

08 12

BOX:

466

FOLDER:

4280

DESCRIPTION:

Zalinski, Louise

DATE:

01/07/92



4280

0813

Witnesses:

Counsel,

Filed

Pleads,

7 day of Jan 1890

THE PEOPLE

vs.

Louise Galinski

Grand Larceny, [Sections 528, 530, Penal Code.]
Degree.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Charles D. Forester
Foreman.

James P. [unclear]
James P. [unclear]
James P. [unclear]

0814

(1365)

Police Court—2nd District.

Affidavit—Larceny.

City and County } ss.
of New York,Johanna Connor
of No. 621-9 Avenue Street, aged 30 years,
occupation Housekeeper being duly sworn,deposes and says, that on the 23 day of December 1899 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession
And person of deponent, in the night time, the following property, viz:A pocket book, containing gold and
lawful money of the United States of
the amount of Twenty dollars and fifty cents.A three stone Diamond Ring of the amount and
value of Eighty dollars; in all of the amount and
value of one hundred dollars and fifty cents (\$100 ⁵⁰/₁₀₀)
the property of DeponentSworn to before me this
1899and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by Joseph Galinski (now here) from thefollowing facts to wit: That about the hour of
five o'clock P.M. of the aforesaid date, deponent
was in Macy's Store at the corner of 14th Street
and Fifth Avenue, with the aforesaid pocket book
containing the said property, in a patch which
was held in the hand of deponent, and that
while walking along in said store, the defendant
came along, and knocked against deponent,
and that deponent is informed by Mamie Plunkett
who is a sales lady in said Macy's Store, that
she saw the defendant place her hand in said
patch and take and carry away the aforesaid
pocket book, from said patch, which was held in
deponent's hand, and that she is further informed

08 15

by said Mamie Plunkett. that she found the
 aforesaid pocketbook containing the said property
 secreted in the plece of the jacket then and
 there worn on defendants person - Depment therefore
 charges the defendant with having committed a
 Larceny and asks that she may be held and
 dealt with as the Law may direct

Shorn to before me this } Johanna Connor
 24 day of December 1841

John W. Justice

08 16

CITY AND COUNTY }
OF NEW YORK, } ss.

Mamie Plunkett
aged _____ years, occupation *Sales Lady* of No. _____

Macy's 14 West 46 Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Hanna Connor*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *24*
day of *December* 189*0*.

Mamie Plunkett

[Signature]
Police Justice.

08 17

Sec. 198-240.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Louise Galinski

Question. How old are you?

Answer.

30 years -

Question. Where were you born?

Answer.

France -

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

Answer.

Hoboken - New Jersey

Question. What is your business or profession?

Answer.

Housekeeper

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
Louise Galinski
M. H.

Taken before me this
day of *March* 19*31*

Police Justice.

08 18

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

~~guilty thereof. I order that~~ He be held to answer the same and He be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until He give such bail.
Dated December 24 1897 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

08 19

Police Court--- 2 District. ¹⁵⁷⁵

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Johanna Connor
621 9th Avenue
Louise Galinski

2
3
4

Jarcom
from the prison

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated

December 24 9/

Magistrate.

Hoy
Officer

Precinct.

Witnesses

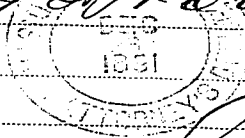
No.

No.

No.

\$

Minnie Plum
90 Broadway
14th St



Street.

Street.

to answer

Con

0820

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

523

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louise Galinski

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

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

The said

Louise Galinski

late of the City of New York in the County of New York aforesaid, on the *23rd* day of
December in the year of our Lord one thousand eight hundred and ninety-*one*
at the City and County aforesaid, with force and arms, in the *night* time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *twenty*

dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *twenty*

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

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

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

cents, and one finger ring of the
value of eighty dollars, and one
locketbook of the value of one
dollar

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

DE LANCEY NICOLL,

District Attorney.

0821

BOX:

466

FOLDER:

4280

DESCRIPTION:

Zerbe, James S.

DATE:

01/25/92



4280

0022

POOR QUALITY
ORIGINAL

Counsel,

Filed, 25 day of March 1892

Pleads,

James E. Chandler
THE PEOPLE
vs.

B

James S. Zerbe

Grand Larceny 1st degree
(False Pretenses)
[Section 528, and 531, Penal Code.]

DE LANCEY NICOLL,

At. one - District Attorney.

March 29

A TRUE BILL.

Chas. T. De Forest

Foreman.

Subscribed
On view of Dist. Atty.
deft. displayed on his
own record. P.B.M.

0023

POOR QUALITY
ORIGINAL

Witnesses:

Frank M. Ashley

Counsel,

Filed, *10* day of *Jan* 189*4*

Pleads,

THE PEOPLE

vs.

B

James S. Zerbe

James L. LANCEY
(False Pretenses)
[Section 528, and 531, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Pf. on -

March 29

A TRUE BILL.

Chas. T. De Forest

Foreman.

*Let go
On recog. of Dist. Atty.
deft. discharged on his
own recog. R.B.M.
J.*

In my opinion the evidence
obtainable herein is insufficient
to secure a conviction of
the defendant. I therefore
recommend the discharge
of defendant on his own
recognition.

Wm. M. Davis

Ant.

De Lancey Nicoll

District Atty.

The letter of complaint
filed herein in which he
says he does not wish
to prosecute further
for this crime.

0824

To
H O N . W . E . S I M O N D S ,
C O M M I S S I O N E R O F P A T E N T S ,
W A S H I N G T O N , D . C .

Dear Sir:-

Please search in the Patent Office of the United States for any applications for Letters Patent upon the following described subjects (which applications are supposed to have been filed by James S. Zerbe, a Patent Solicitor of the City of New York, for the undersigned), from the first day of January, 1891, to the date of your return, and certify the result in writing, stating the dates of filing in your Office and the serial numbers of the applications.

1. Apparatus and System for feeding boilers automatically.
2. Safety Water Column Float and Valve.
3. Gage Cocks.
4. Forced draught mechanism for smoke stacks.
5. Safety Water Column and Alarm.
6. Apparatus and System for feeding boilers. (Case B).
7. Thermal Alarm.
8. Atmospheric Water Column Alarm. (Case A).
9. Atmospheric Water Column Alarm. (Case B).
10. Safety Water Gage.
11. Chime Whistle. (Case A).
12. Chime Whistle. (Case B).
13. Expansion tube alarm.
14. Steam Pump Trap.
15. Drawn Bell Whistle.
16. Single Connection Alarm.
17. Windmill.
18. Billiard Table.

Dated, 5 & 7 Murray Street, New York.
April 7th, 1892.

Yours, respectfully,

J. H. Ashley

0825

United States Patent Office,

Washington, April 9, 1892.

Mr. F. M. Ashley,

5 & 7 Murray Street,

New York, N. Y.

Sir:

In reply to your request of the 7th instant for a search of the Patent Office for any applications filed by James S. Zerba, from January 1st, 1891, in your name as inventor, I am instructed by the Commissioner to say that a very careful search of the records of the Office from January 1, 1891, to and including the 8th of April, 1892, has been made and the following applications are found in your name as inventor:

Serial No.	377,614	- Apparatus and System for Feeding Boilers
		filed January 13, 1891
"	"	408,554 - Safety Water Column, Float and Valve,
		filed October 13, 1891,
"	"	408,555 - Gage Cocks,
		filed October 13, 1891,
"	"	408,556 - Forced Draft Mechanism for Smoke Stacks ,
		filed October 13, 1891,
"	"	408,064 - Safety Water Column and Alarm,
		filed October 13, 1891.

There are also found two applications in your name as

0026

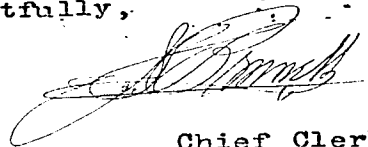
F. M. A. - 2.

inventor, filed by W. J. Johnston as attorney, and they are as follows:-

Serial No. 423,108 - Projectiles, filed February 29, 1891,

" " 423,109 - " " " " .

Very respectfully,



Chief Clerk.

28,320 - Div. A., 1892.

0827

REQUISITION TO THE COMMISSIONER

OF PATENTS BY FRANK M. ASHLEY FOR

HIMSELF.

28320

0828

Dr. J. M. Brown
by J. M. Brown

J. M. Brown

Samuel H. Brown

Arrested in 1891
or in 92

Jas. S. Zerk

189-

John S. Zerk
District Attorney
City & County of
New York
1892

0829

1847

Sec. 151.

Police Court.....District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of
the Police Justices for the City of New York, by Frank W. Askey
of No. 5 Murray Street, that on the 12 day of February
1891, at the City of New York, in the County of New York, the following article, to wit:

Good and lawful money

of the value of Sixty Dollars,
the property of Complainant
w. as taken, stolen and carried away, and as the said Complainant has cause to suspect, and does
suspect and believe, by James B. Gerbe

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command
you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the bod. 7 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 29 day of Jan 1891

Solm R. Smith

POLICE JUSTICE.

0830

Police Court.....District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated Dec '9th 189/

Magistrate.

Officer.

The Defendant ~~Smith~~ ~~Armstrong~~ ~~James Burke~~ taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated December 10th 189/

This Warrant may be executed on Sunday or at night.

Police Justice.

41
54
U.S.
Engineer
Yes
Married

118 Reade Ave Bklyn

0831

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty -
and waive further exam-
ination*

James S. Gerbe

Taken before me this

John D. Smith
Justice

0832

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.....

Depend on
Five ~~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 Dec 10 91 18 Solomon B. Smith Police Justice.

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

Depend on
Dated Dec 10 91 18 _____ Police Justice.

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

guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0833

Police Court--- 1- District. 1539

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank M. Astley
5 Murray St.
James S. Zuber

Offence *same*

BAILED,

No. 1, by

Hyman with
City Chamberslain Street.

No. 2, by

Geo Elster
130 E 57 St. Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

Dec 10 1891
B B. Smith Magistrate.
Armstrong Officer.
Cook Precinct.

Witnesses

No.

Street.

No.

Street.

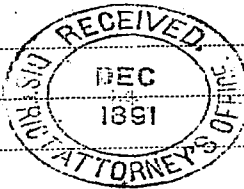
No.

Street.

\$

500 to answer *Gov.*

Barker
by deposit with
Court, Treasurer



0034

JAMES E. CHANDLER,
COUNSELLOR AT LAW,
50 BROADWAY.

THE PEOPLE against ZERBE.

NEW YORK, April 19th, 1892.

HON. DELANCY NICOLL,
DISTRICT ATTORNEY,
32 CHAMBER ST., NEW YORK.

Dear Sir:-

I understand that Mr. Hallen, the Attorney of James S. Zerbe, argued a motion before Judge Cowing, yesterday, to quash the indictment against Zerbe for obtaining money under false pretences. Mr. Hallen claims to have in his possession a copy of the testimony which was given to the Grand Jury and on which the indictment was based. That testimony is headed "Testimony of F. M. Ashley vs. J. S. Zerbe, December 9th, 1891". It is in type-writing. You have a copy (among your papers) of this so called testimony. Your copy corresponds with Mr. Hallen's copy.

Mr. Ashley informs me that this so called testimony was not, strictly speaking, laid before the Grand Jury; that he testified orally before the Grand Jury in the presence of a stenographer; but that long before, he had given Mr. Lindsay a copy of this "Testimony of F. M. Ashley vs. J. S. Zerbe", which is, I presume, the same copy you have among your papers.

Now, I have examined this type-written copy of the "Testimony of F. M. Ashley vs. J. S. Zerbe", and I am free to confess that I do not find therein the evidence as to particular applications which are enumerated in the indictment. So I think the Grand Jury, as well as Mr. Lindsay, must have proceeded upon the oral testimony of Mr. Ashley, instead of upon the type-written testimony. Mr. Hallen is evidently laboring under the belief that the type-written testimony was the only testimony before the Grand Jury.

I desire to say a word as to the disposition made of the \$60.00 which Zerbe obtained from Mr. Ashley upon the false representation that the three applications enumerated in the indictment had been forwarded to Washington.

1. \$15.00 were given Zerbe to file an application for a Rule Case for William R. Newman, for whom Mr. Ashley was acting. It appears from a letter of the Chief Clerk of the Patent Office, dated April 9th, 1892, that this application had not, up to that date, been filed in the Patent Office.

2. \$15.00 were given to file an application for a Chime Whistle; this application being called "Chime Whistle Case A". This application was subsequently withdrawn by Ashley. In

0035

Page 2.

April 19th, 1892.

To
HON. DELANCY NICOLL,
District Attorney.

other words Ashley gave Zerbe instructions not to file this application. It never was filed. To substitute in place of this, Ashley put in Zerbe's hands an application for a "Forced Draught Mechanism for Smoke Stacks". This application was filed in the Patent Office October 13th, 1891.

3. \$15.00 were given to file an application for "~~Chime Whistle Case "B"~~". This application, like "Chime Whistle Case "A", was subsequently withdrawn by Ashley. In other words Zerbe was instructed by Ashley not to file it. In place of this application for "Chime Whistle Case "B", Zerbe was instructed to file an application for an "Expansion Tube Alarm". This application was never filed. See letter of the Chief Clerk of the Patent Office, dated April 9th, 1892. Mr. Zerbe has the drawings of this application and the \$15.00 Patent Office fees in his possession.

4. \$15.00 were paid to Zerbe to file an application for a "Safety Water Column Float and Valve". This application was filed in the Patent Office October 13th, 1891.

So that out of the \$60.00 which Zerbe obtained from Ashley on a false pretense, viz., that the three applications named in the indictment had then theretofore been filed, \$30.00 was not appropriated by Zerbe, but properly used by him in filing applications.

You must not forget that, about the time the applications were filed, Zerbe admitted to a gentleman by the name of Rowe of Brooklyn, Mr. Ashley's lawyer, that he, Zerbe, had not filed in the Patent Office, at the time stated to Ashley, any of the applications for which the \$60.00 referred to had been given him. In other words he, Zerbe, admitted to Rowe, in the presence of Ashley, that he, Zerbe, had been lying all along to Ashley, and using the \$60.00 for his, Zerbe's, own purposes.

Can we in the present light of the facts sustain the indictment as drawn. I hope we can.

I enclose two requisitions to the Commissioner of Patents; one by Frank M. Ashley for himself, and one by him as Attorney for William R. Newman.

Yours, truly,

James E. Chandler.

0036

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 S. ZERBE.

City and County of New York, ss.

JAMES S. ZERBE being duly sworn, says:

I. That his former attorney was A. L. Smidt, of
10 Wall Street, City of New York.

II. That deponent is informed by his said attorney
and verily believes that the evidence or testimony hereto
attached and marked Ex.A. , was furnished to said Smidt by
District Attorney's office of the City and County of New
York; and that deponent is informed and believes that said
testimony was the only testimony used before the Grand Jury
upon which the indictment filed in this Court on the 25th
day of January 1892 was filed and that no other evidence
whatever was used before the Grand Jury, except such state-
ment Subscribed and sworn to before me this 6th day of
April, 1892.

*J. B. Burr Jr.
Clerk of Court
City of New York*

James S. Zerbe

0037

.....
F. M. A S H L E Y,

vs

J. S. Z E R B E.
.....

December 9th, 1891.

I, FRANK M. ASHLEY, testify as follows:

I reside in Hawthorne, Passaic County, N.J. I have an office at No. 5 Murray Street for the transaction of my business. Age 24 years.

On or about October 10th, 1890, I saw an advertisement in a daily paper which stated that engineers or mechanics could make as much as their present salary by calling at 265 Broadway, New York City, and giving the name, National Patent Company. I called at the above address on that date, the date I read the advertisement and found Mr. J. S. Zerbe to be the manager of the above Company. He told me that he was a patent attorney and solicitor, and made me the following proposition.

If I could bring him persons who had inventions they wished to patent, he could give me a percentage of 25 per cent of his fees on every patent he took out for the inventors. I accepted his proposition, and then informed him that I was an inventor, and asked him if he would allow me the same percentage off his regular fees if I placed my patents or rather inventions in his hands to prosecute. He said he would and agreed to take three cases at once, his fees for personal services to be twenty-five dollars, less

25 per cent in each case, making it eighteen dollars and seventy-five cents in each case. On December 7th, 1891, I received a letter and bill in the three cases. I had told him that in one case of "system for feeding boilers", I would not file at that time. He sent us the bill marked (Exhibit A) and letter marked (Exhibit A 1.)

This bill was paid by check Dec. 4, 1890. On October 20th preceding I received a letter marked (Exhibit E) in which he states that both applications are prepared and ready for signature. These cases I signed and returned to him immediately and he informed me a few days later that they were both filed in the Patent Office at Washington. The third case spoken of I decided at that time not to file. I believed him when he told me that he had filed the cases and told him that I had some further inventions I intended to have patented before very long, but I could not at present, on account of lack of money. He then told me that he did not have work enough to keep him busy all the time, and said if I would pay the government fees he would apply for patents on these other cases and wait for his fees until after the patents were issued by the government. I thanked him and agreed to his proposition. I then placed in his hands an improved "system for feeding boilers automatically" and on January 13th, 1890, I received the letter marked (Exhibit B) in relation to the same.

On November 13th 1890, I received a letter in reference to the case which I did not file in the Patent Office marked (Exhibit C) for the reason that the second system filed on January 13th 1891, was much superior to this system. On or about January 6th 1891, I had a talk with my father

J. J. Ashley, in reference to filing this first system for feeding boilers, as I thought I would be able to get certain claims in this case that would strengthen my other system. I therefore decided to file both cases, and told Mr. Zerbe to do so, and on January 8th, 1891, I gave Mr. Zerbe, thirty dollars to file said cases. A day or two thereafter I called at Mr. Zerbe's office, and naturally I asked him if he had filed the two cases. He then told me that on his way to the office, the day before that he had lost the drawings, but he had advertised the same and hoped he would be able to regain them. On January 13th 1891, I received a letter from Zerbe, in which he stated the drawings had been returned to him, and he had forwarded them on to Washington. (Marked Exhibit B 2.) I believing that he had filed these cases, on January 20th 1891, gave him fifteen dollars more to file a self grinding "gauge cock" which a few days later he told me had been filed. I believed him, and on February 7th 1891, I gave him thirty dollars to file a "Thermal Alarm" and a "Safety Water Gauge". I saw him a day or two afterwards and he told me he had filed both cases in Washington.

On February 17th, 1891, I went to his office and made oath to two cases called "Chime Whistle Case A" and "Chime Whistle Case B"; and a case called "Newman's Rule case" which he had completed, I told him to file for a friend of mine named Wm. R. Newman, and a case called "Safety Water Column Float and Valve." These four cases I told him to file immediately and gave him a check for sixty dollars to file them with; and also twenty-three dollars to give to Mr O. J. Bailey of Cincinnati, Ohio, on a contract to try and sell a patent for a water Column Alarm, which had been

granted me a short time before. I asked Mr Zerbe his opinion as to the reliability of the firm of which Mr. Bailey was manager. He, Mr. Zerbe informed me that he knew this firm was all right, and stated that he was the New York Agent for that Company; so I gave Mr. Zerbe twenty-three dollars to give this firm to try and sell my patent. I have since learned that Mr. Zerbe carried on a perfect system to defraud inventors, using false letters and representations. Mr. Zerbe also told me at this time that Mr. O. J. Bailey was his brother-in-law. A few days later I saw him at his office and he told me he had filed them. A short time after this occurred I made one of each of the chime whistles, I found one would work all right, but the other would not. On my next visit to New York, I saw in a window almost the exact whistle I had invented like the one that worked all right. So I went to Mr. Zerbe's office, and told him about it, and asked him if I could withdraw these two applications and save that thirty dollars. He said he could and would do so at once. A few days after he returned the two cases to me. About this time I had another case ready called a "force draught for boilers", and I told him to file this case in the Patent Office with part of the thirty dollars returned from the whistle cases. After a time he told me he had filed this case and as I had several other cases in his hands I let him keep the other fifteen dollars to file a future case with. During a part of this time I was working with him as a joint inventor on several different things and he had my complete confidence.

On April 9th 1891, I gave him twenty-five dollars to file "An Expansion Tube Alarm" and a "Steam Pump Trap". He

told me a day or so after he had filed these two cases. I gave him at the time of the twenty-five dollars, ten for himself, as he told me he was in need of a little money.

Shortly after this I asked him why it was none of my inventions were patented. He told me, the Patent Office was away behind in its work, and what cases had been acted on had not been allowed the claims they were entitled to, so he had sent them back for another action.

On May 7th 1891, my father paid part of his moving expenses from New Jersey to Brooklyn, amounting to forty one dollars. On or about the first of June, I was in and in turning over some drawings there, I saw my invention of "Safety Water Cage" which I had supposed had been filed long before. I immediately called his attention to it, and asked how that was. He then told me that he had forgotten all about that case, and told me it happened as follows: He said that he had sent it to his associate, Mr. Dean, in Washington, to file, but had omitted to put in one of the sheets of the specifications; that Mr. Dean had not noticed the defect and returned the case to him to rectify. That he had rectified the mistake and had placed it in that drawer, and it had got covered up with other papers and he had forgotten all about it. He said, he would file it as soon as possible. About three weeks thereafter I was in his office and I again saw the case on his desk. I asked him why he did not file the case, and he said he had not had the money to spare, but he would have some in a short time and would file it as soon as he could. I went home and explained the case to me father, J. J. Ashley.

On June 13

On June 15th, 1891, I asked Mr. Zerbe for his bill, and he gave me bill (marked Exhibit D); this bill he placed in an envelope and handed me and I did not examine it until I reached home; I noticed immediately that all the cases were not numbered as I had requested them to be, so I went to him the following day and he said the reason was that Mr. Deane had the other papers and he would get them for me very shortly. Therefore when I again saw the "Water Gage" not filed, I began to suspect that all was not right. I went to father, as I stated before, and told him what Mr Zerbe had said. We were at this time placing these gages on the market, so father said it must be filed at once; so he gave me fifteen dollars which I gave to Mr. Zerbe to file this case. He, Mr. Zerbe, told me a few days after that he had sent on to Washington. I was very busy about this time getting ready to form a Company to manufacture my inventions I called at his office two or three times a week, and on July 7th 1891, or about that time, he told me, he had an action on my "Boiler Feeder" and he would have the case allowed within a week. I asked him about the other numbers, and he told me that Mr. Deane had gone on a short vacation, and he could not get them until he returned.

Just previous to July 13th 1891, I told Mr. Zerbe that I must have the filing dates and numbers on the cases. I intended to put in the Company by assignment as Mr. Ellinger the man who was organizing the Company, said they were necessary in order to put them in the assignments. So on July 13th 1891, he gave me paper marked (Exhibit E), which paper I took to Mr. Ellinger and he drew up the assignments and copied them afterwards in our minute book of the "Ashley

Engineering Co." Mr. Ellinger told me at this time that something was wrong in regard to Zerbe as the paper he gave me had the dates I swore to on, and I noticed that they were not filed as he represented before. So I went to Mr. Zerbe shortly afterwards and told him that things did not look right and demanded an explanation.

He was very disturbed and finally made, what I supposed was a clean breast of the whole matter. He told me, he had been in very straightened circumstances and had been forced to use a part of the money I had given him, but if I would give him a little time he would put them all in the office as he had agreed to. That the cases he had given me the numbers and filing dates thereon, were in the office, and he expected to have some money very shortly and would do all he could to make things right. He appeared to be so repentant that I told father about it, and we waited for him to keep his promise.

Time passed on and as none of my patents were granted and as he also had several other important cases of mine which had not been filed, I wrote to the Commissioner of Patents, at Washington, asking about the cases he had given me the numbers on. This was sometime in September 1891, and I received a letter marked (Exhibit J) I could not believe it, and wrote again giving the names of the cases and numbers as given me by Mr. Zerbe and I received in reply letter marked (Exhibit K). I went immediately to my lawyer, Mr. Rowe, and explained the case to him, and in company with him, I went to Mr. Zerbe's office. Mr. Zerbe had in the interval filed four cases in the Patent Office, and when Mr. Rowe, went in he produced these receipts. These receipts were the first I had ever seen. He admitted the numbers were false.

He claimed to have filed five and said the case receipt marked (X.Y.Z.) was, on account of not being properly signed by me, sent back. I remember signing this case in one place where it was formerly omitted, and he told me the proper receipt was then in Washington and he would have it in a day or two. He also stated that he had sent on a number of other cases and would have these extra receipts very shortly. Mr. Rowe, left me in Mr. Zerbe's office.

As soon as possible thereafter, I wrote to Washington to find out whether or not he had really filed these cases, and on or about November 25th 1891, I received letter marked (Exhibit M) and also a letter in my care marked (Exhibit M. Eo which stated that Mr. Newman's (Rule case) had never been filed. I immediately went to Mr. Zerbe's and demanded all drawings, papers &c., which he had belonging to me, and he refused to give them to me until he was paid for his services. I threatened him with arrest, and he told me to crack my whip, and stated that I could not have him arrested until his fees were paid. I did not let him know that I had heard from Washington. I immediately went to my father's house and told him about it and that evening we both went to his house together and had an interview with Mr. Zerbe. He was angry because I had told parties what he had done. He admitted that he had made the contract with me to put my invention in the Patent Office and wait for his fees, and made the following statements. He stated that he had all the drawings, specifications and claims finished of these inventions which he had in his possession except three, which I knew nothing had been done on except sketches. One was a (system for Fort Armour), also (A Metal Violin), and a (Wind Motor). He stated that all the rest were finished and he

would turn over to me on the next morning, if we could call the bill square also the receipts for those he claimed he had sent to Washington, and an assignment I had placed in his hands, to be recorded in Washington, of an interest in a (Shoe Lasting Machine) which had been assigned to me by Chas. E. Goss, the inventor of said machine. It was also arranged that father should pay the balance due the mover Mr. Wm. C. Edwards, the amount remaining unpaid for moving him to Brooklyn. This was made an agreement and the following morning I called at Mr. Zerbe's office for the drawings. He gave me two cases and one of them was the "Water Gage" and he told me he had found there were a few little things to do yet on the other cases, but would surely have them on the following morning. I called again the following morning, and he turned over several cases, and among them were cases he had told us only two nights before, he had really sent on to Washington. He still had in his possession other important cases and did not turn over any more receipts nor the assignment I had given him. He told me if I would come on Monday as it was Saturday, then he would have all the rest of the cases finished. I found when I got the cases he did give me Saturday, that the specifications and claims had not been prepared in two of the cases. So when I realized that he had deliberately lied to me and my father on the night we called on him, I left his office, and shortly after made an effort to have him debarred from practice in the United States Patent Office. I received a letter from the Patent Office marked (Exhibit O) and on December 4th 1891, I went to Washington with Mr. G. T. Woods, an inventor, who had also a complaint in the Patent Office against Mr. Zerbe. On December 5th 1891, we appeared before the Commissioner with

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our proofs, but Mr. Zerbe did not appear, Mr. Deane, his associate appeared for him and demanded a copy of the complaint. It was then decided by the Commissioner that the evidence should all be sent to the office in writing, so we came home. Previous to this time, I had entered suit against Zerbe in the City Court of New York for the money he had not used for me as he agreed, and on Wednesday December 9th 1891, I swore out a warrant for his arrest for having obtained money from me under false pretenses.

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 S. ZERBE.

City and County of New York, ss.:

JAMES D. HALLEN, being duly sworn, says:

I. That he is an attorney and counselor at law, doing business at 265 Broadway, in the City of New York.

II. That he has examined the indictment herein and that same is drawn under subdivision I, of section 528 of the Penal Code and charges the obtaining of money by means of false and fraudulent pretenses and representations.

III. That deponent has examined the testimony of Frank M. Ashley, which is attached to the affidavit of James S. Zerbe, and that if any crime is stated ~~therein~~ in said testimony, it is the appropriation of money ^{by} the defendant to his own use which he had legally in his custody, or control as bailee or attorney for said Frank M. Ashley and that there is not one word ~~of said affidavit~~ or one fact in said testimony of Frank M. Ashley, the only witness examined before the Grand Jury tending to show the obtaining of money of false pretenses.

Subscribed and sworn to before
me this 6th day of April, 1892.

L. D. Schwallen
Notary Public
N.Y.C.

J. D. Hallen

COURT OF GENERAL SESSIONS OF PEACE

City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

vs.

JAMES S. ZERBE,

Defendant.

REAFFIDAVIT TO QUASH INDICTMENT.

J. D. Hallen,

Attorney for Defendant,

Office and Post Office Address

#255 Broadway,

New York City.

Copy

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Testimony

of

F. M. ASHLEY vs. J. S. ZERBE.

December 9th, 1891.

I, Frank M. Ashley testify as follows: I reside in Hawthorne, Passaic County, N. J. I have an office at No. 5 Murray Street for the transaction of my business. Age 24 years.

On or about October 10th, 1890, I saw an advertisement in a daily paper which stated that engineers or mechanics could make as much as their present salary by calling at 265 Broadway, New York City and giving the name National Patent Company. I called at the above address on that date, the date I read the advertisement and found Mr. J. S. Zerbe to be the manager of the above company. He told me that he was a patent attorney and solicitor and made me the following proposition.

If I could bring him persons who had inventions they wished to patent, he would give me a percentage of 25 per cent of his fees on every patent he took out for the inventors. I accepted his proposition and then informed him that I was an inventor, and asked him if he would allow me the same percentage off his regular fees if I placed my patents or rather inventions in his hands to prosecute. He said he would and agreed to take three cases at once, his fees for personal services to be twenty five dollars, less 25% in each case making it eighteen dollars

and seventy five cents in each case. On December 7th, 1891, I received a letter and bill in these three cases. I had told him that in one case of "System for feeding boilers", I would not file at that time. He sent us the bill marked (Exhibit A) and letter marked (Exhibit A1.) This bill was paid by check Dec. 4th, 1890. On October 20th preceding I received a letter marked (Exhibit B) in which he states that both applications are prepared and ready for my signature. These cases I signed and returned to him immediately and he informed me a few days later that they were both filed in the Patent Office at Washington. The third case spoken of I decided at that time not to file. I believed him when he told me he had filed the cases and told him that I had some further inventions I intended to have patented before very long but I could not at present, on account of lack of money. He then told me that he did not have work enough to keep him busy all the time and said if I would pay the government fees he would apply for patents on these other cases and wait for his fees until after the patents were issued by the Government. I thanked him and agreed to his proposition. I then placed in his hands an improved "system for feeding boilers automatically" and on January 13th, 1890, I received the letter marked (Exhibit B) in relation to the same. On November 13th, 1890, I received a letter in reference to the case which I did not file in the Patent Office marked (Exhibit C) for the reason that the sec-

ond system filed on January 13th, 1891, was much superior to this system. On or about January 6th, 1891, I had a talk with my father J. J. Ashley in reference to filing this first system for feeding boilers as I thought I would be able to get certain claims in this case that would strengthen my other system. I therefore decided to file both cases and told Mr. Zerbe to do so, and on January 8th, 1891, I gave Mr. Zerbe thirty dollars to file said cases. A day or two thereafter I called at Mr. Zerbe's office and naturally I asked him if he had filed the two cases. He then told me that on his way to the office the day before he had lost the drawings but he had advertised the same and hoped he would be able to regain them. On January 13th, 1891, I received a letter from Zerbe in which he stated the drawings had been returned to him and he had forwarded them on to Washington. Marked (Exhibit B2). I, believing he had filed these cases on January 20th, 1891, gave him fifteen dollars more to file a self grinding "Gage Cock" which a few days later he told me he had filed. I believed him and on February 7th, 1891, I gave him thirty dollars to file a "Thermal Alarm" and a "Safety Water Gage". I saw him a day or two afterwards and he told me he had filed both cases in Washington. On February 17th, 1891, I went to his office and made oath to two cases called "Chime Whistle Case A" and "Chime Whistle Case B". And a case called "Newman's Rule Case" which he had completed. I told him to file for a friend of mine named Wm. R. Newman

and a case called "Safety Water Column Float and Valve". These four cases I told him to file immediately and gave him a check for sixty dollars to file them with. And also twenty three dollars to give to Mr. O. J. Bailey of Cincinnati, Ohio, on a contract to try and sell a patent for a Water Column Alarm which had been granted me a short time before. I asked Mr. Zerbe his opinion as to the reliability of the firm of which Mr. Bailey was manager. He, Mr. Zerbe, informed me that he knew this firm was all right and stated that he was the New York agent for that company; so I gave Mr. Zerbe twenty three dollars to give this firm to try and sell my patent. I have since learned that Mr. Zerbe carried on a perfect system to defraud inventors using false letters and representations. Mr. Zerbe also told me at this time that Mr. O. J. Bailey was his brother-in-law. A few days later I saw him at his office and he told me he had filed them. A short time after this occurred I made one of each of the chime whistles. I found one would work all right but the other would not. On my next visit to New York I saw in a window almost the exact whistle I had invented like the one that worked all right, so I went to Mr. Zerbe's office and told him about it, and asked him if I could not withdraw these two applications and save that thirty dollars. He said he could and would do so at once. A few days after he returned the two cases to me. About this time I had another case ready called a "Forced Draught for Boilers"

and I told him to file this case in the patent office with part of the thirty dollars returned from the whistle cases. After a time he told me he had filed this case and as I had several other cases in his hands I let him keep the other fifteen dollars to file a future case with. During a part of this time I was working with him as a joint inventor on several different things and he had my complete confidence.

On April 9th, 1891, I gave him twenty five dollars to file "An Expansion Tube Alaram" and a "Steam Pump Trap". He told me a day or so after he had filed these two cases. I gave him at the time, of the twenty five dollars, ten dollars for himself, as he told me he was in need of a little money. Shortly after this I asked him why it was none of my inventions were patented. He told me the Patent Office was way behind in its work and what cases had been acted on had not been allowed the claims were entitled to, so he had sent them back for another action. On May 7th, 1891, my father paid part of his moving expenses from New Jersey to Brooklyn, amounting to forty one dollars. On or about the first of June, I was in his office talking to him when he opened his desk drawer, and in turning over some drawings there I saw my invention of "Safety Water Gage" which I had supposed had been filed long before. I immediately called his attention to it and asked how that was. He then told me that he had forgotten all about that case and told me it happened as follows: He said he had sent

it to his associate, Mr. Deane in Washington, to file, but had omitted to put in one of the sheets of the specifications; that Mr. Deane had noticed the defect and had returned the case to him to rectify. That he had rectified the mistake and had placed it in that drawer and it had got covered up with other papers and he had forgotten all about it. He said he would file it as soon as possible. About three weeks thereafter I was in his office and I again saw the case on his desk. I ask him why he did not file the case and he said he had not had the money to spare but he would have some in a short time and would file it as soon as he could. I went home and explained the case to my father, J. J. Ashley. On June 15th, 1891, I asked Mr. Zerbe for his bill and he gave me bill marked (Exhibit D); this bill he placed in an envelope and handed to me and I did not examine it until I reached home; I noticed immediately that all the cases were not numbered as I had requested them to be, so I went to him the following day and he said the reason was that Mr. Deane had the other papers and he would get them for me very shortly. Therefore when I again saw the "Water Gage" not filed I began to suspect that all was not right. I went to Father as I stated before and told him what Mr. Zerbe had said. We were at this time placing these gages on the market, so Father said it must be filed at once; so he gave me fifteen dollars which I gave to Mr. Zerbe to file this case. He, Mr. Zerbe, told me a few days after that he had sent

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it on to Washington. I was very busy about this time getting ready to form a company to manufacture my inventions. I called at his office two and three times a week and on July 7th, 1391, or about that time, he told me he had an action on my "Boiler feeder" and he thought he would have the case allowed within a week. I asked him about the other numbers and he told me that Mr. Deane had gone on a short vacation and he could not get them until he returned. Just previous to July 13th, 1391, I told Mr. Zerbe that I must have the filing dates and numbers on the cases. I intended to put in the Company by assignment as Mr. Ellinger, the man who was organizing the company, said they were necessary in order to put them in the assignments. So on July 13th, 1391, he gave me paper marked (Exhibit E) which paper I took to Mr. Ellinger and he drew up the assignments and copied them afterwards in our minute book of the "Ashley Engineering Co." Mr. Ellinger told me at this time that something was wrong in regard to Zerbe as the paper he gave me had the dates I swore to on and I noticed that they were not filed as he represented before. So I went to Mr. Zerbe shortly afterwards and told him that things did not look right and demanded an explanation. He was very much disturbed and finally made what I supposed was a clean breast of the whole matter. He told me he had been in very straightened circumstances and had been forced to use a part of the money I had given him but if I would give him a little time he would put them all in the

office as he had agreed. That the cases he had given me the numbers and filing dates on were in the office and he expected to have some money very shortly and would do all he could to make things all right. He appeared to be so repentant that I told father about it and we waited for him to keep his promise. Time passed on and as none of my patents were granted and as he also had several other important cases of mine which had not been filed, I wrote to the Commissioner of Patents at Washington, asking about the cases he had given me the numbers on. This was some time in September, 1891, and I received the letter marked (Exhibit J). I could not believe it and wrote again giving the names of the cases and numbers as given me by Mr. Zerbe and I received in reply letter marked (Exhibit K). I went immediately to my lawyer, Mr. Rowe, and explained the case to him and in company with him I went to Mr. Zerbe's office. Mr. Zerbe had in the interval filed four cases in the Patent Office, and when Mr. Rowe went in he produced these receipts. These receipts were the first I had ever seen. He admitted the numbers were false. He claimed to have filed five and said the case receipt marked (X Y 3) was, on account of not being properly signed by me sent back. I remember signing this case in one place where it was formerly omitted and he told me the proper receipt was then in Washington and he would have it in a day or two. He also stated that he had sent on a number of other cases and would have these extra receipts very shortly. Mr. Rowe left me in Mr. Zerbe's office. As

soon as possible thereafter, I wrote to Washington to find out whether or not he had really filed these cases, and on or about November 25th, 1891, I received letter marked (Exhibit M.) and also a letter in my care marked (Exhibit M.E.) which stated that Mr. Newman's (Rule case) had never been filed. I immediately went to Mr. Zerbe and demanded all drawings, papers, &c. which he had belonging to me and he refused to give them to me until he was paid for his services. I threatened him with arrest and he told me to crack my whip and stated that I could not have him arrested until his fees were paid. I did not let him know I had heard from Washington. I immediately went to my father's house and told him about it and that evening we both went to his house together and had an interview with Mr. Zerbe. He was angry because I had told parties what he had done. He admitted that he had made the contract with me to put my inventions in the Patent Office and wait for his fees, and made the following statements. He stated that he had all the drawings, specifications and claims finished of these inventions which he had in his possession except three which I knew nothing had been done on except sketches. One was a (System for fort armor) also (A Metal Violin) and a (Wind Motor). He stated that all the rest were finished and he would turn over to me on the next morning if we would call the bill square, also the receipts for those he claimed he had sent to Washington and an assignment I had placed in his hands, to be recorded in Wash-

ington, of an interest in a (Shoe Lasting Machine) which had been assigned to me by Charles E. Goss, the inventor of said machine. It was also arranged that Father should pay the balance due the mover Mr. Wm. C. Edwards the amount remaining unpaid for moving him to Brooklyn. This was made an agreement and the following morning I called at Mr. Zerbe's office for the drawings. He gave me two cases and one of them was the (Water Gage) and told me he found there were a few little things to do yet on the other cases, but would surely have them on the following morning. I called again the following morning and he turned over several other cases, and among them were cases he had told us only two nights before, he had really sent on to Washington. He still had in his possession other important cases and did not turn over any more receipts nor the assignment I had given him. He told me if I would come in Monday as it was Saturday, then he would have all the rest of the cases finished. I found when I got the cases he did give me Saturday that the specifications and claims had not been prepared in two of the cases. So when I realized that he had deliberately lied to me and my father on the night we called on him, I left his office, and shortly after made an effort to have him disbarred from practice in the United States Patent Office. I received a letter from the Patent Office marked (Exhibit O) and on Dec. 4th, 1891, I went to Washington with Mr. G. T. Woods, an inventor who had also a complaint in the Patent Office against Mr.

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Zerbe. On Dec. 5, 1891, we appeared before the Commissioner with our proofs, but Mr. Zerbe did not appear. Mr. Deane, his associate appeared for him and demanded a copy of the complaint. It was then decided by the Commissioner that the evidence should all be sent to the office in writing, so we came home. Previous to this time, I had entered suit against Zerbe in the City Court of New York for the money he had not used for me as he agreed and on Wednesday December 9th, 1891, I swore out a warrant for his arrest for having obtained money from me under false pretenses.

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George

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A. D. Fisher

State of New York }
County of New York } ss

Frank M. Ashley being duly sworn says that he resides at Hawthorne New Jersey and has an office at No 5 Murray St in the City and County and State of New York, that on or about the 12th day of February 1891, at the City of New York in the County of New York aforesaid one James S. Zerbe with intent feloniously to cheat and defraud the said Frank M. Ashley did then and there feloniously and unlawfully and designedly pretend and represent to the said Frank M. Ashley that he the said James S. Zerbe had filed in the patent office in Washington D. C. applications in behalf of the said Frank M. Ashley, for letters patent on a safety water-column and alarm, one atmospheric-column and alarm and a self guiding gauge-cock granting to him the said Frank M. Ashley all the rights under the patent laws of the United States, and that on the 14th day of February 1891 at the City and County of New York aforesaid, the said Frank M. Ashley then and there relying on the said false representations and pretenses so made as aforesaid by

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the said James S. Zirbe and being deceived thereby was induced by reason of the false representations and pretenses so made as aforesaid to deliver and pay over to and did then and there deliver and pay over to the said James S. Zirbe the sum of sixty dollars lawful money of the United States being the money of the said Frank M. Ashley and the said James S. Zirbe did then and there receive and obtain the said sum of sixty dollars aforesaid from the said Frank M. Ashley by means of the false representations and pretenses aforesaid with intent feloniously to cheat and defraud the said Frank M. Ashley of the said sum of money to the amount of sixty dollars that in fact and in truth the said representations and pretenses so made as aforesaid by the said James S. Zirbe as aforesaid were well known by him the said James S. Zirbe to be wholly false and untrue at the time he the said James S. Zirbe made them - that the said James S. Zirbe by means of the false representations and pretenses aforesaid feloniously unlawfully, falsely knowingly and designedly did receive

and obtain from the said Frank M
Ashley the said sum of fifty dollars
lawful money of the United States
the same being the property and money
of the said Frank M Ashley with
intent to feloniously to cheat and
defraud the said Frank M Ashley
of the same
Sworn to before me
Dec 9. 1891

W. M. Ashley

Wm. C. Wilson,
Notary Public,
San Francisco County.

Sworn to before me this

9th Day of December 1891.

John B. Trench
Police Justice

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

-----x)
THE PEOPLE OF THE STATE OF NEW YORK,)
)
-against-)
JAMES S. ZERBE)
)
-----x

To The Honorable Delancy Nicoll,

District Attorney.

Dear Sir:--

YOU WILL PLEASE TAKE NOTICE, that the
motion herein to dismiss the indictment will be brought
on for hearing in Part I of this Court, on the ¹⁸~~19~~th day
of April, 1892, at 11 A. M., or as soon thereafter as
Counsel can be hear.

Dated, New York, April 14th, 1892.

Yours &c,

J. D. Hallen,

Attorney for Defendant,

Office and Post Office Address

#265 Broadway,

New York City.

0065

Jan. 8. 1906

Notice of Motion

Part I. Inquiry No.

Find there
papers.



JAMES E. CHANDLER,
COUNSELLOR AT LAW,
50 BROADWAY.

Delivered to E. S. Moore
May 25th 1892

NEW YORK, May 24th., 1892

VERNON M. DAVIS, ESQ.,
DISTRICT ATTORNEY'S OFFICE,
NEW YORK CITY.

My dear Mr. Davis:-

Some time since, I sent you a letter or two from the Patent Office at Washington, giving a list of the applications for patents filed in that Office by James S. Zerbe for Frank M. Ashley. Mr. Ashley has a civil suit against Zerbe in which these letters may become useful. The case is set down for tomorrow in part 3 of the City Court. W. W. Badger is Mr. Ashley's Attorney in that case.

Will you be kind enough to let Mr. Badger have those letters from the Patent Office for use in that suit, and oblige,

Yours, truly,

James E. Chandler.

*Please send by Bureau
and oblige. Your truly*

W. W. Badger
Pepp City

*178 Broadway N.Y.
May 24th 1892*

0067

J. D. HALLEN,
96 BROADWAY.
ROOMS 136-137.

TELEPHONE NO. 1329 CORTLANDT.

NEW YORK,

Nov. 18th, 1892.

Vernon H. Davis, Esq.,

District Attorney's Office, N. Y.

Dear Sir:--

Enclosed please find consent to dismissal in the proceedings in case of People against Jas. S. Zerbe, I have had the same properly witnessed as you desired.

Will you kindly notify Mr. Unger in this same case, that our *fulfillment* of bail will be unnecessary.

Yours most truly

J. D. Hallen

JAMES E. CHANDLER,
COUNSELLOR AT LAW,
50 BROADWAY.

NEW YORK, April 18th, 1892.

HON. DELANCY NICOLL,
DISTRICT ATTORNEY,
32 CHAMBERS STREET,
NEW YORK.

Dear Sir:-

The records in the Patent Office containing applications for patents are not open to the Public. It was impossible, therefore, for me to make such an examination as would qualify me to be a witness upon the trial of the indictment against James S. Zerbe; but I did arrange with the Commissioner of Patents, the Honorable William E. Simonds, to have a Clerk come on to New York and give evidence at the trial of this case.

I will see you further about this matter in a day or two.

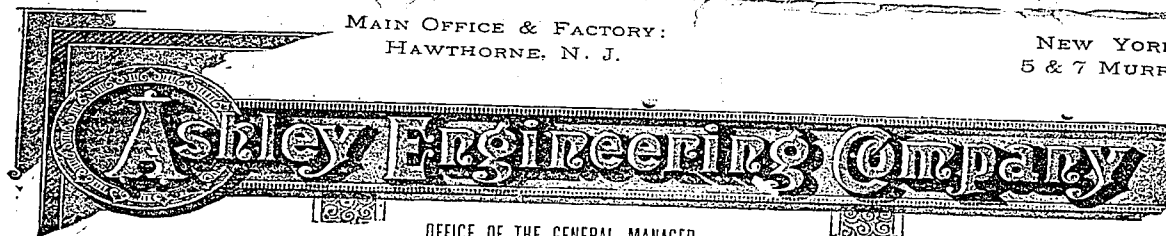
Yours, truly,

James E. Chandler

0869

MAIN OFFICE & FACTORY:
HAWTHORNE, N. J.

NEW YORK OFFICE:
5 & 7 MURRAY STREET.



F. M. ASHLEY, GEN'L MANAGER

OFFICE OF THE GENERAL MANAGER,

New York, Nov 10th 1892.

To Mr Delany Nicoll:—

Nick atty. N.Y.C.

With your permission and the
permission of the Court, I do not
desire to further prosecute the case
of the People vs James A. Ferber.

Witness

Coar. J. Entolm
136. Liberty St.

Frank M. Ashley

0870

To
H O N . W . E . S I M O N D S ,
C O M M I S S I O N E R O F P A T E N T S ,
W A S H I N G T O N , D . C .

Dear Sir:-

Please search in the Patent Office of the United States for any application for Letters Patent upon a RULE CASE (which application is supposed to have been filed by James S. Zerbe, a Patent Solicitor of the City of New York, for William R. Newman), from the first day of January, 1891, to the date of your return, and certify the result in writing, stating the date of filing in your Office and the serial number of the application, for the undersigned.

The power of Attorney given by William R. Newman to the said James S. Zerbe was revoked on or about October, 1891, in favor of the undersigned.

Dated, 5 & 7 Murray Street, New York,
April 7th, 1892.

Yours, respectfully,

W. Ashley
Attorney for
William R. Newman.

0871

Washington, April 9, 1892.

Mr. F. M. Ashley,
5 / 7 Murray Street,
New York, N. Y.

Sir:

In reply to your letter of the 7th instant, requesting a search of the Patent Office for any applications upon a Rule Case filed by James S. Zerbe for William R. Newman as inventor, from the first of January, 1891, I am instructed by the Commissioner to say that a very careful search has been made of the records of the Office from January 1, 1891, to and including the 8th of April, 1892, and no application is found in the name of W. R. Newman.

Very respectfully,


Chief Clerk.

28,320 - Div. A., 1892.

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28326

REQUISITION TO THE COMMISSIONER

OF PATENTS BY FRANK M. ASHLEY FOR

WILLIAM R. NEWMAN.

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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 D. Ryder

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

James D. Ryder -

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

The said *James D. Ryder*,

late of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *February* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one Francis M. Ashley*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said Francis M. Ashley* -

That *the said James D. Ryder* had then theretofore filed in the office of the Commissioner of Patents at Washington, in the District of Columbia, in behalf of the said *Francis M. Ashley*, applications for letters patent on a safety water-column and alarm, one alarm-siphon-column and alarm, and a self-acting quass-cord, against to him the said *Francis M. Ashley* all the rights of a patentee in

infringe the same under the patent laws of the
United States of America.

And the said Frank M. Ashley —

then and there believing the said false and fraudulent pretenses and representations so made as
aforesaid by the said James S. Ryder —

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and
representations so made as aforesaid, to deliver, and did then and there deliver to the said
James S. Ryder, the sum of sixty
dollars in money, lawful money of the
United States of America, and of the
value of sixty dollars.

of the proper moneys, goods, chattels and personal property of the said Frank M. Ashley —

And the said James S. Ryder —
did then and there feloniously receive and obtain the said proper moneys, goods, chattels and
personal property, from the possession of the said Frank M. Ashley —

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent
to deprive and defraud the said Frank M. Ashley —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said James S. Ryder had
not then theretofore filed in the office of
the said Commissioner of Patents in behalf
of the said Frank M. Ashley any application

0075

from the said return of the

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said *James D. Biddle* —
to the said *Frank M. Ashley* — was and were
then and there in all respects utterly false and untrue, as *the* — the said
James D. Biddle —
at the time of making the same then and there well knew ;

And so the Grand Jury Aforesaid, do say that the said *James D. Biddle* —
in the manner and form aforesaid, by the means aforesaid, the proper moneys, goods, chattels and
personal property of the said *Frank M. Ashley* —
then and there feloniously did STEAL, against the form of the statute in such case made and provided,
and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.