

0757

BOX:

441

FOLDER:

4066

DESCRIPTION:

Meehan, John

DATE:

06/17/91



4066

0758

BOX:

441

FOLDER:

4066

DESCRIPTION:

Ryan, John

DATE:

06/17/91



4066

Witnesses:

Counsel, *Leachman*
Filed *for* *June 1887*
Pleas *Verdict of*

THE PEOPLE
vs.
John Meacham
and
John Ryan
H.D.

Grand Larceny, Second Degree,
(From the Person)
[Sections 528, 53, 54, 55 & Penal Code].

DE JURE
JOHN R. FELLOWS,

District Attorney.

A True Bill.

John F. Adams
James B. [unclear] Foreman
Robert [unclear]
James [unclear]

0760

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Antonio De Carlo
of No. 98 Union Street, Brooklyn, New York, aged 43 years,
occupation *Barber* being duly sworn,
deposes and says, that on the 13 day of *June* 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the person
the *deponent*, the following property, viz:

*One Silver Watch valued
at Five dollars
\$ 5⁰⁰/₁₀₀*

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 *John Michael* or *John Ryan* (both here)
who were acting in concert for the
purpose of following to wit: *deponent* was
standing on Mulberry Street when said
property was taken from *deponent's*
vest pocket. *deponent* went
into *Joseph Bottino's* jewelry store at
21 Mulberry Street this City to buy
another watch, and that while he was in
said store the defendants came in
and offered a watch for repair. *deponent*
identified said watch as the same
that was stolen from the person of
deponent as aforesaid. *deponent* caused
the arrest of defendants and informs
that they be held to answer.

+ *Antonio De Carlo*

Sworn to before me, this 14 day

of June

1891

Police Justice.

0761

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation Juror of No. 21
Mulberry Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Antonio De Carlo
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1897

Joseph Bottino

[Signature]
Police Justice

0762

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John Ryan*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *64 Junno Street one month*

Question. What is your business or profession?

Answer. *Varnisher*

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*
John Ryan

Taken before me this

day of

June

1891

Police Justice

0763

Sec. 198-200

CITY AND COUNTY
OF NEW YORK

District Police Court

John Meehan 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. *John Meehan*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Boston Mass.*

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

Answer. *74 Vesey Street 5 years*

Question. What is your business or profession?

Answer. *Cotton Spinner*

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
John Meehan

Taken before me this
day of *June* 1891

Police Justice

0764

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.....

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

Dated *June 14* 18 *91* *J. H. Hapson* Police Justice.

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

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

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

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

0765

Ex June 15-10 A.M.

802

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Automo S. Carlo
John M. Meehan
John Ryan

Office of the
from the Prison

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated June 14 1889

H. J. Morgan Magistrate.

Officer.

Precinct.

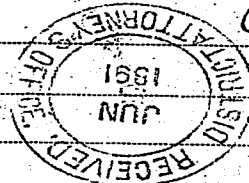
Witnesses Joseph Battina

No. 29 Mulberry Street.

No. Street.

No. Street.

\$ 500 each to answer



Com G. K. 2 person

0766

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 1 DISTRICT.

of No. 6th Precinct Street, aged _____ years,
 occupation Officer being duly sworn deposes and says,
 that on the 13th day of June 1887

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

John Merhan and John Ryan
charged with Larceny from the
person upon complaint of
Antonio Di Carlo. Deponent says
that said De Carlo is a non resident
and a material witness for the
people wherefore deponent prays
that said Di Carlo be committed
to the House of Detention.

Peter Mangano

Sworn to before me, this

of June

1887

day

[Signature]

[Signature]

0767

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Meehan and
John Ryan*

The Grand Jury of the City and County of New York, by this indictment accuse
John Meehan and John Ryan
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *John Meehan and John Ryan*, both

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

*one watch of the
value of five dollars*

of the goods, chattels and personal property of one *Antonino De Carlo*
on the person of the said *Antonino De Carlo*

then and there being found, from the person of the said *Antonino De Carlo*
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.

SECOND COUNT—

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

John Meehan and John Ryan
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*John Meehan and John Ryan, both*late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid,
at the City and County aforesaid, with force and arms,*one watch of the value
of five dollars*of the goods, chattels and personal property of one *Antonino De Carlo*by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said *Antonino De Carlo*

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

*Meehan and John Ryan*then and there well knowing the said goods, chattels and personal property to have been feloniously
stolen, taken and carried away, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.DE LANCEY NICOLL
JOHN R. FELLOWS,

District Attorney.

0769

BOX:

441

FOLDER:

4066

DESCRIPTION:

Meyer, Carl

DATE:

06/15/91



4066

0770

Witnesses:

Counsel,

Filed

Pleads,

15 day of June 1891

THE PEOPLE

vs.

I

Carl Meyer

DE LANCEY NICOLL,

District Attorney.

Grand Larceny Second Degree.
[Sections 528, 581, — Penal Code.]

A True Bill.

John F. G. Foreman.
James G. G.
Frank G. G.
S. P. G. G.

0771

Police Court— / District.

City and County } ss.:
of New York,

of No. Pier 24 North River Steamer Homer Ramsdall Street, aged 25 years,

occupation Captain of Steamer being duly sworn

deposes and says, that the ~~premises~~ State Room Closer Street,

in the City and County aforesaid, the said being a on the Steamer

Homer Ramsdall

and which was occupied by deponent as a Sleeping apartment

~~and in which there was at the time a human being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly breaking the

door of said Closet by cutting the

wood work and removing the lock on

the said Closet said Closet being on said Steamer

at the foot of Franklin Street in this City at Pier 24 North

on the 2nd day of June 1891 in the day time, and the River

following property feloniously taken, stolen, and carried away, viz:

A quantity of mens wearing
apparel valued at Fifty
dollars \$50 ⁰⁰/₁₀₀

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Carl Meyer now here

for the reasons following, to wit:

Deponent securely locked
the door of said Closet at about the hour
12. m on the 1st day of June 1891 and
at the hour of 12.15 on the 2nd day of June 1891
Deponent found said Closet broken open
and said property was missing.
Deponent further says that he saw
the defendant leaving said pier with
a box in his possession. Sarah

0772

Committees the Stewards of said
Steamer says that she saw the defendant
on said Steamer at about the hour
of 10 A M on the 2nd day of June 1891
and that he asked her what the Steward
was. Defendant after being informed
of his rights says he is guilty.
Whereupon therefore charges the defendant
with Burglary and prays that he
be held to answer.

Sworn to before me this } George Van Stemborg
9th day of June 1891 }
C. J. [Signature] }
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Burglary

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0773

CITY AND COUNTY }
OF NEW YORK, } ss.

Sarah Comithus

aged *29* years, occupation *Stewardess* of No.

Steamer Homer Ramsdale Pier 24 North River

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

George Van Stenberg

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

9th

day of

June

188*9*

Sarah Comithus

E. H. [Signature]

Police Justice

0774

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK,

Carl Meyer 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. *Carl Meyer*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *333 Myrtle Ave Bklyn 4 years*

Question. What is your business or profession?

Answer. *Radio*

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

Answer. *I am guilty of the charge*

Carl Meyer
~~his~~
~~mark~~

Taken before me this

day of

Police Justice

0775

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.....

De fundus
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 *June 9th* 1891 *[Signature]* Police Justice.

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

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

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

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

0776

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Van Steenberg
Pier 24 North River
Officer Homer Ramsdal
Carl Meyer

1.

2.

3.

4.

Offence
Burglary

Dated

June 9th 1891

Magistrate.

Mallon W. Adams Officer.

Precinct.

Witnesses

No.

Sarah Amstutz
Pier 24 North River
Officer Homer Ramsdal

No.

G. V. Ramsdal Street.

No.

133 Grand St Street.

\$

100 to the sum of *ONE* hundred dollars.

Committed

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0777

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Carl Meyer

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse Carl Meyer

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

The said Carl Meyer,

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

divers articles of clothing and
wearing apparel, of a number and
description to the Grand Jury aforesaid
unknown, of the value of fifty dollars,

of the goods, chattels and personal property of one George Van Stienburgh,

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.

DeLaney Kiell,
District Attorney.

0778

BOX:

441

FOLDER:

4066

DESCRIPTION:

Meyer, Catharine

DATE:

06/15/91



4066

0779

Counsel,
Filed
Pleads,
15 June 1891

THE PEOPLE

vs.

P

Catharine Meyer

BIGAMY
(Section 298, Penal Code.)

De Lancey Nicol,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

Charles J. Smith,
Foreman,
Jury 6/11/91
Hearle Smith,
Pen 3 months.

Verlag von Ernst Kaufmann, 66 Wilson Street, New-York.

No. 100.

Es ist nicht gut das der Mensch allein sei, ich will ihm eine Gesellschaft machen die um ihn sei. Mos. 2. 18.

in Jersey City, N.J.
 John Jacob Astor, Esq.
 AD. Commodore Astor, Esq.
 Jersey City, June 8th, 1891
 worden sind, wird hierdurch gleichmässig bezeugt.

Ich habe mein ganzes Leben lang nicht das Leben eines Menschen gelebt, sondern das Leben eines Christen. Joh. 1. 12.

Ich bin das Licht und das Leben der Welt, wer mich nicht annimmt, der wird blind sein. Joh. 1. 9.

Ehelich
 verbunden
 durch den Unterschieden in Gegenwart der Brüder:
 Mr. John Jacob Astor, Esq.
 Mr. John Jacob Astor, Esq.
 Mr. John Jacob Astor, Esq.
 Mr. John Jacob Astor, Esq.

Das Leben ist ein Kampf, der nicht ohne Gott zu gewinnen ist. Joh. 1. 12.

Der Vater weiss, was ihr bedürft, er theilte denn ihr in bittet. Mathe. 6.

0781

This certifies that Georg Klingmann
of Netter-Binan, Baden, and Katharine Wilhelmine
Meyer, nee Beres, of Bremen, Germany, were united
in marriage according to the ordinance of God and
the laws of the state of New York at New York
on the 25th day of March 1891.

Witnesses:

Caroline Leit,
Suzanne Laufersweiler.

New York, May 2nd 1891.

Leo Koenig,
Pastor of the German Ev.-Luth.
St. Paul's Church,
6 Ave. 9. 15. St.

0782

Police Court,

5th District.City and County } ss.
of New York,

of No.

occupation

that on the

York, in the County of New York,

George Klingman
 54 Columbus Street, aged 51 years,
 Sailor being duly sworn, deposes and says,
 25th day of March 1889, at the City of New

Catherine Meyer
 did feloniously take and
 herself a husband she at
 the time having a husband
 living in violation of Section
 29 of the Penal Code of the
 State of New York for the years
 following to wit: On the
 said date the defendant was
 married to the defendant
 at St Paul's Church 6th Avenue
 and 18th Street in this City. She
 representing to defendant that
 she was not married at the time.
 Defendant is informed by
 Jacob Schum (now dead) that
 he Jacob Schum married
 the said Catherine Meyer
 in the City of Hoboken in the
 State of New Jersey ^{in August 20, 1888.} and that
 she is still his lawful wife
 he not having been divorced
 from her. Wherefore defendant
 swears that the said actress
 Catherine Meyer is a defor-
 mer and bound to answer
 the said complaint.

Sworn to before me }
 This 25th day of March 1889 } Jerry Klingman

M. A. Noble

Police Justice

0783

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 65 years, occupation Barber of No. 100

Stapleton St. Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George Benjamin
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 4

day of June 1889

Frederick J. Frank

W. J. Pellet

Police Justice.

0784

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer.

Catherine Meyer

Question. How old are you?

Answer.

45 yrs

Question. Where were you born?

Answer.

Germany

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

Answer.

849 Columbus Ave 3 months

Question. What is your business or profession?

Answer.

Housekeeper

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

Answer.

I am not guilty
*her**Catherine X Meyer*
mark

Taken before me this

day of

1891

Police Justice

0785

Sec. 151.

Police Court 5 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of
New York, or any Marshal or Policeman of the City of New York, 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 George T. Freeman
of No. 549 Columbus Avenue Street, that on the 25 day of March
1899 at the City of New York, in the County of New York,

Catherine Meyer did feloniously
steal from the said George T. Freeman
a quantity of goods, to-wit: a
violin and bow, valued at \$25.00
of the Personal Property.

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 4 day of March 1899

W. J. [Signature] Police Justice.

0786

Catharine Meyer 43: Germany -
The within named
125 West 101st

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, 189

..... Police Justice.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Warrant-General.

vs.

Dated 189

Magistrate.

Officer.

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

W. J. Wickert
Officer.

Dated June 5th 189

This Warrant may be executed on Sunday or at
night.

Police Justice.

0787

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

Defendant

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

Dated *June* 18 *91* *[Signature]* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

0788

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Klingman
849 6th Ave
Bathurst Meyer

2
3
4

Dated *June 5* 189*1*
Police Magistrate.

Hickin Officer.
Court Precinct.

With *James P. Schenck*
Maple St. Street.



No. Street.

No. Street.

\$ *2000* to answer *G.D.*

4 June 9. 9. 30

C. M.

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0789

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ratharine Meyer

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

Ratharine Meyer

of the CRIME OF BIGAMY, committed as follows.

The said *Ratharine Meyer*,

late of the City of New York, in the County of New York, aforesaid, on the 19th day of *August*, in the year of our Lord one thousand eight hundred and *eighty eight*, at the City of *Brooklyn* in the State of *New Jersey*,

did marry one *George Schmidt*, and since

the said *George Schmidt*, did then and there have for

her husband; and the said *Ratharine Meyer*,

afterwards to wit on the 25th day of *March*, in the year of

our Lord one thousand eight hundred and *ninety one*, at the City and County of *New York*, aforesaid,

did feloniously marry and take as *her husband* one *George Klingman*,

and to the said *George Klingman*,

was then and there married, the said *George Schmidt*

being then living and in full life, 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
JOHN R. FELLOWS,

District Attorney.

0790

BOX:

441

FOLDER:

4066

DESCRIPTION:

Meyer, Joseph

DATE:

06/02/91



4066

0791

Witnesses :

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Joseph Meyer

Burglary in the second degree.
-
West Lanning -
[Section 49, 505, 52, 512]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Ambrose
Foreman.
James J. Kelly
James D. Kelly

0792

Police Court—3rd District.City and County } ss.:
of New York,of No. 57 Orchard Street, aged 20 years,
occupation Keeps house being duly sworndeposes and says, that the premises No. 57 Orchard Street, 10th Ward
in the City and County aforesaid the said being a tenement housethe fourth floor of dwelling place
and which was occupied by deponent as aand in which there was at the time a human being, by name Sarah Grubman
(deponent)were BURGLARIOUSLY entered by means of forcibly opening a window
leading to said premises, and
which window had been shut
by deponenton the 31 day of May 1891 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:A coat and pair of pants
of the value of aboutThree (300)
Dollarsthe property in care and charge of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away byJoseph Meyer (now here)

for the reasons following, to wit:

Deponent says, - about 4:30 am,
being awake, she saw an arm inserted
in the room where deponent was at the
time, and said window was open and
said defendant, having gone after defendant
and, after she had seen him feloniously
take said coat and carry away said property
from said room, pursuing defendant
to the top floor and on the roof, and

causing defendants arrest in the ad-
joining house, by Officer Adam
Randy of the 1st Precinct. Wherein
defendants charges defendant with burglary,
entering said premises, and feloniously
taking, stealthy and cunningly, said
city from defendants assist, and possession,
sum to be paid, June 1893. Sarah F. Gubman
man

[Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
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 1888
Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of _____

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated 1888 _____

Magistrate. _____

Officer. _____

Clerk. _____

Witness, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

\$ _____ to answer General Sessions.

0794

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Meyer 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.

Joseph Meyer

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

Russia

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

Answer.

23 Christopher St. N.Y.C.

Question. What is your business or profession?

Answer.

Painter

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

Answer.

I am not guilty

Joseph Meyer

Taken before me this

31

day of May 1894

John J. McCall
Police Justice

0795

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 _____

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

Dated *May 31* 18*91* _____ *Lawrence* 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.

0796

Police Court--- 3^m 736 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sarah Grubman
57 - Orchard St.
Joseph Meyer

Office
Meyers

2
3
4

Dated May 31^m 1891
Meade Magistrate.

Adam Roedig Officer.
11th Precinct.

Witnesses Said Officer

No. Isaac Mashowitz
55 Orchard Street.

No. 1000
JUN 1891
RECEIVED
DISTRICT ATTORNEY

\$ 1000
Cm Bing P.

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Meyer

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

Joseph Meyer

of the CRIME OF BURGLARY IN THE *second* DEGREE, committed as follows:
The said

late of the *Tenth* Ward of the City of New York, in the County of New York
aforesaid, on the *thirty first* day of *May*, in the year
of our Lord one thousand eight hundred and eighty *nineteen*, with force and arms, about the
hour of *four* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Sarah Grubman*

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *Sarah Grubman*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods
chattels and personal property of the said *Sarah Grubman*

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity,

SECOND COUNT—

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

of the CRIME OF

LARCENY

committed as follows:

The said

Joseph Meyer
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*one coat of the value of two
dollars, and one pair of
trousers of the value of one
dollar*

of the goods, chattels and personal property of one

in the dwelling house of the said

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

De Lancey Nicoll
District Attorney

0799

BOX:

441

FOLDER:

4066

DESCRIPTION:

Mihan, Henry

DATE:

06/03/91



4066

0800

BOX:

441

FOLDER:

4066

DESCRIPTION:

Sambeth, Joseph A.

DATE:

06/03/91



4066

0801

POOR QUALITY
ORIGINAL

Witnesses:

(501)

The last Sambeth having
been used as a state witness
and given evidence herein
against Capt. Michan I
recommend that he be
dealt leniently with
by the Court.

Jun 18/91
Whitaker Green
reply and wait on

27 *Godfrey & Son for No. 1.*

S. B. Baldwin
Counsel,

Filed *3* day of *June* 1891

Pleads, *10*

THE PEOPLE

vs.

Henry Michan

and

Joseph A. Sambeth

DE LANSEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

*Grand Jury, 2nd degree
Sec. 528 & 531 Penal Code*

Part I June 29/91

Handwritten signatures and notes, including "A TRUE BILL" and "Foreman."

0802

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Frederick Booss
of No. *449-Broadway.* Street, aged *64* years,
occupation *Currier* being duly sworn,
deposes and says, that on the *22* day of *March* 189*0* at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the *day* time, the following property, viz:

*Good and Lawful Money of the
United States of the amount of
Ninety Five dollars and seventeen cents.*

the property of *F. Booss & Brothers* of which *Currier*
deponent is a Co. Partner.

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 *Henry Myhan, and Joseph A
Sambeth* (who is now under arrest and
under indictment for another complaint)
from the following facts to wit: That on
the aforesaid date the said *Sambeth* was
in the employ of deponent as a Book-keeper
at his place of business No *449-Broadway.*
and that by virtue of said employment
the said *Sambeth* was entrusted with the
keeping of deponent's book, in which the
accounts of deponent with various men
who were in deponent's employ as Dressers
were kept, and to certify to and give
vouchers to said Dressers, for the amount
due to them, from deponent for goods which

Sworn to before me this

189

Police Justice

they had delivered to deponent, And deponent further says that the said defendant Myhan who was in deponent's employ as a Dresser, brought to and delivered, to deponent a number of dressed skins of the amount and of the value of One hundred and Eighty Dollars and Eighty-three cents. And deponent further that the said Sambeth then while acting in concert with the defendant made entries in the various Books under his care, of said skins received from said defendant, and did then make a voucher to said Myhan in which voucher, was shown that there was due to said Myhan from deponent the sum of Two Hundred dollars, which voucher was paid and said Myhan took and carried away the said sum of Two Hundred dollars. And deponent further says that he has seen and examined the writing in the said Books in which the account of said Myhan was kept, and fully recognizes and identifies all said entries in said Books, to be in the handwriting of said Sambeth. Deponent further says that the voucher hereto annexed and which is a part of this Complaint is the voucher which was written and made out by said Sambeth and which said Sambeth gave to the defendant Myhan on the aforesaid date for the skins which said defendant had delivered to deponent amounting to the sum of One hundred and Four dollars and Eighty-three cents. Deponent therefore charges the defendant Myhan while acting in concert with said Sambeth in having committed a Larceny and asks that they may be held and dealt with as the Law may direct.

Sworn to before me
this 28 day of May 1891
Charles Neenater

Prosecutor

0804

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.15th District Police Court.

Henry Myhan 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 Myhan

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. Germany

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

Answer. 132 Third Place Brooklyn 2 years

Question. What is your business or profession?

Answer. Furrier

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 guiltyHenry Myhan

Taken before me this

day of May 1934
Charles M. H. Justice
Police Justice

0805

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK,

1st District Police Court.

Joseph A Sambeth 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. *Joseph A Sambeth*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *20 East 115 St 5 months*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am guilty**J. A. Sambeth*

Taken before me this

*29**Charles J. Stephens*

Police Justice

0806

Sec. 151.

Police Court _____ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
 Justices for the City of New York, by *Medeuch Bores*

of No. *449 Broadway* Street, that on the *22* day of *March*

188*8* at the City of New York, in the County of New York, the following article to wit:

Good and lawful Money of the United
States of the amount and

of the value of *Niney Five $\frac{17}{100}$ - (95 $\frac{17}{100}$)* Dollars,

the property of *J. Bore and Brother*

w*as* taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
 believe, by *Henry Myhan*

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
 Sheriff, Marshals and Policemen, and every of you, to apprehend the bod*y* of the said Defendant
 and forthwith bring *him* before me, at the *1* 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 *24* day of *May*, 188*8*
Charles McIntire POLICE JUSTICE

0007

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Nauly Cosgrove Officers

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

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.

The within named

0808

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 Henry A. Thompson

~~defendant~~ Joseph A. Sambeth and Henry Myhan guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 29 1891, Charles Hunter Police Justice.

I have admitted the above-named Henry Myhan

to bail to answer by the undertaking hereto annexed.

Dated May 29 1891, Charles Hunter 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.

0809

BAILED.

No. 1, by Jacob Frymader
Residence 52 W 428th Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court---

District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Frederick Bross
4119th Bway
Henry Myhan
Joseph A. Samuels

3
4

Officer

Dated

1891

Magistrate.

Officer.

Precinct.

Witnesses.

No.

Street.

No.

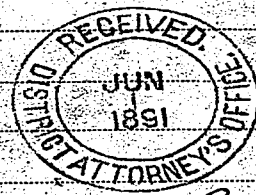
Street.

No.

Street.

2000 to answer G. S.

Committed



08 10

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions.
Part IThe People
vs.
Henry Michan

BEFORE

~~By~~ His Honor Judge Cowing

June

1891

WITNESSES.

	Direct.	Cross.	Re-Direct.	Re-Cross.
Joseph A. Sambeth	1	8		
Alexander Bagtrane	30	33		
Patrick H. Boyle	36	40		
Fredrick Booss	64	66		
Case for the Defence				
Adolph Bowach	89	90		
Simon Reimann	91			
Louis Cohen	92			
Willip Herzog	93			
Kate Cameron	97			
Alice Mulchay	97			
Meyer Goldstein	98			
Henry Michan	106	121		
Joseph A. Sambeth (recalled)	134			
Arthur Huns	146			
Patrick H. Boyle (recalled)	147			
Meyer Goldstein (recalled)	148			
Adolph Huns	149			
Fredrick Booss (recalled)	150			
Henry Michan (recalled)	152			

THE PEOPLE,

COURT OF GENERAL SESSIONS, PART I.

vs.

BEFORE JUDGE COWING.

HENRY MIHAN;
Jointly indicted with
JOSEPH A. SAMBETH.

Monday, June 15, 1891.

Indicted for GRAND LARCENY, in the second degree.

HENRY MIHAN alone on trial.

Assistant District Attorney Lynn, for The People.

Mr. Stephen C. Baldwin, Counsel for the Defendant.

JOSEPH A. SAMBETH, sworn, and examined by Mr. Lynn:

Q. Sambeth, you are one of the defendants in this case, are you not, jointly indicted with Henry Mihan?

A. Yes, sir.

Q. You have pleaded guilty to that, have you not?

A. Yes, sir.

Q. You are now awaiting your sentence?

A. Yes, sir.

Q. Now, did you work for Frederick Booss, in this city?

A. Yes, sir.

Q. At 449 Broadway?

A. Yes, sir.

Q. In what capacity did you work for him?

A. Manufacturing book-keeper.

Q. You were his manufacturing book-keeper?

A. Yes, sir.

Q. That is, you took charge of the books that contained the amount of work, the character of work and the amount due the different workmen; is that it?

A. Yes, sir.

Q. There were other book-keepers in the firm, were there not?

A. Yes, sir.

Q. Bertram was one?

A. Yes, sir.

Q. He is the head book-keeper? A. Yes, sir.

Q. Just tell us what your duties are, Mr. Sambeth?

A. Whatever work goes out in the manufacturing department, we charged in the books, and on slips for the workmen.

Q. You charge piece-work that goes up stairs on the slips to the workmen?

A. Yes, sir, and enter it on the books when it comes down, and is settled by Booss; they turn in the ticket to me, and I credit it on the book as the workers come in.

Q. Then Mr. Booss examines the work when it comes down?

A. Generally, yes.

Q. He fixes the price for the piece-work that the workman does?

A. Well, in regard to that, we are in the place there hired by salary; but the work done outside there is a certain price fixed at the start of the season to the men.

Q. The defendant, Mihan, was a workman in Booss's place with you?

A. No, sir; he was a workman on the outside.

Q. That is, he did work outside for the firm? A. Yes, sir.

Q. Was the defendant a workman by the piece or by the week?

A. By the piece.

Q. Now, is there a standard grade price fixed for the class of work he did?

A. Yes, sir.

Q. When he took the work out did you check it?

A. Yes, sir.

Q. When he brought it back did you check it? A. Yes, sir.

By the Court:

Q. That was part of your duty? A. Yes, sir.

By Mr. Linn:

Q. Who was it that fixed the price of Mihan's work when it

came back?

A. At the start of the season Mihan would come up to Mr. Booss; they had fixed prices for dressing the skins, and I generally took a memorandum on the card for each skin, what price they agreed upon.

Q. The price agreed upon?

A. Yes, sir.

Q. How long have you known this defendant, Mr. Sambeth?

A. Since I was on Booss's employ.

Q. How long ago is that?

A. About three years.

Q. When did the intimate relations, which is claimed in this trial here, first begin?

Objected to as calling for a conclusion.

Objection sustained.

By The Court:

Q. When did you become intimate?

A. I couldn't tell you exactly the time.

By Mr. Lynn:

Q. How long ago?

A. A year and a half previous to the time that I left there.

Q. You left where?

A. Left Booss.

Q. You left him because you were arrested?

A. No, sir; I asked for a vacation, and I did not return to the place.

Q. About a year and a half?

A. I wouldn't say exactly.

Q. Well, now, give me the conversation that you and this man Mihan had, when you began this matter of changing the stubs?

A. He used to come to me and ask for more money than he was entitled to.

Q. What did he say?

A. I do not know exactly what he said in regard to that time, he always used to have an excuse -----

Objected to.

Mr. Lynn: I want to show that these men had an understanding under which they acted.

By the Court:

Q. What understanding had you with this defendant with reference to these transactions?

A. When he drew the money he told me he would give me ten, fifteen and twenty dollars. He used to claim somebody was sick; he said he needed assistance to buy butter and saw-dust for his business.

Q. He said he would give you ten or twenty dollars?

A. Yes, sir.

Q. He had no right to say that, had he?

A. No, sir.

By Mr. Lynn:

Q. What was he to give you ten or fifteen dollars for?

A. To make out the voucher in excess of what he was entitled to-----

Mr. Baldwin: I object.

By Mr. Lynn:

Q. What was the understanding, if any, that the check should be raised? I want you to tell me now when this relationship between you and him, by which Mr. Boosa was to be robbed --- what understanding you had between you, your talk and his talk?

Objected to, as incompetent, immaterial, irrelevant and as calling for a conclusion.

By the Court:

Q. Leave out the stealing. What was the understanding, give the words, what he said to you and you said to him--- word for word, when it was and where it was?

A. I cannot exactly state the time; it was in the place

of business there, and he was to give me ten dollars or fifteen dollars; he said that he was in need of this money.

Q. In need of what money? A. The money that I was to make out the voucher in excess. He came to me in the place, and asked me to make out a voucher in excess of what he was entitled to.

Q. What did you say to that? A. I told him that I didn't like to do it, first off; but after a while I went in with him, and he told me he would give me ten dollars or fifteen dollars.

By Mr. Lynn:

Q. Tell us what you were to do?

A. Make out a voucher in excess of the amount he was entitled to.

Q. How was it to be secured, how were you to do it?

A. I would make out a voucher -- if he was entitled to fifty dollars work, make out a voucher for seventy-five, eighty or eighty-five dollars, something like that; I would give him the voucher and he would give it to the cashier, and the cashier would give him the money, and he would give me ten dollars or fifteen dollars --- like that.

Q. You were to give him the voucher, or stub, and, on presentation by him to the book-keeper, he would get it cashed--- to be entitled to the amount of money you marked down?

A. Yes, sir.

Q. He would compensate you for your dishonesty by giving you ten or fifteen dollars; is that it? A. Yes, sir.

Q. That was about a year and a half ago, was it?

A. Yes, sir; some time like that

Q. Now, let us come down to the one in question here. Look

at that and see what that is? (Paper shown.)

A. That is a voucher I made out.

Q. Did you make that out?

A. Yes, sir.

Q. What was that for?

A. He brought in some work that evening.

Q. What kind of work did he bring in?

A. Dressed skins.

Q. And delivered them?

A. Yes, sir.

Q. And what ^{was} the real, actual amount that Miham was entitled to for the work he brought in then?

A. I think it was about one hundred and four dollars, something like that.

Q. What did he say, if you recollect?

A. I cannot recollect that conversation; I know he came to me, and he asked me to make out a voucher for that amount.

Q. For what amount?

A. For two hundred dollars.

Q. Did you so make it out?

A. Yes, sir.

Q. You gave him that?

A. I gave him the voucher,

yes, sir.

By the Court:

Q. All the work he brought in was valued at one hundred and four dollars?

A. Yes, sir.

By Mr. Lynn:

Q. Did you see him after you gave him that?

A. Yes, sir.

Q. Now, how much money, if any, did he give you as your percentage out of that ninety-four dollars?

A. I could not exactly state the amount, I suppose something about twenty dollars.

Q. You think it was twenty dollars?

A. Something like that.

Q. Let us go back first. Now, look at that paper and see when that two hundred dollar check was -----

Mr. Baldwin: I ask for the production of those books.

The Court: The decision is reserved.

Mr. Baldwin: I need the books, in order to cross-examine the witness.

By Mr. Lynn:

Q. What is the date of that? A. March 22, 1890

Q. Was that the same day that he brought in the one hundred and four dollars worth of work you have testified to, for which you gave a check for two hundred dollars?

A. Yes, sir.

Q. When was it you received your compensation for so doing-- the same day? A. The same day.

Mr. Lynn: We offer this in evidence, mark it People's Exhibit A, June 20th.

Q. What did Mihan do at the time he received that check?

A. He took the voucher and went to the cashier, and got the money from him.

Q. Did he do or sign anything? A. If I am not mistaken, after he received the money he came over to the desk and signed his name at the amount.

Q. Look at the top entry on the page, the top line, and say whether or not that is the place where he signed?

A. Yes, sir.

Q. After he had received the two hundred dollars, and that is the signature there? A. Yes, sir.

Mr. Lynn: We offer that in evidence, as this particular item alone. People's Exhibit B, for identification.

By the Court:

Q. Do I understand you to state that this two hundred dollar check was given to the defendant by you, in pursuance of an understanding between you and him, by which you were to give him an amount of money greater than what was due to him?

A. Yes, sir.

Q. And then he was to pay you a consideration for doing it?

A. Yes, sir.

Q. This two hundred dollars given to the defendant, at the time you gave it to him, was in excess of what the firm owed, about ninety-six dollars?

A. Yes, sir.

Q. And he requested you to do this, did he, from time to time?

A. Yes, sir.

CROSS EXAMINATION:

By Mr. Baldwin:

Q. What is your age?

A. About twenty-nine.

Q. Where were you born?

A. In this city.

Q. When did you go into the employ of Booss and Co.?

A. I couldn't tell you the exact date, it was sometime in September or October, 1887, if I am not mistaken---1886 or 1887, I don't know which.

Q. Were you out of employment at the time?

A. Yes, I believe I was.

Q. How long had you been out of employment?

A. Before that?

Q. Yes?

A. I do not know, I was out a few months, during the summer months.

Q. Four months?

A. Yes, sir.

Q. Who did you work for before you went with this firm?

A. E. P. Huyler.

Q. What business was he in? A. Patent medicine business.

Q. Where? A. No. 77 West Third street.

Q. How long were you with him?

A. About seven years, between six and seven years.

Q. What salary did you receive at Booss & Co's when you went into their employ? A. When I first went in their employ, I believe it was eight or nine dollars a week.

Q. Did you receive eight or nine dollars the first week you went in their employ? A. Yes, sir.

Q. Isn't it a fact that you worked the first week for nothing? A. No, sir; that was after I was laid off, and I went back to him; I first went to Booss's employ, I went there as bill-clerk.

Q. How long were you with him, altogether?

A. I cannot exactly tell how long I was with him, I might have been two years or two years and a half.

Q. When did you first begin to steal from him?

A. I can't tell the exact date.

By the Court:

Q. Give as near as you can ---how long had you been with him before you commenced stealing?

A. I must have been a year or a year and a half.

By Mr. Baldwin:

Q. For a whole year you were with that firm, without stealing anything?

A. Yes, sir.

Q. Now, you have testified that you have been intimately acquainted with Mr. Mihan, for a year and a half past; is that right?

A. I have been acquainted with him since I have been in the employ of Mr. Booss; I did not say a year and a half.

Q. Well, intimately acquainted?

A. No more than what business brought us together, that is all.

Q. You were never intimately acquainted with him?

A. What do you mean by "intimate?"

Q. You answered the question very readily when the District Attorney asked you?

A. He did not ask me.

By the Court:

Q. Were you intimate enough with him to make an arrangement to steal from your employer?

A. Yes, sir.

By Mr. Baldwin:

Q. When did you first have a conversation with Mihan, during which it was agreed that you two should steal from F. Booss & Co.?

A. Well, I cannot exactly say the date, because I do not remember it any more.

Q. Can't you give me any idea of the time?

A. It might have been in the beginning of the year, it might have been four or five months after.

Q. The beginning of what year?

A. I cannot tell the exact year, I could tell from the books, if I seen them.

Q. Can you tell from this receipt book that has just been put in evidence?

A. No, sir.

Q. What book can you tell me?

A. From the book I kept, charging the skins, &c.

Q. What was that called -- the labor ledger?

A. Yes, sir.

Mr. Baldwin: I have given the Prosecution notice to produce the books, I have subpoenaed the complainant to produce these books. I now claim the privilege of asking if Frederick Booss is incourt, before going on with the examination of

this witness. Did you produce the books I subpoenaed you to produce?

Mr. Booss answered that he had produced them.

Mr. Lynn: I want the books, the counsel has got to produce Mr. Booss as a witness on the stand.

The Court: You may ask Mr. Booss the question. The only question is, whether you are entitled, at this stage, to the books? You have served a subpoena to produce the books in court. I take it, until the proof that the subpoena has been served is given, the Court cannot act. I will reserve my decision, I will deny your motion for the present.

Mr. Baldwin: Your Honor understands the position in which you place me?

The Court: I will let you recall the witness for cross-examination.

By Mr. Baldwin:

Q. Now, Mr. Sambeth, you have told the whole story with regard to your connection with this firm and this stealing, on the direct-examination, by the learned District Attorney; did you not? A. Yes, sir.

Q. When was it that you left the employ of F. Booss & Co.?

A. It must have been about the 11th of June.

Q. Of what year? A. Of 1890.

Q. Just about one year ago you left their employ?

A. Yes, sir.

Q. Under what circumstances did you leave their employ?

A. I asked for a vacation and a vacation was granted me.

Q. When did you ask for a vacation? A. I asked a week before the time, a week or two, probably three weeks---it might have been four weeks, I can't tell exactly.

Q. How long a vacation did they give you?

A. I asked for a week, if I am not mistaken, and I took an extra week; I came down and asked for a week, or something to that effect, I cannot remember that -- anyhow-, I know I took a vacation; I asked Mr. Booss to give me a vacation, and I got a vacation.

Q. Do you mean to say that your memory is so indifferent as to matters that occurred a year ago that you do not know how long a vacation your firm gave you?

A. Yes, sir; I mean to say that I do not exactly remember whether it was a week or two weeks.

Q. Well, as matter of fact, didn't your vacation -- didn't your vacation extend to considerably beyond a week or two weeks?

A. Yes, sir.

Q. Why was that -- state so these gentlemen can hear you-- why was that?

By the Court:

Q. Why did it extend longer?

A. I did not care to go back, I did not want to go back again, I had other troubles beside that.

By Mr. Baldwin:

Q. The only reason was because you did not want to go back?

A. I had other troubles beside that.

Q. The only reason you did not go back was because you did not want to go back, because you had other troubles beside that; is that right?

A. Yes, sir.

Q. What kind of troubles did you have beside that?

A. Well, I do not know whether it has anything to do with the business.

Q. You do not want to answer the question; do you?

A. Well, family troubles, it had nothing to do with the business.

Q. Only family troubles?

A. Yes, sir.

Q. Is that all?

A. Yes, sir, besides this trouble here.

Q. That is all the trouble you had, was it?

A. Yes, sir.

Q. When you left on that vacation, on the 11th day of June, 1890, where did you go?

A. I don't remember where I went, I don't think I went out of town.

Q. You do not remember where you went?

A. No, sir.

Q. You do not think you went out of town?

A. I may have gone out for a day or two, I may have gone down to Coney Island or gone up to Newark, or somewhere like that, I do not remember that.

Q. And, at the end of one week or two weeks, you did not report at the store?

A. I came to the store several times.

Q. During your vacation?

A. Yes, sir; I came there during my vacation, if I am not mistaken.

Q. Where did you go then?

A. Nowheres, in particular.

Q. Where had you been since that time?

A. This was weeks after that I went down; about the 6th or 7th of July I went to Washington.

Q. Then where did you go?

A. I came back to New York.

Q. Then where did you go?

A. Well, I stayed here in New York for two or three weeks, and I went out West.

Q. Where did you go when you went out West?

A. I went to Chicago and I went to Milwaukee.

Q. Now, during the time that you were unemployed in New York--- or I mean during the time after you had left the employ of this firm, and you stayed in New York, did you secure any employment?

A. Why, yes.

Q. What was it?

A. Several things.

Q. Well, tell us what?

A. Working for several parties, I did what I could. First off, I did not have good success; I used to go to the Young Men's Christian Association, looking for employment.

Q. You went to the Young Men's Christian Association, looking for employment?

A. Yes, sir.

Q. Did you get any?

A. I was put off day after day, without trying to get me employment. One time I had employment, helping to decorate a house, something like that; I was willing to accept anything to keep me from starving.

Q. Did you have a wife at that time?

A. Yes, sir.

Q. And family?

A. Yes, sir, I had a child.

Q. When you say you had trouble at home, did you have reference to trouble with your wife?

A. Yes, sir.

Q. Did you steal from your wife?

A. No, sir; I did not steal from my wife.

Q. You did not?

A. Steal from my wife? No, sir, I had my own money, I had money that was left to me.

Q. Oh, then you were a man of property?

A. No, sir, I didn't say I had any property.

Q. Well, money is not property, according to your notion, is it --- you were a man of means, you had something, you had money, besides what you earned in Booss & Co's?

A. At the start, yes, sir.

Q. How much money did you have?

A. I got this money before I went in Mr. Booss's employ. You are going into family matters now, that I don't think is connected with this case at all.

Mr. Lynn: He wants to know if you stole; tell him all about it --- if you have any money, tell him.

By Mr. Baldwin:

Q. How much money did you receive? A. \$1484.00.

Q. When was that? A. About four or five years ago, I think.

Q. Four or five years ago? A. Yes, sir.

Q. What did you do with that money? A. I kept house.

Q. How long before it was expended?

A. I can't tell, exactly.

Q. Did you have any of it when you went with Booss & Co.?

A. Yes, sir, I had some left of it.

Q. You say that you did not steal from your wife; did you steal any diamonds from your wife?

A. Diamonds?

Q. Did you forget that? A. All my wife ever had was a diamond ring I gave her.

Q. Did you steal that from her? A. No, I did not steal it; I got it and afterwards I pawned it.

Q. Well, you got your wife's diamond ring and pawned it; but you stole this money from this firm -- is that what you mean to say?

A. I do; after all my money went out, I had to keep house, and I went in with Miham on account that I had no more money -- I had to keep house.

15 Q. Well, you went to Milwaukee; what did you do there that de-

tained you in Milwaukee -- do you know what I mean?

A. Yes, sir.

Q. Do you know what I mean?

A. Yes, sir.

Q. Tell the gentlemen of the jury?

A. I forged a check.

Q. Did you apply in Milwaukee to the Young Men's Christian Association, for employment?

A. No, sir.

Q. Did you secure any employment there?

A. Yes, sir.

Q. Who with?

A. F. A. Lappin & Co.

Q. What is their business?

A. House furnishing goods.

Q. And did you forge their check?

A. Yes, sir, I forged their name to the check.

Q. As makers or endorsers?

A. As makers.

Q. And then did you get the check cashed?

A. Part of it, yes, sir.

Q. Who cashed it?

A. A person I was acquainted with.

Q. Who was the party?

A. A party of the name of

E. Koult.

Q. What is his business?

A. Saloon-keeper and musician.

Q. How much did he give you for the check?

A. Forty dollars.

Q. You were arrested for forging that check?

A. Yes, sir.

Q. Where were you taken, before a Police Magistrate?

A. Yes, sir.

Q. What was your plea?

A. I waived examination.

Q. Did you plead guilty?

A. No, sir.

Q. You pleaded not guilty, didn't you?

A. Yes, sir.

Q. And then what happened you?

A. I was going to make the check good.

Q. Tell me what then happened to you?

A. They put me in jail there.

Q. When were you in jail in Milwaukee, charged with having committed a forgery?

A. About the 7th or 8th of April, somewhere around there.

Q. Of this present year?

A. Yes, sir.

Q. How did you come to go to New York from Milwaukee, upon this charge?

A. I was brought here.

Q. Who brought you here?

A. Sergeant Detective Hanley.

Q. This gentleman here (pointing to the officer)?

A. Yes, sir.

Q. Was any one with him?

A. No, sir.

Q. Did you come right from the jail in Milwaukee to New York?

A. I came from the court-house here; from the court-room I went back to the jail and got some things from the jail, and I came on from Milwaukee here.

Q. Who made the charge upon which you were arrested in Milwaukee?

A. Ed. Kault.

Q. The gentleman who cashed the check?

A. Yes, sir.

Q. And did he withdraw that charge?

A. Yes, sir.

Q. It was upon his withdrawal of the charge that you were permitted to go with Detective Hanley and Mr. Ferguson to New York?

A. Who is Ferguson?

Q. Well, with Detective Hanley, to New York?

A. Yes, sir, Detective Hanley.

Q. Do you know why it was that Mr. Kault withdrew that charge?

A. I suppose, because he got his money paid.

Q. That is the only reason you know?

A. Yes, sir; I only had one or two conversations with Koult, when he came up to see me in Jail; he told me -----

Q. Never mind about that.

A. You want all I know?

Q. Where is the item you identified?

A. That is it (pointing it out in the book).

Q. Did you write the word "March?"

A. Yes, sir.

Q. And the figures "22?"

A. Yes, sir.

Q. Did you write the word "H. Mihan?"

A. I did, on that side, yes, sir.

Q. And then you wrote the figures "200?"

A. Yes, sir.

Q. And after you did all that, did Mihan sign there?

A. That is Mihan's signature; yes, sir.

Q. After you did that, did Mihan sign there?

A. After I made that out on this line, I gave Mihan a voucher and he got the money from the cashier, and before he went out I had him sign for the money.

Q. So that you gave him a voucher before he signed this receipt?

A. Yes, sir.

Q. Every time that Mihan came to your place of business with some skins that he had dressed, you made out a voucher for it; didn't you?

A. Yes, sir.

Q. You looked over the skins?

A. Yes, sir.

Q. Every time that Mihan brought you goods, it was your habit to have him receipt for them in this book?

A. He receipted for the amount of money that he received for the goods.

Q. Every time that he came to your store and gave you skins, you put down the date, his name and amount on your voucher, gave him the voucher, and he then went to the cashier and

got his money, and after he got his money, you had him sign the receipt?

A. Yes, sir.

Q. Now, that is so in every case, isn't it?

A. In some cases, if I am not mistaken, he signed it on the voucher, and he was always in a hurry; sometimes he would run out and say, "Sign for me." Once or twice he asked me to sign for him, he was in a hurry.

Q. He invariably went to the cashier with your voucher and got the money?

A. Yes, sir.

Q. You never obtained money then from the cashier, did you?

A. I might have done so once or twice, but not as a rule.

Q. Don't you think you did it more than once or twice?

A. No, sir.

Q. Don't you think you did it twice?

A. I might have done it twice or three times, I do not remember--- I might have done it only once.

Q. You remember perhaps you did it three times?

A. Yes, sir.

Q. Didn't you sometimes write these remarks yourself in this book, in pencil?

A. What do you mean, "Remarks?"

Q. These remarks here, like that, "March 22, H. Mihan?"

A. I cannot remember that.

Q. Do you, or do you not, remember whether, ever, on any occasion, you made a receipt out in pencil?

A. No, I do not.

Q. Will you swear that you did make the receipt out on every occasion in ink?

A. I will not swear to that,

no, sir.

Q. What is your best recollection about it?

A. I don't remember at all, whether I did or not, I

might have done so; sometimes we were very busy; in Winter time there is lots of things coming in, I might have done it in lead pencil, I won't be sure; I may have done it mostly in ink, too.

Q. Are the entries in this book regularly kept, so far as you kept them? A. You mean in that book?

Q. Yes, in regular order? A. Well, no, not in regular order there.

Q. What do you mean by that?

A. I will show you, if you will allow me that book a minute. Sometimes, on a busy night, Mihan used to have a habit of coming in just before closing time, with probably over a thousand skins, and he would be in a hurry and I would give him a voucher; he would get the money and sign it and could not find the place; he probably signed over here, or over here (pointing to the book) -- where there was a vacant line he would sign.

Q. You would let him sign on either side of the book?

A. As long as I had his signature for the money he received.

Q. Any vacant line that happened to come along you would have him sign? A. Yes, sir.

Q. And that is how you account for irregularities in this book, is it? A. Yes, sir.

Q. Now, was it your habit to make out a voucher which Mihan took to the cashier, and did the cashier then give Mihan a check for the amount? A. If it was a large amount he might have given him a check; if he had bills there, he would give it to him in bills.

Q. Sometimes the cashier gave the amount in bills, and some-

times by checks?

A. Yes, sir.

Q. Why didn't you sometimes make out a voucher and go to the cashier and get the bills for it?

A. I don't remember that.

Q. Never, in the course of your experience there, do you remember that?

A. I don't remember that, I would not swear either way to that.

Q. Do you ever remember bringing money from the cashier, upon your own voucher, and then paying Mihan out of it?

A. I paid money, I believe, two or three times when the cashier was not there; myself made the voucher out and went to the cashier's drawer and got the money and paid it, when Mr. Bertram was not present.

Q. Is Bertram in court?

A. I don't know whether he is here or not.

Q. Is that the Bertram you refer to (pointing to a man in court)?

A. I cannot see him so far, I am near-sighted.

Q. Is this Mr. Bertram (pointing to the man)?

A. Yes, sir.

Q. Is this a very large store that you and Bertram worked in?

A. Yes, sir.

Q. What part of the store did you occupy, with relation to Bertram?

A. On the Mercer street side.

Q. He is above you on that side?

A. Yes, sir.

Q. Didn't he have an enclosed place, a sort of boarded place, in which he stood -- a little house by itself, as it were?

A. Yes, sir.

Q. There was a place -- a window, through which you passed the wash?

A. Yes, sir.

- Q. Where was your desk? A. Right opposite.
- Q. You were not inside the little house where he stood?
- A. Not when I was manufacturing book-keeper; when I was bill-clerk I was in the same room with him.
- Q. You did your stealing when you were manufacturing book-keeper?
- A. Yes, sir.
- Q. Was that the time you had a desk outside of this little house, or enclosure, where Bertram was?
- A. Yes, sir.
- Q. Was that desk near his window? A. Right opposite.
- Q. How far away? A. Probably from here about to that railing, from this part of the railing to the other.
- Q. Mr. Mihan would come in your store, you knew he had a factory in Brooklyn, didn't you, or a large work-shop?
- A. Yes, sir.
- Q. And that he employed a number of men and he was the boss?
- A. Yes, sir.
- Q. And he would bring his skins over in a wagon, and you would look them over and give him a voucher; is that right?
- A. Yes, sir.
- Q. But sometimes you stood within the little house and acted as cashier as well as book-keeper?
- A. That is when Mr. Bertram was not present.
- Q. And on those occasions you made out your voucher, took it yourself and paid Mihan the cash through the window, didn't you?
- A. Yes, sir.
- Q. Did you ever make out any checks to him on those occasions?
- A. I believe I made a checkout once for him.
- Q. When was that? A. I do not remember that.
- Q. When the detective brought you on from Milwaukee, did he say

to you --- did he give you any intimation as to why he brought you on?

I seen him.

A. I knew what he came for when

Q. How did you know what he came for?

A. It was in the

papers that Detective Hanley was present in town, and he wanted to take me back to New York.

Q. And didn't he say anything to you about it?

A. Well, I told him, I spoke to Hanley, coming on the train; I told him that I had done a very foolish thing, I was sorry for it, and lost my head at the time when I left town; if nothing else would have happened, I would have turned around and thrown myself on Booss's mercy, and acknowledged the whole thing.

Q. Did he have any talk with you about that?

A. He told me the best way would be to make a clean breast of it.

Q. Did he say anything to you about Mihan?

A. I don't think he did, he may have said something, I don't remember.

Q. A little thing like that would not affect your memory at all?

A. I have got to think of my own trouble.

Q. You do not remember that he said anything to you about Mihan, on the way from Milwaukee to New York?

A. He may have mentioned Mihan's name to me; he may have asked, "Was Mihan in with you in this?" and I told him, "Yes, he was."

Q. Did he ask you that?

A. Yes, sir; he asked me whether Mihan was in with me on this, and I told him yes.

Q. Didn't he suggest to you, first, that Mihan was suspected?

A. I do not remember whether he did or not; he told me to

make a clean breast of the thing, they had the charges against me and I knew I couldn't say anything against it.

Q. Did he say anything to you about Mihan having trouble with this firm?

A. What do you mean, trouble with the firm in what way?

Q. I ask you that question, did he say anything to you about Mihan being in trouble with this firm of F. Booss & Co.?

A. I cannot so exactly remember whether he did or not; he may have said something, and he may not.

Q. Didn't he tell you that Mihan had brought a suit against that firm?

A. Yes, sir, he told me something about that -- that Mihan had brought a civil suit, I believe, against Mr. Booss.

Q. Was it after that that Mihan's complicity with you was mentioned?

A. No, sir.

Q. How did that come to be mentioned?

A. I don't remember how that came to be mentioned; I only know Mr. Hanley spoke to me about it and told me that I was brought on here -- Mr. Booss had me indicted, and I told him I would make a clean breast of the whole thing and say what happened. It was probably the next day that Hanley spoke to me about that.

Q. Was Mihan's the only account that you raised, or forged, in that receipt book?

A. No, sir.

Q. Did you forge somebody else's name there?

A. Yes, sir.

Q. Whose name was that?

A. Mr. Kemtpf.

Q. Was he another workman for the house of F. Booss & Co.?

A. Yes, sir.

Q. Did you forge his name in the book?

A. Yes, sir.

Q. Is it in this book?

A. Yes, sir.

Q. Find it for me, won't you? Look at those two signatures on page 31, of the receipt book, the two last signatures?

A. Yes, sir.

By the Court:

Q. You forged them?

A. Yes, sir.

By Mr. Baldwin:

Q. Are those the only occasions when you forged Jacob Kemtpf's name on this receipt book?

A. I think it is, yes, sir.

Q. Look on page 29; do you see the name "Jacob Kemtpf" there?

A. Yes, sir.

Q. Did you forge that?

A. Yes, sir.

Q. On page 29 there are four signatures of Jacob Kemtpf; did you sign all four?

A. I don't think they are my signatures.

Q. Show me which ones are the genuine signatures of Kemtpf, and those which you forged?

A. Those are two, I believe; those are his signatures (Pointing to the book).

Q. You have testified that you forged two signatures of J. Kemtpf on page 31, and two on page 29?

A. Yes, sir.

Q. Is that all you remember forging of Kemtpf's?

A. That is all I remember, yes, sir.

Q. You hesitated somewhat in picking out these five signatures of Kemtpf's, on page 29, the two that you forged--- now, as matter of fact, you have tried to imitate his signature when you forged his name, didn't you, in each instance?

A. Yes, sir.

Q. Look on page 29, where that blot is?

A. That is his signature.

Q. That is Kemtpf's own signature, is it?

A. Yes, sir.

Q. On page 15 -- is that his signature or is that your signature, with his assistance?

A. That must be his signature, because I was not there at that time. Somebody else has got that on the other side, I was not there at that time.

Q. You know that is his signature, because you were not there?

A. You can see from this side that I didn't write his name there.

Q. But, so far as the writing itself is concerned, you might have made it, if you had been there?

A. No, sir, that is not mine.

Q. Now look at these signatures on page 29, that you assisted Mr. Kemtpf to make; when did you sign those?

A. They were signed on the 26th of October and the 8th of November.

Q. Of what year?

A. That was 1889.

Q. How do you know it was 1889?

A. Because in 1890

I was not there.

Q. Was it in the year 1889, according to your best recollection?

A. Yes, sir.

Q. Somebody has written at the top of the page, supposed to be "1889;" you did not put that there, did you?

A. No, sir.

Q. Do you know whose hand-writing that is?

A. No, sir.

Q. Just before going away on your vacation, which became rather extended from force of circumstances, did you write a postal-

card to Mr. Mihan, in Brooklyn?

A. Yes, sir.

Q. Do you remember what you said in that postal-card? (I call for the postal-card which F. Booss & Co. has got.)---[showing witness a postal card] Is that your hand-writing?

A. Yes, sir.

Q. What is it torn out of that postal-card, do you know?

A. I didn't look at it.

Q. That was written on Saturday, wasn't it?

A. On June 7th, I don't know whether it was on a Saturday, I suppose it was a Saturday, the 7th of June.

Q. You said in that postal-card you would call on Mr. Mihan on Monday and give him the cash?

A. Yes, sir.

Q. Did you call there on Monday?

A. Yes, sir.

Q. Were you engaged in forgeries prior to the time that you gave out false vouchers to Mihan?

A. I never forged Mr. Booss's name before. When I started in there that was the time, from the time, from the date in the books there; I started the first one with Mihan.

Q. What do you mean by forging Booss's name?

A. I thought you wanted to know whether I forged Booss's name.

Q. Did you forge his name, too? A. No, sir.

Q. I say, did you commit forgeries before you began to make false vouchers for Mihan?

A. Do you mean on Mr. Booss or on Mihan.

Q. I do not care on whom, it is immaterial to me?

A. Why, no.

Q. No?

A. No, sir.

Q. You never forged Mr. Kemtpf's name before you did that?

A. Mr. Kemtpf's name -- it is understood, I said I forged his name in a book.

Q. And before you made any false vouchers to give Mihan to cash on that firm, you were in the habit of forging names in that book; weren't you?

A. No, sir.

Q. No, is your answer?

A. I never forged anybody's name in those books.

Q. Didn't you forge Mr. Kemtpf's name?

A. I said I did, yes, sir.

By Mr. Lynn:

Q. He wants to know whether you began these forgeries corruptly before you met Mihan?

A. No, sir.

By Mr. Baldwin:

Q. Did Mihan induce you to make these forgeries, to forge Kemtpf's name?

A. No, sir.

Q. That you did on your own hook?

A. Yes, sir.

Q. I want you to answer me very carefully. Have you forged any other name in this book except Mr. Kemtpf's name--- look at the book?

A. No, sir, I do not see any

in the book there.

Q. You have been six minutes looking over that book to ascertain whether you committed any other forgeries than those you have pointed out there. How far back does that book go, to what year?

A. I don't know how far back, I never looked at it.

Q. Look at it and tell me, you kept the book?

A. As far back as March, 1886.

Q. So that was the receipt book in the manufacturing department of that firm during the entire period that you were book-

keeper there; wasn't it?

A. That book was in

use when I came there.

Q. You have looked through that book from beginning to end, to ascertain whether you committed any forgeries in it, haven't you?

A. No, I have looked where my writing is to see whether there was any.

Q. You looked all the way through the book, haven't you?

A. I looked through it as near as I could.

By the Court:

Q. You have stated there were a few instances in which you had signed Mihan's name, with his permission; pick out where you signed that?

A. Yes, sir.

Mr. Baldwin: I thank your Honor for calling attention to it.

By Mr. Baldwin:

Q. You did sign his name, with his permission?

A. Yes, sir, when he told me.

Q. You tried to imitate his name?

A. Yes, sir.

Q. I understood you to say in some instances, Mihan being in a hurry, he gave you permission?

A. Yes, sir.

Q. You did it so accurately you do not pick it out?

A. No, sir.

By Mr. Lynn:

Q. Look at that column where the name Mihan appears thirteen times, and say whether or not any one of those thirteen signatures is the signature that you signed, at any time?

A. They are all like Mihan's signature.

By the Court:

Q. State to this jury whether they are?

A. Yes, sir, it looks so to me, they are all his signatures -- I couldn't be positive -- I don't think I would

write it that way.

Q. You would not swear positively that some of them you did not write?

A. No, sir.

By Mr. Lynn:

Q. But the one on the top you are positive about, because you saw him sign it?

A. Yes, sir. I wrote his signature there one time and he scratched it out; there is one item where he received some money and I put his name, and I scratched it out and he signed himself.

The Court adjourned.

Tuesday, June 16, 1891.

ALEXANDER BERTRAM, sworn, and examined:

By Mr. Lynn:

Q. Mr. Bertram, what is your business?

A. I am a book-keeper.

Q. And for whom?

A. I used to be book-keeper for

F. Booss & Brother.

Q. You are no longer in their employ, are you?

A. No, sir.

Q. Were you book-keeper for Mr. Booss in March, 1890?

A. Yes, sir; I was there fifteen years.

Q. You were so employed there on the 22nd of last March --1890?

A. Yes, sir.

Q. Were you the book-keeper that disbursed the money, made the payments to the employees and persons who worked for Booss & Co.?

A. Yes, sir.

Q. On what did you make the payments, Mr. Bertram?

A. They had several books stating to whom I should pay

the money.

By the Court:

Q. Who directed the payments that you made?

A. They never did.

Q. Who did direct them, how did you know who to pay?

A. Because I got the books, I paid by the books.

By Mr. Lynn:

Q. Did you receive any receipts from any one, look at that and see if you know what that is? (Showing People's Exhibit A)

A. No, sir, I never had that in my hands.

Q. Look at that book and see if you know it? (Book shown)

A. There is an amount two hundred dollars.

Q. Do you know what that book is?

A. Yes, sir; our expense book.

Q. Who kept that book?

A. I did, when I was there.

Q. When you were there?

A. Yes, sir.

Q. Is the writing in that book yours?

A. Yes, sir.

Q. All of it?

A. No, not all of it.

Q. I mean that page -- 144?

A. Yes, sir.

Q. Turn to the line on March 22, 1890 -- you have got it there, I handed it to you, just keep that book in your hand -- what payment did you make on March 22, 1890?

A. Your question was, whether I paid every item on page 144?

Q. No; I want to know what you paid on March 22, 1890?

A. There is a whole lot, it was Saturday.

Q. Did you pay anything to the defendant, Mihan, here?

A. Yes, sir.

Q. Is it so recorded?

A. It is not so recorded, but here is two hundred dollars.

Q. Is there any note of it there?

A. I never pay unless I have a receipt, the receipt must be here.

Q. Is there any note or memorandum in that book?

A. No, sir.

Q. Is there anything at all?

A. Yes, sir, that I made

the check.

Q. What does it say?

A. "Mihan, \$200.00."

Q. It appears that Mihan got two hundred dollars; did you make that payment?

A. Yes, sir; certainly.

Q. You made it?

A. Yes, sir.

Q. To the defendant, Mihan?

A. To the defendant, Mihan.

Q. How did you pay him, did you pay him in United States bills or did you pay him in a check?

A. That I cannot recollect, because it is several months ago; but sometimes he got checks and sometimes he got bills.

Q. Look at this and say whether or not that will refresh your memory on that point? (Check shown.)

A. "March 22, two hundred dollars, H. Mihan, \$200.00;" there is his hand-writing.

By the Court:

Q. Does that refresh your memory so you can state how you paid the money to Mihan?

A. Yes, sir.

Q. Paid it in a check?

A. Yes, sir.

By Mr. Lynn:

Q. And that is the check that you gave him on that date?

A. Yes, sir; I did not give him any other checks, so it must be the check.

Q. At the time you made this payment did you receive any order or any written memorandum from any one to make the payment?

A. No, sir, except that memorandum.

Q. Did you receive that -- look at it; make your answers slow, and be correct in your statements?

A. I gave him this two hundred dollars, and this ticket was given to me.

Q. That ticket, then, was presented to you?

A. Yes, sir.

Q. You gave him that check that you have testified to on receipt of that?

A. Yes, sir.

Q. You kept that as your voucher?

A. Yes, sir.

Q. And then you made an entry in that book?

A. Yes, sir, I entered the voucher on the book.

Mr. Lynn: I offer the Check in evidence -- People's Exhibit E.

Mr. Baldwin: No objection. We admit that the check has been paid to the defendant.

CROSS EXAMINED:

By Mr. Baldwin:

Q. What was your position with this firm, Mr. Bertram?

A. Head book-keeper.

Q. Weren't you the cashier?

A. Yes, sir.

Q. Mr. Sambeth was the manufacturing book-keeper?

A. Yes, sir.

Q. When Sambeth sent a person to your cashier's window with a voucher of that character, you would then make out a check to the order of that person for the amount; would you?

A. Sometimes not, and sometimes I did.

Q. Sometimes you would pay cash, and other times you would give a check?

A. When I had enough in the

drawer I gave him the cash.

Q. When a person came to you with a voucher, on those occasions when you gave him the cash, did you take any receipt from the man?

A. No, sir.

Q. So that, when you spoke of receipts, you referred to vouchers that Sambeth made out?

A. Yes, sir.

Q. Were you always present at the cashier's desk?

A. No, sir.

Q. Sometimes you would be away from the store, wouldn't you?

A. Yes, sir.

Q. Sometimes you were in the habit of sleeping down the cellar, were you not?

A. When I was sick.

Q. When you were sick?

A. Yes, sir.

Q. You were frequently sick, weren't you?

A. I wouldn't have done it, I wouldn't have laid there, if I was not sick.

Q. I do not dispute your motive; sometimes you were sick, sometimes you slept in the cellar during the day -- that is the point, isn't it?

A. I never slept when I was healthy

Q. You laid down there sometimes?

A. Yes, sir, when I was sick.

Q. And, on the occasions when you were away from the store, and when you were in the cellar asleep --- whenever you had absented yourself from the cashier's window, Mr. Sambeth frequently had charge of the cash; didn't he?

A. No, sir.

Q. Then you mean to testify that Mr. Sambeth never had charge of the cash when you absented yourself from your store?

A. I mean to swear that, yes, sir.

Q. You know that?

A. I know it.

Q. Who had charge of the cash when you were away?

A. The only one that had charge of the cash was Mr. F. Booss, he had the keys, nobody else.

Q. Then you will say that Sambeth never, to your knowledge, took cash upon his own voucher from the drawer?

A. I wouldn't say that, because he has done it; we have his own hand-writing.

Q. Did Sambeth ever come to you with his voucher and take the money from you to pay the man?

A. Never.

Q. That never happened, did it?

A. Never happened.

Q. Mr. Bertram, you never in your life gave cash, on Mihan's account, to anybody except Mihan; did you?

A. Except Mihan.

Q. Sambeth never came to your window, never asked you for money on Mihan's voucher, and you never paid money on Mihan's voucher except to Mihan?

A. Except to Mihan.

Q. And, so far as you know, no money whatever was paid to Sambeth at any time upon a voucher such as you have seen, directed to Mihan?

A. I do not believe there has.

Q. This firm with which you were did a very large business; didn't it?

A. Yes, sir.

Q. A number of workmen employed within the establishment?

A. Yes, sir.

Q. It had a number of workmen employed without the establishment?

A. Yes, sir.

Q. You knew somewhat Mr. Mihan had a shop in Brooklyn and employed men therein, didn't you?

A. Yes, sir.

Q. And large amounts of work were sent to his establishment to

be finished -- you know that?

A. Yes, sir.

Q. When did you first go with F. Booss & Co.?

A. Well, it is between fifteen and sixteen years ago.

Q. And you were there continuously up to when?

A. Up to about eight months, when I got sick.

Q. So sick that you could not lie in the cellar?

A. I guess that has done it ---neuralgia.

Q. In all that time you know that thousands of dollars worth of furs, undressed, were given by that firm to Mr. Mihan here, to dress; don't you?

A. Yes, sir.

Q. And until this particular collection, you know that Mr. Mihan stood well with that firm don't you?

A. I know he was pretty well off.

Q. You know that he stood well with the firm, that they gave him large amounts of work?

A. Yes, sir.

Q. They relied in his honesty?

A. Yes, sir.

Q. And that his work was satisfactory?

A. Yes, sir.

Q. Weren't you surprised at this particular charge?

A. I didn't know at the time.

Q. But when it came to your attention?

A. You bet! yes, sir.

PATRICK H. COYLE, sworn, and examined.

By Mr. Lynn:

Q. Mr. Coyle, what is your business?

A. My business is manager of F. Booss & Brother.

Q. Are you familiar with book-keeping?

A. Yes, sir.

Q. Understand entries, and the processes of keeping books?

A. Yes, sir.

36 Q. Have you made an examination of the books of Booss & Brother?

A. I have.

Q. Have you got the book that contains the entries of work done by Mihan, the defendant here, and brought into F. Booss & Co. on March 22, 1890?

A. Yes, sir.

Q. Will you please produce it?

A. Yes, sir.

Q. Please state what entries there are in the book you have there as to work done by Mihan, the defendant, which was paid for on March 22, 1890?

Objected to, on the ground that the book is the best evidence, and as incompetent, immaterial and irrelevant.

The Court: The book itself may be put in evidence.

Mr. Lynn: That is the original book that contains the entries of work done by the defendant, Mihan.

The Court: I think I will let this witness state, if he can, what work was done that day.

By Mr. Lynn:

Q. Are you able to state what work the defendant, Mihan, rendered the firm of Booss & Brother?

A. I can in the total amount, but not specific furs; I can give you the total amount of labor done on that day, but I cannot specify the different kind of articles that was returned in to me that time. It amounted to one hundred and four dollars.

The Court: He is asked if he knows, from his own personal knowledge, the amount of work which Mr. Mihan turned in on the 22nd of March, 1890. He says he does, and the next question is, "Please state it?"

Mr. Baldwin: I object, on the ground that there has been no

foundation laid for the testimony. There has been nothing shown here as to the man's ability to state the amount of work received.

The Court: I will allow it.

Mr. Baldwin: Note an exception.

By the Court:

Q. How much was there? A. One hundred and four dollars.

By Mr. Lynn:

Q. Was there any cents in connection with that?

A. I think it was eighty-three cents, but I am not positive.

Q. Did you ever have a talk with the defendant, Mihan, after that time at any time, after the 22nd of March, 1890?

A. Yes, sir.

Q. When did you have such a conversation?

A. I had several conversations.

Q. Let us get to the first one; when, about, was it?

A. About the beginning of July.

Q. Of last year -- 1890?

A. Yes, sir.

Q. Where was that conversation?

A. The first conversation I held with him was in the store.

Q. Mr. Rooss's store?

A. Yes, sir.

Q. What number was that?

A. No. 449 Broadway, or 26 Mercer street.

By the Court:

Q. In the City of New York?

A. In the City of New York.

By Mr. Lynn:

Q. Please state what that conversation was?

A. He came in, and I was authorized not to mention this matter to him ----

Q. Just state what you said, never mind what was the authorization?

A. I says to him, "You and Sambeth have swindled Mr. Booss out of certain amounts of money."

Q. Did you say the amount?

A. I did not specify the amount at that time.

Q. You said, "A certain amount of money?"

A. Yes, sir.

Q. Go on?

A. And he says, "No, never;" he says, "I know nothing of it."

Q. Did that complete the conversation then?

A. I think it did, yes, sir.

Q. Did you see him again after that?

A. Yes, sir.

Q. How long was it after, a week?

A. Possibly a week; or two weeks, it might be.

Q. What was said at that conversation?

A. In the presence of F. Booss, he admitted that he had--

Q. I don't want any admissions here; give Booss's language and your language, or, if you said nothing, what Booss said, and what he said?

A. He said that he had taken money, through the assistance of Sambeth, to the amount--he didn't think it exceeded from four or five hundred dollars.

Q. What had Booss or you said to call out that statement by him --- anything?

A. Nothing more than he told them they had swindled us out of money.

Q. Who told Mihan?

A. Mr. Booss.

Q. In your hearing?

A. In my hearing.

39 Q. It was, then, after Booss had said that, that Mihan said

he had?

A. Yes, sir.

By the Court:

Q. Through the assistance of Sambeth, is that his name --- that he had taken not to exceed four or five hundred dollars?

A. He did not think it exceeded that.

By Mr. Lynn:

Q. Go on; what else was said then, if anything? What did Booss say when Mihan said that?

A. Mihan said that as long as they had to go to court that he would work it off provided Mr. Booss would give him two-thirds of the amount, and to keep one-third as part payment, but Mr. Booss refused to make any contract with him.

Q. About when was that?

A. That was the latter part of August.

Q. Of last year -- 1890?

A. Yes, sir.

Q. Did you see him after that again, Mr. Coyle?

A. I cannot recollect that I have.

CROSS EXAMINATION:

By Mr. Baldwin:

Q. Mr. Coyle, you say that you are manager for F. Booss & Brother?

A. I am now, yes, sir.

Q. How long have you been manager for F. Booss & Brother?

A. Nine months.

Q. Subsequent to the discoveries which you made in this particular case, you have been made manager of the store?

A. I do not know that is the reason.

Q. Did I say that was the reason?

A. Yes, sir.

Q. What was your position in that store before you were elevated to the position of manager?

A. Retail book-keeper and cashier.

Q. What books did you keep for the firm?

A. A journal, a ledger and a petty cash-book.

Q. Have you the ledger here that you kept?

A. No, sir; not of that department.

Q. What department was it? A. Retail.

Q. What did you keep, a double-entry set of books?

A. You might call it --- I condensed my journal into a day-book and journal- both.

Q. Then did you keep a double-entry set of books?

A. I merely kept a ledger, a journal and day-book, that is, combined.

Q. Do you know what a double-entry set of books is?

A. I think I do, yes, sir.

Q. Just tell the jury what it is?

A. It consists of a day-book, a journal, an invoice book, a note-book, a draft-book, a ledger, a cash-book and a petty-cash book.

Q. That is what you mean by a double system of book-keeping; is it?

A. Yes, sir.

Q. What experience as a book-keeper have you ever had?

A. I went through the Bryant & Stratton College.

Q. When was that? A. 1886.

Q. How long were you at Bryant & Stratton's college?

A. Ten months.

Q. Did you ever have any other experience as a book-keeper?

A. No, sir.

Q. Did you ever have any other schooling whatever?

A. I did, somewhat.

Q. When was that? A. I went to school when I was six

or seven years of age and remained there until I was eight. I was obliged to go to work then in business, I studied all I could.

Q. What did you study in the evenings?

A. Reading books.

Q. They were marked thatway on the back, were they?

A. No, sir --- arithmetic, spelling, writing --- that is about as much as I can mention now.

Q. Did you ever keep any books before you came with F. Booss & Co.?

A. I did.

Q. Who for?

A. Lentz & Company.

Q. What kind of books did you keep for them?

A. As a shipper, the coal department, making out invoices.

Q. You kept an invoice book; is that it?

A. Yes, sir.

Q. That is all you did for them, is it?

A. Yes, sir.

Q. You have been particularly interested in this case, haven't you?

A. Yes, sir.

Q. You feel that perhaps it is due to you, more than to any other person, that Mihan has been discovered in hisascalities here; don't you?

A. I do.

Q. About the time Sambeth left the store of your employers to go on a vacation, you were a sort of private detective in the store; were you not?

A. No, sir.

Q. What was your position there then?

A. Retail book-keeper and cashier.

Q. Weren't you, in fact, interested in all the doings of the employees, and didn't you report those doings to your boss?

A. Nothing more than I would to any other employer, if I

saw anything going wrong.

Q. What you did was not from the position you occupied, but by reason of a trait of character that you possess; is that right?

A. By reason of being placed to do that, I was requested to go over that man's books.

Q. Who requested you to go over that man's books?

A. Mr. Frederick Booss.

Q. You mean by that Sambeth's books, don't you?

A. I do, yes, sir.

Q. What did you first discover?

A. I discovered that they had been swindling Mr. Booss out of money.

Q. You knew, as you looked at the books, that they --I suppose you mean Mihan and Sambeth-- had been swindling Mr. Booss out of money?

A. Yes, sir.

Q. Which book did you find that out from?

A. The ledger.

Q. Is that the ledger there?

A. Yes, sir.

Q. Show me the item in that ledger which made you confident that Mihan and Sambeth had been swindling Booss & Brother out of their money?

A. Do you confine me to

one specific item?

Q. Oh, no; tell us all about it, just go right into it?

A. On January 2, 1889, I first noticed that by-----

Mr. Lynn: I submit that the question put to this witness was how he formed the opinion.

By Mr. Baldwin:

Q. Point out all the items?

A. You notice, between January 2, 1889, and February 1st, 1889, that there is a difference of some forty odd dollars.

I have the slip, if you will permit me to use it, that will

refresh my memory. On January 2, 1889, he then owed F. Booss & Brother \$53.80.

Q. On the 2nd day of January, 1889, Mihan owed the firm of Booss and Brother \$53.80?

A. Yes, sir.

Q. How do you know that he owed the firm \$53.80?

A. Taking the difference between the skins he had out and the skins he had returned, and those still standing out made that difference.

Q. Do you mean to say that you knew the difference by reason of the skins standing out and skins that had come in, without reference to this book?

A. I knew what the value of the skins were when they would be returned.

Q. Isn't it a fact that you struck that balance there by reason of the examination of the account prior to that in this book?

A. Certainly.

Q. That is the reason?

A. Yes, sir.

Q. You therefore took it for granted from this book, which was kept by Sambeth, that, on the 2nd day of January, 1889, Mr. Mihan was indebted to that firm by overdraft in the sum of \$53.80?

A. Yes, sir.

Q. That is true?

A. Yes, sir.

Q. If you did not have that to start with you could not have made out this account you have in your hand?

A. Why not?

Q. I do not know what it is, I just asked you?

A. Taking the first work he ever took out of the house, I can balance it from that time until the day that he closed.

Q. And that is all from this ledger, isn't it?

A. That is all from that ledger.

Q. And this hand-writing is whose hand-writing?

A. I do not know, I take it to be Joseph A. Sambeth's.

Q. Don't you know it?

A. I mean his own personal hand-writing.

Q. That is his individual hand-writing, isn't it?

A. Yes, sir, that is his hand-writing.

Q. And so you judge from the book kept by this confessed forger and thief, you judge from the record there placed, that, on the 2nd day of January, 1889, Henry Mihan, so far an honest man to your knowledge, owed this firm \$53.80?

A. Yes, sir.

Q. Have you got the check-book of your firm with you?

A. Yes, sir.

Q. Did you examine the check-book of your firm in order to ascertain whether this account, on which you charge this defendant with a felony, was a correct account or not?

A. I don't understand that question.

Q. Question repeated.

A. I don't think I could ascertain it from the check-book.

By the Court:

Q. Did you examine the check-book?

A. No, sir.

By Mr. Baldwin:

Q. In your long experience as a double-entry book-keeper, in verifying that account, you did not think it was necessary to consult the check-book; did you?

A. No, sir.

Q. Nor did you look at the returned checks from the bank?

A. No, sir.

Q. All you did was to take it for granted that that book was correct up to the 2nd day of January; didn't you?

A. No, sir; I went over the cash-book and saw where the entries had been properly made and money paid out; if it was a check, I found that particular check, but I did not go all through the check-book, item for item; where I couldn't find it paid out in the petty cash-book I referred to the check-book to see whether it was a check.

Q. You know that a ledger is not a book of original entry, don't you?

A. This is where the original entry is supposed to be made.

Q. Do you mean to say in your business you make your original entry in your ledger?

A. Posting.

Q. That is what you call original entry?

A. Yes, sir, I only make a memorandum in the day-book.

Q. You post from your journal?

A. I post from the day-book.

Q. You call it a journal?

A. Yes, sir.

Q. And that is the kind of a book-keeper you are?

A. Yes, sir.

Q. Did your firm, F. Booss & Brother, call to their assistance and aid any expert, to examine these books?

A. Not these books, no, sir.

Q. After you examined those books you made a statement of the account with H. Mihan, didn't you -- you made up a statement showing what he owed the firm, according to your ideas of book-keeping?

A. Yes, sir.

Q. How much did that statement show that H. Mihan owed your firm?

A. About a thousand dollars.

Q. More or less?

A. Nine hundred and forty-two

dollars, I think, and some cents, as near as I can tell.

Q. That represented, from your researches as an expert book-keeper, the money, according to your view, that Mr. Mihan and Mr. Sambeth together had stolen from this firm?

A. Yes, sir.

Q. After an examination of these books, about the month of July, 1890, you came to the conclusion that Sambeth and Mihan together had stolen nine hundred and forty-two dollars and some cents from the firm?

A. I did.

Q. In every instance where your journal stated an amount was paid by check, you looked at the check to see whether it corresponded with the amount; didn't you?

A. Yes, sir.

Q. In your researches as an expert book-keeper did you ever find a check which did not correspond with the amount in the book?

A. Not in this instance; no, sir.

Q. What do you mean by "this instance?"

A. Never in an examination of this work.

Q. You made other examinations; didn't you?

A. I refuse to answer that.

By the Court:

Q. Have you made other examinations, other investigations?

A. I have, yes, sir.

By Mr. Baldwin:

Q. What is your objection to answering my question?

A. I thought possibly you meant some other occurrence, some other action he had.

Q. You don't want to talk about any other occurrence?

A. No, sir.

- Q. When you refused to answer me, you did not mean any disrespect to me personally? A. No, sir.
- Q. Did you examine the account of Jacob Kemtpf? A. No, sir.
- Q. How long have you known that Sambeth forged Jacob Kemtpf's name time and time again in that receipt book? A. I know where he has forged it twice only.
- Q. That is all? A. That is all.
- Q. How do you know those two items? A. Because it was drawn to my notice.
- Q. When? A. Sometime in September, I think.
- Q. Who drew it to your notice? A. Mr. Charlie Booss, I think, if I can recollect right.
- Q. How did you determine that those were forgeries? A. I didn't, not at that moment; I didn't determine it until I learned more about it.
- Q. You saw the name of Jacob Kemtpf written several times in that book, didn't you --- a great many times? A. Yes, sir.
- Q. You did not discover it by reason of any expert ability on your part to discern that one was not written by the hand that wrote the other? A. No, sir.
- Q. That was outside of your expert experience? A. Yes, sir.
- Q. Did it never occur to you that Mihan's name had also been forged by this man? A. No, sir.
- Q. Were you, then, surprised to hear in court, yesterday, that this man had forged Mihan's name? A. I am surprised.
- Q. Would that have affected your opinion at all, had you

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known it at the time you made this expert examination of the books? A. It would, somewhat.

Q. I want you to take the check book, if you have it; what period of time did that check-book cover?

A. Beginning May 30, 1889.

Q. And it extends until when? A. June 17, 1890.

Q. Look at the stub of that check-book dated May 5, 1890?

A. Yes, sir.

Q. Is there a check there to the order of H. Mihan?

A. Yes, sir.

Q. What did this stub say the check consisted of?

A. For skins and labor.

Q. What does it say, how many dollars? A. \$175.00.

Q. Now, then, our friend, Mr. Dinn, will hand you the receipt book. Of course, you examined this receipt book in connection with this expert business; didn't you?

A. No, sir.

Q. No? A. No, sir.

Q. You did not examine it? A. No, sir.

Q. Why didn't you look at the receipt book when you were making this investigation? A. I looked at it, I had Mr. Mihan acknowledge that he receipted it.

Q. Why didn't you look at the receipt book?

A. After I made the examination and found that there was certain amounts that he had not receipted for that was credited against him in the ledger, I wrote that out and asked him to sign them. He said, "I have ^{signed} for all I have got, and," he says, "I do not propose to sign for anything now."

By the Court:

Q. Mr. Mihan said that?

A. Yes, sir.

By Mr. Baldwin:

Q. Look in the receipt book, and show me where you wanted him to sign -- page what?

A. Page 32.

Q. You wrote a little different, running irregularly down at the left?

A. Yes, sir, at the left.

Q. Mr. Mihan's name next?

A. Mr. Mihan's name I have written; yes, sir.

Q. The next to that, figures?

A. Yes, sir.

Q. And those dates and those figures you took from the ledger?

A. Yes, sir.

Q. And that ledger account was kept by Sambeth?

A. Yes, sir.

Q. And you wanted Mr. Mihan, after you charged him, in connection with Sambeth, of taking money from this firm, to sign receipts for this amount, because there were no such receipts in the receipt-book?

A. Yes, sir, I can produce the amounts of cash paid for that. I can show you the receipt made by the book-keeper.

Q. Which book-keeper?

A. It has been paid by Sambeth and paid by Mr. Bertram.

Q. How do you know that?

A. By going over the book.

Q. Because you saw it in Sambeth's hand-writing?

A. I take that for granted, that it is so; yes, sir.

By Mr. Lynn:

Q. And Mr. Bertram's hand-writing?

A. And Mr. Bertram's hand-writing; I haven't been personally present.

By Mr. Baldwin:

50 Q. Is there any instance in which Bertram wrote, where he wrote

in the ledger, that did not appear in the cash-book?

A. I don't understand the question.

Q. You know that Sambeth wrote in the ledger?

A. Yes, sir, in this ledger.

Q. And credited Mihan with having done work when he did not have any receipt for it in his book?

A. I know that by going over the receipt book.

Q. Bertram did not do anything like that?

A. Not to my knowledge.

Q. Look at the date, March 5, in that receipt book -----

The Court: Do you suppose, if you should cross-examine and re-cross examine from now to dooms-day, you would make Sambeth any worse a thief than he is?

Mr. Baldwin: I am trying to show by this witness that he was a tool in the conspiracy to put my client in Sing Sing.

Q. What do you find under the date of March 5, in the receipt book?

A. \$225.00.

Q. That is in whose hand-writing?

A. One side of the page is Sambeth's, and the other Henry Mihan's.

Q. Will you swear that on the other side of the page is the hand-writing of Henry Mihan?

A. I am not expert

enough for that, but in my estimation, in my opinion, those two are the same signatures.

Q. Will you look through that book, where the alleged signature of H. Mihan appears on the right hand side of the book, and show me a single instance, where, in your opinion, Mihan did not sign his name?

A. I don't think that I can show you that.

51 Q. And yet you heard Sambeth here, yesterday, testify that he

frequently signed Mihan's name in that book?

A. I did not believe him at the time when he was making it that he was telling the truth.

Q. How was that? A. Sambeth, when he said that he signed Mr. Mihan's name, I don't believe he can do it.

Q. Yesterday you did not believe Sambeth?

A. In this instance I do not believe that he can endorse his name.

By the Court:

Q. You mean that you do not think he can imitate it?

A. Yes, sir.

By Mr. Baldwin:

Q. Will you get the check of March 5th, get the stub-book, haven't if you find the check get the stub-book?

A. Yes, sir.

Q. In whose hand-writing is that stub?

A. Mr. Sambeth's.

Q. On the 5th day of March, 1890, Mr. Sambeth made a receipt in his receipt book of \$225.00, against which appears the alleged signature of H. Mihan; is not that so?

A. Yes, sir.

Q. On the same day Mr. Sambeth made out a check to the order of H. Mihan for \$175.00?

A. Yes, sir.

Q. Did Mr. Sambeth frequently make out checks, from your examination of that stub-book?

A. During the ab-

sence of Mr. Bertram; yes, sir.

Q. Can you tell from that book that Bertram was absent?

A. All I can tell is, it is not customary in Frederick Booss's for anybody else to interfere with the books while the book-keeper is on the premises.

Q. It is a fact that that book frequently contains the handwriting of Sambeth, on the different checks?

A. Yes, sir.

Q. In your researches in order to fix the amount that Mihan and Sambeth had embezzled from your firm, did you notice that discrepancy between the receipt-book and the check-book?

A. I did.

Q. You did?

A. Yes, sir.

Q. Didn't you tell me a while ago that you did not examine the receipt book?

A. Until I called his attention to it.

Q. Until when?

A. When I called Mr. Mihan's attention to this receipt book, to sign for the amount that I could not find his signature for it, then I looked the receipt book over.

Q. But before that time you had continually charged Mihan in your store with being in compliance with Sambeth to swindle the firm; didn't you?

A. I don't know whether I have charged him or not, I have told him that they have swindled F. Booss out of a certain amount of money.

Q. You do not know whether that is the charge, is that what you mean?

A. Yes, sir.

Q. When did you first begin to suspect Sambeth?

A. When I was placed on the books, not before it; I never had any suspicion of the man.

Q. When were you placed on the books?

A. I think it was on or about the 15th of June, I had been away on my vacation and he left a week after I did. I left on the 7th of June, if I can recollect right, and I had been away at that time one week, I did not return for another week; so

it would bring it to the 15th or 18th, in or about that neighborhood.

- Q. Right away you discovered it? A. After a day or so I went over it.
- Q. This is true: A mere cursory inspection of that receipt book would be convincing to any man's mind, whether he was a book-keeper or not, that there were irregularities in the entries? A. There was irregularities in the dates.
- Q. Find the year out, and the months? Run your eye along the book. A. Yes, sir, it can be traced from the book; if you take it between the different months you can tell about what year it is.
- Q. It is irregular? A. Yes, sir, it is irregular.
- Q. The book-keeper has written in an amount for which he would give a voucher, and there is no signature opposite it; is not that true? A. I cannot say, unless you permit me to look at it.
- Q. Yes, look at it? (Showing book.)
- A. There is one, I think. (pointing to the book.)
- Q. You find one? A. Yes, sir.
- Q. Mr. Coyle, have you the letter books of the firm here?
- A. No, sir. Mr. Baldwin, I do not think it has been customary to have a copy taken in the letter book of any transactions transpiring -----
- Q. You haven't produced the letter book?
- A. No, sir.
- Q. You will have it after recess, your business letter book, from say June or July last year, down to the present time, containing your business letters?
- A. Yes, sir.

- Q. Did you, after this examination, just after Sambeth left and your suspicions being aroused -- did you go to F. Booss and charge this book-keeper and Mihan with having swindled the firm?
A. I did.
- Q. Did you charge anybody else with having swindled the firm in connection with Sambeth?
A. No, sir.
- Q. No?
A. No, sir.
- Q. Did it never occur to you that Mr. Kemtpf must have been swindling the firm as well as Mr. Mihan?
A. No, sir.
- Q. From the names that appeared upon the books, you selected Mihan as the person Guilty with Sambeth; didn't you?
A. He is the only man's account that I went over.
- Q. Then, as an expert book-keeper, you selected Mihan's account as the only account to go over, after it was clearly demonstrated to you that the book-keeper of your firm had left the firm after committing various acts of swindling upon the firm?
A. Yes, sir.
- Q. Why did you choose the defendant, Mihan?
A. I think he is the man that we had the most business with in that line, the largest account.
- Q. Then you choose out the man who had been trusted by your firm with the most goods during a number of years?
A. Yes, sir.
- Q. You choose out the man who, above all others, has stood high in the esteem of your firm?
A. Yes, sir.
- Q. You picked out a man against whom you had never heard one breath, as regards his honesty?
A. Yes, sir.
- Q. Didn't you go to that man and tell him that you believed he was innocent of this charge?
A. No, sir.

Q. You never said to him that you believed him innocent of this charge? A. No, sir; I said to him that he would be very foolish to admit it, if he was not guilty.

Q. Didn't you ever say to him that you believed him innocent of the charge? A. No, sir.

Q. Didn't you ever say to anybody else, since your investigation as expert book-keeper, that you believed Henry Mihan was guiltless of this charge?

A. No, sir, not to my knowledge.

Q. Why did you have to think about it before you answered me? A. I am very careful what I say, or will try to be; I don't want only to tell the truth, I am going to tell the truth.

Q. Did you have to search your memory through for that purpose? A. No, sir.

Q. Do you know of a saloon at the corner of Crosby and Grand streets? A. I know there is one there, yes, sir.

Q. Do you remember that, just after you took charge of the books and called attention to these discrepancies, that you were in that saloon with Mr. Henry Mihan, and that, in the presence of Mr. Thomas, a porter in your store, you said then, as to Mihan, that you believed he was not guilty of this charge?

A. No, sir.

Q. It would make no difference to you if Thomas went on the stand and swore that you said that; would it?

A. Not a particle.

Q. You know you did not say it to him? A. Yes, sir.

Q. You made these discoveries, you choose the man Mihan, after

investigating, and reported your suspicions to this firm of F. Booss & Brother. What step did you then take, if any, to secure the punishment of Mihan?

A. After I discovered it, we have been searching for Joseph A. Sambeth ever since, until we had another little difficulty with another gentleman in our house and which we placed in the hands of Officer Hanley; and after that had been finished, we explained this case to him and he located him and brought him on; but, in the meantime, I had been looking for him all the time.

Q. But, right after this investigation and this report you made to the firm, you began to look for Sambeth; didn't you?

A. Yes, sir.

Q. In order that you might convict Mihan?

A. Yes, sir.

Q. Tell me all you did to bring Sambeth here to New York?

A. Well, I went to his wife and tried to find out from her where he was, but she would not tell me.

Q. She would not tell you?

A. No; then I went to his lodge, to one of the members of his lodge, and I tried to find out through there, and I think the same morning that Mr. Hanley had received the information I had received it through those quarters --- where he was.

Q. Is that all you did?

A. I cannot recollect,

I may have went further, I cannot just recollect every little instance that I did in that case, to try to find him.

Q. After locating him, did you do anything further to bring Mr. Sambeth here, in order to convict Mihan?

A. No, sir; I didn't do anything further.

Q. You are sure about that? A. Yes, sir.

Q. And your testimony now is just as true as any testimony you have given?

A. To the best of my knowledge, yes, sir.

Q. No testimony that you have given is any truer than this testimony you are now giving?

A. I don't understand that.

Q. One is just as true as the other?

A. Everything that I have said I swear to be true to the best of my knowledge.

Q. Where did you ascertain Mr. Sambeth was?

A. I repeat, I told you through his lodge.

Q. But where did you find out that he was, where did you locate him?

A. In Milwaukee, Wisconsin.

Q. What part of Milwaukee did you locate him in?

A. Well, now, you have have me.

By Mr. Eynn:

Q. The street and the number, if you can give it?

A. I cannot give it.

By Mr. Baldwin:

Q. You only knew that he was in Milwaukee?

A. Yes, sir.

Q. That is all you knew about it?

A. Yes, sir; that is, to the best of my knowledge, all I know about it; I cannot name any other town.

Q. You never knew until Hanley came back with Sambeth that Sambeth was in jail in Milwaukee; did you?

A. Yes, sir, I did.

Q. How did you know that, where did you find that out?

A. Through his lodge.

Q. What else did you find out about him at the lodge, did they tell you why he was in jail?

A. I found out, yes, sir.

Q. Through the lodge?

A. I think I did. But then it came to us through other sources afterwards.

Q. What other sources did it come to you through?

A. Mr. Hanley stated that he was in prison there for forgery, I think.

Q. Hanley told you, after he came back?

A. I think he told me before he went.

Q. Hanley found it out before he went?

A. Yes, sir.

Q. What else did Hanley tell you about it?

A. That's about all I can recollect.

Q. Did Hanley tell you what he had done to get him in jail?

A. I think I said that he told me that he had committed forgery; I repeat that.

Q. Did Hanley tell you whose name he forged?

A. I think Koult. I cannot say positively, what name--- some name like that.

Q. You knew whose name he forged in Milwaukee?

A. Kolb, I think is the name.

Q. Is it not Koult?

A. That I cannot say.

Q. Your recollection about that is very indistinct?

A. Kolb, I think.

Q. You do not remember that anybody told you that he forged the name of F. Lappan & Co.?

A. No, not that he forged the name of Lappan, but the name of Kolb.

Q. You heard Sambeth testify, yesterday, that he forged the name of Lappan?

A. I was in the room, but I did

not hear him swear to that name; no, sir.

Q. At any rate, you never knew that he forged the name of Lappan?

A. No, sir, not the name of Lappan.

Q. Your impression is that you heard Hanley say that he forged the name of Kolb?

A. Kolb, I think.

Q. Did you not urge upon F. Boess & Co. to prosecute Mihan?

A. I did not urge upon them; I told them that I thought he ought to see that he would get justice in this case, I could not urge upon them to do it.

Q. Have you been to see Sambeth since his arrival in New York?

A. I have met him at Headquarters; I had business, though, I was called there by the officers of the law.

Q. Did you have a conversation with him there?

A. I did.

Q. Have you been to see Sambeth at the Tombs?

A. When I had occasion to go there to appear against him; that was all.

Q. Have you never been to see Sambeth on any other occasion?

A. No, sir.

Q. How many times have you seen Sambeth since his return from the West?

A. I saw him the night he returned; I saw him at the Tombs, I think, twice, and, I think, twice here; I am not positive -- once or twice.

Q. Have you had any conversation with him?

A. I had a conversation with him at the Tombs --- not at the Tombs, at the Headquarters.

Q. You tried to force Mihan to sign the receipts opposite those entries that you put in the receipt book?

Objected to, on the ground that it has already been asked and answered.
Question withdrawn.

- Q. You are familiar with the customs of the house of F. Booss & Co., are you not? A. Yes, sir.
- Q. You know that very frequently that house gives money to workmen in excess of the work returned? A. I do not.
- Q. Will you swear that that was never done? A. I will not swear no such thing.
- Q. You do not know about it? A. I do not know about it.
- Q. Are you in the habit of dictating letters to the type-writer? A. On business matters, yes, sir.
- Q. What was her name? A. Miss Conger.
- Q. What is that book? A. This is the letter book.
- Q. What letter book is that? A. Of the firm of F. Booss & Brother.
- Q. Containing business letters? A. Yes, sir, and other letters.
- Q. Open the book at the place I have designated; there is a type-written letter there? A. Yes, sir.
- Q. When was that written? A. May 4.
- Q. Of what year? A. 1891.
- Q. Who was it addressed to? A. Frank A. Lappan & Co., Milwaukee, Wisconsin.
- Q. Who dictated that letter? A. Mr. Frederick Booss.
- Q. Were you present when the letter was dictated? A. I was.
- Q. Was it not by your suggestion that the letter was written? A. No, sir.
- Q. You did not suggest it at all? A. No, sir.
- Q. Nothing that you did suggested the writing of that letter?

A. Nothing that I did?

Q. Yes?

A. Well, that I don't know, what I did, whether that led to the suggestion of this letter or not.

Q. It may have?

A. It may have, yes, sir.

Q. So that, when you testified that you did nothing further to get Sambeth here, you meant that you took no part in writing that letter?

A. I didn't take any part in writing this letter, I didn't dictate this letter.

Q. But you heard it dictated, didn't you?

A. Yes, sir, I did.

Mr. Baldwin: I offer that letter in evidence.

Mr. Lynn: No objection.

Mr. Baldwin: I will read the letter, dated May 4th, 1891, addressed to Messrs. Frank A. Lappan & Co.

Q. Mr. Coyle, didn't you interrupt Mr. Boos when he said to Lappan & Co. that he understood that Miham had forged Lappan & Co's check?

A. No, sir.

Q. Doesn't this letter refresh your recollection to such an extent that you now know that over a year ago you were aware that Sambeth had forged, not the check of Mr. Koult in Milwaukee, but the check of Lappan & Co.?

A. No, sir.

Q. This does not refresh your memory?

A. No, sir.

Q. What is meant in this letter, if you know, by the expression, "We have had several law suits on his account, through his theft," referring to Sambeth?

A. Put that question again, please --- in reference to Mr. Kemtpf?

Q. Did Kemtpf bring a law suit against your firm?

A. No, sir, he did not; he was about to do it.

Q. What did you mean by, "We have had several law suits on his account?"

A. I do not know what he meant, I did not dictate the letter.

Q. Mr. Booss didn't tell the truth when he wrote that?

A. I don't know anything about that.

Q. Don't you know, as matter of fact, that Mr. Mihan has brought a suit against your firm?

A. I do, yes, sir.

Q. Don't you know, of your own knowledge, that after Mihan refused to sign the receipts that you wrote out for him, he brought a suit against your firm for the value of the services performed on goods delivered to your firm?

A. After he refused me to sign these receipts, sometime after, yes, sir.

Q. You know that, don't you?

A. Yes, sir, some time

after.

Q. And before his indictment here, wasn't it?

A. Yes, sir.

Q. Long before you brought Sambeth from Milwaukee to convict him with?

A. Not long before.

Q. When did you bring him on here?

A. That I cannot say, the day.

Q. How do you know whether it was long before or shortly before?

A. I would say about two or three weeks before we brought on Sambeth, to the best of my knowledge, we were acquainted of Mr. Mihan bringing the suit against us, that is to the best of my knowledge.

Q. This letter was written May 4, 1891; that is only about a month ago?

A. Yes, sir.

Q. Now, before this letter was written, Mr. Mihan, my client,

brought action in the civil courts against your firm, to recover for work he had done for them; didn't he?

A. Yes, sir.

Q. And he also threatened your firm, by letter from his attorneys, to sue them for defamation of character; don't you know that?

A. No, sir.

Q. You don't know that?

A. No, sir.

Q. That is not within your knowledge?

A. No, sir, that is not within my knowledge.

FREDERICK BOOSS, sworn, and examined:

By Mr. Lynn:

Q. Where do you do business?

A. The City of New York.

Q. What is your business?

A. Fur manufacturer and importer.

Q. How long have you been in business, Mr. Booss, in this city?

A. Thirty-seven years.

Q. Do you know the defendant, Mihan, here?

A. Yes, sir.

Q. You know Sambeth?

A. Yes, sir.

Q. They both worked for you?

A. Yes, sir.

Q. Did you see the defendant, Mihan, any time in connection with this matter now in court?

A. Yes, sir.

Q. About when was it you saw him, Mr. Booss?

A. It was either in August or September, 1890, last year, in my store. After I discovered that we were robbed, I sent over to Mihan, by letter or messenger, I don't know which; he came to the store. I took him up stairs to converse with him, in the presence of Mr. Coyle. I told

him that they had, he and Sambeth, had robbed us out of money, to a large extent. He told me he knew about it, and I told him the amount was about nine hundred dollars, or over. He said that he did not think it was so much, he thought it was only five or six hundred dollars.

Q. What else did he say?

A. Then I asked him what he thought he could do about it? He said he would make it good, providing we would allow him to work, give him our work right along, and let me pay him two-thirds of the money earned, and that we let one-third go to covering the theft.

By The Court:

Q. That is, he wanted you to keep back one-third until the amount you claim was stolen from you was paid?

A. Yes, sir; he wanted to leave with us one-third of his pay, making it two-thirds, on the condition that we would give him our work. Then he wrote a postal-card, which he gave me at the time.

By Mr. Lynn:

Q. What else did he say, Mr. Pooss, that you recollect?

A. I told him that I would not make any arrangement whatsoever with him, but I would conclude what I would hereafter do about it.

Q. You refused to take his proposition?

A. To take any proposition whatsoever. I told him the case then just as before, I told him over again, in the presence of Mr. Coyle, I will let the case stand just as it is, and I would see what conclusion I would come to.

Q. Look at that check now shown you, and say whether or not the amount of money represented therein was your property

or not?

A. Yes, sir. This is one of our checks, and I signed it myself.

CROSS EXAMINATION:

By Mr. Baldwin:

Q. Mr. Booss, you occasionally advanced money to men who did work for you outside of the store; didn't you?

A. I done it in a few occasions, yes, sir.

Q. Where you entrusted large amounts of valuable skins to outside shops, has it not been your habit, on a good many occasions, to pay them on account of the skins unreturned?

A. Not one, excepting Mihan; I have lent money to him when he started in business, I have loaned money to him to the extent of five hundred dollars, that he has paid back. This was about nine or ten years ago; I have started that man in business.

Q. You are anxious to testify to that; I have let you do it. Now, Mr. Booss, have you never authorized your book-keeper or cashier to give money to men who have shops outside, in excess of the amount of work returned?

A. Very seldom; as I say, I might have done it in a few instances, but not to a large amount.

Q. Have you done it frequently?

A. No, sir.

Q. Didn't Sambeth frequently make out vouchers which exceeded in amount the work returned, with your approval?

A. No, sir, very few, and then they were only small amounts.

Q. You are in quite a large fur business, you send work out to be done, that is, send your skins out to be dressed?

A. Yes, sir.

Q. They are returned to you a lot at a time?

A. We expect them in the same lots that we give them out. Oftentimes they do not bring half, but they are always told to bring in the lots as they get them out.

Q. Isn't it a fact that you frequently permit men who deal with you in that way to overdraw their accounts, so far as satisfactorily returned work is concerned?

A. Not at all; we do not allow them to over-draw. We have as much as seven, ten or fifteen dollars to give when a man wanted, for instance, twenty-five dollars and he had seventeen or eighteen dollars coming to him, we then gave him twenty-five dollars, by special permission. No book-keeper would have a right to pay any amount out except what the skins amounted to that came in. In such cases as that I have, to a small amount, allowed to give the draft for seven or ten or some small amount of money higher than the pay for the work that was really coming to them.

Q. You are under oath, will you swear -- do you say that that amount of two hundred dollars charged against Mihan in the case in question under this indictment, could not have been an amount advanced by your firm to Mihan in excess of work returned?

A. Emphatically, no.

Q. That could not be, because you never gave such instructions; is that so?

A. I did not give such instructions.

Q. You never gave such instructions in your business?

A. Never gave such instruction to a man except, as I say, a year ago, I have loaned him the money to start; that was all.

Q. You loaned Mihan five hundred dollars in 1886?

A. I think it was earlier than that; I don't know which, it may be.

Q. And he paid you back, penny for penny?

A. He did.

Q. Up to the time that this particular work is concerned, you know that Henry Mihan treated you as an honest man?

A. Until I found out that he was a thief -- that was a year ago.

Q. You found out that he was a thief?

A. Yes, sir, decidedly so.

Q. When did you find that out?

A. A year ago, when we examined the books.

Q. Did you examine the books?

A. No, I did not,

but I looked into it. I was shown where the discrepancies were.

Q. You at once said he was a thief?

A. Certainly, I must come to the conclusion.

Q. Aren't you in the habit of calling people thieves in your store?

A. No, sir, I guess not.

Q. Don't you frequently call your employees thieves?

A. Not a one; you can't find one that I used any such language to.

Q. You do not think any one would testify to it?

A. No, sir, in my thirty-seven years I never called one in my employ a thief.

Q. Haven't you frequently called men who did work for you thieves?

A. No, sir.

Q. Do you know Mr. Hyman, who is now with Little & Co., hatters?

A. I do not know --- yes, I think now of his name, he is a workman for Little & Co.

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Q. Do you know him?

A. Yes, sir.

Q. Have you never called Hyman, in your store, a thief?

A. No, sir.

Q. You are sure about that?

A. Decidedly not.

Q. You never in your life called anybody a thief?

A. No, sir; not in my store, except when proven to be such -- that has happened.

Q. You have seen Mr. Coyle here, haven't you, on the stand?

A. Yes, sir.

Q. He is your confidential man?

A. He is our overseer, a floor-man in the store.

Q. He is not in confidential relations with you?

A. No, sir.

Q. Don't you have any confidence in him?

A. I have.

Q. The utmost confidence?

A. I have confidence, certainly; I have the utmost confidence in him, so long as I know him.

Q. You rely on what he tells you?

A. Not necessarily, I investigate myself.

Q. Then you have not confidence enough in Coyle to rely upon what he tells you? Answer that question.

A. I beg your pardon, I believe all he says; at the same time, I investigate matters in business which I find; no, sir, I don't take his word; he might make a mistake.

Q. You have had other defalcations in your store?

A. Yes, sir.

Q. Have you ever been sued for defamation of character?

A. Yes, sir, I have been sued once, thirty-five years ago.

Q. That is, when you were a young man?

A. About thirty years or thirty-five years ago. It was a case like this. A man stole goods out of the store and he was arrested and he was not convicted, and afterwards sued me, certainly, for defamation of character -- that was the natural result.

Q. You know that the natural result of a prosecution of that kind, when it does not succeed, is a defamation of character; do you?

A. Oftentimes.

Q. Didn't he recover a large verdict against you?

A. Six cents.

Q. Six cents?

A. Yes, sir.

Q. Is that your testimony?

A. That is my testimony, six cents.

Q. Which court was it in?

A. In the Supreme Court,

I think. Henry L. Clinton tried the case for me.

Q. Who was this man who sued you?

A. Clark Wright was his name.

Q. Were you ever sued for defamation of character, outside of that?

A. Never since, that is the only one time I have ever been sued for defamation of character.

Q. Were you ever sued in any other way, for personal injury?

A. One witness was lost out of the Tombs, he had been discharged on the wrong name, that was the main witness, and that is why I lost that case.

Q. When did you first discover that Mihan had been stealing from your firm?

A. In August or September, 1890.

Q. Is that your best recollection, do you testify from your own knowledge?

A. I say August or September, 1890.

Q. You know that Mr. Sambeth left your employ in June, 1890?

A. Yes, sir.

Q. You know that Mr. Coyle has testified he was put at once upon the books?

A. No, it was some time after.

Q. If Coyle has testified that he went at once upon the books, he has not testified what is right?

A. He was on his vacation, I did not suspect nothing until Mr. Sambeth was out.

Q. Mr. Sambeth went on his vacation on the 10th of June, or thereabout?

A. Yes, sir; he had permission to stay away about eight or ten days, that was about his time to stay away; he stayed away some three weeks and then we went to look over his books, we went to see over his account; we had to put another man at the account, which was Mr. Coyle, and consequently he looked over what he had and what he received, and then we found out, which must have been August ---it may have been in July -- that we had been robbed in this way by those two men.

Q. Do you remember that Coyle reported to you at once after the discovery of this thing?

A. I don't remember whether he did the same day, I cannot say, but I presume he wanted to go over it sure; he is slow in his work, but exact.

Q. You remember he reported to you?

A. Yes, sir.

Q. He testified, to my best recollection, that he went on these books certainly within two weeks after Sambeth went away, and that he discovered these inaccuracies and suspected Mihan, the defendant, after he began the examination; do you remember his testifying that?

A. It is possible he did, I don't know whether it was

after Sambeth left we discovered it; I don't know the exact date.

Q. It is possible, then, Mr. Booss, that you discovered these irregularities the latter part of June; isn't it?

A. I don't think so.

Q. Is it not possible?

A. I do not think it was, I think it was in August or September, or it may have been in July, I don't think it was in June.

Q. Well, put it in July; don't you know that before July, and in the month of June, 1890, Mihan came to you with a postal-card, the postal-card that has been shown here?

A. No, sir, he did not come to me with a postal-card in June or July; but he came with a postal-card to me in August or September, when we had the conversation, when I told him that he had robbed us, in conjunction with Sambeth; then he had the postal-card, and he said, "This is the postal-card."

Q. Mr. Coyle testified that he spoke to Mr. Mihan at once about this defalcation?

A. He spoke once to Mihan about it.

Q. At once, as soon as he found it out?

A. Mr. Mihan came to our store after I had sent for him, or he came in accidentally in the store, I don't know which but I rather think I had sent for him to come. He came then in the store; this was in August or September.

Q. Perhaps July?

A. No, sir; that was not in July.

Q. Well, go on?

A. And then I told him as I stated before.

Q. Let us see. At that time did he pull out of his pocket this postal-card, and show it to you?

A. No, sir; I think he said then he would consult a lawyer and see what he would do, and he ^{would} come back again the next day and would make a proposition, I think, and then I think he had the postal-card -- I don't know which, I am not very clear on that, whether it was the first or second time he came.

Q. The first day when you sent for him you and Coyle and Mihan were present?

A. Yes, sir.

Q. That is all?

A. Yes, sir.

Q. What part of the store were you in?

A. Up stairs, we went up stairs on the second floor, where we were more private; a boy, William Shlager, works on the floor, but I don't know that he was near enough to hear.

Q. Did you open the conversation?

A. Mihan came in and I told him what I wanted him for, certainly.

Q. You said to him, as I understand it, that he and Sambeth together had been getting money from the firm in excess of the amount of his goods; is that so?

A. Wrongly.

Q. You said "wrongly," he did it wrongly?

A. Yes, sir, I think I said he stole money or defrauded.

Q. This was some time in August or September, 1890?

A. Yes, sir, in August or September, something thereabout; I don't know which.

Q. And he said to you that he had heard about it; didn't he?

A. He did not say that, he said he knew about it, he knew but he did not mention what I name.

Q. And he admitted that he had made over-drafts on your firm?

A. He did not say anything about over-drafts, no, sir; he admitted that he stole money, but whether he said it was in collusion with Sambeth or not, I don't remember.

Q. Why didn't you say that to Mr. Linn when he was examining you, when he asked you if that was all that was said?

A. It is possible that I did not understand the question, the question was not shaped that way.

Q. Do you mean to say that Mr. Mihan said to you, "Yes, I know I have stolen money from you?"

A. No, sir, he said he knew that he had taken money that way from us, but he did not think it was more than five or six hundred dollars.

Q. Did Mihan say to you, "I know that I have taken money away from you," were those his words?

A. When I told him that he had taken money in collusion with Sambeth from us, then he says he knew he done it but he didn't know the amount was so large.

Q. Tell me the words you used?

A. I gave you the substance, that is all I can do.

Q. Can you tell me what he said to you -- give me the words?

A. He said to me that he knew that he had obtained money from us that way, in collusion with Sambeth.

Q. Did he use the word "collusion?"

A. "Collusion," or "defrauding," in connection with Sambeth.

Q. Did he say to you, "I know that I took money away from you in collusion with Sambeth?"

A. I told him that he took money from us in collusion with Sambeth, and he admitted it; he said, "Yes, I know it, but I do not think it was so much."

Q. That is all he said, he said, "Yes, I know it, but I didn't know it was for such a large amount?"

A. I charged him with taking the money by fraud or theft and he said, "Yes, I know it."

Q. That is all there is to ~~his~~ admission; he said, after you had charged him with taking the money with the defendant Sambeth, "Yes, I know about that, but I didn't think it was such a large amount?"

A. "I know I have," he said, "but I didn't know it was so large an amount."

Q. Your recollection is so vivid that he used exactly those words, "I know I have?"

A. They are the words, if they are not exactly they are the substance.

Q. I asked you whether he said, "I know about that;" you have changed my expression by saying that he said, "I know I took the money?"

A. He did not say, "I took the money;" he said, "I know about it." He did not say, "I know I took the money;" but he said, "I know I have." When I charged the man with the theft or with defrauding us, then he says, "I know I have, but I didn't know that it was as much as nine hundred dollars."

Q. Didn't Mihan say to you on that occasion that it was very possible that he had overdrawn his account with you?

A. No, sir, he did not; but he said this -----

Q. Didn't he say to you on that occasion that if you were to prove to him that he had over-drawn his account with you, that then he would return it by working it off, providing you gave him two-thirds for the return work?

A? No, sir; but he said this -----

By the Court:

Q. You do not undertake to give the exact words that he said, can you give the jury the exact words?

A. I can give the jury the exact words what this man answered.

Q. Give the jury the exact words which he answered when you accused him of being, as you say, in collusion with Sambeth?

A. He said, "I know that we have, but I didn't know that the amount was so large, Mr. Booss." He had tears in his eyes. He said, "Mr. Booss, I hope you don't want to ruin me, when you have set me up in business."

By Mr. Baldwin:

Q. That is all you remember, is it?

A. Yes, sir; that is all I remember.

Q. You are sure you have got to the end of your memory on that?

A. Yes, sir, that is what he said.

Q. That was in August or September, according to your testimony?

A. Yes, sir.

Q. Didn't Mr. Mihan, on that occasion, say to you that he would go and consult his lawyers about it?

A. That was when he had consulted his lawyers.

Q. Didn't Mr. Mihan say to you, on that occasion, having done so much work for you, that, rather than have his good name spoiled, he would make good the defalcation of Sambeth wherever his name appeared, provided you could prove to him that he had received the money?

A. No, sir.

Q. Nothing of the kind?

A. Nothing of the kind.

Q. After Sambeth went away on his vacation, did Mihan do any

work for you?

A. Yes, sir; he had some skins out when this occurred.

Q. How long did Mihan do work for your firm after Sambeth's disappearance?

A. He had skins out that time when this was found out, and he didn't take them in the whole season, he brought them in in the Spring, when the whole business was over.

Q. Did you give him any new work after Sambeth went away?

A. Yes, sir, we gave him some new ones.

Q. When?

A. It must have been in July or August, or, may be, September.

Q. How much work did you give him?

A. I don't know about what he had out that time, and what he got more to do; it may have amounted to two hundred and seventy-five dollars, but I don't know which.

Q. Did Mr. Mihan go to your place of business and demand pay after Sambeth went away?

A. No, sir.

Q. He did not ask for any pay?

A. Not to my knowledge.

Q. Not for new work?

A. I think that he brought in skins; one I recall, he brought in a lot of skins, and I think Sambeth spoke to him.

Q. After Sambeth went away did he ask you for any pay?

A. I think he got some pay, it may have been in July, it may have been in August.

Q. Didn't you have some controversy after that with Mihan, he claimed that you owed him money for skins that he had dressed?

A. No, sir; I hadn't any personal controversy.

Q. Never had any controversy?

A. No, I have not.

except I saw him once in the street, I think it was, and I asked him whether we would ever get our skins; and he said, "I will bring them in next week," and he brought them in about six months after, and he has got some of our skins out today.

Q. When did Mihan bring a suit against you for money that he says you ought to have paid?

A. He has never brought a suit.

Q. You swear to that?

A. Never brought a suit.

Q. Don't you know that you are threatened with an action for defamation of character by Mr. Mihan's lawyers?

A. Not at all, never heard a word to that effect from anybody. Did you send it to me?

Q. Are you asking me questions? Suppose I said I sent it, would it change your opinion?

A. I haven't received it.

Q. Why did you ask me?

A. I asked merely if anybody sent it. I might be a little hasty on my part, excuse me.

Q. Didn't Mihan always declare his innocence, when this matter was brought up?

A. No, sir, he declared his guilt.

Q. That is on the occasion you mentioned?

A. Yes, sir.

Q. In the words that you mentioned?

A. He declared his guilt.

Q. In the words that you have mentioned, he declared his guilt?

A. He said that he knew he had stolen money from us, and he did it in connection with Sambeth.

By the Court:

78 Q. Did he say to you that he had stolen money from you?

A. He said in connection with Sambeth, he had "defrauded" or "stolen," I don't know which word he used, money from the firm; that is what he said.

By Mr. Baldwin:

Q. That is your best recollection? A. Yes, sir.

Q. Didn't you promise me, a minute ago, not to remember any more? A. I had disremembered before.

Q. Didn't I ask you a while ago whether he used the word "stolen," or "defrauded," and didn't you say that he did not? A. No, I did not say that he did not.

Q. A while ago, when you were telling us so kindly just the word that Mihan used, you stated then just as you have now, you said to the jury that Mihan told you that he knew that he had stolen or defrauded you, with Sambeth, out of money? A. I told you that I charged him with stealing and defrauding, and he said he knew that he did, he knew that he defrauded or stole money from us; that is what Mihan said.

Q. Now, Mr. Booss, this man Mihan confessed himself, in the month of July or August of last year, to being a thief, didn't he, in your office? A. He admitted that he got money from us that way, by thieving, by defrauding.

Q. Your impression was at the time that he was a thief by confession, wasn't it? That was your idea of it?

A. I would not say that he was a thief.

Q. That is the fact, isn't it?

A. Please repeat the question.

Q. Question repeated? A. By admittance, yes, sir.

Q. Your impression was that he was a thief by admittance?

A. Yes, sir.

Q. After your conversation with him, you knew that he was a thief, didn't you, because he said to you that he had taken that money, with Sambeth?

A. He admitted it.

Q. You knew it then, didn't you?

A. I would certainly hold him for such.

Q. Why didn't you call a policeman and arrest him on the spot?

A. The time had not come yet.

Q. Why hadn't the time come yet?

A. Because Sambeth was not there, we could not get evidence enough against the man.

Q. Hadn't the man told you, in the presence of Mr. Coyle, that he had stolen and defrauded from your firm?

A. Yes, sir, He had.

Q. But that was not evidence enough for you?

A. I was told so.

Q. When were you told that you had enough evidence?

A. When we had Sambeth here.

Q. Who told you? A. Sergeant Hanley.

Q. Hanley told you you had enough evidence?

A. And he urged to make the arrest.

Q. What did you do? A. I said, well, if he thought best that is all right, to make the arrest.

Q. Didn't you go down to the police court?

A. I made a statement.

Q. Didn't you make a statement, under oath?

A. Yes, sir.

Q. Is that your signature? (Paper shown to witness.)

A. Yes, sir.

Q. Did you swear to that paper before Mr. Justice Taintor?

A. I guess I did, yes, sir.

Q. And upon that information the warrant was issued, wasn't it?

A. Probably on that the warrant was issued.

Q. This was May 29, 1891, the warrant is dated May 28, 1891, the affidavit is dated May 26, 1891; did you give any directions as to the service of this warrant?

A. No, not to my knowledge.

Q. Who did you leave that to?

A. Sergeant Hanley.

Q. To Detective Hanley, didn't you?

A. I gave it to Detective Hanley.

Q. Hanley was with you?

A. Yes, sir.

Q. Hanley was the man who brought Sambeth on from the West?

A. Yes, sir.

Q. You went down with Hanley to the Police Court and swore out this warrant, and Hanley took it to execute it, didn't he?

A. Yes, sir.

Q. What time of day was it you swore out that warrant?

A. I think it was in the morning.

Q. Do you know?

A. I am pretty sure it was in the morning.

Q. What time in the morning?

A. I do not know, when the court opened, it must have been after ten o'clock, I don't know which -- I can't tell exactly the hour.

Q. What steps did you take to bring Mr. Sambeth on here, tell the jury?

A. I paid the money, I guess.

Q. What do you mean by that?

A. The expense, the cost of bringing him on.

Q. Who did you pay that to?

A. To Sergeant Hanley.

Q. How much was that?

A. I think it cost about two hundred and fifty to three hundred dollars.

Q. Did you do anything else to bring Sambeth on here?

A. Yes, sir; I wrote a letter.

Q. Is that the letter? (Letter shown.)

A. That is the letter.

Q. Did you dictate that letter? A. I did.

Q. Did Mr. Coyle tell the truth when he said he was present?

A. I dictated that letter, yes, sir.

Q. Mr. Coyle was present? A. I do not know that he was present, I couldn't tell.

Q. Coyle says he was there?

A. If he was, it is without my knowledge; I do not know that he was present.

Q. Who did you learn this fact from, that Lappan & Co's name had been forged? A. I guess Sergeant Hanley.

Q. Don't "guess," testify, instead of "guessing?"

A. It was either in the paper or it was through Mr. Hanley I learned it. It was either through the newspaper or through Mr. Hanley I learned it.

Q. You wrote this letter this year, didn't you?

A. Certainly.

Q. You wrote it last month, didn't you?

A. Possibly, no, was it last month?

Q. Was it last month? Let us see how good your recollection is?

A. I don't know whether it was last month or whether it was two months ago, I rather think it was last month.

Q. Before you wrote this letter you received a report from Mr. Coyle, or you investigated yourself -- you determined that Mr. Mihan and Mr. Sambeth had defrauded you out of money before you wrote this letter -- long before?

A. Yes, sir.

Q. What amount of money did you find these men had defrauded you out of, nine hundred and some dollars?

A. Between nine hundred and a thousand dollars.

Q. When you wrote this, "Sambeth was in our employ for three years as book-keeper of the manufacturing department, and during that time has robbed us out of large amounts of money, with outside accomplices," did you refer to the nine hundred dollars?

A. That is a large amount.

Q. That is a large amount of money to you?

A. Yes, sir.

Q. You are a man of great wealth, are you not?

A. I do not know what you mean by great wealth, sometimes you call a man with ten dollars of great wealth.

Q. You are worth more than that?

A. I do not know.

Q. You occupy a building at the corner of Mercer street and Broadway, do you not?

A. I do not.

Q. Where is it?

A. We occupy a building in Broadway.

Q. It is not simply Mercer street?

A. In Broadway.

Q. And how many feet front is it?

A. Twenty-five.

Q. And how deep is it?

A. Two hundred.

Q. And how many stories high?

A. Five.

Q. You own that building, don't you?

A. I do.

Q. You own other real estate in the city of New York, do you not?

A. I do.

Q. You have a very large sum invested in your business, have you not, in capital?

A. Comparitively large, yes, sir.

Q. From a very modest standpoint, you do a very large business,

too, don't you?

A. Yes, sir.

Q. And the sum of nine hundred dollars is a very large sum to you, isn't it?

A. To be stolen, yes, I call it a large sum.

Q. It is not a large sum to spend on a detective, two hundred and fifty or three hundred dollars, to bring on a confessed forger, a confessed thief and a confessed dishonest employee, to prosecute a man who had always been honest, so far as you know, -- that is not a large sum of money to spend, is it? You understand that question?

A. Yes, sir, it is a large sum of money to spend; that is a good item in the expense account.

Q. What did you mean when you said, referring to Sambeth, "We have had several law suits on his account, through his theft?"

A. I did not say "several" law suits. Did I say "several" law suits, or did I say, "May have several law suits?" Please let me read that letter. "May have several law suits," I think you will find.

Q. If you said in this letter, "We have had several law suits on his account, through his theft," did you tell the truth or not?

A. I meant to say we may have several law suits, that is possibly a mistake by the type-writer.

Q. You did not tell the truth if you said that?

A. I might have, yes, sir; I was threatened by Mr. Kemtpf. Mr. Kemtpf said he would have to get it through the court, if we did not pay it to him. We had paid the money, but he had not received it.

Q. Did Kemtpf threaten you with several law suits?

A. No, sir, he did not.

Q. What do you mean if you wrote in this letter, "We have had

several law suits on account of his theft?"

A. I did not mean to say "several," but "may have," that is what I meant.

Q. Did you mean to say "several?"

A. I believe that is the type-writer's mistake.

Q. Did you mean "several" when you wrote that?

A. I meant several, certainly.

Q. What several law suits were there?

A. I meant several because Mihan sent ina letter, through a lawyer, it is in my hat. It came from a lawyer, that he had a claim against us, and that if we did not pay it he would sue us, the firm, for it.

By the Court:

Q. Mihan sent that letter?

A. By his lawyer he sent it. I will give it to the Court to read it.

Mr. Baldwin: I offer it in evidence.

Mr. Lynn: No objection.

Mr. Baldwin: I will read this letter to the jury. This is from the office of Goldfogle & Cohen, April 20, 1891.

The Court: Was this before this indictment was found?

Mr. Baldwin: Yes, sir; this was fourteen days before he wrote to Jappan & Company in Milwaukee, to bring on Sambeth.

Q. You say that the suit was never brought?

A. No, sir, it was never brought.

Q. What did you do, right away? A. Nothing.

Q. Didn't that hasten you in trying to secure Sambeth's presence here? A. It did not influence me one particular.

Q. What did you mean when you said, "We wish you to help us

to induce him to do it, as we are not acquainted with Mr. Koult. If you can do us this favor, you may rest assured that Mr. Koult will not lose anything by it?"

A. I did not mean nothing about it, but Mr. Koult had advanced thirty dollars which he ought to have back, if the Court allows it.

Q. Did you pay the thirty dollars?

A. I did not.

Q. What did you mean in this letter by saying that he (meaning Mr. Koult) "shall lose nothing by it?"

A. That is right, I meant the thirty dollars -- that he should not lose the thirty dollars if I could help it-- that he had not paid it to him yet.

Q. You meant by that to convey to Lappan's firm the idea that if they could get Koult to withdraw the charge, you would pay Koult the amount of money he parted with on Sambeth's forgery?

A. Not at all -- if the Court allows it, if it was all legally done. Sergeant Hanley got the case all legally, he got the requisition and all; I wanted to convey to Mr. Lappan -----

Q. Did I say that it was illegally done? I want to know what you meant by those words?

A. I meant that Mr. Koult should not lose the thirty dollars if I could help it, because he had paid thirty dollars for this check which was forged, and he had arrested the man.

Q. How were you going to help him to get the thirty dollars?

A. I can send it to him today.

Q. That is what you meant, you would see him paid?

A. If the Court allowed it, that he could withdraw his case. Sambeth was arrested, I meant that he should not be

out the thirty dollars that he had advanced on that charge.

Q. Unless you paid the thirty dollars, wouldn't he be out of it?

A. Certainly, he may be out of it to-day yet.

Q. The District Attorney suggested that you were willing to pay this money to Koult to-day, in accordance with your letter?

A. If he has not already.

Q. You meant that you were ready to pay it if nobody else would?

A. If the court out there decided to let me do it.

Q. Do you mean to say that the Court out there was determined that you should pay the money?

A. Not necessarily, but I meant to convey this idea: That Mr. Koult was defrauded out of it by Mr. Sambeth, so that he should not lose anything, the thirty dollars, if he gave this man Sambeth over to us by our request, and if the Court did not pay it to him I would make it good.

Q. Didn't you ask the advice of any attorney before you made this charge?

A. No, sir; it was merely a business letter what I wrote -- what one merchant would write to another. It is merely a mercantile paper, from one merchant to another.

Q. Did they telegraph you on receipt of this letter?

A. No, sir, some ten days after, I should think.

Q. Why was it that you asked him to telegraph you on receipt of this letter, and at your expense, whether you could secure that man's discharge or not?

A. Twenty-five cents I wanted to spend, or fifty cents to telegraphing; beside, I wanted to know whether there was a possibility, before the man was tried out there and con-

victed, if we could get him over here, as to whether the requisition had gone forth.

Q. In the first place, you wanted to spend fifty cents, or whatever the telegram cost, and, in the second place, you wanted to know whether you could get him here before he was tried there?

A. Yes, sir.

Q. Why did you want to know that so quickly?

A. This was merely an expression in the letter, what we use when we want to hurry a man up in his business, simply a business way to do it.

Q. Why did you want to hurry him up?

A. So that I knew my letter had reached him, whether he received it; that telegram would give me that satisfaction that he received the letter.

Q. You wrote this letter on the 4th day of last month, to a firm in Milwaukee; why were you in such a hurry to have an answer from that firm by telegraph?

A. Not any more so than ordinary business.

Mr. Lynn: That is the People's case, your Honor.

The Case for the Defence.

Mr. Baldwin: I will offer this book in evidence, your Honor, at the close of that cross-examination.

Mr. Lynn: No objection:

Mr. Baldwin: I now move formally that the indictment be dismissed, upon the ground that the People have not made out a case under any count of this indictment against my client, Henry Mihan.

The Court: I deny your motion.

Mr. Baldwin: Exception. I now move the Court that the District Attorney be compelled to elect upon which count of this indictment he intends to proceed, he intends to go to the jury.

Mr. Lynn: I think the count, your Honor, of obtaining money by trick and device would be the count that you would probably submit to the jury.

The Court: Yes, that is the second count of the indictment; there are three counts altogether.

Mr. Baldwin opened the case for the Defendant.

ADOLPH BOWSKY, sworn, and examined:

By Mr. Baldwin:

Q. What is your business, Mr. Bowsky?

A. I am a fur dresser.

Q. What is your age? A. Fifty-eight.

Q. Where do you reside? A. I live in New York, my factory is 220 East 51st street.

Q. Do you know Henry Mihan? A. I have known him since boy-hood, I believe about fifteen or eighteen years, I couldn't very well say.

Q. In what ways have you known him?

A. I have known him when he was an apprentice with the boss that I worked for, before he came there.

Q. Have you known him continuously since early boy-hood?

A. Since he was a boy, twelve or fourteen years of age, something like that.

Q. Have you done any business with him?

A. He has been working for me.

- Q. He worked for you? A. Yes, sir.
- Q. How long did he work for you?
- A. Eight or ten years.
- Q. When was that? A. After he finished his apprenticeship with the other boss.
- Q. Did he leave your place to go in business for himself?
- A. He did, sir.
- Q. What was his reputation for honesty?
- A. Very good.
- Q. Did you ever hear anything against him, before this charge?
- A. Never in my life.
- Q. Mr. Bowsky, you sometimes dress skins for these houses, do you not, such as F. Boess & Co.?
- A. I do, sir; not for Mr. Boess but I dress for other houses.
- Q. Do you know whether it is the custom in the trade for a dealer to advance money to the dresser on unreturned goods?
- A. Not in my experience, but it may be so.
- Q. You never did any work for Boess & Co.?
- A. I did in my early days, when I started in business for myself, in 1858.
- Q. Mihan was there with you eight or nine years; was he ever discovered in any irregularities at all?
- A. None, sir.
- Q. Was he a good, faithful, honest workman?
- A. A very good workman, indeed.

CROSS EXAMINATION:

By Mr. Lynn:

- Q. Did you advance money to him when he started in business?
- A. No, sir.

Q. You did not loan him five hundred dollars?

A. He never asked me for any.

Q. You say you know what his reputation is; is that all you know about him?

A. I know his reputation as a workman in my shop.

Q. He is reputed to be good, that is what you mean?

A. He was honest while he was with me, I never heard anything against him.

Q. You do not know what his real character is, other than what he is reputed to be?

A. I have had opportunities to study his character.

Q. You do not know what his character is, other than what he is reputed to be?

A. I have known him since he was a boy, I always have found him honest and respectable.

Q. I am asking you if you know what his character is, other than what he is reputed to be -- do you know that a man can be reputed to be a good man and have an excellent reputation among those who know him, and yet be a bad man at heart?

A. I wouldn't judge anybody by what I hear.

SIMON REINNEMAN, sworn, and examined:

By Mr. Baldwin:

Q. What is your business?

A. Fur business.

Q. Where?

A. 106 Mercer street.

Q. What is the firm name?

A. S. Reinneiman.

Q. You are in the same line of business as F. Booss & Co.?

A. About that same.

Q. You know that firm, do you not?

A. Yes, sir.

Q. Do you know Henry Mihan?

A. I do, sir.

- Q. How long have you known him?
 A. I have known him for the last six years.
- Q. In what way have you known him?
 A. Dressing skins for me.
- Q. Is it the custom in your store to pay him in excess of the value of the goods returned, as against goods unreturned?
 A. Occasionally, yes, sir.
- Q. Do you know whether that is the universal custom in the trade?
 A. I do not know.
- Objected to. Question withdrawn.
- Q. You have known Mr. Mihan very well during that time, have you not?
 A. Very well, yes, sir.
- Q. Have you given him very valuable quantities of skins to dress for you?
 A. I have, sir.
- Q. Has his work always been satisfactory to you?
 A. Very.
- Q. Do you know his general reputation?
 A. As far as I know, he is an honest man.
- Q. And he was always upright in his dealings with you?
 A. Every time.

LOUIS COHEN, sworn, and examined:

By Mr. Baldwin:

- Q. Mr. Cohen, what is your business?
 A. Manufacturing furs.
- Q. Where is your place of business?
 A. 153 Mercer street.
- Q. What is the firm name?
 A. Louis Cohen & Brothers.
- Q. You are one of that firm, are you not?
 A. I am.

Q. Do you know Henry Mihan? A. I do.

Q. How long have you known him?

A. I know him since 1884; better, though, since 1888.

Q. Has he done work for your house?

A. Yes, sir; since 1888.

Q. Has he done a very large amount of work for your house?

A. He has done considerable work for us, probably not as large as somebody else.

Q. Well, he has done a great part of your work, has he not?

A. He has done a greater portion of it.

Q. Has his work always been satisfactory?

A. It has.

Q. In his dealings with you has he always been honest, to your knowledge?

A. I have always found him so.

Q. What is his reputation, so far as you know?

A. So far as I know it is good.

Q. Were you accustomed, from time to time, to pay him in excess of the value of the amount of goods he returned to the store?

Objected to as immaterial and irrelevant.

Objection sustained. Exception.

PHILLIP HERZIG, sworn, and examined:

By Mr. Baldwin:

Q. What is your business? A. Fur merchant.

Q. Where is your place of business? A. 133 Mercer street.

Q. What is the name of the firm? A. Herzig Brothers.

Q. Do you know Henry Mihan? A. Yes, sir.

Q. How many years have you known him?

A. I know him ever since he was a boy.

Q. Then you have known him socially as well as in business?

A. No, I used to know his father.

Q. You used to know his father?

A. Yes, sir.

Q. He has done work for you?

A. Yes, sir.

Q. Much work?

A. Yes, sir; the biggest portion of our work.

Q. What has been his reputation since you first knew him?

A. I know him to be an honest man.

Q. Have you ever heard anything against him, before this affair?

A. No, not as I know of.

Q. Since this affair have you given him more work than before?

A. Yes, sir; he has got out work yet.

Q. This affair does not affect your opinion of him?

A. No.

Mr. Baldwin: I shall ask this witness the same question you excluded.

The Court: I think you have got the exception; if I have made an error, you have got the benefit of it.

By Mr. Baldwin:

Q. Was it the custom of your firm, since you have known Mihaan, from time to time to let him have a check in excess of the value of the work which is then returned?

Objected to. Objection sustained. Exception.

Q. I ask you whether it is the custom of the trade of fur merchants in the City of New York to allow the dressers, when they come in with work, to draw in excess of the amount to which they are entitled by reason of what was returned?

Objected to.

A. I don't want to speak for other firms.

Mr. Lynn: If you do not know you can answer.

By the Court:

Q. He is now asking as to the whole line of business?

A. I know firms where they give them advance money.

Q. He is asking for the custom?

A. It would be hard to answer.

By Mr. Baldwin:

Q. Is it the custom, as far as you know? I ask if you know a number of fur houses in this city, and know their habits of doing business? A. I know one house.

By the Court:

Q. You know your house and another firm? A. Yes, sir.

By Mr. Baldwin:

Q. My question is whether you know a number of firms and their habits of doing business? A. Every house has favorite workmen; he might do a favor for one, and not do it for the next one.

Q. Don't you know, as matter of fact, in your trade it is the custom to let dressers have amounts in excess of work, because they require the money to pay off their hands?

A. Yes, sir; some dressers, that ask for it.

By the Court:

Q. Is that the custom of the trade?

A. There are dressers which don't require it; for instance, the man who was on the stand wouldn't do it, because he has money enough; I wouldn't speak for the whole trade.

Mr. Lynn: You have been a very good witness for the People. That is all.

Mr. Baldwin: I draw the jury's attention to that remark; they shall not burden their mind with it.

The Court: No; the jury will not pay any attention to the remarks.

made by the District Attorney or the Counsel for the defendant.

Mr. Lynn: I repeat, the People will accept that gentleman's testimony as a witness for the People, as far as the proofs go in the matter of custom.

Mr. Baldwin: I object to the interpolation of the Assistant District Attorney.

The Court: The Court stated that what the District Attorney said and what the counsel said, except under oath, is not evidence, except so far as you are legally authorized, in summing up. The jury will not pay any particular attention to side remarks.

Mr. Baldwin: I have the entire fur trade of the city in this room to testify to the character of this man.

Mr. Lynn: I will not attack the character of this defendant, except so far as the evidence in the case affects it.

Mr. Baldwin: I think it is right that I should be permitted to put men representing millions of money on that stand ----

The Court: The District Attorney having stated that he will not undertake to attack the character of the defendant at all, except so far as the evidence in this case affects it, I think four witnesses is as good as four hundred.

Mr. Baldwin: May I mention the names of the witnesses?

The Court: No.

Mr. Baldwin: I wish to put upon the stand the president of the Mechanics and Traders Bank, to testify to the good character of this man.

The Court: The Court limits the number, in view of what the District Attorney stated, that he does not intend to attack his character. There must be some limit; you might bring

five hundred or five thousand here, it is in the discretion of the Court to limit the number.

KATE CONGER, sworn, and examined:

By Mr. Baldwin:

Q. Miss Conger, you are employed as a type-writer and stenographer by F. Booss & Brother?

A. Yes, sir.

Q. Have you been here all day?

A. Yes, sir; most of the day.

Q. Did you hear me refer to a letter in type-writing to F. A. Lappan & Co., in Milwaukee?

A. Yes, sir.

Q. Do you remember writing that letter?

A. I think I do.

Q. Did you, at any time within the last two or three months, write any other letter at Mr. Booss's dictation to F. A. Lappan & Co.?

A. I do not remember.

Q. It may have been?

A. I think not, I do not remember.

Q. Did Mr. Booss dictate that letter to you?

A. I do not remember that.

Q. Is Mr. Coyle in the habit of dictating letters to you?

A. Yes, sir.

Q. Do you remember whether Coyle dictated that letter to you?

A. I do not remember.

ALICE MULCHAY, sworn, and examined:

By Mr. Baldwin:

Q. You are the fur lady in the employ of F. Booss & Brother, are you not?

A. Yes, sir.

97 Q. Have you ever heard Mr. F. Booss call anybody around the

store a thief?

A. No, sir.

Q. You have not heard him say that?

A. No, sir.

Q. Have you often heard him abuse people in the store?

A. No, sir.

Q. Have you never said to any one that you had heard him use such language?

A. No, sir.

Q. Do you know Mr. Hyman, who is now with H. Little & Co.?

A. No, sir, I do not know him, only that he comes into the store for work; that is all I know about him.

Q. Did you ever hear Mr. Booss call him a thief?

A. No, sir.

MEYER GOLDSTEIN, sworn, and examined:

By Mr. Baldwin:

Q. Mr. Goldstein, what is your business?

A. I am book-keeper and accountant, double-entry book-keeper and accountant.

Q. You are book-keeper for F. Booss & Brother, are you not?

A. I am at present in charge of their manufacturing books; yes, sir.

Q. You have charge of the same books that Sambeth had charge of?

A. I suppose he had charge of them, I have got the books, yes, sir.

Q. Did you find after you came to take up these books that they had been very badly and irregularly kept?

A. I did, I did not want to keep them, because they were irregularly kept; so we had new books made, according to my plans and ideas, which somewhat recapitulated the work. The books, as I suppose, were kept by Sambeth. The months and

and years ran irregularly; there came 1889 and then 1890, and came 1889 again; the same way with the months; the months would run January, February and March, and go back to December, starting February and March, and the page would be dated up to say 1890, and in the center of the page would be 1889. So, you see, I couldn't very well -----

Q. You made a careful examination of Sambeth's books?

A. No, I did not look over his books. My judgement of the books show me that they were irregular.

Q. Your judgment was derived from looking at them?

A. Yes, sir, I examined them.

Q. In your opinion, after examining these books, would it be possible to tell the exact state of Mihan's account with the firm?

A. I do not think so.

Q. Mr. Goldstein, how long have you been with this firm of F. Booss & Brother?

A. Only about a year.

Q. Do you receive work that is turned in by dressers from the outside?

A. I do.

Q. Do you then give vouchers to the dresser?

A. I give them --I make out a voucher, that is, if you call a voucher an order for money; I say, pay Mihan or pay F. Hirsch fifty or a hundred dollars, according to what they did. Now, there is Mr. Kemtpf, he does dyeing for us, he would come in and ask for forty dollars on account, I gave it to him, the receipt book will show it.

Q. You mean that you gave these dressers, as they came in--- you would sometimes give them money on account of work not returned?

A. Well, sometimes we would give them money. There is a man, J. M. Sickart, the receipt book will show that he received money on account of goods that

he was only just taking out to-day. I objected to that idea, and I told Mr. Booss it was very bad business policy to give men money that way. He would take out a lot of goods to work out, and, as he was taking it out, he would go over to Mr. Booss and ask him for a little money. I did not like the idea, I did not think any business house would do that, it only complicates the books; you get the outsider to have the entire goods, both money and skins.

Q. Since you have been employed by Mr. Booss, it has happened in the office that men were permitted to draw more than the amount of work they returned to the company would justify?

A. Yes, sir. Sometimes people would return work today and then bring in some goods the next day, and they would get a check to cover three or four returns.

By the Court:

Q. For goods they had not brought in at all?

A. Sometimes they would get money for goods that they had not brought in, I refer especially to Sickart's account.

By Mr. Baldwin:

Q. There is the receipt book that we have in evidence, I wish you would look over some of those columns; I call your attention to this fact, that, in almost every instance, the amount of the receipt is an even figure, that is, even dollars, forty dollars, fifty dollars, one hundred dollars, two hundred and twenty-five dollars -- even figures, without any cents; is not that so?

A. That is so; there are several items here in which the amount runs even, no pennies, and no dollars and cents.

By Mr. Lynn:

Q. There are other amounts here too?

A. There are other amounts here too.

By Mr. Baldwin:

Q. In a great many instances this is even money?

A. It seems to be more even money than odd.

Q. In your experience in receiving returned work from dressers, if you paid them for the exact amount of work returned, would it not be very rare that the amount would come out even?

A. Very seldom that the amount would exactly tally.

Q. Doesn't that indicate to your mind, as a book-keeper and as being familiar with the manufacturing work of this office, that a great many of those amounts cannot exactly represent the amount of work returned?

Objected to.

The Court: I will let you state what the fact is. I will allow you to prove the fact that they do not represent the amount of work.

Mr. Baldwin: I understand that the District Attorney does not dispute the fact that this witness is an expert book-keeper?

Mr. Lynn: I will concede nothing.

By Mr. Baldwin:

Q. How long have you kept books, Mr. Goldstein?

A. About thirteen years.

Q. What kind of books have you kept?

A. Double entry books, regular books that any firm would want to keep in order to find out their finances, how much business they done at the end of the year or how much they lost, I am able to make up balances or anything of the kind.

Q. Before you went with Booss & Co., who were you with?

A. The Gold Coin Shirt Company.

Q. Did you keep books for them several years?

A. I kept books for the Merchants Suspender Company for about ten years, and now the Gold Coin Shirt Company. And prior to that I kept books for the Metropolitan Suspender Company. Everywhere I was I only kept double-entry books.

Q. You kept an expense books, a petty cash-book, a journal and day-book?

A. Some places I would keep a journal, but the journal can be done away with now.

Q. Now, Mr. Goldstein, as an expert book-keeper, having looked over these accounts in the different books containing accounts in the hand-writing of Sambeth, having looked over that receipt book as an expert book-keeper and examining the figures there, and from your knowledge, now having charge of the manufacturing department and taking in returned work, I ask you whether the record that Sambeth kept indicates to your mind, as an expert, that those items there charged could not have been for specific returns of work?

Objected to. Objection sustained. Exception.

Q. I ask you whether you have made a voucher for more than one return of work?

A. I have.

Q. Do you understand the difference?

A. I do; I have made a voucher out for three or four returns of work.

Q. Was it your custom also to have people receipt?

A. Oh, yes, certainly.

Q. Just in that manner?

A. Just the same way.

Q. Then was it your custom at times to write out a receipt for an amount in excess of the return?

A. In J. M. Sickart's account, certainly.

Q. Sometimes for several returns of work?

A. Sometimes for several returns.

Q. You mean dressers would sometimes turn in returns to-day, to-morrow and the next day, and then the next day come and receive their check for the several returns?

A. That is right.

Q. And sometimes a dresser, having taken skins from F. Booss & Brother, would return part of the skins and get payment for some skins still out in his place?

A. Yes, sir; that is so with J. M. Sickart's account.

Q. Did Mr. Booss know about that, was that with his authority?

A. Certainly, yes; I done nothing there without the firm's authority.

Q. Have you ever made out a voucher and presented it yourself to the cashier to cash, and taken and turned the cash over to the dresser?

The Court: I will exclude that, I think you have gone far enough, you may take an exception. How does that throw any light on it? If you think it throws any light, I will let you ask it, go ahead.

By the Court:

Q. Have you, yourself, gone to the cashier and collected money for parties who had brought skins?

A. I have, frequently.

By Mr. Baldwin:

Q. Have you ever had occasion to go to Brooklyn, to the factory of Mr. Mihan?

A. I went there once or twice, with Mr. Booss's orders, to see about work ordered, he was so slow about it.

Q. Why he was so slow about returning work?

A. Yes, sir.

Q. Was that one of your duties as book-keeper in the manufacturing department?

A. Well, it seemed to be, there.

Q. In your business in that store do you frequently see and hear Mr. F. Booss about the store?

A. Oh, yes.

Q. Mr. Goldstein, have you ever heard Mr. Booss call people in the store thieves?

Objected to as collateral.

A. I don't like to answer that.

Mr. Lynn: I will withdraw my objection.

By Mr. Baldwin:

Q. You say you don't like to answer it?

A. I should not like to answer that question, I would like to be excused from answering that question.

Mr. Baldwin: I shall not press that question, I understand the feeling of the witness.

By Mr. Baldwin:

Q. Mr. Goldstein, you know Mr. Coyle ?

A. I know him from his acquaintance in the store, yes, sir.

Q. He has taken a great interest in this prosecution?

Objected to. Objection sustained.

Q. What have you known that he has done in this case, did you hear Mr. Coyle's testimony here? A. I heard part of it.

Q. Can you think of anything else that he did not testify to in regard to this prosecution? A. I cannot.

By Mr. Lynn:

Q. You did not make the same examination of those books of

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Sambeth's that Coyle did?

A. I did not do that, no, sir.

Q. You came into the employ of Mr. Booss within the last nine months, haven't you?

A. Yes, sir.

Q. And subsequent to all the transactions that this case grows out of; is not that the fact?

A. Yes, sir.

HENRY MIHAN, THE DEFENDANT? sworn, and examined:

By Mr. Baldwin:

Q. Mr. Mihan, you are the defendant in this indictment, are you not? A. Yes, sir.

Q. How old are you? A. Thirty-four years.

Q. Where were you born? A. In Leipzig, Saxony.

Q. When did you come to this country? A. In 1866.

Q. What did you do when you first came here?

A. I lived with my father, and I went to school two years and a half.

Q. Where was that? A. We lived in Eldridge street then.

Q. You went to school here in New York, as a little boy, for two years and a half? A. Yes, sir.

Q. When did you begin to learn your trade?

A. I began to learn when I was a little after twelve years old.

Q. What trade was that? A. Fur dressing.

Q. Who did you learn your trade with?

A. I started with Mr. Herzig and then Herzig gave up his business and took charge of his father-in-law's business, and then I finished my business with him; I was six years with him.

Q. Then what did you do? A. After that I went as a journeyman, I worked for A. Bowaky.

Q. How long were you with him? A. Upwards of eight years; between eight and nine years, something like that.

Q. Was it during that time you were married?

A. Yes, sir; I was married the last year I was with him.

Q. How old were you then, when you were married, twenty-six years?

A. Yes, sir; twenty-six.

Q. So you have been married eight years?

A. That is it.

Q. What family have you?
died and one I have got now.

A. I have a child, one.

Q. How old is the child?

A. Two years.

Q. Where do you live now?

A. 132 Third place.

Q. Brooklyn?

A. Yes, sir.

Q. Where is your shop?

A. 390 Smith street.

Q. How long have you had that shop?

A. Ever since I started.

Q. When was that?

A. In 1885.

Q. How many hands do you employ there now?

A. I employ twenty-two hands now.

Q. You do the work of dressing skins for a great many concerns in New York City; do you not?

A. For the biggest houses in New York City.

Q. How long have you known Frederick Booss?

A. He knew me since I was a little boy, almost.

Q. How long have you known him in a business way?

A. Almost since I started to learn the trade, from my employer; he used to work for Mr. Booss, and I had to come down with the wagon and deliver work with him to Booss then. Since that time he knew me.

Q. Have you been working for him since you have had this shop, ever since the shop opened?

A. Yes, sir.

Q. When did it first come to your attention that you were accused of having aided Sambeth in taking money from F. Booss & Co.?

A. That was about the ninth or tenth of June, when I came in the store.

By the Court:
107Q. Of what year?

A. Last year -- 1890.

By Mr. Baldwin:

Q. Tell the jurymen all about that?

A. When I came in the store I demanded money, and, before I demanded money, Mr. Coyle was at the desk, behind, and he says, "Come here, Mr. Mihan." I said, "What do you want?" He said, "Why, I want you to sign that receipt." I told him I had a postal-card I received Monday morning, and he wanted me to sign several receipts; that is the first time I knew there was something wrong, when he told me. Then he said, "Sign that receipt." I says, "I want to see it, what shall I sign for?" He said, "If you don't sign for me, you will have to sign for F. Booss." I said, "I won't sign for F. Booss or for anybody else." Then he says to me, "Do you know what ought to be done to you? You ought to be sent to Sing Sing, you and Sambeth together." That was just the remarks he made, that was on the 9th of June.

Q. Did you have that postal-card with you then?

A. I did not have it, I kept it in the house; I produced that the same week; Thomas and me were over, and then I showed it to Mr. Coyle. That same evening, the 9th of June, Mr. Coyle says to me, "Mihan, excuse me, that was only a little excitement of mine, I beg your pardon that I said those words."

Q. Did you show the postal-card to F. Booss?

A. I showed it to Mr. Coyle, Mr. Coyle took it to Mr. Booss.

Q. When was it you gave it to Coyle?

A. I gave it to him that same week.

Q. That was the postal-card that was offered here in evidence?

A. Yes, sir. Mr. Sambeth came over that Monday morning and I asked him what reason he has got to draw money on my name? I remonstrated with him, and I couldn't get the money any way, no matter what I would do, out of him. They accused me that I had their money, that I was in collusion with him. That same day I couldn't do any more; if I knew anything before I would certainly have mentioned it.

Q. Mr. Booss testified that he sent for you in August or September and that you then had a talk about this, in which he accused you of having stolen with Sambeth from the firm?

A. He never said "stolen" then.

Q. Was that in August or September, or before?

A. That was before.

Q. Had you already given the postal-card to Coyle?

A. Yes, sir.

Mr. Lynn: The witness can read it better than you, because he knows more about the missing parts than you.

The Court: There is some part of it torn off.

The Witness: (reads) "Not here to-day;" that is tore off; "vacation, will call and see you Monday morning. I have drawn some money for you and charged up to you." I do not know what number that is. "Will give you the cash on Monday, when I call on you. Yours, J. Sambeth."

By Mr. Baldwin:

Q. When did you receive that?

A. I received that Monday morning.

Q. When did Sambeth call on you?

A. Monday morning.

Q. What did you say to him?

A. I told him it was an outrage to draw money on my account, as I never gave him

permission to draw any money, and it is the first time I knew he drew money on my name.

Q. Had you ever loaned him any money?

A. Yes, sir, twice, two dollars; he asked me to lend him a couple of dollars; he owes me two dollars yet.

Q. You loaned him twice two dollars, and he paid you back?

A. Yes, sir.

By the Court:

Q. You took that postal-card over to your employers?

A. Yes, sir.

By Mr. Baldwin:

Q. When did you take that to them?

A. They had that in the store on that same week.

Q. When you first went over to them you went over without the postal-card; didn't you?

A. Yes, sir.

Q. What did you say then to Coyle?

A. Coyle was behind the desk; he called me, "Come here." He had been looking over the books already and he seen some amounts drawn and no signatures to them, and then he says, "Mihan, come here; I want you to sign them signatures; sign your name there." Said I, "What for?" He said, "I want you to sign them." I said, "I will do nothing of the kind." Then he says, "If you don't do it for me, you will do it for F. Booss." I says, "I won't do it for F. Booss either."

Q. What did you say then about the postal-card?

A. I told him then I had a postal-card with reference to the thirty-five dollars which he wanted me to sign. I objected. He wanted me to sign thirty-five dollars, that last amount.

Q. Find that in the receipt book?

A. Then he charged me

with the debt. I says, "I ain't got it."

Q. Look at it (showing book to witness)?

A. That must be it, the 7th of June.

Q. The dates are in the ledger?

A. I can't see any date either.

Q. Is that what Coyle wrote and then asked you to sign your name opposite, all those figures?

A. That is where they wanted me to sign and he wanted me to sign June 7th; I can't find it.

Q. Is not this "June 11, H. Mihan, forty dollars," ---there is no signature opposite that?

A. No, sir, it can't be, it is dated June 7th, the postal-card.

Q. Look at that entry of forty dollars?

A. They told me thirty-five dollars was drawn, and they charged me thirty-five dollars on this side and no signature to it. They put it the 26th of May, thirty-five dollars; that is not my name there.

Q. Did you ever authorize Sambeth to sign your name in that book?

A. No, sir, I never did.

Q. Did you ever induce Sambeth to give you a voucher for an amount in excess of your work and then divide the proceeds with him or give him any part of it?

A. I never done the like. I know on two occasions I asked Mr. Booss personally for an advance of money, because my child was very sick, last year, and he granted it to me. And I told him, "The next week you will have it back again, I will have the work so much more, it will be all the same, you will oblige me with it."

Q. And he let you have it?

A. He did.

Q. What was Sambeth's custom about using lead pencil or ink when he made these receipts?

A. I don't know. But I recollect that he used on occasions to write the amounts in lead pencil and then he gave me a pen and ink to sign.

Q. Did you ever have any arrangement whatever with this man Sambeth, about getting money from this firm?

A. Never.

Q. Did you hear the testimony of F. Booss?

A. Yes, sir; I am very much astonished.

Q. Do you remember going to F. Booss and threatening to sue him for work that you had done for him, that he did not pay for?

A. I did.

Q. When was that?

A. That was in last Fall.

Q. After all this came out?

A. Yes, sir, that was about -- near Christmas time.

Q. What did he say?

A. He told me, "You overdrew your account already, you can't get no money;" that is what he said.

Q. Did you then put the matter into the hands of your attorneys?

A. Not then, I didn't do it until my work was finished; I gave it in the hands of my attorneys, I guess, some time in April.

Q. Right after the work was finished?

A. Yes, sir.

Q. And who were your attorneys?

A. Goldfogle and Cohen.

Q. Do you remember a conversation which was had between you and Mr. Booss, in the presence of Coyle, in which you were charged with having taken money?

A. Yes, sir.

Q. Tell us just what they said, and what you said?

A. When the matter came up to me Mr. Coyle says, "It is a little over a hundred dollars."

Q. That was not when Booss was present?

A. No, sir, I will say what we had to say to Booss. Then I says, "About that hundred dollars, I am not going to any law about it, I will settle the matter, I will work the hundred dollars off."

By the Court:

Q. What did he say about the hundred dollars?

A. He said to me that I had overdrawn, I don't know which way, anyway I had overdrawn. I says, "The best thing is I will pay that all and have no trouble about it, before I would go to any law. They told me it was five hundred dollars, and then they says nine hundred dollars. And I told them that I would willingly work that off if he would give me two-thirds of the money and leave one-third to stand, provided that there was proved to me that I was implicated in this affair whatever, and I cannot swear I was not."

Q. Did you, on that occasion, confess or admit that you had taken any money from these people with the assistance of Sambeth?

A. I did not; I told Mr. Booss strictly in his face, in his eyes, and Mr. Coyle too, "Mr. Booss, I am innocent of it, I am innocent;" I said them words, and he knows I said them.

By Mr. Baldwin:

Q. When were you arrested?
28th day of last month.

A. I was arrested on the

Q. Where were you arrested?

A. In my place of business.

Q. What time of day was it?

A. About a quarter

to seven in the evening.

Q. Who arrested you?

A. Mr. Hanley.

Q. This gentleman here (Pointing to Officer Hanley)?

A. Yes, sir.

Q. Where were you taken then?

A. I was taken to the Central Office, in New York.

Q. Didn't you stop on the way for a bondsman?

A. I did.

Q. Didn't you stop on the way to tell your wife?

A. I did; I went with Mr. Hanley to my bondsman.

Q. And did you take a bondsman over with you?

A. Not with us, but he came right after us because he couldn't take the time.

Q. And you were taken to Police Headquarters?

A. Yes, sir.

Q. What did you tell your wife?

A. I told my wife----

Objected to.

Question withdrawn.

Q. You went to Police Headquarters then, did you?

A. Yes, sir.

Q. Your bondsman came from Brooklyn?

A. Yes, sir.

Q. And were you then released?

A. I was down stairs, in

the cell.

Q. Did they let you out then, when your bondsman came?

A. No, sir.

Q. Why not?

A. They told him that they would not accept any Brooklyn bondsman.

Q. Was there any police justice there?

A. No, sir, they told my bondsman if he could find a Police Justice, and if he pleases to open court for him, he may do so.

Q. Were you kept in Police Headquarters over night, and the next morning taken to the Tombs, and were you released upon Mr. Freystadt's bond -- one of your customers?

A. Yes, sir.

Q. About this particular charge of your receiving two hundred dollars on the 22nd of March; do you remember receiving that check?

A. Yes, sir, I do.

Q. Who gave it to you?

A. Mr. Booss.

Q. Did he write it out himself?

A. Yes, sir.

Q. And how did you get it from him?

A. He signed the check, I was there and he handed it to me.

Q. Didn't you take some voucher to him to get it with?

A. No, sir; I didn't take a voucher.

Q. Weren't you given that voucher and didn't you then present it and get the check?

A. No, sir. Mr. Sambeth used to do that in most cases, I did it very seldom; if I remember, that check Mr. Sambeth got himself; I know Mr. Booss gave me a check personally after that, for two hundred dollars.

Q. Do you know how much goods you returned on that day, March 22?

A. I don't know exactly how much goods. I think it was about a hundred and ten dollars, I asked him for a little more money, on account, which he gave me; I delivered goods two or three times a week; I thought he could do that, which he did on several occasions.

By the Court:

Q. That is, this two hundred dollar check over-paid you about ninety dollars?

A. Yes, sir; by Monday or Tuesday he would get more than a hundred dollars worth more of goods.

By Mr. Baldwin:

Q. Had you any intention at that time of defrauding that firm?

A. Such a thing never comes in my mind to do.

Q. Look in that receipt book; are there a number of occasions where your name is signed that you did not sign it at all?

The Court: I think we had better stop now, we cannot finish today.

The Court adjourned.

Wednesday, June 17, 1891.

HENRY MIHAN, recalled; EXAMINATION RESUMED:

By Mr. Baldwin:

Q. How many years have you been working for F. Booss & Brother?

A. Six years.

Q. And during that time what value of goods have they delivered to you?

A. The value all the time, exceeding twenty-five thousand dollars at one time.

Q. You mean twenty-five thousand dollars a year?

A. At one time.

Q. At one time they have delivered that much; but I want you to calculate, as near as you can, what was the value of all the goods that they delivered to you for six years past?

A. That must be worth about two hundred thousand dollars.

Q. Since Mr. Coyle or Mr. Booss intimated to you that you were short in your accounts, or that you together with Sambeth had taken money from the firm which did not belong to you, have they delivered goods to you?

A. Yes, sir.

Q. What is the value of the goods they have delivered to you since they charged you with this thing?

A. I think to the value of between six and ten thousand

dollars worth.

- Q. You heard Booss testify that you still have some skins belonging to him, did you not? A. Yes, sir.
- Q. Is that a fact? A. It is a fact.
- Q. What is the value of those skins?
- A. About five hundred dollars.
- Q. Why have you not returned them to him before?
- A. It is only just a few skins.
- Q. Is it not a usual thing for workmen to be short of skins?
- A. It happens sometimes.
- Q. Why did you say to Mr. Booss that you would be willing to work off that amount that was stated to you, you taking two-thirds and paying him one-third on the returns?
- A. Being that I didn't want my name in a questionable affair, I didn't want to come before the court in public, I was willing to work ten years for that man before I would have it in this way. Since Mr. Kemtpf told me that his name was forged, says I, "It is time for me to act as well."
- Q. Did you start to work off that alleged indebtedness?
- A. I didn't work it off.
- Q. Didn't you begin to work it off? A. I did; yes, sir.
- Q. And those are the skins you have spoken of, of the value of six to ten thousand dollars? A. Yes, sir.
- Q. Look at page 30 of the receipt book; near the bottom of the page there is an item two hundred and twenty-five dollars, and opposite that your name is signed; I ask you whether you did sign that name there? A. I did.
- Q. Did you receive two hundred and twenty-five dollars on that occasion? A. I never did receive two hundred and twenty-five dollars from that man.

Q. What did you receive on that day?

A. I received \$175.00.

Q. What was that in the form of?

A. In a check.

Mr. Baldwin: I call the attention to the jury to this item, and to the erasure.

Mr. Lynn: The erasure is conceded, the People can explain it very satisfactorily.

By Mr. Baldwin:

Q. I show you People's Exhibit B, being the first item on page 34, "March 22, H. Mihan, two hundred dollars;" I ask you whether that money was paid to you for work that you returned that day or was it paid you for work partially returned that day and partially to be returned?

A. I returned that amount of money, the remainder of it was to be returned in a day or two, that is what I drew that day.

By the Court:

Q. This two hundred dollars you actually received, did you, in the shape of a check, from the complainant in this case?

A. Yes, sir.

Q. So you did receive the two hundred dollars?

A. Yes, sir.

Q. At the time that you received the two hundred dollars, was two hundred dollars due you?

A. No, sir.

Q. How much was due you?

A. There was at that time one hundred and four dollars.

Q. So that you received ninety-six dollars more than was your due?

A. Yes, sir; it would not be the first time.

Q. Will you explain, why did you receive ninety-six dollars

more than you ought to?

A. For the simple reason that I needed it. I asked Mr. Booss for the loan of it. In a day or two he would get the value of it back again, and he would be owing me some money. Every one of my customers give me money in advance; sometimes I have five or six hundred dollars worth out; I didn't have money to pay my hands, if I didn't get assistance I would be gone; I got that check from Mr. Booss himself.

Q. He handed you that check?

A. Yes, sir.

Q. When you got that two hundred dollars, give the exact conversation which took place between you and Booss, who spoke first and who spoke second?

A. I asked Mr. Booss whether he wouldn't be kind enough let me to have a few dollars more to-day, as I needed it to pay off my hands. He says, "I haven't got it;" by urging him, at last he gave it to me; he did it to me a good many times, I thought I would ask him again.

Q. This Mr. Booss has been a witness in this case?

A. Yes, sir, he gave it to me, by his permission.

Q. You say he handed you the check?

A. Yes, sir.

Q. At the time you went to him did you take the voucher and show it to him?

A. Mr. Sambeth went to Booss and said, "Mr. Mihan wants two hundred dollars, it is not coming to him, he wants to pay his men." I told Mr. Booss, "Be kind enough to let me have that money today, and in a day or two you will have double the amount in again, and you will oblige me." He says, "All right."

Q. You claim to this jury that it was given to you with the full knowledge that it was not due you?

A. Yes, sir, that is what I do.

By Mr. Baldwin:

Q. When you say that there was no more due to you, you mean that so far as the work returned on that particular day is concerned there was no more due to you?

A. I mean the next day I will bring in more, I will bring in double the amount.

Q. You kept no books while Sambeth was book-keeper there, did you?

A. No, sir, I never did.

Q. Since this trouble you began to keep books?

A. Yes, sir; I have got my brother-in-law to keep them for me.

Q. You trusted to that firm dealing honestly with you and expected what money was due to you?

A. I always did.

Q. Did Coyle say to you, in a saloon at the corner of Crosby and Grand streets, in the presence of Mr. Thomas, that he believed you were not guilty?

Objected to.

Objection overruled.

A. Yes, sir.

Q. Do you remember that you were a witness in an action brought by Mr. O'Leary, against F. Booss & Brother?

A. Yes, sir.

Q. When was that?

A. About four years ago.

Q. Who subpoenaed you?

A. Mr. Booss.

Q. You appeared there as a witness for Mr. Booss, did you?

A. Yes, sir.

Q. Do you remember what the action was about?

A. I do.

Q. Just tell the jury?

The Court: Is this pertinent?

Mr. Baldwin: Frederick Booss is simply awaiting his opportunity to wreak his vengeance on this man. I have a right to show his motive, and whatever disputes occurred between them I have a right to give in evidence, which may indicate the motive in prosecuting this case.

The Court: I do not see its relevancy.

Mr. Lynn: I object to the question, as immaterial, irrelevant and not pertinent to the issue.

The Court: I will exclude the question, and give you the benefit of an exception.

Mr. Baldwin: I except to your Honor's ruling, and I offer to produce Mr. O'Leary to testify as to this action.

The Court: Put him on the stand, I will rule on it when you put him on the stand.

By Mr. Baldwin: Mr. Mihan, have you ever had any trouble before?

A. No.

Q. Have you ever been arrested before? A. No.

CROSS EXAMINATION:

By Mr. Lynn:

Q. When was the last advance made, that you call an advance, prior to this particular one of ninety-six dollars?

A. There was several of them, I cannot remember.

Q. Give me one? A. I cannot remember; but I remember that particular one because it was a short time ago.

Q. Look at the slip now shown you and say whether or not you received a hundred dollars on the 15th day of July, 1889, and say whether or not there was any advance made on that?

A. I cannot remember.

Q. Will you swear that there was not \$66.30 advanced on that

date, so called by you?

A. I cannot remember.

Q. And that your actual labor was about \$33.70?

A. That could all happen.

Q. Look at the one now shown you, where you received, or alleged to have received, \$75.00, on the 4th day of June, 1889, and say whether or not that was an advance?

A. I cannot tell.

Q. Will you swear that there was not \$25.60 over-paid you on that day?

A. There is a whole lot over-paid on the books here, I cannot account for all that.

Q. Look at the check now shown you, for two hundred dollars, March 23, 1889, not the one of two hundred dollars in 1890, the subject of the inquiry -- and say whether or not there was an advance in that?

A. I received that check on the 25th of March, there is no denying that.

Q. Will you swear whether there was an advance there or not at that time?

A. I cannot always tell that. I cannot always remember; but I remember that one, because it is so short back.

Q. You are a man running a large business and had a number of employees there in your establishment; is not that true?

A. Yes, sir.

Q. Did you keep no book whatsoever of cash receipts from Booss & Brother, containing the fifty thousand dollars of work that you received?

A. I never did. All I kept was my workmens' accounts; I was too busy and I worked too hard.

Q. You never did keep any book of the amount of work your

factory did for F. Booss & Co.?

A. No, sir.

Q. But you do keep a book now?

A. Yes, sir, I got a man to keep it for me.

Q. Sambeth is a liar, is he not, in your estimation?

A. Yes, sir.

Q. Can you tell me why he sent you that postal-card on June 7th, wherein he says, "I have drawn thirty odd dollars in your name?"

A. I can't tell why.

Q. If there was no corrupt dealings between you?

A. Never.

Q. You do not know why he sent you that card?

A. I do not; that was the first I ever received of that kind.

Q. Is it not a fact that he went over to see you after you received that card?

A. He came over that Monday morning, that is the last time I seen him.

Q. And that you talked there at your place, or at a saloon in Brooklyn?

A. Across the way from the shop,

yes, sir.

Q. And did he not have a conversation with you about what he had done in drawing this money?

A. He told me he drew money, because I got a postal-card in the morning. I asked him, "what is the matter with ^{you,} drawing money on my own account in that way?"

Q. And he explained to you that he had?

A. Yes, sir, he did, and said, "I could as well draw a million dollars as twenty-five."

Q. You did not say, "What the hell are you doing that for, where do I come in?"

A. No, sir; I did not.

Q. He did not tell you he had to do this and you would be entitled to your half this time, but "I am going on my vacation, and I can only give you five dollars;" that is not true is it?

A. No, sir; it is not.

Q. You did not take five dollars from him, did you?

A. No, sir; I didn't get a penny out of him.

Q. And yet he sent that postal-card addressed to you, and you never have had, or knew nothing about, any corrupt dealing that he was doing?

A. I never did; if I did, I would have told Mr. Booss.

Q. Did you go over on the 8th day of June, with that postal-card in your pocket, and call Mr. Booss's attention to it?

A. Not the 8th; no, sir, I did not.

Q. Mr. Booss sent for you, did he not?

A. I told him about the postal-card, it was Monday or Tuesday.

Q. You had a message from Mr. Booss to call to see him?

A. No; that is a mistake.

Q. Where was the conversation that you had with Booss when you swear now that he told you ^{you} could have two hundred dollars, on the 27th of March, 1890?

A. I went up stairs and asked him.

Q. That is your signature on the book, isn't it?

A. Yes, sir; I don't deny it.

Q. Sambeth didn't sign that?

A. No, sir.

Q. That was up stairs, you say, in his office?

A. Yes, sir, not in the office, up stairs; there is no office up stairs.

Q. On what floor?

A. On the second floor, in his

room.

Q. Is it near where the desks are?

A. There is desks all over there.

Q. Bertram swears that you presented a stub to him, that is marked in evidence here; look at that and see whether or not you presented that to Mr. Bertram?

A. No, sir.

Q. Did you present it to any one?

A. Sambeth presented it to Bertram, which he did most all of them.

Q. Were you present with Sambeth on this occasion, were you at the window when he presented it?

A. Yes, sir, in his office.

Q. Were you present, you saw Sambeth present the stub to Bertram?

A. Yes, sir.

By the Court:

Q. You were present when he did it, you were with him when he presented it?

A. I couldn't see when he gave it to him.

By Mr. Lynn:

Q. You saw him go inside, and did Sambeth come out?

A. Yes, sir.

Q. With that stub?

A. No, sir.

Q. What did he come out with, if anything?

A. I didn't see him come out with anything; he went up stairs to Mr. Booss and asked him whether I can get some money.

Q. Did you go with him?

A. No, sir; he came down, and I went up stairs myself.

Q. Mr. Booss sat down and wrote the check out?

A. Yes, sir.

125 Q. Is that true?

A. Mr. Bertram fixed the check

and then he went up stairs to Mr. Booss, and Mr. Booss signed it.

Q. Bertram made out the check, as he swore to us he did, this two hundred dollars?

A. I think Bertram made that out, I couldn't swear to it, I cannot remember everything as close as that; I don't know Bertram's hand-writing.

Q. Look at that; is the body of that check Booss's hand-writing?

A. Certainly it is.

Q. The whole of it?

A. What else I cannot say.

Q. I did not ask for the signature; I mean the body of the check?

A. I guess that is all of it.

Q. Why did you say that Booss made out the check for you, in your presence?

A. He never makes out a check, he only signs checks; that is what I meant.

Q. You want to correct your testimony by saying that Bertram made the check out?

A. He never did make out a check, he only writes it, Mr. Booss signs it; that is a little mistake.

Q. Bertram was right when he said that he made that check out and gave it to Booss?

A. That might be, yes, sir.

Q. After Sambeth went up stairs, you remained in the office with Bertram; didn't you?

A. I never went in the office.

Q. You stood outside?

A. Yes, sir, outside.

Q. What did you do?

A. I went up stairs and got the check.

Q. Did you talk with Bertram down stairs?

A. No, sir, I don't recollect talking to him.

Q. You said you went with Sambeth to where Bertram was, with the stub?

A. Yes, sir.

Q. You could not say Sambeth presented the stub to Bertram?

A. No, sir, I couldn't say that; I saw him come out and go up stairs.

Q. Did Bertram come out?

A. I don't know whether he did.

Q. You went up stairs, though, to where Mr. Booss was?

A. Yes, sir.

Q. The third floor, was it?

A. The second floor.

Q. And there you had this conversation with Booss?

A. Yes, sir, before he signed the check.

Q. You saw that stub that day; didn't you?

A. I asked for the amount of money.

Q. You asked Sambeth for it first; didn't you?

A. Certainly I have asked Sambeth first.

Q. So that Sambeth was the man you had to ask first in regard to an advance?

A. I never did; I had to ask Mr. Booss when I wanted an advance.

Q. The stub was made out first, wasn't it?

A. No, sir; never was made out first.

Q. You saw that you went with Sambeth and the stub to Bertram's room, and that you could not see Sambeth present it to Bertram, but that he had a stub with him; that is true?

A. No, sir; when I wanted an advance of money I generally went to Mr. Booss, and told Sambeth and he said, "You had better go and see him yourself."

Q. Which was made out first, the check or the stub, you ought to know?

A. I don't remember whether the stub was made out before the check was, that I cannot say.

Q. "No money paid for labor until the work is approved by us. Cash, two hundred dollars. J. A. S." That is the initials?

A. Yes, sir.

Q. Was that made out before the check or was it not?

A. I cannot remember that.

By the Court:

Q. But you have just stated that was presented to the book-keeper?

A. That generally is, your Honor.

Q. After it was presented to the book-keeper it was taken up stairs, you had to go up stairs to make some arrangement?

A. Before anything like that is presented, I generally go to Mr. Booss about it myself.

By Mr. Lynn:

Q. How could Bertram make out the body of the check, not having the stub -- you understand that?

A. Certainly I do.

Q. Recollect, the stub is for two hundred dollars and the check is for two hundred dollars, you do not remember whether the stub was made out before or after the check; now, I ask you how could Bertram, whom, you say, was on another floor, make out that check without that stub?

A. That I cannot say, whether that particular stub was made out; there was so many stubs, I didn't take notice of that, I don't remember anything like that. Generally, Sambeth took the stubs and went in the office and got the money for me.

Q. But you say this time you went to Booss?

A. Yes, sir, when I wanted an advance I went to Mr. Booss all the time.

Q. You went up stairs to Booss, you saw him at his desk, I suppose he was there?

A. Most of the time, himself alone.

Q. This time too?

A. I don't know this time; most of the time, alone.

By the Court:

Q. Confine yourself to this transaction?

A. Whether Mr. Booss was alone up stairs, that I cannot say. That would go too far for me to remember.

By Mr. Lynn:

Q. You saw Mr. Booss, though, that day?

A. Yes, sir.

Q. He was at his desk?

A. No, sir, he was not at his desk --- walking around the floor, looking at some skins.

Q. You went up and spoke to him? A. Yes, sir.

Q. What did you do? A. I asked him whether he wouldn't be kind enough to give me an advance, as I needed it; I stated what I needed it for, because in a day or two he will have more than as much again coming in.

Q. You had a bank account? A. I never have had a bank account.

Q. Where did you keep your money? A. Always when the money came in I paid it out; I hope to be able to keep one, I am getting along so well.

Q. You are keeping one now? A. No, sir, not yet.

Q. What day of the week was that?

A. I cannot remember the day.

Q. What did you say to him about your advance? Did you tell Booss, "I have brought in \$104.00 of work, I have taken it up stairs and I have a check for the amount of \$104.00, a stub, I would like to have you give me \$96.00 more, and have it charged against me?"

A. I never said the exact amount, I said I brought in about a hundred dollars worth of work; "Mr. Booss, let me have a hundred dollars more, if you please, to-day."

Q. You told him you brought in a hundred dollars of work, and you asked him, "Please let me have a hundred dollars more?"

A. Yes, sir.

Q. What did he say?
about giving it to me.

A. First, he hesitated

Q. He hesitated?
and asking him kindly, he gave it to me, which he had on several occasions.

A. Yes, sir; and, on my pressing him

Q. He was kind to you then?
cannot say nothing against him.

A. He was always kind, I

Q. He did not have any deep malice or vengeance against you, as your counsel stated?
I wouldn't have brought you here."

A. He did, he told me

Q. And that he loaned you money afterwards, advanced you money afterwards?

A. Occasionally, yes, sir.

Q. How many times?

A. I do not remember.

Q. Was it more than seventy-five times?

A. It is not that much.

Q. What did he say, did he say, "All right?"

A. Not first off.

Q. He finally said that?
it to you, I need my money myself." After explaining what I wanted it for, he said, "All right."

A. He said, "I cannot give

Q. You do not recollect what you told him it was for?

A. I don't remember any more now what it was for; I know I needed the money, and I asked him.

- Q. You do not remember what reason you assigned for the money?
A. No, sir.
- Q. And, after he finally consented and said he would let you have it, did he say that?
A. Yes, sir.
- Q. What did he do?
A. He told me to go down, I guess Sambeth was with me, I think so -- I don't remember -- and he says, "Go and get the check made out;" and then the check was brought up stairs to Mr. Booss to sign; then Mr. Booss gave it to me himself, up stairs. I was up stairs speaking to Mr. Booss at the time.
- Q. When you got Booss to finally consent that he would advance this hundred dollars to you, as you express it, Sambeth, you think, was there?
A. Yes, sir.
- Q. Did Booss give Sambeth any instruction?
A. He told him to go and make out the check for two hundred dollars.
- Q. You went along, did you?
A. I did not, I stepped up stairs until he came up stairs and Mr. Booss signed the check, and he gave it to me then.
- Q. Did you go up to Sambeth after you got it?
A. No, sir, only just to sign my name, that is all.
- Q. You did not go back?
A. I signed my name, I did; I don't deny it.
- Q. Sambeth tells the truth when he says you signed your name to that two hundred dollars?
A. Yes, sir.
- Q. That is one of the times he told the truth?
A. Yes, sir.
- Q. That is the top line, isn't it?
A. Yes, sir, March 22.
- Q. Did you sign that on the floor with Sambeth?

A. Yes, sir.

Q. And went up with him?

A. He went up first and I went after him, to ask whether Mr. Booss would give me the money; then, after Mr. Booss consented, he told Sambeth to go and make out the check and bring it up stairs, Mr. Booss signed it; then of course I had to go down and sign it down stairs in the book.

Q. Can you tell me one other instance, near or far, that you asked Mr. Booss for an advance, such as you did on this occasion; you said you have had numerous ones?

A. Because it was so short, it was only just two months after that.

Q. You always got the stubs, did you not?

A. No, sir.

Q. You got stubs when you were there?

A. You mean these stubs, to get the money on, that?

Q. Yes?

A. No, sir, very seldom I went and got the money on them.

Q. How many times did you go to Bertram with a stub that Sambeth made out to get money on?

A. I do not remember how many times.

Q. Was it once?

A. I don't know whether it was once or twice, I couldn't tell you; but most of the time I know Sambeth took the vouchers and went in the office and got the money.---Went in one side of the door and came out of the other.

Q. Look at that column; that is your signature, you are sure, because you signed for that two hundred dollars?

A. Yes, sir.

Q. Tell me how often your genuine signature appears on that

column, how many signatures there are on that column that are signed by you? You say you know your own signature, that is what I want to know, never mind about Sambeth?

A. There is a good many so nicely done I can hardly say whether they are mine or not.

Q. Just try and pick out a few won't you? Look at that one, there, "H. Mihan, \$125.00, April 24?"

A. Yes, sir, that is my hand-writing.

Q. You think that is yours?

A. Yes, sir.

Q. Did you get an advance on that day?

A. I do not remember that but I remember that is my signature, April 24.

Q. You got that check, didn't you, and that is your signature?

A. Yes, that is it; I remember that well.

Q. Did you turn in \$125.00 worth of work that day?

A. I don't remember whether I did or not; how can I remember all those things?

Q. That is April, a month after this two hundred dollar one; the check I show you, you say that you received the cash on?

A. Yes, sir.

Q. I ask you whether you rendered full value in services returned the day you got that money?

A. That might be from two or three returns I got that.

Q. Isn't it a fact that your labor amounted to but \$63.96 on that day?

A. It might amount to sixty, eighty or a hundred dollars; I delivered that amount.

Q. Will you swear it is not true that \$61.00 was overpaid you that day, and that you gave Sambeth \$15.00 of it?

A. I never gave Sambeth a dollar.

Q. Oh, yes, you did; you gave him four?

A. Well, four dollars, I gave that as a loan; I did not suspect anything.

Q. But you do not remember whether you turned in that work for \$125.00?

A. I don't; because sometimes I got money from two or three returns of work.

Q. Doesn't the \$63.96 and the \$61.04 difference in the figures explain where there is so many even figures on that column?

A. You look in the labor book and see whether I got the amount of three or four returns; may be I brought in twenty dollars worth of work some days.

Q. Can you tell me a single occasion when Booss gave you an advance of money, such as you describe, except this two hundred dollars?

A. I cannot describe any; if I did get money, it was for more than was coming to me on a certain day, it was advanced on work I got out yet; that work I brought in two or three days ago,

JOSEPH A. SAMBETH, re-called by Mr. Baldwin:

By Mr. Baldwin:

Q. What are you looking for?

A. I am looking for Mihan's account.

Q. Did I ask you to look?

A. I think that is the case we are on.

Q. Will you look at Mr. Kemtpf's account for me instead; this is Mr. Kemtpf's account?

A. Yes, sir.

Q. What page of the ledger?

A. 225.

Q. Is that account regularly kept, Sambeth?

A. Yes, sir.

Q. Does it show just what Mr. Kemtpf received?

A. It shows all the skins he received and all the skins

he returned.

Q. Does it show what he received in money, does it accurately tell just what he got in money? A. Yes, sir.

Q. That is a transcript from the receipt book; isn't it? A. Yes, sir.

Q. If that ledger, which you kept correctly, shows that Mr. Kempf received any money, didn't you transcribe from the receipt book the four pages that you told me about the other day? A. When money was drawn from Kempf's account it was put into a sort of small day-book, and from the day-book I posted it into this book.

Q. You forged his name four times in that receipt book; didn't you? A. I did not exactly four times. I know twice in the book, anyhow.

Q. Didn't you pick out for me four signatures? A. I was doubtful on two.

Q. You don't know whether you forged them or not? A. No, I was doubtful on two of them; and the other two, yes.

Q. There was two you know you did? A. Yes, sir; and I only did it twice.

Q. Do the amounts and the dates opposite the two forgeries that you know about appear in that ledger?

A. They do not appear in this book.

Q. Look at the two other doubtful forgeries, and say if those appear in that ledger? A. Yes, sir, those two do appear there, there is the fifteen and the thirty-five.

Q. That is April 26 you have got there? A. It is May.

Q. Show me the fifteen, that you say is there?

A. He brought in skins the same day, if I am not mistak-

en. Here is the thirty-five, June 6th.

Q. Then you were more or less mistaken when you said that this ledger account of yours is correctly kept; weren't you?

A. I tried to get it correct, as near as I could.

Q. Why do the years run irregularly in these books of yours?

A. It is a large labor book, the date of the year is always up at the head of the account.

Q. Why are the dates irregular in the receipt book?

A. A party sometimes came in wanting money; there was some open spaces in the other place, I couldn't find it under the regular years, I placed it under the space I got.

By the Court:

Q. The man who kept it was irregular too?

A. I kept the book, your Honor.

By Mr. Baldwin:

Q. Sambeth, why did you forge Kemtpf's name?

A. I put his name down there to show that I received the money.

Q. What is that you mean to say?

A. I put the name down to show that I received the money.

Q. How did you get the money then?

A. I don't remember that.

Q. Sambeth, when you put Kemtpf's name down there and forged it, how did you get the amount of money opposite the name?

A. I do not remember that.

Q. How could you get the money?

A. I don't remember the way I got the money.

By the Court:

Q. In what way could you have got it?

A. I couldn't get it otherwise than by issuing the ticket

to the cashier.

By Mr. Baldwin:

Q. Then on these occasions you went to the cashier with the ticket and you got the money from the cashier; didn't you?

A. I didn't say that I did. You only asked me before in what way I could get the money.

Q. You answered the Court just now that that was the only way you could get it?

A. Yes, sir, in that instance.

Q. Is it not possible that is the way you did get it?

A. No, it may be possible ---possibly it may not.

Q. What do you mean by that? What other way could you get it?

A. I couldn't get in any other way than by presenting the stub.

Q. That is the way you got it, wasn't it? Did you forge that name for nothing, did you get the money, or didn't you?

A. If I forged the name, I got the money.

Q. The only way you could get it was to write out a voucher and present it to the cashier; is not that so?

A. It may be so, yes, sir.

Q. Since you have been in the Tombs who have visited you?

A. Two or three parties.

Q. Do you mean picnics, in parties, or do you mean two or three men have visited you there?

A. There was two gentlemen and a lady called.

Q. Do you know the names of the men who visited you there?

A. Yes, I know the names; one of the parties is Meyers and the other is William Luthy.

Q. Anybody else?

A. No, sir.

Q. Haven't you seen Hanley at the Tombs?

A. I only saw Hanley at the Tombs when I went down in the

Tombs Court, the morning I was indicted.

Q. You saw Mr. Coyle there?

A. Yes, sir, at the court-room.

Q. Who brought you from the Tombs this morning?

A. I am brought in a wagon.

Q. What did you do with the money that you got on your forgeries of Kemtpf's name?

A. I kept my house with that, paid my rent and living expenses.

Q. When you looked through the book the other day, when I asked you to look and say whether you had committed any other forgeries, when you testified that you couldn't tell whether you committed any other forgeries unless you looked through the book, when you looked through the book away back to 1886, what were you trying to find?

A. I wanted to find out whether I had forged any of Miham's signatures there; whether I had signed for Miham, if you want it that way.

Q. I asked you also to tell me whether you had forged any other names beside Miham's and Kemtpf's, and you looked back until 1886; why did you do that?

A. You asked me to look back, and I looked back.

Q. I asked you and you said you couldn't tell unless you looked at the book, I handed you the book; why did you look back to 1886?

A. I wanted to make sure.

Q. In order to make sure whether you had committed any other forgeries, you looked all the way back to 1886; didn't you?

A. Yes, sir.

By Mr. Lynn:

Q. Did you send that Postal-card to Mihan? A. Yes, sir.

Q. How long after this date? A. If I am not mistaken, on the Saturday I sent a card, and on Monday I seen him.

Q. The post-mark on the outside is June 7th, you think that was Saturday, do you, that you sent it?

A. Yes, sir.

Q. You saw him the following Monday? A. Yes, sir.

Q. Where did you see him? A. I went over to his place of business.

Q. Did you see him there? A. Yes, sir.

Q. Did you go out of his place of business, anywhere else?

A. Yes, sir.

Q. Where did you go to? A. Across the way to the saloon with him.

Q. Tell us just what took place and what was said by either of you in that saloon?

Objected to.

Objection overruled.

A. I went over to his place of business, I spoke to Mihan and then I told him I had drawn a certain amount of money upon his account, in his name; and he says, "How much did you draw?" I had spoken to him a few days previous to that, though, when he was over to the store, telling him I was going on my vacation. I told him I would need a little money, I would probably draw twenty dollars. If I am not mistaken, I drew thirty dollars, I told him about that, after I had sent the card. He says "Am I going to get anything out of it?" I says, "How much do you want?" He said, "Let me have five dollars." I did not have the change and we went over to a saloon and had drinks, and I gave him

five dollars over there.

Q. He had done no work for thirty dollars, had he?

A. No, sir.

By Mr. Baldwin:

Q. What was your hurry to draw the thirty-five dollars?

A. Well, I drew the money, Mihan knew I was going to draw some money that Saturday, because I was going off on my vacation.

Q. Why did you draw that money, instead of having Mihan go in the usual way of business and have you get it?

A. I don't remember whether he did come over that morning himself, or the day before, with some skins, and he was busy, and he said something about he was going somewhere else to deliver skins, he probably might not get back in time. I am telling this, I am not quite sure, it seems so to me.

Q. Your recollection is now he did return some skins to you that day?

A. No, I believe he returned some skins Friday or Thursday.

Q. On this occasion, when you drew the thirty-five dollars, you drew it against Mihan's account; didn't you?

A. Of course I had to charge it up against his account.

Q. Did you draw it against his account or not?

A. Yes, sir, I drew it up against his account, I had to put it somewhere.

Q. How did you draw it against his account?

A. Why, I made out a stub in the regular way, I happened to be at the desk that day to pay off the hands, that Saturday and Mr. Bertram was sick, he was sick, if I am not mistaken, or something to that effect.

Q. You made out a stub, in the regular way?

A. Yes, sir.

Q. You presented the stub to yourself?

A. Yes, sir, I was attending to both departments that day.

Q. And you cashed the voucher yourself?

A. Yes, sir.

Q. Bertram was away where?

A. I don't know whether he was sick or whether he was on a vacation.

Q. He was sick in the cellar?

A. No, sir, he was away two or three weeks at that time.

Q. Why did you send a postal-card to Mihan?

A. To notify him of the fact.

Q. But you and Mihan were thieves together, you had a perfect understanding between yourselves to steal from that firm, why did you think it necessary on this occasion to write him a postal-card?

A. I thought, as a matter of course--

By the Court:

Q. That is, there is some honor among thieves?

A. I don't know about that.

By Mr. Baldwin:

Q. Is that the reason?

A. I don't know anything about it.

Q. Why did you, in addition to sending the postal-card, go over on Monday to speak to Mihan about it?

A. Well, I tell you the reason, I had told Mihan I was going to draw twenty dollars, and instead of twenty I drew thirty-five dollars.

Q. You found it necessary to go over and tell Mihan that, did you?

A. Yes, sir, I was to give Mihan part of that money.

Q. And the best explanation you can give me for writing that postal-card, and for going over in person to Brooklyn, is the explanation you have given? A. Yes, sir.

By the Court:

Q. What did you say the percentage was of over-drafts to be paid to Mihan? A. There was nothing made out, what I was to get, your Honor.

Q. No arrangement about it? A. No; he would give me ten or fifteen dollars, according to the way he needed the money.

Q. You left it to him to determine how much you would have in each case? A. Yes, sir; sometimes I didn't receive anything.

Q. And sometimes you would receive ten or fifteen dollars? A. Yes, sir.

Q. Who suggested this arrangement first, you or the defendant? A. Mihan spoke to me about it.

Q. Mihan suggested it first to you and you acquiesced? A. Yes, I accepted the proposition, because I needed the money.

Q. On this day, the 22nd of March, 1890, the day that this two hundred dollar check in controversy was given to Mihan, who handed it to him? A. Bertram gave him the check.

Q. Handed it to him personally? A. Yes, sir. He brought in skins, and I figured it out on a piece of paper, and he asked me to give him a check for that amount, I don't know whether it was to buy saw-dust, or something, he made some explanation. I says, "Mihan you only brought in that amount of skins"--- I can't tell the number, about a hundred dollars or something like that, or one hundred and five

dollars. I says, "This is an awful big amount to draw." He says, "You can fix that up some way again, I won't draw as much the next time," or something to that effect. I made out the stub; it was nearly six o'clock, and the defendant brought in a little amount of skins; I handed Mihan the stub.

Q. That was before any check was given?

A. Before any check was given; Bertram could not give him a check unless he had a stub to show the amount.

Q. When you handed the two hundred dollar stub to Mihan what did he do?

A. I believe he went over to the window, to Bertram; I did not go to the window at all, I had to count the skins, it was nearly six o'clock, I was in a hurry to go home; there was probably a thousand skins lying there, I wanted to count the skins. Bertram gave Mihan the check, at the window.

Q. Did Bertram come down to the office where Mihan was?

A. I couldn't remember that, I gave Mihan the stub and Mihan went to Bertram, according to the way it was usually done, and Bertram made it out.

Q. How was it done this time?

A. I couldn't tell; Bertram made out the check, I do not know whether he asked me that evening to go up myself to Mr. Booss to have it signed. I believe he went up himself and had it signed.

Q. Your memory is very hazy?

A. About that point; I know Bertram took the check and had Booss sign it, and Bertram gave Mihan the check.

Q. You said, a little while ago, the complainant gave him the check?

A. No, Bertram went to Mr. Booss to have the check signed.

Q. Who gave Mihan the check?

A. Bertram.

Q. That you are positive of?

A. Yes, sir; I am pretty positive of that; I was standing a little ways off.

Q. Did you get any portion of this particular check?

A. I think I got something like fifteen or twenty dollars on that check.

Q. Who gave it to you?

A. Mihan.

Q. Where?

A. I think it was in the saloon.

Q. Don't "think;" do you know where he gave it to you?

A. It was in the saloon he gave it to me.

Q. Are you positive of that?

A. Yes, sir.

Q. When?

A. The same evening.

Q. The same evening that he received it?

A. Yes, sir.

Q. What saloon?

A. There was two saloons we used to go to, I don't know whether it was the corner of Crosby and Grand or the corner of Grand and Mercer streets.

Q. How do you know it was a saloon?

A. Because I know I went there to wait for him, to one of those saloons.

Q. You don't know which one?

A. No, sir.

Q. Your memory is perfectly distinct, you went to a saloon?

A. To one of the saloons; I know where the saloon was, but I don't know which one it was -- whether it was the corner of Crosby and Grand or the corner of Grand and Mercer. He went off with the check and said he would meet me there, because he had to get the check cashed; I don't know where he got it cashed.

Q. He did not get the check till six o'clock?

A. He said, "I will get that check or get some money

where I deliver skins, and I will meet you and give you some money." After six o'clock, when the store closed, I went over to one of these saloons and I waited for Mihan until half-past six that evening, and he came back.

Q. When Mihan suggested to you to act in this dishonest manner did you hesitate at all?

A. I didn't like it at the beginning.

Q. You accepted it at once and went at it?

A. Yes, sir.

Q. To rob your employers?

A. I didn't think it would amount to that much at that time.

Q. Did you count up in your mind how much it would amount to, before you got through robbing?

A. I knew it began gradually and advanced, I thought it would amount, probably, to five or six hundred dollars.

Q. How much did you rob your employers?

A. I understand it is between nine hundred and a thousand dollars, the way I have been told.

By Mr. Baldwin:

Q. How do you know it is nine hundred dollars, who informed you it was over nine hundred dollars?

A. I don't remember who informed me that.

Q. Why were you informed that it was over nine hundred dollars?

A. I don't remember that any more, why I was informed; I remember somebody telling me that the amount was probably between nine hundred and a thousand dollars.

Q. Where was that told you?

A. I don't remember that any more, I had to try to get my thoughts together to know.

what happened here, with this business.

Q. Was it told you at the Tombs?

A. No, sir, it was not told me at the Tombs.

Q. Was it told you on the way from Milwaukee to New York?

A. I don't remember whether it was or not.

Q. May it have been?

A. I don't know.

Q. Was told you in Milwaukee?

A. I don't think it was.

Q. Your best recollection is it was told you between Milwaukee and New York; wasn't it?

A. It was told me sometime from the time I left Milwaukee until after I was probably in New York a few days.

Q. Who told you?

A. I don't remember who told me; it might have been one of the gentlemen who called on me and told me.

ANTONY THOMAS, sworn, and examined.

By Mr. Baldwin:

Q. What is your business?

A. Porter.

Q. Who do you work for?

A. F. Booss & Brother.

Q. How long have you worked for F. Booss & Brother?

A. Since 1881.

Q. What was your business before that, were you porter?

A. I was porter before I came there.

Q. With whom?

A. With J. Ruszits.

Q. Another fur house; isn't it?

A. They are a fur house.

Q. How long were you there?

A. Fifteen years.

Q. Do you know Henry Mihan?

A. Yes, sir.

Q. How long have you known him?

A. I know him since 1871.

Q. Do you know Mr. Coyle?

A. I know him since he

came in Boosa's employ.

- Q. Were you present at a saloon corner of Crosby and Grand streets when Coyle was there, and did Coyle then say to Mihan, in your presence, that he believed Mr. Mihan was not guilty?

A. Yes, sir.

CROSS EXAMINATION:

By Mr. Linn:

- Q. Did he say anything else?

A. No, sir.

- Q. What did Mihan say?

A. Mihan says that he would be very glad -- somebody advised, he would like to settle this matter, in case it would not go any further--- that his customers would find it out, that he would get a bad character, a bad name, everybody knew him, and he says, "Now, I have all this trouble with sickness, home; and this will bring me trouble again."

- Q. Didn't he ask Coyle to help him out of the trouble?

A. He says if he could that he would be very glad to make a settlement --- he tried to make a settlement.

By Mr. Baldwin:

- Q. What sickness did he speak about?

A. Mihan's child's sickness.

- Q. The child had died?

A. The child died.

PATRICK H. COYLE, recalled:

By Mr. Baldwin:

- Q. Mr. Coyle, on page 409 of your letter book I see a statement; in whose hand-writing is that?

A. It is not mine.

- Q. In whose hand-writing is it?

A. Mr. Goldstein's

I think, if I can recognize it right.

MEYER GOLDSTEIN, recalled:

By Mr. Baldwin:

Q. Look at page 409, Goldstein; what is that?

A. That is a statement of Miham's account since August 26, 1890, and to March 12, 1891.

Q. That is a statement of Miham's account with F. Booss & Brother from August of last year until when?

A. March 12, 1891.

Q. Is that in your hand-writing?

A. That is in my hand-writing.

Q. Why did you draw that?

A. Booss requested me to draw up how much work he had out on the 15th.

Q. All that work is since Miham is charged with having committed this theft; isn't it?

A. It is.

Q. How much does that show that Miham is entitled to on new work?

Objected to, as irrelevant.

Objection sustained.

Exception.

Q. After Mr. Miham began to do this new work for the firm of F. Booss & Brother, did he come to the store and demand money?

A. Yes, sir; he paid him five dollars on account.

Q. When was that?

A. September, 1890.

Q. And that was on account of new work that he was doing for the firm?

A. Yes, sir. He wanted more money, but Mr. Coyle objected to giving it to him.

Q. Have you had any conversation with Mr. Booss since you testified yesterday?

A. Nothing special.

Q. Did Mr. Booss complain to you at all because of the testimony you gave yesterday?

A. He did speak to me

about that; yes, sir.

Q. What did he say to you?

A. I would like to be excused from answering that question.

Q. No, this is very important, a man's liberty is at stake.

Objected to, as incompetent, immaterial and irrelevant.

By the Court:

Q. What did the complainant state to you after the adjournment of the court yesterday? A. Well, now, he said my refusing to answer is just equivalent to saying yes.

By Mr. Baldwin:

Q. Your refusal to answer as to what?

A. As to calling any one a thief.

Q. What else did he say, did he say anything else?

A. He said he had no recollection of calling anybody a thief.

Q. Did he ask you why you couldn't have testified that he didn't call anybody a thief?

A. I don't recollect him saying that.

Q. Will you swear he did not say that?

A. I will not swear he did not.

ADOLPH HYMAN, sworn, and examined:

By Mr. Baldwin:

Q. What is your business? A. Fur business.

Q. Who are you with? A. I am workman for Little & Co.

Q. Is he a hat manufacturer?

A. No; a fur manufacturer.

Q. Where is his place of business? A. 703 Broadway.

Q. Do you know Frederick Booss? A. Yes, sir.

Q. Did he ever, in your store, accuse you -----

A. I don't understand good English; I understand, but not good.

Q. Did Frederick Booss ever, in the presence of other people in the store, call you a thief, or say that you had stolen from him?

The Court: I exclude it. The Court does it on its own motion.

Mr. Baldwin: Note an exception.

That is my case.

REBUTTING TESTIMONY.

FREDERICK BOOSS, recalled:

By Mr. Lynn:

Q. Mr. Booss, have you heard the testimony of the defendant Mihan, here?

A. Yes, sir.

Q. He says that on the 22nd of March, 1890, he had a conversation with you, at your place of business on Broadway, in this city, and asked you to advance him a hundred dollars in order to enable him to bridge over some necessity that he wanted; is that true?

Objected to, as incompetent, immaterial and irrelevant, and on the ground that the District Attorney may not contradict a witness whom he has made his own.

Objection overruled.

Exception.

A. No, sir.

Q. Is it true that he came to you, as he has testified, on the second floor, which is one flight over the store floor, and there told you that he had brought in a hundred dollars worth of work, but that he needed a hundred dollars more?

A. No, sir --- to the contrary, I gave him strict orders that he shall never have more money.

Q. Is it true, as he has testified, that you had on many occasions like the one he testified to, made an advance to him over and above the work he brought in?

A. No, sir, only in two small cases; once about seven dollars and once about fifteen; when the work came to thirteen dollars, or something like that, I gave it to him.

Q. And those are the only two?

A. Those are the only two times where it ever happened; I was very strict in that, that he should not have money before he got the goods in, because years ago I had trouble -----

Objected to.

Q. Who gave you that check, Mr. Booss, or did you have that check, to sign that day, People's Exhibit E?

A. This check was written by Mr. Bertram, the body of the check.

Q. The defendant, Mihan, says that you handed him that check; is that true?

A. No, sir.

Q. You did sign that check?

A. I did.

By the Court:

Q. At the time you signed it were you cognizant that it represented money which you were not owing to the defendant?

A. No.

Q. You didn't know anything at all about it?

A. No, sir.

Q. You supposed it represented money which was due him, for which he brought in work?

Objected to.

Objection overruled.

Exception.

A. Yes, sir, that he brought in work for.

By the Foreman:

Q. Mr. Booss, after you signed this check to whom did you give

it, to whom did you present it?

A. The book-keeper delivers it to whoever it belongs to. I sign for the book-keeper, and he gives the checks out to the respective parties.

By the Court:

Q. The Foreman wants to know if you remember in this particular case to whom, after you had signed the check, you handed it?

A. To the book-keeper. The party who writes the body of the check gets it back after it was signed by me; I didn't hand it to the defendant, no, sir.

By a Juror:

Q. Did you accept his one-third offer at that time?

A. No, sir; I said positively that I wouldn't do anything in the case, but let it rest until I came to a decision in it.

By Mr. Baldwin:

Q. Why did you give the defendant more skins to dress?

A. He had skins out then.

By the Court:

Q. Why did you give him more skins after you discovered what you considered were irregularities?

A. It was because we needed them at that time; I had no objection to giving him skins until I had decided what I wanted to do with the case.

Mr. Lynn: That is the People's case, your Honor.

HENRY MIHAN, recalled:

By a Juror:

Q. When and where did you have that check cashed, Exhibit E--

where did you cash that two hundred dollar check?

A. I cashed it in Lucas's, Bleecker street.

Q. Did he give you bills? A. Yes, sir, bills for it.

Q. Was it the same day when you received the check?

A. That I cannot remember; sometimes it is, and some times the next morning.

Q. Was it on a Saturday?

A. I can't tell you now if it was Saturday or not.

Q. March 22 was Saturday? A. I couldn't tell you whether it was.

Q. Did you see Mr. Sambeth after you received the bills from Lucas, after you had that check cashed?

A. I never saw him after I left the store but once or twice.

By the Court:

Q. Did you see him after you got that particular check cashed, that day? A. No, sir; I never saw him that day.

The Court: Do both sides rest?

Mr. Lynn: Yes, sir.

The Jury DISAGREED.

POOR QUALITY
ORIGINAL

0965

County

The People

vs

Henry Wilson

Stenographer's Trans

June

Filed June 11, 1908

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 Widman &
Joseph A. Sandherr*

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

Indictment accuse

Henry Widman and Joseph A. Sandherr

of the crime of

Extortion in the second degree,

committed as follows:

Heretofore, to wit:

on the 22nd day of March, 1890, the said Joseph A. Sandherr, late of the City and County of New York, at the City and County of New York, being then and there the clerk and servant of Frederick Boers and George F. Boers, co-partners in trade, then and there carrying on business in and by the firm, name and style of F. Boers and Brother, and as such clerk and servant then and there being in his possession, custody and control certain money and personal property of the said Frederick Boers and George F. Boers, the true owners thereof, to wit: the sum of ninety-eight dollars and seventy-five cents in money, lawful money of the United States

of America and of the value of
 ninety-five dollars and seventeen
 cents, and then and there feloniously
 appropriate the said sum of money to
 his own use, and to the use of his said
 family, with intent to deprive and
 defraud the said Frederica Cross and
 George F. Cross of the same, and of
 the use and benefit thereof, and to so
 appropriate the same as aforesaid, and
 the same money and personal property of
 the said Frederica Cross and George F.
 Cross as thereby then and there
 feloniously dealt.

And the said Henry Wilson, late
 of the City and County of New York, then
 and there was feloniously concerned in
 the commission of the said crime and
 carrying out the said Joseph A. Sambeth
 in name and form aforesaid, and did
 then and there feloniously aid and abet
 the said Joseph A. Sambeth in the
 commission of the same, and in the said
 Joseph A. Sambeth so to commit the same
 in manner and form aforesaid did
 then and there feloniously counsel, command,
 induce and procure, against the form of
 the Statute in such case made and provided,
 and against the peace of the State of
 New York, and their dignity.

~~Court of General Sessions of the Peace~~

~~Of the City and County of New York.~~

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~AGAINST~~

Second Count

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

Henry Viduan
and *Joseph A. Sandrich*
of the CRIME OF *Second* LARCENY in the second degree,
committed as follows:

The said *Henry Viduan* and *Joseph A. Sandrich*, both
late of the City of New York, in the County of New York aforesaid, on the *22nd*
day of *March*, in the year of our Lord one thousand eight hundred and
eighty nine at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *the said Fredericka Boon and*
George F. Boon, proprietors of a
bar and, there carrying on business and
by the firm, name and style of F. Boon
and Brother as aforesaid,
of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *their* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*
Fredericka Boon and George F. Boon,

That *the said Fredericka Boon and George*
F. Boon were then indebted to the
said Henry Viduan in the sum of two
hundred dollars, for work, labor and
services performed and rendered by him
and his assistants at the said Fredericka
Boon and George F. Boon:

And the said Friedrich Boers and George T. Boers —

then and ~~there~~ ^{there} believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Henry Nathan and Joseph A. Sandeth —

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

Henry Nathan and Joseph A. Sandeth the sum of two hundred dollars in many lawful moneys of the United States of America and of the value of two hundred dollars, the same being under five dollars and smaller units in each of the amount and sum in which the said Friedrich Boers and George T. Boers were actually and in truth indebted to the said Henry Nathan, as hereafter alleged, the said sum of money being — of the proper moneys, goods, chattels and personal property of the said Friedrich Boers and George T. Boers —

And the said Henry Nathan and Joseph A. Sandeth did then and there feloniously receive and obtain the said ^{sum of ninety five dollars and seven cents} proper moneys, goods, chattels, and personal property, from the possession of the said Friedrich Boers and George T. Boers —

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Friedrich Boers and George T. Boers of the same, and of the use and benefit thereof, and to appropriate the same to their own use

Whereas, in truth and in fact, the said Friedrich Boers and George T. Boers were not then indebted to the said Henry Nathan in the sum of two hundred dollars, for work, labor and services

as aforesaid, and more than indebted to
the said Henry Nathan in the sum of
one hundred and four dollars and
eighty three cents and no more,

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said Henry Nathan and Joseph
to the said A. Samblott to the said _____ was and were
Frederick Boos and George F. Boos, were
then and there in all respects utterly false and untrue, as they the said
Henry Nathan and Joseph A. Samblott
at the time of making the same then and there well knew.

And so the Grand Jury Aforesaid, do say that the said
Henry Nathan and Joseph A. Samblott
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Frederick Boos and
George F. Boos,
then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

-District Attorney.

Find COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further
accuse the said *Henry Wilson and*

Joseph A. Sandella —

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

The said *Henry Wilson and*
Joseph A. Sandella, doth —
late of the City of New York, in the County of New York aforesaid, on the *22nd*
day of *March*, in the year of our Lord one thousand eight hundred and
eighty *ninety*, at the City and County aforesaid, with force and arms.

the sum of ninety five dollars
and seventeen cents in money,

lawful money of the United
States of America, and of the

value of ninety five dollars
and seventeen cents,

of the goods, chattels and personal property of one *Fredrick Boers*

and Augustus S. Boers, co-partners. —

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.

De Sancy Hill,
District Attorney

0972

BOX:

441

FOLDER:

4067

DESCRIPTION:

Miller, Lulu

DATE:

06/18/91



4067

0973

Witnesses;

Counsel,

Filed

Pleads,

day of June 1889

THE PEOPLE

vs.

7

Enlu Miller

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

Edw. J. Miller
JOHN R. MILLER

District Attorney.

A True Bill.

Chas. J. Miller

Foreman.

June 19/91

Charles Guilty

Pen 3 months
Guilty

24

0974

GENERAL SESSIONS.

The People
-vs-
Lulu Miller.

City and County of New York.ss. Lulu Miller being duly sworn deposes and says, that she is the defendant above named. That about ten days before her arrest herein, deponent entered into possession of premises No. 129 West 3rd Street, and before the arrangement of her household furniture in the house had been completed, defendant formed the acquaintance of the complainant Maggie Boyd.

A day or two after the above time the said Maggie Boyd called on deponent informing her that the said Maggie's Mother was given to drink and unless she had money when she went home she would chase her out of the house. She stated she was going on to 17 years of age that she had been leading a life of shame before. That on the second night after her being at deponents house the said Maggie went out and on her return informed deponent that she had been home and saw her Mother who had put her out and told deponent that she had informed her Mother that she the said Maggie was working in West tenth street.

On the night previous to deponents arrest the said complainant who had been on a visit to her Mothers, returned and had a companion a small girl apparently under 16 years of age; whom complainant desired deponent to permit her to come and stay in the house. That deponent refused to permit the said child to come in her house, and remonstrated with complainant about bringing such children to such a place and determined to send complainant away and requested her to go.

0975

That deponent frequently requested the said complainant to go home to her Mother and leave a life of share as she was in poor health and could only get along by living a decent life. That deponent was never arrested before and has arranged to abandon the business, she contemplated going with her husband to Washington D.C. to reside and try and lead a decent life.

Sworn to before me this
the 24th day of June 1891.

James J. Hall
Deputy Clerk
Clerk of Court

Lucas Miller

0976

COURT OF GENERAL SESSIONS.

The People

- vs -

Lula Miller.

City and County of New York SS: Carrie Todd being duly sworn deposes and says that she resides at No. 87 Thompson Street in said City for twenty seven years. That she is acquainted with the complainant herein whom she knows by the name of Maggie. That she first saw her on Friday, the 7th day of June 1891, at No. 129 West 3rd Street at about 9.0 'clock A.M. of said date.

That in a conversation with the said Maggie, she stated to deponent that she was married, and the Mother of two children, and that her husband had treated her so badly that she was compelled to leave him, and in answer to an enquiry as to what would become of her children, she replied that he her husband would be compelled to support them now.

On the 11th day of June about 5 O'clock the said Maggie informed deponent that she was going home to see her children; when deponent said to the complainant Maggie, suppose your husband finds out where you are living? she replied she would not let him know, where she was - that she was at service.

Sworn to before me this

Carrie Todd.

22nd day of June 1891.

John D. Wilson
Commissioner of Needs.
New York.

0977

General Sessions Court.

The People

Plaintiff

against

Julius Miller

Defendant

Appendants of Police
Miller & Garvie T. J. J.

JAMES D. MCCLELLAND,

Attorney for *Rebelle*

413 SIXTH AVE.
NEW YORK CITY.

To *Esq.*

Attorney for

Due and timely service of a copy of the within

is hereby admitted.

Dated *188*

Attorney for

C. B. Merwin, Printer, 218 Fulton St., N. Y.

0978

Second District Police Court.

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

Hugo Schultz
 of Number *100 East 23^d Street* being duly sworn,
 deposes and says, that on the *2^d* day of *June* 18*92* at the
 City of New York, in the County of New York, *One Helen Miller*,

now here, did willfully and unlawfully
take, receive, employ, harbor and use
for the purpose of prostitution at
and within a certain reputed house
of prostitution situated at Number
129 West Third Street in said city of
New York, a certain female, called Mary
Ellen Boyd, now pregnant, a child
being then and there under the age
of sixteen years; to wit of the age
of fifteen years in violation of Section
282 of the Penal Code of the State
of New York.

Wherefore the complainant prays that the said

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this

day of

13th

1892

Hugo Schultz
John S. Kelly
 Police Justice.

0979

Sec. 198-200.

Second District Police Court.CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. Lulu Miller

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Nova Scotia

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

Answer. 129 West 3rd St. 2 weeks

Question. What is your business or profession?

Answer. Housekeeper

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

Answer. I am not guiltyLulu MillerTaken before me this 13th Dec
day of Dec 1897John S. Kelly

Police Justice.

0980

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.....

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

Dated *June 13th* 18*99* *John S. Kelly* Police Justice.

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

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

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

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

0981

Notify J. D. McCallum
at 113 6th Ave.
of arrangements for Road.
by J. D.

BAILED.

No. 1, by _____

Residence _____

Street.

No. 2, by _____

Residence _____

Street.

No. 3, by _____

Residence _____

Street.

No. 4, by _____

Residence _____

Street

Police Court---*San Francisco* District. 792

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hugo Schuch

vs.

Lulu Miller

2

3

4

Offence *Abduction*

Dated

June 13th 1891

John E. Kelly Magistrate.

Schuch Officer.

J. P. E. E. Precinct.

Witnesses

Mary Ellen Boyd

No.

100 E. 23rd

Street.

No.

Street.

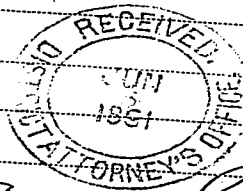
No.

Street.

\$ *2,500* to answer

G. S.

Leon



0982

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

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

New York, June 13, 1891.

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

*The People
against
Lulu Miller*

Notice of Prosecution.

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

Sir: This Society is interested in the prosecution of the above defendant, and is familiar with the facts of the case. It respectfully requests that before sending the papers to the Grand Jury, fixing the day of trial, consenting to any postponements thereof, or to any reduction of bail, or final disposition of the charge, you will duly notify me as its President and Counsel, so that I may confer with you in regard thereto. This request is made pursuant to the statute (Laws of 1886, Chapter 30, Section 1), and in furtherance of the ends of Justice.

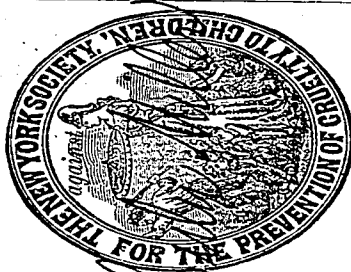
I have the honor to remain, with great respect,

Elbridge T. Gerry,
President, &c.

0983

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN

Proceedings, Nov 1893

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

0984

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

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

New York, June 16th 1891.

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

*The People
against
Lulu Miller*

Notice of Prosecution.

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

Sir: This Society is interested in the prosecution of the above defendant, and is familiar with the facts of the case. It respectfully requests that before sending the papers to the Grand Jury, fixing the day of trial, consenting to any postponement thereof, or to any reduction of bail, or final disposition of the charge, you will duly notify me as its President and Counsel, so that I may confer with you in regard thereto. This request is made pursuant to the statute (Laws of 1886, Chapter 30, Section 1), and in furtherance of the ends of Justice.

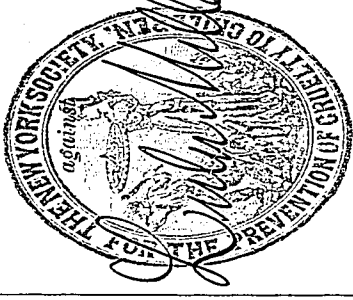
I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

0985

N.Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN.
Admission

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

0986

Sec. 322, Penal Code.

CITY AND COUNTY
OF NEW YORK.

Second District Police Court.

Hugo Schuchter
of No. *100 East 23rd* Street, in said City, being duly sworn says
that at the premises known as Number *129 West 13th* Street,
in the City and County of New York, on the *2nd* day of *June* 18*99*, and on divers
other days and times, between that day and the day of making this complaint

Lulu Miller
did unlawfully keep and maintain and yet continue to keep and maintain a *Disorderly*
House and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain drinking, ~~dancing, fighting,~~ disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said *Lulu Miller*
and all vile, disorderly and improper persons found upon the premises, occupied by said
Lulu Miller
may be ~~apprehended and~~ dealt with as the law in such cases made and provided may direct.

Sworn to before me, this *13th*
day of *June* 18*99*

Hugo Schuchter
Police Justice.

0987

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary Ellen Boyd
aged 15 years, occupation None of No.
6 Congress place Street, being duly sworn deposes and
says, that she has heard read the foregoing affidavit of Hugh Schuttin,
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 13th
day of June 1899 } Mary Ellen Boyd

John S. Keely
Police Justice.

0988

Sec. 198-200.

Second District Police Court.CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer. Lulu Miller

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Nova Scotia

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

Answer. 129 West 3rd St. 2 weeks

Question. What is your business or profession?

Answer. Housekeeper

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

Answer. I am not guiltyLulu Miller

Taken before me this

13thDec

at New York

John S. Leary

Police Justice.

0989

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.....

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

Dated *June 13th* 18*99* *John E. Kelly* 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.

0990

Police Court---*Second* District. 794

THE PEOPLE, &c.,
ON THE COMPLAINT OF

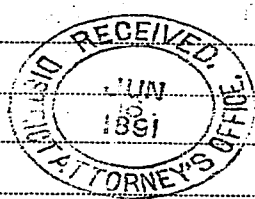
Hugo Schultze
100 E 23rd St
Lulu Miller

*Office Keeping a
Disorderly House*

2 _____
3 _____
4 _____

Dated *June 13th* 188*9*
John E. Kelly Magistrate.
Schultze Officer.
S. D. C. E. Precinct.

Witnesses *May Ellen Boyd*
No. *100 E 23rd* Street.



No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G. S.*

Loan

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Lulu Miller

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

Lulu Miller

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND
(Sec. 362, Penal Code.) HOUSE OF ILL-FAME, committed as follows:

The said *Lulu Miller*

late of the *15* Ward of the City of New York, in the County of New York aforesaid,
on the *second* day of *June* in the year of our Lord
one thousand eight hundred and *ninety-two*, and on divers other days and times, as well
before as afterwards, to the day of the taking of this inquisition, at the Ward, City and
County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and
wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well
men as women, and common prostitutes, on the days and times aforesaid, as well in the night
as in the day, there unlawfully and wickedly did receive and entertain; and in which said
house the said evil-disposed persons and common prostitutes, by the consent and procurement
of the said *Lulu Miller*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers
unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well
in the night as in the day, were there committed and perpetrated; to the great damage and
common nuisance of all the good people of the said State there inhabiting and residing, in
manifest destruction and subversion of and against good morals and good manners, against
the form of the Statute in such case made and provided, and against the peace of the People of
the State of New York, and their dignity.

SECOND COUNT—

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

Lulu Miller

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Lulu Miller*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *second*
day of *June* in the year of our Lord one thousand eight hundred

and *ninety-one*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.—

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

— *Lulu Miller* —

(Section 322
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

— *Lulu Miller* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the *second* day of *June* in the year of our Lord one thousand eight hundred and and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in — *her* — said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

0993

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Sulu Miller

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

— *Sulu Miller* —

of the CRIME OF ABDUCTION, committed as follows:

The said *Sulu Miller*,

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

second day of — *June*, — in the year of our Lord one thousand eight hundred and ~~eighty-ninety-one~~, at the City and County aforesaid, did feloniously take, receive, harbor, employ and use one *Ellen Boyd*;

who was then and there a female under the age of sixteen years, to wit: of the age of

fifteen — years, for the purpose of ~~sexual intercourse~~ *prostitution*, ~~he, the~~
~~said~~ *S* ~~not being then and there~~
~~the husband of the said~~

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.

DeSaney Moore
~~JOHN R. FELLOWS~~

District Attorney.