

0304

BOX:

226

FOLDER:

2215

DESCRIPTION:

Jaffray

DATE:

07/12/86



2215

0305

BOX:

226

FOLDER:

2215

DESCRIPTION:

Kahn, Benjamin

DATE:

07/12/86



2215

0306

BOX:

226

FOLDER:

2215

DESCRIPTION:

Doe, John

DATE:

07/12/86



2215

52-143 (11 July 1886)
Judge Cook
45

Counsel,
Filed 12 day of July 1886
Chas. W. Kelly, Dec. 9/86
Pleads

Grand Larceny
[Sections 528, 589
Pennl. Code]

THE PEOPLE
vs
Jeffery
alias "The Oregon Jew"
Benjamin Kahn
John Doe
alias "The Doctor"

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

James L. Fisher
The true Bill is returned
as charged by the
Grand Jury
Dec 12/86

Witnesses:
Henry Atkins
Sergeant John Henderson

As the reasons stated
in annexed report of the
Const. Dist. Atty. Peaches
I recommend that with
indultment as to debt for
Benjamin Kahn (he was
charged and that Const
as to said Kahn - he was
charged

Dec 12, 1886
Randolph B. Martine
Dist. Atty.

0308

Sec. 198-200

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Benjamin Kahru

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. New York City

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

Answer. 317 West 4th Street.

Question. What is your business or profession?

Answer. Wholesale Meat Dealer

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
Benjamin Kahru

Taken before me this

day of

Amey

Deepled

Police Justice

0309

Police Court

Police Court—Second District.

Affidavit—Larceny.

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

of No. 99 First Avenue Street, aged 32 years,
occupation Butcher being duly sworn

deposes and says, that on the 27th day of April 1885 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United States consisting of bills of divers denominations and values amounting to forty two hundred dollars, and one diamond Stud and one diamond Crescent of the value of five hundred dollars, altogether of the value and amounting to forty seven 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 Jaffray known as the "Oregon Jew" and Ben. Kahn and another man known as "the doctor" (correct name unknown to deponent), for the following reasons: On said date about the hour of 11 o'clock in the forenoon Deponent went in company with said Jaffray to the Hoffman House and had a drink; that while in the Hoffman House the said Jaffray introduced to Deponent a gentleman whom he called by the name of "Doctor" that had lately come from Montana - that said doctor told Deponent then and there that he had a friend in Canada who had recently come from Montana to London Canada, and that said friend had two bars of gold which he

Subscribed to by or in presence of

1885

Notary Public

0310

wanted to sell, and that said friend would be willing to sell the same for fifty cents on the dollar for Cash. That deponent agreed to buy one of said bars of Gold - that deponent then went to his butchers shop 99 First Avenue after parting with said Jaffray and said friend. Deponent met said Kahu who informed deponent that he heard that deponent was in a "gold basket" and that the said Jaffray and the said doctor would get the best of deponent but that he the said Kahu would like to see deponent at the Hoffman House in presence of said Jaffray and said doctor before deponent would pay his money - that about the hour of 12 o'clock noon on said date deponent met the three said defendants at the Hoffman House - and the said Kahu then said there told deponent that he had investigated the whole matter, and told deponent that it was a safe investment for deponent to buy one of said bars of Gold and that he the said Kahu said he wished to become partner - That deponent accompanied by

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

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

Dated _____ 188 _____ 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.

Police Court, _____ District,

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

1 _____
2 _____
3 _____
4 _____

Offence—LARCENY

Dated _____ 188 _____ Magistrate.

_____ Officer.

_____ Clerk.

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

_____ Sessions.

_____ to answer

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Said defendants went to the Grand
Central Depot 42nd Street ^{Eq 14th}
Avenue and deponent believing the
said representations so made to him
by said defendants to be true handed
over to said Kahu the afore-described
moneys and diamonds in payment
of ^{of said} one bar of Gold - That deponent
then accompanied by said defendant to
went to Canada - when said Kahu
and said doctor gave to deponent what
purported to be one of said bars of Gold -
that when deponent returned to New
York he had said bar of Gold examined
examined by a jeweler who pronounced
said bar worthless

Wherefore deponent prays that said
defendants may be arrested and dealt
with according to Law

Given to before me
this 13th day of May 1895
Harry Scher
Police Justice

0312

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of eighty 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 _____ 188 .

W. J. Duffy Police Justice.

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

Dated _____ 188 .

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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Police Court 2nd District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Mary Albers

vs.

"Jaffray"

Ben Kalin

"the doctor"

4

Office Grand Central

Dated May 13 1885

Druffy Magistrate.

Neidenberg Officer.

Central office Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 8000 pret to answer

May 28. 2 pm

Bailed full

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

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Sec. 151.

2nd
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 *Harry Albers*

of No. *99 First Avenue* Street, that on the *27* day of *April*
188*5* 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
Amounting to forty two Hundred dollars and one
Diamond Stick, and one diamond Chesson 4 of the
Value of five hundred dollars; altogether
of the value of *fourty seven hundred* Dollars,
the property of *Harry Albers*

w *as* taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *Jeffrey, known as the Oregon Jew, "the doctor" and Ben Kahn*

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 *them* before me, at the *2nd* 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 *13* day of *April* 188*5*
[Signature]
POLICE JUSTICE.

POLICE COURT DISTRICT.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated _____ 188

Magistrate

Officer

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

Officer

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice

REMARKS.

Time of Arrest:

Native of _____

Age _____

Sex _____

Complexion _____

Color _____

Profession _____

Married _____

Single _____

Read _____

Write _____

0315

Sec. 102.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Patrick J. Duff a Police Justice
of the City of New York, charging Bern Kahn 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, Bern Kahn Defendant of No. 317

West 4 Street; by occupation a Butcher

and Jennette Kahn John M. Guire Jennette Kahn residing 15. 9th
ms Kahn ms occupation John M. Guire surety surety 122/10th
Street, by occupation a Butcher Surety, hereby jointly and severally undertake that

the above named Bern Kahn Defendant

shall personally appear before the said Justice. at the 3 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 Eighty
Hundred Dollars.

Taken and acknowledged before me, this 16 Benjamin Kahn

day of May 188 5 John M. Guire

Patrick J. Duff POLICE JUSTICE. John Maguire

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CITY AND COUNTY OF NEW YORK, ss.

Sworn to before me, this 16 day of June 1881
Office 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 Eighty 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 Houses and lots

Number 5 13 + 15. 9 avenue
New York value Eight Thousand
dollars no incumbrances

John M. Gause ^{James H. Kahn}
the within named Bail and Surety

Undertaking to appear during the Examination

being duly sworn says that he is a resident and sole holder within the said County and State and is worth ten thousand dollars exclusive of property exempt from execution and over and above the amount of his debts and liabilities and that his property consists of House and lot No 122 10 avenue
New York city value ten thousand
dollars thirty seven five
hundred dollars no other incumbrances

Sworn to before me
this 16 day of June 1881
John Magan

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

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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

Ben Kahn

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

Dated *June 6* 1885 *P. G. Duffy* Police Justice.

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

Dated *June 7* 1885 *P. G. Duffy* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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BAILED,

No. 1, by

Emette Kahn

Residence

13 & 15 9th ave

No. 2, by

~~*William Herman*~~

Residence

~~*779 Washington Street*~~

No. 3, by

Michael Steinhardt

Residence

354 West 56th Street

No. 4, by

Residence

Witnesses

Samuel Meyers

Cor 6th Street & 3rd Ave

Miss Kahn

15 9th Avenue

Police Court

2 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Harry Albert

99-1st Ave

"Jaffrey"

Ben Kahn

"The Doctor"

Office Grand Jury

Dated

May 13

188

Whiffy

Magistrate

C. Heidelberg

Officer

Carlill

Prosecut.

Witnesses

Wm King

No

6th Avenue

Street

No

Andrew Roubil

Street

No

646 6th Ave

Street

No

John J. Green

Street

No

66 Natl Home

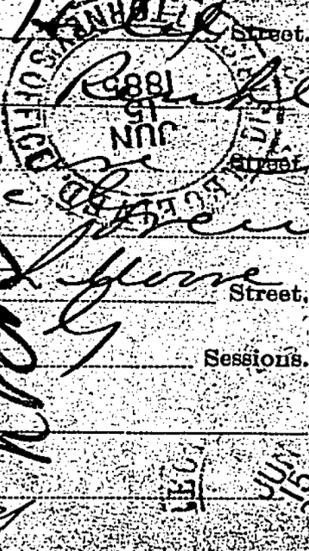
Street

No

80th Ave

to answer

Sessions



156 JUN 1 1888

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District Attorney's Office.

PEOPLE

vs.

Benj. Kahn
G.L. 1st

Application
to dismiss
Examine & report
ser 13/87 PBM
To Mr Parker

0321

Police Court, Second District.

.....X

The People &c.,

Harry Albers,

-vs-

Jeffrey, Ben Kahn, The Doctor.

.....X

Examination before,
Justice Duffy.

New York, May 28, 1885.

and
June 2 1885

W. L. Ormsby Jr
Wm. Ormsby
S. C. & S. H. ORMSBY,

Law Stenographers,

52 WILLIAM ST., N. Y.

0322

Police Court,
Second District.

.....X	:
The People &c.,	:
Street Harry Albers,	:
-vs-	:
Jeffray, Ben Kahn, The Doctor.	:
.....X	:

Examination before
Justice Duffy.

New York, May 28, 1885.

APPEARANCES.

For the People -- Mr. McGrath.

For the Defendant -- Mr. Brady.

It is admitted that the statement of the Com-
plainant, in his affidavit, that he left the City by the
Grand Central Depot is an error and that he in fact left the
City by West Shore depot at 42nd Street N. R.

HENRY ALBERS, the Complainant re-called and cross-
examined upon his affidavit deposes and says:-

BY MR. BRADY:- How long have you known Jaffray and
"The Doctor"? A. I have known the Doctor since the 25th
day of April of this year.

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Q. How long have you known Jaffray? A. About a month before this thing occurred.

Q. Were you not in Company with both Jaffray and The Doctor some time before this thing occurred in Bleecker Street? A. No, sir.

Q. How many times, about, did you see Jaffray before this transaction? A. About four times.

Q. Were you not with him the night before you came to see Mr. Kahn at the store with him? A. No, sir -- at breakfast with him.

Q. Have you ever had any dealings in diamonds or other precious stones?

Objection to as immaterial.

Objection overruled. Exception.

A. Yes, I bought lots of them already.

Q. Did you not about a week before this transaction go to Mr. Kahn, the defendant, that you should buy with him or enter into some speculation about a lot of diamonds that you proposed to purchase for less than their worth? A. No, sir.

Q. How long since you were in Baltimore? A. I do not suppose I was ever there.

Q. Were you ever in Philadelphia? A. No, sir.

Police Court
Second District
The People
Harry A. Alder
Jeffrey, Ben Kahn
for the People
for the Defendant
Grand Central Depot
City of West
HENRY A. WELLS
examined upon this
BY MR. BRADY:
"The Doctor"
day of April of this

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Q. In Boston? A. I was -- about a couple of months ago.

Q. Be kind enough to say what business you had at Boston? A. Pleasure, sir -- no other business.

Q. Is it not a fact that you went with a man who is known as Frenchy for the purpose of beating a roulette game?

A. Not as I know of.

Objection. Answer taken subject to objection.

Q. You must know whether you did or not? A. I have never been in a game -- I cannot play cards, I could not do anything.

Q. Did you go there for that purpose? A. No, sir.

Q. Were you with a man by the name of Campbell when you went to Boston? A. I tell you that I was there for pleasure.

Q. Were you with a man known as "Frenchy" or a man known as Isaac Campbell? A. I was with a gentleman known as Fred Lindheimer. Mr. Campbell had nothing to do with this transaction.

Q. Were you ever in the house 818 Broadway? A. I was.

Q. Did you go there with a man named "Frenchy" and a

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man named Campbell? A. No, sir -- no Campbell.

Q. Frenchy was there? A. Mr. Isaac Lindheimer and a man by the name of "Frenchy" was in there.

Q. For what purpose did you go to 818 Broadway?

A. I backed this Isaac Lindheimer.

Q. Now, is it not a matter of fact that this Isaac Lindheimer had a scheme whereby a man known as Frenchy endeavored to convince you that he could beat the game and cheat the proprietor of the place? A. This man I knew -- I backed Mr. Lindheimer all that he could put on the game. I lent my money to him. I never played it -- in fact I could not play anything.

Q. Do you know a gentleman by the name of Myer Block?

A. When I see him, I think I know him.

Q. Never had conversation with him? A. Never had dealings with him -- I think I know the man when I see him -- that is about all.

Q. Never had conversation with him? A. Only just say "How do you do?" That is about all.

Q. Do you know the premises 12 Ann Street? A. Yes, I do.

Q. That is a gambling house is it not? A. I do not know. That is what they say.

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Q. Have you seen gambling going on there? A. I do not know cards -- do not know how to play.

Q. Did you and this Meyer Block have an agreement to beat the game? A. No, sir.

Q. And that is as true as anything you have testified to? A. Oh, I swear to it; I am under oath, 'aint I?

Q. Did you within six months have some trouble in regard to some case of faro in a gambling house? A. I was in trouble in regard to some confidence man -- some such a scheme as this.

Q. What was the nature of that trouble? A. It was a confidence game the same as this.

Q. How is that? A. What you call the "sure tip" -- the old time game.

Q. Did you come in possession of a diamond? A. I made a purchase.

Q. Tell us how did you come to have it? A. I bought it and paid for it, sir.

Q. Of these people? A. Not of these people -- but of a certain man named Julius Winters.

Q. Was not that a sort of a compromise of a matter when you were in trouble with this matter at police headquarters? A. No, sir.

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RE-DIRECT BY MR. MCGRATH:-

Q. You were asked about this roulette business, and about Ann Street -- how did you come to go? A. This gentleman by the name of Isaac Lindheimer informed me that information that could beat the game. He did not have the money to back the game and wanted me to lend him.

Q. You lent money to whom? A. To Mr. Lindheimer to play the game.

Q. About the diamond business -- was the diamond given to you? A. I bought that diamond for \$180, which I could bring witness for.

Q. From whom? A. Julius Winters.

Q. And Mr. Lindheimer was a friend of yours? A. Yes, sir.

Q. And he wanted to go into this thing and you lent him the money? A. That is all.

Q. Mr. Lindheimer has been a particular friend of yours? A. He has always been a friend -- otherwise I would not back him.

Q. You have lent him money on various occasions and he paid you back? A. Many times.

Q. Did you make particular inquiries what he was going to do with the money? A. No, sir.

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Q. All you cared about was to get it back? A. Always paid me back.

Q. You have been at 12 Ann Street? A. Yes.

Q. Do you know who kept 12 Ann Street? A. I do not know who keeps it.

Q. Did you ever play any gambling games at 12 Ann Street? A. I could not play.

RE-CROSS BY MR. BRADY:-

Q. When you and Lindheimer and the Frenchman went to Boston, did you not have an agreement with Mr. Lindheimer that you should participate in the results -- the profits of this swindle of the gambling house? A. No, sir; no such arrangement.

Harry Albers
Complainant Rests.

This 2 day of June 1888
John P. Deffy
John Martin

JOHN KAHN, the defendant, being duly sworn and examined in his own defence deposes and says: I reside at 317 West Fourth Street. I carry on business in New York. I speculate in beef, fine cuts of beef. The firm is Kahn Brothers. Our place of business is generally in Washington Market. I have been in business for myself over 18 years. I have been in this City since I was 15 years of age. I have known the

RE-DIRECT BY MR. MURKIN:-
Q. You were at
about Ann Street --
testimony by the name of
formation that not
money to back the game
Q. You had
play the game.
Q. About the
Q. You
during witness for
Q. From whom
Q. And Mr. Lind
Yes, sir.
Q. And he
the money?
Q. Mr. Lindheimer
Q. He has
not back
Q. You have
Q. He paid you
Q. Did you
to do with the money?

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has been played here years ago; there is no such thing as that; there is nobody in the world that can afford to sell gold for 50 cents on the dollar, because they would not have any trouble in realizing the full amount by throwing it into the Mint, or anywheres". So he says, "It is so". I says, "I tell you now -- I give you my advice; don't you think anything of it; don't have anything to do with it, if you wish to save your money." With that he asked me where I was going. I said I was going to Ruchl & Merkles -- the Windsor Market on Sixth Avenue. He said I should go with him to the Hoffman House. I says, "I have got to get meat out of the wagon, but" I says, "if you will ride up there with me I will then go with you to the Hoffman House." I was all dressed up in butcher clothes. He says, "I will tell you, I will go around the corner; I don't want Sam Meyer or Herman Freund to know about this. You drive around the corner yourself I will wait there and get in your wagon and ride up to Ruchl and Merkles". On our way up I heard the particulars from him. I told him that it was nothing but a farce and they would get his money from him and break him. I delivered the load of meat to Ruchl and Merkles. He then jumped on my wagon and we rode to the Hoffman House. He then introduced me to Jaf- fray and the gentleman known as "The Doctor". I being ac-

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acquainted with Mr. Jaffray and knowing him to be a very smart man I called Mr. Albers on one side and told him ; I says, "You know this man Jaffray is a very bad man; he is liable to do most anything: You had better take my advice not to have anything more to do with him." He then insisted upon my going with him. I told him I did not have much time -- I might spare a day or so, I did not care about going. He insisted and said to me, "I will make you a present of \$100 as a recompense if you will go with me, and pay you fares. I told him that it was all useless; that he would not have 100 cents coming back. He then said that he did not believe it. He said he wanted me to go with him. I says, "I have got to go down to the house and tell my wife that I am going away, and I will meet you." He says, "No; I will go with you." He then accompanied me to my house 317 West Fourth Street; I dressed myself and came out of the house with him. We returned to the Hoffman House and he had a conversation with these gentlemen all alone. He then came and told me -- he says to me, "Benny, I have got so much money", and I says, "I don't care how much money you have got. He wanted to know of me if I would have money. I said no, I would not receive money. Then he asked me to have a drink in the bar room and I went and had a drink. The Hoffman House bar-tender told

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him that there was a train that left at 4:30, and he wanted me to go right away with him. I went with Mr. Albers to 42nd Street depot ferry. We then found out that there was no train before 6:30. This Jaffray said he had all the tickets. When we got on the train Jaffray always presented the tickets to the conductor. I had not received one cent -- not a penny up to this time. Mr. Jaffray presented me with a ticket on arriving at Buffalo. We had about an hour before we took the train at the 42nd Street ferry. Mr. Albers masked us if we would not go and have some lunch. We then walked over to 10th Avenue and had some lunch, for which "The Doctor" paid. We then again returned to 42nd Street ferry, crossed over, took the 6:30 train. We arrived in Canada at 2:30 the next day, which was Tuesday. When we arrived there I says to Harry, says I, "Harry, the best thing you can do is -- before we left there he was telling me something about having two hotels -- to stop at each hotel, because, he said, this here man who is supposed to be the robber there don't want to see four men in company because he had trusted this "Doctor" and Albers said he would see him all alone. So I says to Mr. Albers "The best thing we can do is to let you and I stop at one hotel and I will try and explain this all to you this evening before you do anything at all. I will

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tell you all about it, Mr. Albers declined to stop at any hotel with me, and told me I could go and stop at a hotel myself; I went to a hotel known as the Gregg House and registered my name and was given room No. 21; after washing myself and going down Mr. Albers, Mr. Jeffray and the "Doctor", were all down stairs. They asked me if I would not go up to the roller skating rink, I would not go and remained at the hotel until they returned; I went to bed alone and stopped with nobody. The next morning I met Mr. Albers in front of his own hotel all alone, I then told him once more for the last time that he was very foolish to go any further with this transaction, I told him that all he could be the loser of was the fares and that I did not wish to have any more trouble and that he had best stop right where he is. I said I was going to take the first train that came along and go home. The first train due then was at 4.30 in the afternoon. Before this train came along Mr. Albers came down to me, I was standing in front of the house and asked me to go to a hardware store with him in company with "the Doctor". We there purchased a scale and a drilling machine, Mr. Albers paid for them. We came back to the hotel and I asked him what he was going to do with that. He said he was going to drill three holes in the piece of gold. On coming down stairs, Mr. Albers

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and the Doctor and Mr. Jeffray went up stairs, and Albers asked me to walk up as far as the first jewelry store or large jewelry store on the principal street in London, Canada. I accompanied him to the jewelry store with "The Doctor". It was 11 o'clock in the morning. Mr. Albers presented the jeweller with a bottle containing, I suppose, borings from the gold brick. Mr. Albers asked the storekeeper if he would please assay this for him and tell him what it would be worth. The jeweller then answered him in this manner. He told him. "If you will leave this here it will take one hour. Return in one hour and I will tell you exactly what it is worth. "The Doctor" Mr. Albers and myself took a stroll around London, Canada. We returned about half past twelve. The Jeweller handed him a lump of gold. He also handed him a statement and told him that he would give him \$17. an ounce for all he had of it. I then turned around with Albers and left the jewelry store. I says to him "Albers, why don't you sell it right here if it is so good. He told me then that the man that he was doing business with told him that he must not sell it here on account of this man being the robber and he was afraid of being caught. We then walked back to the hotel. I remained down stairs, and Mr. Albers and Mr. Jeffray and the Doctor went up stairs. I went up

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stairs afterwards in the hotel and had my dinner. I can down stairs, paid my hotel bill myself. I then walked toward the depot, to the train, not having seen Mr. Albers again until Harry got home. As I arrived in New York the next morning there was a telegraphic despatch at my house stating that this Mr. Jaffray and I suppose by the account all three were arrested in London, Canada. So with that I telegraphed on to Mr. Albers right away-He had told me before I went away from London Canada, that he was going to take this gold leisurely and sell it; that he would be at the Windsor Hotel; that he was about to buy the second piece of gold after he sold the first. I immediately telegraphed to Mr. Albers and told him that these people had been arrested and the best thing he could do was to look out for himself. That was all I had to do with it, sir. Mr. Albers returned about a week after-or five days and he came directly to my house and wanted to know if I could give him some money; I told him I had no money; that I had enough to do to take care of myself. I told him there and then "I suppose by this time you have found out that you have been skinned" I said to him "You would not be advised by me; it served you right" In the telegram I sent to him I simply said the best thing he could do was to come right to New York. Then he came right to New York.

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Q. Did he assign any reason why you should give him money? A. I saw no reason why I should.

Q. Did he assign any? A. No, sir.

Q. What occurred next? A. I met him about a week or ten days after in Mr. Freund's butcher shop, I was over there buying meat. Albers was cutting meat. I then asked him what he had done. He said "I have done nothing at all I have buried the gold in Montreal. I am going there in a couple of weeks and then I am going to dig it up and sell it. That is the last I saw of Mr. Albers until I was arrested.

CROSSED-EXAMINED BY Mr. GRATH. Q. Where is your place of business? A. I have no particular place of business only 15 9th, Avenue.

Q. Is that a butcher shop? A. No, sir.

Q. What is it? A. One side is a liquor store-my mother lives up stairs, and I stable horses and wagons.

Q. You do business all over the City? A. Yes, sir; buy meat all over the City-buy at Washington Market.

Q. A broker? A. A speculator in meat every day.

Q. You have no particular place of business? A. No, sir.

Q. Do you sell meat before it is delivered to you after you buy it? A. I buy for purchasers. I deliver it myself

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I have horses and wagons.

Q. What other business are you in? A. No other business. I do not know as I have been in any other business particularly.

Q. What business were you in at 80 Hudson Street, Hoboken? A. I lent a gentleman some money.

Q. What was his business? A. It is, I suppose, a faro bank.

Q. Did you lend this man money to deal at that place? A. I lend people money to start in business.

Q. Did you lend money to down the faro bank? A. I did not, sir.

Q. What did you lend money for? A. To go on with his business.

Q. What business? A. I do not know I suppose it was a gambling business-I do not know assuredly.

Q. When did you discover it was to be a gambling business? A. I did not discover it at all.

Q. Who is the man you lent to? A. The men are honest people.

Q. What is his name? A. Luther Jones.

Q. Who is the other man? A. George Murphy.

Q. Where does Jones live? A. I do not know where he

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lives.

Q. Where does Murphy live? A. I do not know-he lives in New York.

Q. What is his business? A. I believe, book making-book making on horses.

Q. What is Jones's business? A. I do not know what he is doing just now, at the time I loaned him the money he was a sort of broker-one thing or the other-dealing in stocks was one thing about it. He was not a gambling man as I know of. That is true to my knowledge.

Q. Don't you know that at the time you advanced the money that these two men stated their determination to back a gambling game? A. I do not-no never.

Q. Did you not suppose so? A. I might have supposed it-I did not.

Q. Were you engaged in business with a man at 124 West Houston Street? A. I do not know where the place is.

Q. Did you not lend money for the purpose of having a game at that house? A. No, sir.

Q. Did you lend money for the purpose of backing a game at 124 West Houston Street? A. No, sir.

Q. Did you lend money to start a house at 47 Fifth Avenue? A. I do not know where 47 is; I might have been

in the house. I do not know the number.

Q. Was you ever in a gambling house on Third Avenue?

A. I do not know where it is.

Q. Was you inside any gaming house in South Fifth Avenue

A. No, sir; I never backed a game there to my knowledge.

Q. Do you know a house at 11 Ann Street? A. Yes, sir

Q. Were you ever in there? A. I was, just some once or so- once or twice.

Q. That was a gambling house? A. It has always been a gambling house; I do not know anything about its being notorious.

Q. Did you lend money to anybody for the purpose of backing the game? A. Yes, sir.

Q. When you lent that money did you lend it to be perfectly strict? A. They paid me interest on it- seven percent- I lent money to Murphy and Mr. Jones.

Q. You knew they kept a gambling house? A. Yes, sir Ann Street was along probably three years ago since I had anything to do with No. 11 Ann Street.

Q. You knew they were proprietors didn't you? A. I did not know whether they were proprietors or not, I did not think they were proprietors. I do not know whether they were interested in the game, they were not interested at the time.

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Q. Will you swear that at the time you lent this money to these men at 11 Ann Street that you did not know that they were interested in the game? A. Yes, sir.

Q. Will you swear that you did not know at the time you were lending money at 11 Ann Street that it was for the purpose of backing the game? A. Yes, I will swear.

Q. What makes you hesitate? A. Because you asked me a question that I do not know how to answer.

Q. What made you hesitate? A. I don't know why I hesitated.

Q. Did you have any reason? A. Not particularly.

Q. You knew that house was a gambling house did you not? A. I knew it was a gambling house.

Q. Did you not know the character of these men who visited 11 Ann Street? A. I knew they were not interested.

Q. Why did you lend them money? A. Because I believed in them—that they could get interested.

Q. You lent money for the purpose of getting interested? A. I did not, sir; I only supposed that with a start they could get interested. I lent the money and they were to pay 7 per cent interest. I do not know whether there was any gambling going on at the time.

Q. How can you reconcile your two statements—that you

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lent this money for the purpose of getting interested in gambling with your other statement that you did not know that there was gambling? A. A. I do not know any way that I can answer the question.

Q. You say that Mr. Albers went with you in your butcher cart to the Hoffman House from the corner of Sixth Street and First Avenue? A. I did not say that.

Q. What did you say? A. Went in my butcher wagon to Ruehl and Merkles Windsor Market. After I had delivered a load I then accompanied him in the butcher wagon to the Hoffman House. I had on my greasy cloths. I would not go into the Hoffman House with them.

Q. At the time you went together with Albers from Ruehl to the Hoffman House in the butcher cart did you go into the Hoffman House then? A. No, sir.

Q. You did not see Jeffray and "The Doctor". A. I saw Albers-I did not see them at that time; no, sir.

Q. When did you see them? A. Mr. Albers went in and brought them out to the corner of 25th Street I was standing at the corner of 25th Street. My wagon was standing right opposite on the corner. Mr. Albers introduced me to the gentleman known as The Doctor and to Mr. Jeffray. I told Albers right off, that he knew Jeffray. He said yes, I says "I have

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Known him" Then I took him one side and said he knew that fellow to be a bad man. I knew Jeffray about four months.

Q. How did you know he was a bad man? A. I knew it by seeing him going around playing cards, and hearing of him.

Q. Did you ever see Mr. Jeffray doing anything wrong? A. Never see him doing anything wrong.

Q. Ever see him gambling? A. Yes, sir; at several places; at 818 Broadway, 80 Hudson Street, Hoboken.

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Places where Mr. Jones and Mr. Murphy were? A. Yes, sir.

Q. Was you a habitue there? A. I used to go there once in a while -- about twice a week.

Q. Did you play? A. No, sir.

Q. Never played in a game there in your life? A. No, sir.

Q. Did you ever deal the game there? A. No, sir; I never dealt the game there.

Q. Did you ever deal the game in any gambling house? A. Well, I have dealt in different places. I decline to name them. I do not know as I can remember where I dealt. It was three years ago, not since. That is as true as anything I have sworn to.

Q. Did you deal at 126 West Houston Street? A. Never in my life.

Q. 47 Third Avenue? A. No, sir.

Q. 11 Ann Street? A. No, sir.

Q. 80 Hudson Street, Hoboken? A. Never dealt there.

Q. Will you swear that you cannot name any street in New York where you have dealt the game? A. I would swear that positively.

Q. Just give me any street in New York where you have dealt faro? A. One at Thompson Street.

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know what he done with it.

Q. Was he a gambler? A. Not to my knowledge. I lent him a hundred dollars. I met him at a house, 8 Barclay Street, a gambling house -- or it used to be a gambling house. I do not know as it is now.

Q. And did you get acquainted with him? A. I used to play there at 8 Barclay Street. It was 7 or 8 years ago I played there.

Q. Now, as a matter of fact, for the last ten years have you not almost always engaged in gambling and was you not engaged in gambling there? A. No, sir; I was never connected there in my life, and never lent money to any parties to do any such business to my knowledge only this three years ago.

Q. Except just as you have stated here? A. Yes, sir.

Q. Has there been any lease of any of these places in your name? A. I never had a lease in my name.

Q. Have you ever paid the rent of any of these places? A. No, sir.

Q. Have you ever got a percentage from any gambling places in New York from monies you have advanced? A. No, sir.

Q. Has officer Heidelberg, who arrested you in this

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proceeding, ever arrested you on a charge of keeping a gambling house at 11 Ann Street? A. Never sir in his life.

Q. Was you not in a gambling house that was pulled on a warrant? A. No, sir. I was never arrested in a gambling house that I know of. He never arrested me before this.

Q. After you left the corner of 24th Street opposite the Hoffman House you went with Albers you say? A. I went home, sir, and Mr. Albers accompanied me home.

Q. You changed your clothes? A. Yes, sir.

Q. And started back to the Hoffman House? A. Yes, sir.

Q. You there met Jaffray and the Doctor? A. Yes, sir, they were there. Albers, Jaffray and the Doctor and myself went to the 42nd Street depot.

Q. Did you go to the bank with Mr. Albers? A. No, sir.

Q. Did you not go to the bank at the corner of 23rd Street and 6th Avenue -- the Safe Deposit Co.? A. No, sir.

Q. Nor to the corner of 14th Street and 8th Avenue? A. No, sir.

Q. While there did you not get a thousand dollars in small bills? A. No, sir.

Q. Did you not do all this and return to the Hoffman

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House before you saw the barkeeper?

Q. After you had a drink at the Hoffman House you and "The Doctor" and Albers went to the Wehawken ferry? A. Yes, sir.

Q. Got there too soon for the train? A. Too soon for the train we took -- too late for the train we missed.

Q. Went out and got lunch at Mr. Albers' suggestion? A. Yes, sir.

Q. Did Mr. Albers pay for the lunch? A. No, sir; he did not -- the gentleman known as "The Doctor" paid. I do not know how much. We went back to the depot, to the ferry.

Q. And while there you had a conversation about the business? A. Not a word was said about the business.

Q. You said you looked at it there? A. Oh, yes, Mr. Albers --

Q. Did nothing except write? A. That is all, sir. Nothing was said.

Q. No money passed between you and Mr. Albers? A. No, sir -- not a shilling.

Q. When did you get money from Mr. Albers? A. I never received money from Albers.

Q. Is that as true as anything you have said? A. That is as true as anything I have said.

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Q. Where did you go? A. To London, Canada; we arrived there at half past 2 the next day.

Q. That is where you was to get the gold? A. I believe that was the place where the man was supposed to be who had the gold. Mr. Albers told me.

Q. You never spoke all the time about this business until you came home? A. No, sir; nothing more than what I was told.

Q. Did you have any conversation with Jaffray and the Doctor at all about this business? A. No, sir; never a word with them.

Q. All you knew was the information Mr. Albers gave you? A. That is all.

Q. You traveled from New York to Canada -- Monday night until Tuesday, and not a word escaped your lips with reference to this business on which you were going to London, Canada? A. Not one word, sir.

Q. Now, did you say anything to Mr. Albers about being connected with this, sir? A. No, sir.

Q. Not about a partnership? A. No, sir.

Q. Did you put any money in it? A. No, sir.

Q. Did you put \$1,600 in it? A. No, sir; I did not have \$1,600. I do not know how I could get the \$1,600.

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Q. You got to London, Canada, at half past 2? A. In the afternoon.

Q. Did they in your presence have a conversation with Mr. Albers with reference to the gold at that time? A. No, sir.

Q. Nothing said to Mr. Albers about the gold? A. No, sir.

Q. Who did you stay with at London, Canada? A. All by myself, sir.

Q. "The Doctor" was not with you? A. "The Doctor" was not with me. I do not know whether he stopped at the same hotel or not.

Q. Did he go with you to the hotel? A. No, sir; he did not go with me.

Q. Did you see the gold at all? A. No; I did not see it; no, sir.

Q. Did you see Albers drill the gold? A. No, sir; I did not see him.

Q. You did not take a bottle of the gold to be analyzed? A. No, sir.

Q. Had nothing to do with it? A. No, sir.

Q. Did you ever see the gold? A. I saw what was in Mr. Albers' hands. He took me to the jewelry store -- he and

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"The Doctor".

Q. Where was Jaffray? A. He left Jaffray watching the gold he told me.

Q. It was Albers who watched the gold? A. No, sir.

Q. Did you see any money passed between Albers and anybody? A. I did not see one penny pass between anybody at all, sir.

Q. Did you hand Mr. Albers any receipt for the money?

A. We, sir; no sir.

Q. You did not go into the room where these people were?

A. I do not know what room.

Q. You do not know anything about the negotiations between Albers, Jaffray and the Doctor? A. I do not know any negotiations whatsoever.

Q. Do not know the terms of the contract connected with it? A. No, sir.

Q. What do you know about this affair? A. I went up there to protect Mr. Albers -- to give my advice about it.

Q. What did you say to him? A. I told him the best thing he could do was to keep his money in his pocket.

Q. You said that Mr. Albers was ~~to~~ to give you, or you was to get \$100? A. I did not ask anything as a recom-

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pense.

Q. You said something about \$100? A. Yes; he said he would give you \$100, as a recompense for my time and trouble if I would go with him.

Q. Did you get it? A. No, sir.

Q. When did you leave London, Canada? A. Wednesday at 4:30.

Q. Did you tell Albers you was going away? A. I told him I was going by the first train that came along.

Q. Did you give him any reason? A. There was a bogus despatch came to me that my mother was dying. I received the despatch in the Clerk's office down stairs; I did not go down to get it. I showed the despatch to ~~the~~ Mr. Albers. I did not tell him anything I am positive. I came right back to New York that night on account of that bogus despatch; I do not know who sent it to me, there was no name signed to it.

Q. You promised to send word to Mr. Albers at Montreal when you left? A. I did not, sir.

Q. You did so send word to Montreal? A. I sent the copy of this telegram which I received when I got home, stating that these people had been arrested. I signed my own name to the copy sent to Mr. Albers.

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Q. Have you got that telegram? A. No.

Q. What did you do with it? A. I tore it up.

Q. Why did you tear it up? A. Because I had no use for any such document. I did not want any such paper around.

Q. You telegraphed Mr. Albers that these people were arrested? A. I sent a telegram stating that they were arrested.

Q. Where did you telegraph him? A. At the Windsor Hotel where he told me he would be at Montreal.

Q. Did you write Mr. Albers? A. I sent a few lines stating that if these people had been arrested the best thing he could do would be to come down.

Q. Did you not say he had better bury the gold? A. I told him he had better put it away somewhere.

Q. Why did you advise him to put it away? A. I did so advise him at all in that respect. He was a friend of mine and I was afraid he would be arrested and I did not want him to get arrested.

Q. When next did you see Mr. Albers in New York? A. He came to my house.

Q. Did you ask him anything about the gold? A. Me, no, sir; He told me he had buried it in Montreal.

Q. Did you at any time after you came back to New York,

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in company with Mr. Freund, say, you had \$1600. invested in this transaction? A. No, sir; to nobody.

Q. Did you have a conversation with Freund and Mayer in relation to this transaction after you came back to New York?

A. No, sir.

Q. Did you have any conversation with anybody about Mr. Albers going to your place and annoying you about this business? A. None whatever.

Q. Did you ever say to Mr. Freund that you had invested \$1600. and that Mr. Albers ought not to find fault? A. I never said anything of the kind.

Q. Do you remember being in a gambling house playing cards after you came back from Canada? A. I might have been in some saloon playing peaknuckle or something of that kind.

Q. Did you say that you had been off to Canada interested about getting some money from a Dutchman? A. No.

Q. Did you lose \$400. after you came back from Canada? A. I do not know of any gambling house being open in New York where you could lose \$400. now.

Q. Now is it not a fact that when you and Albers went up to the Hoffman House the first time, Mr. Albers went up on the cars and you went up in a wagon? A. No, sir.

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Q. Did you not go to Ruehls after your return from the Hoffman House? A. No, sir.

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~~CROSS-EXAMINED~~ BY Mr. BRADY. Q. How long have you known the defendant? A. Ten, twelve or thirteen years.

Q. Ever had any difficulty with him? A. We had a little-it did not amount to much.

Q. Not long since did Mr. Albers have a conversation with you about the purchase of some diamonds? A. He did.

Q? Give us the general character of that conversation?

A. It was on the Tuesday previous-about half past seven o'clock-He came to me in regard to some diamonds. He showed me four valuable stones which I should judge weighed from two to three carats. He asked me what I thought they were worth I told him I was not exactly a judge regarding diamonds, that if there good stones they were worth 40 to 50 dollars a carat. He then told me that he had a gentleman friend that wanted to sell him 400 carats, exactly the same-identical-at about fifty dollars a carat. I told him that that was an old dodge and the best thing he could do was to keep his money He said that these diamonds were in Europe and these were only samples and he would have to get them over and buy them on the samples, that they were on the other side of the water. I told him that if they ever got him over there he would have to swim back.

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CROSS-EXAMINED

Q. When did this happen? A. It was on Tuesday at half past seven o'clock

BY Mr. McGRATH Q. If a man should come to you with four stones that were legitimate and should offer to sell them at \$15 a carat and you believed they were legitimate-and he told you he had 400 carats would you think there was anything wrong about buying? A. I should think they were stolen stones.

Q. Would you buy them? A. No, sir.

Sworn to before me this 4th day of June, 1885.

Benjamin Kahn
Police Justice.

WILLIAM KING, being duly sworn deposes and says, I am 43 years old, I reside at the Sixth Avenue Hotel. I am a general marketman. I know Mr. Kahn the defendant. I know his general reputation for veracity. I have always found him to be an upright square honest man.

CROSS-EXAMINED. Q. You are acquainted with him merely in business? A. Merely business.

Q. Did you have any social business? A. He came up

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to see me on two occasions, also on business.

Q. You did not associate with him socially? A. When he came up we would go out and have a drink.

Q. General came to your place? A. Yes.

Q. Your relations with him are mostly business?
A. More so, yes, sir.

Q. You never owed him money? A. He owed me.

Q. Did he pay you? A. Always.

Q. He always traded with you? A. Yes, sir.

Sworn to before me this
4 day of *June* 1885.

W. Henry King
P. A. King
Police Justice.

ANDREW RUEHL, being duly sworn deposes and says: I live at 646 Sixth Avenue I ^{am} a general marketman. I know the defendant Kahn for the past ten years. I know his reputation for truth and veracity. I have always found him strictly upright That is his reputation. Whenever he would make a promise he always performed it.

CROSS-EXAMINED. Q. He is in the same business? A. Certainly.

Q. Do you know him socially? A. No, sir; only a little

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Q. He paid you when it was due? A. Yes, sir.

Q. A reliable business man? A. Yes, I loaned him money and he always paid it back.

Q. No social relations? A. No.

Q. Never go to clubs or gambling with him? A. No, sir; I was never in a gambling house in New York.

Q. You loaned him \$2,000. and he paid you? A. Yes.

Q. When did you loan him this money? A. Some time ago—a couple of years ago.

Q. Do you know what he did with it? A. I do not.

Q. Don't you know he had books on the track? A. That might be.

Q. Was not that his reputation? A. Yes, sir; I know he made books.

Q. That was gambling books on the race ground?

A. Yes, sir.

Q. You loaned money? A. Yes, and he paid it back.

Q. It was for backing race horses? A. Yes, sir.

Sworn to before me this

4 day of June 1885.

Police Justice.

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POLICE COURT
THIRD DISTRICT.

The People &c.
Albers
-v-
Kahn et al.

Examination before
Justice Duffy

June 2, 1885.

John McGrew, being duly sworn deposes and says:

Examined by Mr. Mc Grath.

- Q. Where do you reside? A. 66 North Moore Street. I know Benjamin Kahn, the defendant. I know Mr. Albers, the complainant. I remember about the time that Mr. Albers went to Canada. I do not know of my own knowledge who went with him.
- Q. Did you have any conversation with Mr. Kahn at any time with reference to going to Canada? A. Not about going to Canada. No, sir. I had a conversation after he came back from Canada. That conversation was in Herman Freunds' shop at sixth street and First Avenue.
- Q. What was it? A. The morning after Kahn came back. I did not know Mr. Kahn had been with Albers until he told me himself. I had not seen Albers.

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Q. State what the conversation was?

Objected to.

A. Mr. Kahn says to me, "Did you see Albers?" I said "No." I have not seen Albers." He said, "He was up to see me this morning -- Kicking around my house. I do not know what he wants to come around bothering me for. I invested my money and lost it as well as he did." He says, "If he comes up to my house bothering me I will have him locked up."

Q. Did he say in that conversation what he meant by losing money in it? A. He lost his money that he invested in it.

Q. In what? A. Buying the gold brick.

Q. Was that expression used? A. Yes, sir.

Q. At the same conversation? A. That is what he said. "I had to buy the gold brick and he went with me -- he invested his money in it with me.

Q. Mr. Albers? A. Yes, sir. That is ~~all~~ the conversation that took place.

Q. What was you doing up at Mr. Freunds? A. I was up there for business. I serve him with ice. Mr. Kahn was cutting up meat at the time.

C R O S S - E X A M I N E D.

Q. Did you know anything about this brick business before you saw Mr. Kahn on that day? A. Oh, I heard of it,

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but I did not know that Kahn went with him until he told me. I had heard about the brick transaction.

Q. From Mr. Albers? A. No, sir.

Q. Then you really know nothing about the transaction except what you heard in this conversation with Mr. Kahn?

A. No, sir. -- I heard about the transaction. People talked about it.

Q. Mr. Kahn did not tell you? A. No. He said he went away with him.

Q. Then all you know was learned in that interview?

A. Yes, sir.

R E - D I R E C T by Mr. Mc GRATH.

Q. This subject of Mr. Albers and the gold brick was very freely talked of? A. Quite an exciting topic.

Sworn to before me this

day of June 1885.

John Mc Grath

[Signature]

Police Justice.

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Samuel Mayers, being duly sworn deposes and says:-

I reside at the corner of Sixth Street and Third Avenue. I know Mr. Kahn the defendant and Mr. Albers the complainant.

Q. Do you remember the time that Mr. Albers went to Canada? on this gold racket as they call it? A. I do not know whether he went to Canada. I remember the time he met with Mr. Kahn.

Q. Do you remember the time that Mr. Kahn and Mr. Albers met at that place corner of Sixth Street and First Avenue? A. I remember their meeting there. Yes, sir.

Q. Did you go with Mr. Albers on that occasion anywhere? A. Mr. Kahn and myself met Mr. Albers at the store of Herman Freund. Mr. Albers left to go over to the corner to have a drink. Mr. Kahn then came along with a horse and wagon, Mr. Kahn and his brother. They asked me if I saw Mr. Albers. I said "Here he comes." In the mean time he came across the street. Mr. Kahn then went out and met Mr. Albers. They had some conversation. What it was, I do not know. Kahn left then. Albers came inside and asked Herman Freund --

Objected to.

A. (Continued) Then Mr. Albers took his satchel and left. Albers and I then went up to 14th Street and

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Third Avenue and there took a car. Then Albers got off at the Hoffman House as I did. I saw Mr. Kahn and two gentlemen -- one known to me as Jaffray and the other unknown. I went on up to 40th Street. That is all I know about it.

Q. Did Mr. Kahn go there with Mr. Albers? A. No, sir.

Q. Was that the day that Mr. Albers went to Canada?

A. Yes, sir. That is, that night. I met Mr. Kahn's brother in a liquor saloon. He asked me if I had seen Benny.

Q. Was Mr. Kahn there with you and Albers at the Hoffman House on that occasion? A. No, sir. That was the day that I suppose they went away.

Q. Mr. Albers did not go up on that occasion in Mr. Kahn's butcher shop? A. No, sir. He went up to 42nd Street in a green car.

Q. How do you know that was the day that they went away?

A. This gentleman, Mr. Albers, told me that he was going away.

Q. Mr. Albers? A. Yes.

Q. You do not know of your own knowledge that he went?

A. Only what he told me subsequently -- I did not see him until about a week after he came back.

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Q. How long after that day did you see Mr. Albers?

A. That was the following Tuesday, that Mr. Albers came to me.

Q. Tuesday of the following week? A. Yes, sir.

Q. Eight days after? A. Yes, sir.

Q. When Mr. Albers came back he told you?

Objected to unless Mr. Kahn was present.

Q. Did you see Mr. Kahn after that day? A. Not until he came in the shop at Mr. Freund's shop. I did not have a conversation with him then. I heard him make a remark.

Q. What was it? A. Mr. Freund, speaking to Mr. Kahn said he would break with his company if he had done to him what he had done to Mr. Albers. Mr. Kahn said that he had lost \$1000 himself -- That is all.

Sworn to before me this

4 day of June 1885.



Police Justice.

TORN PAGE

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Moses Kahn, being duly sworn deposes and says --

I reside at 15 9th Avenue. I remember the Monday on which it has been stated that Mr. Albers and Benjamin Kahn left this city together. I saw my brother on the morning of that day at the corner of Sixth Street and First Avenue. I saw Mr. Albers and my brother together then. I saw them leave that place -- not together. I saw them together after that. They were on Second Avenue corner of Sixth Street. I saw Mr. Albers get in a wagon. I was driving the horse. My brother Benjamin Kahn sat on one side, Mr. Albers was on the other, I was in the center. That was after 11 A. M. I drove the wagon up 14th Street to sixth Avenue between 37th and 38th Street.

Q. Where did you go after that? A. Mr. Albers came down to my brother's house.

Q. Did you leave him there? A. No, I came all the way down in the wagon with him.

Q. Where did you go? A. I left them and took the horse to the stable. I left them there. It was about 1 o'clock. I reckon it took us about two hours to go up.

Q. You left them at your brother's residence? A. At my brother's residence 317 West 4th Street about 1 o'clock - it may have been after 1 o'clock.

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TORN PAGE

41

Q. And you did not see them again until after their return from Canada? A. No, I did not.

Cross-examined by Mr. McGrath.

Q. You say you saw Mr. Albers and your brother Benjamin at the corner of Second Avenue and Sixth Street: that you drove them in a wagon up 14th Street to Sixth Avenue to 37th street to Ruelis, and came back from there to your brother's house, and you left them there at 10'clock?

A. Yes,

Q. And you swear that you never lost sight of your brother and Mr. Albers all the time, from the time you left the corner of 2nd Avenue and 6th Street up to the time you went back to your brothers? A. I might have gone to get a glass of soda water.

Q. They were both together during the whole of that time?

A. They were.

Are you the brother of Benjamin Kahn the defendant?

A. I am.

Benjamin Kahn
Complaint rests
Benjamin Kahn
Defendant rests.

Counsel for defendant moves to dismiss the complaint and for the discharge of the defendant upon the following grounds:--

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1. That no offense chargeable to the defendant has been proven.
2. That if any offense was committed it was committed beyond the jurisdiction of this court.
3. That if the testimony indicates that any offense was committed, it is the testimony of the complainant and that, in view of that fact, that he himself was in contemplation of the commission of a felony, to wit: - the receiving of stolen goods. His testimony is not worthy of credence as against the testimony offered for the defense, and in view of the good character proven for the defendant.
4. That if any offense was to have been committed it was the offense of receiving stolen goods in which the complainant and defendant, according to the complainant's own testimony were accomplices, and that the testimony of the complainant being the testimony of an accomplice is uncorroborated and therefore should not be accepted.

Mr. Mc Grath, counsel for complainant -- I move that the defendant be committed for the reason that there has been an offense committed.

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The evidence shows that there is probable cause to believe and suspect that the defendant committed the offense charged in the complaint.

That the theory and statement of counsel in his motion to dismiss the complaint is not founded upon any evidence in the case.

That there is no evidence in the case alleging that the property was stolen property at the time negotiations were made for this purchase by the complainant except the testimony of the defendant, which is not worthy to be believed for the reason that he has been contradicted by his own witnesses in many material statements.

There is no evidence in the case that either defendant or complainant contemplated the commission of an offense, or that the complainant did commit any offense

That the testimony clearly shows that the defendant combined with two persons, not arrested, by means of fraud and deceit, to obtain a sum of money and property mentioned in the complaint.

That, as to jurisdiction, the negotiations between all the parties concerned was commenced in the city of New York, and that the money charged to have been obtained by defendant and defendant's colleagues was paid over to defendant Kahn while within the jurisdiction of this court, and that defendant, in all material issues

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has been contradicted by his own witnesses and is not
worthy of belief.

Adjourned to Friday at 2 o'clock.

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That all criminal proceedings
be further abandoned, so far as
Benjamin Kalu is concerned, who
is named in my complaint against
one Jaffrey & The Doctor. held

Respectfully,
Harry Sherris
Y

0371

COURT OF GENERAL SESSIONS.

THE PEOPLE

agst

BENJAMIN KAHN

Indicted for Grand Larceny

The defendant above named stands jointly indicted since July 12th 1886, with one Jaffray, alias, "The Oregon Jew", and John Doe, alias "The Doctor", of grand larceny from one Harry Albers, the complainant.

The defendant Kahn alone has been taken into custody on the indictment, the other two defendants being out of jurisdiction, and their precise whereabouts not being known at the time, although the defendant Jaffray is now located as serving a term in a Western prison. Application is now made to dismiss said indictment as against the defendant Kahn, and such application is referred to me for examination and report.

The narrative of circumstances attending the alleged larceny, so far as their knowledge is necessary upon this consideration, is, according to the information as follows:

The complainant, about 11 A. M. on April 27th 1885, in this city, was introduced by Jaffray to the defendant "The Doctor", who, he declared, had lately come from Montana. In the ensuing conversation "The Doctor" told the complainant that he had a friend in Canada, who had recently come

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from Montana, who had two bars of gold, which he would be willing to sell at fifty cents on the dollar. The complainant agreed to buy one of the bars on these terms, and then separated from the defendant Jaffray and "The Doctor." Immediately after he met the defendant again, who informed him that he heard that complainant was on a "gold racket", and endeavored to persuade him from entering into it, saying that the defendant Jaffray and "The Doctor" would get the best of him, but that he would like to meet the complainant again in the presence of the other defendants before he, the complainant, paid his money. Complainant subsequently met all three of the defendants at noon on the same day-- that is, an hour after the first meeting-- in the Hoffman House, in this City, and the defendant again told the complainant that he had investigated the whole matter, and that it was a safe investment for the complainant to buy one of said bars of gold, and that he, Kahn, wished to become a partner in the transaction. Complainant, believing the representations of the defendant to be true, handed to said Kahn money and jewelry of the value on all of \$4700. He then accompanied the three defendants to Canada, when Kahn and the "Doctor" gave him what purported to be one of the said bars of gold, and when the complainant returned to New York he had said bar examined by a jeweler, who pronounced it to be worthless.

So much for the information. Complainant's examination thereon elicited no material fact, but was confined to

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the question of his general character.

The defendant Kahn, on examination before a magistrate, testified that on the day in question the complainant came to him and called him away from his work-- that of a butcher-- and told him the substance of the interview with the defendants Jaffray and the "Doctor"; (presumably that first described in the information; that complainant told him that the "Doctor" had stated that the gold alluded to had been stolen some five or six years ago, and three men had already been killed for it; that complainant thereupon asked Kahn what he thought of it, and that he, Kahn, endeavored to dissuade the complainant from having anything to do with the scheme, saying it was an old trick, which had been played here years ago; that there was no such thing; that nobody in the world could afford to sell gold at fifty cents on the dollar, because they would not have any trouble to realize the full amount by throwing it into the Mint, or anywhere else; that complainant then asked him to go with him to the Hoffman House, which he was unwilling to do, but finally consented; that on the way he again warned him against having anything to do in the matter; that at the Hoffman House he was introduced by the complainant to the defendants Jaffray and the "Doctor", and again warned the complainant against Jaffray, whom he knew to be a very bad man; that the complainant insisted upon going to Canada with the defendants Jaffray and the "Doctor" to buy the gold, and asked Kahn to go with them, and Kahn refused,

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but after repeated solicitation, and on the promise of \$100 and the payment of all his expenses, he consented. He, with the three, went to London, Canada; Jaffray evidently paying expenses. Considerable precaution was urged by the defendants Jaffray and the "Doctor", on the ground that the robber of the gold would be unwilling to deal with more than one party. While in London the complainant, Jaffray and the "Doctor" kept apart from Kahn, and invited him nowhere with them, and seemed desirous to "shake" him: Kahn suddenly discovered that the complainant had left his hotel without a word to him. He then paid his bill and came back to New York. He never heard anything further of the complainant until about five days after, when the complainant came to him and asked him for some money, which he refused, saying he had none to give him, and that he saw no reason why he should ask him for money;-- that he had enough to do to take care of himself. The complainant, about a week afterwards, told Kahn he had buried the gold in Canada, and was going back to take it up to sell it. Kahn had no further conversation with the complainant, and this was all he saw of him until he was arrested on May 13th, which was evidently more than a week, according to this account, after the complainant had been in this City.

Kahn swore that he never received any money or property from the complainant, as charged in the indictment or otherwise, and that he never told him, at any stage of the transaction, that the scheme was a safe investment, but, on

0375

the contrary, deprecated any connection with it, and prophesied that the outcome would be a swindle; that he had sustained a loss to the amount of his expenses in Canada, and while coming back; that he never said a word about partnership in the scheme, or put any money in it; that he never saw any money pass from the complainant to anybody in the matter, and that he was utterly ignorant of the negotiations between the complainant and the defendants Jaffray and the "Doctor".

There was considerable further testimony taken before the Magistrate, but immaterial to this consideration.

I have conferred with the defendant Kahn, with his Counsel, the officer in the case, and the witness King. I have sent by subpoena for the complainant, but have failed to find him at any address given in the papers, and I am informed by the defendant Kahn and the officer that his whereabouts is unknown. The officer reports to me that he is a man of bad character, and his affidavit in that regard is hereto annexed.

Kahn's Counsel, Ex-Judge Koch, has also handed me a note, directed to the District Attorney, under date of June 11, 1885, in the name of the complainant, and which he states to be genuine, desiring that the criminal proceeding, so far as they relate to Kahn, be abandoned. That note is also hereto annexed.

The consideration of this application, can, it appears to me, be almost entirely disburdened of any question of fact. It is unnecessary to deal with the general

0376

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The consideration of this application, can, it appears to me, be almost entirely disburdened of any question of fact. It is unnecessary to deal with the general

0377

character of the consistency of the testimony. Putting the complainant's statement at the best, he, without doubt, paid his money for the consummation of a crime; to wit: the receiving of goods alleged to have been stolen. However, although that feature in his testimony is carefully suppressed, and appears only in the testimony of Kahn, yet the indicia are too clear to admit of mistake. According to his own statement, he travelled hundreds of miles out of the jurisdiction to get the gold; and some ostensible reason had to be given for this unusual trouble, and the secrecy and precaution observed in regard to the carrying out of the pretended sale. This confidence game is not new by any means, and the pretext that the property was stolen is always the characteristic explanation of the unusual and otherwise unreasonable advantages offered by the scheme. The evidence is beyond doubt. The indictment could not be sustained for a moment. It is a matter of surprise to me even that the defendant Kahn was held after the examination.

For all these reasons I recommend that the indictment as to the defendant Kahn be dismissed.

Deans/oy

Ad Parker

0378

Court of General Sessions.

===== X
 THE PEOPLE. :
 :
 ==agst== :
 BENJAMIN KAHN :
 Indicted for Grand Larceny. :
 ===== X

City and County of New York ss.

CHARLES ^eHIDELBERG, being duly sworn deposes
 and says: I am a Detective Sergeant in the Municipal Police
 attached to the Central Office Squad. I arrested the
 defendant above named. The whereabouts of the complainant
 Harry Albers is not now known. He is to my knowledge a man of
 bad character and a thief. The defendant Jaffrey is now
 serving a term in a States Prison in some Western State.
 I am not acquainted with the defendant "The Doctor", and do
 not know who he is.

Charles Heidelberg

Sworn to before me
 this 21 day of Dec, 1887.

A. D. Parker
 Notary Public
 N. Y. C.

0379

New York June 11. 1885.
Hos R. B. Martine
District Attorney
Dear Sir
With your consent
and permission. I beg leave to
say that I consent and desire

0380

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

"Jaffray," otherwise called "The Oregon Jew," Benjamin Kahn, and John Doe, otherwise called "The Doctor."

The Grand Jury of the City and County of New York, by this indictment accense "Jaffray," otherwise called "The Oregon Jew," whose real name is to the Grand Jury aforesaid unknown, Benjamin Kahn, and John Doe, otherwise called "The Doctor," whose real name is to the Grand Jury aforesaid unknown, of the crime of GRAND LARCENY, in the first degree, committed as follows:

The said "Jaffray," otherwise called "The Oregon Jew," Benjamin Kahn and John Doe, otherwise called "The Doctor," all late of the First Ward of the City of New York, in the County of New York, aforesaid, on the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and eighty-

[4200]

three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each.

one stud of the value of two hundred dollars, and one diamond earring of the value of five hundred dollars,

of the goods, chattels, and personal property of one Harry Adams, then and there being found, feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN MCKEON, District Attorney

0381

BOX:

226

FOLDER:

2215

DESCRIPTION:

Jones, Frank

DATE:

07/09/86



2215

2830

No. 30

COURT OF
COMMON PLEAS
COUNTY OF
MIDDLESEX
July 1886
day of

THE PEOPLE

vs.
Frank Jones

Grand Larceny, 1st Degree.
[Sections 529, 530, — Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Geo. L. Fisher
Foreman.

July 12, 1886

Pleas guilty P. L.

Geo. M. McGee

Witnesses:

Jacob Bernstein
Officer John J. Bates

0383

Police Court— 14 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 100 Essex and Bowline Street, aged 19 years,
occupation Fireman being duly sworn

deposes and says, that on the 3^d day of July 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession in
any person of deponent, in the night time, the following property viz :

One silver watch and chain
being of the value of

Five 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 Frank Jones (now Lee)

In the evening while deponent
was standing in the Bowery on the night of
the aforesaid day about 7 o'clock said
Jones came up to him and pulled said
watch out of his right hand and
of deponent's vest and ran away with the
same. That deponent immediately followed
said Jones and caused him to be arrested
with said Jones dropped said watch
out of his hands. Deponent fully identifies
said Jones as being the person who
stole said property and charges him with
the larceny thereof.

Edward Clavel

Sworn to before me, this

day

Police Justice.

0384

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Frank Jones 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.

Frank Jones

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

65 Oliver St. 2 years

Question. What is your business or profession?

Answer.

Sign Master

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
Frank Jones*

Taken before me this

day of

1928

[Signature]
Police Officer

0385

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 James

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

Dated July 4 1886 Samuel J. ... 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.

0386

Police Court

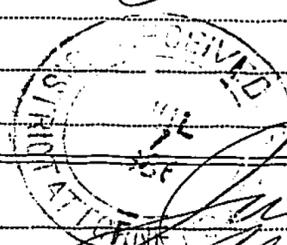
985 District.

THE PEOPLE, ^{of the County of} ~~of the County of~~ ^{Wills}

Ed. Cloull
~~Ed. Cloull~~
~~James Jones~~

offence
any
from

2
3
4



Dated *July 4* 1886

Murray Magistrate.

Bates Officer.

100 Precinct.

Witnesses *Jacob Bernstein*

No. *93* *Nester* Street.

No. _____ Street.

No. _____ Street.

\$ *1550* to answer *G.S.*

Com.

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

0387

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Francis Jones

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

Francis Jones

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

The said Francis Jones,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the third day of July, in the year of our Lord one thousand eight hundred and eighty-six, in the night time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch of the value of seven dollars and fifty cents, and one chain of the value of fifty cents.

of the goods, chattels and personal property of one Edward Raddel, on the person of the said Edward Raddel, then and there being found, from the person of the said Edward Raddel, 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.

Handwritten signature of the District Attorney.

0389

BOX:

226

FOLDER:

2216

DESCRIPTION:

Kelly, Thomas

DATE:

07/16/86



2216