

0 18 1

BOX:

116

FOLDER:

1230

DESCRIPTION:

Kane, Michael

DATE:

10/31/83



1230

POOR QUALITY ORIGINAL

0182

2867  
NW Oct 31

Do 54  
Oct 1883

Filed 31 day of

Pleads *Iniquity (Charge)*

Assault in the First Degree.  
(Firearms.)  
[5217 and 218]

THE PEOPLE

vs. ~~Michael~~

*Michael*  
*Shane*

JOHN MCKEON,  
District Attorney.

*Lang 25th*  
*Spredy Acquitted*

A TRUE BILL.

*W.A. Amelton*  
Foreman.

*Part 1*  
*Friday Oct 31*  
*Off. House of Reps*  
*17*

*Bail Hoo*

*L.D.*

*Bailed by Garry*  
*Joseph*  
*274 East 39th*

0 183

# 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, wilfully 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 greivous bodily harm, feloniously did, wilfully 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.

0184

<sup>206</sup>  
In the Matter

of  
Michael Kane.

Witness

Daniel Kelley, ✓  
305 E. 25<sup>th</sup> St. A.

St. Morris, Bellevue A. ✓

~~Walter H. Brown~~

Frank Proctor ✓

217 E. 26<sup>th</sup> St. ✓

John Buckley ✓

311 E. 26<sup>th</sup> St. ✓

By Oyl. Patrick Mullaly  
36<sup>th</sup> East St.

 Oyl. James Murray  
187-10.

0185

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 <sup>deponent</sup> 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. Dewar*  
Notary Public, N. Y. Co.

POOR QUALITY  
ORIGINAL

0186

ST. STEPHEN'S CHURCH,

New York, Oct. 25, 1883.

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

I write at the request of Mr. Kelly, who was recently shot through the arm by a man till then an utter stranger. Mr. Kelly is an exceptionally worthy man, is, and has been for years, an active 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 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,  
Your obedt. servt.

Edw. M. S. Ryan.

Michael Kane #

0187

Count of General Session

The People

vs

Michael Kane

Withdrawal of the Complaint  
by complainant Daniel Kelly

0188

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 16<sup>th</sup> day of October 1883 I was walking along 27<sup>th</sup> 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 <sup>in his person when arrested,</sup> on ~~me~~ 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 24<sup>th</sup> 1884

Daniel Kelly

Witness:  
Rudolph G. Schaff  
Peter James  
Sept 24 84

0 189

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Michael Kane*  
365 E. 25<sup>th</sup> Street  
New York

Bench Warrant for Felony.

Issued *October 31<sup>st</sup>* 1883

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

*Nov. 15<sup>th</sup> 1883*

*The within named  
defendant was  
arrested this day  
and brought here  
by Von Peuchen & Peilly*

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 31 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 Comanded 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 31<sup>st</sup> day of Octob. 1883.

By order of the Court,

 Clerk.

0191

**BOX:**

116

**FOLDER:**

1230

**DESCRIPTION:**

Keator, Alexander

**DATE:**

10/23/83



1230

Ray officier.

F.D.

194

Counsel,  
Filed *23* day of *Feb* 1883

Pleads *Not Guilty*

THE PEOPLE

*vs.* *Ray* vs. *R*

*Alexander*

*Traitor*

*Bartholomew, 5 Years Degree,*  
*Grand Juror, (Kings County)*  
*(Sections 407, 606, 626, 68)*

JOHN McKEON,

*District Attorney.*

*22 Oct 26/1883*

*Pleaded by L. C. Day*  
**A TRUE BILL.**

*W. H. Amundson*

*Foreman*

*H. N. G. M. S. J. P.*  
*F. D.*

0192

0 193

**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 *21<sup>st</sup>* day of *October* in the year of our Lord one thousand eight hundred and eighty-~~three~~ *two* 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 *Denise Keator*

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

whilst there was then and there some human being, to wit, one *Sarah Caras* 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 Denise 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 1944

SECOND COUNT.

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

Alexander Keator

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

The said Alexander Keator

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 over-

coat of the value of  
fifteen dollars, of the  
goods, chattels and per-  
sonal property of one  
Devitt Keator, 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 Keator 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 2 District 23

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Alex. Keator  
5 Watts St.

Offence Burglary & Larceny

Dated October 20 1883

Pattison Magistrate.

Wm. Norman Officer.  
Con. 20mg Precinct.

Witnesses Richard Dent

No. 56 Thompson Street.

Wm. Norman

S. Paul Police

No. 5 Watts Street.  
S. J.



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 Keator

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

Dated October 20 1883 J. M. Pattison 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 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. 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 20 day of July 1888  
John Patterson  
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 Walter Heater  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 20<sup>th</sup>  
day of October 1885 } Richard Scott

J M Patton  
Police Justice.

0198

Police Court— 2<sup>d</sup> District.

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

De Witt Keator

of No. 5<sup>th</sup> Wills Street, aged 16 years,

occupation Bell-Boy being duly sworn

deposes and says, that the premises No 5<sup>th</sup> Wills Street,  
in the City and County aforesaid, the said being a Lodging House

and which was <sup>in part</sup> occupied by deponent as a Sleeping room  
and in which there was at the time a human being, by name Sarah

Loano  
were BURGLARIOUSLY entered by means of forcibly Opening the  
door of deponent's room on the second  
floor of said premises by means of  
a false key, at about the hour of  
7 o'clock P. M.

on the 15<sup>th</sup> day of October 188 3 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Two iron Coats, together of the value  
of thirty dollars, one of said Coats  
being the property of deponent and  
the other Coat being the property  
of a woman named  
Paul 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 Keator, now here,

for the reasons following, to wit: That deponent locked and  
secured said door at about the hour  
of 9 o'clock A. M. and said property  
was then within said room. That  
deponent returned to the room about  
10 o'clock P. M. and found that said  
property had been stolen therefrom.  
That deponent was then informed by

0199

Richard Scott, Accused, that the  
said defendant stole said property.

That said defendant now here in  
open Court admits stealing said  
property and passing the same.

Seen & taken on the Deput. Keator  
20<sup>th</sup> day of October 1888

J. W. Patterson

Police Justice

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

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

\_\_\_\_\_ Degree.  
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

11

by Dept. he  
says he has  
Anna's name  
in my diary  
Henry  
John Bullen  
Legion. Dept. was  
honest during 2  
years in his employ  
for 57 Brady. When  
he acknowledges for  
last 2 years

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

INDICTMENT.  
Grand Larceny in the  
1st degree.  
THE PEOPLE  
vs.  
George  
Bessent  
John  
McKeon

JOHN McKEON,  
Dist. Attorney.  
P. 1 Oct 24/83  
Pleads Not guilty.

A TRUE BILL.  
W. A. Anderson  
29th St. New York

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.**

0203

BAILLED,  
 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.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

James Garland  
 Frederick J. Kelly  
 George Kelly  
 Offence Larceny from the Person

Dated October 2<sup>d</sup> 1883

Frank M. Stephens  
 Magistrate.



Witnesses  
 No. 1 \_\_\_\_\_ Street \_\_\_\_\_  
 No. 2 \_\_\_\_\_ Street \_\_\_\_\_  
 No. 3 \_\_\_\_\_ Street \_\_\_\_\_  
 No. 4 \_\_\_\_\_ Street \_\_\_\_\_

\$ 1000 to answer  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 No. \_\_\_\_\_ 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 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<sup>d</sup> 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

2d District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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 31<sup>st</sup> East 23<sup>rd</sup> 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 2d  
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. Ridgewood New Jersey Street

being duly sworn, deposes and says, that on the 1st day of October 1889

at the on 23<sup>d</sup> 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

October

1889

Police Justice.

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 George Kelly, now here, from the following facts. At about eleven o'clock on said night deponent was riding on a car of the 23<sup>d</sup> 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, bringing him out to officer Martens who arrested him. Deponent is informed by said officer that the found 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. Masters

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<sup>d</sup> day of October 1883

Frederick W. Masters

Police Justice.

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFRIDDAVIT-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 *[Signature]* day of *[Signature]* 1883  
Pleads *[Signature]*

THE PEOPLE  
vs.  
*[Signature]*  
and  
*[Signature]*  
1944  
Grand Jurors, and  
Receiving Stolen Goods.  
FF 518, 501, 500

JOHN MCKEON,  
District Attorney

*[Signature]*  
A True Bill.  
*[Signature]*  
Foreman.

*[Signature]*  
S.P. [Signature]  
[Signature]

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 Demersey

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

James Kennedy and William Demersey

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

The said James Kennedy and William Demersey

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

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 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

copy 28-272

BAILED.

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

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

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

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 September 27 1883

J. M. Hennessey Magistrate.  
Benjamin Hennessey Officer.  
181 Precinct.

Witnesses Benjamin Hennessey

No. 18 West Street  
Michael Mollon

No. 335 East 16 Street

No. 600 East 45 Street  
Con

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 they give such bail. such as until heady proshorn

Dated September 27 1883 [Signature] Police Justice.

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

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

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

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

0213

Sec. 198-200

District Police Court.

CITY AND COUNTY }  
NEW YORK } ss.

*William Hennessy* 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. *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

*Sept 11 1888*

Police Justice.

0214

Sec. 198-200

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

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

Answer. *433 East 13<sup>th</sup> 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.

0215

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

George Mellon, aged 54 years of No. 335 East 16<sup>th</sup> Street, Hotel manager being duly sworn, deposes and says, that on the 27<sup>th</sup> 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, 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 Hennessy, (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 Hennessy. George Mellon.

Sworn before me this 27<sup>th</sup> 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

Not appearing the day in court  
Measurement that  
bail be fixed in the  
original amount  
viz \$500.  
May 16 1884  
Weymouth  
Court at City.

Bailed by  
Jeskin Arnold of  
Arnold & Stephens  
Contractors  
Kingbridge, or  
48 Bay Street

164  
Ferguson

Counsel,  
Filed 22 day of Oct 1883  
Pleads Contempt (26)

THE PEOPLE  
vs.  
Victor W. Kennedy  
INDICTMENT.  
Grand Jurors in the  
Degree.  
\$500 + 500

JOHN McKEON,  
District Attorney.

May 14, P.M. 1884  
A True Bill.

W.A. Anderson  
Off term

Foreman  
P. Foreman

First Wednesday May Term  
Respon R.A. H. 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 fifth 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 then and there being found,  
~~from the person of the said~~ 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.

0219

POOR QUALITY ORIGINAL

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

0220

POOR QUALITY  
ORIGINAL

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 <sup>be</sup> secure for adjournment  
A. 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~~  
short one and ought not to occupy  
more than an hour: hoping  
that I am not trespassing too  
much upon your valuable time  
& 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* 188*4*

*How Peter B. Olney Esq*  
*District Atty*

*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 Haverstraw  
Nat Bank, resides at Haverstraw, and  
I 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 16<sup>th</sup> 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 respectfully  
W. W. Kimball

POOR QUALITY ORIGINAL

0226

June 28/83

Haverstraw, N. Y. 6/28 1883

J. K. Meade

Please to take Notice.

71128

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*  
GEO. H. SMITH,  
Notary Public,  
NATIONAL BANK OF HAVERSTRAW.

POOR QUALITY  
ORIGINAL

0227

A ledger page with a grid of vertical and horizontal lines. A handwritten signature, "J. S. Meade", is written across the middle of the page, underlined. The signature is written in a cursive style.

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. J. 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 Havenstrau 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

Dated May 21, 1884,

Jacob K Meade

11320

Grand m. *Chilton*  
Sen. *Handerson* *Not Book*

Police Court *113-144*  
District *113-144*

BAILED, *W. H. ...*  
No. 1, by *W. H. ...*  
Residence *...*

No. 2, by *...*  
Residence *...*

No. 3, by *...*  
Residence *...*

No. 4, by *...*  
Residence *...*

No. 5, by *...*  
Residence *...*

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Charles W. ...*  
No. *301* Prec. *...*  
*Victor W. Kennedy*

Offence *Graud Larceny*

Dated *Sept 21* 188 *3*  
*J. Henry Ford* Magistrate.

*...* Officer.

Witnesses *...*

No. *3* Street *...*

No. *James E. ...*

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 *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. Henry 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. Henry 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.

*J. W. S.* 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*  
was 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 body of the said Defendant and forthwith  
bring *him* before me, at the *1st* DISTRICT POLICE COURT, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

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

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jacob R. Meade*  
*201 West St*

*Victor W. Kennedy*  
*Orthy Steady*

Dated *Sept 17 1888*

*W. Roberts* Magistrate

*Sanborn* 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. A. Vandermere* Officer

Dated *September 17th* 188*8*

This Warrant may be executed on Sunday or at  
night.

Police Justice.

Warrant-Larceny.

REMARKS.

Time of Arrest, *11:50 P.M. Sept 17-21 1888*

Naive of *E. S.*

Age, *26*

Sex *-*

Complexion, *-*

Color *White*

Profession, *Bank*

Married *Yes*

Single, *Yes*

Read, *Yes*

Write, *Yes*

*Orthy Steady New York*

0233

Sec. 198-200

*J.P.* District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Victor W. Kennedy* 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*im*; that the statement is designed to  
enable h*im* if h*e* see fit to answer the charge and explain the facts alleged against h*im*  
that he is at liberty to waive making a statement, and that h*is* waiver cannot be used  
against h*im* 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. *Harerstraw N.Y.*

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

Answer. *Robbs 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*8*

*John W. ...*

Police Justice.

0234

Form 10.

POLICE COURT-FIRST DISTRICT.

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

*Albert W Van Winkle*  
of No. *210* Road Street,

that on the *13<sup>th</sup>* day of *Sept* being duly sworn, deposes and says,  
188*8* 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 Haverstraw. 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 Mead.*  
*Albert W Van Winkle*

Sworn to, this  
before me.

*18<sup>th</sup>* day of *Sept*  
188*8*

*[Signature]*  
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 18<sup>th</sup> day of Sept 1883 } James E. Meade

J. R. Smith  
Police Justice.

0236

*Just*

District Police Court.

Affidavit - Larceny.

CITY AND COUNTY OF NEW YORK, ss.

of No. *201 West* Street, *3rd* floor, *Dealer*

being duly sworn, deposes and says, that on the *23<sup>rd</sup>* 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*

*Shewell Depone and this*

*deponent*

the property of *deponent*

*James E. Meade*

*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 <sup>and never had it before</sup> 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 }  
 18<sup>th</sup> day of Sept. 1883 } Jacob Meade  
 J. Meade  
 Police Justice }

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0238

Protest, \$31<sup>00</sup>/<sub>100</sub>

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.

00

31-

114

\$ 32.14

*W. H. Mead*

201 MAY 6 1883

GLUED PAGE

0239

STATE OF NEW YORK.	No. _____	Haverstraw, <i>June 25<sup>th</sup> 1883</i>
	<b>NATIONAL BANK OF HAVERSTRAW</b>	
	Pay to the order of <i>J. K. Meade</i>	
	<i>Thirty one dollars</i>	Dollars.
\$ <i>31.00</i>	<i>W. W. [Signature]</i>	

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.

*[Signature]*  
Notary Public.

GLUED PAGE

0240

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

On the *Twenty eighth* day  
*June* 1883 at the request of **The National Bank of Haverstraw,**  
**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 *Oct* day of  
Pleads 1883

THE PEOPLE  
vs:  
*F*  
*John*  
*McKeon*  
*17*  
*436*  
*Prison*

Grand Larceny, Second Degree, &c.  
[555282552]

JOHN McKEON,  
District Attorney

A True Bill.

*W.A. Orrison*

Foreman.

*Oct 15/83*

*W.A. Orrison*  
State Refractory

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~~ 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

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 145

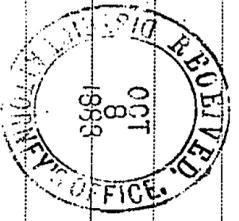
THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

James Kennedy  
 135 W 22 St  
 John Kleban  
 Offence Grand Larceny

Dated Oct 5 1888

Magistrate  
 A. W. McWilliams  
 Central 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 \_\_\_\_\_

John Kleban  
 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.

John Kleban

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New Jersey

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

Answer.

435 E 152 Street (resided there 4 yrs)

Question. What is your business or profession?

Answer.

House Painter

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 watch John Kleban.

Taken before me this

day of

188

Police Justice.

0246

2

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

Agnes Kennedy

aged 68 of No. 135 West 22 Street,

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 open 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 pawned the watch and the name of the pawnshop.

Sworn before me this

day of September 1883

Police Justice,

fully identified the watch as the property of Agnes Kennedy

0247

BOX:

116

FOLDER:

1230

DESCRIPTION:

Koehler, Charles O.

DATE:

10/22/83



1230



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 <sup>fifth</sup> 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

102

Counsel,  
Filed 22 day of Oct 1883  
Pleads Guilty (28)

THE PEOPLE  
vs. B  
Charles O  
Koehler  
[2 cases]

Grand Larceny,  
U.S. 1883/1496563

JOHN McKEON,  
District Attorney

A True Bill.  
W. H. Muelson  
Foreman.

Perch!  
M. H. Muelson  
Do not put on public  
my allusion in regard to  
my 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. Fraitel 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

0252

For Complaintment  
Mr. H. Phillips  
Deputy District  
N.Y. City

For Respondent  
J. A. McDonald  
367 Madison St.  
New York  
and Robert Thomas  
350th East St.  
New York

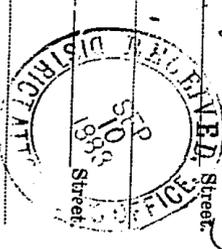
BAILED,  
No. 1, by Henry Gross  
Residence 132 Liberty Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court 2 District 7/15

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Henry McDonald  
135 East 10th St.  
Charles Kochler  
Dated May 29 1883  
Offence Compliment

Paterson Magistrate.  
Haley Officer.  
Central office Precinct.

Witnesses  
Matias - Schmidt  
Henry Ruyter - Half - Salisburg  
Henry Ruyter - Half - Salisburg  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.



No. \_\_\_\_\_ Street.  
to answer G. S.  
Paterson

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 Kochler

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 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. Paterson 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. M. Paterson 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.

0253

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2

District Police Court.

*Charles C. Koehler*

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. Koehler*

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. *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 *September* 188*8*

*J. M. ...*  
Police Justice.

0254

City and County of New York, Ad.

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 31<sup>st</sup> 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 with in the age of 18 years.

That on said day said deponent received from the firm of Naitel Bros, consisting of deponent and Bernard T. Naitel, Co-partners, two hundred and fifty pennyweights of gold to be manufactured into jewelry.

That on the following day, viz: August 1<sup>st</sup> 1882 deponent ordered said deponent to manufacture six dozen finger rings of ten

0255

of Style 133 and 134  
Carat gold in quality. That on  
or before the 2<sup>nd</sup> day of October 1882  
said defendant returned the  
six dozen rings to said firm  
at their office at No. 170  
Broadway.

That thereafter defendant examined  
and tested said rings and  
found that they averaged  
only 6 and 9/10<sup>th</sup> Carat in  
quality and were not ten  
Carat in quality as ordered  
by defendant. That the difference  
in quality between six dozen  
rings of 10 Carat gold in  
fineness, and the six dozen  
rings returned to defendant  
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 defendant  
and it was his duty to  
alloy said gold and reduce  
it from a fine quality  
to the fineness desired.  
That defendant there-

0256

you charges and alleges that  
said dependant <sup>at said city and County</sup> did at a  
time between the 1<sup>st</sup> day of  
August 1882 and the 2<sup>nd</sup> day  
of October 1882 feloniously  
embezzle and convert  
to his own use and profit  
gold to the <sup>value</sup> 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!  
shewed before me this  
25<sup>th</sup> day of May 1883

Benjamin T. Trattel  
J. W. Patterson  
Placii Justici

Dependant 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. Jipes at \$1000.

POOR QUALITY ORIGINAL

0257

For Defendant  
F. J. Rosenberg  
367 Fulton St.  
Brooklyn  
And Samuel Stacher  
350 4th Court St.  
Brooklyn

Complainant  
M. H. Phillips  
Morris Rosenberg  
N. Y.

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.

Police Court 713  
District 2

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Henry W. Mueller  
100 Broadway  
Charles C. Koehler  
Offence Grand Larceny

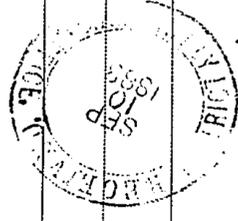
Dated Sept. 10 1883  
J. M. Patterson Magistrate.

Haley  
Officer,  
Central Office, Precinct,

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

No. 10000 to answer  
B. S.  
Street

H. W. Miller



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. Koehler

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

Dated Sept. 10 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 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.

0258

Sec. 198-200

CITY AND COUNTY OF NEW YORK

District Police Court.

*Charles C. Koehler* 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. Koehler*

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. *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 Koehler*

Taken before me this

day of

*September 1888*

*1908*

*M. M. Patterson*  
Police Justice.

0259

City and County of New York fo:

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

0260

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 deponent's 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 things to be of Ten Karat gold, and to make the said things of the gold so alleged to be Ten Karat or of other similar gold in his possession or of gold which had been alleged by him to be Ten Karat, or which he might allege to be Ten Karat. That on the 7th day of April 1883 said Koehler, as appears from said book, had alleged 400 pennyweight of fine gold to be 960 pennyweight of Ten Karat, which gold had been given to him by said firm therefore:

That said twelve dozen things 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 things known as the Shoulder Knives were cut out and made by said Koehler personally by the aid of tools furnished by deponent's 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 things which had been previously sold by deponent's said firm having been returned

POOR QUALITY  
ORIGINAL

0262

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 Fine and  $\frac{15}{16}$  Karat. That the difference in the value of gold on said twelve dozen rings and the

POOR QUALITY  
ORIGINAL

0263

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 thereof, 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 Number 153 ordered to be  
made in the same way August 31st 1884 and

0264

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  
Kochler, and that the shoulders weigh about  
one third the weight of the ring.

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

J. M. D.  
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~~ <sup>Saturday</sup>  
September 1<sup>st</sup> 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 <sup>was</sup> 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 Peterson dismissed &  
Mr. Traitel brought another for  
Embezzlement of \$25.49 so that  
Hon. Judge Peterson held me in \$1000  
bond for the second case the trial  
was postponed 3 times the 2<sup>nd</sup> was set  
down for Sept 2<sup>nd</sup> at 2.30

0266

at 3 o'clock Mr Fraitel ~~Bro~~ lawyer  
came in court and said Mr Fraitel  
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 <sup>in Sept 3</sup> (New York) I saw Mr Fraitel  
and spoke to him about not coming to  
court when he run up stairs and  
left me standing and he didn't care  
I was on till Sept 8 then Mr Perry  
Wernberg my lawyer advised me  
to waive 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 Fraitel Bros  
and 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



0268

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 Yes 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

0269

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

0270

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 Do not this your affidavit on the 31<sup>st</sup> of July 1882. Charles North, now here was in the employment of defendant as foreman and servant of defendant and in

0271

3

charge of deponent's factory at a stated rate of weekly wages, and he was not an apprentice nor within 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.

0272

Address

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 in

Q What part of October?

A I don't remember the date now

in

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

0273

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 parts less than 10: as the fine gold was less than 24.

Q You 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?

0274

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 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 wouldnt a test with acid develop the ring to be in some 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

0275

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. Drattel 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 30 years  
I am sure 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 I tested it with acid in an every  
day process that is my answer  
Q So 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 ~~run~~ ~~gone~~  
affected it.

Q you assume that 250 penny  
weight of gold was given to  
the young man?

A Yes sir

Q with orders to make rings of

0277

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 two, with orders to make rings of 10 carat, he might have had 100.

Q This 250 pennyweight 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 pennyweight and gave him orders at the same time to make 10 carat rings

V  
Q If you have received 10 carat rings at a later period year or two  
Q Was there any more material than was necessary for six dozen rings given to him at the time the 250 pennyweight 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 300 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 <sup>each</sup> 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 remaking of these  
rings?

A It covers the loss of the rings  
Q Does it cover the loss of re-  
making these rings?

A It covers the loss.

By the Court.

Q What do you mean by remaking  
these rings?

A If there are two qualities, <sup>in each ring</sup> a good  
quality and the other bad it  
makes these rings unmarket-  
able and certainly we must  
make them marketable, that  
amount includes the loss  
of remaking; 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 250 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~~ <sup>made</sup>  
it poorer certainly.

Q Is any gold lost in alloying  
it?

A In alloying and ~~melting~~ <sup>melting</sup> it do you  
mean?

Q yes?

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

0281

6

# in ~~gold~~<sup>melting</sup>, 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 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 base 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 what 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 <sup>few</sup> thousand. (cont)

Red Direct 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 its 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  $\frac{10}{100}$  corat

116  $\frac{16}{100}$  " " " " silver

288-8 " " " " copper.

600 pent. 10 corat.

offered in evidence Exh. P. 1. May 31<sup>st</sup> 1883. etc.

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

A If it had been materially less with the same amount of alloy it would have made less because the specific gravity of 24 corat 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 making this alloy? objected to.

Q Now Mr. Pruitel how long have you been in the manufacturing jewelry business?

0285

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.

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

Question with drawn.

Q If this 250 pennyweight had been a  
smaller part less than 24 ~~gold~~  
carat, would that have made  
a difference which your test  
showed on 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.

Reverses

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 these 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 Truitt?

A Yes

Q Mr Truitt 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 Are 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 does 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 those 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 24 carat Auvsii

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? Any more?

Q You tested both of these parts?

A Yes tested all the parts of the ring

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 had 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 whether if he gave it personally or not

Q This same acid that he uses in the shop?

A Yes in out of the same bottle

0291

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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.

Reasons

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

A He makes portions of it  
and your hands make portions  
of it?

A They finish those portions that he  
makes

Q What portions does he make?

A The portion that he cuts out <sup>with</sup> the  
dye. ~~the shank~~ - 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  
I cannot answer that Koller  
has charge of it  
If 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 I will  
you swear as a matter of fact  
that no other gold than that  
you have here testified to was  
used?

And I will not swear to that  
Replies

If you say that Koller made these  
shoulders of the rings?

He had instructions to make them  
Did he have the distributing of  
the stock of making the rings?  
Yes in the making of every  
thing in the shop

Sworn to before me } *Wm. T. Taylor*  
this 5<sup>th</sup> day of June 1883

Peace Justice  
The further hearing by consent was  
adjourned to June 10<sup>th</sup> 10 a.m.

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 occurred there?  
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 <sup>the</sup> 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 stone 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 <sup>may</sup>  
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

POOR QUALITY  
ORIGINAL

0295

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 objected  
to any testimony affecting any  
rings excepting the ring in  
question.

By the Court Allowed.

a I examined them and tested them  
in the presence of Mr Kohler  
found also had machinery, <sup>made</sup> 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 Kohler. 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 none

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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 is more gold in the 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 distribution 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

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green?

A perpetually 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 desired of~~ ~~smiths~~, 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 of fineness he makes 50 rings there would be 20 penny weight to account for wouldn't there?

0298

ayesku will she wanted ~~them~~ <sup>from</sup> them  
with his work.

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

A No he wanted return them in  
the shape of clippings

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

A No he wanted return that  
which had no solder on it;

Q What would he do with that  
that had 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. Koble  
are afterwards melted, assayed  
and received again for making  
other jewelry?

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

0299

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to discover the exact quality.

Q. What is that done by?

A. Melt water down.

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<sup>d</sup> 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

Did you direct 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

Sworn to before me  
This 5<sup>th</sup> day of June 1883 } Bert Hatt

Police Justice  
Rev

0301

18

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

By the Court:

Q Mr. Waters where do you reside?  
A 267 Parkton Avenue Brooklyn.

Q What is your age?

A 36 years.

Q Your occupation?

A Good ~~gold~~ silver refiner and  
assayer.

Direct Examination

Q Mr. Waters how long 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 Added to?

0302

Accepted

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 Mr Trattel  
Brokers

500 Pm Gold 104 520

10 ounces Silver 18 10.80

Total 531.80

Rec'd Payment 80-83. John Water Sons.

Q Now Mr Water now what was the quality of the fine gold that you sold to Trattel Brokers on the

0303

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31<sup>st</sup> 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 gem have been that  
you sold to Mr Grattel?  
A Aspected to.

A To the best of my knowledge & belief  
Aspect to his knowledge & belief  
Q State the quality of the fine gem  
sold by you to Messrs Grattel on the  
31<sup>st</sup> day of July 1882.

A Aspected 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?

A Yes Sir

Q Was it 23 carat?

A Yes Sir

Q Was it 23 1/2 carat?

A Yes Sir

Q It was fully that?

A Yes Sir

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

A Yes Sir

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 that 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  
A 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  $\frac{7}{207}$  carat  
alloy with losses turn perfectly  
green under the test of nitro-  
acid?

Ans. Sir  
That is the worst quality that  
would so turn?

A. About 4 carat  
of Gross 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. Give me as much copper as silver  
A. You can make 10 carat by adding

of the silver and copper.  
Q. There are two alloys alike in order to get 10 carat?  
A. You can make 10 carat by ad.

ding the silver a portion of ~~silver~~  
and copper.

Q. Can you make 10 carat by adding a portion of  
A. Lead

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 can't  
determine anything by acid  
positively

Q. Is it not a reliable test?

A. No it is not to ascertain positively  
the exact ~~pure~~ 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 in turn 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. Prater?

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

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

+

Answer:

If and return him so much gold?

Ans I don't quite understand you  
if you mean the whole bar

Ans we just make an assay  
of the whole bar and return  
it with the statement of assay

If that is you take a piece off  
of the bar and assay it?

Answer:

If then assuming that the balance  
of the bar is the same as the  
piece you have assayed?

Answer:

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

0309

corat?

appear: its pretty position the whole  
bar is alike

Q you assume that?

appear:

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

appear:

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

Answer:

Q They want assay a bar of gold  
unless they examined all of it  
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?

Answer:

Q I have not made any mistakes  
in assaying for Mr. Grantel

Answer:

Rebuttal

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

Answer: That is as to quality

0310

Q How close to the quality can you come 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 Can you come 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 mean to extract the whole quantity of alloy sent to you from individuals?

A Yes.

Q Now Iritel always sent you the whole bar?

A Yes.

Q Did you ever get a bar from Iritel 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  
Truettel brother the same as  
you do for any other jewellers?  
A Yes that is 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 piece and  
poorer in another or if it was  
poorer in one piece 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 latter?

I sworn to before me  
This 5<sup>th</sup> day of June 1863 } Chas E. Waters

Police Justice

0312

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

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

2<sup>d</sup>  
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<sup>d</sup>. 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

4<sup>th</sup>  
# 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 *Oct* 188*3*

Pleads *Not Guilty (Mr. J)*

*Keeping Gambling Establishments, etc. (Section 343, Penal Code.)*

THE PEOPLE

vs.

*FB*

*Adolph*

*Thos*

*Eraser*

JOHN McKEON,

*District Attorney.*

A True Bill.

*J. H. Anderson*

*Foreman.*

*off*

0316

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 Krafft

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

Adolph Krafft

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

The said Adolph Krafft

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

Krafft

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

The said Adolph Krafft

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 Mrs. Cummings  
Residence 119 Henry Street

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

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

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

Police Court 215 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mag. Hester  
78 Rivington St.  
Adolph Knapf

Offence Variation of  
Lobby Law

Dated October 23 1888

M. Patterson Magistrate  
Wm. J. Conner Officer  
1572c Precinct

Witnesses William Mann

No. 15 Paul. Polie Street

George Conner

No. 26 West. Polie Street



No. 1000 Street  
to answer S. S.

M. Patterson

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 Knapf

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 M. Patterson Police Justice.

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

Dated Oct. 24 1888 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.

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<sup>th</sup>

day of

188

Wm. J. ...

Police Justice.

0319

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

POLICE COURT, 2 DISTRICT.

William Warren

of 15<sup>th</sup> Precinct Police being duly sworn, deposes and says,

that on the 24<sup>th</sup> 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 115 Chambers Street,  
a place used and kept for  
the sale of Lottery Policies and  
then and there found the  
dependent, Adolph Kraft, now  
deceased, 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

24<sup>th</sup> day

1883

W. P. Parsons Police Justice.

0320

City and County of New York, D.D.  
Mark Hartog, the Complainant in this  
Case being duly sworn says that  
Adolph Kapt, 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.  
Sworn to before me this 24<sup>th</sup> day of March 1888  
J. M. Dawson  
Police Justice

POLICE COURT— DISTRICT—

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Dated 24<sup>th</sup> day of March 1888

Magistrate.

Officer.

Witness.

Disposition

0321

162

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

*23<sup>rd</sup>* day of *October* 1883

*J. Smyth*  
*Rec. 12*

0323

LOTTERY AND POLICY.

THE PEOPLE, ETC.,  
ON THE COMPLAINT OF  
Max Hartog

Kraft

Date: 188

Magistrate:

Clerk:

Officer:

WITNESSES:

Dated, \$

To grantee

By

Street

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

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

That on the 18<sup>th</sup> day  
of October, 1883, deponent went  
into the premises number 110  
Chatham street in said City  
on the first floor thereof which  
deponent avers is kept and  
maintained by a person  
named Kraft - whose Christian  
name is unknown to deponent  
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-  
ponent on said 18<sup>th</sup> day of  
October, 1883, purchased from  
said Kraft at the place  
aforesaid three certain num-  
bers, commonly called a "Gig";  
the same being a chance or  
interest dependent upon the  
drawing of a lottery, and said

sum therefor the sum of six  
teen cents, but that said Kraft  
did not give deponent any  
ticket or paper writing therefor.  
That subsequently on said  
18<sup>th</sup> day of October, deponent  
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 then  
and there handed by said  
Kraft the slip of paper  
containing ~~the~~ numbers  
which is hereto annexed.  
And deponent 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.

Deponent 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 23<sup>rd</sup> day of October 1883

Moore J. Hartog

J. Busch  
Rec.

0324

0325

11- Blum

0326

~~52 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 Krafft

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

Adolph Krafft

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

The said Adolph Krafft

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

Max Starob

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

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

The said Adolph Krafft

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

Krafft

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, <sup>feloniously</sup> 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 Krafft  
of the CRIME OF "Vending and Selling to another, what are commonly known as and called Lottery Policies," committed as follows:

The said Adolph Krafft

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 Krafft

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 Chatham Street

in said Ward, City and County, with force and arms, <sup>feloniously</sup> did unlawfully and knowingly vend, sell, barter, furnish and supply to one Max Hartog

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

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  
\$10  
4 - 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.



0330

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

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

L 10

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

Pleads

29 day of Oct 1883  
Not Guilty (Nov 2)

THE PEOPLE

vs.

Selling Lottery Policies.

Adolphu

Dwight

[Eraser]

733447

JOHN McKEON,

District Attorney.

A True Bill.

M. A. Anderson

Foreman.  
Sept. 25. 1886  
Off Term A.P.A.

Witnesses:

Witness lines

0331

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

0332

District Attorney's Office.

PEOPLE

vs.

Adolph Rafft  
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. Cummings  
 Residence 119 Henry Street  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street

Police Court 2 District 115

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

Mrs. Haates  
75 Livingston St  
Adolphus Knapp

Offense Violation of Lottery Law

Dated Oct. 23 1888

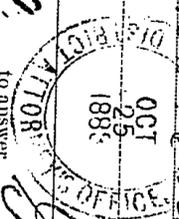
Patterson Magistrate  
Thomas J. Connor Officer  
1526 Precinct

Witnesses William Brown

No. 15 Mat. No. 1  
George Connor  
26 W. 11th St Street

No. 1100 Street  
 to answer H. J.

Boiler



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 Adolphus 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 Adolphus 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 }  
OF NEW YORK, } ss.

*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 West 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 tickets*

*Adolph Kieft*

Taken before me this

*24*

day of *September* 188*8*

*William J. Parsons*

Police Justice

0335

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

POLICE COURT, 2 DISTRICT.

William Warren

of No. 15 Precinct Polici Street, being duly sworn, deposes and says,  
that on the 24<sup>th</sup> day of October 1888

at the City of New York, in the County of New York, by virtue of a

Search warrant dependent entered  
premises No 115 Chatham Street,  
a place used and kept for the  
sale of Lottery Policies and then  
and there found the dependent  
Adolph Haupt, now absent, in  
charge of said place and in  
possession of the books and  
tickets now and there which  
are used for the purpose of selling  
Lottery Policies William Warren

Sworn to before me, this 24<sup>th</sup> day  
of October 1888

Alfred Parsons  
Police Justice.

POOR QUALITY ORIGINAL

0336

121

THE PEOPLE

ON COMPLAINT OF

Max Hartog

against

Adolph KaphA

SEARCH WARRANT.

115 Chatham St.

Legal name: stands behind

case - 30-57-700-5-

dark complexion black

hair - brown - medium build

Found at

115 Chatham St.

Robert Tiesler & books

A. Connor & Warren

DET 34483

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 Kraft*

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

*23<sup>rd</sup>* day of *October* 1883.

*J. M. Rice*

0338

STATE OF NEW YORK,

AND  
CITY OF NEW YORK.

*Max Hartog of no*  
*78 Rivington* 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 separate*  
*unknown*

did, on the *21<sup>st</sup>* day of *October*, 188*3*, 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 *23<sup>rd</sup>* day of *October* 188*3*

*Max Hartog*  
*J. M. ...*  
*Not.*

*(over)*



0340

BOX:

116

FOLDER:

1230

DESCRIPTION:

Kuhn, Gustav

DATE:

10/26/83



1230

POOR QUALITY ORIGINAL

0341

246 B. Oct. 29/13

✓ (1)

Day of Trial,

Counsel,

Filed 26 day of Oct 1883

Pleads

THE PEOPLE

vs.

B

Quinton  
Johnson

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

JOHN MCKEON,

District Attorney.

A True Bill.

*John McKee*  
Foreman.

May 17/99.  
Indictment  
Dismissed

M. M. M.

Recommendation for  
Dismissal Entered  
Excell's Office

Allen Townsend  
asst. p. m. a. g.

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

*James H. ...*

*Gustave ...*

Offense *Violation Lottery Law*

Dated *July 27*, 188*3*

*M. Patterson* Magistrate.

*Henry ...* Officer.

*...* Precinct.

Witnesses

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

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

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

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

\$ *500* 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 *July 27* 188*3* *A. M. Patterson* Police Justice.

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

Dated *July 27* 188*3* *A. 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*3* \_\_\_\_\_ Police Justice.

0344

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*Gustave Tuhn* 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 Tuhn.*

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 Tuhn*  
his  
man.

Taken before me this

day of

*July*

*27*

188*5*

*W. J. Mason*

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* 188*3*, at premises  
*No. 48 Wimpson* 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 *27th* day of *July* 188*3*. } *Cornelius Leary*

*J. 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 remainder <sup>der</sup> 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 Howes,*  
Deputy Assistant District Attorney.

I concur in the above.

*And I further*  
*revised the discussion*  
*of the indictment.*  
*May 17<sup>th</sup> 99.*  
*Robert [unclear]*  
Assistant District Attorney.