

0047

BOX:

299

FOLDER:

2845

DESCRIPTION:

Baer, Herrmann

DATE:

03/08/88



2845

0048

BOX:

299

FOLDER:

2845

DESCRIPTION:

Klar, William

DATE:

03/08/88



2845

POOR QUALITY
ORIGINAL

0049

Witnesses:

Off. Broderick

Counsel,

Filed

Pleads,

8 day of March 1888
Intzully (19)

THE PEOPLE

vs.

Hermann Baer

and

William Marx

Grand Larceny, Second degree.
[Sections 528, 531, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

Part 3 March 13 - 1888
" 20 "

A TRUE BILL.

(Hays, County)

Foreman.

No 2. Part III March 21/88
... tried and acquitted
No 1 tried and acquitted

POOR QUALITY
ORIGINAL

0050

Police Court—1 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. Michael Anselley Street, aged 36 years,
occupation Labourer being duly sworn

deposes and says, that on the 3d day of March 1888 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 :

Three passenger steamship tickets
on the steamer Leerdam from
New York to Rotterdam ^{and} being
together of the value of
£
Fifty seven Dollars

the property of Deponent William Janovsky and
Antone Samalis

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 Herman Daer ^{and} William
Klar, who were acting in concert
with each other, for the reason
that on the 3d day of March 1888 said
Klar met deponent said Janovsky and
Samalis at the premises 21 Broadway
and asked them what they wanted
when deponent replied they were going
to purchase tickets for Europe, said
Klar replied to him, if they would go
with him said Klar ^{and} purchase the
tickets from him that he would secure
for them free of duty & board at his
Klar's lodging house until the steamer
sailed. That deponent ^{and} said Janovsky

Sworn to before me, this
of _____ day
1888

Police Justice.

and said Samuels believing the representations made by said Klar to be true went with him to the steamship office where said defendant purchased said tickets and then took them to the premises 12 Washington Street where said Klar said was his and lodging house and that they could remain there until the next day when the ship would sail free of charge. That defendant and said Janofsky and Samuels did remain in said premises until the 3rd day of March 1888, and when they started to leave the said premises to take the steamer at 9 o'clock on said day said Baer took defendant and said Janofsky and Samuels that before they could leave said premises they would have to pay him \$2.00 each for their lodgings. When defendant replied that said Klar told them the place was his and they would not have to pay anything he said Baer said he had nothing to do with that. That said Baer then asked defendant to show him the steamship tickets he had to see if they were all right. Upon defendant so doing said Baer kept said tickets and told defendant that if they wanted to sail on the steamer that was to leave at 9 o'clock on the morning of said day they would have to pay him the \$6.00 then and he would return said tickets, which he did. Defendant therefore charges said defendant with having acted in concert with each other and charges them with the conspiracy aforesaid.

Done before me this 3rd day of March 1888
 Michael J. Smully
 Justice of the Peace

POOR QUALITY
ORIGINAL

0052

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Herman Baer 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 may think will tend to your exculpation?

Answer.

Taken before me this
day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0053

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Klear*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *16 Greenwich Street New York*

Question. What is your business or profession?

Answer. *General work about the Hotel*

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*

Wm Klear

Taken before me this

day of

188

George J. [unclear]
Police Justice.

0054

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.....

Dated 11th Dec 1889 Wm. E. Jones Police Justice.

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

There being no sufficient cause to believe the within named.....

POOR QUALITY
ORIGINAL

0055

Police Department of the City of New York,

Precinct No. 147 40

New York, March 12 1889

James Mc Carber
Chief clerk

Am. St. 4 PM
Yesterday I sent Antonio
Lamas, (one of those come
withed March 3^d) to Bel.
Hospital suffering from
Dyspepsia

Respectfully
J V Holbrook
Sergeant

POOR QUALITY
ORIGINAL

0056

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 1 DISTRICT.

Peter Groden
of No. *The Third Precinct* Street, aged *44* years,
occupation *Police officer* being duly sworn deposes and says
that on the *Third* day of *March* 188*8*

at the City of New York, in the County of New York, *Dependent* arrested
Herman Bauer and *William Kear*
(now here) on complaint of *Michael*
Smalley charging them with Grand
Larceny. *Dependent* further says that said
Michael Smalley, *John Danovsky*, and *Antoine*
Condit is having no borne or place of
business are material witnesses against
said defendants, and *dependent* has good
and sufficient reason to believe that
said *Smalley*, *Danovsky*, and *Pamale* will not
appear at the trial against said defendants
asks that they be committed to the house of
detention
Peter Groden

Sworn to before me, this
of *May* 188*8* day
by
Police Justice.

POOR QUALITY
ORIGINAL

0057

Police Court, 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter Grossen
vs.

Michael Smous
John Janopolsky
Anthony Samuels

Dated March 15 1888

Finner Magistrate.

_____. Officer.

Witness, _____

Disposition, _____

AFIDAVIT.
John S. Bell

POOR QUALITY
ORIGINAL

0058

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Hermann Baer
and William Star*

The Grand Jury of the City and County of New York, by this indictment,
accuse *Hermann Baer and William Star*

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

The said *Hermann Baer and William*

Star, both —

late of the City of New York, in the County of New York aforesaid, on the *third*
day of *March*, in the year of our Lord one thousand eight hundred and
eighty-*eight*, at the City and County aforesaid, with force and arms, *one*
kidnab, raper and wilfully entitling and
imperting to entitle the holder and proprietor
thereof to a passage upon a certain vessel
called the Seaboard, from the said City of
New York to Rotterdam in the Kingdom of
Holland, of the value of nineteen dollars of
the goods, chattels and personal property of
one Michael Smoley, one other Kidnab,
raper and wilfully entitling and imperting
to entitle the holder and proprietor thereof to
a passage upon the said vessel from the said City
of New York to Rotterdam aforesaid, of the
value of nineteen dollars, of the goods, chattels
and personal property of one John Landberg,
and one other Kidnab, raper and wilfully
entitling and imperting to entitle the holder
and proprietor thereof to a passage upon the
said vessel from the said City of New York to
Rotterdam aforesaid, of the value of nineteen dollars,
of the goods, chattels and personal property of one *Antone Samdio,*

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.

John R. Williams
District Attorney

0059

BOX:

299

FOLDER:

2845

DESCRIPTION:

Barren, George

DATE:

03/07/88



2845

POOR QUALITY
ORIGINAL

0060

No. 51

Witnesses;

Wolf Harman

Counsel,

Filed

Pleads,

15th March 1888
Chargelly

THE PEOPLE

vs.

George Barron

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 534 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. J. J.

Part 3 March 1888
Jury and Acquitted.

W. J. J. J.

POOR QUALITY
ORIGINAL

0061

Police Court— District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 7 Norfolk Street, aged 37 years,
occupation Peeler being duly sworn

deposes and says, that on the 1 day of March 1888 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:

Good and lawful money
of the United States of ~~the~~ Consisting
of pennies and silver coins of the amount
and value of fifty cents

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 George "Burger" Mowbray

from the lock. That about the
hour of twelve o'clock on the
day in question deponent was
standing on the corner of Hester and
Duffek street and ^{had} seen money in
his hand and the said George
came along and snatched the
said money from deponent's hand
and ran away with the money in his
possession.

Wolf Silverman
mark

Sworn to before me, this

of

1888

day

John J. [Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0062

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, }

Geo Barren 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 *h* see fit to answer the charge and explain the facts alleged against *h*
that *h* 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. *Geo Barren*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *200 Broadway 3 years*

Question. What is your business or profession?

Answer. *Driver*

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*

Geo. Barren

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0053

Advice given
within in testimony
to have named
the name of the
D. E. Duval
Sept 10th
1886

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

Police Court-- 369
District.

THE PEOPLE & C.,
ON THE COMPLAINT OF

George W. Duval
George W. Duval
George W. Duval

1
2
3
4
Offence Larceny
Felony

Dated March 1 188

Magistrate

Officer

Precinct

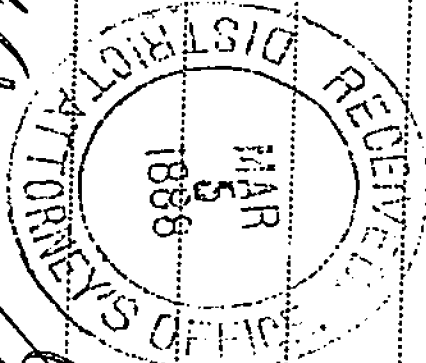
Witness

No. 49 to church Street

No. Street

No. Street

\$ 1000 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 \$1000 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 March 1 188 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

0064

Ben Sessions

The People

vs

Peter Rensil

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23^d STREET,

New York, Feb 28 1888.

CASE NO. *337821* OFFICER *Gardner, L. Dr.*
DATE OF ARREST *Feb 24*
CHARGE

Grand Larceny

AGE OF CHILD *fourteen years*

RELIGION *Roman Catholic*

FATHER *John laborer*

MOTHER *Mary*

RESIDENCE *326 Greenwich Street*

AN INVESTIGATION BY THE SOCIETY SHOWS THAT *Peter*
has always borne a good reputation
previous to this. Boy has a good
home and respectable parents.

All which is respectfully submitted

Wm. J. Thompson
Pres.

To The Dist. Atty.

POOR QUALITY
ORIGINAL

0065

Court of	
Grand Sessions	Grand Jurors PENAL CODE, §
The People	
vs.	
Peter Ravich	
Report of the New York Society for the Prevention of Cruelty to Children.	
ELBRIDGE T. GERRY, President, &c., 100 East 23d Street, New York City.	

POOR QUALITY
ORIGINAL

0066

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Barren

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

George Barren

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *George Barren*.

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

one silver coin of the United States of the kind called quarter-dollars, of the value of twenty five cents, two other silver coins of the United States, of the kind called dimes, of the value of ten cents each, and five coins of the United States of the kind called cents, of the value of one cent each.

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

John R. Kellogg,
District Attorney

0067

BOX:

299

FOLDER:

2845

DESCRIPTION:

Bartholf, George

DATE:

03/21/88



2845

POOR QUALITY
ORIGINAL

0058

Witnesses:

James P. Mason

Recd. from the clerk
of the court the certificate
that Carl H. Schuchly
Trade Marks were filed
with the Secretary of
State in Albany, and
in the County of New York

James P. Mason

A True Bill.

(H. W. Bailey)

Foreman.
April 13/88.

Filed & Returned,

Counsel,

Filed, &

Pleads,

THE PEOPLE,

vs.

George C. Bartholp
(2 cases)

JOHN R. FELLOWS,

RANDOLPH B. MARTINE,

District Attorney.

[May 3/7, Laws of 1887, Sec 223]

Permit Order

Revised

Mr. A. W. Penney
206 Broadway
Counsel,
Filed, &
Pleads,
May 13/88

POOR QUALITY
ORIGINAL

0059

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

POLICE COURT—

DISTRICT.

James R. Mason
of No. 1423 Lexington Avenue, Street, being duly sworn, deposes and

says that on the 20 day of July 1887

at the City of New York, in the County of New York, Depovent is a Superin-

tendant in the Mineral Water busi-
ness of Carl H. Schultz. That
said Schultz is the owner of certain
bottles or siphons, bearing a
duly registered & published trade
mark, of which the trade
mark on the hereto annexed
card is a representation.

That Depovent knows of his own
knowledge that said Schultz
has not authorized any person
not connected with his Schultz's
business to retain, retain,
sell, or use said bottles or
siphons except for the purposes
of said business.

That Depovent is informed by Lewis
F. Crag, a maker & stamper of
said siphons & trade marks,
for said Schultz, that he Crag,
on the 16th day of July 1887, saw in
the hands of the bottle establish-
ment of George B. Bonthal in
premises on the North West Corner
of 118th Street & Lexington Avenue
in said City, two bottles
or siphons containing the
above described trade mark
& belonging to said Schultz.

POOR QUALITY
ORIGINAL

0070

That Deponent is further informed by said Cray that he Cray while in said premises, was informed by a person therein, whom he Cray believes to be said Bonthalf, that said siphons were for sale, & that he Cray could buy from said Bonthalf one thousand bottles or siphons of the kind described.

That Deponent is further informed by said Cray that he Cray entered into an agreement with said person on Bonthalf ^{to buy} one thousand of said siphons. And that said person believed that the siphons so sold were to be wrongfully & illegally used & assured him Cray that said trade mark could be easily removed. And that the two bottles shown seen by him Cray, in said premises were shown to him by said person as samples of the siphons to be sold.

Wherefore Deponent charges said Bonthalf with a violation of Section 370 of the Penal Code of the State of New York & that he be arrested & dealt with as the law directs.

James B. Mason

Sum of \$1000
Due to Cray of July 1887
J. B. Mason
District Justice

Police Court, District.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

James B. Mason

vs.
William F. Cray

Dated

July 20

1887

Murray

Magistrate.

Officer.

Witness,

Disposition.

People
vs.
George C. Bartholf. } Memorandum.

Facts.

The agent of Carl H. Schultzy, with a search warrant, found in defendant's store, some mineral water siphons stamped with the registered trade-mark of Carl H. Schultzy. Defendant has personal control and supervision of his store. A few days before defendant's son offered to sell complainant's agent some mineral water siphons with Carl H. Schultzy's registered trade mark stamped on them, to be sent to New London, Conn., and there used for the sale of mineral waters. It does not appear that defendant was privy to this offer in any way.

Memorandum.

The defendant is indicted under §. 370 of the Penal Code for knowingly offering for sale, "with intent to defraud the owner of a registered trade-mark" (Carl H. Schultzy), certain siphons which he had reason to believe the purchaser ^{was} ~~was~~ about to use wrongfully for the sale of mineral waters. From an examination of the witnesses

I do not think the allegations of the indictment can be sustained. The indictment charges defendant with "knowingly offering for sale"; the proof is that his son, without his privity, knowingly offered for sale the siphons. An indictment can be found against the defendant under Chap. 377 Laws of 1887 which the evidence would support. Chap. 377 Laws of 1887 make it a misdemeanor to purchase or traffic in siphons, such as were dealt in by the defendant, without the written consent of the owner or unless they have been purchased from the owner; and §. 3 of Ch. 377 Laws 1887 makes the possession of such siphons by a junk dealer, or dealer in second-hand articles, without such written consent, presumptive evidence of the purchase or traffic in such siphons. The siphons in this case were not purchased by the defendant from the owner and defendant did not have the owners written consent to purchase or traffic in them.

1-27-88. W. J. G. W. C.

People

vs.

George C. Barthoff.

Dennis F. Cray,
489, 1st Ave.

I am in the employ of Earl H. Schultz.
On ~~Jan~~^{14th} July, 1887, I called at the
store of defendant on the corner
(N.W.) of 118th St and Lexington Ave. I saw
the son of the defendant. I asked him
if he had any second hand rifles
for sale. At first he said he did not
deal in them. Then I said there was a
friend of mine about to start in the
mineral water business in New
London, Conn., and I wanted to get
a thousand to send to him. Then he
said he would get them for me. I
made a price with him and he said
he would let me have them for 18 cents
a piece. ~~He~~ then told him that was all
my friend wanted to pay for them and
I wanted to make something from
them myself and then he said he
would let me have them for 16 cents.
~~But~~ I told him I would communicate
with my friend. On July 16th 1887 I

POOR QUALITY
ORIGINAL

0074

saw defendant's son again and told him the price was satisfactory but I wanted to see a sample as my friend did not want any siphons which had any thing etched on the glass. There he showed me as a sample a siphon with Carl H. Schultz's trade stamped on the siphon head and his private mark ground in the glass. I then asked him if all the siphons would be like that and he said "yes." that he could let me have a thousand like that on half an hour's notice ready for shipment. He said he had two thousand on the premises. When a search warrant was granted I went with the officer on July 20, 1887, and we found among other siphons on these premises 131 of Carl H. Schultz's siphons. Defendant's son told me on July 16th 1887 that when he first saw me he was afraid to speak about the sale because a friend of his in the same business got into trouble about a year previous for selling bottles in this way. ^{on the day} When we seized the siphons, July 20 1887, I went to the place above

and asked defendant's son if he could have the bottles the next morning. The defendant was at that time standing packing bottles about ten feet distant and did not appear to hear what was said. Defendant's son said I could have them and they would be ready on half an hour's notice. Then detective Thomas M. Cully, now of the Central Office, came in and asked defendant's son if he was the proprietor and he said he was not and pointed to defendant, who, when the detective asked him the same question, replied that he was the proprietor. Then we searched for the siphons and found 131 of Carl H. Schultz

James R. Mason,
1423 Lexington Ave.

Superintendent with Carl H. Schultz. Saw the bottles in defendant's place where seized and identified them. Has entire charge of the matters relating to the ^{siphons} bottles and knows none were sold to defendant and that he had no written consent from the owner to use or sell the same.

POOR QUALITY
ORIGINAL

0076

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

George C. Barthol

*Violation of these decrees
re § 120
§ 370.*

BRIEF OF FACTS.

*and
Memorandum.*

For the District Attorney.

Dated January 23^d 1888.

Wm. J. Adair

Deputy Assistant.

POOR QUALITY
ORIGINAL

0077

THE PEOPLE

vs.

GEORGE C. BARTHOLF.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE COWING.

Thursday, April 12, 1888.

Indictment for misdemeanor, violating trade mark.

Asst. Dist. Atty. Dawson for the People.

JAMES R. MASON sworn and examined.

By Mr. Dawson. Q. What is your business? A. I am superintendent of Carl H. Shultz, mineral water establishment.

Q. Do you know the defendant? A. Yes sir.

Q. What business is Mr. Shultz in? A. He is in the business of making mineral waters and siphons.

Q. Have these siphons upon them any ^{particular} ~~trade~~ mark? A. Yes sir, ^{and filled} all that is used by him have a trademark on them.

Q. Is any of those bottles ever sold by him? A. There has never been a bottle sold that has a trade mark on --- only the contents that are in the bottle that is sold.

Q. That is all? A. Yes sir.

Q. And to be returned in what time? A. Returned or exchanged within ten days is the rule.

Q. Did you ever find any of those bottles in the possession of the defendant? A. Yes sir.

Q. How many and when and where? A. I believe it was on the 20th of July, 1887.

By the Court. Q. In 1887 or 1888? A. The 20th of July, 1887, I think thereabouts at least if not that day, there was one hundred and thirty-one.

The Court: This indictment is defective, the 20th of July, 1888, ^{we} ~~was~~ have not got there yet.

**POOR QUALITY
ORIGINAL**

0078

By Mr. Dawson. Q. What do you say about 1888? A. 1887.

Q. You do not undertake to say they were going out in his possession then? A. No sir.

Mr. Dawson: If that is the fact it seems to me you have discovered a very serious trouble here, I shall have to amend it.

The Court: That wont do.

Counsel: We were coming to that in due time.

Mr. Dawson: I presume there was a spirit of prophesy on the man who drew that indictment, you will allow me to amend it.

Counsel: No sir, you cannot amend an indictment.

Mr. Dawson: We can remand the prisoner for another indictment, I presume he wont get away very far, if he does it will be for the benefit of the community.

Counsel: No sir, we have been here seventy years in business, we shall stay.

Mr. Dawson: Seventy years in business?

Counsel: Yes sir, very near.

The Court: There is a section which permits us to amend, I have amended it two or three times and our Court of Appeals have decided that it is proper. There is a section of the Code where there is a division of time, place or person, that it may be amended. I have allowed on one or two occasions an indictment to be amended and the General Term of this district decided that the law is constitutional.

Mr. Dawson: I move to strike out eight and insert seven.

Counsel: I object to it.

The Court: I think I will allow the indictment to be amended, I will hear you first.

Counsel: No sir, I do not care to be heard especially, I have

**POOR QUALITY
ORIGINAL**

0079

always understood the law to be and I know it is so in the United States Courts, that you cannot amend an indictment.

The Court: Yes, Judge Miller has expressly held so and the full bench sustained him. I think the United States is better law. We have held in this County, the General Term held, and I think the case has gone to the Court of Appeals, that an indictment can be amended. The last amendment I made they had the owners name inaccurately; that went to the General Term and Judge Daniels sustained me.

Counsel: Then the motion is allowed subject to my objection.

The Court: Certainly, subject to your exception. Let the indictment be amended ---- put in the day that you want.

By Mr. Dawson. Q. Now go on and state about July, 1887, as you were about to state, go on and make your statement, July or June which ever it was.

A. About the 20th of July, 1887, I think it was either on or about that time that his premises were searched.

Q. Whose premises? A. Mr. Bartholf's premises, the Defendant's premises were searched, there was one hundred and thirty-one of Carl H. Shultz's syphons found there.

Q. Anything in them? A. No sir, they were empty.

Q. Did you have any conversation with the defendant about it?

A. I do not remember any special conversation except that he asked me the question why we did this, have his place searched.

Q. Did he have any excuse to offer when you found the bottles?

By the Court. Q. What did he say? A. I do not remember that he said anything especially about the bottles except when we went there he said we might look through the place and take all our siphons, he gave us that liberty without any

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opposition.

By Mr. Dawson. Q. You found how many siphons? A. One hundred and thirty-one.

Q. Anything blown in those siphons or engraving upon them in any way? A. On the tops each one of them had the trademark.

Q. Read it? A. That is the trade mark, Carl H. Shultz, C P. M S, patented 1868.

Q. That is what it was? A. Yes sir.

Q. One hundred and thirty-one bottles in all respects similar to this one? (Bottle shown.) A. Yes sir.

Mr. Dawson: I ask it to be filed as an exhibit.

The Court: Any objection to it?

Counsel: No sir.

By Mr. Dawson. Q. What did you do with these bottles? A. That afternoon they were taken to the station house in 22nd St. and then from there the next morning to the Police Court and Judge Murray told us -----

Q. Have you got possession of them yet? A. Yes sir, they were given to us.

CROSS EXAMINED.

By Counsel. Q. Where are those siphons, Mr. Mason? A. They are in our use.

Q. They are in your store? A. They are in our use.

Q. The hundred and thirty-one? A. As far as I know, yes sir.

Q. Where is Mr. Shultz's place of business?

A. His main office is No. 76 University Place, the factory is corner of 25th Street and First Avenue.

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- Q. Running from 25th to 26th Street does it not, does the factory take the entire block? A. Not on First Avenue, it runs from 430 to 440.
- Q. How long have you been in his employ? A. Twenty-five years.
- Q. What are your special duties? A. My special duties are to see to the whole business, the oversight of the whole business, to see that it is carried on properly.
- Q. Does Mr. Shultz manufacture that glass, the bottles?
A. He does the tops and the glass he has made to order.
- Q. The tops? A. Yes sir.
- Q. And then he fills them with mineral water, does he?
A. Yes sir, they are filled with mineral water.
- Q. Then what does he do with them? A. They are sent out with the drivers to the different customers.
- Q. Throughout the city? A. Yes sir, and some of them sent to the country.
- Q. In sending those bottles out does he sell the bottle?
A. He does not.
- Q. Does he sell the liquid in the bottle? A. Yes sir.
- Q. Does he require a deposit upon those bottles by dealers taking the same? A. Very seldom; where they take one or two bottles out he requires a deposit or if they do not return them promptly in some cases, or going to the country he requires a deposit.
- Q. Has it not been his custom since you have been in his employ twenty-five years, to require a deposit in furnishing dealers with these bottles and the contents therein?
A. Not in all cases.

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Q. But he has done it? A. He has done it in a number of cases.

Q. And is doing it now, is he not? A. Doing it very seldom; there is not more than -----

Q. Answer my question please, Mr. Davis is not objecting now.
A. Not as a rule.

By the Court. Q. He does it sometimes? A. I gave you the answer before; where they come for one or two siphons ----

By Counsel. Q. Does he not now require a deposit in some instances when these bottles go out from his establishment?
A. Yes sir.

Q. Do you know Mr. McIntyre at the corner of 20th Street and Broadway? A. Yes sir.

Q. Does he make a deposit? A. Sometimes.

Q. He does? A. Yes sir, I am not sure that he is dealing with us at the present time.

Q. But he has been in the habit of it, has he not?
A. Yes sir.

Q. What is the amount of deposit that he requires?
A. Fifty cents on a siphon.

Q. Fifty cents on a syphon? A. Yes sir.

Q. Has that always been the amount? A. No sir.

Q. What has it been before? A. Before that it was one dollar on a siphon.

Q. One dollar on a siphon? A. Yes sir.

Q. Then if the siphon was returned what was done with the one dollar? A. The deposit of money was always returned when they returned the siphons with the check; there is always a check given out for the deposit.

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Q. Now when the siphon is not returned who has the dollar?

A. If the siphon is not returned of course it is in the possession of Carl H. Shultz.

Q. Who takes possession of that dollar when the siphon is not returned, who does it belong to? A. It belongs to the person who gives ----

Q. When the siphon is not returned, Mr. Mason, who has the dollar? A. It is in the possession of Carl H. Shultz.

Q. It is, isn't it? his A. It is his until the siphon is returned only..

Q. Supposing the siphon is never returned, take that siphon, if he has not got that where is the dollar, who has got it?

A. As I have already stated, it is in possession of Carl H. Shultz, but the siphons are not sold.

Counsel: I did not ask him that, I move to strike that out.

The Court: Yes, strike it out.

By the Court. Q. The Counsel wants to know in case the siphon is not returned does MRL Shultz keep the deposit?

A. He does not give it back to the party.

Q. The party loses the deposit? A. No sir, certainly.

By Counsel. Q. He (Shultz) keeps the deposit? A. Yes sir, until the siphon is returned.

Q. And if it is never returned he keeps it? A. Certainly he would have to do it.

Q. How long has he been requiring a deposit of fifty cents?

A. Since 1884, I believe.

Q. Since 1884? A. Yes sir.

Q. How long has he been manufacturing these siphons?

A. Why, he has been manufacturing them for upwards of twenty years.

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- Q. Upwards of twenty years? A. Yes sir.
- Q. Then from the commencement of manufacturing siphons down to 1884 he charged a dollar, did he not? A. Yes sir, that is after there was a deposit left on. Would you allow me to make one statement in regard to that?
- Q. No sir, I will have it all out in the end I guess; Mr. mason do you not know it to be a custom among dealers in that class of bottles to send notices to second hand dealers of bottles around town that they claim that bottle?
- Objected to. Objection sustained.
- A. I do not understand the question.
- Q. I will ask you this question, have you ever sent from your establishment to Mr. Bartholf, the defendant in this case, a notice of any kind that Mr. Shultz owned or claimed these bottles? A. I have told him personally myself.
- Q. You have? A. Yes sir.
- Q. When? A. I cannot give the exact time but it is upwards somewhere about twenty years ago when he was doing business next door to us in 14th Street.
- Q. You have known Mr. Bartholf for a number of years?
- A. Yes sir.
- Q. What is his business? A. He is a dealer in second hand bottles.
- Q. He has been for how many years to your personal knowledge in that business? A. Since I first knew him it is nearly twenty-five years, perhaps twenty-four years ago, but he was out of business for a while and then went into it again.
- Q. It was some twenty years ago you notified him that

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Mr. Shultz claimed those bottles? A. Yes sir, about twenty years ago and even since that.

Q. Have you known of Mr. Bartholf's dealing in these siphons during these twenty years more or less?

A. Why only by hearsay I may say.

Mr. Dawson: That you are not permitted to state; it would be to my advantage but I have no right to it.

By Counsel. Q. How many times did you visit this place prior to making the search on the 20th of July? A. I did not visit his place at all before the search was made.

Q. You were there on the day of the search? A. Yes sir.

Q. And you found these hundred and thirty-one siphons?

A. Yes sir.

Q. Did you buy any of him? A. No sir.

Q. Did you pay him for these siphons? A. No sir.

Q. But took them from there to Mr. Shultz's place without any compensation to Mr. Bartholf? A. Not without permission of the Court.

Q. I mean did you pay him anything for them -- they are in Shultz's place now without being paid for?

A. That is I claim that they were Mr. Shultz's property because they have got his trademark on and never was sold.

Q. How do you know they never were sold? A. From the very fact that they have not been sold ----- that we have never sold a siphon with his trade mark upon it.

Q. Was there a deposit made at any time upon these hundred and thirty-one siphons? A. It would be a difficult matter to say that there was not a deposit or there was a deposit on any of them, for there are about one thousand out for one

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that there is a deposit on.

- Q. There may have been a deposit on the hundred and thirty-one? A. I do not think there could possibly be, there may have been on one or two. I do not know, I cannot say.

By the Court. Q. You cannot say but what there may have been on all of them? A. I could not say.

By Counsel. Q. There may have been on all or some? A. I can only say it may be but it is not probable from the fact of so many being out without deposit.

- Q. Has a dollar been returned to anybody on any one of those hundred and thirty-one that you have received?

A. I do not know, I suppose that there has not because they never presented the check given to them ---- simply to those made out and signed.

- Q. Have you searched any other person's place during the last twenty-five years except Mr. Bartholf's for siphons?

Objected to. Objection overruled.

A. We have searched other places.

- Q. When? A. I do not know as I can give any dates, but I know that a number of years ago we searched one place and found that they had ----

- Q. Since May, 1887, when this law went into effect, have you searched anyone's place except Mr. Bartholf's?

A. I have gone to places and inquired.

- Q. Have you got a search warrant and searched in men's places since this law went into effect? A. Not since that date.

- Q. You have arrested no one then since this law went into effect? none of the second hand bottle dealers of this city

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has been arrested but Mr. Bartholf since May, 1887, have they? A. Not that I know of.

Q. Have you ever bought siphons, Mr. Shultz' siphons. of Mr. Bartholf? A. No sir, I will tell you what we did,

the Defendant came to us before we had the trade mark ----

Q. When was that? A. That was about twenty-five years ago, the trade mark was put upon them in 1868, and he said to me personally that there was some junkmen buying up our bottles and it was a pity to allow them to break them up and he asked me if I would allow him ten cents a piece for those that he got rather than let them be broken up, and that was before the trade mark was upon any of the bottles whatever; it was in 1868 the time the trade mark was put on.

By the Court. Q. Did you give him permission to do that? to buy them up and sell them to you at ten cents?

A. No, not to buy them up, we only said we would allow him so much for his trouble.

Q. Has that ever been rescinded? A. O, yes sir---- for his trouble --- that was previous to the time that the trade mark was put upon them.

By Mr. Dawson. Q. When was that trade mark put on them?

A. In 1868.

By Counsel. Q. You paid him how much for them? A. I allowed him ten cents a siphon for them at that time previous to the trade mark.

Q. With an understanding that he was to bring you those, you was to pay him that amount of money? A. That was what was said at the time but that has been rescinded long ago and he has been out of business also since that.

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By the Court. Q. Rescinded previous to the time when these hundred and thirty-one were in his possession? A. Long before that, yes sir.

By Counsel. Q. When did you rescind it? A. It was rescinded as far back as near as I can recollect in 1866 or 1867.

Q. How, by writing? A. No sir.

Q. Verbally? A. Yes sir.

Q. What was said? A. We told him that we would not allow him anything; I told him personally and I think Mr. Shultz did; it was in 14th Street opposite Irving Place.

Q. When Mr. Bartholf was in business at that time?

A. Yes sir, he went out of business after that and was out for some time.

Q. After that did he deliver bottles to you and you pay for them? A. No sir, not any to the best of my knowledge.

Q. Do you know whether he did to Mr. Shultz or not?

A. Not to the best of my knowledge.

Q. You have known that he has been dealing more or less in these siphons as a second hand dealer? A. We had no positive proof, we had suspected it only from hearsay.

Q. You had suspected that he had been dealing in second hand bottles, in these siphons? A. Just the same as we have reason to suspect a great many of them, but we cannot take a search warrant out until we can prove that the property is there.

Q. Look at that label on that bottle and tell us what that means? A. The druggist put that on of his own accord to try to secure himself to have the bottles returned.

Q. Do you know that druggist? A. I am not sure, I might

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have seen him once.

Q. Does not that label on that bottle result from the fact that the druggist has to make good a dollar to Mr. Shultz for the bottle? A. He has not a deposit on a single bottle.

Q. But suppose he fails to return the bottle, would he not have to pay a dollar for it? A. No sir.

Q. He would not? A. No sir.

Q. What would he pay? A. Well, that is a difficult matter for me to say; since I had charge of Carl H. Shultz' bottles there has not been a druggist that has had to pay for bottles that were lost.

Q. Take that individual bottle, it comes from the Brunswick Pharmacy, that has not been returned to Mr. Shultz, has it?

A. No sir.

Q. Would the pharmacy have to pay Mr. Shultz either by contract for payment or deposit upon that bottle?

A. The probability would be --- in fact as I say, we have not as yet charged any of them for siphons that have not been returned; we have lost hundreds and hundreds of them through their not returning them.

Q. But is not the rule that they are to make good the siphon, is not that the rule of the concern? A. The rule is printed on the business cards but it has never been put in force.

Mr. Dawson: On these? (Cards shown.)

A. Yes sir, here is the business cards and that is the check.

Q. You wanted to say something, say it, what was it?

A. I do not remember now exactly what it was.

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Q. You say whenever your bottles are given out this check has to be signed as a receipt? A. It is signed and handed to them with the bottles, and when they return the bottles and the check, the deposit is immediately returned to them.

Mr. Dawson: I offer that in evidence.

Q. And this is your business card? (Showing witness Peoples' Exhibit No. 3.) A. Yes sir.

By Counsel. Q. What is that? (Card shown.)

A. That is a business card.

Q. And the rules of your concern are upon these?

A. That is the rules on there. yes sir.

Q. And this is what you hand out to dealers, is it not; drug-gists and parties using your siphons?

A. Some of them gets them, any of them can get them that wishes them, yes sir.

Q. If I should go to your place and ask for a business card would you hand me this? A. Certainly.

Counsel: I will read it: "The siphon rules. The siphons are not sold to customers being simply left in their custody. They must be either exchanged or returned within ten days. Parties using not less than five siphons will be served at their houses. A deposit of fifty cents for each siphon to ensure its prompt return or a receipt for the same from well known parties who use the waters on their own premises will be required. The deposit money will be paid back on the return of the siphons with deposit check. The charge for pint bottles, fifty cents per dozen, will be re-turned upon return of the bottles."

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Q. Formerly it was a dollar, the rule was it not, instead of fifty cents? A. Yes sir.

Q. What is this I show you? A. That is a blank deposit card, it is filled up with the amount of the deposit that is paid for the siphons to be returned to the depository when they return the check and siphons or the siphons with the check.

Q. Then a person coming to your store and buying or ordering fifty siphons, he gives a check does he or you give him a check? A. No sir, not always.

Q. What is this for? A. That is only in cases where we ask a deposit, as I stated before; they get one or two siphons and we give them one of those.

Q. This is the ticket that you used, is it not? A. Yes sir.

Counsel: I will read it: "The siphons are not sold to customers being simply left in their custody. They must be either exchanged or returned within ten days. Parties using not less than five siphons will be served at their house. On and after September 15, 1884, a deposit of fifty cents for each siphon (to insure its prompt return) or a receipt for the same from well known parties who use the waters on their own premises will be required. The deposit money will be paid back on the return of the siphons with deposit check. The charge for pint bottles, fifty cents per dozen, will be returned upon return of the bottles."

Q. If a stranger should come to you and want five of these siphons the custom of your store would be to give him that receipt check, would it not?

A. No sir, not if you lived in the city, your name and

address would first be asked for.

- Q. Then what would be your custom? A. Why, our custom would be to let you have them without a deposit if you lived here in the city.
- Q. And knowing nothing about me? A. We certainly would have some knowledge and besides -----
- Q. Supposing you had no knowledge of me, that is the question and I wanted a dozen of these bottles, would you let me have them without a deposit? A. As a rule they are left without a deposit.
- Q. Answer my question; knowing nothing about me or my responsibility would you let me have twelve of these bottles simply upon my asking? A. From your personal appearance and giving your address, if that will answer; if you gave me your address they would be sent to your house and delivered for you without a deposit.
- Q. Mr. Mason, I want to get at this custom of your doing business, I know what it is and so do you, now sir, I will ask the question again; take a person whom you know nothing about and had never seen and he comes to your store or place of business and wants one hundred siphons, would you give him those siphons without a deposit upon that deposit check? A. We never give out a hundred siphons to a party without knowing who they are. Our rule is this: where they come to us and ask for five or ten siphons, or any number above three or four, we ask them for their address and then we tell them that we will deliver them at their house and call upon them about three times a week and take away what are empty and leave full ones in their place. It is very seldom, as I said before, that

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we require a deposit on the siphons.

Q. Now sir, do you sell the liquor separate from the siphon?

A. We do not sell the siphon with the mineral waters, as the business cards state.

Q. You sell the siphons at one price and the liquors at another, is not that it?

A. We do not sell the siphons at all, that is the trade mark.

Q. But you let them go out to druggists without any deposit whatever?

A. Most of them have gone out in that way and our drivers are calling upon them two or three times a week.

Q. Supposing you do not know where they live, would you do it.

A. We would not if we did not know anything about them, but as I stated to you that our rule -----

The Court: Gentlemen of the Jury this case will evidently take some time. Please remember that you are not to talk about this case with each other or come to any conclusion until it is finally submitted to you. With this admonition we will take a recess until to-morrow morning at eleven o'clock.

Friday, April 13, 1888.

JAMES R. MASON recalled.

Cross-examination continued.

Q. Mr. Mason, how long have you been in the habit of Mr. Shultz of publishing these rules? A. I think ever since he commenced business or very nearly so.

Q. And that is twenty-five years? A. Yes sir.

Q. Substantially the same as I find upon this card?

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Yes sir.

Q. If a customer took ten bottles of Mr. Shultz and a deposit was made would you write in the blank here?

A. At the present time?

Q. Yes sir. A. I would write that it was good for five dollars on the return check with ten siphons.

Q. You would write in this blank five dollars. A. Yes sir.

Q. Prior to the 15th of September, 1884, you would have written what? A. One dollar.

By Mr. Dawson. Q. One dollar a bottle? A. Yes sir.

By Counsel. Q. If I understood you rightly yesterday you said Mr. Shultz does not make the glass for this bottle?

A. He has it made to order and has had for some years past - formerly he imported the bottles entirely.

Q. But this is his own make (pointing to the top.)

A. Yes sir.

Q. What about the glass? A. That is done by the glass blower.

Q. His patent, if I understand you rightly, applies to the metal part of that bottle. does it not, to the head or the top? A. No sir, it applies to the whole bottle.

Q. Applies to the whole bottle, glass and all? A. Yes sir.

Q. These bottles, this bottle for instance, was once in the possession of Mr. Shultz, was it not? A. Yes sir.

Q. How did it leave his possession? A. Why, it was delivered to a customer and he returned an empty bottle in place of it. The probabilities are, as I stated yesterday, the customers are called upon regularly two or three times a week, many of them every day in the week except Sunday.

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- Q. If a man makes a deposit on that bottle it goes out upon a deposit, does it not? A. If a deposit is paid on it it is out on deposit.
- Q. If a deposit has not been paid on it, it goes out on the credit system? A. Yes sir.
- Q. The hundred and thirty-one bottles seized in the place of Mr. Bartholf were once in the possession of Mr. Shultz, were they not? A. Yes sir.
- Q. And they passed out of his possession upon one of the two systems you have just described? A. Yes sir.
- Q. Is it your custom to keep an account with every dealer or customer you have of the number of bottles that he has? A. Yes sir.
- Q. Can you estimate the number of bottles now out of this concern? A. I could not at the present time.
- Q. Can you approximate it? A. No sir.
- Q. I suppose it reaches to thousands, does it not? A. Yes sir, hundreds of thousands.
- Q. If I understood you rightly yesterday, and I ask the question that I may be right, you yourself have bought bottles of Mr. Bartholf? A. No sir, not bought because we told him distinctly we would only allow so much for his trouble.
- Q. What then are we to understand when you testified yesterday that you paid him ten cents a bottle? A. That was for his trouble in bringing the bottles to us; we told him distinctly it was not paying for the bottles..
- Q. Did you ever pay more than ten cents? A. I do not think we did, I do not remember doing so.

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- Q. You do not remember? A. No sir, to the best of my knowledge we never did. for his trouble.
- Q. Are you in the habit of paying to second hand bottle dealers throughout the city and junkmen, anything for bottles siphons returned to you? A. I might before but not since the trade mark has been patented.
- Q. And when was that? A. I think it was in the year 1868
- Q. In 1868? A. I think it was.
- Q. You have not paid to dealers anything since then, you did before that? A. Yes sir.
- Q. Then this that you have paid to Bartholf, the ten cents, was it before 1868? A. Yes sir.
- Q. Now Mr. Mason, where a deposit has been made according to your rules and the bottle is not returned, that deposit becomes forfeit, does it not? A. No sir, not unless they never return the bottles.
- Q. I say if the bottle is not returned what becomes of the deposit, isn't it forfeited? A. It is only forfeited.
- Q. Answer my question, if ^a ~~the~~ bottle is not returned when the deposit is made, is not that deposit forfeited, yes or no? A. If it should never be returned, the check ----

The Court: He wants a categorical answer.

Witness: Let me have the question again, if you please.

By Counsel. Q. If a bottle is not returned when a deposit is made is not that deposit forfeited?

The Court: If you cannot answer yes or no say you cannot answer or you do not know.

Witness: I cannot answer by yes or no but I can answer it by saying if it is ever returned with the siphon the deposit is returned.

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Counsel: I repeat the question and demand an answer.

By the Court. Q. He asked you if it is never returned if it is forfeited, suppose it never is returned, that the bottle is not returned, who has the money? A. Mr. Shultz has the money, it is forfeited, that is what you want.

By a Juror. Q. Is there any certain limit of time when the bottle must be returned? A. No sir.

By Counsel. Q. When a bottle goes out upon the credit system and it is not returned, what is done? A. It goes very often upon the account of profit and loss, if they are never returned.

Q. Do you know John R. Hegeman, a prominent druggist in this city, do you know him? A. Yes sir.

Q. You deal with him, do you not? A. Yes sir.

Q. You send to Mr. Hegeman a hundred bottles on credit and he fails to return fifty, does he not pay you for those fifty bottles? A. In no case and sense.

Q. Answer my question please, let us not have this shuffling does he not pay Mr. Shultz for those bottles if he never returns them? A. The rule is that ---

Q. Answer my question please, does he not? A. I do not know, sir.

Q. You answer you do not know ---- has not Mr. Hegeman to pay you under the rule now existing, twenty-five dollars for the fifty bottles not returned, or pay Mr. Shultz?

By the Court. Q. Can you answer that question? A. I cannot.

Q. You cannot, you do not know? A. I do not know.

By Counsel. Q. Then Mr. Shultz loses those bottles? A. I can answer what has taken place if ----

Q. Will you kindly answer, does he or does he not?

By the Court. Q. If you know you can say yes; if you do not know say nay ---- if Mr. Hegeman as I understand, should come to your place of business or to Mr. Shultz' and buy twenty-five bottles filled with vichy and he never returned those bottles, would Mr. Shultz lose them or their value altogether; if you know, why you can answer and if you do not you can answer?

A. Well, I do not know, I will explain it afterwards perhaps, I will have questions put to me that will enable me to explain it.

By Counsel. Q. Supposing that a hundred thousand bottles that are now out on the credit system, not one of them to be returned by your customers, would Mr. Shultz lose them or would he present a claim to those customers for the value of these bottles?

A. He certainly would send around to see and collect all that he can, that is what we do.

Q. Collect all the bottles that you can?

A. Yes sir.

Q. Suppose you do not collect more than one thousand out of the hundred thousand, would you lose the ninety-nine thousand or would you try to get fifty cents on a bottle?

A. If such a thing occurred probably he would try to.

Q. You would try to get fifty cents on a bottle, have you ever received fifty cents on a bottle for any of these bottles that have gone into the market on the credit system that have not been returned to Mr. Shultz.

By Mr. Dawson. Q. Speak now within your own knowledge?

A. We have not that I know of.

By Counsel. Q. That you know of of your own knowledge?

A. Yes sir.

Q. That is you have not collected any yourself? A. Yes sir.

Q. Now sir, what is the practice and custom of your house in

this regard?

Objected to. Objection overruled.

A. When any party having siphons charged to his or her account and they give up taking the water, we send for the siphons and it very often occurs that there are two or three missing in the case of druggists and sometimes saloons there is a much larger number missing; we have never been accustomed to charge them for the bottles.

Q. Have they ever paid you for the missing bottles?

A. Not that I know of.

Q. Have you been in the habit --- of course I mean MR. Shultz-- of receiving bottles by express with the customer's name on them?

A. We have.

Q. Have you ever notified the customer that you had received the bottles by express?

A. Yes sir, very often.

Q. Are you prepared to swear, Mr. Mason, that Mr. Shultz has never in the twenty-five years that you have been his superintendent, received pay from any customer, that has received bottles upon the credit system, when those bottles have been missing?

A. To the best of my knowledge we have not, for we have refused to sell them the bottles when they have asked us.

Q. Then sir, you wish us to understand that if ninety-nine thousand bottles are out and never returned, that loss falls solely upon Mr. Shultz?

A. If the practice has been -----

Q. Answer my question, I care nothing about your practice now?

By the Court. Q. Does it fall on Mr. Shultz, if you do not know you can say so?

A. I do not know of any case of such a large number.

By Counsel. Q. You do not know? A. No sir.

Q. What does become of the value of these bottles, I mean on the credit system? A. What becomes --- there is a certain amount every year put ----

Q. You have testified, Mr. Mason, that you have hundreds of thousands of bottles out now, I put out one hundred thousand and one thousand is ~~returned~~ returned and ninety-nine thousand are not returned but are lost, who bears that loss? A. In the way that the question is given I cannot answer, I cannot answer it in that way, I want to be conscientious.

Q. Is Mr. Shultz in Court? A. No sir.

Q. Is he to be here? A. Not that I know of.

Q. Was he here yesterday? A. No sir.

Q. Is there anyone from that firm that knows more about this credit system or the practice of doing business of that house than yourself? A. No sir.

By Mr. Dawson. Q. Is he at home? A. Mr. Shultz?

Q. Yes sir? A. I think he is.

Q. Where is his residence? A. Well, his residence is 140th Street and Western Boulevard.

By Counsel. Q. Where does he live? A. 140th St. near the Western Boulevard.

Q. Are you the book-keeper of Mr. Shultz? A. No sir.

Q. Is he here in Court? A. No sir, there are several that are working at the books.

Q. Who is the man that has charge over this bottle business and knows all about these collections? A. I am, sir.

Q. You have charge of that? A. Yes sir.

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Q. You are the principal one? A. Yes sir.

By Mr. Dawson.

Q. You are the business superintendent? A. Yes sir.

By Counsel. Q. Can you give in the rough the number of persons that are receiving your siphons upon the deposit system at the present time? A. No sir, I cannot.

Q. Can you approximate it? A. I could not.

Q. I wish that you would explain to the Court and Jury why it is that when a man receives a bottle from you upon the deposit system and he pays fifty cents and the bottle never being returned, that fifty cents is forfeited while upon the credit system when the bottle is never returned to you you never seek to recover fifty cents for the bottle?

Objected to. Objection overruled.

A. As I stated before in regard to deposits, whenever a check and bottle is returned, the deposit is returned. In regard to siphons that are out without deposits, they are constantly exchanging the bottles. As a rule, and very often when all the bottles are not returned, they dispute the missing bottles and say that the driver has taken them and they have not given a proper account, they forget to put them down and give them the credit, and again they say that druggists have taken the bottles; they make different excuses.

Q. That is your explanation, is it? is that the only explanation you can give? A. That is the principal explanation I can give.

Q. It is simply because it is a contest between the drivers and druggists and yourself about the bottles, that is the sum and substance of it, isn't it? A. Well, I am put in regard to that -- --

- Q. Isn't it that this is a contest, a disagreement between the drivers and druggists and yourself? A. Not this disagreement between the drivers and ourselves, but it is the customers that state that the bottles have been returned to the drivers and that the drivers must have forgotten to put them down. Others say that druggists have sent around and their boys have taken them and in some cases they say there have been some of them broken and we have never charged for them.
- Q. Whenever therefore this contest occurs between the druggists and the drivers and there is a disagreement about it it is passed over and you submit to the loss and take their statement as fact, do you not, that is the way you do business, is it? A. It is the way we have been doing when they quit taking the water, but very often there have been siphons found when they left the house and given to us.
- Q. Suppose you notify them, how then? A. That is one circumstance in the business that we have to lose the value of the bottles if they are never returned.
- Q. Your credit system far exceeds the deposit system, does it not? A. Yes sir, it does.
- Q. This is quite a prosperous business, is it not? A. The business is prosperous, it has been.
- Q. It is now, isn't it? A. Yes sir.
- Q. How many men does Mr. Shultz employ? A. Over a hundred.
- Q. How large a factory has he? A. I could not give you the dimensions of the factory.
- Q. It covers nearly a block, does it not? A. No sir.
- Q. Half a block? A. Yes sir.

Q. It has grown up on the manufacture of these bottles?

A. Grown up in his business principally.

Q. This class of business? A. Yes sir.

Q. And yet no claim is made for loss of bottles on the credit system? A. As I stated ----

Q. Wait a moment, no claim is made for loss of bottles upon the credit system? A. No sir.

Q. Now supposing a deposit was made for ninety-nine thousand bottles of fifty cents and not one returned, what would become of that deposit?

The Court: I think he has answered that; he says it would be forfeited.

By Counsel. Q. And if they were out upon the credit system, you would lose them? A. Yes sir.

By a Juror. Q. Suppose a responsible party takes a hundred bottles of that water and they return fifty bottles again, would not you make them up for the other fifty? A. We have never done it yet.

By Mr. Dawson. Q. Would not you have a right to do it under your contract? A. O, we would have a right to do it, if that is the answer you want.

Q. But you never have done it? A. No sir.

By Counsel. Q. You claim the right then? if you want it, for full payment for every missing bottle under the credit system, you claim that right? A. Yes sir, we claim the right according to the rules.

Q. Do you or do you not? A. Yes sir, certainly.

Q. You do claim that right? A. Yes sir.

Q. As I understand the patent to this bottle, it refers simply

to this middle part of the bottle? A. It refers to the glass as well as the top.

Q. To what does the trade mark refer? A. What was that you asked? It is the trade mark I am speaking of, I am speaking of the trade mark that is on the top.

Q. Is this patented or is it a trade mark? A. The trade mark is patented, that is on the side of the bottle.

By Mr. Dawson. Q. And that applies to the bottle with that siphon or without it? A. With the siphon, with the bottle.

Q. With the siphon? A. Yes sir.

By Counsel. Q. Have you not testified that this matter was patented? A. Which?

Q. Why, the siphon? A. No sir.

Q. What does this mean when it says, "patented, 1868"?

A. That the trade mark is patented.

Q. The trade mark is patented? A. Yes sir, according to law.

Q. According to what law? A. According to the law that was in existence then, as I understood.

By Mr. Dawson. Q. Is that or not a bill head of your business?

(Showing witness a paper.) A. Yes sir, it is.

Q. And universally or not delivered to all purchasers?

A. Yes, whenever they receive a bill.

Mr. Dawson: I want to have it marked for identification, Peoples' Exhibit No. 4.

Q. Suppose a customer takes ten bottles and deposits five dollars, does that five dollars give him any title under any conditions to those bottles?

Objected to.

Q. I mean does he get a title with your consent?

A. No sir.

Q. Why was the charge made from a dollar to fifty cents?

Objected to as immaterial. Objection sustained.

Q. What are the siphons now worth? A. They are worth eighty cents each or eighty dollars per hundred.

By the Court. Q. That is, the whole thing? A. Yes sir, without the water, the empty bottles, the new bottles.

By an Juror. Q. What are the siphons worth alone, the metal tube without the glass? A. They are worth forty-five cents.

Q. Anybody can buy them of the manufacturers, other people can buy these siphons? A. No sir, not with the trade mark upon them, there has never been one sold.

Q. But similar ones without a trade mark? A. O there are similar ones, yes sir.

By the Court. Q. But never that kind with that trade mark?

A. Not with the trade mark on, not one.

By Mr. Dawson. Q. You wanted to make some explanation of your evidence and was prevented because that was not the proper time, if you remember what it is, make it now.

A. It was in regard to deposits that I wanted to make an explanation.

Q. You can make it now? A. And it is this, that when we first commenced charging a dollar deposit the value of those bottles was from a dollar fifty to upwards of two dollars during the war times, they were all imported. We never charged a deposit considering the value of the bottle and when the prices of the bottles came down below the value of the bottle, below a dollar, we changed the deposit to fifty cents.

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Q. What do you say the defendant's business was at the time the bottles were in possession of the junk dealer or the dealer in second hand articles? A. A dealer in second hand bottles as far as I know and believe.

Q. He was at that time? A. Yes sir.

By Counsel. Q. When you say the value of the bottles what do you mean, do you mean the cost of the making or the selling price? A. In speaking of bottles, when a dollar deposit was put upon them it was what they cost us.

Q. Now sir, that bottle now is worth how much, what is the value of that bottle? A. They are sold at the present time for eighty dollars a hundred.

Q. Eighty dollars a hundred you say? A. Yes sir.

Q. Now sir, when you say the value of that bottle is eighty dollars a hundred, do you mean the selling price or what it costs to manufacture? A. I mean the selling price that they are sold at at the present time.

Q. What does it cost to manufacture those bottles?

A. That I do not know, I think as near as I can estimate -----

Mr. Dawson: Do not state that, you must not state that.

By Counsel. Q. Don't you know?

By the Court. Q. What would it cost to manufacture them?

A. I do not know the exact amount.

By Counsel. Q. Well, approximate it? A. From sixty to seventy cents.

Q. To manufacture them? A. Yes sir.

Q. I wish to ask you a further question, where a deposit has been made and the bottles are not returned, do you go and seek to find those bottles? A. In many cases we do.

- Q. Do you in all? A. No sir, we have not in all.
- Q. But take the forfeit? A. It remains until the bottles are returned with the check.
- Q. You have known Mr. Bartholf how long? A. In the neighborhood of twenty-four years.
- Q. And he has been in the second hand bottle business for a long time has he not? A. Yes sir.
- Q. At the time you visited him on the 20th of July last and seized these bottles, was he there at that time?
- A. Yes sir.
- Q. Did he interpose any objections to searching his place?
- A. No sir.
- Q. He was arrested was he not, then and there?
- A. He was, sir.
- Q. You were present when it was done? A. I was present, yes sir.
- Q. Where was he taken? A. He was taken to the station house in 22nd Street.
- Q. Was he locked up? A. Yes sir, he was, but I understand he was let out on bail that evening.
- Q. You had never been to him immediately prior to his arrest and asked for the delivery of any bottles, had you personally? A. No sir.
- Q. You went there and found them and arrested him, that is the long and short of it, isn't it? A. As far as I had to do with it at that time; previously he ----
- Q. Wait a moment, that is all that you had to do with it, you were superintending the business at that time?
- A. Yes sir, I was.

Q. Your word is law in that business is it not, is not your word law in that business as superintendent?

A. Yes sir.

By Mr. Dawson. Q. What I want to know is, did you go there with a search warrant? A. No sir, it was given into the hands of a police officer.

Q. But he was with you? A. Yes sir.

Q. You announced the fact that you were there with a search warrant? A. Yes sir.

Q. And then he did not oppose going through the premises?

A. No sir.

Mr. Dawson: I am going to offer the certificate from the office of the Secretary of State and from the Clerk of our Court and the affidavits of the proper advertisement required by the law of the filing of the petition.

Counsel: It strikes me that there is an objection to it. It seems to be a certificate with nothing else and the certificate as I understand will not be sufficient; it does not state what is filed there.

The Court: These papers here show the proof of the filing in the County Clerk's office and the office of the Secretary of State of the trade marks and also the advertisement of three weeks in two daily newspapers in this county. If they do that, they are admitted in evidence.

Counsel: I would like to have the privilege of examining the papers later on.

The Court: Yes: Let them be marked Peoples' Exhibit, 5, 6, 7 and 8.

By a Juror. Q. You do not claim that those bottles which were seized on the premises were stolen from your establishment is that the claim? A. No sir.

Q. Is there any such claim made by any of your customers that such an amount of bottles were stolen from them?

A. No sir.

Q. I myself on several occasions sent for a bottle of this to the drug store and had to send a dollar along for it. So it says here a dollar shall be given, now it is reduced to fifty cents, I have always sent a dollar, is this bottle mine if I do not choose to give it back I paid for it and don't it become my property?

A. No sir.

Q. When I choose to keep this bottle it is not my property?

A. No sir.

Q. If I do not return it, the dollar I paid is forfeited?

A. That is between you and the druggist.

Q. I consider I paid for it, it says here I shall give a dollar, is it not my property?

A. No sir, it is not your property, the property has never been sold, the druggist can't sell bottles of ours any more than anyone else.

By another Juror. Q. He makes no agreement that he shall give it back?

A. That is something I cannot control.

By a Juror. Q. I can't get my dollar any more?

A. Does it not say when you return the bottle you will get a dollar? It is your place to return the bottle because the bottle has not been sold; it has been advertised also, we have complied in every respect with the law and the bottle is not sold; nobody has a right to sell one of those bottles that has the trade mark upon it.

Q. I consider this as my bottle, I paid for it, if I do not return it and the rag man comes around, my wife sells that bottle to him, she thinks she has a right to do it, she gave a dollar for it, can you tell me now that my wife has

no right to sell it, do you give a warning to me or to my wife that I must not sell it? A. The warning has been given through the papers.

Q. Here is a bottle, I do not care for your papers, that is patented, I go by the evidence? A. If it was proper I could answer that in a different way and show where it is very different.

Q. Now my wife sold this bottle and my neighbor's wife sells one hundred and thirty of them and there is no warning on it that they should not do it, can you show me that those hundred and thirty bottles were not sold?

A. I cannot answer what anyone has sold, I can only answer that these bottles are not on the market to be sold by anybody.

Q. That you say, it don't say so on the bottles?

A. It says upon all our business cards and billheads and upon the checks that are given.

The Court: I will draw your attention to the law, it is singularly worded. After reciting the circumstances under which it will be unlawful to fill them with soda water, etc., the section of the law upon which this indictment is predicated reads as follows: "Or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent or unless the same shall have been purchased from the person or persons or corporation whose mark and device shall have been upon the bottle". Supposing it was purchased from a druggist, does that cover the law? It must be purchased from the person whose device is upon the bottle.

A Juror: Mr. Shultz did not give his consent to have them sold to any druggist.

By the Court. Q. Did Mr. Shultz, or you for him, ever give any consent to any druggist to sell any of those bottles to anybody? A. No sir, never.

Counsel. Q. How do you know? A. I have had charge of the business all along, and if there was anything of the kind done Mr. Shultz would have made it known to me.

Q. That is your reason? A. Yes sir.

Q. How do you know that fact any better than you do the fact that they never asked for payment for bottles lost?

Objected to.

A. The way that I know is simply this, that the permission has never been given to anyone to sell our siphon bottles with the trade mark upon them, and in regard to the bottles that are lost, I have given the reason in that it has been the custom to use all our means that we can to recover the bottles but we never charged them with the bottles, that is ask money for the bottles that were lost, and I might state here that is one reason that we have been so particular in trying to prevent this very thing of the loss of bottles.

Q. And for that reason you established those rules which is a law unto yourselves, is it not? A. Those rules were established to make the customers careful with the bottles, yes sir.

Q. Is there anything on that bottle that would indicate that it was not to be sold, if so, specify what it is?

A. The trade mark indicates it.

Q. That is the only thing, isn't it, that indicates it is not

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to be sold in the market?

A. Yes sir.

Q. From your commercial experience when trade marks are upon goods in the market, is that an indication they are not to be sold; take Steinway's pianos, are they not to be sold because his name, the trade mark is on it, will you answer the question please?

A. No sir, that is a different thing altogether for this reason, they advertise that they sell those and they have not a trade mark on them to prevent them being sold, only preventing others to use them.

Q. Do you wish this Jury to understand that simply because the trade mark is upon that bottle that that is an indication that it is not goods in the market?

A. It is not the only reason.

By Mr. Dawson. Q. It is one reason?

A. Yes sir, it is one of the reasons.

By Counsel. Q. It is one of the reasons?

A. Yes sir.

Q. What is the other reason?

A. The other reason is our business cards and our billheads.

Q. I mean on the bottle?

A. There is nothing else on the bottle.

Q. Only simply his name and trade mark on it?

A. That is all.

Q. And that, you wish us to understand, is a warning to the world that it is not in the market?

A. Yes sir.

DENNIS F. GRAY sworn and examined.

By Mr. Dawson. Q. What is your name? A. Dennis F. Gray.

Q. Where do you reside? A. No. 489 First Avenue.

Q. What is your business? A. Siphon head maker.

Q. Do you know the defendant? A. Yes sir.

Q. Did you ever have an interview with him? A. Not the defendant, his son.

Q. ^{as} ~~What~~ he present? A. No sir, not when I went there first, he was present at one time but I had no conversation with him.

Q. Did you have a conversation with his son in his presence? A. Yes sir.

Q. And he had an opportunity to hear it? A. I do not know as he did, he was some six feet away from me at the time.

Q. Did you converse in the usual tone of voice? A. No sir, not the usual tone.

By the Court. Q. You do not think he heard it? A. No sir.

By Mr. Dawson. Q. Is the son his representative and agent?

Objected to.

By the Court. Q. Do you know, as matter of fact, whether he is or is not? A. I did not know at that time, I understood so since.

By Mr. Dawson. Q. Did he say so himself? A. He was doing business with me there on the place.

Q. Who was? A. Mr. Bartholf's son.

Q. This is the father? (Pointing to the defendant.)

A. Yes sir, I believe so.

The Court: That wont do.

By Mr. Dawson. Q. Did you find him on his father's premises?

A. Yes sir.

Q. And the proposition that was made, was that to him in connection with that place of business?

Objected to.

The Court: Conversations had with his son went bind this prisoner.

Witness: He was selling these bottles to me.

Mr. Dawson: That is the case of the People.

JAMES R. MASON recalled by Counsel for the Defendant.

Q. You know it to be a fact, do you not, Mr. Mason, that we have dumping grounds here in the City of New York called the dump? A. Yes sir, dumping grounds.

Q. Do you not know it to be a fact that a large number of these bottles are found upon the dumping grounds by what are known as the rag pickers society? A. I do not.

Q. Do you not know it to be a fact that a very large number of bottles find their way there from these men? A. I do not.

By Mr. Dawson. Q. Where did you find these hundred and thirty-one bottles that you spoke of, in what position on the premises of the defendant, in barrels or how? A. They were in barrels, most of them covered up.

By the Court. Q. On the premises of the defendant? A. Yes sir where we found them.

By a Juror. Q. I stated to you before as an instance, if I deposit a dollar for that bottle I claim it is my property --- now my wife sold that bottle and you found that out, will you

hold my wife responsible for selling that bottle, she paid a dollar for it and you got the dollar, could you hold her responsible and claim that it was not paid for?

A. I do not understand that question, you mean in regard to the druggist, do you mean in paying a deposit to the druggist or a deposit to ourselves?

Q. I do not care, I paid a dollar for it.

By Mr. Dawson. Q. Would you go after the druggist or after that lady?

A. After the druggist.

By a Juror. Q. But my wife sold it to somebody, if you found out would you hold her responsible?

A. It is not probable that I would hold her responsible because it is not probable that I would know she had the bottle at all.

Q. Suppose she sold three dozen or a hundred? A. Well, if it was to go to such a large number it is very probable that we would.

Q. But you got the money for it, what would you claim of her?

A. If she paid the deposit to us we only would have part of the value if it was fifty cents each; the deposit was not the value of the bottles, at the time the deposit was paid it was only to insure the safe return and the check states distinctly that the bottles are to be returned.

Q. But it only says on the bottle so much is to be deposited?

A. That is not our deposit, it is never paid to us.

Q. I simply ask you, my wife sold a bottle, now could you hold her responsible?

R. Dawson: That is a legal question. Q. Are you a lawyer?

A. No sir, I am not a lawyer.

The Court: Now Mr. Tenny, the case is with you.

THE CASE FOR THE DEFENCE.

Counsel: I move, but hardly think it necessary, yet never knowing, what may happen I shall take all the precautions I can.

This case, as your Honor has already seen, is new, it is a new law and I suppose the first case.

Mr. Dawson: It is the first one I ever had anything to do with and I hope it will be the last.

Counsel: It is the first and the last I guess. One of the jury-men has put questions a great deal better than I could on this matter. I move, in the first place if your Honor please, for the discharge of the Defendant and the dismissal of this indictment against him on the ground that the act of the Legislature of May, 1887, chapter 377 and under which the defendant is indicted is unconstitutional in this, that it is in direct violation of Article I, section 13 of the constitution of the State of New York which provides that no person shall be deprived of his property without due process of law, and that taking property by virtue of a bench warrant is not due process of law within the meaning of the constitution.

The Court: That question is not before me. The question is whether the Defendant has violated the law.

Counsel: I am willing that you shall overrule all these propositions, I am perfectly willing you should but I am going to make them nevertheless. Second, that said act is unconstitutional for the further reason that it is in violation of Article 3, section 13 of the Constitution which provides that the Legislature shall not pass a private or local bill granting to any private corporation, association or individual, any exclusive privilege, amenity or

franchise whatever, and that this act does grant exclusive privileges and ~~monities~~ to Carl H. Shultz as against George B. Bartholf and every dealer in second hand bottles in this city. It is exclusive legislation discriminating in favor of certain industries against other industries which is against the spirit and the letter of the constitution of our State.

The Court: I deny your motion.

Counsel: Note an exception. Third, that this prosecution is against public policy, that the Legislature has no power to make an act right and honest in itself, a dishonest and criminal act, that it has not the power to make a legitimate and honest business transaction and which has been permitted and sanctioned for years without question or protest, dishonest and criminal..

The Court: I deny each motion.

Counsel: Fourth, that while the indictment is found in the name of the People, yet the only person interested in this prosecution is Carl H. Shultz, and that the people as such have no interest in this prosecution at all, no crime having been committed by the Defendant against them or their rights.

The Court: I deny the motion and allow you an exception.

Counsel: Fifth, that the evidence does not show that any crime has been committed by the Defendant.

The Court: I will deny the motion and allow you an exception.

Counsel: Sixth, that if Carl H. Shultz has suffered damage by any act of the Defendant, he has his full and complete remedy in the Civil Courts therefor as against the defendant.

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The Court: As an abstract proposition of law that is so, but I do not think it germane to this indictment. I will deny the motion to dismiss.

Counsel: Seventh, that there is no evidence to show that these hundred and thirty-one bottles had not been purchased from Carl H. Schultz, but on the contrary, the evidence shows and the presumption is that they have been purchased from Mr. Schultz:

The Court: I will submit that to the jury on the evidence as a fact.

Counsel: I ask now for the dismissal on these separate and distinct grounds that the patent of the trade mark, so called, has not been proved in Court and there is no evidence whatever to show that Mr. Schultz has a patent upon that siphon, not one word.

The Court: I will deny the motion.

Counsel: To all these you will give me an exception.

GEORGE Z. BARTHOLOMEW sworn and examined.

By Counsel Q. Mr. Bartholomew, you are the defendant in this case,
are you not? A. Yes sir.

Q. You are the defendant in this action? A. Yes sir.

Q. What is your age? A. Sixty-nine.

Q. How long have you been in business in the city of New York.
A. Forty years.

Q. In what kind of business? A. This business of empty
bottles.

Q. Dealing in empty bottles?

By the Court. Q. Dealing in second hand bottles? A. Yes sir,
second hand bottles.

Q. Is that the same thing as a junk dealer? A. No sir, a
junk dealer deals in rope, iron and such things.

By Counsel. Q. Are you the oldest dealer in this city, the longest
in the business? A. Yes sir, the first.

Q. Have you ever been arrested before? A. Never.

Q. Have you ever been in Court before? A. Once as a
witness a number of years ago.

Q. Now coming to the time of your arrest, were you in the
store? A. Yes sir.

Q. Who came in? A. Mr. Mason was one, there were four
or five, I did not know who they were, I only knew Mr. Mason.

Q. Did they make any statement to you when they came in?

A. Mr. Mason spoke to me, he says, "how do you do."
I said, "how do you do, friend Mason." He says, "I came
to search your place"; I said, "all right, go ahead."

Q. And he went, what was the result? A. Then there
was a dozen of barrels of bottles, one barrel sitting on

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top of the other against the wall or along in a row that had been put in day by day for the past two years or so, and there they stood, some days one came in among other bottles.

Q. Just describe how these bottles were, Mr. Bartholf; how they were packed and in what condition were they?

A. As one bottle would come in we would go and lay it in the barrel.

Q. In what condition were the bottles, these siphons that they took out of your place, where were they? A. In barrels

Q. How did the barrels stand? A. We had a row along the wall and when those five or six were full we sat another barrel on top of them so as to take up less room.

Q. They took them away? A. Yes sir, they took what they wanted.

Q. What was done with you? A. I was taken and put in a cell.

Q. You were taken to the Police Court, were you?

A. Yes sir.

Q. And what was done with you? A. Put down for bail.

Q. How long did you remain there? A. A few hours, I do not remember.

Q. And gave bail, did you? A. Yes sir.

Q. Now Mr. Bartholf, will you state how you came in possession of the bottles, gathering them? A. These men that gathered bottles over in New York into every gentleman's house or wherever they go for rags, iron, etc., they get all kinds of bottles promiscuously, claret and Rhine wine bottles, and if there is one of those siphons there they are all put in a bag together and they are all dumped out

the floor together and when that one is of a different kind from the others we put every kind in boxes by themselves and then we put them as I said, in a barrel.

Q. These bottles, these siphons, have been brought to you by junkmen, do they not, from time to time? A. Yes sir.

Q. And it has been so for how many years? A. Twenty-five years I think.

Q. You have bought one or two as they have been brought in? A. Yes sir.

Q. And they found themselves in these barrels? A. Yes sir.

Q. Do you not know it to be a fact that many of these bottles come from the dump? A. Yes sir, I have seen the ashes all over the heads of them and in the neck.

Q. Brought in by junkmen? A. Men that have bargains with the men that have charge of the dumps.

Q. You buy them? A. Yes sir.

Q. Now sir, you have bought these bottles precisely as you have bought all the bottles during the last forty years?

A. Yes sir, the same ever since they have been in existence.

Q. Have you ever been forbidden to buy these bottles?

A. Never.

Q. Have you received in any way or shape any notice not to buy these bottles, from Mr. Shultz? A. Never.

Q. Have you ever sold these bottles to Mr. Shultz yourself?

A. The first siphons that I ever -----

Q. Answer my question? A. Yes sir, to Mr. Mason I did

Q. Have you ever sold any bottles to Mr. Mason? A. I did.

Q. Of this kind? A. Yes sir.

Q. Now then you state when it was as near as you can

A. I think about twenty-four years ago, it was during the War.

Q. What did he pay you for it? A. He paid me a dollar for that one; that was under peculiar circumstances; a gentleman came in to me and he says, "will you buy this bottle?" I said, "take it in next door, that is a Kissen ger water man." He went in there and Mr. Mason says to him, "give me the ticket and I will give you a dollar." He said, "I lost the ticket, I had it in my pocket. Mason said, "I want take the bottle"; the man came in to me and said, "want you give me something for it? You deal in bottles." I ran out and gave him fifty cents; I said to Mason, "you had better give me a dollar for it." Mason gave me a dollar for it; he says to me, "now whatever you get in that way you can fetch them in here because it is dreadful hard to get them just now during the War and they are very scarce, you bring in what you get, and he gave me the dollar until one day he says, "the bottles are down in price, I cannot give you more than sixty cents or fifty cents, I cannot remember it is so many years exactly." Were you

Q. ~~Was he~~ doing business at this time, Mr. Bartholf, alongside of Mr. Shultz? A. Right next door in 14th Street for several years, right next door to each other.

Q. You have known Mr. Shultz for a good many years?

A. Twenty-four or twenty-five years.

Q. And then you were in the habit of taking these bottles as they came into your place into Mr. Shultz and getting a dollar or fifty or sixty cents for them is that the fact?

A. Yes sir, until one day he told me he would not buy any more.

POOR QUALITY
ORIGINAL

0123

By Mr. Dawson. Q. When was that?

A. That was probably three or four years afterwards.

By Counsel. Q. Were you ever told by Mr. Mason that he simply paid you ten cents on a bottle for your trouble?

A. I never heard that.

Q. You heard his testimony?

A. I heard just what he said; he said they were scarce and what you get save them.

Q. Is it true that he made such a statement, that he would give you ten cents simply for your trouble?

A. I do not remember anything of that kind, it was no trouble.

Q. Now Mr. Bartholf, do you remember about three years ago seeking to buy some vichy, six bottles of vichy of Mr. Shultz?

A. Yes sir.

Q. Will you state fully that transaction?

A. Just before my wife died, which is two years and a half ago, the doctor said, "you had better go and get some vichy water, maybe that will be good for her." Being acquainted with Mr. Shultz so many years next to each other, I went up University Place as I lived by Washington Square. Says I, "is Mr. Shultz in?" "He is upstairs." I says, "never mind, don't bother him, will you let me ^{have} half a dozen of vichy." "Yes; when the wagon is going around to-morrow leave them at the store Fifth Avenue." The next day the wagon stopped at the door and the driver came in with the six bottles of vichy and the bill and a card I think and he says, "I want you to sign this card that I leave the six bottles and I want you to pay me six dollars for the six bottles and fifteen or twenty cents for the water that is in each bottle, it made \$6.90. Well now, I said,

"if Mr. Shultz, being acquainted with me so many years, wont think enough of me to leave them " -----

Mr. Dawson: Don't state what you said to the driver, I object to that.

The Court: That is objectionable.

Witness: "So if you want me to pay six dollars take it away."

By Counsel. Q. Did you sign the card. A. NO.

Q. Did you pay the \$8.90? A. I would not take the water.

Q. And the water was taken back, was it not? A. Yes sir.

Q. Now Mr. Bartholf, have not these bottles been going up and down the market in the City of New York for the last twenty five years? A. Yes sir.

Q. They were purchased in every quarter? A. They have been purchased and sold all the time.

Q. How long is it approximately now, Mr. Bartholf, since you sold one of these bottles in the market? A. A couple of years, I have not had any call for them, that is the reason they accumulated.

Q. I wish to ask now, Mr. Bartholf, if between May, 1887, and the day of your arrest, July 20, 1887, you had sold any of these siphon bottles to any person? A. No sir.

Q. Had you trafficked in them in any way? A. As I said -

Q. I mean to fix the date between the 13th of May 1887, that is last year, and the day of your arrest had you trafficked in these bottles in any way, shape or manner?

A. Do you mean ever purchased any?

Q. No, I mean have you sold any? A. No sir.

Q. Have you given any any? A. No sir.

**POOR QUALITY
ORIGINAL**

0125

Q. Have you parted with the possession of them in any way?

A. No sir.

Q. The only thing you had done would be to buy them, do you know whether you have done that or not? A. I could not say positively during those dates.

CROSS EXAMINED by Counsel.

Q. Did you not make a distinct arrangement with Mr. Gray to furnish him with two thousand of those bottles? A. I do not know that I ever laid my eyes on Mr. Gray until I saw him here, I do not know the man.

Q. Have you made any such contract with him for one or two thousand or any other number? A. No sir, nor any other man, he says he came in the store but I do not remember.

Q. When you speak of those you took back to Mr. Shultz away back twenty-four years ago, did they have any trade mark on them? A. I never looked at that in my life.

Q. As matter of course, you do not know whether these that you have bought since have any trade mark?

A. I never looked at any trade mark on bottles.

Q. You then buy bottles when they are brought to you for sale without examining them at all to see whether or not you might or might not buy them? A. No sir.

JOHN McINTYRE sworn and examined.

By Counsel. Q. Mr. McIntyre, what is your business, please?

A. Retail druggist.

Q. And where? A. Corner of 13th St. and Broadway.

Q. Have you been as a druggist in the habit of dealing with Mr. Shultz in his siphons? A. I have.

Q. Will you explain to the jury your manner of dealing?
Objected to.

The Court: What is this offered for?

Counsel: It is offered to show that the witness receives his bottles and makes a deposit on them.

The Court: You have proved all that by Mr. Mason.

Mr. Dawson: I will admit that.

By Counsel. Q. In your dealings with him do you make deposits?

A. Always, I think invariably, I know of but one case to my mind that I have not.

Q. How long have you been dealing with him? A. Ever since the water has been sold, I should think twenty-five years.

Q. Is the card given to you, a ticket like that? (Ticket shown.) A. Yes sir.

Q. And the amount deposited is filled out, is it not?

A. Yes sir.

Q. And upon the return of the bottle the money is returned to you? A. Yes sir.

Q. And if the bottle is lost the money is forfeited?

A. Yes sir.

CROSS EXAMINED by Mr. Dawson.

Q. When did you pay the last deposit? A. I should think it was about a year ago, I should judge so, I have the last ticket with me.

Q. How much was it? A. I could not tell you the amount, I could tell you by the ticket, I paid him a good many thousand dollars.

Q. Now Mr. McIntyre, I would like to know how many of those bottles that you have received in that way you failed to

redeliver, did not you redeliver them all?

A. That I have received? I did not quite get the question.

By the Court. Q. He wants to know all the bottles you received in twenty-five years, if you did not subsequently deliver them back, receiving a deposit? A. Not all of them, no sir.

By Mr. Dawson. Q. In how many instances did you fail?

A. I should think in about two hundred.

Q. When was that? A. Within the last two years.

Q. What became of those bottles that you did not re-deliver?

A. I do not know where they are, I have some of them myself yet.

Q. Were not those you did re-deliver delivered to the customers, they gave you a deposit? A. Yes sir.

Q. Sometimes you did not get the money from the customer?

A. Very frequently.

By Counsel. Q. When you delivered bottles you sold them right out to the customer? A. Yes sir, charged them or got the money for them.

Q. They went into the commerce of the world? A. Yes sir.

By Mr. Dawson. Q. Did you have any authority from Mr. Shultz to sell the bottle? A. I took a dollar for it invariably.

Q. Did Mr. Shultz tell you you might do it, that you might sell a bottle, take anything for it? A. Not to sell it, he called it a deposit.

By Counsel. Q. Have you got one of those tickets with you?

A. Yes sir.

POOR QUALITY
ORIGINAL

0128

Q. Will you be kind enough to give me one if you could spare one?
A. I wish to have it returned.

Q. This is filled out, isn't it?
A. Yes sir, they are worth their face, there is a hundred dollars worth there.

Friday, April 13, 1888.

Counsel: I think that is our case, I do not know that I care to sum up. I would like to sum this case up, and I certainly would sum it up if I thought there was any trouble here.

I want to make a motion.

The Court: I will hear your motion.

Counsel: I renew the motion that I made when the prosecution rested. I now move for the discharge of the Defendant and the dismissal of the indictment on the ground that there is no evidence to show that the Defendant in any way trafficked in or disposed of these siphons since the passage of the act. The law says that the siphons being in possession of the Defendant is presumptive evidence that he has trafficked in them.

The Court: I will submit it to the Jury, I will let them settle it. I will give you an exception to protect you, Mr. Tenny. I will submit it to the Jury if they will decide it in three-quarters of an hour, otherwise I will lock them up.

Counsel: My client, who has been an old friend of mine for twenty-five years says that he would like to have me sum this case up. He wants it closed, he wants to get out of it, either to go to the State Prison or know his destiny.

Mr. Dawson: We do not charge that the defendant wanted to refill them, but he might sell them to men who would. I do not

**POOR QUALITY
ORIGINAL**

0129

feel the same venom in my heart towards this old gentleman as if he was a criminal. I am not entirely satisfied in my mind that he know the law, at the same time a man can be hold responsible for violating the law without his being aware that he was violating it at the time. A man is presumed to know the law ---- leniency comes in when we ascertain whether or not he did know it. I will be satisfied to let your Honor charge the Jury.

The Judge charged the Jury and they rendered a verdict of not guilty.

The Court: Mr. Bartholf, you are discharged. In the future I would avoid dealing in these kind of bottles. The Legislature has passed the law, and as long as it is the law I would avoid trafficking in them I would not have anything to do with them. I am very glad the Jury have given you the benefit of the doubt. From what you said I do not think you would intentionally violate any law, but in the future I would not even give the semblance of evil.

POOR QUALITY
ORIGINAL

0130

Testimony in the
case of
George C. Bartholoff
filed March
1888.

POOR QUALITY
ORIGINAL

0131

Testimony in the
case of
George C. Bartholomew
filed March
1888.

POOR QUALITY
ORIGINAL

0132

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George R. Bartholomew

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

George R. Bartholomew

of the ~~Crime of~~ a Misdemeanor,

committed as follows:

The said George R. Bartholomew

late of the ~~City~~ Ward of the City of New York, in the County of New York aforesaid, on
the ~~Twenty~~ day of ~~July~~ in the year of our Lord one
thousand eight hundred and eighty ~~and~~, at the Ward, City and County aforesaid,

did unlawfully traffic in a ~~large~~ number,
to wit: one - hundred - and - thirty - one
bottles and syphons marked and dis-
tinguished with and by, and in and
upon each and every of which said
bottles and syphons there were then and
there the name, mark and device of one
Carl H. Schultz, lawfully used by the
said Carl H. Schultz, the owner a person
engaged in manufacturing, bottling and
selling mineral waters in bottles and
syphons so marked and distinguished
with and by this said name and said
mark and device, shown, impressed and
produced upon said bottles, and having
his principal place of business in said
City and County of New York, a description
of which said name, mark and device
had been theretofore duly filed in the
office of the clerk of the said County of
New York and also in the office of the
Secretary of State by the said Carl H.
Schultz and the said name also caused
such description to be printed for three
weeks successively in two daily newspapers
published in said City of New York in

Submitted by order of Judge Henry J. Morrison of
District Attorney

conformity with the requirements of
the Statute in such case made and
provided; and the said George R.
Bathurst did then and there under-
take to do in the said matter no
matter and distinguished as desired
with and by the said name, mark
and device, of which a description had
been so duly filed and published as
aforesaid, without the written consent
of the said Lord R. Bathurst the said
words and symbols so marked in
as aforesaid not having been purchased
from him; against the form of
the Statute in such case made and
provided, and against the peace of
the People of the State of New York,
and their dignity.

John R. Fellows,
District Attorney

0134

BOX:

299

FOLDER:

2845

DESCRIPTION:

Beck, George

DATE:

03/28/88



2845

0135

BOX:

299

FOLDER:

2845

DESCRIPTION:

Beck, George

DATE:

03/28/88



2845

POOR QUALITY
ORIGINAL

0136

No. 321

Counsel,
Filed 28 day of March 1888
Pleads,

(Sections 528 and 532 of the Penal Code.)
(MISAPPROPRIATION.)
Breach of Fidelity, —

THE PEOPLE

vs.

George Beck

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Witnesses:

Florence Kennedy

John Kennedy

John Kennedy

JK

POOR QUALITY
ORIGINAL

0137

Police Court—4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 157 West 44th Street, aged 32 years,

occupation Boarding House Keeper being duly sworn

deposes and says, that on the 19th day of March 1888 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 :

Good and lawful money of the United
States of the Amount and value of
ten dollars (\$10⁰⁰/₁₀₀)

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 George Beck (now here)

from the fact that deponent
was in deponent's employ on the above
date as a house servant, that on the
above date deponent sent deponent to
Florence Kennedy of No 242 West 44th
Street with instruction to Collect the
above named sum of money and return
it to deponent.

That deponent is
informed by the said Florence Kennedy
that she paid the aforesaid sum of
money to deponent on the above named
date.

Deponent further says that

Sworn to before me, this

188

day

Police Justice.

POOR QUALITY
ORIGINAL

0138

Said defendant failed to make any return to him of said property and he therefore charges said defendant with appropriating the aforesaid sum of money to his own use and benefit and prays that he be held to answer and be dealt with as the law directs.

Sworn to before me } Edgar C. Johnson
this 25th day of March 1888 }
J. H. P. Coffey
Police Justice

POOR QUALITY
ORIGINAL

0139

CITY AND COUNTY }
OF NEW YORK, } ss.

Florence Kennedy
aged 27 years, occupation Author of No.

247 West 44th Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Edgar L. Johnson
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 23 day of March 1888, Florence Kennedy

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0140

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

George Beck 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. George Beck

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany

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

Answer. No Boney near Rondst. 3 days

Question. What is your business or profession?

Answer. Dish washer

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 guilty

John Geo Beck

Taken before me this

day of

1888

Police Justice.

POOR QUALITY
ORIGINAL

0141

Boydwick
Feb. 23 1888

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

1988
Police Court 44
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Johnson
George Beck

Offence Larceny
Bisdemeanor

Dated March 23 1888

Magistrate
Officer

Precinct

Witnesses
No. 1423
Street

No. 26
Street
RECEIVED
MAR 26 1888
DISTRICT ATTORNEY'S OFFICE

No. 500
to answer
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.....

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 March 23 1888 Police Justice.

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

Dated..... 1888 Police Justice.

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

Dated..... 1888 Police Justice.

POOR QUALITY
ORIGINAL

0142

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Beda

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

George Beda —

of the CRIME OF *Robt* LARCENY, —
as follows:

committed

The said *George Beda*,

late of the City of New York, in the County of New York aforesaid, on the
nineteenth day of *March*, — in the year of our Lord
one thousand eight hundred and eighty*eight*, at the City and County aforesaid, being
then and there the clerk and servant of *Adge R. Johnson*,

and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said

Adge R. Johnson, —

the true owner thereof, to wit:

the sum of ten dollars
in money, lawful money of the United
States and of the value of ten
dollars.

the said *George Beda*, — afterwards, to wit:

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money* —

to his own use, with intent to deprive and defraud the said

Adge R. Johnson, —

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *Adge R. Johnson* —

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

JOHN R. FELLOWS,

District Attorney.

0143

BOX:

299

FOLDER:

2845

DESCRIPTION:

Belmont, Henry

DATE:

03/08/88



2845

POOR QUALITY
ORIGINAL

0144

Witnesses:

off Gilgar

No. 99
Chelan

Counsel,
Filed 8 day of March 1888
Pleads *Chargault*

VIOLATION OF EXCISE LAW.
[U. S. S., (7th Ed.), page 1861, § 18, and Laws
of 1883, Chap. 340, § 51.]

THE PEOPLE
vs.
Henry Belmont

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,
Pr March 16/88. District Attorney,
pleads guilty.
A TRUE BILL.

(*Wright*)

Foreman.
\$50. Fine
RBH

POOR QUALITY
ORIGINAL

0145

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

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

Question. What is your name?

Answer.

Henry Belmont

Question. How old are you?

Answer.

19 years old

Question. Where were you born?

Answer.

France

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

Answer.

19 West 9th St. One month

Question. What is your business or profession?

Answer.

Waiter

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

Answer.

I am not guilty and I
demand a trial by jury

Henry Belmont

Taken before me this

day of

188

James J. McLaughlin Police Justice.

POOR QUALITY
ORIGINAL

0 146

Sec. 151.

Police Court 2 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 Edward Delgan
of the 15th Precinct Police Street, that on the 14 day of February
1888 at the City of New York, in the County of New York,

John Doe (so called) aged 21 years. Light complexion
and a plain face weighs about 150 pounds for a
Violation of the Excise Law selling without
a license at no 19 West-79th Street

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring forthwith before me, at the 2 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 15 day of Feb 1888

Sam V. C. [Signature] POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0147

W 292
2-21-

BAILED,
No. 1, by Henry Wele
Residence 23 Chambers Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

W 292
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Oliver J. Maguire

Henry Wele
21

Dated Feb 15 1888

Samuel C. Kelly
Magistrate.
Office, 18 Precinct.

Witnesses
No. _____
Street.

No. _____
Street.

No. _____
Street.
\$ 100
RECEIVED.
FEB 16 1888
DISTRICT ATTORNEY'S OFFICE.

Bailed

Violation
Exeire Law

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

Henry Wele

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 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 Feb 15 1888 Samuel C. Kelly Police Justice.

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

Dated Feb 15 1888 Samuel C. Kelly 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

0148

Excise Violation-Selling Without License.

POLICE COURT- 2d DISTRICT.

City and County } ss.
o New York,

of the 15th Precinct Police Street,
of the City of New York, being duly sworn, deposes and says, that on the 14 day
of February 1888, in the City of New York, in the County of New York, at
No. 19 West 9th Street,
John Doe (so called) (not known)

did then and THERE SELL, CAUSE, suffer and permit to be sold, under his direction and authority,
strong and spirituous liquors, wines, ale and beer, being intoxication liquors; in quantities less than
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made
and provided. Deponent further says that said defendant
sold him a bottle of claret for the sum of Twenty
five cents which he drank in said premises.
Deponent further says that said defendant sold divers
persons bottles of wines which they drank in said premises
while he was in said premises.
WHEREFORE, deponent prays that said John Doe
may be arrested and dealt with according to law.

Sworn to before me, this 15 day
of February 1888 Edward Gilgar

Police Justice.

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2d DISTRICT.

of No. 15th Precinct Police Street, aged years,
occupation Police Officer being duly sworn deposes and says,
that on the day of 1888
in the City of New York, in the County of New York,

Henry Belmont
(now here) is the person named in
the annexed affidavit and warrant.
as John Doe and he is the person
charged with a violation of the Excise
Law at the premises No 19 West 9th
St on the 14th day of February 1888

Edward Gilgar

Sworn to before me, this 15 day
of February 1888

Police Justice.

POOR QUALITY
ORIGINAL

0149

Excise Violation-Selling Without License.

POLICE COURT- 2d DISTRICT.

City and County } ss.
of New York, }

of the 15th Precinct Police Edward Gilgar Street,

of the City of New York, being duly sworn, deposes and says, that on the 14 day

of February 1888, in the City of New York, in the County of New York, at

No. 19 West 9th Street,

John Doe (so called) (name here)

did then and THERE SELL, CAUSE, suffer and permit to be sold, under his direction and authority, strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made and provided.

Deponent further says that said defendant sold him a bottle of claret for the sum of twenty five cents which he drank in said premises.

Deponent further says that said defendant sold divers papers bottles of wines which they drank in said premises while he was in said premises.

WHEREFORE, deponent prays that said John Doe may be arrested and dealt with according to law.

Sworn before me, this 15 day of February 1888 Edward Gilgar

John J. C. Police Justice.

POOR QUALITY
ORIGINAL

0150

Police Court, 2 District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Edward Gylan
vs.

EXCISE VIOLATION.
SELLING WITHOUT A LICENSE.

Dated 15 day of July 1888

DOR Magistrate.

Officer.

Witness,

Bailed \$ to Ans. Sessions.

By

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 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

0 15 1

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Henry Belmont

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

Henry Belmont

(III. Revised
Statutes, [7th
edition] p. 1881
Section 13.)

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES
WITHOUT A LICENSE, committed as follows:

The said

Henry Belmont

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

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

(Laws of 1883,
chapter 340, sec-
tion 5.)

SECOND COUNT:

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

Henry Belmont

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

The said

Henry Belmont

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

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

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

**POOR QUALITY
ORIGINAL**

0152

(Laws of 1883, chapter 840, section 5.) **THIRD COUNT:**

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

— *Henry Belmont* —
of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed as follows :

The said

Henry Belmont

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

West Ninth Street —

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

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

John R. Fellows
RANDOLPH B. MARTINE,

District Attorney.

0153

BOX:
299

FOLDER:
2845

DESCRIPTION:
Belsky, Frank

DATE:
03/23/88



2845

POOR QUALITY
ORIGINAL

0154

No. 295.

Counsel,
Filed, **23** day of **March** 188
Pleads *Guilty (2nd)*

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
(Ill. Rev. Stat., 7th Edition, page 1859, Sec. 6)

THE PEOPLE,

vs.

31, 32, 34
B
Frank Belokoy

316 21

JOHN R. FELLOWS
RANDOLPH B. MARTINE,
Attorney at Law District Attorney.

A True Bill.

(Signed Clerk)
Park Ill April 18/88
I have begun from [unclear]
Pleads Guilty.
June 140, P.M.,

Witnesses:
Off Farrell

POOR QUALITY
ORIGINAL

0155

Excise Violation—Keeping Open on Sunday.

POLICE COURT—

X DISTRICT.

City and County } ss.
of New York,

of the 23rd Precinct Police Street,
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the day

of February 1888, in the City of New York, in the County of New York,

Frank Belsky (now here)
being then and there in lawful charge of the premises No. 316 East 10th

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be
drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of
the statute in such case made and provided.

WHEREFORE, deponent prays that said Frank Belsky
may be arrested and dealt with according to law.

Sworn to before me, this 6th day }
of February 1888. }
M. J. [Signature] Police Justice.

John J. Farrell

POOR QUALITY
ORIGINAL

0156

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Belsky 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. Frank Belsky

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Germany

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

Answer. 216 E. 54th St. 1 year

Question. What is your business or profession?

Answer. Salon Keeper

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 & demand a
trial by Jury.
Frank Belsky

Taken before me this

day of

February

1898

at

New York

City

Police Justice.

POOR QUALITY
ORIGINAL

0 157

11-29
2-15

BAILED,
No. 1, by Harry V. Reichart
Residence 334 E 54th Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

113
Police Court District. 246

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John F. Farrell
1. Frank Foley
2. _____
3. _____
4. _____

Offence Violation
Ex. Law

Dated Feb 6 188

W. H. B. B. B. Magistrate.

James Officer.

23rd Precinct.

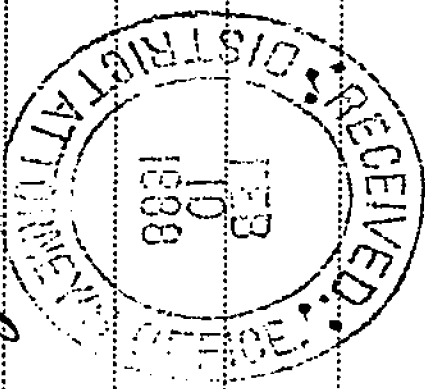
Witnesses Officer Baldwin
No. 23rd Precinct Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer 45 Street.

Bailed



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

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

Dated Feb 6 188 W. H. B. B. B. Police Justice.

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

Dated Feb 6th 1888 W. H. B. B. B. 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

0158

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs

against

Frank Belsky
Defendant.

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said defendant late of the City of New York, in the County of New York, aforesaid, on the *fifth* day of *February* in the year of our Lord one thousand eight hundred and eighty *eight*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and permit, to be open, and to remain open; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
~~RANDOLPH B. MARTINE~~, District Attorney.

0159

BOX:

299

FOLDER:

2845

DESCRIPTION:

Berg, Henry

DATE:

03/19/88



2845

Witnesses:

Joseph H. Cohen
off. H. H. Cohen

No. 201

McClary

Counsel,

Filed

19 day of March 1888

Pleads, *Not guilty (20)*

THE PEOPLE

vs.

P

Henry Berg

Grand Larceny *Second degree*
[Sections 528, 531, 556 Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

(H. H. Cohen)

*On recon. of Dist. Atty.
indict. dis. B. B. M.
L. H. H. Cohen*

Do not

April 19th

*I have examined the
witnesses in this case. There
is no evidence whatever
to connect the defendant
with the larceny therefore
I recommend that the
victim be dismissed.
J. H. H. Cohen
Asst. District Attorney*

POOR QUALITY
ORIGINAL

0160

POOR QUALITY
ORIGINAL

0 16 1

Police Court—

3 District.

Affidavit—Larceny.

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

of No.

occupation

deposes and says, that on the

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 :

One piece of satin of the value
of twenty dollars

the property of

which firm deponent is a
member—

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 Henry Berg from the

following facts and circumstances:
That deponent saw said satin
in premises 128 East Broadway
in the morning of said date,
and discovered it missing in
the evening of said date and
further deponent is informed by Emma
Cohen of 429 Henry Street that at
about the hour of 5:30 on said
date said Berg entered the premises
128 East Broadway he being
in company with an other person
to deponent and said Emma Cohen
unknown that said Berg did there

of
Sworn to before me, this
day
188

Police Justice.

POOR QUALITY
ORIGINAL

0162

and then act in a suspicious manner
and then departed from said
premises. Defendant further says
that he has been informed by the
said Emma Cohen Rose Cohen
Julia Davis. Mattie Davis and Julius Hirschberg
of 128 East Broadway persons who had
charge of store 128 East Broadway
that during the day mentioned
no other Spensen but said Beng
and his companion were in
said premises from the time defendant
last saw said property and at the
time he found it missing, but
themselves.

Joseph H. Cohen

From before me this 2nd
day of March 1888
J. White

Police Justice
Dated 1888

Police Justice

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

There being no sufficient cause to believe the within named

Police Justice

I have admitted the above named

Police Justice

of the City of New York, until he give such bail.

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

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer

Sessions.

POOR QUALITY
ORIGINAL

0163

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Henry Berg 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.

Henry Berg

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Germany

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

Answer.

1668 3rd Avenue 4 months

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 think will tend to your exculpation?

Answer.

*I am not guilty and
I demand an examination*

Taken before me this

day of *Nov* 188*8*

W. H. White
Police Justice.

POOR QUALITY
ORIGINAL

0164

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court- 3 District. 421

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph J. Forman
553 Pike St.
Henry Berg
3 _____
4 _____
Offence Larceny
Burglary

Dated March 3 1888

A. J. Fortale Magistrate.

Deputy District Attorney.

Witnesses _____ Precinct.

No. 127 Henry St. Street.

Witnesses _____ Precinct.

No. 7 Orchard St. Street.

No. 10 Orchard St. Street.

No. 10 Orchard St. Street.

No. 10 Orchard St. Street.

No. 10 Orchard St. Street.

No. 10 Orchard St. 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 March 3 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

0165

CITY AND COUNTY }
OF NEW YORK, } ss.

Mollie Davis
aged 12 years, occupation School Girl of No.

7 Orchard Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Joseph H. Cohen*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

3
1888

Mollie

Davis

Mark

A. J. White

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Julius Herschberg
aged 21 years, occupation Clack of No.

128 East 17th Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Joseph H. Cohen*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

3
1888

Julius Herschberg

Mark

A. J. White

Police Justice.

POOR QUALITY
ORIGINAL

0166

CITY AND COUNTY }
OF NEW YORK, } ss.

Lena Davis
aged *14* years, occupation *Nothing* of No.

7 Orchard Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Joseph H. Cohen*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

3

day of *March*

188*8*

Lena Davis
Mark

A. J. White

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Russell Cohen
aged *15* years, occupation *Nothing* of No.

127 Henry Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Joseph H. Cohen*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

3

day of *March*

188*8*

Russell Cohen
Mark

A. J. White

Police Justice.

POOR QUALITY
ORIGINAL

0167

CITY AND COUNTY } ss.
OF NEW YORK,

aged 12 years, occupation School Girl of No.

127 Henry Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Joseph H. Cohen
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 9

day of March 1888

A. J. White

Police Justice.

Emma Cohen
witness

POOR QUALITY
ORIGINAL

0158

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Berg

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

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

The said

Henry Berg

late of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of February in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms,

One piece of satin of the value of seventy dollars

of the goods, chattels and personal property of one

Joseph H. Cohen

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.

**POOR QUALITY
ORIGINAL**

0159

SECOND COUNT—

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

_____ *Henry Berg* _____

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Henry Berg*,

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

*One piece of satin of the value
of seventy dollars* _____

_____ of the goods, chattels and personal property of one

Joseph H. Cohen

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

Joseph H. Cohen

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

_____ *Henry Berg* _____

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.

JOHN R. FELLOWS,
District Attorney.

0170

BOX:

299

FOLDER:

2845

DESCRIPTION:

Berman, Gustave

DATE:

03/07/88



2845

POOR QUALITY
ORIGINAL

0171

Witnesses:

Rosanna Gundersen
Off Bischoff

Counsel,

Filed

7 day of March 1888

Pleads,

Chargenly (H)

THE PEOPLE

W. & C. vs.

W. & C. vs.

Gustave Bernan

Burglary in the Third Degree
(Section 498, 506, 512 and 523)

JOHN R. FELLOWS,

District Attorney.

March 7 1888
Filed at S.C. 507

A True Bill.

(Signed) [Signature]

Foreman.

24th March 1888
for

POOR QUALITY
ORIGINAL

0172

Police Court—

3rd District.

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

of No. 113 Eldridge Street, aged 50 years,

occupation Housekeeper being duly sworn

deposes and says, that the premises No. 113 Eldridge Street, 10th Ward

in the City and County aforesaid the said being a Tenant

dwelling house

and which was occupied by deponent as a dwelling house

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

Brother and

were BURGLARIOUSLY entered by means of forcibly breaking the

lock securing the door of deponent's

apartments on the 2nd floor of said

premises at about the hour of 3

o'clock P. M.

on the 30th day of February 1888 in the day time, and the

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

a quantity of male and female

wearing apparel in all of the

value of fifty dollars

the property 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

~~Gustave Bernman, now here,~~

Gustave Bernman, now here,

for the reasons following, to wit: That deponent closed and

secured said apartments and locked

said door with a pad lock on the

outside at the hour of 2 1/2 o'clock on

the afternoon of said day, and said

property was then within said

apartments. That deponent returned

to his apartments, having been absent

therefrom for about three or four

hours.

0173

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

Police Court, District.	
THE PEOPLE, &c., on the complaint of	
vs.	
1	
2	
3	
4	
Office—BURGLARY.	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street,
No.	Street,
No.	Street,
\$ to answer General Sessions.	

POOR QUALITY
ORIGINAL

0174

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation Henry C. Bischoff Police officer of No.

11th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Rosanna Greenberg

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

Sworn to before me, this 21st day of July 1888 } Henry C. Bischoff

J. M. Putnam
Police Justice.

POOR QUALITY
ORIGINAL

0175

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK. } ss.

Gustave Berman 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. *Gustave Berman*

Question. How old are you?

Answer. *20 years of age*

Question. Where were you born?

Answer, *Germany*

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

Answer. *231 East 44th St. 5 months*

Question. What is your business or profession?

Answer, *Seam packer*

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. That is all I have to say. I found the pick lock in the street and got excited and put it in my pocket.*

Gustave Berman

Taken before me this

20

day of *February*

1888

at

J. M. O'Brien

Notary.

POOR QUALITY
ORIGINAL

0176

BAILIED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

Police Court No. 336
District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

William Mendenhall
Attorney at Law
112 Broadway
New York

Offence Burglary
and Larceny

Dated January 21 1888

William Mendenhall
Magistrate.

W. Mendenhall
Officer.

11
Precinct.

Witnesses Henry C. Mendenhall

11 West 10th St.

No. 2
Street.

No. 1
Street.

No. 3
Street.

No. 4
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 _____

Gustave Bernman

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Thirty 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 January 22nd 1888 J. M. Platt Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

0177

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Lyndane Berman

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

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

The said Lyndane Berman.

late of the South Ward of the City of New York, in the County of New York
aforesaid, on the 20th day of February, in the year of our Lord one
thousand eight hundred and eighty-eight, with force and arms, in the
day time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one Rosanna Greenberg.

there situate, feloniously and burglariously did break into and enter, with intent to
commit some crime therein, to wit : with intent, the goods, chattels and personal property
of the said Rosanna Greenberg
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

0178

SECOND COUNT—

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

Augustine Bernam —

of the CRIME OF *Grand* LARCENY ~~in the second degree~~, committed as follows:

The said *Augustine Bernam*,

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 said day, with force and arms,

*seized articles of
clothing and wearing apparel,
of a number and description
to the Grand Jury aforesaid
unknown, of the value of
sixty dollars.*

of the goods, chattels, and personal property of one

Rosanna Greenberg

in the dwelling house of the said

Rosanna Greenberg

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

John R. Xellows

Attorney

0179

BOX:

299

FOLDER:

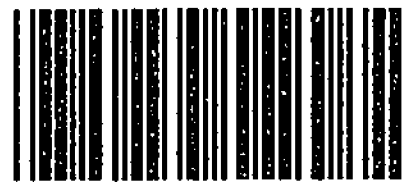
2845

DESCRIPTION:

Bernauer, George

DATE:

03/07/88



2845

POOR QUALITY
ORIGINAL

0180

No. 57
Counsel,
Filed 7 day of March 1888
Pleads, (Maguire & Co.)
Grand Larceny Second degree
[Sections 528, 531, 532 Penal Code].
vs.
George Bernauer
P

JOHN R. FELLOWS,
District Attorney.

A True Bill.

(Maguire & Co.)
Foreman.

22 March 19, 1888
Plead P.L.
Pen. 1 yr. - P.B.M.

Witnesses:

James Kella

Said for office

POOR QUALITY
ORIGINAL

0181

Police Court—2 District.

Affidavit—Larceny.

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

of No. 7 Carmine Street, aged 28 years,
occupation Matured Woman being duly sworn
deposes and says, that on the 2 day of March 1888 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:

One gold
watch of the value of twenty four
dollars and a gold chain
attached of the value of one
two dollars. The whole of the
value of more than twenty six
dollars (\$26)

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 George Bernauer (now here/
for the reason that on said date
the defendant was a boarder
visitor at her house and while
he was there the said watch hung
on a nail above the mantle piece
in the room where defendant sat.
About 3 o'clock p.m. the defendant
left and in about five minutes
the complainant missed the said
watch. Deponent is informed by
Policeman William H. Burns of the
9th Precinct, that about 5:30
p.m. on said date he arrested
the defendant with a pawn.

Sworn to before me, this
day

Police Justice

01027

Arrived to before us
the 3rd day of March
1888

Sam'l C. Bailey
Bookkeeper

Jeannette Kelly

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

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

Dated _____ 188 _____
Police Justice.

Dated _____ 188 .
of the City of New York, until he give such bail.

.....Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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 _____

Police Court, ^{vs} District.

THE PEOPLE, &c.,
on the complaint of

Office—LAWRENCE.

1. 2. 3. 4.

188

Magistrate.

Officer.

Clerk.

Witnesses,

No. _____ Street, _____

No Street

No. _____ Street _____

§. *to answer*
Sessions.

POOR QUALITY
ORIGINAL

0183

CITY AND COUNTY }
OF NEW YORK, } ss.

William H. Burns

aged *27* years, occupation *Police* of No.

9th Street Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Jeannie Kelle*

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

Sworn to before me, this *9*
day of *March* 188*8* *William H. Burns*

Sam'l C. Bull
Police Justice

POOR QUALITY
ORIGINAL

0184

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

George Bernauer 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. George Bernauer

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. France

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

Answer. 26 153 West 26th 1 month

Question. What is your business or profession?

Answer. Riding master

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 have nothing to say
Bernauer George

Taken before me this

day of

March

1887

Samuel C. McElroy Police Justice.

POOR QUALITY
ORIGINAL

0185

BAILLED,
No. 1, by
Residence Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Police Court No. 375
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jeane Kalla
Therese St
George Bernauer

Offence *G. Lacey*

Dated March 3 1888

G. Kelly Magistrate.

Thorne Officer.

No. 5, by
Residence Street.

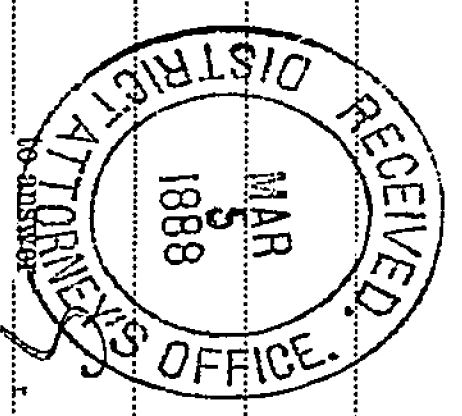
Witnesses *Call the Officer*

No.
Street.

No.
Street.

No.
Street.

No.
Street.



COMMITTEE

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 March 9 1888 *George J. Kelly* Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

POOR QUALITY
ORIGINAL

0 186

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Bernauer

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

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

The said

George Bernauer

late of the City of New York, in the County of New York aforesaid, on the *second* day of *March* in the year of our Lord one thousand eighty hundred and eighty-*eight*, at the City and County aforesaid, with force and arms,

One watch of the value of twenty four dollars, and one chain of the value of two dollars

of the goods, chattels and personal property of one

James Kalle

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.

**POOR QUALITY
ORIGINAL**

0 187

SECOND COUNT—

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

George Bernauer

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said George Bernauer

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

One watch of the value of
twenty-four dollars, and
One chain of the value of two
dollars

of the goods, chattels and personal property of one

Jaume Kalle

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Jaume Kalle

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

George Bernauer

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.

JOHN R. FELLOWS,
District Attorney.

0188

BOX:

299

FOLDER:

2845

DESCRIPTION:

Beryan, Frederick

DATE:

03/16/88



2845

POOR QUALITY
ORIGINAL

0189

Witnesses:

W. J. McCarthy

No. 173

Try on 16th and to Paul
without fair J.P.A.

Counsel,

Filed, 16 day of March 1888

Pleads, *Amprick 119*

THE PEOPLE

vs.

B

Frederick Bergman

At: 2 go 1/07

Grand Jury
Sessions for trial, by request
of Counsel for Defendant.

And voted Jan 20/88

JOHN R. FELLOWS,

RANDOLPH B. MARTINE,

July 7 1888
District Attorney
and days in way
for office

A True Bill.

Nov 28 1888
21 21 21 (May 21 1888)
76

Foreman.

W. J. McCarthy

77

Printed Nov. 30. 1888. P. 13.

POOR QUALITY
ORIGINAL

0 190

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frederick Bryan

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

Frederick Bryan
of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING,
a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed
as follows:

The said *Frederick Bryan*
late of the City of New York in the County of New York aforesaid, on the
fifth day of *November* in the year of our
Lord one thousand eight hundred and eighty *seven*, being then and there in
charge of, and having the control of a certain place there situate, which was then duly
licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with
force and arms, at the City and County aforesaid, the said place so licensed as aforesaid,
unlawfully did not close and keep closed between the hours of one and five o'clock in the
morning of the said day, and between the said hours of the said day, to wit: at the hour
of *two* o'clock in the morning of the said day, the said place so licensed as
aforesaid, unlawfully did then and there open and cause and procure, and suffer and
permit, at the time aforesaid to be open and to remain open; against the form of the
Statute in such case made and provided and against the peace of the People of the
State of New York and their dignity.

John R. Fellows,
RANDOLPH B. MARTINE, District Attorney.

0 19 1

BOX:

299

FOLDER:

2845

DESCRIPTION:

Bochow, Edward

DATE:

03/21/88



2845

0192

BOX:

299

FOLDER:

2845

DESCRIPTION:

Murphy, James T

DATE:

03/21/88



2845

POOR QUALITY
ORIGINAL

0193

No. 225

Witnesses:

Nich. S. Heerbeck

off command

Counsel,

Filed

21 March 1888

Pleads,

Conquered

THE PEOPLE

vs.

Edward Bachman

vs.

James S. Murphy

JOHN R. FELLOWS,

District Attorney.

A True Bill.

(Signed)

Foreman.

off command

off command

off command

off command

off command

off command

POOR QUALITY
ORIGINAL

0194

Court of General Sessions

The People vs

vs

James T. Murphy

City & County of New York ss.

Arthur C. Kimber being duly sworn deposes and says that he is a minister in the Protestant Episcopal Church and is in charge of the Chapel of St. Augustine at no 105 to 109 East Houston Street New York That he is well acquainted with James T. Murphy the defendant and has heard of the charge of Grand larceny made against him That said Murphy for some time attended the Sunday School at St. Augustine's and is a member of the choir of the Church - That deponent believes the said Murphy to be a truthful honest boy of general good character and that he was enticed and inveigled into acting as he did in the case at bar and without ^{seriously thoughtful} any consciousness that he was committing a crime, and that he believes that the disclosure of the case will in no wise be prejudicial to the interests of the public, but that it is desirable and wise.

Arthur C. Kimber

Sworn to before me

the 23rd day of May 1888

Geo. S. Seiler

Notary Public

On Charge of & Against 105 E. Houston St. N.Y. -
(307) New York Co.

POOR QUALITY
ORIGINAL

0 195

Court of General Sessions

The People vs

agst

James T. Murphy

City & County of New York Jr.

Henry C. Ditchfield of the said City and County, being duly sworn deposes and says: That he is and for several years last past has been principal of Grammar School No. 79 in the City of New York - That the defendant James T. Murphy was for several a pupil at said school and deponent became well acquainted with him - That said Murphy's standing in the different classes through which he passed was very good and that he won and obtained the favor of his teachers by his obliging disposition and gentlemanly conduct - That deponent always considered him to be an honest trustworthy boy and frequently entrusted him with large sums of money when he deponent drew his salary as teacher - That deponent yet believes him to be honest and that he was enticed into taking the railway tickets

POOR QUALITY
ORIGINAL

0 196

by older persons -
Sworn to before me Henry C. Litchfield
this 2nd day of May 1888 Grammar School No 79
Geo S Scully { 42 First St.
Notary Public (307)
New York Co.

POOR QUALITY
ORIGINAL

0 197

New York Court of General Sessions

The People vs

ago

James J. Murphy

City & County of New York P.

Francis Pfaff of the said

City and County being duly sworn deposes
and says that he is engaged in business at
no. 197 Allen Street and resides at no.
197 Allen Street in New York City - That he has
been a neighbor and acquaintance of James
J. Murphy the defendants father for many years
and has known the defendant since child-
hood and is acquainted with his general
character and reputation. That both are
good

Sworn to before me

This 2nd day of May 1888

Geo. S. Scally

Notary Public (307)

Francis Pfaff

New York Co.

POOR QUALITY
ORIGINAL

0198

General Sessions of New York

The People vs

agst

James J. Murphy,

City & County of New York.

George Scally of the said

City and County being duly sworn, deposes
and says - That he is engaged in business
at no. ^{36 Broadway} ~~186~~ Chrystie St and resides at no.
186 Chrystie St in the City of New York that he
has been a neighbor & acquaintance of
James J. Murphy the father of the defendant
and has known the defendant since his
childhood & is acquainted with his general
character and reputation - That both are
good -

Sworn to before me

Geo. S. Scally

this 2nd day of May 1888

Louis G. Cussey

Notary Public (233) New York Co.

POOR QUALITY
ORIGINAL

0 199

Court of General Sessions of the Peace
For the City and County of New York.

-----:
The People &c. :
- v s - :
Edward Boehow :
-----:

City and County of New York, Ss: *Jacob Stittmatter*
being ~~sworn~~ sworn deposes and says: I reside at No: *200 Allen*
Street in the said city and am engaged in the business of
Barber

I have known the above named defendant for the past *Eight*
Years to have been honest, industrious and a worthy young man.
Sworn to before me this :::
21st day of May 1888 ::: *Jacob Stittmatter*
Jacob Meyer
Commissioner of Deeds
New York City

POOR QUALITY
ORIGINAL

0200

Court of General Sessions of the Peace
For the City and County of New York,

The People &c.

- v s -

Edward Bochow

City and County of New York, Ss:

Franz Pfaff

being duly sworn deposes and says: I reside at No: *197*

Allen Street in the said city and am engaged in the business of
Saloon keeper.

I have known the above named defendant for the past *Eight*
Years to have been honest, industrious and a worthy young man.

Sworn to before me this :::

21st day of May 1888 :::

Jessie B. Meyer
Commissioner of Deeds

New York City

Franz Pfaff

POOR QUALITY
ORIGINAL

0201

Court of General Sessions of the Peace
For the City and County of New York.

The People &c.

- v -

Edward Boehm

City and County of New York, Ss:

being duly sworn deposes and says: I reside at No: 10 First

Unemul in the said city and am engaged in the business of
mine dealer

I have known the above named defendant for the past *five*
years to have been honest, industrious and a worthy fellow man.

Sworn to before me this 11th

21st day of May 1888 : : :

Jacob Meyer *George Rothman Jr*

Commissioner of Roads

New York City

POOR QUALITY
ORIGINAL

0202

Court of General Sessions of the Peace
For the City and County of New York.

The People vs.

Edward Schuchow

City and County of New York, Set *Henry Crantz*
being duly sworn deposes and says: I reside at No. 126

Greenwich Street in the said city and am engaged in the business of
Boots & Shoes.

I have known the above named defendant for the past *ten*
years to have been honest, industrious and a worthy young man.

Sworn to before me this :

21st day of May 1886 :

Henry Crantz

Jacob Meyer
Commissioner of Records

New York City

POOR QUALITY
ORIGINAL

0203

ny. General Session.

The People

vs.

Edward Bohon.

affidants in favor of
defendant.

Wm. Stoklen
also for deft.

POOR QUALITY
ORIGINAL

0204

Police Court—

District.

Affidavit—Larceny.

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

of No.

occupation

deposes and says, that on the

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

Nicholas J. Sebeck

Street, aged 31 years,

1 Broadway
Secy Hamilton Bank Note Printing & Engraving Co

for about 14 day of March

1888 at the City of New

About sixteen hundred passenger tickets of the Manhattan Elevated Railroad Company each ticket good for one ride over said railroad and of the value of five cents each. together of the value of eighty dollars (\$80.00)

the property of The Hamilton Bank Note Printing and Engraving Company and in deponent's care and custody as Secretary of said Company 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 Edward Bochner and James L. Murphy (both now here) from the fact that each of said defendants were employed by said printing and engraving company, and on or about the above mentioned date said tickets were given to the defendant Bochner to destroy owing to some slight irregularity in the printing of said tickets. Deponent is informed by Arthur Conway a private detective that at the hour of 5.30 A.M. March 14th he saw the defendant Murphy at the City Hall Station Manhattan Elevated Railroad when he Murphy offered to sell

Sworn to before me this 18th day of March 1888

Police Justice

him Conway some elevated rail road tickets and that he Murphy sold him three of said tickets for which he paid Murphy the sum of ten cents. And Murphy then sold six tickets to Jeremiah Perkins who was with him Conway and in Conways presence for which Perkins paid him twenty cents. Murphy then said he had no more tickets and left him Conway. Conway then watched him and saw him go behind a stand and take a quantity of tickets from his pocket. and after watching him for some time he Conway took him to the office of Hollenism & Co. Detective Agency at no 182 Broadway, and after arriving at said office he Murphy told Conway that the defendant Bochor had been stealing tickets for some time. And after Murphy was in said office a bundle containing five hundred tickets was found in the hallway of 182 Broadway where Murphy had to pass.

Deponent is further informed by Detective Sergeant Anthony Perrazzo that he went to the residence of the defendant Bochor at no 10, 1st Avenue where he found the said Bochor in bed and placed him under arrest and after his arrest he Bochor gave him Perrazzo six hundred and fifteen tickets of the Manhattan Elevated Rail Road Co. Deponent further says that he has since seen said tickets so found with the said defendants and fully identifies them as the tickets which he had given to the defendant Bochor to destroy.

Wherefore deponent charges the said defendants with being together and acting in concert with each other and feloniously taking, stealing and carrying away said property.

Sown to before me
this 10th day of March 1888

A. J. White

Deputy District

Nicholas F. Schuck

POOR QUALITY
ORIGINAL

0206

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 29 years, occupation Arthur Conway
311 E. 84th Private Detective of No.

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Nicholas J. Sebuck

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

knowledge.

Sworn to before me, this

day of

16th
March 1888

Arthur B. Conway

C. J. White

Police Justice.

POOR QUALITY
ORIGINAL

0207

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation Anthony Perazzo
Detective Sergeant of No. 200 Mulberry
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Nicholas J. Schuch
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 16
day of March 1893 A. J. White
Anthony Perazzo

A. J. White
Police Justice.

POOR QUALITY
ORIGINAL

0208

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer.

Edward Buchner

Question. How old are you?

Answer.

15 years old

Question. Where were you born?

Answer.

New York city

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

Answer.

10-14 avenue 2 years

Question. What is your business or profession?

Answer.

Apprentice

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

Edward Buchner.

Taken before me this

day of

1881

at

City

Police Justice.

POOR QUALITY
ORIGINAL

0209

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

James T. Murphy 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.

James T. Murphy

Question. How old are you?

Answer.

16 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

194 Allen St. 5 years

Question. What is your business or profession?

Answer.

Office boy

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
James T. Murphy

Taken before me this

day of

188

Police Justice.

0210

Police Court—
District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

THE COMPLAINT OF
Richard A. Decker
Pl. Against

1. David Green

2 Anne S. Murphy

4.

Dated March 1st 1906

Article _____ Mag _____

Verapaz, D.

Witnesses
William Lawrence
m s p

No. 211, 6, 38
Munich, Germany

No. 182 *Smith*
Smith
 OFFICE.

No. *Benhal*

to answer

no. 2 18 cent
in 2 cent 1/2.

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... *E. W. Wain*

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

Dated March 16 1888 A. J. White Police Justice.

I have admitted the above-named James D. Murphy ^{in bond}
to bail to answer by the undertaking hereto annexed.

Dated March 16 1888 A. J. Wood Police Justice.

There being no sufficient cause to believe the within named.....
guilty of the offence within mentioned, Order do to be discharged.

Dated _____ 188 _____ *Police Justice.*

POOR QUALITY
ORIGINAL

0211

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Brodnow
and *James S. Murphy*

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

Edward Brodnow and James S. Murphy

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

The said *Edward Brodnow and James*
S. Murphy, both _____

late of the City of New York, in the County of New York aforesaid, on the *fourteenth*
day of *March*, in the year of our Lord one thousand eighty hundred and
eighty-*eight*, at the City and County aforesaid, with force and arms,

sixteen hundred tickets and papers,
each purporting to entitle the holder
thereto to a passage upon the railway
cars of the corporation called the
Manhattan Railway Company in
said City, of the value of five cents
each, and sixteen hundred pieces of
paper of the value of one cent each
piece,

of the goods, chattels and personal property of ~~one~~ *a certain corporation*
called the Hamilton Brothers & Co.
Engineering and Printing Company,
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.

POOR QUALITY
ORIGINAL

0212

SECOND COUNT—

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

Edward Bodnow and James S. Murphy

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Edward Bodnow and James*

S. Murphy, both —

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

hundred printed tickets and
papers each purporting to entitle
the holder thereof to a passage
upon the railway cars of the
corporation called the Manhattan
Railway Company in said City of
the value of five cents each, and
sixteen hundred pieces of papers
of the value of one cent each piece, —

of the goods, chattels and personal property of ~~one~~ *a certain corporation*
called the Manhattan Bank Note
Manufacturing and Printing Company

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

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

Bodnow and James S. Murphy

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.

JOHN R. FELLOWS,

District Attorney.

0213

BOX:

299

FOLDER:

2845

DESCRIPTION:

Borden, Mary

DATE:

03/27/88



2845

POOR QUALITY
ORIGINAL

0214

No. 297 A

Counsel, *J. C. Anderson*
Filed *27* day of *March* 188*8*
Pleads. *Guilty*

THE PEOPLE
36. H 30 vs. P
Mary Borden
Grand Larceny in the *Second* degree.
(MONEY.)
(Sec. 538 and 531, Penal Code.)

Pr. quic 9.1888
pleads 72.
JOHN R. FELLOWS,
District Attorney.

A True Bill.

(May 1888)
1/11/88
9 1/2
Foreman.
7/11/88

Witnesses;

Carl Anderson
off. Bailey

POOR QUALITY
ORIGINAL

0215

Police Court—

3 District.

Affidavit—Larceny.

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

of Steamship Minnesota Carl Anderson
Street, aged 26 years,
occupation Sailor being duly sworn

deposes and says, that on the 17 day of March 1888 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 night time, the following property viz :

Thirty five dollars

the property of deponent Carl

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 Mary Borden known here

from the fact that on said date deponent entered premises 224 West 24th Street in company with the deponent and another woman that deponent deposited his coat on a chair in said premises and that said amount of money was in one of the pockets of said coat that said Borden did seize said coat and carry away the same and when she returned it to deponent said amount of money was missing.

Carl Anderson

Sworn to before me, this

1888 day

of March 1888
Police Justice.

POOR QUALITY
ORIGINAL

02 16

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary Borden 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 to 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 may think will tend to your
exculpation?

Answer.

I am not guilty
Mary Borden
mark

Taken before me this

day of

1888

Police Justice.

POOR QUALITY
ORIGINAL

0217

BAILLED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court District 452

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Carl Anderson

Membership No. 2655

Mary Anderson

1
2
3
4

Dated

March 17, 1888

Residence

Street

No. 3, by

Street

Residence

Street

No. 4, by

Street

Residence

Street

Witnesses

Street

No.

Street

No.

Street

No.

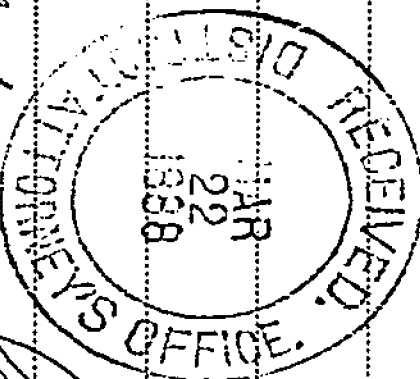
Street

No.

Street

No.

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 *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 *March 30* 1888 *J. White* Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

0218

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Borden

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

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

The said

Mary Borden

late of the City of New York, in the County of New York, aforesaid, on the seventeenth day of March in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, in the night-time of the same day, one promissory note 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 ; one promissory note 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 ; one promissory note 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 ; one promissory note 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 ; three promissory note 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 ; one promissory note 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 ; one promissory note 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 ; one promissory note 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 ; one United States Silver Certificate of the

**POOR QUALITY
ORIGINAL**

02 19

denomination and value of twenty dollars _____ ; *one* United States Silver Certificate of the denomination and value of ten dollars _____ ; *one* United States Silver Certificate of the denomination and value of five dollars _____ ; *two* United States Silver Certificate^s of the denomination and value of two dollars *each* ; *one* United States Silver Certificate of the denomination and value of one dollar _____ ; *one* United States Gold Certificate of the denomination and value of twenty dollars _____ ; *one* United States Gold Certificate of the denomination and value of ten dollars _____ ; *one* United States Gold Certificate of the denomination and value of five dollars _____ ; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *thirty-five* dollars _____

of the proper moneys, goods, chattels and personal property of one *Carl Anderson*

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.

JOHN R. FELLOWS,
District Attorney.

0220

BOX:

299

FOLDER:

2845

DESCRIPTION:

Boss, Henry

DATE:

03/22/88



2845

WITNESSES:

Off Capner

Counsel,

Filed 22 day of March 1888

Pleads

Chazink-126

THE PEOPLE,

vs.

B

Henry Boss

John R. Fellowes

JOHN R. FELLOWES,

RAUBERPH B. MARINE,

District Attorney.

A True Bill.

May 1888

June 28-1888 Foreman.

POOR QUALITY
ORIGINAL

02221

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,

Plaintiffs

against

Henry Boss
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *February* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage, to one

David Bagnely

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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 defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
~~RANDOLPH B. MARTINE,~~

District Attorney.