

0008

**BOX:**

342

**FOLDER:**

3226

**DESCRIPTION:**

Hahl, Fritz

**DATE:**

02/19/89



3226

Witness;  
*Joseph Thuman*  
*J. Thuman*

106  
Counsel,  
Filed 19 day of July 1889  
Pleads,

THE PEOPLE  
vs.  
Sitz Stahl  
P  
Burglary in the Third degree.  
[Section 498, Penal Code]

*John R. Fellows*  
JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Robertson*  
Foreman.  
July 19/89.  
*Charles Henry Day*  
Clerk.

0010

Police Court—2d District.

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

Jacob Thumann  
of No. 96 Sansvoort Street, aged 39 years,  
occupation Restaurant Keeper being duly sworn  
deposes and says, that the premises No 96 Sansvoort Street,  
in the City and County aforesaid, the said being a Restaurant

and which was occupied by deponent as a Restaurant  
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly removing the  
glass and wooden cover on the roof of said  
premises leading into the same

on the Second day of February 1889 in the right time, and the  
following property feloniously taken, stolen, and carried away, viz:

with the felonious intent to take steal and  
carry away therefrom the following property  
viz. One hundred cigars of the value  
of Twenty five dollars and other plated  
brace and other property all of the  
value of one hundred dollars

the property of deponent  
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  
Fritz Habel (in arrears)

for the reasons following, to wit: That deponent is informed by  
John Spilane that he saw said defendant  
in said premises on said date

Brought before me  
This 9th day of Feby 1889 Jacob Thumann  
San Francisco Police Justice

0011

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Spolane*  
aged *29* years, occupation *Watchman* of No. *96 Gansvoort*  
Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Jacob Thuman*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *9*  
day of *July*, 188*9* } *John Killane*

*Edw. J. Killane*  
Police Justice.

0012

Sec. 198—200.

*L. M.*

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Christy Huhle*

Question. How old are you?

Answer.

*16 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*No home*

Question. What is your business or profession?

Answer.

*Nothing*

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

Answer.

*I am guilty*

*Fritz R. Pl.*

Taken before me this

day of

*Friday* 188*9*

*John J. McNeill*  
Police Justice

0013

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

Dated 9 Febry 1889 James C. Sullivan 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.

0014

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court--- 2d 213 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Jacob Human  
96 Sanswood St  
Fritz Stahl

1 .....  
2 .....  
3 .....  
4 .....

Office Burglary  
credit warrant to steal

Dated 9 February 1889

D. O. Reilly Magistrate.

Geo Valliant Officer.

9 Precinct.

Witnesses John Spilane

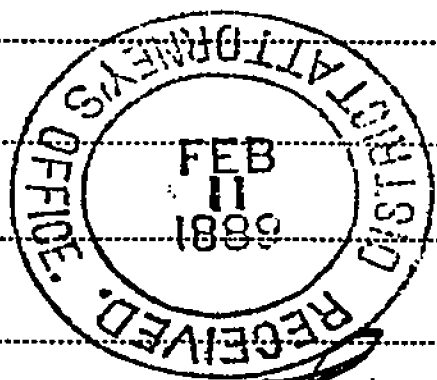
No. 96 Sanswood Street.

No. .... Street.

No. .... Street.

\$ 1500 to answer

Committee



0015

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Fritz Hall

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

Fritz Hahl

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

The said

Fritz Hahl

late of the ninth Ward of the City of New York, in the County of New York, aforesaid, on the second day of February in the year of our Lord one thousand eight hundred and eighty nine, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the restaurant of one

Jacob Thumann

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Jacob Thumann

in the said restaurant 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.

John R. Fellows  
District Attorney

00 16

**BOX:**

342

**FOLDER:**

3226

**DESCRIPTION:**

Harrison, Charles

**DATE:**

02/13/89



3226

0017

WITNESSES:

Lewis Mc Cord

Counsel,

13 day of July 1889

Filed

Pleads

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1089, Sec. 5.]

Charles Harrison

Fear

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. A. Robinson  
Foreman.

13 July 1889

0018

Sec. 198-200

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss

*Charles Harrison*  
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 he 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.

*Charles Harrison*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*308 E 66 St 5 Mos.*

Question. What is your business or profession?

Answer.

*Barber*

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  
demand a trial by jury  
Charles Harrison*

Taken before me this

day of

*Aug 18 1900*

Police Justice.

0019

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

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

Dated *Oct 1* 188*8* *J. G. Murphy* Police Justice.

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

Dated *Oct 1* 188*8* *J. G. Murphy* 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.

0020

BAILED,

No. 1, by Hugo Keller  
Residence 314 East 62 Street.

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

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

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

Police Court--- 2 <sup>1559</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Louis M. Bond  
vs.  
Charles Harrison

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated Oct 1 1888  
W. H. Bond Magistrate.  
W. H. Bond Officer.  
C. D. Precinct.

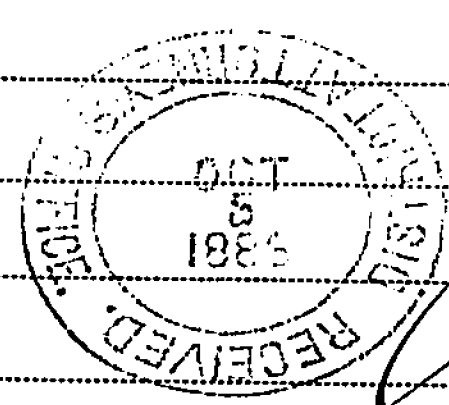
Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

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

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

\$ 100 to answer.

Bailed



0021

Excise Violation—Selling on Sunday.

POLICE COURT—2 DISTRICT.

City and County } ss.  
of New York,

of No. Central Office Police Street,  
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 30 day  
of Sept 1888, in the City of New York, in the County of New York, at  
premises No. 115 E. 9. Ave Street,

Charles Harrison (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Charles Harrison  
may be arrested and dealt with according to law.

Sworn to before me this 1 day  
of Sept 1888  
John J. Duffy Police Justice.

Louis M. Connel

0022

Court of General Sessions, PART *one*

THE PEOPLE

vs.

INDICTMENT

For

*Charles Harrison*

To

M

No.

*Hugo Meller*

*314 East 62*

Street,

*Moria away  
Gone to France  
M.C.*

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *February* the *13* day of

instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,

District Attorney.

0023

**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 Harrison*

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

*Charles Harrison*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Charles Harrison*

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

*Louis McCord*

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

SECOND COUNT—

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

*Charles Harrison*

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

The said

*Charles Harrison*

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

**JOHN R. FELLOWS,**

District Attorney.

0024

**BOX:**

342

**FOLDER:**

3226

**DESCRIPTION:**

Hart, William

**DATE:**

02/18/89



3226

0025

Witnesses,

off. C. C. C. C. C.  
21st St

Counsel,

Filed

day of

1889

Pleads,

Chargilly-19

THE PEOPLE

15th vs.  
621st - wire  
B

William Starr

Electronics  
rail road track

[Section 635, sub. 2, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

**A True Bill.**

J. Robertson

Foreman

Part III February 25/89

Pleads guilty - no jury  
indanger.

Sentence suspended

R.B.M.

T-

0026

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Hart* 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 Hart*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *631 1<sup>st</sup> Avenue 6 months*

Question. What is your business or profession?

Answer. *Work in furnishing 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 got on Number one street track a lot of men told us to get 'it on,*

*William Hart.*

Taken before me this

day of

188

Police Justice.

0027

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.....

.....*Aspern*.....  
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 *July 4* 188*9* *John J. Horner* Police Justice.

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

.....*Aspern*.....  
to bail to answer by the undertaking hereto annexed.

Dated *July 4* 188*9* *John J. Horner* 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.

0028

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

14280204  
Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas Curry

vs.

Wm. Hark

2

3

4

Offence by Curry to Hark

Dated

July 4

1889

Magistrate.

Officer.

Precinct.

Witnesses

No.

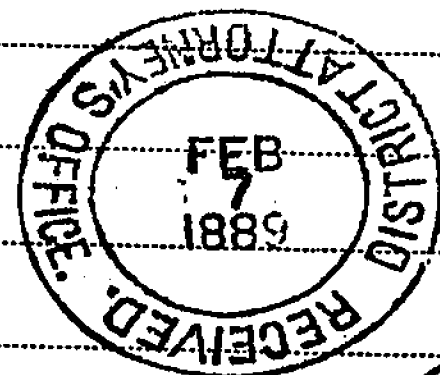
No.

No.

\$

to answer

See Report of N. Y. S. P. C. O.  
for information about defendant  
filed with these papers. If lost,  
notify the Society at once.



0029

CITY AND COUNTY } ss.  
OF NEW YORK,POLICE COURT, 4 DISTRICT.Thomas Cassidyof the 21 Precinct Police Street, aged 35 years,occupation Police officer being duly sworn deposes and says,that on the 3<sup>rd</sup> day of January 1889

at the City of New York, in the County of New York.

William Hart (now here) did unlawfully  
willfully and feloniously place obstructions  
upon the railway track an 1<sup>st</sup> Avenue  
a Rail Road operated by horses, by the  
Rail Road Company known as the  
Boulevard, St Nicholas Avenue, and  
42<sup>nd</sup> Street Rail Road Company  
Deponent saw said defendant place  
a large timber upon said track  
in violation of Section 635 of the  
Penal Code of the State of New York

Sworn to before me, this

of Feb1889

day

William H. Casanova  
Police Justice,

0030

West of General Sessions

The People

vs.

William Hart

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Feb 4<sup>th</sup> 1889

CASE NO. 40179 OFFICER Cassidy, 21<sup>st</sup> Prec  
DATE OF ARREST Feb 3<sup>rd</sup> 1889  
CHARGE Injury to Rail Road track violation of section  
635. Penal Code.  
AGE OF CHILD 15 years  
RELIGION Catholic  
FATHER John  
MOTHER Margaret  
RESIDENCE 621 1<sup>st</sup> Avenue

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy is working  
every day, and there is no record that boy was ever  
arrested before, charged with crime, parents well  
spoken of

All which is respectfully submitted,

Wm J. T. Kemp  
President

To  
The Dist Atty.

*Court of General Sessions*

*Heugh*

*William Hart*

PENAL CODE, § 635

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
*President, &c.,*

100 East 23d Street,  
NEW YORK CITY.

0031

0032

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Hart

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

Indictment accuse

William Hart

of the crime of

placing an obstruction  
upon the track of a railway

committed as follows:

The said

William Hart

late of the City of New York, in the County of New York, aforesaid, on the

third day of February in the year of our Lord one thousand  
eight hundred and eighty-nine, at the City and County aforesaid,

did feloniously place upon the  
track of a certain railway there,  
operated and maintained by a  
certain corporation called the  
Forty-second Street, Manhattanville  
and St. Nicholas Avenue Railway  
Company, the same being a  
railway operated by horses, an ob-  
struction, to wit: a certain large piece  
of timber, whereby the safety of  
divers persons whose names are to  
the Grand Jury aforesaid unknown,

0033

then riding and travelling over  
and along the said railway, was  
then and there endangered, 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 R. Fellows,  
District Attorney.

0034

**BOX:**

342

**FOLDER:**

3226

**DESCRIPTION:**

Hartwig, Julius

**DATE:**

02/18/89



3226

Witnesses:

Wm. J. Jones  
John  
Amie John

Counsel,

Filed

Pleads,

THE PEOPLE

11. 28. 1887

Julius Hartwig

(Sections 278 and 218, Penal Code.)

R A P E

JOHN R. FELLOWS,

Pr. Aug 28/87 District Attorney.  
pleads attempt

A TRUE BILL.

Ed. R. P. H.  
Foreman.

See Report of N. Y. S. P. C. O.  
for information about defendant  
filed with these papers. If lost,  
notify the Society at ...

132  
Filed  
Pleads,  
Counsel,  
17  
423281  
Germ. P.  
Folke P.  
W. H. P.  
Pleads,  
1887

0036

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

of No. 423 - 88<sup>th</sup> Street, aged 10 years,  
occupation Schoolgirl  
that on the 23<sup>rd</sup> day of December 1888

at the City of New York, in the County of New York, Julius Handwerker  
know Mesaur did feloniously make  
an assaunt on deponent and  
then and there did deponent  
Carnally know.

That he on said  
day induced deponent by promises  
of giving dolls and other toys to  
her, to enter a bed room and  
there threw her on a bed and  
lying on deponent's body had sexual  
intercourse with her & carnally knew deponent.  
Mina Schurr

Sworn before me, this

of Schurr

day

Police Justice.

0037

Police Court, 5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Minnie Schurr

vs.

Julius Handrick  
17. 473. 6. 81. Ges.

Dated February 1 1889

Murray Magistrate.

Officer.

Witness, \_\_\_\_\_

Disposition,

\$2000 Bond  
for Ex. Act 4<sup>th</sup>  
2/2 P. M.

Ady. to Feb. 7. 10 a.m.

AFFIDAVIT.

0038

41 East 28 St.

Feb. 9th 89

Hon E. J. Gerry  
Pres. S. P. C. C.

Dear Sir.

I have examined Minnie Schurr  
act. 10 - and beg to state the hymen has  
been ruptured and there has been  
penetration by some blunt instru-  
ment.

Yours respectfully  
Walter H. Snow M.D.

0039

Sec. 188-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

*Julius Hardwick* 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.

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 of the  
charge*  
*Julius Hartwig.*

Taken before me this

day of February 188

Police Justice.

0040

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.....

Julius Hardwick  
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, Each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated July 10 188 J. H. Brown 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.

0041

Police Court--- 3 2/7 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Minnie Schurr  
423 East 81 St  
Julius Hardwick

Offence

BAILED,

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

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

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

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

Dated February 10th 1889

Murray Magistrate.  
Grouse Officer.  
S.D.C.C. Precinct.

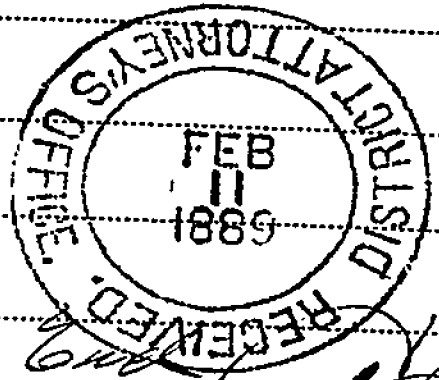
Witnesses Mother of father of complaint  
to prove age.  
No. \_\_\_\_\_ Street.

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

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

\$ 2.00 to answer

See Report of N. Y. S. P. C. O.  
for information about defendant  
fined with these papers. If lost,  
notify the Society at once.



0042

*The New York Society for the  
Prevention of Cruelty to Children*

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

New York, *May 14th*, 1889

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

*The People  
against*

*Julius Hardwick*

*Notice of Prosecution.*

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

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886, Chapter 30, Section 8); and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

*President, &c.*

0043

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN.

**NOTICE OF PROSECUTION**

**BY THE SOCIETY.**

**ELBRIDGE T. GERRY,**

*President, &c.*

0044

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

The People

v.

BRIEF FOR THE PEOPLE.

Julius Hartwig alias

Julius Hardwick.

STATEMENT OF THE CASE.

The prisoner, a German boy 17 years of age, residing at 423 East 81st Street, a laborer by business, is indicted for rape on a little school girl named Minnie Schurr living in the same place, aged 10 years, on December 23, 1888. The facts of the case are these: John Schurr of 423 East 81 Street has been only six months in this country, and does not speak English. He has two daughters Minnie aged 10 and Mary aged 7. For two months previous to above date, two boys, one the prisoner and another William Ahler aged 20 slept in the bedroom with his son Gustave, in one bed, marked 11 on the diagram, and in the bed adjacent the two girls slept, marked 10 on the diagram. The further history of the case appears in the evidence.

EVIDENCE FOR THE PEOPLE.

MINNIE SCHURR. - Is 10 years of age. Resides with her mother and father at 423 East 81st Street. About the 1st of December, 1888, the prisoner and William Ahler came to board with them. A few days after they took the room, about 3 o'clock in the afternoon while the parents were out, the prisoner called witness into the bedroom and had connection with her. He told her not to say

0045

2

anything to her father or she would get a whipping. He gave them each a cent. About a month subsequent at midnight he again had connection with witness,,and again on the Sunday before Christmas at about 2 o'clock in the afternoon. The prisoner also had intercourse with witness' sister Mary while the parents were out, and William Ahler also accompanied him and had sexual intercourse with both in the bedroom. Promised the girls a carriage and dolls if they would not tell the parents what had occurred. On Friday preceding the arrest the prisoner had intercourse with witness at 1 o'clock night.

MARIA SCHURR. - Is 7 years of age. Will corroborate the story of her sister in the above details.

MRS. JOHN SCHURR. - Is mother of the two preceding witnesses. Will corroborate them as to when the prisoner and Ahler came to board with them and as to their occupying the same room, and also will identify on the diagram the places which they occupied in the apartment. Will also testify as to the ages of the two children as above stated.

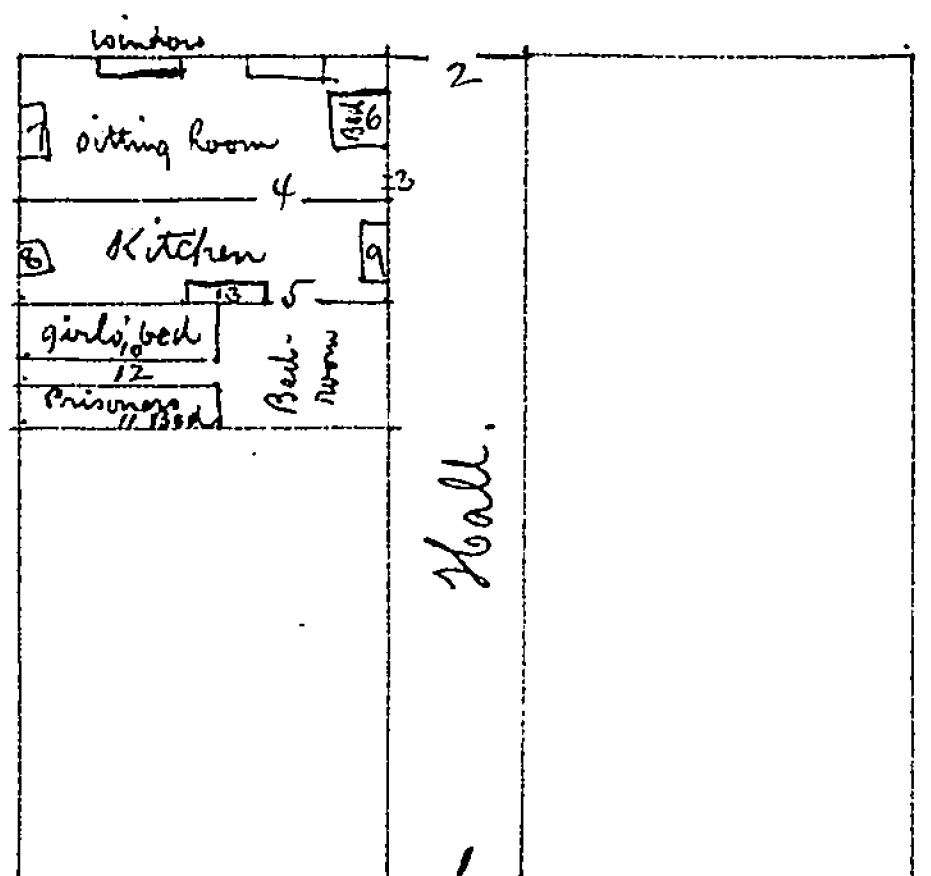
DR. WALTER H. SNOW. - Is a physician residing at 41 East 28 Street, and one of the examining physicians of the New York Society for the Prevention of Cruelty to Children. On February 9th made an examination of Minnie Schurr; found the hymen ruptured and that there had been penetration by some blunt instrument.

OFFICER GRANT. - Is an officer of the New York Society for the Prevention of Cruelty to Children. Was present when the pris-

0046

oner and William Ahler were arraigned in the 5th District Court on February 1, 1889. Each admitted in the presence of the Court that he had fingered the girls, but they denied that they had had connection with them.

Diagram.



423 E 81 St.

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

*Julius Hartung*  
alias  
*Julius Haendrich*

R A P E

PENAL CODE, §

BRIEF FOR THE PEOPLE.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Julius Hartwig*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Julius Hartwig*  
of the CRIME OF RAPE, committed as follows:

The said *Julius Hartwig*

late of the City of New York, in the County of New York aforesaid, on the  
*Twenty Third* day of *December*, in the year of our Lord one thousand  
eight hundred and eighty-*eight*, at the City and County aforesaid, with  
force and arms, in and upon a certain female not his wife, to wit: one *Mina*  
*Schur*, then and there being, wilfully and,  
feloniously did make an assault, and her the said *Mina Schur*,  
then and there, by force and with violence to her the said *Mina*  
*Schur*, against her will and without her consent, did wilfully  
and feloniously ravish and carnally know, 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 *Julius Hartwig*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Julius Hartwig*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Mina Schur*, then  
and there being, wilfully and feloniously did make another assault, with intent her the  
said *Mina Schur*, against her will and without her consent, by  
force and violence, to then and there wilfully and feloniously ravish and carnally know,  
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 *Julius Rosenberg*  
of the CRIME OF RAPE, committed as follows:

The said *Julius Rosenberg*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Mina Schur*, then  
and there being, wilfully and feloniously did make another assault, and an act of sexual  
intercourse with her the said *Mina Schur*,  
then and there wilfully and feloniously did commit and perpetrate, against the will of the  
said *Mina Schur*, and without her consent; 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.

## FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Julius Rosenberg*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Julius Rosenberg*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Mina Schur*,  
then and there being, wilfully and feloniously did make another assault, with intent, an  
act of sexual intercourse with her the said *Mina Schur*,  
against her will and without her consent then and there wilfully and feloniously to commit  
and perpetrate, 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 R. FELLOWS, District Attorney.~~

0050

*Ex. 2* COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said

*Julius Martini*

of the CRIME OF RAPE, committed as follows:

The said

*Julius Martini*

late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her, the said *Mina Schur*,  
then and there being, wilfully and feloniously did make another assault, she, the said  
*Mina Schur* being then and there a female under the  
age of sixteen years, to wit: of the age of *ten* — years; and the said  
*Julius Martini* — then and there  
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said  
*Mina Schur* —, 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 R. FELLOWS, *District Attorney.*

0051

**BOX:**

342

**FOLDER:**

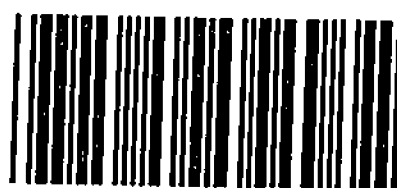
3226

**DESCRIPTION:**

Harvey, William F.

**DATE:**

02/14/89



3226

0052

Witnesses:

Chas. A. Furlong.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*W. Buntren*

Counsel,

Filed

14<sup>th</sup> day of

July 1889

Pleads,

*Not guilty*

*John*

THE PEOPLE

*John*

*John*

*John*

*John*

*John*

*John*

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Grand Larceny [Sections 528, 53, Penal Code].  
degree.

JOHN R. FELLOWS,

*72 Dec 14/89* District Attorney.

*pleads guilty*

A True Bill.

*John R. Fellows*  
Foreman.

March 19<sup>th</sup> 1889

*Chas. A. Furlong*

T.

0053

Police Court—

District.

Affidavit—Larceny.

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

Charles A. Furlong

of No. 84 Bond Street, aged 32 years,  
 occupation Ship owner & Broker being duly sworn  
 deposes and says, that on the 15 day of January 1889 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:

gold and lawful money of the reserve  
 of the United States in all of the value  
 of One hundred & thirty five 50/100 dollars  
 \$135.00/100

the property of deponent, and John A. Drummell  
 deponents co-partners.

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 William F. Harvey (nowhere)

from the fact that said defendant was in  
 the employ of deponent as Book Keeper,  
 that on the 14<sup>th</sup> day of January 1889 deponent  
 gave him about \$140 dollars in cash he  
 said defendant may need money during  
 deponent's absence,

that on said 15<sup>th</sup> day of January  
 said defendant left deponent's employment  
 leaving a note for deponent, informing deponent,  
 that he was married and would return  
 to his employment the following day,  
 that on the following day he did  
 not return to his employment, and  
 deponent opened the money drawer,

Sworn to before me, this

188

Police Justice.

0054

and discovered that said money was  
taken stolen & carried away

Sworn to before me  
this 31 day of June 1889 } J. H. Horton.  
Mar. V. V. V. Police Justice

0055

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Harvey*

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 Harvey*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Scotland*

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

Answer. *326 West 93rd Street 6 months*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I put the money in my pocket I got on a spree, I have no intention to steal the money*

*Wm Harvey*

Taken before me this

Day of

1886

Police Justice.

0056

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 31 1889.....W. A. Bell 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.

0057

BAILED,

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

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

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

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

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

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

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

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

Police Court---194 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles A. Furlong  
84 Broad St

1. Harry Harvey  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Officer  
G. L. Harvey

Dated Jan 31 1889

Officer Magistrate.

Andrew Nugent Officer.

15 Precinct.

Witnesses \_\_\_\_\_

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

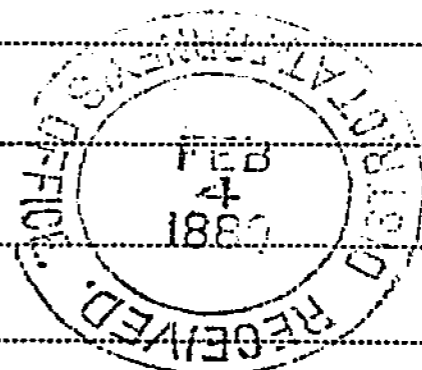
No. \_\_\_\_\_ Street.

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

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

\$ 1000 to answer

Can



0058

WESTERN STEAM NAVIGATION COMPANY.  
(LIMITED.)

JOHN A. DONALD & CO.

JOHN A. DONALD,  
CHARLES H. FURLONG,

CABLE ADDRESS, "ASCENDANT."

WATKINS CODE.

TELEPHONE, 254 PEARL.

84 Broad Street,

New York, 25th Feb 1889

Received from C. E. Virtue Esq. the sum of One hundred and Thirty five Dollars and Fifty cents being the amount of the intramissions of Wm. H. Barvey while in my employment

*Chas. H. Furlong*

0059

Court of General Sessions.

The People ex rel.,

CHARLES ALEXANDER

-against-

WILLIAM T. HARVEY

City and County of New York s s : -

Charles Alexander <sup>Furlong</sup> being duly sworn says: - "I am the complainant in the above entitled action. I have known the prisoner for upwards of four years and until the date of the defence alleged in the indictment he has always been of good moral character. He was at the time of the commission of said offence employed by me and I believe was under the influence of drink at the time and not fully responsible for his acts. I am well acquainted with his family who reside in Glasgow Scotland and know them to be respectable people. I have been re-paid the sum taken by him, by his relatives and have no desire to prosecute him and on the contrary respectfully ask in view of his imprisonment since January 21st 1889 that he may be as leniently dealt with as the Ends of Justice will permit.

SWORN to before me, this

25th day of February 1889,

D. K. Hunter  
Notary Public  
N.Y.C.

0060

City and County of New York s s : -

James Loucheim being duly sworn  
says: "I reside and am engaged in business in the City of New  
York and am personally acquainted with William H. Harvey  
I have always known him as honest and of good moral character  
I am informed and believe that said Harvey was ugd<sup>er</sup> the in-  
fluence of liquor at the time of the commission of the offense  
charged. He had been in our employ and was fully trusted by us  
I would respectfully ask that such lienency be shown him as  
may be possible.

SWORN to before me, this  
25th day of February 1889.

x *J. W. Loucheim*

*D. K. Hutton*  
Notary Public  
N.Y.C.

0061

City and County of New York, s s : -

✓ Charles E. Virtue being duly sworn says, "I am a member of the firm of James Loucheim and Company, and am well acquainted with William H. Harvey mentioned in the annexed affidavit. I have known him and all his family for upwards of 10 years. and I know him to have heretofore been a man of good moral character. I am well aware of the circumstance as stated in the annexed affidavit and know that at the time of the commission of said offence said Harvey was intoxicated and had been under the influence of liquor for some days previous and as I verily believe unable by reason of his condition to realize his offence. I know that this is the first criminal offence committed by him and ~~respectfully~~ have received a cable message requesting me to pay the amount taken by him, which has been done.

SWORN to before me, this  
25th day of February 1889.

*Charles E. Virtue*

*D. K. Shattuck*  
*Notary Public*  
*N.Y.C.*

0062

*County of Queens*

*—*

*The People vs. et al*

*Charles C. Leveson & Son*

*vs*

*William F. Harvey*

*—*

*Affidavit*

*—*

*JOHN H. HUSTER,  
COUNSELLOR AT LAW,  
261 Broadway, New York.*

0063

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William F. Harvey*

The Grand Jury of the City and County of New York, by this indictment, accuse *William F. Harvey*

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

The said *William F. Harvey*,

late of the City of New York, in the County of New York aforesaid, on the *15th* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*nine*, at the City and County aforesaid, with force and arms,

*the sum of one hundred and fifty five dollars and fifty cents in money, lawful money of the United States and of the value of one hundred and fifty five dollars and fifty cents,*

of the goods, chattels and personal property of one *Charles F. Furlong*

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.

0064

SECOND COUNT—

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

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

The said

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

of the goods, chattels and personal property of one

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

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

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 R. FELLOWS,  
District Attorney.

0065

~~Second~~ COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further  
accuse the said William F. Harvey  
of the same CRIME of Grand LARCENY, in the  
second degree, committed as follows:

The said William F. Harvey,

late of the City of New York, in the County of New York aforesaid, on the  
nineteenth day of January in the year of our Lord  
one thousand eight hundred and eighty nine, at the City and County aforesaid, being  
then and there the servant and servant of Charles  
A. Enders,

and as such servant and servant then and there having in his possession,  
custody and control certain moneys, goods, chattels and personal property of the said  
Charles A. Enders.

the true owner thereof, to wit: the sum of one

hundred and thirty five dollars  
and fifty cents in money, lawful  
money of the United States and  
of the value of one hundred and  
thirty five dollars and fifty cents

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
feloniously appropriate the said sum of money

to his own use, with intent to deprive and defraud the said Charles A.  
Enders  
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and  
personal property of the said Charles A. Enders.

did then and there and thereby feloniously steal, against the form of the Statute in such  
case made and provided, and against the peace of the People of the State of New York and  
their dignity.

JOHN R. FELLOWS, District Attorney.

0066

**BOX:**

342

**FOLDER:**

3226

**DESCRIPTION:**

Hauter, Oscar

**DATE:**

02/27/89



3226

Witnesses:

T. G. Tolson  
Chas. H. O'Rourke

Filed on indictment

indictment

In view of the fact that the  
defendant has been twice tried &  
acquitted upon me of  
the indictment, I do not  
believe that any person  
connected with this case  
upon the facts I learned  
therefore recommended  
that this indictment be  
dismissed.

Oct 15 1889 J. B. D. J. J. J.

Assistant

239

BW Feb 27

Counsel, A. P. Wagner

Filed

27

day of

1889

Pleas, not guilty

THE PEOPLE

vs.

Oscar Hunter  
(accused)

JOHN R. FELLOWS,

District Attorney.

Grand Larceny, second degree.  
[Sections 528, 537 - Penal Code].

14 June 1889 to 1889

A TRUE BILL.

J. B. D. J. J. J.

Foreman.

Oct 15 1889

Indictment dismissed

0067

0068

STENOGRAPHER'S MINUTES.

2

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Charles A. O'Rourke

vs.

Oscar Hunter

BEFORE HON.

J Henry Ford

POLICE JUSTICE,

Dec 21 1888

APPEARANCES:

For the People,

Mr Mc Crone

For the Defence,

Mr Wagner

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M. B. Connelkate	15			
R. E. Dodge	16	34		

W. L. Crosby

Official Stenographer.

0069

2 DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF  
Charles A. O. Rourke  
agst.  
Oscar Hunter

Examination had Dec 21 1888  
Before J. Henry Ford Police Justice.

I, W. L. Crumbly Stenographer of the 2 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of Thomas J. Adams  
Charles A. O. Rourke, M. B. Conforti, R. E. Dodge  
as taken by me on the above examination before said Justice.

Dated Dec 21 1888

W. L. Crumbly  
Stenographer.

J. Henry Ford  
Police Justice.

Examination continued

January 2, 1889.

MR. MOSS: The People rest.

O S C A R H A U T E R The defendant being duly sworn and examined by his counsel as a witness in his own behalf deposes and says:

- Q. You are the defendant in this case? A. Yes.
- Q. How old are you? A. 29 years.
- Q. What is your business? A. Book-keeper.
- Q. Married or single? A. Married.
- Q. Where do you live? A. 123 Second Avenue.
- Q. Have you been arrested before? A. Never.
- Q. Where were you arrested in this proceeding? A. At 115 & 117 Nassau Street, the office of the New York City Press Association.
- Q. On what day? A. The 18th of Dec. 1888.
- Q. Was that the place where you were employed at that time? A. Yes, sir.
- Q. How long had you then been employed at that place at that time? A. About twenty months continually.
- Q. And among your duties as book-keeper and cashier had you the payment of all bills that came into the business? A. Yes.
- Q. Had charge of the cash? A. Yes.
- Q. Were you authorized to pay bills? A. Yes.
- Q. And obtain advertisements? A. Yes.
- Q. Who authorized you to obtain advertising? A. Mr. O'Rourke, the manager.

- Q. Himself in person? A. Himself.
- Q. About what time did he so authorize you? A. At the time he made the arrangement with me.
- Q. Give the date, about the time when he authorized you to solicit advertising? A. It was in May 1887 — before that in April 1887 at his office at No. 10 Wall Street.
- Q. Mr. O'Rourke had an ~~ex~~ office at 10 Wall Street?
- A. At 10 Wall Street in this city and he still occupies it.
- Q. What did Mr. O'Rourke say to you at that time he authorized you to solicit advertising? A. Mr. O'Rourke said to me that my salary would be so and so.
- Q. How much? A. Fifteen dollars at that time, previously he wanted to engage me at twenty.
- Q. Go on and state what was said by both of you at this time in Wall Street? A. I originally understood my salary was to be twenty five dollars a week. He wished to get me out of another position.
- Q. Will you state the conversation, Mr. Hauter? A. That was the arrangement.
- MR. MOSS: Give what was said? A. That I could increase my salary by commissions on advertising. He was to give me introductions to various houses. And then I did not accept this position. A few weeks later I lost the other position and he engaged me now at fifteen dollars a week instead of twenty five dollars as he previously offered.
- BY MR. ~~MOSS~~: *Wagner*
- Q. This commission was that spoken of at the time he engaged you at fifteen dollars a week? A. Oh, yes.
- Q. What was said about the commission. What did O'Rourke say to you. A. Mr. O'Rourke said he would increase my salary

He said "If you occupy the position to my satisfaction then I shall increase your salary".

Q. What did he say about commissions-- that you can increase your salary by getting commissions? A. By commissions.

Q. And soliciting advertising? A. Through the commission account, -- through commissions.

Q. Did he tell you to solicit advertising? A. Certainly.

Q. Did he say how much he would give you in commissions? A. Yes.

Q. How much did he say? A. Mr. O'Rourke said that on the special business, special advertising, he said he would make the same arrangement with me that he had made with my predecessor.

Q. That is the former book-keeper and cashier? A. Yes, who occupied a similar position. The commissions were to be one quarter of the net profits on this special business.

Q. In regard to the other business? A. And on the other one half of the commissions.

Q. At the time of your arrest were you taken before inspector Byrnes? A. Yes.

Q. Was Mr. O'Rourke there? A. No.

Q. Did you hear Inspector Byrnes say anything to Mr. O'Rourke? A. No.

Q. After your employment by Mr. O'Rourke did you obtain advertising? A. Yes, not directly because my time was occupied in straightening up the books, -- in getting everything in shape.

Q. But after a while you solicited advertising, -- obtained advertising? A. Yes, obtained advertising.

Q. As soon as you obtained advertising, did you credit yourself

with commissions on the books of Mr. O'Rourke? A. Yes.

Q. Was that done on each day whenever advertising was obtained?

A. Well, I opened a new set of books as near as I can recollect on the first of September 1887.

Q. What then? A. Then I credited myself with this commission.

Q. What date? A. The first of September 1887. Near the first,-- I think it was the 30th-- I am positive now it was the 30th of September.

Q. Have you seen the commission account that has been produced by Mr. O'Rourke in this proceeding? A. Yes.

Q. Can you state without looking at that account when you made the first entry in that account in the books? A. Yes, it was in September.

Q. What year? A. 1887.

(The Ledger produced)

Q. What page is this account on for commissions? A. 295.

Q. Now were those entries of credit to you for commissions made at different dates, pages 295 and 296, on the dates that this book shows? A. Yes, of course, the date was perhaps a few days later, but it was the same month. I always wrote up the books. For instance when there appears an item on October 1, which was certainly in the Journal but may be transferred it would be later.

Q. But you made it in 1887? A. Of course.

Q. This account was not put into the books by you a few days before your arrest? A. No, sir. That would be impossible. How could it be.

Q. You made these entries in the book between these dates from October 1887 to the 31st day of October, about the dates in

these months? A. Yes.

Q. And this commission account is in your hand writing? A. Yes.

Q. And this commission account ~~where~~ where you have credited yourself with ~~advertising~~ commissions on advertising that you obtained from Mr. O'Rourke? A. Which I was entitled to.

Q. Now tell me, Mr. Hauter, ~~where~~ <sup>whether</sup> this account, pages 295 and 296 of the Ledger, comprises all the advertising that was received at the City Press Association? A. Oh, no.

Q. Did it comprise only the advertising that came into the office of the City Press Association? A. No.

Q. Did you in this account credit yourself with commissions on all the business that came into the office? A. No, only special business, that I was entitled to by special arrangement with Mr. O'Rourke.

Q. And this account then comprises only such items and commissions as you say Mr. O'Rourke promises to pay you?

A. Exactly.

Q. Now did Mr. O'Rourke ever see this commission account contained on pages 295 and 296 of the Ledger? A. Yes.

Q. Did you ever show it to him? A. No.

Q. Didn't you show him this book? A. Yes.

Q. Can you remember about the time when you did show it to him?

A. I showed Mr. O'Rourke this every month, almost.

Q. This account? A. Everything, the entire book, just as it stood.

Q. He could see it before the day of your arrest? A. Certainly.

Q. Did he? A. Yes.

Q. Is there an entry there of \$151. of the United States Mutual Accident Association? A. Yes, sir, on page 296, the last

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item, October 31st 1888.

Q. That item is credited to you? A. Yes, credited.

Q. Has it been paid to you? A. Not yet.

Q. Did you retain that money from the funds of Mr. O'Rourke?

A. No.

Q. Are you entitled to that commission? A. Certainly.

Q. What was the amount of the advertising? A. It was about Twelve hundred dollars. and the net profit was over six hundred dollars and according to my arrangement I was entitled to one quarter consequently one hundred and fifty one dollars and eighty cents is the commission.

Q. You obtained that advertising? A. Yes-- it came.

Q. Now about the advertising of Bruner & Moore, did you get that advertising? A. Yes.

Q. You solicited it? A. Yes, I solicited it.

Q. Did you get furniture for it from Bruner & Moore? A. Yes.

Q. Where is that furniture now? A. In my house.

Q. Did Mr. O'Rourke know about that? A. Certainly.

Q. Did you tell him anything about that at that time? A. Yes.

Q. What did he say about your getting the furniture?

A. He said Mr. Hauter, how are you going to arrange it?  
I said "Mr. O'Rourke, you can charge it against my account".  
He said "That is perfectly satisfactory".

Q. He would be satisfied? A. Yes.

Q. You told him about the exchange? A. Exactly. He said it was perfectly satisfactory.

Q. Did Bruner & Moore say to you that they would not advertise unless it was taken out in furniture, or something you would need? A. Yes, it was under that that I got the advertising

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- Q. It was only under such an arrangement that you got the advertising? A. Yes, I could have taken it without getting a cent from Bruner & Moore. Mr. O'Rourke was only too glad to dispose of some space in the papers.
- Q. Mr. O'Rourke said on page 4, of the stenographer's minutes he asked for more salary and his salary was increased entirely on the understanding that he was to attend to some advertising when necessary for the increase? A. No such thing.
- Q. Did you say as Mr. O'Rourke stated on page 6 of the stenographer's notes that you could not live on your pay and you would like some more salary? A. I told Mr. O'Rourke I wanted more salary.
- Q. Did Mr. O'Rourke say to you that he could not give you more salary at this time and that he would give you more if you would attend to the outside advertising? A. No. Mr. O'Rourke readily consented to it.
- Q. Now was the bill against <sup>Hulin</sup> ~~Eulin~~, the Stationer taken out in stationery for the office? A. <sup>Hulin</sup> ~~Eulin~~ was debited with a certain amount for advertising but there is some money due yet, some balance due yet to Mr. <sup>Hulin</sup> ~~Eulin~~.
- Q. Was <sup>Hulin</sup> ~~Eulin~~'s bill paid,-- did ~~he~~ you pay the bill? A. <sup>Hulin</sup> ~~Eulin~~ took it out in advertising. But there is a balance yet to Mr. <sup>Hulin</sup> ~~Eulin~~.
- Q. Did Mr. O'Rourke promise to pay <sup>commissions on this</sup> ~~xx xx~~ advertising? A. The same as any of the others, this was to be in the papers. Mr. O'Rourke owned space in twenty papers-- was to be my commission.
- Q. Is that commission on this account there-- <sup>Hulin's</sup> ~~Eulin's~~ commission? A. I cannot say whether it is or not without referring to the Journal.

(Journal produced)

- A. It will be entered after October 31st
- Q. You have now pointed out the commissions due to you by Mr. ~~Hulin~~ <sup>Hulin</sup>, is that correct? A. Yes.
- Q. Yet Mr. O'Rourke said on page 7 of the stenographer's notes that he could not tell whether they were in the book?
- A. Yes.
- Q. Did you ever over charge one customer of Mr. O'Rourke's twenty dollars on any advertising account? A. I made a clerical error.
- Q. Of twenty dollars? A. Of twenty dollars.
- Q. Did you ever get the twenty dollars? A. No.
- Q. Was it ever received? A. No.
- Q. Was it ever paid? A. No.
- Q. It was simply a clerical error of twenty dollars afterwards corrected and it was not paid? A. Yes.
- Q. The clerical error was discovered before the bill was paid?
- A. Yes.
- Q. Did you ever advance money to carry on the business of the New York City Press Association? A. Yes, frequently.
- Q. Look at checks marked A, B, C, D, E, and F in evidence of this proceeding, do these checks represent moneys which you have advanced to Mr. O'Rourke? A. Yes, that I have advanced.
- Q. Were these checks given on the date on which they are dated?
- A. I think so.
- Q. Were these checks given by Mr. O'Rourke in blank? A. No, never.
- Q. Were these checks all filled up when you got them? A. Yes.
- Q. When Mr. O'Rourke signed them? A. Yes.

- Q. These checks represent moneys that you have advanced to Mr. O'Rourke for the purpose of carrying on the business? A. Yes.
- Q. Was Mr. O'Rourke financially embarrassed? A. Yes, all the time.
- Q. And is this money represented by these checks marked as exhibits A to F still in Mr. O'Rourke's business of the City Press Association. A. Yes.
- Q. You have never been repaid the money? A. No.
- Q. You have not withdrawn the money? A. No.
- Q. Or kept it out of the business? A. No.
- Q. And the money is still in the possession of Mr. O'Rourke and the City Press Association? A. Yes.
- Q. Did Mr. O'Rourke examine your books? A. Yes.
- Q. On many occasions? A. Yes.
- Q. This commission account here which Mr. Lodge in his testimony said amounted to \$466.32, have you received this amount this \$466.32 A. No.
- Q. About how much of this amount have you received? A. \$299.94
- Q. Does that amount show in figures in pencil on page 296 of the ledger? A. Yes.
- Q. Now Mr. O'Rourke said on page 14, of the stenographer's minutes that you cooked the books, have you ever cooked the books A. I do not understand the term.
- Q. Did you destroy the checks? A. Yes.
- Q. Tell when you destroyed checks, about what time? A. It was last year, - sometime last year in December.
- Q. Did you make money by destroying them? A. No, I did not. They were all checks that came back from the bank-- that came back from the bank at one time.

- Q. And you destroyed them? A. Yes, after going over them.
- Q. Going over them? A. Going over them and comparing them, to see whether checks was on the right accounts or whether papers had been paid twice or not.
- Q. Did Mr. O'Rourke know that you destroyed these checks?
- A. Yes, I told him so. He was present at the time when I tore a couple of them up.
- Q. What did he say about it? A. He said nothing.
- Q. Did he remonstrate with you? A. No.
- Q. Did you think there was anything wrong in destroying these checks? A. No.
- Q. Could you enumerate these checks that you destroyed, give the dates, numbers and amounts? A. Exactly, each and every one.
- Q. You can tell the exact amount of each and every one? A. Yes, sir, exactly.
- Q. And they were not destroyed for the purpose of destroying any evidence? A. No.
- Q. Or for the purpose of concealing any wrong that you had committed against the association? A. No.
- Q. Can you tell what date you have destroyed these checks?
- A. For the year 1887 for a few months.
- Q. Was the advertising account paid by Flint & Co. was it paid in cash? A. Yes.
- Q. Is that entered in the books? A. Yes.
- Q. That amount of money received is entered in MR. O'Rourke's books? A. Yes.
- Q. Did you make any alterations or erasures in these books?
- A. Yes.

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- Q. For what purpose? A. To correct figures.
- Q. Did you make any alterations, changes or erasures for the purpose of injuring the City Press Association or Mr. O'Rourke?
- A. Never.
- Q. Or for the purpose of damaging either of them? A. Never.
- Q. Or for the purpose of depriving them or either of them of any money or anything whatever? A. Never.
- Q. You made erasures and alterations for what purpose?
- A. To correct, to make proper corrections.
- Q. Proper corrections? A. Corrections.
- Q. Now Mr. Dodge has said that there was an over charge on the salary list on December 10, 1888 of \$17.70? A. That shows that Mr. Dodge don't know his business.
- Q. Explain that \$17.70? A. There was a man in the employ of Mr. O'Rourke who got four dollars a week more than Mr. Dodge knew, that is Mr. O'Rourke didn't explain it to Mr. Dodge.
- Q. That would make Mr. Dodge's salary list four dollars less?
- A. Exactly.
- Q. Go on? A. Then there was three dollars more paid out to the Wall street man, his name was Phillips.
- Q. What is the name of the man that got the four dollars?
- A. That was Mr. Jacob Reis at head quarters.
- Q. That makes seven dollars, go on? A. Then there was ten dollars I charged to myself, part of salary to the news account.
- Q. Does that explain this seventeen dollars? A. This explains the seventeen dollars but the seventy cents I can only explain by the fact that there were telephone bills from the men the reporters.
- Q. Did that over charge of \$17.70 go into your pocket? A. No.
- Q. Did you retain that amount? A. No, not one cent.

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- Q. Now look at the figures 620 written over an erasure on page 381 of the cash book, how came those figures to be changed?
- A. Because Mr. Dodge's list showed that the amount to be paid was \$590. now by some mistake I got \$600. but I cannot say exactly without referring to the Ledger.
- Q. Did you make an erasure to correct the figures? A. To correct the figures, ys.
- Q. Did you do that with any wrongful purpose? A. No.
- Q. With any wrongful intent? A. No.
- Q. Simply to correct the figures? A. To correct the figures.
- Q. Look at pages 328, 329, 330, 331, 334, you made alterations on those pages? A. Yes.
- Q. What were those erasures and alterations made for?
- A. To make proper corrections.
- Q. On page 330 of the Journal in the gross column there appears a number of alterations here or erasures? A. Yes.
- Q. Mr. Cogswell and Mr. Dodge both testified that these were made on the Saturday before your arrest and the day of your arrest, were they so made? A. No, that is impossible.
- Q. That is not so? A. No.
- Q. Were they made long before that? A. Long before it.
- Q. Did you make any erasures in these books or entry the Monday before your arrest? A. No. I do not recollect having looked at this book.
- Q. On page 379 of the cash book, the tenth line from the top there is an item of \$14.74? A. Yes.
- Q. Do you recollect whether that erasure was made to correct figures? A. I do not know whether it was to correct figures or to make it more plain, but this amount \$14.74 is correct.

- Q. Now Mr. Dodge testified about an item of twenty dollars for elevated railway tickets, what is there about those tickets?
- A. Well at election day I bought fifteen dollars tickets, of elevated railroad tickets but we did not use the whole amount of the tickets and therefore I sold five dollars ~~xxxx~~ worth of them, leaving ten dollars worth.
- Q. What did you do with the five dollars? A. Turned it in the business.
- Q. Into the cash? A. Yes. I charged ten dollars for elevated railroad tickets, the amount was fifteen dollars, the account was charged to the Associated Press because Mr. O'Rourke made me charge fifteen dollars to the Associated Press, or this would never have been made.
- . This fifteen dollars goes to the election account? A. Yes.
- Q. ~~ix~~ Did Mr. O'Rourke tell you distinctly to charge it against the association? A. Yes.
- Q. Now, Mr. Dodge on page 20 of the stenographer's minutes says there is an item of the New York Herald \$9.45 gross and \$8.10 net, will you explain that? A. I received a telegram from the Hudson County Racing Association to put in advertising of six lines ~~xxx~~ three times during the week. I have sent this advertising out to the papers but I found later that some of these papers could not get this advertising in six lines and they gave it space of seven lines.
- Q. That is the alteration? A. Yes, altered from six to seven lines.
- Q. And from eighteen to twenty one lines? A. Yes.
- Q. Explain that? A. Advertising six lines three times would be eighteen lines, and eighteen lines of this special case

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the Herald charges 45 cents a line which would make \$8.10 but the three additional lines would be \$1.35 which would bring up the amount to \$9.45 as stated here and not claiming that the Herald allows any commissions.

Q. Now these erasures are made to put in twenty one lines in the place of eighteen lines, are they? A. Exactly

Q. That is if six lines were used three days, the price would be \$8.10 and the price for seven lines would be \$9.45?

A. Yes, sir.

Q. And this \$1.35 added to the \$ 8.10 will bring it out to \$9.45? A. Exactly.

Q. There is an item here of three dollars written over an erasure? A. Yes.

Q. What was that written over an erasure for? A. For the same purpose.

Q. To correct figures? A. Yes.

Q. On the eighth line from the top on the same page, 334

I see 131.25 written over an erasure? A. Yes.

Q. Why was that written over an erasure? A. We would receive every week some advertising from the Clifton Racing Association.

Q. Was that a mistake of adding? A. Simply a mistake of adding.

Q. On page 335 the figures 114.90 which is written over an erasure? A. Yes.

Q. Was that done for the purpose of correcting the figures? A. Exactly.

Q. Where were these books kept? A. In the safe.

Q. Is the safe opened during the day? A. No, but Mr.

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O'Rourke had access to it.

Q. Did any body else ~~ever~~ have access to the books except Mr. O'Rourke? A. No, unless Mr. O'Rourke gave him the key.

Q. Did you make any false entries in any of these books?

A. No.

Q. Did you over charge advertising or any of them?

A. Not willingly ~~yes~~, not intentionally.

Q. If you have done so you aren't conscious of it? A. Yes

Q. Do you know of any advertisers that you have over charged

A. No.

Q. Did you appropriate commissions on advertisements to yourself except such as you were entitled to take? A. Not a cent.

Q. Did you alter, erase, obliterate or destroy the books of account and records as charged by Mr. O'Rourke?

A. Never.

Q. Did you at any time? A. At no time.

Q. Did you make false entries in such books of account or records? A. No.

Q. Did you wilfully omit to make true entry of material particulars in such books of account or records? A. No.

Q. Did you make charges of commission in these books to your credit with the intent to defraud Mr. O'Rourke or the City Press Association? A. No. But I charged because I was entitled to it.

Q. Did you conceal any of the names of persons with whom you conducted Mr. O'Rourke's business? A. No.

Q. Did you appropriate to yourself any of this sum of \$24.25 by falsely representing accounts kept by you? A. No.

- Q. Did you ever alter the salary account kept by you?  
A. No, sir.
- Q. Or did you falsely represent such account? A. No, sir.
- Q. Or did you appropriate or misappropriate from the complainant \$17.70 in such account? A. No, sir.
- Q. Mr. Dodge testified on page 22 of the stenographer's notes that you carried the funds of the association in your pocket constantly, is that so? A. There were no funds to be carried.
- Q. Then you did not carry the funds of the association in your pocket? A. No, sir.
- Q. Mr. Dodge testified on page 22 that a check of November 20, 1888 for \$25 of Daniel Ryan does not appear upon the bank book or cash book, and it does not, does it?  
A. No.
- Q. Why does it not appear on the books? A. The bank people would have thought me crazy if I had attempted to swell Mr. O'Rourke's bank account to have put in checks in that way.
- Q. Did you take that check to the Bank? A. Yes.
- Q. Did you endorse it to the bank? A. Of course.
- Q. Did you return the money to Mr. Ryan? A. Yes, I did most certainly.
- Q. There was no necessity of putting it in the book? A. No. It would have been very wrong to make an entry.
- Q. Mr. Dodge says on page 23 of the stenographer's notes that you paid one check to him? A. Yes, I did so.
- Q. Did you take that check? A. Yes.
- Q. You took it to the bank? A. Yes.

- Q. Cashed it? A. Certainly.
- Q. You got the money from the bank? A. Yes.
- Q. You took the check to the bank and returned the money to Dodge? A. Yes.
- Q. Was there any necessity of putting that transaction on the books of the concern? A. No.
- Q. Are you sure you left that check in the bank? A. Of course.
- Q. At that time? A. Exactly.
- Q. On page 24 of the stenographer's notes Mr. Dodge has testified that the accounts are so badly mixed up that they could not do otherwise than to start a new set of books and strike a new balance, is that so? A. No, he doesn't know anything about book-keeping.
- Q. When was the last balance stated in these books?
- A. On the 31st of October 1888.
- Q. When Mr. Dodge states on page 25 of the Stenographer's notes that the last balance was made on the first of July, does he tell the truth? A. No.
- Q. Did you have any balance on November 1888? A. No.
- Q. Why not? A. Because I had to wait for certain details that I had to use-- I would have to have certain details.
- MR. MOSS:
- Q. Is that the whole of your answer? A. Yes.
- BY MR. WAGNER:
- Q. Could you strike any balance without those details?
- A. I could, but I wished to get everything clear,-- to get everything correct and consequently I waited.

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- Q. Look at check No. 811, November 20th 1888? A. That is for salaries \$50.
- Q. Was that amount paid out for salaries? A. Yes.
- Q. Mr. Dodge says on page 48 of the stenographer's notes that there is no such amount for salary on the cash book? A. It is not necessary to put it on the cash book because this amount was contained in the salary list, in the regular salary list, if I had made another entry of this \$50 again I would have ~~defus~~ defrauded Mr. O'Rourke.
- Q. You now say that this check 811 for \$50 is actually paid out for salaries for the employees of Mr. O'Rourke? A. Yes, that is the way.
- Q. Now take check 821, November 21, 1888 \$25. payable to bearer, you ~~say~~ see that check shows on the stub endorsed by Oscar Hauter and payment to Flaccus & Co. how about that? A. I gave this check to them in payment of a bill of mine, I received a balance back, paid another \$25 cash for election account ~~xxxxxxxxxxxx~~
- Q. And that money was represented by that check? A. Yes.
- Q. Explain those checks ~~xxxxx~~ of payments to Mr. O'Rourke? A. Exactly, this check is not checked indicating that it can be found in the cash book.
- Q. And the item will be found on the stub books? A. Certainly.
- Q. Look at check 667, new, payable to bearer \$40. A. Yes.
- Q. Is that entered in the cash book as paid out there for any account on page 48? A. No.
- Q. Can you explain how that account is entered? A. No. There is the same thing again it is not charged in the

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cash book.

- Q. Is that entered in the book? A. No.
- Q. How do you know, because it is not checked? A. Not checked. If I have a thousand dollars balance in the bank if my cash book shows a balance of a thousand dollars, I may have \$999 in the bank, and I may have one dollar in cash. Of course I have got to have that. Or if I have \$999 on hand the money must be there.
- Q. I see here some of the checks on the stub of the check book have check marks? A. Yes.
- Q. Now what does that check mark on the stub of the check indicate? A. That they are all entered.
- Q. Entered where? A. In the cash book.
- Q. Then those ~~xx~~ stubs that have no check entry? A. That they are to be accounted for by the amount paid out and charged for salaries or so.
- Q. Now check 745, November 2, 1888, amount \$42.50 drawn to bearer, endorsed on the back O. H. A. Oscar Hauter.
- Q. Payable to J. Mangos? A. Yes.
- Q. Did you account for that to Mr. O'Rourke? A. Yes, of course. Here you see \$42.50 where I check again, expended for salaries.
- Q. Look now at 774, november 15, 1888, endorsed W. W. Richards for deposit J. F. Mangos, is that accounted for to Mr. O'Rourke? A. Of course, contained in the salaries.
- Q. Look at check 760? A. D. Ryan, yes that is the same thing.
- Q. Endorsed by Oscar Hauter, have you accounted for that check to Mr. O'Rourke? A. Exactly.

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- Q. Also on the salary list? A. Yes.
- Q. Look at check 888, A. S. Dreyfus.
- Q. Was that money paid to Mr. Dreyfus? A. Yes.
- Q. Look at check 834 C. O'Rourke? A. C. O'Rourke \$20.  
That is a check charged to Mr. O'Rourke.
- Q. When was it dated A. The 13th of November 1888.
- Q. Endorsed L. Johns on the back? A. Yes.
- Q. Mr. Dodge says you credited \$15 to Mr. O'Rourke, can you explain that? A. A. Yes being short that day for money Mr. O'Rourke asked me to give him a check. I did so Mr. O'Rourke went out and got John Johns or Jones or whatever the name is to give him \$20. and handed me back fifteen dollars for which I credited him. The five dollars is chargeable to him.
- Q. Look at 839, November 30, 1888 payable New York Times \$68.35, Mr. Dodge says page 49 of the stenographer's minutes that this check was entered in the cash book as \$78.25  
A. The New York Times had to be paid the last day of the month and I made the calculation and made out the bill for \$68.35. On examination however I found that the amount should be \$78.35 owing to a mistake of subtracting. Then I entered the correct amount because I did not want to carry payments forward. The Times never does carry forward balance? It expects payments to be made promptly. Hence I entered \$78.35 and the ten dollars were to be paid to the Times. I spoke at the time to the cashier of the Times about this ten dollars.
- Q. Did you have the cash? A. No. I couldn't draw it.
- Q. You have not taken that? A. No, it is in Mr. O'Rourke's

business.

- Q. Turn to check 689? A. R. Edwards for \$30.
- Q. Mr. Dodge says this check is the one cashed by the defendant and the one which Mr. O'Rourke asked him for and was turned over to Mr. O'Rourke, is that correct? A. No. This was not what Mr. Dodge says.
- Q. Now Dodge says on page 49 of the stenographer's notes that this was not entered? A. That is untrue.
- Q. Check 667 old, for \$25, marked exchange O. H. explain what you mean by exchange? A. Yes, we fell short of cash I put \$25. in the cash of mine for Mr. O'Rourke.
- Q. You put in \$25? A. I did. Out of my own pocket.
- Q. You got that check from Mr. O'Rourke which you marked exchange? A. Exactly. That is the check he gave No. 667 old.
- Q. When you say you were short in the cash, what do you mean, you individually or the business? A. The business.
- Q. Look at 655, old, payable to the order of Oscar Hauter, endorsed Oscar Hauter,? A. Probably gotten at the bank. I do not know without seeing the check. If it was made out to my order I endorsed it.
- Q. Look at check 576, old, \$25, endorsed Oscar Hauter, payable to the order of Oscar Hauter, the stub calls for salaries, was that paid for salaries? A. Of course, the same thing.
- Q. If the check appearing in the stub says it was paid for salaries are you sure it was paid for salaries? A. Exactly.
- Q. Take No. 582, old, A. That is for salaries \$50
- Q. Were those \$50 used for salaries? A. Yes.

- Q. For men in the employ of Mr. O'Rourke? A. Yes.
- Q. You were arrested before you had an opportunity to balance your books? A. Yes.
- Q. If you were given a reasonable time could you balance those books? A. Surely.
- Q. In how long? A. In a few minutes. In ten minutes, the cash book.
- Q. The other books? A. In one afternoon.
- Q. How long do you think it would take to ~~work~~ the best of your knowledge to settle them up, to show that they were perfectly correct? A. In one afternoon.

## CROSS-EXAMINED BY MR. MOSS:-

- Q. Mr. Hauter, you have been working for a number of months for Mr. O'Rourke? A. Yes.
- Q. State how long? A. From the second of May 1887.
- Q. Was it on that day you had the conversation with him as to what your salary was to be? A. Previously in April.
- Q. This conversation was that you was to be employed at \$25 a week? A. Yes.
- Q. That was the whole? A. No, besides commissions.
- Q. Was that the first conversation? A. Yes.
- Q. Were you to receive any specific commissions? A. Yes.
- Q. How much? A. One quarter of the net proceeds of special business and half commissions on other business.
- Q. That is you were to be in the employ of Mr. O'Rourke as book-keeper and collector at a salary of \$25 a week and was to have a general commission-- a commission on the general business? A. Not general, no.

- Q. Commissions on the general business? A. According to my arrangement on what I was entitled.
- Q. Commissions in general, was that not what you said?
- A. No.
- Q. What do you mean by commissions in general? A. I didn't use this word.
- Q. Didn't you use the word, - didn't you testify that the first conversation you had with Mr. O'Rourke was that you were to be employed as book-keeper and collector and to have a salary of \$25 and one quarter of the proceeds of special business and one half of the commissions of general?
- A. No, sir.
- Q. You didn't testify to that? A. No.
- Q. Do you now testify to it? A. No.
- Q. One half of the commission on general advertising?
- A. No.
- Q. You did not testify that you were to receive a salary of fifteen dollars a week and one quarter of the net profits on special advertising and one half commission on general advertising? A. No.
- Q. Did you not testify to that today? A. No.
- Q. You did not testify that you were to receive a salary of fifteen dollars a week at the time you were employed at the second conversation? A. Yes.
- Q. And that you were to receive anything else besides that fifteen dollars? A. Yes.
- Q. What was it? A. One quarter of the net proceeds, net profit on special advertising and one half of the commissions on general advertising which I secured and which by

fs-

arrangement I was entitled to by further specification, by special arrangement.

Q. Was that what you testified to on your direct examination?

A. Yes.

Q. Did you not use the word general advertising? A. No.

Q. Can you tell me how many institutions you solicited advertisement for, for Mr. O'Rourke for the New York City Press Association? A. I have been out during the day all the time.

Q. Can you tell me how many you ever solicited? A. Not without referring to the books.

Q. You could by referring to the books? A. Yes.

Q. Could you give me five or six names? A. Yes.

Q. Name them? A. Harris Bros.

Q. What is the business? A. Gents furnishing. The N. Y. Conservatory of Music. The Grand Conservatory of Music. The Business Mens Republican Club. The Business or Brokers Republican Club, I think that is the name. Eulin, John S. Eulin. Max Arnheim, Bruner & Moore. J. C. Flint Hermedinger. Eurnstein.

Q. I now refer to commissions \$151.80? A. Yes.

Q. What was that commission? A. On special business obtained from the ~~Mx~~ United States Mutual Accident Association.

Q. Was it a special advertisement? A. Yes. A special advertisement.

Q. Did you solicit that? A. Yes.

Q. Did you know that the N. Y. City Press Association had business transactions with them before you had been in the

employ? A. Oh, yes.

Q. Do you know how long a time it continued? A. I do not.

Q. Did you know it at the time you entered the employ of Mr. O'Rourke? A. No.

Q. When did you discover it? A. When Mr. O'Rourke asked me to call there and told me he would allow me one quarter on the business.

Q. Then you did understand that Mr. O'Rourke at the time that he told you to call that you were to collect the commission.  
A. To collect the commission.

Q. To solicit advertising? A. Yes.

Q. And you was to get one quarter on such advertising sent to you? A. On all special business that was my arrangement with him at first.

Q. Do you consider that special business? A. Yes.

Q. He sent you? A. That is special business. We understand that this advertisement has to appear in news form in the news columns of various papers out of town.

This yielded a large profit. Mr. O'Rourke allowed me one quarter on this and sent me there. I understood it was the same arrangement that he had had with my predecessor. Mr. O'Rourke said "I will give you the same chance if you are going to get advertisements ~~perhaps~~ At any rate you shall have the same chance, that is one quarter of the net profits.

Q. You then swear that Mr. O'Rourke agreed to give you one quarter out of that advertisement? A. I do, most decidedly.

Q. How long had you been in the employ of the City Press Association before you complained that you could not live

on the salary of fifteen dollars per week that you were then receiving? A. I do not exactly recollect.

Q. Give your best judgment? A. For some months I did not do anything, but very little in advertising.

Q. Do you know the period of time you say you were to begin this special advertising? A. It was at the time I asked for the increase.

Q. But you were there nine months, were you not before that took place? A. It was not nine months.

Q. How long? A. I do not remember.

Q. Will you swear that it was not more than two or three?

A. I said several, not seven, I do not know.

Q. You were to receive these commissions on special advertising, can you tell from what period of time? A. From the time I was to devote my attention to another line beyond this book-keeping.

Q. And Mr. O'Rourke did give you eighteen dollars? A. Yes.

Q. That was satisfactory to you? A. Well, it was not.

Q. It was not? A. No.

Q. You did ask for an increase of salary? A. I did.

Q. You had that Mr. Eulin, the stationers account?

A. Yes.

Q. Did he pay the bill in advertising? A. Part of it.

Q. But you think that Mr. O'Rourke is indebted to Eulin at the present time? A. Exactly.

Q. Can you tell how much? A. No. I could if I had the bill there, I do not know.

Q. Did you credit yourself with twenty per cent on that commission? A. On advertising, exactly, with Eulin.

df

- Q. Did Mr. O'Rourke tell you to credit yourself with twenty per cent? A. Exactly.
- Q. At the time? A. No.
- Q. You consider that you were crediting yourself with what you were entitled to out of that commission, do you?
- A. Yes, sir. Just as if I had drawn my salary without asking Mr. O'Rourke.
- Q. Answer my question? A. Yes.
- Q. Why did you not take twenty five per cent? A. Because I was not entitled to twenty five per cent.
- Q. Did you not say that you were entitled to one quarter on special advertising? A. This is not special advertising
- Q. Was it general? A. Yes.
- Q. Then you were entitled to one half on the general advertising? A. That would be but that ~~is~~ all papers in which Mr. O'Rourke owned space he allowed me a commission of twenty per cent on whatever advertising I received for those papers, three or four papers.
- Q. That is under your arrangement with Mr. O'Rourke?
- A. Exactly.
- Q. Of twenty per cent? A. Yes.
- Q. Do you remember the advertising business from the republican Club? A. Yes.
- Q. Mr. Drake was the man in that transaction? A. Yes.
- Q. Do you remember how much the bill was? A. \$83.50
- Q. Do you know what you charged him in the bill? A. \$83.
- Q. Was that the charge when you first presented it?
- A. At first I made an error, I charged \$103.
- Q. When did you discover that error? A. When my attention was called to it.

- Q. Who called your attention to it? A. Our Wall street man. and I spoke to Mr. Bennett.
- Q. You knew how much advertising you had? ~~xxx~~ You figured up when you presented the bill for advertising, didn't you?
- A. I made the bill out according to my idea of what was due.
- Q. Didn't you read the news paper vouchers that you had to correct the bill by? A. I had vouchers.
- Q. From the newsp aper? A. Yes.
- Q. At the time you presented this bill? A. Yes. Well, I suppose a man can make a mistake.
- Q. Do you swear that these vouchers did not speak of the amount that the bill represented? A. They were correct.
- Q. They spoke of the amount that was really due? A. They did.
- Q. How much? A. One was for \$28 the other was for \$24. I took the twenty four for thirty four. I was in a hurry to get money at the time we were short.
- Q. That is your explanation of how that mistake was?
- A. Yes. I made a mistake of ten dollars in charging 34 for 24. If I had intended to charge too much I certainly would have increased the charge on the smaller item \$17.50 which was very low.
- Q. Did you write a communication to Mr. Bennett about that?
- A. Yes.
- Q. Did you write him that you had received the correct voucher?
- A. That I had the correct vouchers, of course. I had the vouchers, but I didn't want to give in that I had made a mistake.

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Q. Do you remember Mr. O'Rourke showing that letter to you?

A. Yes.

Q. Did you tear it up? A. Yes.

Q. After he showed it to you? A. Yes.

Q. Also the bill that was exaggerated? A. That I do not know.

Q. Will you swear that you did not? A. That I do not swear? I will swear that I do not know.

Q. Did you charge a commission on that advertising? A. Yes. I did not have it, I distributed my cards all over the City. And in other business houses I had advertising from them long ago.

Q. When did you begin to advance money to the City Press Association? A. Since my wife gave me a present of some money.

Q. When did you begin to advance it? A. When I was in the office.

Q. When was the date, about what time? A. I think it was sometime in the

Q. 1887? A. 1888.

Q. Did you have a bank account at that time? A. No.

Q. Did any body request you to lend money to the association? A. He has not requested me.

Q. I asked you if any body asked you to lend money or to advance money to the Association? A. I was not requested.

Q. You were not requested by Mr. O'Rourke? A. No.

Q. Nor any body else? A. Well there was no body else to request me.

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0099

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- Q. Or any body else? A. There was no authority.
- Q. Yes, or no? A. No.
- Q. You then did this of your own volition? A. Of course.
- Q. You said you destroyed checks last year? A. Yes.
- Q. Did you destroy any stubs in the check book? A. No.
- Q. Have you ever destroyed any stubs in the check book?
- A. Never.
- Q. Have you at any time that that check book has been in your possession, have you discovered that some of the stubs have been destroyed? A. No. They were not
- Q. These checks that your counsel has, marked A, B, C, D, E and F, they were found on you at the time of your arrest?
- A. No.
- Q. Did you not have them in your possession at the time of your arrest? A. No.
- Q. How long have you had these checks, Mr. Hunter? A. Ever since they were made out.
- Q. Check 595, dated February 27, 1898, have you carried that with you since the time that it was drawn, since the time of its date, have you had it in your possession?
- A. Yes.
- Q. Why did you take that check? A. I have to keep it because there was no money in the business, no money in the bank.
- Q. No money in the bank? A. No. We over drew the bank account often.
- Q. This was money to be put in the business of the City Press Association? A. No.
- Q. To carry on the business? A. Yes.

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Q. And I ask you now if there was no funds in the bank to pay that check on that date? A. There is some other checks. I did get a small balance turned in the bank account. I deposited this seventeen dollars, now I think of it.

Q. You deposited it? A. I did.

Q. You kept these checks with you, all of them? A. Yes.

Q. You had them all the time? A. Yes.

Q. You never demanded them from Mr. O'Rourke? A. Never.

Q. And you hold them yet? A. Yes.

Q. Who is your landlord? A. John G. Folsom.

Q. How long is he your landlord? Since the first of May.

Q. 1888? A. Yes.

Q. Did you pay him in cash every month? A. I mostly paid him with checks.

Q. Signed by O'Rourke? A. Signed by O'Rourke.

Q. How much? A. Fifty dollars a month.

Q. Now this item of \$520 for salaries, do you say Mr. Dodge handed you a list? A. Yes.

(Paper handed to witness.)

Q. Do you recognize that as the list? A. Well, I think it is one. I think it is.

Q. Salaries \$524? A. Only the salaries were higher.

Q. How much? A. \$4. to Mr. Reis, \$3. for Phillips, Ten dollars for myself, five dollars for Beard & Lewis, that is all I can explain. Give me the difference?

Q. No, make it up? A. Well, I want some paper.

Q. Can you do it with paper? A. Yes. Every week there is a difference. Then there is messengers must be \$12.

- Q. You figure it up? A. There is Reis \$4. Phillips \$3. \$10 myself, \$5. Beard & Lewis,
- Q. That will all figure up how much? A. \$614.30
- Q. The item is \$620, how do you figure that? A. \$2. was paid to P. V. B. \$2. to Hardenburgh, that leaves two dollars uncertain. That is still in the cash, still in possession of the association.
- Q. There is another item of seventy cents? A. That brings it to \$620.30.
- Q. Now as to those two dollars that you have spoken of before?
- A. I only know that these men came in and claimed that money. They claimed that they had paid that for telephone.

Adjourned to January 3, at two P. M.

2 District Police Court.

Charles A. O'Rourke

vs. Oscar Hunter

STENOGRAPHER'S TRANSCRIPT.

Dec 188

BEFORE HON.

Henry Ford

Police Justice.

W. L. Ormsby

Official Stenographer.

0103

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT

DISTRICT.

Charles D. O'Rourke

of No.

115 & 117 Nassau

Street, being duly sworn, deposes and

says that on the

19<sup>th</sup>

day of

December

1888

at the City of New York, in the County of New York,

Oscar Hunter now

here who was in the employment of deponent as cashier and book keeper, deponent charged the said bookkeeper with making false entries in a journal in charge of said deponent as such cashier and appropriating commissions on advertising and also overcharging advertisements for the purpose of appropriating the overcharges and for misappropriating a commission of one hundred and fifty one dollars and eighty cents on advertising for the United States Mutual Accident Association; and also with having with intent to misappropriate from deponent altered erased obliterated or destroyed the books of account or records of deponent which he was so employed to keep, or made false entries in such books of account or records, and with wilfully being omitted to make true entry of material particulars in such books or accounts by him said defendant to wit: alterations & erasures in his said books by erasing the accounts thereof used in the business of deponent and by making false entries therein of accounts and charges of transactions with persons dealing with deponent in his business and of making entries and charges of commissions to himself with intent to defraud deponent as aforesaid; and with concealing the names of persons with whom he conducted the business of deponent and wilfully omitting to make true entry of material particulars of the business of this deponent in his said books kept by him, by wilfully omitting the names and particulars of the said business purporting to be represented by said entries and with intent to defraud this deponent

affidavit to his own... by falsely representing the  
deposits kept by him... the books filled with lying  
accounts... the said defendant may be held for  
examination in order to enable deponent  
to have the books of deponent examined  
by an expert.

Let O'Rourke

Sworn to before  
me this 21<sup>st</sup> day  
of December 1888  
J. M. [unclear]  
Police Justice

Police Justice

Police Court, 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles A. O'Rourke  
vs  
Aaron Hunter

Dated Dec 23 1888

Jord Magistrate.

A. A. [unclear] p. Officer.  
Central Office

Witness,

Let O'Rourke

Disposition,

AFFIDAVIT.

0105

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Oscar Hunter*

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.

*Oscar Hunter*

Question. How old are you?

Answer.

*29 Years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*123-2nd Ave 6 Months*

Question. What is your business or profession?

Answer.

*Book Keeper*

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

Answer.

*Oscar Hunter*

Taken before me this

day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0106

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles A. Clarke  
115-117  
Dear Hunter

Ind. Jan 12/89

Office

Dated Jan 4/89

Magistrate

Officer

Precinct

CO -  
Wm. B. Cooperthwaite

Street

Street

Street

to answer

1000

to answer

to answer

Police Justice.

188

Dated

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

There being no sufficient cause to believe the within named

Police Justice.

188

Dated

to bail to answer by the undertaking hereto annexed.

I have admitted the above named

Police Justice.

188

Dated

the City Prison, of the City of New York, until he give such bail.

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

0107

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

POLICE COURT  
SECOND DISTRICT

-----  
The People &c.  
Charles A. O'Rourke  
against  
Oscar Hauter.  
-----

Examination before Justice Ford,  
December 21, 1888.

Appearances:

For the people, John Mc Crone,  
For the defendant A. P. Wagner, Esq.

T H O M A S F. A D A M S being duly sworn as a witness for  
the people deposes and says: I am a detective Sargent of  
Police of New York City. I arrested the defendant on the  
18th of this mont at 115 Nassau St.

- Q. State what conversation took place? A. I did not have any  
conversation with him that amounted to anything.
- Q. You told him what he was arrested for? A. I told him that  
Mr. O'Rourke charged him with embezzlement.
- Q. Is that all that you said to him? A. I dont think we had m  
much to say -- very little if anything. I dont think I had  
any conversation with him at all in relation to the complaint.
- Q. You cant say what he said to you? A. He said that there wa  
some transaction between him and Mr. O'Rourke. That he had  
taken some money which he thought he was entitled to. That

was about all that I think he said to me. It was a question he said of commissions, - that's about all I think he said to me.

CROSS-EXAMINED BY MR. WAGNER:

Q. Did you take this defendant before Inspector Byrnes?

A. I brought him to Police headquarters and locked him up.

I was not there when he had the conversation with Inspector

Byrnes.

SWORN TO BEFORE ME

THIS 21 DAY OF December 1934

J. H. Murphy  
POLICE JUSTICE.

CHARLES A. O'Rourke the complaining witness being

duly sworn and examined as a witness for the People deposes

and says: I am 45 years old. I live at No. 40 West 130th

St. I am Manager of the City Press Association. I know the

defendant. He has been in my employ.

Q. What was his employment? A. As book-keeper, and subsequently as cashier and collector.

Q. Does that business ~~include~~ include the business of advertising? A. Yes, sir.

Q. Did he take <sup>charge</sup> ~~care~~ of that? A. Nothing but sending to collect bills, he was book-keeper of all the business.

Q. Will you state when you discovered, if you had occasion to make an examination with respect to his conduct of the business? A. I discovered on Saturday evening last that he had opened an account with himself for commissions, an account for advertising, making himself a practical partner in the business.

Q. What do you know with regard to these transactions of the defendant? A. I find, and I know that he is not entitled to

0110

commissions, he should have no commission account with the office. I never knew of any such account till last Saturday.

Q. It was not authorized in his employment? A. No, sir.

Q. State if you discovered him mis-appropriating any money?

A. Yes.

Q. Go on and give the particulars? A. He is a salaried employee with no interest in the advertising business, whereas I found on his books that he has been crediting himself with commissions on all business that came into the office. In one case he credited himself with one hundred and fifty one odd dollars received from the United States Mutual Accident Association. He was not entitled to a cent. He credited himself with commissions.

Q. Do you know on what date did he account to you for money of this Mutual Accident Association, you have just referred to?

A. No, I did not know he had taken the money, he did not account for it in any way.

Q. Was the collection made for that? A. The collection was made and paid into the office.

Q. Was that authorized? A. No. *Collection of bills authorized but taken of commission* not authorized and not known until last Saturday.

Q. Go on and tell all you know about any other transactions?

A. In the case of Bruner & Moore he opened an account, an advertising account, I knew nothing about it, I asked him about it, he said he had obtained advertising of Flint & Co. *Bruner & Moore through influence of*

I discovered that he had some furniture from the firm of Bruner & Moore in payment of advertising. I gave him no authorization at any time to take furniture in payment of advertising.

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Q. The furniture was not delivered to you? A. No.

Q. Nor the money? A. Nor the money.

Q. Anything else? A. These cases you see were discovered through an expert who has been at work on the books.

Q. Have you stated all you know? A. That's all I know.

Q. Will you state the full nature of his employment?

A. He was on a salary, I increased his salary?

Q. By the week? A. By the week.

Q. And employed to do what work? A. To keep the books and to collect bills.

Q. And make entries? A. Concerning advertising.

Q. Does that constitute the whole of his employment?

A. If I suggested to him to help in relation to the advertising it is part of his duties under his salary.

Q. State just what you called him to discharge in the office?

A. I have.

Q. He had no other authority in your employment other than what you have stated. A. He was employed entirely on salary, so much so that his salary was increased on the understanding that he was to attend to some advertising when necessary for the increase. He asked for more salary and I told him he should attend to the business he had before been attending to with some more.

Q. Did you have a conversation with him since you made these discoveries in regard to this matter? A. No, This advertising had been coming into the office long before he was connected with it, - some of it. He had been employed by me some time ago in a different capacity. What he did was just as if a clerk in the Herald office should take part of his receipts as commission. I did not discover it until Saturday.

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- Q. State all the facts you know with regard to it? A. There is the case of the Clifton Racing Association. I cant tell you all until the expert has examined the books.
- Q. Have you sated all you know? A. Yes, that is all at present until after I see these items.

## CROSS-EXAMINED BY MR. WAGNER:

- Q. You say you are manager of the City Press Association?  
A. Yes, sir.
- Q. Is it a corporation? A. No.
- Q. Is it an association? A. That is merely a trade name.
- Q. Who owns the association? A. My wife.
- Q. You do not? A. I do not.
- Q. You are simple manager for your wife? A. Yes.
- Q. How long have you been manager for your wife of that association? A. 7 or 8 yars, I could not tell exactly without looking at the books.
- Q. How long has the defendant been in your employ? A. I believe about 18 months, on this occasion.
- Q. Had he been in your employ before this? A. Yes, in a different capacity.
- Q. For how long? A. I do not know, a short time.
- Q. Cant tell? A. No.
- Q. In what capacity was he engaged by you the first time?  
A. Stenographer.
- Q. And in what capacity was he engaged the last time?  
A. As book-keeper, as collector, and subsequently I gave him charge of the cash in the office.
- Q. Did he have the payment of bills that came in in the regular course of business ? A. Yes.

- Q. He was authorized to pay debts? A. Yes.
- Q. Was he authorized to solicit advertising? A. Yes.
- Q. As book-keeper, he had charge of all the books of the business, had he? A. Yes.
- Q. And it was his duty to keep those books? A. Yes.
- Q. And did he have charge of the bank book, A. Yes.
- Q. And the deposit book? A. Yes.
- Q. And the check book? A. Yes.
- Q. Now when he was originally engaged the last time was there anything said between you and him with reference to soliciting advertising? A. No, not at all.
- Q. When was that spoken of first? A. When he asked me for an increase of pay.
- Q. About what time? A. I suppose a little over a year ago.
- Q. Did he broach the subject to you? A. He did.
- Q. What did he say to you at that time? A. He said that he couldn't very well live on his pay and he would like some more salary, and I told him that I could not give him more. *I could find hundreds that would do the same work at the same price* as He said if I would give a little more salary he would attend to the outside advertising.
- Q. What was said at that time about commissions? A. Nothing whatever.
- Q. Have you stated the entire conversation that was had between you and him at that time? A. So far as I remember it.
- Q. There may be some that you do not remember? A. I am sure there was nothing about commissions on advertising.
- Q. There may be some that you don't remember? A. Naturally, yes, we cannot remember exactly all that takes place.
- Q. I didn't ask you that. There may be some that you do not

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remember? A. Of course there may be.

Q. Did he ever ~~state~~ <sup>ask</sup> to you after that about commission?

A. He never spoke of having any commission or claiming that he was entitled to commissions on advertising.

Q. Did he at any time except the time spoken of mention about soliciting advertising? A. I told him two cases in which if he could collect a bill he could take half the commission.

Q. State what were those two cases? A. One was the Grand Conservatory of Music on Fifth Avenue. They owed us a bill and the other was <sup>Hulin</sup> ~~Walt~~ a stationer down town.

Q. When was that conversation with reference to these two cases?

A. The one about the Grand Conservatory of Music, my idea is that it was six or seven months ago.

Q. And the other? A. The other was comparative recently.

Q. Did he collect the Grand Conservatory bill? A. No.

Q. Did he collect the other one? A. The other was taken out in a stock of stationery for the office.

Q. Were those two bills the items, in the books of your association? A. I suppose so.

Q. Don't you know? A. I have seen it in the books, -- yes.

Q. The ~~other~~ <sup>order</sup> for advertising, was taken out in stationery?

A. Yes.

Q. After the bills for advertising appeared in your books?

A. I cannot tell exactly.

Q. Does it appear whether the defendant took his commission for that item? A. I cannot tell in that particular case.

Q. Did you examine the books last Saturday? A. Yes.

Q. Personally? A. Yes.

Q. How came you to examine them? A. Well, on Thursday I was down in Wall street and found that he had over charged one of our

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customers twenty dollars on an advertising account.

Q. Give the name of the party? down in Wall street. A. It was in New Street.

Q. That's not Wall street? A. It's all Wall street down there Wall St. New St. and Broad St.

Q. Can't you tell the name of the party? A. I cannot, without reference to the books.

Q. You can't give the transaction? A. I will give you the name of the advertising. It was advertising for the Republican Business Men's Organization. I do not know the name of the party, I think it is Drake.

Q. The account that you found in your books was an account between your wife and this defendant in reference to commissions? A. It is an account in the books of the office. It does not specify my wife nor specify me,-- the books of the office simply.

Q. For commissions? A. For commissions, yes.

Q. Can you tell when that account was opened for commissions? A. No.

Q. Did you ever borrow any money of this defendant? A. Never.

Q. At no time? A. At no time.

Q. Are you positive of that? A. Positive, yes.

Q. Did the defendant ever advance any money to carry on the business of your office? A. Not a cent.

Q. At no time? A. At no time.

Q. Are you positive of that? A. Perfectly positive.

Q. You say you have an expert examining the books? A. Yes.

Q. Tell me what books the expert examined? A. He examined all the books bearing on the accounts of the office.

Q. What were the books? A. Ledger, cash book, day book, pet-

ty cash book-- all the ~~xxxxxxx~~ books of our office.

Q. Have you named all the books examined by an expert?

A. Yes.

Q. Has he examined the check book? A. Yes.

Q. Did he make a report on the check book? A. Yes.

Q. Who signed the checks? A. I did.

Q. Nobody else had any authority? A. No.

Q. All the checks that were given in payment of bills were signed by you? A. Yes.

Q. How was ~~Mr~~ defendant's salary paid, in cash or by check?

A. In cash, he took it himself.

Q. Did you ever give defendant any checks? A. Yes.

Q. Do you know the amount of the checks that you gave him.

A. I could not tell without reference to the books.

Q. When did you give him the first check? A. I could not tell without reference to the books.

Q. Can't tell the last check? A. No.

Q. Were any of these checks given for borrowed money? A. No, sir.

Q. What were they given for? A. In this way,-- he claimed that he had made a deposit of money of his own. On the first occasion, he said "I have had fifty dollars of my own which I have deposited with the office money because we have no savings bank account as we do not think it safe to have it in the house, will you give me a check for the money I deposited with the money of the office?" I asked him not to do that again. But he did do it again. I trusted him. I supposed it was right. I never examined whether he had deposited that money or not.

9 Q. For all you know, he did deposit that money? A. I do not

know whether he did or not.

- Q. (Question repeated) A. I haven't charge of the books.
- Q. (Question repeated) A. Oh, yes, he might have.
- Q. When did you first remonstrate with him about making those deposits? A. The first time.
- Q. When was that? A. I do not remember.
- Q. How long ago, six months? A. I couldn't tell without examining the books.
- Q. How long do you think? A. It is not over six months ago.
- Q. Then he did it repeatedly? A. I do not think it was over three months.
- Q. When was the first time that you are sure of? A. I am sure about three months.
- Q. You are sure it is not much more than three months?
- A. I am sure it is not over six.
- Q. That you are positive of. A. Yes.
- Q. What number of occasions? A. As far as my recollection goes, on three occasions.
- Q. On each of those occasions that he deposited money for you would you give him a check? A. I did at once as soon as he said that he had ~~used his collections for the office.~~ *deposited his money with office collection*
- Q. You gave the check? A. Yes.
- Q. You took his word for it? A. I took his word for it.
- Q. How long have you been in business? A. About 19 years.
- Q. How many times was it, six times or ten times? A. I know it is not over six times, if it was that.
- Q. Is not that money which he said he had so deposited still in your business at 115 and 117 Nassau Street? A. I do not know.

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Q. Now if defendant says that he put it in your business and that that money is still in your business, would you believe that it was there? A. I would not. I would believe that the money was obtained under false pretenses.

Q. Which money? A. This money which he said he deposited.

Q. And yet you gave him your checks for it? A. Perfectly right.

Q. And you have been in business 19 years, and you are a newspaper man at that? A. Yes, sir. I have given him full charge of the money without security or question.

Q. Is this your signature on these checks marked A, B, C, D, E, F, A. Yes, that is my signature.

Q. Now look at B,? A. I know that is my signature, it is dated February 27, 1888 for seventy dollars.

Q. Look at check marked "F"? A. Yes, that's right, July 16, Fifty dollars.

Q. Look at Check "E" A. Yes, August 13, Fifty dollars.

Q. Look at D, A. August 30, fifty dollars. I do not admit that these were checks *obtained from* deposited for me in any such way.

Look at C, A. September 10, 1888 for fifty dollars.

Q. Look at A? A. March 6, 1888, for thirty dollars.

Q. This man has been in that business only eighteen months this last time? A. I believe about 18 months.

Q. During that 18 months did you go over these books and examine them? A. Well, I never did except casually. He would give me some statement from the books. I rarely looked at the books.

Q. He rendered an account to you? A. When I asked for it.

Q. When did he render you the last account? A. I do not remem

ber.

- Q. How long ago, a day or a week? A. I do not remember. He rendered an account when I called for it.
- Q. How long ago do you say this account of the Mutual Accident Company for \$151.50 was collected by the defendant, Tell, if you know. A. I cannot tell without looking at the books.
- Q. Will you swear that he didnot account for that?in the accounts he rendered to you? A. I will swear that he has never accounted for that \$151.50.
- Q. Is that last account in your psssession? A. It is in the books.
- Q. In what way is it in the books? A. Yes, it is credited to himself.
- Q. These entries in the books were in the handwriting of the defendant, were they not? A. Yes.
- Q. And they are books that he had in his charge and possession as book-keeper? A. Yes.
- Q. And these books are at all times in your office? A. Yes.
- Q. And all the items of your complaint in this proceeding are contained in these books? A. Yes.
- Q. In this defendant's handwriting? A. Yes.
- Q. Now, before you caused the arrest of defendant did you charge him with embezzlement? A. Taken subject to objection) No.
- Q. At the time of his arrest did you see this defendant before Inspector Byrnes? A. (Taken subject to objection) No.
- Q. Didn't you consult Inspector Byrnes in reference to this matter.

A. Yes.

Q. Did Inspector Byrnes tell you it was not a criminal case?

A. No, he did not.

Q. Did he tell you that it was a case for the Civil Court?

A. He did not.

Q. Didn't he tell you that this was a matter that could be settled without going to Court? A. He did not.

Q. When the defendant was entitled to commissions did he get the commission in cash? A. *He never was entitled to commissions* He took the commissions himself.

Q. And charged himself with it on the books? A. Yes, as it appears now. I did not know it until Saturday night.

Q. You have no interest in that business, except as manager for your wife? A. No.

Q.

RE-DIRECT

Q. In the advertising business? A. Not in any of the business.

Q. With reference to the over charges which you state you discovered? A. I have seen a bill for \$103 and it may have been some odd cents it should have been eighty three *dollars* He sent word to one of my employees in Wall Street

Objected to.

He wrote a note.

By Mr. Wagner.

Q. Have you got that note? A. He destroyed it himself.

Redirect examination continued:

Q. Who destroyed it? A. The defendant destroyed it.

Q. Go on? A. (Taken subject to objection) *sent a note* He said to one

*to one* of my employees to show the advertiser the enclosed vouchers

RE-CROSS BY MR. WAGNER:

Q. Can you give the date when this conversation took place with reference to his destroying checks? A. No.

Q. Give about how long ago it was? A. It is not long ago.

Q. Is it a week or a month? A. It may be three months.

Q. Have you followed up this man's record, since the arrest?

A. No, not in the least.

Q. His previous character? A. No, sir, I have not.

Q. You say it was about three months ago that this conversation took place about checks that were destroyed? A. About three months, I cannot be positive.

Q. Do you know what checks he destroyed? A. No, I asked him how old were

Q. Do you know ~~who wrote~~ these destroyed checks? A. He admitted himself, they had been made out ~~by me~~. *during his period in the office and signed by me*

Q. How old were they? A. I do not know.

SWORN TO BEFORE ME

THIS 26 DAY OF December 1934  
*C. H. R. [Signature]*  
POLICE JUSTICE.

MONTGOMERY B. COWPERTHWAIT being duly

sworn deposes and says I am a member of the G. C. Flint Co. and President of the Bruner & Moore Co.

Q. You have met the defendant before? A. Yes.

Q. When was the first transaction with him in regard to advertising? A. About two weeks ago.

Q. Did he represent who he was? A. That he was employed by the City Press Association. Something of that kind.

Q. State the conversation? A. He stated that the association had space in various news-papers to sell and he wished to sell it to us and I made a contract with them to take some space for the Flint Co.. I paid cash for the Flint Co. and I took space for the Bruner & Moore Co. and paid him furniture

for it.

Q. How much furniture did you deliver to him? A. That I do not know.

Q. It was for a bill of advertising? A. It was an account of an advertising bill. It was to be as much as the advertising bill came to. We could not tell how much it would be.

Q. Did it cover the entire charge? A. The entire charge is not through with.

SWORN TO BEFORE ME

THIS 1st DAY OF December 1928

*J. Murray Dick*  
POLICE JUSTICE.

Q. RAYMOND E. DORRIS being duly sworn and examined as a witness for the people deposes and says: I am 34 years old.

*I was born*  
I live at Troy, N. Y. I am a news-paper editor. I am in the employ of the complainant ~~XXXXXXXXXX~~ and I have been in his employ three years in February. I am acquainted with defendant

Q. Are you acquainted with the business of the City Press Association? A. I am.

Q. Have you made it your business to inform yourself with regard to the defendant's accounts? A. I have, recently.

Q. Have you seen the defendant write? A. I have.

Q. State whether, in your examination of the books you have discovered any ~~XXXXXXXXXX~~ erasures or alterations which have been made therein by the defendant.

Objected to.

A. (Taken subject to objections) I have.

Q. Can you state them? A. I can.

Q. Go on and state them? A.

Objected to.

Q. You have made a memorandum of the pages? A. Yes.

Q. Are you able, by reference to that memorandum to give testi-

mony? A. I am.

Q. Please state any particular transaction that you have so discovered.

Objected to.

Q. Have you got a memorandum that you have made from the books you indicate? that will show whether alterations or erasures were made in the books? A. I have.

Q. Are you able to state by reference to that memoranda the particulars of these entries? A. I am.

Q. Will you proceed to state them?

Objected to. Objection overruled.

A. In the first place the salary list on December 8, paid on December 10, shows an over charge in the salary account of seventeen dollars and seventy cents and in the next place the figures are altered there, the defendant has altered them. I refer to page 381 of the cash book. That is not entered on any other book.

Q. Go on? A. Alterations are to be found in the Journal pages 328, 329, 330, 331, 334 of the Journal. In one instance page 334 there is an erasure of a number of amounts.

Q. How much was that? A. I could not tell without reference to the figures.

Q. Have you the figures with you? A. I have.

Q. What books of the City Press Association have you here before you? A. I have the Cash book and Journal.

Q. Will you please turn to any pages exhibiting the entries to which you have referred? A. Page 381 of the Cash book, there are alterations in the hand writing of the defendant.

Q. State what you found of alterations there? A. I found

that the amount, page 381 of the Cash book on the seventh line from the top an entry of salaries for the week for six hundred and twenty dollars.

- Q. Is there alterations there? A. There is.
- Q. Where does it appear? A. It appears in the first, second and third figures of the dollars column. I am not positive about the first figure. I am positive of the second two, - about the second and third.
- Q. In whose hand writing are the alterations? A. They are in the handwriting of the defendant.
- Q. Go on and state any others that you know? A. That's the only one that has been called to my attention.
- Q. What amount did you find the salary should be? A. The amount should be f\$592.30. The amount stated there is \$620.
- Q. Did you find anything more? A. That is the only thing.
- Q. You think entries have been erased or altered in this book?
- A. I think there have been. But I am not familiar enough with the advertising business to tell with certainty.
- Q. What did you discover in the petty cash book? A. There are changes there in the ~~changes~~ <sup>entries</sup> of credit to C. O'Rourke.
- Q. What else did you find? A. I find there is an alteration <sup>amount of check</sup> in the bill of the Times, the eighth line from the top, page 379. <sup>and in the next item to C. A. O'Rourke there are changes</sup>
- Q. What are they? A. The figures there now are 15, what the original figures were, I do not know.
- Q. In whose handwriting is the alteration? A. In the handwriting of the defendant.
- Q. Go on? A. Page 377, the ~~xxxxx~~ <sup>tenth</sup> line from the top I find

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that the item has been changed. It now stands \$14.74.  
The original item I am unable to tell.

Q. Anything else? A. I might go on indefinitely showing ~~xxx~~ alterations.

Q. Look at Ledger, page 295, and say what you find there?  
A. I find a number of charges here where the defendant has

credited himself by commissions on pages 295 and 296, amounting the whole of it to \$466.32.

Q. About how many items did that covered? A. I could not tell  
It covers all of page 295 and two thirds of page 296.

Q. In whose name is the entry of this account? A. In the name of Oscar Hauter, the defendant.

Q. What is the date of the first entry? A. October 1, 1887.

Q. What is the date of the last entry? A. October 31, 1888.

Q. And the account covers entries between those dates? A. Yes.

Q. Is that all? A. No. I find that he debits himself with advertising in the New York World to the amount of \$299.94, which he had no authority to do under the business of the office.

Q. Now have you given the whole? A. I find in some of these accounts where advertisers names appear on the books in connection with the business of the office that in other words it seems, he has been doing advertising business of his own. That he has advertised <sup>for outside</sup> and had <sup>an</sup> account charged to the office.

Q. Go on now and state all that you discovered? A. In the petty cash book, on December 5, 1888 I find <sup>from Mr. S. to</sup> ~~an entry~~ <sup>entries</sup> of some twenty dollars worth of elevated road tickets. This is in his own writing. He told me himself and showed me the tick-

ots, where he had purchased fifteen dollars worth of elevated tickets which was charged to the Election account. That amounted to \$35. in all. In the same period of time is an item of car fare three dollars and a half amounting to \$33.50 which would be seven hundred and seventy car fares. Now for the ordinary use of the office it would require about *for that time* two hundred and forty, that is ten a day for six days in the week, that leaves five hundred and thirty tickets that he has to account for.

- Q. Go on and finish? A. I found forty five tickets in the safe, which would leave four hundred and eighty five short or twenty four dollars and twenty five cents deficiency.
- Q. Have you stated all? A. No. In the case of Bruner & Moore, I find advertising Journal, page 326 twenty eight dollars. Page 337, \$33.50 and page 338 and 339 \$40.70. Also on the same page an entry of \$13.72, making a total of \$151.82.
- Q. Do the books show that that money has been paid to the City Press Association? A. No.
- Q. What is that before you now? A. The Journal, page 334.
- Q. What do you find there? A. I find in the items for the Herald a charge of \$9.45 gross and ~~\$8.10~~ net, whereas the Herald allows no commission.
- Q. How many alterations did you find there? A. In a number of lines, *showing names of advertisers - eight alterations*
- Q. State what that is? A. In the eleventh line from the bottom, *of the base* I find an item marked "World" that he has altered the figures. They now stand \$3. Then from the *eighteenth line* from the top, there is an alteration in the amount of the bill. It now stands \$131.25, what the original is, I am unable to

determine. On the next page 335 I find some alterations *in another book* from the total, the amount now stands \$114.90 *18th line from the top*

- Q. Have you given any recent alteration? A. These are all recent alterations I believe.
- Q. State why you believe they are recent? A. Because The second time I went over the book, they were changed from what they were the previous time when I had seen them. They have been altered.
- Q. Have you stated all? A. Not all. This book was seen by myself and other persons last Saturday and Sunday.
- Q. Did you look at these particular books? A. We looked at all of them. And we observed no alterations.
- Q. Was the defendant employed there subsequent to the time you saw the books? A. He was.
- Q. Where were the books kept? A. In the safe of which he had the key.
- Q. Have you stated all the items that you discovered? A. I have stated all the items I have been asked about. As far as the destruction of checks was concerned, I only know that Mr. O'Rourke told ~~him~~ *me* about it. Although I did find the stubs of the books were missing. There was only one or two and they use five or six a year.
- Q. Has there been an expert book-keeper examining the books in conjunction with yourself? A. There has.
- Q. How long would it take to make a thorough examination of all the books? A. It would take ten days or two weeks because in order to find out the amount of the deficiency he would have to inform himself of the different account and correspond with the different papers.

Adjourned till tomorrow at 10 A. M.

Second day.

*Direct* Testimony of Mr. Dodge continued:

Q. Will you please state any fact that you know with respect to the transaction of the defendant as an employee of the complainant? A. He carried the funds of the office in his pocket constantly.

Q. Did you speak to him about that? A. I do not know that I did. I reported it to Mr. O'Rourke. It was begun something over a year ago. The way I know it is at that time my desk was moved from the news department to the business department. I noticed it before the election of 1887. Another point: he has frequently cashed checks for the salary of men out of the funds of the office and then has not accounted for the checks afterwards.

Q. Have you a check where that was done? A. It is the case of Daniel Ryan. Check dated November 20, No. 800 for \$25. The check has been through the bank.

(Check offered in evidence marked E.)

Mr. Ryan reported this to me

Q. Does any evidence of that transaction appear on the books?

A. I have been unable to find any either on the bank book or the re-deposit of this money or the cash book.

Q. Have you looked over the books to find out? A. I looked all over the books and I find no entry of it.

Q. Go on? A. In another case. In the testimony given yesterday <sup>was</sup> that the account of Hulin, the Stationer ~~it~~ was taken out in advertising.

22 Q. What are the facts concerning that transaction.

Objected to.

A. (Taken subject to objection) On knowledge I state that this account was not to be taken out in advertising.

Q. Was it taken out in advertising? A. It so appears on the books.

Q. Who made the entry on the books? A. They were made by defendant.

Q. Was the page explained yesterday? A. It was not.

Q. Turn to the page and show that fact from the books?

A. On page 334 of the Journal date November 14, I find John S. Hulin, debited with advertising to the amount of ten dollars. On page 332 of the Journal date October 21, I find this same person debited with ten dollars.

Q. Go on? A. The next point I find in the election account rendered, carriage and car fare \$45. In that particular account I happen to know that from the ~~cash book~~ *the books* that the bill for carriages is fourteen dollars, and that on the morning of election \$15 was paid out for elevated railroad tickets which does not appear on any of the books of the concern and that is the \$15 alluded to in my testimony yesterday. That would be \$29 out of \$45, which he charged for the election account. I will say the only bill for car fare was one paid to our head quarters man Jacob Reis which amounted to three dollars. That would make a difference of an overcharge of about \$13.) Two weeks ago my individual salary was paid in check. The defendant personally came to me and offered to take the check to the bank and get it cashed for me if I would endorse it on the back. He came in in three or four minutes, the bank is near by, and paid me the money. And that check has not been

accounted for yet. He told me that he was going to draw some more from the bank on other accounts. When I reported the matter to Mr. O'Rourke, he remarked that he knew no other account to be drawn on for that day.

Q. Do the books show that the Hulin account has been paid?

A. The books do not show that.

Q. Is there anything else that you know? A. There are a number of points that I cannot recollect. There has been so much of this work. I would state that from an examination of the books we find the account so badly mixed up that we cannot do otherwise than to start a new set of books, and strike a new balance. And in this opinion we are corroborated by the Accountant.

CROSS-EXAMINED BY MR. WAGNER:

Q. You were here yesterday during the entire examination, were you not, A. Oh, yes.

Q. Do you mean to say the Hulin bill is paid or unpaid?

A. I will say the Hulin bill is not settled.

Q. I ask you to answer my question? A. The Hulin bill is not paid.

Q. Did you hear the testimony of Mr. O'Rourke yesterday?

A. I did.

Q. Did you hear him say that the Hulin bill was taken out for stationery for the office? A. I did not.

Q. You did not hear him say so? A. No, sir.

Q. If Mr. O'Rourke so stated do you think you are mistaken for you say the bill is not paid? A. Not necessarily.

Q. What's your business? A. Managing Editor of the City

Press Association.

Q. How long have you been such? A. About something like a year and a month.

Q. In the employ of Mr. O'Rourke? A. Yes. As manager of the City Press.

Q. You have been in the employ ~~more?~~ *his before that* A. ~~Some~~ three years.

Q. Before that three years what was your business? A. I was a reporter on the Star, before that I was copy reader on the Star.

Q. Have you been a book-keeper? A. I have kept books.

Q. Repeated) A. I have kept books.

Q. (Question repeated)

Objected to on the ground that it has been already answered.

Q. How many books have you kept? A. I have run a cash book a Journal and Ledger in one business. And in another business I have run a number of books,-- in the American News Co. that were required in my department and I had to attend to them, make up the accounts of customers from the books, and in the absence of the book-keeper attended to his business.

Q. Have you stated all your experience in the way of running books? A. Yes, that was eight years experience.

Q. Do you say that you have been a book-keeper for eight years? A. I do not know that you would call me a regular book-keeper. I never held the position of book-keeper.

Q. Can you tell me when the last balance was made that appears to have been made from the books? A. The last balance I think was made about the first of July, I have not the balance

book with me.

Q. You have not got all the books of Mr. O'Rourke in Court?

A. No.

Q. Have you got the check book in court? A. I have not.

Mr. O'Rourke will produce it.

Q. Have you got the pass book? A. I have not.

Q. When did you report to Mr. O'Rourke first that the defendant carried the funds of the office in his pocket? A. It was about a year ago, it may be a month over.

Q. Are you sure it's a year? A. Yes, it may be more.

Q. You say he cashed checks for men in the office and did not account for the check, is that correct? A. He cashed checks for the salaries of men in the office.

Q. Did he account for the checks afterwards? A. If he was called upon.

Q. He did account for it? A. Yes.

Q. Didn't he account for all the checks that he cashed? A. No.

Q. Tell what checks he did not account for? A. In the case of Daniel Ryan and in my own case two weeks ago.

Q. Tell the case of any other one that he did not account for? A. I do not remember any.

Q. Where's Mr. Ryan? A. He is at the City Hall.

Q. When did you last see him? A. About Friday or Saturday night.

Q. Is he in court? A. He is not.

Q. Did you see defendant cash this check for Mr. Ryan?

A. I did not.

Q. How do you know he cashed it? A. Mr. Ryan personally reported it to me.

- Q. Was the defendant present? A. He was not.
- Q. That is all the knowledge you have with reference to the cashing of this check for Ryan, that Ryan told you in the absence of the defendant? A. Yes. Also the fact that I couldn't find any record of it in the account. I was unable to find any record in the books.
- Q. It may be in the books? A. I should hardly think so.
- Q. Will you swear it is not? A. I will not.
- Q. Where does the account for carriage hire and car fare \$45. of which you have spoken appear in the books? A. It appears in election expenses.
- Q. You said the defendant obtained on that account \$14? did you not? A. That referred to the carriage hire.
- Q. Did he pay out that sum of money? A. I have seen that item of \$14. Schneider for carriages.
- Q. That he paid out? A. Yes.
- Q. What do you charge him with in that account? A. The carriage account is \$45. of which \$14 is for carriages and \$15 for elevated railway tickets leaving a balance unaccounted for.
- Q. Did you talk with the defendant about that account?  
A. We had a number of conversations, yes.
- Q. When? A. A day or two after election.
- Q. Where? A. In the office.
- Q. Who was present? A. Nobody but ourselves.
- Q. Did you charge him with this amount that was unaccounted for?  
A. No.
- Q. Did you at that time speak to him about this amount unaccounted for? A. I did not, it had not been made.

- Q. How did you get the notice of this amount? A. Through Mr. Edward Schneider, night reporter for us at Police headquarters.
- Q. You got that from Mr. Schneider? A. Yes.
- Q. When the defendant was not present? A. Certainly.
- Q. All the knowledge you have with reference to this carriage account is what you have given? A. That is all.
- Q. The carriage and car fare account is one? A. Yes.
- Q. What knowledge have you of the car fare account?
- A. I only know he bought the elevated tickets.
- Q. How do you know that? A. I heard the defendant tell a boy to go out and get the tickets and report when he came back.
- Q. Do you know what became of these tickets, because they were not used by the office.
- Q. How do you know? A. For the simple reason I looked after all these things myself.
- Q. The defendant told the boy to get the \$15 worth of elevated tickets? *A 29, 2 - who gave out the tickets that night?*  
A. The distribution of elevated tickets is attended to by myself, on election night. *was*
- Q. Do you mean to say that the defendant has not paid out so many tickets? A. Yes.
- Q. The boy brought the tickets to the defendant? A. Yes.
- Q. Tell what the defendant did with the tickets? A. I do not know.
- Q. When was the first time that you made it your business to go through these books of account produced in court on this case?
- A. A week ago Friday night.
- Q. A week ago yesterday? A. Yes.

- Q. Have you looked at any other books of the complainant not produced in Court? A. Yes.
- Q. How came you to look at those books? A. By Mr. O'Rourke's suggestion.
- Q. When did he suggest it? A. I do not remember, it was about eight or nine months ago, something like that, he suggested it should be done.
- Q. From that time up to Friday a week ago did you examine these books? A. No.
- Q. Why did you examine them Friday a week ago? A. By Mr. O'Rourke's order.
- Q. You say the order had been made eight or nine months ago? A. There was a special order given Friday afternoon in Mr. O'Rourke's presence.
- Q. Who gave that special order? A. Mr. O'Rourke.
- Q. Who was present? A. No one else.
- Q. Where was the order given? A. In his private office.
- Q. At what time of day? A. I do not remember the date, I should say it was last Friday?
- Q. You mean a week ago yesterday? A. Yes.
- Q. Now I come right back to the question what made Mr. O'Rourke give you that special notice to examine the books yesterday week? A. I never knew until I heard his evidence yesterday. I was told that Saturday.
- Q. By whom? A. Mr. O'Rourke, that he had found evidence of over charges on two bills. He did not mention the names of the bills.
- Q. Advertising bills? A. Yes.
- Q. Did he tell you at that time that he had found that defendant

had retained moneys that he claimed as commission?

A. No, he did not.

Q. Did he show you the account that defendant had opened in the books to his own credit? A. Not on Saturday.

Q. On Friday a week ago? A. That is another question.

He did show me that account on Friday night, I think it was Friday night. I am uncertain about it whether it was Friday or Saturday night.

Q. You have never been book-keeper of the City Press Association, have you? A. Only in my own department.

Q. As managing editor? A. As managing editor making up the salary list.

Q. Now when you examined the books produced in court who assisted you in making that examination? A. Mr. O'Rourke, on Saturday night and also Mr. Cogswell of our office.

Q. Is he in court? A. He is not.

Q. Did any other person assist you in examining these books at any time? A. There did.

Q. Who? A. An expert accountant.

Q. Give his name? A. His name is Bagot.

Q. His first name? A. I think it is A.

Q. Where does he keep? A. His office is in Temple Court.

Q. Is he in court? A. He is not.

Q. You have made a number of reports to Mr. O'Rourke about this defendant for about a year and a half last past have you not?

A. I have.

Q. About how many? A. I could not say.

Q. So many that you could not remember how many there were?

A. There were about twenty, I should judge.

They were made during the year on different matters, after he authorized me to look about.

- Q. Were these reports with reference to the books and cash of the concern? A. Books, cash and other matters.
- Q. Did Mr. O'Rourke mistrust the defendant any time within the last year and a half? A. He has frequently.
- Q. How far back? A. Since May 1, 1888.
- Q. He mistrusted defendant? A. To some extent. It has been going on occasionally he has found matters coming up that he did not like.
- Q. Financial questions? A. Yes.
- Q. Did he mention these to you? A. He did.
- Q. In the year 1888, when did Mr. O'Rourke first mention to you about his suspicion of the defendant in reference to his account? A. Sometime last winter.
- Q. Can you give about the month? A. I could not.
- Q. The winter of 1888? A. Yes, sometime last January or February.
- Q. You mean that in December 1887 or January or February 1888 O'Rourke did mention to you about suspicions of the defendant not keeping straight accounts? A. He did.
- Q. And is that the best answer you can give as to the date? A. It is.
- Q. Did Mr. O'Rourke ever tell you that he had examined defendant's books at that time or at any other time? A. He said he had not.
- Q. When Mr. O'Rourke on Friday a week ago spoke about these books, did he then tell you whether he had ever examined defendant's books? A. He said he never had.

- Q. And up to Friday a week ago, you had not examined his books, had you? A. I had never examined the books in court.
- Q. *How long is it since*  
All the knowledge you had Mr. O'Rourke ~~has~~ spoke to you about his suspicion that the defendant had not kept his books properly. A. Within the last year.
- Q. Since last December 1-1937? A. *2-4* I would be unable to say for there has been so many of them.
- Q. So far as you now remember, he never did? A. Yes, sir.
- Q. He said to you that the defendant was dishonest to him? A. No, he never said that.
- Q. What did he say? A. ~~It~~ It would come up in the form of certain financial transactions which would occur queer to him for the time being, and he would say, "this thing is very queer, I do not understand it."
- Q. Did you suggest to him to examine the books? A. Repeatedly.
- Q. And did he say anything about defendant doing crooked work? A. He would say "I am afraid there is something wrong."
- Q. And Mr. O'Rourke said to you he felt there was something wrong against the defendant and that the cash and account books were not all right? A. Yes.
- Q. And that was said on more than one occasion? A. Yes.
- Q. And said so often that you can't remember how often? A. Yes.
- Q. And neither you nor Mr. O'Rourke ever examined these books? A. No, not till Friday a week ago.
- Q. Friday a week ago, was the first time you ever examined them? A. The first time.
- Q. Did Mr. O'Rourke at that time say it was the first time he had ever examined them? A. Yes.

Q. Now you have testified with reference to an account you found in this book in the name of defendant for commissions?

A. Yes.

Q. When did you first see that account in the books? A. That night with Mr. O'Rourke.

Q. Friday, a week ago? A. Yes. I am not certain whether it was Friday or Saturday?

Q. Did you ever before that date see the account in the books opened in the name of defendant for commissions?

A. I never did.

Q. Did you look for it? A. I did.

Q. You looked for it? A. Yes.

Q. When? A. Something like eight or nine months ago.

Q. You looked for this commission account of the defendant in complainant's book? A. Yes.

Q. What made you look for that account? A. What I stated a little while ago, that Mr. O'Rourke suggested that it ought to be done?

Q. What ought to be done? A. That the books ought to be examined. I was not looking for that particular point. I want to say that it was a mistake for me to say that I knew of the existence of commissions, or of the commission account, or even suspected it before I looked in these books.

Objected to.

Q. Mr. Dodge, did you examine the books that you had ~~examined~~ produced in Court before Saturday, a week ago? A. I did not.

Q. Never? A. Never.

Q. Did you not say in your cross-examination in this proceeding that you had looked for the commission account of the defendant in these books some eight or nine months ago?

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Objected to.

THE COURT: State whether you did so testify or not? A. I do not remember because I was ~~very~~ *somewhat* confused by the cross-examination.

Q. You don't remember whether you so testified or not?

A. I do not remember.

Adjourned to December 31 at 9-30 A. M.

at the Tombs Police Court

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POLICE COURT,  
SECOND DISTRICT.

-----  
The PEOPLE

CHARLES A. O'ROURKE

against

OSCAR HAUTER  
-----

Examination continued, December 31, 1888

For the People, Howe & Hummel

For the defendant Mr. Wagner

RAYMOND E. DODGE being further cross-examined by  
Mr. Wagner, deposes and says:

- Q. What is your age? A. Thirty four.
- Q. Not twenty four? A. No, sir, I did not testify to that.
- Q. Where do you reside? A. I reside in Brooklyn.
- Q. What place? A. At 880 Gates Avenue. The question asked  
me on the previous examination was, where were you born, that  
is the discrepancy I complain of.
- Q. You have given testimony with reference to the salary list of  
December 8, A. I have.
- Q. Was the salary list made up by you after the arrest of the de-  
fendant? A. No.
- Q. When was it made up by you? A. It was made up by me on  
Friday night previous to the day, pay day, Monday, whatever  
it is. I do not remember the date. Dec 10
- Q. Was it the same Friday that Mr. O'Rourke instructed you to  
examine the books? A. No, sir.

- Q. Or that the books were examined? A. No, sir.
- Q. How long before that Friday was it? A. That was Saturday night that that order was given to examine the books.
- Q. That was Friday before the Saturday? A. It was a week and day before that this salary list was made out December 8.
- Q. You examined the books of the City Press Association on two different occasions, did you not? A. Many, many occasions, since the arrest.
- Q. You have examined the books of the complainant since the arrest, have you not for the purpose of obtaining evidence to be used upon this trial? A. And for straightening up affairs as far as possible, making out bills of advertising, and such work as that in connection with Mr. Cogswell.
- Q. ~~EXH XEM~~ Do you remember when the defendant was arrested? A. On ~~Thursday~~ *Monday* at half past twelve on December 18.
- Q. How long before that date did you examine the books of the City Press Association? A. Saturday, Sunday and Monday ~~night~~ *night*.
- Q. You had not examined them the Friday before the arrest, had you? A. No.
- Q. The first time that you examined the books then was Saturday before the arrest? A. The first time I made a close examination.
- Q. Then tell me when was the first time that you made any examination? A. Because I am uncertain. It was sometime in the spring that I found some of the books of the defendant, but they were not the present books.
- Q. I am speaking now of the present books. Tell me when you for the first time examined the present books of the City Press Association? A. The first time I looked over them was

the Saturday night previous to the arrest.

Q. How late in the day was it? A. About I should judge between seven and nine o'clock in the evening.

Q. Was defendant in the complainant's place at that time?

A. He was not, not to my knowledge.

Q. Is the business of that place conducted on Sunday? A. Yes, the business department is not, but the news department is open.

Q. The business part is where the defendant was employed. The business part was not open, and he was not there on Sunday?

A. No! *I am mistaken He was there*

Q. Did you then again examine the books on Monday? A. On Monday night.

Q. At what time? A. Between the hours of seven P. M. and two in the morning, I think it was.

Q. That was Monday before the defendant's arrest? A. On the night before the arrest.

Q. He was arrested on Tuesday, was he? A. Yes.

Q. Have you got the cash book with you? A. I have.

Q. By referring to page 381 of the cash book, what account does that page show? A. It shows part of the cash account of December 1888, from the first to the 15th inclusive.

Q. Is there any alteration of the figures that you see on that page? A. There are.

Q. Do you mean to say that the figures 620 are written over an erasure? A. It seems like it.

Q. You know that the figures made into 620 were changed, altered and made over an erasure? A. Yes.

Q. Which of them? A. The third line from the top on page 381

shows Staats Zeitung, It is now \$90-- I mean ninety cents.

- Q. Is that written over an erasure? A. There seems an erasure
- Q. Anything else there? A. Nothing else.
- Q. Have you added up the figures, footed 620 to see if the amount 620 comes out correctly? A. I have not tried to find a balance.
- Q. Can you tell who made that 620 written over the erasure? A. I cannot.
- Q. You do not know what was on there before he made it 620? A. I do not.
- Q. You cant say whether he did not change the figures so as to make the addition correct? A. I cannot.
- Q. Will you produce the Journal (Journal produced)
- Q. Upon page 381 of the Cash book do the alterations show that Mr. O'Rourke has been injured or deprived of any money? A. Yes, alterations.
- Q. Now which is it? A. The item of salaries, \$620. There is an alteration on the seventh line from the top, page 381.
- Q. Was Mr. O'Rourke injured or did he loose any money by that? A. It would seem so from the account.
- Q. Do you swear so? A. To my knowledge, yes.
- Q. Now turn to the Journal, pages 328, 329, 331, <sup>330</sup>~~311~~, 334, now you have testified to a number of alterations on those pages, do you mean to say that the alterations were figures written over erasures. A. It would seem so.
- Q. And can you tell wjat those erasures were made for? A. I cannot.
- Q. Can you tell what was in the books before the erasures were made? A. I cannot.

- Q. Will you swear that these erasures were made by the defendant to the injury of Mr. O'Rourke? A. I will not.
- Q. Will you swear that the changes, alterations or erasures did injure Mr. O'Rourke or that he lost any money by them?
- A. I will not.
- Q. Do you know anything about the advertising business of the City Press Association? A. I have heard a good deal about it.
- Q. Since when? A. In the last six months.
- Q. *and then you were quite familiar with*  
You were not formerly in the advertising business? *the*  
*is then answer*
- A. I did not know the details until recently.
- Q. Do you remember testifying about the commission account which had been opened in the complainant's books by the defendant the commission account that you discovered the Saturday before the defendant's arrest, I believe? A. Yes.
- Q. You had never looked at it before? A. I had never looked at it before.
- Q. You do not know whether that account was first commenced in the books in the month of December 1887, or about that time?
- A. *The first entry is*  
I know that ~~it was not there~~ in October '87.
- Q. That is not an answer to my question
- Q. (Repeated) A. I do not know.
- Q. Turn to the Ledger, page 295?x xxxx That is an account opened in the name of Oscar Hauter of commissions with the City Press Association? A. It appears there on the books so.
- Q. You stated in your examination that the first time you looked for  
~~xxxx~~ this account you did not find it, is that correct
- A. I do not remember.
- Q. You do not remember so testifying? A. There ~~was~~ some con-

fusion at the time. I have lost track of what I did say on that point.

Q. Do you remember your testimony of December 21, 1888, in this case? A. I remeber some parts of it.

Q. Did you on that occasion testify that this account was entered recently by the defendant? A. No, sir.

Q. Did you on that examination testify that you knew this account was entered recently because you had looked for the account before and you had not found it in the books? A. Not to my knowledge.

Q. Do you say that you did not so testify? A. I do not remember so testifying.

Q. In reference to the case of Bruber & Moore, you have testified that you found an advertising, Journal page 326, \$28 page 337, ~~\$28.50~~ \$63.50 and pages 338 and 339 \$40.70. Also on the same page an entry of \$13.72, making a total of \$151.82 you say you found such entry on the book? A. I said I found a similar ~~entry~~ entry \$151.80 in the commission account

Q. In the commission account? A. That was in the Journal.

Q. All you know about these items and ~~xxx~~ these accounts is all that you found in the complainant's books? A. Yes.

Q. And they were in defendant's handwriting? A. Yes, with the exception of the salary account which I knew personally.

Q. Did you go up and see Bruner & Moore? A. I did not.

Q. Now you say something about the item of the Herald, that the charge of \$9.45 gross, and \$8.10 net is not right. Will you swear today that the Herald did not allow that commission?

A. Only upon knowledge.

Q. Do you mean to say so upon knowledge? A. From what Mr.

Rourke said.

- Q. What Mr. O'Rourke said, you mean to say that you were told that the Herald pays no commissions? A. I heard something of the kind before. *from the advertising agents*
- Q. Upon that information received you said before here, on your examination, that the Herald allows no commission?
- A. I said so, it is upon knowledge.
- Q. You do not know of your own knowledge whether the Herald allows commissions on these advertisements. Do you know it of your own knowledge? A. No.
- Q. In any other of these alterations of figures or erasures that you have testified to in this case heretofore, can you tell what the erasures were made for? A. The object.
- Q. Yes, the object of these erasures? A. No, I cannot.
- Q. Or why they were made? A. I do not know.
- Q. Or what was written there before they were made? A. I cannot tell.
- Q. Can you swear that they were made for the purpose of injuring Mr. O'Rourke? A. From the appearance of the books, yes.
- Q. Can you tell how they injured Mr. O'Rourke? A. Representing more cash paid out than was paid out.
- Q. How much more? A. If you have any specification, I will give it to you. If you have any evidence.
- Q. You say on the eleventh line from the bottom of this item marked "World" that there was an alteration, that it now stands three dollars. Tell how about that item? A. What page is it on?
- Q. Journal 334, the eleventh line from the bottom, I ask you in what way has Mr. O'Rourke been injured by the alteration of

that item? A. From the alteration of the figures?

Q. Yes? A. That advertisement shows seven lines three times, at fifty cents a line. That would be twenty one, according to this it would be \$10.50 *and the entry is three dollars*

Q. How was Mr. O'Rourke injured by that? A. Because the original entry has been changed.

Q. In that way what does he lose? A. I cannot tell. It is an alteration.

Q. You do not mean to say that you can show how Mr. O'Rourke has lost any money or anything valuable by the change of that item? A. No, I never charged so.

Q. Can you tell when all these erasures were made? A. The majority of them ~~on Monday~~ *on Monday* morning, December 17, 1888

Q. And that was the day before the arrest? A. Yes.

Q. How do you know that? A. Because in connection with another person we looked over the books the night previous and found clean pages on the Journal.

Q. Do you mean to say now that all these erasures and changes were made on Monday morning before this arrest? A. The majority of them

Q. The majority of them? A. As far as I know.

Q. They were not there when you examined? A. I didn't see any.

Q. Why do you say the majority were made on Monday?

A. In some cases ~~there was~~ *a very* clean erasures ~~made~~ *might be* which would ~~not~~ be perfectly apparent to the eye.

Q. What kind of erasures? A. Clean erasures.

Q. Still you insist upon testifying here that none of these erasures were made before ~~Monday~~ *Monday* morning? A. I testified that

alterations were made on certain pages of the book.

Q. And they were not made before that Monday morning?

A. My opinion was that they were not.

Q. Do you say that all these erasures were made on the Monday morning before the defendant's arrest? A. Erasures were made on these pages on Monday morning, December 17.

Q. On what pages. A. On these pages mentioned in the evidence

Q. What pages? A. Pages given in the evidence already.

Q. All made on Monday before the defendant's arrest?

A. I don't say that they were all, but a majority.

Q. Tell which were made on Monday? A. The ~~majority~~ <sup>majority</sup> of alterations.

Q. Enumerate them, if you can? A. What is the first page?

Q. You can't state it without your memoranda? A. No. Take pages 332 to 336.

Q. I am asking you whether you can enumerate them? A. I cannot there were so many of them.

Q. Who was with you at the time you examined the books on Monday morning? A. I didn't examine them on Monday morning.

Q. On Monday evening? A. Mr. Cogswell.

Q. Any body else? A. Mr. O'Rourke.

Q. Any body else? A. No body else.

Q. You are positive that these were changed on Monday? A. Yes.

Q. Will you swear that the majority of these alterations were made on Monday morning before the arrest of the defendant.

Objected to.

A. They must have been.

Q. Then you are not positive? A. I know the pages were clean the night before.

- Q. Are you positive? A. I am.
- Q. Did you in your former examination in reference to this matter swear that these were recent alterations? A. I may have said that.
- Q. Do you remember saying that? A. I do not.
- Q. You stated that you have been employed on the Star as a proof reader? A. I did not.
- Q. You did not? A. No, sir.
- Q. At what did you say you had been employed? A. I said I was a copy reader, that is a very different thing from a proof reader.
- Q. Now tell us how long you were a copy reader? A. Not over a week. I was transferred to general work.
- Q. When you and Mr. O'Rourke and Cogswell went over the books on Saturday previous to the arrest was Mr. Bagot present? A. He was not.
- Q. On Monday night when you and O'Rourke and Cogswell again looked over the books was Bagot present? A. He was not.
- Q. In whose possession were these books from Saturday night that you and O'Rourke and Cogswell examined them until the present time? A. Mr. O'Rourke's.
- Q. Did you have these books during that time? A. No, sir he had the key.
- Q. The key of what? A. The key of the safe.
- Q. Were these books kept there during that time? A. They were.
- Q. How long did it take you to examine these books on Monday night? A. I detected alterations immediately on looking at them.
- Q. You was instructed to look over them? A. Yes.

- Q. Then did you detect alterations? A. Yes. *Certainly*
- Q. How long did it take you and O'Rourke and Cogswell to examine the books on Monday night? A. I could not say, four or five hours.
- Q. Four or five hours? A. Yes.
- Q. On Saturday night, how long did it take? A. *Saturday* ~~Saturday~~ night not over half an hour, a half an hour or so-- *Defendant had the key to the safe* ~~it had gone on~~
- ~~Qx~~ during these three days.
- Q. Who has had charge of the books since defendant has given up? A. Mr. Cogswell and Mr. O'Rourke.
- Q. You did not? A. Since the arrest I have had the key of the safe.
- Q. The books are in there? A. The books are in there.
- Q. You have had full access to all these books? A. Yes.
- Q. Who is book-keeper there now? A. Well, Mr. O'Rourke is attending to the cash now.
- Q. Who has charge of the books? A. Mr. Cogswell and myself.
- Q. Yourself? A. Yes.
- Q. Is it not a fact that you are cashier, book-keeper of the whole concern since defendant's arrest? A. In this way.
- Q. Answer the question, yes or no? It is a simple question? A. Practically so.
- Q. You gave some testimony here in reference to a check that the defendant had cashed for Mr. Ryan, do you remember the date of that check? A. No, I do not.
- Q. You have got the check here? A. I have.
- Q. Will you look at it? (Check produced) A. It is No. 800
- Q. As having been cashed by the defendant for Daniel Ryan? A. I do, upon knowledge.

- Q. What do you mean by upon knowledge? A. Upon knowledge obtained from Mr. Ryan.
- Q. You mean upon information? A. Yes, sir, upon information.
- Q. Do you mean from Mr. Ryan? A. Yes.
- Q. This check seems to have gone through the bank, to have been paid by the bank? A. Yes.
- Q. It is check No. 800, dated *Mr* 20, 1887 *8* A. Yes.
- Q. Can you tell when this check was paid by the bank?
- A. I cannot.
- Q. Did you make any inquiry at the bank as to when this check was paid? A. I did not.
- Q. For all you know this check was paid by the bank on the day of its date? A. For all I know.
- Q. Have you got the check that you spoke of with reference to yourself that he cashed? A. No, I have not.
- Q. You ~~xxx~~ also testified that you had been a reporter on the Star. How long had you been a reporter on the Star? A. About two months.
- Q. Mr. Cogswell is employed by Mr. O'Rourke, is he not? A. Yes. he was.
- Q. And has been employed for how long? A. He was what we call an extra man for about eight months.
- Q. You and this defendant have always been friendly, have you not? A. Yes, we never had any material trouble.
- Q. You did have trouble together? A. Nothing more than once we had a tiff over something that did not amount to anything.
- Q. You did have some trouble? A. Once.
- Q. When was that? A. Not over six months ago.
- Q. Do you know what it was about? A. Some affairs of the news

department in which considered he interfered without authority.

Q. In your department? A. Yes.

Q. You considered he interfered with your department and you had some words with him? A. We had some words, yes. It was reported to Mr. O'Rourke.

Q. And since then you did not feel quite as friendly as you did before? A. Oh, I forgot about the matter.

Q. Is Mr. Bagot here today? A. He is not.

*Wass*  
RE-DIRECT EXAMINATION BY MR. ~~Morse~~:

Q. What was your position in the City Press Association at the time of the arrest of this defendant? A. I was managing Editor.

Q. At a stated salary? A. At a stated salary

Q. How much? \$36. a week!

Q. What was the salary of this defendant at the time of his arrest  
A. \$18. per week.

Q. Do you receive the salary that the defendant received in addition to the \$36. that you received, for taking care of complainant's business since the arrest of the defendant?

Objected to.

A. I do not.

Q. You have with you a number of checks? A. Yes, sir.

Q. Upon which this defendant has received money at different times  
A. Yes, sir.

Q. Will you please explain to the Court how he received money on these checks, if you know, and everything in connection with those checks? A. The numbers?

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- Q. Take up each check 811? A. No. 811 is dated Nov. 20, 1888 to bearer.
- Q. How much? A. Fifty dollars, the stub mark salary account.
- Q. How is it marked in the book? A. In the check book there is no such amount in the salary list or in the cash book.
- Q. You say there was or is? A. There was and is no such amount on the salary list. I have checked No. 821, dated Nov. 21, 1888, \$25. payable to bearer. This check on the back is endorsed Oscar Hauter, and ~~paid~~ by him turned to Flaccus & Son, hardware dealers 102 First Avenue.
- Q. And that entry is put to the credit? A. The stub of the check book reads <sup>netly</sup> ~~paid~~ cash election &c.
- Q. The next check? A. 667 Old, dated April 23, 1888 payable to the order of Oscar Hauter \$25.
- Q. There is an account in the check book of it? A. The entry in the stub of the check book is for exchange O.H.
- Q. The next? A. Check 667 New, payable to the order of bearer \$40. It does not show on the stub of the check book differently. There is no entry on the cash book of paying out for any account. Check 655, Old, April 11, 1888 made payable to the order of Oscar Hauter, \$50. Endorsed Oscar Hauter on the back. In the stub it reads, in the check book it reads cash. <sup>50</sup> Check 570 Old, \$25. payable to the order of Oscar Hauter, endorsed by Oscar Hauter. The stub calls for salary ~~account.~~
- Check 582 Old \$50 order of Oscar Hauter; endorsed by Oscar Hauter on the back. On the stub charged to salary account.

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Check 745 dated November 2, 1888 to bearer, \$42.50 endorsed on the back O. H. and further endorsed for deposit, John F. Manges, a furniture dealer in Rivington Street.

No. 774, check made November 15, 1888 payable to W. Richards for \$25. and endorsed W. W. Richards and Oscar Hauter and for deposit John F. Manges in Rivington Street.

Check 760 November 5, 1888 Daniel Ryan, \$25., endorsed on the back Daniel Ryan and Oscar Hauter.

Check 688, October first 1888, \$22. payable to bearer, This has no endorsement, has been through the bank and on the stub reads S. S. Dreyfus, an employee of the office on salary.

Check 834, \$20 payable to bearer November 28, 1888, endorsed L. Johns on the cash book in previous testimony this is credited as \$15. to C. O'Rourke. *on an alteration*

Check 839, November 30, 1888 payable to the New York Times \$68.<sup>35</sup>; endorsed pay to the order of New York Times, George Jones, This check was entered in the cash book as ~~\$87x~~ \$78.<sup>35</sup>.

Check 689, *Richard Edwards* \$30. October 1, *88* This check is the one cashed by the defendant and the one which Mr. O'Rourke asked him for and was turned over to Mr. O'Rourke. That is all the checks I have. Oh, you want a record of the missing checks.

Objected to.

Q. Were there any checks missing?

Objected to and

A. (Taken subject to objection) There are.

Q. Describe them if you can? A. There are 159 checks missing of different dates.

49 Q. It is not necessary to give them in detail? A. In one case

one hundred and twenty three checks.

Q. You are testifying from memorandum? A. Certainly.

Objected to.

Q. You have been testifying from memorandum all the way through, have you not? A. I have got the checks here.

Q. And from memorandum, you have been testifying? A. Certainly. We have been doing that right through the case. It would be impossible for me to remember all these figures.

Q. Were you testifying from memory or were you testifying from memorandum which you made after inspection? A. From memorandum made after inspection. In the check book commencing Number 501 to Number 623 inclusive the checks returned-- the checks are all missing.

Q. If that many checks were returned have you received any information as to who they were returned to? A. The defendant had charge of them. He transacted all bank business.

Q. He had charge of all checks that were missing? A. Yes,

Q.

RE-CROSS EXAMINATION BY MR. WAGNER:

Q. Will you mention how many of these returned checks are missing? A. The ones mentioned are missing.

Q. How many checks were there? A. One hundred and fifty nine in all.

Q. Give the numbers? A. Some one hundred and twenty three in a lump.

Q. Do you know what became of those checks? A. I do not.

Q. Those missing checks? A. I do not.

Q. Of those one hundred and fifty nine missing checks? A. I do not.

- Q. Can you swear that they were ever in the possession of this defendant? A. I can not.
- Q. Check No. 811, payable to bearer, \$50. Will you swear that he has not expended that for salary? A. I will not.
- Q. Check 821, November 21, \$25. payable to bearer, was this for cash or for election expenses? A. Entered on the stub for election expenses.
- Q. Will you swear that it was not expended at election?
- A. I cannot swear. It speaks for itself.
- Q. You cannot swear? A. It speaks for itself.
- Q. I didn't ask you that. Will you swear that it was not expended for election expenses? A. I cannot.
- Q. Do you know the check 667 Old, dated October 23, for \$25. What it was for? A. Nothing but what is on the cash book.
- Q. You do not know what it is for? A. No.
- Q. 667 New, to bearer \$40. you say that it does not show on the check book? A. It does not.
- Q. You say it does not appear on the cash book as paid out?
- A. 667 Old, ~~does~~ *made out to bearer* ~~This 667 New, is made to bearer.~~ It does not appear on the cash book.
- Q. How do you mean? A. That the \$40. does not appear on that day.
- Q. One item of Forty dollars does not appear in the cash book?
- A. Certainly.
- Q. Have you got the cash book here for that date September 19?
- (Cash book produced.)
- A. There is four items. Sixteen lines from the top of page 303, four items, and they do not show a check of forty dollars entered.

- Q. On that same page, under date of 19, of September 1888, is there an entry of several? A. There is one of one thousand and forty and one of two hundred dollars.
- Q. Will you swear that this forty dollars is not included in one of those two items? A. I will swear that it is not shown in the first?
- Q. Why? A. Because that was a check for \$1,040
- Q. Do you know it was not included in the item of Two hundred dollars? A. I should say not.
- Q. Will you swear that this forty dollars is not included in any other item? A. I didn't look it over. I simply say that amount of forty dollars does not appear there. The check for Two hundred dollars appears on the cash book on October 19,
- Q. Where is the thousand dollar check? A. The thousand and forty dollar check, October 19, No. 660.
- Q. Check No. 570, old Number for \$25. will you swear that that sum was not expended for salary? A. I will not.
- Q. Check No. 582, \$50 will you swear that that sum was not expended for salary? A. I will not.
- Q. Check 745, and ~~No. 288 and 425~~ *but for 21st paid 42.50 to beaver*, tell what those checks were paid to Manges for? A. Payments on furniture.
- Q. How do you know? A. Information from private papers, bills of the defendant found in the safe by Mr. O'Rourke.
- Q. Private papers of the defendant which you took in your possession? A. Yes.
- Q. Without the knowledge of the defendant? A. Yes, After his arrest.
- Q. You took them without his consent or knowledge? A. Yes, Mr. O'Rourke took them.

- Q. From your knowledge, you say now that this check was paid Mr. Manges? A. *A similar amount was paid* He had similar ones paid.
- Q. I asked you whether that check was paid to Mr. Manges for ~~ser~~ *furniture* ~~yes~~ yes or no? A. I can't do it if I was not there. *I find his endorsement on the back*
- Q. Look at check No. 700 November 5, 1880, the check to Ryan, *is that the check we had here before* will you swear it was not paid to Ryan? A. No.
- Q. Look at No. 688, October ~~15~~ *1882*, payable to bearer, you say it is marked in the stub S. S. Dreyfus, will you swear it was not paid to him? A. Only on information.
- Q. From whom? A. Mr. Dreyfus.
- Q. Then he claims it was not paid to him? A. He does.
- Q. That is all you know about it? A. That is all I know about it.
- Q. From what you have heard? A. Reported to me as *my* manager *editor*.
- Q. And all that you have testified here is from paper memoranda, *and information* have you not? A. I have.
- Q. Testified to what you have heard, the information you have got A. Reported to me in the ordinary course of business.
- Q. Answer the question? A. Yes
- Q. Look at 834, payable to bearer, dated November 28, 1888. Does that appear on the check book? A. It appears on the check book dated November 30, 834 C.O.R. \$20. On the cash book page 379 eighth line from the top there is an entry of \$15 of the same date, the only one that comes anywhere near the amount. *and that has in the margin of alteration*
- Q. Do you know that Mr. Hauter claims that he has advanced money to Mr. O'Rourke? A. I have heard him say so in this examination.
- Q. Did you hear so before ~~then~~ *this*? A. I never heard him say so.

Q. But since the examination in this case has been going on, you have heard him claim that he advanced money to Mr. O'Rourke?

A. No. I have not heard him claim that this is so. It is not true. *I did not hear him say so* It is a mistake. I heard Mr. O'Rourke.

Q. Mr. O'Rourke told you that Mr. Hauter claimed that he had advanced money to Mr. O'Rourke? A. Yes.

Q. When did he tell you that? A. Several days ago. I could not say exactly. I didn't pay much attention.

Q. Where did he tell you? A. In the office.

Q. Who was present? A. Nobody else.

Q. You and Mr. O'Rourke alone? A. Yes.

Q. Do you know that some of those missing checks are in the possession of defendant's counsel? A. I have not examined.

Q. Do you know that checks were put in evidence here which were in the possession of defendant's counsel? A. I have seen checks put in evidence.

Q. Did you not hear the claim made by the defendant's counsel that these checks were given by Mr. O'Rourke to the defendant for money loaned by the defendant to Mr. O'Rourke? A. I think I did.

*Sworn to me this 21<sup>st</sup> day  
of December 1908  
J. J. Sullivan  
J. J. Sullivan*

*Raymond E. Dodge*

MASON F. COGSWELL being duly sworn as a witness for the people, deposes and says:

Q. Where do you live? A. 351, West 36th Street.

Q. What is your business? A. I am a book-keeper.

Q. In whose employ? A. The Erie Railway.

Q. You have heard the examination of the preceding witness?

A. Yes.

Q. Will you state who was present at the examination referred to?

A. Mr. O'Rourke, Mr. Dodge and myself.

Q. Any body else? A. No.

Q. Please state when those examinations were made? A. To the best of my recollection they were made Saturday, Sunday and Monday preceding the night of the 17th of December from that time out I have been there repeatedly looking at the books.

Q. In company with Mr. Dodge? A. Yes.

Q. How long have you been a book-keeper? A. About ten years.

Q. And you have taken care of books? A. Yes sir.

Q. Have you made an examination of the books that were in the charge of this defendant? A. What kind of an examination.

Q. Any kind? A. I looked at the books, went over them. I saw the condition the books were in.

Q. When? A. Monday, on the 17th of December. I told Mr. O'Rourke that there was no earthly use of our writing up the books for that at the end he would not be the richer by a dollar.

Q. From what examinations you have made did you discover any alterations or erasures? A. I discovered erasures and alterations.

Q. In what respect do you mean, - changes of figures?

A. Changes of figures. I suppose changes of figures because I can't see alterations. I do not claim to know what has been before there. Figures have been scratched.

Q. Have you made an examination of the check book? A. I have.

Q. Of the cash book? A. Yes.

Q. Of the Journal? A. Yes.

Q X

55

Q. With a view of determining whether the entries correspond?

A. Whether they have been properly entered.

Q. Do you find them each in its proper account? A. Not in every case, no.

Q. Do you find accounts that are charged in the Journal different from the stub of the check book? A. I find accounts that are charged in the stub. I find that the stub and the check differs. The body of the check differs from the stub. I have looked over and compared and have found the stubs differ from the checks. That I found in many instances. I also found that the stub in the check book, the dates do not always appear consecutively. For instance one page would show No. 19 and following it might be No. 14. 14 would succeed No. 19.

Q. You heard Mr. Dodge testify with respect to different checks?

A. Yes.

Q. You were present at the time he made the examination? A. Yes.

Q. Do you substantiate the statements he made in every respect?

A. What he said.

Objected to.

Q. You examined with him? A. Yes. He is correct in what he said in regard to the checks.

Q. You checked off the checks he examined? A. I did.

Q.

CROSS-EXAMINATION BY MR. WAGNER:-

Q. How old are you. A. I am thirty eight.

Q. I understand you that you are a book-keeper for the Erie Railway? A. In the foreign freight office for the Erie Railway.

Q. How long have you been book-keeper for the Erie Railway?

A. About two years.

Q. How long have you known Mr. O'Rourke? A. Do you mean personally?

Q. (Repeated) A. By sight, for about a year and a half.

Q. You have been in his employ? A. I have been as a reporter.

Q. How long have you been in his employ? A. I have been employed on and off, - not permanently.

Q. How long have you been in his employ? A. For almost eight months.

Q. Have you examined the pass book o A. Of the bank?

Q. Yes? A. No, sir.

Q. You cannot tell how much money was taken? A. No. that will take sometime to find out.

Q. Did Mr. O'Rourke ask you to? A. He did. *not B* X

Q. Did Dodge ask you to do that? A. No, sir.

Q. *Do you know Mr. Bagot* ~~Or Mr. Bagot?~~ A. *do* I think not, sir. C X

Q. When you examined the books who went over the books with Mr. Dodge? A. We examined them. He went over them when I did.

Q. Who discovered all the erasures? A. Dodge.

Q. Who discovered the alterations? A. What alterations.

Q. On the books? A. Erasures. I do not say there was alterations.

Q. Were there any alterations of the books? A. *have not* I understand *D* X  
there were.

Q. I ask you whether there were? A. I say there were erasures.

- Q. Were there alterations? A. I will swear that there were erasures of figures.
- Q. Will you swear there were no alterations? A. No. I say there were erasures.
- Q. You have been a book-keeper ten years? A. Yes.
- Q. Did you ever make erasures in your books? A. Yes, repeatedly.
- Q. Will you swear that these erasures were made at any particular time? A. I will swear to certain pages of these books, if I can find them.
- Q. Find any page before you swear to it? A. Look at page 330
- Q. Of what book? A. The Journal. When I went over that book Sunday night these figures were different and the page clean. When I saw that book on Monday succeeding these figures had been altered.
- Q. Tell me which of these figures had been altered and which were not? A. I should not say altered, I say erased. The majority of them were.
- Q. On what line of the page? A. On the twenty first line from the top to the 30th line inclusive.
- Q. What figures of this line? A. The first column,- what you might call the gross column.
- Q. What is this other column? A. That is the ~~gross~~ net column.
- Q. Were there any alterations in the net column? A. I should say there were.
- Q. How many? A. I should say,- I should judge three alterations.
- Q. Do you claim that these figures denoting the price per line have been changed? A. I do not say that they have.

- Q. You simply mean that you have made a general examination not a full examination of the books? A. That is all I said on the direct testimony. I said that I told O'Rourke it could be done but it would take a long time and it would be costly and that he would not be any richer or any poorer. I said the first thing would be to take the check book and the cash book and go through them and compare the checks with the stubs first to find out what difference there was.
- Q. Did you go through the check book and the cash book? A. Yes.
- Q. Was any balance taken? A. No, sir, that may come after.
- Q. Looking at these books when do you find the last balance?
- A. What kind of a balance?
- Q. A monthly balance. A. Do you want to call that a monthly balance or a trial balance. A monthly balance is quite a different thing from a trial balance. According to this book the last date is in October what I should call the last balance.
- Q. In what year. A. In 1888. However it does not show a balance. The figures of this October account trial balance show merely on the credit side of the books some \$1871.50. But on the debit side there is no figures at all. It does not appear. Of course there is no balance.
- Q. When were the books posted last? A. The last posting I find here is on the 3rd of November. I find that the cash account has not been balanced since October.
- Q.
- RE-DIRECT BY MR. MOSS:
- Q. You were asked on your examination with respect to erasures, did you compare the books? A. I compared the checks drawn

with the stub of the check book to see whether the amounts and dates corresponded. In some instances they did and in a number of instances they did not. Then I compared the stub of the check book with the cash book to see where the amount from the stub and the check was entered in the cash book. If it was entered to prove what the stub called for. In many instances the body of the check has been drawn payable to order and the stub of the check book reads exchange and no where can I find in the books in the Ledger or any other any account of such exchange.

Q. Would it be different in the cash book? A. It would very often.

Q.

CROSS-EXAMINATION BY MR. WAGNER resumed:

Q. When were you first asked to examine these books? A. I think it was Saturday night about the 15th of December.

Q. Before the defendant's arrest? A. Yes.

Q. You looked all through the books? A. I think Mr. O'Rourke and Mr. Dodge together. I do not remember exactly.

Q. Did you examine the books at the time that they asked you to look at them there? A. I merely alloked at them casually.

Q. Can you remember the books you looked at? A. I looked at the Journal, the cash book and Ledger.

Q. Did you look at the Journal all the way through. A. Yes, clean through it.

Q. How long did the examination take you? A. Half an hour.

- Q. How many pages are there in the Journal? A. I can tell you. 480.
- Q. And it only took you a half an hour to go through it?
- A. I did not go through it all. Some of the pages are blank.
- Q. When did you next examine that journal? A. Sunday evening.
- Q. Up to what time? A. I have forgotten. Probably two o'clock in the morning.
- Q. How long did it take you that Sunday morning to go through the Journal? A. An hour or an hour and a half. It may not have been as long as that. I do not remember exactly.
- Q. When did you next examine the journal? A. Monday night.
- Q. About what time? A. I should judge about eight o'clock.
- Q. Do you remember seeing the defendant there Monday?
- A. I do not.
- Q. You discovered the erasure on page 331 of the Journal on that Monday night, did you not? A. I said there had been erasures.
- Q. Who called your attention to those erasures. A. I saw it myself when I opened the book.
- Q. Did you call the attention of any body to it? A. Immediately.
- 7 X Q. You remarked that those erasures had been made before that Monday? A. Yes, because I saw the book very closely.
- Q. When you examined the books on Saturday was the defendant present? A. He was not.
- Q. On Sunday was the defendant present when you examined the books? A. He was not.

- Q. On Monday was the defendant present when you examined the books? A. He was not.
- Q. Where did you examine the books? A. The books were on the desk.
- Q. Who was behind the desk ~~where~~ where the books were? A. Dodge, and I and O'Rourke.
- Q. Before you saw the books, Dodge was there? A. That I could not tell you.
- Q. Can you tell whether defendant was in the employ of O'Rourke on the Monday before this arrest? A. I was in his employ on the Monday before the arrest, certainly.
- Q. Were you in Mr. O'Rourke's place of business on the Monday before the arrest? A. In the evening, I was.
- Q. In the day time? A. No, sir.
- Q. When you came to O'Rourke's place of business, was defendant there? A. He was the last day, Monday before he was arrested. I think he was there.
- Q. Are you sure he was? A. I think I saw him there.
- Q. ~~Do you mean to say that when you examined these erasures that you claim~~
- Q. Do you mean to say here from the examination of the erasures that are claimed, that you testified to here on page 331 -- do you mean to say those were made by the defendant?
- A. I do not say anything of the kind. I mean to say that I did not see them when I first looked at the books.

Adjourned to Wednesday 12, 2, at 12 2 P.M.

Mason H. Cogswell

Sworn to before me  
this 14<sup>th</sup> day of Jan 1889  
J. M. [Signature]  
Police Justice

0169

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before J. Henry Ford a Police Justice  
of the City of New York, charging Oscar Hunter Defendant with  
the offence of Larceny - felony

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

W. Oscar Hunter Defendant of No. 123  
Second Avenue Street; by occupation a Brook Keeper  
and Carl H. Hoffschmidt of No. 344 East 85th St  
Street, by occupation a Printer Surety, hereby jointly and severally undertake that  
the above named Oscar Hunter Defendant  
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of ten  
Hundred Dollars,

Taken and acknowledged before me, this 25

day of December

1888

[Signature]  
POLICE JUSTICE.

0170

CITY AND COUNTY } ss.  
OF NEW YORK, }

Carl M. Hoffschmidt

the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth one thousand four Hundred Dollars  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of deponents interest in the

printing business located at No.  
232 Greenwich St. in the city of  
New York

Carl M. Hoffschmidt

Sworn to before me, this

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Police Justice

Undertaking to appear  
during the Examination.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles A. O'Brien

vs.

Dica Hunter

Taken the 25 day of Dec 1888

Duffy

Justice.

Bail taken at the  
request of Mr. O'Brien  
Ford, in his  
absence.

0171

District Attorneys Office.  
People <sup>vs</sup> <sub>Hander</sub> City & County of  
New York.

NY 3 Larceny of fifty dollars  
C. A. O'Rourke } 116 Nassau St  
R. E. Dodge }  
John G. Folson 14. Bible House

0172

District Attorney's Office.

PEOPLE

vs.

Oscar Hunter

Larceny -

Put this case on  
before Recorder  
Paul H. Jones  
24<sup>th</sup> 1889 -

B. F. D. Passer  
@

0173

F. T. KEITH,  
Manager.

ASTOR HOUSE.

ON THE EUROPEAN PLAN.  
BROADWAY AND VESEY STREET.

F. J. ALLEN,  
Proprietor.

New York, June 4<sup>th</sup> 1889

Colonel Fellows

Dear Sir:-

Will you kindly  
order my cases to be tried to-  
morrow in Part I - the only court  
not engaged - as otherwise an arson  
case will be commenced, which, it is  
said, would occupy this court for the  
remainder of this week.

Mr. Do Passon to whom they  
have been referred for investigation  
has declared himself ready for trial.

Very respectfully yours

Oscar Hunter.

0174

N.Y. City Press Association.  
Established 1869.

C. H. O'Rourke, Manager.

Office of the New York City Press Association.

(LOCAL BUREAU OF THE ASSOCIATED PRESS)

115 & 117 Nassau Street.

P.O. BOX 1560.

New York

188

A. G. Moore

address unknown  
but can be found

S. J. Russell?

Morning Journal Office

Chas. Flaccus Hardman

Frederick Flaccus Jr.

102 First Avenue

Whites in Corp

People vs. Hunter

Grand Jury

0175

*List of witnesses*

*List of witnesses*

50' BOX 1280

LOCAL SPECIAL AND ASSOCIATED BREEDS

0176

N.Y. City Press Association  
Established 1862.

C. H. O. Powell, Manager.

Office of the New York City Press Association  
(LOCAL BUREAU OF THE ASSOCIATED PRESS)

115 & 117 Nassau Street.

P.O. BOX 1560.

New York

188

Mason G. Cogswell  
N.Y. City Press Association  
115 Nassau

C. H. Ferguson  
same address

Tom Stolle  
Stock Quotation Telegraph Co  
49 Cedar Street

Mr. B. Cropperthwaite  
Hunt & Co  
104 West 14th Street

John F. Manges & Louis Manges  
furniture dealers  
Rivington & Essex Sts

Seshis H. Crisswell  
N.Y. Conservatory of Music  
5 East 14th St

John G. Folsom  
141 Bible House

Thos Donnelly  
Room 101 Potter Bldg

0177

N.Y. City Press Association  
Established 1869.

C. A. O. Howick, Manager.

Office of the New York City Press Association.

(LOCAL BUREAU OF THE ASSOCIATED PRESS)

115 & 117 Nassau Street.

P.O. BOX 1560.

New York Feb 19 1889

To the District Attorney

Hon. J. R. Fellows

We have been subpoenaed  
with Mr. Dodge to appear on ~~Friday~~  
Feb 20th in case of people against  
Haute before Recorder in the  
Part 2 General Sessions.  
Therefore ask that the following  
named witnesses be notified  
to appear to give evidence for  
the trial of Haute for Grand  
Larceny

Yours very truly

Wm. R. Howick

for R. E. Dodge

0178

F. T. KEITH,  
Manager.

ASTOR HOUSE.

ON THE EUROPEAN PLAN.

BROADWAY AND VESEY STREET.

F. J. ALLEN,  
Proprietor.

New York, Jan 6<sup>th</sup> 1889

Benj. T. De Passer, Esq.

Dear Sir:-

Please order my  
course on the calendar for  
Monday next, Jan 7<sup>th</sup> and for  
Wednesday, this subject being  
and I will get it ready  
for you.

Respectfully yours

Chas. H. Carter

Court of General Sessions re.

The People re.  
compt.

vs  
Oscar Hunter  
def.

Larceny.

Oscar Hunter def. was in Nov. 2-88 book-keeper for C. A. O'Rourke Manager of the New York City Press Association.

Hunter, to pay salaries of employees and bills incurred in the course of the business of said association would draw checks therefor and was expected to make the proper entries in books kept, and submit the checks to O'Rourke to sign upon explaining the purpose of the checks submitted.

A few days before Nov. 2-88 (as indicated by the stub of check in question) he submitted said check No. 745 for \$250 stating to Mr. O'Rourke, that he desired to pay with the cash obtained for that check, to pay two operators their salaries due. On this statement Mr. O'Rourke signed said check. Instead, however of paying said operators, one \$25. and the other \$17.50 (being the amounts of the check) Hunter took the check & some

John F. Mangle, a furniture dealer, and others for prosecution, paid to Mangle an installment of \$15. - therefore on some furniture Hunter had purchased from Mangle about a year ago and which was at present in the possession of Mangle at his dwelling. Hunter received from Mangle a receipt (- evidence) ~~found~~ also the balance \$27.<sup>50</sup> in cash which he kept and appropriated to his own use. Hunter never returned the money to O'Rourke but paid the salaries aforementioned amounting to \$42.<sup>50</sup> to the employees out of O'Rourke's cash, & Hunter has to this day not reimbursed O'Rourke for the larceny.

### Indictment

The Indictment is under acts 58 & 63 - for taking property unlawfully of the value of more than \$50. - but not exceeding \$500. in any manner whatsoever.

Witnesses.

C. Q. O'Rourke

Manager N.Y. City Press Association about Nov. 2<sup>nd</sup>, as he will testify. Deft. laid before him check & question, stating that it was to pay \$25 of \$17.<sup>50</sup> to two employees

0181

as salary. Relying on the signed check. Was never reimbursed in that sum.

John F. Mearns,

Furniture Dealer. Left gave his check - question (check dated ahead) to pay installment on furniture. Witness gave left. receipt for \$15. & the balance \$37<sup>00</sup> - Cash to Shafter. &c. &c.

R. E. Dodge

~~Manager of City of Worcester~~  
~~Manager of City of Worcester~~

Examined books of Ely. City Press Ass. for last Nov. & previously & does not find that Shafter ever returned the money stolen, to O'Rourke. Will testify to check (from stub) being dated ahead &c. (see this witness about testimony in rebuttal & about character of left. witnesses).

Two employees will testify to when they received their salaries.

0182

The People vs.

vs.  
Jacob Hunter

The Charges are

Grand Jury

The People vs.  
 Charles A. O'Rourke  
 Oscar Hunter

Examination Continued Jan. 3/89

Oscar Hunter, the defendant, being recalled  
 for further cross examination deposes  
 and says:-

Q. Do you know Festus M. Greenwood  
 who is now present?

A. Yes.

Q. Do you know what office he holds?

A. Yes.

Q. What?

A. President of the Conservatory of  
 Music.

Q. The institution that has been  
 referred to in the testimony?

A. Yes Sir - one of them.

Q. One of the institutions?

A. Yes.

Q. You have collected commissions  
 for the New York City Press  
 Association due by the New York

Conservatory of Music?

A No.

Q You have received advertising?

A Yes.

Q Have you honestly accounted to Mr. O'Rourke and to the New York City Press Association, for all money paid by the New York City Conservatory of Music for advertising?

A Yes; with the exception of ten dollars which I received on the last day. Mr. O'Rourke came right after me to the office - I had not even time to make an entry.

By Mr. Wagner

Q - Was this the morning of your arrest?

A - Yes

By Mr. Cross

Q - When did you receive that money from Mr. Griewood?

A Tuesday morning about half past nine; between nine and half past nine.

Q

2 Is that the only discrepancy that you can now swear to?

Objected to

Objection sustained

2 - Did you enter, in the books of the City Press Association the different monies paid to you by Mr. Friedman on behalf of the New York Conservatory of Music? and the dates and amounts at the time they were paid?

Objected to

Objection overruled

A. Mostly.

2 You do not swear you entered all?

A. In all with the exception of a few - two or three dollars.

2 What was the cause of that?

A. Because I did not remember the exact amount paid me and there was always a difference in the monthly statements from the papers -

Mr. Wagner - (interrupting) you are only to answer the question.

By Mr. Moss

2 - How much furniture did you buy from Mr. Manges since the time you have been in the employ of Mr. O'Rowke.

Objected to, and withdrawn

2 I hand you check No 745 dated November 2 1888, and I show you the endorsement Oscar Hunter for Deposit John F. Manges. What business is Mr. Manges in whose name is endorsed on that check.

Objected to.

Objection overruled.

A. He is in the furniture business

2. Did you give him the check that I have referred to, endorsed by you?

Objected to

2 (continued) endorsed by John F. Manges, for furniture received by you?

Objection overruled

A - Yes.

4 2 - Did Mr. O'Rowke know that

0187

you gave him that check?

Objected to

The Court - the question is a proper question  
let him answer it.

Mr. Wagner - [A Witness] - I now advise  
you not to answer any further questions  
in this examination.

Mr. Moore - I insist upon the defendant  
answering my question, and I ask  
the court to direct him to answer.

The Court - This is cross examination of the  
defendant. I have no right to  
compel the witness to answer any question  
he simply, as defendant, has the  
right to make a formal statement  
You cannot compel him to answer  
any question at all unless he feels  
disposed. You have no right to  
cross examine him at all.

Mr. Moore - Then we submit the case as it  
appears

Adelia Hunter being duly sworn  
and examined as a witness for the  
Defendant Deposes and says:-

Q You are the wife of the Defendant

A Yes.

Q What apartments do you occupy  
with your husband?

A At 123 Second Avenue in the  
City of New York

Q Do you rent out any rooms there?

A Yes

Q How many?

A Two

Q To how many different persons?

A One gentleman in each room

Q How much rent do you receive from  
those gentlemen?

A Thirty three dollars a month

Q That is what you received?

A Yes - the two together.

Q And you pay \$50 a month for  
the rent of that floor?

A Yes - fifty dollars.

Q Do you carry on business yourself  
on that floor?

A - Yes.

2 What business is it?

A Dress and cloak making

2 You have got a sign out there a  
a dress and cloak maker?

A Yes

Cross examined by the cross

2 - How long have you had that  
sign out?

A Six weeks

2 How long have you lived there?

A - Three days.

2 Do you pay the money to Mr  
Folston for rent?

A My husband pays it

2 Was the rent paid in cash or  
in check - if you know?

A That is my husband's business.

2 Don't you know whether your  
husband paid the rent of these premises  
- whether he paid Mr Folston in cash  
or in checks?

A Yes, I know

7 2 How?

A In checks.

2 Check signed by whom?

A That I do not know?

2 You don't know who signed the check?

A I do not know

2 Did you ever ask your husband who signed the checks?

A No: I never asked him

2 How many months have you been at Mr. Folsoms?

A Since May

2 - Did you have in your possession or do you know that your husband had in his possession different checks which were presented yesterday by your husband's counsel?

A Those were my checks

2 Who gave them to you?

A - My husband. I gave my husband money and he loaned it to Mr. O. Rowke.

2 How do you know he loaned it to Mr. O. Rowke?

8 A - My husband came home and

told me to give him the money  
: that they cannot pay salaries  
any more and through his hard  
efforts I gave it to him.

2. That was your husband's statement  
to you when you were home?

A. Yes.

2. Would he tell you that and you  
would hand him the money, and  
he would give you the check?

A. Yes.

2. How many times did you give  
him money and receive checks  
from your husband?

A. Eleven or twelve times.

2. Did you ever tell Mr. O. Rouke  
that you had checks belonging to  
him given by your husband?

A. I never saw Mr. O. Rouke.

Re-direct

2. Did your husband give you the  
checks when you handed him the  
money, or did he bring you the  
checks afterward?

0192

A He gave me checks the next day  
or the second day. Sometimes I  
gave him money at dinner time  
He gave me checks at night.

SWORN TO BEFORE ME

THIS 2 DAY OF

January 1899

POLICE JUSTICE,

Adjourned.

0193

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

-----X  
THE PEOPLE  
AGAINST  
OSCAR HAUTER.  
-----X

NOTICE OF MOTION.

TO JOHN R. FELLOWS, DISTRICT ATTORNEY, of the  
County of New York.

SIR.

TAKE NOTICE, that upon the annexed affidavit  
of AUGUST P. WAGNER verified on the 25th day of September  
1889, and upon all the papers and proceedings herein,  
I shall move the Honorable the Court of General Sessions  
of the Peace of the City and County of New York, at a  
Trial Term thereof to be held in part III on the 25th  
day September 1889, at 11 o'clock in the forenoon of that  
day in the Court House in the City of New York at No. 32  
Chambers Street, for an Order that the three Indictments  
pending against the defendant in this Court, be dismissed  
and assurances exonerated and said defendant discharged  
pursuant to Sections 668 and 670 of the Code of Criminal  
Procedure of the State of New York, and for such other  
and further order and relief as to the Court may seem just  
Dated New York September 25th 1889.

YOURS &c.,

*August P. Wagner*

Deft's ATTY.,

59 Second Ave  
New York.

0194

COURT OF GENERAL SESSIONS OF THE PEACE,

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE

AGAINST

OSCAR HAUTER.  
-----X

.....  
: AFFIDAVIT.  
: .....  
-----X

CITY AND COUNTY OF NEW YORK SS:

August P. Wagener being duly sworn says:

That he is the defendant's Attorney in the  
above entitled action.

That two indictments were found against the def-  
endant Oscar Hauter on February 27th 1889; and that  
another indictment is found against the same defendant  
on June 5th 1889.

That the said indictments have not been brought on  
for trial, that the trial thereof was not postponed upon  
the application of the defendant, and deponent asks that  
said indictments may be dismissed.

No previous application for such an order has been  
made.

Sworn to before me this

25th day of September 1889.

*August P. Wagener*  
*Amisa Wagner*  
*Notary Public*  
*N.Y.C.*

0195

N. Y. Sup. Court.	
<i>The People</i>	Plaintiff
against	
<i>Oscar Hunter</i>	Defendant
<i>Copy Affidavit Shirley G. Hunter</i>	
AUGUST P. WAGENER, Atty for <i>AW</i> 59 SECOND AVENUE, N. Y.	
<i>John P. Williams</i> <i>Dis. 125</i> <i>188</i> <i>Co</i> <i>32 Chambers St</i>	

0 196

District Attorney's Office.

PEOPLE

vs.

Hautes.

Orourke.

Dodge -

Flaccus.

Bookkeeper

Massachusetts.

Stone Case

0197

Wall Street Bureau of the Associated Press,

WESTERN UNION BUILDING, 16 BROAD STREET.

57. Broadway  
New York, June 5<sup>th</sup> 1889

Mr Dos Passos,

Dear Sir,

In reference  
to the payment of election  
expenses to that of which. The  
force employed at elections  
is very large - last year nearly  
four hundred men & boys  
& consequently many of them  
are not regularly connected  
with our office. The amount  
paid out on account of election  
is correspondingly large & the  
payments are made as  
a rule on the Monday fol-  
lowing the election as they were  
last year. Among the out-  
side men & boys, however,  
some do not call in time  
for their pay so that they  
cannot be paid when they  
do call. Hence the payments

for which this \$25 check was intended. Every one was paid who did any work. Hunter asked for the check in question on Nov 21<sup>st</sup> on his statement that some messengers remained unpaid. He did not pretend that he had paid them with his own money & that the check was to repay him. He never made at any time any pretense that he had ever paid out money of his own or office acct. & that he wished a check to reimburse him.

Since his arrest he has made many ridiculous statements to explain away his embezzlements, even to the extent of claiming that he has a partnership in the Advertising Dept.

Now, what particulars persons he referred to in getting the check of \$25 we have no way of knowing among so large a force of outside messengers. Neither did I know that any remained unpaid on giving them the check. He

0199

Wall Street Bureau of the Associated Press,

WESTERN UNION BUILDING, 16 BROAD STREET,

3

New York, \_\_\_\_\_ 188

had a list of names & I took his  
word for it - He did not point  
out or mention the names of  
the unpaid persons.

Any claim that he ever used  
money of his own in any business  
is absolutely false & absurd  
and was never made prior  
to his death.

Yours truly

C. A. Spence

0200

District Attorney's Office.

PEOPLE

vs.

Oscar Hunter.

Put case on calendar  
Oct 14<sup>th</sup> Part II -  
Subpoena  
Chas Ormke,  
115 Nassau

Chas Dodge  
115 Nassau  
with Ormke

S. M. Griswold  
Bring Cash Book  
& Blotter - 1888  
(get address from  
Mr. Ormke)

J. H. Davis

0201

District Attorney's Office.

PEOPLE

vs.

Red Chick on

Tuesday morning

Same day 3

Chairs dled

0202

District Attorney's Office.

PEOPLE

vs.

Oscar Hauker.

40# \* 10# Richmond

William Stolle.  
45 E. 7<sup>th</sup> Street,

A. E. Smith. Telegraph Operator  
Known eye bright child  
West. Union Office  
195 Broadway

Chas O'Rourke.

R. E. Dodge.

0203

District Attorney's Office.

PEOPLE

vs.

Oscar Hunter

John Lacey

Hot & Cold

I cannot find

any evidence

upon which to

Maintain this indictment

Neither Mr Tolson

or Mr O'Rourke seems

to know anything

of the facts -

I recommend

be dismissed

W.D. Jones

Not Dist.

FOL. 1. STATE OF NEW YORK:

CITY AND COUNTY OF NEW YORK SS: - OSCAR HAUTER, being duly sworn  
says: -

2. That on or about the 23rd. Day of January 1889, he  
was indicted by the Grand Jury of the County of New York,  
upon a charge made by CHARLES <sup>a</sup> O'Rourke, that he on the  
31st. Day of October 1888, had committed the crime of Grand  
Larceny in the second degree, in that he had stolen and  
carried away One Hundred and Fifty One Dollars and Eighty  
Cents; that thereafter Deponent was arrested and held to  
Bail in the sum of One Thousand Dollars, which Bail was  
furnished by deponent, and that this deponent is still  
under such Bail.

That after such arrest and on or about the 23rd.  
Day of January 1889, deponent plead not Guilty upon said  
charge and indictment, and ever since said day has been  
ready and willing to proceed with the Trial upon such  
indictment, and has to the utmost of his efforts attempted  
to force the Trial on said Indictment, but at no time has  
the District Attorney been ready and willing to try this  
case.

3. That several Terms of the Court of General Sessions  
of the Peace, of the City and County of New York, in which  
Court the indictment is triable have been had, and that the  
deponent has not been brought to Trial upon such indictment  
found against him.

That at no time has the Trial upon the indictment

2.

mentioned been postponed at the request of or upon application of this deponent.

4. That notice was given this deponent by JOHN R. FELLOWS the District Attorney, for Friday the 25th. Day of January 1889, to fix a day for Trial, and that on the 25th. Day of January 1889, a day for Trial was fixed, but when the day fixed for Trial was reached and deponent was in Court, with all his witnesses, and ready to try the case, the District Attorney would not and did not try the case.

That the District Attorney did thereafter again give notice for Wednesday the 20th. Day of February 1889, and on the 20th. Day of February 1889, again put off the Trial of the case.

5. That the District Attorney again gave notice to deponent for March the 22nd. 1889, and on March the 22nd. 1889 again adjourned the Trial of this action.

That the District Attorney again gave notice to deponent for March 12th. 1889, and on March 12th. 1889, again adjourned the Trial of this action.

6. That thereafter the District Attorney gave this deponent notice for March 28th. 1889, to fix a day for Trial, that thereafter a day was fixed for Trial but when the day fixed for trial came on the District Attorney again adjourned the same.

That thereafter the District Attorney gave this deponent notice for Trial for April 11th. 1889, and on April 11th. 1889, again adjourned the Trial of this action.

That thereafter the District Attorney gave this

3.

deponent notice of Trial, for April 15th. 1889, but on April 15th. 1889, the District Attorney again adjourned the case.

7.

That on each and every occasion, whenever this case was on the Calender for Trial, deponent was in Court, with all his witnesses, ready to try the case, and on every occasion ~~strenuously~~ <sup>strenuously</sup> opposed any adjournment or postponement of the case.

8.

That the charge contained in the indictment aforesaid, originated in the Jefferson Market Police Court of this City, where deponent was arrested in December 1888, and that after such arrest, the indictment hereinbefore mentioned, and another indictment for forgery were found against this deponent, arising out of the same transaction, and that the indictment for forgery was tried on February 15th. 18th. and 19th, and that deponent was acquitted of such charge of forgery after a trial of about three days, under and by the direction of the Court.

9.

That thereafter six new indictments were found against the deponent upon the same transaction, and that the District Attorney allowed the Complainant to appear before the Grand Jury although he well knew that deponent had been acquitted of the crime of forgery, in which Trial a full investigation was had, and although the District Attorney well knew that the new indictments found were upon the same facts, upon the same transaction, and that the same testimony would be given therein.

Deponent further says, that he is a Book-keeper, and unable to find work and employment while the indictments

4.

10. are pending against him, and that this deponent by reason of the District Attorneys failure to prosecute the indictments, has deprived deponent of earning a livelihood, that deponent has thereby been out of work and employment ever since the 1st. Day of January 1889, is now out of work, cannot get work, until the indictments are disposed of, and that deponent is wholly dependent upon what he earns as Book-keeper, to support himself.

11. And deponent verily believes, that the prosecutions made by the said CHARLES A. O'ROURKE, are not made in good faith, but are merely made to persecute this deponent, and in order to harass and annoy this deponent and to keep him out of employment and work, which the finding of the six additional indictments after deponents acquittal upon the indictment for Forgery, will conclusively prove.

That no previous application has been made by deponent, or on his behalf to any Court or Justice, for an Order dismissing the charge or indictment hereinbefore mentioned.

12. Wherefore deponent Prays that an Order may be made by the Court of General Sessions of the City and County of New York, dismissing the indictment found against the deponent, for the crime of Grand Larceny in the second degree, filed on the 26rd. Day of January 1889, and dismissing the prosecution upon the same, and that the Bail given by deponent on such Complaint be exonerated, and this deponent be discharged, pursuant to Sections 668 and 670 of the Code of Criminal procedure of the State of New York.

0208

5.

SWORN TO BEFORE ME THIS, :

16th. DAY OF APRIL 1889. :

*Oscar Haute*  
*Lomb a Muger*

NOTARY PUBLIC.

N.Y.CO.

13. TO JOHN R. FELLOWS, District Attorney of the County of New York.

SIR,

14. Take notice, that upon the foregoing Affidavit, and upon all the papers and proceedings therein mentioned, I shall move the Honorable the Court of General Sessions of the Peace, of the City and County of New York, at a Trial Term thereof, Part 1, to be held on the First Monday of May 1889, at Eleven o'clock in the forenoon of that day, in the Court House, NO. 62 Chambers Street in the City of New York, for an Order dismissing the indictment found against OSCAR HAUTE, for the Crime of Grand Larceny in the Second Degree, filed on the 23rd. Day of January 1889, and dismissing the prosecution upon the same, and that the Bail given by the said OSCAR HAUTE on such indictment be exonerated, and said OSCAR HAUTE be discharged, pursuant to Sections 668 and 670 of the Code of Criminal Procedure of the State of New York, and for such other and further order and relief as to the Court may seem just.

0209

6.

DATED NEW YORK, APRIL 16th. 1889.

YOURS &C.,

AUGUST P. WAGENER.

ATTORNEY FOR DEFENDANT.

50 SECOND AVENUE.

NEW YORK CITY.

15.

0210

N. Y. Indictment Court.

The People

Plaintiff  
against

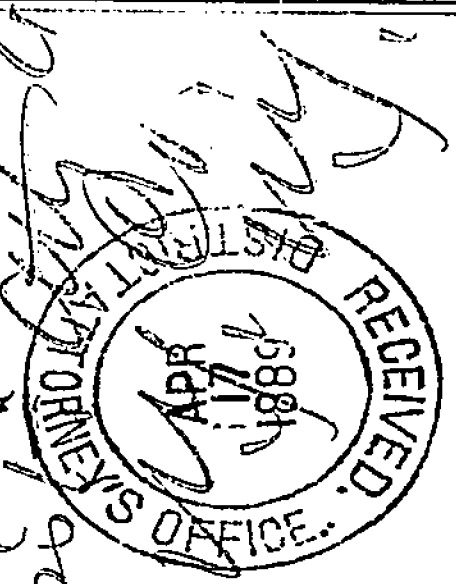
Oscar Hunter

Defendant

Copy Affidavit  
of Notice of Motion,

AUGUST P. WAGENER,  
Att'y for *Hunter*  
59 SECOND AVENUE,  
N. Y.

*John R. Teller*  
*Dis. City*



0211

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

- - - - - X

THE PEOPLE.	:	
-AGAINST-	:	ORDER.
OSCAR HAUTER.	:	

- - - - - X

On reading and filing the affidavit of OSCAR HAUTER  
verified April 16th.1889,and the Notice of Motion dated  
April 16th.1889,returnable on the First Monday of May 1889.

And after hearing AUGUST P.WAGENER the defendant's  
Counsel for the Motion,and Assistant District Attorney  
FORSTER,on behalf of the District Attorney.

It is Ordered,that said Motion be and the same is  
granted,and that the Indictment found against OSCAR HAUTER  
for the crime of Grand Larceny in the Second Degree,filed  
on the 23rd.Day of January 1889 and the prosecution upon  
the same,be and the same hereby is dismissed; and that the  
Bail given by the said OSCAR HAUTER be and the same hereby  
is discharged and exonerated from all liability thereunder;  
unless the District Attorney place this case on the Cal-  
endar for Monday May 20th.1889,and try the case on that  
day.

0212

N. Y. Gen. Sess., Court.

*The People*

*Plaintiff*

*against*

*Cesar Chavez*

*Defendant*

*Order*

AUGUST P. WAGENER,

*Atty for Deft*

59 SECOND AVENUE,

N. Y.

0213

N.Y. City, June 13. 89.

Hon. Judge Martineau.

Dear Sir:-

I take the liberty to express to you my sincerest thanks for the dismissal of the two cases on Monday last, and at the same time to bring it to your knowledge that Mr. Doel Passer has not made an effort yet to try the two cases, as he said he would.

There are yet seven indictments against me.

0214

One of them has been obtained on a clear perjury; I offered to prove it so, but got no chance, yet I am held under \$1000.-- bail for same.

Four of the others are based upon checks, bearing my endorsement, and solely for that reason I am charged with them. They all have been in evidence before & are satisfactorily explained.

The remaining two do not amount to anything.

The complainant has made all these charges at random, and the inconsistency & unreliability of that man has been fully established in court,

02 15

a fact which, I trust, is well remembered by your Honor.

Mr. Dos Passos is the sixth Assist. Dist. Atty. to whom the cases were referred, none being desirous of trying them.

These gentlemen do not seem to realize that to quietly look on is a matter incomparatively easier for them to do than for me, otherwise they certainly could not consent to such cruel unnecessary delays.

For the fact is, I am now six months out of employment, and while under additional expenses, unable

02 16

People  
Oscar Hawley.

to make a living, for nobody  
will employ me on account of  
the indictments, & hence  
myself & wife are in a state  
of stagnation & constant  
worry, which is ruinous  
to both, health & mind.

For this reason I appeal  
to your Honor to take such  
steps in the matter as you  
deem most appropriate,  
and remain

Most respectfully yours

Oscar Hawley

0217

FOL. 1. STATE OF NEW YORK:

CITY AND COUNTY OF NEW YORK SS:- OSCAR HAUTER, being duly sworn  
says:-

2. That on or about the 23rd. Day of January 1889, he was indicted by the Grand Jury of the County of New York, upon a charge made by CHARLES A. O'ROURKE, that he on the 31st. Day of October 1888, had committed the crime of Grand Larceny in the second degree, in that he had stolen and carried away One Hundred and Fifty One Dollars and Eighty Cents; that thereafter Deponent was arrested and held to Bail in the sum of One Thousand Dollars, which Bail was furnished by deponent, and that this deponent is still under such Bail.

3. That after such arrest and on or about the 23rd. Day of January 1889, deponent plead not Guilty upon said charge and indictment, and ever since said day has been ready and willing to proceed with the Trial upon such indictment, and has to the utmost of his efforts attempted to force the Trial on said Indictment, but at no time has the District Attorney been ready and willing to try this case.

That several Terms of the Court of General Sessions of the Peace, of the City and County of New York, in which Court the indictment is triable have been had, and that the deponent has not been brought to Trial upon such indictment found against him.

That at no time has the Trial upon the indictment

02 18

2.

mentioned been postponed at the request of or upon application of this deponent.

4. That notice was given this deponent by JOHN R. FELLOWS the District Attorney, for Friday the 25th. Day of January 1889, to fix a day for Trial, and that on the 25th. Day of January 1889, a day for Trial was fixed, but when the day fixed for Trial was reached and deponent was in Court, with all his witnesses, and ready to try the case, the District Attorney would not and did not try the case.

That the District Attorney did thereafter again give notice for Wednesday the 20th. Day of February 1889, and on the 20th. Day of February 1889, again put off the Trial of the case.

5. That the District Attorney again gave notice to deponent for March the 22nd. 1889, and on March the 22nd. 1889 again adjourned the Trial of this action.

That the District Attorney again gave notice to deponent for March 12th. 1889, and on March 12th. 1889, again adjourned the Trial of this action.

6. That thereafter the District Attorney gave this deponent notice for March 28th. 1889, to fix a day for Trial, that thereafter a day was fixed for Trial but when the day fixed for trial came on the District Attorney again adjourned the same.

That thereafter the District Attorney gave this deponent notice for Trial for April 11th. 1889, and on April 11th. 1889, again adjourned the Trial of this action.

That thereafter the District Attorney gave this

3.

deponent notice of Trial, for April 15th. 1889, but on April 15th. 1889, the District Attorney again adjourned the case.

7. That on each and every occasion, whenever this case was on the Calender for Trial, deponent was in Court, with all his witnesses, ready to try the case, and on every occasion <sup>strenuously</sup> ~~strenuously~~ opposed any adjournment or postponement of the case.

8. That the charge contained in the indictment aforesaid, originated in the Jefferson Market Police Court of this City, where deponent was arrested in December 1888, and that after such arrest, the indictment hereinbefore mentioned, and another indictment for forgery were found against this deponent, arising out of the same transaction, and that the indictment for forgery was tried on February 15th. 18th. and 19th, and that deponent was acquitted of such charge of forgery after a trial of about three days, under and by the direction of the Court.

9. That thereafter six new indictments were found against the deponent upon the same transaction, and that the District Attorney allowed the Complainant to appear before the Grand Jury although he well knew that deponent had been acquitted of the crime of forgery, in which Trial a full investigation was had, and although the District Attorney well knew that the new indictments found were upon the same facts, upon the same transaction, and that the same testimony would be given therein.

Deponent further says, that he is a Book-keeper, and unable to find work and employment while the indictments

4.

10. are pending against him, and that this deponent by reason of the District Attorneys failure to prosecute the indictments, has deprived deponent of earning a livelihood, that deponent has thereby been out of work and employment ever since the 1st. Day of January 1889, is now out of work, cannot get work, until the indictments are disposed of, and that deponent is wholly dependent upon what he earns as Book-keeper, to support himself.

11. And deponent verily believes, that the prosecutions made by the said CHARLES A. O'ROURKE, are not made in good faith, but are merely made to persecute this deponent, and in order to harass and annoy this deponent and to keep him out of employment and work, which the finding of the six additional indictments after deponents acquittal upon the indictment for Forgery, will conclusively prove.

That no previous application has been made by deponent, or on his behalf to any Court or Justice, for an Order dismissing the charge or indictment hereinbefore mentioned.

12. Wherefore deponent Prays that an Order may be made by the Court of General Sessions of the City and County of New York, dismissing the indictment found against the deponent, for the crime of Grand Larceny in the second degree, filed on the 23rd. Day of January 1889, and dismissing the prosecution upon the same, and that the Bail given by deponent on such Complaint be exonerated, and this deponent be discharged, pursuant to Sections 668 and 670 of the Code of Criminal procedure of the State of New York.

0221

5.

SWORN TO BEFORE ME THIS, :

16th. DAY OF APRIL 1889. :

*Oscar Hauser*  
*Louisa Wagner*  
NOTARY PUBLIC.

N.Y.CO.

13. TO JOHN R. FELLOWS, District Attorney of the County of New York.

SIR,

14. Take notice, that upon the foregoing Affidavit, and upon all the papers and proceedings therein mentioned, I shall move the Honorable the Court of General Sessions of the Peace, of the City and County of New York, at a Trial Term thereof, Part I, to be held on the First Monday of May 1889, at Eleven o'clock in the forenoon of that day, in the Court House, NO. 32 Chambers Street in the City of New York, for an Order dismissing the indictment found against OSCAR HAUTER, for the Crime of Grand Larceny in the Second Degree, filed on the 23rd. Day of January 1889, and dismissing the prosecution upon the same, and that the Bail given by the said OSCAR HAUTER on such indictment be exonerated, and said OSCAR HAUTER be discharged, pursuant to Sections 668 and 670 of the Code of Criminal Procedure of the State of New York, and for such other and further order and relief as to the Court may seem just.

0222

6.

DATED NEW YORK, APRIL 16th. 1889.

YOURS &C.,

AUGUST P. WAGENER.

ATTORNEY FOR DEFENDANT.

59 SECOND AVENUE.

NEW YORK CITY.

15.

0223

N. Y. Gen. Sess. Court.

The People

Plaintiff

against

Oscar Hander

Defendant

Affidavit and  
Notice of Motion

AUGUST R. WAGENER,

Att'y for

59 SECOND AVENUE,

N. Y.

I admit due service  
of the within this 17  
day of April 1889

John R. Giddens

ass. atty

me

0224

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:

*Two*  
~~An~~ indictments having been found on the *27* day of *Febry*  
188*9*, in the Court of General Sessions of the Peace, of the County of  
New York, charging *Oscar Naute*

with the crime of *Forgery second degree*

*Naute*  
**You are therefore Commanded** forthwith to arrest the above named *Oscar*  
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 *27* day of *Febry* 188*9*  
By order of the Court,

*Mark*  
Clerk of Court.

0225

March 1st 1889

The within named  
defendant was

Arrested this day

and brought to the

Sect City Office by

VanBuren & Kienman

Receives flat

123 Receives

123 - 2nd Ave.

117 7th Ave.

Chas. O'Rourke

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

1889  
J. J. O'Rourke

Bench Warrant for Felony.

Issued

Receives

against

OF THE STATE OF NEW YORK,

THE PEOPLE

N. Y. General Sessions of the Peace

0226

POOR QUALITY  
ORIGINAL

**Grand Jury Room.**

PEOPLE

vs.

Hanti

Bomb W. area

grain & Koma

for feeding

0227

POOR QUALITY  
ORIGINAL

District Attorney's Office.

PEOPLE  
vs.

Hunter

Witnesses

Ch. A. Rourke

R. E. Dodge

John F. Manges

Louis Manges

Ch. Rivington & Alley

C. A. O. Rourke 2

115 - Norman H.

Sextus M. Griswold

5 - East 14 - 2

R. E. Dodge

115 - Norman H.

Personal services  
or affidavits

0228

POOR QUALITY  
ORIGINAL

District Attorney's Office.

*Part 2*  
PEOPLE

vs.

*Balance April 14/89*  
*Thompson*

*Don't put on in  
Part 2 I took  
such a position  
in the other case  
that it would not  
be proper for me  
to try the case  
4-11-89  
M. J. Jones*

0229

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:

*Three*

~~An~~ indictment having been found on the *27* day of *February*  
188*9*, in the Court of General Sessions of the Peace, of the County of

New York, charging *Oscar Hautes*

with the crime of

*Grand Larceny second degree*

You are therefore Commanded forthwith to arrest the above named *Oscar*  
*Hautes* 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 *27* day of *Febry* 188*9*

By order of the Court,

*[Signature]*  
Clerk of Court.

0230

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Clear Hunter*

Bench Warrant for Felony.

Issued

*Feb 27* 1889

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

March 1<sup>st</sup> 1889  
The within named  
defendant was  
arrested this day  
and brought to the  
District Atty Office  
by Det Supt. Keenan  
and Van Brichlen

0231

Police Court—District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Charles O'Rourke

of No. 40 West 130<sup>th</sup> Street, aged 43 years,  
 occupation Manager of New York City Press Association being duly sworn  
 deposes and says, that on the 29<sup>th</sup> day of October 1888 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 time, the following property viz: Fifty dollars good and

lawful money of the United States the property of the said  
Association and in the care and custody of the deponent, under the following

circumstances to wit: That said Oscar Hauken at the time before mentioned was in  
the employ of this deponent and said New York Press Association as Book-keeper  
and cashier and had authority to pay out moneys due by said Association for  
books contracted only in the business of said Association.

That on the said 29<sup>th</sup> day of October 1888 said Oscar Hauken did feloniously  
and illegally insert his name in the annexed check and did utter and pass the  
annexed check to the order of him the said Oscar Hauken for the sum of fifty dollars as well  
appear on the face of said check which check had been signed in blank by the deponent  
as Manager of said Association. That said Oscar Hauken did endorse the said check and  
as deponent is informed and believes, debited the same to one John G. Johnson who  
subsequently endorsed said check and said sum of \$50 was thereupon paid out of the moneys  
belonging to deponent and said Press Association in the Savings Bank in this City to the said John  
G. Johnson for private and personal debt incurred by said Hauken and not in any business connected  
with or concerning deponent or the business of said Press Association.

That in the course of the business of said Oscar Hauken it was his duty  
and property to enter in a book known as the Cash Book which book was kept by said  
Press Association all expenditures and disbursements of the said Press Association  
all expenditures and disbursements of the said Press Association, yet disappears from an examination  
of the said Book that no entry was made in said book by said Hauken of said fifty dollars. Wherefore  
deponent charges that said Oscar Hauken feloniously appropriated to his own use and took  
stole and carried away said fifty dollars belonging to

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 said Press Association and deponent prays that said  
Oscar Hauken may be arrested and dealt with as the law directs.

Charles O'Rourke

Sworn to before me, this  
 of September 1888

Police Justice.

0232

-----X  
In Re People :  
vs. :  
Oscar Hanter :  
-----X

Filling in Instrument &c.

"Obviously a specific authority to do a particular thing, does not involve the authority to do an other and different thing."

2 Bish. Crim. Law, Sec. 580

"Consequently, if a person gives to his clerk a blank check or a blank bill of exchange, signed by himself with direction to fill the blank with an amount, and the clerk fraudulently fills in a greater amount, it is forgery."

Ibid,  
Rex v. Wilson, 2 Cox, 426;  
1 Den., 284  
2 C. & K., 527;  
Reg. v. Bateman, 1 Cox, 186;  
Rex v. Hart, 7 C. & P., 652, 1 M. C. C. 486  
See also Rex v. Atkinson 7 C. & P., 669;  
State v. Flanders, 38 N. H., 324;  
Reg. v. Richardson, 2 Fost and F., 343;  
State v. Kroeger, 47 Mo. 552;  
Com. v. Work, 3 Pitts. 4493;  
Van Duzer v. Howe, 21 N. Y. 531-537:

"Filling in a form of check already signed, with blanks left in it for the sum, without authority is forgery."

Flower v. Shaw, 2 C. & K., 703.

"Where a party received a blank cheque, signed, with directions to fill in a certain amount, and he fraudulently fills in a larger amount, and devotes the pro-

0233

2

ceeds of the check to other purposes, he is guilty of forgery." Reg. v. Wilson, 2 Cox, 426; 1 Den. 284. 2 C. & K., 527.

So, filling in a form of check already signed, with blanks left in it for the sum, without authority, is forgery.

Flower v. Shaw, 2 C. & K., 703.

If a person, having a blank acceptance of another, is authorized to write on it a bill of exchange for a limited amount, and he writes a bill of exchange for a larger amount with intent to defraud either the acceptor or any other person, this is forgery.

Rex v. Hart, 7 C. & P. 652; 1 M. C. C. 486.



0235

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.*Oscar Hunter*

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. *Oscar Hunter*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *121 Second Avenue - since Nov/*

Question. What is your business or profession?

Answer. *Bookkeeper, Currier & Advertising Agent  
for the City Press Association*

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.**Oscar Hunter*Taken before me this  
day of

188

*Police Justice*

0237

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 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 Dec 27 1888 PLG Duffy Police Justice.

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

Dated Jan 5 1889 PLG Duffy 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.

0238

The magistrate  
~~Justice~~ Justice Ford  
will please hear  
and determine the  
within Case as he  
has under examination  
at present a regular  
Case set down before  
him at the time

BAILLED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

1000. ~~for~~  
Friday Dec. 28/88  
2 o'clock.

Wed Jan 2, 1889  
2 p.m.

#228  
Police Court---

51/89  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

C. A. O. Rourke

115-117 Nassau St.

vs. Oscar Hunter

2  
3  
4

Dated

Dec 27

188

Sherrin Duffy

Magistrate.

Adams

Officer.

Central

Precinct.

Witnesses John E. Tolson

No. Bible House

Street.

No. Street.

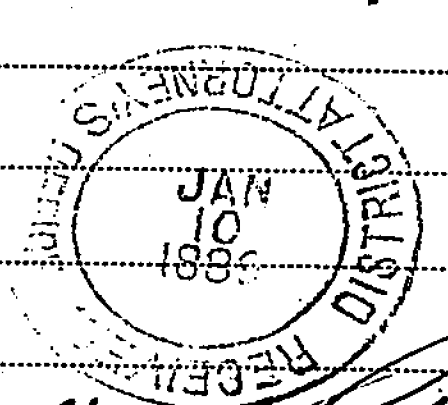
No. Street.

No. Street.

No. Street.

\$ 1000 to answer

Bailed



0239

Sec. 151.

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

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:*

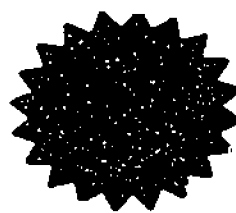
Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Charles O'Rourke -  
 of No. 40 West 130<sup>th</sup> Street, that on the 29<sup>th</sup> day of October -  
 1888 at the City of New York, in the County of New York, the following article to wit: did did feloniously  
and illegally insert his name in a certain check and did  
feloniously utter and fill out the said check to the order of him  
the said Oscar Hauler and did feloniously take said and  
carried away from the possession of said Charles O'Rourke  
 of the value of fifty Dollars,  
 the property of the New York City Press Association  
 w hich was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and  
 believe, by said Oscar Hauler

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 y of the said Defendant and forthwith bring him before me, at the 2<sup>nd</sup> 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 27 day of September 1888

J. J. Duffly  
 POLICE JUSTICE.



0240

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*C. A. O'Rourke.*

vs.

*Oscar Hunter.*

Warrant-Larceny.

Dated *December -* 188 *8*

Magistrate

Officer.

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

Officer.

Dated..... 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

Dated

188

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

The within named

Police Justice.

0241

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Oscar Hunter

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

of the CRIME OF <sup>Exix</sup> ~~GRAND LARCENY, IN THE~~ ~~DEGREE~~, committed as follows:

The said Oscar Hunter,

late of the City of New York, in the County of New York aforesaid, on the 15th day of November, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms,

one written instrument and evidence of debt, to wit: an order for the payment of money of the kind commonly called bank cheques, being then and there due and unsatisfied, for the payment of and of the value of twenty five dollars.

of the goods, chattels and personal property of one Charles A. Boudier,

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 A. Williams,  
District Attorney

0242

241  
Counsel, C. P. Wagner  
Filed 27 day of July 1889  
Pleads, Not Guilty (verdict)

THE PEOPLE  
vs.  
Oscar Hunter  
(deceased)  
[Sections 528, 532, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.

Forfeiture  
June 17/89.  
Indictment  
James J. [unclear]

Witnesses: Wm. Richard  
J. H. [unclear]  
Charles [unclear]

Filed in [unclear]  
indictment

Have examined the  
within case and do  
not believe that the  
facts warrant  
arrest of the  
defendant. The indictment  
is hereby recommended  
a dismissed of the case.

J. H. [unclear]  
June 17/89

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

Oscar Hunter

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

Oscar Hunter

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Oscar Hunter

late of the City of New York, in the County of New York aforesaid, on the  
thirtieth day of August - in the year of our Lord  
one thousand eight hundred and eighty-eight, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing, to wit: an  
order for the payment of money, of  
the kind commonly called bank cheques,  
which said forged bank cheque  
is as follows, that is to say:

No 640 New York, Aug. 30th. 1888

The Nassau Bank

Pay to the order of Oscar Hunter

Fifty

Dollars

\$50 no/100

640 Rourke  
mgr

with intent to defraud, 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.

0244

SECOND COUNT:—

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

*Oscar Hunter*

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

*Oscar Hunter*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit: an order for the payment of money of the kind commonly called bank cheques* which said forged bank cheque is as follows, that is to say:

*No 640*

*New York Aug. 30th 1888.*

*The Nassau Bank*

*Pay to the order of Oscar Hunter*

*Fifty*  
*from 100*

*Dollars*

*C. O. Rowke*  
*mgr*

with intent to defraud, — *he* —

the said

*Oscar Hunter*

then and there well knowing the same to be forged, 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 R. FELLOWS,

District Attorney.

Bail fixed at \$2000  
in 7 indictments  
March 1/89 P.B.M.

Witnesses  
J. H. Johnson  
Charles R. Runkle

Bailed in \$2000  
on seven indict-  
ments by

John Gaslerger  
344 East 85th St

In reference to the indictment  
I have the same returned  
as made upon the other in-  
dictment for the same offense  
recommended the day for  
removal. I do not believe  
a conviction could be ob-  
tained in this case.  
June 3/89 J. H. Johnson  
Charles R. Runkle

237  
B. W. Feb 27

Counsel, A. P. Wager  
Filed, 27 day of Feb 1889  
Pleads, Not Guilty Under 11th

THE PEOPLE, vs. Oscar Hunter

Forgery in the Second Degree  
(Sections 511 and 521, Penal Code.)

Oscar Hunter  
(\$ case)

JOHN R. FELLOWS.  
District Attorney.

A True Bill.

John R. Fellows  
June 10/89 Foreman  
on recom. of Dist. Atty.  
indict dis. P.B.M.

0245

0246

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Oscar Hunter*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF *Oscar Hunter* Grand LARCENY, in the second degree, committed  
as follows:

The said *Oscar Hunter*

late of the City of New York, in the County of New York aforesaid, on the  
*eleventh* day of *October* in the year of our Lord  
one thousand eight hundred and eighty*eight*, at the City and County aforesaid, being  
then and there the clerk and servant of *one Charles A. O'Rourke*

and as such clerk and servant then and there having in his possession, custody and control  
certain moneys, goods, chattels and personal property of the said *Charles A. O'Rourke*

the true owner thereof, to wit:

*the sum of twenty-eight  
dollars and ninety cents in money,  
lawful money of the United States  
of America and of the value of  
twenty-eight dollars and ninety cents,*

the said *Oscar Hunter*, afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *sum of money*

to his own use, with intent to deprive and defraud the said *Charles A. O'Rourke*

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and  
personal property of the said *Charles A. O'Rourke*

did then and there and thereby feloniously steal, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

JOHN R. FELLOWS,  
District Attorney.

SM. Arnold

Witnesses:

*[Signature]*  
*[Signature]*  
Charles R. Runkle

Bailed on another  
indisputant

7

Counsel, *[Signature]*  
Filed *27* day of *Dec* 188*9*  
Pleads, Not guilty (verdict)

THE PEOPLE  
vs.  
Oscar Hunter  
(8 cases)  
*2*

Grand Larceny, 2nd degree  
(MISAPPROPRIATION)  
(Sections 528 and 537 of the Penal Code)

JOHN R. FELLOWS,  
District Attorney.

*Mr. Oct 15/89*  
*[Signature]*

A True Bill.

*[Signature]*

Off the term by order of the  
Circuit Court & June 17/1889.

*[Signature]*  
J. M. Runkle

0248

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Oscar Hunter

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

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

The said Oscar Hunter,

late of the City of New York, in the County of New York aforesaid, on the second day of November, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms,

one written instrument and evidence to wit, to wit, an order for the payment of money of the kind commonly called bank checks, bearing then and there due and unsatisfied, for the payment of and of the value of forty two dollars and fifty cents.

of the goods, chattels and personal property of one Charles A. Boudre,

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 R. Halloran,

District Attorney

Witnesses:

Wearry  
J. G. Johnson  
Chas. H. O'Conner

Bailed on another

indistinct

I have examined the witness case & believe that it will be impossible to secure a conviction. The check \$22.50 was given to the deft. to pay the salary of two employees; whilst deft was a partner of the ~~same~~ check to pay a small bill of 16, a personal obligation; it appears as a matter of fact that he did pay the two employees their salaries but the sum of twenty two checks, this practically supplying him in position. Recommended a dismissal of the case -  
June 1/89 J. G. Johnson  
O'Conner

W. W. D. 27 day of Feb 1889  
Counsel, A. P. Wagner  
Filed  
Pleads, Verdict (guilty)

THE PEOPLE

vs.

2

Oscar Hunter  
(6 cases)

Grand Larceny, 1st degree.  
[Sections 528, 531, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

For official  
June 17/89

Indictment

Dismissed

Wearry & J. G. Johnson  
O'Conner

0250

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

Oscar Hunter

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

— Oscar Hunter —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Oscar Hunter

late of the City of New York, in the County of New York aforesaid, on the  
twenty third day of July — in the year of our Lord  
one thousand eight hundred and eighty-eight, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing, to wit: an  
order for the payment of money, of the  
kind commonly called bank cheques  
which said forged bank cheque  
is as follows, that is to say:

No 513

New York, July 23rd 1888

The Nassau Bank

Pay to the order of Oscar Hunter

Fifty

\$50 no/100

Dollars

C. O. Rourke

Mgr

with intent to defraud, 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.

0251

SECOND COUNT:—

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

— *Oscar Hunter* —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Oscar Hunter*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit: an order for the payment of money, of the kind commonly called bank cheques* which said forged *bank cheque* is as follows, that is to say:

*No 573*

*New York, July 23rd, 1888*

*The Nassau Bank*

*Pay to the order of Oscar Hunter*

*Fifty*

*Dollars*

*\$50.00/100*

*C. S. Rowland  
Mgr.*

with intent to defraud, *he*

the said

*Oscar Hunter*

— then and there well knowing the same to be forged, 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 R. FELLOWS,

District Attorney.

Witnesses:  
F. G. Folsom  
Chas H. W. Runkel

Bailed on another  
Wednesday

Mr. Jerome states that deft was  
bribe upon one of the Indictment-  
for forgery (Harris being 3) and that  
the Court, Judge Martin decided.  
-ed an acquittal - The con-  
plaintiff states that this case  
(& the other) is similar to the one  
held in many respects. After ex-  
amining the case, I think it  
would be difficult under these  
circumstances to obtain a  
conviction either - I arrived  
therefore, recommend their  
dismissal. 12/5/1880

N.Y. June 3/889

258

Counsel, A. P. Wagner  
Filed, *27* day of *July* 188*9*  
Pleads, Not Guilty (Mch 11) with leave  
~~to withdraw and enter plea of Guilt~~

THE PEOPLE,  
vs.  
Oscar Stanton  
(Defendant)

JOHN R. FELLOWS.  
*District Attorney.*

# A True Bill.

16  
 J. J. Powell  
 Foreman  
 Paid June 10/89  
 on recm. of Dist. Ct.  
 indict. dts. P. J. M.

0252

0253

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Oscar Hunter*

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

this indictment, accuse *Oscar Hunter*

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

The said *Oscar Hunter*

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*  
day of *June* in the year of our Lord one thousand eight hundred and  
*eighty-eight*, at the City and County aforesaid, with force and arms, in the  
*day* time of the same 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 *forty*

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

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

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

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

of the goods, chattels and personal property of one *Charles A. O'Rourke*  
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 R. FELLOWS, *District Attorney.*