

0655

BOX:

139

FOLDER:

1439

DESCRIPTION:

Quinn, Hugh

DATE:

05/19/84



1439

POOR QUALITY
ORIGINAL

0656

6 & 70 108

108

Counsel,

Filed 19 day of May 1884

Plends

Chotquelly (21)

THE PEOPLE

vs.

B

Chotquelly

[Section 10, Penal Code]

PETER B. OLNEY,

District Attorney.

A True Bill.

P. B. Olney

May 29 1884

Witnesses:

0657

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Dwight Quinn

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

Dwight Quinn

of the CRIME OF *Selling an article of merchandise to which was affixed a genuine trade-mark, without the consent of the proprietor thereof,* committed as follows:

The said *Dwight Quinn*

late of the *First* — Ward of the City of New York, in the County of New York aforesaid, on the *First* — day of *May* — in the year of our Lord one thousand eight hundred and eighty*four*, at the Ward, City and County aforesaid, *intentionally and knowingly* did sell to one *Theodore Wandele* an article of merchandise, to wit: a certain cork, to which said cork was then and there affixed the genuine trade-mark and brand lawfully adopted by *Ferdinand Kunkelmann and Paul Delius*, doing business as manufacturers of wine under the name and style of *Kunkelmann and Company*, and by them usually affixed to certain wine of the kind commonly known in trade as *Superior Herdwick Champagne wine*, to denote that the same was manufactured by them, without

0658

the consent of the said Kunkelmann
and Company: 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
disquieting

Peter B. C. M. C.

Witness my hand and seal

0659

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Andrew J. White a Police Justice
of the City of New York, charging Hugh Quinn Defendant with
the offence of Misdemeanor

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Hugh Quinn Defendant of No. 245
Middletown Street; by occupation a Boat Hull Dealer
and Patrick Houlihan of No. 184 Bowery
Street, by occupation a Shoe Maker Surety, hereby jointly and severally undertake that
the above named Hugh Quinn Defendant
shall personally appear before the said Justice at the 30 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 _____
Hundred Dollars.

Taken and acknowledged before me, this 30
day of May 1888

Andrew J. White
POLICE JUSTICE

Hugh Quinn
Patrick Houlihan

0660

CITY AND COUNTY } ss,
OF NEW YORK, }

James J. [Signature]
1861
Police Justice.

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and *lease*
holder within the said County and State, and is worth *five* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *The store and fixtures of the*

place situate at 184 Broadway, and
is worth Eight thousand dollars clear of
all debts and encumbrances

Patrick Houlahan

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the day of 188

Justice,

0655

BOX:

139

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1439

DESCRIPTION:

Quinn, Hugh

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1439

POOR QUALITY
ORIGINAL

0656

Witnesses:

68 No 608

W.H.H.

Counsel,

Filed 19 day of May 1884

Pleads *Chattel Mortgage*

THE PEOPLE
vs. B
English Prison

[Section 33, Penal Code]

PETER B. OLNEY,
District Attorney.

A TRUE BILL.

J. M. Newby
Foreman

May 29 1884

POOR QUALITY
ORIGINAL

0657

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Dwight Quinn

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

_____ Dwight Quinn _____
of the CRIME OF *Selling an article of merchandise
to which was affixed a genuine trade-
mark, without the consent of the proprietor thereof.*
committed as follows:

The said *Dwight Quinn* _____

late of the *First* _____ Ward of the City of New York, in the County of
New York aforesaid, on the *First* _____ day of *May* _____ in
the year of our Lord one thousand eight hundred and eighty*four*, at the Ward, City
and County aforesaid, *unlawfully and knowingly*
did sell to one Theodore Wanda
an article of merchandise, to wit:
a certain cork, to which said cork
was then and there affixed the
genuine trade-mark and brand
lawfully adopted by Ferdinand
Humbelmann and Paul Delius,
doing business as manufacturers
of wine under the name and
style of Humbelmann and Com-
pany, and by them usually af-
fixed to certain wine of the kind
commonly known in trade as
Superior Benedictine Champagne wine,
to denote that the same was
manufactured by them, with

POOR QUALITY
ORIGINAL

0658

the consent of the said Kuntzmann
and Company: against the form
of the Statute in such case
provided, and against
the peace of the People of the
State of New York, and their
dignity

Peter B. Cheney

Secretary of the State

0659

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Andrew J. White a Police Justice
of the City of New York, charging Hugh Quinn Defendant with
the offence of Misdemeanor

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Hugh Quinn Defendant of No. 145
Madison Street; by occupation a Ball Player
and Patrick Houlihan of No. 144
Street, by occupation a Shoe Maker Surety, hereby jointly and severally undertake that
the above named Hugh Quinn Defendant
shall personally appear before the said Justice at the 50 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 _____
Hundred Dollars.

Taken and acknowledged before me, this 50

day of May

1888

Andrew J. White
POLICE JUSTICE

Hugh Quinn
Patrick Houlihan

0660

CITY AND COUNTY
OF NEW YORK, } ss,

day of *April*
1881
Police Justice.

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that *he* is a resident and *free* holder within the said County and State, and is worth *five* Hundred Dollars,

exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *The store fixtures of the*

store situate at *184 Broadway, New*
York worth *Eight thousand dollars* clear of
all debts & encumbrances

Patrick Houlahan

District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the day of 188

Justice,

POOR QUALITY
ORIGINAL

0661

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Exhibit

Police Court District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Francis D. O'Connor

101 East 40th St.

May 31 1888
Office of the District Attorney

Dated *May 31* 188

Wm. White Magistrate.

Wm. White Officer.

Witnesses: *Wm. White*

No. *304 Broadway* Street.

No. _____ Street.

No. _____ Street.

\$ *300* to answer *General Sessions*.

By May 31 1888

Power.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 *May 31* 188 *Wm. White* Police Justice.

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

Dated *May 31* 188 *Wm. White* Police Justice.

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

Dated _____ 188 _____ Police Justice.

0662

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Hugh Gurnie 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. *Hugh Gurnie*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *545 Mulberry St 30 years*

Question. What is your business or profession?

Answer. *Corn 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 of the Charge*
Hugh Gurnie

Taken before me this

27th

day of

*March*188*7*

Police Justice.

0663

Sec. 151.

Police Court 2d District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by James P. Osborn
of No. 101 Park Avenue Street, that on the May
1888 at the City of New York, in the County of New York,

Alfred Lummi did commit a
Misdemeanor by violating Section
164 of the Penal Code of the State of New York

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring
forthwith before me, at the 2d District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 1 day of May 1888
Alfred Lummi POLICE JUSTICE.

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs

Warrant-General.

Dated _____ 1888

Magistrate.

Officer.

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

Officer.

Dated _____ 1888

This Warrant may be executed on Sunday or at
night.

Alfred Lummi Police Justice.

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex, _____

Complexion, _____

Color, _____

Profession, _____

Married, _____

Single, _____

Read, _____

Write, _____

POOR QUALITY
ORIGINAL

0664

CITY AND COUNTY }
OF NEW YORK, } ss.

aged

45

years, occupation

Theodore Wandle
Private Detective

of No.

907 Broadway

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Francis Osborn

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

knowledge.

Sworn to before me, this

day of

May 1888

Theodore Wandle

Andrew Smith
Police Justice.

POOR QUALITY
ORIGINAL

0665

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

POLICE COURT—Second DISTRICT.

Francis Fares Osborne

of No. 101 Park Avenue in said city Street, being duly sworn, deposes and

says that on the first day of May 1884

at the City of New York, in the County of New York, one Hugh Guisier of
number 245 Mulberry street in said city
sold and delivered to one Theodore Waudt
one gross of corks to which was affixed
the genuine trade mark ofillers. Kunk-
elman & Co., of Reims, France, without
the latter's consent (as deponent is informed
by said Waudt and verily believes) in
violation of section 364 of the Penal Code
of the State of New York.

Deponent further says that said Kunkel-
man & Co., are the proprietors and exporters
of the brand of champagne wine known
as "Piper-Heidsieck," and the owners of the
trade marks by which the same is known
and sold. That deponent is a member of
the firm of John Osborne, Son & Co., of this
City, who are the sole agents in the United
States and Canada for the sale of said wine.
Sworn to before me this } Francis Fares Osborne
1st day of May 1884. }

Andrew White
Police Justice

POOR QUALITY
ORIGINAL

0666

W. J. d.
Police Court, 2d District.

THE PEOPLE, & c.,

ON THE COMPLAINT OF

W. J. d.
W. J. d.

James Byrne
vs.
Hugh J. J. J.

Dated May 1st 1884

Magistrate.

Det. Corcoran
Officer.

Witness,

Disposition,

0667

Court of *General* — Sessions.

CITY AND COUNTY OF NEW YORK.

The People of the State of New York,
against

Hugh Quinn

I, the undersigned *Hugh Quinn* — the above-named Defendant hereby retain, employ and authorize WILLIAM F. HOWE and ABRAHAM H. HUMMEL, Attornies and Counselors at Law, to appear for me on my behalf and in my place and stead, in the Court of *General* — Sessions of the Peace, to be holden in and for the City and County of New York, in the above entitled action, and the matter of the indictment now pending against me in said Court of *General* Sessions for *Violation of the Statute against trade marks.*

I do hereby expressly authorize my said attornies to appear for me in said Court of *General* Sessions, as my duly authorized Attornies for that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial thereof in said Court of *General* — Sessions, and to proceed with the trial thereof in said Court of *General* — Sessions, in my place and stead, and in my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally present at said trial.

L. Hugh Quinn

Dated this *21st* day of *May* — 188 *4*

N. Y. Court of General Sessions.

The People, etc.,
agst.

Ray L. Lamm

Authority to appear with waiver.

HOWE & HUMMEL,
Attorneys for *Lamm*

Ray L. Lamm

89 CENTRE STREET, N. Y.

0660

0669

BOX: 139

FOLDER: 1439

DESCRIPTION: QUINN, HUGH

DATE: 05/19/84

INCOMPLETE DOCUMENTS

0670

The People of
Francis Pearson } For Midsummer
against } Before Hon
Hugh Tustin } Andrew G. White
} Peace Justice.

May 5th 1884.

Francis Pearson the complainant Cross
examined on his affidavit

Where do you reside?
At 101 Park Avenue.

What is your age?
44 years.

What is your business?
A Merchant

Are you one of the firms of John Pearson
& Son and Company, the sole agents in and
for the United States & Canada for the
sale of wine known as J. & S. Pearson
Aper-cu?

Is there a trade mark on that wine?
Aper-cu.

Where is the trade mark on that wine, the
bottle or on what portion of what is
known as J. & S. Pearson?

Directed to as J. & S. Pearson
A. M. & Son, a company of J. & S. Pearson
are the owners & exporters of the

0671

brand of champagne wine known as paper
bees.

Q And they are the owners of the trade mark.
which is known and sold as paper
bees.

A Certainly.

Q And what information had you Mr Osborn that
these coats that you charge that were sold
by Mrs Gurnie & Mr Marshall on the 1st day
of May 1874 were sold to him without the
consent of the proprietors of the posters of
this wine.

A I know very well that the reporters would
not give their consent & it would have
been delegated through me to give any
consent.

Defendants Counsel moves to strike out the
answer.

By the Court

Q And you know of your own knowledge
that Mrs. Knudsen & Co did not give
their consent to Mrs Gurnie to sell these
coats on the first day of May of your
own knowledge.

A I am perfectly confident, I know it just as
well as I see you.

Defendants Counsel moves to strike

0672

out the answer

By the Court

Q Is that the only answer you can give?

A I am sorry, my Court, knowledge that they
didn't give it

Q From what did you or do you derive your
knowledge?

A They admit have any power to do any such
thing.

Q Who didn't

A Henderson & Co

Q Is that the only reason?

A Yes Sir because they wanted not be such
asses.

Q Is that the only other reason?

A They must have been frustrated by all the
people to pass their bad checks.

Q Have you talked with Henderson & Company
before or since you made this complaint?
And before you made this charge, since the
checks were paid on the 1st day of May?

And Sir

Q This particular charge?

And Sir

Q Do you know Mr Osborn a figure and
knowledge that the checks which were used
for buying paper, feed, etc., had a special

0673

Q I have made for itself of your own knowledge
A I don't understand what you mean by the
question?

Q Do you know Mr Osborn of your own knowl-
edge that the cones which are used for
balling paper beads, has a special trade
mark for itself of your own knowledge?

A The only way I can answer that question
is that the cones which are used in
paper bead balling are stamped with
the various trade marks belonging to
Munkleman & Co previous to balling
the cone itself is not a trade mark, the
cone without being stamped is anybody's
property.

Q Do you know Mr Osborn of your own knowl-
edge that the cones which are used for
balling paper beads has a special
trade mark for itself of your own knowl-
edge? A In all the cones used in the paper
bead balling have their trade marks.
before they are previous to their being
shipped from Rhine.

Q I understand that you derive your knowledge
that it has a special trade mark?

A I have having imported the cone for
a number of years & with having an

0674

E.

agreement with the House that they will
not ship their trade mark to anybody else
in the United States.

Q Does the trade mark extend chiefly to the
bottles, the casks, and the liquid which is
carried upon the bottles?

A The trade marks are impressed on the
bottles, previous to bottling, and the trade marks
are affixed to the casks, previous to affixing
them to the bottles, and the labels are
impressed, previous to being affixed
to the bottles, and are the bottles previous
to the bottles being packed in them.

Re-examined

Q You said that you have a contract with
Kumblers & Company, that they shall
ship their trade mark to nobody else in the
United States but yourself, is that so?
A Yes.

Q Now you are to the Ruling of the Court
A They cannot ship to anybody else in
the United States or Canada but ourselves.
Q Now Oshorn you have communicated with
Kumblers & Company both by letter
and by word of mouth with regard to the
use of their trade marks without their
consent?

0675

67

Q We have so far as the law would allow
no to do so but at a very great cost to the
Q to ourselves.

Q Mr. Dodson, I should want a cork that was
just produced by Mrs. Hurdice and ask
you to look upon the marks upon it
and tell me if you perceive whether there is
any of Hurdice's marks on that
cork?

A Yes, sir.

Q What are the trade marks?

A Hurdice's A Brevins and the Comet as the
battons and on the side H. P. & Co.

Q And those you know to be the trade marks
of Hurdice's & Co.?

A Yes, sir.

Q And do you recognize these as genuine trade
marks of Hurdice's & Company?

A Yes, sir.

Q These trade marks are branded into the
corks?

A They are branded into the corks previous
to bottling.

Q How long have you been agent for the
owners of paper Hurdice's?

A A number of years, I don't remember
if it was 1875 or 1876 I mean myself.

0676

14

personally
Q your father was the agent was he not?
A the man the agent for J. & Co. Rhein.
Q Has this trade mark been used by Kunkel
man & Co. on paper Heidelberg ever since
that time

A Oh yes for 20 or 30 years previous to that time
Q Do you know of your own ^{personal} knowledge
that it was used many years before
that?

A Of my own personal knowledge it was
used over 10 years before that.
Recess

Q Mr. Ashmun will you swear of your own
knowledge that the cards with the words
H. Papei & Co. Heidelberg a Rhein, with
the cornet at the bottom bore a special
trade mark for themselves. will you swear
that these marks are the trade marks
for the cards alone.

A I don't know what you mean by the
question - I will swear that the words
H. Papei & Co. Heidelberg a Rhein with the
cornet at the bottom are printed or
impressed on these cards are the trade
marks belonging to Kunkelman & Co.
Rhein.

0677

2

Q Is there a special trade mark for these
cans, is that the special trade mark on
those cans?

A I don't know that it is a special trade
mark or not? They have got so many trade
marks in getting what is known as
paper business that mostly all who
buy it know it?

Q How many trade marks have they got?

A Perhaps 30 or 40 I don't know how many
there are a great many of them?

Q Can you give us the different parts of
what is known as paper business that
the trade marks are on?

A Related to

A I cannot tell you all.

Q Give us some of them.

A H Paper & Co is a trade mark, Heineken
a Rheims is a trade mark, separately and
together,

Q Describe it on the bottles.

A The trade mark is on the bucket, on the
labels and on different portions of the
labels.

Reams

Q Mrs Osborn this can is a portion of what
is known as paper business - are the

0678

J

cords, paper handles trade marks?

A They are every part that bears the name or brand had been filed as a trade mark, that was possible for us to do to protect ourselves as much as possible notwithstanding its perfectly well known to everybody in the United States, we have been dealing with these wines for a number of years.

Q Is the trade mark Paper handles a different trade mark from that that is on the cork?

A It is certainly a different trade mark from that on the cork, the wine generally is known as paper handles and these corks are taken from paper handles bottles.

Q Is the trade mark Paper handles a different trade mark from that that is on the cork?

A It is a separate trade mark there is a separate trade mark on the neck label on the bottle and on the bucket.

Re answer

Q Then there are separate portions separate labels and separate parts of labels that are separate trade marks?

A Yes in the first place when it comes to this country already packed and the general appearance, every thing

0679

BOX: 139

FOLDER: 1439

DESCRIPTION: QUINN, HUGH

DATE: 05/19/84

INCOMPLETE DOCUMENTS

0680

The People. &
Francis Packard
vs
Hugh Quinn

Before Hon
Andrew J. White
Justice

May 5th 1884.

Theodore Handel Case examined on
his affidavit

Q you went to Mr Quinn place of
business on the first of May in
Mulberry Street did you not?

A yes sir

Q And was Mr Quinn there?

A yes sir

Q His name is?

A I am not positive but I think it is?

Q you were there on the first of May
And asked for some coins?

A yes sir

Q what did you say to Mr Quinn?

A I had been there previous to that

0681

7

appear but not this particular thing but
I have for ^{many} years.

Depts. Council moves to strike out the
Answer.

By the Court.

Q In many years past you have been
in constant communication with some
man & company with regard to the
principles and unlawful use of their
trade marks in this country?

Answer

Q And in these communications with you on
that subject they have said that they never
have authorized anybody to use them?

Answer

Q Have they taken any measures to prevent
the unlawful use of their trade marks
objected to

A Very stringent measures.

Q What have they done?

A They took us to spend any amount of money
to put a stop to it; and to employ Counsel &
and detectives and to aid them all that we
could.

Q And you have spent large sums of money
to break up the use of their trade
marks?

0682

16

bought some corn of Mr Quinn
of some of these corns?

Ayes. Q And after I approached Mr Quinn I asked
him for some the same kind of corn that
I bought before and he went and picked them out
and brought them to me

Q And did he take the corn from?

A That I cannot say.

Q Did you go with him and see him pick them
out?

A Yes.

Q How long did it take him to return with those
corns from the time you asked him until
he brought them?

A 10 or 15 minutes perhaps 20

Q And when he came back he brought the
corns with those marks on them did he?

A Yes.

Q And paid them to you and you paid him the
money?

A Yes. I paid him one dollar and twenty five
cent a grain.

Q He didn't sell you any butter with the
corn in them?

A Yes.

Re direct

Q Look at that corn (showing witness corn)

0683

17

do you know where that came from?

A Yes sir

Q Where?

A At Quinn's of 245 Mulberry Street.

Q Is that one of the corns you bought on the first of May?

A Yes sir

offered in evidence & marked Envelope Exhibit #1.

Q This corn has been in your possession since you bought them?

A Yes sir

Q And since you bought them until today?

A Yes sir

Re-exam.

Q Did you see any other corns in that establishment that had other marks & inscriptions on them besides these which you saw on the first of May?

A Did not on the first of May.

Q That is the last time you were there on the first of May?

A Yes sir

Q Did you see any other corns in the place besides those paper Laidrich corns?

A No sir I was not in the place.

Q Did you read this affidavit of Mr Osborn.

0684

18

A Stopped on the side walk and bought these
cans?

Q Did you see them on the sidewalk?

A Yes sir

Q Did Mr Quinn come on the sidewalk?

A Mr Quinn drove up in a horse & wagon and
met me on the sidewalk in front of
his place of business and there I bought
the cans?

Q Before the first of May did you see all the
cans in that place of Mr Quinn
abandoned to?

A Yes sir

Q Before the first of May did you at
any time see cans in the establishment
of Mr Quinn in Mulberry Street that
had other inscriptions or other marks
on them besides those marks of pipes
widener, Rheinix, France.

Abandoned to

By the Court.

A Now I want to be positive about that, but
I don't think there was they were in a
bag or sack as you may call it and they
were thrown out of the sack upon a
table, there his wife and myself picked
the cans out, that is previous to this

0685

19

Q But from the bag or sack from which you
picked them coars out there were other
coars in there was there not besides these
pigei headed coars?

A I don't think there was.

Q How did you pick out the coars?

A I was picking out the nicest coars. I
was assorting them;

Q Did you look at every coars?

A Yes sir

Q Would every coars have this impression
on them?

A Yes sir

Q Did you take out every coars out of that bag?

A Yes sir

Q You didn't see the other coars that were
in the establishment except in that
particular bag?

A There were coars thrown around there
and there was sacks of coars. I presume
there was coars in them.

Q Did you see any coars lying around
on the floor?

A Yes sir lots of them. I saw coars that
were cut down or shaved as you may
call it

Q Did you see whole coars without the

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marks?

And in

of which you say whether all the copies that you
saw had that mark?

And all the copies that were examined had that
mark.

Given to be before me
this 8th day of May 1881 } Theodore Tilden

Andrew Johnson
Notary Public

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~~Q Is the trade mark paper Honduras a different trade mark from that that is on the cork?~~

~~A It is certainly a different trade mark from that on the cork the wine generally is known as paper Honduras and these words are taken from paper Honduras bottles.~~

~~Q Is the trade mark paper Honduras a different trade mark from that that is on the cork?~~

~~A It is a separate trade mark, there is a separate trade mark on the neck label, on the bottle. And on the bottles Reunion.~~

~~Q Then there ^{are} separate portions, separate labels and separate parts of labels that are separate trade marks.~~

~~A Yes sir in the first place when it comes to this country already passed and the ~~general appearance~~ everything on it its cap label and cork is a trade mark~~

~~Q and as such it is registered.~~

~~A Yes sir.~~

~~Q Then there are different parts and different labels and different stamps which are also trade marks, and are registered as such?~~

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Answer

Q And the words Heidsieck & Rhein are registered

Answer

Q And the words St. Peter & Co. branded on the side of the cork they are trade marks?

Answer

Q And there are a number of separate trade marks connected with these goods?

Answer

Q Which are registered and which have been claimed by the owners of this brand of wine for many years before?

Answer, I suppose for 50 years.

Re Cross.

Q And you mean to say that a cork with this mark on it and the liquid or wine inside is known as St. Peter Heidsieck?

A If the trade marks were genuine and the corks should not have been drawn

I should say that it was a bottle of genuine St. Peter Heidsieck

Q But there is one trade mark known as St. Peter Heidsieck?

A The wine is generally known as St. Peter Heidsieck?

J. H. M. O'Byrne

I come to before me
this 8th day of May 1884
Andrew J. M. O'Byrne
Justice