

0707

BOX:

288

FOLDER:

2748

DESCRIPTION:

Jacobson, Benjamin M.

DATE:

12/14/87



2748

POOR QUALITY
ORIGINAL

0708

Two days notice to
Complainant

Counsel,

Filed 14 day of Dec 1887

Pleads, *Not guilty (Wt)*

THE PEOPLE

Grand Larceny degree
[Sections 528, 529 Penal Code]

Benjamin M. Jacobson
Attorney

Pls Jan 3 to file day ad 100 not filed.
RANDOLPH B. MARTINE,
Att 11

District Attorney.

A True Bill.

Alvin Canover

Feb 29/88 Foreman.

Exhibition dismissed

Witnesses:

POOR QUALITY
ORIGINAL

0709

COURT OF GENERAL SESSIONS.

THE PEOPLE

vs.

BENJAMIN M. JACOBSON.

Memorandum of

OPINION.

This is an indictment for larceny. The principal and controlling facts in the case are as follows:

The defendant advertised a cigar store for sale; the complainant, Stauffer, answered it from his home in Harrisburg, Pa., and in response to letters from Jacobson came to New York. Stauffer complains that Jacobson made certain representations as to the value of stock in the store, and the receipts of the business, which were false, and thus induced him to purchase.

Stauffer admits that he was five days in the store, had an opportunity, and did examine the stock before he purchased, and that the reason he did not make an inventory was that if he had the purchase price might be increased, and to prevent that he purchased the stock in bulk as it stood.

As to the misrepresentations of the value of the stock Stauffer had full opportunity to see and examine what he was buying. The stock was a visible and accessible thing, and the rule that where the thing sold can, as to value and quality be within the knowledge of the purchaser, as well as of the seller, the doctrine of Caveat emptor applies.

POOR QUALITY
ORIGINAL

0710

(2)

As to the amount of profit and receipts the mere fact that after complainant purchased they were not equal to the figures represented does not prove that such representations were false; they may have been true when made.

There may have been fraudulent representations in this transaction, and sufficient to sustain in a civil court ~~an~~ an action thereon; but in my opinion there has not been an obtaining from the possession of the complainant his money by such a fraudulent or false pretence as to constitute larceny.

I am, therefore, of opinion that a conviction can not be had, and that the indictment should be dismissed.

Dated, January 25th, 1888.

John W. Coffey
Assistant Dist. Attorney.

Since writing the above the complainant and defendant have appeared before me and exhibited a general release duly acknowledged by complainant of all claims against the defendant growing out of this transaction. The complainant states that the defendant has made full satisfaction to him and he left for his home again.

Jan'y 26. 88

John W. Coffey

POOR QUALITY
ORIGINAL

0711

General Sessions

The People

vs

Benjamin M. Jackson

REPORT.

For the District Attorney.

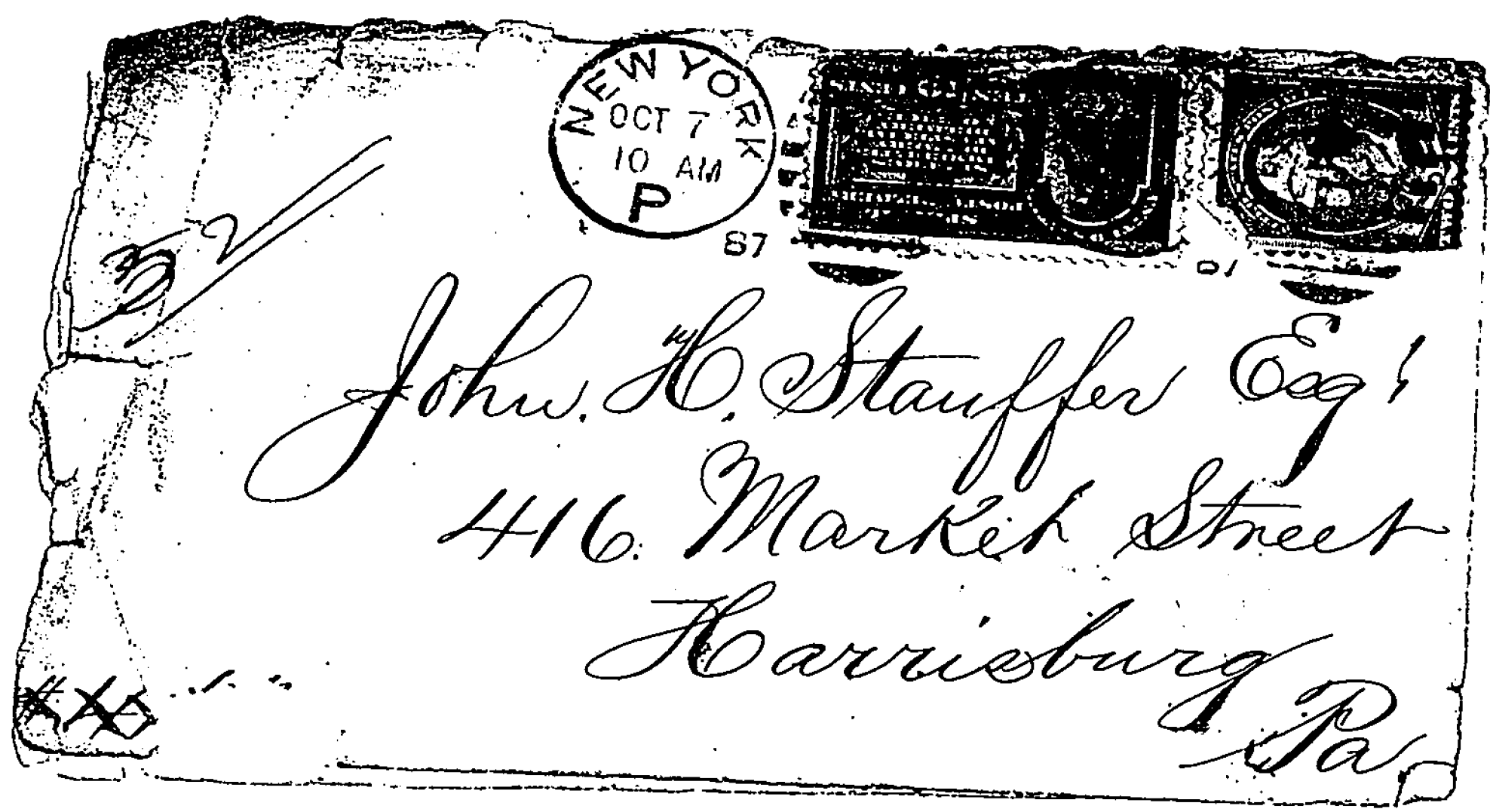
Dated Jan'y 25th 1888,

Wm. J. Giff

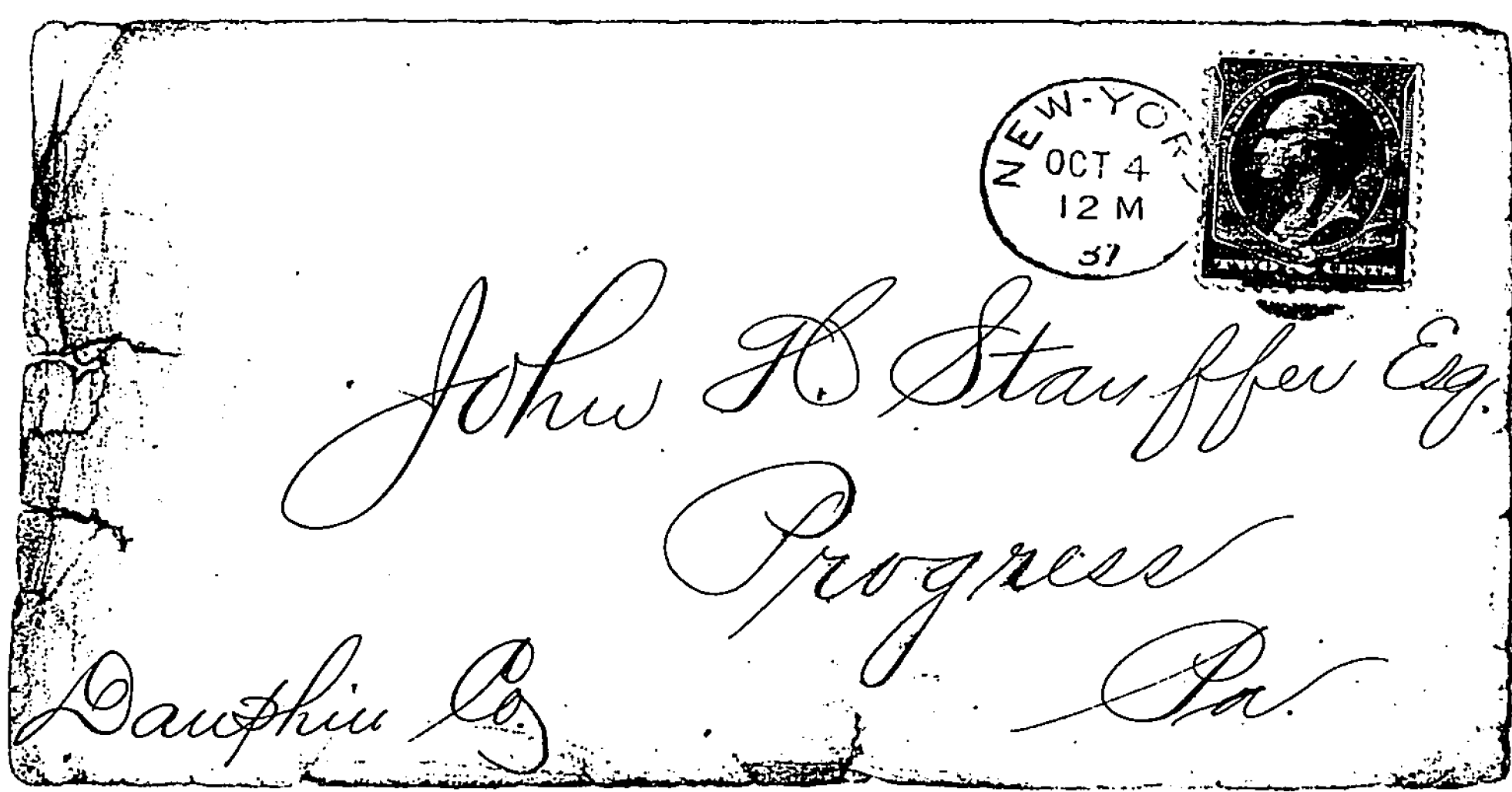
Assistant.

POOR QUALITY
ORIGINAL

0712



52
John H. Stauffer Esq.
416 Market Street
Harrisburg Pa.



John H. Stauffer Esq.
Progress
Dauphin Co. Pa.

POOR QUALITY
ORIGINAL

0713

New York Oct. 4th 1887.

John H. Stauffer

Dear Sir.

In answer to your letter of the 2^d inst regarding the sale of my cigar store allow me to give you full particulars. The business itself is at No. 20 South St. situated in the heart of all steamboat & Ferries and foreign ships of all kinds. You know yourself what a good paying trade that is! The receipts right through the year is twenty five dollars (\$25.00) a day. The rent is \$30.00 per month with lease and other expenses do not amount to \$10.00. My health is failing.

POOR QUALITY
ORIGINAL

0714

me and that is the reason,
of my selling. One call will
convince you what a mint
this is. You can look round
for a good while at so
called bargains but this
is the one. I have also a
large trade in Plug Tobacco
on which the profit is from
50% to 60%. The people
or customers are not of
the bow-tie kind but
plain every day people
such as ourselves and
very easy to suit. It is
a business anyone can
learn in a few hours time.
In reference to the price
my figures is \$1000⁰⁰
that is the lowest bottom
price.
In hopes of an early reply
and speedy answer as I

have a good many people
anxious to buy it.
Sir Yours Truly

C. W. Jacobson
20 South St.
New York

P.S. My stock of foil tobacco
is very large and varied
and profits immense
Tring.

POOR QUALITY
ORIGINAL

0715

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *Off Samuel Hammond*

of No. _____ Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *25* day of *January* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Bert M. Johnston
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *January* in the year of our Lord 1888.

JOHN R. FELLOWS, *District Attorney.*

ask to see Mr. *John*
at *11* o'clock *M.*

**POOR QUALITY
ORIGINAL**

0716

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

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

being duly sworn, deposes and says he.....

Subpoena, of which the within is a copy, upon.....

.....on the.....day of

.....188.....by

*This Officer knows
nothing whatever of the
transaction*

Sworn to before me, this.....day of.....
of.....188.....

Notary Public,
N. Y. Co.

POOR QUALITY
ORIGINAL

0717

New York Oct. 1st 1887

John H. Stauffer

Dear Sir,

In answer to your letter of the 6th inst. I would say the rent is only for the store (\$50 --) per month. I also open at 7 am. and close at 8 P.M. I tend the store myself. The average clear profit for the week is about Forty Dollars (\$40⁰⁰) above all expenses. In reference to getting you a nice family to board I have one just one block from the store where you will feel at home. I only occupy the store of the building. The store is so fixed & arranged that

POOR QUALITY
ORIGINAL

0718

you can sleep in the store
and your meals can be sent
into your place of business
at very reasonable figures
as there are a dozen restau-
rants in the neighborhood

Hoping you will take ad-
vantage of this offer as I
have several in view
between now & Monday
& giving you a chance
to investigate

I am dear Sir

Yours Truly

B. W. Jacobson

#20 South St.

N.Y.

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

The People of the State
of New York.

against
Benjamin M. Jacobson

Please take notice that upon the annexed
affidavit of defendant duly verified
and upon all the papers and proceedings
herein I shall move before Mr. Justice
Randolph B. Martine one of the
Judges of this Honorable Court presiding
in Part I of this Court in the Court
House thereof No 32 Chambers Street
on Monday June 25. 1888 at 10½
o'clock am or as soon thereafter as
Counsel can be heard for a rule or
order dismissing vacating & setting aside
the Indictment against defendant
herein & for such other rule or order in
the premises as may be just.

Dated N.Y. June 14. 1888.

Samuel O. Levy

att'y for Deft
office & P.O. address
346 Broadway
N.Y.

To Hon. John R. Fellows.

District attorney for the People &c.

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

The People of the State
of New York.

against
Benjamin M. Jacobson.

City & County of New York ss.

Benjamin M. Jacobson being
duly sworn says that he is the
defendant abovenamed.

That an indictment was found
against deponent in the December
Term of this Court last past. —

That this action or cause appeared
on the day Calendar for trial during
the month of January 1888. last past
several times and deponent always
answered "Ready" & was ready to have
the case tried, but it could never be
reached. That the charge against
deponent is Grand larceny, in that
it is pretended or alleged that deponent
in sale of Segar Store, stock & fixture
&c. That deponent rather than go to
Court every day did on or about the
25th day of January, 1888 pay the

Complainant John H. Stauffer the sum of \$300 Dollars in settlement of his pretended or alleged claim and received a full release which is annexed to the papers on file in the office of the District Attorney of this County and said settlement and adjustment was made upon the approval and consent of the District Attorney.

That said trial has not been at any time postponed upon deponent's or his attorney's application and has not been brought to trial for four terms next succeeding the time when the indictment was triable & found.

Wherefore deponent prays that the indictment may be dismissed.

Sworn to before me } P. H. Jacobson
June 14th 1888.

Wm. H. Hoff
Clerk of Court
N.Y.C.

POOR QUALITY
ORIGINAL

0722

COURT.

against

AFFIDAVIT OF SERVICE.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } S. S.

_____ of said city and county being duly sworn says, that
he is at the age of _____ years and upwards; that on the _____ day of
_____ 188 , at Number _____
in the City of New York, he personally served upon _____ in person, the
annexed Summons _____ by delivering to and leaving with said
_____ personally true cop thereof. Deponent further
says that he knew the person so served as aforesaid to be the person mentioned and described in said
Summons _____ as _____ therein, and to whom the same w directed.

Sworn to before me this }
day of _____ 188 . }

N. Y. Supreme Court

The People of the
State of New York

vs.

Benjamin M. Jacobson

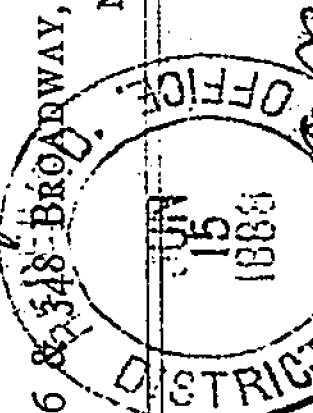
Notice of Motion and
Affidavit

SAMUEL D. LEVY,

Attorney, for defendant

346 & 348 BROADWAY,

NEW YORK.



Mr. Forster

for

Mr. Forster

District Attorney

for the People vs.

POOR QUALITY
ORIGINAL

0723

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

Benjamin M. Jacobson

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

— *Benjamin M. Jacobson* —
of the CRIME OF *Grand* LARCENY in the second degree,
committed as follows:

The said *Benjamin M. Jacobson*.

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-seven, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one John M. Staudger*, —

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 M. Staudger, —

That *the* *the* said *Benjamin M. Jacobson*
then desired in good faith to sell the *store*,
and *fixtures*, *lease* and *good will* of the *cigar*
store and the *business* of the same, situated at
number twenty South Street in the said
city. That the daily average receipts of the
said *business* *then* were and had been for a
long time prior thereto *twenty five* dollars
a day. That the said *business* was then in a
quite *clear*, *prosperous* and *flourishing* condition.

That the reason *the* *the* said *Benjamin*
M. Jacobson *then* desired to sell the said *business*
was that his *health* was *failing*. That *he* the
said *Benjamin M. Jacobson* had at the said
place a *large* *trade* in *plug* *tobacco* on which
the *profit* was *from* *twenty* to *sixty* per cent.

That *he* the said *Benjamin M. Jacobson* *then*
had a *very* *large* *and* *valuable* *stock* of *plug* *tobacco* at the said place
and that the *profits* thereon were *immense*.

That the average clear *profit* of the said *business*
was about *twenty* dollars a week *above* all *expenses*.

That the *stock* of *goods* in the said *store* was worth
from *seven* to *eight* *hundred* dollars, and that an *inventory*
of the said *stock* and *fixtures* would show a *value* of more
than *one* *thousand* dollars.

POOR QUALITY
ORIGINAL

0724

By color and by aid of which said false and fraudulent pretenses and representations, the said Benjamin M. Jackson —
did then and there feloniously obtain from the possession of the said John H. Staudger, the sum of one thousand dollars in money, lawful money of the United States, and of the value of one thousand dollars,

of the proper moneys, goods, chattels and personal property of the said John H. Staudger, with intent to deprive and defraud the said John H. Staudger —
of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Benjamin M. Jackson did not then desire in good faith to sell the stock and fixtures, lease and good will of the said cigar store and the business of the same, and whereas in truth and in fact the daily average receipts of the said business were not then and had not for a long time prior thereto been, twenty five dollars a day and the said business was not then in a first class, prosperous and flourishing condition.

And whereas in truth and in fact, the reason that he the said Benjamin M. Jackson then desired to sell the said business was not that his health was failing.

And whereas in truth and in fact he the said Benjamin M. Jackson did not have at the said place a large trade in cigars, tobacco or other merchandise nor from fifty to sixty per cent, and he did not then have a very large and varied stock of food tobacco at the said place, and the profits thereon were not immense.

And whereas in truth and in fact the average clear profits of the said business was not about twenty dollars a week above all expenses, and the stock of goods in the said store was not worth from seven to eight hundred dollars, and an inventory of the said stock and fixtures would not show a value of more than one thousand dollars, —

**POOR QUALITY
ORIGINAL**

0725

And Whereas, in truth and in fact, the pretenses and representations so made as
aforesaid by the said *Benjamin M. Jackson*
to the said *John H. Stauder*, was and were
then and there in all respects utterly false and untrue, as *he* the said
Benjamin M. Jackson
at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say : That the said
Benjamin M. Jackson, on —
the day and year first aforesaid, at the City and County aforesaid, in the manner and form
aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods,
chattels and personal property of the said *John H. Stauder*
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.
~~RANDOLPH B. MARTINE,~~
District Attorney.

POOR QUALITY
ORIGINAL

0726

219
E. and D. Levy
Ch. B. Life Ins. Building

Counsel,

Filed 17 day of Jan'y 1888

Pleads. Ch. B. Life Ins. Building

THE PEOPLE

vs.

[Sections 528 and 531, Penal Code].
(False pretenses).
LARCENY, 2nd degree.

Benjamin M. Jacobson
" 24 "

JOHN R. FELLOWS.

RANDOLPH B. MARINE,

Feb'y 29/88, District Attorney.

Indictment dismissed
A TRUE BILL.

J. J. Locum

Foreman

Indictment dismissed
as per indictment in 1888
given to the
attorney

Witnesses:

John H. Stauffer
Wm. Connelly

I recommend a dismissal
of the within indictments
in the premises stated
in opinion enclosed
Feb'y 29/88 John R. Fellows
A. B. Barty

0727

0727

said Stauffer as to the ^{daily} ~~legitimate~~
 of sales of said store - and
 thus influence said Stauffer
 to buy the business - and under
 this arrangement defendant re-
 signed from said Jacobson
~~between the 10th and 15th of October 1889.~~
 about forty dollars - with
 which he bought goods at the
 store - and that when the sales
 were shown to said Stauffer
 the goods were returned and
~~resold to defendant and again returned~~
~~defendant further~~
 defendant further says that it
 was agreed between him and
 Jacobson that he should
 receive ^{for his services} the sum of fifty dollars
 and a suit of clothes from
 Jacobson in case store was
 sold to said Stauffer for
 his services - and defendant
 says that on Saturday Nov
 15th he met Jacobson who
~~proposed~~ ^{offered} him fifty dollars
 to leave the city ^{that} in the
 event of any suit against
 him by Stauffer - he defendant
 would not be bound to testi-
 fy on the matter -

Sworn to before me this }
 14 day of Nov 1889 }
 Subscribed and sworn to }
 at New York City }
 Daniel Sullivan

POOR QUALITY
ORIGINAL

0729

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Benjamin M. Jacobson 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. *Benjamin M. Jacobson*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *430 East 59th Street 6 months*

Question. What is your business or profession?

Answer. *Cigars and Tobacco.*

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

Answer. *I am not guilty as charged
and exculpation*

Benjamin M. Jacobson

Taken before me this

day of *December* 188

John J. McLaughlin
Police Justice.

POOR QUALITY
ORIGINAL

0730

Sec. 151.

District Police Court.

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

Whereas, Complaint on oath has been made before the undersigned, one of the Police
Justices in and for the said City, by John A. Stauffer

of No. 12 South Street, that on the 24 day of November
1887 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 consisting
of Bank notes and bills of the
demonstration and
o the value of Seven hundred Dollars, 4208
the property of Complainant
w Benjamin M. Jacobson taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Benjamin M. Jacobson

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

These are. Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith
bring him before me, at the 12 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 23 day of November 1887
J. A. Stauffer POLICE JUSTICE.

POLICE COURT, First DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Benjamin M. Jacobson

Warrant-Larceny.

Dated

Nov 23 1887

Stilwell

Magistrate

Wahl

Officer

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

Wahl

Officer.

Dated Nov 24,

1887

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest,

9:40 Am

Native of

New York

Age,

33 years

Sex

M

Complexion,

Dark

Color

W

Profession,

Bookbinder

Married

Married

Single

Read,

Good

Write,

Good

POOR QUALITY
ORIGINAL

0731

John H. Stauffer

— against —

Benjamin M. Jacobson.

City and County of New York, ss:

JOHN H. STAUFFER being sworn on his oath says, that he is now a resident of the City, County and State of New York and that in the month of October last he was a resident of the City of Harrisburg in the State of Pennsylvania; that in the early part of the month of October, 1887, he saw in the New York World of the date of October 2nd. an advertisement, a copy of which is hereto attached and marked Exhibit "A", and that he answered said advertisement. That he received, in reply to his letter, a letter dated October 4th, 1887, written by Benjamin M. Jacobson, the defendant, a copy of which letter is hereto attached and marked Exhibit "B", that on or about the 6th day of October deponent wrote to Jacobson asking him what were the clear profits of the business and other particulars and that on or about the 7th day of October the said Jacobson wrote the deponent a letter of that date, a copy of which is hereto attached and marked Exhibit "C"; that on or about October 10th de-

**POOR QUALITY
ORIGINAL**

0732

ponent came to New York and saw the said Jacobson at his place of business, 20 South St., in the City of New York and had a talk with him concerning the business and at the conversation with Jacobson he told deponent that the average receipts of the sales of goods in said store were \$25. per day for the entire year; that the business carried on at that place was a retail segar and tobacco store and that the same appeared to be well stocked with segars and tobacco and looked like a prosperous place of business; that at that interview the said Jacobson told deponent that the stock of goods in the store was worth from seven to eight hundred dollars and that an inventory of stock and fixtures would show more than \$1000. in value and he named a price at \$1000. for which he would sell the stock and fixtures in the store and told deponent that the reason why he would sell it as offered was because he was in poor health and had been advised that he must give up the business as it was injurious to him.

Deponent further says, that he returned to Harrisburg and on the 26th of October came to New York and entered into active negotiations for the purchase of said business, that said Jacobson again informed deponent that the goods and fixtures in said store were worth fully \$1000. and that the average daily receipts were \$25. and that the business was good and prosperous and that believing same deponent

**POOR QUALITY
ORIGINAL**

0733

Deponent came to New York and saw the said Jacobson at

on the 29th day of October, paid said Jacobson \$15. as deposit on account of purchase of said store the same to be forfeited if deponent should, upon investigation, decline to purchase the same.

Deponent further says, that he required said Jacobson to evidence the deponent in some way that receipts of sale of goods in said store were fully \$25. per day and that said Jacobson showed him certain books which he said were his books of account and which showed that the receipts of said store were fully \$25. per day and that said Jacobson also put deponent in charge of the said store on Monday, the 31st of October and was absent from the store nearly all the day, and dropping in occasionally, and that the receipts of said store on that day were over \$50.

Deponent further says, that relying upon representations of said Jacobson and the evidence shown to him by said Jacobson he, on the First day of November, 1887, purchased the goods and fixtures in said store for the sum of \$1000. and on the 2nd. day of November paid the purchase price and entered into possession.

Deponent further says, that after he had taken possession of said store he found that some of the goods had been removed therefrom and that there was not the amount of goods there as when it was exhibited to deponent and that the amount of goods was

POOR QUALITY
ORIGINAL

0734

not worth \$400..

Deponent further says, that he has been in attendance upon said store and had charge of the same from the second day of November, 1887, to the present time and that the receipts from sales of goods in said store has not exceeded \$7. per day upon the average.

Deponent alleges upon information and belief that the books which were shown to deponent were not true books of account but were made for the purpose of defrauding and were false and that the said entries were false and that the receipts of said goods in said store were ~~never~~ ^{not} \$25. per day upon the average, and that on the 31st day of October when deponent was in charge of said store for the purpose of ascertaining receipts from sales of goods therein, persons were supplied with money by the said Jacobson or by some one for him, to come into the store and purchase goods for the purpose of making it appear to deponent from sales to bonafide purchases that the receipts were of the amount that deponent actually took in on that day.

Sworn to before me this :
22 day of November, 1887. :

John H. Stauffer
P. H. Miller
Notary Public

POOR QUALITY
ORIGINAL

0735

deponent on second day of business of said store the
on the 31st day of October, being said Jacobson's day

not worth \$400..

Deponent further says, that he has been
in attendance upon said store and had charge of the
same from the second day of November, 1887, to the
present time and that the receipts from sales of goods
in said store has not exceeded \$7. per day upon the
average.

Deponent alleges upon information and be-
lief that the books which were shown to deponent were
not true books of account but were made for the pur-
pose of defrauding and were false and that the said
entries were false and that the receipts of said goods in
said store were ^{not} ~~never~~ \$25. per day upon the average,
and that on the 31st day of October when deponent was
in charge of said store for the purpose of ascer-
taining receipts from sales of goods therein, persons
were supplied with money by the said Jacobson or by
some one for him, to come into the store and purchase
goods for the purpose of making it appear to deponent
from sales to bonafide purchases that the receipts
were of the amount that deponent actually took in on
that day.

Sworn to before me this
22 day of November, 1887.

[Signature]
[Signature]
[Signature]

POOR QUALITY
ORIGINAL

0736

deponent on account of business of said store the
on the 31st day of October, 1887, said Jacobson \$12. 00

not worth \$400..

Deponent further says, that he has been in attendance upon said store and had charge of the same from the second day of November, 1887, to the present time and that the receipts from sales of goods in said store has not exceeded \$7. per day upon the average.

Deponent alleges upon information and belief that the books which were shown to deponent were not true books of account but were made for the purpose of defrauding and were false and that the said entries were false and that the receipts of said goods in said store were ^{not} ~~never~~ \$25. per day upon the average, and that on the 31st day of October when deponent was in charge of said store for the purpose of ascertaining receipts from sales of goods therein, persons were supplied with money by the said Jacobson or by some one for him, to come into the store and purchase goods for the purpose of making it appear to deponent from sales to bonafide purchases that the receipts ----- were of the amount that deponent actually took in on that day.

Sworn to before me this :
22 day of November, 1887. :

John H. Stauffer
Police Justice

John H. Stauffer
 against
Benjamin M. Jacobson.

JOHN GARVIN being sworn on his oath says,
that he resides at No. 110 Sullivan St., in the City
of Brooklyn and that his place of business is at No.
29 Coenties Slip, in the City of New York. That he
knows Benjamin M. Jacobson. That on the 31st. day
of October, 1887, the said Jacobson at different
times in the day gave deponent sums of money amount-
ing in all to between 7 and 8 dollars and directed
him to go to the segar store, No. 20 South St. and
purchase goods there with the money telling deponent
that he was going to sell the place and wanted to
make a good appearance.

Deponent further says, that he expended
the money at said store and by the direction of the
said Benjamin M. Jacobson gave the goods purchased
with the said money to Meyer Jacobson, the brother of
the said Benjamin M. Jacobson.

Sworn to before me this :
22nd day of November, 1887. :

John A. Garvin
D. S. Rittenband
J. H. Smith
Police Justice

POOR QUALITY
ORIGINAL

0738

John H. Stauffer
 against
Benjamin M. Jacobson.

JOHN MURPHY being duly sworn on his
oath says, that he resides at 501 Henry St., in the
City of Brooklyn.

Deponent further says that he knows
Benjamin M. Jacobson who keeps a segar store at No.
20 South St., in the City of New York. That on the
31st. day of October, 1887, the said Jacobson gave to
deponent money about four times during the day a-
mounting in all to about \$6. and told him to go to
the store, No. 20 South St., and purchase goods with
it, saying to him that he was trying to sell the
store and wanted to make a good show, That deponent
did as requested and purchased goods at said store
with that money and by the direction of said Jacobson
left the goods purchased at the Oyster Stand, cor.
of South St. and Coentis Slip.

Sworn to before me this :
22nd day of November, 1887.:

J. S. Rittenband John Murphy
J. J. Wilbur
Police Justice

**POOR QUALITY
ORIGINAL**

0739

John H. Stauffer
 against
Benjamin M. Jacobson.

NATHANIEL KELLY being sworn on his oath says, that he resides at No. 1 Peck Slip, in the City of New York. That on the 31st day of October, 1887, a gentleman, whom deponent has seen in the store at No. 20 South St., in the City of New York and who he believed to be Benjamin M. Jacobson, came to the place of business of Garvin where deponent was and in deponent's hearing asked Garvin to spend some money for him in the store, No. 20 South St., saying he was trying to sell the store and wanted to make a good show, that said Garvin said to the gentleman, here is a man who will spend some for you, designating deponent, and that the gentleman gave to deponent during the day two sums of money amounting in all to about \$1.50 and requested him to spend the money in said store, that he went to the store to make purchases with the money and found the same gentleman in the store and he said to deponent "the sucker is not here" and gave deponent a cigar and requested him to come in again further on, deponent did as requested and expended the money in the store during that day and at said Jacobson's request left the

**POOR QUALITY
ORIGINAL**

0740

goods which were purchased with John A. Garvin.

Sworn to before me this :
10 day of November, 1887.

D. J. Ritterband

William Kelly

**POOR QUALITY
ORIGINAL**

0741

John H. Stauffer
against
Benjamin M. Jacobson"

MEYER JACOBSON being sworn on his oath says, that he is a brother of Benjamin M. Jacobson and that he knows the place of business, number 20 South Street in the City of New York, recently sold by said Benjamin M. Jacobson to John H. Stauffer and that he has been in the store for about one year: that the business ~~is~~ carried on ~~is~~ as a retail segar and tobacco store.

Deponent further says, that he knows from actual observation and from acting as book-keeper in said store that the average receipts ~~for~~ sales in said store will not average, at an out-side value, above \$8. per day and has not averaged above that amount during tee past year.

Deponent further says that he knows that the said Benjamin M. Jacobson has valued the said place of business at the sum of \$500. He told deponent that he would be willing to sell the same for that sum.

Deponent further says, that he has in his possession the books of account of said store and has

examined them and that he finds that the same has been ~~doctored~~^{doctored}, fixed and falsified so as to show that the stock of goods in said store were of much larger value and costs much more money than they actually were or did cost.

Deponent ~~further~~^{instance} says, that ~~said John~~
~~H. Stauffer~~ segars that were purchased at a cost of \$14.50 per thousand were entered in said books as having cost from 25 to 30 dollars per thousand and also that "Jones' Killikinick tobacco" which costs about 18 cents per pound was entered on the books as having cost 35 cents per pound.

Deponent further says, that the stock of goods in said store at the time of the sale to John H. Stauffer was not ~~sold~~^{worth} at an out-side value over \$500.

Deponent further says that during the time that negotiations were pending between said Benjamin M. Jacobson and the said John H. Stauffer, ~~and~~^{and} the said Stauffer was in the store for the purpose of ~~obtaining~~^{ascertaining} the actual receipts, that said Benjamin M. Jacobson put money into the hands of men and sent them to the store to purchase goods and thereby make ~~the receipts to~~^{the receipts to} the store appear much larger than ~~it~~^{it} actually was.

Deponent further says, that since the said store was sold the said Benjamin M. Jacobson told him that he sold it for the sum of \$500.

POOR QUALITY
ORIGINAL

0743

22 Sworn to before me this : Meyer Jacobson
7 day of November, 1887.
Ernest G. Helwig
Notary Public
New York City.
J. Kilbuck
Police Justice

POOR QUALITY
ORIGINAL

0744

B. M. Jacobsen
422 E. 59th

My J. -

12. Duck St. -

CIGAR STORE - A rare opportunity downtown: re-
ceipts \$2.45 daily: will stand investigation: owner
retiring on account of health: Address Cigar, 132 World.

Dr. A. E. J. -
212 W. 4th St. - Williams

POOR QUALITY
ORIGINAL

0745

B. M. Jacobsen
422 E. 59th

My J.
12, 1945

CIGAR STORE—A rare opportunity downtown: re-
ceipts: \$25 daily; will stand investigation; owner
retiring on account of health. Address Cigar, 132 World.

Dell 2
212 W 4th St. Williams

POOR QUALITY
ORIGINAL

0746

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before James Philbreth a Police Justice
of the City of New York, charging Benjamin M. Jacobson 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 Benjamin M. Jacobson Defendant of No. 430
East 59th Street; by occupation a Cigar & Tobacco
and Caron Krielsheimer of No. 435 East 59th
Street, by occupation a Gentleman Surety, hereby jointly and severally undertake that
the above named Benjamin M. Jacobson Defendant
shall personally appear before the said Justice, at the 1 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 Ten
Hundred Dollars.

Taken and acknowledged before me, this

day of

November

188

Benjamin M. Jacobson
Caron Krielsheimer
POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0747

CITY AND COUNTY }
OF NEW YORK, } ss.

day of November 1888
Sworn to before me, this 26th
of November 1888
Police Justice

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth Twenty 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 The house and lot

a land situated at 306 East 19th Street
and is worth Ten thousand dollars
clear of all debts - In presence of
Baron Kreischheimer

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 1888

Justice.

Baron Kreischheimer
as Surety for
by Samuel D. Levy
346 Broadway

POOR QUALITY
ORIGINAL

0748

BAILED,
No. 1, by *James H. Thompson*
Residence *No 859*
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court-1
District.

2031

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard H. Thompson
62 West 11th St
New York City
James H. Thompson
Officer of Police
1
2
3
4
Offence _____

Dated

188

No.

188

No.

188

No.

188

No.

188

No.

188

No.

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No.

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No.

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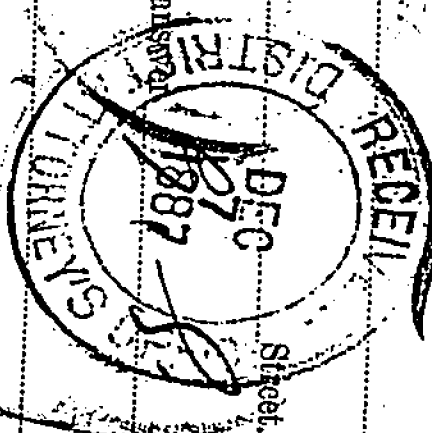
188

No.

188

No.

188



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

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

Dated *Dec 3* 188 _____ Police Justice.

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

Dated *Dec 3* 188 _____ 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.

First District
Police Court

John H. Stanger } Charged with
against } Grand Jurors
Benjamin W. Jackson Dec 3rd 1887
Before Hon
James T. Kilbreth
Police Justice

All parties being present
the examination proceeded;
Cross Examination of the com-
plainant by Henry W. Goldfogle
Defendants Counsel.

It was on the 10th day of October
1887 in that you made an ex-
amination of the stock of cigars
and also the fixtures

A. I did not make any examination
I just came there to see the busi-
ness the man done

A. You found the place all stocked
with cigars and tobacco
I remember to be well stocked

Q And did the price of cigars ^{and} tobacco
and the fixtures which you subse-
quently purchased appear to be
worth to you the amount which
you subsequently paid?

A It did not.

Q Now when did you finally conclude
to purchase?

A On Saturday the 29th of October
I paid a deposit of Fifteen (\$15.00)
Dollars.

Q When did you actually begin ne-
gotiations for the purchase of this
tobacco and cigar store and those
fixtures?

A That was the date I removed the de-
posit, on the first day of November
I removed out the papers.

Q It was not until you paid the
deposit that you actually began
the negotiations?

Ans. Si.

Q And that was what date?

A 29th of October

Q. You are positive of that?
A. Yes Sir Saturday the 29th.

Q. Prior to that time there was
nothing paid to Mr Jacobson
from which you concluded that
you would purchase the place.

A. Not that I know of

Q. Then on the 29th you paid the
Fifteen (\$5.00) dollars as a deposit
it being understood between
you and Mr Jacobson that you
should investigate the place?

A. Yes Sir.

Q. And you made an investigation?
A. Yes Sir.

Q. And after you had satisfied your-
self from an examination of
the store stock and fixtures you
concluded to purchase and you paid
the balance is that it?

A. Yes Sir.

Q. You had been in this line of business
before had you not?

A. Yes Sir.

4

Q/ Then you relied upon your judge-
ment in making the examination
and your not?

Answer

Q/ How many days in all did you
take to investigate and make up
your mind whether you would
purchase or not?

A/ I was there from the 10th of October
until the next Friday evening
following and I went home and
came back on the 26th of October
and on the 29th I made this de-
posit

Q/ Nineteen (19) days you took to
investigate the matter?

A/ From the 10th until the following
Friday and then I went home and
came back on the 26th

Q/ But from the investigation you
made and on which you
made up your mind and your
judgement to which you have
testified to from the 29th

5

of October until the day of the purchase?

A That was the day I made the investigation

Q And upon that investigation and judgement which you yourself formed, you made the purchase and paid the money?

A Yes Sir

Q Now you say that on the day that you went in and actually attended to the business and before you paid the balance of the purchase price the receipts appeared to you to be about Fifty dollars a day?

A Yes Sir that is -

Q Answer my question yes or no are you positive about that?

A What?

Q Did the receipts on the day that you had possession of the store amount to Fifty (\$50) dollars a day?

A It amounted to over

6

Q And all the statement that was made
to you concerning the average
receipts was twenty five (\$25.00) dollars.
A Yes sir at first there was
Q In other words you were given to un-
derstand by Mr. Jacobson after
having figured up the receipts
for the whole year they would
average about twenty five (\$25.00)
a day?

Answer

Q Now you are willing to add to this
that on the first day of November
1884 you purchased the goods and
fixtures in that store, that is
correct is it?

A I think it was the first day of
January it was only the goods and
fixtures that you purchased on
that day in that store?

Answer

Re-direct Examination

Q Did you make any personal
investigation yourself of the store?

7

or did you rely more or less upon
the dependant?

Objected to

Q Did you make a personal investi-
gation of the stock?
Recess Examination
Answer

Q What did Jacobson tell you about
the stock?

A He told me that the stock that was
in there was worth between seven
or eight hundred dollars.

Q What time was that?

A The time I came to make the
investigation.

Q That was the first time?

Answer

Q And did you make an investi-
gation yourself afterwards?

Answer

Q How did you come to arrive
at your idea of the value of
the stock?

Objected to

By the Court

8

Question answered
A I bought the store by the receipts
being what they were twenty
(\$25.00) ^{five} or dollars a day.

Q How many days did you see the
receipts?

A I only saw the receipts several
days, they were mounted out to me
they were thirty dollars & 30 cents
a day but —

Q and on those days they averaged
thirty dollars (\$30.00)?

Answer

Q So far as your actual knowledge
is concerned you don't know
what the actual value of the
stock of the store was?

Answer

Q You have no knowledge of the
value of cigars & tobacco?

Answer

Q You have no value of the business
apart from the store?

Answer

9

Q What representations did Mr Jacobson make to you as to the value of the stock?

A He said the stock was worth seven or eight (8) hundred dollars.

Q What the fixtures in there were worth three to four (4) hundred dollars. If he moved into account of it it would amount to over a thousand dollars.

Q Did he say anything to you about the value of the good will outside of of the tobacco?

A No Sir.

By the Court.

Q Did he say anything to you about the business that was done there?

A He said the business was right over the year around twenty five dollars (\$25-00)

Q Do you know what the good will of a store is?

A When I thought the good will store he gave me the good will.

10

If you say that he didn't say anything about the good will?

As he gave me a written agreement that the good will was to go with the store.

Objected to and wanted to strike it out it was in writing "My share for 'stock'."

By the court.

Motion to strike out granted.

Witnesses.

On the day before I bought the store he took in (\$53) or fifty three (\$53 dollars) the next day when I took possession of the store it was \$11⁵⁷/₁₀₀) Eleven dollars and fifty seven cents. I never said that it didn't amount to \$11.00 dollars.

If he made any representations to you as to the amount of business done there?

Answer.

What did he say?

11

Advised it was twenty five (\$25.00) a day
your receipt

Of the average receipts 5

Arise Sir

Revised Examination

Of your last only had the store from
the first day of November until the
10th

Arise Sir

Of the 10th year 5

Arise Sir but I didn't get the re-
ceipts after that day he kept them himself

—H—

12

Meyer Jacobson called as a
witness on the part of the ^{Complainant} defendant
having duly sworn depose and
say:

Direct Examination

Q You are a brother of the defendant
Answer

Q State what you know in regard to
to the sale in the latter part of
last August,

A The books were commenced to be fol-
dified.

Wm Goldfinger

I object to anything that has
transpired in the month of August
of this year.

By the Court.

Q Were you engaged in business
with your brother?

Answer I was clerk and bookkeeper
of what you know about this
particular transaction.

A I first got acquainted with Mr
Stamper by writing him. - He

13

answered an advertisement in the paper

objected to the advertisement of ads for itself

Q Go on?

A In answer to that advertisement I experienced negotiations with that man ^{who} he wrote and told me my brother or using my brother the price that he wanted for the place. In my reply he wrote that he wanted a thousand dollars for it, I believe that was the price.

Q What day or how about the receipts, you were in there up to that time were you not?

A I was there up to the sale of Mr. Stauffer.

Q What day or how about the receipts about what the receipts averaged?

A The average receipts, did not average our receipts (\$500) a dollar.

Q Was that up to the time you met Mr. Stauffer?

A I cannot remember the date I saw him; I can refer to the letter I don't remember when I saw him

Q Did you have any other conversation with Mr. Jacobson in regard to the sale of the store to Stauffer any conversation with him in regard to the sale?

A I had nothing to do with the sale of the store at all.

Q How long were you in that store in connection with Mr. Jacobson?

A In the past year.

Q And to your knowledge the average receipts were not over eight dollars \$8⁰⁰ a day?

A No sir that is from his own figures

Q On the 31st of October what was the value of the stock?

Objected to

A I don't know I am not an appraiser

Q Are you in charge of the books in the store?

A I did such as they were that were

15

shown to people who wanted to buy
the stone the others were private
books.

Q were those books shown to Mr. Stauffer?

Objection to

By the Court

Objection Sustained

Q what was the value of the stone over
duing to the books?

Objection to

The books speak for themselves

By the Court

Objection Sustained

Q Did you make the entries in those
books yourself?

A I did

Q Was the entry made in those
books the real value of the stone in
hand?

A That I don't know. I was told to do it
I was told to enter it but I was acting
under the advice of my brother?

Q and were the daily receipts of the
stone entered in a book?

Q The supposed receipts were.

A And did you enter those receipts yourself?

A I did partly from my brother and partly in his own figures and similar to.

Q Were the actual receipts of the day in that book?

Answer

Q And according to that the receipts in that book of each day were really longer than they really were.

By Mr. Gledhill

Objected to

By the Court

Objection sustained

Q What were the receipts of each day as entered in that book?

By Mr. Gledhill

Objected to

By the Court, Excluded.

Q Were you there on the first of October?

A I cannot swear that I was there.

Answer Examined.

17.

Q/You are a brother of the defendant?
A/Yes sir

Q/And you were his bookkeeper?
A/Yes sir supposed to be.

Q/And you or was you not?
A/I was in that capacity

Q/You served him in that capacity?
A/Yes sir

Q/That was your employment with him
A/Yes sir Bookkeeper ^{and} clerk.

Q/Is this store?

A/This identical store

Q/And you had no other business for you
A/Yes sir

Q/How whatever?

A/Yes sir

Q/And you were paid out of the receipts
of that store?

A/I got nothing out of the receipts of
the store?

Q/How long had you been the bookkeeper
and clerk in this identical store?

A/Well for the past 18 months altogether
but steady about a year.

18

Q Commencing on what date?
A About a last August.

Q And your whole employment was
that of bookkeeper and clerk in
this case for your brother within
the past year?
A Yes sir.

Q And how much did you receive
A About 30 cents a day for my meals.
Ten cents for each meal with the
understanding as soon as they
paid out they were to pay me?

Q How much?
A No estimate made.

Q About how much?
A Twenty five dollars, (\$25.00) I was
glad to get that

The further Examination was then
adjourned to Saturday December 3^d
9³⁰ Am.

19

Saturday December 3^d 9³⁰ Am
The examination proceeded all
parties being present.

Meyer Jacobson Recalled for
further Cross Examination
Q Mr Jacobson how did you come
to be a witness in this case?

A There were certain parties who came
to the store.

Q Name them?

A I cannot name them at present
people came into the store and told
Mustauffer that he was swindled
and before this my brother &

Q He is married but just answer my
question, How did you come to be
a witness in this case?

A My brother told this man that I
had the books, and I was asked to
produce them.

Q Who came to see you for the purpose
of having you attend as a witness
anybody.

Q Then you volunteered to come here
as a witness against your brother
A I volunteered after I was accused
of falsifying the books.

Q Who accused you?

A My brother, he wanted me to turn
over the books to Stauffer?

Q Which you refused to do?

A At that time I did

Q And did you volunteer to attend
as a witness?

A I didn't volunteer I was compelled
to attend

Q Who knew that you were cognizant
of any of the facts in this case?

A Mr Stauffer and also these
people who came in knew it

Q Do you mean to say that Mr Stauffer
who had no previous acquaintance
with you knew about it?

A Ever since I wrote him the first
letter?

Q Are you a friend of Stauffer?

A I am in his employ at present.

Q What wages is he paying you?
A Six dollars a week all too, water, board
and room, it amounts to that.

Q Does he give his attention to the
business carried on in this store
since the first of November?
A Why certainly except the time
he is out to his meals.

Q And so you give your attention
all of all the time, if he is out there
I do.

Q You have no other means of employ-
ment have you?
A That is all.

Q What time during generally close
up the store in the evening?
A I go away a great many times
in the evening at 7 or 8 o'clock
but Mr. Stauffer is still there.

Q What time is the store generally
closed?

A Don't know.

Q What time does he open in the
morning?

22

A I don't get there before eight o'clock
past eight

Q Mustaffer opens the store?
A He has the key

Q Have you charge of the money drawer?
A Not particularly

Q Mustaffer is not there all the
time?

A Not exactly all the time no sir

Q About how much of the day is
he absent generally?

A Late to go out and get his meals
and back again

Q What do you mean by lately?

A Since this case came to court

Q Prior to that how much time did
Mustaffer usually spend in the
store during the day?

A I cannot tell because some days
he was there all the time and
other days portions of it

Q During the time that he was absent
you had charge of the money drawer
A Yes sir

23

Q Can you tell how much money was received on the first day you had charge of the money drawer?
A I cannot.

Q Can you tell how much was received on the first day he had charge of it?

A Unless what he said himself.

Q Can you tell how much the receipts were on the second day after the store was sold?

A No sir.

Q Or on the 3rd day?

A No sir.

Q Or on any other days since November first?

A I cannot swear to any receipts except the arroyo receipt.

Q Can you tell how much the receipts of that store were on the 2^d day of November 1887?

A I think it was Eleven dollars & eleven cents (\$11 ¹¹/₁₀₀.)

Q What money do you think it was (\$11 ¹¹/₁₀₀.)

Eleven dollars ^{and} 11 cents - ?

Q On account of the figures ^{and} the
peculiarity of the amount.

Q Have you a record of it ?

A I have no record of it

Q How long have you reflected your recol-
lection of it ?

A Because that was the largest dogs
receipts since he was in the store

Q Will you swear that it was not
Twelve dollars ?

A I cannot

Q Will you swear that it was not
Thirteen dollars ?

A I cannot swear

Q Will you swear it was not fourteen
dollars ?

A It was not fourteen.

Q Will you swear it was not Fifteen
dollars ?

A Yes Sir

Q Positively ?

A It was Eleven dollars ^{and} 11 cents.

Q What made you hesitate before giving

25-

your last answer?

You asked me a pointed question
and I answered you to the best of
my ability.

What made you answer me that
you could not swear if it was twelve
or thirteen dollars?

A Because I have no record of the
figures.

Now are you willing to change your
answer and swear positively
that it was Eleven dollars and eleven
cents?

I am under the impression that it
was Eleven dollars and eleven cents.
I know that I am under oath.

Will you swear now that it was
Eleven dollars and eleven cents
yes or no?

Answer: I cannot swear.

On the third day of November¹⁸⁷⁴ what
were the receipts?

A I cannot tell.

On the fourth day of November 1874.

26

what were the receipts?

A I don't know.

Q On the Fifth.

A I don't know.

Q In the Fifth what were the receipts?

A I don't know.

Q Will you make the same answer that
you don't know what the receipts were
for each day up to the 3^d day of
November down to the date of this
charge?

A I don't know.

Q You cannot answer?

Answer

Q Now you won't answer?

Answer

Q Under what name Mr Jacobson
have you been known in your
life time?

A Under the name of Charles Reynolds
Jackson Brothers Canadian athletes

Q Give me the other names under
which you have known or called?

A That is all I remember.

24

Will you answer that you have not
been known by any other name
than Charles Reynolds Charles Jackson
or the Jackson Brothers by any body
Answer

Do you remember being married
to anybody under an alias?
Charles M. Jacobson.

And what is your first name?
A Meyer.

And were you not married also
under the name of Jackson?
Answer

At the time you were married under
the name of Charles Jacobson you
were known by the name of
Meyer Jacobson

Answer

And was it not your true name
A Meyer Jacobson is my true name
yes Sir

And you made this complaint
under the name of Meyer Jacobson
Answer

28

Q Where did you get that overcoat from
witness

I object to it

By the Court

Answer it

A I must answer the complainant in
this proceeding

Q Since the making of this com-
plaint ?

A Yes, long before.

Q How long before ?

A After he was three days

Q Why did he present you with that
overcoat ?

A He was getting a new one made
and he didn't like it & he let me
have it

Q How much money has the com-
plainant given you since making
this complaint ?

A He has paid my board & lodging

Q And of the receipts of the store ?
Answer

Q What is the rent of that store ?

29

A Fifty dollars a month

Q He has paid the rent of the store &
A motyer.

Q That is the average payment for
gas & other expenses aside from
the rent?

A I have not seen the gas bill

Q Usually?

A I cannot tell you.

Q We have an expenditure of Fifty
dollars for rent of the store.

A Yes sir.

Q And you were the bookkeeper in
that store and don't know whom
the gas bills amounted to?

A I don't remember.

Q What is your best belief?

A I cannot tell I don't remember exactly
the amounts paid I don't make
any estimate at all.

Q Do you remember a good or bad one

A I don't know unless I have the
figures of the gas bill

Q You cannot give the court any idea

30

as to that ?

A I know its not four dollars. It
doesnt average four dollars
sometimes its (\$3.50) and sometimes
less but not over four.

Q why did you hesitate so long in
answering that question ?

A I was trying to think

Q your brother is a married man ?
A yes sir

Q supporting his family from the
receipts of his store did he ever ?

A I dont know

Q He had no other way of supporting
his family except from this cigar
store did he ?

A I dont know.

Q What is your best recollection on
that subject ?

A I have no basis on the subject.

Q Dont you as a matter of fact
know that his family was supported
from the receipts of that store ?
A I do not.

31

Q How much money did you request
of your brother before making this
complaint?

A I requested none.

Q How much money did you request
your brother to pay you before this
complaint was made against
him?

A I didn't make any request.

Q How much money did you suggest
he should pay you?

A I told him to come down and square
it with Mr Stauffer?

Q How much did you request?

A He asked me how much I'd lend
him I didn't know.

Q Didn't you want him to pay some
few hundred dollars?

A Not to me.

Q To whom?

A I have not asked for any money.

Q Did you not claim that he was
indebted to you?

A Only for some work

32

Q Did you ask him for a years services
A For some money

Q Why did you say that you didnt
ask him for any money?

A You asked me how much. I asked
him for some in connection with
this complaint

Q You have stated now that you had
asked him to pay you for a years
services, why did you tell the
Court a little while ago that you
didnt ask him for any money

A I didnt understand the question
at first

Q You worked at one time for a doctor
Webster didnt you

A I dont remember.

Q Then a Mr Webster?

A I dont remember

Q Will you swear that you didnt?

A I dont remember.

Q Will you swear that you didnt work
for a Mr Webster or Doctor Webster?

A I dont remember

33

Q If you cannot remember for whom you worked?

A No sir.

Q Would you swear that you did not work for a mill webber or a doctor webber?

A I don't remember working for any such man.

Q Do you remember a robbery at the house of a mill webber or a doctor webber?

A I don't remember nothing about any robbery.

Q Did you work for David Weyman?

A I did for a few days.

Q Were you not accused by him of having taken away cegins and failed to return them to him they being his property?

A I had sample cuses of cegins and gave out some and some I suppose I lost. While distributing I worked for Mr Weyman and my business was to take cegins out on samples and I had to go in his rooms

in order to sell and had to give
them away ^{and} if they would not
pay I would. The counsel is trying to infer
^{something} The fact is that engines that you
had taken from Murrayman were
not returned I said 't

any more

Q And Murrayman accused you?
A He didn't accuse me I told him
as soon as I was able I would pay
him.

Q Were you in the employ of Curtis' ^{and}
company?

A I don't remember

Q Will you swear that you are not
adamant recaller. I cannot recaller.
such firm?

Q They were publishers of Encyclopedias
A Not for them.

Q For what firm did you sell Encyclopedias
A I cannot remember now.

Q But you did sell Encyclopedias?
A For myself ^{and} for other parties
Q Were they for the person you said

35

Enclosed are you failed to return
them did you?

A I was held responsible for all
sales

If you were short there?

Answer after I moved to a new and
the parties could not be found
they wanted to hold me responsible

I may remember any other parties
that you were working for that
held you responsible for sales
that you made?

Answer I cannot remember
if you ever had any
other?

A I cannot remember the mistake
went through is a very peculiar
business

If you are a married man?
Answer

Where do you reside? I want to get
your residence?

A I live lately at 12 South Street
Respect Examination

36

Q What position did you hold with
your brother?

A Agreed to.

By the Court.

Sustained.

Q How many books did you keep
all together & I private books
I will you look at the books and
show you and state whether they
were the books of account kept
by you while you were in the
employ of your brother?

A Agreed to.

Q The books kept by you were with
the knowledge and understanding
of your brother?

A They were kept by me.

Q Were those books of account kept
in the store?

A Yes sir.

Q What did they represent?

A They represent the accounts of the
store. Cash book.

Q And the entries in that book represent

37

the actual receipts of the store for
each week.

A The actual receipts the numbers
and the amounts that I entered
By the Trust

If you did you get the figures to put
in there ?

As he gave them to me. as the figures

—4—

John Murphy being duly sworn
deposes ^{that} says

By the Court

Q Where do you reside ?
A 501 Henry Street Brooklyn

Q What is your age ?
A 29 years

Q What is your business ?
A Longshoreman

Direct Examination

Q Do you know Bernard M. Jacobson
A Yes

Q Do you know the complainant ?
A Yes

Q Do you remember Mr Jacobson
when he kept a cigar store at
20 South Street ?

A Yes

Q During the month of October ^{did} you
Jacobson - have any conversation
with me ?

A Yes

Q Will you please state what that
conversation was ?

He asked me if I would do him a favor
and go around to the store and buy
some tobacco. He gave me two
(2) dollars and I bought four pounds
of tobacco.

I put the tobacco with the tobacco
and brought it to the Cyster stand
and left it there.

I put the tobacco for your
use.

And so.

I was that all the conversation
that happened.

At the same time he again gave
me money and asked me to go and
buy some more tobacco and
he said he had a former in there
and he wants to move a good show
and sell out to him. He gave me the
money four times.

I go to this store and purchase cigars
and tobacco.

Cyster is

Cross Examined.

Q How long have you lived at 501
Henry Street?

A 5 or 6 years

Q What has been your business during
that time?

A Longshoreman

Q And how long have you known
Jacobson?

A Only from seeing him in the store

Q How many persons were with
you when he approached you?

A Nobody at all

Q Did he know where you lived?

A I don't suppose he did

Q You are positive this was in the
31st of October are you?

A I don't keep any dates

Q Will you swear it was that date?

A It may be a day later

Q Will you swear that it was not
on the 2^d of November?

A I will.

Q Will you swear it was not on the
28th of October?

41

Q Will

Q What fees are you in?

A Because I was working on the 28th
and 29th

Q Have you ever been arrested?

A Once for this order of arrest.

Q Have you seen Stuffer since this
complaint was made?

A I never saw him until he handed
me a subpoena

Q How did you come to make an
affidavit here?

A I was not working that day and a
man says you bought tobacco
of me ⁴⁰ 40 days ago you
remember the day?

Q Stuffer says that?

A Yes.

Q How did he know that?

A I was in his place & he recognized
me.

Q What time of day was it?

A In the afternoon between 2 & 3 o'clock

Q On the 31st of October A Yes

H 2

Q That was the first time you were in
the store ?

A Yes Sir

Q And how much did you expend
in the store ?

A Six dollars four times

Q How much the first time ?

A Two dollars.

Q For what goods ?

A Four pounds of tobacco

Q Smoking tobacco ?

A Yes Sir chewing tobacco

Q Within how long a time did you
go in the second time ?

A Ten minutes

Q And how much did you spend then ?

A Two dollars.

Q Who was behind the counter then

A Mustaffer was there then

Q Within what period of time did
you enter the place again ?

A Fifteen minutes afterwards

Q And how much did you spend
then ?

A One dollar and a half (\$ 1.50)

43

Q And how long after that did you enter the place again?

A I went in again ten minutes after that.

Q And how much did you spend then?

A A dollar and a half.

Q So that you mean to say that you entered the place four different times within an hour and you purchased tobacco?

Answer: Yes.

Q And Stauffer was there each time?

Answer: Yes.

Q And Stauffer recognized you each time?

Answer: Yes, he asked me if I was a captain.

Q And what did you say?

A I didn't say anything at all.

Q Where did you take the goods?

A To the Oyster stand.

Q What did you do with them?

A Left them there.

44

Q/ You didn't touch any of them?
A/ No Sir

Q/ And how many times did you
go into his store between the
31st of October and 15th of November
A/ I went in there fifteen different
times

Q/ Did Stauffer talk to you?
A/ He never said a word

Q/ Were you in this store from the
5th to 10th of November?

A/ I believe I was

Q/ Did he make any complaints to you
about it?

A/ I heard a little of it

Q/ Did he recognize you as the same
individual?

A/ He did

Q/ What were you doing there fifteen
different times between the 31st of
October and 15th of November?

A/ Buying Smoking Tobacco

Q/ Did anybody give you any money
to go in there and buy it with?

45

Amosii it was my own money
if you were a pretty good customer?
Amosii

And you never told Stamber when
Jacobson had done until he
served a subpoena upon you?
Adner told him about it
And you tell him about the purchase
of the ~~travels~~ four times and
of the money supplied by Jacobson
Adner said a word

If you don't want to recall that
answer anyone?

Amosii

And not until you told that to ~~see~~
the court here today
~~Stamber~~, was it that Stamber knew
anything about it?

And he knew it 203 days before I came
here? he knew it because I told him
I didn't tell him until he recognized
me and then I told him

— 11 —

46

John A. Gavin called on the
part of the people being duly
sworn deposed and says.

By the Court

Q. where do you reside?

A. 110 Sullivan Street Brooklyn

Q. How old are you?

A. 24 years.

Q. what is your business?

A. Boyer Business

~~Service Examination~~

~~was examined by~~

Q. Do you know Bernard M. Jacobson?

A. Yes.

Q. Do you know M. Stauffer?

A. Slightly acquainted with him

Q. Do you know what business Jacobson
was in the latter part of October

A. Cigar and Tobacco. in

Q. In the latter part of October did you
see or have any conversation with
him?

A. Yes.

Q. State to the Court the nature of the

47

conversation?

A The nature of it is this that Jacobson gave me money to buy tobacco and cigars so as to make it appear that his business was very good.

Q State the conversation and what he wanted you to do?

A He gave me a few dollars to buy tobacco and cigars in his place he wanted to sell the place because he was not doing much business and he wanted me to ~~give~~ buy this so as to make that happen. He was doing a big business and I didn't want anything to do with it.

Q How much money had he given you altogether?

A I should say between \$4.00 and \$5.00 dollars.

Q What did you do with the money?

A Spent it in his store.

Q What did you do with the goods that you bought?

A The goods I put on the stand and they were returned back again.

Q To whom did you give the goods.

48

A I gave some goods to parties that were
there at the stand and I gave some to
his brother.

Q Did you have any conversation with
his brother?

A Very little.

Objected to

By the Court -

Question Excluded

Case Examined by Mr

Greenleaf

Q You have testified that Jacobson gave
you between \$4 and \$5000?
Answer

Q You are positive about that?
Answer

Q And you have no desire to recall it
Answer

Q Now you won't?
Answer

Q Didn't you swear in your affidavit
made here before the judge that
he gave you between \$4 and \$5000.

A It may be possibly that much

49

Q Didn't you swear positively a little while ago that you said that you didn't want to recall your answer that it was between 4 and 5 dollars Aye.

Q Now you swear it was between 7 1/2 dollars. Is that the way you want the Court to understand you as giving your testimony?

A I cannot tell what I said the other day but it's between 4 and 5 dollars or 7 and 8 dollars.

Q What time of day was it that Benjamin Nygrenson first came to you?

A In the afternoon

Q What time in the afternoon?

A ^{One} ~~Five~~ o'clock about

Q How much did he give you the first time?

A One dollar and a half.

Q What time was it that you went to Stuffers store?

A Right away.

56

Q Did you see Stauffer there?

A I did

Q Did you spend that dollar and a half
in that store?

A I did

Q When did you see him the second
time?

A Probably an hour afterwards.

Q Where was it?

A In the store in Quincy slip

Q The second time he gave you how
much?

A Fifty cents

Q That was an hour after the first?

A Yes sir

Q And you went around to Stauffer's store
again?

Q He recognized you didn't he?

A Most undoubtedly.

Q The third time he called on you
in Quincy slip was how long
after the second?

A Maybe about an hour.

Q How much did he give you then?

57

Anything at all.

Q The next time he saw you in Quincy
slip was how long after the third
time? after the installment of the
3^d money was it?

A About half an hour as near as I
can judge.

Q How much did he give you then?
A Fifty cents.

Q What did you do then?

A I went to Knapp's place, and I received
three or four dollars from outside
parties.

Mr Goodfogle Subject to what I see it
he stretched out?

By the Court

Witness granted.

Q How many times have you ever
been arrested?

A Once.

Mr Goodfogle.

I move to dismiss the
complaint on the evidence.

52

Ans that it does not appear that the
alleged statements or representations
of the defendant that the average
receipts of the year were untrue
at the time they were made

Ans upon the further ground that it
does not appear that the stock
Ans fixtures which were purchased
by Stauffer were misrepresented
in any way.

By the Court

Motion Denied

Counsel Exception

53

Benjamin W Jacobson the defen
dant testifies as viz

Examined by Mr. Gledhill

Q. Are you the defendant in this proceeding
Answer

Q. At the time you sold Mr. Stauffer the
stock and fixtures of this store?

A. The stock alone was 700 down hun
dred dollars

Q. What was the value of the fixtures?

A. About \$230) Two hundred and thirty dollars

Q. So that putting it down at its lowest
possible price?

Answer

Q. How long have you been keeping that
store?

A. Pretty nearly 2 years.

Q. What were the average receipts
there as far as you can judge?

A. About \$2500 twenty five dollars a day
arranging them all year round.

Q. Do you know Mr. ^{Gavin} ~~Green~~ who took
the stand?

Answer

54

Q Did you ever give him any money
for the purposes of going to that
store and purchasing any goods?

Answer

Q Did you give him any money at
any time?

Answer

Q Do you know this man Murphy?

A I do not

Q Did you give him any money to go
there and buy stuff?

Answer

Q You heard the testimony of both of
them in respect to yourself is it
true?

Answer

Q Did you ever tell your brother to make
entries in the books which were
 untrue?

Answer

Q What did your brother demand of
you after you sold the store to Stuffer?

A He demanded two hundred dollars

Q What did you say?

55

A I refused it
Q What did he say?

A He said he would make it unpleasant
for me.

Q Did you ever say to Murphy or Gavin
or any other person that you had
a former in the store ^{any} that you
wanted to make a good showing?

A No Sir

Q Did you ever say to anybody that you
wanted to make a good showing
of the receipts so that you might
be able to sell the store?

A No Sir

Q Did you ever make any entries in the
books, except those that were true?

A No Sir

Q What was the rent of the store?

A Fifty dollars a month

Q What were the other expenses of
running the store?

A Twenty dollars a week aside
from the rent of the store

Q You supported your family out of

16

the proceeds of the store ?
A Yes sir

Q Where do you live ?
A 420 E. 59th Street

Q How much of a family have you
A Two children ^{and} a wife

Q Are you likewise clothed & boarded
your brother ?

A Boarded ^{and} clothed him

Q Did you also pay your personal
expenses out of the store & out of
the proceeds of the store ?

A Yes sir

Q You had no other means of liveli-
hood except the store which you
kept it ?

A That is all

Q Did you pay all bills contracted for
that store ?

A Yes sir

Q For all the stock that you purchased
A Yes sir

Q The stock was paid for ?

A Yes sir

57

Q/ ^{Ans} the pictures were all paid for
Ayesui

Q/ you left nothing unpaid?
Ayesui

Q/ and the stock that was purchased
from time to time was all
paid for out of the proceeds of the
store?

Ayesui in cash.

Case Closed.

POOR QUALITY
ORIGINAL

0006

Ny. April 11/84

Received from the Dist attor receive
for \$200.- statements (5) of transactions with
Et Granis & Albano & Co, - and statements
of J. K. - being evidence in case of
People v. Marion D. Dow and co

Emma F. Gruner.

POOR QUALITY
ORIGINAL

0007

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Benjamin M. Jackson

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

Benjamin M. Jackson —

of the CRIME OF GRAND LARCENY IN THE *First* DEGREE, committed
as follows:

The said *Benjamin M. Jackson,*

late of the First Ward 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-*seven*, at the City and County aforesaid,
with force and arms,

*The sum of one thousand
dollars in money, lawful money
of the United States and of the
value of one thousand dollars,*

of the goods, chattels and personal property of one

John H. Shaffer. —

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

David J. Lawrence

District Attorney.

0000

BOX:

288

FOLDER:

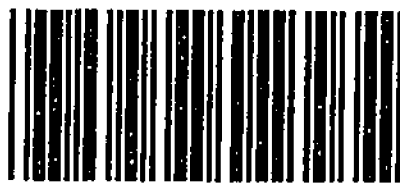
2748

DESCRIPTION:

Jacoby, Annie

DATE:

12/22/87



2748

POOR QUALITY
ORIGINAL

0009

355

Counsel,

Filed, 22 day of Dec 1887

Pleads,

Grand Larceny, second degree
[Sections 528, 531 Penal Code].

THE PEOPLE

vs.

Annie Jacoby

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Alfred J. Martine
Dec 23/87 Foreman.
J. J. J.
To clerk J. P. P.

Lefts family
Residence and
this is her first
appearance. The Probate
Court has been warned
2A

POOR QUALITY
ORIGINAL

0010

Police Court—^{1st} District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 361 Broadway, Street, aged 36 years,

occupation Carey gold notions being duly sworn

deposes and says, that on the 20th day of Dec 1887 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:

A quantity of plated jewelry
consisting Rings Bracelets gilt hair
pins and Imitation Amber beads
together of the value of Thirty Dollars

the property of

Shelman Bros In the care and
Custody of deponent as Superintendents

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

Annie Jacoby (nowhere)
from the fact that deponent saw the
said defendant take and
carry away the aforesaid property from
the counters in the store in the above
described premises. Deponent caused
the arrest of the defendant and Officer
James Dunn of the 5th Precinct Police
found the aforesaid property in the
defendants possession which deponent
identified said property as the property
taken stolen and carried away as
aforesaid

G. E. Romaine

Sworn to before me this
day of
1887

Police Justice.

POOR QUALITY
ORIGINAL

08 11

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 39 years, occupation Police Officer of No. 125

The 5th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George E. Romaine
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20th

day of December 1888

James J. Turner
Police Justice.

POOR QUALITY
ORIGINAL

0812

Sec. 198—200.

152 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

day of

Taken before me this

188

Police Justice.

POOR QUALITY
ORIGINAL

0013

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court-1
District-1
1st-2092

THE PEOPLE, &c.,
ON THE COMPLAINT OF
George S. Williams
361 Broadway
Justice of the Peace
Offence-Grand Larceny

Dated Dec 20th 1887

Magistrate
Officer
Precinct

Witnesses
Call in witnesses

No. _____ Street _____
No. _____ Street _____
\$1000
RECEIVED
DEC 21 1887
OFFICE
No. _____ Street _____

Committed

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 100 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 Dec 20th 1887 Police Justice.

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

Dated..... 1887 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..... 1887 Police Justice.

POOR QUALITY
ORIGINAL

08 14

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Annie Gaddy

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

Annie Gaddy

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Annie Gaddy

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
twentieth day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms,

*Twenty finger rings of
the value of one dollar each,
ten bracelets of the value of
two dollars each, three hundred
pair pins of the value of five
cents each, and a quantity of
imitation amber beads of the
value of ten dollars,*

of the goods, chattels and personal property of one

Samuel M. Spelman,

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

Paul J. McGuire

District Attorney.

08 15

BOX:

288

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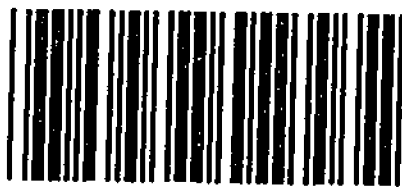
2748

DESCRIPTION:

Jennings, William M.

DATE:

12/22/87



2748

POOR QUALITY
ORIGINAL

0816

Witnesses:

Counsel,

Filed 22 day of Dec 1887

Pleads, Magill - (2)

THE PEOPLE

vs.

William M. Jennings

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 529 Penal Code].

Witness

John P. Mc

RANDOLPH B. MARTINE,

Jan 5 District Attorney.

A True Bill.

Alfred Cummings

Jan 4/88. Foreman.

Pleads J. J.

Per: One year.

POOR QUALITY
ORIGINAL

0817

Police Court—1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 162 Hester Street, aged 23 years,
occupation Married woman being duly sworn

deposes and says, that on the 20th day of December 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the day time, the following property viz :

A pocket book containing gold
and lawful money of the United
States of the Amount and value of
Two dollars and fifty Cents

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 William Jennings (now here)

and another man now arrested
from the fact that at about the hour
of two o'clock P.M. and fifteen minutes
on said date while deponent was
walking along Pearl Street and when
at the corner of Chatham Street and in
the act of crossing Chatham Street
deponent heard the defendant make
the remark don't cross yet and deponent
looked around and saw the defendant
and said other man not arrested
standing alongside deponent and the
defendant and said other man followed
deponent about five blocks to the corner
of Pearl and New Dorsey and the defendant

POOR QUALITY
ORIGINAL

0018

and said other man brushed against
deponent and deponent immediately
missed the aforesaid pocket book &
containing said money from the left
hand side pocket of a New Market
Coat worn on the person of deponent
and deponent accused defendant
of said larceny and the other man walked
away deponent positively identifies the
defendant as one of the persons that
did so brush against deponent at the
time deponent lost said pocket book
wherefore deponent prays that the said
defendant may be dealt with as
the law directs

Sworn to before me this

20th day of December 1887

Matie Powers

J. H. W. [Signature]

Police Justice

POOR QUALITY
ORIGINAL

08 19

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

William M. Jennings

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

New York State

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

Answer.

5 James Street 3 Nights

Question. What is your business or profession?

Answer.

Chair Caner

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

Answer.

I am not guilty

Wm M Jennings

Taken before me this

day of

Dec 7
188

Police Justice.

POOR QUALITY ORIGINAL

0020

BATED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court District. 1st 2091

THE PEOPLE, &c.,
ON THE COMPLAINT OF

State of New York

162 West 10th St

William McManus

1

2

3

4

Dated Dec 21 1887

Magistrate

Magistrate

Magistrate

Magistrate

Magistrate

Magistrate

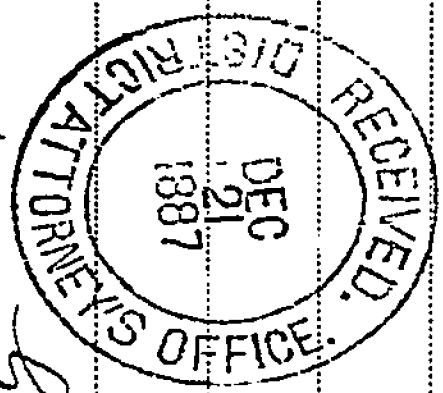
Magistrate

Magistrate

Magistrate

Magistrate

Magistrate



Committed

Offence Larceny from the Person

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

William McManus

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 Dec 21 1887 Police Justice.

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

Dated _____ 1887 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 _____ 1887 Police Justice.

POOR QUALITY
ORIGINAL

0021

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William M. Jennings

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

William M. Jennings

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

The said

William M. Jennings

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *December*, in the year of our Lord one thousand eight hundred and eighty *seven*, in the *day* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one promissory note 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 and value of *two* dollars — ; *one* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of *two* dollars — ; *one* United States Silver Certificate of the denomination and value of *two* dollars — ; *one* United States Gold Certificate of the denomination and value of *two* dollars — ;

one promissory note 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 and value of *one* dollar — ; *one* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of *one* dollar — ; *one* United States Silver Certificate of the denomination and value of *one* dollar — ; *one* United States Gold Certificate of the denomination and value of *one* dollar — ;

three coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *two* dollars and *fifty* cents, and *one* pocket book of the value of *fifty* cents.

of the goods, chattels and personal property of one *Katie Benar*, —
on the person of the said *Katie Benar*, —
then and there being found, from the person of the said *Katie Benar*, —
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.

Richard J. ...

District Attorney.

0822

BOX:

288

FOLDER:

2748

DESCRIPTION:

Jewell, James

DATE:

12/14/87



2748

POOR QUALITY
ORIGINAL

0023

I have carefully examined into the facts in the within case. The child while in Belle-ville Hospital suffering from miss ancy was confronted with the nurse over her father and charged him with being the author of her trouble. He did not deny it. When well enough to go before the Police magistrate she retraced the charge and alleged another man was the guilty party. On reappearing she again repeated her first story and in the presence of the prisoner her only reason for her confession is "fear of her father". She denies her mother communicated with her. She denies any one has influenced her. The People have no sufficient corroborative evidence to sustain conviction. I advise discharge of prisoner on his own recognizance and that the child while morals have been ruined be committed to an institution.

Wm. J. Henry
President N.Y.S.P.C.

I concur in the above recommendation -
Dec 20/87 Vernon M. Davis
Asst.

Counsel,

Filed, 14 day of Dec 1887

Pleads,

THE PEOPLE,

vs.

James Jewell

Dec 19th 1887

RANDOLPH B. MARTINE,

District Attorney.

Section 302 & 278 Penal Code.

A True Bill.

Alfred M. Munn

Foreman.

7th Dec 20, 1887
Dictd. by the Court
in his own handwriting

POOR QUALITY
ORIGINAL

0024

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

POLICE COURT, 3. DISTRICT.

aged 13 years

Elizabeth Anne Jewell

of No.

141 East 13th

Street, being duly sworn, deposes and says,

on about

15th

that on the

day of

January 1887

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

James Jewell

~~unlawfully~~ (now here) the father of this deponent
had sexual Connection with deponent
in a room at premises No 21 East
15th Street, said City. That from
the middle of January 1887 till
the 20th day of November 1887, the
said James Jewell had sexual
Connection with deponent, at least
over a week, that deponent is
under the age of sixteen years, to wit,
of the age of thirteen years.

Sworn to before me
this 9th day of December
1887.

Elizabeth Anne Jewell

J. H. Coffey

Police Justice

Plaintiff
~~Defendant~~ Cross examined
by Joseph F. Allen

Q Did you not swear
yesterday Decr. 8th before
Justice Druffy that your father
this defendant never had
sexual intercourse with you?

A
By Court

Yes
Q Had any person tell you
while in Hospital not to appear
against your father?

Never

I was afraid yesterday
to tell the truth about the
matter, ^{nobody made me afraid} but the statement I
made to-day is correct.

Elizabeth Ann Jewell

Sworn to before
this 9th day December 1887

J. F. Druffy
Justice

POOR QUALITY
ORIGINAL

0826

Sec. 198-200.

5th District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Jewell 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.

James Jewell

Question. How old are you?

Answer.

56 years

Question. Where were you born?

Answer.

London England

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

Answer.

31 East 15 street New York

Question. What is your business or profession?

Answer.

Boot & Shoemaker

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
James Jewell

Taken before me this

day of

July 1888

Police Justice.

POOR QUALITY
ORIGINAL

0027

Bellerue Hospital
Dec. 3, 87.

Elizabeth Jewell who came
here last night is being
treated for threatened
abortion.

At present she is not
able to leave the Hospital.

W. H. Hubbard
House Physician

POOR QUALITY
ORIGINAL

0828

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT,

3^d DISTRICT.

an officer of the New York Society for the Prevention of Immoralities
of No. 100 East 13th Street, aged 35 years,
occupation being duly sworn deposes and says

that on the 2nd day of December 188

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

deponent visited premises # 141 East 13th Street
and found Elizabeth Ann Jewell, who was
confined to her bed with sickness, and unable
to leave her room, that said Elizabeth Ann
informed deponent, that she was 13 years old,
that since January last, she visited her father
James Jewell, daily at premises 21 East 15th Street,
where he has rooms, and he has had sexual
intercourse with her, on an average twice a week
since January last, and the last time she has had
such sexual connection, was on the 20th of November last
and she is now 3 months pregnant, that said father has

Sworn to before me, this

188

day

Police Justice.

POOR QUALITY
ORIGINAL

0029

Levied apart from the matter for 18 months last past
Symptoms are
this 3^d of December 1887
J. M. Patterson Esq. Justice
M. J. Young

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 1887

Magistrate.

Officer.

Witness.

Disposition.

POOR QUALITY
ORIGINAL

0830

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Michael Bissert

of No. 14 St Precinct Street, aged 44 years,
occupation Police Officer being duly sworn deposes and says
that on the 2nd day of December 1887

at the City of New York, in the County of New York, deponent arrested,
James Jewell, now here, charged
on the information of his daughter,
Elizabeth Anna Jewell, with
having had sexual connection
with her on an average twice
a week since January last.
That said Elizabeth is sick and
confining to her bed and this
deponent asks that said James
be committed to enable deponent
to produce her in Court.

Michael Bissert

Sworn to before me, this
of December 1887 day

Police Justice.

POOR QUALITY
ORIGINAL

0831

161
Police Court, 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael Bessent

vs.

James Jewell

N. 56. England

at Court 15th

Dated Dec. 2 1887

Patterson Magistrate.

Bessent 14 Officer.

Witness,

Adm'd Dec 14 2:30 PM

Adm'd Dec 6

2 1/2 P.M. 8th

Adm'd Dec 8 9 AM

Disposition, Ex 9 1/2 AM

Dec 3

Adm'd Dec 4

9 1/2 A.M.

AFFIDAVIT.

Michael Bessent

The preceding Magistrate
in my absence, will
please hear and determine
the within case

M. Patterson

Police Justice

POOR QUALITY
ORIGINAL

0032

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

BP 148 148
Police Court 3 District.
2040

THE PEOPLE, &c.
ON THE COMPLAINT OF

1. *James Jewell*
2. *James Jewell*
3. *James Jewell*
4. *James Jewell*
Offence *Arrest*

Date *December 9* 188

Justice Magistrate.

James Jewell Officer.

James Jewell Precinct.

Witnesses *James Jewell*

No. *100 E 20* Street.

James Jewell comes that to

No. *100 E 20* Street.

James Jewell comes that to

No. *100 E 20* Street.

James Jewell comes that to

James Jewell comes that to

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

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

Dated *December 9* 188 *James Jewell* 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 _____ Police Justice.

POOR QUALITY
ORIGINAL

0033

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.
of No. 100 East 23rd Street

George H. Jones

being duly sworn, deposes and says,

that on the second day of December 18 87 at the City of

New York, in the County of New York, Elizabeth Ann Jewell a female child

actually and apparently under the age of sixteen years to wit

of the age of thirteen years was found without proper guardian-

ship and had been improperly exposed by her parents James

~~et Jewell~~ ~~at said girl on the day afore-~~
~~said was found in Bellevue Hospital in a critical condition~~

from the effects of a miscarriage. That she first accused

her said father who for some time past has been living apart

from her mother with having had sexual intercourse with her

and subsequently retracted that statement and charged that this

was untrue and then again subsequently re-iterated the first

charge against her said father.

Wherefore deponent prays that the said Elizabeth Ann Jewell

may be committed to an incorporated charitable reformatory or

other institution governed by persons of the same religious

faith as the parents of the child pursuant to the provisions

of Section two hundred and ninety-one of the Penal Code.

George H. Jones

Sworn before me, this

day
1887

Police Justice.

POOR QUALITY
ORIGINAL

0834

Police Court 9th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George H. Forman
Elizabeth Ann Jewell

AFFIDAVIT.

Dated, also 18th

Justice.

Officer.

Disposition

2. This is your father?

Ans. Yes.

2. He is the one you accuse
of having a criminal intercourse
with you?

Ans. Yes.

^{now} When did he begin to have
intercourse with you?

Ans. Since January.

Ques - How often?

Ans. Once a week.

Ques - When did he last have
connection?

Ans. Sunday Evening, one
^{a week ago}

Ques - Did he come to the station

you said he saw anything

anything?

Ans. He said not he saw
anything - He used to

Threats -

Ques. When did you take
sick?

Ans. Week ago Friday

Ques. Where?

Ans. On sidewalk

Ques. Did any Dr. see you?

Ans. Dr. Selman

Ques. Any Dr. before that?

Ans. No.

Ques. Did you ever tell
your mother about this?

Ans. Not till night before
last when the Dr. called
but not in his presence

Ques. Did you ever know

POOR QUALITY
ORIGINAL

0037

Anything to do with any
other young man?

Ans. to

Ques have kept company
with any young man?

Ans. No -

These statements are
true

Elizabeth Davis Jones
These questions and answers
were made in my
presence

W. H. Hubbard U.S.

**POOR QUALITY
ORIGINAL**

0030

This is to certify
that Elizabeth Jewell is
not able to appear at
court to-day.

W. V. Hubbard M.D.

Bellvue Hospital
Dec. 6, 1887.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Jewell

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

of the CRIME OF Incest, —

committed as follows :

The said James Jewell, —

late of the ~~First~~ Ward of the City of New York, in the County of New York aforesaid, on
the ~~21st~~ day of ~~January~~, in the year of our Lord one
thousand eight hundred and eighty ~~two~~, at the Ward, City and County aforesaid,

~~and~~ one Elizabeth Ann Jewell, an
unmarried woman of the age of
fifteen years, being the said James
Jewell and Elizabeth Ann Jewell
being then and there persons within
the degrees of consanguinity within
which marriages are declared by law
to be incestuous and void, on the 15th
day of January 1887, at the City and County aforesaid,
force and arms, did unlawfully and
incestuously commit adultery and
fornication with each other
sexual intercourse with and carnal
knowledge of each other, the said
said James Jewell being then and
there the father of the said Elizabeth
Ann Jewell, and she being his
daughter, and the said James Jewell
being then and there a married
man, having a lawful wife then
alive and living; against the form

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

.....Second.....COUNT.

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

_____James Fenell_____

of the CRIME OF RAPE, committed as follows:

The said James Fenell,

late of the City and County aforesaid, afterwards to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon her
the said Elizabeth Ann Fenell, then and there being,

wilfully and felonously did make ~~another~~ assault, she, the said Elizabeth

Ann Fenell, being then and there a female under the
age of sixteen years, to wit: of the age of thirteen years; and the said

_____James Fenell,_____ then and there
wilfully and felonously did perpetrate an act of sexual intercourse with her the said

Elizabeth Ann Fenell; against the form of the
Statute in such case made and provided, and against the peace of the People of the
State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.