
For
as a child
Liquor. Dept. was
honest during 2
years in his employ
for 57 Brady. Now
he acknowledges for
last 2 years.

Counsel,
Filed 12 day of Oct 1883
Pleads *Not guilty*

THE PEOPLE

vs.

George

Deane

1883
11/11

INDICTMENT.
Grand Larceny in the 2nd degree.

JOHN McKEON,

Dist. Att. 24/83

Pleads 92 day etc.

A True Bill.

W. H. Anderson

24th 3 months
Forfeited

0202

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

George Kelly

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

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

The said *George Kelly*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *first* day of *October* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, with force and arms in the night time of

said day, one watch of the value of fifteen dollars, and one chain of the value of two dollars

of the goods, chattels and personal property of one *George Garland* on the person of the said *George Garland* then and there being found, from the person of the said

George Garland

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.

JOHN McKEON, District Attorney.

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

Police Court - District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Garland
Huddon Road
James Kelly

1
2
3
4

Offence *Larceny*
from the Parson

Dated October 2 1882



 Magistrate.

 Officer.

29 Precinct

Witnesses

Witnesses JOSEPH D. Allen
 Attest John J. Allen
 Notary Public
 for Paulen 291 Penn
Street.

No. 50 Street 50

No. _____ Street _____

1007 to answer

4. 2. 2011

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 George Kelly

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 October 2^d 1883 _____ Police Justice.

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

Dated 188 *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

0204

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.2^d District Police Court.

George 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. George Kelly

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York City

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

Answer. No 31st East 23rd Street; 2 years

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 have nothing to say at present
I demand an examination
George Kelly

Taken before me this 2^d
day of October
1889

Police Justice.

0205

2d

District Police Court.

Affidavit-Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of George Garland, 42 years, gardner
of No. 112 1st Street

being duly sworn, deposes and says, that on the 1st day of October 1883

at the on 23rd Street near Broadway in City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession

and from of deponent, in the night time

the following property, viz: One silver watch and gold
plated chain of the value, together, of
Seventeen Dollars

Sworn before me this

2d day of

the property of deponent

October 1883

Police Justice.

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 George Kelly, now here,
from the following facts: At about eleven o'clock on said night deponent was riding on a car of the 23rd Street Rail Road when he missed said watch and chain from a vest then worn by him. At the same time deponent noticed said Kelly leaving the car and pursued him, pointing him out to officer Martens who arrested him. Deponent is informed by said officer that the said watch and chain was found on the person of said Kelly when arrested.

(Over)

George Garland

0206

CITY AND COUNTY }
OF NEW YORK, } ss.

Frederick W. Martens
aged 30 years, occupation patrolman of the of No. 29
Precinct Police ~~State~~, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George Garland
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 2^d }
day of October 1883 } Frederick W. Martens

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0207

BOX:

116

FOLDER:

1230

DESCRIPTION:

Kennedy, James

DATE:

10/02/83



1230

0208

BOX:

116

FOLDER:

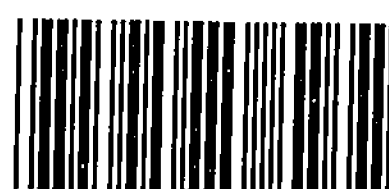
1230

DESCRIPTION:

Hennessy, William

DATE:

10/02/83



1230

POOR QUALITY
ORIGINAL

0209

23

Counsel,

Filed day of

1883

Pleads

THE PEOPLE

vs.

James Henderson
and
William Henderson

1944
1945

Grand Jurors, and
Receiving Stolen Goods.

JOHN McKEON,

District Attorney

Chas. J. O'Connell

A True Bill.

Let it be done

Foreman.

W. J. O'Connell
S. J. O'Connell
J. J. O'Connell

02 10

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Kennedy
and
William Kennedy

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

James Kennedy and William Kennedy

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

The said James Kennedy and William Kennedy

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 27th day of September in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms

twenty printed books of the value of one dollar each, thirty blank books of the value of fifty cents each, one thousand pieces of paper of the value of one cent each, and one thousand pounds of paper of the value of three cents each pound

of the goods, chattels and personal property of one George Mellon

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.

0211

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

James Kennedy and William
Hennery

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

The said James Kennedy and

William Hennery

late of the First Ward of the City of New York, in the County of New York
aforesaid, on the 27th day of September in the year of our Lord
one thousand eight hundred and eighty-three at the Ward, City and County

aforesaid, with force and arms, twenty printed books

of the value of one dollar each,
thirty blank books, of the value
of fifty cents each, one thousand
pieces of paper of the value of one
cent each piece and one thousand
pounds of paper of the value of one
cent each pound

_____ of the goods, chattels and personal property of George Mellon

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

_____ George Mellon _____

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

Kennedy and William Hennery

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.

JOHN McKEON, District Attorney.

0212

adj 28-272

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

Police Court District 4762
THE PEOPLE, &c.,
ON THE COMPLAINT OF
James Mollon
335 East 16 St.
James Kennedy
William Hennessey
Offence Grand Larceny
Dated Sept 12 1883
J. M. Stenhouse Magistrate.
Benjamin Christopher Officer.
181 Precinct.
Witnesses Benjamin Christopher
181 Precinct
Michael Mollon
No. 335 East 16 St.
Street,
No. 600 East 45 St.
Street,
Corr

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 James Kennedy and
William Hennessey
guilty thereof, I order that they be held to answer the same and be admitted to bail in the sum of 250
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. such or until he appears
Dated September 27 1883 W. H. M. C. 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.

02 13

Sec. 198-200

CITY AND COUNTY }
NEW YORK } ss.

4 District Police Court.

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

Question. What is your name?

Answer.

William Hennessy

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

444 East 14th Street 3 years

Question. What is your business or profession?

Answer.

Junk dealer

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

Answer.

*I am not guilty of
the charge against. When I
came to the cart I saw the
books and papers in it -*

*his
William Hennessy
mark*

Taken before me this

day of

Police Justice.

02 14

Sec. 198-200

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Kennedy 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 Kennedy

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Hudson Co., New York

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

Answer.

433 East 13th Street

Question. What is your business or profession?

Answer.

Junk dealer

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 bought the books and papers -

James Kennedy

Taken before me this

day of

Police Justice.

02 15

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 335 East 16th Street, Hotel Manager
being duly sworn, deposes and says, that on the 27th day of September 1883
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 daytime, with the intent to deprive
deponent of said property
the following property, viz :

Books and papers of the
value of twenty six 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 James Kennedy, and William

Hennessey, (both now present), from
the fact (the fact that previous to
said larceny the said books and
papers were in a chest which was
in deponent's cellar in the premises
aforesaid, and this deponent found
said property in the possession
of said Kennedy and Hennessey.
George Mellon.

Sworn before me this

27th day of

September 1883

Police Justice,

02 16

BOX:

116

FOLDER:

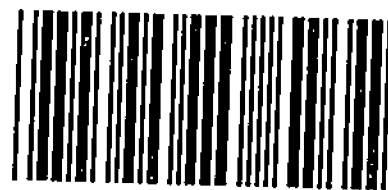
1230

DESCRIPTION:

Kennedy, Victor W.

DATE:

10/22/83



1230

POOR QUALITY
ORIGINAL

0217

Left appearing the day in Court
Recommendation that

bail be fixed at the

original amount

viz \$5000.

W. May 16 1884

W. J. McKeon

Attorney at Law

Bailed by

John Arnold of

Arnold & Stephens

Contractors

Kingbridge, or

48 day street

164

W. J. McKeon

Counsel,

Filed 12 day of Oct 1883

Pleas Chitiquity (26)

THE PEOPLE

B

Victor W.

Dennedy

W. J. McKeon

INDICTMENT.
Grand Larceny in the
Second Degree.
(MONEY)
[528 + 531]

JOHN McKEON,

District Attorney.

May 14, P. M. 1884

A True Bill.

W. J. McKeon
Off. term

Foreman

Foreman

First Wednesday May Term

Recd from R. O. R. 19/1884

02 18

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Victor W. Kennedy

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

Victor W. Kennedy
of the crime of GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said Victor W. Kennedy

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the twenty eighth day of June in the year of our Lord one thousand eight
hundred and eighty-three at the Ward, City and County aforesaid, with force and arms,

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars
; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; five promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars
; two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars, and one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar

of the goods, chattels, and personal property of one

on the person of the said

Jacob H. Meade

from the person of the said

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.

JOHN McKEON, District Attorney.

POOR QUALITY
ORIGINAL

02 19

ALBERT W. VAN WINKLE,
ATTORNEY AND COUNSELLOR AT LAW,
No. 3 BROAD STREET,
DREXEL BUILDING.

People }
v }
Kennedy }
_____ }

New York, March 25 1884

Hon J. R. Fellows.

Dear Sir,

I can
have all the witnesses in the
case of the people v. Victor
W. Kennedy in Court on either
the 9, 10 or 11 of April. Can
you make it convenient to
try the case on either of these
days? I'll send the subpoenas
to me and I will see that they
are served for the day you designate.
I made out some months ago, a
Synopsis of the facts to which each
witness would testify. I have no

POOR QUALITY
ORIGINAL

0220

draft or copy of same which are among
the papers in the case. I wish you
would enclose same to me in your
letter of reply, so that I may make
copy same, & return the paper to
you to assist you on the
trial. many of the dates, & facts have
passed from my mind. I have
called to see you several times, but
you were not in.

Yours Respectfully
A. W. Van Winkle

P. S. I am informed that
the deft is in the state of Pa.
and would suggest that ample notice
of day of trial be given to his bondsmen,
so that they may ^{be} secure for adjournment
O. W. V. W.

0221

ALBERT W. VAN WINKLE,
ATTORNEY AND COUNSELLOR AT LAW,
No. 3 BROAD STREET,
DREXEL BUILDING.

People

New York,

NOV 21 1883

Victor W. Kennedy
Grand Larceny

Hon John R. Fellows,

Dear Sir,

All

of the witnesses in the above case
have been subpoenaed for tomorrow.
One comes from N.J. and the other
Ira M. Hedges Esq comes from
Haverstraw. he is President of the
Haverstraw Nat Bank; it will be
difficult to secure the attendance
of the last named, on an adjourned
day. I thought if the above facts
were brought to your attention, you
might give the above case such
a position on your calendar for
tomorrow that it would stand a

0222

good chance of being reached and
tried on that day: the case ~~is a~~
short one and ought not to occupy
more than an hour: hoping
that I am not trespassing too
much upon your valuable time
I am

Yours Respectfully
Albert W. Van Winkle

POOR QUALITY
ORIGINAL

0223

ALBERT W. VAN WINKLE,
ATTORNEY AND COUNSELLOR AT LAW,
No. 3 BROAD STREET,
DREXEL BUILDING.

New York,

March 17 1884

Hon Peter B. Olney Esq
District Attorney

Dear Sir,

Some

five months ago, the grand jury
of this County found an indictment
of grand-larceny against one Victor
W. Kennedy. Can you inform me
when the case is likely to be brought
to trial? Several of the witnesses reside
in the State of N. J. and another Fra M.
Hedges the President of the Naverstraw
Nat Bank, resides at Naverstraw, and
myself am also a witness; if a few
days notice could be given to me, of
the day set for trial, I would see
that all the witnesses attended court.

POOR QUALITY
ORIGINAL

0224

Mr Hedges attendance can not be secured, unless he has some notice in advance, as he is absent from Haverstraw much of his time, on business.

I deem it my duty to call your attention to a statement which the defendant Kennedy has several times made, that is, that he has had the matter fixed through the influence of his friend one ex Alderman Murphy. While I attach no importance to such remarks in connection with your office, I consider it proper to notify you of the same.

Yours Respectfully
Albert W. Van Winkle

POOR QUALITY
ORIGINAL

0225

New York Aug 11th 83.
L. A. Meade Esq. Dear Sir.

It is my desire
to have you wait for two weeks as I
do not receive any salary before that time
and I will assure you that it will
be promptly attended to. If you will be
good enough to do so I am very sorry
that things had happened in this manner.
Please do not send nor make known
to any one in New York.

Yours obliged friend
Wm. W. Bennett

POOR QUALITY
ORIGINAL

0226

June 28/83

Haverstraw, N. Y.

6/28 1883

J. K. Meade

Please to take Notice.

7/12/83

That a

Check

made by

J. W. Kennedy

for

Thirty-one

Dollars, endorsed by

you, is PROTESTED for non-payment, and that
the holders look to you for payment thereof.

Your obedient servant,

Geo. H. Smith,

Notary Public,

NATIONAL BANK OF HAVERSTRAW.

POOR QUALITY
ORIGINAL

0227

J. S. Meade

POOR QUALITY
ORIGINAL

0228

J. H. Meade, Esq. a

Dear Sir

Do not need check

Will bring amount tomorrow
morning as soon as the boat arrives
impossible to reach Hamtramck
to make a deposit before Thursday
Yours will oblige J. H. Meade

Capt. W. H. Meade

0229

J. K. MEADE,
COMMISSION DEALER
IN ALL KINDS OF
FAMILY AND BAKERS
❖ FLOUR, + BUTTER, + &C., ❖
201 WEST STREET,
BETWEEN JAY AND HARRISON STS. NEW YORK.

0230

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Victor W. Kennedy

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. but are solely based upon the following statement made to me by Victor W. Kennedy, viz: - that his deposit of money in the Haverstran National Bank, was by mistake made in his Kennedy's firm's name, and not in his individual name, and since the check when presented was not paid there being no funds to the personal and individual credit of said Kennedy in said Bank; and that the said Kennedy has returned to said Jacob K. Meade the plaintiff the full amount received by him Kennedy from said Meade.

Subscribed and sworn to before me this 21st day of 1884.

Jacob K. Meade

0231

Grand m. *Chapman*
Sec. *Macdonald*

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

BAILED.
Victor W. Kennedy
48 West

No. 1, by *Victor W. Kennedy*
Residence *48 West*

No. 2, by *Victor W. Kennedy*
Residence *48 West*

No. 3, by *Victor W. Kennedy*
Residence *48 West*

No. 4, by *Victor W. Kennedy*
Residence *48 West*

Victor W. Kennedy
48 West
Grand Larceny

1
2
3
4

Offence *Grand Larceny*

Dated *Sept 21* 188 *3*

John J. Ford Magistrate.

Charles Officer.

Robert W. Van Nieuwe Precinct.

33 Broad Street.

James E. McQuinn Street.

301 West Street.

St. Luke's Street.

2412 Washington St. to answer

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

Victor W. Kennedy

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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* 188 *3* *J. J. Ford* Police Justice.

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

Dated *21 Sept* 188 *3* *J. J. Ford* Police Justice.

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

Dated _____ 188 _____ Police Justice.

0232

Sec. 151.

Just

District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police
Justices in and for the said City, by *Jacob R Meade*

of No. *201 West* Street, that on the *25* day of *June*
188*8* at the City of New York, in the County of New York, the following article to wit :

Thirty One dollars lawful
Money of the United States
of the value of *thirty one* Dollars,
the property of *Complainant*
w *as* taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *Victor W Kennedy*

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the bod of the said Defendant and forthwith
bring *him* before me, at the *1st* DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this *18th* day of *Sept* 188*8*
J. R. Meade POLICE JUSTICE.

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Victor W Kennedy
201 West St
Victor W Kennedy
201 West St
Warrant-Larceny.

Dated *Sept 17 1888*

W. L. Webb Magistrate

Victor W Kennedy Officer

The Defendant *Victor W Kennedy*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

J. R. Meade Officer

Dated *September 17 1888*

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *11:30 PM Sept 17 1888*

Naive of *W. B.*

Age, *26*

Sex *M*

Complexion, *—*

Color *White*

Profession, *clerk*

Married *Yes*

Single, *Yes*

Read, *Yes*

Write, *Yes*

Victor W Kennedy

0233

Sec. 198—200

CITY AND COUNTY }
OF NEW YORK, } ss.

J. P. District Police Court.

Victor W. Kennedy 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.

Victor W. Kennedy

Question. How old are you?

Answer.

Twenty six years

Question. Where were you born?

Answer.

Hareretrav N. Y.

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

Answer.

Wabbs Ferry three months

Question. What is your business or profession?

Answer.

Steamboating

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 have nothing to say
Victor W. Kennedy

Taken before me this

day of *Sept*

188*3*

J. Kennedy
Police Justice.

0234

Form 10.

POLICE COURT-FIRST DISTRICT.

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

of No.

about 134

that on the

day of

Sept

being duly sworn, deposes and says,

1883, at the City of New York,

in the County of New York.

Victor W Kennedy. Stated
to deponent that he was not
a depositor in the National
Bank of Havasthaw. And had
no money to his credit in said
Bank at the time he uttered the
check and obtained money for it from
James E Meade.

Albert W. Van Winkle

Sworn to, this
before me.

1883

day of

Sept

1883

Police Justice.

0235

CITY AND COUNTY }
OF NEW YORK, } ss.

James E. Meade
aged 29 years, occupation Book Keeper of No. 201 West Street, being duly sworn, deposes and

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

Sworn to before me, this 18th
day of Sept 1883 } James E. Meade

J. R. Smith
Police Justice.

0236

First
District Police Court. Affidavit—Larceny.
CITY AND COUNTY OF NEW YORK, ss. *Acot. E. Meade*
of No. *201 West* Street, *3rd* floor, *Dealer*
being duly sworn, deposes and says, that on the *23rd* day of *June* 188 *8*
in the *Daytime at the* City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent *With intent to deprive the true owner thereof*
the following property, viz: *Thirty one dollars Lawful*
Money of the United States

Sheweth before me this

day of

the property of *Deponent*

Does not know

1888

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 *Victor W. Kennedy* in the

Manner following—to wit—That on said
day the defendant called at deponent's
place of business and stated to one
James E. Meade a bookkeeper in deponent's
employment that he had been to a certain
place to purchase goods where the person
in charge refused to receive his check
not knowing him. That he then presented
to said bookkeeper the annexed check

0237

On the National Bank of Haverstraw,
 payable to the order of deponent for
 Fifty one dollars stating and representing
 that said check was genuine and good
 for its face value and requested the
 bookkeeper to cash the same. That
 he knowing the defendant and believing
 such statements & representations to be
 true gave him. Kennedy the aforesaid
 sum as deponent is informed & deponent
 believes the same to be true. That this
 deponent has since discovered that the
 said check is utterly valueless and
 that the defendant had no money to
 his credit ^{and never did have any} in the said National Bank
 of Haverstraw a fact well known to the
 defendant at the time he made such false
 statement with the intent and purpose as
 deponent now alleges & believes & charges
 of cheating, defrauding & feloniously
 stealing and carrying away said
 property.

Sworn to before me this
 18th day of Sept. 1883 } Jacob Meade
 J. P. }
 Justice }

District Police Court.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0238

Protest, \$31⁰⁰/₁₀₀

V W Kennedy

FOR

The National Bank of Haverstraw.

Haverstraw, Jan 28 1883

FEES..... 75c.

NOTICES, &c. 39

\$ 1.14

George H. Smith
George H. Smith,

NOTARY,

The National Bank of Haverstraw, N. Y.

Dec

31-

114

\$ 32.14

W. H. Mead

201 MAY 6 1883

GLUED PAGE

0239

STATE OF NEW YORK.

No. _____

HAVERSTRAW

June 25th 1883

NATIONAL BANK OF HAVERSTRAW

Pay to the order of

Thirty one dollars



Dollars.

\$ *31.00*

W. W. Kennedy

and demanded payment who refused to pay the same.

Whereupon, I, the said Notary Public, at the request aforesaid, did Protest, and by these presents do publicly and solemnly Protest, as well against the Drawer and Endorsers of the said ~~Premissory Note~~ *Check*, as against all others whom it doth or may concern, for exchange, re-exchange, and all costs, damages and interest already incurred, and to be hereafter incurred, for want of payment of the same.

Thus done and Protested, at Haverstraw aforesaid, in the presence of John Doe and Richard Roe, witnesses.

In Testimonium Veritatis.

W. W. Kennedy
Notary Public.

GLUED PAGE

0240

United States of America, } ss.
STATE OF NEW YORK.

On the *Twenty Eighth* day
of *June* 1883 at the request of The National Bank of Haverstraw,
I, GEO. H. SMITH, a Notary Public, duly admitted and sworn dwelling in
Haverstraw, Rockland County, N. Y., did present the original ~~Promissory Note,~~ *Check*
hereunto annexed, to the Paying Teller of the Bank of Haverstraw, where the same
is made payable,

and demanded payment who refused to pay the same.

Whereupon, I, the said Notary Public, at the request aforesaid, did Protest, and
by these presents do publicly and solemnly Protest, as well against the Drawer and
Endorsers of the said ~~Promissory Note,~~ *Check* as against all others whom it doth or may concern,
for exchange, re-exchange, and all costs, damages and interest already incurred, and to be
hereafter incurred, for want of payment of the same.

Thus done and Protested, at Haverstraw aforesaid, in the presence of John Doe and
Richard Roe, witnesses.

In Testimonium Veritatis.

[Signature]
Notary Public.

0241

BOX:

116

FOLDER:

1230

DESCRIPTION:

Kleban, John

DATE:

10/12/83



1230

POOR QUALITY
ORIGINAL

0242

87

Counsel,

Filed day of

Pleads

1883

THE PEOPLE

vs:

F

John McKeon

436815
17
number

Grand Larceny, Second Degree, and
Receiving Stolen Goods.

555282531

JOHN McKEON,

District Attorney

A True Bill.

W. A. Carnahan

Foreman.

Oct 15/83

Heads of Jury
State Reformatory

0243

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 McLean

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

John McLean

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

The said *John McLean*

25th

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

one watch of the value of thirty dollars, and one chain of the value of five dollars

of the goods, chattels and personal property of one *Siggie Reed* 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.

John McLean

District Attorney

0244

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

Police Court No. 2 District 1405

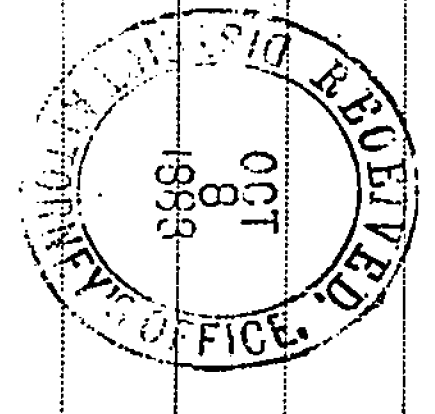
THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Kennedy
John Kleban
Offence Grand Larceny

Dated Oct 5 1888

Magistrate
Central O Precinct

Witnesses _____



No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
to answer

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 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 Oct 5 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

0245

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

John Kleban 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

188

Police Justice.

0246

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

aged 68 of No. 135 West 22 Street, Agnes Kennedy
being duly sworn, deposes and says, that on the 25 day of September 1883

at the _____ City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent in the day time

the following property, viz :

one open case gold watch
value thirty dollars
one silver chain value five
dollars

together of the value of thirty five dollars

the property of Lizzie Reed deponent's niece
and in complainant's care and
charge

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 Kleban (now present)

from the fact that said Kleban
came to deponent's house to
get some printers materials
and the room where the watch
was kept was the door was
opened after said Kleban
had left the property as above
described was missing. Said
Kleban upon being arrested and
searched was found in his possession
a paper ticket showing where said
Kleban had purchased the watch as above
described from the same place.

Sworn before me this

day of September 1883

Police Justice,

0247

BOX:

116

FOLDER:

1230

DESCRIPTION:

Koehler, Charles O.

DATE:

10/22/83



1230

0248

Recd from H. A. Feb 9/87

0249

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles O. Kochler

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

Charles O. Kochler

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

The said Charles O. Kochler

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the day of April in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms two ounces of gold of the value of sixteen dollars each ounce.

of the goods, chattels and personal property of one Benjamin D. Travel 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.

John McKeon
District Attorney.

0250

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Counsel,
Filed 22 day of Oct 1883
Pleads *Not guilty (28)*

THE PEOPLE
vs.
Charles O
Koehler
[2 cases]

Grand Larceny,
U.S. 1883/1496563

JOHN McKEON,
District Attorney

A True Bill.
W. H. Hunsdon

Foreman.

Perk!

McKeaney Jan 16 1884
Do not put on trial
my attorney as would be
case

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

Charles O. Koehler

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

Charles O. Koehler

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

The said Charles Koehler

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
31st ~~on the~~ day of July in the year of our Lord one thousand eight hundred and
eighty- two, at the Ward, City and County aforesaid, with force and arms
five ounces of gold of the value
of sixteen dollars each ounce

of the goods, chattels and personal property of one Benjamin D.

Travels 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.

John McKeon
District Attorney

7/5

For Complaints
Mr. H. Phillips
Deputy District
Ct. Clk. only

BAILED,
No. 1, by Henry Green
Residence 132 Liberty Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

For Defendant
J. A. Menckens
367 Jackson St.
Agent
and Robert Tache
35040 Court St.
Agent

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Deputy District
Charles Wecker
150 East 10th St.
1
2
3
4

Office Combeysment

Dated May 29 1883
Putnam Magistrate.
Haley Officer.
Central office Precinct.

Witnesses Matias - Behnken
Kenneth - Hay - Salisbur
putnam
No. _____ Street.
No. _____ Street.
No. _____ Street.

309
1883
DISTRICT ATTORNEY
OFFICE

No. _____ Street.
to answer G. S.
Phillips

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

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 September 10 1883 J. M. Patterson Police Justice.

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

Dated Sept 10 1888 J. M. Patterson Police Justice.

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

Dated _____ 188 . _____ *Police Justice.*

0253

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

2

District Police Court.

Charles C. Koehler

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

Question. What is your name?

Answer. *Charles C. Koehler*

Question. How old are you?

Answer. *23 years 9 mos*

Question. Where were you born?

Answer. *New York*

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

Answer. *356 Prospect Av. Brooklyn*

Question. What is your business or profession?

Answer. *Jeweler*

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 I
waive all further examination
in this Court and offer bail
for indictment and trial.*

Charles Otto Koehler

Taken before me this

Day of *April* 188*8*

J. M. McQuinn Police Justice.

0254

City and County of New York, ss.

Benjamin D. Naitel, aged 32 years, Manufacturing Jeweller, of No. 75 Fulton Street in the City of New York, being duly sworn deposes and says - That at the said City and County of New York on the 31st day of July 1882 Charles O. Woehler, now here was in the employment of deponent as foreman and servant of deponent and in charge of deponent's factory at a stated rate of weekly wages and he was not an apprentice nor under the age of 18 years.

That on said day said deponent received from the firm of Naitel Bros, consisting of deponent and Bernard J.

Naitel, Co. partners, two hundred and fifty pennyweights of gold to be manufactured into jewelry. That on the following day, viz: August 1st 1882 deponent ordered said deponent to manufacture six dozen finger rings of ten

0255

of Style 155 and 134
Carat gold in quality. That on
or before the 2nd day of October 1882
said defendant returned the
six dozen rings to said firm
at their office at No. 170
Broadway.

That thereafter deponent examined
and tested said rings and
found that they averaged
only 6 and 9/10th Carat in
quality and were not ten
Carat in quality as ordered
by deponent. That the difference
in quality between six dozen
rings of 10 Carat gold in
fineness, and the six dozen
rings returned to deponent
would amount to the sum
of Seventy-four dollars and
thirty-nine Cents

That said defendant had entire
charge of the gold in the
manufacture of deponent
and it was his duty to
alloy said gold and reduce
it from a fine quality
to the fineness desired.
That deponent there-

0256

your charges and alleges that
 said defendant ^{at said city and County} did at a
 time between the 1st day of
 August 1882 and the 2nd day
 of October 1882 feloniously
 embezzle and convert
 to his own use and profit
 gold to the ^{value} amount of seventy
 four dollars and thirty nine
 cents, property of said firm
 which he had received from
 said firm to manufacture,
 and which he fraudulently
 kept, stole, withheld and
 retained in his possession!
 known to before me this
 25th day of May 1883

Benjamin T. Truitt
 J. W. Patterson
 Proci. Justici

Defendant pleads not guilty
 and demands an examination.
 By Consent, examination set down
 for May 31/83 at 2 1/2 P. M.
 Bail for ret. fixed at \$1000.

POOR QUALITY
ORIGINAL

0257

Complainant
M. H. Phillips
Alfred Rosenberg
W. G.
BAILED,
No. 1, by Henry Glass
Residence 1329 Liberty Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.
For Defendant
J. J. Rosenberg
367 Jackson St.
and _____
and _____
380 4th Court St.
Alfred Rosenberg

Police Court 713 District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Henry W. Phillips
J. W. Rosenberg
Charles C. Kochler
Offence _____
Dated Sept. 10 1883
Magistrate.
Haley Officer.
Couture Office Precinct.
Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.
\$ 1000 to answer B. J.
Alfred Rosenberg

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

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

Dated Sept. 10 1883 J. W. Patterson Police Justice.

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

Dated Sept. 10 1883 J. W. Patterson Police Justice.

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

Dated _____ 1883 _____ Police Justice.

0258

Sec. 198-200

CITY AND COUNTY
OF NEW YORK

District Police Court.

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

Question. What is your name?

Answer. *Charles C. Kochler*

Question. How old are you?

Answer. *23 years & 9 months*

Question. Where were you born?

Answer. *New York*

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

Answer. *356 Prospect Av. Brooklyn, 13 years.*

Question. What is your business or profession?

Answer. *Jeweler*

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

Answer. *I am not guilty. I waive all further examination here and offer bail for trial.*

Charles Otto Kochler

Taken before me this

day of *September* 188*8*

M. M. Patterson
Police Justice.

City and County of New York ss:

Benjamin D. Truitt being duly sworn, says that he is one of the firm of Truitt Brothers, composed of deponent and his brother Gerard P. Truitt, manufacturing jewels carrying on business in the City of New York at Number 46 Maiden Lane and having a factory at Number 45 Fulton Street in said City; that at the time hereinafter mentioned one Charles Kehler, not being an apprentice or under the age of eighteen years, was in the employ of deponent's said firm in their said factory performing the duties of journeyman and workman therein; that between the 1st and 4th days of April 1883 and on or about the 5th day of April 1883 at the City of New York in said County divers goods and chattels, to wit, gold, of the value of Twenty five Dollars and forty nine cents were feloniously stolen, taken and carried away from the possession of said Truitt Brothers, and that he has just cause to suspect and believe and does suspect and believe and there is justable cause to believe that the said Charles Kehler did steal, take and carry away the same. That the facts upon which this affidavit is based are as follows:

That deponent's said firm are manufacturers of gold rings and do not make any rings of gold of a less quality than what is commonly known as Ten Karat; that for the manufacture of such rings said firm purchase gold of a quality

commonly known as fine gold being Twenty four Karat or very closely approximating thereto and purchased by them as Twenty Four Karat gold, and then cause the same to be melted and alloyed at their said factory to the quality desired but never to a less quality than that commonly known as aforesaid as Ten Karat, except for Solders and then in small quantities which solders are kept distinct and separate from other gold in a box with compartments and each compartment distinctly marked with the quality of Solder which is shaped in such form as to be entirely different from the bars of gold worked up into rings. That at the times above mentioned and at the times in that regard hereinafter mentioned the alloying of said gold in said factory was done by and under the charge of said Charles Kehler who kept a book in which he entered in his own handwriting a record of such alloys made by him and the metals used by him in making such alloys, being in deponent's said factory copper and silver, which said book is in deponent's possession. That on the 5th day of April 1883 said firm gave to said Kehler 250 pennyweight of the fine gold aforesaid which he was ordered to alloy to Ten Karat for which purpose, as appears by said book, he used copper and silver alloy and made 600 pennyweight of Ten Karat gold,

which quantity said fine gold should properly have yielded; that at said time deponents said firm had no gold in said factory of a less quality than Ten Karat, except Solids as aforesaid; that on April 7th 1883 said Koehler was ordered to make twelve dozen rings to be of Ten Karat gold, and to make the said rings of the gold so alleged to be Ten Karat or of other similar gold in his possession or gold which had been alleged by him to be Ten Karat, or which he might allege to be Ten Karat. That on the 12th day of April 1883 said Koehler, as appears from said book, had alleged 400 pennyweight of fine gold to 960 pennyweight of Ten Karat, which gold had been given to him by said firm therefore.

That said twelve dozen rings aforesaid were returned to said firm's store at 40 Broadway Lane between the 26th and the 30th days of April 1883; that the part of said rings known as the shoulders thereof were cut out and made by said Koehler personally by the aid of tools furnished by deponents' firm which said tools were in said factory under the control of and kept by said Koehler and not in use by any one else in said factory; that said rings were returned to said store at 40 Broadway Lane, New York City, as aforesaid, as being Ten Karat gold and stamped as such. That thereafter certain rings which had been previously sold by deponents' said firm having been returned

POOR QUALITY
ORIGINAL

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to them by their customers as bad and inferior, and deponent having found the same to be the fact upon a test by Nitric acid, gold on certain parts of the same turning perfectly green under said test, deponent tested all of said twelve dozen Rings remaining in the possession of deponent's firm by Nitric acid furnished to them by said Koehler from a bottle thereof kept in said factory by him, and found that the shoulders thereof, which had been made by said Koehler personally as aforesaid, and of fine gold melted and alloyed by him, and which rings including the shoulders thereof, had been returned to said store aforesaid as Ten Karat gold, turned perfectly green under said test; that in the course of trade and manufacture all of said twelve dozen Rings would be manufactured from the melts of gold made in the periods aforesaid, and that all of them in deponent's firm's possession are just alike and tested alike; that deponent has since caused an assay to be made of the shoulders and other parts of said Rings by an old established professional assayer, and said gold of said shoulders instead of being Ten Karat gold was only of the quality of five and $\frac{1}{2}$ Karat, and of the other portions assayed of said Rings Seven and $\frac{15}{16}$ Karat. That the difference in the value of gold on said twelve dozen Rings and the

value of the gold which on said twelve dozen Rings
deponent suspects and believes as aforesaid said
Kochler to have stolen as aforesaid is the said
sum first herein mentioned of Twenty Five Dollars
and forty nine cents.

And deponent further shows in support of
his reasons for suspecting said Kochler as aforesaid
and probable cause therefor, that many Rings and
a large number of Rings returned to deponent's firm's
store have been found to be bad and base; that
after deponent discovered the fact as aforesaid, de-
ponent directed said Kochler to test all rings with
Nitric acid before sending them from the factory;
that thereafter said Kochler stated to deponent
that he had so tested certain rings which he
had sent to deponent's said firm's store, and had
so tested them with Nitric acid taken from said
bottle in said factory from which he had sent
some to said firm's store, and that the said
Rings were all right; whereas deponent had
found upon testing said Rings with said acid
that they were not all right but that gold of
the same turned perfectly green. That among
others six dozen Rings Number 155 which said
Kochler was ordered to make August 30th 1884
and to use Ten Karat gold, the assay of
shoulders thereof shows to be only five and $\frac{9}{16}$
Karat; Six dozen Rings Number 153 ordered to be
made in the same way August 31st 1884 and

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assay of shoulders thereof, shows the same to be
only five and $\frac{9}{16}$ Karats; and on six dozen Num-
ber 217 ordered to be made in the same way
August 25. 1882, a similar assay of shoulders
shows five and $\frac{9}{16}$ Karat instead of ten Karat
gold. That the shoulders aforesaid of said rings
were all made personally as aforesaid by said
Koehler, and that the shoulders weigh about
one third the weight of the ring.

Sworn to before me this } Benjamin D. Trautel
10th day of July 1883.

J. M. Dutton
Police Justice

Defendant arraigned and pleads
Not guilty. Examination demanded
and bail for examination fixed at
one thousand dollars.

The examination set down by
Consent of both sides to ~~Wednesday~~ ^{Saturday}
September 1st 1883 at 2 1/2 P.M.

J. M. D.

0265

Brooklyn Sept 25/83

To the Hon. District Attorney McKeon

Dear Sir

You will please excuse me
for troubling you but I thought
you could do something for me.
I worked for Mr. Traitel ~~was~~ foreman
in the same factory for \$15.00 a week.
on the 26 May last they had me
arrested for Grand Larceny
the case was tried and before
Judge Patterson dismissed &
Mr. Traitel brought another for
Embezzlement of \$25.49 so that
Hon. Judge Patterson held me in \$1000
Bond for the second case the Trial
was postponed 3 times the 3rd was set
down for Sept 2nd @ 2.30

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at 3 o'clock Mr. Trautl Bros. came in court and said Mr. Trautl was out of town and will not be back until Sept 20. The case was put down till the 20 Sept. 20 I was walking down Fulton St. (New York) I saw Mr. Trautl and spoke to him about not coming to court when he ran up stairs and left me standing and he didn't come down until Sept 8. Then Mr. Ferry Wren my lawyer advised me to wait all further examination and go before the Grand Jury as I can't get steady employment before this case is finished and I am a married man. It is pretty hard for me to wait much longer at present I am working for Mr. Hayden Jewellery Store in 205 Fulton St. Brooklyn. I have worked for Mr. Hayden for 7 years before I went with Trautl Bros. All I ask of you is to have my trial

set down at an early date
Hoping that you will look in this
I remain yours Truly

Charles Otto Kehler
356 Prospect Av
South Brooklyn

Mr. Hayden address is 65 Nassau St
and 205 Fulton St

POOR QUALITY
ORIGINAL

0267

Second District
Pierre Forest

The People and
Benjamin D. Trattel
and
Charles B. Koehler

Before Hon
Jas Patterson
Justice
May 31st 1883.

Benjamin D. Trattel cross examined and his complaint
Q How long has this young man been in your employ?
A About a year.
Q On the 31st of July last did you give him any gold?
A Yes.
Q How much?
A I must refer to my book.
Q Can you tell without referring to your book?
A Yes I can, we gave him two hundred and fifty penny weight of fine gold.
Q You gave it personally?
A He received it personally.
Q Did you give it to him personally?
A I don't think I did.

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Q Do you remember who did give
it to him?

A No sir

Q Do you remember where this 250
penny weight of gold came from?
A Waters Sons Gold refiners in John
Street New York.

Q Had you tested the gold before it
was given to this young man?

A No sir

Q Can you tell what carats it was?

A No sir

Q What carat was it?

A Twenty four, or within a few thou-
sands parts of it

Q Can you tell that from any test
that you made of the gold?

A Well that from the alloys I made
of the gold.

Q Of this two hundred and fifty penny
weight?

A Not of that two hundred and fifty
penny weight

Q Will you explain if you did not test
the 250 penny weight how you can
swear there was 24 carat?

A Because I have alloyed a great
many pieces of gold from the same

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people and find it came right up
to my standard quality.

Q Did you purchase this 500 pennyweight
at one time?

A Yes sir.

Q Any more than that?

A At that particular time?

Q At that particular time

A Not any more gold - no sir.

Q And you have testified that it was
twenty four carat or within a few
one thousand parts of it from the
fact that other gold that you pur-
chased from them would alloy
that much?

A Yes sir I stand by that.

Q And that's all the knowledge you
have on the subject?

A All the knowledge of this particular
gold?

Q Of this particular gold?

A Yes sir.

Q Did you direct the defendant to
make these gold rings which is
spoken of in your affidavit?

A Yes sir.

Q You did?

A Yes sir.

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Q How long did you have the gold in your possession before it was delivered to the defendant, this 250 penny weight?
A A very short space of time

Q How long is it?

A Less than an hour.

Q At the time you delivered him the gold did you give him the order to make the rings?

A I think the order was given for the rings either on the same day or one day prior

Q What day do you mean by that, either the same day you got the gold or any the day before?

A Either the day before or the same day.

Q Are you positive about that?

A Positive about that.

Q Are you sworn different in your affidavit that you made in this proceeding?

A I did not.

Q Is not this your affidavit on the 31st of July 1882. Charles Kockle now here was in the employment of defendant as foreman and servant of defendant and in

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charge of deponent's factory at a stated rate of weekly wages, and he was not an apprentice nor under the age of 18 years, that on said day said deponent received from the firm of Traill Brothers consisting of deponent & Bernard P. Traill Co. for bars 250 penny weights of gold to be manufactured into jewelry.
Q. Ask you if you didn't make that affidavit?

A. Yes sir that's my affidavit.
Q. Did you follow it up by paying on the following day, viz August 1st 1883. Deponent ordered said deponent to manufacture six dozen finger rings of ten carat gold in quantity of style 199 and 134.

A. My statement there was given from documents.

Q. Did you or did you not?

A. That is my statement certainly.

Q. Now Sir was it the day after you received this gold that you gave it to him to manufacture this six dozen of rings?

A. I gave it to you from the documents I made it from.

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redress

Q Can you tell by looking at the document?

A I cannot answer that question, positively without referring to my documents, I was very particular in making that affidavit to refer to my books, I cannot trust my memory with dates.

Q When were the rings returned to you?

A Partly in September and October.

Q What part of September?

A I don't remember the date sir

Q What part of October?

A I don't remember the date now sir

Q Were they all returned to you on the one day?

A The clerk told me to say an or about that and to the best of my belief

Q Did you swear that they were all returned on one day?

A I don't remember

Q So that your best answer you don't remember

A My answer is whatever is in

the affidavit; I made that after consulting with my books I don't remember the statement I made now.

Q Now I asked if this gold was any thing less than 24 carat when you had it mixed with the alloy, would it make it less than 10 carat, if the gold was less than 24 carat?

A If the gold was less than 24 carat and he was ordered to make it 10 carat it would make it as many thousands of dollars less than 10 as the fine gold was less than 24.

Q Now say you tested these rings? Answer:

Q All of them?

A As many as I could get into my hands.

Q Did you test all of them?

A I tested a great part of them all that were in my possession at the time my attention was called to.

Q How many did you test?

A About 2 dozen.

Q How did you test them?

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Q with nitric acid.

Q and in how many places did you test them?

A Several on each ring

Q Could you make an accurate test ~~with~~ of acid as to the content of gold in these rings?

A I will answer that in this way. if they were very close to ten carat I could not tell it by that test.

Q answer my question yes or no?

A I cannot make an absolutely accurate test.

Q I want a test with acid develop the ring to be in same places a clearer content of gold than the other.

A Oh yes. and -

Q In mixing the alloy with the gold you would not get every particle of the alloy and gold under the acid test would you

A Every part that I would touch with the acid would loose. -

Q In mixing alloy with gold did you get the whole substance composed of the alloy and gold

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of equal grade throughout?

A when properly mixed yes sir

Q Is it not unusual to find the substance thus mixed producing the same grade throughout?

A No sir

Q It is not?

A No sir

Q Does it frequently happen that it is different quality throughout?

A No sir not when properly mixed

Q Now Mr Drakel will you tell, state, how under your test you are able to fix the amount of gold that was lost?

A By making as close a test as is possible by acid and then giving Mr Koehler the benefit of the doubt.

Q Tell me the process you went through by which you arrived at the amount you have stated, you started with 500 penny weight that you assume was given to him?

A Ah yes. I will give you the whole of it, In the first place the rings in the condition they

0276

are in now are worthless, from
my judgement in testing gold
and experience of about 20 years
learning at the different qualities
of gold

Depto Counsel, asks that it be struck
out.

Q Mrs Porter I only want the pro-
cess?

A I tested it.

Q I want to know how you tested
it and from what means you
arrived at it?

A Tested it with acid in an every
day process that is my answer

Q Is that the only answer you can
make?

A That's the only answer I make to
14 carat or under, I tested it with
acid had it been 10 carat gold
the acid would not have stayed
there it would have ~~not~~ ~~gone~~
~~affected it~~...

Q You assume that 250 penny
weight of gold was given to
this young man?

A Yes sir

Q with orders to make rings of

0277

6

10 carat gold, reduce it to 10 carat and make rings of it or part of it. And you had 6 dozen rings returned to you a year or so, with orders to make rings of 10 carat, he might have had 100.

Q This 250 penny weight I am speaking of, you gave him orders to make 10 carat rings of this? -

A I gave him orders to make 10 carat gold of the 250 penny weight and gave him orders at the same time to make 10 carat rings.

V

Q You have received 10 carat rings at a later period year or so.

Q Was there any more material than was necessary for six dozen rings given to him at the time the 250 penny weight was given to him?

Answer:

Q Was any gold returned to you?

A There was more gold given to him than was necessary for the weight of six dozen rings but it takes a great deal more gold than the weight of the rings to

0278

get the rings out.

Q Was any gold returned to you
A The gold remained in the shop
under the charge of Mr Koehler

Q Was any gold returned to you
of the 200 pennyweight?

A I cannot answer that, to a
manufacturer of gold it would
appear silly.

Q After you had the rings returned
to you you tested them with
acid?

A Some of them.

Q You tested according to your
recollection about 2000?
A Yes sir.

Q And you found them to be less
than 10 carats?

A Portions of ^{each} the rings were less
than 10 carat.

Q How then did you arrive at the
amount of loss you had suf-
fered when you got that far?

A By charging the difference in
quantity and quantity; charging
for the remaking of the same
goods, same style of goods.

Q So that amount that you claim

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to have lost in this affidavit include the remarking of these rings?

A It covers the loss of the rings.
Q Does it cover the loss of remarking these rings?

A It covers the loss.

By the Court.

Q What do you mean by remarking these rings?

A If there are two qualities ^{in each ring}, a good quality and the other bad it makes these rings unmarketable and certainly we must make them marketable, that amount includes the loss of remarking; and what we lose.

Recess

Q How much gold do you claim?

A The actual loss of gold?

Q Yes?

A \$29.00

Q Now then Mr. Truitt if you are unable to state if any of this 200 penny weight of gold was returned to you can you positively swear from the

0280

test you have made of these
rings that you did lose twenty
nine dollars worth of gold?

Answer

Q without knowing if any of the
gold was returned to you or not

Answer

Q Suppose 10 penny weight of this
gold had been returned by the
defendant and the balance of it
had been used adding the
amount of alloy which he
would have used in making
the whole amount of 250 penny
weight reduced to 10 carat? —

A Oh yes mean in its refined
state.

Q yes? If he had used 240 penny
weight instead of 250? —

Answer it would have been ^{made}
it poorer certainly.

Q Is any gold lost in alloying
it?

A In alloying and ~~melting~~ ^{melting} it do you
mean?

Q yes sir?

A No gold is lost, but some of
the alloy is burned out in

0281

in ~~gold~~^{melting}, which would make it better, you could not lose the gold.

Q In making any rings, in the making of the rings is any gold lost? A Yes. In quantity in not in quality.

Q In burning the rings is any of it lost?

A Yes.

Q Were those six dozen rings made out of this 2.50 penny weight of gold?

A To the best of my knowledge and belief.

Q Was it as a matter of fact?

A I make the answer upon the previous that I can explain it.

Q Was it or was it not?

A Yes. I will say yes to that question and make an explanation of it later.

Q Was not part of the rings made from other purchases of gold?

A I don't know that they were.

Q Do you know they were not?

A I believe they were not.

Q Do you know the fact?

0282

a I cannot answer you more precisely than that, I don't want to invade any thing

Q Now Mr. Britel you tested the two dozen rings - you assume that the other 4 dozen were the same as the 2 dozen?

A Yes sir

Q And upon that you base the basis of the 29 dollars in gold?

A Yes sir

Q That's the only way you arrive at it?

A Yes sir I tested all that I could get into my hands of that lot and all showed the same quality.

Q Did any of these rings show a better grade of gold than the others or not any that I tested

Q What did they show under the test, what grade?

A To the best of my judgement about 4 or 5 carats but I charge him with six which is giving him the benefit of the doubt.

Q You gave him the benefit of nearly seven carats?

0283

9

Q. Was that the test of the whole
ring or parts of the ring?

A. Parts of the ring.

Q. And upon that you assumed
that that would be the amount
of the count?

A. Yes, sir.

Q. And is that the amount of each
ring?

A. Yes, sir. One test a piece.

Q. That is the 2 dozen?

A. Yes, sir.

Q. Did you melt any of these rings?

A. The bad portions, yes, sir.

Q. Did you melt any of these rings
the whole rings?

A. I wanted to melt them and
my foreman Mr. Koehler; - the
whole ring was not melted.

Q. Will you swear that you
could make an accurate test of
the whole amount of gold with-
out melting them and separa-
ting the alloy?

A. I will swear that I could make
it as accurate as I have charged
it.

Q. I mean an absolute accurate test

0284

Q Not an absolute accurate test, but
within a ^{few} thousand. Don't

Redirect Examination

Q I desire to ask you in the first place
now I want to know whether you can
remember the dates by referring
to your books?

A That is the only way in which I
can remember the dates we do
a very large business and it is impos-
sible to carry all the dates in
my mind

Q And the dates given in your affidavit
are from references given from
your books?

A Certainly Sir

Q Now I ask you if the defendant
alleged this good himself?

A He did Sir

Q And did he enter in the book
kept by him for that purpose
what the allegation was?

A Yes Sir

Q Have you got it there?

A Yes Sir (showing)

Q Is that entry in his handwriting?

A Yes Sir.

0285

Counsel Reading

July 31. et.

250 penny weight fine gold 10 carat
116 ¹⁶ " " " " silver

288-8 " " " " " copper.

600 pent. 10 carat.

offered in evidence Indd Pff.
Ex. 1. May 31st 1883. W.C.S.

Q Now Mr. Trinitel if this gold had been
less than 24 carat fine. would
it have alloyed this 600 pennyweight?

A If it had been materially less
with the same amount of al-
loy it would have made less
because the specific gravity
of 24 carat is greater than that
of a less quality.

Q What do you mean by materially
less? how many grades?

A A grade or more.

Q And would the deponent have
discovered that fact in ma-
king this alloy?
objected to.

Question with drawn
Q Now Mr. Trinitel how long have
you been in the manufacturing
jewelry business?

0286

a about 10 years, in the jewelry business
about 20 years.

Q as an expert is it the practice
or custom of manufacturing
jewelers to test the gold they pur-
chase before having it worked up.

Objected to. as being immaterial
what the practice or custom is

Question withdrawn.

Q If this 250 pennyweight had been a
smaller post less than 24 ~~gold~~
carat, would that have made
a difference which your test
showed in these rings?

Answer

Q about what carat would that
had to have been to have changed
the difference that your test
showed?

A In the neighborhood of two carats
less than 24.

Recross

Q That is if the gold was 22. in
pence of 24. it would have pro-
duced that result?

Answer. 22 carat with the same
amount of alloy as 24 would

0287

about produce that result.

Q Now Mr Grattel is the acid test sufficiently accurate to enable you to swear positively that the loss on those rings was not less than the amount you have stated?

A Yes sir.

Q You were asked whether the acid test you would show a difference in the gold in different places on the ring would it show any such difference as it showed to you in your tests on those rings?

A Under what circumstances

Q Taking this ring for instance, take a ring of 10 carats alloyed less than 10 carats, now when you tested it with acid you put it on the band and on the shank of the ring, now would the acid test on different parts of the ring of a good ring show a difference in different parts of the ring?

A If a ring was made of the proper quality throughout it

0288

would show no difference

Q If these rings had been made of the proper quality would it have shown this difference?

A Yes

Q Did you make any rings under 10 carats gold Mr Dratel?

A Yes

Q Mr Dratel how much does what is known as fine gold vary?
A It may vary at the most 8 or 10 thousands.

Q Is that sufficient to make a respectable difference in a ten carat ring?

A It would be impossible to discover ~~any~~ such a difference unless under a careful acid test

Q Does any work done on a ring in making it alter the quality of the gold?

A The little joints where the ring is put together are soldered

Q The burnishing of the ring would not alter it?

A Not a bit

Q Was this gold the 250 penny weight used in making up

0289

these rings?

A All of it do you mean?

Q No - was there any other gold used in making up these rings?

A No other gold that I know of.

Q Were these rings ordered to be made up of this gold?

A Mr. Koehler sent to the office for gold, he was out of gold this gold was sent to him about the same time the order for the rings were sent to him I believe they were made from that gold.

Q Did you have any other gold on hand at the time these rings were ordered to be made suitable for the making of a ring of the quality superior of the 24carat Auvergne?

Q In making the test of these rings did you test both the band and chain?

A The band is a portion of the shank of the shoulders and ornaments?

Answer.

Q You tested both of these parts?

Answer tested all the parts of the rings

0290

in some of them the difference was in the shoulder and some on the band; In this particular lot it was all on the band.

Q What became of those rings after they were returned to you?
A I took them to the factory placed them in charge of Mr Koehler called his attention to the bad quality of the band and told him to throw them in the filings and melt them up he suggested we cut the bands off and put new bands on which I did that is I ordered Mr Koehler to have it done and he had it done that was about the last batch he has done in the shop.

Q This acid that you tested these rings with, did Mr Koehler give you that?

A Mr Koehler sent ~~that~~ up to me from the factory and gave it to I don't remember which if he gave it personally or not

Q This same acid that he uses in the shop?

A Yes sir out of the same bottle

0291

13

Q Did you tell him when those
rings were returned to test rings
before he sent them to your store
A I told him to test every ring -
Q When those rings were first
returned, this last or before that
time or subsequent.

objected to.

Recross

Q Mr Koehler didn't make the ring
himself did he?

A He makes portions of it

Q and your hands make portions
of it?

A They finish those portions that he
makes

Q what portions does he make?

A The portions that he cuts out ^{with} the
dye. ~~the~~ ~~shoulder~~ ~~the~~ - he made
the shoulder of these rings and
the other hands make the bands

Q Is there any of the gold wasted
in alloying it?

A No.

Q what quality is the solder?

A our solder by careful figuring
stands 5 - 4.

Q what was the solder used in

POOR QUALITY
ORIGINAL

0292

making these rings
a I cannot answer that Mr Koeller
has charge of it
Q you stated to your counsel there
was no other gold used in the
making of these rings except
the 200 pennyweight that is alleged
was used here, now Sir will
you swear as a matter of fact
that no other gold than that
you have here testified to was
used?

A no I will not swear to that
Re Direct

Q you say that Koeller made these
shoulders of the rings?

A He had instructions to make them
Q did he have the distributing of
the stock of making the rings?
A yes in the making of every
thing in the shop

Sworn to before me } ~~Don't~~ Trayed
this 5th day of June 1883

Peace Justice
The further hearing by Consent was
adjourned to June 1st 10 a m.

POOR QUALITY
ORIGINAL

0293

June 14 1883 10 A.M.

All parties present.

Continued Examination of Mr. Thaitel.

Direct Examination

Q when do you say that these rings were made?

A about August 1882

Q now Mr. Thaitel when and how did you discover the poor quality of these rings?

objected to as immaterial question withdrawn

Q state the history of this case up to the arrest of Mr. Koehler?

objected to.

Q you said there was possibly more gold in the shop at the time the rings were made now what chance if there was any gold there was it in?

objected to as being a hypothetical question also as immaterial and irrelevant

Q at the time you discovered the change in these rings did you show them to the defendant?

A I did

POOR QUALITY
ORIGINAL

0294

of state what accused them?
a Upon the receipt of these rings
from the persons complaining
of this quality I examined the rings
and found it stamped with our
trade mark. upon ^{the} last portion
I took it down to the shop and gave
it into the hands of Mr Koehler
and showed him a letter with
reference to it the stock turned
perfectly green I asked him what
he thought of it and he said it
was undoubtedly bad and he tried
it and pronounced it 4 carat or less
than 4 carat, I asked him to give
me an explanation of it the only
explanation he could offer was
that somebody in the shop ^{must}
have substituted poor gold for
the gold he gave them; I considered
over that and believing it went
back to my office and examined
more stock and wrote to the
various parties having rings of
that kind from us to return
them and as each ring came
back I tried it and found it
in the same condition, I examined

the balance of my stock and found
other rings and made at a later
date.

objected to what you found
made at a later date and object
to any testimony affecting any
rings excepting the ring in
question.

By the Court Allamed.

a I examined them and tested them
in the presence of Mr. Koehler
found also had machinery ^{made} portions
those portions having been
shaped under his hands by him
found none made at a still
later date of which had portions
were made by him and such
portions as were made by machinery
by him to which no one had
access but Mr. Koehler. I then
gave him instructions that he
should test every ring before
sending it to the office and
that we would test after him
and that any ring not standing
properly should be sent right
back, after those instructions
he sent in a number more

0296

which we tried after he had tested them, we tested them with acid from the same bottle as his asked him if they were tested he said yes. asked how they were he said all right, I tested them personally and they turned green, I then called an Inspector Byrnes.

objected to what he said to Inspector Byrnes.

Q anything further in regard to these rings?

A nothing further about these rings to that one question.

Q You stated I believe that there more gold to make a lot of rings than is actually contained in the rings?

A Yes sir.

Q Please explain that?

A I can illustrate it (Witness illustrating)

Q who had the distributing of the gold to the workmen?

A Mr. Kuebler had the sole distribution of the gold.

Q the rings which you tested, the base spots you say, turned perfectly

0297

16

green?

A perfectly green

Reserve

Q Mr Grattel of these clippings and waste of manufacturing of the rings you say is returned to the melting pot?

A Yes in not all the waste, the waste in cutting out is returned to the melting pot.

Q What becomes of the clippings

A ~~The clippings they are~~ ~~discarded~~ of ~~scrap~~, The filings and clippings that contain padder are run down in bars and sent to the Assayer to be assayed

Q I mean while they are in your place?

A There is nothing done with them in our place except the workmen return them to Mr Koehler

Q For instance Mr Koehler gives a workman 50 penny weight of gold alloyed as you desire it say 10 carat after he makes 50 rings there would be 20 penny weight to account for wouldn't there?

0298

ayeshu well she would ~~then~~ ^{from} turn
with his work.

Q The would return them in the shape
of clippings and filings both with
and without solder would he
not?

A No he would return them in
the shape of clippings

Q The would return some of it
with some without solder?

A No he would return that
which has no solder on it;

Q What would he do with that
that has solder?

A The portions that have solder go
in the shape of filings and not
in the shape of clippings

Q Would he return the filings
with the solder?

A Yes.

Q Then those clippings and filings
which are returned to Mr. Kosher
are afterwards melted, assayed
and refined again for making
other jewelry?

A Not as quickly as that; the portions
containing solder are first
assayed then re-assaying so as

0299

17

to discover the exact quality.

Q. who is that done by?

A. Mess Waters sons.

Q. what would be done with the filling?

A. The filling would be saved until we would get a quantity say 500 penny weight or more that would be run down to a bar melted twice and thoroughly mixed and the bars sent to Mr. Waters to be assayed. And then the quality would be assayed up to 10 carats or better ~~assayed~~.

Q. when did you give him the order to test the rings?

A. after the discovery of the 3^d bad lot?

Q. when was it?

A. I cannot give you the date.

Q. will you swear it was not last Tuesday a week?

A. I cannot give you the date I cannot swear to it.

Q. will you swear it was prior to last Tuesday a week?

A. I will swear it was on or about a week ago.

0300

gave guarantee him to test every
ring?

not only to test every ring but every
piece of gold before he gave it
to any of his workmen

Forw to before me
This 5th day of June 1883 } Bent Bratt

Police Justice
Rev

0301

18

James E. Waters, called on behalf
after the people being duly sworn
deposes and says:

By the Court:

Q Now where do you reside?
A 267 Carlton Avenue Brooklyn.

Q What is your age?

A 36 years.

Q Your occupation?

A Gold ~~refiner~~ ^{refiner} and
assayer.

Direct Examination

Q Now where have you been
in that business?

A Going on 20 years.

Q Will you look at this bill please
and say whether it comes from
you and say whether you sold
that gold to Mr. Drattel?

Answer:

Answer Examined

Q Is this bill in the condition it
was when you first gave it to
Mr. Drattel?

Answer:

Q It has been altered since then?
Answer:

Q Altered to?

0302

Answer

Q When?

A Yesterday.

Q By whom?

A By myself.

Q From what did you get the data from where did you get the facts from which you made the alterations?

A Mr Trattel's young man came around to the office and wanted to know about our gold Rod run

Q I want to know from where you got the facts by which you inserted something in this bill yesterday.

Q Please state the condition that bill was in when it was given to Mr Trattel?

A New York July 31st Mfg Trattel Brothers

500 Pw Gold 104 520

10 ounces Silver 18 10.80

Total 531. - 80

Recd Payment 870-83. John Water Sons.

Q Now Mr Waters now what was the quality of the fine gold that you sold to Trattel Brothers as the

0303

19

31st of July 1882 of your own knowledge
A I cannot positively say how fine
it was.

Q Taking it at its worst how poor
would the goods have been that
you sold to Mr. Drattel?

Answered to.

A To the best of my knowledge & belief
Answer to his knowledge & belief

Q State the quality of the fine goods
sold by you to Messrs. Drattel on the
31st day of July 1882.

Answered to the witness has already
testified He could not
tell the quality.

A I cannot state positively
Q Can you state or tell whether it
was 23 carat?

Answered

Q Was it 23 carat?

Answered

Q Was it 23 1/2 carat?

Answered

Q It was fully that?

Answered

Q Can you tell if it was better than
23 1/2?

Answered

0304

Q was it?

A yes sir.

Re cross.

Q of course you are speaking now of your own knowledge of the particular gold sold at that time.

A yes sir.

Re direct.

Q supposing it to be as you say and 10 carats was alloyed with it copper and silver alloy, how much poorer than 10 carat would it be at the worst?

A not less than $\frac{1}{8}$ about $9\frac{7}{8}$.

Q do you mean to say that the difference would not be more than $\frac{1}{8}$?

A no more than $\frac{1}{8}$ than if the gold was alloyed right up to the standard and that I take for granted.

Q can you state what the alloy of 250 penny weight 24 carat fine reduced to 10 carat, what the amount of the alloy would be. I cannot tell without figuring. I can tell what the average of alloy would be. to 10 grains

0305

Q. Well suppose you figure it up?
250 pennyweight 24 carat fine gold
how many pennyweight of alloy
are necessary to bring it down
to 10 pennyweight?

A. 350 pennyweight 230 pennyweight
fine gold would make six hun-
dred pennyweight of 10 carat gold

Q. Mr. Waters would 10. 9. $\frac{7}{20}$ carat
alloy with brass turn perfectly
green under the test of nitro-
acid?

Ans. Sir

Garbat is the worst quality that
would so turn?

A. About 4 carat
of brass examined

Q. Mr. Waters. if 250 pennyweight of
gold was $23\frac{3}{4}$ instead of 24 carat
what would be the carat of
alloy?

A. It would run it about 9 $\frac{15}{16}$
ths. that is as near as I can fig-
ure it.

Q. There is a regular proportion of
Copper and alloy silver to make
alloy?

Ans. Sir

0306

Q. Since as much copper as silver
A. you can make 10 carat by adding

Q. ~~the silver and copper~~
Q. ~~there are two alloys alike in order to get 10 carat?~~
Q. ~~you can make 10 carat by ad.~~

Q. ~~adding the silver a portion of~~
Q. ~~and copper.~~

Q. ~~Can you make 10 carat by adding a portion of~~
A. ~~lead in~~

Q. Supposing that the gold had been
alloyed with pure brass what would
you determine upon the test
of acid, might it still be 10 carat.

A. I would like to state I don't
determine anything by acid
positively

Q. Is it not a reliable test?
A. No it is not to ascertain positively
the exact ~~grade~~ carat

Q. If 500 penny weight had been al
loyed in ~~that process~~ ^{brass} and it
was tested by acid would it
turn green?

A. I cannot answer positively
Q. you cannot tell whether it
would or not?

A. I would not want to say
positively I think it would.
Q. Even though

0307

Q Even though it was 10 carat?
A yes sir even though it was 10 carat
of supposing there was a larger por-
tion of Copper than Silver would
it turn black under the acid
test?

A no sir

Q Is it a common occurrence for
gold; in mixing with alloy and
gold in not having the alloy
evenly mixed with the gold?
A I cannot say I am not in the
manufacturing business I cannot
say

Q If such a thing did occur in
the mixing of the gold would
not one part of the gold test
a higher grade of gold than the
other part?

A yes sir

Q Do you assay the filings for
Mr. Drattel?

A yes I suppose they are filings
they come in the shape of a
bar.

Q and what are those filings
composed of?

A It's a mixture of metal

0308

various kinds of metal I should
pay gold silver and copper and
whether there is any brass in
it or not I cannot say

Q In assaying these clippings and
filings they are sent to you
you separate the gold from the
alloy?

A Yes Sir

Q And return him so much gold?

A No I don't quite understand you
Q You mean the whole bar

A No Sir we just make an assay
of the whole bar and return
it with the statement of assay

Q That is you take a piece off
of the bar and assay it?

A Yes Sir

Q Then assuming that the balance
of the bar is the same as the
piece you have assayed?

A Yes Sir

Q That is to say, you assume from
the small piece that you take
and assay that piece you de-
termine the grade of the
piece, and assume that the
whole bar is of the same

0309

corat?

appear in its pretty position the whole
bar is alike

Q you assume that?

A yes sir

Q That is you make two assays
in order to get at the result?

A yes sir

Q you do your business a little dif-
ferent than the mint?

A no sir

Q They want assay a bar of gold
unless they examined all of it
as I know they generally melt
everything everything they take
in

Q now Mr. Waters doesn't it some-
times happen that you make
mistakes in your assays?

A no sir

Q Have not made any mistakes
in assaying for Mr. Granger?

A no sir

Re-direct

Q I understand you to say that
the use of acid is not a posi-
tive test?

A no sir that is as to quality

03 10

Q How close to the quality run
you came beyond a doubt by
the use of acid?

A That I cannot say sometimes I
can come within 1/8 of a cent
and sometimes not.

Q Run you came positively within
a cent?

A I cannot say positively anything
about it.

Q Is it a regular custom to assay
the whole bar?

A I don't understand what you
mean by assaying the whole
bar.

Q Do you to extract the whole
quantity of alloy sent to you
from individuals?

A Yes sir.

Q Mr. Truitt always sent you
the whole bar?

A Yes sir.

Q Did you ever get a bar from
Truitt brothers to make a
second assay to verify your
first?

A Not to my knowledge I don't think
I ever did I could not pay

0311

23

positively but I don't think I
ever did

Q Do you make an assay for the
Trusted brother the same as
you do for any other jewellers?
A Yes that the only way we
make an assay.

Q If the gold from which the
ring was made had been
properly melted before being
used for the ring and showed
only 10 carat in one place and
poorer in another or if it was
poorer in one place would
it be greater than 10 carat in
the other?

A If it was improperly melted it
would test poor in one part
of the ring and ought to test
over 10 carat in the other.

I sworn to before me
This 5th day of June 1883 } Chas E. Waters

Police Justice

03 12

Defendant Samuel Moses to
dismiss the complaint on the
following grounds.

1st
On the ground that they failed
to show any reliable test that
the rings were made;

2^d
It is not shown that other
gold than this Two hundred and
fifty pennyweight which was
purchased from Waters & Sons
was used in the manufacture
of these rings,

3^d. That there is no proof whatever
here, that no other gold than this
250 pennyweight which forms the
basis of this complaint, was
used in making these rings in
question

4th

That the assay made of
gold which was used in the manu-
facture of these rings was an assay
upon which no credibility could
be placed to load this defendant.
The test being made by cutting
small portions off of the bar

0313

24

and then assuming the whole
bar to be the same as the por-
tion cut off;

The further hearing adjourned
to

03 14

BOX:

116

FOLDER:

1230

DESCRIPTION:

Krafft, Adolph

DATE:

10/29/83



1230

POOR QUALITY
ORIGINAL

03 15

29 x Specimen

Day of Trial,

Counsel,

Filed 29 day of 1883

Pleads for Guilty (Mr. H)

THE PEOPLE

vs.

FB

Adolph

Thos

Evans

Keeping Gambling Establishment,
etc.
(Section 343, Penal Code.)

JOHN McKEON,

District Attorney.

A True Bill.

W. H. Anderson

Off. Sec. & Foreman.

off. sec.

03 16

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Adolph Kraggt

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

Adolph Kraggt

of the CRIME OF KEEPING A Room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Adolph Kraggt

late of the Fourth Ward of the City of New York in the County of New York aforesaid, on the Eighteenth day of October in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a Room in a certain Building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing lottery policy where money and property was dependent upon the result, 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 Adolph

Kraggt

of the CRIME OF KEEPING A Room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Adolph Kraggt

late of the Fourth Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said Eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, unlawfully did keep a Room in a certain Building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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.

John McKeon

District Attorney

0317

BAILED

No. 1, by Wm. Cunningham
Residence 119 Henry Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court 21815 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm. Hatter
78 Broadway St.
Adolph Knapp

Offence Violation of
Lobby Law

Dated October 23 1883

William D. Conner Magistrate.
William D. Conner Officer.
15726 Precinct.

Witnesses William D. Conner
No. 15 West 12th Street.
Wm. D. Conner
No. 26 West 12th Street.
OCT 25 1883
No. 1000 Street.
to answer Adolph Knapp

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 Adolph Knapp

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

Dated October 24 1883 Wm. D. Conner Police Justice.

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

Dated Oct. 24 1883 Wm. D. Conner Police Justice.

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

Dated _____ 1883 _____ Police Justice.

03 18

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

2 District Police Court.

Adolph Kraft 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. Adolph Kraft.

Question. How old are you?

Answer. 45 years of age

Question. Where were you born?

Answer. Germany

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

Answer. 300 East 86 St. 8 years.

Question. What is your business or profession?

Answer. I keep a cigar store

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

Adolph Kraft

Taken before me this

24 "

day of April

188

Wm. J. Sullivan

Police Justice.

03 19

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

POLICE COURT, 2 DISTRICT.

of William Warren
15th Precinct Police being duly sworn, deposes and says,
that on the 24th day of October 1883

at the City of New York, in the County of New York, by virtue of a
Search Warrant dependent entered
premises 115th Chambers Street,
a place used and kept for
the sale of Lottery Policies and
then and there found the
dependent, Adolph Kapt, now
known, in charge of said place
and in possession of the
books and tickets now here
shown which are used in the
sale of Lottery Policies William Warren

Sworn to before me, this

of October

24th day

1883

W. D. Patterson Police Justice.

0320

City and County of New York, D.D.
 Mary Hartog, the Complainant in this
 case being duly sworn says - that
 Adolph Koepf, here present, is the person
 named in the annexed affidavit of Dependent
 and who sold to dependent the Lottery
 Policy as stated in said affidavit.
 Given at before me this 24th day of March 1888
 Mark Hartog

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

Police Station

Disposition

0321

112

THE PEOPLE

ON COMPLAINT OF

Max Hartog

against

Kraft

SEARCH WARRANT.

0322

City and County of New York, ss:

In the name of the People of the State of New York:

any Peace Officer

To ~~any Sheriff, Constable, Marshal, or Policeman~~ in the
City and County of New York:

Proof, by affidavit, having been this day made before me, by

Max Harbo

that there is probable cause for believing that *one Kraft* whose
Christian name is to said affiant
unknown - has in his possession on
the first floor of No 115 Chatham
street in the City of New York, divers
books of the kind commonly called
Policy books; and divers lottery slips
of the drawings of various lotteries;
and other paraphernalia to be used in
the commission of the public offence
of selling lottery policies

You are therefore commanded, in the day time, to make immediate search in the
building situated *at No 115 Chatham street in*
the City of New York on the first
floor thereof

for the following property:

Policy Books, Lottery Slips,
and drawings of lotteries and other
paraphernalia used in the busi-
ness of selling Lottery policies

And if you find the same or any part thereof, to bring it forthwith before ~~me at~~ *the*
nearest and most accessible magistrate

Dated at the City of New York, the

23rd day of *October* 1883

J. M. K.
Rec. K

LOTTERY AND POLICY.

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

Max Kaptog

V.S.

Kraft

Dated, 188

Magistrate.

Clerk.

Officer.

WITNESSES:

By

To witness

Street.

State of New York }
City and County of New York } S.S.

Max Kaptog being
duly sworn deposes and says that
he resides at 78 Livingston street
in the City of New York.

That on the 18th day
of October, 1883, defendant went
into the premises number 115
Chatham street in said City
on the first floor thereof which
defendant avers is kept and
maintained by a person
named Kraft— whose Christian
name is unknown to defendant
as a place for the sale of
numbers in a scheme known
as lottery policies, and for
gambling purposes of that
kind; and further that de-
fendant on said 18th day of
October, 1883, purchased from
said Kraft at the place
aforesaid three certain num-
bers, commonly called a "big";
the same being a chance or
interest dependent upon the
drawing of a lottery, and paid

him therefor the sum of six
teen cents, but that said Kraft
did not give defendant any
ticket or paper writing therefor.
That subsequently on said
18th day of October, defendant
called at the said premises
115 Chatham Street to ascer-
tain if the said three num-
bers purchased by him from
said Kraft as aforesaid but
drawn a prize; and was
informed by said Kraft that
they had not and was there-
and there handed by said
Kraft the slip of paper con-
taining ~~the~~ numbers
which is hereto annexed.
And defendant avers that
the said slip of paper con-
tains the result of the
drawing of a lottery in
which he purchased the
three numbers commonly
called "odds" as hereinbefore
mentioned.

Defendant further
says that the said Kraft

has in his possession, within and upon certain premises, occupied by him and

situated and known as number 115 Chatham Street,
in the City of New York and County of New York aforesaid, certain others, what are
commonly known as, or are called lottery policies or lottery tickets, and also certain
writings, cards, books, documents, personal property, tables, devices, and apparatus, for
the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at,
within and upon said premises, sells, vends, furnishes and procures, and has in
possession, the aforesaid articles in violation of the laws of the State of New York, in such
case made and provided, and with intent to use the same as a means to commit a
public offence, and to promote, maintain and carry on a common and public nuisance.

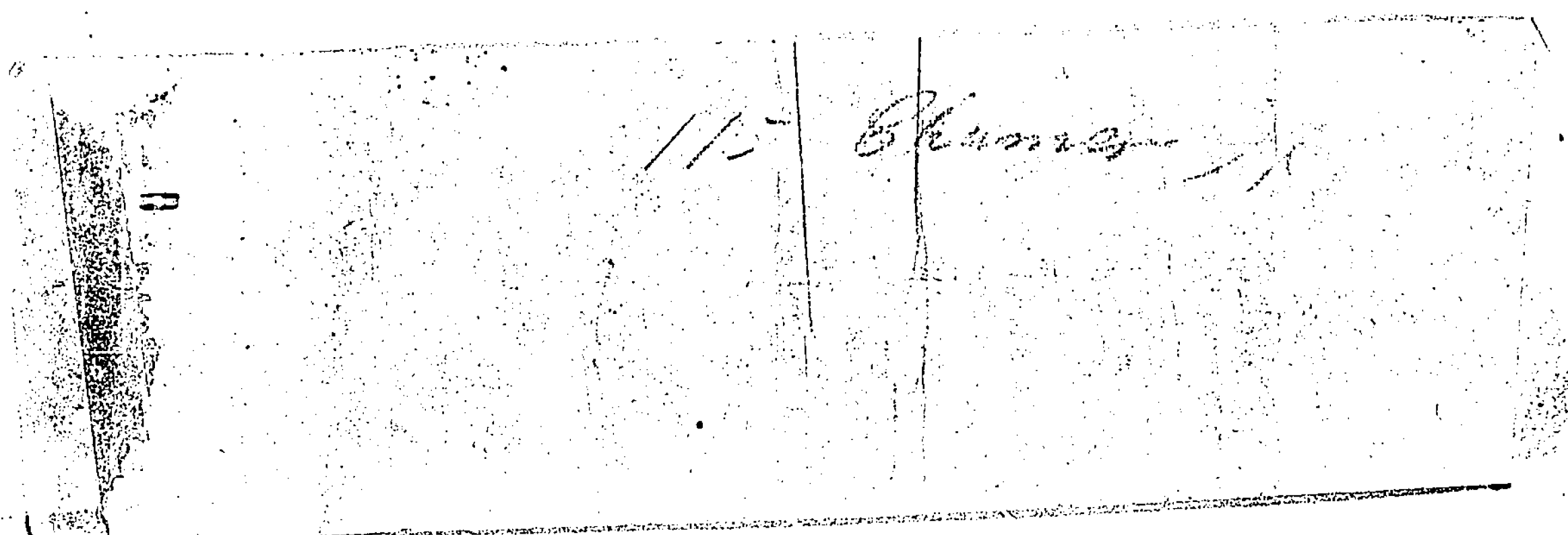
Subscribed and sworn to before me,
this 23rd day of October 1883

Mark J. Hartley

J. Burr H.
Rec.

0324

0325



0326

~~512~~ 60

27 70

72 -4-

-6-50

42 62

16 39

12 57

19 58

24 34

68 38

-1-77

46 64

0327

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Adolph Kragger

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

Adolph Kragger

of the CRIME OF "Vending and Selling to another what are commonly known as and called Lottery Policies," committed as follows:

The said Adolph Kragger

late of the First Ward, in the City and County aforesaid,
on the twenty first day of October in the year of our Lord one
thousand eight hundred and eighty three at the Ward, City and County aforesaid,
with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply, to one

Max Starkog
and did procure and cause to be procured for the said Max Starkog

a certain paper, instrument, and writing, commonly called a lottery policy, which said paper, instrument, and writing, called a lottery policy, is as follows, that is to say:

3 - 10 - 23
810
14 - 1 - 2,107

(a more particular description of which said instrument and writing so commonly called a lottery policy, 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.

0328

SECOND COUNT—

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

Adolph Straggt
of the CRIME of "Vending and Selling to another what is commonly known as and called Lottery Policies," committed as follows:

The said Adolph Straggt

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler; and ~~that~~ he the said Adolph

Straggt

on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a building, known as number One hundred

and fifteen Charham Street

^{religiously}
in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to divers persons (whose names are to the jurors aforesaid unknown and cannot now be given), and did procure, and caused to be procured, for the said divers persons (whose names are to the jurors aforesaid unknown), certain instruments and writings, commonly known as and called lottery policies (a more particular description of which 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.

THIRD COUNT—

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

Adolph Straggt
of the CRIME of "Vending and Selling to another, what are commonly known as and called Lottery Policies," committed as follows:

The said Adolph Straggt

late of the Ward, City and County aforesaid, on the day and in the year aforesaid, and on divers other days, was and yet is a common gambler:

And ~~that~~ he the said Adolph Straggt

afterwards on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a certain building, known as number One

hundred and fifteen Charham Street

^{religiously}
in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one Max Straggt

and did procure and cause to be procured for the said Max Straggt

a certain instrument and writing, commonly known as and called a lottery policy, which said instrument and writing commonly called a lottery policy, is as follows, that is to say:

3 - 10 - 23

f 10

14 - 1 - 2, 107

(a more particular description of which said instrument and writing so commonly called a lottery policy, 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.

0329

FOURTH COUNT—

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

Adolph Kragg
of the CRIME of "Selling and Vending a paper and writing, in the nature of a bet and wager upon the drawn numbers of a Lottery," committed as follows:

The said Adolph Kragg

late of the 5th Ward, in the City and County aforesaid,
on the 21st day of October in the year of our Lord one
thousand eight hundred and eighty three at the Ward, City and County aforesaid,
with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply, to one

Max Harkag
and did procure and cause to be procured for the said Max Harkag

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain Lottery, wherein certain monies were set up for distribution by lot or chance, a more particular description of which said lottery is to Grand Jury aforesaid unknown, and cannot now be given, which said paper and writing, is as follows, that is to say:

3 - 10 - 23

8 10

14 - 1 - 2 10

(a more particular description of which said paper and writing, 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.

FIFTH COUNT—

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

Adolph Kragg
of the CRIME of "Vending and Selling a writing, paper and document in the nature of an insurance upon the drawing of a Lottery, committed as follows:

The said Adolph Kragg

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler; and ~~that~~ he — the said Adolph

Kragg

on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a building, known as number one hundred

and fifteen Chatham Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one Max Harkag

0330

and did procure and cause to be procured for the said *max stange*

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain Lottery wherein divers monies were set up to be distributed by lot and chance, a more particular description of which said Lottery is to the Grand Jury aforesaid unknown, and cannot now be given, which said paper, writing and document is as follows, that is to say:

3 - 10 - 23

L10

14 - 1 - L 107

(a more particular description of which said paper, writing and document 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.

JOHN McKEON,

District Attorney

292 Shuren

Day of Trial,

Counsel,

Filed

day of

1883

Pleads

Not guilty (Nov 2)

THE PEOPLE

vs.

[33447]
Selling Lottery Policies.

Adolphu

Draft

[Escrow]

JOHN McKEON,

District Attorney.

A True Bill.

M. H. Anderson

Foreman.

Sept 25, 1886

Off Term

APR

Witnesses:

0331

3-10-23/10
14-1-2, 10/

0332

District Attorney's Office.

PEOPLE

vs.

Adolph Rufft
Lottery -

Let this case
go off the cal-
endar - I am
informed that deft.
is out of the business
I shall make an
examination
Sept 21/86 B.M.
to Col Fellows.

POOR QUALITY
ORIGINAL

0333

BAILED,
No. 1, by Mrs. Cunningham
Residence 119 Henry Street.
No. 2, by [Redacted]
Residence [Redacted] Street.
No. 3, by [Redacted]
Residence [Redacted] Street.
No. 4, by [Redacted]
Residence [Redacted] Street.

Police Court 2 District 815
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Mrs. Haates
75 Livingston St.
Adolph Knapp
Offence Violation
Lottery Law
Dated Oct. 23 1888
Patterson Magistrate.
Thomas J. Connor Officer.
1526 Precinct.
Witnesses William Brown
No. 15 West 10th Street.
George Connor
26 West 10th Street.
No. 1100 Street,
to answer H. J. [Redacted]
Boaler

OCT 25 1888
CLERK OF THE COURT

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 Adolph Knapp

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

Dated October 24 1888 J. M. Patterson Police Justice.

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

Dated October 24 1888 J. M. Patterson Police Justice.

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

Dated _____ 1888 _____ Police Justice.

0334

Sec. 198-200

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,*Adolph Kieft*

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. *Adolph Kieft*

Question. How old are you?

Answer. *45 years of age*

Question. Where were you born?

Answer. *Germany*

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

Answer. *300 East 86 St. 3 years.*

Question. What is your business or profession?

Answer. *I keep a cigar store*

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 have nothing to say. I did not see any Lottery Policies

Adolph Kieft

Taken before me this

24

day of

188

*3**William J. Patterson*

Police Justice

0335

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,

POLICE COURT, 2 DISTRICT.

William Warren

of No. 15 Precinct Police Street, being duly sworn, deposes and says,
that on the 24th day of October 188 8

at the City of New York, in the County of New York, by virtue of a
Search warrant deponent entered
premises No 115 Chatham Street,
a place used and kept for the
sale of Lottery Policies and then
and there found the deponent
Adolph Kapt, now here, in
charge of said place and in
possession of the books and
tickets now here shown which
are used for the purpose of selling
Lottery Policies William Warren

Sworn to before me, this 24th day
of October 188 8
W. D. Macaron
Police Justice.

POOR QUALITY
ORIGINAL

0336

1121

THE PEOPLE

ON COMPLAINT OF

Max Hartog

against

Adolph Kaph

SEARCH WARRANT.

115 Chatham St.

Legal & Law - stands behind

case - 30 - 5 - 7 - 5 -

dark green & black

115 Chatham St.

Found at

115 Chatham St.

Robert Tiesler & Sons

H. Connor & Warren

Oct 24/83

0337

City and County of New York, ss:

In the name of the People of the State of New York:

Peace Officer
To any Sheriff, Constable, Marshal, or Policeman in the
City and County of New York:

Proof, by affidavit, having been this day made before me, by

Max Hartog

that there is probable cause for believing that *one Kraft whose true christian name is to, affiant unknown* has in his possession on the first floor of No 115 Chatham street in the City of New York divers books, of the kind commonly called Policy books and divers lottery slips of the drawings of various lotteries and other paraphernalia to be used in the commission of the public offence of selling
Lottery Policies

You are therefore commanded, in the day time, to make immediate search in the building situated at No 115 Chatham street in the City of New York on the first floor thereof

for the following property:

Policy books, lottery slips and drawings of lotteries and other paraphernalia used in the business of selling Lottery Policies

And if you find the same or any part thereof, to bring it forthwith before ~~me at~~ *the nearest and most accessible magistrate*

Dated at the City of New York, the

23rd day of *October* 188*5*.

J. M. R. Rice

0338

STATE OF NEW YORK,

AND
CITY OF NEW YORK.

Max Hartog of no
78 Rivington or *Street, New York, being duly sworn,*
deposes and says that he has just cause to believe and does believe that *one Kraft*
whose true Chatham name is to depart
unknown

did, on the *21st* day of *October*, 188*8*, at number *115*

Chatham

Street, in the City of New York and County of New York,
unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and
procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a
lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or
instrument hereto annexed is what is commonly known as, or are called lottery policies;
and further that the said *Kraft*

has in *his* possession, within and upon certain premises, occupied by *him* and

situated and known as number *115 Chatham* Street,
in the City of New York and County of New York aforesaid, certain others, what are
commonly known as, or are called lottery policies or lottery tickets, and also certain
writings, cards, books, documents, personal property, tables, devices, and apparatus, for
the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at,
within and upon said premises, sells, vends, furnishes and procures, and has in *his*
possession, the aforesaid articles in violation of the laws of the State of New York, in such
case made and provided, and with intent to use the same as a means to commit a
public offence, and to promote, maintain and carry on a common and public nuisance.

Subscribed and sworn to before me,
this *23rd* day of *October* 188*8*

J. H. H. H.
Rick.

Max Hartog

(over)

0339

City and County of New York, C.D.
May Hartog, the Complainant in
this case being duly sworn says - that
Adolph Kraft, here present, is the
Person named in the foregoing affidavit
of deposit who has deposited
the Lottery Policy as stated in
said affidavit.

Sworn to before me this } Max Hartog
24th day of October 1888

J. W. Patterson Police Justice
Mar

| | | | | | | | | | | |
|--|---------------|---------------|-------------|--------|----------|------------|------------|-------------------------|---------|---------|
| THE PEOPLE, ETC., ON THE COMPLAINT OF Max Hartog | P.S. Kraft | Dated.....188 | Magistrate. | Clerk. | Officer. | WITNESSES: | Bailed, \$ | to answer.....Sessions. | By..... | Street. |
|--|---------------|---------------|-------------|--------|----------|------------|------------|-------------------------|---------|---------|

0340

BOX:

116

FOLDER:

1230

DESCRIPTION:

Kuhn, Gustav

DATE:

10/26/83



1230

POOR QUALITY
ORIGINAL

0341

Day of Trial,

Counsel,

Filed 26 day of Oct 1883

Pleads

THE PEOPLE

vs.

Quinton
Johnson

Keeping Gambling Establishment,
etc.
(Section 348, Penal Code.)

JOHN McKEON,

District Attorney.

A True Bill.

W. H. Chandler

Foreman.

May 17/99.
Indictment.

Dismissed

W. H. M. M.

*Recommendation for
various reasons
Excluded Indictment.*

Alfred Johnson
asst. p. p. p. p.

Ph. I.
May 17 1899

0342

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Gustav Kuhn

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

Gustav Kuhn

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Gustav Kuhn

late of the Eighth Ward of the City of New York in the County of New York aforesaid, on the sixth day of July in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing lottery policy where money and property was dependent upon the result, 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

Gustav Kuhn

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Gustav Kuhn

late of the Eighth Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said sixth day of July, in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, unlawfully did keep a room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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.

John McLean
District Attorney

0343

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

James H. Sullivan

Offence *Violation
Lottery Law*

2
3
4

Dated *July 27th* 1883

J. M. Patterson Magistrate.

Henry Officer.

John Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *W.*

Com

BAILED,
No. 1, by *Salomon Muller*
Residence *129 Elizabeth* Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

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 *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 *July 27th* 1883 *J. M. Patterson* Police Justice.

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

Dated *July 27th* 1883 *J. M. Patterson* Police Justice.

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

Dated _____ 1883 _____ Police Justice.

0344

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Gustave Tichu 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.

Gustave Tichu.

Question. How old are you?

Answer.

61 Years.

Question. Where were you born?

Answer.

Germany

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

Answer.

48 Thompson Street 10 Years.

Question. What is your business or profession?

Answer.

Butcher

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

Answer.

I am not guilty of the charge.

Gustave Tichu
his
man.

Taken before me this

day of

July

1887

at

48 Thompson

Street

New York

City

Police Justice.

0345

AFFIDAVIT—Keeping Lottery Office.

CITY AND COUNTY }
OF NEW YORK, } ss.

2nd District Police Court.

Cornelius Leary.
 of the 8th Precinct Police Court, being duly sworn deposes
 and says, that on the 26th day of July 1883, at premises
 No. 48 Thompson Street, in the City and County of
 New York, he saw there in charge of the place *Gustave*
Ruhn (now here) and that said place was openly, publicly,
 and unlawfully kept and maintained as an office or place for the vending or
 selling of instruments or papers known as "Lottery Tickets" or "Lottery
 Policies" Deponent found the papers
 are shown in said premises which
 were in charge of the said *Ruhn*.

Which deponent charges was in violation of the statute in such case made and
 provided, and prays that the said *Gustave Ruhn*
 may be dealt with according to law.

Sworn to before me, this

day of

1883.

27th } *Cornelius Leary*
 day of July

A. M. Patterson
 Police Justice.

0346

THE PEOPLE
against
GUSRAV KUHN.

This indictment is sixteen years old. There is but one witness in the case--a police officer. I have examined this witness twice and I am convinced that upon his testimony a conviction could not be obtained before a jury. He is not positive as to the identity of the defendant and his recollection of the facts at the time of the arrest is too hazy, in my judgment, to warrant the expectation of a conviction. He states that the premises, immediately after the arrest, ceased to be used for the purpose complained of in this indictment and that the nuisance was then and there abated. I believe, thus, a portion of the object of the indictment has been attained and that as a practical question the remain^{der} of the purpose of the indictment, a conviction, can not be obtained before a jury.

I therefore recommend the discharge of the defendant's bail.

New York, May 8th, 1899.

Robertson Horsey,

Deputy Assistant District Attorney.

I concur in the above.

And I further
Recommend the discharge
of the Indictment.
May 17th 99.
Robert Horsey
Assistant District Attorney.