

0243

BOX:

346

FOLDER:

3261

DESCRIPTION:

Irving, J. Keith

DATE:

03/22/89



3261

0244

Witnesses:

G. J. Kirsch

In my opinion the evidence in this case fails to establish any criminal intent on defendant's part in his transaction with the complainant. When he had been exchanged & defendant did to complainant has been paid. For these reasons, I recommend the dismissal of this indictment.

Feb 2. 1893.

Wm. M. Davis, Dist.

Plains, Feb 27/92.

176. J. M. James Jr. N. A. R.

Counsel, Filed 27th day of March 1889 Pleads, C. J. Gully (w/)

THE PEOPLE

vs.

J. Keith Irving

LAURENCE, 2nd Floor, (False Pretenses), 188, and 581, Penal Code.

JOHN R. FELLOWS, District Attorney

did on his of receipt A True Bill discharged July 9, '93.

Chas. Scott Foreman.

J. J. January 27/92

5420

Please forward Notice to prior Endorser.
John J. Reed

J. J. VAIL,
363 Fulton Street,
NOTARY PUBLIC,
Kings County.

Your obedient servant,
to you for the payment thereof.
for non-payment, and that the holder look
after date, and endorsed by you, is protected,
is & payable
for \$ 200, dated
made by

Please take notice that a Promissory
Brooklyn, N.Y. Oct 1859

0246

THE STANDARD BUILDING CO.,

81 NEW STREET,

J. J. KIERST, Superintendent,
J. E. SCHAARSCHMIDT.

New York, Nov. 30. 1888.
J. Keith Brown Esq.
Architect Union Publ. Society Bldg.
18 Cortlandt St.

Dear Sir.

We propose to erect the mason work as called for by you in your specification for the above building in a good substantial, skillful & workman like manner and satisfactory to you in every respect without any delay whatsoever for the sum of One Million Two hundred and sixty seven thousand, seven hundred and eighty nine dollars and $\frac{97}{100}$ cents, also to furnish all mason scaffolding, implements and whatsoever required to complete the mason work of the above building.

Most Respectfully Yours
Standard Building Co.

John J. Kierst Supt

(# 9,267,718.97)
30,000
1,297,718.00
3000 500
1300718

0247

Police Court—First District.

Affidavit—Larceny.

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

John J. Kierst

of No. 81 New Street, aged 49 years,
occupation Builder being duly sworn
deposes and says, that on the 1st day of November 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz: Legal tender notes

Good and lawful money of the United States of the denomination of
\$5. each and in the aggregate of the value of

TWO HUNDRED DOLLARS.

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by J. Keith Irving, the facts are as follows viz:

that about said date deponent received a letter inviting him to
call upon J. Keith Irving at 18 Cortlandt Street this City deponent
went there and upon the door of room No. 303 saw painted and let-
tered "J. Keith Irving, Architect and Superintendant" and in said of-
fice met a person who introduced himself to deponent as J. Keith
Irving he said that he had sent deponent said letter for the pur-
pose of having him estimate upon the mason work for an institution
to be erected in South Brooklyn, Kings County this State to be
known as the "Biblicon Society Building", and that plans would be
filed and permit issued, deponent then and there made an estimate
upon said plans, which amounted to \$1,267,718.97, and a few days there
after deponent submitted said estimate to Irving, he said that de-
ponent had estimated \$60,000, too little and thereupon suggested
that he would raise deponent's estimate \$30,000, more as deponent

Sworn to before me this 1st day

Police Justice

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must have made a mistake, he further said, that he had sent for deponent because he wanted a skilled man to direct the mason work, that it was a good contract would last two years, and that deponent could draw every two weeks for money within 20 per cent. of the amount due, that he approved of deponent's estimate and would submit it to the board of Directors; but that it would be all right because he, Irving, was to Superintend all work and had the giving out of all contracts and had subscribed \$10,000, toward the building fund; and he further said, that this made him short of money that his father was old and sick and he wanted some money to use, that he expected \$10,000, in a few days and asked deponent for \$500 on the strength of the contract deponent had estimated upon, deponent informed him, that he could not raise so much ready money but could get about \$200. Irving then said "Well bring it here not later than 3 o'clock to-day and I will let you know who the subscribers to the institution are", Deponent at said time went back to the office of said Irving with said money. Irving then told deponent that Ex Judge Fullerton and Phelps Dodge & Co., were among the subscribers and that he did not wish to bother them for such a small amount. Deponent believing all of the foregoing representations to be true and relying thereon, thereupon handed said Irving said \$200 who gave back to deponent a note for three months, which in the course of trade deponent paid to Jacobson & Verity Lumber dealers.

That upon the strength of such representations aforesaid deponent ordered of his brick make one McGuire of Grassy Point 40,000,000, of brick to be used in the coming Spring for said job; that shortly thereafter deponent again saw Irving who told deponent that the board of Directors had approved of deponents contract and told deponent to go right ahead and order his supplies and get ready to go to work on or about the 4th day of February 1889. Deponent was informed by Jacobson & Verity, that said note had been protested for non-payment. Deponent then called at the office of said Irving, saw him and he told deponent, that there was a mistake in the date of said note but that it would be met in two weeks.

That about said time last mentioned date deponent went to the Building Department of said Kings County, and there ascertained that no plans had been filed nor had any permit been granted for the erection of an institution to be known as the "Building Society Building".

That on or about the 15th day of February last deponent called at the office of said Irving and discovered that the before mentioned painting and lettering upon the door had been obliterated and instead, the following chalked upon the glass "Irving's Primary Bakery", deponent went into said office inquired for Irving, was informed that he was out. Deponent has called a number of times, but has been unable to see Irving whom deponent has reason to believe is concealing himself from deponent.

That said money or any part thereof has not been paid to deponent, who is now responsible for the payment of said note upon which said money was obtained by said Irving upon the false pretense aforesaid and with the felonious intent to deprive deponent of said money.

WHEREFORE deponent prays that said Irving may be apprehended and dealt with as the law directs.

Sworn to this day)
of 1889 before me)

John F. Kierns

Police Justice,

*Sworn to before me this 14th day of March - 1889
John F. Kierns
Police Justice*

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Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

1st District Police Court.

Keith Irving 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. *Keith Irving*

Question. How old are you?

Answer. *23 Years*

Question. Where were you born?

Answer. *NY*

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

Answer. *67 MacDougal St Brooklyn 2 Years*

Question. What is your business or profession?

Answer. *Architect*

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

Answer. *I am not guilty of the charge and waive further examination*

Keith Irving

Taken before me this

Day of *March* 188*9*

Henry J. ...
District Police Justice.

0250

Sec. 151.

Police Court 1st District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John J. West of No. 51 West Broadway Street, that on the 1st day of November 1889 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money
of the United States
of the value of Five hundred Dollars,
the property of Complainant
w. as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by J. Keith Irving

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the bod...4 of the said Defendant and forthwith bring him before me, at the 1 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 4th day of March 1889.

J. J. Harrison POLICE JUSTICE.

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Police Court 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. Kirist
vs.
J. K. Irving

Warrant-Larceny.

Dated March 4 1889

Gorman Magistrate

English Officer.

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

Davis English Officer.

Dated March 5 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

23yr
w
US
Architect

m
yr
67 Madison St
New York

Police Justice.

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

The within named

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

Defendant

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

Dated *March 10* 188 *9* *John J. Guma* 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.

0253

\$1000 for Ex
March 12/89
2 P.M.

Bailed, Bail returned & jury called by
No. 1, by Morris S. Herrman
Residence 29 West 115th Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

The Magistrate presiding
will please hear and
decide upon the within
case by reason of my
absence.

John Herrman
Prosecutor

11
Police Court - 1st District. 378

THE PEOPLE &c.,
OF THE COMPLAINT OF

John J. Kierst
81 New St
vs. Keith Irvine

2 _____
3 _____
4 _____

Offence Larceny
Felony

Dated March 5 1889

Gorman Magistrate.

English Officer.

11th P.C. Precinct.

Witnesses Arthur C. Jacobson
No. 93 Plymouth St Brooklyn

No. _____ Street.

No. _____ Street.



\$ 1000 to answer 9.8

[Signature]

0254

FRANCIS C. REED,
ATTORNEY AND COUNSELLOR,
STEWART BUILDING,
CHAMBERS ST., AND BROADWAY,
280 BROADWAY, NEW YORK.

New York February 3rd 1893

Vernon H Davis Esq

Dear Sir;

I send you with this the receipt for the payment of
the borrowed money, from John J Kierst and also return the re-
quest by him .

The petition will be amended and sent to Mr Wash-
burn. You will not need me until you get the order discontinuing
the indictment will you?

Yours truly

Francis C Reed

0255

New York General Sessions.

-o- : -o- : -o- : -o- : -o- : -o- : -o- x

The People of the State of New York

-against-

J. Keith Irving.

-o- : -o- : -o- : -o- : -o- : -o- : -- x

I, JOHN J. KIERST, the complainant in the above criminal action, hereby desire to withdraw the same, and do so for the following reasons:-

The sum of \$200., the amount of the subject matter of this indictment in which I charged the said defendant with having stolen from me, has been restored to me, and he has made restitution of the same.

I am informed that this is the first time that the said J. Keith Irving has ever been arrested or in any trouble whatever, and that he has heretofore been an architect of good standing in the community.

I feel that the end of justice will be properly subserved by permitting the withdrawal of this criminal action against the defendant herein.

Witness
John J. Kierst
Joseph [unclear]

0256

Court of General Sessions,
CLERK'S OFFICE.

THE PEOPLE
vs.

June 17th 1899

I desire to examine
the *F. Mith. Irving*
J. J. Kirsch

in the above-entitled action.

Name *Harford C. Burns*
Address *Passaic N.J.*

Please ask for this Slip when you return
the above papers.

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Court of Sessions,

May 2, 1889.

John U. Shorter, Esq.,

Dear Sir:-

This introduces to you Mrs C.L. Irving, formerly of Augusta, who desires from you the kindness of an introduction to Col. Fellows. I had no opportunity to use the one you gave me.

While Mrs Irving believes in her son's innocence, and while the son and his counsel seem to have no apprehension of the result of the trial, yet it is thought best not to risk its uncertainties and the lady thinks if the District Attorney will take a little time to examine the other side of the case, he will find it unnecessary and unprofitable to push the matter.

From my own knowledge I doubt conviction and also the propriety of bringing the case to a trial.

I have read the complaint and know of my own knowledge ~~and~~ that the complaining witness, in the rage and blindness of his financial injury, has over-shot the mark and made several vital mis-statements.

Mr Irving, was at the time of these transactions not twenty-one years of age; there was behind him a man who is an experienced fraud who gave him several contracts as a basis to work upon. Mr Irving claims that upon this basis along with a great amount of domestic trouble, family sickness and death, that he was led unmeaningly into a temporary injury of others, which injury he was competent to retrieve if they had given him time. The complaining witness swore Irving had no contracts to give out on the contrary he has

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he has written contracts with his employers.

The complaining witness swore Irving took out no permit and filed no plans; on the contrary I had seen the permit and plans in our Department.

He swore Irving called his office "Irving's Bakery" on the contrary the German did not read well nor understand English and that was the cause of the trouble, as the office had the sign "Irving's Battery" and "Electric Invention", Mr Irving is interested in.

You will find Mrs Irving a cultured and high minded lady who has suffered too many sudden misfortunes for any one woman; and this boy, who otherwise than this affair has very brilliant prospects, is her only hope and stay.

Of course I do not write this to shield him from the just and legal consequences of his acts but rather to suggest to the authorities that upon an investigation, the case will be found hardly worthy of prosecution.

I am sir,

very respectfully yours,

William H. H. H. H. H.
Stenographer Court of
Canada.

0259

District Attorney's Office. 1600

120
v.
Irving-

Dep't to call

0260

No. 2.

409

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

F. G. Reed ^{vs.}
J. S. B. B. B.

J. Reed vs. J. S. B. B. B.

March 27th 1884

Richard M. Reed
District Attorney.

M. D. A. S.

I wish you
w. advise of this
case. D. G. N.

0261

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

J Reek Iron
vs 1 /

Ind^{ty} Mar 22. 89

Ind^{ty} Mar 22. 89

For June 27. 92

Judge " Eo - 1

District Attorney.

Carroll
Carter
and
H. J. ...
H. J. ...
H. J. ...

0262

Direct files
Mch 22, 1889

Bond Mch 22, 1889

Insulin June 27, 1892

Draft June 30, 92

\$1000 -

Canall dist-

Shpp Newburg

- 1 + 2 = 50 12 25

Warburne

New York City 592

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CITY AND COUNTY }
OF NEW YORK, } ss.

POLICE COURT, ^{9th} ^{W^{est}} DISTRICT.

of No. 93 Plymouth Brooklyn N.Y.
Street, aged 213 years,
occupation Lumber Dealer

being duly sworn deposes and says,
that on the _____ day of _____ 188

at the City of New York, in the County of New York, he is acquainted
with John J. Keirst and that on or about

the second day of December 1888 he paid
~~from J. Jacobson & Co.~~
deponent's firm in course of trade a note for
\$200 signed by T. Keith Downing, dated
Nov 1st 1888 that it was due Feb'y 4th 1889
and was protested for non-payment
and the same is now due and unpaid
and deponent's firm of Jacobson & Co.
are the holders of said note and hold said
Keirst responsible for its payment

Arthur C. Jacobson

Sworn to before me, this
5th day
of March 1889

John J. Keirst
Police Justice,

0264

General release. No. 131.

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Beekman, and 120 Broadway, N. Y.

To all to whom these Presents shall come or may concern, Greeting:
KNOW YE, That J. J. Keith Irving

for and in consideration of the sum of One
me dollars, lawful money of the United States,
in hand paid by John J. Keith

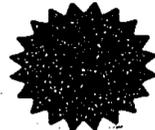
have remised, released, and for ever discharged, and by these Presents do
for myself my heirs, executors and administrators,
remise, release and forever discharge the said John J. Keith

his heirs, executors and administrators
of and from all and all manner of action and actions, cause and causes of
action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills,
specialties, covenants, contracts, controversies, agreements, premises, variances,
trespasses, damages, judgments, extents, executions, claims and demands what-
soever, in law or in equity, which against him
ever had, now had or which or my heirs,
executors or administrators hereafter can, shall or may have, for, upon, or by
reason of any matter, cause or thing whatsoever, from the beginning of the
world to the day of the date of these Presents.

In Witness whereof, I John J. Keith Irving have hereunto set my hand and seal
the 14 day of July one thousand eight hundred
and Twenty two

Sealed and delivered in the presence of

John J. Keith Irving John J. Keith



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State of New York
City of New York } SS.
County of New York

On the 14 day of July in the year
one thousand eight hundred and ninety two before me personally came
Ruth Irving

to me known, and known to me to be the individual described in, and who
executed the foregoing instrument, and he acknowledged
that he executed the same.

Reynolds Duman

Commissioner of Deeds
in and for the City and
County of New York

Ruth Irving

to
John J. Acers

GENERAL RELEASE.

Dated July 14 1892

off address

0266

F. Keith Irving.
Architect.

18 Cortland St.

TELEPHONE 682 CORTLANDT.

CABLE ADDRESS, "LENIENT."

MEMORANDUM.

FROM

HOWE & HUMMEL,
COUNSELORS AT LAW.

WM. F. HOWE,
A. H. HUMMEL,
BENJ. STEINHARDT,
JOS. F. MOSS,
DAVID MAY.

87 & 89 CENTRE STREET,
AND
136, 138 & 140 LEONARD STREET.

To.....

New York July 14 1892.

*Received from Joseph
F. Moss attorney the
sum of Two hundred
(\$200) dollars money
paid to me by way
of retainer for
Keith Irving*

John J. [Signature]

0267

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
AGAINST

J. Keith Irving

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

J. Keith Irving

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

The said *J. Keith Irving*,

late of the City of New York, in the County of New York aforesaid, on the *first*
day of *November*, in the year of our Lord one thousand eight hundred and
eighty-*eight*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one John J. Hunt*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *his* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*
John J. Hunt

That *there was then about to be erected*
in South Brooklyn in the County of Kings,
in the said State of New York, a building
to be known as the Billion Society
Building and that all the necessary
plans had then been made and arrange-
ments entered into for the erection of such
building at a cost of upwards of one
million dollars; that he was then and there

construction of such building, and had not
sufficiently, or any power or authority to
complete all, or any arrangements, therefor, or
to supervise all work to be done in construction,
and had not himself subscribed the sum
of ten thousand dollars, or any sum whatever,
toward the building fund necessary for the
erection of the said building.

And whereas in truth and in fact the
said proposal and estimate so as aforesaid
submitted by the said John J. Keith,
had not been approved by the said
John J. Keith, and the said John J. Keith
had not thereby secured the contract for
such masonry work, or any part thereof,
or a contract which would last two years, and
thereby the said John J. Keith could not draw
every two months for money within twenty
percent of the amount due; and Ex-Judge

Wheaton and Phelps Dodge Co., were
not among the people who had subscribed
toward the erection of said building;

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said John J. Keith
to the said John J. Keith was and were

then and there in all respects utterly false and untrue, as the the said
John J. Keith
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said
John J. Keith
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said John J. Keith

then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,
District Attorney.