

0359

BOX:

67

FOLDER:

750

DESCRIPTION:

Geeghan, Patrick

DATE:

05/03/82



750





0361

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

THE PEOPLE OF THE STATE OF  
NEW YORK

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

committed as follows:

The said

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

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of a number  
and denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of *twenty dollars*

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of a number and denomina-  
tion to the Jurors aforesaid unknown, and a more accurate description of which cannot  
now be given, of the value of *twenty dollars*

Divers Due Bills of the United States of America, the same being then and there  
due and unsatisfied, and of the kind known as Fractional Currency, of a number and  
denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-  
known, and a more accurate description of which cannot now be given, of the value of

*and one pocket book of the value of one dollar*

of the goods, chattels, and personal property of one

on the person of the said

from the person of the said

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.

*Mary C. Johnston*  
*Mary C. Johnston*  
*John B. McKeon*  
BENJ. K. McKEON, District Attorney.

0362

Sec. 208, 209, 210 & 212.

Police Court - 2nd District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

1 *Patrick Geaghan*  
2  
3  
4  
Offence, *Larceny from the Person.*

Dated

*April 26th* 1882

*Magistrate.*

*James P. O'Connell* Officer.  
*Central Office* Clerk.

Witnesses

No.

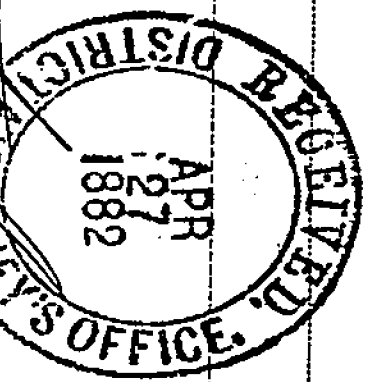
Street.

No.

Street.

No.

Street.



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

guilty thereof, I order that he <sup>*be held to answer the same and*</sup> be admitted to bail in the sum of *100* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he <sup>*if the City of New York*</sup> give such bail.

Dated *April 26th* 1882

*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.

0363

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*2nd* DISTRICT POLICE COURT.

*Patrick Geeghan* 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. *Patrick Geeghan*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *No 397<sup>th</sup> 1<sup>st</sup> Avenue - for seven years*

Question. What is your business or profession?

Answer. *Operator*

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 don't know whether I did it or not.*

Taken before me, this *26*  
day of *April* 188*2*

*Patrick Geeghan*

*[Signature]* Police Justice



0364

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

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

of No. 198 Union Street, Brooklyn

being duly sworn, deposes and says, that on the 24<sup>th</sup> day of April 1882

in a car of the 23 Street Rye Road, near 2<sup>d</sup> Avenue in the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, and from deponent's person

the following property, viz:

one leather pocketbook containing  
good and lawful money of the United  
States of the value of twenty dollars

the property of deponent

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

from the fact that deponent saw said  
Patrick Geeghan snatch said pocketbook  
from her hand and leave the car and  
run away with it. Deponent pursued  
said Geeghan and caused his arrest  
by Officer Brennan of the Central  
Office Police.

Mary C. Solomon  
City and County of New York,  
James Brennan of the Central Office Police of the

Sworn before me this

day of

1882

Police Justice.

0365

City of New York being duly sworn says  
 that he has heard read the foregoing  
 affidavit of Mary C. Johnston and that  
 the same is true in so far as it relates  
 to this defendant. Defendant further says  
 that Patrick Gallagher, now here, is the  
 same person whom defendant saw running  
 from a 23<sup>d</sup> Street car furnished by said  
 Mary C. Johnston as set forth in  
 said foregoing affidavit.  
 Sworn to before me this  
 26 day of April 1882 } James F. Brennan  
 Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0366

BOX:

67

FOLDER:

750

DESCRIPTION:

Geogheghan, Owen

DATE:

05/29/82



750



0367

Waters

Charles Partridge  
438 3rd St  
New York

Bail fixed at

\$250.

June 1st / 82

F.V.

Bailed by  
James Plunkett  
22 Bowery N.Y.

13th May 1882

Day of Trial,

Counsel,

Filed

Pleads

Day of

1882

Charles Partridge

THE PEOPLE

vs.

Wm. Geoghegan

105 Bowery

22 June 1882 arrested & bailed.

Violation of Excise Laws.

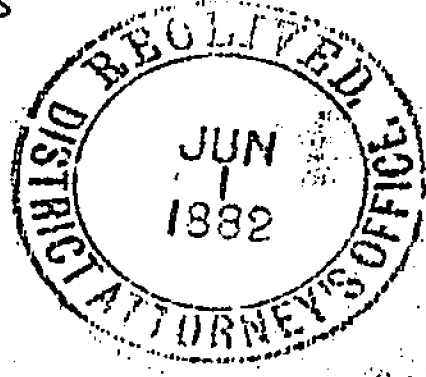
JOHN McKEON,

District Attorney.

A True Bill.

Mr. J. J. Conner

Foreman.



206

0368

# Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Owen Geoghegan*

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

*Owen Geoghegan* 105 mm

of the CRIME OF *Selling Spirituous Liquors without a License,*

committed as follows:

The said

*Owen Geoghegan*

late of the *tenth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *May* in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, City and County aforesaid, certain strong and spirituous 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 whisky, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to ~~a certain person whose name is to the Grand Jury aforesaid unknown,~~ *one Charles E. Partridge*

; without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

*John McKeon*  
*Dist atty*

SECOND COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said of the crime of exposing for sale and selling spirituous liquors on Sunday, committed as follows, that is to say: The said late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 whisky, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to a certain person whose name is to the Grand Jury unknown,

contrary to the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.

0369

James Phunket  
22 Bawney  
Pee + Bay



0370

Court of General Sessions, Part *One*

THE PEOPLE

vs.

INDICTMENT

For

*Allen Peghehan*

To

*M<sup>r</sup> James Plunkett*  
No. *22* *Barnes* Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Trial* 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 *Tuesday* the *22<sup>d</sup>* day of *Oct* instant at eleven o'clock in the forenoon.

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

JOHN McKEON,

*District Attorney.*

0371

BOX:

67

FOLDER:

750

DESCRIPTION:

Gerner, Richard

DATE:

05/23/82



750



0372

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

Richard Gerner

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

Richard Gerner

of the crime of OBTAINING GOODS BY MEANS OF FALSE PRETENCES,  
committed as follows:

The said

Richard Gerner

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the twentieth day of May in the year of our Lord  
one thousand eight hundred and eighty one at the Ward, City and County  
aforesaid, with force and arms, with intent feloniously to cheat and defraud one

Thomas O'Connor

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend  
and represent to

Thomas O'Connor

That he was the Secretary of a Certain Company Called  
the United States Hevernoid Company then and there duly established  
and carrying on business as manufacturers of rubber goods and that  
as such secretary he held seventy shares of the stock of said Company.  
That the shares of said Company were then selling on the market  
in the City of New York for ninety two dollars and fifty cents per share  
and that the value thereof was ninety two dollars and fifty cents  
each that the said seventy shares so held by him were placed on  
the market by the Murry Hill Bank because of the failure in business  
of one Meyer Dittenhofer who had invested thirty five thousand  
dollars in that stock which had been deposited in the  
said Murry Hill Bank and that said Bank to save itself from  
loss on account of the said failure of the said Dittenhofer  
had placed the said shares on the market for sale and that they had  
been sold by said Bank at the price aforesaid and that the  
said Hevernoid Company had bought it all up at said price  
and that the stock had so been purchased by the said Company  
to protect itself and its stock and that the said seventy shares  
of said stock which the said Richard Gerner then and there offered  
for sale to the said Thomas O'Connor was all that remained  
unsold of said Dittenhofer's stock. That the said United States  
Hevernoid Company was doing a large and profitable business  
and had entered into extensive contracts with the Western Union Telegraph  
Company and other persons the carrying out whereof would result in  
large profits and dividends to the stockholders of said United States  
Hevernoid Company



0373

And the said *Thomas O'Connor*

then and their believing the said false pretences and representations  
so made as aforesaid by the said *Richard Gerner*

and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said

*Richard Gerner* a sum of money to wit:  
the sum of six thousand three hundred and  
seventy two dollars in money lawful money  
of the United States of the value of six thousand  
three hundred and seventy two dollars

of the proper moneys, valuable things, goods, chattels, personal property and effects

of the said *Thomas O'Connor*

and the said *Richard Gerner*

did then

and there designedly receive and obtain the said *sum of money*

of the said *Thomas O'Connor*

of the proper moneys, valuable things, goods, chattels, personal property and effects

of the said *Thomas O'Connor*

by means

of the false pretences and representations aforesaid, and with intent feloniously to cheat

and defraud the said *Thomas O'Connor*

of the same. And whereas, in truth and in fact, the said *Richard Gerner*

was not the secretary of the said United States  
Revenue Company and the stock of said Company  
was not selling on the market in the City of New York  
for ninety two dollars and fifty cents per share and  
whereas in truth and in fact the said shares were  
then and there wholly worthless and the said *Richard*  
*Gerner* did not hold as secretary of the said Company  
seventy shares of said stock and said shares had not  
been placed on the market by the Murray Hill Bank  
because of the failure of the said *Meyer Schottenhoffer*  
and had never been deposited with the said Murray Hill Bank and

the said United States. Hevernoid Company had not bought said shares to protect itself and its stock and whereas in truth and in fact the said United States Hevernoid Company had not entered into any contracts with the Western Union Telegraph Company the carrying out whereof would result in large profits and dividends to the stockholders and whereas in truth and in fact the said United States Hevernoid Company had not entered into any contracts whatsoever and was <sup>not</sup> doing a large and profitable business

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said *Richard Gerner* to the said *Thomas A Connor* was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said *Richard Gerner* well knew the said pretences and representations so by *him* made as aforesaid to the said *Thomas A Connor* to be utterly false and untrue at the time of making the same.

And so the Grand Jury aforesaid, do say, that the said *Richard Gerner* by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said *Thomas A Connor* the sum of six thousand three hundred and seventy two dollars lawful money of the United States and of the value of six thousand three hundred and seventy two dollars

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said *Thomas A Connor* with intent feloniously to cheat and defraud *him* of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.







0376



Henry Herber, C. E.

G. A. R.

0377

Court of General Sessions  
of the Peace

The People vs.

against

Richard Barnes

Defendant for  
Burglary

Court of General Sessions of the Peace

The People &c. }  
 against  
 Richard Gerner }

City & County of New York

Henry Gerner being duly sworn says, I reside in Hoboken in the State of New York and am the father of Richard Gerner now under indictment in this County for false pretences. My son is at present out of this State and left in consequence of illness. He is very consumptive and exceedingly nervous and since the indictment aforesaid which was found against him he has been in condition of health which has alarmed me both for his physical and mental condition. Medical friends have informed me that he must have change of air and rest to enable him to recover partially his health for I am assured he will never be a well man again.

I have advised with counsel in regard to his defence and feel assured that he has a good defence upon the merits and upon the law and I believe that in a fortnight from this time he will not only be able but will be willing to stand his trial.

Subscribed & sworn to before me }  
 this 19<sup>th</sup> day of June 1882

W. H. Church

Notary Public #42  
 N. Y. Co.

Henry Gerner



0301

Richard Lerner

H 11<sup>th</sup> St Hoboken

---

0382

People

v.

Richard Gerner

} Names of Witnesses

Theodore E. Stubby <sup>president</sup> 57 Manden Lane, b. 71 W. 58th St.  
subpoena duces tecum books and papers of U.S. Government  
Meyer Littenhoefer (with Lichtenstein - b. 49 x 51

or 28 St. Leonard St.  
b. 75 E. 61st St.

Henry L. Bogert, <sup>secretary of U. S. Government</sup> 93 Nassau. subpoena duces tecum  
to bring all books and papers of U. S. Government  
Shaw



0383

This is to Certify, that I am and have been  
for years past the physician of Mr Richard  
Gerner. Last Week I certified to his  
prostrated condition and as his nervous  
condition is in a so deplorable state,  
that any excitement may prove fatal,  
I advised absolute rest and Mountain-  
air for the purpose of giving him a short  
rest before he is subjected to more ex-  
citement.

Hoboken. N. J. June 20<sup>th</sup> 1882.

Dr Hermann Braunstein  
158 West 41<sup>st</sup> St.



0384

The People

v

Richard Green

Apparatus

Filed June 13, 1882.

0385

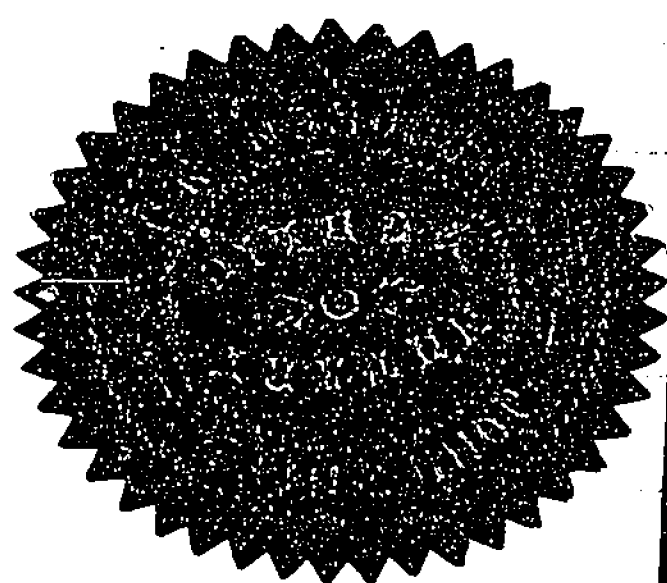
The undersigned Richard Gerner, residing in Hoboken, Hudson County, State of New Jersey, being duly sworn deposes and says, that I am mostly confined to my bed, suffering from weakness and pulmonary disease or consumption and is getting worse every day since my release from the Tomb. I am advised by my physician that I cannot go to New York and attempt to stand a trial as it will endanger my life. I am innocent of the charges in the indictment against me and will be ready to go to trial thereon at the earliest moment my health will permit.

Richard Gerner

Sworn and subscribed  
before me, this Twelfth day  
of June A.D. 1882

John White

Notary Public of New Jersey



0386

Hoboken, June 12, 1882

The undersigned, the physician of Mr. Richard Gerner, residing in Hoboken, Hudson County, New Jersey, deposes and says that the said Richard Gerner is suffering from pulmonary diseases causing enervation and general debility, and it is my opinion that he is unable to endure any mental or physical excitement, and that he should not now be called upon to so endure, under penalty of deplorable consequences.

Hermann Braunstein M.D.  
158 Washington St.  
Hoboken N.J.



0387

BOX:

67

FOLDER:

750

DESCRIPTION:

Gilman, Anna

DATE:

05/29/82



750

0300

609  
All paid May 29

CD

Day of Trial,

Counsel,

Filed

day of

Pleads

1882

THE PEOPLE

vs.

Anna E. Gilman

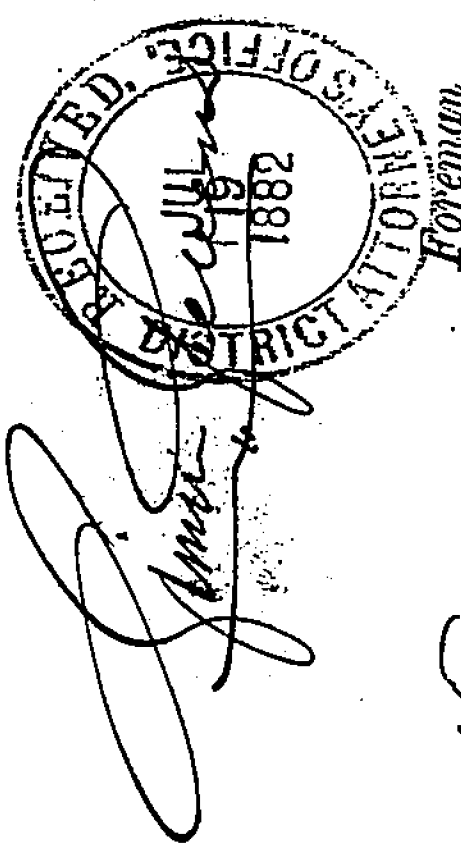
N.A.

Witness

JOHN McKEON,

District Attorney.

A True Bill.



215

0389

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
Anna E. Gilman

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

*Anna E. Gilman*

of the CRIME OF Erecting and maintaining a public nuisance  
committed as follows:

The said *Anna E. Gilman*

late of the City and County of New York, on the *first* day of *August*  
in the year of our Lord one thousand eight hundred and eighty-*one*, at the City and County  
aforesaid, ~~with force and arms~~ *and from the day aforesaid until the day*

*of the finding of this inquisition unlawfully did erect*  
*Keep and maintain and yet doth keep and maintain*  
*on and near one the public streets in the*  
*Nineteenth Ward of the City of New York*  
*in the County of New York aforesaid to wit:*  
*fifth Avenue, and near the dwelling houses*  
*of Joseph D. Moore Asher T. Meyer and*  
*of divers other good Citizens of the said*  
*State there situate, certain foul and offensive*  
*heaps of rubbish and divers large quantities of decaying*  
*and putrid Vegetable and animal matters Excrements*  
*and ordures and filth there from divers fetid*  
*nauseous, hurtful, pernicious and unwholesome*  
*smells, on the days and times aforesaid,*  
*did and still do arise and proceed, whereby the*  
*air there was and still is corrupted, fetid*  
*and infected, and the health of the said*  
*Joseph D. Moore and Asher T. Meyer*  
*and divers other good Citizens of the said*



0390

I state there residing, inhabiting, passing and  
repassing has been and is still endangered and  
impaired, to the great damage and Common  
Nuisance of all the people of the said State there  
inhabiting, residing, passing and repassing to the  
evil Example of others and against the peace  
of the people of the State of New York and their  
dignity

John McKeon  
Dist-atty

0391

BOX:

67

FOLDER:

750

DESCRIPTION:

Gleason, William

DATE:

05/03/82



750

WITNESSES.

August Schaper  
67 2nd Ave.

House of Detention

Day of Trial,

Counsel, *H.C.*

Filed *May*

1882

Pleads *May 29*

THE PEOPLE

vs.

*J. D.*

*William Pearson*

*No 1000*

LARCENY AND RECEIVING  
STOLEN GOODS

JOHN McKEON,

District Attorney.

*22 May 29 1882*

*Miss & Engraved P.D.*

A True Bill.

*James J. Jones*

Foreman.

*Len Brown*

*19*

0392



0393

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Season*

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

of the CRIME OF LARCENY

committed as follows:

The said

*William Season*

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

*One Watch of the value of  
five dollars.*

of the goods, chattels and personal property of one

*John Schmidt*  
*on the person of the said John Schmidt then*  
*and there found from the person of the said*  
*John Schmidt*

~~then and there being found,~~  
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 B. Lee*  
*District Attorney*

0394

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

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

The said

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

of the goods, chattels and personal property of the said

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, 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 McKEON, District Attorney.

0395

Super  
Garrison  
Chamace



0396

New York

May 31 1861

I the undersigned  
acknowledge to have  
known a William Glavin  
in my employ as writer  
and I have upon  
him as honest and  
faithful

Wm M. Eastman

Notary at 260 St.

We endorse the above

J. W. Northrup

204 Fulton Street

0397

Sec. 208, 209, 210 & 212

Police Court - 2nd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Schmidt  
Attorney at Law

1 William Gleason

2

3

4

Offence, Larceny from person in the night time

Dated

30 April 1882

John B. Smith Magistrate.

John W. Carver Officer.

Witnesses

Alvin Blackbarn

No. 97 1/2 E 7th Street.

No.

Street.

Received  
MAY 2 1882  
Deputy Sheriff  
\$100 surety ATTORNEY

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 William Gleason

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

Dated 30 April 1882

Solomon B. Smith 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.

0398

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }18<sup>th</sup> DISTRICT POLICE COURT.

William Gleason 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 Gleason

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York

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

Answer.

27 Roosevelt St. 3 years

Question. What is your business or profession?

Answer.

I'm Smith

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

Answer.

I am not guilty  
I have nothing to say

Taken before me, this

30

day of

April 1888

Wm Gleason

Salomon B. Smith  
Police Justice.



0399

Just

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

of No. 507 E 12

John Schmidt

Street, aged 27 years, a Painter

being duly sworn, deposes and says, that on the 30 day of April 1882

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, and from deponent's person in the night time

the following property, viz:

One silver watch of the value of five dollars

Sworn before me this

day of

the property of deponent

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

William Gleason (now here) and a person name unknown and not arrested. from the fact that at or about the hour of 12.30

AM on said day while deponent was passing along Chatham Street in said city in company with Alvis Bischberger said defendant and an other person name unknown came up to deponent and asked deponent a question and at said time said defendant jostled against deponent immediately thereafter

POLICE JUSTICE.

188

0400

deponent missed the said property from the ~~rest~~ pocket of the vest then and there worn by deponent as a part of his bodily clothing. Said defendant started on run deponent pursued him and caused his arrest

Sworn to before me this *Johann Schmidt*  
30 day of April 1882

*Solo R. Turner* Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0401

BOX:

67

FOLDER:

750

DESCRIPTION:

Goldmark, Leo

DATE:

05/15/82



750



Bailed by  
Julius W. Rosenstein  
240 W 32nd St.  
Edward Becker  
Barrister Kings Co. L. L.

\$ 20,000

Day of Trial

Counsel,

Filed 15 day of May 1882

Pleads Not Guilty with to withdraw (18)

THE PEOPLE

vs.

Leo Goldmark

John McLean

DANIEL C. ROLLING  
DISTRICT ATTORNEY

District Attorney.

Indorsement

A True Bill.

*[Signature]*

Foreman.

*[Signature]*

*[Signature]*

118

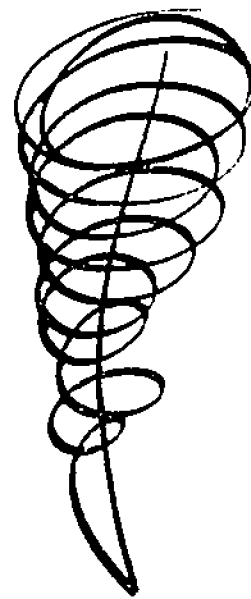
0402

Court of General Sessions  
of the City and County of New York.

The People of the State  
of New York.

vs.

Leo Goldmark



The Grand Jury of the City and County  
of New York by this indictment, accuse  
Leo Goldmark of the crime of embezzlement  
committed as follows, to wit;  
that one Philip Gilman now deceased  
duly executed his last will and testa-  
ment heretofore to wit, on the 27<sup>th</sup> day  
of January 1874, wherein and whereby  
he appointed the said Leo Goldmark  
and one Louis Weil the Executors thereof.  
that afterwards, to wit on the 22<sup>nd</sup>  
day of August 1874 the said Philip Gilman  
departed this life leaving a large estate  
situate in the City and County of New York.  
that the said last will and testament  
was afterwards, to wit, on the 13<sup>th</sup> day  
of October 1874 duly admitted to pro-  
bate by the Surrogate of the County of  
New York, to whom the probate thereof

properly belonged - That afterwards to wit on the day and year last aforesaid, letters testamentary were issued by the said Surrogate to the said Goldmark and the said Weil as such Executors and thereupon the said Goldmark and the said Weil, acting under said letters testamentary became and were the executors of the said last will and testament, and, on the day and year last aforesaid, assumed to act as such Executors, and continued thence to be such Executors and so to act under the said last will and testament jointly, continuously until sometime afterward, to wit, until the 6<sup>th</sup> day of April 1877, on which last mentioned day the said letters testamentary so issued as aforesaid to the said Weil, were duly and lawfully revoked by the Surrogate of the County of New York, whereupon the said Louis Weil ceased to be and act as executor of said last will and testament - That afterwards to wit on the 6<sup>th</sup> day of April 1877, the said Leo Goldmark became, was and assumed to act solely and alone as sole executor of the said last will and testament of Philip Gilman deceased, and continued to act as last aforesaid from



the 6<sup>th</sup> day of April 1877 continuously until afterwards, to wit on the 15<sup>th</sup> day of November 1881 -

That afterwards to wit on the day and year last aforesaid the said Leo Goldmark had in his possession as such executor under the said last will and testament, divers sums of money, goods chattels, bonds, bills, notes, securities and property, a more particular description thereof is to the Grand Jury aforesaid unknown, and of great value, to wit, of the value of nineteen thousand, nine hundred and sixty eight dollars<sup>and</sup> fifty four cents then and there belonging ~~therein~~ to the property of said estate of the said Philip Gilman deceased, and which has come into the possession of him the said Leo Goldmark as aforesaid, and was then and there in his custody and keeping and under his care and control by virtue of his being such executor as aforesaid -

That afterwards to wit on the day and year last aforesaid, at the City and County aforesaid, while acting as such executor of the said last will and testament of Philip Gilman, deceased aforesaid and while having said moneys bonds and said other

property in his possession, as such executor in the said city and County of New York, he, the said Leo Goldmark the said monies, goods, bonds, bills, notes, securities and other property so belonging to the said estate of the said Philip Gilman deceased, unlawfully wrongfully and feloniously did take, make way with and convert to his own use, and embezzle contrary to 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.

And the Grand Jury aforesaid by this indictment further accuse the said Leo Goldmark of the crime of embezzlement, committed as follows to wit;

That one Philip Gilman, now deceased duly executed his last will and testament heretofore to wit on the 27<sup>th</sup> day of January 1874, wherein and whereby he appointed the said Leo Goldmark, and one Louis Weil executors thereof.

That afterwards to wit on the 27<sup>th</sup> day of August 1874 the said Philip Gilman departed this life, leaving a large estate situate in the City and County of New York; that said last will

and testament was afterwards, to wit on the 13<sup>th</sup> day of October 1874, duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof properly belonged, and afterwards to wit; on the day and year last aforesaid, letters testamentary were issued to said Goldmark and Weil, as such executors, whereupon said Goldmark and Weil acting under said letters testamentary, became and were executors of said last will and testament; and on the day and year last aforesaid, assumed to act as such executors and continued thence to be such executors and so to act under said last will and testament jointly, continuously until sometime afterwards, to wit until the 6<sup>th</sup> day of April 1877, on which last mentioned day said letters testamentary so issued as aforesaid to said Weil were duly revoked by the Surrogate of the County of New York and thereupon said Louis Weil ceased to be, and act as executor of said last will and testament.

That afterwards, to wit on the 6<sup>th</sup> day of April 1877, the said Leo Goldmark became and was and assumed to act



solely and alone as sole executor of the said last will and testament of Philip Gilman deceased, <sup>and</sup> continued to act as last aforesaid from the 6<sup>th</sup> day of April 1877, continuously until afterwards to wit the 15<sup>th</sup> day of November 1881.

That afterwards, to wit on the day and year last aforesaid, the said Leo Goldmark had in his possession as such executor under the said last will and testament divers sums of money, goods, chattels, bonds, bills, notes, securities and property, a more particular description whereof is to the Grand Jury aforesaid unknown, and of great value, to wit of the value of nineteen thousand nine hundred and sixty eight dollars and fifty four cents <sup>and</sup> then and there belonging to Theodore P. Gilman Louisa Butler, Susanna Gilman, Agnes Gilman, and other persons to the Grand Jury aforesaid unknown, and named in said last will and testament of Philip Gilman as legatees of the property aforesaid <sup>and</sup> the persons for whose benefit and in whose behalf such executor was appointed, and which had come into possession

of him the said Leo Goldmark as aforesaid, and was then in his custody <sup>and</sup> keeping and under his care <sup>and</sup> control by virtue of his being such executor as aforesaid -

That afterwards, to wit on the day and year last aforesaid at the City and County aforesaid while acting as such executor of such last will and testament of Philip Gilman deceased as aforesaid, and while having such monies, bonds, notes and other property in his possession as such executor in the City <sup>and</sup> County aforesaid, he the said Leo Goldmark, the said monies, goods, bonds, bills, notes, securities and said other property so belonging to the said Theodore P. Gilman, Louisa Butler, Susanna Gilman, Agnes Gilman and other persons to the Grand Jury aforesaid unknown and named in the last will and testament of the said Philip Gilman as legatees of said property <sup>and</sup> the person for whose benefit and in whose behalf such executor was appointed, unlawfully, wrongfully <sup>and</sup> feloniously did take, make away with and convert to his own use and embezzle, contrary to the form of the Statute in such case made <sup>and</sup> provided

and against the peace of the people of the State of New York and their dignity -

And the Grand Jury aforesaid by this indictment further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit; ~~that~~ one Philip Gilman now deceased duly executed his last will and testament, heretofore to wit; on the 27<sup>th</sup> day of January 1874, wherein and whereby he appointed the said Leo Goldmark and one Louis Weil trustees of the trusts created by said will -

That afterwards to wit on the 22<sup>nd</sup> day of August 1874 the said Philip Gilman departed this life leaving a large estate situated in the City and County of New York -

That said last will and testament was afterwards to wit; on the 12<sup>th</sup> day of October 1874, duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof properly belonged, and afterwards, to wit on the day any year last aforesaid, the said Goldmark and Weil, acting under said will, became and were



The trustees of the trusts created by said will, and, on the day and year last aforesaid, assumed to act as such trustees and continued thence to be such trustees and so to act under said will jointly continuously, until sometime afterwards, to wit until the 6<sup>th</sup> day of April 1877, on which last mentioned day the said Weil duly resigned as such trustee and was by the decree of the Surrogate of the County of New York duly relieved and discharged from his said office and the execution of said trusts, whereupon the said Louis Weil ceased to be and to act as such trustee of the trusts created by said last will and testament. That afterwards, to wit on the 6<sup>th</sup> day of April 1877, the said Leo Goldmark became and was and assumed to act solely and alone as sole trustee of the trusts created by said last will and testament of the said Philip Gilman deceased, and continued to act as last aforesaid from the 6<sup>th</sup> day of April 1877, continuously until afterwards to wit on the 15<sup>th</sup> day of November 1881. That afterwards, to wit, on the day and year last aforesaid, the

said Leo Goldmark has in his possession as such trustee of the trusts created by the said last will <sup>and</sup> testament, diverse sums of money, goods, chattels, bills, notes, securities and property a more particular description whereof is to the Grand Jury unknown, of great value, to wit of the value of nineteen thousand nine hundred and sixty eight dollars and fifty four cents, and then <sup>and</sup> there belonging to, and the property of the trust estate created by said last will and testament of said Philip Gilman deceased, which had come into the possession of him the said Goldmark as aforesaid and were then and there in his custody and under his care <sup>and</sup> control by virtue of his being such trustee as aforesaid. That afterwards to wit on the day and year last aforesaid at the city and county aforesaid, while acting as such trustee of the trusts created by said last will of said Philip Gilman deceased as aforesaid, while having said monies, bonds, notes, and other property in his possession as such trustee at the said City and County he the said Leo Goldmark

the said monies goods, bonds, bills notes, securities and other property so belonging to the said trust estates created by the said last will and testament of the said Philip Gilman deceased unlawfully, wrongfully and feloniously did take make way with and convert to his own use and embezzle contrary to 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 this dignity -

And the Grand Jury aforesaid further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit; that one Philip Gilman now deceased duly executed his last will and testament heretofore to wit on the 27<sup>th</sup> day of January 1874, wherein and whereby he appointed the said Leo Goldmark and one Louis Weil trustees of the trusts created by said will.

That afterwards to wit on the 22<sup>nd</sup> day of August 1874 the said Philip Gilman departed this life leaving a large estate situated in the city and County of New York.



0414

That said last will <sup>and</sup> testament was afterwards to wit; on the 12<sup>th</sup> day of October 1874, duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof properly belonged, and afterwards to wit on the day and year last aforesaid, the said Goldmark <sup>and</sup> Will acting under said will, became and were the trustees of the trusts created by said will, and on the day <sup>and</sup> year last aforesaid assumed to act as such trustees and continued thence to be such trustees <sup>and</sup> so to act under said will jointly until sometime afterwards to wit until the 6<sup>th</sup> day of April 1877 on which last mentioned day the said Will duly resigned as such trustee <sup>and</sup> was by the decree of the Surrogate of the County of New York duly relieved <sup>and</sup> discharged from his said office and the execution of said trusts, whereupon the said Louis Will ceased to be and to act as trustee of the trusts created by said last will and testament. That afterwards to wit on the 6<sup>th</sup> day of April 1877, the said Leo Goldmark, became <sup>and</sup> was and assumed to act solely <sup>and</sup> alone

as sole trustee of the trusts created by said last will and testament of the said Philip Gilman deceased and continued to act as last aforesaid from the 6<sup>th</sup> day of April 1877 continuously until afterwards to wit on the 15<sup>th</sup> day of November 1881. That afterwards to wit on the day and year last aforesaid, the said Leo Goldmark had in his possession as such trustee of the trusts created by the said last will and testament divers sums of money, goods, chattels, bills, notes securities and property, a more particular description whereof is to the Grand Jury unknown, of great value to wit, of the value of fifteen thousand nine hundred and sixty eight dollars and fifty four cents and there and there belonging to and the property of Louisa Butler Theodore P. Gilman and other persons to the Grand Jury unknown, beneficiaries of the trusts created by the said last will and testament of Philip Gilman deceased and the persons for whose benefit and in whose behalf the said trustee had been appointed, and which had come into the possession of him the said Goldmark as aforesaid and were then and there in his custody and under his care and control by virtue of his being such trustee as aforesaid -

That afterwards to wit on the day and year last aforesaid at the City and County aforesaid, while acting as such trustee of the trusts



created by said last will of said Philip Gilman deceased as aforesaid  
 \* and while having said monies, bonds  
 notes and other property in his possession  
 as such trustee at the said city <sup>and</sup> County  
 he, the said Leo Goldmark, the said monies  
 goods bonds bills notes securities <sup>and</sup>  
 other property so belonging to the said  
 Louisa Buller, Theodore P. Gilman, and  
 other persons to the Grand Jury unknown  
 beneficiaries of the trusts created by the  
 said last will and testament of Philip  
 Gilman deceased <sup>and</sup> the persons of whose  
 benefit and in whose behalf such trust-  
 ee had been appointed unlawfully wrong-  
 fully and feloniously did take, make  
 way with and convert to his own use  
 and embezzle contrary to the form of  
 the Statute in such case made and pro-  
 vided and against the peace of the People of  
 the State of New York and their dignity

And the Grand Jury  
 aforesaid further accuse the said  
 Leo Goldmark of the crime of em-  
 bezzlement committed as follows;  
 to wit. that one Philip Gilman now  
 deceased, duly executed his last will



and testament heretofore to wit on the 27<sup>th</sup> day of January 1874 wherein and whereby he appointed the said Leo Goldmark and one Louis Weil trustees of the trusts created by said will.

That afterwards to wit on the 22<sup>nd</sup> day of August 1874 the said Philip Gilman departed this life leaving a large estate situated in the City and County of New York.

That said last will and testament was afterwards to wit; on the 12<sup>th</sup> day of October 1874 duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof <sup>properly</sup> belonged and afterwards to wit, on the day and year last aforesaid, the said Goldmark and Weil acting under said will became and were the trustees of the trusts created by said will and on the day and year last aforesaid assumed to act as such trustees and continued thence to be such trustees and so to act under said will jointly continuously until sometime afterwards to wit until the 6<sup>th</sup> day of April 1877 on which last mentioned day the said Weil duly resigned as such trustee and was by the

decree of the Surrogate of the County of  
 New York duly received and discharged  
 from his said office <sup>and</sup> the execution  
 of said trusts, whereupon the said Louis  
 Weil ceased to be, and to act as trustee  
 of the trusts created by said last will  
 and testament. That ~~hereafterwards~~ to  
 wit on the 6<sup>th</sup> day of April 1877 the said  
 Leo Goldmark became <sup>and</sup> was and  
 assumed to act solely <sup>and</sup> alone as  
 sole trustee of the trusts created by said  
 last will and testament of the said  
 Philip Gilman deceased <sup>and</sup> continued  
 to act as last aforesaid from the 6<sup>th</sup>  
 day of April 1877 continuously until af-  
 terwards to wit; on the 15<sup>th</sup> day of Novem-  
 ber 1881. That afterwards to wit; on  
 the day and year last aforesaid the  
 said Leo Goldmark had in his pos-  
 session as such trustee of the trusts  
 created by the said last will <sup>and</sup> testament  
 diverse sums of money, goods chattels  
 bills, bonds, notes securities and  
 property a more particular descrip-  
 tion whereof is to the Grand Jury un-  
 known of great value to wit of the  
 value of nineteen thousand nine hun-  
 dred and sixty eight dollars <sup>and</sup> fifty



four cents and then and there belonging to and the property of Louisa Buller, Theodore P. Gilman and other persons to the Grand Jury unknown beneficiaries of the trusts created by the said last will and testament of Philip Gilman deceased and the persons for whose benefit and in whose behalf the said trustee had been appointed and which had come into the possession of him, the said Goldmark as aforesaid and were then and there in the custody and under his care and control by virtue of his being such trustee as aforesaid. That afterwards to wit on the day and year last aforesaid, demand was duly made on the said Leo Goldmark at the said City of New York by the said Louisa Buller, Theodore P. Gilman and others thereto then and there entitled, to the Grand Jury unknown as aforesaid for the sums of money and the property due to them respectively by the said Leo Goldmark as trustee as aforesaid and which was then and there due and coming and payable to them from the said Goldmark as such trustee.

That afterwards to wit on the day and year last aforesaid at the City and County aforesaid while acting as such trustee of



+ the trusts created by said last will of said Philip Gilman deceased as aforesaid while having said monies, bonds, notes and other property so belonging to the said Louisa Butler, Theodore and said other persons, in his possession as such trustee at the said City and County in the said Leo Goldmark the said monies, goods bonds bills notes securities and other property so belonging to the said Louisa Butler, Theodore P. Gilman and others to the Grand Jury unknown the beneficiaries of the trusts created by said last will and testament of Philip Gilman deceased and the persons for whose benefit and in whose behalf said trustee had been appointed, did fraudulently withhold from the said Louisa Butler, Theodore P. Gilman and said other persons to the Grand Jury aforesaid unknown beneficiaries of the trusts created by the said last will and testament of the said Philip Gilman, deceased and the persons for whose benefit and in whose behalf said trustee had been appointed, and embuzzle contrary to 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

this dignity -

And the Grand Jury aforesaid further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit;

That one Philip Gilman now deceased duly executed his last will <sup>and</sup> testament heretofore, to wit, on the 27<sup>th</sup> day of January 1874, wherein and whereby he appointed the said Leo Goldmark <sup>and</sup> one Louis Weil trustees of the trusts created by the said will.

That afterwards to wit on the 22<sup>d</sup> day of August 1874 the said Philip Gilman departed this life, leaving a large estate situated in the City <sup>and</sup> County of New York

That said last will <sup>and</sup> testament was afterwards to wit, on the 12<sup>th</sup> day of October 1874 duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof properly belonged <sup>and</sup> afterwards to wit on the day and year last aforesaid the said Goldmark <sup>and</sup> Weil acting under said will became <sup>and</sup> were the trustees <sup>of the trusts</sup> created by said will, and on the day and year last aforesaid as-

sumed to act as such trustee<sup>and</sup> continued thence to be such trustee and so to act under said will jointly continuously until sometime afterwards to wit until the 6<sup>th</sup> day of April 1877 on which last mentioned day the said Weil duly resigned as such trustee and was by the decree of the Surrogate of the County of New York duly relieved and discharged from his said office and the execution of said trusts whereupon the said Louis Weil ceased to be and to act as trustee of the trusts created by said last will<sup>and</sup> testament, that afterwards, to wit on the 6<sup>th</sup> day of April 1877, the said Leo Goldmark he came and was and assumed to act solely and alone as sole trustee of the trusts created by said will<sup>and</sup> testament of the said Philip Selman, deceased, and continued to act as last aforesaid from the 6<sup>th</sup> day of April 1877 continuously until afterwards to wit, on the 15<sup>th</sup> day of November 1881.

That afterwards to wit on the day and year last aforesaid the said Leo Goldmark had in his possession as such trustee of the trusts created



by the said last will and testament divers sum of money, goods, chattels bills, notes securities and property, a more particular description whereof is to the Grand Jury unknown, of great value, to wit, of the value of nineteen thousand nine hundred and sixty eight dollars and fifty four cents, and then and there belonging to and the property of one Augustus A. Levey as Receiver of the property of the trust estates created by the said last will and testament of Philip Gilman deceased, and which had come into the possession of him the said Goldmark as aforesaid and were then and there in his custody and under his care and control by virtue of his being such trustee as aforesaid.

That afterwards to wit on the 15<sup>th</sup> day of November 1881 the Supreme Court of the State of New York in an action properly brought therein by one Louisa Buller and Theodore P. Gilman as plaintiffs against the said Leo Goldmark and others to this Grand Jury unknown defendants to remove the said Leo Goldmark from his office

as such trustee and for other relief, did by its order properly<sup>and</sup> lawfully made and entered in said action, appoint the said Augustus A. Sevey Receiver of the trust estates created by the said last will and testament of said Philip Gelman deceased, and did direct the said Augustus A. Sevey as such Receiver to take into his possession the property of said trust estates created by the said last will and testament of the said Philip Gelman deceased and did further direct the said Leo Goldmark to pay and deliver to the said Augustus A. Sevey as such Receiver, all property belonging to the said trust estates.

That thereafter to wit on the 19<sup>th</sup> day November 1881, the said Augustus A. Sevey did duly qualify as such receiver as aforesaid and did thereafter to wit on the 12<sup>th</sup> day of December 1881, and while he was such Receiver as aforesaid and while said order of said Supreme Court was in full force and effect at the said city of New York, make demand upon the said Leo Goldmark to deliver to him the said Augustus A. Sevey the property of said trust estates

created by the last will and testament of Philip Gilman deceased as aforesaid, and while having said monies, bonds, notes and said other property in his possession as such trustee in the said City and County, he the said Leo Goldmark the said monies, goods, bonds, bills, notes, securities and said other property so belonging to the said Augustus A. Levy as Receiver of the trust estates aforesaid unlawfully, wrongfully and feloniously did take away with and convert to his own use and embezzle contrary to 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 -

And the Grand Jury further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit:

That one Philip Gilman now deceased duly executed his last will and testament heretofore to wit on the 27<sup>th</sup> day of January 1874, wherein and whereby he appointed the said Leo



Goldmark and one Louis Weil trustees of the trusts created by the said will. That afterwards to wit on the 22<sup>d</sup> day of August 1874 the said Philip Gilman departed this life leaving a large estate situated in the City and County of New York.

That said last will and testament was afterwards to wit on the 12<sup>th</sup> day of October 1874 duly admitted to probate by the Surrogate of the County of New York to whom the probate thereof properly belonged and afterwards to wit, on the day and year last aforesaid the said Goldmark and Weil acting under said will became and were the trustees of the trusts created by said will and on the day<sup>and</sup> year last aforesaid assumed to act as such trustees and continued thence to be such trustees and so to act under said will jointly continuously until sometime afterwards to wit until the 6<sup>th</sup> day of April 1877 on which last mentioned day the said Weil duly resigned as such trustee and was by the decree of the Surrogate of the County of New York, duly relieved and discharged

from his said office and the execution of said trusts, whereupon the said Louis Weil ceased to be and to act as trustee of the trusts created by said last will and testament.

That afterwards to wit on the 6<sup>th</sup> day of April 1877 the said Leo Goldmark became and was and assumed to act solely and alone as sole trustee of the trusts created by said last will and testament of the said Philip Gelman deceased and continued to act as last aforesaid from the 6<sup>th</sup> day of April 1877 continuously until afterwards to wit, on the 15<sup>th</sup> day of November 1881 -

That afterwards to wit on the day and year last aforesaid the said Leo Goldmark had in his possession as such trustee of the trusts created by the said last will and testament, divers sums of money, goods, chattel, bills, notes, securities and property, a more particular description whereof is to the Grand Jury <sup>aforesaid</sup> unknown, of great value <sup>to wit</sup> of the value of nineteen thousand nine hundred and sixty eight dollars and fifty four cents, and then and there belonging to, and the property of one

Augustus A. Sevey as Receiver of the trust estates created by the said last will and testament of Philip Gilman deceased and which had come into the possession of him the said Goldmark as aforesaid and were then and there in his custody and under his care and control by virtue of his being such trustee as aforesaid.

That afterwards to wit on the 15<sup>th</sup> day of November 1881 the Supreme Court of the State of New York in an action properly brought therein by one Louisa Butler and Theodore P. Gilman as plaintiffs against the said Leo Goldmark and others to this Grand Jury unknown defendants to remove the said Leo Goldmark from his office as trustee<sup>and</sup> for other relief, did by its order properly made and entered in said action, appoint the said Augustus A. Sevey Receiver of the trust estates created by the said last will and testament of said Philip Gilman deceased and did direct the said Augustus A. Sevey as such receiver to take into his possession the property of said trust estates created by the said last will and testament of the said Philip Gilman deceased, and did



further direct the said Leo Goldmark to pay and deliver to the said Augustus A. Sevey as such Receiver all properly belonging to the said trust estates -

That thereafter to wit on the 19<sup>th</sup> day of November 1881, the said Augustus A. Sevey did duly qualify as such Receiver as aforesaid and did thereafter to wit on the 12<sup>th</sup> day of December 1881 at said city of New York and while he was such Receiver and while said order of said Supreme Court was in full force and effect, make demand upon the said Leo Goldmark to deliver to him the said Augustus A. Sevey the property of said trust estates created by the said last will and testament of said Philip Gilman deceased.

That afterwards to wit, on the day and year last aforesaid, at the city and County aforesaid while acting as such trustee of the trust estates created by the last will and testament of Philip Gilman deceased as aforesaid and while having said monies bonds, notes, and said other property in his possession as such trustee in the said city and County, he the

0430

said Leo Goldmark, the said monies, goods, bonds, bills, notes, securities, and said other property so belonging to the said Augustus A. Levey as such Receiver of the trust estates aforesaid, did wrongfully fraudulently and feloniously withhold from the said Augustus A. Levey as such Receiver of the said trust estates created by the said last will and testament of said Philip German deceased, and embezzle contrary to 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 H. Keon  
District Attorney

Filed by  
Julius W. Rosenstein  
240 W 32nd St  
Edward B. Ecker  
Bayridge Knigs Co. Ltd.

\$ 3000

Day of Trial

Counsel,

Filed 15 day of May 1882

Pleads Not Guilty with leave to withdraw (O)

THE PEOPLE

vs.

Indesglement

Leo Goldmark

John M. Kern

DANIEL G. ROLLINS,

District Attorney.

A True Bill.

*[Signature]*

Foreman.

*[Signature]*

*[Signature]*

116

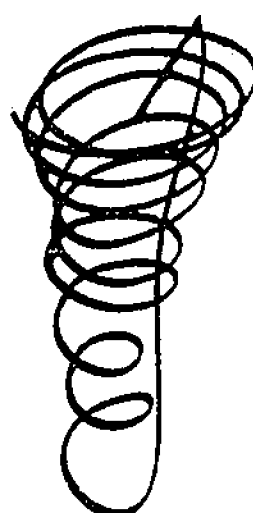
0431



0432

Court of General Sessions  
of the City and County of New York.

The People of the  
State of New York  
against  
Leo Goldmark



The Grand Jury of the City and  
County of New York by this indictment  
accuse Leo Goldmark of the crime of  
embezzlement as follows to wit:

That on the ninth day of  
March in the year of our Lord one thou-  
sand eight hundred and seventy five,  
letters of guardianship were issued by  
the Surrogate of the County of New York  
to the said Leo Goldmark on the estate  
of Agnes Gilman an infant then under  
the age of fourteen years to wit of the  
age of eight years, that thereupon to wit  
on the ninth day of March in the year  
of our Lord one thousand eight hundred  
and seventy five the said Leo Goldmark  
acting under the said letters, became and  
was the Guardian of the estate of the  
said infant Agnes Gilman, and on the day  
and year last aforesaid assumed to act

as such Guardian, and continued thence to be such Guardian <sup>and</sup> so to act until the present time <sup>and</sup> now is and continues to be such Guardian as aforesaid.

That afterwards to wit on the thirteenth day of July in the year of our Lord one thousand eight hundred and eighty one, the said Leo Goldmark had in his possession as such Guardian of the estate of the said Agnes Gilman an infant divers sums of money, goods, chattels bonds, bills, notes, securities and property a more particular description whereof is to the Grand Jury aforesaid unknown, of great value to wit, of the value of Two thousand eight hundred <sup>and</sup> forty one dollars <sup>and</sup> twenty five cents and then <sup>and</sup> there belonging to and the property of the estate of the said Agnes Gilman an infant and which has come into the possession of him the said Leo Goldmark as aforesaid and was then and there <sup>in</sup> his custody and keeping and under his care and control, by virtue of his being such Guardian as aforesaid; that afterwards to wit on the day and year last

aforesaid at the City and County aforesaid while acting as such Guardian of the estate of Agnes Gelman an infant and while having the said money, bonds, notes, and said other property in his possession as such Guardian in the said City and County he, the said Leo Goldmark, the said monies, goods bonds, bills notes, securities and said other property so belonging to the said estate of the said Agnes Gelman an infant unlawfully wrongfully and feloniously did take make way with and convert to his own use and embezzle contrary to 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.

And the Grand Jury aforesaid by this indictment further accuse the said Leo Goldmark of the crime of Embezzlement committed as follows to wit:

That on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five, letters of Guardianship were is-



sued by the Surrogate of the County of New York to the said Leo Goldmark on the estate of Agnes Gilman an infant then under the age of fourteen years to wit of the age of eight years, that thereupon to wit on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five the said Leo Goldmark acting under the said letters became <sup>and</sup> was the Guardian of the estate of the said infant Agnes Gilman, <sup>and</sup> on the day <sup>and</sup> year last aforesaid assumed to act as such Guardian and continued thence to be such Guardian and so to act until the present time and now is <sup>and</sup> continues to be such guardian as aforesaid -

That afterwards to wit on the thirteenth day of July in the year of our Lord one thousand eight hundred and eighty one the said Leo Goldmark had in his possession as such Guardian of the estate of the said Agnes Gilman an infant divers sums of money, goods, chattels, bonds, bill, notes securities and property a more particular description whereof is to

The Grand Jury aforesaid unknown,  
 of great value to wit of the value  
 of Two thousand eight hundred and  
 forty one dollars and twenty five cents  
 and then and there belonging to and  
 the property of the said Agnes Gilman  
 an infant the person for whose benefit  
 and in whose behalf such Guardian  
 was appointed as aforesaid and which  
 had come into the possession of him  
 the said Leo Goldmark as aforesaid  
 and was then and there in his custody  
 and keeping and under his care and  
 control by virtue of his being such  
 Guardian as aforesaid; that afterwards  
 to wit on the day and year last aforesaid,  
 at the City and County aforesaid  
 while acting as such Guardian of the  
 estate of the said Agnes Gilman an  
 infant and while having the said  
 money, bonds, notes, and said other  
 property in his possession as such  
 Guardian in the said City and County, he  
 the said Leo Goldmark, the said monies,  
 goods, bonds, bills, notes, securities  
 and said other property so belonging  
 to the said Agnes Gilman an infant  
 the person for whose benefit and in whose

0437

behalf such Guardian was appointed  
as aforesaid, unlawfully wrongfully  
and feloniously did take make  
way with and convert to his own use  
and embezzle contrary to the form  
of the Statute in such case made  
and provided and against the peace  
of the People of the State of New York  
and their dignity -

John McKeon  
District Attorney



0438

As Guardian of

the People

Leo Goldmark

But super-act.  
of 3000.

Apr. 29/82

Ed

1000

City and County of New York S. S.  
 Theodore P. Gilman being duly sworn  
 deposes and says that he is 25 years of  
 age and resides at No 74 N 53<sup>rd</sup> St in the  
 city of New York. That on the 23<sup>rd</sup> day  
 of September 1881 he was granted letters  
 Testamentary on the estate of his brother  
 Edward R. Gilman who died on the 17<sup>th</sup>  
 day of August 1881. leaving a last will  
 and testament wherein and whereby deponent  
 was appointed sole executor.

That Edward Gilman aforesaid was one of  
 the sons of Philip Gilman deceased and that  
 letters of guardianship of the estate of said  
 Edward Gilman were granted by the Surro-  
 gate of this County to Leo Goldmark on the  
 9<sup>th</sup> day of March 1875. That as such  
 Guardian as aforesaid the said Leo Goldmark  
 received from the estate of Susannah Gilman  
 the mother of the said Edward Gilman sums  
 of money amounting in the aggregate to the  
 sum of Twenty eight hundred & forty one <sup>25</sup>/<sub>100</sub>  
 Dollars and that no part of said sum has  
 been paid to the said Edward Gilman for

his education maintenance support or other  
 purpose for the reason that all amounts  
 paid to or for said Edward Gilman were  
 paid out of the estate of Philip Gilman the  
 father of the said Edward Gilman. That  
 deponent has demanded from said Leo Gold-  
 mark the said sum of Twenty eight hundred  
 & forty one <sup>25</sup>/<sub>100</sub> Dollars being the amount  
 due to deponent as executor of the last  
 will and testament of said Edward Gilman  
 by said Leo Goldmark and that the said  
 Leo Goldmark has neglected and refused  
 and does now neglect and refuse to pay  
 said sum to said deponent and denies  
 that said sum is in his possession.  
 That the said Leo Goldmark has converted  
 to his own use and has taken made away  
 with and fraudulently withholds money  
 goods property and other valuable securi-  
 ties and effects belonging to this deponent  
 as Executor of the last will and testament  
 of Edward Gilman deceased aforesaid and  
 which property came into his possession  
 and under his care and control by virtue  
 of his office as Guardian of the property  
 of the said Edward Gilman to the amount  
 aforesaid of Twenty eight hundred & forty one  
<sup>25</sup>/<sub>100</sub> Dollars



0441

Sworn to this 27<sup>th</sup>  
day of April 1882  
J. Murphy  
Rec<sup>d</sup> &c

Thos P. Gilman  
J

City and County of New York S.S.  
 Ellis H. Yates being duly sworn  
 deposes and says that he is an attorney and  
 Counsellor at Law practicing in the City  
 and County of New York and has his  
 office at No 4 & 6 Warren Street in the  
 said City of New York.

That he is the Attorney for Augustus  
 A. Leroy as Receiver of the estate of  
 Philip Simon and is thoroughly conversant  
 with every part of the litigation wherein  
 Theodore P. Simon and Louisa Butler  
 are plaintiffs and Leo Goldmark and  
 others are defendants.

That he is acquainted with Leo  
 Goldmark and on or about the 5<sup>th</sup>  
 day of March 1882 deponent had an  
 interview with said Leo Goldmark at the  
 house of Mr. Simon W. Stern, No 46  
 East 78<sup>th</sup> St in the City of New York  
 that at said interview the said Goldmark



admitted to deponent that he had converted to his own use property and monies belonging to the estate of Edward Gipsman and which had come into his hands as Guardian of the estate of said Edward Gipsman. That the said Leo Goldmark did then and there state that the exact amount of said conversions he did not know but that he would render an account of all monies received by him and the said Leo Goldmark did then and there further state that he would pay the amounts so wrongfully and fraudulently converted by him in twenty equal installments running over a period of five years the first payment to be made on a day when the amount of said conversions should be determined and the subsequent payment to be made at equal intervals of three months for five years. That he the said Leo Goldmark would enter into a bond for the faithful payments of said sums and would secure the said payments by two good and sufficient sureties to be approved by deponent and the parties interested in the estate, of whom Julius Rosenstein



should be one and William Joseph  
 or some other person to be approved  
 as aforesaid the other. That thereafter  
 the said Leo Goldmark did on or  
 about the 3<sup>d</sup> day of April 1882 deliver  
 to deponent certain accounts which  
 pretended to be and which said Leo  
 Goldmark represented to be full  
 true and correct accounts of the  
 sum of money received by him  
 as Guardian as aforesaid — That  
 as matter of fact and this deponent  
 so alleges and charges the said accounts  
 are false and fraudulent. That  
 on the 26<sup>th</sup> day of April 1882 deponent  
 was informed and verily believes and  
 so charges the fact to be that the said  
 Leo Goldmark was acting fraudulently  
 and with intent to cheat and defraud  
 the persons interested in the said estates  
 and that his promises to pay were  
 only made for the purpose of gaining  
 time and that in truth and in  
 fact said Leo Goldmark intended  
 to flee from the country and go to  
 Europe and not return and deponent  
 went to the office of Oelrichs & Co the  
 agent of the North German Lloyd

0445

Steamship Company and examined  
the list of passengers intending to  
sail on the Steamer "Hapsburg"  
from this port on the 3<sup>d</sup> day of  
May 1882 and there found that D  
Goldmark had secured but to \$21  
and deponent is informed and believes  
and so charges the fact to be, that the  
D Goldmark who has secured his  
passage as aforesaid is the Leo Goldmark  
hereinbefore referred to —

Given before me  
this 29<sup>th</sup> day of April 1882  
J. H. Smith  
Rec'd

Miss Gates



City and County of New York S. S.

George A Whitman being duly sworn deposes and says that he is 43 years of age and resides at No 417 East 86<sup>th</sup> St in the City of New York.

That he is expert accountant and has been engaged in that vocation for the eight years last past.

That on the 5<sup>th</sup> day of April 1882 deponent received from Ellis S. Yates certain accounts which pretended to be true and correct accounts of the monies received and paid out by Leo Goldmark as executor of and trustee under the last will and testament of Philip Gilman deceased. and also as guardian of the estates of Theodor Gilman. Edward Gilman Susannah Gilman and Agnes Gilman that the accounts were not divided but were all mixed up together. That said accounts were false and untrue and so appeared upon their face and deponent believes, alleges and charges that said accounts were made up with the intention of misleading and deceiving. That many items of payments were credited by the executor to himself twice and in some instances three times. That the Commissions of the Executor were charged



0447

three times over on the same amounts of receipts and disbursements, That deponent has carefully examined said accounts and each and every item thereof and has drawn off and made up new accounts crediting the said Leo Goldmark with each and every item which appears upon the face of the accounts once and giving to said Leo Goldmark the benefit of every doubt. That deponent has annexed hereto and makes a part of this affidavit a statement of the account of Leo Goldmark as Guardian of Edward Gilman and deponent believes and alleges that the same is full true and correct and each and every item thereof is taken from the accounts made by said Leo Goldmark.

Sworn before me George A. Whitman  
 this 29 day of April 1882  
 F. M. H. K.  
 Recr re

0448

Geo Goldmark as Guardian of Edw. R. Goldman

1/5 of sale of \$4583 Property 105612

transferred to him by Geo Goldmark

Edw. of Susanna Goldman

1/5 of \$8925.68

178514 284126

George A. Whitman

0449

Guarantee  
The People

The People

vs  
Leo Goldmark

Bail given at  
\$2000.

Apr 29<sup>th</sup>/82

F.S.

Bail \$2000



City and County of New York S. S.

Theodore P. Gilman being duly sworn deposes and says that he is 25 years of age. That he is a son of Philip Gilman deceased. That the said Philip Gilman died on the 22<sup>nd</sup> day of August 1874 leaving a last will and testament wherein and whereby Leo Goldmark and Louis Weil were appointed executors of and trustees under the said will.

That Louis Weil was discharged and the letters testamentary granted to him were revoked by a decree of the Surrogate of this County on or about the 6<sup>th</sup> day of April 1879. That letters testamentary were granted by the Surrogate of this County to said Leo Goldmark on or about the 13 day of October 1874. and that from and after the 6<sup>th</sup> day of April 1879 said Leo Goldmark has remained and now is the sole acting executor of and trustee under the said last Will and testament of the said Philip Gilman deceased.

That as such executor and trustee as aforesaid the said Leo Goldmark received from divers and sundry persons sums of money amounting in the aggregate to the sum of Fifty eight thousand and seventy eight  $\frac{45}{100}$  Dollars and claims to have expended in behalf of the estate and in payments made to the beneficiaries sums of money amounting in the aggregate to the sum of Thirty eight thousand one hundred and nine  $\frac{94}{100}$  Dollars. That on or about the 15<sup>th</sup> day of November 1881 deponent together with Louisa Butler whose affidavit is hereto annexed commenced an action in the Supreme Court of the State of New York in and for the City and County of New York against the said Leo Goldmark for an accounting and the appointment of a Receiver pendente lite and that thereafter and on the 23 day of November the said Supreme Court after hearing the said Leo Goldmark at great length appointed Augustus A. Levey Receiver of the estate of the said Philip Gilman and directed the said Leo Goldmark to deliver all the property of the estate of said Philip Gilman in his possession or under his control to the said Augustus A. Levey. That pursuant to said order the said Leo Goldmark delivered to the said Augustus A. Levey property of the face value of

Three thousand & fifty six  $9\frac{1}{100}$  Dollars and that said Leo Goldmark then claimed and insisted and ever since has and now does claim and insist that the said last named sum is all that he has in his possession or under his control belonging to the estate of Philip Gilman and has refused and neglected to pay over the balance amounting to the sum of Nineteen thousand nine hundred and sixty eight  $5\frac{1}{100}$  Dollars and interest from January 1<sup>st</sup> 1878. That the said Leo Goldmark subsequent to the 6<sup>th</sup> day of April 1877 has converted to his own use and has taken, made away with and fraudulently withholds money goods property and other valuable securities and effects belonging to the estate of Philip Gilman deceased aforesaid and which property came into his possession and under his care and control by virtue of his office as executor of and trustee under the last will and testament of Philip Gilman deceased to the amount in the aggregate of Nineteen thousand nine hundred and sixty eight  $5\frac{1}{100}$  Dollars with interest from January 1<sup>st</sup> 1878

Sworn to before me this

29<sup>th</sup> day of April 1882

J. M. [Signature]  
 Leo [Signature]

Philip Gilman



City and County of New York S. S.

Ellis S. Fakes being duly sworn deposes and says that he is an attorney and Counsellor at Law practicing in the City and County of New York and has his office at No. 4 & 6 Warren St in the City of New York.

That he is the attorney for Augustus A. Levey as Receiver of the estate of Philip Gilman and is thoroughly conversant with every part of the litigation wherein Theodore P. Gilman and Louisa Butler are plaintiffs and Leo Goldmark and others defendants.

That he is acquainted with Leo Goldmark and on or about the fifth day of March 1882 deponent had an interview with said Leo Goldmark at the house of Mr. Simon H. Stern No. 46 East 78<sup>th</sup> St, in the City of New York; that at said interview the said Goldmark admitted to deponent that he had converted to his own use property and monies belonging to the estate of Theodore P. Gilman and which had come into his hands as Guardian of the estate of said Theodore P. Gilman. That the said Leo Goldmark did then and there state that the exact amount of said conversions he did not know, but that he would render an account of all monies received by him.

and the said Leo Goldmark did then and there further state that he would pay the amounts so wrongfully and fraudulently converted by him in twenty equal installments running over a period of five years the first payment to be made on a day when the amount of said conversions should be determined and the subsequent payments to be made at equal intervals of three months for five years. That he the said Leo Goldmark would enter into a bond for the faithful payments of said sums and would secure the said payments by two good and sufficient sureties to be approved by deponent and the parties interested in the estate of whom Julius Rosenstein should be one and William Josephy or some other person to be approved as aforesaid the other. That thereafter the said Leo Goldmark did on or about the 3<sup>rd</sup> day of April 1887 deliver to deponent certain accounts which pretended to be and which said Leo Goldmark represented to be full true and correct accounts of the sums of money received by him as Guardian as aforesaid. That as matter of fact and this deponent so alleges and charges the said accounts are false and fraudulent. That on the 26<sup>th</sup> day of April 1887 deponent was informed and verily believes and so charges the fact to be that the said Leo Goldmark was acting fraudulently and with intent to cheat and defraud the persons



0455

interested in the said estates. and that his promises to pay were only made for the purpose of gaining time and that in truth and in fact said Leo Goldmark intended to flee from the Country and go to Europe and not return, and deponent went to the office of Oelrichs & Co the agents of the North German Lloyd Steam Ship Company and examined the list of passengers intending to sail on the steamer "Hapsburg" from this port on the 3<sup>rd</sup> day of May 1883. and there found that Dr Goldmark had secured berth No 21 and deponent is informed and believes and so charges the fact to be that the Dr Goldmark who has secured his passage as aforesaid is the Leo Goldmark heretofore referred to.

Sworn before me

This 29<sup>th</sup> day of April 1883  
Thos. M. M. M.  
 Rec<sup>d</sup> -rc

Wm. Yates



City and County of New York S. S.

George A. Whitman being duly sworn deposes and says that he is 43 years of age and resides at No 417 East 86th Street in the City of New York

That he is an expert accountant and has been engaged in that vocation for the eight years last past

That on the 5<sup>th</sup> day of April 1882 deponent received from Ellis S. Yates certain accounts which pretended to be true and correct accounts of the monies received and paid out by Leo Goldmark as executor of and trustee under the last will and testament of Philip Gilman deceased and also as Guardian of the estates of Theodore P. Gilman, Edward Gilman, Hannah Gilman and Agnes Gilman that the accounts were not divided but were all mixed up together

That said accounts were false and

true and so appeared upon their face and deponent believes alleges and charges that said accounts were made up with the intention of misleading and deceiving

That many items of payments were credited by the executor to himself twice and in some instances three times -

That the commissions of the Executor were charged three times over on the same amounts of receipts and disbursements

That deponent has carefully examined said accounts and each and every item thereof and has drawn off and made up new accounts expressly crediting the said Leo Goldmark with each and every item which appears upon the face of the accounts once and giving to said Leo Goldmark the benefit of every doubt

That deponent has annexed hereto and makes a part of this affidavit a statement of the account of Leo Goldmark as Guardian of Theodore P Gilman and deponent believes and alleges that the same is full true and correct and each and every

0458

item thereof is taken from the accounts  
made by said Leo Goldmark

Sworn before me George A. Whitman  
this 29<sup>th</sup> day of April 1897  
Notary Public  
Rec'd



0459

Leo Goldman, Guard of Hon. Libman

Transferred to him by Leo Goldman  
Adm of Libmanal Libman  
1/5 of \$8925.68

178514

George A. Whitman

Bailed by  
Julius W. Rosenstem  
240 W. 52nd St.  
Edward B. Ecker.  
Beveridge Knigs Co. d. d.

2000

Day of Trial  
Counsel,  
Filed 15 day of May 1887  
Pleads Not Guilty with leave to withdraw (18)

THE PEOPLE

vs.

Leo Goldmark  
John M. Kern

SAMUEL G. HOLMES,  
District Attorney.

Indigement

A True Bill.

*[Signature]*  
Foreman.  
*[Signature]*  
Juror

117

0460

Court of General Sessions  
of the City and County of New York

The People of the State of New York  
against  
Leo Goldmark

The Grand Jury of the City and  
County of New York by this  
indictment accuse Leo  
Goldmark of the crime of  
embezzlement committed as  
follows to wit:

The said Leo Goldmark of the  
City of New York in the County  
of New York aforesaid on the  
seventeenth day of October in the  
year of our Lord one thousand  
eight hundred and eighty one  
at the City and County aforesaid  
acted as the general guardian  
of the estate of Theodore P  
Gilman, and as such guardian  
received into his possession divers  
sums of money, goods, property,  
rights in action and valuable  
securities and effects a more  
particular description whereof  
is to the Grand Jury aforesaid



unknown of the value of seventeen hundred and eighty five ~~hundred~~ dollars and thirteen cents belonging to the said Theodore P Gilman and which came into the possession of the said Leo Goldmark and under his care and control by virtue of his being such guardian as aforesaid and afterwards to wit on the day and in the year last aforesaid the said Leo Goldmark the said monies, goods property rights in action valuable securities and effects belonging to the estate of the said Theodore P Gilman feloniously did take make away with and convert to his own use and embezzle contrary to 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

And the Grand Jury aforesaid by this indictment further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit:

The said Leo Goldmark of the City of New York in the County

of New York aforesaid on the ninth day of December in the year of our Lord one thousand eight hundred and eighty one at the City and County aforesaid acted as the general guardian of Theodore P. Gilman, and as such guardian received into his possession divers sums of money goods property rights in action valuable securities and effects a more particular description whereof is to the Grand Jury aforesaid unknown of the value of Seventeen hundred and eighty five dollars and thirteen cents belonging to Theodore P. Gilman aforesaid.

That the said Theodore P. Gilman having become of lawful age and entitled to the immediate possession of the aforesaid property securities money goods rights in action and valuable effects did on the day and year last aforesaid demand from the said Leo Goldmark possession of the same.

And thereupon and thereafter

the said Leo Goldmark having received into his possession the said goods property rights in action ~~monies~~ and valuable securities and effects and under his care and control by virtue of his being such guardian as aforesaid feloniously did fraudulently withhold the said money goods property rights in action and valuable securities and effects from the said Theodore P Gilman the person for whose benefit and in whose behalf the said guardian had been appointed, and embezzle contrary to the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity

John McKeon  
District Attorney



0465

WITNESSES.

Day of Trial, *W. H. K.*  
Counsel, *W. H. K.*  
Filed *H.* day of *May* 188 *2*  
Pleads, *not guilty*

THE PEOPLE

vs.

*Leo Goldmark*

*John C. Keon*  
~~PANIEL C. ROLLINS~~

District Attorney

A True Bill.

*Amie Green*

Foreman.

*Bailed by*  
*Julius W. Rosenstern*  
*240 W. 52nd St*  
*Edward B. Eckler.*  
*Bayridge, Kings Co. N.Y.*

*39*

0466

# Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
*against*

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

of the CRIME OF

committed as follows :

The said

Court of General Sessions  
of the City and County of New York

The People of the State of New York  
against  
Leo Goldmark

The Grand Jury of the City and County of New York by this indictment accuse Leo Goldmark of the crime of embezzlement as follows to wit:

That on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five letters of guardianship were issued by the Surrogate of the County of New York to the said Leo Goldmark on the ~~property~~ <sup>estate</sup> of Susannah Gilman an infant then under the age of fourteen years to wit of the age of eight years, that thereupon to wit on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five the said Leo Goldmark acting under the said letters, became and was the guardian of the



estate of the said infant, Susannah Gilman, and on the day and year last aforesaid assumed to act as such guardian, and continued thence to be such guardian and so to act until the present time. and now is and continues to be such guardian as aforesaid

That afterwards to wit on the thirteenth day of July in the year of our Lord one thousand eight hundred and eighty one the said Leo Goldmark had in his possession as such guardian of the estate of the said Susannah Gilman an infant divers sums of money, goods, chattels, bonds, bills, notes, securities and property a more particular description whereof is to the Grand Jury aforesaid unknown, of great value to wit, of the value of Two thousand eight hundred and forty one Dollars and twenty five Cents and then and there belonging to and the property

0469

of the estate  
of the said Susannah Gilman  
an infant and which had come  
into the possession of him the  
said Leo Goldmark as aforesaid  
and was then and there in  
his custody and keeping and  
under his care and control, by  
virtue of his being such guardian  
as aforesaid; that afterwards to  
wit on the day and year last  
aforesaid at the City and County  
aforesaid while acting as such  
guardian of the estate of  
Susannah Gilman an infant  
and while having the said money  
bonds, notes and said other  
property in his possession as  
such guardian in the said  
City and County he, the said  
Leo Goldmark, the said monies,  
goods, bonds, bills, notes, securities  
and said other property so belong-  
ing to the said estate of the  
said Susannah Gilman an  
infant unlawfully wrongfully  
and feloniously did take  
make away with and convert  
to his own use and embezzle  
contrary to 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

And the Grand Jury aforesaid by this indictment further accuse the said Leo Goldmark of the crime of embezzlement committed as follows to wit:

That on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five letters of guardianship were issued by the Surrogate of the County of New York to the said Leo Goldmark on the estate of Susannah Gilman an infant then under the age of fourteen years to wit of the age of eight years, that thereupon to wit on the ninth day of March in the year of our Lord one thousand eight hundred and seventy five the said Leo Goldmark acting under the said letters became and was the guardian of the estate of the said infant



Susannah Gilman, and on the day and year last aforesaid assumed to act as such guardian and continued thence to be such guardian and so to act until the present time and now is and continues to be such guardian as aforesaid

That afterwards to wit on the thirteenth day of July in the year of our Lord one thousand eight hundred and eighty one the said Leo Goldmark had in his possession as such guardian of the estate of the said Susannah Gilman an infant divers sums of money goods, chattels, bonds, bills, notes securities and property, a more particular description whereof is to the Grand Jury aforesaid unknown, of great value to wit of the value of Two thousand eight hundred and forty one dollars and twenty five cents and then and there belonging to and the property of the said Susannah Gilman an infant the person for whose benefit

and in whose behalf such  
 guardian was appointed as  
 aforesaid and which had  
 come into the possession of him  
 the said Leo Goldmark as  
 aforesaid and was then and  
 there in his custody and  
 keeping and under his care  
 and control by virtue of  
 his being such guardian  
 as aforesaid: that afterwards  
 to wit, on the day and year  
 last aforesaid, at the City and  
 County aforesaid while  
 acting as such guardian of  
 the estate of the said Susannah  
 Gilman an infant and  
 while having the said money  
 bonds, notes and said other  
 property in his possession as  
 such guardian in the said  
 City and County he the said  
 Leo Goldmark, the said  
 monies, goods, bonds, bills  
 notes securities and said  
 other property so belonging  
 to the said ~~estate~~ Susannah  
 Gilman an infant the person

for whose benefit and in whose  
behalf such guardian was  
appointed as aforesaid, unlawfully  
wrongfully and feloniously did  
take make way with and  
convert to his own use and  
embezzle contrary to the form  
of the Statute in such case  
made and provided and  
against the peace of the  
people of the State of New  
York and their dignity.

John McKeon  
District Attorney



0474

ELLIS S. YATES,  
Attorney and Counsellor.

*No. 4 Warren Street,*

*New York, April 28, 1884*

My dear Sir:-

During the term of office of Mr. McKeon, five indictments were found in the May term 1882 against Leo Goldmark, on the complaints of Theodore P. Gilman, Susannah Gilman, Agnes Gilman and Louisa Butler under Chap. 208 Laws of 1877. Goldmark being executor and trustee of the estate of Philip Gilman deceased, administrator with will annexed of the goods, chattels and effects of Susannah Gilman deceased, and guardian of the estate of Theodore P. Gilman, Susannah Gilman and Agnes Gilman infants.

On the 28th. day of April 1884 pursuant to an order of the Supreme Court, Goldmark settled with and received releases from all the persons above named who now have no claim against him, under these circumstances, authorized by them and at the request of Mr. Goldmark I would respectfully ask you to nolle pros. the above mentioned indictments.

Yours very truly,

*Ellis S. Yates*

Hon. Peter B. Olney

0475

370

The People,

against

Leo Goldmark

Embezzlement -

affidavits

Dail \$36,000

F.V.

April 26/82



Bail \$36,000 -

Julius W. Rosenblum

240 West 52<sup>nd</sup> St

Edward B. Ekers

Bayview King Co. Ld.

City and County of New York S.D.

Theodore P Gilman being duly sworn deposes and says that he is 25 years of age. That he is a son of Philip Gilman deceased -

That the said Philip Gilman died on the 22<sup>d</sup> day of August 1874 leaving a last will and testament wherein and whereby Leo Goldmark and Louis Weil were appointed executors of and trustees under the said will - That Louis Weil was discharged and the letters of testamentary granted to him were revoked by a decree of the Surrogate of this County on or about the 6<sup>th</sup> day of April 1877

That letters testamentary were granted by the Surrogate of this County to said Leo Goldmark



on or about the 13<sup>th</sup> day of October 1874 and that from and after the 6<sup>th</sup> day of April 1877 said Leo Goldmark has remained and now is the sole acting executor of and trustee under the said last will and Testament of the said Philip Gilman deceased.

That as such executor and trustee as aforesaid the said Leo Goldmark received from divers and sundry persons sums of money amounting in the aggregate to the sum of Fifty eight thousand and seventy eight  $\frac{48}{100}$  Dollars and claims to have expended in behalf of the estate and in payments made to the beneficiaries sums of money amounting in the aggregate to the sum of Thirty eight thousand one hundred and nine  $\frac{9}{100}$  Dollars

That on or about the 15<sup>th</sup> day of November 1881 deponent together with Louisa Butler whose affidavit is hereto annexed commenced an action in the Supreme Court of the State of New York in and for the City and County of New York against the said Leo Goldmark for an accounting and the appointment of a Receiver

pendente lite and that thereafter and on the 23<sup>rd</sup> day of November 1887 the said Supreme Court after hearing the said Leo Goldmark at great length appointed Augustus A. Leroy Receiver of the estate of the said Philip Gilman and directed the said Leo Goldmark to deliver all the property of the estate of said Philip Gilman in his possession or under his control to the said Augustus A. Leroy. That pursuant to said order the said Leo Goldmark delivered to the said Augustus A. Leroy property of the face value of Three thousand fifty six <sup>91</sup>/<sub>100</sub> Dollars and that said Leo Goldmark then claimed and insisted and ever since has and now does claim and insist that the said last named sum is all that he has in his possession or under his control belonging to the estate of Philip Gilman and has refused and neglected to pay over the balance amounting to the sum of Nineteen thousand nine hundred and sixty eight <sup>54</sup>/<sub>100</sub> Dollars and interest from January 1<sup>st</sup> 1878 that the said Leo Goldmark subsequent to the 6<sup>th</sup> April 1877 has converted to his own use and

0479

Has taken, made away with and  
fraudulently withholds money, goods,  
property and other valuable securities  
and effects belonging to the estate  
of Philip Gilman deceased aforesaid  
and which property came into his  
possession and under his care and  
control by virtue of his office as  
Executor of and trustee under the  
last will and testament of Philip  
Gilman deceased to the amount  
in the aggregate of Nineteen thousand  
nine hundred and sixty eight  $\frac{54}{100}$   
dollars with interest from January 1<sup>st</sup> 1877  
known to this 3<sup>rd</sup>  
day of April 1882

Attest

Thos P. Gilman

Recordwe



City and County of New York S.S.

Augustus A. Levey being duly sworn deposes and says <sup>and resides at No 347 Lexington Avenue in the City of New York</sup> That he is <sup>347</sup> years of age — That on the 15<sup>th</sup> day of November 1881 he was appointed by the Supreme Court of the State of New York in and for the City and County of New York Receiver of the estate of Philip Gilman deceased. — That his appointment was made in an action brought by Theodore T. Gilman and Louisa Butler against Leo Goldmark and others, all the parties in interest being made parties to the suit to remove the said Leo Goldmark as Trustee and Executor of the estate of Philip Gilman — That the only property delivered to him by said Leo Goldmark was One thousand and fifty six <sup>95</sup>/<sub>100</sub> Dollars in cash and three mortgages, two for Five hundred Dollars and one for one thousand Dollars, That the mortgage last referred to is valueless because it was not recorded and subsequent mortgages have been made on the same premises and the property conveyed not subject to said mortgage of one thousand Dollars — That deponent as such Receiver

as aforesaid is entitled to the immediate possession of the sum of sixteen thousand nine hundred and sixty eight <sup>54</sup>/<sub>100</sub> Dollars and interest thereon from January 1<sup>st</sup> 1878. That deponent has demanded said sum from the said Leo Goldmart who has wholly neglected and refused to pay the same or any part thereof to this deponent. That no appeal has been taken by said Goldmart from the order appointing deponent Receiver as aforesaid.

That as deponent is informed and verily believes and so charges the fact to be the said Leo Goldmart has converted to his own use and has taken, made away with and fraudulently withheld from deponent as Receiver as aforesaid money, goods, property and other valuable securities and effects belonging to this deponent as Receiver as aforesaid the sum of sixteen thousand nine hundred and eleven <sup>54</sup>/<sub>100</sub> Dollars and interest thereon from January 1<sup>st</sup> 1878 which property came into his possession and under his care and control by nature of his office as Executor



0482

of said trustee under the last  
will and testament of the said  
Philip Gibson deceased.  
Sworn to before me } Augustus H. Love  
this 27<sup>th</sup> day of April 1882 }  
Geo<sup>th</sup> Murphy  
Rec<sup>d</sup> H. C.



City and County of New York S.S.

Ellis S. Ytter being duly sworn deposes and says that he is an attorney and counsellor at Law practicing in the City and County of New York and has his office at No 406 Warren Street in the said City of New York That he is the attorney for Augustus A. Levey as Receiver of the estate of Philip Gibman and is thoroughly conversant with every part of the litigation wherein Theodore P. Gibman and Louisa Butler are plaintiffs and Leo Goldmark and others are defendants.

That he is acquainted with Leo Goldmark and on or about the 5th day of March 1882 deponent had an interview with said Leo Goldmark at the house of Mr Simon M. Stern, No 46 East 78th Street in the City of New York, that at said interview the said Goldmark admitted to deponent that he had converted to his own use property and monies belonging to the

estate of Philip Gubman and which had come into his hands as executor of and Trustee under the last will and testament of said Philip Gubman deceased — That the said Leo Goldmark did then and there state that the exact amount of said conversions he did not know but that he would render an account of all monies received by him and the said Leo Goldmark did then and there further state that he would pay the amounts so wrongfully and fraudulently converted by him in twenty equal installments running over a period of five years, the first payment to be made on a day when the amount of said conversions should be determined and the subsequent payments to be made at equal intervals of three months for five years. That he, the said Leo Goldmark would enter into a bond for the faithful payments of said sums and would secure the said payments by two good and sufficient sureties to be approved by Deponent and the parties interested in the estate; of whom Julius Rosenstein



should be one and William Josephy or some other person to be approved as aforesaid the other. — That thereafter the said Leo Goldmark did on or about the 3<sup>d</sup> day of April 1882 deliver to deponent certain accounts which pretended to be and which said Leo Goldmark represented to be full true and correct accounts of the sums of money received by him as Executor and Trustee as aforesaid and paid out by him for the benefit of the estate he represented and which also pretended to include the sums of money and property received by him as guardian of the estates of Theodore J. Gilman, Edward Gilman, Susannah Gilman and Agnes Gilman. That as matter of fact and this deponent so alleges and charges the said accounts are false and fraudulent that large numbers of the items claimed to have been paid out are duplicated and charged twice over —

That on the 26<sup>th</sup> day of April 1882 deponent was informed and verily believes and so charges the fact to be



that the said Leo Goldmark was acting fraudulently and with intent to cheat and defraud the persons interested in the said estates and that his promises to pay were only made for the purpose of gaining time and that in truth and in fact said Leo Goldmark intended to flee from the country and go to Europe and not return and deponent went to the office of Celjeck & Co the agents of the North German Lloyd Steamship Company and examined the list of passengers intending to sail on the steamer "Wapshury" from this port on the 3<sup>d</sup> day of May 1882 and there found that Dr Goldmark had secured berth #21 and deponent is informed and believes and so charges the fact to be that the Dr Goldmark who has secured his passage as aforesaid is the Leo Goldmark hereinbefore referred to —

Sworn before me

this 27<sup>th</sup> day of April 1882

Thos. Murphy

Ellis Slater

City and County of New York S. D.

George A. Whitman being duly sworn deposes and says that he is 43 years of age and resides at No 417 East 86<sup>th</sup> Street in the City of New York.

That he is an expert accountant and has been engaged in that vocation for the eight years last past.

That on the 5<sup>th</sup> day of April 1882 deponent received from Ellis S. Yates certain accounts which pretended to be true and correct accounts of the moneys received ~~by~~ and paid out by Leo Goldmark as Executor of and Trustee under the last will and testament of Philip Gilman deceased and also as Guardian of the estates of Theodore P. Gilman Edward Gilman Susannah Gilman and Agnes Gilman that the accounts were not divided but were all mixed up together.

That said accounts were false and

entire and so appeared upon their face and deponent believes, <sup>alleges</sup> and charges that said accounts were made up with the intention of misleading and deceiving

That ~~deponent has~~ <sup>has</sup> many items of payments were ~~charged~~ credited by the executor to himself twice and in some instances three times - That the commissions of the Executor were charged three times over on the same amounts of receipts and disbursements

That deponent has carefully examined said accounts and each and every item thereof and has drawn off and made up new accounts crediting the said Leo Goldmark with each and every item which appears upon the accounts once and giving to said Leo Goldmark the benefit of every doubt

That deponent has annexed hereto and makes a part of this affidavit a statement of the account of Leo Goldmark as Executor of and trustee under the last will and testament of Philip Gilman deceased and deponent believes and alleges that the same is full true and correct and each and every item thereof is taken from the accounts made by said Leo Goldmark.



0489

Sworn before George A. Whitman  
me this 27<sup>th</sup> day of April 1882

Her. M. H. H.

Recessure

0490

370

The People

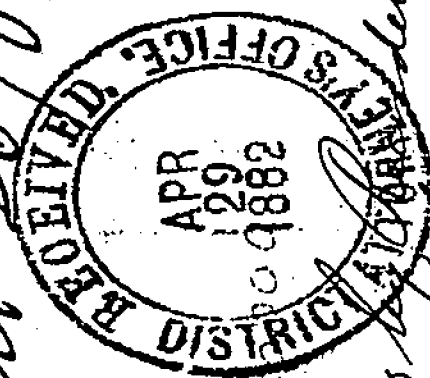
against

Leo Goldmark  
Embezzlement

affidavits

April 23, 1936

F.V.  
April 26/32



Bail \$25,000  
Bail \$25,000  
Sum of \$36,000  
Julius W. Rosenblatt  
240 West 52 St  
Edward B. Ekers  
Bayview-King Co. Ld.



0491

# Geo Goldmark Ex in & with Estate Philip Gilman

Cash rec'd from the Business 77 Barclay St	2994 64	
Broadway Park	7859.69	
Returned 152	208.00	8067 69
Furniture & goods from Sharon Springs	1741 20	
Rents rec'd from 2 Houses East 4th St	6820 75	
" " Pacific St	1583 95	
" " Jersey City Houses	6450 25	
Note of J. Setz	1000	
B. C. Healds Mortgage with loss	1000	
Dorst Mortgage	1000	
Henderson " "	500	58078 48
General Expense Account	9928 25	
Jersey City Houses		
Nov 74 to Aug 78	2530.36	
Aug 78 to May 81	1404.62	3934 98
Brooklyn Houses		
Nov 74 to Aug 78	3507 87	
Aug 78 to May 81	1677.30	5185 17
Unimproved Real Property		
Nov 74 to Dec 30.80		2168 37
Mrs Louisa Gilman		9698 53
Edward R. Gilman		3044 21
Theo P. Gilman		21750
Cash paid to Receiver		1056 95
Frank Mortgage del'd to Receiver		500
Henderson " "		500
Heald " "		1000
Total Disbursements	37233 96	
Commission as Executor	875 98	38109 94
Balance due Estate of Philip Gilman		19968 51

George A. Whitman



0492

Handy  
Saw with G. Brown

The People

07

Law Goldmark

But pays at.  
4300.00  
29/82 F.S.

Bail 7300

0493

Leo Goldmark, as Guardian of Susanna Kuman

1/5 of Sale of \$583.00 Nov 10 1861  
Transferred to him by Leo Goldmark  
Adm of Susanna Kuman  
1/5 of \$8925.68

1785 13 2841 25

George A. Whitman

City and County of New York S. S.

Louisa Butler being duly sworn deposes and says that she is 33 years of age and resides at No 208 E 70<sup>th</sup> St in the city of New York. That she was the second wife of Philip Gilman now deceased and was and is the step mother of Agnes Gilman and Susannah Gilman infants. Children of the said Philip Gilman by his first wife and that deponent has had charge of the persons of the said infants since the death of their said father. That the said infant Susannah Gilman is now of the age of 15 years. That letters of guardianship of the estate of the said Susannah Gilman were granted by the surrogate of this County to Leo Goldmark on the ninth day of March 1875. That as such guardian as aforesaid the said Leo Goldmark received from the estate of Susannah Gilman the mother of the said Susannah Gilman sums of money amounting in the aggregate to the sum of Twenty eight



hundred and forty one <sup>25</sup>100 Dollars and that  
 no part of said sum has been paid to the  
 said Susannah Gilman for her education  
 maintenance, support or other purpose for the  
 reason that all amounts paid to or for said  
 Susannah Gilman were paid out of the estate  
 of Philip Gilman the father of the said Susannah  
 Gilman. That since June last the said Leo  
 Goldmark has not paid to deponent for the  
 support of said Susannah Gilman any sum  
 or sums whatever and that since said last  
 mentioned date the said Leo Goldmark has  
 not paid to the said Susannah Gilman or to  
 any person or persons for her use or for  
 her support maintenance or education  
 any sum or sums of money whatsoever  
 and denies that he has any money in his  
 possession or under his control belonging  
 to said Susannah Gilman. That the said  
 Leo Goldmark has subsequent to the 1<sup>st</sup> of  
 June 1877 converted to his own use and  
 has taken made way with and fraudulently  
 withheld money goods property and other  
 valuable securities and effects belonging to  
 said Susannah Gilman to the amount of  
 Twenty eight hundred and forty one <sup>25</sup>100  
 Dollars and interest from January 1<sup>st</sup> 1878  
 and which property came into his possession

L

0496

and under his care and control by virtue  
of his office as guardian of the property  
of the said Susannah Pluman  
Sworn before me this      Louisa Butler  
29<sup>th</sup> day of April 1882  
J. Murphy  
Reckno

City and County of New York S.S.  
 Ellis S. Yates being duly sworn  
 deposes and says that he is an attorney  
 and Counselor at Law practicing in  
 the City and County of New York  
 and has his office at No 46 Warren  
 Street in the City of New York -

That he is the Attorney for  
 Augustus W. Levy as Receiver of  
 the estate of Philip Gorman and  
 is thoroughly conversant with every  
 part of the litigation wherein  
 Theodore P. Gorman and Louise  
 Butler are plaintiffs and Leo Goldmark  
 and others are defendants -

That he is acquainted with  
 Leo Goldmark and on or about the  
 5<sup>th</sup> day of March 1882 deponent  
 had an interview with said Leo  
 Goldmark at the house of Mr  
 Simon H. Stern No 46 East 78<sup>th</sup>



Street in the city of New York that  
 at said interview the said Leo  
 Goldmark admitted to deponent that  
 he had converted to his own use property  
 and monies belonging to the estate of  
 Susannah Gilman and which had  
 come into his hands as Guardian of  
 the estate of Susannah Gilman.  
 That the said Leo Goldmark did  
 then and there state that the exact  
 amount of said conversions he did  
 not know but that he would  
 render an account of all monies  
 received by him and that the said  
 Leo Goldmark did then and there  
 further state that he would pay the  
 amount so wrongfully and frau-  
 dulently converted by him in twenty  
 equal installments running over  
 a period of five years the first  
 payment to be made on a day  
 when the amount of said conversions  
 should be determined and the subsequent  
 payment to be made at equal  
 intervals of three months for five years.  
 That he the said Leo Goldmark would  
 enter into a bond for the faithful  
 payments of said sums and would

secure the said payments by two good and sufficient securities to be approved deponent and the parties interested in the estate of whom Julius Rosestein should be one and William Josephy or some other person to be approved as aforesaid the other — That thereafter the said Leo Goldmark did on or about the 3<sup>d</sup> day of April 1882 deliver to deponent certain accounts which pretended to be and which said Leo Goldmark represented to be full true and correct accounts of the sums of money received by him as Guardian as aforesaid.

That as matter of fact and the deponent so alleges and charges the said accounts are false and fraudulent. That on the 26<sup>th</sup> day of April 1882 deponent was informed and verily believes and so charges the fact to be that the said Leo Goldmark was acting fraudulently and with intent to cheat and defraud the persons interested in the said estates and that his promises to pay were only made for the purpose of gaining time and that in truth and in fact said Leo Goldmark intended to flee



0500

from the country and go to Europe  
and not return and deponent went  
to the office of Gelrich & Co, the agents  
of the North German Lloyd Steamship  
Company and examined the lists  
of passengers intending to sail on  
the steamer "Hapsburg" from this  
port on the 3<sup>rd</sup> day of May 1882  
and there found that Dr Goldmark  
had secured berth No 21 and deponent  
is informed and believes and so  
charges the fact to be that the Dr Goldmark  
will has secured his passage as  
aforesaid in the Leo Goldmark herein -  
before referred to

Sworn to before me this  
29<sup>th</sup> day of April 1882  
J. May Jr

Miss Yates

Recevd



City and County of New York S. S.

George A. Whitman being duly sworn deposes and says that he is 43 years of age and resides at No 419 East 86<sup>th</sup> St in the City of New York That he is an expert accountant and has been engaged in that vocation for the eight years last past. That on the 5<sup>th</sup> day of April 1887 deponent received from Ellis Yates certain accounts which pretended to be true and correct accounts of monies received and paid out by Leo Goldmark as executor of and trustee under the last will and testament of Philip Gilman deceased and also as Guardian of the estates of Theodore Gilman Edward Gilman Susanah Gilman and Agnes Gilman that the accounts were not divided but were all mixed up together. That said accounts were false and untrue and so appeared upon their face and deponent believes alleges and charges that said accounts were made up with the intention of misleading and deceiving. That many items of payments were credited by the executor to himself twice and in some instances three times. That the commissions of the Executor were charged

three times over on the same amounts of receipts and disbursements. That deponent has carefully examined said accounts and each and every item thereof and has drawn off and made up new accounts crediting the said Leo Goldmark with each and every item which appears upon the face of the accounts once and giving to said Leo Goldmark the benefit of every doubt. That deponent has annexed hereto and make a part of this affidavit a statement of the account of Leo Goldmark as Guardian of Susanah Gilman and deponent believes and alleges that the same is full true and correct and each and every item thereof is taken from the accounts made by said Leo Goldmark.

Subscribed before me this } George A. Whitman  
 27<sup>th</sup> day of April 1882 }

0503

Quadrant of 1000  
the People

Lee Goldman

Barry at  
\$3000.00  
Apr 29th/82  
F. J.

1000 - 1000

1000 3000



0504

Leo Goldman as Guardian of Frances Goldman

1/5 of Sale of \$583.00 1056/12

Transferred to him by Leo Goldman

son of Samuel Goldman

15 of \$8925.68

1785/13 284/25

George A. Whitman

City and County of New York S.S.

Louisa Butler being duly sworn deposes and says that she is 33 years of age and resides at No 208 E 70<sup>th</sup> St in the City of New York That she was the second wife of Philip Gilman now deceased and was and is the step mother of Agnes Gilman and Susannah Gilman infants Children of the said Philip Gilman by his first wife and that deponent has had charge of the persons of the said infants since the death of their said father. That the said infant Agnes Gilman is now of the age of 11 years. That letters of guardianship of the estate of the said Agnes Gilman were granted by the Surrogate of this County to Leo Goldmark on the ninth day of March 1875. That as such guardian as aforesaid the said Leo Goldmark received from the estate of Susannah Gilman the moneys of the said Agnes Gilman sums of money amounting in the aggregate ~~to the~~ sum of Twenty eight hundred and forty one <sup>25</sup> 100 Dollars and that no part of said sum has been paid to the said Agnes Gilman for her education maintenance support or

0506

other purpose for the reason that all amounts  
 paid to or for said Agnes Gilman were paid  
 out of the estate of Philip Gilman the father  
 of the said Agnes Gilman. That since June  
 last the said Leo Goldmark has not paid to  
 deponent for the support of said Agnes Gilman  
 any sum or sums whatever and that since  
 said last mentioned date the said Leo Goldmark  
 has not paid to the said Agnes Gilman or to  
 any person or persons for her use or for  
 her support maintenance or education  
 any sum or sums of money whatsoever  
 and denies that he has any money in his  
 possession or under his control belonging  
 to ~~the~~ <sup>said</sup> Agnes Gilman. That the said Leo  
 Goldmark has subsequent to the 1<sup>st</sup> of June  
 1877, converted to his own use and has taken  
 made way with and fraudulently withholds  
 money goods property and other valuable  
 securities and effects belonging to the said  
 Agnes Gilman to the amount of Twenty  
 eight hundred and forty one <sup>25</sup>/<sub>100</sub> Dollars  
 and interest from January 1<sup>st</sup> 1878 and  
 which property came into his possession  
 and under his control and care by virtue  
 of his office as guardian of the property  
 of the said Agnes Gilman.

Done before me this Louisa Butler,  
 29<sup>th</sup> day of April 1882  
 J. M. W. Recd



City and County of New York S. S.

Ellis S. Yates being duly sworn deposes and says, that he is an attorney and counsellor at law practising in the City and County of New York and has his office at Nos 4 & 6 Warren Street, in the City of New York

That he is the attorney for Augustus A. Levy as Receiver of the estate of Philip Gelman and is thoroughly conversant with every part of the litigation wherein Theodore P. Gelman and Louisa Butler are plaintiffs and Leo Goldmark and others are defendants

That he is acquainted with Leo Goldmark and on or about the 5<sup>th</sup> day of March 1882 deponent had an interview with said Leo Goldmark at the house of Mr. Simon 26 Stein No 46 East 78<sup>th</sup> Street in the City of New York

That at said interview the said

Goldmark admitted to deponent that he had converted to his own use property and monies belonging to the estate of Agnes Gilman and which had come into his hands as guardian of the estate of said Agnes Gilman. That the said Leo Goldmark did then and there state that the exact amount of said conversions he did not know but that he would render an account of all monies received by him and the said Leo Goldmark did then and there further state that he would pay the amount so wrongfully and fraudulently converted by him in twenty equal installments extending over a period of five years - That he would enter into a bond with approved sureties to pay the same.

That thereafter and on or about the 3<sup>rd</sup> April, 1882 the said Leo Goldmark did deliver to deponent certain pretended accounts which were false and untrue as appears by the affidavit of Genl. A. Whittman Lewis annexed.

That on the 26<sup>th</sup> day of April 1882 deponent was informed and

0509

verily believes and so charges the  
 fact to be that the said Leo  
 Goldmark was acting fraudulently  
 and with intent to cheat and defraud  
 the said Agnes Gilman did intend  
 to flee from this Country & go to Europe  
 and not return and deponent  
 went to the office of Velrich & Co  
 and did then and there in the  
 list of passengers intending to sail  
 to Europe in the steamer "Hapsburg"  
 on the 3<sup>d</sup> day of May 1882 find that  
 Dr Goldmark had engaged berth No 21  
 and deponent alleges and charges that  
 the Dr Goldmark who had secured his  
 passage as aforesaid is the Leo  
 Goldmark hereinbefore referred to  
 and the guardian of the said  
 Agnes Gilman

Sworn to before me this

29<sup>th</sup> day of April 1882

J. M. [Signature]

Edw. Yates



05 10

City and County of New York S. S.

George A Whitman being duly sworn deposes and says that he is 43 years of age and resides at No 417 East 86<sup>th</sup> Street in the City of New York

That he is an expert accountant and has been engaged in that vocation for the eight years last past

That on the 5<sup>th</sup> day of April 1882 Dependent received from Ellis S. Yates certain accounts which pretended to be true and correct accounts of the monies received and paid out by Les Goldmark as Executor of and Trustee under the last will and testament of Philip Gilman deceased and also as Guardian of the estates of Theodore P Gilman Edward Gilman Susannah Gilman and Agnes Gilman that the accounts were not divided but were all mixed up together

That said accounts were false and

mutual and so appeared upon their face and deponent believes alleges and charges that said accounts were made up with the intention of misleading and decieving

That many items of payments were credited by the executor to himself twice and in some instances three times

That the commissions of the executor were charged three times over on the same amounts of receipts and disbursements

That deponent has carefully examined said accounts and each and every item thereof and has drawn off and made up new accounts crediting the said Leo Goldmark with each and every item which appears upon the accounts once and giving to said Leo Goldmark the benefit of every doubt

That deponent has annexed hereto and makes a part of this affidavit a statement of the account of Leo Goldmark as ~~Executor~~ Guardian of the estate of Agnes Gilman ~~of said estate under her last will and testament of Philip Gilman deceased~~ and deponent believes and alleges that the same is full true and correct and each and every item thereof is taken from the account made by said

05 12

Les Golden ask  
from before me.  
This 29<sup>th</sup> day of April 1881  
George A. Peterson  
Fred. May 1881  
Recd 10



Barbed by  
Julius W. Rosenstein  
240 W. 52nd St.  
Edward B. Ecker.  
Bayridge, Kings Co. N.Y.

\$ 3000

Day of Trial

Counsel,

Filed 15 day of May 1882  
Pleads Not Guilty with leave to withdraw (18)

THE PEOPLE

vs.

Leo Goldmark

John McNeon

DANIEL G. ROLLINS,

District Attorney.

Indisputable

A True Bill.

Foreman.

James Gleason

Foreman

115

0513

05 14

Court of General Sessions  
of the City and County of New York.

The People of the State of New York  
against  
Leo Goldmark

The Grand Jury of the City and County  
of New York, by this indictment accuse  
Leo Goldmark of the crime of embezzle-  
ment committed as follows:

The said Leo Goldmark of the City  
of New York in the County of New York  
aforesaid, on the ~~seventeenth~~ day of August  
in the year of our Lord one thousand  
eight hundred and eighty one at the City  
and County aforesaid, acted as the  
general guardian of the estate of Edward  
R. Gilman, and as such guardian  
received into his possession divers sums  
of money, goods, property, rights in action  
and valuable securities and effects, a  
more particular description whereof is to  
the Grand Jury aforesaid unknown of  
the value of Twenty eight hundred and forty one  
Dollars and twenty five cents belonging to  
Theodore P. Gilman as executor of the last  
will and Testament of said Edward R.  
Gilman who died in the City of New York aforesaid

on the ~~seventeenth~~ day of August in the year of our Lord one thousand eight hundred and eighty one being at the time of his decease more than twenty one years of age and having made a last will and Testament subsequent to ~~his~~ having become of lawful age to wit twenty one years, letters testamentary whereon were issued to the said Theodore P. Gilman by the Surrogate of the County of New York, and which came into his possession and under his care and control by virtue of his being such guardian as aforesaid and afterwards to wit on the day and in the year aforesaid at the City and County aforesaid the said Leo Goldmark, the said monies, goods, property, rights in action, valuable securities and effects, belonging to the said Theodore P. Gilman as Executor of the last will of the said Edward R. Gilman, feloniously did convert to his own use and embezzle contrary to 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.

And the Grand Jury aforesaid by



this indictment further accuse the said Leo Goldmark of the crime of embezzlement committed as follows:

The said Leo Goldmark of the City of New York, in the County of New York aforesaid, on the ~~seventeenth~~ day of August in the year of our Lord one thousand eight hundred and eighty one at the City and County aforesaid, acted as the general guardian of the estate of Edward R. Gilman, and as such guardian received into his possession divers sums of money, goods, property, rights in action, and valuable securities and effects, a more particular description whereof is to the Grand Jury aforesaid unknown of the value of Twenty eight hundred and forty one Dollars and twenty five cents belonging to Theodore P. Gilman as executor of the last will and testament of said Edward R. Gilman who died in the City of New York aforesaid on the ~~seventeenth~~ day of August in the year of our Lord one thousand, eight hundred and eighty one being at the time of his decease more than twenty one years of age and having made a last will and testament subsequent to his having become of lawful age to wit

twenty one years, which said will was duly admitted to probate and letters testamentary thereon were granted and issued to the said Theodore P. Gilman by the Surrogate of the County of New York, and which came into his possession and under his care and control by virtue of his being such guardian as aforesaid, and afterwards to wit, on the day and in the year aforesaid at the City and County aforesaid the said Leo Goldmark the said monies, goods, property, rights in action, and valuable securities and effects belonging to the said Theodore P. Gilman as Executor of the last will and testament of the said Edward R. Gilman, feloniously did fraudulently withhold and embezzle contrary to the Statute in such case made and provided and against the peace of the people of the State of New York and their dignity

John McKeon  
District Attorney

0518

BOX:

67

FOLDER:

750

DESCRIPTION:

Gomperts, Benjamin

DATE:

05/15/82



750



05 19

Counsel,

Filed 15 day of May 1882

Pleads

THE PEOPLE

vs  
P.

Benjamin S. Thompson  
with  
Indorsement  
Indorsement

John Macklem  
DANIEL C. ROLLINS,

District Attorney.

A True Bill.

James Stevens

Foreman.

May 16/82

James G. Gully

114 Penn Ave year.

0520

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Benjamin S. Gomperts*

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

*Benjamin S. Gomperts*  
of the CRIME OF Embezzlement

committed as follows:

The said

*Benjamin S. Gomperts*

late of the First Ward of the City of New York, in the County of New York, aforesaid  
not being an apprentice or person within the age of eighteen years, on the *eight*  
day of *November* in the year of our Lord one thousand eight hundred and  
eighty-*one* was employed in the capacity of a clerk and servant to one

*George W. Thedford*

and as such clerk and servant, was entrusted to receive

*from Herbert H. Moore*  
the sum of forty dollars in money, lawful money  
of the United States and of the value of forty  
dollars

and being so employed and entrusted as aforesaid, the said

*Benjamin S. Gomperts*  
by virtue of such employment

then and there did receive and take into his possession the said sum of money  
to wit: forty dollars in money lawful money of the  
United States a more particular description  
whereof is to the Grand Jury aforesaid unknown  
of the value of forty dollars

for and on account of

*George W. Thedford*

his said master and employer; and that the said

*Benjamin S. Gomperts*

on the day and year last aforesaid,  
with force and arms, at the Ward, City and County aforesaid, fraudulently and feloniously did  
take, make away with and secrete, with intent to convert to his own use, and did fraudulently  
and feloniously embezzle and convert to his own use, without the consent of said master and  
employer, and did fraudulently and feloniously and without the consent of his said master and  
employer withhold, appropriate, apply and make use of the said

*sum of money*

(Over.)



0521

of the goods, chattels, personal property and money of the said

*George M. Hedford*  
which said goods,

chattels, personal property, and money had come into his possession and under his care, by virtue of his being such clerk and servant as aforesaid, 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.

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

*John M. Keon*  
*District Attorney*

of the CRIME OF

committed as follows :

The said

late of the Ward, City and County aforesaid, afterwards, to wit : on the day and in the year last aforesaid, at the Ward, City and County aforesaid, with force and arms, fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each : sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each : eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of five dollars, and of the value of five dollars each : one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each : one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each : one promissory note for the payment of money (and of the kind known as a bank note), being then and there due and unsatisfied, of the value of one hundred dollars : one promissory note for the payment of money (and of the kind known as a bank note), being then and there due and unsatisfied, of the value of fifty dollars : two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each : three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each : ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each : ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each : fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each : thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each : two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each : three gold coins (of the kind usually known as half eagles), of the value of ten dollars each : six gold coins (of the kind usually known as quarter eagles), of the value of five dollars each : fifteen gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each : thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each : thirty silver coins (of the kind usually known as half dollars), of the value of fifty cents each : one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each : two hundred and forty silver coins (of the kind usually known as shilling pieces), of the value of twelve and a half cents each : three hundred silver coins (of the kind usually called dimes), of the value of ten cents each : six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each : one thousand coins (of the kind known as three cent pieces), of the value of three cents each : three thousand copper coins (of the kind known as cents), of the value of one cent each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each : two hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each : five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each.

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as United States Treasury notes, of a number and denomination to the Jurors aforesaid unknown, and more accurate description of which cannot now be given, of the value of

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as Bank Notes, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of

Divers Due Bills of the United States of America, the same being then and there due and unsatisfied, and of the kind known as Fractional Currency, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of



0522

of the goods, chattels and personal property of one

then and  
there being found, 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.

**DANIEL G. ROLLINS**, District Attorney.

0523

Sec. 208, 209, 210 & 212.

399  
Police Court - 1st District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George W. Sheldon  
43d to 436 N. 4th  
Benjamin S. Gumpert

Offence

Embroidery

Dated May 6th 1882

Smith  
Magistrate.

Seedy 20  
Officer.

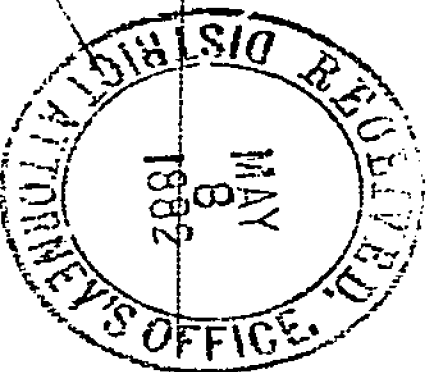
Clerk.

Witnesses  
H. H. Seedy

No. 20th Street  
H. H. Seedy

No. 238. 11th Street

No. Street



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

Benjamin S. Gumpert  
guilty thereof, I order that he be admitted to bail in the sum of Five Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated May 6th 1882 Salon Smith 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.

0524

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

DISTRICT POLICE COURT.

*Benjamin S Gumperts* 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.

*Benjamin S Gumperts*

Question. How old are you?

Answer.

*Thirty three years*

Question. Where were you born?

Answer.

*U.S.*

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

Answer.

*126 East 25th St New York*

Question. What is your business or profession?

Answer.

*None at present*

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*

Taken before me, this

day of

1882

*6th* *Benja S Gumperts*

*John B Smith*

Police Justice



0525

Form 99.

Sixth District Police Court.

STATE OF NEW YORK.  
City and County of New York, } ss.

George W. Hedford <sup>Coal dealer</sup> 33 years  
of No. 430 to 436 West 41st  
Street,

being duly sworn, deposes and says, that on the 8th day of November 1881 Benjamin S. Gumperts (nowhere) not being an apprentice nor within the age of eighteen years and in the employ of defendant as collector did by virtue of his employment as such collector, collect from Best and Company the sum of forty dollars, and did convert the same to his own use.

Geo. W. Hedford

Herbert W. Moore 18 years of age 238 West 11th Street being duly sworn says that on the 8th day of November 1881 he paid to Benjamin S. Gumperts the sum of forty dollars for coal which had been furnished by George W. Hedford to the firm of Best and Company for whom defendant is the Cashier.

Sworn to before me  
this 6th day of May, 1882 } Herbert W. Moore  
Solomon B. Smith

Police Justice.

Sworn to before me, this 6th day  
of May 1882  
Solomon B. Smith  
Police Justice.