

0647

BOX:

203

FOLDER:

2034

DESCRIPTION:

Keepers, Joseph

DATE:

01/12/86



2034

**With pages:**

Wings: 10  
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Paid for at \$2.00  
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Counsel, *W. D. Mykes*  
Filed *12* day of *January* 188*6*  
Pleads *in substance*

# THE PEOPLE

Comptroller General

*Copied  
May 6/98  
Lutheran Church  
St. Paul  
Minnesota  
June 1870*

**A True Bill**

Received of Mr. J. P. [unclear]  
 the sum of [unclear]  
 for [unclear]

The Prosecuting officers Complainant  
is reported from his own house to be  
in Europe to be absent for six  
months on which ground deferred  
and is discharged on his own  
recognition by the Court  
March 28 1888 J. H. H. D. J. D. D.

March 28<sup>th</sup> 1888

0648

0649

STENOGRAPHER'S MINUTES.

*Second* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF  
*E. A. Herzheimer*  
vs.  
*Joseph Keppers*  
*Mona Larceny*

BEFORE HON.

*Samuel Kelly*

POLICE JUSTICE,

*October 14<sup>th</sup>* 188*5*

APPEARANCES:

{ For the People,

{ For the Defence,

188

INDEX.

WITNESSES:

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*E. A. Herzheimer*  
*W. D. Kelly*

*1 to 10*

*11*

*11*

*M. J. Beacy*

Official Stenographer.



0650

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*E. C. Kershner*  
*Joseph Keenan*

agst.

Examination had

*Oct 14*

188

*5*

Before

*Sam'l O'Reilly* Police Justice.

I

*M. J. Treacy*

Stenographer of the

District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *E. C. Kershner*  
*and H. A. Keely*

as taken by me on the above examination before said Justice.

Dated

*Oct 16*

188

*5*

*Sam'l O'Reilly*  
Police Justice.

*M. J. Treacy*  
Stenographer.



0651

New York, Oct. 14<sup>th</sup> 1885

Second District Police Court,  
Hon Daniel O'Rielly Presiding

E. August Kreshimer

vs.  
Joseph Keepers

} Grand  
Larceny

Cross Examination of the  
Complainant, By Counsellor  
Mayer.

E. August Kreshimer  
being duly sworn, deposes  
and says:

Ques

How long have  
you been in the jewelry  
business?

Ans

Thirteen Years.

Ques

How long have you  
known the defendant?

Ans

About Four Years

Ques

On the 16<sup>th</sup> day of Aug 1882  
Did you see him?

1

0652

Q Yes Sir, in the morning.  
Ans Had you ever seen him before that time?

Ans Yes Sir.

Q How often?

Ans I cannot tell, about half dozen times. I know him, but I did not know him to be in the jewelry business.

Q Did you ever sell him, or did he ever buy anything of you before the 16<sup>th</sup> day of August?

Ans I think it was a diamond stud, as I was told by the defendant.

Q On the 16<sup>th</sup> day of Aug. 1882 he went into your place for what?

Ans A pair of diamond earrings. I showed him them. He

Q

0653

3

asked to get them on memorandum to show them, to a customer and looked at several different articles and earrings of which he selected one pair, included in this Complaint, and said this would suit, and he would show them to his customer and report within a few days.

Ques

Are you sure he bought the goods on memorandum?

Ans

He did not buy them, I gave them on memorandum; this is the fact simply; this is the Book, the Original, which consists of two equal parts, one part is retained by ourselves, and the other goes to the man who gets the goods 3



0654

It

Exhibit A, introduced,  
A Memorandum book used  
by the Jewelry Trade. The  
Exhibit was returned to the  
Complainant, by order of the  
Court, to be produced when  
required.

Ques Is that the only  
book you have?

Ans No Sir.

Ques Have you a Cash book?

Ans Yes Sir. I have  
a Sales Book; the Books  
are in my office.

Ques Have  
you the same Bookkeeper  
now, you had them?

Ans Yes Sir. John Henry  
Haskins.

Ques When the defendant  
came to you, did you  
ask the defendant for  
any reference?

It

0655

5

Ans I suppose so.

Ms

Send over to see what  
his standing was?

Ans

I did.

Ms

Who did he give you?

~~Ans.~~  
~~Ans.~~

Sands and Does, Smith and

Co;

Ms

They are very respectable,  
he gave them as reference?

Ans

I will not swear  
he did not. I gave him  
goods, two or three days  
afterwards. I asked him  
for a report; he said he  
could not report yet. I  
gave him (\$75.00) on  
Memorandum. (Ex. P. 3) a  
✓ slip of paper from H. A.  
and the same returned to  
Complainant, by order of the  
Court, to be repaid  
when required.

Ms

That was  
on Aug 19<sup>th</sup> 1882 when

0656

6

After That did you  
see the defendant?

Ans

I did  
not see him any more.  
I did not see him again  
till he was arrested. I  
did not know he had  
been arrested and in  
London or jail for seven  
months. I am acquainted  
with Hedges & Co, Nothing  
was ever said to him  
about the defendant.

Ques

Then  
the first thing you did  
was to come here and  
get a warrant?

Ans

Yes Sir.

Ques

Yes I then  
Tyme did you know whether  
he was my boy or not?

Ans

No Sir. I had  
reason to believe it, then, then  
he was in town

O



0657

7

Ques Do you remember, what  
Sands, Mrs Ho said or told  
you about his reference?

Ans I did not consult  
them about him at all,  
they were satisfactory to me.

Ques Were your goods  
sold or not?

Ans I know they  
were not sold, I did not sell  
them to him.

Ques Do you know  
whether the defendant  
sold the goods?

Ans I do not  
know.

Ques Who was to convey  
title to the property?

Ans Myself or my  
Book Keeper, with my  
approval.

Ques Is it understood  
that before the defendant  
could have sold the  
rings to a customer

8

he should go and tell  
you he had a customer?

Ans

I do not know.

Mes

Who can convey title?

Ans

Myself, and my Book  
Keeper, with my approval.  
I do not know how he  
sold the goods.

Mes

He was to  
come back to you, after he  
had a customer for the  
goods?

(Objected to. Objection sustained)  
(Exception taken and allowed)

Mes

Have you  
commenced any other action  
against the Defendant, since  
September 29<sup>th</sup> 1885?

Objected to. Objection  
sustained. Exception taken  
and allowed.

Mes

Have you  
taken out a civil  
order of arrest and

It

0659

9

placed it in the hands of the Sheriff?

Objected to. Objection sustained. Exception taken and allowed.

Ques

Have you instituted any proceedings of any kind since September 1885 in relation to the defendant?

Objected to. Objection sustained. Exception taken and allowed.

Re-direct.

Ques Have you employed detectives for several months past to find the whereabouts of the defendant?

Ans

I have employed detectives.

Ques

Did they make a report to you?

Ans

Yes Sir.

9



0660

10

Q. What detectives did  
you employ?

A. Detective Frink.

Counselor Meyer, for the  
defendant moved to  
dismiss the complaint.  
The Court denied the  
motion. Case sent down.

Sworn to before me  
this 14<sup>th</sup> day of Oct, 1885

Samuel C. Kelly, Police Justice

10

0661

(11)

K. D. Kelly (for the  
defence) being duly  
sworn deposes and says

Q What is your business?  
A I am attached to the  
order of arrest department  
in the Sheriff's Office.

Q Have  
you a Civil order  
of arrest for Joseph Keppers,  
the defendant here?

Objection to. Objection  
sustained. Exception taken  
and allowed.

Q Have you  
since Sept 29 '85 received  
an order of arrest, where  
Augustus Hereshiemers is the  
Complainant and Joseph Keppers  
the defendant?

Objection to. Objection sustained. Exception taken  
and allowed.

Sworn to before me  
this 14<sup>th</sup> day of Oct 1885

Samuel C. Kelly Police Justice

0662

District Police Court

*James*

*August Jackson*

vs.

*Joseph Rogers*

*Grand Jurors*

STENOGRAPHER'S TRANSCRIPT

*Dec 11/18*

188

BEFORE HON.

*James O. Kelly*

Police Justice

*G. J. Spracy*

Official Stenographer.



0663

Sec. 192.

2 District Police Court.

Undertaking to appear during the examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Samuel J. Kelly a Police Justice  
of the City of New York, charging Joseph Shepers Defendant with  
the offence of Grand Larceny

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned.

We, Joseph Shepers Defendant of No. 100

and Amelius J. Boelen Street: by occupation a Jeweler

Street, by occupation a Butler of No. 100 Reed Ave. Brooklyn

Surety, hereby jointly and severally undertake that

the above named Joseph Shepers Defendant

shall personally appear before the said Justice. at the 2 District Police Court in the City of New York,

during the said examination, or that we will pay to the People of the State of New York the sum of Fifteen

Hundred Dollars.

Taken and acknowledged before me, this 4

day of October 1881

Samuel J. Kelly POLICE JUSTICE.

Joseph Shepers Jr  
Amelius J. Boelen

0664

CITY AND COUNTY } ss.  
OF NEW YORK,

Sworn to before me this  
day of Dec,  
1881  
David M. McCall Police Justice

the within named Bail and Surety being duly sworn, says that he is a resident and  
holder within the said County and State, and is worth thirty Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of

Household furniture  
contained in premises 107 Reed Ave  
Brooklyn and business situated  
at 86 Courtland Street in N.Y.  
City all together of the value of  
Four thousand Dollars

W B Velen

District Police Court.

THE PEOPLE, &c.,  
vs THE COMPLAINT OF

Undertaking to appear  
during the Examination.

ss.

Taken the 12 day of Dec, 1881

Justice.

0665

Police Court—2d District.

Affidavit—Larceny.

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

E August Neresheimer  
of No. 21 Maiden Lane Street, aged 38 years,  
occupation Merchant being duly sworn  
deposes and says, that on the 16 day of August 1882 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz:

One pair of diamond Earrings of  
the value of Seven hundred and  
Sixty eight dollars

the property of deponent and his copartners

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 Joseph O'Keefe's

That on said date said defendant came  
to deponent and copartners place of  
business No 21 Maiden Lane in  
said City and informed deponent  
that he had a purchaser for said  
property and asked deponent to give  
him the same and that he would return  
said property or the money therefore  
and in a few days

Deponent says that said defendant  
did not return said property or the  
money therefore and that said defendant  
left the City thereafter wherefore  
deponent charges said defendant—

of  
Sworn to before me this  
1882 day of August

Police Justice.

0666

with felonious by taking stealing <sup>an</sup>  
carrying away said property as  
aforesaid. Dependent further says that  
said defendant came to him three  
days thereafter and obtained one  
diamond stud of the value of \$325—  
the property of dependent and his co-partners  
and made a similar representation  
as aforesaid and made no return therefore

Sworn to before me  
this 29th day of Sept- 1885  
J. W. [Signature] Police Justice

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

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

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

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

1  
2  
3  
4

Date

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

No.

Sessions.

to answer



0667

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Sleepers* 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 Sleepers*

Question. How old are you?

Answer.

*39 years*

Question. Where were you born?

Answer.

*Pennsylvania*

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

Answer.

*200 E 106th St 3mo*

Question. What is your business or profession?

Answer.

*Jeweler*

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

Answer.

*I am not guilty and demand an examination*

*Joseph Sleepers*

Taken before me this

2

day of

1887

*Grand J. C. Keilly*  
Police Justice.

0668

Sec. 151.

2d

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by E August Neresheimer

of No. 21 Maiden Lane Set, that on the 16 day of August, 1882 at the City of New York, in the County of New York, the following article to wit:

One pair of diamond Earrings

of the value of Seven hundred and sixty eight Dollars,  
the property of Complainant and his partners  
w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Joseph KEEPER

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 body of the said Defendant and forthwith bring him before me, at the 2d DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 29 day of Sept, 1885

Samuel C. Kelly POLICE JUSTICE.

0669

POLICE COURT. 2 DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

*Joseph Deepu*

Warrant-Larceny.

Dated Sept 29 1885

DOR Magistrate

W E Frink <sup>auth</sup> Officer  
James McGuire of Det. Bureau  
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.

Samuel C. Kelly Police Justice.

REMARKS.

Time of Arrest, \_\_\_\_\_

Native of, \_\_\_\_\_

Age, \_\_\_\_\_

Sex \_\_\_\_\_

Complexion, \_\_\_\_\_

Color \_\_\_\_\_

Profession, \_\_\_\_\_

Married \_\_\_\_\_

Single, \_\_\_\_\_

Read, \_\_\_\_\_

Write, \_\_\_\_\_

0670

BAILED,

No. 1, by Cornelius H. Boelen

Residence 86 Grilaudt Street

No. 2, by

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

No. 3, by

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

No. 4, by

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

No. 219-2 District.  
Police Court

THE PEOPLE, &c,  
ON THE COMPLAINT OF

E August Neresheimer

21 Maiden Lane

Joseph O. Deepus

Dated Sept-29 188

D. O. Kelly

Magistrate.

Frank

Officer.

C. O.

Prisoner.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 2000 to answer

Comm Bailed

\$1500 & Oct 4 10 a.m.

13 2 P.M.

14 10 P.M.

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

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

Oct 14 188

I have admitted the above named Alfred Lamb to bail to answer by the undertaking hereto adhered.

Dated

Oct 17 188

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

Dated

Oct 17 188

Police Justice



0671

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 12<sup>th</sup> day of January

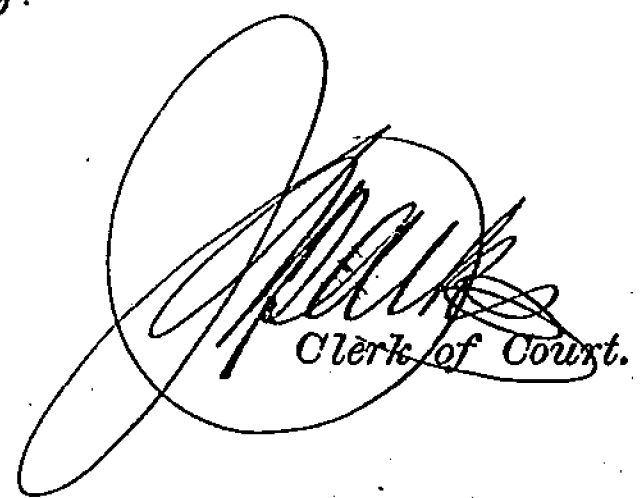
188 6, in the Court of General Sessions of the Peace, of the County of  
New York, charging Joseph Keepers Jr.

with the crime of Grand Larceny

You are therefore Commanded forthwith to arrest the above named defendant  
and bring him before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the  
City Prison of the City of New York.

New York City, the 26 day of January 188 8

By order of the Court,

  
Clerk of Court.

0672

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Joseph Keepers Jr*

Bench Warrant for, Felony

Issued

*May 26* 1888

*Sent to State prison 3/1/89  
March 4/89 for 60*

*Bail fix at \$2500  
July 12/88  
H*

The officer executing this process will make his  
return to the Court forthwith.

0673

Grand Jury Room.

PEOPLE,  
vs.

Joseph Keper

Larceny

Put on Calendar

March 14<sup>th</sup> 1888

McLean

Part 3

0674

Court of General Sessions

People &c.

vs.

Joseph Keepers Jr.

Sir.

You will please take notice that a motion will be made in  
*on Tuesday March 6<sup>th</sup> 1888 at 11 A.M.*  
Part 2, of the above Court, on behalf of the above defendant  
for his discharge, on the ground of a failure of the People  
to prosecute, or for such other relief as the Court may Seem  
Just.

Yours.&c.

Maurice Meyer.

of Counsel for defendant.

To

John R. Fellows Esq.

District Attorney.



0675

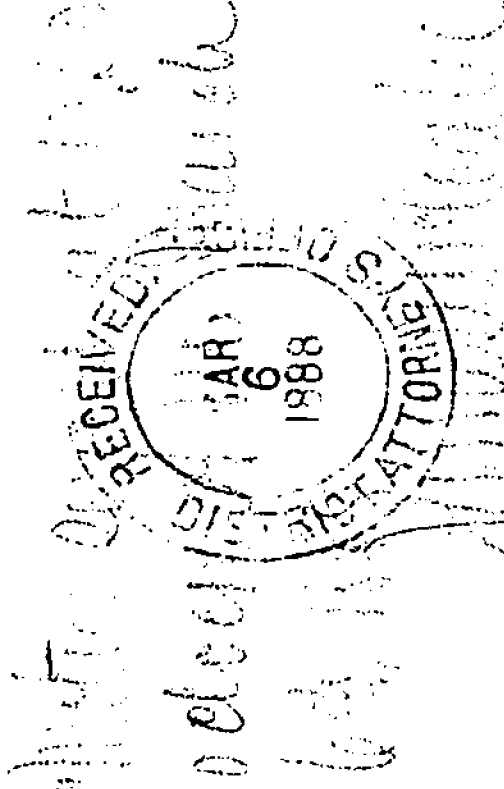
Court General Session

The People

Joseph Rogers

Notice of Motion

Maurice Mayes  
of Samuel Dept.



TO  
JOHN R. BATTLES JR.

OF COURT FOR DISTRICT

CLERK

JOHN R. BATTLES JR.

JOHN R.

to produce, or to any other matter as the Court may deem

for his production, or the return of a writ of the Court

and to the Court of the Court of the Court of the Court

and to the Court of the Court of the Court of the Court

JOHN R.

JOHN R. BATTLES JR.

JOHN R.

JOHN R. BATTLES JR.

JOHN R. BATTLES JR.

0676

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

The People of the State  
of New York,

Respondents.

against.

JOSEPH KEEPERS Jr.  
Appellant.

Please take notice that the above named ap-  
pellant hereby appeals to the General Term of the Supreme  
Court First Judicial Department from a Judgment of con-  
viction and sentence entered against him in the above  
Order of the Court <sup>day of</sup> ~~March~~ <sup>March</sup> 1887 and also from the ~~and~~  
order of the Court denying the appellants motion for a  
new trial and his motion in arrest of Judgment and from  
each and every part of the said Judgment conviction and  
order.

Dated New York March 7th. 1887.

To,

R. R. Martine Esq.

Maurice Meyer

District Attorney&c.

Atty. Appellant.

and to

John Sparks Esq.

Clerk Court of General Sessions&c.

0677

Court of General Sessions

The People

vs

Joseph Keefe Jr

Appet

Notice of Appeal

Maurice Mayer

City of New York

10 Centre St  
New York City

Filed March 8, 1887

0678

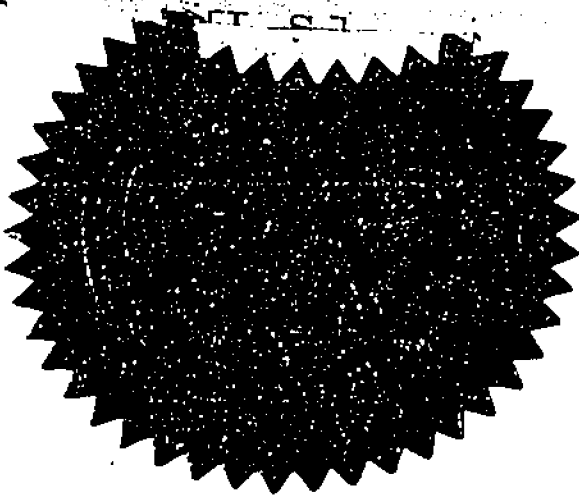
**The Return of the Judges of the**  
*Court of General Sessions of the peace held in and for the City and*  
*County of New York,*

*A transcript of the Indictment and Judgment Roll of the*  
*Court, together with all things touching or in any wise concerning the same.*

**We Certify,** under the seal of our said Court, to  
the Justices of the Supreme Court mentioned  
in the annexed notice of Appeal, filed in the  
Clerk's Office of this Court, on the 8<sup>th</sup>  
day of March 1887

By the Court,

*Shulpan*  
Clerk



1  
9/11  
1881



0679

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 Keepers  
the younger

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

Joseph Keepers the younger  
of the CRIME of Grand Larceny.

committed as follows:

The said Joseph Keepers the younger

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the fifteenth day of August in the year of our Lord  
one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid,

with force and arms, two sarruings of  
the value of three hundred and  
eighty three dollars each, of the  
goods, chattels and personal property  
of one E. August Terresheimer, 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.

Randolph D. Martin  
District Attorney

0680

Witnesses:

Counsel, \_\_\_\_\_  
Filed, 12 day of June 1886  
Pleads, Not Guilty

THE PEOPLE

vs.

*Joseph H. Keppel*

*Francis Higgins*  
Section  
Penal Code  
III Revised Stat.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Francis Higgins*

Foreman.

0681

At a Court of General Sessions of the Peace,

holden in and for the City and County of New York, at the City Hall of the said City, on Monday, the 28<sup>th</sup> day of February, in the year of our Lord One Thousand Eight Hundred and eighty seven.

PRESENT,

The Honorable Frederick Smith  
Recorder of the City of New York,

Justice of the Sessions.

Joseph Keepers Jr is in due form of law arraigned at the bar upon an indictment for Grand Larceny, and having heard the indictment read and being asked whether he demanded a trial thereon, answers that he does require a trial, and says that he is not guilty thereof. Whereupon the following Jury is balloted and sworn to well and truly try and a true verdict give according to evidence, viz:

|                    |                  |                     |
|--------------------|------------------|---------------------|
| Henry Tompkins     | Joseph Grogan    | John B. Spooner     |
| William B. Buckman | James Campbell   | Mary Osterweis      |
| Samuel S. Cleary   | Joseph Michaelis | Augustus Steinhardt |
| James Hickey       | John Lewis       | Joseph Frank        |

who upon their oath aforesaid do say that the said Joseph Keepers Jr is guilty of the felony as by the indictment is alleged against him.

Counsel for defendant moves for a new trial on various grounds, after hearing Counsel thereon, the Court deny the motion.

It is thereupon demanded of the said Joseph Keepers Jr what he hath to say why judgment should not be pronounced against him according to law, who nothing further saith unless as before he hath said.

Whereupon it is considered, ordered and adjudged by the Court, that the said Joseph Keepers Jr for the felony aforesaid whereof he is convicted as aforesaid be imprisoned in the State Prison at hard labor for the term of three years and four months.

A true extract from the minutes.

Shufeldt  
Clerk of Court.

0682

New York General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,  
*against*

*Joseph Keane Jr*

Dated

18

JUDGMENT ROLL.



0683

The People vs. Joseph Keepers, Jr.

The Recorder's Charge.

Recorder Smyth charged the Jury as follows:

Gentlemen of the Jury:

The prisoner is indicted for the crime of grand larceny. The indictment was ~~found~~ framed under the Revised Statutes when grand larceny was not divided into two degrees as it now is under the Penal Code.

Grand larceny under the Revised Statutes consists in feloniously taking personal property of another of the value of upwards of twenty-five dollars with intent on the part of the person who so takes it to appropriate the property to his own use and to deprive the true

owner permanently of its possession.

It appears in this case, upon the undisputed facts, beyond all question that on the 16<sup>th</sup> of August 1882, the defendant, who was then a broker in diamonds, went to the place of business of the complainant at 21 Waiden Lane in this city, and gave the complainant certain references as to his standing which were undoubtedly satisfactory to the complainant; the defendant according to complainant's statement said he desired to select a pair of diamond ear-rings, that he had a customer for them. Several sets were shown to him by the complainant and he selected from the number one set of the value of \$768. Those were delivered to him upon what is known in the jewelry trade as a memorandum. A memorandum was at the same time signed by the defendant and a duplicate of that memorandum was handed to him, with the diamond ear-rings and a stud, which was also selected, at the same time according to the complainant's testimony. That

0684

memorandum reads in this way: "These goods are on memorandum, and not charged to account and are returnable on demand or if sold to be paid for cash." Then follows a statement of the articles and the price. It further appears by the complainant's testimony that on the 19th of August three days afterwards, the defendant came again into his place of business and returned the stud which was delivered him on the 16th and stated that he had not yet arranged with his customer about the diamond ear-rings and he wanted a few days longer to do so which the complainant says he consented to, and he then selected another stud in the place of the one which he had selected upon the 16th and again signed a memorandum, which memorandum is in the exact terms and language of the memorandum of the 16th of August ~~and date~~ <sup>\* date \*</sup> except as to the price of the stud. <sup>Selected on that day</sup> From the 19th of August down to the time the Defendant was arrested by the police in this city the defendant never made his appearance at the place of business of the complainant and was not seen by him; the price of the articles was not paid, nor were they returned to the complainant. These facts appear in this case beyond all question. The defendant tells you, that on the 16th of August he went ~~there~~ to the complainant's place of business and that he had been there prior to that time and had given his references. He also says that he selected and received the diamond ear-rings under a memorandum on that day. He denies that he got ~~the~~ <sup>the</sup> stud upon that day. I do not know however that ~~his~~ <sup>his</sup> denial of the fact that he got a stud on that day is very positive. I think he bases his denial of that fact upon his want of recollection as to whether

0685

...of the ...  
...of the ...  
...of the ...

he did or did not receive a stud on that day, however you may take it, if you please, as a denial of the complainant's statement. He further says that on the 19th of August he came to the complainant's place and that he and the complainant entered into a new arrangement by which the complainant agreed to sell to the defendant on the 19th of August was executed and that he purchased the diamond ear-rings from the complainant absolutely, the price to be payable in either thirty or sixty days at his option, and that he also bought a stud upon the same terms, and he also signed the memorandum of the 19th of August which contains an entirely different arrangement from that contained in his statement upon the witness-stand.

Now gentlemen, if the complainant made an absolute and unconditional sale of those goods on the 19th of August and in pursuance of that sale delivered to the defendant the diamond ear-rings and <sup>the</sup> ~~this stud~~ ~~on either of them~~ ~~then~~ the crime of larceny must necessarily fall to the ground. If the Defendant's statement is true there is no larceny in this case. But if you come to the conclusion that that is not the true state of facts (the complainant positively denying that any such occurrence took place upon the 19th of August, as the defendant states there did, and in which denial the complainant is corroborated to a certain extent by the two memorandums and that the complainant's statement as to what occurred on the 16th of August is true, the question for your determination will be whether or not the ear-rings were delivered under the memorandum made on that day and which has been read in evidence, and if you find that to be the fact, then, as matter of law, I instruct you that there

0686

was no sale to the defendant and that the title to the property yet remained in the complainant and did not vest in the defendant. The next question for you to determine will be whether this defendant feloniously, by means of a trick and device on his part obtained from the complainant the possession of the ear-rings, his intention at that time being to get possession of this property and then feloniously appropriate it to his own use, and in pursuance of such felonious intent he did obtain possession then he is guilty of grand larceny. The Defendant is entitled to the benefit of every reasonable doubt, the legal meaning of which you now, doubtless, understand.

If such a doubt exists in this case, you will give him the benefit of it, and acquit him; but if you are satisfied upon the evidence beyond a reasonable doubt that the case comes within the definition of larceny as applicable as I have defined it it will be your duty to say so and convict this defendant.

Mr Howe: Will your Honor charge this jury that, if they have any reasonable doubt whether at the time the goods were delivered to this defendant by the complainant this defendant did not intend to appropriate them to his own use, then they cannot convict.

The Court: I have told them that substantially. gentlemen, you must be satisfied beyond a reasonable doubt that at the time these goods, that is the diamond ear-rings were delivered by the complainant to the defendant that the defendant feloniously intended to get possession of those goods and convert them to his own use, and if you entertain a reasonable doubt upon that question he is entitled to



0687

the benefit of that doubt as he is to the benefit of  
every <sup>other</sup> reasonable doubt arising upon the evidence.

The Jury rendered a verdict of guilty.

Sever  
mch 9/87

*[Handwritten notes and signatures in the middle section of the document, including names like "Sever" and "mch 9/87".]*

5

according to the complainant's testimony. That

0600

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Peepers

Peepers Change  
as noted

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Int. to the  
from fees

W. J.

Peepers

the only rendered a verdict of guilty.

every reasonable doubt arising upon the evidence.

the benefit of that doubt as he is to the benefit of

0689

At a term of the Court of General Sessions of the Peace of the City and County of New York, held at the General Sessions Court House in the City Hall Park in the City of New York, on the 6th day of April, 1888.

PRESENT:

Hon. Frederick Smyth,  
Recorder.

-----X

The People of the State of New York

Against

Joseph Keepers Jr.

-----X

Upon the representations of the District Attorney of the City and County of New York, it appears to my satisfaction that Joseph Keepers Jr., the above-named defendant, was arraigned in this court for trial, on March 28th, 1888, upon an indictment theretofore in this county found charging him with the crime of Grand Larceny, and, the chief complaining witness having departed from the United States the said defendant was discharged upon his own recognizance and was thereafter arrested upon a warrant of the Governor of the State of New York, issued upon a requisition theretofore made on him by the Governor of the State of Maryland for the extradition of the said defendant; and that thereafter said defendant obtained from a justice of the Supreme Court of this State a writ of habeas corpus to inquire into the cause of said defendant's detention; and said justice decided that said defendant was legally detained under said warrant and should be delivered up

0690

I  
under the same to the Agent of the State of Maryland to  
be taken to the said State of Maryland to answer unto the  
indictment for larceny there found against him; and said  
justice having made it a condition of sauth delivery that  
the indictment now existing against said defendant and  
the charge therein set forth be dismissed:

NOW, on motion of John R. Fellows, Esq. District  
Attorney of the City and County of New York, and in further  
ance of justice, it is

ORDERED, that the above entitled action be and the  
same hereby is dismissed

*John R. Fellows*

I am informed and believe that the facts recited in  
the foregoing order are true and I consent to the entry of  
said order

New York, April 6th, 1888.

*John R. Fellows*  
District Attorney of  
New York County.



0691

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 Keepers Jr.

Order.

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,  
NEW YORK CITY.

filed Apr 6 1888

0692

90.02

2-25 11 a.m. 1887

The People  
vs.  
Joseph Keepers, Jr. { Court of General Sessions, Part I.  
Before Recorder Smyth.

February, 1887.

Index of Testimony.

|                                 | Direct Ex. | Cross Ex. |
|---------------------------------|------------|-----------|
| E. August Neresheimer.          | 1          | 5         |
| John W. Block.                  | 7          |           |
| William E. Frink.               | 8          |           |
| Joseph Keepers, Jr.             | 11         | 15        |
| E. August Neresheimer recalled. | 24         |           |
| Recorder's Charge.              |            |           |

0693

The People                      Court of General Sessions, Part 1.  
vs.  
Joseph Keepers, Jr      Before Recorder Smyth.

Monday, February 23, 1887.

Indictment for grand larceny.

Asst. Dist. Atty. Purdy for the People.

Messrs. Howe and Meyer for the Defendant.

A Jury was empanelled and sworn.

E. August Wereshelmer sworn and examined.

By Mr Purdy. Q. What is your business.

A. My business is importer of diamonds.

Q. Where is your place of business.

A. 21 Maiden Lane.

Q. Do you know the defendant Keepers.

A. Yes sir.

Q. Did you see him on August 16, 1882.

A. Yes sir.

Q. Did you have a business transaction with him, state what occurred between you and Mr Keepers on that day.

A. Mr Keepers called at my place of business stating that he had a customer for a pair of diamond ear-rings which were shown to him - several pairs were shown to him which he selected one pair of the value stated in the memorandum, I do not know exactly what it was, seven hundred something.

By the Court. Q. Have you got the memorandum.

A. I have.

Q. Well, look at it.

A. One pair of diamond ear-rings 4 carats  $3\frac{1}{4}$   $\frac{1}{16}$ , \$700.

By Mr Purdy. Q. Is that the original memorandum.

A. Yes sir, the original memorandum.

0694

Q. When was it made.

A. August 16, 1882.

Q. Who by.

A. By my clerk.

By the Court. Q. Was that sign by him.

A. No sir.

By Mr. Purdy. Q. The rings were delivered to him.

A. The rings were delivered to him, yes sir.

By the Court. Q. What did he do.

A. He represented that he had a customer.

Q. What did he say.

A. He said he had a customer who wanted to purchase a pair of ear-rings about this quality and value and he selected the pair which he said he thought would satisfy his customer.

Q. Well, what else.

A. Then ---

By Mr. Purdy. Q. Well, what else was said.

A. And he said he would report upon them in two or three days.

Q. What else was said.

A. I think that is all that was said at that time.

Q. How long have you known Mr. Keepers.

A. I think previous to that time I had known Mr. Keepers about six months.

Q. What had been his business that you had known him in.

A. The business as a broker in diamonds.

Q. Is there a custom in the jewelry trade, the diamond trade to sell goods on what is known as memorandum.

Objected to as immaterial.



0695

By the Court. Q. Did you sell him those goods.

A. No sir.

Q. Did you deliver the goods to him except for the purpose of showing them to his customer, was that the understanding.

A. That was the understanding.

Q. You delivered him one set of diamonds that he selected for the purpose of showing to his customer and reporting back to you.

A. Yes sir.

Q. Did he report back to you.

A. Yes sir.

Q. When.

A. He reported back on August 19.

Q. What took place then.

A. He said that he was not quite through with the ear-rings and with his customer and I should leave the goods on memorandum at present, to which I consented.

By Mr. Purdy Q. To that you consented.

A. I did; further he said he had also a customer for a diamond stud and several were shown to him and he selected one about the value of \$325 also for the purpose of showing to a customer.

By the Court Q. And to report back.

A. To report back within a few days he said.

By Mr. Purdy. Q. Now is that the last you saw of him.

A. That was the last I saw of him.

By the Court. Q. You said those things were delivered to him on memorandum.

0696

A. Yes sir.

Q. Was the memorandum reduced to writing, was it written or printed.

A. This is a facsimile your Honor. (Showing it).

Q. Give me the one you made this transaction upon.

A. This is the one of which he got a copy, this is the stub, I kept a copy, this is the original stub.

Mr Purdy: We offer that in evidence.

The Court: Was your client got the paper that was given to him.

Mr Howe: We have not.

The Court: The District Attorney offers this.

Mr Howe: We object as incompetent.

By the Court. Q. That is a copy of the memorandum that was given to the prisoner at the time that the \$768 set of diamonds was given to him.

A. Yes sir.

By Mr Howe. Q. You understood those questions put by the learned Judge, you said yes.

A. Yes sir.

The Court: Now you can read it.

Witness: It is a duplicate, this book was that long (showing) and this is only one half of it.

By the Court. Q. This is the stub.

A. This is the stub and the other half he got.

The Court: Now go on and read it.

Mr Howe: Note our objection and exception.

Mr Purdy: reads: Memorandum, New York, August 16, 1932.

No. 13344 E. August Neresheimer, Importer of diamonds,  
21 Warden Lane. These goods are on memorandum, and not  
charged to account and are returnable on demand or if  
sold to be paid for cash.

0697

J. Keepers, one pair of ear-rings No. 6003  $4\frac{3}{4}$   $\frac{1}{16}$   $\frac{1}{6}$   
I S. & S one stud No. 5370  $1\frac{3}{4}$   $\frac{1}{32}$   $\frac{1}{2}$   $\frac{1}{16}$  less 5 off cash.

Memorandum August 19. One pair ear-rings No. 5932  
 $\frac{3}{4}$   $\frac{1}{16}$  \$47 1 stud 2  $\frac{1}{2}$   $\frac{1}{16}$  \$1.25.

By Mr. Purdy. Q. Did I understand you to say that he got a stud on the 10th.

A. He got also a stud on the 10th.

Q. Did he get a stud on the 10th.

A. He did, which he returned.

Q. When did he return the stud.

A. He returned it on the 10th and got another one.

Q. He returned that stud but not the ear-rings.

A. No sir.

Q. And the one he got on the 10th he did not return.

A. No sir.

By the Court. Q. Did you see him after the 10th.

A. No sir.

Q. Not until after he was arrested.

A. I did not see him until he was arrested.

Q. Did he ever return the diamonds.

A. No sir.

Q. Did he ever return the seven hundred and odd dollars, the price of them.

A. No sir.

Cross Examined by Mr. Howe.

Q. In answer to a question put to you by the learned Recorder you said that you gave to Keepers on August 16 a copy of this which you have produced claiming to be a memorandum, is that so.

A. Yes sir.

0698

J. Keepers, one pair of ear-rings No. 6008  $4\frac{3}{4}$   $\frac{1}{16}$   $\frac{1}{64}$   
I S. & S one stud No. 5370  $1\frac{3}{4}$   $\frac{1}{32}$   $\frac{1}{2}$   $\frac{1}{16}$  less 5 off cash.

Memorandum August 19. One pair ear-rings No. 5932

$\frac{3}{4}$   $\frac{1}{16}$  \$47 I stud 2  $\frac{1}{2}$   $\frac{1}{16}$  \$1.25.

By Mr. Purdy. Q. Did I understand you to say that he got a stud on the 10th.

A. He got also a stud on the 10th.

Q. Did he get a stud on the 16th.

A. He did, which he returned.

Q. When did he return the stud.

A. He returned it on the 10th and got another one.

Q. He returned that stud but not the ear-rings.

A. No sir.

Q. And the one he got on the 10th he did not return.

A. No sir.

By the Court. Q. Did you see him after the 10th.

A. No sir.

Q. Not until after he was arrested.

A. I did not see him until he was arrested.

Q. Did he ever return the diamonds.

A. No sir.

Q. Did he ever return the seven hundred and odd dollars, the price of them.

A. No sir.

Cross Examined by Mr. Howe.

Q. In answer to a question put to you by the learned Recorder you said that you gave to Keepers on August 18 a copy of this which you have produced claiming to be a memorandum, is that so.

A. Yes sir.

0699

Q. An exact copy in every respect.

A. Yes sir.

Q. Containing on it these words, "these goods are on memorandum and not charged to account and are returnable on demand or if sold to be paid for cash", that was in it as it is here.

A. That was in it, yes sir.

Q. And that was in August, 1882.

A. Yes sir.

Q. Then if he sold them upon that memorandum he would have paid you cash instantly he sold them.

A. Yes sir.

Q. The stud is on the 10th, was it.

A. Yes sir.

by the Court. Q. Was not the stud on the 10th.

A. Yes sir, which he returned on the 10th.

By Mr. Howe. Q. We will only dispose of the two ear-rings that were on the 10th and the stud which you say you delivered to him on the 10th.

A. Yes sir.

Q. And I put to you the same questions for form's sake to get the record straight as to the stud, this is the memorandum No. 13363 dated August 10, 1882, this is an exact copy of the memorandum you delivered him with the stud, is it.

A. Yes sir.

Q. And that contains the words, "These goods are on memorandum and not charged to account and are returnable on demand or if sold to be paid for cash," those words are in it.



0700

A. Yes sir.

Q. And if he sold that stud he was then to bring you the money for the sale instantly cash.

A. Yes sir.

Q. Now when this Mr. Keepers first came to you did he give you references, you remember whom he gave, don't you.

A. Yes sir.

Q. Will you kindly if you can think and tell the jury the names of the references he gave you.

A. I do not distinctly recollect by name who it was but I distinctly recollect it was one or two respectable firms in Maiden Lane, I think it was William S. Hedges & Co.

Q. And that was before you delivered any of these goods to him.

A. Yes sir.

Q. I am told he also gave you the name of Samlers & Ives.

A. Very possible, quite likely.

Q. And that was before you delivered these goods.

A. Yes sir.

The Court: Both of these memorandums are in evidence.

John W. Block sworn and examined.

By Mr. Parry. Q. What is your business.

A. I am in the diamond business.

Q. Where is your place of business.

A. No. 9 Maiden Lane.

Q. Do you know the defendant, Keepers.

A. Yes sir.

Q. Did you have any transaction with him in 1882.

A. No sir.

0701

K

Q. Did you in 1885.

A. Yes sir.

Q. Did you deliver to him any goods on memoranda.

Objected to. Objection sustained.

William E. Frink sworn and examined.

By Mr Purdy. Q. Mr Frink, you are a detective sergeant.

A. Yes sir.

Q. Did you arrest Mr Keepers.

A. I did, sir.

Q. State where you arrested him.

A. On the corner of 13th Street and Third Avenue.

Q. What time, I mean the date.

A. About the 30th of September, 1885.

By the Court. Q. Did you tell him what you arrested him for.

A. I did, yes sir and I took him to the Central Office.

By Mr Purdy. Q. State everything that occurred, the first thing you said.

A. On the way down -- he was in a saloon and I called him, had him called rather, to the street; he was with a lady and when I got him out on the street ~~on the sidewalk~~ I spoke to him and told him who I was; he tried to pass to this lady something, I told him that --

Mr Howe: Objected to as incompetent. This larceny is said to have taken place in 1883 and unless it is something relative to this particular larceny I object.

The Court: Suppose he passed these diamonds, I do not know what he passed.

Mr Howe: Unless it was these diamonds I object.

0702

A

The Court: Note an exception.

Witness: On the way to the central office --

By the Court. Q. You told him who you were and what you arrested him for.

A. Yes sir.

Q. On this charge.

A. Yes sir.

By Mr. Purdy. Q. What did you tell him, use your language.

A. I told him that he was arrested for the larceny of diamonds from Nersheimer & Co. at 21 Maiden Lane.

By the Court. Q. What did he say to that.

A. I forget.

Q. Then what occurred.

A. I took him to the central office and on the way he made several efforts to throw something away.

Mr. Howe: I object as incompetent.

The Court: Note an exception.

By Mr. Purdy. Q. Go on.

A. It took myself and another officer also to secure that property that he tried to throw away.

By the Court. Q. What did he try to throw away.

A. A number of pawn tickets for jewelry pawned in various pawn shops in New York City.

Mr. Howe: I object and note an exception.

By Mr. Purdy. Q. Well, what did you say to him on this subject.

A. I asked him what he did with the jewelry that he got from Mr. Nersheimer, the diamonds; he said that he had sold them.

Q. Go on, what else did he say.

A. I asked him where he had sold them and he said in Chicago;

I asked him for how much money; he said he sold the ear-

0703

R

rings for six hundred and some dollars; I asked him what he did with the stud and he said -- well he could not tell me what he did with that; I asked him if he would not tell me; he said no; I asked him if he sold that, he said no; I asked him if he pawned it - well, he said, I cannot produce that and I did not sell it; I asked him if there was any chance of producing the diamond ear-rings and he said he did not think so. That was all.

Q. Did he say when he sold them, how long after he got them.

A. Yes, he said within a day or two, he went to Chicago after getting the diamond ear-rings.

Q. He sold them within a day or two.

A. Yes sir.

Mr Purdy: That is the case for the people.

The Case for the Defence.

Mr Howe: As matter of law upon the evidence I ask your Honor to direct the Jury to acquit the Defendant of the charge in the indictment. The indictment is under the revised statutes and not under the code; of course the application of the law will be as it was before the passage of the Code. Parting with property for the purpose of sale at that time was not a larceny; at the time of obtaining the intent to defraud the owner and deprive the owner of it must have existed at the time.

The Court: The difficulty is that there was a power of sale given to the Defendant. What have you to say Mr Purdy?

Mr Purdy: I rely on the case of Weyman against the People.

The Court: I think I will have to let this case go to the jury.

Mr Howe: Will your Honor give me the benefit of an exception.

0704

X

Mr Howe opened the case for the defence.

Joseph Keepers, Jr sworn and examined.

Q. Mr Keepers what is your business.

A. Diamond broker.

Q. You went to this gentleman's store as he described did you, on those two days.

A. Yes sir.

Q. Had you previously given him any references.

A. The remark he made when I gave him the references he said that they were first class references.

Q. Did you give references.

A. Yes sir, I gave references.

Q. What names did you give him.

A. I gave Sanders & Ives, R. S. Hedges, and D. Brew.

Q. You gave him those references before you had those goods delivered you by him.

A. Yes sir.

Q. And he told you those references were perfectly satisfactory, did he.

A. Yes sir; the day I gave the references I did not buy anything.

Q. Where was your place of business.

A. 657 Broad Street, Newark, N. J.

Q. Well now, then he delivered you these goods on the 10th, the ear-rings.

A. Yes sir, the ear-rings.

Q. When he delivered you the ear-rings, what were you to do with them, for what purpose were they given to you.

By the Court. Q. No, what was said.

A. When I gave him the references I told him at the time



0705

that I did not wish to make any more accounts -- that I came in there to buy a pair of ear-rings. I went into Mr Neresheimer's on the 10th to buy a pair of ear-rings and I did not claim that I had a customer for them.

Q. Did you tell him that.

A. I did not claim I had a customer.

Q. Is that the way you said it.

A. No sir, it was never mentioned, I did not claim ---

Q. You went in there two or three days probably ahead and gave him your references.

A. Yes sir.

Q. On the 10th you went back again and he told you that the references were first class, satisfactory, substantially so.

A. Yes sir.

Q. What was the next thing you said and what did he say to you.

A. I selected a pair of ear-rings \$708, I think, if I remember.

By MR. HOWE. Q. What did you say, speak in the first person as you spoke to him, sell me these or give me these?

A. I bought those goods.

Q. You opened your mouth didn't you, you did not buy them in dumb show or pantomime.

A. I did not tell him anything that I wanted then on memorandum.

Q. Tell us what you said Mr Keepers, give me those ear-rings, sell them or loan them to me, what did you say.

A. I told him that I wished to buy those ear-rings.

Q. What did he say.

0706

A. All right, your reference is all right.

Q. What then.

A. He gave me the ear-rings.

Q. And the memorandum.

A. I signed a receipt for the ear-rings.

Q. That receipt which has been produced.

A. Yes sir.

Q. And did you buy them of him.

The Court: That went do, let him go on.

By Mr Howe. Q. Did you buy them of him upon the terms mentioned in that receipt which you signed.

A. I did, the ear-rings, yes sir.

Q. Well now, as to the stud.

A. If you will allow me to tell my own story about it I will do it. In the first place I bought the ear-rings on the terms of the book as he claims, understand, I returned the ear-rings and told him I would keep them.

By the Court. Q. You returned them.

A. Yes sir, I returned the ear-rings and told him I would keep them.

Q. When did you return them.

A. On the 19th, the day I got the stud.

Q. You returned the ear-rings on the 19th and told him you would keep them.

A. Yes sir, I would keep them, I told him I would keep them, that is, they were sold to me understand on a bill of sale.

Q. Go on and tell your own story.

A. On the 19th I bought a stud of him for \$325, I signed the receipt for the stud.

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- Q. That one that has been read here.
- A. Yes sir, I understood that was the receipt for the goods delivered to me.
- Q. You signed that receipt.
- A. Yes sir.
- Q. Go on.
- A. I failed in business about the 27th of September 1833; after I failed in business I supposed that all my creditors were satisfied, I went to Chicago, I sold those ear-rings for \$800.
- Q. After you failed.
- A. I took them to Chicago with me those ear-rings, I failed in business in September, yes sir.
- Q. You said after you failed you supposed all your creditors were satisfied, you went to Chicago and sold the ear-rings.
- A. Yes sir, after I failed in business.
- Q. For how much.
- A. \$800 and the stud I sold for \$175. I returned to New York.
- Q. Now my friend, you did not tell us when you sold the ear-rings when you went to Chicago.
- A. It was so long ago I cannot tell exactly the date.
- Q. About when.
- A. About in October sometime.
- Q. When did you return to New York.
- A. I returned to New York the following January.
- Q. What year, 1833.
- A. Yes sir, I was back.

By Mr. Howe. Q. You say then you sold these things.

0708

A. Yes sir.

Q. You say you failed, explain to the jury what that was, the failure.

A. I failed in business, that is, I was unable to meet my obligations.

Q. But you did not make any assignment or anything of that kind.

A. No sir, no assignment at all.

Q. And the stock which you had whatever it was you disposed of, tell us what you did with the stock.

A. What I done with my stock I paid as far as my monies would go, all my debts, besides I had my father help me by mortgaging property for one thousand dollars, my own father to pay some of my creditors; my brothers loaned me five hundred dollars, my mother loaned me three hundred dollars, I wanted to pay one hundred cents on the dollar; the first that came is the ones that I paid in full and the consequence was Mr. Xeresheimer was left out because I had no money.

By the Court. Q. But you had his goods.

A. I will explain that afterward, how that happened.

Cross Examined.

Q. Be a little accurate, you got these goods on the 10th.

A. I got the stock on the 10th.

Q. Your final transaction was on the 10th of September.

A. Yes sir.

Q. When did you go to Chicago

A. The 27th of September.

Q. You were here in this city from the 10th to the 27th.

A. Yes sir, from the 10th of August to the 27th of September, I went away in September.

0709

- Q. You waited here for a month afterwards.
- A. Yes sir.
- Q. You say that the first transaction that you had -- you understand the purchasing of goods on memorandum & n't you, you have been in business some years buying and selling jewelry.
- A. Yes sir.
- Q. You say you did first buy the ear-rings on memorandum.
- A. Yes sir, the ear-rings.
- Q. You returned on the 10th as you say and then purchased them out and out, that is, you surrendered the memorandum transaction.
- A. I never claimed that I had any customer for anything of the kind.
- Q. You came back on the 10th and changed the condition on which you held those goods, didn't you.
- A. Yes sir.
- Q. The the change in the condition was to make you the absolute owner, was that it, that is, you purchased them.
- A. Yes sir, I purchased them.
- Q. Did you pay any money, did you give a note.
- A. No sir, it was not necessary.
- Q. Did you surrender anything.
- A. No sir.
- Q. You had signed this other paper.
- A. I had signed the first paper.
- Q. You got the stud on the 10th on memorandum.
- A. It was put on the bill with my ear-rings.
- Q. Did you get it on memorandum.
- A. No sir, I emphatically state I did not, I seen that re-



0710

ceipt before, it was showed before me before, I claim that I signed that, it was a receipt for the goods delivered to me.

Q. Is not the stud mentioned there.

A. Yes sir.

Q. Did you buy it or did you not.

A. I bought the stud.

Q. Did you give anything for the stud.

A. Not as yet.

Q. That has been some years ago.

A. Yes sir.

By the Court. Q. If you bought this stud tell the jury why did you sign that memorandum on the 10th of August.

A. When I signed that I supposed I was signing the receipt for the goods delivered, I did not know what I was signing.

By Mr. Purdy. Q. You on that day bought about eleven hundred dollars worth of diamonds.

A. I never have bought ---

By the Court. Q. You say you did not know what you were signing when you signed that.

A. No, I did not.

Q. Did you take away a duplicate.

A. Yes sir, I had it pinned on the bill.

Q. Do you mean to say you never looked at that.

A. I supposed it was a receipt for the goods, I did not notice it.

Q. You never noticed it.

A. No sir.

By a Juror. Q. Did you get a regular bill that day.

A. Yes sir, I got a regular bill from the house that day.

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By the Court. Q. For the stud.

A. Yes sir.

By Mr. Purdy Q. Have you got the bill now.

A. No sir.

Q. What did you do with the bill, Mr. Meresheimer said he did not give you any.

A. My father will state the case of my looking in the safe for this bill after I was arrested. I could not find it.

Q. You failed about this time, after you got these diamonds, did you.

A. Yes sir, a month or six weeks after.

Q. Did you file an assignment.

A. No sir.

Q. Or did you call your creditors together.

A. I settled as far as my money would go.

Q. Did you call your creditors together.

A. No sir, I did not.

Q. You were arrested and landed in Ludlow Street Jail.

A. Yes sir.

Q. You settled with them.

A. I settled as far as I could.

Q. And these debts that you settled for jewelry you pawned and got out of the way, where you bought goods on memorandum you pawned them.

Objected to.

A. In every instance where I was sued---

By the Court Q. Did you purchase any other jewelry about the time that you purchased as you say, this jewelry from the complainant.

Objected to. Object on overruled. Exception.

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A. About this time?

Q. Yes sir.

A. Not on those dates.

Q. But about that time.

A. I have bought goods in August.

Q. Were those the claims that you settled?

A. I bought in August and I bought in July, yes, those were the claims I settled.

By Mr. Purdy. Q. On August 19 you pawned with H. Stern 56 West 31st Street a locket, who did you buy that locket of?

Objected to as incompetent. Objection overruled.

Exception.

Q. Did you pawn a locket.

A. I do not remember.

Q. You do not remember.

A. No sir.

Q. Did not you have some pawn tickets upon you when you were arrested.

Objected to. Objection overruled. Exception.

A. I had.

Q. Did not you have a pawn ticket from H. Stern, 56 West 31st Street for one locket pawned on the 19th of August, don't you remember that.

Objected to. Objection overruled. Exception.

A. No sir, I did not, not on the 19th.

By the Court. Q. Do you recollect that locket the District Attorney referred to.

A. I do not recollect it.

By Mr. Purdy. Q. Do you recollect a diamond ring pawned to W. A.

McAlleenan No. 6 Sands Street, Brooklyn, for twenty dollars

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Objected to. Objection overruled. Exception.

A. No sir.

Q. Do you recollect a diamond ring and stud pawned on September 15 to W. S. Radcliff 143 North 6th Street, Philadelphia for one hundred dollars.

Objected to. Objection overruled. Exception.

A. Who, to Radcliff?

Q. Do you recollect pawning it to Mr Radcliff 143 North 6th Street, Philadelphia for one hundred dollars on September 15, 1885.

A. I do remember that, yes sir, I let Mr Block take that out for part of his debt.

Q. Then you let Mr Block take this out and that is the way you paid him.

Objected to. Objection overruled. Exception.

A. No sir, 1882 is not 1885.

Q. You have been failing all your life time.

Objected to. Objection sustained.

A. No sir.

Q. What arrangements did you make with this gentleman the complainant, to pay him, you say you bought eleven hundred dollars worth of goods, you were here for a month, did you write Mr Meresheimer, I am unable to pay you that claim of yours, eleven hundred dollars.

A. I told Mr John Block---

Q. Did you write to this gentleman.

A. No sir, I never did.

Q. How long were you in Chicago.

A. I was there six months up to January.

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Q. You carried his diamond property that you bought from him off to Chicago after you had failed in business, did you?

A. Yes sir.

Q. You sold it for less than you agreed to give him for it.

A. No sir, I sold the ear-rings for eight hundred dollars.

Q. Did you write to him or did you communicate with him in any way that you would share pro rata with the other creditors.

A. I did not.

Q. You did not go near him until 1885 and then you did not go near him until we brought you.

by the Court. Q. Did you ever go to see him

A. No sir, I did not.

Q. Will you tell me when you sold those diamond ear-rings in Chicago, give me the date.

A. Sometime in October, I cannot tell the date.

Q. Who did you sell them to.

A. Mr. J. Martin.

Q. Who is J. Martin.

A. No. 111 Madison Street, I think.

Q. What is his business.

A. He was a sporting man.

Q. What kind of a sporting man, a gambler.

A. I do not know what you call it, a sporting man, a horse man, an owner of horses.

Q. Did you see it on credit or for cash.

A. I sold it for cash.

Q. Did you get the cash.

A. Yes sir.

Q. Did you get a bill from the complainant in this case.



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for these ear-rings, yes or no, you know what I am talking about as well as I do.

A. Yes sir, I got a bill for the ear-rings and stud together on the 15th.

Q. What were the ear-rings billed to you at.

A. I think \$700 and the stud \$125.

Q. Now when were you to pay for these.

A. Thirty or sixty days optional.

Q. Did it say so on the bill.

A. Yes sir.

Q. Sure about that.

A. I am sure about that.

Q. Thirty or sixty days.

A. Yes sir.

Q. Which was it.

A. It was optional, if I was ready in thirty days I could pay it in thirty or sixty days.

Q. It was optional for you to pay in either thirty or sixty days.

A. Yes sir.

Q. You were to pay what, cash.

A. Yes sir, cash.

Q. And did you pay.

A. I did not.

Q. Now the complainant says that you told him that you had a customer for those ear-rings.

A. The word customer was never mentioned when I went in to buy.

Q. Was it ever mentioned in respect to those ear-rings.

A. Never, no, never.

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- Q. He says that you came in on the 10th and that you selected a pair of ear-rings which you said you believed was the kind that was suitable for your customer.
- A. I did not.
- Q. No such thing as that occurred.
- A. No sir; my credit was good in any house in Maiden Lane at that time to buy goods.
- Q. Were you shown any other ear-rings except the one set.
- A. I selected a pair of ear-rings, yes sir, I was shown others, I selected one pair.
- Q. And you signed this memorandum receipt for it.
- A. For the ear-rings and I returned them.
- Q. And did not you at the same time select a stud.
- A. Not at the same time; on the 19th I selected a stud.
- Q. Look at that and see if there is not a stud on it. (Showing a stud book.)
- A. There is the 10th.
- Q. Never mind the 10th, is there not a stud on that.
- A. There is a stud, I did not look at any stud.
- Q. How much.
- A. It is \$125.
- Q. There is a stud upon that.
- A. There is a stud on there but I have no knowledge of getting any stud with ear-rings.
- Q. The complainant says that on that day you did not get a stud but on the 19th, three days afterwards you came back to his store and returned the stud and got another, how is that, is that untrue too.
- A. It is untrue that I had this stud claimed in that memorandum.

0717

Q. Is it untrue that on the 19th of August you returned a stud to the complainant and got another stud from him.

A. I got a stud on the 19th, \$325.

Q. Did you return one on the 19th.

A. That is something I am not positive about.

Q. He says that you did and you got the other stud on the 19th, how is that.

A. I claim that I ~~he~~ got the stud on the 19th.

Q. I want to know what the fact is.

A. That is the fact, that I did get it.

By Mr Purdy. Q. You spoke of your father and your brothers having to pay up your debts.

A. Yes sir.

Q. Haven't they been obliged to get you out of jail where you have been arrested.

Objected to. Objection sustained.

Mr Hove: That is our case.

E. August Neresheimer recalled by Mr Purdy.

Q. You have heard the testimony of this defendant in which he says that he bought the diamond ear-rings on memorandum and then returned them and bought them absolutely or had such an understanding, is that true.

A. No sir.

Q. It is not true.

A. No sir.

Q. Did he ever return the ear-rings from the time that he bought them of you.

A. No sir.

Q. What is this book here.

0718

A. This is a memorandum book.

Q. Kept in the jewelry business, memorandum of orders.

A. Yes sir.

Q. Sold to a great variety of people.

A. Not sold.

Q. Delivered under this memorandum understanding, it is a custom in the trade dealing in that way.

A. Yes sir.

Q. This defendant says that on the 10th of August that he and you entered into an arrangement by which the arrangement of the 10th of August was cancelled and that on the 10th of August he bought these ear-rings from you absolutely on a credit of thirty or sixty days, optional with him and that he received a bill from you for these ear-rings and also for a diamond stud which was sold as he says on the 10th of August, is that true.

A. No sir.

Q. Did you ever deliver him a bill for either of those things.

A. No sir.

Mr. Howe: May it please your Honor section 63, title 3 of the revised statutes reads as follows: "Every person who shall be convicted of the felonious taking and carrying away of the personal property of another of the value of more than twenty-five dollars shall be adjudged guilty of grand larceny. I ask your Honor to charge that there is not sufficient evidence to go to the jury as to any felonious taking at the time these goods were delivered, but that on the contrary the complainant has distinctly sworn that he delivered these goods for this defendant to

0719

sell without being obtained by any fraud or artifice according to the prosecution's own testimony and according to the document which they have introduced that these goods were given to this defendant to sell and that he was simply to bring back the money, to pay cash afterwards, immediately after it was paid and that that was the purpose for which these goods were delivered to sell -- the complainant so swore, that it is in evidence that he did sell but did not bring back the money.

The Court: I refuse to charge that.

Mr. Howell: Note an exception.



0720

Testimony in the  
case of  
Joseph Keepers, Jr.

filed Jan. 1887.

NOTE TO EXHIBITION.  
I desire to state that  
the bill was not paid back the money.  
The commission so stated that it is in evidence that the  
bill was for which these goods were delivered to sell --  
which immediately after the bill was paid and that was the  
the amount to pay back the money to the cash and  
goods are taken to the merchant to sell and that he  
to the merchant after they have introduced that these  
concerning to the dissection, a own testimony and according  
sell without being obtained by any court or office re-

## Joseph Keepers case

Joseph Keepers obtained from E. August Niresheimer & Co 21 Maiden Lane on Aug. 16<sup>th</sup> 1882 1 pair of single stone diamond earrings valued at \$768.<sup>00</sup> and on Aug. 19 1882. one diamond stud valued at \$325.<sup>00</sup> on memorandum, promising to return either money or goods in three days as it would take that time for him to see the customer for whom he wanted them,

Keepers was arrested on a warrant for Grand Larceny on Sept. 30. 1885, held in \$1,500 bail for Examination and then raised to \$2,000 for trial.

Keepers told Shirk at time of his arrest that on obtaining this property he immediately went to Chicago where he got into disastrous grain speculations and sold the earrings for \$650.<sup>00</sup> dollars, and sold stud with a small profit with no chance of getting any of the property back.

Complainant's books will show the memorandum transaction, the diamonds were obtained of himself both times, he will show that the second lot was obtained for same customer who was undecided as to whether he would take earrings, but wanted a stud and would return all property the next day Aug. 20 - or the money if customer made no purchase.

Could not effect his arrest <sup>before 1885</sup> because could not find him

0722

Keepers has been arrested some fifteen years ago for similar transaction in Maiden Lane

In 1884<sup>(I think)</sup> he was in Ludlow Street Jail for similar transaction, under civil order of arrest, laid there for months -

He was arrested in Pittsburgh Pa as a Suspicious Person in 1885 having some bonds which he was trying to negotiate - This arrest led to his being arrested by me in this City, on Sept. 30 1885,

He was arrested in Newark with a man named Staegle ~~on Dec~~ during month of December 1886 (I think Dec<sup>r</sup>) on complaint of Albany Police but was discharged for lack of evidence - Could not identify -

He was a clerk under name of James Keepers with LeBoutillier Bros., 14<sup>th</sup> Street house, about eight years ago.

At time of arrest for Neresheimers complaint he had a number of pawn tickets on him, which he tried a number of times to throw away. Some of this property he had obtained "on memorandum" from John Block 10. Maiden Lane a few days before his arrest and had pawned same at Simpsons. Block would not prosecute but got his property out of pawn.



0723

CRIMINAL COURT OF BALTIMORE,  
SEPTEMBER TERM, 1887.

THE STATE OF MARYLAND,

To the Sheriff of Baltimore City, Greeting:

We command you that you take the body of

*Joseph Keepers (alias) Kingman*

*issued on oath of Alex. F. Hubbard - who charges him with the larceny of one un-set diamond -*  
*valued at \$250. & his property*

*Return Warrant*  
~~presentment for~~

WITNESS the Hon. GEORGE WM. BROWN, Chief Judge of the Supreme Bench of Baltimore City, the 12th day of September, 1887.

Issued the

*24*

day

*October*

1887.

JOHN S. BULLOCK,

Clerk Criminal Court of Baltimore.

0724

STATE OF MARYLAND,

Joseph <sup>vs</sup> Keepers  
aka Virginia  
Reuch Warrault

Witnesses

Alex<sup>r</sup>. J. Hubbard

4 S. Charles

Henry Lautzford 4 S. Charles

STATE OF



0725

## Police Department of the City of New York,

Precinct No. ....

New York, ..... 188

Guttman went into Complainant's store on the 23<sup>rd</sup> of December 1886 and represented himself as the Son of a Mr Guttman, a Jeweler of Nassau St near Maiden Lane and said he was sent there for a set of Diamonds valued at \$75.00/100 and received the same but was stopped on his way out by an employe of the firm named Walter M. Teigne of 121 E 118<sup>th</sup> St who was sent to the store for information, the Purser gave up the Jewels at the time but made his escape before he could be arrested.

Ingomar Goldsmith & Co 61 Nassau St the Complainant

0726

Arrested by Off Weinberg on  
the 2 day of March - 87 -  
committed crime on Dec. 23, 1886.  
Discharged by Judge Duffy.

0727

At a General Term of the Supreme Court of the State of  
New York, held in and for the First Judicial Depart-  
ment, at the County Court House in the City of New  
York, on the 25<sup>th</sup> day of January  
in the year of our Lord one thousand eight hundred  
and eighty-eight.

Present,

The Honorable, Charles H. Van Brunt, P. J.

The Honorable, John R. Brady

and The Honorable, Charles Daniels, P. J.

THE PEOPLE OF THE STATE OF NEW YORK,  
Respondents,  
against

Joseph Keepers, Jr.

Appellant.

ORDER OF REVERSAL.

The above-named Appellant having been, at a Court of General Sessions of the Peace,  
held in and for the City and County of New York, at the City Hall in said City, on the 4<sup>th</sup>  
day of March in the year of our Lord one thousand eight hundred and eighty-seven  
convicted by the verdict of a jury of a felony, to wit: Grand Larceny,

whereupon it was considered by the said Court of General Sessions of the Peace, and ordered and  
adjudged, that the said appellant for the felony aforesaid whereof he was so convicted as aforesaid  
be imprisoned in the State Prison at hard labor for the term of three years and four  
months.

And the appellant aforesaid, having thereafter duly appealed from the said judgment to this  
Court, and the said appeal having come on to be heard in due form of law, and the return herein being  
now before this Court, and having been by this Court duly inspected, upon which inspection it has  
and doth now appear to this Court that certain errors of law were committed upon the trial of the  
above-named appellant in the said Court of General Sessions of the Peace, and this Court upon such  
examination and inspection of the said return and the facts herein, there represented, having exercised  
its discretion, and having refused a new trial upon the facts herein, and having also refused a new  
trial upon the ground that the verdict was against the weight of the evidence,

Now, therefore, after hearing Maurice Meyer Esq., and Abraham Luy Sam Esq.  
of Counsel for the appellant, and M<sup>rs</sup> Kenzie Temple, Esq. Dist. Atty.  
District Attorney for the respondents, due deliberation being had thereon, it is

Ordered and adjudged, that for the errors of law aforesaid, so found in the said return, and  
not for errors of fact, nor as a matter of discretion, the said judgment of the said Court of General  
Sessions of the Peace, so appealed from as aforesaid, be, and the same hereby is in all things  
**reversed**, and that the appellant have a new trial, which is hereby ordered, And it is further

Ordered, that the proceedings herein be, and the same are hereby remitted to the said Court  
of General Sessions of the Peace.

*[Signature]*

Joseph A. Black  
Clerk

0728

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 Keeney*  
*the younger*

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

*Joseph Keeney the younger*  
of the CRIME OF *Grand Larceny*. -

committed as follows:

The said *Joseph Keeney the younger*,  
late of the *First* Ward of the City of New York, in the County of New York afore-  
said, on the *sixteenth* day of *August*, in the year of our Lord  
one thousand eight hundred and eighty-*two*, at the Ward, City and County aforesaid,  
*with force and arms, lawfully*  
of the value of *three hundred and*  
*eighty three dollars each*, of the  
goods, chattels and personal property  
of one *E. August Herdman*, 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.

*Randolph B. Martin*,

*District Attorney.*

0729

BOX:

203

FOLDER:

2034

DESCRIPTION:

Kelly, John

DATE:

01/12/86



2034



0730

Witnesses:

124 McClellan

Counsel,

Filed

May

1886

Pleads,

1/3

THE PEOPLE

of Charles  
Butcher

John Kelly

Bartholomew in the Third Degree.  
[Sections 495, 506, 528, 553]

RANDOLPH B. MARTINE,

By ~~May~~ 19/86 District Attorney.

Pleads 1/3 May 24/86.

A True Bill.

S. J. McCreary.

Manhattan

Foreman

0731

Police Court—5 District.

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

Alice Roseman

of No. 105 East 86<sup>th</sup>

Street, aged 33 years,

occupation Housekeeper

being duly sworn

deposes and says, that the premises No 105 East 86<sup>th</sup>

Street,

in the City and County aforesaid, the said being Dwelling House.

The 3<sup>rd</sup> floor of

and which was occupied by deponent as a Dwelling

and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly opening a

Window leading from the air shaft to the  
Sleeping Room & Kitchen

on the 7 day of January 1886 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One gold Watch & Chain attached of the  
Value of Sixty five dollars  
one lock & Chain attached of the  
Value of Eleven dollars  
Two Razors, one necktie & one bottle  
of Cashmere Buguet Cologne, of the  
Value of Three dollars  
Said property being in all of the value  
of Seventy Nine dollars

the property of deponent and Cornelius Roseman her husband

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

John Kelly, now here, and another  
person not named, and whose name is unknown to deponent,  
for the reasons following, to wit: Deponent saw said Kelly

and said unknown person in her Room.  
she gave an alarm and said Kelly  
was arrested, in whose possession  
the Collar, Necktie & Razors were found,  
said unknown person Escaped with  
the other property

Mrs. Alice Roseman

*Subscribed to before me this 7<sup>th</sup> day of January 1886*  
*John Kelly*

0732

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

*John Kelly*  
signed, according to law, on the annexed charge: and being duly examined before the under-  
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 Kelly*

Question. How old are you?

Answer

*27 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*57 Bowery 3 months*

Question. What is your business or profession?

Answer.

*Butcher*

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*

*John X Kelly*  
*(Mark)*

Taken before me this

day of

*January* 1886

Police Justice.

0733

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 \_\_\_\_\_

\_\_\_\_\_ *John Kelly* \_\_\_\_\_  
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 *January 7* 188 *6* *John J. Enman* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0734

Police Court-- 5 District. 39

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alice Rosman  
105<sup>th</sup> East 86<sup>th</sup>

1 John Kelly

2

3

4

Offence Burglary

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated January 7 1886

Magistrate

Wildebrand Officer.

23 Precinct.

Witnesses Whitfield. Hildebrand

23<sup>rd</sup> Precinct Police Street.

No. Street,

No. Street,

\$ 2500 to answer 98

Cash



0735

**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 Kelly*

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

*— John Kelly —*

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

The said *John Kelly*

late of the *Twelfth* — Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* — day of *January* in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Dwelling house* of one

*— Remedius Roseman. —*

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

*Remedius Roseman. —*

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.

0736

SECOND COUNT—

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

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

The said *John Kelly*,

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 *day* time of the said day, with force and arms,

*one watch of the value of fifty*  
*dollars, two chains of the value of*  
*fifteen dollars each, one pocket*  
*of the value of ten dollars, two*  
*papers of the value of one dollar*  
*each, one necktie of the value of*  
*one dollar, and one bottle of*  
*whisky of the value of one*  
*dollar,*

of the goods, chattels and personal property of one *Conrad Roseman,*

in the *dwell* house of the said *Conrad Roseman,*

there situate, then and there being found, in the *dwell* 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.

*David H. Burton,*  
*Attorney*

0737

BOX:

203

FOLDER:

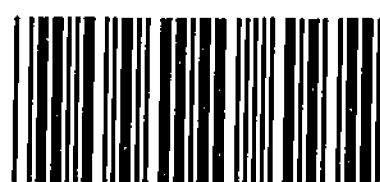
2034

DESCRIPTION:

Kent, Henry

DATE:

01/18/86



2034

Witnesses:

Being satisfied by within  
Certificate of Capt. Parkman  
of 20<sup>th</sup> Precinct, and by within  
affidavits that premises No 363  
Eight Ave are not now used  
or occupied as a gambling  
house and that the nuisance  
is abated. And the deft being  
now engaged in a legit-  
imate business of recom-  
mend that within in-  
dictment be dismissed  
and bail discharged,  
J. Y. Nov. 9. 1886  
Randolph B. Martine  
Dist. Atty.

157-5185  
L. A. Smith.  
Counsel,  
Filed, 1886  
Pleads, 1911

THE PEOPLE

vs.

Henry Kent

X

GAMING HOUSE, &c.  
[Sections 848, 844 and 886 Penal Code.]

RANDOLPH B. MARTINE,

Esq. for G. P. District Attorney.  
Indt. dismissed. Bond doled.

A True Bill.

Francis Higgins Foreman

Oct 21. 1886  
Peremptory

0738

0739

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

George F. Lewis  
of Central Office Police  
upon his oath complains that Henry Keub  
at premises No. 363 8<sup>th</sup> Avenue Street in the City  
and County of New York, unlawfully keeps and maintains a Gambling House, and knowingly  
permits divers idle, disorderly and evil disposed persons to resort there, to gamble and play at  
cards and games of chance for money, in violation of the law, and to the common nuisance of the  
People of the State of New York.

Deponent further says that, in said premises on the 19<sup>th</sup> day of  
December 1885 said Henry Keub  
did unlawfully and feloniously deal the game called ~~Rare~~ <sup>Draw Potter</sup> and did then and there within the space  
of twenty-four hours win from deponent Nine dollars  
at said game, and that within said premises are exhibited, kept and used by the  
said Henry Keub  
~~and other~~ gambling tables, checks, cards, devices and apparatus, for the purpose of gambling,  
the discovery of which would tend to establish the truth of the charge herein made.

Sworn to before me this 27<sup>th</sup> day of January 1886.

J. Henry Bond  
POLICE JUSTICE.

George F. Lewis



0740

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss*Henry Kerk*

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 Kerk*

Question How old are you?

Answer

*27 years old*

Question Where were you born?

Answer

*New York City*

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

Answer

*Shankup Hotel. 6th Ave near 101st St*

Question What is your business or profession?

Answer

*Bookkeeper*

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

Answer

*I am not guilty and I demand  
a trial by jury*  
*Henry Kerk*

I taken before me this

day of *May*188*8*

Police Justice.

0741

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

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

Dated Jan 188 6 J. Henry Ford Police Justice.

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

Dated Jan 188 6 J. Henry Ford Police Justice.

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

Dated Jan 188 6 J. Henry Ford Police Justice.

0742

500 bail for  
Jan 8<sup>th</sup> 3.15 PM

BAILED

No. 1 by

Residence

No. 2 by

Residence

No. 3, by

Residence

No. 4, by

Residence

152  
Police Court

2<sup>nd</sup> District.

THE PEOPLE, &c,  
ON THE COMPLAINT OF

George F. Lewis

Henry Kunk

Dated

January 7  
J. H. Ford  
Lewis

1886

Magistrate.

Officer.

Central Office  
Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

500

to answer

Gen. Sec.

Bailed

0743

Sec. 568.

District Police Court.

UNDERTAKING TO ANSWER. Sessions.

CITY AND COUNTY OF NEW YORK, ss.

An order having been made on the day of January 1886 by a Police Justice of the City of New York, That

be held to answer upon a charge of

carrying a gambling house.

upon which he has been duly admitted to bail, in the sum of

Five Hundred Dollars.

Defendant, of No.

Street; Occupation

and

Surety, hereby undertake

shall appear and answer the charge above-

mentioned, in whatever Court it may be prosecuted; and shall at all times render himself amenable to the orders

and process of the Court; and if convicted, shall appear for judgment, and render himself in execution thereof,

or if he fail to perform either of these conditions that he will pay to the People of the State of New York, the sum

of

Five Hundred Dollars.

Taken and acknowledged before me, this

day of Jan 1886

Police Justice.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

James Ford

carrying a gambling house.

0744

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of January  
1881  
Police Justice.

Erastus Crawford

the within named Bail and Surety being duly sworn, says, that he is a resident and free  
holder within the said County and State, and is worth Ten Hundred Dollars,

exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of house and lot of land

Situated at 220 West 28th Street  
and worth \$8,000 free and clear

Erastus J. Crawford

New York General Sessions.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to Answer.

vs.

Harry Kent

Taken the 6 day of January 188

Justice.

Ford

Filed 13 day of January 188

6



0745

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before J. Henry Ford a Police Justice  
of the City of New York, charging Henry Kent Defendant with  
the offence of Keeping a gambling house

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Henry Kent Defendant of No. Sharkys  
Hotel Street; by occupation a Bookkeeper  
and Erastus Crawford of No. 220, W. 28th  
Street, by occupation a Engineer Surety, hereby jointly and severally undertake that  
the above named Henry Kent Defendant  
shall personally appear before the said Justice, at the 2<sup>nd</sup> District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this

day of

January

1886.

J. Thompson POLICE JUSTICE.

Henry Kent  
Erastus Crawford

0746

CITY AND COUNTY  
OF NEW YORK, } ss.

day of *June*  
*Edmund J. [unclear]* Police Justice.  
188

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Seven* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *house and lot of*

*land situated at 220 W.  
25th Street and worth \$2000  
free and clear*  
*Erastus Crawford*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Underlying to appear  
during the Examination.

vs.

*Henry Kent*

Taken the

*7* day of *June* 188

Justice.

*Ed*

0747

I hereby certify that in the premises  
No 301. West 28<sup>th</sup> St. which was formerly used  
as a gambling house, was broken up by  
my orders, and is not now used or  
occupied for gambling purposes.  
Jas. G. 20<sup>th</sup> 1886.

Jas. Washburn

Capl-20<sup>th</sup> Precinct

0748

USS Lutescent

The People

"

Henry Kent

Signature of  
Capt. William

0749

Count of General Sessions

The People

vs.

Henry Kent

City & County of New York.

Samuel Ketch

deposing at 328 West 29<sup>th</sup> St. in the City of New York being duly sworn says he is a practicing physician, and has been between eleven and twelve years. That he is a brother of Henry Ketch, who is the same person indicted for gambling, under the name of Henry Kent. That said Henry was employed as salesman, before he left the City of New York. That in the month of May last, said Henry left this City for St. Louis where he is now engaged as salesman in a cloth house. That deponent knows the facts from letters received by deponent's mother from time to time since May last. That as appears by said letters and as deponent believes said Henry is now endeavoring to take care of himself, by attending to the business in which he is engaged as aforesaid.

Sworn before me

this 26<sup>th</sup> day of

Oct 1886

Samuel Ketch.

Reginald H. Williams

Notary Public Westchester Co  
Arch filed in N. Y. Co.



0750

You Samson

The People

or  
Many Ketch

Copies of Samson Ketch

0751

Leant of Gen. James

Mc Peckee

Benny Kent

City of New York

James Mayers  
being duly sworn, says that he is a  
livery stable keeper, and his place of business  
is opposite at No 366, 8<sup>th</sup> Av. in the City of  
New York. and directly opposite No. 363, 8<sup>th</sup>  
Av. That defendant has occupied the same  
place of business for the last 17 years. That  
the premises No. 363 were kept by a man  
named Leonard, who was the proprietor of  
the place. That he desires his information  
from going into the place, <sup>occasionally</sup> when parties would  
send for cabs, or carriages. When he would  
see said Leonard, who acted as proprietor,  
and from hearing him spoken of and  
by people who worked for him, and who  
said he was the proprietor of the house.  
That defendant remembers when the  
house was raided by the police. That since  
that date said Leonard has not been at  
the place since that date. To defendant known  
as Benny Ketch, by seeing him occasionally  
with other young men, in defendant's place and  
in the place of said Leonard. That defendant

0752

never heard that said said Henry had  
any interest in said house, but supposed  
and believes he was simply an occasional  
visitor to said house.

From before me

this 26<sup>th</sup> day of  
Feb. - 1886

James Mayers

Reginald H. Williams

Notary Public Westchester Co.  
Lark filed in N. Y. Co.

For Services

The People

vs

Henry Kents

Affidavit of

James Mayers

0753

**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 Kent*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Henry Kent* —

(Sec. 343  
Penal Code) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed  
as follows:

The said *Henry Kent*,

late of the *Twentieth* Ward of the City of New York in the County of New  
York aforesaid, on the *nineteenth* day of *December*, in the year of our  
Lord one thousand eight hundred and eighty-*three*, and on divers other days and  
times as well before as after, to the day of the taking of this inquisition, at the Ward, City and  
County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building  
there situate to be used for gambling; 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. (Sec. 344 Penal Code).

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

— *Henry Kent* —

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPA-  
RATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Henry Kent*,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, and on said other days and times, at the Ward, City and County aforesaid, a certain

0754

room in a certain building there situate, and a certain gambling table, and establishment, and diver cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, 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. (Sec. 385 Penal Code).

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

*- Henry Kent -*

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows :

The said *Henry Kent* .

late of the Ward, City and County, aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house, there situate, for *his* lucre and gain, unlawfully and injuriously did keep and maintain; and in *his* said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called *draw poker*, in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said

*- Henry Kent -*

there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and 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 and dignity of the People of the State of New York.

**RANDOLPH B. MARTINE,**

District Attorney.



0755

BOX:

203

FOLDER:

2034

DESCRIPTION:

Kirby, Albert

DATE:

01/28/86



2034

0756

BOX:

203

FOLDER:

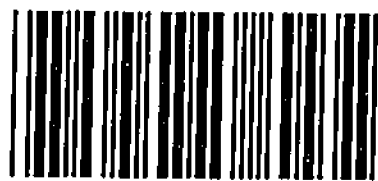
2034

DESCRIPTION:

Johnson, David C.

DATE:

01/28/86



2034

11/13/88

Nov. 11 1898

The principle of practice  
only returns for the hope

Witnesses: in the trial year  
case is now in state

Prison for an offense  
entirely disconnected

with the subject matter  
of the indictment. I

am convinced that under  
no circumstances

conviction could be had  
in the case and I have

examined the case and the  
Chapman on their own

part of the evidence  
William R. Johnson

John R. Johnson  
1/14/2 East 53rd St.

John R. Johnson  
1/14/2 East 53rd St.

1/14/2 East 53rd St.

After a careful examination into  
this case I am of the opinion that

the evidence is insufficient to  
warrant the conviction of the

defendants of the crime charged  
in the indictment

I respectfully recommend  
the dismissal of the indictment

July 13 1898  
a.d.g.

1-10-88

2-10-88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

11/13/88

Counsel,

Filed, 28

day of

January

1898

Pleads,

Art. 111, Code

of the

People

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

CAMING HOUSE, &c.  
[Sections 848, 844 and 885 Penal Code]

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

vs.

THE PEOPLE

Mark Kirby

and

David C. Johnson

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Francis Higgins

Part 3, Nov. 21, 1898. Foreman

William of Port City del. discharge

their non-recognition

July 13 1898

0758

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Albert Kirby and  
David C. Johnson*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Albert Kirby and David C. Johnson* —

(Sec. 343  
Penal Code) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed  
as follows:

The said *Albert Kirby and David C. Johnson*,  
*each* —

late of the *Twenty-first* Ward of the City of New York in the County of New  
York aforesaid, on the *fifteenth* day of *September*, in the year of our  
Lord one thousand eight hundred and eighty-*five* —, and on divers other days and  
times as well before as after, to the day of the taking of this inquisition, at the Ward, City and  
County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building  
there situate to be used for gambling; 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. (Sec. 344 Penal Code).

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

*Albert Kirby and David C. Johnson* —

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPA-  
RATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Albert Kirby and David C. Johnson*,  
*each* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, and on said other days and times, at the Ward, City and County aforesaid, a certain

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room in a certain building there situate, and a certain gambling table, and establishment, and diver cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, 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. (Sec. 385 Penal Code).

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Albert Kirby and David C. Johnson* —  
of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Albert Kirby and David C. Johnson, each* —  
late of the Ward, City and County, aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house, there situate, for *their* lucre and gain, unlawfully and injuriously did keep and maintain; and in *their* said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called "*Faro*," —, in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said — *Albert Kirby and David C. Johnson,* — there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and 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 and dignity of the People of the State of New York.

**RANDOLPH B. MARTINE,**

**District Attorney.**



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BOX:

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FOLDER:

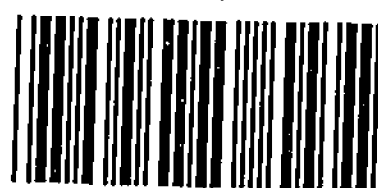
2034

DESCRIPTION:

Koch, William

DATE:

01/28/86



2034

Witnesses:

See opinion  
per court  
examined & the  
Sgt. Jones kept  
arrived for Voluntary  
Ex. Cont. 7/23

7/23

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Counsel, \_\_\_\_\_  
Filed 28 day of January 1886  
Pleads, William H. Haggins

THE PEOPLE

vs.

William Koch  
937 - 3 Ave

Dec. 27/23

Violation of Excise Law.  
(Sunday).  
[III Rev. Stat., (7th Edition), page 1088 Sec. 21, and  
page 1089, Sec. 51.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chambers Haggins  
1st J. J. Haggins Foreman.  
S. Haggins and S. Haggins  
H. Haggins 7/23

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Excise Violation—Keeping Open on Sunday.

POLICE COURT—✓ DISTRICT.

City and County } ss.  
of New York, }

of No. 19 Presumed Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 27 day

of December 1885, in the City of New York, in the County of New York,

William Koch (now here)

being then and there in lawful charge of the premises No. 937-3 Avenue

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be

drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of

the statute in such case made and provided.

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

Sworn to before me, this 28 day  
of Dec 1885

John I. Cuff  
Police Justice.

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Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

*William Koch*

Question. How old are you?

Answer

*47 years*

Question. Where were you born?

Answer

*Germany*

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

Answer

*937 3rd Ave 3 years*

Question What is your business or profession?

Answer

*Saloon Keeper*

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 saw the side door open. I demand a trial at the Court of General Session*  
*William Koch*

Taken before me this

day of *March* 1885

Police Justice.

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

He 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 December 28 1885 P. G. Duffy Police Justice.

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

Dated December 28 1885 P. G. Duffy 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 \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



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BAILED,

No. 1, by Otto Winter  
Residence 22/Ex 153-4 Street.

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

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

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

(E)

Police Court District.

THE PEOPLE vs. Not Guilty.  
IN THE COMPLAINT OF

John A. Huff  
19 Precinct  
William Koch

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

Dated Dec 28 1885  
P. A. Huff Magistrate  
Huff Officer.  
19 Precinct.

Witnesses  
No. James J. ... Street.

No. ... Street.

No. ... Street.

\$ 100 to answer G. S.

Paroled to bring bail

30. Jan. Dec 28.  
Bailed

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October 1<sup>st</sup> 86

This is to certify that  
William Koch is sick  
and unable to appear in  
court to-day

Dr C W Bohm Falk

231 East 55<sup>th</sup>

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**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Koch*

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

*— William Koch —*

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

The said *William Koch,*

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

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

SECOND COUNT:

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

*— William Koch —*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY  
committed as follows :

The said *William Koch,*

late of the Ward, City and County aforesaid, afterwards, to wit : On the day and in the year  
aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week,

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commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

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

THIRD COUNT:

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

*William Koch*

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

The said *William Koch*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,  
District Attorney.