

0205

BOX:

284

FOLDER:

2712

DESCRIPTION:

Kelly, Cornelius

DATE:

11/11/87



2712

0206

after reading the  
within affidavit  
of George O'Connor  
I throw the defendant  
has a perfect defence  
and there fore ask  
for his discharge  
by dismissal of indictment  
Jury 5<sup>th</sup> 88 G.S.D.  
A.D.A.

Old days of  
Jenny

*District Attorney.*

W. H. C. Brown & Co.

5-11 Jan 2-AM  
**A True Bill**

Ed. Magom

## Forensic

Pr. Aug 5/88.

Indistinct Distinct  
Deep Viscid

The Court of General Sessions of the  
City & County of New York -

The People vs }  
- agt - }  
Cornelius Kelly }

City & County of New York { SS : George  
O'Connor being duly sworn deposes and says  
that he is a resident citizen and house holder  
of the City of New York and resides at No 37  
Chrystie Street - That he knows Cornelius  
Kelly above named and has known him  
from childhood, and says that said Kelly  
was born in New York City, is of white color,  
is of the age of twenty one years & upwards  
and has resided with deponent for over  
one year and that said Kelly has resided  
in New York County for that period, with  
him, and that he knows said Kelly went  
before the Board of Registry of the 8th Assembly  
District and of the 1st Election District thereof  
and gave his residence, as was correct, as  
No 37 Chrystie Street - That subsequently  
he moved from 37 Chrystie St to No 41 Bow-  
ery where he resided on the day of election -  
He further says that the boundaries of the 1st  
Election Dist. as aforesaid are Canal, Bowery  
Chrystie & Bayard Streets, and further says  
that No 41 Bowery is in the same Election  
District and that the polling place and place  
of Registration are one and the same -

Sworn to before me this }  
5th day of January 1888 }

E. Newell  
Notary Public N.Y. Co. (19)

George O  
Connor

POOR QUALITY  
ORIGINAL

0208

N.Y. Sessions

The People

- vs -

Cornelius Kelly

Affidavit of local

by of 41 Bowery

+ 87 Chrystie St.

Whittington

Atty for Kelly

4 Warren St.

N.Y.



POOR QUALITY  
ORIGINAL

0209

Form No. 1

# THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assigned to the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days 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 GREEN, President.

NUMBER

SENT BY

REC'D BY

CHECK

3

Wm. J. W.

2272

333

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

Dec 21 1887

Dated White Plains N. Y. 21

To Hon Rufus B. Lewis

2232 Chambers St N. Y.

Will you please pass case of  
Cordelia Kelly for illegal voting  
for the Gov. I am engaged in  
supreme court here and of fice  
Robert A. Livingston

POOR QUALITY  
ORIGINAL

0210

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Wm J. Mooney

of No. 11th Precinct Street, aged 32 years,  
occupation Policeman being duly sworn deposes and says  
that on the 5 day of November 188

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

nowhere did unlawfully register as a  
voter and did vote illegally at the  
election held of the 1st election district  
of the 6th Assembly District. That  
Defendant claimed residence from No  
37 Chrystie Street, and deponent has  
ascertained that Defendant did not  
reside at said place at the time of registry  
or voting, a deponent was informed  
Mrs George O'Connor the proprietor of said place,  
William O'Connor

Sworn to before me, this  
of November 188

day

Police Justice.

POOR QUALITY  
ORIGINAL

0211

Sec. 198-200.

3<sup>rd</sup>

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

*Correline Kelly*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*41 Bowery 3 weeks*

Question. What is your business or profession?

Answer.

*Seaman*

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*

*Correline Kelly*

Taken before me this

*8th*

day of *December* 188*7*

*John J. McNamee*  
Police Justice.

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 3 DISTRICT.

Wm J. Mooney

of No. 11th Precinct Street, aged 32 years,

occupation Police being duly sworn deposes and says

that on the 8 day of November 1887

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

nowhere did unlawfully register as a voter and did vote illegally at the election held of the 1st election district of the 8th Assembly District. That defendant claimed residence from No 37 Chrystie Street, and deponent has ascertained that defendant did not reside at said place at the time of registering, as defendant was informed Mrs George O'Connor the proprietor of said place.

William J. Mooney

Sworn to before me, this

of November 1887

day

Police Justice.



POOR QUALITY  
ORIGINAL

0213

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

1883  
Police Court District.  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
William J. Hall  
11 West  
Coruelius Hall  
Offence \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated Nov 8 1887  
Coruelius Magistrate  
H. J. Hall Officer  
Witnesses Mr Geo O Connor  
No 37 Christie Street,  
Edward Lewis  
113 1/2 Broadway Street,  
No. \_\_\_\_\_  
No. \_\_\_\_\_  
No. \_\_\_\_\_  
\$ 1000 to answer  
Street,  
C. M.

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 Ten 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 Nov 8<sup>th</sup> 1887 \_\_\_\_\_ Police Justice.

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

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

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

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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Randolph Kelly*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Randolph Kelly* —

of a FELONY, committed as follows:

Heretofore, to wit: on Tuesday, the *eight* day of November, in the  
year of our Lord one thousand eight hundred and eighty *seven*, (the same being  
the Tuesday succeeding the first Monday in the said month of November), there was held a  
general election throughout the State of New York and in the said City and County of New  
York; and on the day and in the year aforesaid, and at the said election, the said *Ran-*  
*ndolph Kelly*, late of the said City and County, at the City and County afore-  
said, did personally appear before the Inspectors of Election of the *Third*  
Election District of the *Eight* Assembly District of the said City and  
County, at a meeting of the said Inspectors of Election then being duly held at the duly  
designated polling place of the said Election District, and did then and there feloniously

*vote in the said Election District,*  
*without having a lawful*  
*right to vote therein,*

against the form of the statute in such case made and provided, and against the peace and  
dignity of the said People.

RANDOLPH B. MARTINE,

District Attorney.

02 15

BOX:

284

FOLDER:

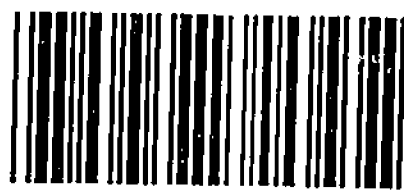
2712

DESCRIPTION:

Kelly, James

DATE:

11/02/87



2712



POOR QUALITY  
ORIGINAL

0216

Witnesses:

Not Aug.  
Officer to court

Justice  
Prokaryal  
Return 7d

Counsel,  
Filed day of Nov. 1887  
Plends Chyally

THE PEOPLE

Grand Larceny in the  
(MONEY)  
(Sec. 528 and 537, Penal Code.)

37.  
74 Cray  
can  
vs.  
R

James Kelly

RANDOLPH B. MARTINE,  
District Attorney.

show 11 12 12 12  
15. 12 12 12  
show 17 12 12 12  
A True Bill. 12 12 12

J. C. M. S.

Foreman.

3. Mas Pen  
7d

POOR QUALITY  
ORIGINAL

0217

Police Court—2—District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 55 West 44<sup>th</sup> Street, aged 50 years,  
occupation Trailer being duly sworn

deposes and says, that on the 26<sup>th</sup> day of October 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and from the person of deponent, in the day time, the following property viz:

Good and lawful money of the  
United States of the amount  
and value of Fifty Dollars  
(\$50.00)

the property of

Deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by James Kelly (now here)

and another person unknown to deponent  
and not yet arrested, acting in concert  
with each other, with the intent to  
deprive the true owner of said property  
from the following facts, to wit: that  
deponent had just drawn the  
said sum of money from the Greenwich  
Savings Bank and deponent put and  
placed the said property in the left  
hand pocket of the pantaloons then  
and there worn by deponent, and  
deponent was walking along  
Traverber Place, when said defendant  
and said unknown person, came up.

Sworn to before me, this

188

day

Police Justice

to deponent and accosted ~~him~~ deponent  
by showing him some cards which they  
represented would draw a prize.  
then said defendant ~~walks~~ placed himself  
on the left hand side of deponent  
and said ~~defendant~~ <sup>an unknown</sup>  
person placed himself on the right  
hand side of deponent, and walked  
along with deponent. then said  
defendant began to pinch defendant's  
~~his~~ left leg and pants and then  
said defendant inserted his defendant's  
hand in the said left hand pocket  
of deponent's trousers and took therefrom  
the said property, and immediately  
thereafter said defendant and  
said unknown person ran away.

Deponent therefore charges  
said James Kelly and said  
unknown person <sup>not yet arrested</sup> ~~persons~~ <sup>white</sup> acting  
in concert with each other  
with having committed the said  
larceny and asks that he may  
be dealt with as the law may  
direct.

Sworn to before me this  
20<sup>th</sup> day of October 1887

J. W. Norman

Police Justice

James M. Hill

POOR QUALITY  
ORIGINAL

0219

Sec. 198-200.

2-

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*James Kelly* 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 Kelly*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *Louisiana*

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

Answer. *Nº 79 Crosby Street about 2 years*

Question. What is your business or profession?

Answer. *Cook*

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*

*JW Kelly*

Taken before me this

day of *October* 188*8*

*William J. ...*  
Police Justice.



POOR QUALITY  
ORIGINAL

0220

Sec. 198—200.

2- District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*James Kelly* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h *6* right to  
make a statement in relation to the charge against h *4*; that the statement is designed to  
enable h *4* if he see fit to answer the charge and explain the facts alleged against h *4*  
that he is at liberty to waive making a statement, and that h *6* waiver cannot be used  
against h *4* on the trial.

Question. What is your name.

Answer. *James Kelly*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *Louisiana*

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

Answer. *Nº 79 Crosby Street about 2 years*

Question. What is your business or profession?

Answer. *Cook*

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*

*J W Kelly*

Taken before me this

day of *October* 188*8*

*William J. ...*  
Police Justice.

POOR QUALITY  
ORIGINAL

0221

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

#407  
Police Court-- 2 District.  
1945

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Robert Weiss  
James Webb  
Larson  
Felony  
1  
2  
3  
4  
Offence

Dated Oct 30 188

J. J. James  
Magistrate  
15<sup>th</sup>  
Precinct.  
Officer.

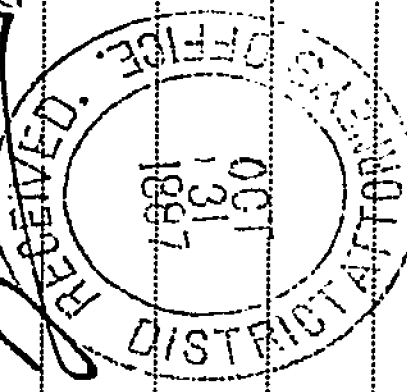
Witnesses

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

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

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

\$ \_\_\_\_\_  
TO ANSWER



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 Five Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Oct 30 188 \_\_\_\_\_ Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0222

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 Kelly*

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

*James Kelly*

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

The said

*James Kelly*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *thirteenth* day of *October*, in the year of our Lord one thousand eight hundred and eighty*seven*, at the Ward, City and County aforesaid, with force and arms, in the *same* time of the same day, *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *five* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *two* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *two* United States Silver Certificates of the



POOR QUALITY  
ORIGINAL

0223

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 Kelly*

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

*James Kelly*

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

The said

*James Kelly*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *twentieth* day of *October*, in the year of our Lord one thousand eight hundred and eighty*seven*, at the Ward, City and County aforesaid, with force and arms, in the *day* time of the same day, *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *five* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *two* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *two* United States Silver Certificates of the

POOR QUALITY  
ORIGINAL

0224

denomination and value of twenty dollars *each* ; *Three* United States Silver  
Certificates of the denomination and value of ten dollars *each* ; *Five* United  
States Silver Certificates of the denomination and value of five dollars *each* ; *Ten*  
United States Silver Certificates of the denomination and value of two dollars *each* ;  
*One* United States Silver Certificate of the denomination and value of one dollar  
*each* ; *Two* United States Gold Certificates of the denomination and value of  
twenty dollars *each* ; *Three* United States Gold Certificates of the denomination  
and value of ten dollars *each* ; *Five* United States Gold Certificates of the  
denomination and value of five dollars *each* ; and divers coins, of a number, kind  
and denomination to the Grand Jury aforesaid unknown, of the value of *Ten dollars*,

of the proper moneys, goods, chattels, and personal property of one *Robert Shing*,  
*on the person of the said Robert*  
*Shing*, then and there being  
found, *from the person of the said Robert Shing*, then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case made and  
provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,  
*District Attorney.*

0225

**BOX:**

284

**FOLDER:**

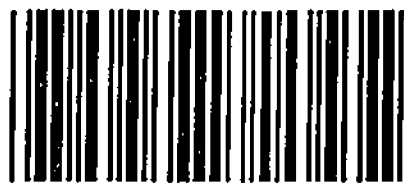
2712

**DESCRIPTION:**

Kelly, James

**DATE:**

11/10/87



2712

POOR QUALITY  
ORIGINAL

0226

Counsel,  
Filed 10 day of Nov 1887  
Pleads, Chiquity (11)

THE PEOPLE

vs.

James Kelly  
33  
Park Row Ave

Burglary in the 1st Degree.  
[Sections 489, 506, 528 & 532]

RANDOLPH B. MARTINE,

Attorney at Law  
Chas. 160 2nd St  
Chas. 18 1st St  
Chas. 18 1st St  
Chas. 18 1st St

A True Bill.

W. Maguire

Foreman

Nov. 28. 1887

Propr. Wash. D.C.

Witnesses:

Richardson & Nance

PK

POOR QUALITY  
ORIGINAL

0227

Police Court—X District.

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

of No. 112 East 6th Street, aged 41 years,  
occupation Inspector being duly sworn  
deposes and says, that the premises No. 112 East 6th Street, 19 Ward  
in the City and County aforesaid the said being a tenement

and which was occupied by deponent as a dwelling  
and in which there was at the time a human being, by name Edward Grossman

were BURGLARIOUSLY entered by means of forcibly turning the  
lock on & opening an iron  
gate leading to the basement  
of said premises

on the 28 day of October 1888 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Three Coats of the value  
of about ninety dollars \$90.00

the property of Deponent Leopold Grossman  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

James Kelly (now present)

for the reasons following, to wit:

That Deponent is in-  
formed by John F. Cuff, a police  
officer of the 3rd Precinct  
that Defendant after the time  
of said burglary admitted  
to him Cuff that he Defendant  
had had said property in  
his possession & had  
sold the same. And that

Defendant had informed  
himself of the person to  
whom he defendant had  
sold said property.  
And that Defendant is further in-  
formed by said Cuff that  
the Cuff after the time of  
said burglary found the fore-  
said property in the posses-  
sion of the person in-  
dicated by Defendant.

Edw. A. Grossman

Sworn to before me  
this 30th day of October 1887

Wm. H. Miller  
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 1887  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1887  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1887  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated

1887

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.



POOR QUALITY  
ORIGINAL

0229

Sec. 198—200

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*James Kelly* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer,

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

Answer.

Question. What is your business or profession?

Answer,

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

Answer.

*Another man gave me the property & asked me to sell it for him. I took it & sold it but I did not receive any money. I am not guilty of the charge against me.*

*James Kelly*

Taken before me this

day of *March* 188*7*

Police Justice.



0230

**Residence**

**Witnesses**

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

No. 77 NOV 18 Stre

Stre  
RECEIVED  
No.

to answer

*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* Be. Hudson

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

Dated 22.11.1887 1887 Henry James Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

023

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 34 years, occupation Police Officer of N.Y.

John J. Caff Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Edward G. Mason

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

Sworn to before me, this

day of October 1883

John J. Caff  
Police Justice.

POOR QUALITY  
ORIGINAL

0232

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 Kelly*

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

*James Kelly*

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

The said

*James Kelly*

late of the *Nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *Twenty eighth* day of *October*, in the year  
of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, about the  
hour of *Twelve* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*Edward A. Grossmann,*

there situate, feloniously and burglariously did break into and enter, there being then and there some  
human being, to wit: *The said Edward A. Grossmann.*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels  
and personal property of the said *Edward A. Grossmann.*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away;

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

POOR QUALITY  
ORIGINAL

0233

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

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

The said *James Kelly,*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *month* time of the said day, with force and arms,

*Three coats of the value of*  
*thirty dollars each,*

of the goods, chattels and personal property of one

*Edward A. Grossman,*

in the dwelling house of the said

*Edward A. Grossman,*

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

POOR QUALITY  
ORIGINAL

0234

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*James Kelly*—

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*James Kelly*

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*three coats of the value of  
twenty dollars each.*

of the goods, chattels and personal property of one

*Edward A. Grossmann*—

by ~~a certain~~ *person* of persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*Edward A. Grossmann*—

unlawfully and unjustly, did feloniously receive and have; the said

*James Kelly*—

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0235

BOX:

284

FOLDER:

2712

DESCRIPTION:

Kelly, John W.

DATE:

11/11/87



2712

Witnesses:

Charles Paehl  
Off. Katz

Bartholomew

CP

Counsel, \_\_\_\_\_  
Filed, 11 day of Nov 1887  
Pleads, *Guilty* (14)

THE PEOPLE

vs.

*19. Cherry*  
*humorist*  
*John W. Kelly*  
*H.D.*

Grand Larceny, *first* degree  
(FROM THE PERSON)  
Sections 528, 580, Penal Code]

RANDOLPH B. MARTINE,  
*Attorney at Law*  
District Attorney.  
*Nov 24/87*  
*per Adolph L. 24/87.*

A True Bill.

*John Magowan*  
Foreman.

*J. H. S. P.*

POOR QUALITY  
ORIGINAL

0236



POOR QUALITY  
ORIGINAL

0237

Police Court—1st District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. Charles Pack Christopher C. Pack Street, aged 41 years,

occupation Seaman being duly sworn

deposes and says, that on the 23 day of Oct 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

person of deponent, in the night time, the following property viz:

One Single Cased Silver Watch  
of the value of Twenty dollars

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,

and carried away by John W. Kelly nowhere

from the fact that at about the hour of eleven o'clock P.M. while deponent walking along New Chamber he met the defendant and asked defendant the way to Atlantic Garden and the defendant snatched hold of the watch chain attached to the aforesaid watch and worn in the left hand side pocket of deponents vest and pulled the aforesaid watch out of deponents vest pocket and ran away pursued by deponent and deponent shouted loudly for Police and deponent is informed by Officer Thomas Wade

Sworn to before me this

1887

Police Justice

of the 4th Precinct Police that he gave  
chase to said defendant and found  
the defendant on the roof of premises  
410 N. Cherry Street and said Officer  
found the aforesaid watch here shown in  
evident on a window sill on the first floor  
of premises 410 N. Roosevelt Street where the  
defendant secreted himself and defendant  
identifies said watch as the property  
taken stolen and carried away as aforesaid  
wherefore defendant prays that the said  
defendant may be dealt with as the  
law directs

Sworn to before me this

24th day of October 1887

Charles Smith

James C. Smith Police Justice

POOR QUALITY  
ORIGINAL

0239

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas Flade  
aged 27 years, occupation Police Officer of No.

4th Avenue Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Charles Jack

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

Sworn to before me, this

day of

Oct 1887

Thomas E. Flade

Samuel C. Flade

Police Justice.

POOR QUALITY  
ORIGINAL

0240

Sec. 198-200.

15 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*John W. Kelly* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is his right to  
make a statement in relation to the charge against him that the statement is designed to  
enable him 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this  
day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0241

BATTED,  
No. 1, by  
Residence  
No. 2, by  
Residence  
No. 3, by  
Residence  
No. 4, by  
Residence

Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Vachell  
John W. Kelly  
Carcer  
from the Person

Dated 188

Magistrate  
Officer

Witnesses  
Complainant committed  
The Honorable Detention in  
detained by 1100 to answer  
Police Justice

No. 1000 to answer  
Committed

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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten 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 188 Police Justice.

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

Dated 188 Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order h to be discharged.

Dated 188 Police Justice.



POOR QUALITY  
ORIGINAL

0242

District Attorney's Office.

PEOPLE

vs.

Wagner  
Andrew W. W. W.

There is another  
case agst the  
above Defendant  
Com - without  
Fact - Compt  
in Hospital



POOR QUALITY  
ORIGINAL

0243

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, Nov 11 1887.

To whom it may concern.

This will certify that Mary  
Kelly a Patient at this hospital for  
stab wound of the neck is progressing  
slowly but can not yet be considered  
out of danger.

L. W. L. and W. L. L. L.

House Surgeon.

NEW YORK HOSPITAL.  
HOUSE OF RELIEF,  
160 CHAMBERS ST., NEW YORK.

POOR QUALITY  
ORIGINAL

0244

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 15<sup>th</sup> DISTRICT.

of No. Thomas F Wade Street, aged 27 years,  
occupation Police Officer being duly sworn deposes and says  
that on the 2<sup>nd</sup> day of October 188

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

Charles Pack  
(now here) who is Material witness  
on a certain Complaint against one  
John W Kelly Dependent having good  
reason to believe that said Pack  
will not appear at the next Court of General  
Sessions in and for said City & County of New  
York and testify as such witness  
wherefore dependent prays that the said  
defendant may be ordered to enter into  
Recognizance with Security for his appearance  
at such Court

Thomas F Wade

Sworn to before me, this

188

day

Sam'l C. McNeill  
Police Justice.

POOR QUALITY  
ORIGINAL

0245

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*John W. Kelly*

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

*John W. Kelly* -

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

The said

*John W. Kelly*

late of the City of New York, in the County of New York aforesaid, on the

*Twenty-third* day of *October*, in the year of our Lord

one thousand eight hundred and eighty-seven, at the City and County aforesaid, in the

*night* time of the same day, with force and arms, *one watch*

*of the value of twenty dollars,*

of the goods, chattels, and personal property of one *Charles Bacht* -

on the person of the said *Charles Bacht*, then and there being

found, from the person of the said *Charles Bacht*, then and there

feloniously did steal, take and carry away, against the form of the Statute in such case made

and provided, and against the peace of the People of the State of New York, and their dignity.

*Samuel J. Beane*

District Attorney.

0246

BOX:

284

FOLDER:

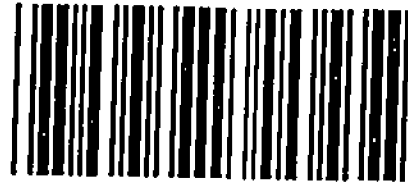
2712

DESCRIPTION:

Kelly, John

DATE:

11/14/87



2712

POOR QUALITY  
ORIGINAL

0247

68 ✓  
Counsel,  
Filed, 14 day of Jan 188  
Pleads, *James B. Martin*

THE PEOPLE

vs.

ILLEGAL VOTING.  
[Laws of 1882, Chap. 210, § 1804.]

*John Kelly*  
alias  
*James Burns*

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*J. P. Maguire*  
Foreman.  
*John W. Taylor*  
Pleads Guilty  
J. P. one yr

Witnesses:

POOR QUALITY  
ORIGINAL

0248

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

POLICE COURT, 32 DISTRICT.

James K. Price

of No the Central Office Street, being duly sworn, deposes and says,

that on the 18 day of October 1887

at the City of New York, in the County of New York, at No 36 Bayard

Street which was the place of Registry  
of the First Election District of  
the Eighth Assembly District

James Burns (now here), did unlawfully  
register as a Voter - That said  
defendant did then and there declare  
that his residence was at that time  
at No 33 Bowery

That defendant is informed  
by Augusta Cluff (now here) of  
No. 33 Bowery, that said defendant  
was not at said time a resident  
of said place

James K. Price

*James K. Price*  
*and day of Nov 1887*

*John J. Burke*



POOR QUALITY  
ORIGINAL

0249

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *John Kelly*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *67 James Street about 6 months*

Question. What is your business or profession?

Answer. *Bartender & Waiter*

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

Answer. *I did not register in the 1<sup>st</sup> Election District of the 8<sup>th</sup> Assembly District. I was passing along the Bowery, when two men met me, and asked me if I had voted. I told them I have no vote here. They told me to vote that it is all right, that I could make a few dollars. They then gave me the name James Burns and I went to the Election place to vote, and I was arrested.*

*John Kelly*

Taken before me this

day of *November* 188*7*

*Richard J. ...*  
Police Justice.

POOR QUALITY  
ORIGINAL

0250

Sec. 151.

Police Court 3 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 A. Price*  
of *the Central Office Police* street, that on the *28* day of *October*  
188 *7* at the City of New York, in the County of New York,

*James Burns*  
*did unlawfully register as a*  
 *voter at No 36 Bay and street*  
*First Election District of the 8th*  
*Assembly District*

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 *him*  
forthwith before me, at the 3 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

*3* day of *September* 188 *7*

POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0251

\$1000 Ex 9 am  
May 1887

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

1887  
Police Court--  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James H. Morris  
James H. Morris

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence *Prohibition*  
*Electoral Law*

Dated *Nov 3* 1887

*Alfred*  
Magistrate.

Officer.

Witnesses *James H. Morris*  
Precinct.

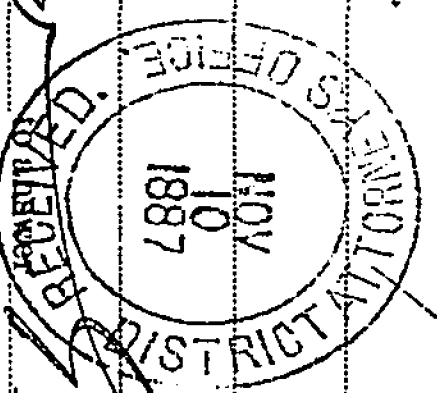
No. *13* Precinct  
Street.

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

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

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

*James H. Morris*  
Street.



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 *Ten* 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 *Nov 9* 1887 *John H. Morris* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0252

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Augusta Steffen*  
aged *45* years, occupation *none* of No.

*23 Bowery* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *James K. Price*

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

Sworn to before me, this

day of

~~18~~ *9* ~~18~~ *188*

*Augusta Steffen*

*James K. Price*  
Police Justice.

POOR QUALITY  
ORIGINAL

0253

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Kelly*

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

of a FELONY, committed as follows:

Heretofore, to wit: on Tuesday, the *eighteenth* day of November, in the  
year of our Lord one thousand eight hundred and eighty *seven*, (the same being  
the Tuesday succeeding the first Monday in the said month of November), there was held a  
general election throughout the State of New York and in the said City and County of New  
York; and on the day and in the year aforesaid, and at the said election, the said *John*  
*Kelly*, late of the said City and County, at the City and County afore-  
said, did personally appear before the Inspectors of Election of the *First*  
Election District of the *Eighteenth* Assembly District of the said City and  
County, at a meeting of the said Inspectors of Election then being duly held at the duly  
designated polling place of the said Election District, and did then and there feloniously

*attempt to vote in and upon a  
name not his own, to wit: the  
name of James Burns,*

against the form of the statute in such case made and provided, and against the peace and  
dignity of the said People.

~~RANDOLPH B. MARTINE,~~

~~District Attorney~~

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

~~The People of the State of New York~~

~~against~~

~~Second Count. —~~

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

~~accuse~~

~~Further accuse the said~~

~~John Kelly~~ of a FELONY, committed as follows:

Heretofore, to wit: on Tuesday, the ~~eight~~ day of November, in the year of our Lord one thousand eight hundred and eighty ~~seven~~, (the same being the Tuesday succeeding the first Monday in the said month of November), there was held a general election throughout the State of New York and in the said City and County of New York; and on the day and in the year aforesaid, and at the said election, the said ~~John Kelly~~ late of the said City and County, at the City and County aforesaid, did personally appear before the Inspectors of Election of the ~~Third~~ Election District of the ~~eight~~ Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held at the duly designated polling place of the said Election District, and did then and there feloniously

~~attempt and offer to vote in the said Election District without having a lawful right to vote therein.~~

against the form of the statute in such case made and provided, and against the peace and dignity of the said People.

RANDOLPH B. MARTINE,

District Attorney.



0255

BOX:

284

FOLDER:

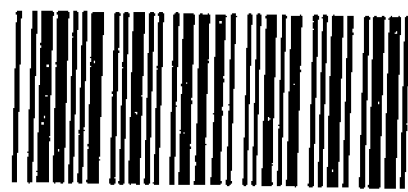
2712

DESCRIPTION:

Kempster, James

DATE:

11/28/87



2712

POOR QUALITY  
ORIGINAL

0256

Bail fixed at \$500.

Witnesses:

Counsel,

Filed, 28 day of Nov 1887

Pleads, *Not Guilty*

THE PEOPLE,

vs.

Bailed by.  
Lipman Brensberg  
219 Adelphi Street  
Brooklyn N.Y.

*James Kempster*

*19th Dec 1887*  
RANDOLPH B. MARTINE, 215

District Attorney.

*300*

A True Bill.

*Ed. Magoun*

Foreman,  
Part II December 20/87.

Tried and Convicted

Fine \$100.  
*Not Guilty*

POOR QUALITY  
ORIGINAL

0257

EDWIN H. RISLEY,  
WILLIAM P. QUIN,  
JOSHUA PERRY.

LAW OFFICES OF  
RISLEY, QUIN & PERRY,  
HERALD BUILDING,

Utica, N. Y., Oct 14<sup>th</sup> 1884

Hon. A. P. Martin District Atty  
New York  
Dear Sir;

Since James Kumpster was indicted  
he has been calling a second ~~indictment~~  
indictation of him. Mr. Van ~~Wagoner~~  
will present a new case against him.

Please to have the indictment drawn  
under last paragraph of section 400  
explained in a previous letter which  
you handed to Mr. Lindsley.

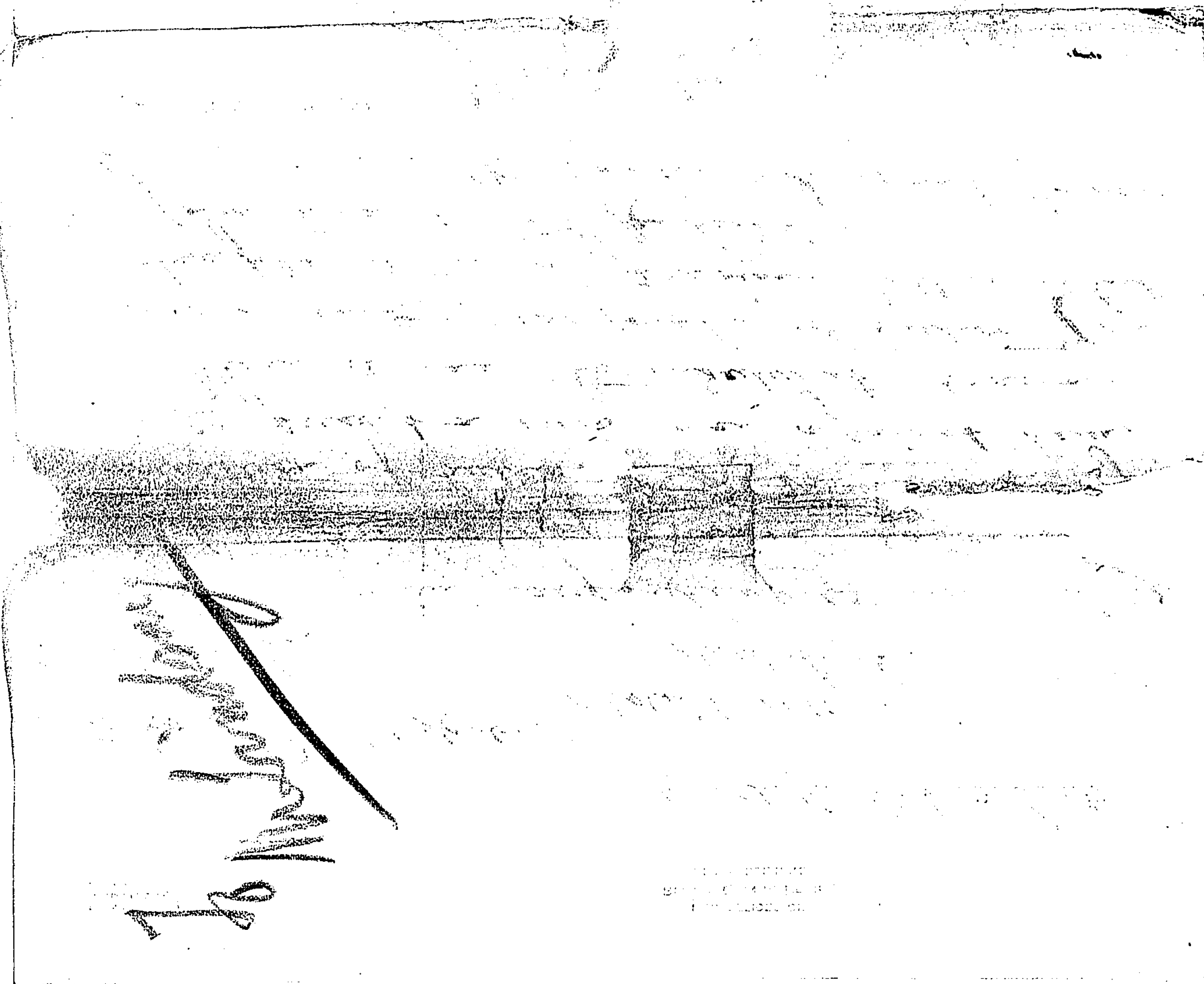
With thanks for past favors,  
I remain

Yours truly

T. Quinn

**POOR QUALITY  
ORIGINAL**

0258



POOR QUALITY  
ORIGINAL

0259

District Attorney's Office  
City & County of  
New York:

Sept 16 1887

Dear Sir -

The case of Kempster  
charged with a violation of  
the Deceitful Law  
is presented for the purpose  
of raising certain questions  
of law.

The indictment is drawn  
for selling a substance  
resembling butter which  
is declared a misdemeanor  
absolutely without regard to  
knowledge or intent - by  
the Statute

Respectfully,  
J. B. Hendon  
District Attorney

REYNAUD & HARRIS,  
COUNSELLORS AT LAW,  
15 Broadway,  
NEW YORK.

18 Nov. '87

Hon. R. B. Martine  
District Attorney

Dear Sir:

In behalf of Mr. James Kempster who was indicted last summer for selling oleomargarine, I desire urgently to request that he be afforded a speedy trial.

We have at all times been ready, & endeavored when he was called to plead to obtain an immediate disposition of his case, as being a dealer in the goods he has been particularly solicitous that no person should be placed in jeopardy by dealing with him in case such dealing were declared unlawful.

The questions presented in his case were urged for consideration before the Court of Appeals in a previous oleomargarine case by the Dairy Commissioners, & that Court expressly refused to declare that such goods were within the Statute or to pronounce them unlawful.



The goods concerned are free from any artificial coloring matter, and are so guaranteed upon the certificate of various chemical experts, among others the Chemist to the Dairy Commission.

Each sale made by Mr. Dempster is accompanied with a printed statement to that effect together with the statement also in print that the article sold is oleomargarine and not butter & that Mr. K. does not deal in butter.

Every device is resorted to in order to make the sales the most open, honest and explicit transactions of any article of commerce in the World, & under the circumstances Mr. Dempster is advised that it is his right as a citizen to carry on his business until otherwise instructed by the Courts.

Notwithstanding, however, that the matter has not been brought to trial, our client is informed that over one hundred of his customers have been recently subjected to arrest, & it therefore becomes a matter of justice and of solicitude to him

POOR QUALITY  
ORIGINAL

0262

REYNAUD & HARRIS,  
COUNSELLORS AT LAW,  
NEW YORK.

71 Broadway

that his case should be disposed of.

I may add that, as the witnesses for the people, are employees of the Dairy Commission, and at all times at hand there can be no difficulty on that score, and that if it is desired to present fairly for judicial determination whether oleum arginine free from artificial coloring is within the Statute, the question will hardly absorb any time for formulation.

In the hope of your early good answer,

I am, very Respectfully yours

Albert Reynaud

Reynaud & Harris.

# 71 Broadway  
New York

**POOR QUALITY  
ORIGINAL**

0263

The People

VS  
James Temple

STATE OF CALIFORNIA  
COUNTY OF ALameda

## LAWS RELATING TO DAIRY PRODUCTS.

### CHAP. 202.

AN ACT to prevent deception in sales of dairy products.

PASSED April 24, 1884; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. No person or persons shall sell or exchange, or expose for sale or exchange, any unclean, impure, unhealthy, adulterated, or unwholesome milk, or shall offer for sale any article of food made from the same or of cream from the same. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment of not less than one or more than six months, or both such fine and imprisonment for the first offense, and by six months' imprisonment for each subsequent offense.

§ 2. No person shall keep cows for the production of milk for market, or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded or unhealthy condition, or feed the cows on food that is unhealthy or that produces impure, unhealthy, diseased or unwholesome milk. No person shall manufacture from impure, unhealthy, diseased, or unwholesome milk, or of cream from the same, any article of food. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment of not less than one or more than four months, or by both such fine and imprisonment for the first offense, and by four months' imprisonment for each subsequent offense.

§ 3. No person or persons shall sell, supply or bring to be manufactured to any butter or cheese manufactory, any milk diluted with water, or any unclean, impure, unhealthy, adulterated, or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall bring or supply milk to any butter or cheese manufactory that is sour (except pure skim milk to skim cheese factories). No butter or cheese manufactories, except those who buy all the milk they use, shall use for

their own benefit, or allow any of their employes or any other person to use, for their own benefit, any milk, or cream from the milk, or the product thereof brought to said manufactories, without the consent of the owners thereof. Every butter or cheese manufacturer, except those who buy all the milk they use, shall keep a correct account of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which shall be open to inspection to any person who delivers milk to such manufacturer. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five or more than two hundred dollars, or not less than one or more than six months' imprisonment, or both such fine and imprisonment.

§ 4. No manufacturer of vessels for the package of butter shall sell or dispose of any such vessels without branding his name and the true weight of the vessel or vessels on the same with legible letters or figures not less than one-fourth of an inch in length. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment of not less than thirty or more than sixty days, or by both such fine and imprisonment.

§ 5. No person shall sell or offer or expose for sale any milk except in the county from which the same is produced, unless each can, vessel or package containing such milk shall be distinctly and durably branded with letters not less than one inch in length, on the outside, above the center, on every can, vessel or package containing such milk, the name of the county from which the same is produced, and the same mark shall be branded or painted in a conspicuous place on the carriage or vehicle in which the milk is drawn to be sold, and such milk can only be sold in or retailed out of a can, vessel, package or carriage so marked. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or not less than two months' or more than four months' imprisonment, or both such fine and imprisonment for the first offense, and by four months' imprisonment for each subsequent offense.

§ 6. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk or cream of the same, or shall sell, or offer for sale the same as an article of food. This provision shall not apply to pure skim milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hun-

dred nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment, or by both such fine and imprisonment, for the first offense, and by imprisonment for one year for each subsequent offense.

§ 7. No person shall offer, sell or expose for sale in full packages, butter or cheese branded or labeled with a false brand or label as to county or state in which the article is made. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five or more than fifty dollars, or imprisonment of not less than fifteen or more than thirty days, for the first offense, and fifty dollars or thirty days' imprisonment for each subsequent offense.

§ 8. No person shall manufacture, sell, or offer for sale, any condensed milk unless the same shall be put up in packages, upon which shall be distinctly labeled or stamped the name or brand by whom or under which the same is made. No condensed milk shall be made or offered for sale unless the same is manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed; or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of twelve per centum of milk solids in crude milk, and of such solids twenty-five per centum shall be fat. When condensed milk shall be sold from cans or packages not hermetically sealed, the vendor shall brand or label such cans or packages with the name of the county or counties from which the same was produced, and the name of the vendor. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty or more than five hundred dollars, or by imprisonment of not more than six months, or both such fine and imprisonment for the first offense, and by six months imprisonment for each subsequent offense.

§ 9. The governor, by and with the advice and consent of the senate, shall appoint a commissioner, who shall be known as the New York State Dairy Commissioner, who shall be a citizen of this State, and who shall hold his office for the term of two years, or until his successor is appointed, and shall receive a salary of three thousand dollars per annum and his necessary expenses incurred in the discharge of his official duties under this act; said commissioner shall be appointed within ten days after the passage of this act, and shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof. Said commissioner may be removed from office at the pleasure of the governor, and his successor appointed as above provided for.

The said commissioner is hereby authorized and empowered to appoint such assistant commissioners and to employ such experts, chemists, agents and such counsel as may be deemed by him necessary for the proper enforcement of this law. The compensation to be fixed by the commissioner.



The said commissioner is also authorized to employ a clerk at an annual salary of not to exceed twelve hundred dollars.

The sum of thirty thousand dollars is hereby appropriated to be paid for such purpose out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the State, upon the warrant of the comptroller. The entire expenses of said commissioner shall not exceed the sum appropriated for the purposes of this act.

The said commissioner shall make annual reports to the Legislature, not later than the fifteenth day of January of each year, of his work and proceedings, and shall report in detail the number of assistant commissioners, experts, chemists, agents and counsel he has employed, with their expenses and disbursements. The said commissioner shall have a room in the New Capitol, to be set apart for his use by the capitol commissioner.

§ 10. The said commissioner and assistant commissioners, and such experts, chemists, agents and counsel as they shall duly authorize for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products or any imitation thereof. They shall also have power and authority to open any package, can or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein and may take therefrom samples for analyses.

§ 11. Courts of Special Sessions shall have jurisdiction of all cases arising under this act, and their jurisdiction is hereby extended so as to enable them to enforce the penalties imposed by any or all of the sections hereof.

§ 12. In all prosecutions under this act the costs thereof shall be paid out of the fine, if one is collected; if not, the same shall be paid in the manner now provided for by law, and the rest of the fine shall be paid to the State Treasurer.

§ 13. In all prosecutions under this act, relating to the sale and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk be shown to contain more than eighty-eight per centum of water or fluids or less than twelve per centum of milk solids which shall contain not less than three per centum of fat, it shall be declared adulterated, and milk drawn from cows within fifteen days before and five days after parturition, or from animals fed on distillery waste, or any substance in the state of putrefaction, or fermentation, or upon any unhealthy food whatever, shall be declared unclean, impure, unhealthy and unwholesome milk. This section shall not prevent the feeding of ensilage from silos.

§ 14. The doing of anything prohibited being done, and the not doing of anything directed to be done in this act shall be pre-

sumptive evidence of a willful intent to violate the different sections and provisions hereof.

§ 15. Chapters four hundred and sixty-seven of the Laws of eighteen hundred and sixty-two, five hundred and forty-four and five hundred and eighteen of the Laws of eighteen hundred and sixty-four, five hundred and fifty-nine of the Laws of eighteen hundred and sixty-five, four hundred and fifteen of the Laws of eighteen hundred and seventy-seven, two hundred and twenty and two hundred and thirty-seven of the Laws of eighteen hundred and seventy-eight, four hundred and thirty-nine of the Laws of eighteen hundred and eighty, and two hundred and fourteen of the Laws of eighteen hundred and eighty-two, are hereby repealed.

§ 16. This act shall take effect on the first day of June, eighteen hundred and eighty-four, except as otherwise provided therein.

CHAP. 183.

AN ACT to prevent deception in the sale of dairy products, and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products."

PASSED April 30, 1885; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No person or persons shall sell or exchange, or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. The provisions of this section shall not apply to skim milk sold to bakers or to housewives for their own use or manufacture, upon written orders for the same, nor to skim milk sold for use in the county in which it is produced. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment of not less than one month or more than six months, or both such fine and imprisonment for the first offense, and by six months' imprisonment for each subsequent offense.

§ 2. No person shall keep cows for the production of milk for market, or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded or unhealthy condition, or feed the cows on food that is unhealthy, or that produces impure, unhealthy, diseased or unwholesome milk. No person shall manufacture from impure, unhealthy, diseased or unwhole-



some milk, or of cream from the same, any article of food. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment of not less than one month or more than four months, or by both such fine and imprisonment for the first offense, and by four months' imprisonment for each subsequent offense.

§ 3. No person or persons shall sell, supply or bring to be manufactured to any butter or cheese manufactory, any milk diluted with water or any unclean, impure, unhealthy, adulterated or unwhole some milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall bring or supply milk to any butter or cheese manufactory that is sour (except pure skim milk to skim cheese factories). No butter or cheese manufactories, except those who buy all the milk they use, shall use for their own benefit, or allow any of their employees or any other person to use for their own benefit, any milk, or cream from the milk, or the product thereof, brought to said manufactories without the consent of the owners thereof. Every butter or cheese manufacturer, except those who buy all the milk they use, shall keep a correct account of all the milk daily received, and of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day, which account shall be open to inspection to any person who delivers milk to such manufacturer. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five dollars or more than two hundred dollars, or not less than one month or more than six months' imprisonment, or not both such fine and imprisonment.

§ 4. No manufacturer of vessels for the package of butter shall sell or dispose of any such vessels without branding his name and the true weight of the vessel or vessels on the same, with legible letters or figures not less than one-fourth of an inch in length. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment of not less than thirty days or more than sixty days, or by both such fine and imprisonment.

§ 5. No person shall sell, or offer or expose for sale, any milk except in the county from which the same is produced, unless each can, vessel or package containing such milk shall be distinctly and durably branded with letters not less than one inch in length, on the outside above the center, on every can, vessel or package containing such milk, the name of the county from which the same is produced; and the same marks shall be branded or printed in a conspicuous place on the carriage or vehicle in which the milk is

drawn to be sold; and such milk can only be sold in, or retailed out of a can, vessel, package or carriage so marked. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or not less than two months' or more than four months' imprisonment, or both such fine and imprisonment, for the first offense, and by four months' imprisonment for each subsequent offense.

§ 6. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, or shall sell or offer for sale, the same as an article of food. This provision shall not apply to pure skim-milk cheese, made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment, or both such fine and imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

§ 7. No person by himself or his agents or servants shall render or manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article or product in imitation or semblance of or designed to take the place of natural butter or cheese produced from pure unadulterated milk or cream of the same, nor shall he or they mix, compound with, or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, with design or intent to render, make or produce any article or substance or any human food in imitation or semblance of natural butter or cheese, nor shall he sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this State or in any other State or country. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense. Nothing in this section shall impair the provisions of section six of this act.

§ 8. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell

the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced, be sold for butter or cheese, the product of the dairy. If any person shall coat, powder or color with annatto or any coloring matter whatever butterine or oleomargarine, or any compounds of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture or compound shall be made to resemble butter or cheese, the product of the dairy, or shall have the same in his possession, or shall sell or offer for sale or have in his possession any of the said products which shall be colored or coated in semblance of or to resemble butter or cheese, it shall be conclusive evidence of an intent to sell the same for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than two hundred dollars nor more than one thousand dollars. This section shall not be construed to impair or affect the prohibitions of sections six and seven of this act.

§ 9. Every manufacturer of full-milk cheese may put a brand upon each cheese indicating "full-milk cheese," and the date of the month and year when made; and any person using this brand upon any cheese made from which any cream whatever has been taken shall be guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars.

§ 10. No person shall offer, sell or expose for sale in full packages, butter or cheese branded or labeled with a false brand or label as to county or state in which the article is made. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars, or imprisonment of not less than fifteen days or more than thirty days for the first offense, and fifty dollars or thirty days' imprisonment for each subsequent offense.

§ 11. No person shall manufacture, sell or offer for sale any condensed milk, unless the same shall be put up in packages upon which shall be distinctly labeled or stamped the name, or brand, by whom or under which the same is made. No condensed milk shall be made, or offered for sale, unless the same is manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of twelve per centum of milk solids in crude milk, and of such solids twenty-five per centum shall be fat. When condensed milk shall be sold from cans, or packages not hermetically sealed, the vender shall brand or label such cans or packages with the name of the county or counties from which the

same was produced, and the name of the vendor. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment of not more than six months, or by both such fine and imprisonment for the first offense, and by six months' imprisonment for each subsequent offence.

§ 12. Upon the expiration of the term of office of the present commissioner, the governor, by and with the advice and consent of the senate, shall appoint a commissioner, who shall be known as the New York State Dairy Commissioner, who shall be a citizen of this State, and who shall hold his office for the term of two years, or until his successor is appointed, and shall receive a salary of three thousand dollars per annum, and his necessary expenses incurred in the discharge of his official duties under this act. Said commissioner shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof, and with all laws prohibiting or regulating the adulteration of butter, cheese or milk. The said commissioner is hereby authorized and empowered to appoint such assistant commissioners and to employ such experts, chemists, agents and such counsel as may be deemed by him necessary for the proper enforcement of this law, their compensation to be fixed by the commissioner. The said commissioner is also authorized to employ a clerk at an annual salary not to exceed twelve hundred dollars. The sum of fifty thousand dollars is hereby appropriated, to be paid for such purpose out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the comptroller, after such expenses have been audited and allowed by the comptroller. The entire expenses of said commissioner shall not exceed the sum appropriated for the purposes of this act. The said commissioner shall make annual reports to the legislature, on or before the fifteenth day of January of each year, of his work and proceedings, and shall report in detail the number of assistant commissioners, experts, chemists, agents and counsel he has employed, with their expenses and disbursements. The said commissioner shall have a room in the new capitol, to be set apart for his use by the capitol commissioner. The said commissioner and assistant commissioners and such experts, chemists, agents and counsel as they shall duly authorize for the purpose, shall have full access, egress and ingress to all places of business, factories, farms buildings, carriages, vessels and cans used in the manufacture and sale of any dairy products or any imitation thereof. They shall also have power and authority to open any package, can or vessel containing such articles which may be manufactured, sold or exposed for sale, in violation of the provisions of this act, and may inspect the contents therein and may take therefrom samples for analysis.

This section shall not affect the tenure of the office of the present commissioner.

§ 13. Upon the application for a warrant under this act, the certificate of the analyst or chemist of any analysis made by him shall be sufficient evidence of the facts therein stated. Every such certificate shall be duly signed and acknowledged by such analyst or chemist before an officer authorized to take acknowledgments of conveyances of real estate.

§ 14. Courts of Special Sessions shall have jurisdiction of all cases arising under this act, and their jurisdiction is hereby extended so as to enable them to enforce the penalties imposed by any or all sections thereof.

§ 15. In all prosecutions under this act, one-half of the money shall be paid by the court or clerk thereof to the city or county where the recovery shall be had, for the support of the poor, except in the city and county of New York shall be equally divided between the pension funds of the police and fire departments, and the residue shall be paid to the dairy commissioner, who shall account therefor to the treasury of the State, and be added to any appropriation made to carry out the provisions of this act. All sums of money expended by the dairy commissioner under the provisions of this act, shall be audited and allowed by the comptroller of the State. Any bond given by any officer shall be subject to the provisions of this section.

§ 16. In all prosecutions under this act relating to the sale and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk be shown to contain more than eighty-eight per centum of water or fluids, or less than twelve per centum of milk solids, which shall contain not less than three per centum of fat, it shall be declared adulterated, and milk drawn from cows within fifteen days before, and five days after, parturition, or from animals fed on distillery waste, or any substance in the state of putrefaction or fermentation, or upon any unhealthy food whatever, shall be declared unclean, unhealthy, impure and unwholesome milk. This section shall not prevent the feeding of ensilage from silos.

§ 17. The doing of anything prohibited being done, and the not doing of anything directed to be done in this act, shall be presumptive evidence of a willful intent to violate the different sections and provisions thereof. If any person shall suffer any violation of the provisions of this act by his agent, servant, or in any room or building occupied or controlled by him, he shall be deemed a principal in such violation and punished accordingly.

§ 18. Chapters four hundred and sixty-seven of the Laws of eighteen hundred and sixty-two, five hundred and forty-four and five hundred and eighteen of the Laws of eighteen hundred and sixty-four, five hundred and fifty-nine of the Laws of eighteen hundred and sixty-five, four hundred and fifteen of the Laws of eighteen

hundred and seventy-seven, two hundred and twenty and two hundred and thirty-seven of the Laws of eighteen hundred and seventy-eight, four hundred and thirty-nine of the Laws of eighteen hundred and eighty, and two hundred and fourteen of the Laws of eighteen hundred and eighty-two, are hereby repealed.

§ 19. If any person shall, by himself or another, violate any of the provisions of sections one, two, three, four or five of this act, or knowingly suffer a violation thereof by his agent, or in any building or room occupied by him, he shall in addition to the fines and punishments therein prescribed for each offense, forfeit and pay a fixed penalty of one hundred dollars. If any person, by himself or another, shall violate any of the provisions of section six, seven or eight of this act, he shall, in addition to the fines and penalties herein prescribed for each offense, forfeit and pay a fixed penalty of five hundred dollars. Such penalties shall be recovered with costs in any court of this State having jurisdiction thereof, in an action to be prosecuted by the Dairy Commissioner or any of his assistants in the name of the people of the State of New York.

§ 20. This act and each section thereof is declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health which is endangered by the manufacture, sale or use of the article, or substances herein regulated or prohibited.

§ 21. This act shall take effect immediately. Sections six and seven shall not apply to any product manufactured, or in process of manufacture at the time of the passage of this act; but neither this exemption nor this act shall impair the power to prosecute any violations heretofore committed of section six of the act of which this act is supplemental.

CHAP. 193.

AN Act to amend chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products."

PASSED April 30, 1885; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products," is hereby amended to read as follows:

§ 7. No person shall offer, sell or expose for sale butter or cheese branded or labeled with a false brand or label as to the quality of the article or the county or State in which the article is made. The New York State Dairy Commissioner is hereby authorized and directed to procure and issue to the cheese manufactories of the State, upon proper application therefor and under such regulations



as to the custody and the use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "New York State full cream cheese." Every brand issued shall be used upon the outside of the cheese and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or package containing the same. Whoever violates the provisions of this section is guilty of a misdemeanor, and for each and every cheese or package so falsely branded shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars, or imprisonment of not less than fifteen or more than thirty days.

§ 2. This act shall take effect immediately.

**CHAP. 427.**

AN ACT to protect butter and cheese manufacturers.

PASSED June 8, 1885; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whoever shall with intent to defraud, sell, supply or bring to be manufactured to any butter or cheese manufactory in this State, any milk diluted with water, or in any way adulterated, unclean or impure, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep back any part of the milk as strippings, or whoever shall knowingly bring or supply milk to any butter or cheese manufactory, that is tainted or sour, or whoever shall knowingly bring or supply to any butter or cheese manufactory, milk drawn from cows within fifteen days before parturition, or within three days after parturition, or any butter or cheese manufacturers who shall knowingly use or allow any of his or her employees or any other person to use for his or her benefit, or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer, without the consent of all the owners thereof, or any butter or cheese manufacturer who shall refuse or neglect to keep or cause to be kept a correct account, open to the inspection of any one furnishing milk to such manufacturer, of the amount of milk daily received, or of the number of pounds of butter and the number of cheese made each day, or of the number cut or otherwise disposed of, and the weight of each, shall for each and every offense forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars, with costs of suit to be sued for in any court of

competent jurisdiction for the benefit of the person or persons, firm or association, or corporation or their assigns upon whom such fraud or neglect shall be committed. But nothing in this act shall affect, impair or repeal any of the provisions of chapter two hundred and two of the laws of eighteen hundred and eighty-four, or of the acts amendatory thereof or supplementary thereto.

§ 2. This act shall take effect immediately.

**CHAP. 458.**

AN ACT to amend chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products."

PASSED June 9, 1885; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products," is amended so as to read as follows:

§ 6. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, or shall sell, or offer for sale, the same as an article of food. This provision shall not apply to pure skim-milk cheese, made from pure skim-milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment, or both such fine and imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

§ 2. Section seven of said act is amended so as to read as follows:

§ 7. No person by himself or his agents or servants shall render or manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article or product in imitation or semblance of or designed to take the place of natural butter or cheese produced from pure

unadulterated milk or cream of the same, nor shall he or they mix, compound with, or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, with design or intent to render, make or produce any article or substance or any human food in imitation or semblance of natural butter or cheese, nor shall he sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this State or in any other State or country. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense. Nothing in this section shall impair the provisions of section six of this act.

§ 3. Section eight of said act is amended so as to read as follows:

§ 8. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced, be sold for butter or cheese, the product of the dairy. If any person shall coat, powder or color with annatto or any coloring matter whatever butterine or oleomargarine, or any compounds of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture or compound shall be made to resemble butter or cheese, the product of the dairy, or shall have the same in his possession, or shall sell or offer for sale or have in his possession any of the said products which shall be colored or coated in semblance of or to resemble butter or cheese, it shall be conclusive evidence of an intent to sell the same for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. This section shall not be construed to impair or affect the prohibitions of sections six and seven of this act.

§ 4. Section seventeen of said act is amended so as to read as follows:

§ 17. The doing of anything herein prohibited being done, shall be evidence of a violation of the provisions of this act relative to the thing so prohibited; and the not doing of anything herein

directed to be done, shall be evidence of a violation of the provisions of this act relative to the thing so directed to be done. If any person shall suffer any violation of the provisions of this act by his agent, servant, or in any room or building occupied or controlled by him, he shall be deemed a principal in such violation and punished accordingly.

§ 5. This act shall take effect immediately.

CHAP. 577.

AN ACT to amend chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health," being supplementary to and in aid of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products."

PASSED June 4, 1886; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health," being supplementary to and in aid of chapter two hundred and two of the Laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products," is hereby amended so as to read as follows:

§ 1. No person or persons shall sell or exchange, or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. The provisions of this section shall not apply to skimmed milk sold for use in the county in which it is produced, provided it is sold for and as such. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment of not less than one month or more than six months, or by both such fine and imprisonment, for the first offense, and by six months' imprisonment for each subsequent offense.

§ 2. Section seven of chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the Laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 7. No person, by himself or his agents or servants, shall render or manufacture out of any animal fat or animal or vegetable oils

not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream of the same, nor mix, compound with, or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or semblance of natural butter or cheese, nor sell, keep for sale, or offer for sale, any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this State or elsewhere. This section shall not be so construed as to require evidence of a willful or intentional violation thereof. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or not less than six months or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense. Nothing in this section shall impair the provisions of section six of this act.

§ 3. Section eight of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the Laws of eighteen hundred and eighty-five, is hereby further amended so as to read as follows:

§ 8. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced, be sold, intentionally or otherwise, as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annate or any coloring matter whatever, butterine or oleomargarine, or any compounds of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture or compound shall resemble butter or cheese, the product of the dairy, or shall have the same in his possession, with intent to sell the same, or shall sell or offer the same for sale. No person shall be excused from liability under this section or section seven of this act on account of want of knowledge of the nature or ingredients of the product so in his possession, sold or offered for sale by him. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. This section shall not be construed to impair or affect the prohibitions of sections six and seven of this act.

§ 4. Section fifteen of such act, chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 15. In all prosecutions under this act one-half of the money shall be paid by the court or clerk thereof to the city or county where the recovery shall be had, for the support of the poor, except in the city and county of New York, and the city of Brooklyn shall be equally divided between the pension funds of the police and fire departments, and the residue shall be paid to the treasury of the State. All sums of money expended by the Dairy Commissioner under the provisions of this act shall be audited and allowed by the Comptroller of the State. Any bond given by any officer shall be subject to the provisions of this section.

§ 5. Section nineteen of such act, chapter one hundred and eighty-three, of the Laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 19. If any person shall, by himself or another, violate any of the provisions of section one, two, three, four or five of this act, or knowingly suffer a violation thereof by his agent, or in any building or room occupied by him, he shall in addition to the fines and punishments therein prescribed, for each offense forfeit and pay a fixed penalty of one hundred dollars. If any person, by himself or another, shall violate any of the provisions of section six, seven or eight of this act, he shall, in addition to the fines and penalties herein prescribed, for each offense forfeit and pay a fixed penalty of five hundred dollars. Such penalties shall be recovered with costs in any court of this State having jurisdiction thereof, in an action to be prosecuted by the Dairy Commissioner, or any of his assistants or by any citizen authorized to sue in the name of the people of the State of New York.

§ 6. The following sections are added to said act, chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five:

§ 22. For the purposes of said act chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the Laws of eighteen hundred and eighty-five, and as hereby amended, the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream of the same," "butter or cheese made from unadulterated milk or cream," "butter or cheese the product of the dairy," and "butter or cheese" shall be understood to mean the products usually known by the terms "butter" and "cheese," and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter or sage.

§ 23. The prosecution shall not be compelled to elect in any trial for the misdemeanors wheresoever committed, or suit for the penalties wheresoever incurred by the violations of sections six, seven



or eight where the indictment, information or complaint charges a violation of any two or all such sections of said act, as amended, between the charges or counts under such different sections whether such prosecutions or suits have already been commenced or shall hereafter be instituted.

§ 24. An action now or hereafter brought to recover a penalty provided by section nineteen of said act chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five, shall have a preference upon the calendar of the courts of record of this State next after civil causes entitled to a preference under the provisions of subdivision one of section seven hundred and ninety-one of the Code of Civil Procedure, where the attorney for the people therein has given notice, at the time of the service of notice of trial or argument, of a particular day in a term on which he will move it. If the action is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it, the other party may then move the trial or argument, otherwise it shall not be moved out of its order at that term except by the special order of the court. The note of issue filed by such attorney for the people shall state the day in the term on which he has given notice that he will move it, and the clerk of the court shall place such cause upon the day calendar of that day as a preferred cause as hereinbefore provided. No order for the clerk to do so shall be necessary.

§ 25. Actions for penalties under the provisions of this act and of the act of which this is amendatory may be brought and prosecuted in the name of the people of the State of New York by any citizen of the State, and the citizen so prosecuting said action shall be entitled to and shall receive one-half of the penalty or judgment recovered. The balance of the judgment or recovery shall be paid over to the city or county in which the action is brought as provided by section fifteen of chapter one hundred and eighty-three of the Laws of eighteen hundred and eighty-five. Any citizen so prosecuting shall execute and file an undertaking with the court in which the action is brought in the penalty of one hundred dollars conditioned for the payment of any costs which the defendant in the action may recover.

§ 7. This act shall take effect on the first day of August, eighteen hundred and eighty-six; but the sections as herein amended shall not apply to any product manufactured or in process of manufacture on the first day of August, eighteen hundred and eighty-six. This act shall not impair the power to prosecute any violations committed prior to the time of its taking effect, of the sections hereby amended pursuant to and in the manner and under the rules and regulations provided by such sections as they existed prior to the passage of this act. This act is declaratory of the existing law.

CHAP. 223.

AN ACT to amend chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, entitled "An act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled 'An act to prevent deception in the sale of dairy products, and to preserve the public health,' being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in the sales of dairy products.'"

PASSED April 27, 1887; three-fifths being present; without the approval of the Governor.\*

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Section one of chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, entitled "An act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled 'An act to prevent deception in the sale of dairy products, and to preserve the public health,' being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products,' is hereby amended so as to read as follows:

§ 1. No person or persons shall sell or exchange, or expose for sale or exchange,† any unclean, impure, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. The provisions of this section shall not apply to skimmed milk sold for use in the county in which it is produced, provided it is sold for and as such. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment of not less than one month or more than six months, or by both such fine and imprisonment for the first offense; and by a fine of not less than fifty dollars nor more than four hundred dollars or by imprisonment of not less than one month nor more than six months, or by both such fine and imprisonment for a second offense, and for a third or any subsequent offense by a fine of not less than two hundred dollars and imprisonment not less than thirty days and not exceeding three months.

§ 2. This act shall take effect immediately.

\* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [Art. IV, Sec. 9, Constitution of the State of New York.]

† So in the original.

AN Act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in the sale of dairy products.'"

PASSED May 23, 1887; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixteen of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products,' is hereby amended so as to read as follows:

§ 16. When any officer, authorized by this act to inspect milk offered for sale shall, in the discharge of his duties, take a sample of milk for purposes of analysis, it shall be his duty take duplicate samples thereof, in the presence of at least one witness, and he shall, in the presence of such witness, seal both of the said samples, and shall tender and if accepted deliver, at the time of such taking, one sample to the vender of said milk or to the person having custody of the same with a statement, in writing, of the cause of the sample having been taken. In all prosecutions, under this act, relating to the manufacture and sale of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk be shown to contain more than eighty-eight per centum of water or fluids, or less than twelve per centum of milk solids, which shall contain not less than three per centum of fat, it shall be declared adulterated; and milk drawn from cows within fifteen days before, and five days after, parturition, or from animals fed on distillery waste, or any substance in the state of fermentation or putrefaction, or upon any unhealthy food whatever, shall be declared unclean, unhealthy, impure and unwholesome milk. This section shall not prevent the feeding of ensilage.

§ 2. This act shall take effect immediately.

AN Act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products,' as amended by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, entitled 'An act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled 'An act to prevent deception in the sale of dairy products, and to preserve the public health,' being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products.'"

PASSED June 16, 1887; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following sections are added to said act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health," being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products," as amended by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, entitled "An act to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled 'An act to prevent deception in the sale of dairy products and to preserve the public health,' being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products.'"

§ 26. A search warrant, in the name of the people, directed to a peace officer commanding him to search for dairy products, imitations thereof and substitutes therefor, to open any place of business, factory, building, store, bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, place of public entertainment, carriage, car, boat, package, vessel, barrel, box, tub or can, containing or believed to contain the same, in the possession or under the control of any person who shall refuse to allow the same to be inspected or samples taken therefrom by the said commissioner, assistant commissioner, or such experts, chemists, agents, or counsel as such commissioner or assistant commissioners shall duly authorize, for the purpose, or to which access is refused or prevented, and to allow and enable the officer mentioned in section twelve

applying therefor to take such samples of dairy products, imitations thereof and substitutes therefor, found in the execution of the warrant, as the officer applying for the search warrant shall designate when the same are found, shall be issued by any magistrate to whom application is made therefor, whenever it shall be made to appear to him that such person has refused to permit any dairy products, imitations thereof or substitutes therefor, to be inspected or samples taken therefrom, or that access thereto by any officer mentioned in section twelve has been refused or prevented, and that such officer has reasonable grounds for believing that such person has any dairy products, imitations thereof or substitutes therefor in his possession, or under his control, or that he is violating any of the provisions of this act. The provisions of section seven hundred and ninety-one to section eight hundred and two, both inclusive, of the Code of Criminal Procedure, shall apply to such warrant as far as applicable thereto. The peace officer to whom the warrant is delivered shall make a return in writing of his proceedings thereunto to the magistrate who issued the same.

§ 27. No keeper or proprietor of any bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, or place of public entertainment, or any person having charge thereof or employed thereat, shall keep, use or serve therein, either as food for their guests, boarders, patrons or customers, or for cooking purposes, any article made in violation of the provisions of section seven of this act, as amended by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six. This section shall not be so construed as to require evidence of a willful or intentional violation thereof. Whoever violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or not less than ten days' or more than thirty days' imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

§ 2. Section nineteen of such act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

§ 19. If any person shall, by himself or another, violate any of the provisions of sections one, two, three, four or five of this act, or knowingly suffer a violation thereof by his agent, or in any building or room occupied by him, he shall in addition to the fines and punishments therein prescribed, for each offense forfeit and pay a fixed penalty of one hundred dollars. If any person, by himself or another, shall violate any of the provisions of section six, seven, eight, or twenty-seven of this act, he shall, in addition to the fines and penalties therein prescribed, for each offense forfeit and pay a fixed penalty of five hundred dollars. Such penalty

shall be recovered, with costs, in any court of this State having jurisdiction thereof, in an action to be prosecuted by the Dairy Commissioners or any of his assistants, or by any citizen authorized to sue in the name of the people of the State of New York. In any action heretofore or hereafter commenced in the supreme court for the recovery of such penalties an application may be made on the part of the plaintiff to said court or any justice thereof, for an injunction to restrain the defendant, his agents, servants and employes, from the further violation of the sections or section on which such action is based during the pendency thereof; and it shall be the duty of such court or justice to grant the injunction upon proof by affidavits that the defendant has been guilty of a violation of such sections or section as alleged in the complaint, or subsequent to the commencement of the action has been guilty of a violation thereof, and in the same manner as injunctions are usually granted under the rules and practice of such court. No security on the part of the plaintiff shall be required upon the granting of such injunction; and the court or justice shall make such order thereon as to the costs of the application as may be deemed just and proper. In case the plaintiff shall recover judgment for the penalties or penalty demanded in the complaint, the said judgment shall contain a permanent injunction restraining the defendant, his agents, servants and employes from any further violations of the sections or section on which the recovery is obtained. Any injunction secured under this section may be served by posting the same upon the outer door of the defendant's usual place of business, or where such violation was committed, or shall hereafter be committed, or in the manner required by the Code of Civil Procedure and the rules and practice of the court. It shall not be necessary to prove the personal service of the injunction where such service cannot be secured with reasonable diligence, but the service hereinbefore provided shall be deemed and held sufficient in any proceeding for the violation of such injunction.

§ 3. Section twenty-two of such act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as added thereto by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

§ 22. For the purposes of said act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-five, and by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six, and as hereby amended, the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream of the same," "butter or cheese made from unadulterated milk or cream," "butter or cheese, the product of the dairy," and

"butter or cheese," shall be understood to mean the products\* usually known by the terms "butter" and "cheese," and which are manufactured exclusively from milk or cream, or both, with or without salt or rennet, or both, and with or without coloring matter or sage or both.

§ 4. This act shall take effect immediately. Section three and section twenty-seven, hereby added to such act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall not apply to any product manufactured, or in process of manufacture, at the time of the passage of this act; but neither this exception nor this act shall impair the power to prosecute any violations committed prior to the time of its taking effect of the sections hereby amended or of any laws existing at the time of its taking effect pursuant to and in the manner and under the rules and regulations provided by such sections and laws as they existed prior to the passage of this act.

\* So in the original.



New York, City

Aug 9/87

Hon. P. A. Duffy

Police Justice

Dear Sir:

I am  
instructed by the Com-  
missioners of Public  
Charities & Corrections  
to report to you  
the result of my  
examination of

Mr. Thomas J. Moore  
now confined in the  
Jefferson Market Prison.

My conclusion is  
that he is insane.

Respectfully Submitted  
Matthew D. Field  
M.D.

STENOGRAPHER'S MINUTES.

*The Court of General Sessions*

*The People of the  
State of New York.*

*vs.*

*James Kempster.*

BEFORE.

*New York, Dec. 15<sup>th</sup> 1887*

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

*L. Hemingway*

*1*



THE COURT OF GENERAL SESSIONS.

.....  
" The People of the State of New York "  
" --vs.-- "  
" James Kempster. "  
" .....

New York, December 15, 1887.

DEPOSITION of LEVERETT G. HEMINGWAY, taken before me, Mary F. Seymour, Notary Public New York County, State of New York, at the office of the District Attorney, Randolph B. Martine, in the City of New York, on the 15th. day of December, 1887, in the presence of DeLancey Nicoll, Esq., Counsel for the People, and Albert Renaud, Esq., Counsel for Defendant.

LEVERETT G. HEMINGWAY, called on the part of the Defendant, being duly sworn, was examined and testified as follows:

Direct Examination by Albert Renaud, Esq.:

- Q Where do you reside, Mr Hemingway? A. In Woodbridge, Connecticut.
- Q What is your business? A. Farmer.
- Q Farmer and dairyman? A. Well, yes, I have been for a long while connected with the dairy, cows.
- Q Do you make butter? A. Yes, sir.
- Q You have for how long?
- A. I have been doing so for about 16 years.
- Q You are very familiar with butter making? A. Well, what 16

years' practice would give me.

Q Is that your exclusive business now? A. Yes, that is all that I do.

Q I would like you to state what you consider to be the appearance of butter particularly as to color; answer the question your own way, I can't prompt you about that?

A. It is of various shades, that is in the market. We find butter generally of a yellow shade. It is of various shades.

Q In its natural state, not in the market? A. There are various shades of yellow, light or dark, according to the season of the year and according to the cows. Cows have a great deal to do with the color of the butter in its natural form.

Q By various shades, you mean it runs from <sup>dark</sup> yellow down to the lighter shades? A. Yes, sir.

Q Nearly white? A. I have seen it almost white.

Q When you speak of the butter on the market, what do you mean, that it is not there in its natural color? A. I don't think there is any of it scarcely in the market that is of a natural color.

Q You say that the butter is of various shades, do you refer to any particular seasons as affecting those shades?

A. Oh, yes, the seasons have a good deal to do with it on account of the difference in the feed, that is what makes it different.

Q What <sup>of</sup> proportion <sup>of</sup> the year would you say that the shade is very light and almost white, or what proportion of the butter if you like, give it in your own way? A. In the month of June when the grass is rich and succulent, we get along without any coloring. It is the color suited to the trade,

the main thing is to suit the trade. We will say that is the case as a rule in June and perhaps July, but the rest of the year I have been in the habit of using-- (interrupted)

Q The rest of the year the butter is of the pale shade you have spoken of? A. Yes, sir; I speak now of the generality of cases as they come, as they average.

Q To state it in the shape of proportion, what proportion of dairy butter would you say was of the very pale shade approaching white, two-thirds, nine-tenths, one-third? A. You mean as it comes?

Q Naturally, without artificial coloring? A. I should say more than three-fourths of it that was white, what we call good color.

Q And it is only one-fourth of it that is of that high yellow color that is usual on the market? A I don't think there is nearer one fourth of it, one-eighth perhaps. More than three-fourths of the butter is not of good color.

Q Will you try to see the color of that (showing witness a jar of butter)? The great proportion of butter made in winter is lighter than that? A. Yes.

Q When you speak of light yellow approaching white, do you mean a lighter color than that even? A. Yes, lighter than that.

Q The jar of butter above mentioned is marked "Kempster 1" for identification.

Q You don't make oleomargarine? A. No.

Q You never have? A. Never.

**CROSS EXAMINATION By Mr Nicoll:**

Q How long have you resided at the place where you now live?  
A. About 16 years.

- Q And where did you reside before that? A. Well I resided in New Haven, near New Haven, I formerly lived in New Haven.
- Q How long had you lived in New Haven? A. On and off forty years or more.
- Q Were you born there? A. Yes, sir.
- Q Where had you lived, other than in New Haven before you removed to your present place of residence? A. Hartford and Philadelphia.
- Q Philadelphia, in the State of Pennsylvania? A. Yes, sir.
- Q How long did you live in the State of Pennsylvania? A. Perhaps two years, about two years, something like that.
- Q When was that? A. About 1847, I should judge, 1847 or 1848, I am not positive with regard to that.
- Q What was your business in the City of Philadelphia? A. Well, I was an engraver of jewelry.
- Q How long had you followed that business? A. While I was there I think-- (interrupted)
- Q Where did you learn it? A. I learned it there.
- Q You only followed it while you were there? A. That was all.
- Q Up to the time that you lived in the city of Philadelphia where had you lived? A. In New Haven.
- Q Altogether? A Yes, sir.
- Q What was your business in the City of Philadelphia? A. I was quite young, I didn't have much business.
- Q How old were you when you went to Philadelphia? A. 17 or 18 years.
- Q You hadn't followed any business up to that time? A I was a young man, a mere boy.
- Q After you left the city of Philadelphia what did you do?
- A. I came back to New Haven.

- Q What business did you follow there? A. I was connected with the jewelry business.
- Q Until what time were you connected with the jewelry business? A. I couldn't say-- do you mean what year?
- Q How long did you continue in the jewelry business after your return to New Haven? A. To be exact, I should have to refer to some data.
- Q Give us about the time, I don't want the exact date, don't expect it. A. I must have been in New Haven some two or three years, something like that.
- Q And during that time you were in what business? A I was a clerk in a store, a jewelry store, kept by a man named Benjamin, I was a young man then.
- Q After you had lived two or three years in New Haven, where did you go? A I went to Hartford.
- Q What did you do in Hartford? A. The same business.
- Q How long did you remain there? A. About two or three years.
- Q From there where did you go? A. I served in the army.
- Q How long did you serve in the army? A. I served three years. Something like that, over three years.
- Q What did you do after you got through serving in the army? A. I took to farming.
- Q Where did you go to farming? A. NI was in New Haven for awhile afterwards in poor health and doing nothing.
- Q How long did you remain in New Haven doing nothing? A I could not tell exactly.
- Q About how long? A. I was in poor health quite awhile, it must have been three years, something like that.
- Q During that three years, you did nothing? A I was doing



nothing whatever, I was in poor health.

Q What time were you discharged from the army? A. in 1867 or somewhere along there.

Q Along about in 1867? A. yes, sir.

Q After you recovered your health at the end of these three years, where did you go? A. I went out on a farm.

Q Where was that farm? A. At Woodbridge.

Q How far is that from New Haven? A. Four and one-half miles

Q Where did you go then? A I have been on that farm ever since.

Q How large a farm is it? A. We have about 120 acres.

Q How many cows do you keep? A. Well, we average, we might say fifty cows, more or less, sometimes we have had 65, probably not less than 50 now.

Q Did you make your butter yourself when you first went there? A. Yes, I did it personally.

Q How long did you continue to do it personally? A. More or less for five or six years, longer than that.

Q How long? A. Oh, ten years.

Q Since then, you have not done it personally have you? A. Not as a rule.

Q It is done generally by those in your employ? A. Yes.

Q Had you any experience in making butter, other than such as you have had on your own farm? A No.

Q During all this time did you use coloring matter in making butter? A. More or less.

Q In every month of the year? A. Perhaps not every month-- more or less every month of the year we are careful to get the butter the right color.

Q During all this time you have used coloring matter for the purpose of getting it the right color? A. Yes, sir.



Q What do you call the right color? A. I don't know as I could describe it exactly, a very nice shade of yellow.

Q How much darker shade of yellow than that sample you have seen before in the jar? A. That is a pretty fair color.

Q That is a pretty fair butter color? A. It is hard to tell this. The outside looks too light almost through the glass.

Q Too light for what? A. It is quite a fancy with regard to the color.

Q Confine yourself to my question. How does that color compare with what you call the right color of butter?

A I should think according to my taste, as far as I can judge I should call it a little too light.

Q In what months of the year can you make butter without the use of coloring matter, that would be as deep a color as the sample? A. I should say perhaps two months. It depends something-- (interrupted)

Q What months are those? A. June and July would be the most natural months for that.

Q During these months the cattle are usually out to pasture?

A. Yes sir, it is the kind of feed that causes the difference in the color.

Q Please answer my questions: Will you say whether or not butter can be made from pure milk in the month of December without the use of coloring matter that will be as deep a color as that? A. Possibly it might be done with certain cows, it is barely possible.

Q Will you say whether or not it can be done with ordinary cows? A. It cannot.

Q Are you positive about that? A. I am not sure, I can't say that exactly. I can't see that color very well, the color

is indistinct to me on account of the glass. There is a shade there that looks too light .

Q There is an end there is no shade on, look at that? (Showing jar to witness).

A. Butter would not be as dark as that at this time of the year.

Q You couldn't make it as dark? A. Not naturally.

Q And you think it can't be done either? A. I say possibly, with a certain kind of cows.

Q I am speaking of ordinary cows? A. I don't think it can.

Q Couldn't you?

A. Might possibly, I don't think it could though.

Q What experience have you had upon which you can base an opinion outside of your own on that farm? A. My experience goes naturally with my own cows, and a matter of some at least 15 or 20 farmers whom I buy milk of.

Q Have you ever seen them make butter from their milk?

A. We make butter from their milk.

Q Now, I ask you what experience you have had in what other people can do making from pure milk, without coloring.

Q I don't know what other people can do I know what I can do, that is all.

Q How does that color compare with the substance in the other jar that you have just looked at? (Showing witness a jar of butter.

A. Let me see the other jar?

Q I want to get your idea of color. I ask you to say how that compares with the other?

Defendant's counsel states that the witness has only one jar at a time in his hands to compare.

A. It don't seem to me there is much difference, those are very nearly alike.

- Q You say the same as to this, as to the other, with reference to the possibility of making it in the month of December from pure milk without coloring matter? A I should say what would apply to one would apply to the other.
- Q Have you ever seen butter made in any place except on your own farm? A Yes.
- Q Where? A. At various creameries.
- Q Did you see the entire process? A. I have seen the churning process.
- Q You simply saw the churning process? A. Yes, sir.
- Q In reference to butter you have seen in the market, did you know whether or not coloring matter had been used in it?  
A. I couldn't say, I can only judge.
- Q It is only your opinion based upon your own experience making butter on your own farm? A. And from what other people know and talk with me in regard to it.
- Q You base your opinion simply upon your own experience on the farm and what other people have told you? A. And what other people say and their experience.
- Q Of the butter you see on the market you don't know actually whether it has been colored or not by artificial means?  
A. I couldn't say actually, unless I had seen it done of course.
- Q You don't know that three fourths of the butter on the market is artificially colored? A. From what butter makers tell me --(interrupted)
- Q You have no actual knowledge? A. It is very difficult to say how much actual knowledge-- (interrupted)
- Q If butter is shown you, you can't tell whether it is artificially colored or not? A. Yes, I can, from my experience and the looks of it.

- Q From your experience on your own farm? A. Yes, sir.
- Q You know <sup>what</sup> you can't do, you don't know but somebody else could.
- A. I am pretty sure they can't. I know from my own experience.
- Q Do you know it in any other way? A. I don't know how I should know in any other way.
- Q When you color your butter, you try to produce the same color as some other kinds of butter, don't you? A. We try to produce a handsome color. There are some other kinds of butter.
- Q Is it the butter of the richest color, made the best season of the year that you try to make your butter resemble?
- A. We don't have anything except the tastes of the consumers and the market to cater to.
- Q I want to know what kind of butter you try to make yours resemble, when you put in coloring matter? A. Good butter.
- Q Butter made at what season of the year? A. Well, the June butter is considered the nicest colored butter.
- Q That is what you try to produce by using coloring? A. We try to produce that color, a nice color.
- Q Do you understand that is the color of butter that brings the highest price in the market? A. That is the color that generally suits the market I should judge.
- Q And brings the higher prices? A. Well, the June butter don't bring the highest prices by any means.
- Q Does that colored butter bring the highest prices?
- A. It depends upon the market.
- Q I ask you what your opinion is, whether that colored butter brings the highest prices, or whether the paler colors

bring the highest prices? A. Pale colored butter does not bring the highest prices, it is not so well suited to the market.

Q Does the color of June butter bring the highest price in the market, as you understand? A. The color of June butter in some other seasons of the year brings higher prices than June butter would in June?

Q Have you ever seen oleomargarine? A. I have seen what purports to be oleomargarine.

Q Where have you seen that? A. In various places, I don't remember.

Q Have you ever been in Mr Nathan's factory? A Yes.

Q When? A One day last week I think.

Q Where is that factory located? A That is in New Haven.

Q Nathan I. Nathan & Co's factory? A. N. I. Nathan, yes.

Q How often have you been in there? A. Very seldom.

Q How often? A. I go in once a month sometimes.

Q When did you go there first? A. That identical factory?

I may have been there six or eight years ago first.

Q I am talking now of the time since Nathan has been running it? A. I couldn't tell you when I went there first.

Q Tell me about when? A. It might be about a year ago, more than that perhaps.

Q Was it being run as an oleomargarine factory then?

A. Yes, it was always run as that.

Q Will you tell about how many times you have been in that factory? A. About 12 times, I should judge.

Q How many times since Nathan has had it? A. I refer to when Nathan has had it.



- Q Were you ever in it before? A. Yes, sir.
- Q Have you been accustomed to go to other oleomargarine factories? A. Not accustomed to.
- Q Have you been in any other? A. I don't think I have.
- Q Were you ever in Nathan's factory in this state? A No.
- Q Were you ever in any other oleomargarine factory in this state?  
A. No.
- Q How came you to go to that factory? A. With reference to  
doing business with him in the way of selling milk.
- Q Did you sell him milk? A. Yes, sir.
- Q How long have you sold him milk? A. Since he has been in  
business.
- Q How much milk do you sell him? A. It is very irregular.
- Q About how much milk have you sold him in a day or week?  
A Well, we vary, probably on an average <sup>we</sup> sell him about 30  
cans a week.
- Q How much milk is there in a can? A. 40 quarts.
- Q Have you ever bought or sold butter in any market, public  
market? A. What do you mean by public market?
- Q Well, in the City for instance, to wholesale or retail  
dealers? A. Not outside New Haven.
- Q You never have had occasion to examine into the condition of  
butter ~~in~~ in any other place other than New Haven, as to its  
appearance? A Yes, sir.
- Q Have you ever bought butter in other places? A Not to  
amount to anything. I have examined it oftentimes.
- Q You have examined it without having any actual knowledge whether  
it had been colored or not by artificial means? A Yes,  
without any actual knowledge.



Q When you use artificial coloring matter in your making of butter, when did you put the coloring matter into it? A Into the cream.

Q Before it is put into the churn? A. About the time it is put into the churn, before or after it is put into the churn but before it is churned.

Re-Direct Examination by Mr Renaud:

Q Now, you say your experience in regard to the making of butter has extended to visits you have made to other butter makers' farms and dairies, is that so? A. Yes, sir.

Q You consider you have had as extended an experience in the way of butter making as most men you know of in the same business? A. I have looked it up as carefully as I could with reference to being thorough in the business since I have been in it.

Q You have informed yourself to the best of your ability in regard to everything about making butter? A. Yes sir, everything, all the details.

Q You have actually seen it made by other people besides yourself? A. I have seen it, the various processes in farm houses and creameries.

Q When you speak of this market color, color to suit consumers, you mean by that the <sup>dealers</sup> ~~xxxx~~ like a very intense color in butter? A. I think they do.

Q And the Counsel for the People has asked you whether the color you seek to effect in your butter is the June color, that is not the standard for you, it is the intensity of the color without regard to May, June or any other month of the year is not that it? A. Yes, sir.

Q You don't limit yourself to the natural color of butter in June? A. Not necessarily.

Q What you seek to give it is an intense yellow color?

A. That is it.

Q Such as your experience has taught you the market likes or desires? A. There is such a thing as having it too yellow.

Q You endeavor to give it just that shade of yellow you think the market desires, that is a very intense tone?

A. That is my ~~xxx~~ taste, it is a matter of taste.

Q That is the result of your experience as to the demand? A Yes.

Q Now, with regard to these two samples shown you, they are shown in glass jars, are they not? A. Yes, sir.

The jar last shown to the witness is marked

"People 1" for identification.

Q I show you the butter which has been shown to you, to which your attention has been called in glass jars, ~~in these jars~~ ~~are sealed so~~ that you cannot see the butter except through the glass? A. Yes, sir.

Q And you have some difficulty in giving exact testimony in <sup>a</sup> such a way? A. To be <sup>a</sup> critical matter I should say I couldn't get at it.

Q When the butter is taken out it may be a trifle different in appearance from what it is through the jars? A. It may be.

Q In regard to Mr Nathan, you say you furnish him milk?

A. I furnish him what he wants.

Q Do you put in any coloring matter, into the milk? A Oh, no.

Q You give him pure milk? A. Pure milk as it comes from the cow.

Re-Cross Examination:

Q At whose request did you come here to testify? A At Mr Nathan's.

Q Did he tell you what he wanted you to testify about? A Not particularly, only on some butter business; I don't think he told me anything about it, except it was with regard to the coloring of butter, that was the point.

Q Is he to pay the expense of your coming? A There was nothing said about it.

Q Do you expect him to? A I expect he will pay for my time.

Q And your expenses? A. Yes, sir. It is of no interest to me whatever otherwise.

Q Have you seen either of the Mr Nathans here today? A I saw one of them.

Q Which one? A. I think it is N. I., there are two of them.

Q One of the firm that runs this oleomargarine factory in New Haven? A. I supposed he was.

Q Don't you know he is? A. Yes.

Q Have you seen the other one here in the city to-day? A. No.

Q Did you see Mr Nathan with Mr Kempster, the defendant, to-day? A. I don't think I did, no.

Q You saw Mr Nathan in the District Attorney's office? A Yes sir

Q And a strange gentleman with him? A Yes sir, a number.

Q One in particular? A. I couldn't say.

Q Did you see Mr Arensberg? A. Yes, sir.

Q Do you know Mr Lippman Arensberg? A. I know Mr Arensberg.

Q Did you see him with Mr Nathan at the District Attorney's office to-day? A. Yes, sir.

Q Who is this Arensberg? A. I suppose he is one of the firm of Nathan I. Nathan & Company.

Q Have you seen him in the factory there? A. I don't think I have.

Q With whom have you had your dealings when you <sup>have</sup> ~~been~~ to the factory to sell milk? A. With the two Nathans, there is a brother.

Q But you understand that Mr Arensberg is one of the firm?

A. Yes, understand that he is.

Re-Direct Examination:

Q With regard to a conversation with Mr Nathan or Mr Arensberg, did any of these parties connected with the oleomargarine factory have any extended ~~xxx~~ conversation with you in relation to your testimony? A. No.

Q Your main conversation was with me, was it not?

A. I have had no conversation with regard to it, except what I have had here.

Q Right here? A. Right here.

Q The rest of your sojourn here on this trip has been away from them? A. I have seen them only what I have seen them here.



*The Court of General Sessions*

*The People of the  
State of New York.*

*vs.  
James Kumpster.*

Stenographer's Transcript,

*New York, Dec. 15, 1887*

MARY F. SEYMOUR.

STENOGRAPHER & LAW REPORTER,

OFFICE OF JOHNSON, CANTINE & DEMING,

KNICKERBOCKER LIFE INSURANCE BUILDING,

239 BROADWAY.

MAIN OFFICE, 88 PARK ROW,

POOR QUALITY  
ORIGINAL

0296

Attorney's Office.

PEOPLE

vs.

Kempster -

Geo.

Let this additional  
case go to G.I.  
in first instance

Nov-17/87 RBM

To Mr Lindsay -



**POOR QUALITY  
ORIGINAL**

0297

## →H OLEOMARGARINE! H←

**Stands 24 & 26 Jefferson Market,  
NEW YORK CITY.**

In announcing the opening of the above stands for the sale of Oleomargarine, I would inform the Public that the goods I offer for sale will be sold on their merits as

**A CLEAN, WHOLESOME AND HEALTHY ARTICLE OF FOOD,**  
and not as an imitation of dairy butter, or, in fact, as an imitation at all, being as it is designated by the Internal Revenue Law of the United States,

### **"OLEOMARGARINE."**

I conduct my business in conformity with the various National and State laws made to regulate the sale of Oleomargarine; and I keep no other goods than those which are absolutely free from artificial and special coloring, which are manufactured by N. I. Nathan & Co., of New Haven, Conn.

Orders of from one to ten pounds delivered. Samples cheerfully given, whether you purchase or not.

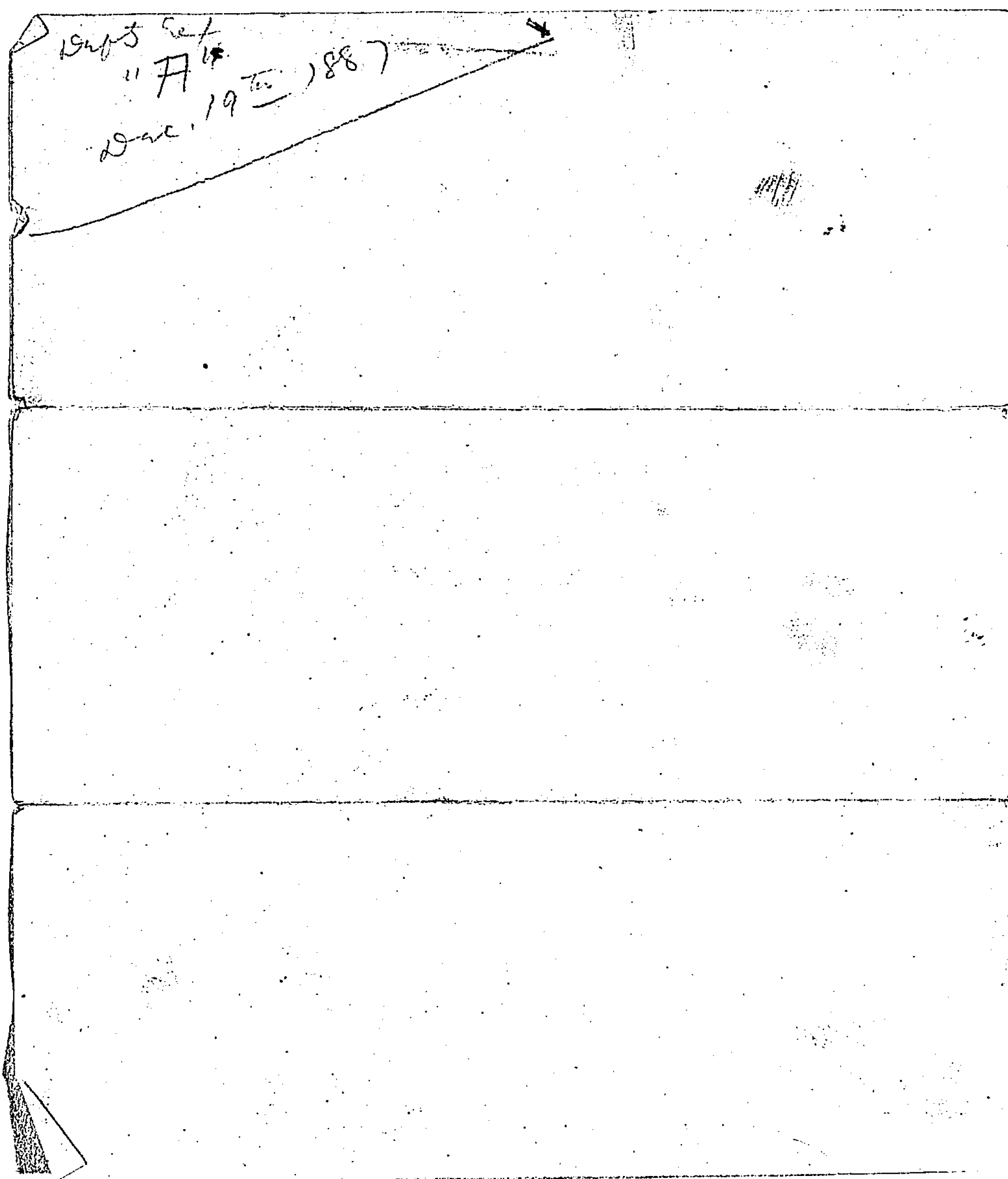
**JAMES KEMPSTER,**

Proprietor.

N. B.—I do not sell Butter at any price.

**POOR QUALITY  
ORIGINAL**

0298



POOR QUALITY  
ORIGINAL

0299

Series No. 149 J.

RUSSELL W. MOORE, A. M. M. Sc., Chemist.

## Certificate of Analysis.

State of New York,  
CITY OF NEW YORK. } ss.  
COUNTY OF NEW YORK. }

I, Russell W Moore, a chemist,  
practising in the City of New York, County and State of New York, do hereby certify that I  
have analyzed the sample duly sealed and  
marked New York Oct 6<sup>th</sup> 87 149 J. R. N. J. N. & Co. J. C. DuBois  
received from Thomas C. DuBois  
on Wednesday November 16<sup>th</sup>, 1887.

THE SAMPLE CONTAINS:

WATER.	8.43	%
ANIMAL AND BUTTER FAT,	85.58	%
CURD,	1.43	%
SALT,	4.56	%
	100.00	

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	95.48	%
SOLUBLE " "	37	%

SPECIFIC GRAVITY OF THE  
Reichert Figure  
FAT AT 100 deg. F., 79

This sample is composed mainly of animal fat, and was not produced from unadulterated milk, or cream from the same. It was not produced from milk or cream alone. It contains coloring matter, whereby it is made to resemble butter, the product of the dairy, and is in imitation and semblance of butter, produced from pure unadulterated milk or cream from the same.

I further certify that the foregoing is a true statement of the analysis of such sample so made by me as stated.

Respectfully yours,

Russell W. Moore  
Chemist.

Dated November 22<sup>nd</sup>, 1887.

State of New York,  
CITY OF NEW YORK, } ss.  
COUNTY OF NEW YORK. }

On the Twenty third day of November, in the year  
one thousand eight hundred and eighty seven, before me, the subscriber  
personally came Russell W. Moore, to me well known to be the same  
person described in and who executed the foregoing instrument, and he  
acknowledged that he executed the same.

James Forrest  
Notary Public  
New York County

POOR QUALITY  
ORIGINAL

0300

No 1498

New York, Nov 22<sup>nd</sup> 1884

*Chromogranin*

Certificate of Analysis.

*People*

*vs.*

*Kempster*

POOR QUALITY  
ORIGINAL

0301

STATE OF NEW YORK.

CITY OF New York } S.S.:

COUNTY OF New York

Edmund S. Wilson, being duly sworn, says, that he resides at number 153 Dry Street, in the City of Brooklyn, County of Kings and State of New York, is 32 years of age, and an expert appointed by HON. JOSIAH K. BROWN, the New York State Dairy Commissioner; that, at the times hereinafter mentioned, one James Kempster was a retail grocery dealer, and had his grocery store in a room in number 24 & 26 Jefferson Market Street, in the City of New York, County of New York, within this State, and occupied and controlled such room; that on the 6<sup>th</sup> day of October, 1887, deponent went into said James Kempster's said store and such room, so occupied and controlled by said James Kempster and said to Mr. Emily Deuta Olman again in charge, that he (deponent;) wanted to buy some butter; that the said Emily Deuta in response thereto, then and there sold and delivered to deponent 5 pounds of the manufactured substance hereinafter mentioned, for which he asked and deponent then and there paid him 18 cents per pound; that it was so sold and delivered to deponent by said Emily Deuta as and for Olman again ~~the product of the dairy~~; that thereafter, on October, 1887, deponent ~~delivered~~ caused a portion of such substance so sold to him by said Emily Deuta to be delivered to one Russell W. Moore who was and is known to deponent to have then been, and who since has been and is now, a chemist, practicing as such at number The Court House 2nd 49<sup>th</sup> Street, in the City of New York, County of New York, within this State, and deponent caused the said substance to be analyzed by such chemist; that the certificate of such analysis thereof, made by said chemist, is hereto annexed; that such substance, so sold and delivered to deponent by said James Kempster, was not butter, the product of the dairy, and was not made from unadulterated milk or cream; that it was a manufactured oleaginous substance not produced from milk or cream, and had been made out of some animal fat or animal or vegetable oils not produced from unadulterated milk or cream of the same, and by mixing, compounding with and adding to a small quantity of natural milk, cream or butter, a large quantity of such animal fats or animal or vegetable oils not produced from unadulterated milk or cream, so as to produce an article, substance and human food in imitation and semblance of natural butter produced from pure unadulterated milk or cream; that the said substance had been manufactured and was colored with some coloring matter whereby it was made to and did resemble butter, the product of the dairy, and was so colored thereby to be and was in imitation and semblance of natural butter, produced from pure unadulterated milk or cream; that on said 6<sup>th</sup> day of October, 1887, deponent saw a quantity of such manufactured substance in the said Kempster stand ~~store~~ and room, herein before mentioned, offered for sale as and for Olman again ~~butter, made from unadulterated milk or cream, with intent to sell the same as and for butter made from unadulterated milk or cream~~, in the ordinary course of said James Kempster Olman again ~~s grocery~~ business; that a more particular description of such manufactured substance, the ingredients thereof and the amount of the same is unknown to deponent and cannot be stated herein for that reason.

Deponent charges that the said James Kempster against the peace and dignity of the People of the State of New York, and the statutes in such case made and provided, wrongfully and unlawfully so had such manufactured substance in his possession, with intent to sell the same as and for Olman again ~~butter made from unadulterated milk or cream~~, and so offered the same for sale with such intent and so sold the said portion thereof to this deponent, as and for Olman again ~~butter, the product of the dairy~~, and caused, procured and suffered the same to be so offered for sale and sold, and was thereby guilty of a misdemeanor; and deponent, therefore, asks for a warrant against the said James Kempster for the violation by him of Sections 7 and 8 of Chapter 183 of the Laws of 1885, as amended by Chapter 577 of the Laws of 1886, and that he may be dealt with as the law directs.

Sworn to before me

this day of , 188 . }

JUSTICE.



16/3/87  
Court of General Sessions

County of Kent Medford

THE PEOPLE, &c.

vs.

James Kempton

James Kempton  
21/8/87

James Kempton  
(Capt. H. B. Sams & 1887,  
22/1/87 Sams & 1888, Sams,  
21/8/87 32)

Affidavit:

Edmund D. Wilson

288 GREENWICH ST.,  
NEW YORK CITY.

Witnesses:

Residence 288 GREENWICH STREET,  
NEW YORK CITY.

Edward W. Moore  
Residence 4<sup>th</sup> Ave X 49<sup>th</sup> St

Residence

POOR QUALITY  
ORIGINAL

0303

STATE OF NEW YORK,  
and City and  
County of New York } ss:

Thomas R. Gray, of No. <sup>255 Broadway</sup> 350 Washington Street,  
being duly sworn, says: That he resides at <sup>Port Street</sup> ~~Port Street~~ <sup>Brooklyn</sup> ~~Brooklyn~~  
<sup>Kings</sup> County and State of New York, is Thirty-seven  
years of age, and an expert appointed by HON. JOSIAH K. BROWN, the New York Dairy Com-  
missioner; That at the times hereinafter mentioned one James Thompson  
was a Retail Grocery Dealer, and had his Grocery Store  
in a room in No. Market Street <sup>24 & 26 in Jefferson Market New York City</sup> ~~24 & 26 in Jefferson Market New York City~~  
and occupied and controlled such ~~room~~ <sup>store</sup>; That on the Seventeenth  
day of December, 1886, deponent went into said Market and  
store and such room so occupied and controlled by  
him, and said to James Thompson that he wanted to  
buy some Butter; That the said James Thompson in  
response thereto then and there sold and delivered to deponent Seven  
pounds of the manufactured substance hereinafter mentioned, for which he asked and deponent  
then and there paid him Sixteen cents per pound; That it was so sold  
and delivered to deponent by said James Thompson as  
and for Butter, the product of the dairy; That thereafter and on the Twenty-fifth  
day of August, 1886, deponent delivered a portion of such substance so sold to  
him by said James Thompson to Russell  
W. Russell, a Chemist of No. School of Mines <sup>14th and 49th</sup> ~~14th and 49th~~  
Street in said City of New York, and caused the same to be analyzed by such Chemist; That  
the certificate thereof made by such Chemist is hereto annexed; That such substance so sold  
and delivered to deponent by said James Thompson  
was not Butter, the product of the dairy, and was not made from unadulterated milk or cream;  
That it was a manufactured oleaginous substance not produced from milk or cream, and had been  
made by mixing, compounding with and adding to natural milk, cream or Butter, some animal  
fats or animal or vegetable oils; Not produced from milk or cream, so as to produce an article,  
substance and human food in imitation and semblance of natural Butter; That the said substance  
had been and was colored with some coloring matter whereby said substance was made to and did  
resemble Butter the product of the dairy, and was <sup>so</sup> colored thereby in semblance of <sup>and did</sup> ~~and to~~ re-  
semble natural Butter; That on said day of  
August, 1886, deponent in said store and room occupied and controlled by him saw a quantity of such manufactured substance  
offered for sale as and for Butter made from unadulterated milk or cream, with intent to sell the  
same as and for Butter made from unadulterated milk or cream in the ordinary course of said  
Grocery business.

Deponent charges that the said James Thompson  
against the peace and dignity of the people of the State of New York and the statutes in such  
case made and provided, unlawfully, wilfully and knowingly so, had such manufactured substance  
in his possession with intent to sell the same as and for Butter made from unadulterated milk or  
cream, and so offered the same for sale with such intent, and so sold the said portion thereof to  
this deponent as and for Butter the product of the dairy, and caused, procured, and suffered the  
same to be so offered for sale and sold, and was thereby guilty of a misdemeanor.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 1886.

Thomas R. Gray

Justice.

Court of Supreme Court

County of New York

1521

87

THE PEOPLE, &c.

vs.

James Kumpston

Indictment

Against

Affiant:

Thomas B. Gray

288 Greenwich St. N.Y. City

Witnesses:

Arch. B. Clark

Residence 288 Greenwich St. N.Y.

Russell W. Moore

Residence 288 Greenwich St. N.Y.

Residence

POOR QUALITY  
ORIGINAL

0305

OFFICE OF  
B. F. VAN VALKENBURGH,  
ASSISTANT NEW YORK STATE DAIRY COMMISSIONER,  
350 WASHINGTON STREET.

New York, Sept 12 "1884

Hon R B Martin

Dist Atty N.Y.

Dear Sir

We wish to bring an alimony case before the Grand Jury without arresting the party and having it come to your office through the police Court for the reason that it will probably be an appealed case. Hon W. P. Brown has written you about it as I am informed. He would like to bring this case before the Grand Jury this week for the reason that the Chemist will be out of the City the balance of this month. Mr. Parker your Chief Clerk informed me that he can take the case to the jury on Friday this week if directed by you to do so. I also told you that I can attend to it if desired by you. Respectfully yours  
B. F. Van Valkenburg

POOR QUALITY  
ORIGINAL

0306

JAMES KEMPSTER,  
24 & 26 JEFFERSON MARKET,  
N. Y. CITY.

lbs. OLEOMARGARINE.

O. D. Parker,

Chief Clerk,

Court Gen. Session

N. Y. City

Dear Sir

To day I pleaded not guilty  
of violating the Oleomargarine law  
in Part 2. Court of Gen. Session and  
as my bondman whom I had on  
hand could not qualify, I was paroled  
in custody of my counsel Mr. Albert  
Reynaud till I could find someone  
who could qualify. I succeeded in  
getting a gentleman who owns real  
estate, but who is forbidden to leave  
his room by order of doctor until  
Monday morning. I will call Saturday  
morning and ask to be further paroled  
in custody of Mr. Reynaud till that time.

Yours truly  
James Kempster  
109 West 25th St  
1st floor

- 129 23/87



People

James Kemper

W. H. Law

Indictment of Nov. 1887.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Kempster

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

James Kempster of a Misdemeanor.

~~of the CRIME of~~

committed as follows:

The said

James Kempster,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *twenty-ninth* day of *August* in the year of our Lord one thousand eight hundred and eighty-*seven*, at the Ward, City and County aforesaid,

did unlawfully sell and cause and procure to be sold to one Thomas R. Gray, five pounds of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream or both, with salt or rennet, or both with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid, unknown, and cannot now be given) against the form of the

(Chap. 215  
Laws of 1882  
§ 2)

statute in such case made and provided, and against the peace and dignity of the said People.

Second Count.

(Chap. 183 Laws  
of 1885 § 7 as  
amended by  
Chap. 597 Laws  
of 1886 § 2.)

And the Grand Jury aforesaid, by this indictment further accuse the said James Kempster of a Misdemeanor, committed as follows:  
The said James Kempster late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one Thomas R. Gray, five pounds of a certain article, substance and compound in imitation and semblance of natural butter produced from pure, unadulterated milk, or cream of the same, the said article, substance and compound, so sold as aforesaid, being rendered, manufactured and produced out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not having been manufactured prior to, and not being in process of manufacture, on the first day of August in the year of our Lord one thousand eight hundred and eighty six, (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given) against the form of the

**POOR QUALITY  
ORIGINAL**

03 10

Statute in such case made and provided, and  
against the peace and dignity of the said  
people.

*Handwritten signature*

District Attorney.

Bail fixed at \$500.

#139

1521  
87

Witnesses:

Thos. H. Gray

Counsel,

Filed 16 day of Oct. 1887

Pleads, Chiquito (21)

THE PEOPLE

vs.

Bailed by  
James D. Lynch  
~~Chiquito~~ Chiquito  
3/4/6

James Kempton  
(2 cases)

Due 19 073 Ad  
RANDOLPH B. MARTINE,

District Attorney.

21 Oct 1887

A True Bill.

Alfred De Forest  
Foreman.

Witnesses:  
Chap. 153, Laws of 1882, § 2, and  
Chap. 153, Laws of 1885, § 7, and  
[Section  
amended by Chap. 577, Laws  
of 1886, § 27]



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 Kempster

The Grand Jury of the City and County of  
New York, by this indictment, accuse James  
Kempster of a Misdemeanor committed  
as follows:

The said James Kempster late of the  
City of New York, in the County of New  
York aforesaid, on the sixth day of Oct-  
ober, in the year of our Lord, one thousand,  
eight hundred and eighty seven, at the  
City and County aforesaid, did unlawfully  
sell, and cause and procure to be sold  
to one, Edmund S. Wilson, five pounds of  
a certain article and substance in resem-  
blance of natural butter, and known as  
oleomargarine, or imitation butter, the  
same not being the legitimate product  
of the dairy, and not being made ex-  
clusively from milk or cream, or both,  
with salt or rennet or both, with or  
without coloring matter or sages, but into  
which divers oils, and animal and other  
fats, not produced from milk or cream,

had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given) against the form of the Statute in such case made and provided and against the peace and dignity of the said people.

### Second Count

And the Grand Jury aforesaid, by this indictment further accuse the said James Kempster of a Misdemeanor, committed as follows:

The said James Kempster late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one Edmund S. Wilson, five pounds of a certain article and substance, in semblance of natural butter and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils and animal and other fats, not produced from milk or cream, had been introduced, and to and with which said article

and substance there had been added and combined certain substances to the Grand Jury aforesaid unknown, for the purpose and with the effect of imparting thereto, a color resembling that of yellow butter, (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given.) against the form of the Statute in such case made and provided and against the peace and dignity of the said people.

### Third Count

And the Grand Jury aforesaid, by this indictment further accuse the said James Kempster of a Misdemeanor, committed as follows:

✓ The said James Kempster late of the City and County aforesaid, afterwards to wit; on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one Edmund A Wilson, five pounds of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter, produced from pure, unadulterated milk, or cream of the same, the said article, substance and compound, as sold as afore-

said, being rendered and manufactured out of divers animal fats and animal and vegetable oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound, not being manufactured or in process of manufacture on the thirteenth day of April in the year of our Lord, one thousand, eight hundred and eighty five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given) against the form of the statute in such case made and provides, and against the peace and dignity of the said people.

#### Fourth Count

And the Grand Jury aforesaid, by this indictment further accuse the said James Kempster of a Misdemeanor, committed as follows;

The said James Kempster, late of the City and County aforesaid, afterwards, to wit; on the said sixth day of October in the year of our Lord, one thousand, eight hundred and eighty seven at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one Edmund S. Wilson, five pounds of a certain article, substance and compound;



produced by means of mixing and compound-  
ing with, and adding to milk, cream and  
butter, divers acids and other deleterious  
substances and divers animal fats and  
animal and vegetable oils not produced  
from milk or cream, with design and  
intent to render, make and produce an  
article, substance and human food in  
imitation and semblance of natural  
butter, by reason whereof the said article,  
substance and compound, so sold as afore-  
said, was made to and did imitate and  
resemble natural butter, the said article,  
substance and compound not being  
manufactured or in process of man-  
ufacture on the thirteenth day of April,  
in the year of our Lord, one thousand,  
eight hundred and eighty-five (a more  
particular description of which said  
article, substance and compound, and  
of the said acids, deleterious substances,  
fats and oils, so used in the making, man-  
ufacture and production of the same, is to  
the Grand Jury aforesaid unknown, and  
cannot now be given) against the  
form of the Statute in such  
case made and provided  
and against the peace and  
dignity of the said people



**POOR QUALITY  
ORIGINAL**

0317

Randolph B. Martin,  
District Attorney.

03 18

BOX:

284

FOLDER:

2712

DESCRIPTION:

King, Eliza

DATE:

11/02/87



2712

POOR QUALITY  
ORIGINAL

0319

Counsel, *[Signature]*  
Filed, *[Signature]* day of *[Signature]* 188*[Signature]*  
Pleads, *[Signature]*

[Section 2890-5290, Penal Code].  
*[Signature]*

THE PEOPLE  
vs.

*[Signature]*  
*[Signature]*  
*[Signature]*

RANDOLPH B. MARTINE,  
District Attorney.  
*[Signature]*

A True Bill.

*[Signature]* Foreman.  
November 18<sup>th</sup> 188*[Signature]*.  
Filed & recorded.  
One one year 28  
Nov 23/84

Witnesses:  
*[Signature]*  
*[Signature]*  
*[Signature]*

Bailed by  
*[Signature]*  
55 1/2 - *[Signature]*

POOR QUALITY  
ORIGINAL

0320

Witnesses:

Elbridge T. Gerry

Officer Perkins

Barney S. Alden

Bailed by

Casimiro Caponigro

55 1/2 Mulberry St.

Counsel,

Filed,

day of

188

Pleads,

THE PEOPLE

vs.

[Section 2890, Penal Code]

Eliza King

RANDOLPH B. MARTINE,

Appled clerk at District Attorney.

In trial court, PM ADP

A True Bill.

R. C. M. J. Foreman.

November 18<sup>th</sup> 1887.

Spied & convicted.

One one year 28  
Nov 23/87

POOR QUALITY  
ORIGINAL

0321

District Attorney's Office.

PEOPLE

vs.

Eliza King

Foreman

Grand Jury

a bill was found  
in this case by the present  
Grand Jury on the 18<sup>th</sup> inst.  
upon the trial thereof a  
disagreement ensued partially  
due to an inability to  
come to the satisfaction of  
the jury giving the character  
of defendant's house.

The bill herewith sent  
up is intended to supersede  
the former one and is  
drawn in a way which  
obviates the necessity of  
the proof referred to.

As the necessary witnesses  
have all been examined and  
action taken no further  
steps are necessary except the  
signing of the new bill  
proposed.



District Attorneys Office.  
City & County of  
New York.

Court of General Sessions

The People etc }  
                                } *Ex parte*  
                                } Eliza King }

City and County of New York s.s.  
Eliza King being duly sworn says  
that she is the defendant herein  
that her husband <sup>John King</sup> who is an im-  
portant and meritorious witness  
in her case has been sick since  
last Friday and is now well  
and confined to his bed at his  
home in Jersey City - and that  
it is impossible to proceed to  
trial without him } Eliza King  
sworn to before me }  
this 24<sup>th</sup> day of }  
Oct 1887 }

Stephen S. Blake  
Clerk of said  
Ct. City

**POOR QUALITY  
ORIGINAL**

0323

People  
v.  
Elza King

POOR QUALITY  
ORIGINAL

0324

N.Y. GENERAL SESSIONS

THE PEOPLE  
AGAINST  
*Eliza*  
*Jding*

*Managing Director of*  
*clubs*  
PENAL CODE, §§ 289, 290

BRIEF FOR THE PEOPLE.

**POOR QUALITY  
ORIGINAL**

0325

N. Y. GENERAL SESSIONS.

The People

v.

Eliza King.

BRIEF FOR THE PEOPLE.

STATEMENT OF THE CASE.

The defendant is indicted under § 289 of the Penal Code, for wilfully causing or permitting the morals of a minor child, Delia King, to be depraved, by allowing her to remain in a house of prostitution kept by defendant at 182 Madison Street in the City of New York, on August 23, 1887.

The premises in question are a lager beer saloon kept by the prisoner, under a license procured by her husband in his name, for the sale of beer and wine. For a long time previous to the arrest of the prisoner, the Police officers on the beat had noticed her repeatedly accosting young girls and endeavoring to induce them to enter there, and had also seen the child in question, Delia, going in and out of the place. On August 23 a young man named Barney Gilday went to the place, entered the saloon and saw the defendant Eliza, who said to him, "I can give you a girl if you want her." She then went and came back with a girl from the upper part of the premises - which is a tenement house - but the girl demurred coming in, and the prisoner said to Gilday that the mother of the girl was there and she could not get the girl in. She then introduced a woman named Lizzie Donovan to Gilday for the purpose of prostitution, and he had intercourse with her on the premises, with the knowledge and consent of the prisoner. The police immediately after made a raid of the premises, arrested the defendant, and found this young girl Delia on the premises playing cards with two

**POOR QUALITY  
ORIGINAL**

0326

2

men there. The girl was brought to court, temporarily committed to an institution, the mother held, and indictment found.

EVIDENCE FOR THE PEOPLE.

OFFICER PERKINS, 7th Precinct: - Is an officer of the Municipal Police. Knows the house 182 Madison Street and knew it for a long time previous to the 23rd August. Knows Eliza the prisoner and that she kept the saloon there. Has repeatedly seen the prisoner endeavoring to induce young girls to enter the saloon. Has seen prostitutes in the saloon. Knows the general reputation of the premises kept by the prisoner to be bad. On the statement made by Gilday on August 23, 1887, witness in company with Sergt. Donohue, Cornelius Leary and Officers Stapleton and Leonard, pulled the place. Sergt. Donohue and witness entered the saloon and found the girl in the back room, playing cards at the table with two men. Had previously seen the girl drinking wine with men there. Found one prostitute on the premises, a woman named Lizzie Donovan. Parties were all arrested. Will produce excise license of place, showing that the license was taken in the name of the husband of this woman.

SERGEANT DONOHUE, 7th Precinct: - Is Sergeant in the 7th Precinct Municipal Police. Accompanied Officer Perkins and the other officers to the premises 182 Madison Street on August 23, 1887. Found the girl in the back room playing cards with two men. The girl was taken by the officers to the station house. Knows the reputation of that portion of the house occupied by Mrs. King is that of a house of prostitution. Has known Mrs. King for



**POOR QUALITY  
ORIGINAL**

0327

a long time to be connected with the keeping of it. One prostitute, Lizzie Donovan, was arrested on the occasion in question.

CORNELIUS LEARY, OFFICER THOMAS STAPLETON, OFFICER THOMAS LEONARD: - Accompanied Sergt. Donohue and Officer Perkins on the arrest in question.

OFFICER CHARLES LEE, PATROLMAN JOHN KELLY, PATROLMAN ALONZO POWELL: - All of the 7th Precinct, know that these premises were of ill repute on and for a long time previous to August 23rd.

BARNEY GILDAY: - Resides at 172 East Broadway. On August 23, went to the premises 182 Madison Street in the basement. The prisoner said to witness "I can give you a girl if you want her." She then went out to the upper part of the house, which is a tenement house, and came back with a girl, but the girl drew back, and the prisoner said that the mother was outside and that was the reason why she could not get the girl in. She then introduced a girl named Lizzie Donovan who was on the premises to witness, and witness went with Lizzie Donovan, with the knowledge and acquiescence of the prisoner, into a room on the premises, and had sexual intercourse with Lizzie Donovan. Witness also saw the girl Delia on the premises. She drank wine with him while there.

**POOR QUALITY  
ORIGINAL**

0328

DELIA KING: - Is now thirteen years of age and will be fourteen in the month of March, 1888. She lived with her father and mother together in Jersey City until last February, 1887, when her mother and father quarreled, and her mother came to New York at 182 Madison Street. Subsequently her father came over to New York, took out the license in question, and then some time in the month of July had a bed-room made out of a part of the saloon, the premises in question consisting of the saloon, kitchen and another bed-room, in which latter bed-room Lizzie Dalton used to sleep. Delia first came over to New York to see her mother in February, and stayed three weeks at 182 Madison Street. She then returned to Jersey City, and then her father came over and stayed with her mother a day or so, and returned then to Jersey City; and this visiting continued in this way until June, 1887, when she stayed an entire month with her mother, at 182 Madison Street; and it was shortly after this that her father caused the bed-room to be built by putting up a partition through a part of the saloon, and the room thus constructed was occupied by her mother and herself, and when her father came over he occupied the same room with her mother. Delia stayed in 182 Madison Street during part of the month of August. At the time of her arrest she was playing cards with a boy named Charley Kent and his cousin. Her father resides in Jersey City, and with two other men named Billy Clark and another whose name she does not know, they occupy six rooms two stories up in a tenement house. Her two brothers live with her father, but no female relatives reside with her father in Jersey City. Her father works as a gardener there.

**POOR QUALITY  
ORIGINAL**

0329

COURT OF GENERAL SESSIONS OF THE PEACE  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

The People

v.

Eliza King.

BRIEF FOR THE PEOPLE ON  
SECOND TRIAL.

STATEMENT OF THE CASE.

The prisoner is indicted under § 290 of the Penal Code,  
(1) for wilfully causing and permitting the morals of her minor  
child, Delia King, aged thirteen, to be depraved, by allowing such  
child to remain in a house of prostitution kept by the defendant  
at 182 Madison Street in the City of New York, on August 23, 1887;  
(2) for suffering and permitting such child to play at a game of  
skill or chance in such place and to be and remain therein; (3) for  
wilfully causing and permitting the morals of such child to become  
depraved and the child to be placed in such a situation that its  
morals were likely to be impaired, under § 289 of the Penal Code.

The premises in question are a lager beer saloon kept by the  
prisoner, under a license procured by her husband in his name, for  
the sale of beer and wine. For a long time previous to the arrest  
of the prisoner, the Police officers on the beat had noticed her  
repeatedly accosting young girls and endeavoring to induce them to  
enter there, and had also seen the child in question, Delia, going  
in and out of the place. On August 23 a young man named Barney  
Gilday, in company with an officer of the police, went to the  
place, entered the saloon and saw the defendant Eliza, who said to  
him, "I can give you a girl if you want her." She then went and  
came back with a girl from the upper part of the premises (which  
is a tenement house) but the girl demurred coming in, and the

prisoner said to Gilday that the mother of the girl was there and she could not get the girl in. She then introduced a woman named Lizzie Donovan to Gilday for the purpose of prostitution, and he had intercourse with her on the premises, with the knowledge and consent of the prisoner. The police immediately after made a raid of the premises, arrested the defendant, and found this young girl Delia on the premises playing cards with two men there. The girl was brought to court, temporarily committed to an institution, the mother held, and indictment found.

EVIDENCE FOR THE PEOPLE.

OFFICER PERKINS, 7th Precinct: - Is an officer of the Municipal Police. Knows the house 182 Madison Street and knew it for a long time previous to the 23rd August. Knows Eliza the prisoner and that she kept the saloon there. Has repeatedly seen the prisoner endeavoring to induce young girls to enter the saloon. Has seen prostitutes in the saloon. Knows the general reputation of the premises kept by the prisoner to be bad. Shortly before August 23, the witness met Barney Gilday who accompanied him to the saloon, and the witness there saw said Gilday have a conversation with the said Eliza, and subsequently go into the room in the back part of the premises with Lizzie Donovan and remain there with her for some time. On the statement made by Gilday on August 23, 1887, witness in company with Sergeant Donohue, Cornelius Leary and Officers Stapleton and Leonard, pulled the place. Sergt. Donohue and witness entered the saloon and found the girl in the back room, playing cards at the table with two men. Had previously seen the girl drinking wine with men there. Found one prostitute on the premises, a woman named Lizzie Donovan. Parties

**POOR QUALITY  
ORIGINAL**

0331

were all arrested. Will produce excise license of place, showing that the license was taken in the name of the husband of this woman.

SERGEANT DONOHUE, 7th Precinct: - Is Sergeant in the 7th Precinct Municipal Police. Accompanied Officer Perkins and the other officers to the premises 182 Madison Street on August 23, 1887. Found the girl in the back room playing cards with two men. The girl was taken by the officers to the station house. Knows the reputation of that portion of the house occupied by Mrs. King is that of a house of prostitution. Has known Mrs. King for a long time to be connected with the keeping of it. One prostitute, Lizzie Donovan, was arrested on the occasion in question.

CORNELIUS LEARY, OFFICER THOMAS STAPLETON, OFFICER THOMAS LEONARD: - Accompanied Sergt. Donohue and Officer Perkins on the arrest in question.

OFFICER CHARLES LEE, PATROLMAN JOHN KELLY, PATROLMAN ALONZO POWELL: - All of the 7th Precinct, know that these premises were of ill repute on and for a long time previous to August 23rd.

BARNEY GILDAY: - Resides at 172 East Broadway. On August 23, went to the premises 182 Madison Street in the basement. The prisoner said to witness "I can give you a girl if you want her." She then went out to the upper part of the house, which is a tenement house, and came back with a girl, but the girl drew back, and the prisoner said that the mother was outside and that was the reason why she could not get the girl in. She then introduced a



**POOR QUALITY  
ORIGINAL**

0332

girl named Lizzie Donovan who was on the premises to witness, and witness went with Lizzie Donovan, with the knowledge and acquiescence of the prisoner, into a room on the premises, and had sexual intercourse with Lizzie Donovan. Witness also saw the girl Delia on the premises. She drank wine with him while there.

DELIA KING: - Is now thirteen years of age and will be fourteen in the month of March, 1888. She lived with her father and mother together in Jersey City until last February, 1887, when her mother and father quarreled, and her mother came to New York at 182 Madison Street. Subsequently her father came over to New York, took out the license in question, and then some time in the month of July had a bed-room made out of a part of the saloon, the premises in question consisting of the saloon, kitchen and another bed-room, in which latter bed-room Lizzie Donovan used to sleep. Delia first came over to New York to see her mother in February, and stayed three weeks at 182 Madison Street. She then returned to Jersey City, and then her father came over and stayed with her mother a day or two, and returned then to Jersey City; and this visiting continued in this way until June, 1887, when she stayed an entire month with her mother, at 182 Madison Street; and it was shortly after this that her father caused the bed-room to be built by putting up a partition through a part of the saloon, and the room thus constructed was occupied by her mother and herself, and when her father came over he occupied the same room with her mother. Delia stayed in 182 Madison Street during part of the month of August. At the time of her arrest she was playing cards with a boy named Charley Kent and his cousin. Her father resides in Jersey City, and with two other men named Billy Clark and

**POOR QUALITY  
ORIGINAL**

0333

another whose name she does not know, they occupy six rooms two stories up in a tenement house. Her two brothers live with her father, but no female relatives reside with her father in Jersey City. Her father works as a gardener there.

POOR QUALITY  
ORIGINAL

0334

N.Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

Eliza  
Jding

Ind charging murder  
of her child  
PENAL CODE, § 289, 290

BRIEF FOR THE PEOPLE.

ON SECOND TRIAL

Thos Schuchter

District Attorney's Office.

PEOPLE

vs.

*J. L.*  
Elyia King  
Buddy House

Park this case  
so that it can be  
disposed of at once.  
When indictment  
is found let deft  
plead as soon as  
possible - Case is hereby  
set for trial two days after  
pleading & is not to  
be adjourned except  
on my order. R.B.M.  
Oct 13 1887  
to Mr Parker

*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

*New York, October 14 1887*

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

*The People  
against  
Eloza King*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1876, Chapter 30, Section 3), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

*President, &c.*



**POOR QUALITY  
ORIGINAL**

0337

**N. Y. GENERAL SESSIONS**

CRUELTY TO CHILDREN.

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

*President, &c.*

POOR QUALITY  
ORIGINAL

0338

60 1/2  
11 25  
85 1/2

The People  
vs.  
Eliza King.

Court of General Sessions, Part I.  
Before Judge Cowing.

November 16, 1887.

Indictment for injuring the morals of a child.

James T. Perkins sworn and examined. I am an officer of the 7th precinct, I know the reputation of the house 182 Madison Street in this city and on the 23rd of August it was a house of ill repute, a house of assignation, I saw the prisoner every day for two months previous to that time in her premises 182 Madison Street, I recollect seeing her little daughter there; the first time I went there was on the evening of the 23rd of August in company with Barney Gilday, I called for a glass of beer and do not remember exactly what Gilday called for, Mrs. King gave it to us, I saw another woman in there and Mrs. King's daughter, her name was Lizzie Donovan I believe, I saw her there before once or twice, I believe Lizzie to be a prostitute but I am not positive. After we got the beer we called for a pack of cards and Mrs. King sat with us playing, then after sitting there about twenty minutes the subject of women came up, the defendant said some very nice girls came there, she had a couple come over from Jersey, she had only one in the place at present, she was sitting at an adjoining table, that was Lizzie Donovan. Gilday treated every one in the saloon to another drink, including the little girl. The Defendant then suggested that she could get Gilday a woman, Gilday asked her for a woman. The Defendant held a whispered conversation with Lizzie and she and Gilday went in the back room, the

defendant took Lizzie by the arm, I do not know what she said to her. Gilday and the girl came out in about ten minutes, they both sat down and had another drink and then we left the place. The little girl was there all the time, Delia King. The following night about nine o'clock I went in there alone in citizen's uniform, there was one man sitting at a table and the Defendant was behind the bar in the saloon, Lizzie Donovan was outside the saloon when I entered and she followed me in; I went in and bought a glass of whiskey, I said to the Defendant I have a couple of friends of mine outside, I called Sergeant Donohue and Detective Leary in and I showed her the warrant I had for her arrest for keeping a house of assignation and I also made an arrest for violating the Excise law, selling liquor without a license. At this time the little girl was in the back room playing cards with three young men, I put them all under arrest and brought them to the Station House.

Cross Examined. I do not believe we arrested the young men who were playing cards, they were playing in the kitchen, I do not know that those young men lived in the house. I believe I testified on the other trial that the Defendant had a whispered conversation with Gilday and also with Lizzie Donovan. I never went into the Defendant's place and called for beer and liquor and did not pay for it. I met Gilday on East Broadway, I know him four or five months, he lives at 157 East Broadway which is on my post, I don't know his business, I have seen him a dozen or more times and drank with him on one or two occasions. I brought him into this place to procure

evidence so as they could take his affidavit at the Police Court, we took a walk and entered the saloon and after he had sexual intercourse with the woman I urged him to make a complaint against the house, I brought him over to the Court next morning and they took his affidavit. I got my information from people in the street that this house had the reputation of being a house of ill fame, I do not know the names of the people who told me. I think I have seen the woman now shown me, Lizzie Donovan before. I first heard that the house had that reputation two or three weeks previous to the time I arrested the Defendant, Officer Lee of the seventh precinct told me of it and several other persons, one woman who lives in 182 Madison Street, her name is Mrs. Campbell, told me that it was a disorderly house, that the Defendant kept it and that she Mrs. Campbell, was kept up till two or three o'clock in the morning. Mrs. Campbell said it was impossible for her family to sleep because of the disorderly conduct down there. The house where this saloon is is a tenement house and there are about twenty-four families in it; the Defendant occupied the premises about four months to my knowledge. I did not know the girl that she spoke to, I believe she lived in the house because she said her mother was out on the stoop at the time. I believe it was soda water that the little girl Delia drank. I saw no impropriety there on that occasion only that the language used by the Defendant was not very select, there was cursing and swearing. We remained there on the first occasion about an hour and a half. The time that Gilday left the saloon he went into the back room with Lizzie Donovan.

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Bernard Gilday sworn. I live at 173 East Broadway and recollect going to the premises 182 Madison Street with Officer Perkins on the evening of the 23rd of August about seven o'clock. When we went in Mrs. King was at the bar, we sat down and had a couple of drinks, Mrs. King said there was some nice girls coming down to the house and to prove what she said she went to the door leading to the hallway and called a certain names which I do not recollect; a young girl came down to the door and she stood talking to her, she was trying to get her into the house but the young lady did not come in, Mrs. King told us the reason why she did not come in because her mother was outside near the stoop and she was afraid to go in. Right afterwards I had a few drinks and I was introduced to the Donovan girl, I went in with her to the back room and had connection with her. The Defendant told the Donovan girl to go in with me to the back room, I paid the girl some money; the little girl was there all the time, she had a drink with me, I could not say exactly what it was. We must have staid there about an hour and a half. I was in citizen's clothes as well as the officer. I guess that the woman now shown me is Lizzie Donovan, I think Lizzie told me she lived in the same house with the Defendant.

Cross Examined. I am a druggists clerk and before that I was working in the hat business but for the last six months I have not done anything, I had about five or six hundred dollars left me by my father three years ago and I was working all the time up to six months



ago, I was working for Humphreys & Furgerson, selling goods on enstallments, clocks; the name of the druggist I worked for is ghalres Fucas, 119 Grand Street, I left because the wages were not enough, he wanted to come down from twelve to eight dollars a week. My right name is Gilday, I am a German and was born in Dresden, I never had any other name and have never been known by any other name, I never was in the Defendant's place but this one night, I have been in the Officer's company a dozen times. I heard Officer Perkins testify in the last trial. The officer did not suggest for me to take this girl into the room, the Officer did not tell me he was looking for evidence against thenhouse, Mrs. King told the girl to go in with me, the little girl Delia was there all the time, I cannor swear that she saw me go into the room with the Donovan woman.

John J. Donohue sworn. I am a Sergeant of Police of the seventh precinct and know the premises 182 Madison Street that were occupied by the defendant on the 23rd of August, it had the reputation of being a house of ill fame; on the night of the 24th of August I went there with Officers Perkins, Leary, Powell, Stapleton, about seven or eight officers, I found the prisoner in the place and a woman named Lizzie donovan sitting with two men playing cards in the rear room and this girl Delia King was sitting at the table playing cards with two boys about seventeen or eighteen years of age, I took them all to the Station House. I think it was about a month previous

to the raid that I heard of the reputation of this house, I gave Perkins instructions to procure evidence in plain clothes as best he could, against the house and he procured a warrant for the arrest of this woman; the officer told me that this woman was charged with keeping a house of prostitution; the blotter in the Station House shows a disorderly house.

Charles Lee sworn. I am a police officer of the seventh precinct and know the premises 182 Madison Street which were occupied on the 23rd of August by the Defendant, it was a house of bad repute, I knew this about a month before it was raided.

Cross Examined. I was not called to testify although I was subpoenaed at the last trial, I had been on that post for some time previous to the raid, I spoke to Officer Perkins about this house in a general way, I spoke from my own judgment as an officer of the character of the house from the people I saw go in there, I knew it was a lager beer saloon, I went in there one morning in citizen's clothes and got a drink on my way home. I have talked with people along the street in casual conversation as to this house being a house of prostitution, I suppose I was spoken to about half a dozen times by people on my post about this house. I was passing the door one morning and I says to Mrs. King, "have you got any nice girls inside?" She said, "no, I have not any now, I expect a couple from Jersey and I will give you the tip." I was standing at the door, I was in my full uniform, I have

been an officer two years next January. I formed my judgment of the place by the character of the people I saw going in there, the men were rough looking and the women were dressed up with all this cheap finery and brazen faces and their hair banged in a style that you see women walking around the streets every night, cruisers and worse than that. I communicated my suspicions to the Ward detective. I have seen men in there pull women from the street, I have seen the Defendant hold a woman in her place at the bar drinking.

Thomas Stapleton sworn. I am an officer of the 7th precinct and know the premises 182 Madison Street, I was there the night the defendant was arrested, I had know nothing of the premises before that.

Thomas F. Leonard sworn. I am an officer of the seventh precinct and was present the night these premises were raided, I knew nothing of the reputation of the house before that.

Alonzo Powell sworn. I am an officer of the seventh precinct and know the reputation of the premises 182 Madison Street, the people around the neighborhood told me that it was a house of prostitution, I never saw anything out of the way there except I saw three or four women sitting with white aprons, I saw Mrs. King and her daughter there but I never saw anything out of the way.

Cross Examined. The house-keeper told me of the character of the house and also a young man who lives across the way, named Murphy. I have been on that post

five or six years, I saw Mrs. King once standing with her arm around the neck of a middle aged man, sitting at the table, they were not drinking, I saw women go in, it was a lager beer saloon.

Cornelius Leary sworn. I am a Ward detective of the seventh precinct, Mrs. King occupied the premises 182 Madison Street on the 23rd of August; the reputation of the place was bad, immoral women of bad repute entered the place, I have been in there probably five or six times in citizen's clothes, I went there to arrest her for violation of the Excise Law, at that time there was not anybody there but herself and husband and two men, I believe; five or six times afterwards I saw women and men there and on one occasion I saw four women, I had a conversation with her at one time about girls, she said, "what do you think of these girls at the table?" I said I did not know, she said, "wait till you see another fine girl, she is next door and will be in directly." In five minutes she came in; she said, "are you not going to

treat", I treated. She said to me, How would you like this one? I think she said her name was Phelara, but I am not positive. She said she would make a damned nice girl for a turn over something to that effect. I commenced to laugh and said, I guess not and went out. She said they were Jersey girls, that some of them kept houses. That that was the place to go. I said New York was good enough for me.

Cross Examined. I testified in the other trial, I recollect that on that trial the Defendant testified that at various times she gave me I think she said, fifty dollars but it is not true; I arrested her for selling liquor without license; there was a license there that was issued to a man named Marsey, he was the man who sold the place to her, she said she paid one hundred dollars for the place, including the license; she did not pay me twenty-five dollars in connection with that arrest, at no time did she give me any money; I brought her to the bank by order of Judge Patterson. I did not want her to retain a certain lawyer whose name I suggested to her and I did say it would be all right with her, that she would get off scot free and I did not ask her for thirty dollars. I first discovered the bad reputation of this house probably two months after she was there and she was there about eight months, I heard from Mrs. Campbell, the house-keeper that the house was bad and several people spoke to me about it, I know a man who told me that he had connection with a woman, I asked him if he would make an affidavit to that effect and he said no. I have been in the Defendant's place five or six times; the little girl Delia was present when these Jersey people were there. It is not so that these ladies I met in that place were eating their dinner there; there were eating crackers and had a glass of beer in front of them. I was not in the habit of going into the Defendant's place every day and was not in the habit of drinking there, I had a glass of soda water twice; there is only one bed in the house.



Delia King sworn and examined. I will be fifteen years old next March, the Defendant is my mother and I lived with her at one time at 182 Madison Street, I recollect the night she was arrested and I was arrested at the same time, I am now in the Catholic Protectory and I came down from there under a subpoena issued by the People, I used to live at 410 Seventh Street, Jersey City.

Cross Examined. Since I have been taken in charge of by the officers of the Society for the Prevention of Cruelty to Children and since my mother was arrested I have had no conversation with her. I stopped at 182 Madison Street with my mother, I had been there two or three weeks, I was in Court to-day when Gilday testified and when Officer Perkins testified, I heard their testimony, I remember seeing them in my mother's place on one occasion. I heard Gilday testify that he went into the bed-room with Lizzie Donovan so called or in other words Lizzie Kelly whom I know; it is not true to my knowledge, I sat in the bar-room all the time that night and I saw Lizzie all the time I was there, she was sitting beside the table, she went into the kitchen, I do not know if Gilday went with her then for I went out, I positively swear that he was not in her company when she was going in. I was not present one day when there was some women there that were from Jersey, I was not present when Officer Leary came in, I was not present on the occasion that has been testified to by the officers, I was playing cards the night I was arrested with Mrs. Campbell's son and his cousin in the kitchen. During the time I was in the house I never saw any impropriety there between men and women, I never saw

anything wrong, I never saw men and women go into the bedroom; perhaps women would come in for a glass of lager or something like that and take it and go out again, I never have seen any women in there except Lizzie Kelly. I used to go to bed about half past ten, I think my mother had the premises two or three months before I came from Jersey, my father fixed up the bed-room before I came. I did not see Gilday go out in the hallway that night. I did not drink with everybody who asked me to drink, I do not recollect four young ladies who came over from Jersey and did not see them. My mother kept a saloon at 410 7th Street in Jersey, I saw perhaps one or two girls pass in and out to have a drink and I do not know their names. I know Katie and Delia Campbell, daughters of the housekeeper and they are decent, respectable girls, Lizzie Donovan lived upstairs over us, she used to clean up our house; my mother and I used to sleep in the bed and when my father came over to New York sometimes, then I would sleep in the other bed.

The Case for the Defence.

Lizzie Donovan sworn and examined. My name is Lizzie Donovan and my married name is Kelly, I am a widow and have two children, they are at my mother's in Jersey City, I know the defendant Mrs. King for the last fourteen or fifteen years, she was always a hard working woman, washing and ironing and going out days work when I first knew her before she ever started a bar and as far as the rest of it is, I know nothing about her place because it was very seldom I was in it, I might call in once in a

while to see her. I did not know of her keeping an improper place and as far as I have known her she has been a very respectable woman, I have never heard anything said against her. When I would go over to see my friends in New York I would call at 182 Madison Street to see Mrs. King, I done her washing and ironing and went home again to Jersey, I done some work for her the week she was arrested, I never saw anything improper in her house, she kept a beer saloon. I do not know the man Gilday who pretends to identify me, there is a good many goes in and out that I would not be able to recognize again. I never went into a bed-room with him to have sexual intercourse, I do not remember the man at all. I cannot locate the night in question when these two people were in the bar-room.

Cross Examined. I used to go into Mr. King's place in Jersey once in a while to get a glass of beer and walk out, I never heard that place called the hole in the wall. I came over to New York to see my folks that live in Marion Street, I done Mrs. King's washing a couple of times. I slept with Mrs. King and the little girl. My married name is Kelly, I gave in the Station House the name Doran. I was never arrested in Jersey, I might have been, it is a good many years ago, I was not arrested in New York, I was arrested in Jersey for drinking and was in prison five days, that is seven years ago now, I was not arrested for being a prostitute, I saw this little girl over in Mrs. King's place in Jersey, I lived next door to her above that, up on the hill, before she kept a liquor store, I live now with my mother in Jersey, I live out for a living, the last place I lived out was at 62 Sussez Street cooking

while to see her. I did not know of her keeping an improper place and as far as I have known her she has been a very respectable woman, I have never heard anything said against her. When I would go over to see my friends in New York I would call at 182 Madison Street to see Mrs. King, I done her washing and ironing and went home again to Jersey, I done some work for her the week she was arrested, I never saw anything improper in her house, she kept a beer saloon. I do not know the man Gilday who pretends to identify me, there is a good many goes in and out that I would not be able to recognize again. I never went into a bed-room with him to have sexual intercourse, I do not remember the man at all. I cannot locate the night in question when these two people were in the bar-room.

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and washing and ironing, I was there two months and worked for Mrs. Montague, I also worked for Mrs. Weaver, I do not know Officer Perkins. I am forty years old, my husband died in 1874 or 1876.

Mary Mahoney sworn. I live 178 Madison Street, one house from Mrs. King, I know her since she came in the block about eight or nine months ago, I am married and have children, I was in her saloon in the day time because I used to sew for Mrs. King and my baby three years used to be in there playing with Delia, I never saw anything wrong in her place, I was going in there six or seven times a day, sometimes up to ten o'clock at night.

Cross Examined. I was not there when Gilday and Officer Perkins were in there, I have lived in that neighborhood three years, the place was kept by Mrs. Marsey who sold out to Mrs. King, I saw Lizzie Donovan and Delia there, I have seen people going in and out having beer.

Micheal Eagan sworn. I live at 182 Madison Street with my father and mother, I am a telegraph messenger boy, I used to go into Mrs. King's place twice every night to get a little beer, I never saw any women in there of bad character and never saw anything improper while I was there; people would come in and get beer and sit down at the table. I went to get beer for my father, I can tell a bad character when I see it, I am a messenger boy and sometimes I answer calls in these bad houses, and I have noted the appearance of the women there.



William Mooney sworn and examined. I am engaged in the oyster business, I have a married daughter who lives at 182 Madison Street, I had occasion to visit this place often, I have called into Mrs. King's place perhaps forty times, I have never seen anything improper in the house, I always heard a good character of the house from my daughter and people who lived in the house. I never knew Mrs. King in Jersey, I never was in Mrs. King's bed-room but was in the kitchen, I saw ladies in the place as late as nine o'clock but never saw them with men, I might see a couple of ladies sitting at the table drinking beer.

Hugh Doran sworn. I am janitor at 322 Broadway for five years, I know Mrs. King, I heard she was an honest, hard working woman, I talked with some of the tenants there and they told me they had nothing at all to say against Mrs. King, I also made personal inquiries in Jersey City and I found the neighbors spoke very kindly in her behalf; she has in her possession now a letter from Hon. William C. Traphagen. I took an interest in her when she told me her story and naturally my sympathies went toward her, I thought she was persecuted by these parties, I am no relative of hers.

Cross Examined. I never knew this woman in Jersey and never knew she kept a saloon there. I did not go to the police in Jersey City to inquire about her saloon, I did not hear that her place was "pulled" over in Jersey and that she was arrested; I did not hear that when she was arrested by the police and they undertook to take her

to the Station House she went upstairs and stripped herself naked and they had to telephone for a wagon to carry her, I did not hear that she was fined twenty-five dollars for keeping a disorderly house and did not hear that she served ten days, I did not hear that she was arraigned before Judge McGill, that she was convicted and sentence was suspended on her by the payment of costs and that if she did not agree to leave Jersey and not come back there she would have to go to the State prison, I did not hear that Eliza King was arrested for robbing a man of one hundred dollars and that a general alarm was sent out to arrest her in October 1886.

Eliza King sworn and examined. I keep this saloon at 182 Madison Street, I bought the saloon and paid four hundred and fifty dollars and one hundred dollars for the license, I continue to sell beer, Officer Leary arrested me and took me to Essex Market and he bailed me out with Mr. Moore who keeps a liquor store and then he said that was all right, I did not hear any talk about the license until I got my own, my husband got it. I paid Leary twenty-five dollars at that time and at another time twenty-five and thirty, amking eighty dollars in three parts; he said the last time I paid him the thirty dollars if I would give twenty-five dollars more to this lawyer he would let me out, I refused to pay Leary that twenty-five dollars and he said he would make it sorry for me, he would go down to the Tombs, to the Court, I told him I was satisfied to go down, I went to the Tombs in the morning and I was charged with keeping a disorderly

house. There were two bed-rooms in my house and there is nothing wrong about them, Delia was over home, she lived with me three weeks, she was over in Jersey twenty-six days before that, she was there the night the officer and Gilday came in, she came right in and ran out again, she got a piece of pie and went out. The night Gilday and Perkins came in they were at the table and had two drinks and two more gentlemen from Brooklyn; the next day the officer came in and asked me to give him a drink, he went out in the hall and went out in the yard, I called this girl Kelly down, her mother used to drink beer and she said to me to give her mother no beer, she has two sisters, I did not ask that girl, to go in the bed-room, I never had bad girls in my place and no impropriety ever occurred there; it is not true that Lizzie Kelly went into the bed-room with that man, the girls that were in my place said they were on the road to Connecticut and they filled their bags with lunches. Leary came in and I said, "are you going to treat the ladies?" He treated them once, he said, "I must go out now", I did not know those ladies at all, I only passed it off as a joke, I did not know them at all, I never had girls stay over night in my place; my girl is all right, she is a good girl, she goes to church, she can wash and iron and do anything, I did not use profane language in my place. I own a little property in Jersey.

Cross Examined. I said on the last trial I was convicted one time, myself and my husband were fighting about property; I have never been in State Prison in Jersey, I was never convicted there for keeping a

disorderly house and selling liquor without a license, I do not know Officer Calvin Smith, I was not arrested for robbing a man of one hundred dollars, I know Judge McGill, he did not suspend sentence upon me on payment of costs and on my promise to leave the County, he did not tell me that if I came back he would send me to the State Prison. Officer Smith never arrested me in Jersey, I do not know Officer Terwilliger - yes, I seen him in Jersey, he did not arrest me. These officers now in Court from Jersey never raided my house. I do not know how many times I have been before Judge McGill, this is not Jersey, I am in New York, you must try by New York law; if I served five years in the State Prison it is nobody's business. Judge McGill found me guilty for keeping a disorderly house, I leave it all to you because you have it written down, it may be right, I don't care for the officers a bit. When you kept "the hole in the wall" in Jersey you had this little girl with you? Yes sir, I have her and two boys, I buried six. I sold lager beer in Jersey but I never kept a house of ill fame; the nickname they had for the little place I kept was "the hole in the wall", the boys called it that; sometimes the girls would come out of jail and would drink there; my little girl was not there at all, she was going to school. When I kept a beer saloon I would not care who I sold to as long as I got the money; my little girl attended bar sometimes for me; she attended school for five years altogether, I did not allow my little girl to keep company with prostitutes and she was not so exposed as to have her morals corrupted.

Colville Smith sworn and examined by Mr. Purdy.

I live 541 Pavonia Avenue, Jersey City, I am a Roundsman detailed as ward detective in the second precinct, I have know the prisoner Eliza King about eight years, her character is very bad, I was in Court in August, 1886, I saw her sentenced, the sentence was suspended on the promise she left the County but if found in that County she would be brought up before Judge McGill and sent to the State Prison, I had seen her in the lower Court before that before Judge Stillson, I arrested her for selling liquor without a license and she was fined twenty-five dollars or ten days. She had a license given to her but there were so many complaints in regard to her that her license was revoked, I arrested her at 410 Seventh Street, I saw her little girl then, her place was known as "the hole in the wall"; continual complaints were made of it; all the women that came from Snake Hill Prison went into her place they made it their rendezvous; her character for virtue is bad.

Cross Examined. A great many people continually made complaint to the Chief of Police in regard to the gangs going into her place and insulting people as they passed by; she was charged also with keeping a house of ill fame and she was convicted of keeping a disorderly house. I have been in the house several times to see that she was not selling liquor without a license; there was two bed-rooms down stairs and there was some rooms back on the first floor. I know Mr. Traphagen to be a reputable gentleman and a distinguished lawyer, I would



believe his word as to the character of a person; if he should say that this woman had a good reputation and was honest, I would believe that he thought so.

Allen Terwilliger sworn and examined. I am a police officer in Jersey City, I know the Defendant for about sixteen years by the name of Kate King, her character is bad, I know she kept the hole in the wall at 410 Seventh Street, I raided the place on the 12th of October, 1884, with other officers and arrested her at the time; she was committed for trial and convicted and if I remember right fined two hundred dollars for keeping a disorderly house.

At that time I saw some women going out of the back door, it looked to me as if they were women, there was skirts flying out of the back door.

Cross Examined. She kept that saloon in Jersey to my knowledge, four or five years, it was a pretty tough saloon, her reputation was bad and the reputation of the people that went there also. There were complaints from the neighbors about the place; the raid that I speak of was made on a Sunday night and those who went through the back door made their escape; to the best of my knowledge there were two women who went out of the back door. I heard that one of the girls who went in there to get a drink was a notorious character and that the girls who were in there did not belong to the house. I heard that Officer Smith arrested the Defendant once. I heard of complaints being made of men robbed in her place.

POOR QUALITY  
ORIGINAL

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Eliza King recalled. I never was fined two hundred and fifty dollars, I do not know whether I was or not, I could not be sure. I remember now that fifteen years ago I washed for the wife of Officer Terwilliger. None of the officers in Jersey City ever asked me for money, my husband was arrested once but it was not for robbing a man, I don't know what he was arrested for.

The Jury rendered a verdict of guilty.

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POOR QUALITY  
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Testimony in the  
case of  
Eliza King  
filed Nov. 1887.

THE FOLLOWING IS A SUMMARY OF THE TESTIMONY.

THE WITNESS SAYS THAT HE DOES NOT KNOW WHERE HE WAS EMPLOYED FOR  
MONEY. HE REMEMBERS THAT HE WAS EMPLOYED ONCE FOR IT AND THAT FOR  
NONE OF THE OFFICERS IN JERSEY CITY EVER ASKED HIM FOR  
MONEY AND HE REMEMBERS THAT THE WIFE OF OFFICER BOWMAN  
SAID THAT HE WAS NOT TO ASK FOR MONEY. HE REMEMBERS THAT HE  
RECEIVED ONE HUNDRED DOLLARS. I DO NOT KNOW WHETHER I WAS OR  
NOT. HE DOES NOT KNOW WHERE HE WAS EMPLOYED FOR IT.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Eliza King*

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

*Eliza King* of a Misdemeanor,

of the CRIME of

committed as follows:

The said

*Eliza King*,

late of the *Seventh* Ward of the City of New York, in the County of New York afore-  
said, on the *Twenty Third* day of *August*, in the year of our Lord  
one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

*did unlawfully admit to and allow to remain  
in a certain reputed house of prostitution and  
assignation there situate, one Eliza King, who  
was then and there a child actually and apparently  
under the age of sixteen years, to wit: of the age  
of fourteen years, against the form of the  
Statute in such case made and provided, and  
against the peace of the People of the State  
of New York, and their dignity.*

*Second Count: And the Grand Jury  
aforesaid, by this indictment further accuse  
the said Eliza King of a Misdemeanor, com-  
mitted as follows: The said Eliza King,  
late of the Ward, City and County aforesaid,*

of her mother, to wit: on the day and in the year  
of her said, being the mother of, and having the  
care and custody of one Delia King, a minor  
of the age of fourteen years, of the Ward,  
City and County of, is unduly and  
unlawfully cause and permit the said Delia  
King to be and remain in a certain house of  
ill fame and association, there, to wit, and in  
the company of common prostitutes, and  
persons, as well men as women, of ill name  
and fame, and of bad conversation, and of  
depraved, vicious, immoral, lewd and indeed  
wicked tendencies, who by the consent and  
procurement of the said Delia King, the said  
house of ill fame and association, were used  
and accustomed to frequent and visit, and  
who in the said house, by such consent and  
procurement, were, as well in the night time as  
in the day, constantly present; and did then  
and there and thereby unduly and unlawfully  
cause and permit the said Delia King to  
be placed in such a situation that her morals  
were likely to be injured, and by means  
whereof, the morals of the said Delia King  
became and were then and there depraved, 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.

Third Count. And the Grand Jury



I present by this indictment further accuse  
the said thing thing of a Misdemeanor,  
committed as follows: The said thing thing,  
late of the Ward, City and County of present,  
of towards to wit: on the day and in the year  
of present, of the Ward, City and County  
of present, being the mother of and having  
then and there the care and custody of one  
Della thing, a minor of the age of years,  
did unlawfully and intentionally cause  
and permit the said Della thing to be and  
remain in the company of, and to associate  
and consort with divers common prostitutes,  
and persons, as well men as women, of evil  
name and fame, and dishonest conversation,  
and of depraved, vicious, immoral, lewd and  
indecent ways and tendencies, and did then  
and there and thereby unlawfully and intentionally  
cause and permit the said Della thing to  
be placed in such a situation that her morals  
necessarily to be injured, and by means  
whereof the morals of the said Della thing  
became and were then and there depraved;  
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.

Respectfully,  
District Attorney.

0363

BOX:

284

FOLDER:

2712

DESCRIPTION:

King, Joseph

DATE:

11/11/87



2712

POOR QUALITY  
ORIGINAL

0364

Witnesses:

J. C. Lusk

Off Nichols

Sept 29/87  
a Bush which  
he had been  
FC. 4/1

Counsel,

Filed

11

day of Nov

1887

Pleads, Chittenden

THE PEOPLE

vs.

Joseph King

vs. 2/3.

RANDOLPH B. MARTINE,

Attorney at Law

for the People

A True Bill.

Wm. Maguire

Foreman

1/11/87 was 1/1

2/3

Burglary in the second Degree  
[Sections 498, 506, 514, 528 & 531]

Court of General Sessions

The People  
agst  
Joseph King }

City and County of New York ss  
Emil Weil being duly sworn deposes  
and says that he is one of the firm of Price  
and Weil doing business at No 41 St Luke St  
in the City of New York. That deponent has  
known the above defendant for ten years last  
past and knows of him personally and by re-  
pute to be a person of good general charac-  
ter and has never known or heard of him ever  
having been guilty of any misconduct other  
than the charge herein.

Deponent further says that the said de-  
fendant has for many years past been the  
sole support of a widowed mother and his  
younger sister

Sworn to before me }  
this 2<sup>d</sup> December 1887 }

John Vincent

Notary Public

N.Y.C.

Emil Weil

POOR QUALITY  
ORIGINAL

0366

Court of General Sessions

The People

vs

Joseph King

Affidavit of

Character



Police Court—5 District.

City and County } ss.:  
of New York,

of No. 2266 1<sup>st</sup> Avenue Street, aged 33 years,

occupation Butcher being duly sworn

deposes and says, that the premises No 2266 1<sup>st</sup> Avenue Street,

in the City and County aforesaid, the said being a Brick and Stone

Flat House in the 12<sup>th</sup> Ward—

and which was occupied by deponent as a Dwelling

and in which there was at the time a human being, by name Anna

Faisel—

were BURGLARIOUSLY entered by means of forcibly breaking

Open a door leading from the

hallway of said premises to a front

hall bedroom of deponent's premises

on the 3<sup>d</sup> day of November 1887 in the day time, and the

following property feloniously taken, stolen, and carried away, viz:

Gold and Silver money of the

United States equal to the amount

and value of Twenty Seven Dollars—

and personal property consisting of

Clothing of the value of Seventy Dollars—

all being of the value of Ninety Seven

Dollars—

the property is in the Care and Charge of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Joseph King (now here)

for the reasons following, to wit: That deponent is informed

by Anna Faisel that she

discovered that the said premises

had been Burglariously entered as

aforesaid at or about the hour of

10 O'clock a.m. on said date and

that she saw the said King in

the persons of deponent's premises

where the said property was and

POOR QUALITY  
ORIGINAL

0368

that the said King came away  
from said premises when after  
the said House spoke to him  
Department. Therefore says that the  
said King may be held to answer  
the same - John C. Lyles  
Says to me  
This 3<sup>d</sup> day of May 1887  
H. A. Webb  
Police Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

POOR QUALITY  
ORIGINAL

0369

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Amr. Haesel-*  
aged *23* years, occupation *Domestic* of No.

*2266 1<sup>st</sup> Avenue* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John A. Lough-*

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

Sworn to before me, this *3<sup>d</sup>*

day of *November* 188*7*

*Amr. Haesel*

*Wm. A. Burke*

Police Justice.

POOR QUALITY  
ORIGINAL

0370

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*Joseph King*

Taken before me this

day of

188

*Wm. H. H. H.*

Police Justice.

POOR QUALITY  
ORIGINAL

037

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court-- 81 1805  
District,

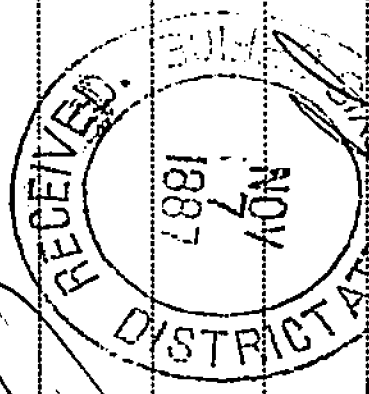
THE PEOPLE, &c.,  
OF THE COMPLAIN OF

Wm. J. Lucas  
2266-1st Ave.  
Brook. Wm.  
Burglary

Offence  
Dated \_\_\_\_\_ 188

Justice  
Magistrate.  
Cornelius J. Nichols  
Officer.

Witnessed  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_



No. \_\_\_\_\_  
Street \_\_\_\_\_  
\$2000 to answer

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

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

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

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

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



POOR QUALITY  
ORIGINAL

0372

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph King*

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

*Joseph King*

of the CRIME OF BURGLARY IN THE ~~second~~ DEGREE, committed as follows:

The said

*Joseph King*

late of the

*5th*

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

aforesaid, on the ~~third~~ day of ~~November~~, in the year  
of our Lord one thousand eight hundred and eighty-seven, with force and arms, about the  
hour of ~~ten~~ o'clock in the ~~day~~ time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*John P. Snager*

there situate, feloniously and burglariously did break into and enter, there being then and there some  
human being, to wit:

*one Anne Steward*

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

*John P. Snager*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away,

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

POOR QUALITY  
ORIGINAL

0373

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Joseph H. King*  
*attempting to commit*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said

*Joseph H. King*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the 'day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *day* time of the said day, with force and arms,

*the sum of Twenty seven dollars*  
*in money, lawful money of the*  
*United States, and of the value*  
*of Twenty seven dollars, and*  
*other articles of clothing and wearing*  
*apparel. of a number and description*  
*to the Grand Jury aforesaid*  
*unknown. of the value of*  
*seventy dollars.*

of the goods, chattels and personal property of one

in the dwelling house of the said

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

*Richard B. Smith*  
District Attorney.

0374

BOX:

284

FOLDER:

2712

DESCRIPTION:

Knowles, Louis D.

DATE:

11/30/87



2712

0375

BOX:

284

FOLDER:

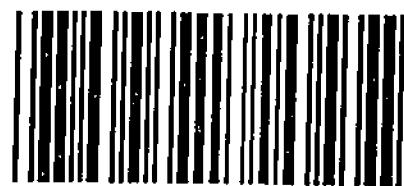
2712

DESCRIPTION:

Egan, John

DATE:

11/30/87



2712

0376

Apr 1 fresh mass<sup>2</sup>  
Apr 2. Rev 14:8 may

188

**vs.**

Louis D. Knickerbocker

John Egan

Dec 6 1920

RANDOLPH B. MARTINE

*District Attorney,*

Dec 11/19

12! Head of Month

# A True Bill

Mr. [illegible]

[illegible]

100 No 2. Low Sur & 12000

*W.C. Cresswell*

(C) . Dec 9/67

**Forsterman.**

*[Handwritten signature]*

*C. J. [Signature]*

*[Handwritten signature]*

*John A. Smith*

1

10



POOR QUALITY  
ORIGINAL

0377

Police Court—

District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No.

63 West Broadway

Street, aged

35

years,

occupation

Shipping Clerk

being duly sworn

deposes and says, that on the

day of

November

188

at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the day time, the following property viz:

Two Cases of Bleached Muslin together  
of the value of Two Hundred and Eighty  
Dollars

the property of

H. Blasplinder in the care and  
Custody of deponent as Shipping Clerk

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

Louis D. Knowles and John Cagan  
both now here / from the fact that the defendant  
Knowles was in the employ of said firm as  
a clerk under deponent and the defendant  
Cagan was a discharged employee of said  
firm and on the above described date  
as deponent is informed by Peter Morris  
a truck Driver employed by said firm  
that the defendant Knowles ordered said  
Morris to deliver the above described  
Cases to a man by the Name of Goldstein  
of No 59 Catherine Street and said Morris  
on said date did deliver said Cases to  
said Goldstein and received a receipt  
for said Cases of goods deponent further

Subscribed before me, this  
1889  
Police Justice

says that the defendant Knowles had no authority to deliver said goods to said Goldstein as the said Goldstein had not bought any goods from said firm for ten days previous to said date as there was no ticket sent downstairs from the credit department which authorizes the sending out of goods and there was not any bill made out against said Goldstein. The defendant Knowles admitted and confessed in open court that the defendant Cagan took the receipt for said cases of goods given to the defendant Knowles by the driver Morris and a day or two following gave the defendant <sup>Knowles</sup> thirty dollars as the Knowles shared said defendant Knowles further says that the defendant Cagan asked the defendant Knowles to erase the name of James Ahern from the cases and substitute the name of M. Goldstein on said cases and have them delivered to said Goldstein. Wherefore defendant charges that the said defendants acted in concert with each other in taking stealing and carrying away said property.

Defendant prays that the said defendants may be dealt with as the law directs.

Sworn to before me this  
22<sup>nd</sup> day of November 1887

John H. Freeman

J. H. Freeman

Police Justice

POOR QUALITY  
ORIGINAL

0379

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Peter Morris*  
aged *42* years, occupation *Ironman* of No.

*63 West Broadway* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John Hillman*

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

Sworn to before me, this

day of

*22* *October* 188*7* *Pat Morris*

*J. Hillman*  
Police Justice.

POOR QUALITY  
ORIGINAL

0380

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } SS

*Louis D. Quonles* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is his right to  
make a statement in relation to the charge against him; that the statement is designed to  
enable him 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. *Louis D. Quonles*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *96 Vanderbilt Ave. Brooklyn. 3 yrs*

Question. What is your business or profession?

Answer.  *Clerk*

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

Answer. *I am not guilty*  
*Louis D. Quonles*

Taken before me this *29*  
day of *March* 188*8*

Police Justice.



POOR QUALITY  
ORIGINAL

0381

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Egan*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *228 Madison St. 5 years*

Question. What is your business or profession?

Answer. *Truckman*

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

Answer. *I am not guilty*  
*John Egan*

Taken before me this *22*  
day of *December* 188*7*

*John Egan*  
Police Justice.



POOR QUALITY  
ORIGINAL

0382

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

356.  
1957  
Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1. *John Williams*  
2. *John Williams*  
3. *John Williams*  
4. *John Williams*  
Offence \_\_\_\_\_

Dated *Nov 22* 188

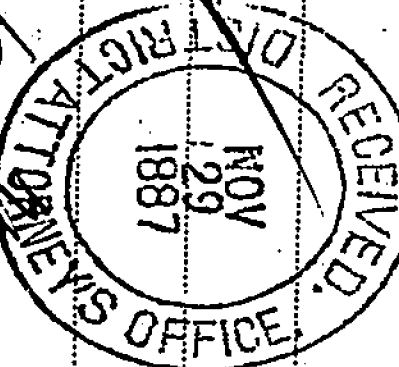
*William Williams* Magistrate.

*William Williams* Precinct.

Witnesses *John Williams*

No. *603* *John Williams* Street.

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



No. *44* *John Williams* Street.

*John Williams* to answer

*John Williams* of Councilors

*John Williams*

*Committed*

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Nov 22* 188 *A. Williams* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0383

District Attorney's Office,

New York, *Dec. 5, 1887*

THE PEOPLE, &c.,

vs.

*Louis I. Knowlton*

*Atcheson* Esq.,

Attorney and Counsellor at Law.

Dear Sir:

Please take notice that the  
above-named defendant, for whom you are  
Counsel, will be placed on the calendar of  
Part *One* Court of General Sessions,  
for trial on *Dec. 6, 1887*

Very respectfully,

RANDOLPH B. MARTINE

District Attorney.

**POOR QUALITY  
ORIGINAL**

0384

Hen R B Martine  
Det Mot  
NY City

POOR QUALITY  
ORIGINAL

0385

**H. B. CLAFLIN & Co.**

NEW YORK, Church St., Worth St. and W. Broadway.

MANCHESTER, 123 Portland Street.

PARIS, 5 Passage Saulnier.

New York, Nov 30 1887

Hon R. B. Martine Deputy  
Defin

In the matter of John Egan  
held to answer for the larceny of goods  
from our store I desire to state it is  
not my wish to prosecute him further  
I would ask for clemency toward him  
from your office.

Yours Truly  
Wm. H. Robinson

POOR QUALITY  
ORIGINAL

0386

**H. B. CLAFLIN & Co.**

NEW YORK, Church St., Worth St. and W. Broadway.

MANCHESTER, 123 Portland Street.

PARIS, 5 Passage Saulnier.

New York, Nov 29 1887

Mr R B Martin Esq  
Dear Sir

In the matter of Louis  
Knobles held to answer for the larceny  
of goods from our store I desire to  
state it is not my wish to prosecute  
him further & would ask for clemency  
towards him from your office

Yours Rply  
Wm H Robinson



POOR QUALITY  
ORIGINAL

0387

The People

VS

Louis D. Knowles

G.L.  
S.D.

POOR QUALITY  
ORIGINAL

0388

Hon. Randolph B. Martine  
District Attorney etc.

Dear Sir 'I am necessarily called  
to Philadelphia for a day or two.  
Leaving that the case of the State vs  
Knowles - about which we have had  
a consultation and agreement, might  
be put upon the calendar in my  
absence; I have written this letter to  
be delivered to you in that event.  
If this case should be called for  
trial - please order in off. until my  
return and oblige.

Yours very Respectfully,  
D. A. Atchison

POOR QUALITY  
ORIGINAL

0389

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Louis D. Knouder*  
and *John Egan*

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

*Louis D. Knouder and John Egan*

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

The said *Louis D. Knouder and John Egan*, both —

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

*the value of one hundred and*  
*twenty dollars each case, and*  
*ninety pieces of muslin*  
*of the value of two dollars and*  
*eighty cents each piece.*

of the goods, chattels and personal property of one *John Egan.*

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

0390

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Louis D. Knudsen and John Egan*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Samir D. Khawar and  
John Fagan, both —

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, *Two cases*

of number of the value of one  
hundred and twenty dollars each  
case, and ninety pieces of  
number of the value of two  
dollars and eighty cents each  
piece

of the goods, chattels and personal property of one John R. Ralston.

by ~~a~~ certain ~~person~~ persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said John Redburn.

unlawfully and unjustly, did feloniously receive and have; the said Dennis D.  
Knauer and John Rogers /

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

**RANDOLPH B. MARTINE,**

**District Attorney.**

039

BOX:

284

FOLDER:

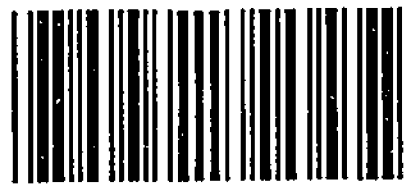
2712

DESCRIPTION:

Kopel, Abram

DATE:

11/01/87



2712

POOR QUALITY  
ORIGINAL

0392

Witnesses:

*My Lee*  
*Officer Bayes*

*#426*  
*Charters*

Counsel,

Filed

day of

1887

Pleads

*Charters (g)*

THE PEOPLE

vs.

*B*

*Abram Hopel*

*R. B. Martin*

Assault in the Second Degree.  
(Section 218, Penal Code.)

RANDOLPH B. MARTINE,

Nov-14 P.M. 1887

District Attorney.

November 15/87. Park III.

Indicted & Acquitted.  
A True Bill.

*J. C. M. S.*  
Foreman.



POOR QUALITY  
ORIGINAL

0393

Police Court—3 District.

City and County { ss.:  
of New York, }

Yee Lee

of No. 109 Hester Street, aged 28 years,

occupation Laundry being duly sworn

deposes and says, that on 8th day of October 1887 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Abraham Kopel who struck deponent  
a severe blow on the head with  
a loaded leaded cane which was  
in fact a sort of slung shot

~~with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without~~  
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
for the above assault, etc., and dealt with according to law.

Sworn to before me, this 9 day  
of October 1887

記 刑

James H. [Signature] Police Justice.

POOR QUALITY  
ORIGINAL

0394

Sec. 198—200.

7

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

*Abraham Koper* 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.

*Abraham Koper*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*27 Allen*

Question. What is your business or profession?

Answer.

*Taylor*

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  
Abraham Koper*

Taken before me this

day of

*October*

188

*John J. ...*  
Police Justice.

POOR QUALITY  
ORIGINAL

0395

BAILED,  
No. 1, by Abraham Kofel  
Residence 198 1/2 - Rant...  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 5, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 6, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 7, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 8, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 9, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 10, by \_\_\_\_\_  
Residence \_\_\_\_\_

#424  
Police Court- 3 District. 1652

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

See de  
109 Rant...  
Abraham Kofel

Offence Violence  
Assault

Dated Oct 9 188 7

Gorman Magistrate.

Bayer Officer.

11 Precinct.

Witnesses Chung Yang

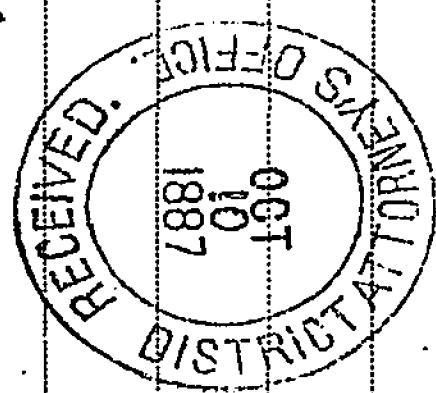
No. 22 Street. Mott

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

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

\$ 1000 TO ANSWER See de

Mott



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 \_\_\_\_\_

Abraham Kofel

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Seven 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 Oct 9 188 7 John Gorman Police Justice.

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

Dated Oct 9 188 7 John Gorman Police Justice.

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

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

POOR QUALITY  
ORIGINAL

0396

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Abraham Kaye*

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

*Abraham Kaye* -

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Abraham Kaye*.

late of the City and County of New York, on the *eleventh* day of  
*October*, in the year of our Lord one thousand eight hundred and  
eighty*seven*, with force and arms, at the City and County aforesaid, in and upon one

*Mrs. See*,

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault; and the said *Abraham Kaye*.

with a certain *loaded cane* which *he* the said

*Abraham Kaye*

in *his* right hand then and there had and held, the same being then and there a  
*weapon* likely to produce grievous bodily harm, *him*,

the said *Mrs. See*, then and there feloniously  
did wilfully and wrongfully strike, beat, bruise and wound,  
against the form of the statute in such case made and provided, and against the peace  
of the People of the State of New York and their dignity.

*Richard J. Smith*

District Attorney.

0397

BOX:

284

FOLDER:

2712

DESCRIPTION:

Krausz, John

DATE:

11/23/87



2712

POOR QUALITY  
ORIGINAL

0398

Witnesses :

Counsel,

Filed, 23 day of Nov 1887

Pleads, *Mich. 18*

THE PEOPLE

vs.

B

*John W. Kravitz*

*Defend 25 Nov 1887*  
RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*W. C. Maguire*  
Foreman.

*Papers sent to Sd. Oct 28/87*

*Madame Cour*  
*Sept 583 Cour 7, 1887, 627*  
Section



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John W. Krausz

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

— John W. Krausz —  
of ~~the crime of~~ a misdemeanor —

committed as follows :

The said

John W. Krausz,

late of the ~~Sixteenth~~ Ward of the City of New York, in the County of New York afore-

said, on the ~~sixteenth~~ day of October in the year of our Lord

one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

being the keeper and proprietor of a certain restaurant there situate, did therein unlawfully use and serve as food for one Thomas R. Gray then being a customer, patron and guest of the said John W. Krausz at the said restaurant, a quantity of a certain article, substance and compound in imitation and semblance of natural butter produced from pure, unadulterated milk, or cream of the same, the said article, substance and compound, so sold as aforesaid, being rendered, manufactured and produced out of diverse animal fats and oils not produced from unadulterated milk, or cream from the

same, the said article, substance and compound, not having been manufactured prior to, and not being in process of manufacture on the sixteenth day of June in the year of our Lord, one thousand, eight hundred and eighty seven, (a more particular description of which said article, substance and compound is to the Grand Jury aforesaid unknown, and cannot now be given) against the form of the Statute in such case made and provided and against the peace and dignity of the said people.

Randolph B Martine,  
District Attorney.

0401

BOX:

284

FOLDER:

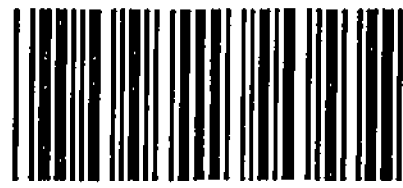
2712

DESCRIPTION:

Krumm, Charles

DATE:

11/18/87



2712

POOR QUALITY  
ORIGINAL

0402

Witnesses:

*Officer Baehner*

I recommend discharge  
of defendant upon  
his own recognizance.  
May 11/88. J. M. Davis,  
Clerk.

Counsel,  
Filed, *10* day of *Nov* 188*7*  
Pleads, *Guilty (w/)*

THE PEOPLE

vs.

MISDEMEANOR.  
(AMUSEMENT LAW.)  
[Section 1098, Consolidation Act of 1882.]

*Charles Hummer*

*Monday March 26<sup>th</sup>*

RANDOLPH B. MARTINE,

*Quincy, Ill. Prob. District Attorney.*

*St. Mary 11/87*  
A True Bill

*Geo. Magoun*  
Foreman.

*Feb 15-88*  
*Feb 24-88 Prob. Dist. Ct. Quincy, Ill.*  
*Feb 24-88 off des. Stephen - George*  
*March 21 of 88*

POOR QUALITY  
ORIGINAL

0403

Sec. 198—200.

3

District Police Court.

CITY AND COUNTY { ss  
OF NEW YORK,

*Charles Krumm* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h<sup>is</sup> right to  
make a statement in relation to the charge against h<sup>im</sup>; that the statement is designed to  
enable h<sup>im</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>im</sup>,  
that he is at liberty to waive making a statement, and that h<sup>is</sup> waiver cannot be used  
against h<sup>im</sup> on the trial.

Question What is your name?

Answer *Charles Krumm*

Question. How old are you?

Answer *47 years of age*

Question. Where were you born?

Answer. *Germany*

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

Answer. *157 Chrystie, 10 years*

Question What is your business or profession?

Answer *Saloon Keeper & Convent*

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

Answer. *I am not guilty.*

*I demand a trial by Jury.*

*Charles Krumm*

*August 16<sup>th</sup> 1887 By advice of  
my Counsel I waive all  
further examination in this  
Court and offer (me) for trial*

*Charles Krumm*

Taken before me this

10<sup>th</sup>

day of

1887

*Wm. J. Sullivan*

Police Justice.

POOR QUALITY  
ORIGINAL

0404

Sec. 151.

Police Court 3<sup>rd</sup> District.

CITY AND COUNTY OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County 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 William H. Wachner of No. 11 West. Police Street, that on the 7<sup>th</sup> day of August 1887 at the City of New York, in the County of New York,

*Charles Brown did unlawfully exhibit to the public on said day, it being Sunday, a certain entertainment of the Stage consisting of instrumental music and comic songs, in violation of the Statute in such case made and provided*

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 him forthwith before me, at the 3<sup>rd</sup> 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 7<sup>th</sup> day of August 1887

John Patterson POLICE JUSTICE.



POOR QUALITY  
ORIGINAL

0405

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm H Wachner

vs.

Charles Krumm

Warrant-General.

Dated August 8 1887

Patterson Magistrate

Wachner Officer.

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

Wachner Officer.

Dated August 10 1887

This Warrant may be executed on Sunday or at  
night.

Patterson Police Justice.

Dated \_\_\_\_\_ 188

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Police Justice

The within named

POOR QUALITY  
ORIGINAL

0406

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

POLICE COURT, 3 DISTRICT.

William H. Wachner

of No. 11<sup>th</sup> Precinct Police Squad, being duly sworn, deposes and says,

that on ~~the~~ Sunday the 7<sup>th</sup> day of August 1887

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

did unlawfully exhibit to the public  
on said day, being the 1<sup>st</sup> day of the  
week Commencing Calendar Sunday, a  
Curtain entertainment of the Stage  
Consisting of instrumental music  
and Comic songs, at and within  
premises No. 167 Chrystie Street  
a Concert Saloon, in violation of  
Section 2007, Chapter 480, Laws of  
1882 of the State of New York.

William H. Wachner

Sworn to before me, this 8<sup>th</sup> day

of

August

1887

John P. McClellan Police Justice.

POOR QUALITY  
ORIGINAL

0407

*W*  
POLICE COURT— *3rd* DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Wm H. Wachner*

vs.

*Charles Krum*

AFFIDAVIT.

*Wachner: Consent at  
Mrs. Wachner's*

Dated *August 8th* 188*7*

*Patterson* Magistrate.

*Wachner, P. O.* Officer.

Witness, .....

.....

.....

.....

.....

.....

Disposition .....

.....

.....

POOR QUALITY  
ORIGINAL

0400

BAILED,  
No. 1, by Wm. H. Stearns  
Residence 472 Grand Ave.  
No. 2, by Wm. H. Stearns  
Residence 472 Grand Ave.  
No. 3, by Wm. H. Stearns  
Residence 472 Grand Ave.  
No. 4, by Wm. H. Stearns  
Residence 472 Grand Ave.

160 176 3 1306  
Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Wm. H. Stearns  
11th Precinct.  
1 Charles Krum  
2 Wm. H. Stearns  
3 Wm. H. Stearns  
4 Wm. H. Stearns  
Offence Violation of  
Prostitution Act.

Dated August 10 1887

Wm. H. Stearns Magistrate.

Wm. H. Stearns Officer.

11 Precinct.

Witnesses

No. 1 Street.

No. 2 Street.

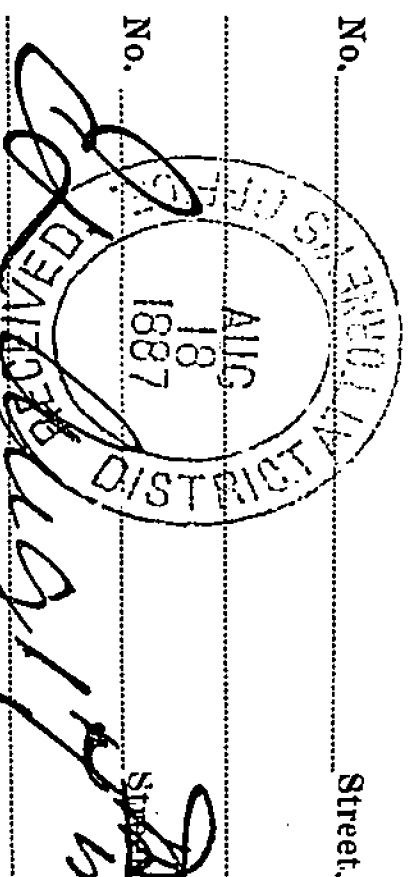
No. 3 Street.

No. 4 Street.

No. 5 Street.

No. 6 Street.

No. 7 Street.



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 Five Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated August 16th 1887 Wm. H. Stearns Police Justice.

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

Dated August 16th 1887 Wm. H. Stearns Police Justice.

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

Dated \_\_\_\_\_ 1887 \_\_\_\_\_ Police Justice.

District Attorney's Office.  
City & County of  
New York.

February 28<sup>th</sup> 1888

The People }  
— " — } Two  
Charles W. Mumford } Witnesses

It is hereby stipulated that  
when the above cases shall  
be again placed on the cal-  
endar that no objection to  
their trial will be raised  
by counsel for the Def't nor  
any adjournment asked for.

Wm. H. Johnson  
Def't Counsel  
99 Nassau St  
N.Y.

0410

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C

Charles Krumm's  
**KUENSTLER HALL,**  
165 AND 167 CHRYSTIE STREET,

New York, Feb 12<sup>th</sup> 1888

Hon A. S. Hewitt  
Mayor of New York City

Dear Sir:- You have on several former occasions treated me with such kindness that I am encouraged to trespass again upon your friendly consideration. You may remember that for over a year I have been subject to the persecutions of the Police under the former Boss of the 11 Precinct known as Captain Allaire. Thank God he has been transferred, as I have not been troubled in any way since he left the manor.

On next Wednesday I am to be tried on 2 indictments for violations of the Theatrical Law in Part 1 of the General Sessions

before Judge Cowing. I shall of course be able to prove that such is not true, but is a remnant of the persecution I was subjected to by Capt. Alaire. I still remember the great kindness you showed me when I was tried before the Board of Excise for violating the Excise law, & that it was no doubt owing to your suggestion that the commissioners were more than ordinarily careful in investigating my case, & dismissed the charge against me after a careful hearing.

Should you consider it inconsistent with your sense of duty to call the attention of Judge Cowing to my case and have the police have hounded me because I would not submit to blackmail? So far as you know?

I need hardly say, Your Honor, that one word from you is worth a 100 words coming from my lawyer no matter how able he may be. Should you look upon my appeal to you, favorably I shall endeavor to show you my gratitude not by words, but by conduct that shall meet your approval.

I am Your Obedient Servant C. Krumm

POOR QUALITY  
ORIGINAL

0413

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Sumner*

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

*Charles Sumner*

of a MISDEMEANOR, committed as follows:

The said

*Charles Sumner*

late of the *South* Ward of the City of New York, in the County of New York afore-

said, on the *seventh* day of *August*, in the year of our Lord  
*the same being the first day of the week, commonly called known as Sunday,*  
one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

did unlawfully exhibit to the public, in a certain *concert room*, building  
and place there situate, a certain entertainment of the stage,

~~no license for the said place of such exhibition for such purpose, having been first had and  
obtained as required by law, contrary to the form of the statute in such case made and  
provided, and against the peace and dignity of the People of the State of New York.~~

RANDOLPH B. MARTINE,

District Attorney.

04 14

BOX:

284

FOLDER:

2712

DESCRIPTION:

Kutner, Henrietta

DATE:

11/21/87



2712

POOR QUALITY  
ORIGINAL

0415

190. *David Proctor*

Counsel, *[Signature]*  
Filed, *21* day of *Nov* 188  
Pleads, *Guilty*

THE PEOPLE  
vs.  
*[Signature]*  
Grand Larceny, *second* degree  
[Sections 528, 531 Penal Code]

*Marietta K. K. K.*

*Dec 11 1888*  
RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*[Signature]*  
*Magnum*

Foreman,  
Part III December 14/87.

*Inds and Requested*

Witnesses:

POOR QUALITY  
ORIGINAL

0416

Police Court

District

Affidavit—Larceny.

City and County  
of New York, ss.

of No. 226 Lexington Avenue Street, aged 19 years,  
occupation Servant being duly sworn

deposes and says, that on the 27th day of September 1887 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :

A Trunk containing clothing  
Such as silk, And cloth dresses  
Underclothing &c— all of the value  
of about two hundred dollars

the property of

Deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Harrietta Kutner (now

present from the fact that deponent left the trunk in charge of  
the defendant with instructions  
to deliver it to no person except  
upon the receipt of a card bearing  
the name "Louis Kaspar" stamped  
thereon. That the defendant never  
received such a card, but she did  
deliver and part with the trunk  
as she now alleges. That deponent  
of her own knowledge <sup>knows and</sup> declares that the  
defendant never received the card bearing  
the name Louis Kaspar stamped thereon and charges  
the defendant with unlawfully & feloniously  
withholding and appropriating the property to her  
own use with intent to cheat and defraud deponent  
Marie Kaspar

Sworn to before me, this

day

of September 1887

Police Justice.



POOR QUALITY  
ORIGINAL

0417

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK. } SS.

District Police Court.

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

Question. What is your name?

Answer. *Hermietta Kutner*

Question. How old are you?

Answer. *30 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *190 East 109 Street*

Question. What is your business or profession?

Answer. *Housekeeper*

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*

*M. H. Kutner*

Taken before me this

day of

188

Police Justice.

POOR QUALITY ORIGINAL

0418

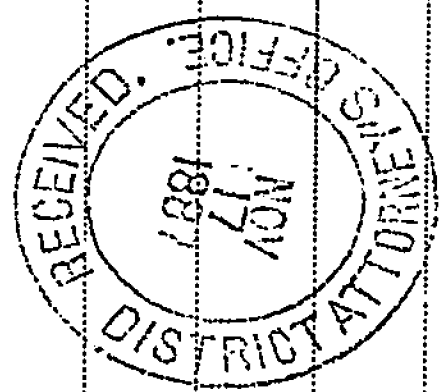
BAILED,  
No. 1, by *Bernard Stankle*  
Residence *128 East 116<sup>th</sup> St.*  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

*294/190* 1865  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Wm. Jackson*  
*636 Lexington Ave*  
*Remondin & Wilmer*  
Offence *Carrying*  
*Grand*

Dated *November 15* 188

*Murray* Magistrate.  
*Goodrich* Officer.  
*Castle Garden* Prisoner.



Witnesses  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
to answer *Epif* Street \_\_\_\_\_

*(Over)*

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.....

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

Dated *Nov 15* 188 *Henry Morrison* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0419

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Henrietta Fisher*

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

— *Henrietta Fisher* —

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

The said *Henrietta Fisher,*

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

*one bundle of the value of ten*  
*dollars, and divers articles of*  
*female clothing and wearing*  
*apparel, of a number and description*  
*to the Grand Jury aforesaid*  
*unknown, of the value of two*  
*hundred dollars.*

of the goods, chattels and personal property of one *Maria Harper,*

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

*Richard J. Lawrence*

District Attorney.