

0986

**BOX:**

365

**FOLDER:**

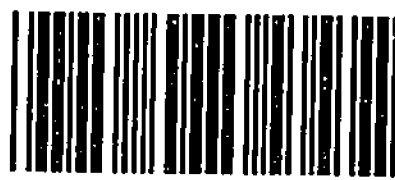
3431

**DESCRIPTION:**

Keller, Adam

**DATE:**

09/05/87



3431

0987

**BOX:**

365

**FOLDER:**

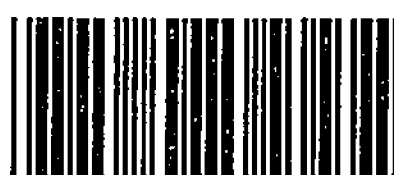
3431

**DESCRIPTION:**

Gardner, Lawrence

**DATE:**

09/05/89



3431

0988

**BOX:**

365

**FOLDER:**

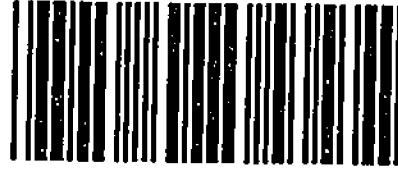
3431

**DESCRIPTION:**

Thomas, John

**DATE:**

09/05/89



3431



0989

**BOX:**

365

**FOLDER:**

3431

**DESCRIPTION:**

Walker, Charles

**DATE:**

09/05/89



3431



0990

Witnesses;

THE PEOPLE

IN SENATE

1888

Counsel,

Filed 5 day of Sept. 1888

Pleas, 13 & 14 Chazyville (6)

THE PEOPLE

vs.

Adam Keller

Lawrence Gardner

John Thomas

Charles Walker

JOHN R. FELLOWS,

District Attorney.

Filed & Accepted

23 Sept 1888

A True Bill, Jo. 1 Pleas King 2d

22 Sept 19, 1888

No. 3 true

Accepted Burg. & 2d

W. D. Cooper

Forfeited

Accepted Burg 2d

W. D. Cooper

Accepted Burg 2d

W. D. Cooper

Burglary in the 2nd degree.  
Section 4965 of the Penal Code.

0991

TORN PAGE

COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

-----:  
The People :  
against, : Before,  
John Thomas. : Hon. Randolph B. Martine,  
Indicted for burglary in the first : and a Jury.  
degree :  
Indictment filed, August, 1888. :  
-----:

Tried, September 18th., 1888.

APPEARANCES:

Assistant District Attorney Bedford, for the People.  
Abraham Luydam Esq., for the Defence.

-----  
FRANZ ALTER, the complainant, testified that he  
lived at 146 Rivington Street, in the City of New York, in  
the 17th. Ward. He kept a saloon at 139 Rivington St.-  
on the opposite side of the street, and 146 Rivington St.  
was his dwelling house. He was awakened about 3 o'clock

THOS. S. LEWIS, Stenographer, 280 Broadway, New York.

0992

TORN PAGE

2.

on the morning of August 23rd. by a police officer, and he opened the front door and found some police officers, and some men under arrest. He found that the window of his basement had been broken open. There were 4 men under arrest. The lower half of the window was raised up, and one of the panes of glass was broken. He missed a clock from the mantelpiece. The clock was worth about \$3. On the preceding night he went to bed between 12 and 1 o'clock. The basement shutters were closed and when he was awakened by the police officer, the shutters of the window that was broken were open.

-----

UNDER CROSS-EXAMINATION he testified that he kept the basement and the first floor as his residence. The basement was used as a kitchen and dining room. There was an area in front of the basement window. There were two windows in the front of the basement. The officer found the clock in a wagon on the opposite side of the street and returned it to him.

-----



0993

3.

OFFICER JAMES QUIRK, testified that he was attached to the 12th. Precinct. At about three o'clock on the morning of August 23rd. he was on duty in citizens clothes. He was walking down Rivington street, at about a quarter to three o'clock, when he saw four men standing on the corner. He got into a door way and watched the men. They walked up to about one door from the corner and one stood on the sidewalk and three went into the basement. Almost immediately he heard a crash of falling glass. He, the officer, went down Rivington Street about two blocks and found two officers and took them back with him. They kept close to the trucks going up Rivington Street and when they were within 75 feet of the complainant's house, they saw two men come out of the basement and walk directly across the street. They arrested these two men. They were John Thomas and Adam Keller. They took the two prisoners over to the area of the complainant's house, and he, the witness, told one of the officers to watch the two men while he fired off his revolver for assistance. As he did so, the man Gardner, jointly indicted with the defend-

0994

4.

ant, came through the window of the basement with a revolver in his hand. He, the witness, said to his brother officer; "look out John, he has a pistol," and his brother officer hit the man Gardner on the head with his club and took away his pistol. He, the witness, had hold of Keller and was covering the defendant Thomas with his revolver. After taking the prisoners to the station house, they returned to search the trucks across the street and found the missing clock, which the complainant identified as his. The man Walker, who was jointly indicted with the defendant, was arrested by Officer Bohn. He was the man who stood on the sidewalk while the 3 other men went into the area. While Gardner was attempting to get out of the window of the basement with a revolver in his hand, the defendant Thomas tried to run out of the area and he, the witness, kicked him in the face, and he fell back into the area.

-----  
CROSS-EXAMINATION. He testified that the officers didn't lose sight of the defendant and Keller from the moment they left the complainant's area until they were

THOS. S. LEWIS, Stenographer, 280 Broadway, New York.

0995

under arrest.

5.

-----  
OFFICER JOHN L. RRAUCH, testified that he was attached to the 12th. Precinct. Hr corroborated Officer Quirk.

-----  
OFFICER LOUIS BOHN testified that he was connected with the 13th. Precinct; he corroborated Officer Quirk.

-----  
FOR THE DEFENCE. JOHN THOMAS, the defendant, testified that he was a machinist by trade. He had worked for Mr. Keeting of 48 Beekman Street. He lived at 114 Delancey Street. He was a single man. On the night of the 23rd. of August, he was in the saloon underneath the lodging house at 114 Delancey Street and some men were playing pinochle. About 12 o'clock, when it was time to close up, he missed his enamonta. and he asked the men where it was and they told him they didn't see it anywhere. The goat used to run around the street and he left the door open for the goat to come back and fell to sleep on the stoop. He woke up and

THOS. S. LEWIS, Stenographer, 280 Broadway, New York.



0996

6.

went through Norfolk Street to look for the goat and met four or five men walking along the street. He asked them if they had seen a goat and they said they didn't, and he met Keller coming out of the complainant's place. He had been drinking beer and he felt very drowsy. He asked Keller and the men that came out of the basement with him if they had seen his goat and he said no, and he walked across the street, and, just as he commenced to talk with Keller, a police officer ran up, and one of them put a pistol to his head and arrested him. Then the officer fired a pistol over his head and threw him down into the basement. Then they threw the other men down into the basement with him and he saw a man coming out of the window with a pistol in his hand.

-----

UNDER CROSS-EXAMINATION. He testified that he had been convicted of larceny about 2 years before, and sentenced to state prison for two years and 6 months. He didn't have anything to do with the burglary, and didn't know that one had been committed.

-----

0997

7.

ADAM KELLER testified that he had pleaded guilty of burglary in the second degree. He and Gardner were concerned in the burglary. He had never seen the defendant Thomas until about 3 months before their arrest. He saw him in Rivington Street first. He came walking down the street from Norfolk Street. He, the witness, had put the clock on the truck at that time. Thomas asked for the goat and then the officers came up and arrested them. He knew that Gardner was in the basement, because Gardner had handed him the clock. After he received the clock from Gardner, he crossed the street and put it on the truck. He had never seen the defendant before that time.

-----  
UNDER CROSS-EXAMINATION, He testified that he stood outside and watched for the police while Gardner went into the house. He had never been arrested before in his life. There was no understanding between Gardner and himself as to committing the burglary. As they were passing the house, Gardner went down into the basement, and entered the house. Gardner didn't tell him what he

0998

8.

was going to do. He walked on a little way and Gardner said "Hold on Adam" He, the witness, went back and said, "What is the matter" and then Gardner gave him the clock and said, Take it across the street."

-----

LAWRENCE GARDNER testified that he had pleaded guilty of burglary in the second degree He was the man who entered the house and handed out the clock. He and Keller were alone concerned in the burglary. The defendant had nothing whatever to do with it. He didn't see the defendant that night until he, Gardner, was arrested. He , Gardner , was inside of the house when the defendant was arrested.

-----

UNDER CROSS-EXAMINATION, He testified that he had never been arrested for any crime before he had been arrested for drunkenness and was sent to Blackwell's Island for 10 days.

-----

JAMES A. JOYCE testified that he lived at 114 Delancey Street. The defendant had a room in his house



0999

9.

and had lived there since last June. He, the witness, had a goat, the goat was missing on the night of the burglary. The defendant was sitting on the stoop at about 20 minutes before 12 o'clock, and was drunk, and he, the witness, said to him, " John, go and see if you can find that goat. The goat is gone."

-----

JOHN M. D. KEETING testified that he was a machinist, and that his place of business was 169 William Street. The defendant had worked for him. He answered the defendant's advertisement for work and engaged the defendant; the defendant was an excellent workman, and was very steady and industrious. He engaged the defendant on November 30th. 1887, and he worked until December 10th. and he had also engaged the defendant to help him move.

-----0000-----

The People

vs.

John Thomas

Defence -

For. Randolph B. Westline,

and a jury

Indicted for Burglary in the  
first degree. W.M.

Indictment filed September 1888.

Filed June 18, 1889.

1001

Police Court—3—District—

City and County } ss.:  
of New York,of No. 146 *Princeton* Street, aged 38 years,  
occupation *Saloon Keeper* being duly sworndeposes and says, that the premises No. 146 *Princeton* Street, 17<sup>th</sup> Ward,  
in the City and County aforesaid the said being a *three story brick*  
*dwelling*, the first floor of  
and which was occupied by deponent as a *dwelling*and in which there was at the time of *luncheon* being, by name *Aliza Alter*,  
*deponent's wife and their five children*  
were BURGLARIOUSLY entered by means of forcibly *breaking**the front basement window*  
*shutter, fastenings,*on the *23<sup>rd</sup>* day of *August* 188*8* in the *evening*, and the  
following property feloniously taken, stolen, and carried away, viz:*One Clock*  
*of the value of three dollars*  
*(\$ 3.)*the property of *Complainant*and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by*James Heller, Maurice Gardner*  
*John Thomas and Charles Walker*

for the reasons following, to wit:

*At twelve o'clock on*  
*evening and date deponent*  
*locked, bolted and effectually*  
*closed said dwelling, at three (3)*  
*o'clock on evening Night*  
*date James Thomas Officer*  
*attached to the 17<sup>th</sup> Precinct*  
*Police, saw said defendants*  
*go down the basement of said*





1003

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Policeman of No. 12

the 12th Precinct of Police Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Chang Alter

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

knowledge.

Sworn to before me, this

day of Aug 24 1888

James Linn  
Police Justice.



1004

Sec. 198-200.

B

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Adam Keller 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. Adam Keller

Question. How old are you?

Answer. 19 years old

Question. Where were you born?

Answer. New York City

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

Answer. 118 Essex St. 13 years

Question. What is your business or profession?

Answer. Brass finisher

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  
Adam Keller

Taken before me this

21

day of August 1888

Police Justice.



1005

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Lawrence Gardner 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.

Lawrence Gardner

Question. How old are you?

Answer.

21 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

156 Delancey St - 4 years

Question. What is your business or profession?

Answer.

Photographer

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

Lawrence Gardner

Taken before me this

day of

August

188

Police Justice.

1006

Sec. 198-200.

30

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name.

Answer.

John Thomas

Question. How old are you?

Answer.

40 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

114 Delancey St two weeks

Question. What is your business or profession?

Answer.

Machinist

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

Answer.

I am not guilty

John Thomas

Taken before me this

24

day of

August

1888

Police Justice.

1007

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles Walker* 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. *Charles Walker*

Question. How old are you?

Answer. *17 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *92 Orchard St - 1 1/2 years*

Question. What is your business or profession?

Answer. *Driver of Milk wagon*

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*

*Charles Walker*

Taken before me this

day of

188

Petice Justice.



1008

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

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

Dated Aug 24 188 P. J. Murphy 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 h to be discharged.

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

1009

Police Court---

3 @ 1328 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank Alter  
John R. King  
John Keller  
Lawrence Gardner  
John Thomas  
Char. Walter

Offense  
Manglary

BAILED,

No. 1, by \_\_\_\_\_

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

No. 2, by \_\_\_\_\_

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

No. 3, by \_\_\_\_\_

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

No. 4, by \_\_\_\_\_

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

Dated Aug 24 1888

Officer \_\_\_\_\_ Magistrate.

Officer \_\_\_\_\_

Officer \_\_\_\_\_ Precinct.

Witnesses \_\_\_\_\_

No. 12 Premier Police Street.

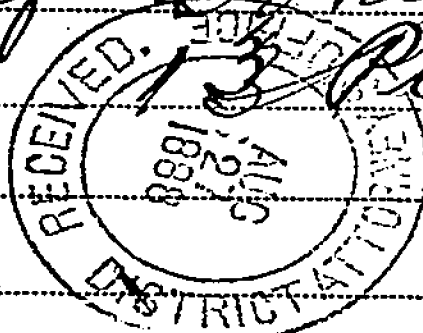
Off. Baker

No. 13 Precinct Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer G.S.

Signature





10 10

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Adam Heller  
Lawrence Gardner and  
John Thomas and  
Charles Walker*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Adam Heller, Lawrence Gardner  
and John Thomas and Charles Walker*  
of the CRIME OF BURGLARY IN THE FIRST DEGREE, committed as follows:

The said *Adam Heller, Lawrence  
Gardner and John Thomas, and  
Charles Walker*, all  
late of the *Seventeenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *Twenty-third* day of *August*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *Three* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one *Frank Allen*, —

there situate, feloniously and burglariously did break into and enter, there being then and there  
some human being, to wit: *The said Frank Allen and  
others.* —

within the said dwelling house, with intent to commit some crime therein, to wit: the goods  
chattels and personal property of the said *Frank Allen*. —

in the said dwelling house then and there being, then and there feloniously and burglariously to  
steal, take and carry away; *The said Adam Heller  
Lawrence Gardner and John Thomas,  
and Charles Walker  
and each of them, being then and  
there assisted by a confederate  
actually present, to wit: each by the other)*

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,



1011

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
*Adam Kelle, Lawrence Gardner and*  
*John Thomas and Charles Walker* —  
of the CRIME OF *PELV* LARCENY, — committed as follows:

The said *Adam Kelle, Lawrence Gardner,*  
*John Thomas and Charles Walker, all*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*one book of the value of three*  
*dollars,*

of the goods, chattels and personal property of one *Frank Allen,* —

in the dwelling house of the said *Frank Allen,* —

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

*John R. Kelle,*  
*District Attorney*

10 12

**BOX:**

365

**FOLDER:**

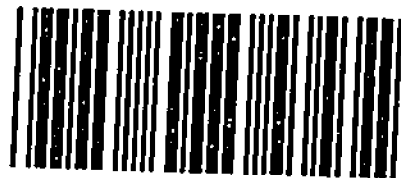
3431

**DESCRIPTION:**

Kesten, August

**DATE:**

09/18/89



3431

Witnesses:

Peter Verhoeven

Counsel,

Filed

Pleads,

18 day of Sept. 1889

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.  
(Selling without License.)  
[III, R. S. (7th Ed.), page 1081, § 18, and  
of 1888, Chap. 840, § 5].

August Kester

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. B. Fisk

Foreman.

Pleads Guilty

and \$5.

1013



10 14

Sec. 198-200.

3rd

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*August Kesten* 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. *August Kesten*

Question. How old are you?

Answer. *49 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *49 Morrow Street; about 24 years*

Question. What is your business or profession?

Answer. *Booker*

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 & would like to have an examination - and demand trial August Kesten*

Taken before me this

day of August 1889

*John J. Conroy*  
Police Justice.

10 15

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 one 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 August 16<sup>th</sup> 188 9 W. J. May Police Justice.

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

Dated Aug 26 188 9 W. J. May Police Justice.

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

Dated..... 188 ..... Police Justice.

10 16

\$100 for each  
26 Aug. 930

BAILED

No. 1, by Henry Evers  
Residence 49, Monroe Street.

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

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

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

10. 180. 1785  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Peter Verhoeven  
237 - vs. Hart 030

1. August Kesten

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Dated August 16<sup>th</sup> 1889

Power Magistrate

Leary Officer.

7 Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 100. to answer G. H.

Prassey

no more



10 17

Sec. 192.

*3rd* District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before *Mannix J. Power* a Police Justice  
of the City of New York, charging *August Kesten* Defendant with  
the offence of *Violation of the Excise Law*

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, *August Kesten* Defendant of No. *49*

*Monroe* Street; by occupation a *Butler*  
and *Henry Decker* of No. *307 Rivington*  
Street, by occupation a *Grocer* Surety, hereby jointly and severally undertake that

the above named *August Kesten* Defendant  
shall personally appear before the said Justice, at the *Third* 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 *one*  
Hundred Dollars.

Taken and acknowledged before me, this *16<sup>th</sup>*

day of *August* 188*9*

*W. J. Smith* POLICE JUSTICE.

*August Kesten*  
*Henry Decker*

10 18

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Sworn to before me, this*  
*day of August*  
*1889*  
*by*  
*District Police Justice*

*16*

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

*situate N<sup>o</sup> 351. East 41<sup>st</sup> Street*  
*valued twenty thousand (\$20,000.00) Dollars*  
*over & above all incumbrances*

*Henry Decker*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Undertaking to appear*  
*during the Examination.*

ss.

Taken the ..... day of ..... 188

Justice.



10 19

Excise Violation-Selling Without License.

POLICE COURT-

3<sup>rd</sup> DISTRICT.

City and County } ss.  
of New York,

of No. 237 W. 33<sup>rd</sup> Peter Verhoeven Street,  
of the City of New York, being duly sworn, deposes and says, that on the 21<sup>st</sup> day  
of June 1889, in the City of New York, in the County of New York, at  
No. 49 Monroe Street,

August Kesten (now here)  
did then and THERESELL, CAUSE, suffer and permit to be sold, under his direction and authority,  
strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than  
five gallons at a time, ~~to be drunk in the house or premises aforesaid~~ WITHOUT HAVING A  
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made  
and provided deponent bought two dozen bottles  
of Lager beer for which deponent paid one  
dollar

WHEREFORE, deponent prays that said August Kesten  
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 16<sup>th</sup> day  
of August 1889.

Police Justice.



1020

**Court of General Sessions of the Peace,**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*August Kesten*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*August Kesten*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

(III. Revised  
Statutes. [7th  
edition] p. 1981  
Section 13).

The said

*August Kesten*  
late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth*  
day of *June* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one  
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong  
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in  
quantity less than five gallons at a time, to

*one Peter Verhoeven and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the Statute in such case  
made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,  
chapter 240 sec-  
tion 5)

SECOND COUNT—

*John R. Bellows*  
*District Attorney*

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

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND  
BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell to

certain persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
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.

1021

(Laws of 1883,  
chapter 840 sec-  
tion 5.)

**THIRD COUNT :**

**And the Grand Jury aforesaid, by this indictment, further accuse the said**  
**of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES,**  
**WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed**  
**as follows :**

The said

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number

certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did give away to

certain persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

**District Attorney.**

1022

**BOX:**

365

**FOLDER:**

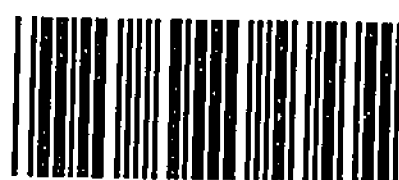
3431

**DESCRIPTION:**

Koch, Charles

**DATE:**

09/11/89



3431



1023

**BOX:**

365

**FOLDER:**

3431

**DESCRIPTION:**

Ford, Harry

**DATE:**

09/11/89



3431

Witnesses:

Albert Schmidt  
Mrs Barbara Schmidt

Counsel,

Filed

1889

Pleads,

THE PEOPLE

vs.

Charles Hoch  
and  
Harry Ford

Grand Larceny, Third Degree.  
(From the Person.)  
[Sections 528, 580 Penal Code].

JOHN E. FELLOWS,

Pr. Sept. 17, 1889 District Attorney.

No 2 pleads S. L. 204.

S. P. 2 1/2 yrs.

A True Bill.

Chas. B. Fisk

Foreman.

State Referee  
Sept 13/89

1024

1025

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,of No. 27 Stanton Street, aged 33 years,  
occupation Waiter being duly sworndeposes and says, that on the 26 day of August 1889 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession and  
person of deponent, in the night time, the following property, viz:Good and lawful money  
of the United States of  
the amount and value  
of six dollarsthe property of Deponentand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Charles Koch and Harry Ford(both now here) who were acting in  
concern for the reasons follow-  
ing to wit: on the said date  
as deponent was sitting on a  
stump on Stanton Street having  
the said money in one of the  
pockets of the trousers then  
worn by him as a portion  
of his daily clothing he fell  
asleep. Deponent is informed  
by Barbara Edmunds here  
present that she saw the  
defendants near the deponent  
when he saw the said Koch placeof  
1889  
before me this  
day

Police Justice



1026

his hand in the pockets of de-  
fendants and take something  
therefrom. The defendants then  
walked a short distance and she  
saw the defendant Rock exhibit  
some bank bills under a gas lamp  
said Barbara heard the defendant  
Harry Ford say to said Rock  
"You have to give me some".

Sworn to before me  
this 26 day of August.

1939

Albert Smith

my Overy

Police Justice

1027

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Barbara Dürer*  
aged *40* years, occupation *Keep house* of No.

*Nº 174. Orchard* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Albert Schmidt*

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

Sworn to before me, this *26<sup>th</sup>*  
day of *August* 188*9* } *Barbara Dürer*

*Wm. J. Barry*  
Police Justice.

1028

Sec. 198—200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.*Charles Koch*

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

Question. What is your name.

Answer.

*Charles Koch*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*306 1/2 Ninth Street; about 2 years*

Question. What is your business or profession?

Answer.

*Waiter*

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, after talking the complaint by a very handsome waiter like myself and I returned to where he was and I shot him, and called him by name saying "Hello Schmidt what's the matter with you," and he said he was all right, and we went on and the officer arrested us*

*Charles Koch.*

Taken before me this

*26th*day of *August* 1889*J. B. Stone*  
Police Justice.



1029

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Harry Ford 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. Harry Ford

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. New York City

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

Answer. N<sup>o</sup> 306 1/2 Mott Street, about two weeks

Question. What is your business or profession?

Answer. Longshoreman

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 I was taken  
a drink with my girlfriend and when  
he saw the complaint book said "I think  
I know this man" & he stopped down the street and  
looked at him!  
afterward the officer  
arrested us

Taken before me this

26

day of August 1889

Police Justice.

1030

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

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

Dated *Aug 26* 188*9*, *W. O. ...* Police Justice.

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

Dated ..... 188 ..... Police Justice.

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

Dated ..... 188 ..... Police Justice.

1031

Police Court

31566 District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*Albert Schmidt*

*Charles Hoch*  
*Harry Ford*

3  
4

Dated *Aug 26* 188

*Wm* Magistrate

*Place* Officer.

*Alfred* Precinct.

Witnesses *Barbara Reemmler*

No. *174* Street.

No. Street.

No. Street.

\$ *500* to answer *59*

*Chas. M. Miller*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



1032

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against  
Charles Koch and  
Harry Ford

The Grand Jury of the City and County of New York, by this indictment, accuse  
Charles Koch and Harry Ford  
of the CRIME OF GRAND LARCENY, in the first degree, committed as follows:

The said Charles Koch, and Harry  
Ford, both

late of the City of New York, in the County of New York aforesaid, on the twenty sixth  
day of August in the year of our Lord one thousand eight hundred and  
eighty-eight, in the night-time of the said day, at the City and County  
aforesaid, with force and arms,

one promissory note for the payment of money, of the kind commonly called United  
States Treasury Notes, of the denomination and value of five dollars; one  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of five dollars; one United States Gold Certificate,  
of the denomination and value of five dollars; one United States  
Silver Certificates, of the denomination and value of five dollars;

three promissory note for the payment of money of the kind commonly called United  
States Treasury Notes, of the denomination and value of two dollars each; three  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of two dollars each; three United States Gold Certificates,  
of the denomination and value of two dollars each; three United States  
Silver Certificates, of the denomination and value of two dollars each;

six promissory note for the payment of money, of the kind commonly called United  
States Treasury Notes, of the denomination and value of one dollar each; six  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of one dollar each; six United States Gold Certificates,  
of the denomination and value of one dollar each; six United States  
Silver Certificates, of the denomination and value of one dollar each;

said unknown, of the value of six dollars

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

Albert Smith  
Albert Smith  
John R. Hollows,  
District Attorney.

1033

END OF  
BOX