

0267

BOX:

403

FOLDER:

3739

DESCRIPTION:

Haas, Benjamin

DATE:

07/11/90



3739

0268

Witness:
Benjamin Haas
W. W. Chapman

460
JRB

Counsel,
Filed 11 day of July 18 90
Pleads, Chapman

THE PEOPLE
vs.
Benjamin Haas
Grand Larceny
[Sections 628, 630, Penal Code.]

11 90
JOHN R. FELLOWS,
District Attorney.

A True Bill.

Rep. Court
Foreman.
July 15/90
J. W. Chapman
Elmwood
J. W. Chapman

0269

Police Court—

4th District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No.

207 East 22nd

Street, aged

26

years,

occupation

Butcher

being duly sworn

deposes and says, that on the 24 day of June 1898 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

One suit of clothes, one silver watch and chain, one gold badge, one shirt, one pair of suspenders, one scarf pin, one necktie, ~~one pair of~~ ~~five and four~~ ~~no~~ dollars good and lawful money of the United States. Altogether of the value of about Forty Dollars (\$40.00)

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

Chapman (alias name), from the fact that on said date deponent brought this defendant to his house and let the defendant go to bed in deponent's room. About the hour of 2 o'clock A.M. deponent was awakened, and saw the defendant leaving the said premises with the aforesaid property in his possession. Deponent caused the arrest of the defendant and the defendant had some of the property in his possession. Wherefore deponent charges the said defendant with

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feloniously taking, stealing and carrying
away the said property and prays
that he may be dealt with as the
law directs.

Sworn to before me } Louis Roos
this 4th day of May 1896 }

H. D. Davidson
Police Justice

0271

Sec. 108-200:

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Seipman Haas

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Germany

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

Answer.

No 95 Bonny - one month

Question. What is your business or profession?

Answer.

Waiter

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

Answer.

I am not guilty

Benj: Haas.

Taken before me this

day of July

1890

A. J. Michaels

Police Justice.

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

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

Dated *July 4* 18*90* *W. D. Richardson* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

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BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

#85 1032
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Roop
204 E 22
Raymond Kaa

2
3
4

Offence *Harassment*
1st

Dated *July 4* 1890

W. H. Hutton Magistrate.

Jos. C. Monahan Officer.

18 Precinct.

Witnesses.....

No. Street.

No. Street.

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0274

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Benjamin Haas

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

Benjamin Haas

of the CRIME OF GRAND LARCENY IN THE ~~second~~ ^{third} DEGREE, committed as follows:

The said

Benjamin Haas

late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth* day of *June* in the year of our Lord one thousand eight hundred and *ninety*, at the City and County aforesaid, with force and arms,

one coat of the value of seven dollars, one vest of the value of four dollars, one pair of trousers of the value of four dollars, one watch of the value of two dollars, one chain of the value of five dollars, one badge of the value of five dollars, one shirt of the value of one dollar, one pair of suspenders of the value of twenty-five cents, one scarf pin of the value of one dollar, one necktie of the value of fifty cents, and the sum of four dollars and fifty cents lawful money of the United States, of the value of four dollars and fifty cents

of the goods, chattels and personal property of one

Louis Haas

in the dwelling house of the said Louis Haas

where situated, from the dwelling house aforesaid, then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows,
District Attorney.

0275

BOX:

403

FOLDER:

3739

DESCRIPTION:

Halsey, Henry

DATE:

07/01/90



3739

0276

On reading the affidavit
of Mr. Jones, complainant
and herein disavowing
a belief in defendant's
guilt I cannot see how
under the ruling of
Justice and honesty in
the People vs. Ross
a conviction can be
had & hence recom-
mend a dismissal
of the indictment
of Andrew H. Dawson
D A D A

282
Counsel
Filed 1 day of July 1890
Pleads, Chyquelt
THE PEOPLE
vs.
Henry Halsey

JOHN R. FELLOWS,
District Attorney

A TRUE BILL

George H. Higgins
Sept 10/90
Foreman
Indictment of Dawson

Witness:
William S. Jones
Henry Halsey
X. C. Lewis

Bailed by.
Mrs. E. H. Harnes
7784-7. etc

Referred to Mr. Dawson for examination
Sept 14/90
U. M. Davis
A. A. Halsey

Sept 16-1890
For the reasons set forth
in the petition of Geo. H.
Higgins, filed as herein
recommended, a di-
missal of this indict-
ment is recommended
J. H. Halsey
Dist. Atty.

0277

On reading the affidavit
of my way the filed
and herein disavowing
a belief in defendant's
guilt I cannot see how
under the ruling of
justice and honesty in
The People vs Ross
a conviction can be
had & hence recom-
mend a dismissal
of the indictment
of Andrew H. Dawson
D A D A

282
Counsel,
Filed 1 day of July 1890
Pleads, Chittelly
THE PEOPLE
vs.
Henry Halsey
JOHN R. FELLOWS,
District Attorney.

A TRUE BILL.
J. H. Higgins
Oct 10/90
Indictment of Dawson

Witnesses:
William S. Jones
Henry Halsey
X
Bailed by.
Ami E. Harney
2784 y. H. H.
Refused to Mr. Dawson for examination
Sept 17/90
U. M. Davis
A & A Bailly
Sept 18-1890
for the reasons set forth
in the statement of Gen.
Halsey. J. H. Higgins
recommends a dis-
missal of this indictment.
J. H. Higgins
Dist. Atty.

POOR QUALITY
ORIGINAL

0278

E.A. for Identification April 29, 1890
02

Law Offices
of
Henry Halsey

317 Broadway,
New York.

February 26, 1890.

Gentlemen:-

The United States Commercial Agency and Collecting Company of 280 Broadway, retained me as attorney to present to judgment the claims it had for collection and among the number are some of yours. I spent much time making myself familiar with the facts in the different suits and get them into condition for final disposition, either by trial or entry of judgment. About this time Mr. W. G. Jones the President of said Company instructed me to make false reports to the clients, particularly as to the disbursements made in their respective suits and when I refused to do so, I was asked to consent to the substitution of Mr. George H. Mallory as attorney in my place. This I also refused to do and the Supreme Court in an application made to it by the said Company to compel me to do so, sustained my position. The business of the clients whose matters were placed in my hands, and for the conduct of which I am responsible requires immediate attention, and if you wish me to continue to act, kindly send me a letter to that effect. I have received such letters from many of the clients who have long since been dissatisfied with the Company's manner of doing business. Among the number are Messrs. Cook & Bernheimer, 144 Franklin Street, and L. Renn & Son 758 Broadway. Hoping to hear from you, either by letter or in person,

Yours truly,
Henry Halsey.

0279

POLICE COURT,
SECOND DISTRICT,
W. L. ORMSBY, JR.
STENOGRAPHER.

The People &c
William G. Jones
Henry Halsey

Examination Before Justice White
April 29 1890

For the People David Welch Esq

For the Defendant - Defendant in Person
M. L. Harney Esq

William G. Jones the complaining witness
being duly sworn deposes and says:
Examined by Mr Welch

Q Where do you live?

A At 716 Quincey St. Brooklyn.

Q What is your business?

A I am President, and Treasurer of the
United States Commercial Agency and
Collecting Company.

Q Where is your place of business?

A At 280 Broadway New York

Q Do you know this defendant?

A I do.

0280

Q How long have you known him?

A Since some time in January

Q Was he in your employment?

A He was.

Q Where?

A At 280 Broadway.

Q What were his functions - his duties?

A He was employed as managing clerk for the office. His duties were to carry on the correspondence at my dictation; keeping records of the legal docket; distributing the business to the different attorneys in the office - helping so that each should know what his duties were.

Q Your concern was a concern for general collection of claims?

A Yes Sir

Q Exercising legal functions?

A Yes Sir

Q Is defendant by profession a lawyer?

A He was not a lawyer when he was employed by me - He has

since, as I understand been
admitted on motion.

2 For what reason?

A He formerly resided in Pennsylvania

2 About what time did the de-
fendant sever his relations with
your company?

A on the 10th day of February
1890.

2 What was the cause of his severing
relations with the company?

A I requested him —

Objected to

objection overruled.

A (Continued) I requested him to
turn over substitutions, in case
that had been placed in his hands,
to George who had
been appointed an Attorney of
the company. He refused to
turn over any substitutions and
said he was not turning over any
substitutions; that he intended to
hold on to them that he had
got the names of all of our

cheats: that he intended starting in ~~the~~ business and that he wanted to open a business in opposition to ours and would take these claims out of our hands and break us up in business.

Q - For what reason was his employment severed with you?

A - I told him ~~that~~ that he could resume the duties of managing clerk

Objected to.

~~Q~~

Objection overruled

A (continued) He declined to do so, and left the place and severed all connection with it.

Q Since that time you have conducted business without his services?

A - Yes Sir

Q Since his severance of relations with yourself and your company, have you been on good or bad terms with defendant?

A - I have been on very unfriendly

terms. He has been making every effort he could to injure the company in every possible way.

Q I show you a paper and ask you whether you identify it?

A I do.

The paper is marked for identification & A. of this date

Q How did a copy of this paper come into your possession?

A This and other copies like it were handed me by those who had received them.

Q Name some of those who informed you that you had received them.

A One was received by J. J. Kaldenberg & Co.

Q Is this a copy of it?

A That identical one - yes sir.

Q From whom else did you receive copies of these papers or these identical papers?

A From Sullivan Drew & Co. from

600 Broadway; from Hammit
 &c.

2 What is their business?

A Advertising in street cars. I do not know the address. One was H. J. Baker & Co Pearl St.; one was L. Penn & Son Broadway; one was H. C. Curtis & Co

2 What is their business?

A Manufacturer of Collars. Mother was received by Mason Au and Zollinger. There are others. I can't recollect at this moment. We have a memorandum at the office which might enable me to memorize them.

~~cross examined~~ by Defendant in person

2 What is your business in this company?

A I am President and Treasurer

2 How long has that company been organized?

A Organized in 1881. Incorporated in 1887; re-incorporated in 1889

6 2 Organized in 1881?

A Yes, under the name of The United States Mercantile Bank Reporting and Collecting Association. That was the name it was started with - the word "Limited" was added when it was incorporated.

Q Who were members of the Company in 1881?

A Myself and wife W. F. Jones & Co.

Q How long did that continue?

A Until 1887

Q What became of the company when it was incorporated?

A We sold our interest to the incorporators and took stock in the new company.

Q Who were the incorporators in 1887?

A Myself, D. S. Wise, my wife, A. M. Baker

Q Who owned the principal amount of stock in the company?

A I did

Q It was simply a continuation of the partnership

A It was not

2 what was the new name?

A United States Mercantile Reporting
and Collecting Association - Limited.
- simply the old name with the
word Limited

2 Then in 1887 what was the
amount of capital in the
concern at that time?

Objected to

objection overruled

Exception.

A The subscribers put in 10 per
cent

2 what were their names?

A I have named them.

2 How much did you pay?

A I put in 10 per cent & there
were \$12,000 or \$15,000 subscribed
and they all put in 10 per cent

2 They paid in \$1,500?

A Yes. all the subscribers
signed their names. I do not
remember all just now. I did
not expect to be questioned about it.

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2 Under what laws was the company organized?

A - The state of New York

2 What was the other name.

A - United States Commerce Agency and Collecting Company

2 Was that under the laws of New York?

A - Of New Jersey.

2 What became of the other incorporation?

A - An injunction suit was begun by a rival corporation to prevent us using the name United States. It was carried up to the court of appeals - No - I am wrong; it was in order to get rid of further litigation we did not appeal. Judge Barrett suggested the present name or a change of name to avoid litigation. We showed on the trial that this company that claimed to have been injured had not done \$500 worth of business in a year.

9

However we went ahead and changed

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our name and got out new stationery,
and destroyed a lot of valuable
stationery that we had already
printed. The whole thing was
got up by a rival company. The
court of Appeals decided that
the matter was original with the
court below and refused to
interfere with the decision, but
intimated that it would reverse
the decision of the court below
and that we had been wrongly
treated. We applied to the
Secretary of State at Albany to
be re-incorporated under the
name we now hold. They
took the matter into consideration
a good while. The General
term had decided that we
must take some other name.
We were known by that name
and had built up a business
so we went to Jersey and got
incorporated.

10 2

What was the name of the

Corporation that restrained you?

A The United States Mercantile
Reporting Company

Q And the name you were incorporated
under was what?

A The United States Mercantile
Reporting and Collecting Association

Q How long before your company
was in existence was the other
corporation in existence?

A Oh a year

Q Your company was then
re-incorporated under the
laws of New Jersey?

A Yes Sir

Q When was that?

A Last year

Q What was your capital
stock?

A The capital stock of the
company was \$25.000

Q How much was paid in?

A Ten per cent was paid in by
each subscriber. The law was
complied with

Q Who were the incorporators?

A Myself, James D. Hallen
N. C. Lucas, J. S. Jones,
and Mrs. A. M. Baker.

Q What amount of capital had
you in that company at that
time?

The Court - I do not think it is
material what amount he
had.

Q Who is J. S. Jones?

A My wife.

Q Who is A. M. Baker?

A My wife's sister.

Q Did any of the incorporators
reside in the State of New Jersey?

A Organized and withdrawn.

Q Do you ~~under~~ I understood
you to say that 10 per cent
of that \$25000 was paid in?

A I say that a sufficient amount
ten per cent of the amount was
paid in as the law requires.

12 Q What amount was that?

0291

- A This amount of \$25,000
- Q You have been arrested before?
- A I have been by a rival agency and by yourself
- Q You have been in jail before?
- A In civil actions yes - by a rival concern
- Q Have you been arrested on criminal process before?
- A No Sir.
- Q Were you not arrested on the out of W. G. Angel?
- A By you yes - and you were severely rebuked by Judge for being having begun such an infamous case
- Q Justice Mc Mahon was the judge?
- A Yes.
- Q You were ^{in Ludlow St. jail} arrested charged with enticement?
- A By a rival agency trying to injure me as you have done
- Q For three weeks?
- 13 A No Sir - not for any such time

Q Who was your attorney during the time I was employed there?

A James D. Hallen.

Q When did Mr. Hallen leave your employment?

A About the time you came into it.

Q Doing business that you had in court?

A As attorney

Q What office did he hold in the Company?

A None.

Q Do you mean to say that he was not Vice President?

A He was not at that time

Q at any time - had he not been an officer?

A He had been and his resignation taken

Q How long before had he been an officer?

A That I cannot say - some

14 Several weeks before

Q Before January of this year?

A Yes.

Q What caused the severance of your relations with Mr. Hallen?

A Because he was detected robbing and was arrested for stealing.

Q State the particulars of that case?

Objected to

Objection sustained

Q Why was he dismissed?

A For stealing money entrusted to him to pay costs as the attorney of record.

Q State the circumstances - give the particulars of the charges against Hallen.

A We had to pay \$250 into court as a deposit to secure the costs for a non resident client and he did so. After wards he made away with the papers in the case so we could not find them.

Q You know this of your own knowledge.

A I have received information from a client and parties on the other side.

Q That was on information?

A Information that these costs had gone a certain way. He had withdrawn the money in June 1889, and I did not know it until January 1890. I demanded the money of him. He told me he could not pay it.

Q You gave him \$250 to pay as security for a non resident Plaintiff?

A Yes Sir.

Q Did he immediately deposit it?

A Yes

Q That was in June and when did you get news of it?

A In January

Q Of this year?

16 A Of this year - or the latter

part of December of last year.

Q What did you do when you got the notice?

A I had him arrested and gave him a weeks time to pay it back.

Q What charge did you make against him?

A Grand Larceny.

Q What became of that charge?

A I do not think anything has ever been done.

Q What became of the charge - the prosecution of Mr.

A Mr. Hallen ^{requested me to take the} ~~handed over~~ money back and let up on him. I told him I had nothing to do with it.

Q What became of it?

A I went down to court, and he made an affidavit that he did not intend to steal the money.

17 Q To whom did he give the money?

0296

A Judge Gorman allowed me to receive the money in court and dismissed the case.

Q You withdrew the complaint

A withdrew the complaint.

Q You withdrew the complaint for grand larceny because you was paid \$250?

A In open court.

Q Did the court see the money paid?

A I presume so.

Q Did the court know that you received money when you made an affidavit you did asking that the case be withdrawn? Did the court know of the terms - the bargain?

A I think so. I am not sure.

- The attorney engineered the matter - I do not know what was done.

18 Q Did you read the affidavit of

0297

J. S. Hallen and in this affidavit was it stated or claimed that you had given this money to him and he had retained it for some costs?

A When I saw the paper there was no such claim in it. There was nothing of that kind. Mr Hallen took a long time to read it over.

By the Court

Q Did you receive this money from Hallen before you went into court?

A No sir; it was received in court.

Q Was the money paid before you made your affidavit?

A That I do not remember. It was paid in court. It was put on the table there in gold and I counted it.

19 Q Before you signed your affidavit or after?

A I do not know. remember whether it was or not

Re-cross

Q Did you not state to Mr Hallen in my presence, that unless he had the money that you would not withdraw the suit when you came there?

A That may be I do not remember.

Q That you would not withdraw the suit until you were paid the money;

A Certainly I would not withdraw the suit until I got the money

Q You became acquainted with me where?

A You advertised in the papers for a place as managing clerk; said you were from Philadelphia, and a stenographer and type writer.

Q It was an advertisement?

0299

A - Yes sir

Q In what paper?

A In the Law Journal

Q What time?

A I can't tell - shortly before
I came there

Q When did I come there?

A I think it was in January.

Q About what time.

A You went away on the 10th
of February and you were
there one month. You can
calculate it.

Q You say about the 10th
of January?

A 10th or 12th

Q You say I came into your
office on the 10th of January?

A Somewhere in that neighborhood
You were drawing a salary
there about four weeks

Q Do you mean to say that
I was in your place only
four weeks on the 10th of

Q February?

0300

A That is my recollection

Q The 10th day of February was
was the last day I was
there?

A Yes.

Q Did you make the affidavit
in this case?

A I did.

Q Did you swear that it was
the 6th day of January?

A Yes: I swore to that
paper

Q You received \$250 from Hallen?

A Yes.

Q In the suit of Lockett against
Dyer?

A Yes.

Q When you got that money what
did you do with it?

A I paid it over to the attorney
his name is on the paper
by summons

Q What was the condition of the
case of Lockett against
Dyer?

22

0301

A Mr. Hallen left it

Q What was the condition of the case subsequent to the time you received this money?

A I believe Mr. Hallen stated in your presence that there was \$6 - odd dollars due us for expenses and I deducted \$8/ for expenses and turned the balance over

Q Do you mean to say that Hallen told you that in my presence?

A I do.

Q Did not a man in your office come to you and ask you what you were authorized to get and did you not say "make it \$80

A No; I never said that.

Q What was this money deducted for?

A It was for costs - you are a lawyer - you know - for

Costs regulated by statute

Q Was not that your put up
for security?

A I know

Q Because your client could
not get bail?

A Yes.

Q Before you took the case
up did you not know what
your fees would be?

A Not that I know of

Q Do you now claim that a
fraternal communication existed
between you and me?

A No. I do not claim that
at all. You can tell everything
you can. There is nothing
at all that I object to

Q Do you know of your own
knowledge whether you had
a contract with the Lockitt

A I know that we have a
general contract with our
subscribers.

24 Q Did you not have a contract

with Lockett?

1. I have a blank here such as was used for subscribers and Lockett was a subscriber and signed a paper like this (producing a paper) that we were to charge him 2 to 3 per cent up to \$200 and one per cent on the excess of \$200 - one dollar being the minimum for small collections; that if a draft failed it was to be collected by suit and that then the charge would be 10 per cent on \$200 and five per cent on the excess of \$200 up to \$1000, and 2 1/2 per cent on the excess of \$1000, the minimum fee of any suit being \$15; that if defense is offered the charge should be in proportion to the service of the attorney.

2. Now at the time you got this money from Hallen was

- that case disposed of on the
Calendar? Did you not swear
that it was disposed of?
- 1 In the best of my knowledge
it was not, but Mr. Hallen
had reported that it was.
- 2 The suit had not been tried
at that time.
- A No! I think it had been argued,
but I do not know exactly
how far it went. I relied on the
representation of Hallen. When
I found that Hallen had
lied, I found that out by in-
vestigating the records in the case.
I drew another check for this \$51
that I had deducted and sent
it to Mr. Fitzsimmons. That was
what I deducted from the
\$250.
- 2 When you returned that \$51 was
it not because I had written
you a letter threatening to arrest you
for larceny?
- 26 A No Sir, it was done before that.

0305

Q Will you swear that you offered that money before you knew that the matter had got into my hands?

A I did not know that it had got into your hands until you claimed it in your letter. I do not believe you had got it in your hands.

Q When was it you received this \$250

A I do not know -

Q On or about January 31st?

A I could not tell - it was some months ago.

Q Will you swear it was two months ago?

A I could not tell exactly - the records of the office will show. I can give you the exact date by reference to the books.

Q About how long after I had been in your employ was Mr. Hallen arrested?

A About a week or thereabouts.

0306

2 And you say I was employed on the 10th?

A H. 6th

2 How long after Hallen's arrest was it you made this statement?

A About a week after the arrest - somewhere near

2 about two weeks after the 6th day of January. Mr. Hallen paid you the money

A More or less

2 About when was it that you paid Fitzsimmons the money that you had deducted?

A When Hallen paid the money I went directly to the office and laid it on the desk, and Fitzsimmons came in and I said go - there is your money that I have not received from Hallen.

2 What was the Angel suit what was your answer for at the suit of W.G. Angel?

A The first time I saw Mr Angel was in the police court

Q What charge did he make against you?

A Grand Larceny

Q Of what amount?

A Of \$47.50

Q Upon what did he base that charge?

A That I had brought a suit for him against a man named Helfridge - which the court decided was not true.

Q What was the suit that you brought against Helfridge?

A I never tried the suit.

Q Did you ever advise or direct Mr Angel to ^{assign} ~~assign~~ his claim to another person?

A Never

Q Did he assign it to another person?

A To Mr Hallen at his request,

Q Mr Hallen was in your employ?

29 A Yes, he was

2 Did you receive this money on this claim?

A From whom

2 From defendant

2 Who did A - I did not

2 Did you receive this money on this claim from any person?

A I received money from Mr. Haller who was Plaintiff in the case. He settled the case with Benjamin Wise who was attorney for Haller. He agreed with Mr. Wise in writing - his fee was \$75.00 and costs \$100.00 - a referee case - therefore it was agreed between them that one half the fees and costs - namely one half of \$175.00 - which is \$87.50 should be the fees of the company - should be the share of the company in the action that Haller brought which the Judge

0309

referred to Wise This \$8750
was one share of Wises fees,
and the rest went to Angel.
The amount of Angels claim
was \$231 afterwards a
check was made out to the
order of Angel for \$231
less one commission

Q You sign your checks?

A I do.

Q Have you any knowledge
that the check was signed
except that your book keeper
told you so?

A I have knowledge that the
check was signed. I compared
it and found it correct

Q Mr Hallen was an attorney
at law?

A Yes

Q And Benjamin A Wise
was your attorney at that time?

A No

Q Hallen was in your
employ as a clerk?

31

0310

A He had two or three offices
He was a clerk.

Q In what capacity was he
acting in that case?

A He was substituted as ~~attor~~
plaintiff in the case.

Q You settled with du Angel
for money that you had
collected did you not?

A I simply signed a check
presented to me. Hallen
made that settlement.

Q You did that in your
official capacity?

A I did.

Q As President of this Company?

A I did.

Q Mr. Angel was a patron
of the Company?

A He was. His transaction was with Hallen.

Q He was a resident of Pennsylvania?

A Yes.

Q And the purpose of this
transfer to your clerk was
so that Mr. Angel should not

0311

be obliged to deposit security
for costs:

Objected to
objection maintained

2 Hallen paid you on that
claim \$231?

A No sir. of that sum \$87.50
was for Mr Wise's fee and
one half of Wise's fee was
for the office. The entire sum
was \$231.

2 How much did you receive

A There was \$87.50 taken out of
the \$231 -

2 From the \$143 that was
left you deducted how much
for your commissions and
costs?

A 10 percent

2 After you received this \$231,
did you pay Wise out of
that \$231 the sum of
\$87.50. You paid that
\$87.50 out of what

33 A It was one half of his fee

0312

which was \$175. The case
was tried out of court

Q Wise was your attorney?

A Yes

Q Hallen was your clerk
and your collector?

A Yes.

By the Court

Q How much money did you
receive?

A I do not know how
much Wise received. I
know of this money Hallen
had charge of

Q Wise gave you out of what
he received \$47.50 out of the
\$231?

A \$47.50 was what Wise allowed

Q That left \$183.50?

A Yes

Q The balance was for Angel?

A The \$47.50 was placed for
on credit on commission account
The balance was placed to
the credit of Angel

0313

Q That left Angel \$143?

A Yes - less commission

Q Your contract was to collect a sum of money

A - Yes

Q Was not your contract with Angel that you would collect this claim for not more than ten per cent

A No such contract was ever made that I know of

Q Angel swore to that?

A - He swore to a great many things that were not true

Q Does not your contract ~~with~~ state that your charge was ten per cent for collection

A No sir - If a case is defended there is a charge for attorneys services

Q Who succeeded Mr. Hallen?

A It was intended that Mr. Patterson should but he left after Mr. Hallen left I arranged with a man

0314

by the name of Lowry and
a man by the name of Higgins
as counsel for the company.

2 Hallen severed his connection
with the company about
the 6th day of January?

A I think it was about that
time

2 How long after that did
Patterson leave the company?

A I think it was a week or
ten days.

2 after the 6th day of January?

1. It strikes me it was
about that - I am not sure.

2 Then Patterson was in your
employ a week or ten days
after I came?

A about that I think

2 You state that Patterson
left your employ about one
week after that?

A I am not very positive
about that.

36 2 - Was my name in or the

0315

door of your company as
its Counsel

A - At your request, you said
that you could get some work
from a railroad in Pennsylvania
if I would permit you to
put your name on the door -
that you could get business
from the railroad company -
that you would turn that business
into the company.

Q You stated here that it was
Patterson that was successor of
Hallen -

A I did not make that state-
ment because counsel objected.

I will state that I had a
contract with ^{Patterson} Hallen for
three months and on trial
the same as I had with
Mr Hallen, and if I found

out it was satisfactory he was
to be the attorney of the Company

Q Did you not tell me that
because I was appointed

0316

to succeed Mr. Hallen that
Patterson had been disappointed
and had suddenly disappeared
and did not show up.

2 Objected to
Do you remember that during
the time I was in your company
that many cases were there
where it appeared that judgment
had been ~~issued~~ obtained whereas
in fact no summons ~~had~~ had
been issued?

Objected to
Objection sustained
2 Did you write to a man in
Baltimore that you had
collected
received about \$511 on account
of this claim and that you
had received some \$82

A No Sir

2 Did you give receipts for this
\$82?

A I do not remember

2 Did you deposit this?

32 A Whatever amount was collected

0317

was applied first to the costs
of the case and the remainder
credited to the people in
Baltimore

Q Were you not in Norfolk
Va. and during the time you
lived there were you accused
of embezzlement?

A No sir

Q Were you not formerly in
Richmond Va?

A Yes sir

Q Were you arrested and prosecuted
for crime?

A No sir

Q Did you not leave Richmond
because charges of embezzlement
were made against you?

A Never left Richmond on account
of any charge.

Q Were you not implicated in
some money transaction?

A I was not

Q You then went to Baltimore?

19 A Yes sir

0318

2 Were you engaged in business in Baltimore?

A I was not engaged in business in Baltimore on my own account.

2 What business were you engaged in there?

A ~~Did you~~

2 Did you fail in business there?

A The parties I was in business with failed.

2 You were not able to be in business for yourself on account of your previous transactions?

Objected?

2 You failed in Virginia?

A Yes

2 And you were not able to go into business for yourself in Baltimore in your own name but went in as agent for some parties?

A Yes

2 What was the name of the firm in Baltimore?

0319

A J. S. Jones

Q What is your wife's name?

A Yes.

Q Then it was your wife that
failed?

A Yes

Q The firm failed?

A Yes: I do not think that
is any particular disgrace.

Q What was the indebtedness of
this firm in Baltimore?

Objected to

Objection sustained

Q Was the firm in Baltimore
under your management - Were
you responsible for its management
and business.

Objected to

Q When did you leave Baltimore

A I think it was 1877 or

Q Where did you go?

A To New York

Q What business were you engaged
in?

41 A The business I am in now.

0320

Q With your wife?

A Yes.

Q What was the name of the firm in Baltimore?

A J. A. Jones

Q Is a suit now pending in the Supreme Court of this District in a case brought by the United States Commercial Agency and Collecting Company alleged to have been libeled in your complaint by this particular circular?

Objected to

Admitted to May 2. 10 am

0321

(Begin with type writer page 20)

Examination Continued

May 2

Appearances as before except that Mr Daniels appears for the people associated with Mr Welch.

William F Jones, recalled as a witness for the people and examined by Mr Welch.

Q - I understand you to say that one of these communications (E A) was sent to Sullivan Drew & Co?

A Yes Sir.

Objected to

Q What is the business of Sullivan Drew & Co?

A Wholesale Milliners

Q Where is ^{their} ~~your~~ place of business?

A At 600 Broadway.

Q Do you know any of the members of the firm of Sullivan Drew & Co?

A I know Mr Duffy - I have been introduced to other members of the firm.

43 Q Do you know Mr Lawrence

0322

A I do. He is here

2 Does Mr. Lawrence have a position with Sullivan Drew & Co

A- He seems to have charge of the collections judging from his intercourse with me - I do not know what his position is.

2 Where is Mr. Lawrence

A This is the gentleman in court.

2 Did you have a conversation with Mr. Lawrence at any time after Mr. Halsey had left the employment of your company with reference to an article similar to the one put in evidence here?

A Yes Sir.

2 State to the court when and where that conversation took place?

A In my office. I could not give the date. It was soon after the trouble with Mr. Halsey commenced.

- soon after the 26th day of February

- I think that was the date of

0323

the circular.

2 Can you fix the particular date by recollection?

A No Sir.

2 To the best of your recollection?

A I could not Sir.

2 The conversation took place with Mr. Lawrence in your office?

A Yes Sir.

2 State the substance of the conversation?

A Mr. Lawrence came in and produced a letter that Mr. Halsey had sent to subscribers and questioned me in regard to it.

Objected to.

2 Did Mr. Lawrence at that time have a copy of the letter?

A He did Sir.

Objected to.

The Court - The letter referred to is part of the complaint, it is admitted in evidence. (E. A.)

0324

2 Did you read it on that day?

A. I did. I had several other copies in my pocket that I had received from others.

2 How long did your conversation with Mr. Lawrence last?

A. It lasted only a few moments.

2 Did anybody else who received these letters call upon you besides Mr. Lawrence?

A. Yes.

2 State what occurred?

A. Mr. Novokanov, Mason Au & Zolinger, Mr. Hamitt of Hamitt & Co.

2 You were there?

A. They came in in person and a good many others also were there.

2 Did each of these gentlemen who called upon you have copies of these particular notices or letters?

A. Yes sir. I remember another - one of the firm of J. P. Scott & Co.

46 2 What was his name?

0325

A I do not know his name.

2 Did any other of these gentlemen have copies of this circular?

A Yes those I have mentioned all had - and a good many more that I cannot mention.

2 Did they show the communication to you?

A They did.

2 Did you read it?

A Yes Sir

2 Did you receive direct communication from any firm which you had done business with with reference to the receipt of similar letters?

Objection to

Objection overruled

A I did.

2 ~~Did~~ How did you receive information?

A One of the firm of George J. Wood & Son came in. He was very much excited. We had done a very large business with

0326

then and they had expressed
unqualified satisfaction. After
reading this paper he came
in very much excited and de-
manded the return of all the
papers in my hands and an
account of all business that
we had. I asked what was
the matter. He said that he
had seen that letter and had
talked with a party in regard
to it.

2 State the conversation.

A - They discontinued sending
business to the office. Another
one of our collectors H. J.
Baker called on them
objected to

2 (By the court) Were you present?

A - No sir

objection sustained

2 What other effect did this
communication have

A - One of those who called was
A. R. & H. G. Anthony - They

0327

wrote us a letter

By Defendant

Q - Have you got the letter
A No.

Objected to

Objection Sustained

By Mr. Welch

2 - Do you recollect any other
that you received direct communication
from?

A The book keeper of J. J.
Kaldenberg Dec. came there

2 Did you see him?

A I saw him

2 What did he say.

A He said that his firm had
given us a large amount of
business and we had done
it satisfactorily, but that
this thing had staggered them.

2 Which thing do you mean?

A This circular sent out by Halsey which
he had in his hand - a copy
of which he showed to me. He
said that as far as he was

0328

personally concerned it did not affect him; that Haldeney & Co. regretted that they had not continued to do business with R. G. Dun & Co. as they were responsible although they had not done their business satisfactorily. I told him that I would come down and interview them and explain the matter.

Q Did you receive any other direct information from any one that you can recall?

A I received a great many.

Q Can you state whether any one in your employ received such communications outside of yourself.

A I had compasses.

The Court - You do not know that of your own knowledge.

A No Sir - I remember this that I got one from H. C. Carter & Co. of Troy. They sent one

0329

in a letter.

The Court - Have you got that letter?

A Well I ~~don't~~ have it at the office

Q Any others that you remember

A H. B. Smith & Co Manufacturers

Q Any others that you received by letter

A Yes - asking for explanations

The Court - You ought to have them in court

The Witness - There are others that have received a copy of the paper.

By Mr. Welch

Q - Did you at any time have any conversation with Mr. Halsey in your office in which certain ~~assertion~~ assertions were made by him that he would break up your business?

57 A Mr Halsey came into the

0330

office repeatedly and threatened to do so.

2 State any such case - name the day?

A I cannot name the day.

2 Who was present at any such time besides yourself and Halsey?

A Mallory the Attorney was present, and Lucas the bookkeeper and several other clerks - I know several of the clerks were present.

2 Was there more than one occasion?

A He did it repeatedly. On one occasion he came in and said "Next week I will close up this establishment and put Jones under \$10000 bail."

2 Who was present when that assertion was made?

A Mr Lucas and Mr Mallory and a man by the name

0331

of Brown, and there were others there - clerks in the office who were there at that particular moment I cannot say.

2 Was that subsequent to the 26th day of February 1890

A Yes Sir

2 These assertions took place in your place of business

A They did

2 Who was with Halsey at one time?

A I think he was alone.

2 State all the conversations you had with Halsey in your office bearing upon this same line of examination other than the ones which you have just told us:

A The conversations were not between Halsey and myself. They were when he came in with a flourish and talked to the

0332

clerk

Re Court Did you hear him say anything?

1. It was said to the clerk in conversation. He came in with a flourish into the office and demanded of the clerk to quit their work. He said to Mr Brown I want you to stop writing in those books - I will have you arrested. This is my business. I will close this office up."

2. Who was Mr Brown?

1. He was one of ~~my~~ ^{the} clerks, Lucas and Mallory I think were present although I am not sure about it.

2. Can you give the date to the Court when this last conversation or action on the part of Mr Halsey took place in your office?

1. It was in the early part of March. I could not

0333

give the date exactly.

Q 1890?

A Yes — It was about the time that you got out the order of arrest against me on a false charge of larceny.

Q Any other conversation of like tenor with that you have just stated?

A No; as I have said, this was not in the form of a conversation.

Q Will you state to the court if you can whether or not since the 26th day of February 1890 your business has been affected by any of the acts alleged against the Defendant in this case?

A Yes Sir; it has been affected.

Q State to the court how it has become affected.

A By threatening our clients so that they were afraid to send business to the office.

0334

and it was not sent.

Objection to

objection overruled.

A. And not only that - I found it impossible to collect anything that was due me from clients. They said we were accused of having made false charges on our books.

Objection to

objection overruled.

A. I got another reply in the name of Edward J. Gillis. It gave us they had given us a good deal of business. Mr. Gillis came in there and expressed a good deal of surprise. He said "I came around to see if you were closed up." I said "What made you think of that?" He said "I got a circular issued by Halsig and Halsig was down there to see me personally about that matter."

0335

of my circular." He said
"I thought you were all
done to smash."

2 This communication was made
directly?

A In person by Ellis.

2 How long do you say that
Halsey was in your employ?

A I think four weeks - I
got that impression from the
fact that he rendered four
weeks services.

Objected to.

Leron Eammel

2 Is that your signature (a
paper shown to witness)?

A Yes Sir.

2 Was this circular sent out
by you?

A That circular was sent out
from my office.

2 Will you swear that I sent
to H. C. Smith a copy of the
circular?

0336

A They sent it to me in a letter. They sent they had received it.

Q Have you got the letter here?

A I have not.

Q When do you say my circular was sent out?

A I think it was the 26th day of February.

Q Do you mean that it was sent out on the 26th day of February 1886.

A I do not know that of my own knowledge.

Q About when do you say that Geo de Wood sent it to you?

A I cannot tell.

Q ~~Can't you tell me~~ Can't you tell about what day it was.

A No; I cannot.

Q You don't know whether it was the 26th, or a week or two weeks after?

0337

A It was very soon after.

Q What else did Mr Wood say to you regarding the matter at the time he called at the time you refer to?

A Oh he said "I know enough; I know enough."

Q Did he tell you what he knew?

A He intimated that there was something said to him in regard to it.

Q Did you pay him any money at that time?

A I think not

Q Did you owe him any money at the time

A I think so

Q Will you swear that you did not owe him money on account of the Thomas National Store Co claim and was it not on account of that claim that he called

60 A That was mentioned, we

0338

talked about that

2 You talked about the circular?

A about the circular

2 But not the Word

of Word & Co come to you regarding the claim against the Thomas Natural Stone Co.

A He did not. That was incidentally mentioned

2 Did he not come for that purpose?

A No. Oh, that was mentioned incidentally.

2 Then he did mention it?

A Yes

2 Then you collected money from the Thomas Stone Co?

A I think we had collected some \$5

2 Did you give him any money at that time?

A No; because the case had not been closed. We were waiting

6(2) It had not been settled?

A It had not been settled

Q Was there not a judgement obtained against them?

A There was — The whole claim was only \$9.75

Q Was it not the same case that Mr Wood came to you and demanded the money?

A Yes.

Q Did you not tell him that you had not collected the money?

A I did

Q You mean that you did not give him five dollars?

A I do

By the court

Q at the time that Mr Wood called and spoke to you about this creature you had a conversation referring to this claim?

A I told Mr Wood that I

Q had collected a portion of it

I think - if I am not mistaken there was \$2 which he claimed he had advanced to our Attorney in Court but. I am not the Attorney and I cannot be supposed to know all the details.

By Mr. Halsey,

Q 2

You collected five dollars?

A

Yes.

Q

You think now you did not pay that sum because the case had not been closed?

A

The case was not closed the balance had not been paid.

Q

You just swore that the \$5 was not paid because the case had not been closed.

A

My bookkeeper knows and can tell you all about it.

Q

So you mean that you had paid that \$5 or that you had not paid it?

63

A

My impression is that it had

0341

been paid but I do not
remember positively?

Q Did you not mean positively
that you did not pay that
\$5 because the case had
not been closed?

A I said the case was not
settled

The Court - He said so - there is
no question about that

By Mr. Halsey

Q - What knowledge have you
that I sent a circular to H. B.
Smith & Co?

A I said that I received a
circular from Smith?

Q Have you got the circular that
you received from Smith?

A I have not got it in my
pocket - I do not know where
I have it at my office.

Q What was the circular?

A Such circulars as I have been
informed were sent out by you

Q Who else saw that circular besides yourself?

A That I do not know

Q You saw the circular?

A Yes.

Q Did H B Smith & Co have a claim?

A They had

Q Who was the attorney in that suit

A Mr Hallen was originally.

Q Who after Mr Hallen?

A I made an arrangement —

Q Who was the Attorney after Mr Hallen left your employment?

A You were the Attorney

Q In this particular case?

A You were made the Attorney of record

Q Was I not the Attorney

A Nominally — yes

Q Was I not the Attorney of record?

A Nominally yes

65 Q What do you mean by that?

0343

A I mean that you were not a lawyer at the time

Q When was this substitution handed to me in that case?

A They were handed to you a few days after you came to the office

Q When was I admitted to the bar of this state?

A Two or three days after these substitutions were handed to you

Q When was I admitted - on what date?

A I do not know the date.

Q When was the substitution handed to me?

A I know that you told me that you were admitted after

Q When were the substitutions handed to me?

A - A few days after you came - a few days after the 6th of January

66 Q When were these substitutions

0344

signed?

A They were signed within a week after that time - I do not know exactly.

Q When do you say I was admitted?

A The record shows.

Q How do you know that the substitutions were signed before I was admitted?

A Because you told me.

By the Court.

Q That is after the after you gave him these substitutions did he state that he was not admitted to the bar?

A Yes Sir. He said that if Judge Fullerton was to go with him but that Judge Fullerton was engaged in a cause and could not go.

By Mr. Halsey

Q Do you know that from your own knowledge?

67

0345

A From your own lips.

Q Did I tell you I was not admitted when these papers were handed to me?

A You told me after the papers were handed to you that you had better get admitted to the bar.

Q You have stated that I came into your office and threatened to put you under \$10,000 bail - when was that?

A - I cannot give the date but I think it was ⁱⁿ the latter two or three days of February or within two or three days of the first of March - It was along this.

Q Was that the time that Mr. Angel of Knoxville caused you to be arrested on civil process for embezzlement?

A It was not on that occasion.

Q Why do you think it was not on that occasion?

0346

A Because the sheriff did not come there and did not arrest me there.

Q Why did he not?

A I do not know.

Q Do you mean he was not there?

A - When he came to arrest me - I have got two things mixed the civil arrest and the other.

Q You mean that when the sheriff came to arrest you for enticement he could not find you?

A I was not there when the sheriff called.

Q Where were you?

A I was not in the office.

Q Where were you?

A I had been informed that you had got out an order of arrest on Friday, and that you were holding it until 4 o'clock on Saturday so that I could not get back.

69 Q Where were you?

0347

A I was at a hotel
Mr. Halsey. That was the time you
also called.

The Court - That is enough. I do
not care to hear any more
evidence for the people. I will
hear the defense.

Defendant moves to dismiss the
complaint and discharge the
defendant on the ground that
the alleged libellous circulars
were printed communications
as they were all addressed to his
clients.

Adjourned to May 2

Sworn to before me this 29 day

of April 1898

[Signature]

Police Justice.

0340

number of type writer copy begin page 34

Examination Continued May 27

Appearances as Before.

Defendants Counsel move to dismiss
the complaint and discharge the
Defendant upon the following
grounds:

0349

number of type writer copy begin page 34

Examination Continued May 9

Appearances as Before.

Defendants Counsel move to dismiss
the complaint and discharge the
Defendant upon the following
grounds:

0350

~~2nd District Police Court~~ ~~and its~~ ~~department and material and it~~
~~for the defendant to deny the~~
~~The People ex rel.~~ ~~William G. Jones,~~ ~~Hon. A. C. White,~~
~~against,~~ ~~Police Justice.~~
~~Henry Halset,~~

~~Counsel for the defendant moves for a dismissal of the~~
~~Complaint and for the discharge of the Prisoner on the follow-~~
~~ing grounds.~~

First: That said letter was a communication made to persons
entitled to or interested in the communication, by
one who was also interested in and entitled to make
it, and ~~is a privileged~~ ~~communication~~ is a privi-
leged communication.
Section 253 Penal Code.

Second: That the communication complained of is a privileged
communication, emanating from an attorney of record
to his clients and said attorney bears such relation
to his said clients as to afford a reasonable ground
of belief, that his motive in sending same to said
clients, was an innocent and proper one.

Section 253 Penal Code.

Third: That said Privilege of Counsel extends to all
matters pertinent to the controversy to which it
refers, irrespective of motive.

Marsh vs. Ellsworth.

50 N. Y. 309

36 Howard 532

1 Sweeney 52

2 id 539

Fourth: That words used were pertinent and material and it is not necessary for the defendant to deny the allegation of malice.

Carr vs. Selden

4 Comstock 91

Hastings vs. Lush

22 Wendell 410

36 Howards Prac. 532 to
537

Fifth: That the communication is privileged on its face and the plaintiff must show both malice and want of probable cause.

Streety vs. Wood

15 Barbour 105

Sixth: Evidence showing the falsity of the charge is in admissable where the communication is privileged.

Ackerman vs. Jones

5 Jones & Spencer 42

Seventh: That the evidence does not show malice or probable cause or that the complainant has been injured to any extent as charged and is insufficient to hold the defendant.

*The Court - The motion is
denied. Mr. Harney - I would like a
separate ruling on each point.
The Court - I have read all the
points you have submitted and I
deny your motion.
Defendant Ecch*

0352

Henry Halsey. The defendant
being duly sworn as a witness
for the defendant, deposes
and says, examined by Mr
Harney.

Q What is your business?

A I am a lawyer

Q When were you admitted an
attorney

A In 1881.

Q As a member of what bar?

A The Philadelphia bar

Q State what occurred from the
time of your admission down to
the present time - anything in
regard to this matter

Objected to

Objection sustained

Q State when and under what
circumstances you became
identified with the United States
Commercial Agency and Collecting
Company of which the complainant
is President?

74 A I was a member of the

0353

bar and I am still a member
of the Philadelphia bar. I
wanted to locate here. I was
attorney for a railroad company
and I am still so - of the
Lehigh Valley Railroad Company
I was then under salary. I wanted
to locate here. My duties then
necessitated my travelling a
great deal - as I advertised in
New York in the Law Register.
I wanted to form a connection
with some law office here.
In answer I received a letter
from Mr Jones, the counterpart
from his office. I deny positively
that I advertised as Mr Jones
stated that I wanted a position
as managing clerk. That is
false. I ^{heard that} went to Mr Jones
had some difficulty with his
attorney and he employed
me as general attorney for
his company. The understanding
was that Mr Hallen who

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then attorney for the company
and had charge of all their
law business of their clients.
was to leave in about
one month, and Mr.
Patterson his assistant was to
stay there also. I was to
remain in the place and
familiarize myself with the
business. After I became
so I was to have the entire
charge. I staid there and
in about three days Mr.
Hallen left. Then in a day
or two after Mr. Patterson who
was Hallen's assistant left
also and all the business of
the office devolved upon me.
At that time I think there
were about 250 cases in which
I was substituted as attorney
in place of Mr. Hallen. I worked
very hard every night, and
sometimes as early as 9 o'clock
in the morning because

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Cases were coming up for trial almost every day, and I knew nothing about any of the cases that I had, and out of my own pocket I paid Mr Jones clerk to remain here over night. During the time I was there I discovered that there were some cases wherein Mr Jones had represented to clients that judgments had been obtained that ~~not even summonses had~~ ~~not been served~~ had been served. I went to Mr Jones and told him that of this state of facts I advised him to return the money to the different clients. I said "You return this money they have paid or agree that you will prosecute the suits to the condition they supposed the case to be when they paid your charges." Mr Jones said very distinctly

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and it made a great
impression upon my mind

"No: if you let the clients
know that there is this state
of affairs, they will take all
their business from us."

Shortly after that I had
in the conduct of different
suits caused disbursements to be
made, such, for instance, as
calendar fees &c. say I would
pay $3\frac{1}{2}$ dollars to put a
case on the calendar of the
Supreme Court, or $4\frac{1}{2}$ dollars.
Mr. Jones requested me to
write to these clients that
I had disbursed \$10 - which
was much more than I
had actually disbursed. This
I declined to do. I will
just state that on or about this
time letters were addressed
to me from different clients
and these letters came to my
desk opened and Mr. Jones

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was the one who opened them because he said so.

Shortly after I went into the office I discovered that costs - possibly \$40. had been collected in suits; as high as \$80 had been collected that had not been commenced, where representations had been made that the case were made judgment and execution issued and returned worthless.

As soon as I heard of it I told Mr Jones and he accused Mr Hallen my predecessor of having defrauded him; that he made these misrepresentations to him. I at once advised Mr Hallen's arrest. Mr Hallen was arrested on this charge. I brought this proceeding against Hallen. Shortly after that Hallen came into Jones' Office and wanted to settle

the case. Hallen said he
 had \$175 in cash and would
 give a check. Jones would
 not take that. Mr. Hallen
 paid him and he showed
 it to me, two hundred and
 fifty dollars.

The court - That was the case
 before Justice Gorman.

A (continued) There were detectives
 from Byrnes office who were
 about arresting Hallen
 before and the reason they
 did not do so was because
 Jones wanted to get the money.
 After Jones got the money
 he swore that the company was
 indebted to Hallen; that he
 believed the charges false.

The court - That is the record that
 you have shown here?

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A Yes. - When I saw that I was not the Jewon that he wanted I told Mr Jones that "If I was like Mr Hallen I would write to my clients that I had expended from \$10 to \$20 or that I had expended \$40 when I had only expended \$20 - if I would do that I would quit you." I said "Now I won't stay here with you unless you sign a contract with me." I asked a written contract. Well: Mr Jones would not sign that contract. It voices my intention if he had signed this contract to open an office which had just been vacated next door, so that I would not be under his influence. But, on the following morning I found another Attorney in my place.

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at my desk

Q What Attorney was that?

A - Geo. H. Mallory. Then I went away and went to Baltimore to see my wife. I came back to this city the next day or the day after. I saw in a newspaper the fact that I had been discharged from this company. I knew that these matters do not get into the newspapers unless some interested person interests himself in the matter. I, of course, became quite angry and when I was asked to withdraw from every suit wherein I was attorney I refused and they brought suit against me to compel me to do so.

Q Before whom?

A Before Judge Patterson - by motion. Judge Patterson decided that the clients

were not theirs but mine;
that I was the attorney
of record in each of those
cases, and dismissed their
motion.

The Law Register, a
newspaper containing a
report of Judge
Patterson's decision is offered
in evidence and excluded.

A (continued) shortly after that
I learned, in fact I knew
that Mr Jones was sending
out to my clients a written
or printed letter which has
already been offered here
for identification. This letter
was written by Mr Jones
to the clients that I represented
by reason of my connection
with Mr Jones. I ask
that that letter be put in
evidence.

The court - I do not care about
it. It is not material.

one way or the other.

A (Continued) It was in answer to this letter which Jones sent out stating the reason why I was dismissed from the company, which letter he sent to each of my clients, I sent out my letter to show the true reasons why I was dismissed because I would not be disgraced.

2 What letter of yours do you refer to?

A The one which is the subject of this complaint. Shortly after I left the company within a day or two I met my sister here in New York she wanted to know why I did not answer their letter.

2 Personal letter?

A Yes Sir

Re Court - I do not want to

know anything about that.

§ 9 A (Continued) The question is

animosity - My letters were opened by W. G. Jones and when he opened them he saw that they were from my mother pertaining personally to myself, and he destroyed them in order to destroy evidence against himself, and he almost caused my mother a severe loss of money many thousands of acres of land in Pennsylvania. He wrote to me with reference to the title paper and he took the paper and destroyed them.

Q. Are you prepared to prove that?

A. Yes.

Q. Before this magistracy?

A. No.

Q. Have you now stated all within your knowledge that has occurred from the time you

entered the employ of this company down to and including the present time:

A. No. I will state that Mr Lucas the secretary of the Company has received many letters to answer and many many letters were those asking for money that had been collected by the company stating that they were a long time about it. I would take such letters to Mr Jones and say "Mr Jones here are letters from clients asking you to pay such and such claims ~~on the~~ that you have collected and Mr Jones would call upon Mr Lucas who was Secretary of the Company and bookkeeper and Mr Jones would say to Mr Lucas "Send these people a check for this amount?" And Mr Lucas would say "Mr Jones there is not money here to

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pay this. Mr Lucas is a
 man of truth and he can
 swear to it. Then Mr Jones
 would say 'I wrote to them
 people and say I have handed
 the letter to the bookkeeper'
 and thereby there would be
 delay in sending the money. I
 have made a statement of the
 different cases where false
 charges had been made. I
 did it for the purpose of
 showing it to Mr Jones. I supposed
 he was innocent of this whole
 transaction as to these false
 charges. This list contained
 cases where \$40. & \$80 had
 been charged and nothing
 had been expended. I intended
 to bring the list here but
 I left it on my desk
 2 Did you hear a conversation
 at the time you mention
 or some time in December
 between Mr Jones the complaining

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Witness and Mr Lucas the
secretary of the company
regarding the solvency of
the company

Objected to

objection overruled.

A Oh yes - not between
Jones and Lucas but between
Hallen & Lucas.

Q Question excluded for the
reason that Mr Jones
was not present.

2 Have you anything else to state

A Yes in answer to Jones testimony
the Attorney Mallory requested
me to come to the office
which I did. I never spoke
to Mr. Jones when I went
into the office. He was
separated by a glass door
from where I was and
could not possibly have heard
anything I said because
I did not speak loudly
and when he says that I

came in there saying I wanted to employ all these different clerks. He states that which I know to be not true. I simply went in to talk to Mr. Mallory regarding different cases. I came there at Mr. Mallory's request.

Q From your knowledge of the clerks in the office what was what was the tenure of their position - length of service?

A About two or three months.

Q Did they go away willingly?

A No they did not.

(The witness here illustrated to the court the position of Mr. Jones in the office and the position of the witness on the occasion of his visits to show that Mr. Jones could not have heard the conversation of the witness at that time.)

A (Continued) During the time I was making myself familiar with these 250 cases I paid the clerks out of my own pocket to remain there, I bought breakfast dinner and supper... I paid my own expenses for all of which I received nothing only \$2 from Mr. Jones.

Q What was the average length of service of clerks

A About two or three months - unless Jones has some hold of them. He had thieves and criminals, thieves and criminals, I did not know at the time.

2 How many of these clerks to your knowledge have been discharged since the time you left his employ to the present time?

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Objected to

Objection overruled

Mr. Hallen who was Attorney
when I went there was discharged,
Mr. Patterson was discharged
I was discharged, and no
honest man could stay there.

Q Who succeeded you as Attorney
and Counsellor?

A Mr. George H. Mallory.

Q Within a few weeks past
was it brought to your
knowledge that the records
in a certain suit that is
pending in the Supreme Court
of New York were tampered
with by Mr. Mallory or some
one connected with this
Commercial Agency and
Collecting Company.

Objected to

Objection Sustained.

C

Q Do you desire to state anything
further regarding your transactions
or connection with this Company?

Q A About several things I have

0370

stated as to the character of
this man Jones I do not know
that it is relevant - I simply
want to swear that what he
says is false.

Q You are swearing of your own
knowledge?

A Of my own knowledge.

By Mr. Walsh

Q Do you mean to say that
everything he said was false?

A Many things.

By Mr. Hawley

Q Is that all you wish to state?

A Shortly after I had left
Mr. Jones' employ Mr. Hallen
came to me and told me
of a claim that Mr. Jones
had collected. Mr. Hallen
told me there was a person
here in the city whom he
had met and who had
come from Knoxville, Ga.

Q The Court - Hallen said that

A Yes.

Q Was Jones present?

A No Sir.

The Court - Then it is excluded.

A (continued) I took a suit against Mr. Jones to collect the sum and I had him arrested on a claim for the money that he had in his hands - had collected.

The Court - That is the Angel case?

A Yes. I had him arrested on the charge that he had collected \$231 and reported that he had received only \$140.

The Court - That has all been gone over.

Q You were attorney in the case?

A I was attorney. I did no more than any attorney would do.

Q Mr. Jones was put under bond?

A Yes, he is now on bond I understand.

Q How much bail?

A I do not know - \$250 or \$500

Q What action has been taken by Jones or his counsel with a view to set aside that order of arrest?

A I am attorney for Mr. Angel - I have not been notified of anything

Q You would be notified if there was anything?

A I presume so.

Cross examined by Mr. Welch

Q How old are you?

A 29 years.

Q You have passed the better part of your life in Birmingham?

A In Philadelphia - Yes sir.

Q And you have been admitted to the bar how many years.

A Nine years.

Q You understand the elements and principles of law do you

not?

A - I regret to my clients that I do.

Q I want to call your attention to a clause of this communication alleged to be libellous.

A Yes Sir.

Q It reads "About this time Mr W. E. Jones the President of said Company instructed me to make false reports to the clients. particularly as to the disbursements made in their respective suits and when I refused to do so I was asked to consent to the substitution of George H. Mallory." When you inserted that clause in your circular were you acquainted with the provisions of the Penal code of this state?

A Yes Sir.

Q At the time that circular of yours was sent out did you use your own discretion or did you have any advice with

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reference to the form of the
enrollment. Were you advised
by anybody?

A I was advised by others

Q What is the name of the
Counsel?

Objected to.

Objection sustained

Q How long were you in the
employment of W. G. Jones

A Well I suppose I was in the
employ of this Commercial
Agency about six weeks.

— from January 6 to February
10

Q What was the form of the
advertisement through which
you entered the employ of this
company?

A It was that I was a young
lawyer from Philadelphia; that
I had a knowledge of shorthand
and was also a typewriter and
that I wished to form a
connection with a law firm.

in this city

2 Will you swear that you did not enter into the employ of this agency merely as managing clerk - the duties devolving upon a managing clerk in a law office?

A I swear positively that no such statement was suggested that was an afterthought

2 That was an after thought?

A Yes sir

2 Then you say you were hired by the company as Attorney and Counsellor?

A As their General Counsel

2 That was on what date?

A Jan 6 1890

2 You were employed you say by the company on the 6th day of January 1890 as a counsellor at law?

A Their general counsel yes sir

2 Were you an Attorney and
97 Counsellor at law of the

Supreme court of the state of New York at that time?

A No sir, I was not.

Q You were not admitted to practice in the Supreme Court of this state at this time that you say you were employed as general attorney?

A I will explain -

Q I do not want an explanation I want a specific answer I want to know whether when you say you were employed as counsel you were a member of the bar.

A I was attorney then and am now a member of the bar of Philadelphia. At that time, some time in January, I saw Mr. Jones and it was agreed that I should come there on the 13th day of January, and in the meantime I selected

Q8 That Judge Fullerton who

0377

employed me as managing clerk
would move for my admission
to practice in this state. I
saw Mr Jones and he asked
me to come earlier and he
said he would give me ample
time later to fix up all my
affairs. So I was obliged
to wait two or three days
for Judge Fullerton to give move
for my admission. I went
several times for Judge
Fullerton but he was always
engaged. The General Term
call their calendar at 10 o'
clock

2 Was you when you say you
were employed to act as
general Counsel qualified
to act in that capacity?

+ I was not a member of the
Pennsylvania bar and I was
qualified.

The Court. No - you were
not qualified

By Mr. Welch

Q - Were you admitted?

A - Jones knew it.

Q - When was you admitted to the bar of this state?

A - Shortly after I went with Mr. Jones.

Q - What date specifically?

A - I cannot say.

Q - You have no recollection of such an occurrence?

A - It never occurred to me to question it.

Q - Do you know the time?

A - It was within a week or two after my going to Mr. Jones.

Q - Now sir, I ask you the day whether you recollect the day?

A - No sir. I could not tell when.

Q - Was it a long time?

A - Oh no; it was within a week or so after I went

to Mr Jones. I answer the question as I know it.

Q I will take it for an answer that you do not recollect when you were admitted to the bar of this state

A I say it was within one week or two weeks of when I went to Mr Jones.

Q After you was employed by the company?

A The company, yes sir

Q Notwithstanding the statement you make that you were not an attorney and counsellor at law of this state when you was employed by this company do you desire now to state that you were then actually employed as an attorney and counsellor at law? - Yes or no?

A Let me repeat - I told Jones at the time

0380

that I was not.

Q You stated that you were going to be admitted to the bar?

A I showed him my credentials certificates, &c. that qualified me to be admitted.

Q Is it not a fact within your knowledge, and true within your knowledge that within two or three weeks of the day you was employed by this company that a contract was drawn up between you and Mr Jones or this company or which you were specifically named as the attorney of the company - yes or no?

A Yes.

Q Drawn up?

A It was not signed

Q There was a contract prepared within two or three weeks of the commencement of your employment as Attorney and

0381

counsellor? Did you not

B Draw a contract of that character?

A Yes.

Q You understand me thoroughly?

A Yes.

Q When was that contract drawn?

A Four or five weeks after I went in their employ.

Q What were the wording of that contract to the best of your recollection with reference to your employment as Attorney & Counsellor?

A The contract will speak for itself.

Q I ask for your recollection?

A I would rather speak from the paper.

Q Have you that paper?

A Mr Jones has the paper. I delivered the paper to Mr Jones.

103 Q I ask you to refresh your

recollection as to the contents of that paper?

A It was simply putting in writing what we verbally understood - an increase of salary and a specified time

Q Is this the paper that Mr Jones refused to sign

A He refused to sign it

Q You state that you were Attorney for the Lehigh Valley R.R.

A Yes Sir.

Q Who employed you?

A H. Stanley Foxworth, Godwin

Q Who is he?

A General Superintendent here and Passenger Agent

Q I ask you who employed you

A I was employed five or six years ago for that railroad by Mr H. S. Dunks

of Philadelphia retained me as one of the Attorneys

Q Are you now one of the Attorneys of the Lehigh R.R.?

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A In this way -

Re Court - Are you now counsel
for the Lehigh Valley R.R. That
is a plain question

A I do not know whether
- I can state my relations
with that company at this
time.

Q You said you were its attorney?

A I will state the facts

Re Court - You said on your direct
examination that you were
attorney for the Lehigh Valley
road?

A The reason I said that I
will show

Q What were the reasons?

A After I was with the Jones
I met Mr. I said
to him Here is my pass for
1890 on the Lehigh Valley road. I
do not think I can accept
it because I have engaged
with another company and
cannot give them my time "

0384

He said to me "Don't give that pass back" I said I want to locate in another place - in New York. He said you keep that pass "official" I saw Mr. B - he was formerly connected with the one of Vanderbilt roads, and also the Lehigh Valley - one of the principal agents here. He spoke to me about representing it here in New York.

Q Have you been retained?

A No; only in that way.

Q You are not in their employ?

A I am not under salary - if matters come up here in New York I suppose I would be required to look after them.

Q Then you take back your original statement, are you or are you not the attorney for that railroad company?

106 A Well I am not ^{under} salary

Q Have you represented the
Lehigh Valley R.R. in
any litigation in this city?

A No Sir: I have not

Q How long have you been
a resident of the State of
New York?

A I think I have been here
since December 1889

Q What was your function
in the city of New York before
you came to the employment
of Mr. Jones?

A I had none.

Q What is your present function?

A Practicing Attorney

Q Do you do a general law practice
in this city?

A I am willing to

Q I ask you whether you are in
practice in New York?

A Yes Sir

Q Where is your office

A - 317 Broadway

107 Q Have you an office or only

0386

ask room?

A I have an office of my own
Q Who is associated with you?

A Nobody. There is somebody
associated with me in renting
an office but not in my
business.

Q You stated in your evidence that
in the course of your investigation
of the business of this company
after you came into its employ
that you found that certain
judgments had been ~~entered up~~
entered up when in fact no
suit had been commenced, is that
true?

A Yes, it is true.

Q State any particular judgments
that was entered up that you
can refresh your recollection
with.

A Well there are quite a number.

Q State some or one or more?

A The cases that I discovered

108 I wrote on a piece of paper

0307

That paper is in my office
somewhere. I sent Mr. Rooney
for it. He has not been able
to find it.

Q Who is Mr. Rooney?

A A clerk now in my employ.

Q Was he formerly employed by
the company?

A Yes Sir he was.

Q Now I ask you can you
state any particular judgment
that has been entered up in
that way.

A I can prove it to you —

Q Can you state

A Now — may it please your
Honor. —

Q Can you state one?

A No; I cannot. I have a
list but I do not remember
I have not the list here.

Q You cannot now state any particular
judgment?

A No.

109 Q You stated in your direct

examination that there were many cases in which payments were entered up and now you say you cannot recollect a single one?

A No I cannot. There are many cases.

Q But you can't state one?

A Not by name - no sir

Q You stated that you made disbursements in many cases that were in the office at the time you were employed there?

A Yes Sir,

Q Name any particular case?

A in which you were not reimbursed?

A Well now I will state exactly what occurred.

Q - I do not want it generally, state a particular case

A I cannot do it without referring to papers

Q Can't you answer the question?

A I cannot do it without referring to papers

Q You knew you were to be examined to day?

A Yes.

Q You did not bring your papers?

A No.

Q So that although you made the statement directly that you made certain disbursements in particular cases while you were in this company's employ you cannot now state any one, you do not recollect one such case.

A I remember the circumstances of course but I cannot remember the names.

Q You cannot state any particular case?

A I remember the circumstances distinctly.

Q I ask you to state any particular case.

A I cannot remember any one.

Q You stated in the course of your examination here to day

that certain persons dealing with this company were your clients: Tell how they became your clients?

A The persons to whom these letters were written were clients of mine.

Q State who they were?

A The persons to whom these circulars were sent, H. J. Baker res of 25 Canal St New York. I represented J. B. Welch & sons.

Q Any others?

A I cannot recall their names.

Q Did you ever come in contact with H. J. Baker directly or indirectly before you came in the capacity of ~~agent~~ of Mr. Jones objected to

A I do not remember

Q You do not remember?

A No Sir.

Q Will you swear that you ever did come in contact

with Mr. Baker before you came into the employ of this company.

A Oh no. I will answer all your questions - every person to whom I sent that letter

2 to whom?

A All of those in the complaint I sent it to all the clients I had at the time. They were clients of mine to whom I had a right to send the letter.

2 Is that your answer?

A Yes.

2 I repeat the question?
Objected to
Objection overruled

The Court - Answer the question.

A I do not know that I saw him. That I saw Mr. Baker. There was a firm. I cannot tell what individual of the firm you refer to.

Q In the form of H. J. Baker
 & Co ^{was there} any body else to whom
 you sent this circular?
 A I do not remember

The Court You do not remember
 the name of any other person
 to whom you sent one of these
 circulars?

A - oh yes

Q Is it not a fact that you
 got the ~~substance~~ substitution
 in the name of this company
 to prosecute the business
 of Mr. Baker

Objected to

A It is not the fact.

Q Is it not a fact that
 as soon as the substitution
 was put in your name as
 Attorney for this company that
 Mr. Baker gave another substitution
 back to this company to
 transact his business?

113 A I gave a substitution

0393

in that case myself

Q Was you not ordered by
the Supreme court to do so.

A I was not.

Q Will you swear you was not

A I was not - and you
know it from your client
yourself

Q Was you not enjoined perma-
nently by order of the
Supreme court to prevent
you from taking part in
any proceeding originating
with this company?

A Well I was

Q Was that not a permanent
injunction restraining you
from transacting any business
for these clients who had
agreements with this
company?

A I was notified of an order
of injunction, but the
injunction order was modified
by Judge Andrews

0394

Q Permitting you to do so?

A Yes

Q How many cases? Two or three?

A More than three

Q How many clients were involved in these different cases?

A I do not recollect

Q More than two?

A Yes

Q More than five?

A Yes

Q How many were there?

A I cannot tell

Q Did you state on your direct examination that it was your intention to send an office next to this collection agency?

A I did not state any such thing at all

Q What did you state with reference to opening an office on your own account?

A - I do not know exactly. It was in answer to a question. I told you that I would no longer be identified with a concern like that. That I would no longer remain in the office but would keep an office adjoining.

Q How long was you employed in this office before you came to the conclusion that you would start an office on your own account?

A About five weeks. — within a day or two before I left.

Q Will you swear that you did not state to Mr. Lucas and Mr. Malloy and several employees of this company before you left that it was your intention to start a rival agency?

0396

A - I say most positively that I did not

Q You did not mention that to any of the employees of this company?

A Most positively it never entered my mind.

Q Did you get an entire list of the subscribers to this company at any time?

A No No.

Q You did not?

A I did not

Q Is it not a fact that you got into this office in the night time and was seen copying lists from the subscription book of this company?

A - I say anybody that says that is a liar

Q Did you state to the jury on or about the 10th day of January 1890 in the presence of the Gallogh that

you had prepared a list of subscribers to this company?

A I told Mr. Jones that he was a thief

Q Yes, you told him he was a thief?

A Yes.

Q Have you any other to answer to make

A Well I said this to Mr. Jones, that for every dollar that he said Hallen had stolen from the company that he, Jones, had stolen two dollars.

Q Is that your only answer.

A I said "all these cases wherein you said Hallen had cheated your clients I have a list of " I have sent for the list and will have it here.

Q Did you speak about any other lists than the lists of the clients that they had

(11)

cheated

A Nothing more

2 In part of your circular is this statement: "About this time Mr. W. G. Jones the President of the said Company instructed me to make false reports to the clients, particularly ~~with~~ as to the disbursements made in their respective suits." State if you can the name of any particular suit in which Mr. Jones directed you to make false reports as to the disbursements?

A That has occurred in more than one particular case.

The Court - If you do not remember you need not answer.

A There were some letters to Schiner Barland & Co regarding the claim of Schiner Barland & Co regarding the claim in Baltimore. They sent to the company concerning one claim asking reports on a doubtful claim that they had collected; demanding money

in some case where as they stated you had knowledge ~~that~~ ^{that the} your claim had been collected. . . These letters I took to Mr. Jones. I told him that these letters required attention. It was then that he called to Mr. Lucas and Mr. Jones directed that a check should be given. I suppose there were 20 or 30 - possibly more claims of others. They wanted an accounting. Mr. Jones made some remarks to Mr. Lucas to send them a check, and Mr. Lucas said there was no money to meet those checks. Then Mr. Jones told him to write "We have handed the matter to the book keeper for his attention."

2 Is there any other circumstances of like character with which you can refresh your recollection?

0400

A. Mr Jones had several claims for collection. Parties had written to Mr Jones that they wanted \$2.50 or \$5 or whatever the sum might be for disbursements. Mr Jones would request me to say that the Med attorney wants ~~\$10~~ \$15 - I refused to do so.

Q State any particular case out of the many involved in this answer to this question.

A May it please your Honor that necessitate —

The Court — Can't you tell without your memorandum?

A No Sir.

Q Notwithstanding you have repeatedly stated in the Circular that you knew at the time that Jones asked you to do these things you state that you can't recollect without

0401

refreshing your recollection?

A I cannot remember so many circumstances

Q Have you any memoranda?

A Yes

The Court - Bring the memoranda on the adjourned day

adjourned to Friday next

at 10.30 A.M.

Sworn to before me this

9

day

of

May 1900
A. J. White

Police Justice.

Friday

May 6

Left witness further examination and gives leave to answer

0402

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

W. S. Jones
agst.
Henry Malag

Examination had *April 29, May 2* 188*8*
Before *Andrew J. White* Police Justice.

I, *W. L. Drury* Stenographer of the *2* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *W. S. Jones and Henry Malag* as taken by me on the above examination before said Justice.

Dated _____ 188

W. L. Drury
Stenographer.

Police Justice.

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Third District Police Court.

The People Ex. Rel.,

William G. Jones,

Complainant,

against

Henry Halsey,

Defendant.

Complainants

Affidavit upon charge

of

Criminal Libel.

State of New York,

:

:ss:-

City and County of New York, :

William G. Jones being duly sworn, deposes and says: That he is a citizen and resident of the State of New York, and is the President and Treasurer of the United States Commercial Agency and Collecting Company, a regularly Incorporated Company, having offices, and carrying on business as general agents for the collection of claims and matters growing out of the same, at Number 280 Broadway, New York City.

That heretofore, at said city, and on or about the Sixth day of January 1890, the deponent engaged in the employ of said Company as a corresponding clerk, one Henry Halsey, an Attorney and Counsellor at Law, whose duties were especially proscribed and limited to the transacting of all such ~~legal~~ matters, and such other responsibilities as this deponent, as the President of said Company, deemed fit to assign him to perform.

That said Henry Halsey's duties were especially limited in his employment to the transacting of all such ~~legal~~ matters as related to the Company aforesaid,

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and to none other, and that his compensation for the carrying out and conducting the matters thus devolving upon him, was agreed upon at the rate of \$20.00 weekly, and that said hiring was one of weekly duration.

That on or about the 10th day of February 1890, for good and substantial reasons known to deponent, said Henry Halsey's employment ceased and determined with said Company, and this deponent, and from that date, until the date hereof, the said Henry Halsey, for some unaccountable reason, and for no just cause, has manifested toward this deponent, and the Company aforesaid, the most determined malignant hatred, spite and malice, and has sought in many ways, by word and act, to injure this deponent and endeavor to ruin his reputation, and likewise, the good repute the name of the Company aforesaid enjoys or did enjoy in the community.

That among the malicious and unlawful acts and things, undertaken by the said Henry Halsey, since the date aforesaid, to ruin and injure this deponent, and the one particular act which gives the deponent the greatest concern, is as follows:

That said Henry Halsey did unlawfully, wickedly and maliciously, with the express intention of injuring and prejudicing the said William G. Jones in the community, and without justifiable reason or excuse, and for no good motives, nor for justifiable ends, and to expose deponent to hatred, contempt, ridicule and obloquy, and to cause him to be shunned and avoided, and to injure him in the course of his business transactions, and his occupation,

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and to bring him into public contempt, scandal, infamy and disgrace, and for the purpose of blasting his character, respectability and good name, on or about the 26th day of February 1890, and at other times in the said City and County of New York, and elsewhere, unlawfully, wickedly and maliciously, write and publish, or caused to be written and published, or printed or caused to be printed, and did thereafter actually circulate or cause the circulation of the same a large number of impressions of a letter, of a false, malicious and defamatory nature, following of, and concerning the said William G. Jones, this deponent, that is to say:

"Law Offices

of

Henry Halsey,

317 Broadway,

New York."

"February 26, 1890."

"Gentlemen:-

The United States Commercial Agency and
"Collecting Company, of 280 Broadway, retained me as
"attorney to ^{prosecute} ~~present~~ to judgment the claims it had for
"collection, and among the number are some of yours. I
"spent much time in making myself familiar with the facts in
"the different suits, and get them into condition for final
"disposition, either by trial or entry of judgment. About
"this time Mr. W. G. Jones, the President of said Company, in-
"structed me to make false reports to the clients, particularly
"as to the disbursements made in their respective suits, and
"when I refused to do so, I was asked to consent to the sub-

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"stitution of Mr. George H. Mallory as attorney in my place.
"This I also refused to do, and the Supreme Court in an
"application made to it by the said Company to compel me
"to do so sustained my position. The business of the clients
"whose matters were placed in my hands, and for the conduct
of which I am responsible, requires immediate attention, and
"if you wish me to continue to act, kindly send me a letter
"to that effect. I have received such letters from many of
"the clients who have long been dissatisfied with the
"Company's manner of doing business. Among the number are
"Messrs Cook & Bernheimer, 144 Franklin St., and L. Renn &
"Son, 758 Broadway. Hoping to hear from you soon, either by
"letter or in person."

"Yours truly,

Henry Halsey"

Deponent further says that the said Henry Halsey, did, on or about the date aforesaid, and at other times, for the purposes hereinbefore set forth, actually circulate, or cause the circulation of the said libelous and malicious and defamatory letter wherein he directly charged this deponent amongst other things, with dishonest and thieving practices in his business dealings and transactions with his patrons and clients, all of which this deponent says is utterly false and wickedly untrue.

Deponent further says, that the said Henry Halsey knowing at the time of the publication and circulation of said false, malicious and defamatory matter, that the same was in all respects false, and untrue, did, notwithstanding with base and degraded and malicious motives, publish or

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caused to be published and circulated the said false, scandalous and defamatory libels to the great and lasting damage of the deponent, and to his scandal and disgrace in the community.

Wherefore, the said William G. Jones, this deponent prays, that the said Henry Halsey, be apprehended and dealt with according to law.

Sworn to before me this :
28th day of April 1890.

William G. Jones

H. J. White
Police Justice

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Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court

Henry Halsey 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. Henry Halsey

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. N. Y.

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

Answer. Lincoln Hotel

Question. What is your business or profession?

Answer. Lawyer

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

Henry Halsey

Taken before me this 29
day of April 1890

Police Justice

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Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County
of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by William G. Jones
of No. 280 Broadway Street, that on the 26 day of February
1899 at the City of New York, in the County of New York,

one Henry Staley did commit the
Crime of Libel, in that he on said date
caused a certain Circular to be
published the Contents of which
were libelous and concerning complainant
as a thereby doing complainant injury

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

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

Dated at the City of New York, this 28

day of April, 1899

[Signature]
POLICE JUSTICE.

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2. P.M. 29. M. S. Sawyer M. H. Lincoln Hotel

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William G. Jones

vs.

Henry Halsen

Warrant-General.

Dated April 28 1880

Andrew J. White Magistrate.

John D. Farrell Officer.

The Defendant Henry Halsen
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

John D. Farrell Officer.

Dated April 28 1880

This Warrant may be executed on Sunday or at
night.

A. J. White Police Justice.

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No. 134.

State of New York, City and County of New York, ss:

Henry Halsey having been
arrested on the *28th* day of *April* 189*0*
and held to answer upon a charge of *Tibel*

upon which he has been duly admitted
to bail in the sum of *5 Hundred* Dollars,

We *Henry Halsey* defendant,
residing at No. *Lincoln Hotel* Street,
in the said City of New York.

and *Ann E. Halsey*
residing at No. *2284 - 7 Ave* Street,
in said City, surety, hereby jointly and severally undertake that the above
named *Henry Halsey* defendant,

*Describe the
complaint
briefly.

shall appear and answer the complaint of *Tibel*
at *2nd District Police Court*
at *Jefferson Market 6 am & 10th*
before the magistrate before whom he would be arraigned if not bailed on the
29th day of *April* eighteen hundred and
ninety, at *8 A M* o'clock, to answer to the complaint, and
there remain to answer, subject to any order of the magistrate, and render
himself in execution thereof; or if he fail to perform either of these conditions,
then we will pay to the people of the State of New York the sum of
5 Hundred Dollars.

Henry Halsey Principal.
Ann E. Halsey Surety.

Taken and acknowledged before me this *28th*
day of *April* A. D. 189*0*.

George S. Chapman
Deputy 22nd Prec.

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And we, the undersigned, principal and surety in the annexed Recognizance, do hereby Stipulate, Agree and Consent, that in case said Recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this recognizance, be filed in the office of the Clerk of the City and County of New York, and that judgment may be entered for the sum set forth in said Recognizance, and that execution issue forthwith thereon according to law.

Henry Staley. Principal.

Ann E. Hursey Surety.

Witness, Edgar Sharp.

Sgt - John Dunn
Capt - Killilea

State of New York, City and County of York, ss:

The above-named surety, being duly sworn, deposes and says that he is a resident and a Real Estate holder within the said City, County and State; that he is worth the sum of 5 Thousand Dollars, exclusive of property exempt from execution.

Sworn to before me this 28th
day of April 1890.

George S. Chapman

Sergeant - 22nd Prec.

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State of New York, City and County of New York, ss:

Ann E. Harney
228 7 Ave

of No.

Street, the surety

named in the annexed recognizance, being duly sworn, deposes and says that he owns in his own right, real estate in the County of New York

consisting of

3 story and Basement Brown
Stone Dwelling House
at 134 W 127th St

and that the same is of the value of not less than 15 Thousand
Dollars, and is subject to no incumbrance except a mortgage of 10 Thousand

Dollars,

and that he owns personal estate in the County of

and that its value is not less than

Dollars;

that it consists of

and that it is subject to no incumbrance;

and that there are no unsatisfied judgments or executions against him, and that he is under no
recognizance.

and that he is worth in good property not less than 5 Thousand

Dollars over and above all debts, liabilities and lawful claims against him, and all liens, incumbrances, and lawful claims upon his property.

Ann E. Harney
Surety.

Sworn to before me this 28

day of April 1890.

George S. Chapman
Sergeant 22nd Prec

POOR QUALITY
ORIGINAL

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22nd Recd.

POLICE DEPARTMENT

OF THE

CITY OF NEW YORK.

THE PEOPLE, & CO.,

ON THE COMPLAINT OF

Wm. J. Jones

VS.

Henry Halsey

Recognizance to Answer.

Taken the *28th* day of *April* 189*0*

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WELCH & DANIELS,
COUNSELLORS AT LAW,
140 NASSAU STREET,
MORSE BUILDING,
NEW YORK.

DAVID WELCH.

GEORGE S. DANIELS.

June 28th, 1890.

Hon. Randolph B. Martine,

My dear Sir:-

I take the liberty of writing to you, as one of the counsel for the plaintiff, in the case of Jones vs. Halsey, the papers in which case, for a re-hearing before the present Grand Jury, were placed in your hands, so I have been informed by Mr. Lindsay of the District Attorney's Office, several days since.

Justice White, who heard all the facts in the case when the complainant was held at the Jefferson Market Police Court, several months since, stated at the close of the examination, that the offence charged against Mr. Halsey was proven against him beyond doubt, and in fact it was admitted by the defendant.

Justice White characterized Halsey's conduct as a flagrant violation of the law, and stated that it was one of the worst cases of criminal libel and persecution that ever came before his judicial notice. I sincerely trust, in writing in this manner, that you will not consider that I have overstepped the bounds of propriety, but the very great wrong, and the continued form of persecution that even at this day still continues on the part of the defendant, prompted me to write these few lines in order that

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WELCH & DANIELS,
COUNSELLORS AT LAW,
140 NASSAU STREET,
MORSE BUILDING,
NEW YORK.

DAVID WELCH.

GEORGE S. DANIELS.

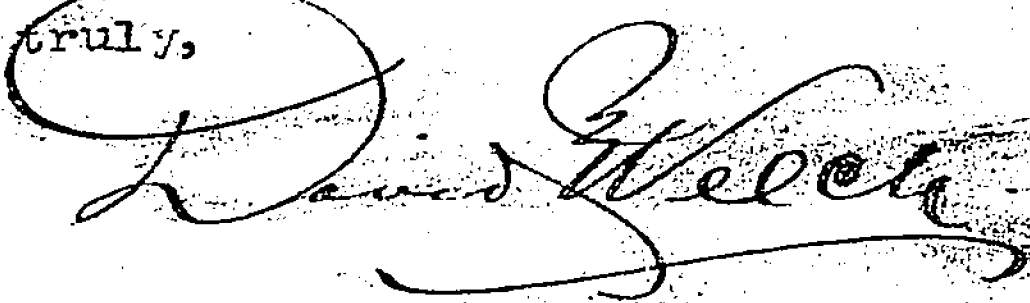
the real character of the defendant may become known to you.

Justice White personally informed the District Attorney that in his estimation Halsey should be indicted, and I have no reason to doubt but that you will arrive at the same conclusion, after reading the overwhelming proof contained in the papers before you, reflecting upon the accused.

Justice White will see you personally in the matter and give you his experience in the case, which may possibly be of some assistance to you in arriving at a conclusion whether to permit the plaintiff to appear before the present Grand Jury or not.

Trusting that you will not consider that I have been at all forward in penning these lines, believe me to be, with respect,

Yours very truly,



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WELCH & DANIELS,
COUNSELLORS AT LAW,
140 NASSAU STREET,
MORSE BUILDING,
NEW YORK.

DAVID WELCH.

GEORGE S. DANIELS.

Your valued assistant, Mr. Hartman, understands the case thoroughly, and if you will considerately ask his opinion of it, he will, without question, make answer, that the case forms one of the most malignant series of persecutions that ever a man had to submit to under circumstances, somewhat similar, in this County.

In the hope that you will have the circumstances of this case again reviewed by the June Grand Jury, and relying upon your evident desires, at all times, to see to it, that the wrongs of the humblest individual will receive at your hands and in your office the care and regard the same may be entitled to, believe me to be,

Very truly yours,

David Welch

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WELCH & DANIELS,
COUNSELLORS AT LAW,
140 NASSAU STREET,
MORSE BUILDING,
NEW YORK.

DAVID WELCH.

GEORGE S. DANIELS.

June 23rd, 1890.

Hon. John R. Fellows,

Dear Sir:-

You will please find enclosed the petition, affidavit, etc., in relation to the proceeding of the People ex rel William G. Jones, against Henry Halsey.

The papers are very full and were made so for the purpose of showing how flagrant an injustice has been done to Mr. Jones by the person charged with the offense in this instance.

I do not care to burden you with a lengthy communication now, as the enclosed papers explain everything sufficiently, but it would be well for me to say that, Justice White, who was to see you personally in this case, declared in open Court at the time he held the prisoner in bail, that a criminal libel of unusual aggravation had been clearly established before him.

Inasmuch as the defendant is still doing all that he possibly can to injure and ruin the defendant, in his private standing and business concerns, you are most respectfully urged in a case that is really deserving of your assistance to have the same presented to the June Grand Jury for its consideration.

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The People of the State of New York
against
Henry Halsey.

HON. JOHN R. FELLOWS,
District Attorney of the
City and County of New York:

That he is the President of the United States Commercial Agency and Collecting Company, doing business at No. 280 Broadway, New York City.

Your petitioner was the only witness called in behalf of the complainant, to testify before the Grand Jury. He was called fifteen minutes before the hour of adjournment and his hearing was very short. In fact not more than half a dozen questions by the Foreman, which was followed by as brief a series of questions from one of the other members,

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in the nature of a cross-examination, tending to show what had latterly been the defendant's claim that his malicious and libelous communication was privileged, which to say the least, is a question which well might be tried out before a petit Jury, and which counsel advises your petitioner can not be the fact in this case. At the close of these interrogatories the foreman asked your petitioner whether he had anything more to say; to which your petitioner replied that he had witnesses who had much to say, but the foreman replied that the hour of adjournment had nearly arrived, and they had not time for further hearing. Deponent's side of case was, therefore, never stated to the Grand Jury.

Your petitioner is informed that Henry Halsey, of whom the Complainant most justly complains and accuses, was heard before that honorable body, before your petitioner was called. And that fact, as well as the very hurried character of the inquiry directed to your petitioner, impresses this petitioner and the complainant, that a full disclosure of the facts was not made, and that a substantial failure of justice, - which the complainant now feels, and which is even more aggravated by the conduct of the defendant, since that time, - occurred.

Your petitioner would not presume to trouble you with this petition but for the fact, that the malice of this defendant, out of which the offense now complained of, sprang continues now as active and hurtful as ever; and that there is at the command of the complainant, many witnesses, and an abundance of testimony, which will show an unreasonable and

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unreasonable vindictiveness, and maliciousness, directed to the damage of your petitioner and the company which he represents, and this petitioner now prays, for an opportunity of such a full and fair hearing as will disclose the facts. These were known, comparatively, in but small part to the learned Magistrate before whom the preliminary examination was had, but were, nevertheless, sufficient to lead him to declare in substance, and in open Court, that a criminal libel of unusual aggravation had been clearly established before him.

What the defendant may have testified to in his own behalf, before the Grand Jury, your petitioner has no means of knowing, but, strong in the consciousness of a righteous cause, and a most just ground of complaint and accusation, your petitioner is only too anxious to establish his charge, and to give the defendant the most ample opportunity to meet it.

Many persons can be produced, entirely disinterested and of most unquestioned character, who will testify to the intense hatred and malice that has been exhibited by this defendant towards your petitioner and this Company, for weeks past.

Your petitioner takes the liberty of mentioning some of such, but by no means all:

WITNESSES:

Edward A. Lawrence,	600 Broadway,
W. P. Montague,	328 Fourth Ave., City,
Geo. H. Mallory,	148 W. 45th St., City,

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N. C. Lucas,	280 Broadway, Room 139,
Geo. L. Rauch,	280 Broadway, Room 139,
Edwin J. Gillies,	245 Washington St., City,
G. M. Van Olinda,	18 Harrison St., City,
C. K. Hammitt,	34 Hudson St., City.

All of which is most respectfully submitted.

Wm G Jones.

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

William G. Jones, being duly sworn, says, that he is the petitioner above named; that he has read the foregoing petition and knows the contents thereof, and that the same is true.

Sworn to before me, this :
23rd day of June, 1890. :

George H. Mallory
NOTARY PUBLIC,
(N.Y. CO.)
CITY & COUNTY OF NEW YORK.

Wm G Jones

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EXHIBIT "A".

In re Indictment))
)
 Jones)
 vs.)
 Halsey.)

THE U.S.COMMERCIAL AGENCY
and
COLLECTING COMPANY,
280 Broadway.

New York, July 13, /90.

Hon. John R. Fellows,
District Attorney,,

Dear Sir:-

We beg leave to present to you certain facts in which we are deeply interested, and in consequence of which we are daily suffering a great, and it would almost seem, an irremediable injustice. The United States Commercial Agency and Collecting Company is a corporation doing business at #280 Broadway, N. Y. The Company had in its employ for a period of about two years ending on the 6th of Jan. last, an attorney by the name of James D. Hallen. Mr. Hallen enjoyed the unquestioning confidence of the Company and had the exclusive control and management of its legal affairs. It presently developed however that he was extensively and systematically appropriating funds of the Company, and his discharge and arrest followed. The cases which had been in his charge were found to be in a most deplorable condition. Neglect, and records which we cannot but believe were purposely falsified and confused, had put them in almost inextricable confusion. Inquiry into Mr. Hallen's antecedents disclosed the fact that similar practices had driven him out of Albany Co. under three indictments, for separate and different offenses, namely two of Grand Larceny and one of Forgery; all of which are now

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pending. Upon retiring Mr. Hallen, the Company answered an advertisement of Henry Halsey, which appeared in the Law Journal, asking a position as a law clerk, and describing the advertiser as a good stenographer and typewriter. Mr. Halsey was soon thereafter employed by the Company, as Managing and Corresponding Clerk; and in the emergency and until permanent arrangements were made looking to the care of the legal business of the Company, substitutions in pending suits were had to Mr. Halsey. Such arrangements with a permanent attorney were presently made (about Feb. 10, 1890) and Mr. Halsey requested to consent to substitutions of our permanent attorney; but he at once refused, and left the employ of the Company, declaring that he intended to retain the cases as his own, and begin an independent practice with them. We began an action in equity setting up the facts in full, and praying that Mr. Halsey be restrained from acting as the attorney of record in the cases standing in his name under these circumstances. Extraordinary as was this demand the Supreme Court, nevertheless, granted it. We also prayed that Mr. Halsey be required to give substitutions and restore to us that part of our business which he was endeavoring to appropriate to himself, and that he render an accounting to us in such cases, and surrender to us certain lists and memoranda of names of our clients hereinafter referred to. A decree was afterwards entered on a consent given by Mr. Halsey just upon the eve of the presentation of his case to the Grand Jury, and our demand complied with in every particular, showing that Halsey knew his ground was untenable and could not be sustained in Court.

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Mr. Halsey was not admitted to practice in this state when the substitutions were made to him, but was soon thereafter admitted on motion. Following his leaving as above stated, came a series of the most vindictive and malicious acts of persecution on the part of Mr. Halsey, directed toward the president of the Company, and toward the Company itself, and which have continued ever since, and are continuing to-day. Mr. Halsey openly and repeatedly boasted that he would ruin our business, and said and did many damaging and malicious things, calculated to accomplish that threat, as can be most abundantly shown by many witnesses now at command. Among other things he printed a letter of the most libelous character, and circulated it, using for that purpose a list of the names and addresses of our subscribers which he had abstracted from our books and records for that purpose, while in the office. We began a prosecution of Mr. Halsey on this account in the Jefferson Market Police Court, and before our case had been half disclosed, or any of our witnesses called, besides the president of the Company, Mr. Justice White declared the matter one of flagrant criminal libel, - and that, after Mr. Halsey had been heard at length;, but at Mr. Halsey's request set the case down for a further hearing. Before the adjourned day came around, however, Mr. Halsey, and his counsel went to the Police Court and gave bail. The matter came last month before the Grand Jury and by what we cannot but feel was, for some reason, a failure of justice, the Grand Jury failed to find an indictment. This, it may well be, was in

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consequence of the great amount of work which the Grand Juries of this County are obliged to perform, which makes hurry necessary, as they asked Mr. Jones for a statement and then refused to listen to it as it was time to adjourn. But, however, that may be, it threatens our very existence in business; for Mr. Halsey, it seems, is now industriously representing to our clients that the Grand Jury refused to indict him, because he proved to it the truth of his utterances. Halsey, it seems, had ample time for a hearing before Jones was called.

We are informed that Mr. Halsey appeared before the Grand Jury in his own behalf, but as to what he testified to, we are of course, ignorant. But unqualifiedly declare, that if he testified that his utterances were true, as he no doubt would do, he can be shown to have spoken untruthfully, if we are afforded an opportunity to produce our witnesses and he heard, the above five witnesses, - only one was called. We have been the unfortunate victims of the two most unscrupulous rascals, who by reason of their profession were necessarily placed in a position of trust, in our business, and who by their betrayal of that trust, have well-nigh ruined us. For inquiry at Wilkesbarre, and Hazleton, Pa. from where Mr. Halsey came, will disclose the fact that while his admission to practice in the courts of this state, was being moved here, proceedings for his disbarment were either brought or about to be brought there, for embezzlement, &c.

All that we ask is that our witnesses may be pro-

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duced and heard, and if even and exact justice is done we
ask no more, and are certainly entitled to no less.

With great respect,

We are

THE U. S. COMMERCIAL AGENCY,
And COLLECTING COMPANY

W. H. Bondurant & Treco

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SECOND DISTRICT POLICE COURT.

The People at the Relation of
William G. Jones

vs.

Henry Halsey.

Mess. Welch & Daniels, counsel for the prosecution beg to submit a brief synopsis of the facts in relation to the complaint of criminal libel preferred against the defendant, a lengthy examination of the circumstances having occurred before Hon. Justice White, at various intervals of April and May, 1890.

That the result of such examination was, that the defendant was held in bail to answer.

The stenographic minutes of the hearing had before the Justice is now in the possession of Assistant District Attorney Hartman, and the proceeding is now waiting the action of the Grand Jury.

Mr. William G. Jones, the complainant, in substance, testified as follows:

He is the president of the United States Commercial Agency and Collection Company, 280 Broadway. Has known Henry Halsey about four months, the latter having recently arrived from Philadelphia. Employed by Jones as a clerk, January 10, 1890, worked for him five weeks. Halsey took advantage of his position in Jones's office by obtaining information concerning the Company's business which he,

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Halsey, was to use against the interest of the Company and for the promotion of his own interests. Halsey testified that it was his intention to hire offices next door to the Company, at 280 Broadway, when he obtained all the facts he wanted, and start a rival Agency and carry with him all the litigation in this office. With this end in view he tried, but failed, to get Jones to sign a contract making him the attorney for the Company. Jones testified that repeatedly, during the five weeks of employment of Halsey, that the latter openly boasted in the presence of many witnesses, that he, Halsey, would ruin Jones and break up the Company's business. Upon the character of Halsey being found out his relations to the Company were severed. Then Halsey commenced a series of depredations against Jones and the Company, aided by others, that for maliciousness, in a similar proceeding, has never been equalled. Halsey refused to give substitution of attorneyship in many cases placed in his hands as the employee of the Company. After leaving the Company's employ he entered the office and tried to intimidate the clerks by threatening to arrest them if they did not quit work, and remarked, "This business is mine, or will be in a day or two".

The Company brought an action to compel him to surrender the substitutions entrusted to him by the Company. An injunction order was obtained restraining Halsey to act in said suits, and Judge Andrews made the injunction permanent after a lengthy argument on the facts.

Halsey conspired with others to injure Jones in various ways. Halsey induced one Angel to charge Jones

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with grand larceny. Upon the affidavit of J. D. Hallen, who had been discharged by Jones for theft, Jones was arrested and Halsey acted as attorney for Angel without charge. Justice McMahon heard the case at the Tombs, the case was dismissed and Jones honorably discharged. The Justice at the time characterized the proceeding against Jones as infamous, and rebuked Halsey, Angel and Hallen, and mildly imputed that they were conspirators. Halsey was still not satisfied, but kept on persecuting Jones. Halsey induced Angel, after the dismissal of the criminal suit of Angel's, to obtain an order of arrest against Jones based on perjured affidavits by Hallan, and the trial of that case has not yet been reached, but has virtually been abandoned by Angel and Halsey. Still unsatisfied, Halsey issued what is unquestionably a libelous circular, and as testified to by himself, he sent the libelous circular to many, if not all of Jones's clients. A copy of the libelous circular, handed Mr. Jones by one of the Company's clients is to be found in the papers accompanying this statement. Under Section 242 of the Penal Code, and Section 243, 244 and 245, the publication of the said circular by Halsey is clearly proven to be a misdemeanor.

The publication of the libelous circular has resulted, as Jones testifies, in about ruining the Company's business. To attain that end it was sent out by Halsey, and his persecution of Jones has partially succeeded, fully half of Jones's business is lost by the withdrawal of clients by reason of this libel. Jones was compelled at

last, in order to save himself and his company from utter ruin, to have Halsey arrested.

On hearing before Judge White, the Justice was convinced of Halsey's wrongful intention and malice, and before the examination on the part of the plaintiff was through, concluded not to continue, as he was convinced of Halsey's guilt, remarking, "If you have not proved criminal libel against the defendant, no case has ever been proved in this court."

Halsey's defence was justification, and he attempted to prove it, but failed. He was asked on cross-examination to name one specific offense committed by Jones, that justified the publication of the libelous circular, but could not do so. The testimony is emphatic on that point. Halsey broke down under cross-examination, and before the examination was completed, waived further hearing before the magistrate, and on his own motion was admitted to bail to answer before the Grand Jury.

If the Grand Jury indicts him, and upon trial by the General Sessions he is not found guilty, he has a right of action against Jones. Upon reading Halsey's direct examination and cross-examination, you will observe how absolutely false his statements are. In particular he said he was counsel for the Lehigh Valley R.R.Co., which was proven to be absolutely untrue. He stated that Jones's clients were his own, when the fact is he never met any of them until he came in Jones's employ, and but few of them until after he had left Jones' employ. The Supreme Court

has decided that they are not his clients, and has compelled him to surrender the substitutions and papers.

He testified to his own good character, when the proofs handed up with this brief show that he is an embezzler of funds in Pennsylvania, and left that state for fear of prosecution which had been commenced against him by his clients in Philadelphia.

The proof also shows there is an order on the records in the Courts of Pennsylvania commanding him to pay over money collected, which order he ignored until he found he was about to be disbarred, and then he offered to settle if the plaintiffs would drop the proceedings.

Halsey proved himself to be, in the words of Justice White, "One of the most consummate rascals ever charged with crime before a magistrate."

In the course of his examination before the Justice he repeatedly called Jones a thief, embezzler and absconder, until he was rebuked by the Justice and cautioned not to repeat the words as the statements were unfounded. When cross-examined he could not give an instance in which Jones had stolen anything or absconded. In the course of his examination he charged Jones with opening and destroying his private letters, and stated he could bring a witness, a young lady, to prove it. With the papers will be found an affidavit made by that young lady showing that Halsey's statements were lies, and that Jones was not guilty of doing anything of the kind. In open court, Halsey, and his attorney, Harney, in the presence of the Judge and the wit-

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nesses, openly stated that they would "follow Jones to the end with the line of persecution which they had marked out from the beginning."

Jones begs to submit the names of over a dozen reputable individuals and firms, amongst the latter some of the leading business houses of the City of New York, who were willing, and are ready to testify to the excellent character of Mr. Jones, and to the business worth of the Collection Agency. Those names will be found in the testimony of Mr. Jones's direct examination. For further information on this point see the affidavits handed up with this statement bearing upon that point, and a printed pamphlet containing over one hundred letters from Jones's clients, commending his Agency in the highest terms. You will remember that all this disgraceful proceeding emanated from a spirit of malice of Halsey towards Mr. Jones for no cause whatever, his only motive being to frighten Jones's clients and thus capture their business, and induce them to permit him to retain the substitutions. Halsey was a stranger to Jones, and they knew each other about five weeks when all this deviltry occurred. When Halsey's employment ceased with Jones's Company his wages were paid in full, and the Company kept nothing from him, so there is nothing upon that score. This persecution of Jones by Halsey, emanated from a most ardent desire to ruin Jones and capture his clientage and nothing less. This is the worst case of wrong doing in this particular line, in the estimation of counsel, that was ever brought out in Court, and in conclusion it would be well to say, should Halsey not be indicted

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by the Grand Jury, there is no telling what his persecution of Jones will lead to. Since the hearing before Justice White, Halsey has openly boasted that the Grand Jury won't dare to indict him, and that the District Attorney's Office will let the matter drop.

Halsey has also said he has a new trap to spring on Jones in a few weeks and is working the matter up slowly. There are many other things that could be brought to your attention, but it is useless to continue the matter now further as sufficient has been shown to enable the Grand Jury to act at once. Every day's delay means further injustice to Mr. Jones and damage to his business, which has already suffered heavy damage by reason of Halsey's libelous circular. Halsey is still visiting Jones's clients, reporting the libelous statements. The testimony proves conclusively that Jones is entitled to have Halsey indicted, and the Penal Code is absolute upon that Point.

It is respectfully urged, for the sake of justice and right, and for the general welfare of the remainder of the community, outside of Mr. Jones, that the relief an indictment would bring be given to the complainant at the earliest moment.

Respectfully submitted.

Dated, New York, June 24 1890.

David Welch
of Council

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2nd DISTRICT POLICE COURT

The People at the Relation of William G. Jones,

against

H e n r y H a l s e y

Petition, affidavits, etc.,
for re-hearing by Grand
Jury.

WELCH & DANIELS,
Attorney for Complainant.

MORSE BUILDING,
140 NASSAU STREET,
NEW YORK

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At a Court of General Sessions of the Peace, held in and for
the City and County of New York, at the City Hall, in
the said City of New York, on the

June 1890.

Present,

THE HONORABLE

Randolph B. Baskin

Justice.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James McHenry

The District Attorney having heretofore, to wit: on the
May 1890 submitted to the Grand Jury of this County, empanelled in
this Court for the *May* term, and then in session, a certain charge against
the above-named defendant for *publishing a libel of and*
concerning one William F. Jones,
and the said Grand Jury having, after a consideration of the evidence produced before it in support
of the said charge, dismissed the same, twelve grand jurors of the said Grand Jury not concurring in
finding an indictment against the said defendant for the charge so submitted, and the depositions and
statements setting forth the said charge having been duly returned to this Court, with an indorsement
signed by *Charles B. Baskin* Esquire, Foreman of the said Grand
Jury, to the effect that the said charge was so dismissed.

Now, on reading and filing the affidavit of *William F. Jones, the*
petitioner of the U.S. Commercial Agency & Collecting Co., and accompanying papers,
whereby it appears to the satisfaction of the Court that

~~that the charge is well founded both in law and on the evidence, that justice requires that an indictment
be found, and that there is reason to believe that if the said charge is again submitted to the Grand
Jury evidence can and will be adduced, sufficient to warrant the finding of an indictment, and that
an indictment will be found against the said defendant for the said charge, notwithstanding such
dismissal, and on motion of the District Attorney, it is~~

Ordered, that the said charge be, and the same is hereby directed to be again submitted
to the Grand Jury of this County.

Enter B.B.M.

New York General Sessions.

THE PEOPLE

vs.

Henry Halbovy.

Order directing the re-submission
of charge to the Grand Jury.

(§ 270 Code of Crim. Pro.)

JOHN R. FELLOWS,

District Attorney.

Entered

day of

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The People ex rel
William G. Jones
against
Henry Halsey.

City and County of New York, ss.:

Henry Halsey being duly sworn says that he is an attorney and counselor at law and duly admitted to practise in the Courts of this State; that he is the defendant in the above entitled action; that he admits having sent to some persons the circular letter herein complained of, but such letter was sent to no other persons than those he was the attorney and counsel for in suits then pending and undetermined; that the reason for this deponent sending said letter was caused by the said William G. Jones having sent to this deponent's clients a printed letter, dated February 21st 1890, a copy of which is hereto annexed marked Schedule A; that many of the facts set-forth in said last mentioned letter were utterly false and intended to injure this deponent's professional ability and standing as a lawyer; that said Jones also caused to be published in the different newspapers an article of a false and untrue nature all of which were intended to injure this deponent; that the letter herein complained of was sent by this deponent upon the advise of counsel, and to only those persons who were clients of this deponent and interested in said communication, without malice on the part of this deponent, and is a privileged communication *is an answer to that letter of said Jones* emanating from attorney to client; that the facts set forth in this deponent's letter are true as this deponent can prove by papers now in his possession.

Henry Halsey

Sworn to before me this 19th day of May 1890.

Geo W Gibbons

Notary Public

W. G. H.

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"Schedule A"

NEW YORK, February 21, 1890.

M.....

DEAR SIR :

In January last Mr. J. D. Hallen, then the attorney for this corporation and as such in charge of the suits brought in this city and county in behalf of our patrons, was obliged to abruptly leave the company's employ, and gave consents of substitution to one Henry Halsey, which at our request were joined in by clients, as the Court Rules require. Mr. Halsey was an attorney, but was in our employ as managing and corresponding clerk. The substitutions were made to him to provide for the immediate care of the cases, pending our finding and employing permanently a suitable attorney for our business. Last week, Mr. George H. Mallory was engaged as such, and Mr. Halsey was then asked to consent to the substitution of Mr. Mallory in his place, when, to our amazement, he not only promptly refused to do so, but stated that he had been careful to make lists of all our clients, and notes of their business, and declared his intention of retaining those cases as his own, and immediately left the employ of the Company. We applied to the Supreme Court in Chambers for an order to show cause why Mr. Halsey should not give substitutions to our attorney, and the Court ruled that the consent of the clients was necessary. Under these circumstances we enclose you a written consent to the substitution of our attorney, together with an affidavit upon which to obtain the order of the Court to the substitution. By signing and acknowledging the consent and swearing to the affidavit before a notary public, you will facilitate the prosecution of your suit in our hands, and greatly oblige us. If you decline to execute these papers you assent to Mr. Halsey's retaining your case, and thus *relieve us of all responsibility in the matter*. All the papers in your suit are retained by us. It is important that you act upon this matter immediately, else your suit may suffer by delay. Will you please answer at once.

Yours very truly,

THE U. S. COMMERCIAL AGENCY AND COLLECTING COMPANY.

Per.....

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The People ex rel

William C. Jones

-appt-

Henry Haley

Affidavit of Defendant.

Henry Haley
317 Broadway
New York

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General Sessions of The Peace N.Y. Co.
The People of the State
of New York ~~vs~~ and
Wm L. Jones Plff
against
Henry Halsey Def.

City and County of New York } ss
Wm L. Jones being duly
sworn, says that he is the relator
in the above-entitled cause;
that he has read the annexed
statement under oath of Henry
Halsey, the defendant herein;
that he believes the statements
therein contained to the effect
that said deponent was ~~was~~
induced to issue the libel herein
by the false representations of
one J. D. Hallen, to be true;
that the reparation offered
to him by the declarations of
defendant herein will avail
him to ~~some~~ extent to re-
pair the injury done de-
ponent and his business
and he desires that the
verdict herein be ~~for~~

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no further proceeded with.
Sworn to before me } William G Jones
August 14th 1890 }
Wm J. McInnis
Notary Public
Greensboro N.C.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Madry

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

Indictment accuse

Henry Madry

of the crime of

publishing a libel

committed as follows:

The said

Henry Madry

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

Twenty-sixth day of *January* in the year of our Lord one thousand
eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid,

did unlawfully and maliciously publish a
certain libel, and concerning one William B.
Agnew, when and for a long time prior thereto
being the President and Treasurer of a
certain incorporated company known as the
United States Commercial Agency and Collecting
Company, carrying on business in the said City
and County as general agents for the collection
of claims and matters growing out of the same,
the said libel being a malicious publication of
false writing which exposed the said William B.
Agnew to hatred, contempt and obloquy and

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which had a tendency to injure him in his
business and occupation, and then and there
containing, amongst other things, the names,
names and addresses of persons and following
and concerning the said William F. Jones,
that is to say:

"I am a Jew."

of

Henry Adams

317 Broadway

New York

February 26, 1890

My Dear Sir:-

The United States Commercial Agency
and Collecting Company, 220 Broadway,
(meaning the said incorporated company) has
me (meaning I am) the said Henry Adams
is about to present to the public the
claims in and for collection, and among the
number are some of yours. I mean
himself the said Henry Adams (I mean
himself) in making up the said
with the 20th in the different parts, and get
them into condition for final disposition in the
the said company of yours. About this
time Mr. F. Jones, the President of said
Company (meaning the said William F.
Jones) instructed me to make the report

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to the clients, particularly as to the disburse-
ments made in their respective suits and when
I refused to do so (meaning I refused the
said Henry Walrus) was asked to consent
to the substitution of Mr. Rogers as
attorney in my place. This
(meaning I refused the said Henry
Walrus) I refused to do, and the
Supreme Court in an application made to
it by the said Company (meaning the said
incorporated company) to compel me (mean-
ing I refused the said Henry Walrus) to
do so sustained my position."

against the form of the Statute in such
case made and provided and against
the power of the Courts of the State of New
York, and their dignity

Wm. R. Wells,

Attorney