

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
FIRST DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

No. 6133

FRANZ BOFF, ET AL.,

Defendants.

SUPPLEMENT AND AMENDMENT TO ASSIGNMENT OF ERRORS

Now comes the defendant, Joseph L. Bley, in the above entitled action, and pursuant to stipulations on file herein of the parties hereto, and pursuant to orders of the above entitled court based upon such stipulations, makes and files the following supplement and amendment to his assignment of errors heretofore filed herein, to-wit:

1. The court erred in admitting against defendant's objection thereto, the testimony of the witness Harcharam Das as follows:

"The Harbor Master came on board and searched the steamer and asked many things, and they said, 'We were expecting the steamer for a long time because we already in the newspapers--'

THE COURT: Q. Where was this statement made that 'We have been expecting this vessel some time?' Who did they say that to?

A. To Starr-Hunt and to the Captain; he told them.

Q. That they had been expecting it for some time?

A. Yes.

Q. What did they say?

A. They said, 'We have news about this steamer'."

2. The court erred in overruling defendant's objection to the introduction in evidence by plaintiff during the examination of said Harcharam Das, of the following letter:

"Dear Sir:-

I have not received a letter from you for some time. If there is any news in Manila, P. I. papers about home (India) please send it in my name to P.O. Box 16. Other important correspondence should be addressed to P. O. Box 392. Also write about Bhai Hari Singh Faqir and Magu Ram. Where are they?

Convey my best compliments to all patriots.

Yours sincerely,  
Ram Chandra."

3. The court erred in overruling the objection of defendant to the following question put to said witness Harcharam Das upon cross examination:

"Q. Is it not true that living with these other witnesses in one room for four months that you did not become friendly with them at Regina?"

4. The court erred in denying the motion of defendant to strike out the following answer of said witness Harcharam Das on cross examination:

"A. They knew very well I came from a 'maverick'



1 I had papers with me. He says, 'You know very  
2 well and your conscience knows that you know  
3 everything' but I did not want to tell anything."

4 5 The court erred in overruling defendant's objection  
5 to the introduction in evidence by plaintiff of United States  
6 Exhibit No. 41, together with the decipherment thereof,

7 6 The court erred in overruling defendant's objection  
8 to the introduction in evidence by plaintiff of United States  
9 Exhibit No. 77.

10 7 The court erred in overruling defendant's objection  
11 to the introduction in evidence by plaintiff of United States  
12 Exhibit No. 48.

13 8 The court erred in overruling defendant's objection  
14 to the introduction in evidence by plaintiff of United States  
15 Exhibit No. 47.

16 9 The court erred in overruling defendant's objection  
17 to the introduction in evidence by plaintiff of United States  
18 Exhibit No. 88.

19 10 The court erred in overruling defendant's objection  
20 to the introduction in evidence by plaintiff of United States  
21 Exhibit No. 90.

22 11 The court erred in overruling defendant's objection  
23 to the introduction in evidence by plaintiff of United States  
24 Exhibit No. 94.

25 12 The court erred in overruling defendant's objection  
26 to the introduction in evidence by plaintiff of United States  
27 Exhibit No. 95.

28 13 The court erred in overruling defendant's objection  
29 to the introduction in evidence by plaintiff of United States  
30 Exhibit No. 96.

31 14 The court erred in overruling defendant's objection  
to the introduction in evidence by plaintiff of United States  
Exhibit No. 97.

1 to the introduction in evidence by plaintiff of United States Ex-  
2 hibit No. 115.

3 23 The court erred in permitting the introduction in  
4 evidence over defendant's objection during the examination of the  
5 witness Herbert A. Thayer of the statement of account of Ram  
6 Chandra in the Mission Bank from March 1915 to August 1915, total  
7 deposits being shown to be to the amount of \$12,840.

8 24 The court erred in overruling the objection of defen-  
9 dant to the question put to the witness, Mrs. Carrington Lewis,  
10 as follows:

11 "Q. That is what we people would call a busi-  
12 ness transaction, yes; what was the nature of  
13 that?"

14 257 The court erred in overruling the defendant's ob-  
15 jection to the question put to the witness Gustave Nicholas  
16 Koepfel, as follows:

17 "Q. Did you talk with Hizar about von Schack  
18 putting up this \$14,000, or what you had said  
19 or what you had done, or anything of that sort?"

20 26 The court erred in overruling defendant's objection  
21 to the introduction in evidence by plaintiff of United States  
22 Exhibit No. 120.

23 27 The court erred in overruling defendant's objection  
24 to the introduction in evidence by plaintiff of United States Ex-  
25 hibit No. 121.

26 28 The court erred in overruling defendant's objection  
27 to the introduction in evidence by plaintiff of United States Ex-  
28 hibit No. 122.

29 29 The court erred in overruling defendant's objection  
30 to the introduction in evidence by plaintiff of United States Ex-  
31 hibit No. 123.

32 30 The court erred in overruling defendant's objection  
33 to the introduction in evidence by plaintiff of United States Ex-  
34 hibit No. 124.



1 31 The court erred in overruling defendant's objection  
2 to the introduction in evidence by plaintiff of United States  
3 Exhibit No. 125.  
4 32 The court erred in overruling defendant's objection  
5 to the introduction in evidence by plaintiff of United States Ex-  
6 hibit No. 126.  
7 33 The court erred in overruling defendant's objection  
8 to the introduction in evidence by plaintiff of United States Ex-  
9 hibit No. 127.  
10 34 The court erred in overruling defendant's objection  
11 to the introduction in evidence by plaintiff of United States Ex-  
12 hibit No. 128.  
13 35 The court erred in overruling defendant's objection  
14 to the introduction in evidence by plaintiff of United States Ex-  
15 hibit No. 129.  
16 36 The court erred in overruling defendant's objection  
17 to the introduction in evidence by plaintiff of United States  
18 Exhibit No. 130.  
19 37 The court erred in overruling defendant's objection  
20 to the introduction in evidence by plaintiff of United States  
21 Exhibit No. 131.  
22 38 The court erred in overruling defendant's objection  
23 to the introduction in evidence by plaintiff of United States  
24 Exhibit No. 132.  
25 39 The court erred in overruling defendant's objection  
26 to the introduction in evidence by plaintiff of United States  
27 Exhibit No. 133.  
28 40 The court erred in overruling defendant's objection  
29 to the introduction in evidence by plaintiff of United States  
30 Exhibit No. 134.  
31 41 The court erred in overruling defendant's objection

1 to the introduction in evidence by plaintiff of United States  
2 Exhibit No. 135.

3 42 The court erred in overruling defendant's objection  
4 to the introduction in evidence by plaintiff of United States  
5 Exhibit No. 136.

6 43 The court erred in overruling defendant's objection  
7 to the introduction in evidence by plaintiff of United States  
8 Exhibit No. 137.

9 44 The court erred in overruling defendant's objection  
10 to the introduction in evidence by plaintiff of United States  
11 Exhibit No. 138.

12 45 The court erred in overruling defendant's objection  
13 to the introduction in evidence by plaintiff of United States  
14 Exhibit No. 139.

15 46 The court erred in overruling defendant's objection  
16 to the introduction in evidence by plaintiff of United States  
17 Exhibit No. 140.

18 47 The court erred in overruling defendant's objection  
19 to the introduction in evidence by plaintiff of United States  
20 Exhibit No. 141.

21 48 The court erred in overruling defendant's objection  
22 to the introduction in evidence by plaintiff of United States  
23 Exhibit No. 142.

24 49 The court erred in overruling defendant's objection  
25 to the introduction in evidence by plaintiff of United States  
26 Exhibit No. 146.

27 50 The court erred in overruling defendant's objection  
28 to the introduction in evidence by plaintiff of United States  
29 Exhibit No. 148.

30 51 The court erred in overruling defendant's objection  
31 to the introduction in evidence by plaintiff of United States



1 Exhibit No. 68.

2 52 The court erred in overruling defendant's objection  
3 to the introduction in evidence by plaintiff of United States  
4 Exhibit No. 151.

5 (53) The court erred in overruling defendant's objection  
6 to the introduction in evidence by plaintiff of United States  
7 Exhibit No. 156.

8 (54) The court erred in overruling defendant's objection  
9 to the introduction in evidence by plaintiff of United States  
10 Exhibit No. 157.

11 (55) The court erred in overruling defendant's objection  
12 to the introduction in evidence by plaintiff of United States  
13 Exhibit No. 185.

14 (56) The court erred in overruling defendant's objection  
15 to the introduction in evidence by plaintiff of United States  
16 Exhibit No. 186.

17 (57) The court erred in overruling defendant's objection  
18 to the introduction in evidence by plaintiff of United States  
19 Exhibit No. 187.

20 (58) The court erred in overruling defendant's objection  
21 to the introduction in evidence by plaintiff of United States  
22 Exhibit No. 188.

23 (59) The court erred in overruling defendant's objection  
24 to the introduction in evidence by plaintiff of United States  
25 Exhibit No. 207.

26 (60) The court erred in overruling defendant's objection  
27 to the introduction in evidence by plaintiff of United States  
28 Exhibit No. 209.

29 (61) The court erred in overruling defendant's objection  
30 to the introduction in evidence by plaintiff of United States  
31 Exhibit No. 210.

1 (62) The court erred in overruling defendant's objection  
2 to the introduction in evidence by plaintiff of United States  
3 Exhibit No. 282.

4 (63) The court erred in overruling defendant's objection  
5 to the introduction in evidence by plaintiff of United States  
6 Exhibit No. 283.

7 (64) The court erred in sustaining the objection of plain-  
8 tiff to the question propounded by defendant's attorney to defen-  
9 dant Joseph L. Bley:

10 "Q. Immediately after your employment, what did you do  
11 in connection with an endeavor to secure the release of the 'Mazat-  
12 lan'?"

13 (65) The court erred in sustaining the objection of plain-  
14 tiff to the question propounded by defendant's attorney to defen-  
15 dant Joseph L. Bley:

16 "Q. Between the time of your employment in connec-  
17 tion with the 'Mazatlan', which you fix as being be-  
18 tween the month of January and the month of May, 1915,  
19 were you kept in touch and were you shown subsequently  
20 all the telegrams passing between Jebson when located  
21 out of San Francisco and his office here in San Fran-  
22 cisco and between other parties and Jebson's office  
23 here in San Francisco in relation to the 'Mazatlan'?"

24 (66) The court erred in sustaining the objection of plain-  
25 tiff to the question propounded by defendant's attorney to defen-  
26 dant Joseph L. Bley:

27 "Q. Did you at any time see the defendant von  
28 Schack in relation to the attempt to assist in  
29 securing the release of the 'Mazatlan'?"

30 (67) The court erred in sustaining the objection of plain-  
31 tiff to the question propounded by defendant's attorney to defen-  
32 dant Joseph L. Bley:

33 "Q. I will ask you, Mr. Bley, if as the result of  
34 your visit to Mr. von Schack pursuant to this tele-  
35 gram, United States Exhibit 237, the telegram which  
36 I have just read to the jury, United States Exhibit  
37 238 was not prepared and sent?"

(68) The court erred in sustaining plaintiff's  
objection to defendant's Exhibit FFF.



1 (69) The court erred in sustaining the objection of  
2 plaintiff to the question propounded by defendant's attorney to  
3 defendant Joseph L. Bley:

4 "Q. While in Mexicali, Mr. Bley, was there any discus-  
5 sion with Dato about the amount of the fine which  
6 would have to be paid by the 'Mazatlan' in the event  
7 arrangements were made with Villa?"

8 (70) The court erred in overruling defendant's objection  
9 to the question put to the witness Joseph L. Bley on cross exami-  
10 nation:

11 "Q. In the clearance of how many vessels since the  
12 European war started have you been engaged concerning  
13 which vessels the United States Government suspected  
14 the German Government to be interested, either in  
15 the vessel or the cargo?"

16 (71) The court erred in overruling defendant's objection  
17 to the question put to the witness Joseph L. Bley on cross exami-  
18 nation:

19 "Q. Did you know at that time that the United  
20 States Government questioned the legality of that  
21 transaction?"

22 (72) The court erred in overruling defendant's objection  
23 to the question put to the witness Joseph L. Bley on cross exami-  
24 nation:

25 "Did not the Government at that time charge and  
26 conduct an investigation for the purpose of try-  
27 ing to find out if the German Government had  
28 bought that cargo to your knowledge?"

29 (73) The court erred in overruling defendant's objection  
30 to the question put to the witness Joseph L. Bley on cross exami-  
31 nation:

32 "Q. And the Government was also there and conduct-  
33 ed an investigation for the purpose of finding out  
34 whether or not the German steamer 'Alexander' had  
35 not actually and in fact been sold?"

36 (74) The court erred in overruling defendant's objection  
37 to the question put to the witness Joseph L. Bley on cross exami-  
38 nation:



1 "Q. This is your bank account, is it not, with  
2 the Wells Fargo Nevada National Bank?

3 A. Yes.

4 Q. You received on September 8th, 1914, \$120,000  
5 and on September 23rd, 1914, \$100,000, did you not?

6 A. Well, I don't think that is our book.

7 Q. It says it is your book, look on the back of  
8 it, I got it from you."

9 (75) The court erred in overruling defendant's objection  
10 to the question put to the witness Joseph L. Bley on cross exami-  
11 nation:

12 "Q. You received \$240,000 and the same was placed  
13 to your credit as indicated by that book, did you not?"

14 (76) The court erred in overruling defendant's objection  
15 to the question put to the witness Joseph L. Bley on cross exami-  
16 nation:

17 "Q. Mr. Bley, why did you give a check to Mr.  
18 Kaufmann for \$20,000 on the Mexico fund?"

19 (77) The court erred in overruling defendant's objection  
20 to the question put to the witness Joseph L. Bley on cross exami-  
21 nation:

22 "Q. And did not he (Mr. Kaufmann) do \$100,000 the same  
23 way a few days later?"

24 (78) The court erred in overruling defendant's objection  
25 to the question put to the witness Joseph L. Bley on cross exami-  
26 nation:

27 "Q. Well, how did you know about it then?

28 A. I have never heard about it since.

29 Q. How was the transaction--explain the insides  
30 of it to us."

31 (79) The court erred in overruling defendant's objection  
to the question put to the witness Joseph L. Bley on cross exami-  
nation:

"Q. Tell us from whom you got your information  
about the war risk."

(80) The court erred in overruling defendant's objection  
to the question put to the witness Joseph L. Bley on cross exami-  
nation:



1 "Q. Didn't you know that as the result of  
2 that Grand Jury investigation the newspapers  
3 were full at least of the stories of the money  
4 that bought the 'Olson & Mahoney' was German  
5 Consulate money?"

6 (81) The court erred in overruling defendant's objec-  
7 tion to the question put to the witness Joseph L. Bley on cross  
8 examination:

9 "Q. I will ask you if at the same time you were  
10 sending this money up for Capelli to pay the  
11 charter money on the 'Annie Larsen' you did not  
12 know that you were actually under indictment for  
13 German transactions or alleged German transactions?"

14 (82) The court erred in overruling defendant's objec-  
15 tion to the question put to the witness Joseph L. Bley on cross  
16 examination:

17 "Q. You heard Howard swear that the trouble he  
18 suspected was the very trouble he was in testify-  
19 ing as a witness here didn't you?"

20 (83) The court erred in overruling defendant's objec-  
21 tion to the question put to the witness Joseph L. Bley on cross  
22 examination:

23 "Q. Did you hear old Captain Wallace testify on  
24 this stand here that he fired Nelson out of that  
25 office because he accepted this proposition?"

26 (84) The court erred in overruling defendant's objec-  
27 tion to the question put to the witness Joseph L. Bley on cross  
28 examination:

29 "Q. Is it not a fact that Mr. von Schack was mad  
30 at you, Mr. Bley, about this \$110,000 transaction,  
31 because you were trying to fleece him?

A. Not that I know of.

Q. Has he not written a paper and left it here  
with that statement in it to your knowledge?"

(85) The court overruled in sustaining plaintiff's objec-  
tion to the question put to the witness Joseph L. Bley on cross  
examination:

"Q. You recall the circumstance, do you not,  
that both of these cases (the original Sacramento  
cases) were upon the calendar before Judge Dooling  
and were answered 'Ready' by the defendants?"

1 (86) The court overruled in sustaining plaintiff's objec-  
2 tion to the question put to the witness Joseph L. Bley on cross  
3 examination:

4 "Q. You testified on cross examination that lawyers  
5 conferred with you from time to time respecting  
6 admiralty or maritime matters. Please state to the  
7 jury if you will concerning what subject matters  
8 the lawyers would confer with you."

9 (87) The court overruled in sustaining plaintiff's objec-  
10 tion to the question put to the witness Joseph L. Bley on cross  
11 examination:

12 "Q. State, Mr. Bley, what you learned respect-  
13 ing the coaling of the cruiser 'Leipsic' here  
14 in the port of San Francisco."

15 (88) The court overruled in sustaining plaintiff's objec-  
16 tion to the question put to the witness Joseph L. Bley on cross  
17 examination:

18 "Q. Prior to that time had you any business  
19 with that firm?"

20 (89) The court erred in overruling defendant's objection  
21 put by plaintiff to the witness Fred R. Cooper:

22 "Q. Mr. Cooper, at the time you were in Hengstler's  
23 office with the bill of sale on the day the transaction  
24 was closed in regard to the sale of the 'Maverick'  
25 I will ask you if the defendant Craig here had any  
26 conversation with you or said anything to you upon  
27 the subject that it was not necessary for you to go  
28 outside to watch the side door as he was a respon-  
29 sible party."

30 (90) The court erred in overruling defendant's objection  
31 put by plaintiff to the witness Fred R. Cooper:

32 "Q. Where was Hengstler at the time you were  
33 phoning about the disposal of the money re-  
34 ceived?"

35 (91) The court erred in overruling defendant's objection  
36 put by plaintiff to the witness Fred R. Cooper:

37 "Q. Where was Hengstler at the time that Bley had  
38 the package and before you left the office?"