

0344

BOX:

256

FOLDER:

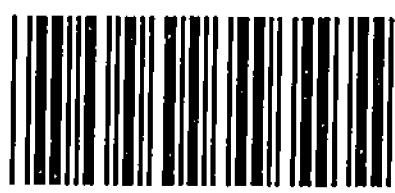
2477

DESCRIPTION:

Graham, James H.

DATE:

04/11/87



2477

Witnesses:

J. H. Raben.

I am satisfied that the
defendant herein died
in Denver, Colorado, on June
27th 1887, was buried in
Calvary Cemetery, July 3rd 1887.
I got the information from
deft's brother-in-law & his
son-in-law. The proofs first
received. I then saw the
attorneys of this indictment.

Verum M. Davis
Attest.

Counsel,

Filed 11 day of April 1887

Plead Not guilty (12)

THE PEOPLE

vs.

James H. Graham

Def. do

[Sections 628 and 631 of the Penal Code].
(MISAPPROPRIATION.)
Grand Larceny, 2nd degree

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

JOHN C. GUNN

See Endorsements

Foreman,

Sept 23rd 1887

Indictment dismissed

0345

0346

People

apt

James H. Graham and John Danke

John at Ratjen, now

Swear was in charge of

concern of Q. E. Chasman

Bouddles 105 Forward Street

and defendant was employ-

ed there as a salesman

and collector

0347

People

Graham

Henry Blank 105 Broad St
vice owner. Has been
in employ of A. E. Chasman Bros
& Co, the sufferers by defendant's
larceny, for the past several
years, as salesman and
collector. Was detailed
to look after defendant's customers
when left notified house he
was going to leave, was given
statements of accounts against
parties who owned house, and
whose names and amounts appear
in complaint. He called on
those parties and found de-
fendant had collected
amounts and accepted the
bills, but found no credits
on the books to correspond.

0348

People

as per

Grubbs

Samuel Kullke 105 Broad

Dr. will forward -

He has heard employees would
H.E. Massman Bros Co for
about 6 years as salaried
and collector. I know the
defendant. About Aug
1/80 I was instructed to
look after certain accounts
due my employer, and col-
lect them. The names ^{and amounts} appear
in complaint. I called on
these parties and found de-
fendant had collected amount
and accepted the bills, but found
no credits for same on the
books to correspond.

0349

Peoples

and

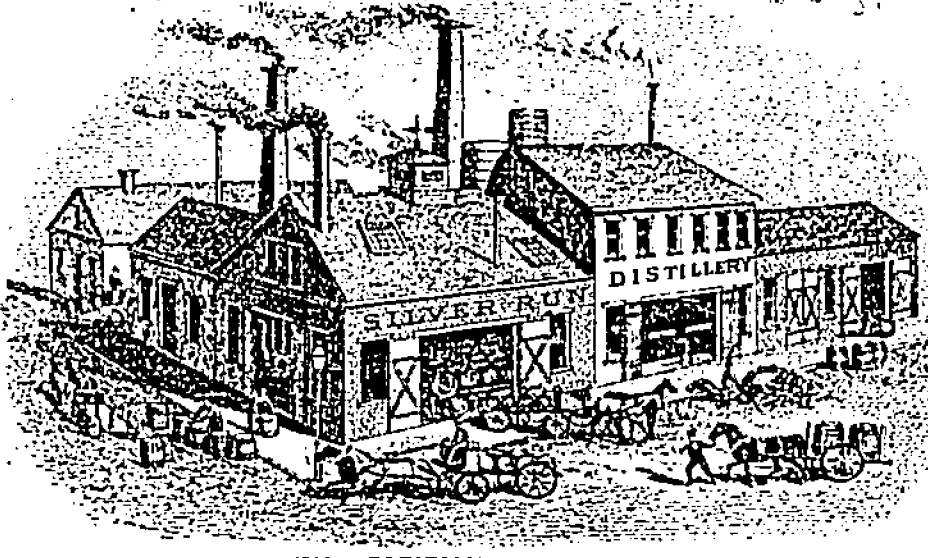
James H. Graham

James H. Graham

145 Washington Street miles from
etc and etc etc 1885 & being
a list of goods of A. E. Chapman
Bristol Co amounting to \$174.⁵⁵, and
about Dec 31st 1885 & paid that
amount in cash to defendant
who accepted the bill.

0350

SHIPMENTS MADE AT BUYERS RISK



Terms ~~cash~~ 3 mos
UNLESS SETTLED BY NOTE OR ACCEPTANCE.

NEW YORK OFFICE, 105 BROAD ST.

IMPORTERS OF WINES, BRANDIES, GINS, & C. & C.

All claims for errors must be made on receipt of Goods.
Salesmen not authorized to collect unless provided with power of Attorney.

Philadelphia August 14th 1885

Mr James. McManus
New York

A. G. Massman & Co.
Distillers
AND DEALERS IN
Fine Whiskies.

124 Walnut Street.

1 Barrel Westmoreland xxx Rye Whiskey			
#7 galls	265		\$ 124 55
Rec'd Payment in full			
ATB			
James H. Graham			
for A. G. Massman & Co.			

0351

AB
Ch B

0352

Statement.

New York, May 7th 1886

McJames Colby

Or A. E. MASSMAN BROS. & Co., Dr. *40 1/2 1 Ave*

105 Broad Street,
New York.

125 Walnut Street,
Philadelphia.

June 16 To 1 Box Whis Key
rough xxxxx 46 Gulda 125

\$ 103 50

All over

250 1/2 12

App 186 Received Payment
A. E. Massman Bros
Philadelphia

0353

21.00
31.5-47

430

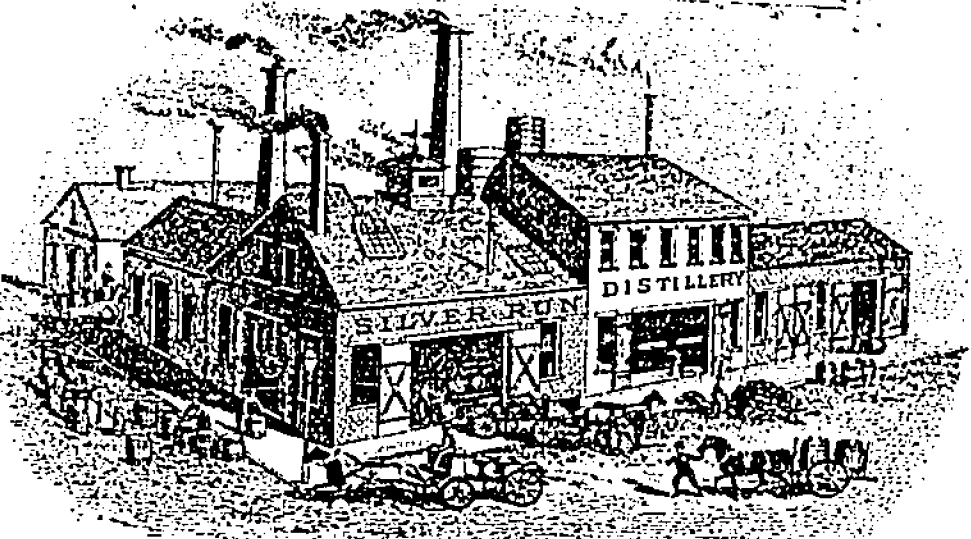
E-I

Q

V-Q

0354

SHIPMENTS MADE AT BUYERS RISK

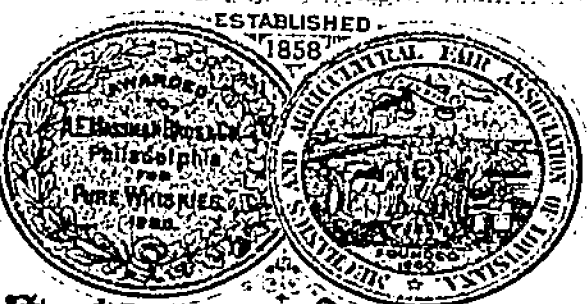


IMPORTERS OF WINES, BRANDIES, GINS, & C. & C.

All claims for errors must be made on receipt of Goods.
Salesmen not authorized to collect unless provided with power of Attorney.

Philadelphia Nov 2nd 1885
Mr James. Coby

New York



Bought
OF

A. C. Massman & Co.
Distillers
AND DEALERS IN
Fine Whiskies.

Terms Cash 30 Days
UNLESS SETTLED BY NOTE OR ACCEPTANCE.

NEW YORK OFFICE, 105 BROAD ST.
NEW YORK OFFICE, 7 WALL ST.

124 Walnut Street.

5 Gallons Scotch Whiskey	250	12 50	
1 Case Cherry Wine	750	7 50	\$20 00

May 7th
1886

Received Payment
A. C. Massman & Co.
L. K.

0355

A. H.

(E. H.)

0356

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 GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To

of No.

James M. Mann
145 Washington

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the

November

1889,

at the hour of 11 in the forenoon of the same day, as a witness

in a criminal action prosecuted by the People of the State of New York, against

James A. Graham

Dated at the City of New York, the first Monday of *November*
in the year of our Lord, 1889.

JOHN R. FELLOWS, *District Attorney.*

*Ask to see Mr. Hartman
at 11 o'clock A.M.*

0357

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 GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Cornelius Musley
of No. 332 Broome Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 18th day of November 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

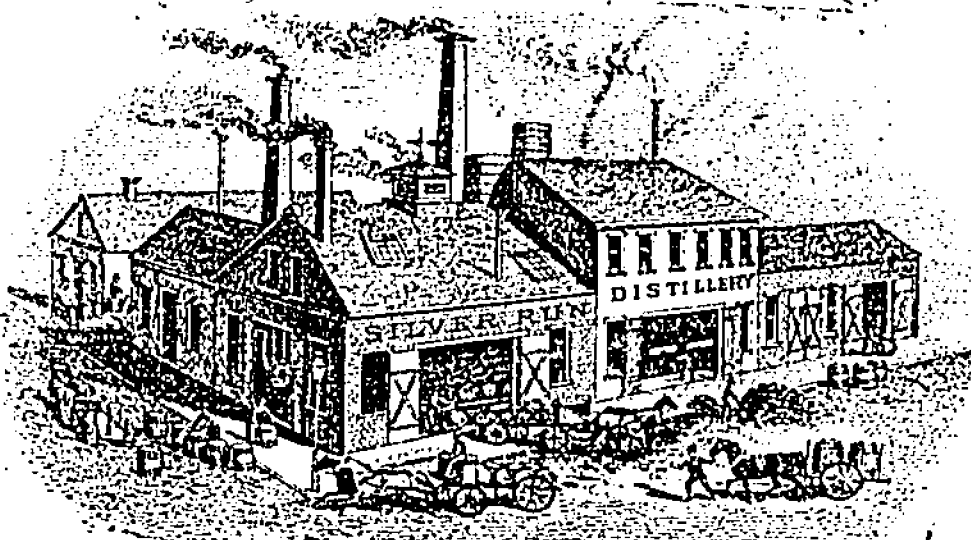
James H. Graham
Dated at the City of New York, the first Monday of November in the year of our Lord, 1889.

JOHN R. FELLOWS, District Attorney.

Ask to see Mr. Workman
11 o'clock A.M.

0358

SHIPMENTS MADE AT BUYERS RISK



IMPORTERS OF WINES, BRANDIES, GINS, & C. & C.
 All claims for errors must be made on receipt of Goods.
 Salesmen not authorized to collect unless provided with power of Attorney.

Philadelphia July 28th 1885

Mr James Coby
 New York



Bought
 of

A. C. Hassman & Co.
 Fine Whiskies.

DISTILLERS
 AND DEALERS IN

124 Walnut Street

Terms Cash 3 mos
 UNLESS SETTLED BY NOTE OR ACCEPTANCE.

NEW YORK OFFICE, 105 BROAD ST.

5 Barrels Trinch. G.W. Whiskey
 199 1/2 Gallons

Aug 18, the above whiskey is resold
 to Mr James Coby @ \$1.85 per Gal. in place
 of \$2.00 as above billed James H. Graham

\$398.32

for a Cash from J.H.G.

199 1/2
 1.85
 368.75
 29.57
 398.32

0359

Amount of bill \$ 398.35
Lef 15 per cent at 199 Sat 79.85
Balance - \$368.50
apl. 19/86 By Cash on Acc. L. K. Nakano
Balance due \$318.49

Apr 7/86 Received Balance
To Myself
J. H. Nakano

Attn: C

0360

A

Know all Men by these Presents,
 That James H. Graham, Edward Mc
 Elroy and Patrick N. Haulon of
 the City, County and State of New York are
 held and firmly bound unto Alfred E. Massman, Samuel E.
 Massman and Philip Massman, (composing the firm
 of A. E. Massman, Brothers and Company all of
 Philadelphia, State of Pennsylvania in the sum of
 Five thousand dollars (\$5000⁰⁰)
 dollars, lawful money of the United States of America, to be paid to the said
 A. E. Massman, Brothers and Company

their executors, administrators or assigns: For which payment
 well and truly to be made, we bind ourselves our heirs, executors
 and administrators, jointly and severally firmly by these presents.
 Sealed with our Seals Dated the Seventeenth day
 of September in the year one thousand eight hundred and eighty-three.

Whereas the above named James H. Graham, has
 been employed by the said A. E. Massman, Brothers
 and Company, for the purpose of selling such goods
 wares and merchandises as said A. E. Massman,
 Brothers and Company deal in and to collect debts
 due said firm.

Now the Condition of this obligation is such,
 that if the above bounden James H. Graham shall
 faithfully, honestly and in good faith discharge
 his duties in such employment, and shall
 also promptly account for, and pay over, with-
 out delay to the said firm, all monies, property
 and such other things which in the course
 of his employment may come into his poss-
 session or under his control, belonging to said
 firm, then this obligation shall be void and
 of no effect, otherwise to remain in full force,
 and virtue.

0361

In the presence of

Edward ^{his} McEllone
mark 1234-2 Mc



Michael McEllone

James H. Graham



Henry McEllone

Patrick A. Haulon



108,31 May

0362

State of New York,
City & County of New York } ss:

On this seventeenth day of September, in the year
one thousand eight hundred and eighty three, before me personally came
James H. Graham, Edward M. Elmore,
and Patrick H. Houlton,

to me known, and known to me to be the individuals described in, and who
executed the foregoing instrument, and they thereupon severally duly
acknowledged to me that they had executed the same.

Michael Mahon
Notary Public N.Y.
H. J. C.

0363

4A

James H. Graham

To.

A. E. Hassman,
Bro. & Co. Company

Bond.

Dated *1st March* 1883.

GH

Chumstick, *Refused*
Attys. at Law,
320 Broadway,
N. Y. City.

0364

STENOGRAPHER'S MINUTES.

Ind

District Police Court.

THE PEOPLE, &c. IN COMPLAINT OF

John H. Ratfen

James H. Graham

BEFORE HON.

J. Henry Ford

POLICE JUSTICE,

August 21st 1886

APPEARANCES:

For the People,

James W. Covert

For the Defence,

W. P. Hallor

August 21st 1886

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

A. E. Massman

1-2

2-9

9

James M. C. Manus

11-11

11-12

12

John H. Ratfen

13-16

16-44

M. J. Treacy

Official Stenographer.

0365

2

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

John H. Ratan
James H. Mahan

agst.

Examination had

before

August 21 188 *6*
Henry Ford Police Justice.

A. J. Cheney

Stenographer of the

2 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of

the original Stenographer's notes of the testimony of

James H. Mahan and John H. Ratan
as taken by me on the above examination before said Justice.

Dated

Aug 21 188

Henry Ford

Police Justice.

A. J. Cheney

Stenographer

0366

11

New York Aug 21st 1886

Second District Police Court
Hon J Henry Ford - Presiding.

John A. Ratjen } Grand Juror
vs. }
James H. Graham }

Appearances.

James H. Covert For Complainant
Jos P. Fallon " Defendant.

A. E. Massman being duly
sworn deposes and says that
he is 56 years of age, and
is a Wholesale Liquor
Merchant living at 124
Wall Street Pa.

Who make
up the firm of "Massman
and Co.?"

Alfred E. Daniel
E. and Philip Massman.
Your firm have a branch
in New York City?

Yes Sir. 105 Broad
St New York City.

Did
your firm employ the
Defendant Graham, and
in what capacity?

2

A The firm employed him with the other two gentle men there, for selling goods, and making ~~collections~~ collections.

Q When did the Defendant go into the firm?

A Some time in the month of August 1883.

Q And he continued in your employment, how long?

A Till a few weeks ago, I was told he was going to leave.

Q Who is the Managing Agent in New York City?

A John D. Ratjen

Cross Examination

Q Can you state about the time Mr Graham entered your employ?

A Some time in Aug 1883

Q Did you ever make a contract with him, or employ him yourself?

D

Q A I think so, personally.
Where did you make this
contract or employment?

A I cannot exactly tell,
partly here and partly in
Philadelphia; he was the
first man that came to
seek employment for him-
self.

Q That was in August
last or year ago?

A Earlier
than August.

Q Where was
the agreement consummated?

A In Philadelphia.
Before the consummation of
the agreement did you
see Mr. Katze?

A I saw him
many times.

Q In what
way was the agreement
consummated?

A I cannot tell.
The agreement was signed
by Mr. Katze.

Q On whose
behalf?

A I cannot tell.
Do you know whether it
is signed by anyone, but

14

Mr. Ratzen?

Q. positively. I do not know
in Philadelphia?

Q. The agreement
is in Philadelphia.

Q. Was there
any Bond or obligation?
There was a Bond
given by all three.

Q. Were
they all separate Papers?
All separate
papers.

Q. Where are those
Bonds?

In Philadelphia.

Q. Do they recite the employ-
ment of those people?

Q. I can
not tell without looking
at the Bond.

Q. Will you state
whether it was not under-
stood and agreed between
you and Mr. Graham, that
the what ever Collections
he (Graham) made, were
to be turned in by him
(Graham) to Mr. J. H. Ratzen,
and by him (Ratzen)

Transmitted to your firm?
 Q The collections Mr Graham made were to be turned into Mr Ratjen at our Office here 105 Broad St; that was the office of Ratjen and the others.

Q Mr Ratjen tell you, that Ratjen, Kulke and Graham were partners in the business here?

Q My agreement was with Mr Ratjen, and I know Mr Graham was employed by Mr Ratjen as we remitted certain sums of money every week, I know the amount of money we sent weekly was distributed among the three people, for their maintenance or their usual weekly business,

Q So that a conclusion in your mind that Mr Graham was employed by Mr Ratjen?

Q When Mr Graham came over he told me he was going in for the purpose of transacting our

6

Q business Have you started
all new?

A As near as I
know. That led you to
believe that Mr. Graham
was employed by Mr. Ration,
did he ever tell you he
was employed by Mr. Ration?

Q He did not tell you in
what capacity he was
going with Mr. Ration?
A He said he was
going with Mr. Ration to
sell goods.

Q You never
received any money directly
from Mr. Graham?

Q A Never.
Could you tell the names
of any customers to whom
the firm of Massman Bros
delivered through Ration, or
through either of the other
two, goods for which no
returning has been made?

Q A I cannot tell, I did
not get the books. Will your
books show the names of

0372

17

any persons who have
not paid for their goods?
A Yes Sir, the books are in
Philadelphia.

Q Have you an
abstract or any books
showing the names of any
persons to whom goods were
delivered and not paid for?

A Yes Sir.
Q Do any such Book or
such memorandum here
present now?

A I have obtained
from Mr. Ratzen the amounts
collected by Mr. Graham.

Q Do
there any such memorandum
or Books showing these
names?

A I believe that Mr.
Ratzen keeps a set of
Books at 105 Broad St,
where the transactions are
entered, there is a set of
Books at the office, I am
not familiar with them.

Q Do you know who
keeps the Books?

A Mr. Graham
told me he kept the
Books, about 3 or 4 weeks
4

0373

8
Q. ago he told me. He left
the concern on the 20th
of July?

Q. I do not know
if he left the concern 2 or
3 weeks ago, or if he left it
on the 20th of July, it is
more than 2 or 3 weeks
since you had that con-
-versation?

A. I cannot answer
that, I did not know
that he left in July, I
saw him at the Office
myself, he did not tell me
then, he was going to leave.
He told me he kept the
Books, the writing is in
his hand.

Q. You cannot be
mistaken about his telling
you he kept the Books?
A. unquestionably not, I
was talking to him about
the posting of the Books, there
was some posting omitted,
and I asked him why,
and he said, he would
post the Books as soon
as he had time.

8

0374

9

Q. Do you know Mr Graham
hand writing? I do.

A. Re-Direct.

Exhibit A, a Bond of \$5000.
a security for said sum,
for the faithful discharge,
and performance of the
duties, and services of James
H. Graham to the firm of
J. E. Massman Bros. and
Company. Philadelphia.

Q. And you
this paper, marked exhibit
A. Do you recognize this?
A. Yes Sir.

Sworn to before me
this 21st day of Aug 1886
J. Henry Ford

Police Justice

9
J. H. Ford
9

10

James H. Manns, being
 duly sworn, deposes and
 says, How old are you?

Q. 56 Years of age?

Q. What is your business?
 A. Liquor Merchant,
 I live at 145 Washington
 St.

Q. Were you in the habit
 of buying goods of the firm
 of H.C. Massman and Co?

Q. I bought one
 bill of 20 from them.

Q. When?
 A. On August 14th, 1885

Q. Through whom did you
 buy it?
 A. Mr. Graham, the
 Defendant.

Q. Do you remember the
 amount of the Bill?

Q. \$124.⁵⁵/₁₀₀

Q. Did you pay that Bill?
 A. Yes Sir.

Q. To whom?
 A. Mr. Graham,
 the Defendant.

Q. When did
 you make that payment?

0376

11

A. On the last day of the same year or the 31st of December 1885.

Q. Have you got the receipt with you?
A. It is pinned to the Comptroller.

(Receipt shown to the witness and marked Exhibit B.) That receipt was given me on Dec. 31st 85.

Cross Examination.

Q. You say this bill was paid on the last day of December?

A. Yes Sir.
Q. At your store?

A. In my store 145 Washington St. the corner of Cedar St.

Q. How was it paid?
A. In currency.
Q. Did anyone call on you for the payment of the bill again?

A. Yes Sir, a short time ago, about 7 or 3 weeks ago.

Q. Who called on you?
A. "

12

Q That gentleman there,
Henry Blauvelt.

A No one called
on you for the payment
of the Bill, between the
time you paid the
Bill and up to the
time Mr. Blauvelt?

A No one.

Q Re-Direct When was it
that Mr. Blauvelt called?

A About 3 weeks
ago.

Sworn to before me }
this 11th of Aug 1886 }
J. Kennedy

Police Justice

(12)

John D. Nathan being
 duly sworn deposes and
 says

Q How old are you?
 A 37 years of age.
 Q Where do you live?

A I am Agent
 and Collector at 105
 Broadway in this City.

Q Mr Nathan, you know
 the firm of A. E. Massman
 Bro. and Co.?
 A Yes Sir.

Q In what capacity are
 you employed there?

A Selling and
 collecting.

Q Do you have
 the general management
 of the New York branch?

A Yes Sir.
 Q For how long a time
 A About three

years. Q What are the
 duties of your position?

A Attend to the
 customers, deposit money
 collected by the others and
 any I collect myself

14

Q And look ^{after} things. Who
 are the other employees?
 A James B. Graham and
 Louis R. White. What are

Q their duties? What are
 A their duties? The same,

Q collecting and selling.
 A Do you

Q understand that your
 duties differ from theirs?
 A Not at all.

Q You spoke of being
 A general manager?
 A Mr. Massman looked

Q to me to see that all
 money was turned in,
 Mr. Graham did the
 Book-keeping. What were

Q the duties of the other
 collectors, so far as
 money collected by them
 was concerned?

Q They turned
 it over to me. Mr. Rafter

Q Do you know Mr. McManis?
 A I saw him once,
 or twice he was on the

14

(13)

Books as a Customer
 Q. Did the Defendant
 (Graham) ever account
 to you for the sum of
 \$474.78 as having
 been collected by him
 of Mr. McManus for goods
 sold to Mr. McManus

A. No Sir.
 Q. Since the 14th of August
 1885 has the Defendant
 Graham accounted to you
 for any moneys collected
 from Mr. McManus?

A. I believe not, I can tell
 when the books are here,
 Q. You are confident
 that the Bill Exhibit B has
 never been accounted for
 by the Defendant (Mr
 Graham)?

A. I am positive.
 Q. So far as the books show,
 at the New York Office,
 has this Bill been ever
 accounted for by Mr. Graham?

A. No Sir.
 Q. When did you first
 discover this Bill was
 not paid?

13

16

Q By Mr. Blumck
reporting in to the Office,
about 3 weeks ago. Have

Q You ascertained that
other sums of money
have been collected by
the Defendant Graham, from
New York City Customers
and not accounted for?
A Yes Sir.

Q Can you mention the
names of any of them?

Counsellor Talbot? I object.

Cross Examination.

Q What ever arrangements you
had entered into with the
~~Company~~ Company, they
were the same arrangements
of the others? A Yes Sir.

Q What was the contract,
or arrangement of their em-
ployment?

A To sell and
collect for them.

Q Were you
to receive any compensation?

Q. A. Yes Sir.
 A. What was it? We drew so much weekly.

Q. A. Was it a commission of a certain sum per week?

Q. A. A certain sum per week.

Q. A. No matter how much you sold?

Q. A. What was the sum and how much?

Q. A. It was \$140, the first year, the second year \$120, and the last year \$100, I divided with the other three equally.

Q. A. You had an agreement between yourselves?

Q. A. Yes Sir we had. That agreement was made at the same time that the agreement with the firm of A. E. Massman was made?

Q. A. I believe it was, yes Sir, Did you consider you were a partner with Mr. Mahan?

18

A I could not consider that, as Mr Massman objected to partners from the beginning, he said he would look to me.

Q What were the duties of the Clerk or ~~the~~ Clerk?

A Collecting and selling, you say Mr. Graham was book-keeper?

Q Yes Sir. When was the arrangement made that he was to do that?

A From the first start. Did you have anyone else in your employ there?

A We had a boy there.

Q What is the name of the boy?

A He had 2 or 3.

Q Give us the name of the last.

A G. Kueley.

Q Give us the name of the one before him?

A Andrew Janger, he lives in 9th St and Vernon Av, there is no number

Q How old is the boy?

A 15 years, about.
Q Does he live with his father and mother?

A Yes Sir, he is now away in Boston where

there. I will find out and give you the address in a day or two, I heard he was coming back,

Since the 1st of January last has not the boy kept the books for you and Mr Mahan?

A He has to some extent. Have you not made entries also?

A Yes Sir. Do you know has Luke made entries also?

A I think so. Has Mr Mahan made any entries since the 1st of Jan last?

A Yes Sir, he balanced the books on the 1st of Jan. Will you swear that he has made any entries since the 1st of Jan last? of your

20

own knowledge? I will not

Q. A Where are the Books?

Q. A I sent Mr. Knicker for them, he will be here in a little while.

Q. Did you tell Mr. Graham on or about the 1st of Jan, not to make any entries thereafter?

Q. A No Sir.
Did you at any time since the 1st of January?

Q. A No Sir.
Let me draw your attention to this McManis business; do you remember sending Mr. Graham the day before New Years, to the office of Mr. McManis, and telling him that there was a Bill due by Mr. McManis, and that you would like to collect that Bill to make a good year for the business?

Q. A No Sir, nor that I know of. I ask you if you saw anything like that?

(20)

Q. 1

A. Not that I recollect,
I will swear, that I did

Q. Will you swear, that
he did not go to Mr. Mc
Mannus and collect that
all or your instruction,
and pay in the money?

A. I cannot recollect
that I did, or that he did.

Q. Have you got the books
showing the sales, and
names of persons to whom
the goods were delivered,
that belonged to the firm
of Maszmann & Co? Now
turn to the account of
J. Ludwig, when did Mr
Ludwig settle?

A. It is not yet
settled.

Q. How much is he
indebted?

A. According to the
books \$33.44

Q. When did Mr
Ludwig make his last
payment?
A. July 9th 1886 -
One hundred dollars
(\$100.)

(Q. 1)

(22)

Q When was that entry of
A July 9th made? I do not

Q Know When was that
payment of July 9th made,
how long before July 9th?
A I collected it myself,
I cannot say how long
it was in a month before?
Q I think not Sir. Do you

remember sending Mr
Wright to Mr Ludwig to
collect the amount of
Mr Ludwig's Bill?

A I was
there with him 2 months
before that, I did not
send him there.

Q Did
you call on Mr Ludwig
on June 30th/86?
A I might,
I cannot swear.

Q Why
did you not enter it?
A It was entered.

Q Did you receive the money
on June the 30th?
A I cannot
say. I do not know.

(23)

Q You say you did not send Mr Graham to collect that, after you had received it?

A No Sir.
Q Do you remember Mr Graham calling on you after the 30th of June 186 and telling you he had called on Mr Manning, and Manning told him (Graham) he had paid you one hundred dollars?

A I think he did.
Q Did Mr Graham call your attention to the fact that there was no entry of that by you? I do not think he did.

Q If he did call your attention to it, and you said to him, you had used the money on the horse race, you did not say that to him?

A No Sir.
Q You cannot give us any better reason, than you have, why you did

0389

24

not enter the the payment
of the money when it was
paid, but entered it on the
19th of July?

Q. It was entered
on the Cash blotter, it is
entered here July 20th.
Why?

Q. A. I wanted to send in the
whole Bill and he owed a
little balance.

Q. Did you
make that entry, after
your attention was called
to the fact by Mr. Graham,
that it had not been entered?
A. He did not call
my attention to it.

Q. Did you deposit this money?

Q. Yes Sir
Have you got your
Bank Book here?

Q. I have
it in the Office. Will it
show that deposit?

Q. There
were different deposits—
I make my deposits in
the 4th Ward N. Bank

24

(25)

Q. In whose writing are the only 9th and 20th entries?

A. Mine.
Q. Are not all these entries in Genr hand writing?

A. Not all.
Q. Which ones are not in Genr hand writing?

A. There are many in Mr Klukes.

Q. Look under date of June 1886, in whose hand writing is that?

A. Mr Graham, there is one in June 1886
Q. Where is that?

A. Here that is his hand writing.

Q. Is that all?

A. So far as I know, so far as I see.

Q. You are not sure that one is his?

A. I think it is, since the 1st of January, look and see whose hand writing it is?

25-

(26)

Q There are some in Jan.
Who was all that
done by?

A Marshall and Mr
Rulke and the boy

Q Will you look to the
account of Mr. Haughy?

A Yes Sir.

Q Do that account settled on
the books?

A No Sir.

Q What does it show?

A Three (3) hundred
dollars owed there by him.

Q Will you give us the
credits that are in the
account?

A Yes Sir,
March 21st 1885 Cr \$45.00

August 4th " " 50.00

Sept 15th " " 100.00

Nov 12th " " 100.00

Jan 7th " " 100.00

Feb 6th " " 100.00

Mar 25th " " 100.00

June 7th " " 100.00

July 7th " " 100.00

Q In whose hand
writing are the entries
Mar 25th June 2nd and
July 2nd?

27

A Two of them are in the boys, I believe, It is not mine!

Q You are positive that March 25th is in Mr Graham's writing?

A I think so.
Q Is it not the same as June 2nd?

A I am sure it is Mr Graham's, I am not an expert in writing.

Q The boy that made the entry, "Jungers"?

A Yes Sir.
Q Look at the check now shown you and say whose indorsement is on it?
A It is not mine. (Check marked Whiber G.)

Q Are you positive of that?

A Yes Sir.
Q Will you look at this check mark "For deposit" in whose hand writing is that? (H D.)

A Mr Kueke's
Q Check marked G & L, in whose hand writing is that?

a I think that is Mr
Kueker, it is not mine.

Q. It is not Mr Graham's?

A. No Sir. Why is not
that check credited to Mr
Doughy on Jan 10th 1885 for
\$61.00?

A. It does not show
here.

Q. See if it is on the
Cash Book? Under date
of Sept 15th 1885 you have
a credit there to Mr Doughy
of (\$100.) one hundred dollars,
and the only returned check
Mr Doughy has got is for
fifty dollars (\$50.) which
I now show you. (48)

A. It is Mr Graham's
entry.

Q. Look at the account
of James Dennison of 45th St
and 1st av. how does his
account stand?

A. \$80.45 due.

Q. When does it appear the
last payment was made
by him?

A. June 26th / 86 - or 79.⁹⁰/₁₀₀
or paid seventy nine dollars
and ninety cents —————
78

Q. When was
A the last item sold him?
According to the
entry some 25th 1886 for
\$80.15⁰⁰

Q. Now I am 22nd / 1885 for
\$ $\frac{149.96}{1.100}$ €

Q. Did you receive the money as early as Jan; that is, credited there in June?

Q. When did Gen. receive it?
A. At the time it is
prescribed, or at the time
it was deposited. Q. L

Q. Who gave
it to you? Mr Graham, I
think.

Q. ^{money} Was it paid by
a check? I cannot recollect.

30

Q. Look and, tell me, in the book, or in whatever book you have in your hand—look under date of June 26th 1886—whose hand writing is that?

A. Mine.

Q. You say that was entered on the day you got the money?

A. I think it is, I think it was, I cannot recollect it back for sure.

Q. There were many payments made by Mr. Dennison, give us the payments.

A. Here they are.

Sept 19 th '83	Dr	\$ 85.55
Mar 2 nd '84	"	149.90
Jan 27 th '85	"	84.50
June 26 th '86	"	149.90

Q. Those are all credited?

A. Yes Sir.

Q. Look at the account of J. Dornally of H 1st Dr & 15th av, — How does his account stand?

30

31

A \$86.³⁸/₁₀₀ due. and we
just sold him another
Bill of goods.

Q. Will you
give us the items of Cash
payments by him?

A. Yes Sir,

June 6 th 1884	—	Dr \$.	58. ⁴³ / ₁₀₀
August 27 th 1885		"	" 100. "
Sept 29 th 1885		"	" 100. "
May 1 st 1886		"	" 50. "
June 28 th 1886		"	" 50. "

Q. In whose hand
writing are the last two
payments?

A. The boy's (Tringer, the boy's
hand writing,
think, the other I do not
know.

Q. In whose hand
writing is the last?

A. The
boy's, the other one, I am
not certain about.

Q. Did
you receive more than
fifty dollars on the 28th of
June 1886?

A. No Sir. I did
not, as I recollect.

32

Q Who made the entry in the blotter of June 17th 1886, or is it in the blotter?

A I did, on the cash blotter

Q The only recollection you have of receiving that is the Book?

A I remember now of getting the fifty dollar check.

Q Look now to the account of M. L. Kilconer & Co. corner of 2nd & 8th Sts. What is the last payment made?

A June 15th 1886 one hundred and fifty dollars. Was all that money paid to you at one time?

A No, Sir.

Q What was paid on that date?

A \$50.

Q To whom?

A To myself.

Q When was the balance paid to you?

A Previous, I do not know the date.

Q Was it 6 or 3 months before?

(33)

Q. A No Sir.
Was any portion paid
you three (3) months before
A. I believe not.

Q. Why did you not enter
the balance of that, at
the time it, or they were
paid?

A. I do not know
why. I had a little balance
difference in the bank
account at the time, and
I wanted to make it good,
and I wanted to deposit
the money and make
it right, and this was
held back. I notified Mr
Graham that I had the
hundred dollars; I do not
know who received the
first amount.

Q. When you
received the one hundred
dollars, why did you not
enter it on the book?

A. I will
look and see, — it is all
in the \$150. we held
it back and deposited
it afterwards to make
the bank account right.

(33)

34

Q. Is that the only explanation you can give?

A. Yes sir.

Q. How would holding it back make it right, why did you hold it back?

A. It was not held back, it was deposited.

Q. Do you mean to say that you deposited the money when you received it; why did you not enter on the Book when you received it?

A. I do not know why. I want your Bank Book?

A. I will bring it here.

Q. Will that appear in the Bank Book?

A. Yes sir.

Q. Do you know whether the money was in currency or check?

A. Always in checks. Do it not a fact that you spent that money, and that is the reason it was not entered?

35

A No. nothing of the
Kind. Look at the

account of James Tobey
of 40th St. New York

How does his account
stand?

A He is settled in
full. — No, he owes a
balance of \$210.

Q Did
you sign a receipt in
full for that account?

A Yes Sir, I received
\$340, and gave him a
receipt for that.

Q Did you
receive the money for
it?

A Yes Sir

Q Did you say when
I asked you about that
account, that it was
settled?

A Yes Sir, according
to his Books it was, I
did not mark it settled
on the Books.

Q There is
a balance due of \$212.⁶²/₁₀₀

A Yes Sir.

(35)

36

Q When was it that you
got the last money and
in whose hand writing is
it?

A In Jagers's. Who was
it paid to? To one or
both of us.

Q Was there any
merchandise sold to Mr
Cobey after the receipt of
the \$300?

A I believe not,
no, there is no account
of it on the Book.

Q When
did you hear that the
account was settled,
when did you hear that
Mr Graham collected some
money from Mr Cobey,
when did you hear that?

A The time that I

(36)

34

Q. Collected the first Bill.
 You heard that Mr.
 Mahan had received
 some money?

A. Yes (Maham)
 said it was not so.

Q. Did you mark the Bill
 in full?

A. I do not think
 I gave it to him in
 full, I received for what
 money I got.

Q. I understand
 you to say that there is
 no doubt you received
 the \$340. that day?

A. Yes Sir, May 8th
 1886, I received the money.

Q. Do you know a man
 who lives in Brooklyn
 by the name of "Dippi"?

A. Yes Sir, he does
 not owe anything, It
 is reported in Philadelphia
 that it is settled

0403

38

Q Is it settled, look at
the account?

A There is
a balance of \$84.⁸³/₁₀₀
Did you not report
that account as lost
and not good?

Yes Sir.

Q Did you not receive
the balance yourself?

No Sir.

Q Where does Mr. Dippi
do business?

A I heard he
was back again, I
saw him two weeks
ago.

Q Where is his place
of business?

A He has none,
he was in the liquor
business at 37 Thompson
Av., Brooklyn.

Q Do you
know where he lives?

(38)

30p

Q He lives there, I do not know whether he is engaged in another business. I know him two or three years.

A No longer than that? That is all.

Look at Dippie's account and see when the last payment was made?

A Dec 27th 1885. \$125. That left a balance of 84 dollars odd that is all that was paid, I collected the money.

And all the payments that were made by this man were made to you?

A Yes Sir.

Look at Anger Men-
Hans account?

A His account is paid, —

B H O

Q Mr. Manikam's
account is settled on this
Book

A When was the last
bill of goods paid and
delivered to him?

A April 28th 1885 - \$65.

The payment was made
July 18th 1885 - \$ 87⁴/₁₀₀

Was that \$4 dollars paid
on the day you entered
it.

A I think it was, Mr
Rueke collected it.

Q Did he
not hand it to you
long before you entered
it?

A No, he ^{did} not.

Q And afterwards find
fault with you for not
entering it?

A No. I Manikam's
Look at
account?

(H.I.)

Q He lives at Bergen
River N.J.

Q How does his
account stand?

Q He owes
a balance of \$48.

Q What
was the last payment
made by him?

Q December 16th 1886 —
Was that the day the
money was paid?

Q I believe so \$45.

Q Who collected it?

Q I did not — it was
turned in, nothing has
been paid since.

Q Did
Mr. Clarke report a pay-
ment made by him
since that time?

Q Not that
I can recollect.

Q Did
he not find fewer
41

0407

+ 2

with you, for not cred-
-iting him for money
he had given you?

A. No.

Will you turn to the
account of E. McQuinn,
how does his account
stand?

Q. He owes thirteen
(13) or fourteen (14) hundred
dollars. (\$1300. or 1400)

Q. Will
all the payments made
by him, on the book?

A. Yes Sir.

Q. Will you give me the
amount of each payment.

Aug 1884	on the 18 th	\$ 69. ⁴⁹ / ₁₀₀
Decr	" " " 29 "	" 200.00
Nov	" " " 19 "	" 149. ⁴⁴ / ₁₀₀
Jan 1885	" " " 29 "	" 219. ⁶⁹ / ₁₀₀
April	" " " 22 "	" 300.
May	" " " 23 "	" 140. ⁶⁴ / ₁₀₀
Aug	" " " 1 st	" 100.
Aug	" " " 25 th	" 350.

0408

143

Jan 1885 on the 24th \$ 322.²⁵/₁₀₀
 Oct " " " 31st " 350.

(Why did you enter the date there?)

A. I think it was the Boy, or Mr Maham made the mistake in the date — it is not mine)

Jan 1886 — on the 2nd \$ 406.⁰⁹/₁₀₀
 Jan " " " 30th " 125.¹⁰/₁₀₀
 Feb " " " 24th " 253.⁶³/₁₀₀
 April " " " 27th " 500.
 June " " " 1st " 1167.⁰⁴/₁₀₀
 July " " " 2nd " 399.⁴⁴/₁₀₀

Q. These are all the payments made by Mr McQuinn?

A. Yes Sir.

Q. Look in the firm of "Giese and Rippin", how is their account?

A. They owe two bills, all the money that was received from that concern, was

0409

114

Deposited in Mr. Massman's
Account, all was deposited
in his name in the 4th
Ward Bank

Q. Let me ask
you, when you would
receive a check to the
order of "Massman & Co",
did you enter the name
on the back?

A. Yes Sir, and I
deposited it.

Sworn to before me
this 21st day of Aug 1886
J. Henry Ford

Police Justice.

Adjourned to Aug 25th /86
at 9.30 A.M.

(44)

0410

Ind District Police Court.

John H. Catron

vs.
James H. Graham

STENOGRAPHER'S TRANSCRIPT.

August 21st 1886

BEFORE HON.

J. Henry Ford

Police Justice.

M. J. Heary

Official Stenographer.

0411

STENOGRAPHER'S MINUTES.

Second District Police Court.

THE PEOPLE vs. IN COMPLAINT OF
John H. Raper
James H. Mahan
W. L. McCarty

BEFORE HON.
J. Henry Ford
 POLICE JUSTICE,
Aug 25-6 7 188*6*

APPEARANCES:

{ For the People, *J. H. Covert*
 { For the Defence, *J. H. Fallon*
Aug 27 188*6*

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>J. H. Raper</i>	<i>1</i>	<i>21</i>	<i>78-105</i>	<i>78 82</i>
<i>Mahan</i>			<i>47, 8</i>	
<i>Louis Mueke</i>	<i>49</i>	<i>53</i>		
<i>H. Deubert</i>	<i>83,</i>	<i>85, 86</i>		
<i>Mahan</i>	<i>87</i>	<i>96</i>	<i>102</i>	<i>102 105</i>
<i>Motion to Dismiss</i>	<i>107</i>			

M. J. Cherry
 Official Stenographer.

0412

2

DISTRICT POLICE COURT.

THE PEOPLE,

COMPLAINT OF

Rathen
agst. *William*

Examination had

Before

Aug 35th - 6 - 7th 1886
Hon. J. Henry Ford Police Justice.

H. J. Cheney Stenographer of the *2* District Police
Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of *Rathen and*
all herein
as taken by me on the above examination before said Justice.

Dated

Aug 24th 1886

G. W. Ford

Police Justice.

H. J. Cheney
Stenographer.

7

Examination of John H
Katz continued. P. 25/86

When you indorsed the
firm name "Messrs
"Brose & Co" for what purpose
did you indorse it?

For

cash.

Q. Was that the only
authority you had?

A. Yes Sir.

Q. Did you ever indorse
any checks of the firm
and receive money on
them?

A. I may have
exchanged them; not
that I recollect, but I may.

Q. Do you remember such
a check of "Brose & Co",
and your obtaining
money on it, on such
indorsement?

A. Not that I rem-
ember.

7

0414

(2)

Q Turn to the account of
Deben, Page 40 in
the Ledger.

A Here it is, that
is \$110. paid

Q You say the
paid altogether?

A Yes Sir.

Q Look at the Bill No 5
Dey 1885, in whose hand
writing is that Bill?

A I do not know,
it is from the Philadelphia
House.

Q Do you know
in whose hand writing
it is?

A Mr. McKee - I think
you have no doubt
about it.

Q No Sir (Y F)
Look at this Bill
marked Dey 28th 1885
for \$ 398.³²/₁₀₀

A Yes Sir.

3

That is your receipt
on the bill?

Yes Sir.

April 1st 1886 Received balance
of W. E. H. H. H. H. & Co,
of "Nation", do there any
entry of them on April 1st 1886
No.

Of the whole amount
of \$318.75 paid for our
entry, one of the receipts
of \$30. on March 1st 1886
is that this bill?

Yes Sir.

Do you remember how
much the balance was?

No doubt I got the
balance \$318.75 (of 5)

Look at the bill, now
show me, and say
in whose handwriting
the receipt to that bill
is?

That is mine,
this is for \$103.75.

0416

H

Q. Can you receive the
amount of that bill?
A. I did so, even on an
allowance of 25¢ a
gallon of.

Q. Do you
say that the bill for
200, 400 & 500 is included
in that?

A. I am not sure, I
don't know if there is a difference,
he may have made
an error or I may
have.

Q. The amount of
this bill is for 5 barrels
of "A. L. S." whiskey \$ 199.¹⁶/₁₀₀
or \$ 2. a gallon \$ 398.³²/₁₀₀
now there is the amount
of the bill less 10 per cent
making \$ 398.³²/₁₀₀ leaving
a balance - is that
right - by cash or
account to Mr. Mahan
\$ 50?

H

0417

(5)

Q I remember right,
Mr. Cobey was settled,
do you, in this Bill?

A No Sir, I never
saw Cobey for \$50.
The balance is not
credited to Mr. Cobey on
this Bill.

Q No Sir,

and you never made
any return?

A I never made
any collection.

Q Did you
receive \$50⁰⁰ and \$103⁰⁰
less 25⁰⁰ of balance?

A No Sir.

Q What is the balance due
not accounted for?

\$212⁶²/₁₀₀

Q Is there anything due
the firm by Mr. Cobey?

A According to the
books there is, but I
expect not.

0418

Look' on the account
of Mr. Dammson, there is
a credit there for \$15.⁰⁰
When was the last
credit?

June 26th 1886
Before that?

June 21st 1885
Look' on this check for
\$15. dated 26th 1885

I have
no account of that
check in the Book.
I'm to Mr. & Rice's
account, look' on the
check now shown you
for \$100. Nov 10th 1885 on
the 5th National Bank,
and say whose indorse-
ment is it?

It looks
like mine, it is not
credited on any of the
Books at all.

6

H

Q. Look, June 13th what
 year is that?
 1886.

Q. You received \$50, and
 gave him credit for
 \$150.

Q. I owed him that
 was it not because
 your attention was
 called to the fact that
 it was not interest, or
 why did you not enter
 it?

A. Because I had a
 difference in the Bank
 account.

Q. Would it
 help the Bank account
 to overdraw it?

A. I deposited
 it, but did not give
 him credit for it, I
 wanted to have more
 money in Bank.

H

8

Q. It would not keep
it out of the Bank by
keeping it out of these
books?

A. No.

Q. That is not good reason
then?

A. No, the Bank
account was overdrawn.

Did you not state that
you used the money for
your own purposes?

A. No, I told him I
used it for that purpose
you did not tell him,
you used it for your
own private purposes?

A. I did not.

Q. Have you a Bank
account of your own?

A. I have a little Bank
account, a savings Bank
account, in Long Island.
Have you got your

8

0421

Q

Q Bank Book? Yes Sir, the

two of them.

Q Look in
your Bank Book, and
see if the check Exhibit
C, is entered, is there
any deposit of a check
on or about the 10th, do
you find anywhere on
the 10th of January, is
entered for the amount
of \$61.

A The Bank Book
will not show individ-
ual amounts, or
specific amounts.

Q As there
any deposit on the
10th of January 1885?

A No Sir.

Q There are no deposits
between the 3^d and
the 15th of January 1885?

Q

10

Q. Yes, plenty, 5th - 6th
~~17th~~ 14th 15th

Q. All that \$61. would
 not be deposited alone?
 A. No, if I had
 no other.

Q. If you put it
 on the 40th why did
 you not deposit it on
 that date?

A. It is very
 likely deposited on the
 12th with other money.

Q. Will you swear it
 is just that money?
 A. I cannot swear.

Q. Why did you
 not give credit for it?
 A. I do not know.

Q. At whose solicitation
 or request did you
 make the affidavit,
 on which the Defendant
 was arrested?

10

11

Q. In the request of
 W. E. Merzmann and
 Capt Co, principally
 Daniel & Merzmann.
 (P.) You know where the
 Defendant does business
 now?

A. Yes Sir.
 Where is it?

Q. Circumstances which
 admit three years ago
 in New York City.
 Did you go to his
 place of business after
 he left your Office?
 A. Yes Sir, at different
 times.

Q. How many times?
 A. Two or three times.
 Do you remember the
 dates?

Q. No.
 Do you remember how
 long after he left your
 Office?

12

Q The next day, I think.

A That was the first time you called, how long after that?

Q I cannot say, — two or three days between it.

Q Did you go there after that?

A I may have, once, I have been there three times.

Q Who was with you on the first time?

A Myself.

Q Who was on the second time?

A I think he was there every time with me.

Q If you were there again, he was with you also?

(13)

Q. I think he was not there once, but he came in shortly after, he was there pretty much all the time.

When you first called on him after he left your office, was it not for the purpose of getting him back in business with you?

A. Not with me, with Mr. Rucke.

And the second time you called for the same purpose and object

A. Very likely it was, at each time that you called did you tell him you had left, and there need be no trouble now as ~~you~~ ^{you} had made all the accounts good or right in the Books?

(14)

Q I did not tell him that.

Q Did you tell him on any of those occasions or interviews that you would make any of the accounts on the books good?

A Probably I did, if there were any to be made good.

Q Were any of those whose accounts were not right on the books referred to by you?

A I think not. Are you positive that there were none?

Q I do not think there were.

Q Can you answer it or not?

A I cannot recollect

Q W. Ora McKee, in

(13)

your presence request
the Defendant to go
back in the business,
and state that you
had gone over and
there would be no
trouble hereafter?

(a) I believe
so, I cannot recollect
the words.

Q Did you
or Mr Kuke, state, among
other accounts, that you
would make right, that
you would make the
account of McMannus,
or had made it, right?

(a) No.
Q Did you then, in
presence of Mr Kuke
and the Defendant
state that you had
collected the money
from A, knowing and
had failed to make

0428

(14)

Q. A return of it, but
that you would make
the account good?

A. Nor that I can
recollect?

Q. At that time
had you given credit
to Mr. Manning for the
last item on the acco-
unt?

A. About that time
I gave him credit, I
do not know the day.

Q. Was it before that time?

A. That is all I can
say about it.

Q. It is not a
long time ago?

A. No, it was
after Mr. Graham left the
office, on the 20th of July
1886, about a month ago
And you cannot
remember it?

A. I cannot

14

Q Did you vote to the Defendant in presence of Mr Kneke that you were short in the collections to the amount of twelve (12) hundred dollars and that you had borrowed that amount?

A No Sir.

Q And did you not name the accounts you were short; Kelcey, Haughey, and McManus, among others, and say that you were about to leave the firm and request the Defendant to return and do business with Mr Kneke or something like that?

A No.

Q Did you name any of those I have just mentioned?

A No.

14

Q. And admit that you were short on their accounts?

A. I do not think I did.

Q. At any time you were in the Defendants store, was the Defendants partner, Mr. Onberr there?

A. He was.

Q. How many times?

A. Most of the time I was there, I saw him.

Q. Did he take part in any of the conversation at the time?

A. Only in reference to him going to work again.

Q. He took part in some of the conversation that you had with Mr. Mahan?

A. Yes Sir.
Q. Which was when you requested the Defendants

19

Q To go to work again?

A Yes Sir.

Q When did you employ Mr Blauke?

A I did not employ him.

Q He is at the Broad St Office?

A Yes Sir. I do not know when he went there - about the time Mr Graham left.

Q Was he (Blauke) there when you were at the Defendants place at 106 1/2

Q And 2nd or 3rd or I guess he was, after I notified the firm he would not come back, we sent for Mr Blauke.

Q After Mr Blauke was in the Broad St Office, you had several conversations with the

(20)

Defendants or his
stone?

Q. About the time that
he came there.

A. Did you
or any of those interviews
with the Defendants, in
presence of Mr. Burke,
or anyone else, ask Mr.
Wahman to come back
and examine the Books
for himself?

Q. No, I do not
think I did, I asked
him to go to work.

A. You
never said to him, that
he could come to the
Office and examine the
Books and satisfy him-
self that the Books were
all right?

Q. No, he knew
all about the Books.

20

21

Q Will you tell me when and how long that Day was employed?
 A I cannot remember, likely two years about, when did he begin to make entries in the Book?

Q At different times, near Jan 1886
 He made most of the entries from that on?
 A Principally.
Re-Direct

Q Mr Raton, I understood you to say the other day that among the Defendant's other duties in the New York Branch Office, was that of Book Keeper?

Q Yes Sir.
 As Book Keeper, the Defendant, of course, had access to the

0434

h r

Books of the New-York
Office & (See Dir)

Please state what the
regulation and custom
was, so far as concerned
the entry of those Collect-
ions on the Books of
the New York Office?

(Counsellor Hallen, I object on
the ground of incompetency
objection overruled)

(And exception taken)
They all had to be
entered in the Cash
Blotter.

By whom were the
entries made?

By whoever
collected.

What then was
your individual practice
as to entries, did you
make an entry of your
name opposite the
h r

23

particular account where
the account had been
turned in by each of
your associates?

Q. Yes Sir.

Q. Did the Defendant
(Braham) ever complain
to you that the collection
from McManus was not
entered on the Book?

A. No.

Q. Mr. Rajen I want to call
your attention to a question
asked you the other day,
the question is Will you
swear that the Defendant
did not go to Mr McManus
and collect that Bill, the
answer is that I can-
not recall. Now will
you swear positively and
definitely that, that money
was not paid to you?

A. It was not.

23

24

Q. Referring to Enawig's account, do I understand you to say that you made collection personally from him and how much?

A. \$100, one hundred dollars.

Q. Within what time after the collection, was that amount entered in the Book?

A. Within a month, to the best of ^{my} recollection.

Q. Was there any amount due by Mr Enawig?

A. Yes Sir, a little balance.

Q. When collections were made, in how many Books were entries made?

A. Generally in this Cash Book and then Mr Mahan was supposed to carry it to the

25

Other Books.

Q.

Why was
not the entry of this
Linnæus Collection
promptly made?

He was
going to pay me the
balance and I had to
it back to report the
whole bill at once,

Q.

And the account of Mr
Haughey, did you make
any collection of him
personally?

A. I believe not.

Q.

Try to remember, and
be as definite and certain
in your testimony as you
can?

A.

No. I am sure I
did not.

Q.

Now Mr. Nathan
your attention was called
to the Check for \$61. the
same purporting to have

26

been received from Mr
Harghey, and the question
was asked if there was
a specific entry in the
Bank Book showing that
deposit, and the answer
is "generally the amounts
of individuals appear in
the Bank deposits"

Q. No. They did not.
Did you make any
collection of Mr. Donison,
personally?

A. No.
Q. Can you remember who
did?

A. The Defendant,
Mr. Graham.

Q. Did you make
personally any collections
from P. Donnelly?

A. No. Mr. Graham

and Mr. Rogers, I now
ask you generally

(24)

Whether you have entered
on the Books of the
Branch Office in New
York, of the firm of
Massman, Robinson & Co.
all money received by
you from any source
on the account of James
Kilcoyne.

A Yes Sir.

Q Where was the receipt of
Cobey's account given?

A In Cobey's house
at his store.

Q Did you at the
time have the Books
of the concern with you
so you could refer to
the account?

A No Sir.

Q Was the receipt given
Cobey, as given on his
statement, that it was
in full, of what he
owed the firm of

Mr. J. M. Bird and Co.?
(Question not pressed)

Q. Was the balance due according to the face of the account \$3,844 1/2?

A. Yes Sir.

Q. Was this amount entered by you on the Books?

A. Yes Sir.

Q. When?

A. May 8th 1886

Q. Do you remember whether this payment was made on May 4th or April 1886?

A. I cannot recollect, I think there must be a mistake in the month.

Q. In your answer to the question asked you on your Cross Examination, as to whether these amounts particularly the Kilcoyne

49

Account money appear
on the Bank Book, your
answer being "Yes", What
do you mean?

Whatever
money I received I deposit-
ed.

What did you mean
when you said that the
McCoyne account would
appear?

I meant that it
would appear in gross,
with other deposits.

Personally, did
you make any collection
from L. & M. Menham?

I did. I believe
were such collec-
tions entered?

Yes Sir.

I understood you to say
that all the payments made
by E. M. Moore were entered

(30)

Q On the Book?
A Yes Sir.

Q And in the time such
collections were made?

A Yes Sir.

Q Have you any explanation
to make about this account?

A Yes, Mr McGuire
gave me a check for \$
500, and he brought me
~~me~~ a check and told me
to give him credit for
\$300, and O'Connor for \$200.

Q What entry, if any,
was made on the cash
book at the time?

A McGuire \$300,

and O'Connor or Connell
April 27/85 — \$200.

Q Have you any explanation
to make in regard to
"Guier and Dippi"?

A I cannot
recollect anything about
it, it seems to be paid

31

with the exception of what
we got lately.

Q.

You say Mr
Ratzen that you received
of Mr. Cobey the sum of \$
103⁵⁰/₁₀₀ less \$11³⁰/₁₀₀ discount,

A.

Yes Sir.

Q.

You say the balance is
not credited in the Book's,
explain that.

A.

That one bill
is not charged in this
Book as it was delivered
to some one else's account
and we gave the other
man credit.

Q.

Has the
balance been accounted
for to the firm of "Massman
Bro and Co"?

A.

No.

Q.

Where is the balance
I do not know.

Q.

Who collected the balance
Mr. Graham

A.

(32)

Q. He never paid it in to you?

A. No. Did Graham, the Defendant ever report to you to the collection of the balance of the Bobey account?

Q. No. The account of Mr. Dennison is the \$45. credited him?

A. I did not receive it.

Q. I understood you to have testified that you received \$45. of Dennison (ex 4 A.)

I ask you now, in connection with the reported payment of that \$45. What explanation have you to give?

A. I cannot account for it. It ought to be on the cash blotter, entered

33

by Graham or whoever
collected it.

Q The entry ought
to be made by the person
who collected the balance?
A Yes Sir.

Q Did you collect that
\$145?

A No.
Q Who collected the \$100,
on the Alcoyne account
Nov 10th 1885?

A Mr Graham.
Q Was it his duty to have
entered that on the Book?
A Yes Sir, he did
not do so.

Q Mr Ratjen, at the time
you visited the Defendant
at his place, he had left
your Office; and you
had a conversation with
him, did you know
anything about the defalcation?

No 33

(34)

Q. You stated on cross examination that you probably told him, you would make your accounts right; in what connection was that?

A. I told Graham that the check was held back and I would make it good, as he was going collecting from that man.

Q. Did your conversation at the Defendant's place of business, a day or two, or within a few days after you left have reference solely to the Kilcoyne account?

A. Yes Sir, I did not speak of anyone else. On what connection did Mr. Kuehn^{say} to Graham that everything would be all right if he came back?

35-

Q. I do not think he made that remark. You said on cross examination, that every thing would be made right, if he would come back, is that what you meant in your testimony?

A. Nothing more.

Q. Do you remember, in any of these interviews, at the Defendants place of business, of your mentioning the collection of or from Ludwig?

A. He told me, about that time, he had been to Ludwig, and Ludwig said he had paid one hundred dollars \$100.

Q. Did you account to "Massman & Co" for all the money you received?
Yes Sir.

(35)

Re-Cross

Q. You say it was the duty of Mr Mahan to enter this \$100. check of Kilcoynes?

A. Yes Sir.

Q. Did you receive the check?

A. Yes Sir.

Q. There is no doubt of it?

A. No.

Q. Did you not also get the check of Aug 26th /95 for \$45.2

A. I may have.

Q. You also received the check of Houghney's for \$61.?

A. Yes Sir.

Q. You also received the check of Linnwig's for \$100.

Yes Sir

(36)

36

3 & 7

Q And you did not put that on the Book at the time it was collected?

A It is on the Book.

Q And you say the only reason, is, that you were waiting the payment of the balance?

Yes Sir.

Q Do you remember any other occasion when you waited for the balance of an account, before you entered it.

A There may be special ones, I do not remember.

Q Will you show me in your Bank Book the deposit of that check of Kilcaynes?

A I cannot the deposits are all together.

3 &

34

(348)

Q. You said your Bank Book would show the deposit of this Kilcayne Check? Now is there any entry on your Bank Book to show the deposit of Kilcayne's Check No.

A. You also say in answer to your Counsel, that the individual amounts do not show or appear, in the deposits, do you mean to say there are not deposits of a single check?

A. There may be.

Q. What do you mean by saying the individual amounts do not appear, you do not mean to say that there are no such individual checks deposited?

A. There might be

(38)

Q. Our deposit of one check
 You saw ^{you also} the balance
 of those bills were rece-
 ived by Mr Graham

A. The collections were
 collected by him, and
 it so appears on the
 receipt.

Q. I understood you
 to say that the receipt
 showed the settlement of
 Mr Cobey's balance?

A. On that Bill,
 Yes sir, he gave me
 the balance saying,
 "that is what I owe."

Q. Did you not testify that
 the receipt of that balance
 settled the Cobey account?

A. I did, but I found
 out afterwards that
 there was a previous
 Bill

Q. You have also
 found out that you

(39 40

received more than
you entered on the
Book?

Q On that one bill,
and other bills of his,
for instance, you found
a Bill of \$50.

A It is included
in that, I have shown
already that it is.
Do there any entry of the
reception of that \$50,
on your books?

A No Sir.
Do there any other
account of a Customer
where you took Mr. Wood
that the account was
settled in full, and
accepted his Bill?

A No. I gave him
a receipt according
to the Bill he gave
me.

(39 40

0453

HQ1

Q. Do you mean this Bill?

A. Yes Sir, that is all in Mr Graham's hand writing.

Q. All those things show on your Books? & does not that \$50. appear on the Books?

A. April 7th it does appear.

Q. You say that \$50. is credited by cash on account - there is Feb cash \$50?

A. Yes Sir.

Q. Now there is also Jan 9/86 \$50, and that cash item was on the Bill and you receipted it;

A. Did you not say Mr Graham receipted for it?

Q. Yes Sir.
HQ1

0454

(H1)

Q.

Do your memory not
at Lamer, in reference
to the McGuire Check, or
your explanation in
regard to the McGuire
account where you
say that, Graham told
you he had credited
McGuire with \$300, and
O'Connor with
\$200?

A. I knew it all the
time.

Q.

Why did you not
state that?

A. We did not get
through.

Q.

You do not reme-
mber what occurred
at Graham's store a
month ago, yet you
pretend to remember
what occurred a year
ago last April 1895?

++ H2

H 43

Q I remember that
distinctly.

Q

And you can
give no explanation of
this check of \$115, which
has not been entered on
the Book and yet you
remember a contribution
in 1845?

Q

Q

I cannot explain
it further than I have.
You have attempted to
explain something in
reference to Mr Cobey's
Bill?

Q

I believe the barrel
of Whiskey to Mr Cobey
was delivered to someone
else, but we gave the
man credit who was
originally charged with
it, when Mr Cobey paid
for it, this is my ex-
planation of it.

H 42

43

X 3

Q It should be charged
to Cobey?

A He should be
charged with it.

Q. A Cobey
received one barrel of
whiskey more than he
is credited with, his
account should be
more than appears on
the Book?

A It ought to be,
Yes Sir.

Q. Do I understand
you to say that you
never made any entry
or return to the firm of
Massman & Co, of this
Cobey account?

A I never returned
it as a non-collected
account.

Q You were asked
to return the collected
accounts?

0457

HH

Q No Sir.

Q Did you send on the collector, accounts?

A I knew they were sent on.

Q Did you see this account before it went on?

A I saw it in the Copy Book afterwards, the next day.

Q Did you find any fault with, or correct it in any way?

A No. I read it off the Copy Book.

Q I understood you to say that since about the 1st of January last there are scarcely any entries in the Book made by the Defendant?

A No.
Before the 1st of January were not entries made.

HH

H 3

for each of you. Three
 Graham, Kneke and your-
 self by the Bay "Impor", of
 the money each of you
 three received?

There may be
 a few. Mr Graham had
 the supervision of the
 Books.

Q Did you not enter
 on the Books?

A I may have done
 it.

Q Did Mr Kneke also?
 A I do not think he did
 Re-Direct.

Q Mr Nathan who collected the
 Cobey \$20. Check?

A It was collected while
 I was with him

Q Was Mr Kneke present,
 when the conversation
 between you and Graham
 as to the McGuire Check
 being a part of the —

0459

H & 7

Q Cannot account,
took place

Q Yes Sir.
In all these transactions
did you not rely on
the defendant, Brigham,
he being the Bookkeeper?

Q Yes Sir
Sworn to before
me this 25th day of Aug 1886 }
J. H. Ford Police Justice

Q My Massman recalled
were the amounts in
question paid by Mr.
Mann, ever received
by the Home Office?
A They have never been
received.

Q Since this complaint
- has been made
have ^{you} examined the Book,
with special reference to
this account?

H & 7

0460

478

A. & A. a few days ago.
Here is the McMillan
account

Dr. Ledger Page 318

Oct 10th 1883 \$48.93

Jan 2 1884 balance 48.93

April 14 1884 Merchandise 16.60

Jan 2 1885 to balance 195.53

" " 1885 to " 116.60

Aug 14 1885 124.15

Total 244.15

Jan 2nd 1886 bal. 124.55

Dr.

Dec 31/83 by balance \$48.93

Jan 2/84 " cash 48.93

Dec 31/84 balance 116.60

Total 195.13

Aug 11/85 by cash 116.60

Dec 30/85 Balance 124.55

Adjourned to Aug 26th
at 9 A.M.

478

H89

Aug 26th 9 A.M.
 Examination Continued.
 Louis R. R. being duly
 sworn deposes and says
 that he is 38 years of age,
 lives at 1096 Bedford Av-
 Brooklyn, and is a sales-
 man by occupation.

Q. You are employed by the
 firm of Massman Bros. & Co.
 of New York City?
 A. Yes Sir.

Q. In what capacity?
 A. Selling and collecting.
 Q. Will you state briefly
 what the rules and cus-
 -toms of your firm are
 as to the entries of any
 and all collections made
 A. When I collect anything
 I return it into the office
 and put my name
 on the blotter, put
 my name after the
 account.

H89

0462

X 9.50

Q. All the collectors are obliged to do that?

A. Yes Sir.

Q. What, if anything does Mr. Kahan do when the collections are turned into him, so far as the books are concerned?

A. He signs his name opposite the entry.

Q. You are acquainted with the Defendant?

A. Yes Sir.

Q. What was he employed at?

A. Collector and Salesman.

Q. Did you have any conversation with the Defendant after he left Massman Bros? He in regard to collection that he had made?

A. Yes Sir.
Counselor Fallon, I object, unless
57 49

871

Q. it refers to this matter
Was there any talk or
conversation between you
and Graham about the
McMannus Bill?

A. No

Q. Was there a general
conversation as to collect-
ions that he had made?

A. There was.

Q. Was there a conversation
about collections he had
made and not returned,
Counsellor Allen, & object (objection overruled, and
exception taken)

A. There was, when I
went there, I told him
that I found some
shortage in his collec-
ions, he said if there
was any, he would
make it right. I
said I would go to
all his customers and
57

57 52

find out before I would report it, which I did not do, as I had no chance.

Q.1

Were you present at the conversation between the Defendant and Ratjen? in regard to the M.C. fund collection?

A I was.

Q.2

What was said?

A Mr Graham came in with a check for \$500. from McAnire and Mr Ratjen asked him if he had any settlements to go in, he said he had \$300. from McAnire and \$200. from McDonnell or O'Donnell and he showed the check to Mr Ratjen and Ratjen asked him how it was that the check called for \$500.

52

from McQuinn and
 He said that he was
 in McQuinn's and
 O'Connell came in
 there and he gave
 \$200 to McQuinn to
 make a check of \$500,
 and McQuinn then
 made a check of \$
 500.

Q. Was the Defendant
 the Book Keeper of the
 New York Office?
 A. Yes Sir.

~~Examination~~
 Cross Examination.

Q. You say that Graham
 was the Book Keeper
 of the New York Office?

A. Yes Sir.

Q. Was that his only duty?
 A. He had to sell and
 collect.

52

53

Q & A

Q Do you know what time he devoted to the Books?

A I cannot tell how long a time.

Q Did he have any special time within the 24 hours for keeping the Books?

A He could have all the time he wanted.

Q Was there any time set apart for that?

A No. Was he often away from the Office 48 hours, selling and collecting?

A I do not know what he was doing.

Q During the time that he was

54

Q. ~~During~~ the time he
was away, who made
entries in the Books?

A. Nobody.

Q. No one made entries in
the Books?

A. I never did.
Q. Will you swear that
no one made entries?

A. I swear I never
did.

Q. Who made the
entries when Graham
was away?

A. I do not
know.

Q. Were entries
made in his absence
or not?

A. I do not know.
Q. Do you know, if
Mr Graham made any
entries after the 1st of
January last?

A. I do not
~~57~~ 38

58

Q. Do you know if he was told not to make entries in the Book after Jan 1st 1886?

A. I do not know.
Q. Do you know who kept the Books after that date?

A. I suppose Mr Graham.

Q. Do you know, Mr Graham?

A. Yes Mr Graham.
Q. Did you hear the testimony of Mr Rayen?

A. I did.
Q. Did you not hear him testify that Mr Graham did not keep the Books since Jan^y last?

A. I did not. I saw Mr Graham instructing the Boy there.

Q. Was it about Jan 1st last?

56

A A long time after
that

Q How many times did
you see Mr Mahany in-
-struct the Boy, how to
keep the Books.

A Once or twice.

Q You say you did not
make any entry in the
Book since the 1st of Jan
last?

A I saw him at the
Books off and on.

Q How often?

A Pretty much everytime
I came in the Office
when he was there.

Q Can you not give us
some notion how often
it was?

A It is hard for
me to tell, he was in
and at the Books when
I came in the Office

56 57

54

Q. What Books did you see him write in?

A. We only had 3 Books.

Q. Did you see him write in them all?

A. At what time?

Q. Since the first of January 1886?

A. Yes Sir.

Q. Will you take any of those entries, and show me his entries on the Books since January 1st 1886?

A. I guess I can Jan 2nd 86 that is in his hand writing.

Q. Will you swear that you saw him write that?

A. I will not. I did not see him do it.

Q. Were not all those Books balanced on Dec 30th 1885 or 31st of Dec/85 to commence

58

for the New Year?

Q. I guess not.
A. Do you know?

Q. A. I do not
You say you do not
know?

Q. A. I do not know
Is that the only entry
you can find; you now
have the Ledger of the
business conducted by
you at 105 Broad St, can
you show me any entry
except the one indicated
that was made by Graham
since the first of Jan '86

Ans. Here is one on page
156 "John Templey". Jan 2^d
1886 to balance \$1415 ²⁸/₁₀₀

Q. Can you find any
entry after the 2nd of Jan

A. I will look around,

Q. I do not see any
Do you notice in whose
hand writing the entries

0472

Sir

Q We are since Jan 2nd/86
in the Day

Q Of you
Three who was principally
in the Office?

A I do not
know. We got there at
10 O'clock and we had
to go on business.

Q There a Safe in the Office
Yes Sir.

Q Did you have a Box
in the Safe?

A Yes Sir

Q Did Mr Graham have
a Drawer?

A Yes Sir.

Q Each man put his
collections in his own
drawer?

A Yes Sir, if Mr Rafter
was not there, I put them
in my Box or my pocket

Sy Co.

60

Q. Mr. Rotjue had a Key
to them?

A. Yes Sir, I guess

Q. Had he a Key of all
three drawers?

A. Yes Sir.

Q. Would not there be a
Key to his Rotjue's drawer?

A. No Sir.

Q. Was that Key retained
by Mr. Rotjue so he could
take the collections out
of the drawer, when Gann
and Graham were not
there?

A. He could if he
wanted to.

Q. Was not that?
why he kept the Key?

A. No Sir.

Q. What was his object
in keeping the Key of
Gann's drawer?

A. I do not know

61

Q Do you remember ever putting any collections in the drawer that Mr. Ritzgen took out?

A I do not remember. You said that each one of you when he made a collection entered that collection on the Cash Blotter?

Q Yes Sir.
Did you ever collect any money and hand it to Ritzgen that was not entered on the Cash Blotter?

A I guess not.
Q When do you mean by saying "I guess not,"
A I do not remember I did.

Q Did you make an entry on the Cash Blotter of all the money you collected?

62

Q Yes Sir.

Q Are you positive of that?

Q Yes Sir, I am.

Q You made the entry at the time of the collection?

Q Not all the time, whenever I gave it to Mr. Ratjen & dia.

Q Look at (Ex 6) and say in whose hand writing is the endorsement? To whom did you hand that check?

Q I did not hand it to anyone I deposited it myself when Mr. Ratjen was not there.

Q Did you collect that check?

Q I never collected a cent of that money.

Q You received it?

Q I deposited it.

63

(62)

(63)

Q Before you deposited it
you had to receive it?

A It was in the
Office before I got there,
I deposited it because
Mr Rotjen was away.

Q Are you sure?

A I am

Q The reason you are
sure, is because your
name is on it.

A Yes Sir.

Q Did you have any con-
-versation with Rotjen, about
this check, since this
examination commenced

A No Sir, not at all

Q Do you know if that
check is entered on the
cash blotter or not

A I do not

Q When you received any
and deposited, did you
enter your name opposite
the item?

(63) 64

0477

64

Q No Sir.
A Did you collect the
Bill now show you Jan 16

Q No.
A Who was that collected

Q by Mr. Ritzgen
A All reports to
have been collected on Mar 10th/86
Will you find any entry
on that date \$89³⁰/₁₀₀?
(Exhibit 1 of this date)

Q I do not find
any, entry on the 10th, 11th,
12th or any other day up to
the 27th.

Q Was this Bill
collected by you?

Q Yes Sir,
A You received that money
when?

Q I received that on
Dec 7th/85, I did not
enter that.

64 65

(C5)

Q Did you not enquire
 that the custom was for
 the person making the
 collection to enter the same
 on the cash blotter when
 the sum was received?

A Yes Sir. I did ^{not} make
 that entry.

Q How many were
 there that you did not
 enter at the time of mak-
 -ing the collection; how
 many similar ones?

A I do not know,
 that is one, anyhow

Q Do you find any
 entry of the reception of
 that Bill \$34¹³/₁₀₀?

A I do not find
 any, they both are
 together.

Q Do you find it
 entered?

A I do not (Ex 2 of
 this date) 65 66

(66)

Q Did you ever hand in any collection to Mr Ratjen and request him to make the entry on the Cash Blotter?

A I do not recollect you will not swear you did not

Q I do not remember Did you ever hand in any money or collections and ask the Boy to enter them on the Blotter?

A I often did In that case your name would not appear

A My name would appear but not entered by me

Q Were you with Ratjen when he collected the Bill of \$89.³⁰/₁₀₀?

A I was not with him at the time
66 67

67

Q You say you spoke to
 Graham of customers of his
 on whose account he was
 short?

A I found it out.

Q From whom?

A I looked at the Books,
 and mentioned it to Mr
 Graham.

Q Did you say what
 customers they were?

A I got puzzled in
 the matter, I did mention
 it to the people.

Q What people?

A Two or three.

Q Do you remember their
 names?

A One was Dennis.
 and he said he paid
 and owed nothing.

Q When you say you
 found out by the Books,
 what do you mean?

67 68

68

Q I went to one place,
I cannot remember his
name now.

Q Has his name been
mentioned in connection
with this case?

Q Hargley, is the name
That is the man that
made the Exhibit C,
check?

Q Yes Sir.

Q Anyone else?

Q There were about a
dozen.

Q You said there
were 2 or 3 and now
you say a dozen, which
is true, was there a dozen
or two or three?

Q Three (3)

Q Then it is not true
that you spoke of a
dozen?

Q Only three I saw.

68 69

627

Q I am - Thompson and
Houghton?

Was the Thomson
bill due at that time?

No Sir.

Q It was not due.

A How could his account
be so wrong.

Q Did he give anything
at all do not know what
terms the man got.

Q Did you ever make a
collection, and hand it to
Mr Ratjen, that was not
credited to your customer
at the time it was paid

A I do not know.

Q Do you know any one
by the name of Mahaker
Gesler.

Q Do you know if he owes
anything to your firm?
Gesler.

Q Have you seen him,
Mahaker, about his

(10)

balance?

A I do not believe I have
for some months.

Q Did you ever have a
dispute about the sum
he owed?

Never.

Q Did you ever find
fault with Ratjone for
not having entered a
promise for a barrel of
whiskey which was made
by Matheson, till a long
time after the payment
was made and hand-
-ed Ratjone by you?

A I do not remember any
thing about it.

Q How many times did
you call on Matheson
at his place of business
after he left your firm.

A Two or three.

Q How many times?

4 or 5

171

Q We will say three,?
 A Is that the truth?

Q It might be four;
 2 or 3 times in one
 day.

Q Has Rutten with
 you every time?

A No Sir.

Q How many times have
 you there alone?

A About 2 or 3 times

Q Do you remember the
 date of the last time
 you called there alone?

A No Sir.

Q About how long ago?

A I do not know the
 date, I guess 4 or 5
 weeks ago

Q When did he leave the
 establishment?

A The 20th of July, or
 22nd.

Q You called on
 him after he left?

142

Q. Yes Sir

A. When was the last time

Q. Let me see, say

2 or 3 weeks ago.

Q. Were you there after the

employment of Mr. Black

Q. About that time

Q. Were you there after

Black got in?

A. Yes Sir.

Q. Will you tell me

what you went there

for?

A. Certainly, I went

there to induce him

to come back to work.

Q. Did you tell him

that you had gone over

of the concern?

A. Yes Sir.

Q. Why did you tell him?

A. He objected to Rayon

being in the concern,

they could not agree

143

43

A He said I do not like that so and so, I do not want to work with him any more. They could not agree.

Q Did he say anything about Ratjen not having entered his name in the books?

A Yes Sir, he asked me once if Ratjen turned in Kilcynne Check, I said, he did. Was that the objection he had to Ratjen?

Q I do not know. Did Graham say that Ratjen had not turned in the Kilcynne Check?

A He said that. Was that the only name he mentioned?

A There was another, O'Connell or Connell,

43 74

74

Q Were those all the names he mentioned?
 A That was all, it was some Irish name.

Q Did he say anything about Cramps?
 A I did not hear him, no Sir.

Q On about McMurms?
 A No Sir.

Q Did you ever hear, or were you present, at any time when Mr. Rotger said he would make the accounts, that Graham spoke about, good, or would do so?

Q No. I do not remember.
 Q Can you give us all the names that were spoken of, at the time I mentioned?

A No Sir

75

0488

45

Re-direct.

I call your attention to Q 1 and 2, one Bill for \$87.³⁰/₁₀₀ and one for \$34.¹³/₁₀₀, is it not true that the amounts of those Bills are entered on the Cash Blotter, in the aggregate, for \$126.⁴³/₁₀₀ under date of March 30th 186?

Yes Sir.

I call your attention to the Ledger Page 318, the M^{rs} Medders account, and ask you in whose hand writing, especially the entry Jan^y 1886 a balance \$174.⁵⁶/₁₀₀?

Mr Graham.

When the question was asked you, on Cross Examination, as to the names of parties who had dealt with your

46

176

firm, mentioned by
 the Defendant Graham,
 to be in that conver-
 sation or Graham's
 place of business, is
 it not true that you
 commenced to explain
 them? You supposed
 that the question had
 reference to parties of
 whom Graham had
 made collections?
 Q Yes Sir.

Re-Cross.

Q In whose hand writing
 are those collections
 here - McManus on the
 15th of April 1855?

A They are all one
 hand writing there.

Q Is that in the hand
 writing of Graham?

A No.
 746

N 14

Is this in Mr. Menden's
 and McConnell's Collection
 and they are not in
 Thomas Hunt's writing?

No.
 Is it 13th J, River, in
 whose hand writing is
 that?

Not Menden's?

Is it not Rattapack?

Is it not McConnell's, then
 some individual name.

Recall of Mr. Rattapack.

I will give attention to
 Letter Page 318, and see
 what state of affairs are
 acknowledged where that
 account was balanced by
 the Department?

In Jan 86

I will give attention to
 the Cash Book Feb Page
 178, in whose hand
 writing is that?

Mr. Williams.

Received from Mr. Williams
uncashed check on the
Bank of Montreal for
\$16,500 of Oct 11/86
June 1/86. Where is that
credit? Whine?

1. I believe the same is
in the books now, that
is the credit for that check
in the cash book.

Where is the check now
showing you dated October
1/85?

2. This must be the
\$350; this is \$350⁵⁹
I received that check, the
credit is for \$350, I deposited
it.

3. Look at the one of
Dec 30th/85 - \$406²⁷/₁₀₀ and
say where was that one
credited? (Ex 4.)

49

Q On Jan 186

Is it in Mr Graham's hand writing?

A This whole page is in his hand writing, and pretty well page 127 and 128, to the best of my belief.

Q Those are the only pages that are?

A I do not think there are any more — that is all

Q Do you remember when Mr Graham made those entries?

A No Sir

Do you remember, when the Books were balanced, without looking at your Books?

A In 1886...
Were they in 1885?

A I cannot remember.

49 80

80

Q. When I question you about these Books, do you have to look at them?

A. I did not keep the Books.

Q. If you ever know-
-ledge, do you know when
the balance was placed
there, by Mr. Nathan?

A. I looked at the Books
at the time, and insisted
on the Books being balanced
it was after Jan 1886

Q. What makes you so
certain that it was
after Jan 1st?

A. Because I insisted
on it, when Cornell Bros.
made their last pay-
-ment.

Q. When was that?

A. I cannot say
Look at your Books
and say when they did?

81

Q. A. May 28th / 86
 Did Mr. Mahan give you
 that money?

Q. A. Previously?
 How long before?

Q. A. I cannot
 remember.

Q. A. Can you say when you
 received check (G. H.)?

Q. A. No.
 Look at your Bank
 Book?

Q. A. Dec 30th / 85 in the
 Bank Book.

Q. A. You made a deposit
 of \$1218.⁷⁵ on that date,
 was that check (G. H.)

included in that or not?

Q. A. I do not know
 Did you not get this
 money of Mr. Mahan
 at least 8 months before
 the date of entry?

Q. A. I do not know how
 long. — quite a while

Q. Because there was a difference in the Bank Account.



A. Werharme, it is
not mine,

Sworn to before me
This day of Aug 1886
J. Henry [illegible]

Police Justice

(P3)

Henry Deubert, being
 duly sworn, deposes and
 says, that he is 38 years
 of age, a Saloon Keeper
 and lives at 106th St 3rd
 Ave. New York City.

Q. Where do you live?
 A. 106th St 3rd Ave.

Q. Are you connected in
 business with the Defendant
 Graham?

A. No more than I run
 the place for him.

Q. Do you know Mr. Kille
 and Ritzgen?

A. I do.

Q. Did you see them both
 at the store 106th St and 3rd
 Ave?

A. I did.

Q. Both together?

A. Yes.

Q. Did you see them
 in conversation with
 the Defendant?

A. I did 2 or 3 times

84

Q On which occasion were all there?

A On the last day, they all were there on the three times, the 2 gentlemen came there on the last day, Mr. Maham was not there, the first time, and—

Q Did you hear Kuek say, that Rajen was a "Kini"?

A He made that remark in my hearing, on the last day or before, he got talking to Maham and said "Kini", you might just as well come back, Rajen has squared up and is out of the firm, Maham said I'm now attending to my business, and will, while he is in the firm,

85

not go back. He said something about Ludwig's account, and said that Ratjen did not return his (Ludwig's) money, and Wabham said his wife did not want him to go back to the firm, but he would think over it. He said Ratjen had not squared up the accounts, and Kulke said to Wabham that Ratjen was "a skin", but he had made the accounts good.

Gross Hammation.

Q.1

You say you are only "running" Mr Wabham's business?

Q

He has taken me in as partner and keeping my name up there, but I have

SC

no interest in it.
 I sold out to him on
 May 19th for \$522. I
 conveyed to him all,
 but the Brewster Mortgage,
 for the money he had
 loaned me.

Q. You bought goods of
 Massman Bros & Co?

A. I did.

Q. And you owe them,
 how much now?

A. I cannot say,
 the indebtedness was
 incurred Sept 1885-

I swore before me

this 27th day of Aug 1886

J. H. Ford

Police Justice

SC

By
James H. Graham
being duly sworn deposes
and says that he is 79
years of age, is in the
Liquor business and
lives at 302 East 82nd St; that
he was connected in
business with Ratjen at 105
Broad St New York City.

What was your duty while
in the employ of Messers
and Co?

A To collect and sell
and assist in keeping the
Books,

Assist whom?

A Mr Ratjen, to last Fall
off and on it was done
by all three of us.

The entries in the Ledger
was done up to what
time?

A To the 1st or 2nd of Jan^y 86
The Books were balanced
for the year 1885 on the

30th or 31st of Dec

When was the entry Jan
2nd on page 318 made?

A. Dec 30th The day we
closed the Books, and the
entry on the credit side
was made the same
day, - balance \$124⁵⁵/₁₀₀, to
close the Books, so the
account could continue
to the other year; all the
accounts are so on the
Books. The Edward McInire
check (\$14) is credited on
Jan 2nd by cash, because
the Books were closed
~~when the Books were~~
~~closed~~. I know Mr Mc
Mann & Gears, he is a
customer of mine, I
made his collection of
\$124⁵⁵/₁₀₀ 31st of Dec 1885,
Mr Ratjen said he (Mr
Mann) was not far from
the office and to go and

89

collect his Bill, and
 I did so, as Rayen
 wanted to make a good
 showing to the Philadelphia,
 the collection was exact,
 no check. I never stated
 to anyone since that
 I would make that good.
 The bartender was there
 when I got the money
 from McManus, and
 our Boy Jigger was in
 our office when I gave
 the amount to Rayen, it
 was about 1 o'clock in
 the afternoon, and I went
 home. The Boy heard
 Rayen tell me to go and
 collect it. I saw this
 money was not entered,
 about three weeks after,
 and asked about it,
 and Rayen said he
 had used the money
 but would make it

(90)

good, none but us
 two were there. I told
 him he got 'Nicoynes
 check' and did not
 credit it and Rajin
 said he used it, on
 horse ~~and~~ racing, that
 was what he said,
 there were amounts of
 O'Connell Bros and Langley
 that I found had not
 been entered from my
 pocket ledger. When
 he called at my place
 at 106th St, what he went
 to Ludwig and got
 his money and then
 allowed me to go for
 the same Bill, and
 get insured by Ludwig
 for so doing. He spoke
 of the Nicoynes, McManus
 and O'Connell accounts,
 He had not given them
 credit for the sums

0504

92, 91

They paid. The time
 he called when Mr
 Dubert was present,
 we had a talk about
 these; and Mr Rucke
 called and said come
 back we pay much
 money as Ratjon had
 made all right by
 borrowing \$1200, and
 making all the acco-
 unts good on which he
 was short, and said
 Ratjon was "a Sam-
 son", and Rucke said
 Ratjon had done the
 same thing to him, and
 he made him deposit
 money for his customers,
 and he said the acco-
 unts of Meyer and Masel
 were short, but he had
 made them good. I
 made a few entries
 about the 1st of Jan /86

91

92

92 42

As Rathbone then said
 you leave the Books
 to me, I will attend
 to them; This was the
 7th or 3rd of Jan 1886, after
 we had balanced the
 Books, he said the Boy
 was competent; when
 Mr Massman came on
 he saw the Books not
 posted and told me to
 post them while he was
 there, and I did, I never
 told Mr Massman I
 was the Book-keeper
 None of the entries in
 the Cash & Debit of 1886
 are in my writing, they
 are in Mr Rucker and
 Rathbone writing, none
 of them are in mine
 Adjourned to Aug 27/86
 at 1 P.M.

92

93

93

Aug 24th Ammunition
continued.

I received Mr
Hampden's check for \$61.
on Jan 10th /85. I wrote
it and he signed it.
I took it to the Office,
and put it in the
Cash drawer in the
Safe, that was the last
I saw of it, till within
a week or his store;
Mr. Kuehn had a drawer
too and Mr. Rathen also,
these were for us to put
our collections in. I had
a Key to my drawer,
and Mr. Kuehn had one
for his, and Rathen had
a Key for all of them.
I had not a Key to
Kuehn's or Rathen's drawers.
I believe Kuehn's Key
opened my drawer; if
we put out collections

in the morning when
 Nathan was not there,
 then when he came in
 he took our our collection
 to deposit and give the
 parties credit. If Mr
 Nathan was in, we
 handed him the amounts.
 I got the \$15. check (H H)
 about Aug. 26 or 27th and
 gave it to Nathan, and
 I found our it was not
 credited, when I told
 the manager of the check
 (Vinson) another barrel
 of grain, I think about the
 18th or 20th of June 1886.
 I told Nathan he had
 not credited this check
 and he said he had
 used the money but
 would make it good,
 he waited a week and
 I asked him why he
 had not made the

(95)

Account good, and
 Nathan said he would
 make it good and
 order the gun by telegraph,
 next morning he met
 me and telegraphed
 "Dunson has paid,
 ship barrel of gun as
 before"

Before Ben left Broad
 St. did you quarrel with
 Nathan?

Nothing but high
 words about these Bills
 and accounts not being
 settled. I told him he
 got the money and
 kept it; and that he
 was "a Kim", he said
 nothing, I left and
 slammed the door, and
 did not go back. There
 is no credit to Harghey
 on the Books for his
 check of \$61. I told

96

Mr Massman in June
 I would post the Book
 when I had time, when
 he was in the Office
 examining the Books, I
 gave Mr. Nathan the \$100.
 of M. J. Wilcoyne, the
 credit was not on the
 Book, I saw no credit
 of it at all on Nov 10th
 or 11th, with regard to
 entries on the Cash
 Book, I made some,
 Nathan, made some and
 Rucke made some,
 I do not believe I made
 any after the fire of
 Jan'y 1886

(Cross Examination)

Q. Mr Wabham, as Book
 Keeper and from your
 connection with the
 firm of Massman & Co
 you had free access

94

Q Are the Books?

A No, Sir, not at all times, the Books I believe were kept in the Broad Street Office, I believe the Cash Blotter was taken out of the Office and kept away for a week, when Mr. Massman was there; I asked the Boy where the Book was and he said Ratjen took it. The Books were not at my disposal at all times for examination. If the door of the Office was locked I could not get in, I had a Key but Ratjen took it from me, he said for the Boy. The large Key was kept next door, but the latch Key was not, I had no Latch Key.

94

98

98

Q Do you desire it to be understood by the Court that had you wanted to see those Books at any time, you could not?

A No, Sir. I did see the Books, but did not examine them on frequent occasions, I did once ~~ask~~ⁱⁿ a while.

Q To pass the Ledger, it was necessary for you to see the other Books?

A No, it was not. The Settlement Book was sufficient for that. Mr Nassman is mistaken about the time he asked me to pass the Books. Mr Kierman never paid me \$106⁹⁶/₁₀₀ since he has been in

business.

Q. At one time, or different times aggregating that ~~an~~ amount?

A. I cannot tell how I got money, and reported it in.

Q. Did you collect from A. Trebole of 761 - 9th Ave \$142 $\frac{42}{100}$? which you did not account for?

Counselor - I have to object to this (Fallon) kind of testimony as being irrelevant.

Q. I did not, I made return of it to Mr. Rogers, if he was in the Office, if not, I put it in the drawer.

Q. Did you make a collection from Mr. Hough, Mr. Keegan, Mr. Thompson, Mr. Glancy, Mr. Waffney, Mr. Emney, Mr. Hughes, McMahon, Carroll

0513

100

Domely, Harney, Stolte,
T. J. Phelan and account
for none of these Inns?

No Sir, to each and
all of these, I accounted
to Mr. Kington or put them
in the answer

Look at this (p. 1 of this
date) statement, and say
which of the Inns you
gave Mr. Kington?

I cannot
say, when I collected I
gave to him or put in
the answer, I cannot say
which I put in the
answer, and which I gave
to him. There was no
statement put in the
answer with the amounts,
I told the Boy and he
made a memorandum
some time, I do not know
that collections were not
credited, I simply balanced

100

101

by Books as they stood,
 were collections previously
 made, carried on the
 Books?

Q I do not know, I
 made a collection of I,
 Henry; let me see the
 Book.

Q Was it not the
 custom to count the money
 in the drawer every even-
 ing or the next morning?

Q No Sir, I saw him
 count, it was not the
 custom. I bought our
 cabinet some time in
 April or May last.

Q When did you loan
 him the money that
 figured as the Consideration

Q Off and on for a
 year. I own no other
 property except household
 goods.

1852

Re-Direct

I want to say about the Haffney account, that I got word he was one hundred dollars short, and Nathan said he knew it and would make it right; Mr Nathan has collected the last three amounts from Mr Hickson, and I do not know how his account stands. I was away from the Board of Office three days at a time; when I found the deficiency I made an examination, and that was the only time I examined the Books; that was three weeks before I left.

Re-Cross

I got the pocket Ledger from Mr Massman about a month before I

05 16

103

left. I made no thorough
examination of the Books
before that, I may have
looked in the Book once
~~and it in while,~~
to see what had been
collected and how the
business was. I did not
know the Harrison #45,
check was collected in
Jan/86 I did not give
him credit for that, I
found out from my
customers how much had
been collected from them.

Q

Did you report these
non-credits

Q No. The account
of Harrison was balanced
in 185. not 186 - I did not
notice his account more
than the others, I just took
the figures off. I did
not stop to think how

103

1024

0517

104

much money was received
from different customers;
I took and posted the
books; If I had any
suspicion I might have
found out the deficiency
I had no suspicion—

I sworn to before me
this 27th day of Aug 1886
J. Henry Ford

Police Justice

104

105

0518

Mr Ratjen H-called

I did not tell Graham
on Dec 30 1854 to collect
the McManus bill, so
I could make a good
showing at the Pa. house,
nor request him to do so.
I left the Office 105 Broad
St on the day before last
New Years m 11 a.m.,
and I did not go back,
I did not tell Graham
I had lost my ones
account on horse races
and would make it
good. I did not telegr-
-aph to Pa, that Johnson
account was settled, and
to send on the goods;
I did not tell Graham,
I would see to the
Books; Graham never
complained of the
accounts. Some times

He put the collections
in the drawers and
some time in his pocket.
He would report to me
that he collected from 20
and 20, that was the
Custom.

Re-Direct

He would tell
me at night, that he had
money and give it to me
in the morning. I did
not ask him for the
money all the time. He
gave me no reason for
keeping the money in
his pocket. He was at
times short in his acco-
unts, \$5, \$10 and \$20.

Some times I would say,
"Why do you spend so much."
I was short too, I do not
know that I ever met
him at 34th or Ferry—

I did not go with him to the Park Hotel or telegraph Office. I believe I collected the the three last payments of Hinkson;—I think I called on Gaffney—about one hundred dollars—a discrepancy. I did not say I would make it good. I told him that Graham would rectify it.
Re-Cross.

I did not receive any of the amounts on Exhibit 1 of this date) the statement. The \$61. Check was deposited—the other Book shows the Credit, —but not the Ledger.
 By Counsellor Nelson—I move to dismiss the Complaint, on the ground of insufficient evidence, and for the discharge of the Defendants for want of Probable cause to hold him.

0521

District Police Court.

John D. Catron

vs.

James H. Graham
for Larceny

STENOGRAPHER'S TRANSCRIPT.

Aug 25 - 27 1888

BEFORE HON.

James Ford

W. J. O'Leary

Official Stenographer.

0522

TORN PAGE

Form No. 1.

THE WESTERN

TELEGRAPH CO.

This Company TRANSMITS and DELIVERS messages. Limiting its liability, which have been assented to by the sender. Errors can be guarded against only by repeating a message. No action for compensation, and the company will not hold itself responsible for delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing after sending the message. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GRE

CHECK

NUMBER 218 SENT BY P. T. REC'D BY V. D. 10 paid

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y.

Dated

To

Phila Pa 18
Cly. Macy
attorney at law
no 261 Broadway

Attend to case against Graham

Mr Massman unable to attend

A. E. Massman Brox

0523

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

James H. Graham

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

I have known defendant about five years, and with this exception, never knew him to be guilty of a questionable act. I made the complaint at the instance of my then employees, Massman Bros & Co. This firm has changed and is in Philadelphia. Thus, do not desire to go further in matters and have so told me. ~~However~~ I am satisfied from what I know of defendant that he had no intention to commit a larceny against said firm. He was a faithful worker for the firm, and was poorly compensated. I desire to withdraw my complaint and would respectfully ask that the prosecution be abandoned. The firm had a bond of indemnity in the sum of \$5000.

New York, May 28th 1890

John A. Mayne.

Witness

Henry Hartman

0524

Committee Sessions

People

is:

Dr. H. Graham

Wichman
of
Lampkin

0525

No. 51 NEW YORK, *March 26 1886*

MOUNT MORRIS BANK
125 TH ST AND 4TH AVE.

PAY TO THE ORDER OF *A. C. Wismar, Bk. & Co.*

One Hundred ⁰⁰/₁₀₀ DOLLARS

\$ *100 ⁰⁰/₁₀₀* ~~100~~ *Edward Hughes*

Added Bankers to the Credit of SIXY

0526

4-20

For Deposit

H. G. Wapman Bros & Co

John H. Caty

Exh 20

0527

No. / New York, 188.

MOUNT MORRIS BANK,
150th STREET & 1st AVENUE

Pay to the order of *Wm. J. Morris*

Sixty one Dollars.

\$ *61.00* *Wm. J. Morris*

0528

W. C.
W. C.

deposited for
A. C. Massman & Co.
John H. Ratzen.

NEW YORK

0529

TORN PAGE

No. *30* New York, *Sept 14* 188*5*
MOUNT MORRIS BANK.
Pay to the order of *A. C. Massman & Co.*
Fifty Dollars.
\$ *50.00* *Edward Harghey*

0530

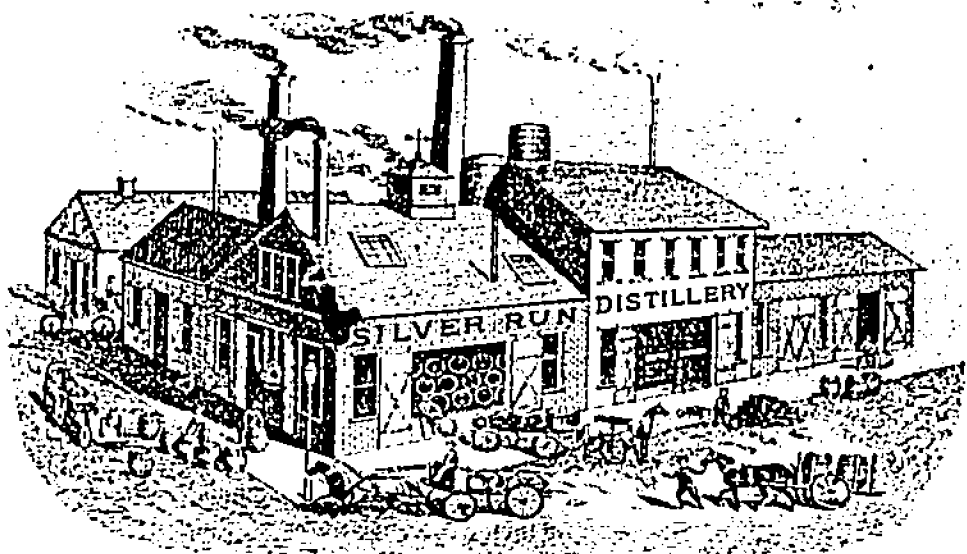
TORN PAGE

Ac Mason with Bros
John H. H. H. H.
glad a q q

24
28

0531

SHIPMENTS MADE AT BUYERS RISK



IMPORTERS OF WINES, BRANDIES, GINS, & C. & C.

All claims for errors must be made on receipt of Goods.
Salesmen not authorized to collect unless provided with power of Attorney.

Philadelphia, February 19th 1886
Mr. A. Ludwig
New York



Bought
OF

A. E. Hassman & Co.
DISTILLERS
AND DEALERS IN
Fine Whiskies.

Terms Cash.

UNLESS SETTLED BY NOTE OR ACCEPTANCE.

NEW YORK OFFICE, 105 BROAD ST.

124 Walnut Street.

Registering File.

2 Barrels Monong A Rye Whiskey			
47.47	94 galls	130	\$122.20
5 cents per on 94 galls			47.0
Balance			117.50
Received on A/c of J. H. Ludwig			106.50
100			7.00
Balance			17.00

0532

No. _____

New York, Oct 28th 1885

FIFTH NATIONAL BANK,

Cor. 34 Ave. and 23d St.

Pay to the order of A. E. Massman - Bros. & Co
Three hundred and fifty six 59/100 Dollars,

\$356.59/100

Edward M. Ginn

Exh. 3
Aug 27/86

0534

122 Bowery, cor. Grand St.

No. _____

New York, *Aug 26th* 188*5*

The Oriental Bank,

OF THE CITY OF NEW YORK.

Pay to the Order of *J. Green*

Seventy five Dollars,

\$ *75.00*

James A. Kelly

Barcalow & Co., Stationers, 76 Bowery, N.Y.

0535

James Evans
James Smith
Edmunds & Co
J. W. R. & Co
J. W. R. & Co

11/11/11

E. J. H.

0536

No. _____

New York, _____

1881-

FIFTH NATIONAL BANK,

Cor. 3d Ave. and 23d St.

Pay to the order of _____

J. Freeman, Jr. & Co.

Twenty Five

Dollars,

\$

Twenty Five

0537

Ch L.
Aug 27/86

At Myrman Bros Co
John H. Rayner

[Signature]

At 27
Aug 27

0538

No. _____

New York, Dec 30th 1885-

FIFTH NATIONAL BANK,

Cor. 64 Ave. and 23d St.

Pay to the order of

A. C. Massman Bros. Co

Seven hundred six $\frac{2}{100}$ --- Dollars,

\$ 706 $\frac{2}{100}$

Edward McGuire

0540

No. _____

New York, *June 1st* 1886

FIFTH NATIONAL BANK,

Cor. 54 Ave. and 282 St.

Pay to the order of *A. E. Massman Bros & Co*
Four hundred Sixty five ²⁸/₁₀₀ ————— Dollars,

\$ 465 ²⁸/₁₀₀

Edward M^cGuire

0542

Cor. 3d Ave. and 23d St.

No.

New York,

April 20th

188*8*

FIFTH NATIONAL BANK,

Pay to the order of

A. E. Messman. Bro & Co

Dollars.

Five hundred

APR 22

1888

Edward M. Guire

\$ *500.00*

0543

Alfred and Bessie
John H. Rayson

EP

0544

STATEMENT.

NEW YORK,

188

No Names & Amounts
Collected by Graham Not reported
 To A. E. MASSMAN BROS. & Co., Dr.,

NEW YORK OFFICE:
 105 BROAD STREET.

PHILADELPHIA,

Thos Kierman 317 E. 103 rd St	106 91
A. Trabold 761-9 th Ave Cor 51 st	142 62
Thos Hagan Cor 1 st Ave + 113 th	112 00
James Mc Mannus Cedar + Washington	124 55
Con Hurley Cor Broom + Sullivan	359 31
M. Keegan Cor Lex Ave + 32 nd	45 00
James Jenniston Cor 1 st Ave + 75 th	80 75
J. L. Clancy 103 rd St bet 2 + 3 rd Ave	79 61
Hugh Gaffney Ave + 72 nd St	154 23
Over Mc Eneaney 1045-2 nd Ave	179 41
Hughes + Mc Mahon Cor 2 nd Ave + 78 th	113 29
Edw Haughey 1842-2 nd Ave	173 19
P. J. Carroll Cor 3 rd Ave + 108 th	134 50
Thos Hickson 750-6 th Ave	48 00
P. Drinnelly Cor 10 th Ave + 41	86 38
James Hanley Cor 1 st Ave + 115 th	322 39
Geo Stobel 2 nd Ave + 104	46 99
T. J. Phelan Cor Lex Ave + 119 th	25 00
Total	\$ 2334 13

0545

✓ One - Aug 27/82

✓ One -
Aug 27/86

✓ One

0546

People vs James H Graham
Grand Larceny 2nd Degree

This is to certify that James H Graham
died June 29th 1892. at Denver Colo.
and was buried in Calvary Cemetery
July 3rd 1892. at Long Island City L.I.
I know that James H Graham is the
same James H Graham, as mentioned
in the above indictment

John M Court
2267 133rd St
Erron to. Sept 22^d /92

H. W. Illwitzer

Com of deeds

N. Y. C.

0547

People vs Jas H Graham
Grand Larceny 2nd Degree

This is to certify that James H Graham
died June 29th 1892 at Denver, Colo.
and was buried in Calvary Cemetery
July 3rd 1892 at Long Island City L.I.
I know that James H Graham, is the
same James H Graham as mentioned
in the above indictment

Sworn to Sept 22^d /92 Francis Murphy
or E.H. 16th St

H. W. Ibbitzer
Com. of deeds
N. Y. Co

0548

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

Left to the

app. to the court

District Attorney.

0549

Sec. 508.

4 District Police Court.

UNDERTAKING TO ANSWER

General Sessions.

CITY AND COUNTY }
OF NEW YORK, } ss.

An order having been made on the 11th day of Sept 1886 by
J. Henry Bond a Police Justice of the City of New York. That

James H. Graham be held to answer upon a charge of
Grand Larceny

upon which he has been duly admitted to bail, in the sum of 100 Hundred Dollars

by James H. Graham Defendant, of No. 307 East
82nd Street; Occupation Signer, and
Francis Murphy of No. 710 East 113 Street;
Occupation Coat Dealer Surety, hereby undertake that the above named

James H. Graham
shall appear and answer the charge above-mentioned, in whatever Court it may be prosecuted: and shall at all times
render himself amenable to the orders and process of the Court; and if convicted, shall appear for judgment, and
render himself in execution thereof, or if he fail to perform either of these conditions that we will pay to the People
of the State of New York, the sum of 100 Hundred Dollars.

Taken and acknowledged before me; this

day of Sept

188

James H. Graham
Francis Murphy
J. Henry Bond POLICE JUSTICE.

0550

CITY AND COUNTY }
OF NEW YORK. } ss.

Sworn to before me, this
day of Sept
1881
Wm. J. [Signature] Police Justice.

Francis Murphy

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 2000 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 One lot of land

25 x 100 ft. on 113 St. N.Y. City
with Over all incumbrance
Twenty Eight thousand Dollars
Francis Murphy

New York Sessions.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to answer.

23.

Taken the day of 188

Justice.

Filed day of 188

0551

-----X
 The People of the State
 of New York,

against

James H. Graham.

-----X

City and County of New York ss.

Samuel E. Massman being duly sworn says:- He is a member of the firm of A. E. Massman, Brothers & Company, merchants doing business in the City of Philadelphia, State of Pennsylvania.

That the said firm has an office in the City of New York, at No. 105 Broad Street. That all the business done in the said New York Office is kept in books kept in said office. That one James H. Graham on and prior to the month of October 1885 down to and including the month of July 1886 was employed by deponent's said firm in their said New York Office as salesman, collector and bookkeeper.

That the said James H. Graham on divers dates between said October 1885 to and including the month of July 1886 made the following collections:-

✓ Thomas Kiernan,	\$106.91
✓ A. Trabold,142.62
✓ Thomas Hagan,	112.00
James Mc. Manus,124.55
Con. Hurley,359.31
M: Keegan,45.00
James Deniston,	80.75
T. L. Clancy,	79.61

0552

firm were past due and not paid. Said Henry Blank and said Kulke called on said parties for the purpose of making such collections, and they were informed by such persons that the claims were paid, and said Henry Blank and Kulke were confronted by said parties with receipts for such payments, given by said Graham to whom they claimed such payments were made. Such payments are the amounts above stated.

The said Louis Kulke in behalf of deponent's firm then called on the said Graham who admitted having made said collections and having received the moneys, and that said Graham had not turned over to deponent's firm, accounted for them, or made the entries in the firm's books. That he had kept the moneys so collected, as the affidavit of said Kulke hereto annexed more particularly shows.

That all of said parties above named are in the City and County of New York, that all of said collections were made by said Graham in said City, and appropriated to his own use in the same place.

Sworn to before me this

14th. day of August 1886.

: Samuel E. Massman
:
:

Henry Blank
Comptroller
my of -

0553

The People of the State
of New York

vs

James H. Graham

City & County of New York ss

Henry Blauk being duly sworn says:-
He resides in the City and County of
New York and is employed by A.E. Mass-
man Brothers & Company, as salesman
& collector in said City:- That since
the 1st of August 1886, deponent was directed
by the said firm to make collections of
the following persons, as the claims said
firm held against them were not paid
and were past due:-

Thomas Kierman 317 E 103rd St. New York City

A Trabue Corner 57th Street & 9th Avenue New York City

Thomas Hagan 113rd & 4th Avenue New York City

James McManus Corner Cedar & Washington Sts New York City

P. J. Carroll - Corner 3rd Ave & 108th Street New York City

P. Donnelly, Corner 41st Street & 10th Avenue New York City

James Hanley 1st Ave Cor 115th Street New York City

Deponent called on each of the said
persons, and demanded payment
of the amount due by them to said firm.
That they and each of them stated to

0554

deponent that they had already paid the Collector Graham. That they and each of them had receipts from said Graham showing the following payments made by them on account of the said claims: said receipts were exhibited to deponent, and were in said Graham's handwriting, with which deponent is very familiar:

Thomas Kerman	\$ 106.91
A. Imboden	142.62
Thomas Hagan	112.00
James Mc Manus	124.55
P. J. Carroll	134.50
Thomas P. Donnelly	86.38
James Hanley	352.39

Deponent has full access to said firm's books in said City, and has found that Graham has wholly omitted to make entries of the payments aforesaid after an examination by deponent of said books, and after the said persons have told him that the said payments were made & after the said receipts were exhibited to him.

Sworn to before me
This 14th day of Aug 1876 } Henry Blank
My Notarial Seal & Signature

The People of the State of New York {

vs
James H. Graham }

City & County of New York ss

Louis Kuelle being duly sworn says:-
I reside in the City of Brooklyn. I am
employed by A. E. Massman Brothers
& Company as salesman & collector
that since the 1st of August 1886. I
was directed by said firm to make
collections from the following persons
for claims which they owed to the said
firm & which were past due on said date:

Don Hurley

Mr. Keegan

James Deriston

J. L. Clancy

Hugh Gaffney

Edward Harghey

Owen Mc Cormeny

Hugh Mc Mahon

Thomas Herselman

All of these persons are and reside in
the City of New York. Deponent called
on each of them and demanded pay -

0556

ment of their indebtedness to said firm. He was then informed by each of them that they made the following payments to the said Graham in behalf of said firm

Con Hurley	\$ 359.31
M Keegan	45.00
James Deriester	80.75
J. L. Clancy	79.61
Hugh Gaffney	154.23
Owen McEunney	179.41
Hugh McMahon	43.29
Edward Haughey	173.19
Thomas Hickson	48.00

That each of said person refused payment to me, as they had paid said Graham the respective amounts above stated. They all exhibited the receipts which said Graham gave them for such payments excepting said Owen McEunney who did not show the receipt.

After ascertaining the above facts I called on said James H. Graham at the corner of 106th Street & 3rd Avenue in New York City. I met him there and asked about these payments and collections. He admitted to me having made ^{some of} the above collections, and

0557

the collections referred to in Henry Blount's affidavits, and that he had not turned them over to ~~depose~~ the said firm, had not accounted for them, and that he had not entered them in the firm's books, in which he should have entered them.

Deponent examined the books of said firm kept in New York City, to which he has full access, and none of the payments aforesaid have been entered. That deponent examined said books after the said persons have told him that such payments had been made

from before me this
14th of August 1878

Alfred R. Wallace

Comptroller of the City

} Louis Kuhlke

0558

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York, }John H. Ratjen
of No. 105 Broad Street, aged 32 years,
occupation Agent being duly sworndeposes and says, that on the 31 day of December 1886 the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:

Good and lawful money of
the United States Consisting
of bank bills and coins of
divers denominations all
together of the value of One
hundred and twenty four
dollars and fifty five cents
(\$124 55⁰⁰)

the property of Alfred E. Massman Samuel E.
Massman and Philip Massman
doing business at the above address under
the firm name of A. E. Massman Bros & Company
in deponent's care and custody 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 James H. Graham

(nurses) from the fact that said
defendant was in the employ
of said firm as Collector and
his duty was to turn over to
deponent the Collections he
made from time to time.

Deponent is informed by
James McManis of No. 145
Washington Street said city
that on the above date said
defendant called upon him
and presented the bill he had
annexed and the said McManis
informs deponent that he saw

Sworn to before me, this

188

day

Police Justice.

0559

the said defendant receipt said bill and that he the said M. J. Morris paid to said defendant the sum herein named.

Defendant further says that said defendant has not made any return of the money collected as herein described and therefore charges the said defendant with appropriating the same to his own use and deceit and with feloniously taking stealing and carrying this aforesaid property at the time and manner herein described.

Sworn to before me
this 16th day of August 1888
John M. Reagin
Police Justice

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 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

Police Court, District,

THE PEOPLE, &c.,
on the complaint of
vs.
1
2
3
4

Offence—LARCENY.

Dated 1888
Magistrate
Officer
Clerk
Witnesses
No. Street
No. Street
No. Street
to answer Sessions.

0560

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 56 years, occupation James McManus Merchant of No.

145 Washington Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John N. Ratigan

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

Sworn to before me, this 16
day of Aug 1888 James M'Innes

J. Mumford
Police Justice.

0561

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

James H. Graham 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 H. Graham

Question How old are you?

Answer

29 years

Question. Where were you born?

Answer.

New York State

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

Answer

Nº 302 East 82^d St about 7 months

Question What is your business or profession?

Answer

Retail Liquor dealer

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

Answer.

*I am not guilty
James H. Graham*

Taken before me this

day of

1888

Police Justice.

0562

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Charles P. McManus
of No. the Central Office Street, aged 29 years,
occupation Police Officer being duly sworn deposes and says,
that on the 14 day of August 1886
at the City of New York, in the County of New York, he arrested

James H. Graham (now here)
Upon the affidavit hereto attached
of Samuel E. Massman of
the City of Philadelphia Pa
charging the said James H.
Graham with Grand Larceny.

Deponent prays that the
said James H. Graham may
be committed to await the arrival
of Samuel E. Massman and
until further evidence can be obtained.

Charles P. McManus

Sworn to before me, this

of

Aug

1886

day

J. M. M. M.
Police Justice.

0563

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles R. McNamee

vs.

James A. Graham

AFFIDAVIT.

Dated

Aug 15 1888

John Magistrate.

McNamee Officer.

Witness,

Disposition,

\$2000. paid for
of Aug 16 - 2 P.M.

0564

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before J. Henry Ford a Police Justice
of the City of New York, charging James H. Graham 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,

Wm James H. Graham Defendant of No. 302
East 82^d Street; by occupation a Retail Liquor
and Francis Murphy of No. 240 East 113th
Street, by occupation a Coal dealer Surety, hereby jointly and severally undertake that
the above named James H. Graham Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty
Hundred Dollars.

Taken and acknowledged before me, this 15

day of August

1886.

J. Henry Ford POLICE JUSTICE.

0565

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me this
day of July 1888
John J. Murphy Police Justice.

Francis Murphy

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 forty 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 Six lots of land 25 x

100 feet each North side 113th street said city
commencing 204 feet east of 3^d Avenue and
extending to about 700 feet west of 2^d Avenue
said city worth twenty eight thousand
dollars free and clear

Francis Murphy

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of

188

Justice.

0566

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before Henry Ford a Police Justice
of the City of New York, charging James H. Graham 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,

Was James H. Graham Defendant, of No. 302
West 82nd Street; by occupation a Retail Liquor
and Francis Murphy of No. 240 East 113th
Street, by occupation a Coal dealer Surety, hereby jointly and severally undertake that
the above named James H. Graham Defendant
shall personally appear before the said Justice, at the 2nd 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 Twenty
Hundred Dollars.

Taken and acknowledged before me, this 16
day of August 1888

J. Henry Ford POLICE JUSTICE.

0567

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me, this
20th of *May* 188*1*
Francis Murphy Police Justice.

Francis Murphy
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 *forty* 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 *Six lots of land 25x*

100 feet each North side 113rd street said city
Commencing 204 feet east of 3rd Avenue and
extending to about 250 feet west of 2^d Avenue
said city worth twenty eight thousand
dollars free and clear
Francis Murphy

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 188

Justice.

0568

2000. bail for E.
August 1st 9 a. m.

Police Court District. 1349

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. Ratjine

vs.

James H. Graham

Offence Grand Larceny

105 Broadway

Dated Aug 1st 1886

Magistrate.

W. M. Munn Officer.

Central Precinct

Witnesses

No. 532 Broom Street.

Edmund H. Hickey

No. 1847 2nd Street.

James H. Graham

No. 2nd Ave. near 104 Street.

\$1000 James H. Graham

145 Washington

no. 104

2nd Ave. near 104

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

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 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 Aug 1st 1886

I have admitted the above named to bail to answer by the undersigned hereto appended.

Dated Aug 1st 1886

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order he to be discharged.

Dated Aug 1st 1886

0569

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 M. Fitzgerald

The Grand Jury of the City and County of New York, by this indictment, accuse *James M. Fitzgerald* of the CRIME OF *Grand LARCENY, in the second degree,* committed as follows:

The said *James M. Fitzgerald,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, being then and there the clerk and servant of *Alfred E. Massman, Samuel E. Massman and Philip Massman, co-partners and business in and for the firm name and style of A. E. Massman Brothers and Company,* and as such clerk and servant then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said *Alfred E. Massman, Samuel E. Massman and Philip Massman,* the true owner thereof, to wit: *The sum of one hundred and twenty-four dollars and fifty-five cents in money, lawful money of the United States and of the value of one hundred and twenty-four dollars and fifty-five cents;—*

the said *James M. Fitzgerald,* afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did feloniously appropriate the said *sum of money—*

to his own use, with intent to deprive and defraud the said *Alfred E. Massman, Samuel E. Massman and Philip Massman,* of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said *Alfred E. Massman, Samuel E. Massman and Philip Massman,* did then and there and thereby feloniously steal, 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.