0667

BOX:
204
FOLDER:
2042
DESCRIPTION:
Parmelee, George

DATE:
01/05/86

10

Counsel,
Filed 5 day of Jany 1886
Pleads Not Guilty

THE PEOPLE

vs.

George H. Parmelee

~~[illegible]~~ 4/14/86

[Section 5 — Penal Code].
Misdemeanor

RANDOLPH B. MARTINE,
District Attorney.

This case has been on Calendar 14 times by ~~[illegible]~~
[illegible] Coleman

A True Bill.

Dis. March 12/86

[illegible] Foreman

Jany 29th
G. S. D.

Witnesses:

Satisfactory restitution having been made to the Complainant I ask the Court to discharge Defendant on his own recognizance
March 12/86
[illegible] Davis

0669

MORTGAGE ON GOODS AND CHATTELS.

Zenn & Son, Printers, 10 John St.

To all to whom these Presents shall come, Greeting:

KNOW YE, THAT I, Geo Pancella of the City of New York County of New York twenty-one years, and justly indebted unto CHAS. BUSCH & CO. FURNITURE DEALERS, of Nos. 1, 3, 5 and 7 Bowery, Entrance, No. Bowery, in the city of New York, parties of the second part, in the sum of One hundred & twenty dollars and Fifty cents, being for the purchase money or price of the household furniture and other goods and chattels mentioned and described in the annexed schedule.

Now, for securing the payment of the said debt, to the said parties of the second part, I, the said party of the first part have bargained and sold, assigned and transferred, and by these presents do grant, bargain, sell, assign and transfer unto the said CHAS. BUSCH & CO., said parties of the second part as aforesaid, the household furniture, and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the house in which I reside, No. 172 East 2nd St. in the city of New York.

To have and to hold all and singular the goods and chattels above bargained and sold, or intended so to be, unto the said parties of the second part, their successors and assigns, forever.

And I, the said party of the first part, for myself, my heirs, executors and administrators, all and singular the said goods and chattels above bargained and sold unto the said parties of the second part, their successors and assigns, against me, the said party of the first part, and against all and every person or persons whomsoever, shall and will warrant, and forever defend.

Upon Condition, that if I, the said party of the first part, shall and do well and truly pay unto the said parties of the second part, their successors or assigns, the sum of Twenty dollars, which said sum shall be due and payable in Weekly instalments of Five dollars each, to wit, on Saturday of each and every week until the whole of said sum of One hundred & twenty dollars shall have been fully paid and discharged. The first instalment shall be due and payable on the Seventh day of September 188[illegible] and the last on the Eighth day of June 188[illegible]. Said payments to be made at the stores or places of business of the said parties of the second part, and at such other place or places in the city of New York, as they, the said parties of the second part, their successors and assigns, may hereafter designate (all notices and demands at any other place or places being hereby expressly waived), and upon the further condition, that if I, the said party of the first part, shall and do keep the said household furniture and all other goods and chattels mentioned in the schedule hereunto annexed, insured in an amount equal to that secured by this mortgage, loss (if any) payable to the said parties of the second part, their successors and assigns, and then these presents shall be void.

And it is hereby expressly understood and agreed, that should default be made in the payment of any of the said instalments or any part thereof, on any day whereon the same is or are made payable, as above expressed, that then and from thenceforth, the said debt or the balance thereof, if any payments have been made on account thereof, shall at the option of the said parties of the second part, their successors and assigns, become and be due and payable immediately thereafter, although the period above limited for the payment thereof may not then have expired, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

And it is hereby further expressly understood and agreed, that the receipt by the said parties of the second part of a less sum than any instalment due, shall not be construed as a waiver of any of the conditions of this Mortgage, and that no change, alteration or modification of the conditions of this mortgage shall be had or made except the same be in writing and signed by the said parties of the second part.

And I, the said party of the first part, for myself, my executors, administrators and assigns, do hereby covenant and agree to and with the said parties of the second part, their successors and assigns, that the property hereby granted, sold, assigned and transferred, is to remain in my possession until default be made in the payment of the debt aforesaid, or of any of the instalments at the time or times hereinbefore specified, unless I, the said party of the first part, shall sell, or attempt to sell, assign or dispose of, or remove, or threaten or attempt to remove or cause to be removed, the said goods and chattels, or any of them, or permit or suffer any judgment to be entered up against me, or in case the said parties of the second part shall deem themselves insecure or unsafe, then the aforesaid debt shall become instantly due and payable, although the period above limited for the payment thereof may not then have expired, anything hereinbefore contained to the contrary thereof in anywise notwithstanding, and then and in which case it shall and may be lawful for, and I, the said party of the first part, do hereby authorize and empower the said parties of the second part, their successors and assigns, with the aid and assistance of any person or persons, to enter my said dwelling house, store and such other place or places whatever, in which the said goods and chattels are or may be placed, and take and carry away the said goods and chattels, or any part thereof, and reduce the same to their own possession. And in taking said property, or any part thereof, into their own possession, either in case of default or as above provided, the said parties of the second part shall sell or dispose of the same at public or private sale, and after satisfying the aforesaid debt, and all necessary and reasonable costs, charges and expenses incurred by them, out of the proceeds of such sale, they shall render the surplus (if any) unto me or to my legal representatives. If from any cause the said property shall fail to satisfy said debt, costs, charges and expenses, I, the said party of the first part, hereby covenant and agree to pay the deficiency.

In witness whereof, I, the said party of the first part have hereunto set my hand and seal, the Twelfth day of September one thousand eight hundred and eigety five.

Sealed and delivered in the presence of

Angelo Baglucki

Geo Pancella

For the benefit of my separate estate which I hereby charge.

0670

SCHEDULE REFERRED TO IN THE FOREGOING MORTGAGE.

38 yards Carpet	38.00
1 Clock	13.00
1 Clock	6.00
6 Chairs	9.00
1 Patent Hair Cloth Lounge	14.00
1 Clock	1.50
9 Walnut Chairs	27.00
2 Oil Paintings	5.00
Total	$112.50

72

Geo Pauculu

folio 12

No. 716

Geo Pannelie
121 E 17 St.
City

TO

CHAS. BUSCH & CO.

Dated Sept 14 1881

Filed Oct 24 1881

MORTGAGE ON PERSONAL PROPERTY.

This Mortgage, or a true copy thereof, must be filed.

If in the city of New York, in the office of the Register.
If in any other city or county town, in the Clerk's office therein.
If in any other town in this State, in the Town Clerk's office
It becomes void if not renewed within 30 days next preceding the expiration of each and every term of one year after the filing of each mortgage.

0672

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

POLICE COURT— 3rd DISTRICT.

Charles Frosch

of No. 7 Bowery Street, being duly sworn, deposes and says that on the 14th day of September 188 5 at the City of New York, in the County of New York,

George Parmelie did purchase of deponent certain property consisting of 8 3 gans of carpet, five clocks, twenty four chairs, one lounge and two oil paintings, said property being in all of the value of one hundred and eight four dollars and fifty cents and being the property of deponent and Charles Frosch, Co-partners doing business under the firm name of Charles Frosch and Company.

$138.50

That said defendant then and there executed a mortgage on said property which mortgage is now a good and valid lien thereon.

That on or about the 21st day of September last past the said defendant removed said property from premises No. 121 East 12th street, where it had been delivered by direction of deponent under the orders of said defendant, and did unlawfully pawn and dispose of said property with intent fraudulently to defraud said firm,

0673

the Mortgagees, all of which is in violation of Section 571 of the Penal Code of the State of New York.

Deponent therefore prays said defendant may be arrested and dealt with as the law may direct.

Sworn to before me this 9 day of October 1885

Charles Frost

J W Patterson Police Justice

VII 4 & 5 District.

Police Court, 2 &c.,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Frost

vs.

Geo. Parnell

AFFIDAVIT.

Dated October 9 188 5

J. W. Patterson Magistrate.

Officer.

Witness,

Disposition,

Mortgage & Chattel Case

0674

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George H Parmlee 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. George H Parmlee

Question. How old are you?

Answer. 61 years

Question. Where were you born?

Answer. New York

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

Answer. 574 Herkimer Street: 3 months

Question What is your business or profession?

Answer. Real Estate

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

George H Parmlee

Taken before me this 27th day of December 1887

Police Justice.

0675

Sec. 151.

Police Court 3rd 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 Charles Frosh of No. 7 Bowery Street, that on the 14th day of September 188 5 at the City of New York in the County of New York,

George Carmelie did unlawfully take and dispose of certain personal property, of the value of one hundred and eighty four dollars, upon which property he had executed a mortgage, which was then a good and valid lien thereon, with the intent thereby to defraud

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 3rd *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 9th *day of* October 188 5

J. M. Pearson POLICE JUSTICE.

0676

Police Court 3d District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Frost

vs

George Parmalee

Warrant—General.

Dated Oct 9th 1885

Patterson Magistrate.

Simmons Officer.

The Defendant taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Simmons Officer.

Dated Dec 22d 1885

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, Dec 22d 1885

Native of U. S.

Age, 55

Sex, M

Complexion,

Color, White

Profession, Real Estate

Married, Yes

Single, "

Read, "

Write, "

444 Lexington ave Brooklyn

The within named

.....

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

*Dated*_____188 .

.....*Police Justice.*

Not in Court
Dec. 24. 2 pm.

0678

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 George Parmelie

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 Dec 24 188 — *Police Justice.*

I have admitted the above-named Defendant

to bail to answer by the undertaking hereto annexed.

Dated Dec 24 188 — *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.*

0679

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

W. 4 St 14 59

Police Court 9 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Frost
7 Bowery

1 Geo Carmelie

2

3

4

Offence Pin pea
571 Penal Code

Dated Dec 9 188

Patterson Magistrate

Simmons Officer.

Court Precinct.

Witnesses

No. Street.

No. Street,

No. Street,

$ 500 to answer G. S.

Coll

0680

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Ingersoll D. Carmedee

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

Ingersoll D. Carmedee

of the CRIME OF Secreting and disposing of mortgaged property,

committed as follows:

The said Ingersoll D. Carmedee,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Twentieth day of September, in the year of our Lord one thousand eight hundred and eighty-Five, at the ~~Ward~~, City and County aforesaid, did duly execute and deliver a certain mortgage of personal property, wherein and whereby he the said Ingersoll D. Carmedee, for a certain consideration, did grant, bargain and sell unto Charles Bush and Charles Frost, copartners in trade then and there doing business under the firm name and style of Charles Bush and Company, certain personal property, to wit: eighty three yards of carpeting, five docks, twenty one drains, one lounge and two oil paintings, upon certain conditions therein particularly

set forth; which said mortgage thereupon became and was a lien upon the personal property aforesaid. And the said Figaro & Ramudee, afterwards, and while the said mortgage was yet a lien upon the said personal property to wit: on the twentieth day of September, in the year aforesaid, at the City and County aforesaid, with force and arms, unlawfully did secrete, remove and dispose of the personal property aforesaid, with intent thereby to defraud the said Phoenix Bush and Phoenix Frost, such mortgagees as aforesaid; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Randolph Barnathie,
District Attorney.

Witnesses:

Chas Frost

114

Counsel, Shenefelt

Filed 5 day of Feby 1886

Pleads Not Guilty

THE PEOPLE

vs.

George H. Parmelee

(2 cases)

[Section — Penal

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Feby 5th/86.

Tried & Acquitted.

Francis Higgins *Foreman*

Feb 5th

G.S.D.

0683

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

POLICE COURT—_____DISTRICT.

Ephraim M. Kautzowitz

of No. 99 Bowery N. Y. City Street, being duly sworn, deposes and says that on the nineteenth day of August 1885 at the City of New York, in the County of New York, he was a stated is a member of the firm of Epstein, Kautzowitz & Co. dealers in furniture at No. 99 Bowery in the City of New York

That on the said 19th day of August 1885 at the City of New York one George H. Parmelee executed & delivered to said Epstein, Kautzowitz & Co a chattel mortgage upon two (2) pictures & one (1) clock contained in premises No 121 E 12th St. New York City which said mortgage is hereunto annexed made part hereof & a copy of which was duly filed in the office of the Register of the City of New York on the 19th day of August 1885, said mortgage being given to secure the payment of $29 on demand no part of which has been paid except the sum of $5

That said George H. Parmelee on or about Nov 2. 1885 the said property from said premises & has disposed of or secreted the same in violation of Section 571 of the Penal Code of the State of New York

Sworn to before me
this 20 day of November
1885 Solon B. Smith
Police Justice

Ephraim M. Kautzowitz

0684

MORTGAGE ON GOODS AND CHATTELS.

To all to whom these Presents shall come:

Know ye that I [illegible] of the City of [illegible] County of [illegible] and State of New York, party of the first part, for the payment of the money hereinafter mentioned, and in consideration of the sum of one dollar to me duly paid by SIMON EPSTEIN and EPHRAIM M. KANTROWITZ, composing the firm of EPSTEIN & KANTROWITZ, of the City, County and State of New York, parties of the second part, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the said parties of the second part,

[illegible]

and all the other goods more particularly set forth and described in the schedule hereunto annexed and forming part hereof, and now in my possession of at the house known as No. [illegible]

To have and to hold, all and singular, the goods and chattels above bargained and sold, or intended so to be unto the said parties of the second part, their executors, and administrators, and assigns, for ever.

And, I, the said party of the first part, for my heirs, executors and administrators, all and singular, the said goods and chattels above bargained and sold unto the said party of the second part, and each of their heirs, executors, administrators, and assigns, against me the said parties of the first part, and against all and every person and persons whomsoever, shall and will warrant and forever defend.

Upon Condition, that if I, the said party of the first part, shall and do well and truly pay unto the said parties of the second part, their executors, administrators or assigns, the just and full sum of

[illegible] Dollars on [illegible] payable [illegible] dollars daily, and the balance in equal weekly installments of [illegible] and so [illegible] Dollars [illegible]

And it is further agreed between the parties to these presents, that if the said goods are removed from the said premises without the written consent of the parties of the second part, the parties of the second part may enter, remove and sell, as hereinafter set forth.

And I, the said party of the first part, for my executors, administrators, and assigns, do covenant and agree to and with said parties of the second part, and each of them, their executors, administrators, and assigns, that in case default shall be made in the payment of the said sum above mentioned, or any instalment therein mentioned, whenever the same shall become due as above set forth, then it shall and may be lawful for, and I, the said party of the first part, do hereby authorize and empower the said parties of the second part, their executors, administrators and assigns, attorneys or agents, with the aid and assistance of any person or persons, to enter my dwelling house, store and other premises and such other place or places as the said goods or chattels are or may be placed, and take and carry away the said goods and chattels, and to sell and dispose of the same for the best price they can obtain; and out of the money arising therefrom, to retain and pay the said sum above mentioned and all charges touching the same, rendering the overplus (if any) unto me or to my executors, administrators, or assigns. **And** until default be made in the payment of the said sum of money, I am to remain and continue in the quiet and peaceable possession of the said goods and chattels and the full and free enjoyment of the same.

In witness whereof I, the said party of the first part, have hereunto set my hand and seal the 19 day of August one thousand eight hundred and eighty five

Sealed and delivered in the presence of
Continuation on the back
first noted
Mr. J. P. Dunbary

Geo. H. Tannehill

SCHEDULE REFERRED TO IN THE WITHIN MORTGAGE.

No. 11[illegible]

Name Geo A [illegible]

Of No. 1121 East [illegible]

In the City of [illegible]

TO

Epstein & Kantrowitz.

Dated [illegible] 188

Filed [illegible] 188

No.

MORTGAGE.

Aug 20 By Cash 5.00 [illegible]

Balance $24.00

1.50 [illegible]

This mortgage, or a true copy thereof, must be filed :

If in the city of New York, in the office of the Register.
If in any other city or county, in the Clerk's office there.
If in any other town in this State, in the Town Clerk's office.
Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

State of ....
City of .... } ss.
County of ....

.... of said City, being duly sworn, deposes and says that h is the owner in h own right of the goods and chattels referred to in the annexed chattel mortgage. That there are no liens to deponents knowledge against the same. That he is justly indebted to the mortgagees within named, in the amount therein set forth. That the same is for value received, and that to h knowledge there are no claims, offsets or defences against the same. That he has heard read the within mortgage and knows the contents thereof.

Sworn to before me, this day
188

0686

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

District Police Court.

George H Parmlee 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. George H Parmlee

Question. How old are you?

Answer. 61 years

Question. Where were you born?

Answer. New York

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

Answer. 574 Herkimer Street. 3 months

Question What is your business or profession?

Answer. Real Estate

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
G H Parmlee

Taken before me this 24 *day of* October 188 }
Chas F Corr
Police Justice.

0687

Sec. 151.

Police Court 3rd 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 Ephraim M. Hartwitz of No. 99 Bowery Street, that on the about 2d day of November 188 5 at the City of New York, in the County of New York,

George H. Parmelee did unlawfully secrete and dispose of certain mortgaged personal property with intent to defraud the mortgagee of the same, in violation of Section 571 of the Penal Code of the State of New York

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 3rd *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 2d *day of* November 188 5

Solon B. Smith

POLICE JUSTICE.

0688

Police Court 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joaquin M. Kanthwine

vs

Jaquith Pannalie

Warrant—General.

Dated Nov 20th 1885

Smith Magistrate.

Simmons Officer.

The Defendant taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Simmons Officer.

Dated Dec 22nd 1885

This Warrant may be executed on Sunday or at night.

Solon B Smith Police Justice.

REMARKS.

Time of Arrest, Dec 22nd 1885

Native of U S

Age, 35

Sex, M

Complexion,

Color, white

Profession, Real Estate

Married, yes

Single, no

Read, yes

Write, yes

444 Lexington Ave Brooklyn

0689

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 George H. Parmelee

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

Dated December 24 188 5 — *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.*

0690

$500 - Ex'oce 2x
2 p.m.

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

VII 4/88 — 3. 91,459

Police Court — 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Ephraim M. Wentworth
99 Bowery
Geo. H. Parmelee

2 .....

3 .....

4 .....

Offence Murder and Wit. for S.P.C.

Dated November 20 188 5

Smith Magistrate

Officer.

Precinct.

Witnesses Wm. Cappelbaum
No. 9 Pitt St. Street.
Wm. J. B. Lemberg
No. 99 Bowery Street.

No. ..... Street,

$ 500 to answer GS
COM.

DEC 28 188

0691

Tombs March 5/86

Assistant District Attorney Purdy

Dear Sir

Will you please subpoena the following persons in the case of the People vs Pamelia David Vandergau, he lives at Newtown, L.I. he can be found at the Real Estate Exchange 55 Liberty St, any day between the hours of 12 & 1, as he is a dealer in Real Estate & can be found there every day between the hours mentioned. William Yorke proprietor of the house & bar room. Cor of Chatham Square & East Broadway. Mr Hunter the detective, has written a letter to me saying that he will be there on monday though it will be rather late. I hope you will excuse me for the liberty I take in addressing this communication

0692

to you as the prosecuting officer of this County, but nearly three months imprisonment in the City prison & continued ill health, has left me in an impecunious state, & has compelled me to ask the within favor.

Resp Yours
Geo H. Farnell

0693

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Figoroy H. Ramedee

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

Figoroy H. Ramedee

of the CRIME OF Secreting and disposing of mortgaged property,

committed as follows:

The said Figoroy H. Ramedee,

late of the Ninth Ward of the City of New York, in the County of New York aforesaid, on the nineteenth day of August, in the year of our Lord one thousand eight hundred and eighty-five, at the ~~Ward~~, City and County aforesaid, did duly execute and deliver a certain mortgage of personal property, wherein and whereby the the said Figoroy H. Ramedee for a certain consideration, did grant, bargain and sell unto Simon Epstein, Ephraim M. Hawkins and Isaac E. Epstein, composing the firm of Epstein, Hawkins & Company, certain personal property, to wit: two pictures and one clock, upon certain conditions therein particularly set forth; which said mortgage thereupon became and was a lien upon the personal property aforesaid. And the said Figoroy H. Ramedee, afterwards, and while the

said mortgage was yet a lien upon the said personal property, to wit: on the second day of November, in the year aforesaid, at the City and County aforesaid, with force and arms, did unlawfully secrete, remove and dispose of the personal property aforesaid, with intent thereby to defraud the said Simon Epstein, Ephraim M. Hautroinsky and Isaac S. Epstein, such mortgagees as aforesaid; against the form of the statute in such case made and provided, and against the peace and dignity of the said People.

Randolph B. Martine,
District Attorney.

0695

BOX:
204
FOLDER:
2042
DESCRIPTION:
Pattant, William

DATE:
01/21/86

2042

0696

BOX:
204
FOLDER:
2042
DESCRIPTION:
Kay, Joseph

DATE:
01/21/86

2042

208

Witnesses:

Counsel: P. Mitchell

Filed 24 day of January 1886

Pleads: Not guilty

THE PEOPLE

vs.

William P. Partant

Joseph W. Kay

Section [illegible] Penal Code

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman.

I §313 of the Code of Criminal Pro=
=cedure, as to when an Indictment
may be set-aside on Motion, does
not apply to the present Motion

It only applies, where there has
been (mo) fraud upon the Court, or
District Attorney, in procuring the
Indictment. Here the action of
the Grand Jury was super-induced
by the fraud of the Complaint, there
pending a Hearing in the Police Court
with which the authorities did
not mean to interfere

II It is an inherent power in all
Courts — this, the same as others —
to prevent the instrumentalities of
the law being abused, or improperly
used

For relevant in
The United States Reports
2 Black from 0. 67 R. 435 —
p. 449.
Gay v Monroe Gen. Sessions
12 Wen. 272

0699

The present instance is most fragrant-
1. The prosecutor swore falsely. He knew all the time who Peter Doe was, if he meant Mr Kay
2. The endorsement on the paper sent from the Police Court of "William Pattant" was meant to be a notice that the Complaint was only sent to the Grand Jury as to him.
3. By putting "Gal," the papers were made to look as though they were sent as to "Peter Doe" also. The Magistrate meant to know who "Peter Doe" was, before he parted with the Complaint as to him

Mr Graham's
Bros

0810

0701

THE

New York Society for the Suppression of Vice.

150 NASSAU STREET,

ROOM 9.

(Dictated.) New York, ~~Jan. 15th,~~ 1889

Mr Mc Cabe,

Chief Clerk.D.A.Office,

Chambers St,N.Y.

Dear Sir:-

I have been requested to forward to you the dates of the indictments against Joseph W.Kay. He was indicted in General Sessions Court,February 27th,1880 and a man named James Wall was indicted with him at the same time,and neither of these indictments have been tried.

There are also complaints against this man for offence committed in December,1885 and a part of these papers I saw yesterday with Col.Fellows and another part I saw some time ago with Mr Foster.

This is a case I believe where Col.Fellows is very anxious to have all these papers got together ,and I therefore give you this suggestion for your assistance.

Respectfully yours,

Anthony Comstock.

per g.

0702

B.N. 20

29-41-63-410

Jan Kaf

0703

Nov. 20/80

#74 Maiden Lane

10¢ H. S.

Written by Joseph Doe

0704

CITY OF New York COUNTY OF New York AND STATE OF NEW YORK. } ss.

Anthony Comstock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that Joseph Doe and Peter Hoe, whose real name is unknown, but who can be identified did, on or about the 20th day of November, 1885, at number 74 Maiden Lane street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said Joseph Doe and Peter Hoe has in their possession, within and upon certain premises, occupied by them and situated and known as number 74 Maiden Lane street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premies, sells, vends, furnishes and procures, and has in their possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided. and with intent to use the same as a means to commit a public offence. and to promote maintain and carry on a ~~commission~~ common and public nuisance

Name was stricken out by Justice

Subscribed and sworn to before me, this 10th day of December 1885

P. G. Duffy
Police Justice.

Anthony Comstock

CITY OF New York COUNTY OF New York } ss.

Wesley Seymour, of 150 Nassau Street being duly sworn further deposes and says, that on the 20th day of November 1885, aforesaid, he called at the place of business of the said Joseph Doe and Peter Hoe aforesaid; at the said premises 74 Maiden Lane and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said Joseph Doe and Peter Hoe and had conversation with them in substance as follows. Deponent said, to The said Peter Hoe, will you take my play The said Peter Hoe thereupon called the said Joseph Doe and said take this mans play. this deponent thereupon in the presence and hearing of both said give me twenty-nine, forty-one, sixty-three in both Lotteries for ten dollars the said Joseph Doe, thereupon recorded the said numbers upon the paper annexed aforesaid and also upon another paper, and then handed the same to deponent and deponent payed him the said Joseph Doe the sum ten cents. Deponent further says that there was there kept and displayed in full view of all present divers and sundry papers, paraphernalia and apparatus

0705

for the purpose of gambling and selling what are commonly called lottery policies, and deponent then and there saw the same so used, Deponent further say that he has seen divers other persons whose names to deponent are unknown, in said premises so occupied, kept, and used and allowed to be used for gambling purposes by the said Joseph Doe and Peter Hoe, buying what are called lottery policies and deponent knows that it is a room so unlawfully kept and ~~and~~ used for gambling purposes against the form of the statute of the state of New York in such case made and provided and against the provisions particularly of Chapter nine of the Penal Code of the State of New York

Subscribed and sworn to before me this 18th day of December 1883

Wesley Seymour

P. G. Duffy
Police Justice

POLICE COURT— DISTRICT.

LOTTERY AND POLICY.

THE PEOPLE, ETC.,
ON THE COMPLAINT OF
Anthony Comstock and Wesley Seymour

vs.

Joseph Doe
Peter Hoe

Dated 188

Magistrate.
Clerk.
Officer.

WITNESSES:

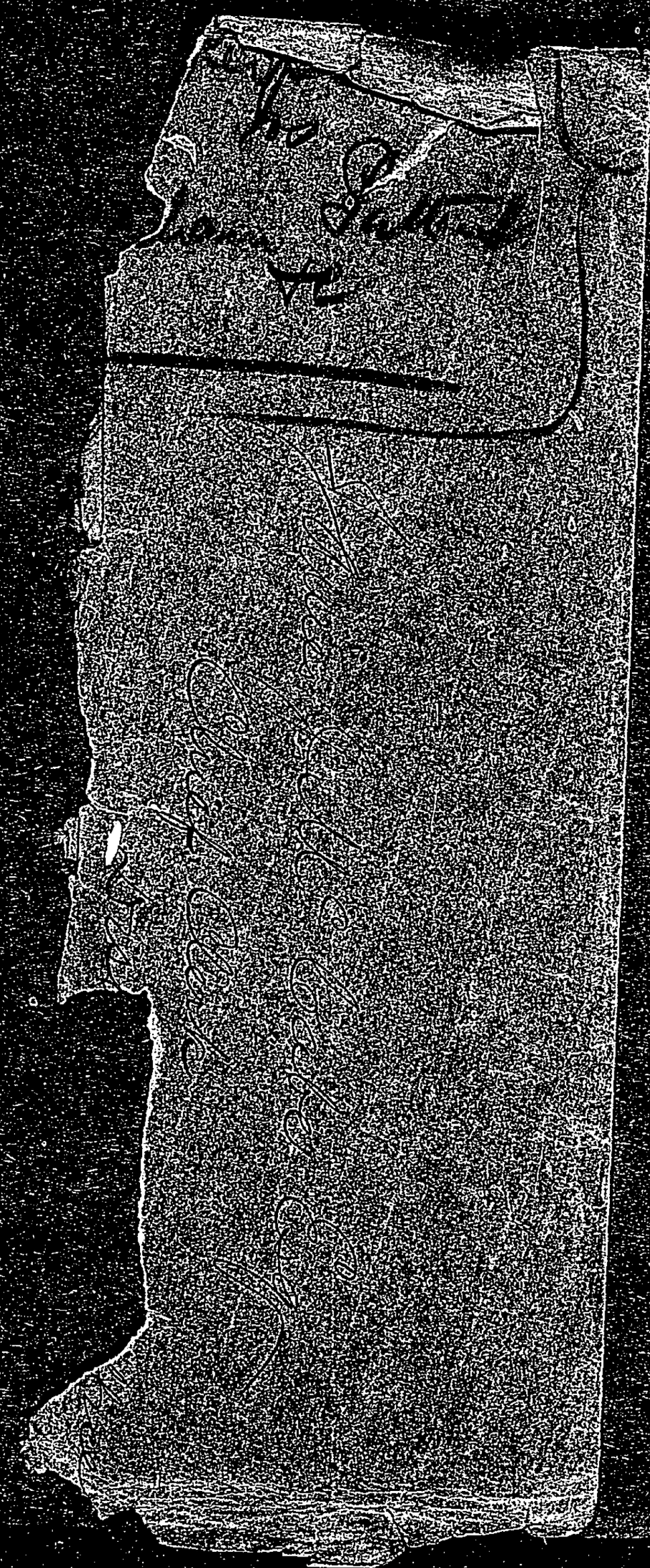
Bailed, $

to answer

By

Sessions.

Street.



106

0707

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1st DISTRICT.

Anthony Comalock

of No. 157 Nassau Street, aged ____ years,

~~occupation ____ being duly sworn deposes and says~~

~~that on the ____ day of ____ 188~~

~~at the City of New York, in the County of New York,~~ William Pattan

here present is the one known and described as Joseph Doe in the annexed complaint & warrant

Anthony Comalock

Sworn to before me, this 13 day of December 188 9

P. J. Duffy

Police Justice.

0708

Sec. 151.

Police Court ---------- **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 Anthony Comstock and Wesley Seymour of No. 150 Nassau Street, that on the 20 day of November 1885 at the City of New York, in the County of New York, that the crime of Selling what is commonly called a Lottery Policy, has been committed and accusing, Joseph Doe and Peter Roe whose real names are unknown but who can be identified, thereof

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 them forthwith before me, at the First *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 10 *day of* December 188 5

P. G. Duffy POLICE JUSTICE.

Police Court ---------- **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock vs Seymour & Doe & Roe

Warrant—General.

Joseph Doe
Peter Roe

Dated ---------- 188

Magistrate.

Officer.

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

$500 Bail

Officer.

Dated ---------- 188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex,

Complexion,

Color,

Profession,

Single,

Married,

Read,

Write,

Sec. 151.

Police Court _____ **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 Anthony Comstock

of No. 150 Nassau Street, that on the 20 day of November 1885 at the City of New York, in the County of New York, that the crime of Selling what is commonly called a lottery policy ticket was committed and assisting Joseph Doe and Peter Roe, who are known but who can be identified thereof

that the said Defendant may be apprehended and bound to answer the said complaint.

Wherefore, the said Complainant has prayed that the said

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the First *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 10 *day of* December 188 5

P. G. Duffy POLICE JUSTICE.

Police Court _____ **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock

Wesley vs Seymour

Joseph Doe

Peter Doe

Warrant—General.

Dated _____ 188

_____ *Magistrate.*

_____ *Officer.*

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

_____ *Officer.*

#500 Bail

Dated _____ 188

This Warrant may be executed on Sunday or at night.

_____ *Police Justice.*

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex, _____

Complexion, _____

Color, _____

Profession, _____

Married, _____

Single, _____

Read, _____

Write, _____

0710

Sec. 198—200

_____ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

William Pattant 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. William Pattant

Question. How old are you?

Answer. 45 Years

Question. Where were you born?

Answer. Staten Island

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

Answer. 30 Bowery One Year

Question. What is your business or profession?

Answer. Syrups & Bitters

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

Wm D. Pattant

Taken before me this 15 *day of* December 1885

E. G. Dougherty *Police Justice*

07 1 1

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 William Pattant

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 Dec 188 3 P. G. Duffy *Police Justice.*

I have admitted the above-named Defendant

to bail to answer by the undertaking hereto annexed.

Dated Dec 13 188 3 P. G. Duffy *Police Justice.*

believe the within named

tioned, I order he to be discharged.

0712

BAILED, by deposit of $500

No. 1, by with City Chamberlain

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

1406

Police Court— 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock

vs.

William Pattant

2

3

4

Copy

Offence Sec 1 Section 344 Penal Code

Dated Dec 15 1885

Duffy Magistrate

Curran Officer.

Central Office Precinct.

Witnesses Wesley Seymour

No. 150 Franklin Street.

Inspector Steers

No. _____ Street,

No. _____ Street,

$500 to answer G. S.

Com

Bailed

0713

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 William Pattant

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 Dec 188 3 P. G. Duffy *Police Justice.*

I have admitted the above-named Defendant

to bail to answer by the undertaking hereto annexed.

Dated Dec 13 188 3 P. G. Duffy *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.*

0714

BAILED, by deposit of $500

No. 1, by with City Chamberlain

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

1406

Police Court 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock

vs.

William Pattan

2

3

4

Offence 1st & 2d Section 344 Penal Code

Copy

Dated Dec 15 188 5

Dufay Magistrate

Curran Officer.

Central Office Precinct.

Witnesses Wesley Seymour

No. 150 Nassau Street.

Inspector Olsen

No. Street,

No. Street,

$500 to answer G. S.

Com

Bailed

0715

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable, Marshal or Policeman in this State, GREETING:

An indictment having been found on the 21st day of January 1886, in the Court of General Sessions of the Peace, of the County of New York, charging William P. Pattant and Joseph W. Kay with the crime of Keeping a Policy Shop &c

You are therefore Commanded forthwith to arrest the above named Joseph W. Kay and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York,

New York City, the 16th *day of* June 1886.

~~By order of the Court,~~ Randolph B. Martine
District Attorney

~~Clerk of Court.~~

0716

N. Y. General Sessions of the Peace

THE PEOPLE

OF THE STATE OF NEW YORK,

against

Joseph W. Kay
74 Maiden Lane

Bench Warrant for Felony.

Issued June 16, 1886

☞ The officer executing this process will make his return to the Court forthwith.

June 16th 1886

The within named defendant was arrested this day and brought to the Court of General Sessions by Det. Von Gerichten

0717

Corrected Certificate

New York, Aug 2 1889.

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK. STATE OF NEW YORK.

No. of Certificate 34211

CORONER'S CERTIFICATE OF DEATH,

IN THE CITY OF NEW YORK.

This is to Certify, That I Louis N. Schultze, Coroner, in and for the City and County of New York, have, this 31 day of July 1889, viewed the body of William Pattant Chambers Color (Race, if other than the white.) white Aged 49 years, — months, — days, Native of United States found at ... in the ... Ward of said city and county; that I have held an inquest upon the said body, and that the **VERDICT OF THE JURORS** is, that he came to his Death by General Peritonitis following uncurative inguinal hernia with obstruction

1. ~~Single~~, Married, ~~Widow or Widower~~. (Cross out the words not required in this line.) 2. Occupation,
3. How long Resident in this City, life years; (How long in the United States, if of foreign birth.) life years.
4. Father's Birthplace, (State or Country.) U. S. Father's Name, John
5. Mother's Birthplace, (State or Country.) " Mother's Name, Mary
6. **PLACE OF DEATH,** (If an Institution, please state the name.) 160 Allen
7. Place of Inquest, Street, 17 Ward.
8. If a Dwelling, by how many families, living separately, occupied, Floor *

Louis N Schultze *Coroner.*

I Hereby Certify, that I have viewed the body of deceased, and from ... and evidence, that William Pattant Chambers died on the 25 day of July 1889, at 4 P. M., and that the Cause of his Death was General Peritonitis following uncurative inguinal hernia with obstruction

(Write opposite each cause; if unknown, it should be so stated.) Duration of Disease in				
Years.	Months.	Days.	Hours.†	† The duration of each Disease, when given, is reckoned from its commencement until death.

Sanitary observations,
Place of Burial, Moravian S S
Date of Burial, July 26 '89
Undertaker, H. Oates
Residence, Stapleton S. I.

Wm T Jenkins M. D.
Medical Attendant at Inquest.

*By first floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement is below the level of the adjoining street.

A True Copy.

C Goldsmith

Chief Clerk.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

0718

Please send me the Papers in the Case of

PEOPLE

vs.

Joseph W. Kay
alias Jos. Williams
alias Jas. Wall

Policy & Lottery

(m 1880)

Look for in M. Sparks' office, having first located the date of indictment.

District Attorney.

ADP

0719

Henry A. Gildersleeve. Arthur C. Palmer. John W. Boothby.

Law Offices

Gildersleeve, Palmer & Boothby.

Stewart Building 280 Broadway.

Telephone Murray 705.

New York, Dec. 23rd, 189

The People vs. Joseph W. Kay.

Hon. John R. Fellows,
District Attorney of the City and County of New York.

Dear Sir:-

I beg to submit herewith, the affidavit of Joseph W. Kay, in which he states, upon oath, that he has not been the proprietor of a policy shop at #74 Maiden Lane, in this City, or at any other place, since the first day of May, 1885. Mr. Kay also states in this affidavit what his present occupations are and how his time is employed.

I understand that you wish to be satisfied that Mr. Kay is not at present interested in the business of keeping a policy shop, or engaged in the selling of lottery tickets, if such is the fact, and when so satisfied will recommend that the indictment referred to in Mr. Kay's affidavit, be dismissed.

You will recognize that I can easily obtain a very large number of affidavits of our very best citizens, to the effect that so far as they know, he is not at present, or has he ever been, engaged in said business. It would be negative evidence and of little practical weight. The only person that can positively know that Mr. Kay is not engaged at present in the lottery business,

is Mr. Kay himself. His standing in the community; the high esteem in which he is held by the veterans of the War, and all his associations are such as to indicate that he is a truthful man, and would make no assertions, under oath, that are not strictly truthful, and on the question under consideration his affidavit should be controlling.

In this connection, I am able to make a statement that is very significant, and will have, I believe, no little influence upon your judgment. It is this: After my interview with you, one morning last week, on this subject, I called at the office of Assistant District Attorney Parker, and there met Mr. Anthony Comstock, the complainant and prosecutor in this case against Mr. Kay. Having had some previous conversation on another occasion with Mr. Comstock in reference to Mr. Kay, I stated to Mr. Comstock the substance of my interview with you, and repeated your statement to the effect that unless he, (Comstock) could now satisfy you that Mr. Kay was now engaged and interested in the lottery business, you would recommend a dismissal of the indictment. Comstock said that if Mr. Kay would plead "guilty", he would recommend that the judgment would be suspended, or that a fine of Five Dollars be imposed. And Mr. Comstock further stated that he (Comstock) didn't claim that Kay was at present engaged or interested in the lottery business, nor had he been, for a year and a half or two

years. I then urged it was the duty of Mr. Comstock, under the circumstances, to join in a recommendation that said indictment be dismissed, upon the ground that the nuisance complained of had been fully abated; that said Kay was not at present engaged in the lottery business, but was the editor and publisher of an influential newspaper of high character, a gentleman who had many friends and was highly respected. My arguments were not sufficiently potential to melt the heart of this enthusiastic and zealous prosecutor; he wanted a conviction, but would be satisfied with the mildest penalty, or even no penalty at all.

I will not occupy your time with further details. You have stated that, being satisfied that Kay is not at present in the lottery business, you would recommend a dismissal of the indictment. His own affidavit, coupled with Mr. Comstock's admission that he does not claim, nor does he believe he can show, that Kay is at present in the business, will prove ample evidence to establish in your mind the fact for which we are contending, to wit, that Kay is not in the lottery business.

To-morrow, the Court that can take action on your recommendation in this case, will adjourn, and may I ask that you will give the matter your immediate attention?

I have written the foregoing that you may have it placed on file with the papers in the case. I am thoroughly familiar

07222

with the whole matter , and I am thoroughly satisfied that in recommending a dismissal of this indictment, you will discharge your full duty to the State, and secure trady but final justice to a most reputable and worthy citizen.

Very respectfully yours,

W. A. Gildersleeve

0723

CITY OF New York COUNTY OF New York AND STATE OF NEW YORK. } ss

Anthony Comstock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that Thomas Sport and William P. Pattant here present did, on or about the 27th day of November, 1885, at number 74 Maiden Lane street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said, Thomas Sport and William P. Pattant had in their possession, within and upon certain premises, occupied by their and situated and known as number 74 Maiden Lane street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premies, sells, vends, furnishes and procures, and had in their possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me, this 21st day of January 1886

Police Justice.

Anthony Comstock

CITY OF New York COUNTY OF New York } ss.

Wesley Seymour of 150 Nassau St. New York City being duly sworn further deposes and says, that on the 27th day of December 1885 aforesaid, he called at the place of business of the said William P. Pattant & Thomas Sport aforesaid, at the said premises 74 Maiden Lane and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said William P. Pattant and Thomas Sport and had conversation with them in substance as follows, Deponent said, ~~the said Thomas Sport was attending the shop and admitted deponent by pulling a wire~~ give me five, ~~nineteen into the lottery~~ four, nineteen ~~fifty-one~~ and fifty-one, giving both sides for ten dollars, the said Pattant aforesaid, then and there recorded said numbers upon the paper annexed as aforesaid, and handed same to deponent, and deponent paid the said Pattant the sum of ten cents for the same. Deponent further saw the said Pattant record said numbers upon a paper commonly called a Manifold book for recording what are commonly called lottery policies. Deponent further says the annexed paper is what is commonly called a lottery policy.

Subscribed and sworn to before me this day of December 1885

Police Justice

Wesley Seymour

POLICE COURT— DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

A. Comstock & W. Seymour.

VS.

Wm. P. Pattant.
Thomas Spot

LOTTERY AND POLICY.

Dated 188

Not the Defendt. ..... *Magistrate.*

G. - RBM. ..... *Clerk.*

..... *Officer.*

WITNESSES:

Anthony Comstock,
Morley Seymour,
150 Nassau st.

Bailed, $.....

to answer ..... *Sessions.*

By .....

..... *Street.*

0725

Court of General Sessions.

JUDGE'S CHAMBERS.

32 CHAMBERS STREET.

New York May 7th 1887

The People
-vs-
Joseph W. Kay
imp. w. Wm P. Pattant

Kilderskeve J.

Keeping Policy Shop.

Filed Dec 21. 1886

This is a motion to dismiss the Indictment herein as to the defendant Joseph W. Kay. The ground urged in behalf of this motion is an alleged fraud which it is claimed was practiced upon the Grand Jury by a witness for the People which induced the action taken by the Grand Jury. A complaint had been made before a magistrate in which two persons designated as Joseph Doe and Peter Roe were charged with a violation of the laws of the State.

Prior to the forwarding of the complaint to the District Attorney's office the defendant William Pattant was identified as the person described in the complaint as

Joseph Doe, and was arrested upon a warrant issued by the magistrate. This complaint, the affidavit of Patten's identification, the magistrate's warrant and the statutory examination of Patten before the magistrate on Dec 15. 1885, together with the order of the magistrate holding the defendants Patten to answer, constituted the papers in the District Attorney's office relating to the matter, at the time the case was sent before the Grand Jury.

These papers bore the following indorsement: "People vs Wm Patten et al."

Before the papers were laid before the Grand Jury or any witnesses examined by that body, a clerk in the District Attorney's office by direction of the witness for the People added the words "et al." to said indorsement immediately after the name Wm Patten. It is claimed by the learned Counsel for the defendant that this was a fraud upon the Grand Jury and was the means of their finding an indictment against defendant Kay. The facts do not justify any such conclusion. It would be unreasonable to assume that the words "et al" being a part of the indorsement

0727

Court of General Sessions.

JUDGE'S CHAMBERS.

32 CHAMBERS STREET.

New York, ... 188

upon the complaint before the Grand Jury, influenced that body to ~~find~~ associate Joseph McKay as a co-defendant with Wm. Pattant, and find a presentment against him as well as Pattant.

In the absence of any evidence to the contrary, it must be presumed that the Grand Jury did its duty, and acted upon legal and sufficient evidence.

The conduct of the People's witness in asking the direction he did in respect to the public records, was highly improper.

In this case however it was not such an act as would justify the Court in furtherance of justice, in dismissing the indictment.

Motion Denied.

GENERAL SESSIONS COURT.

THE PEOPLE

vs

WILLIAM PATENT and JOSEPH W. KAY.

City County and :
State of New York : s.s.

Anthony Comstock of 150 Nassau Street New York City, being duly sworn deposes and says, that he was present in court on the 24th day of June, 1886, when Joseph W. Kay was arraigned to plead to said indictment, and heard the statements made to his Honor, Justice Cowing by counsel for the defendant, and of his own knowledge knows that some of the statements were misleading, while others were absolutely false. Deponent further says that, he is familiar with, and has personal knowledge of the matters appertaining to the arrest and indictment of the said William Patent and Joseph W. Kay; that on or about to 10th day of December, 1885, a warrant was issued for the arrest of John Doe and Peter Hoe, whose right names were to deponent then unknown; that the complaint was made upon the facts presented by Wesley Seymour, and neither of the persons described as John Doe and Peter Hoe were then known to deponent, and deponent was dependent upon the identification of the said parties by the said Wesley Seymour; that afterwards, to wit, on or about the 15th day of December, 1885, the said William Patent was identified as John Doe by the said Seymour, and thereupon was arrested, brought before the Justice at the Tombs Police Court, there waived examination and gave bail, and the papers, as deponent is informed, were promptly forwarded to the District-Attorney's office. January 21st, 1886, the mat-

ter was brought before the Grand Jury, when deponent and the said Seymour were subpenaed and examined as witnesses.

Deponent further says, that on the 20th day of January 1886, he had a personal interview with Hon. Randolph B. Martine, the District-Attorney in reference to the said case, and stated the case fully to the District-Attorney, he sending for the papers and then ordering the same to be sent before the Grand Jury.

Deponent further says, that on the day that the said William Patent was arrested, deponent having secured other evidence against the said Joseph W. Kay, made a complaint before a magistrate, and procured a warrant on the 15th day of December, while at the Tombs in the Patent case, for the arrest of the said Kay; that afterwards, to wit, on the 16th day of December, 1886, the said Joseph W. Kay was arrested, and taken before Justice Duffy at the Tombs, and held upon the new complaint; that after said arrest, the said Seymout positively identified the said Joseph W. Kay as the man named and described as Peter Hoe, in the complaint aforesaid, and positively identified the said Joseph W. Kay as theman who was present at No. 74 Maiden Lane, on the 20 day of November, 1885, when the offense was committed which is set out in the indictment in the above entitled case; that upon going before the Grand Jury in the Patent case, deponent having leamedthe right name of Peter Hoe, deponent and the said Seymour testified against the said Joseph W. Kay as the Peter Hoe named and described in the indictment. And if the Court will read the complaint, and particularly the affidavit of Wesley Seymour, it cannot help but see that the offense committed was a joint offense; and that it would be impossible in detailing the facts in this case to omit the facts concerning the said Peter Hoe, now known as Joseph W. Kay. And in the bringing of said matter to the

Grand Jury deponent indignantly denied, that there was any fraud or attempt at fraud upon the District-Attorney nor the Grand Jury, but that the evidence was presented in due form, after the said deponent had been subpenaed in due form as a witness to appear and testify before the said Grand Jury.

Deponent further says, that the mere matter of placing 'et al' upon the outside of the complaint, in no way effected the complaint, nor the charge against the said Joseph W. Kay, and that the complaint was not properly indorsed, as it sets out ~~two~~ one defendants instead of ~~two.~~ that "et. al." was added simply to perfect the proper indorsement on the outside of the complaint.

Deponent further says, that because of the evtraordinary conduct of the counsel for the defendant the case and papers, pending before Justice Duffy, against the said Joseph W. Kay, have not yet been considered; that after repeated adjournments, on the 15th day of April, 1886, Justice Duffy notofied the said Joseph W. Kay, in deponent's presence, that his case would be set down for examination, peremptorily on the 22nd day of April, 1886, and that he must be ready for examination. Mr. Mitchell, defendant's counsel, positively informed the Court, that deponent was present on the 22nd day of April, and waited until three o'clock P.M., when the case was closed, as the defendant nor his counsel appeared. Deponent says, in reference to this statement of the said counsel, that deponent was not present on the 22nd day of April, as upon that date deponent was in Washington, D.C. And deponent is informed and verily believes, from statements made by George E. Oram, (whose affidavit is hereto annexed) that on the 22nd day of April Justice Duffy did close the case, and ordered the papers sent to the Grand Jury, because of the failure of the said defendant, after thus being notified to appear, to appear.

Deponent further says, that in the case of Thomas Sport Albert Johnson, and Joseph W. Kay, there have been now some six-

teen adjournments; that in but two instances the people have been ready to proceed with the examination, but have not been able to conclude these examinations down to the present date.

Deponent knows, of his own knowledge, that Justice Duffy notified Joseph W. Kay in person, that his examination must go on, on the 22nd day of April, and notified him, that if he was not present that he would close the case and send the papers to the Grand Jury. This was done in deponent's hearing. Deponent is informed, and verily believes, that the said Joseph W. Kay did not appear for examination on the 22nd of April, the day to which the case was adjourned, and that therefore, the case was clsoed and the papers sent to the District-Attorney's office for the action of the Grand Jury.

In reference to the indorsement 'et al' upon the warrant, deponentdid it in good faith, because the offense was committed by two persons, as the complaint shows, and it was an error in indorsing the papers not to have indicated that there were two persons instead of one in the case. And it was because of this error in omiting the name of Peter Hoe, or the words 'et al' that deponent requested the Clerk to add the words 'et al' so as to indicate that there were two persons complained of in the complaint instead of one.

Deponent further says, that the counsel'sstatement, that deponent acted in bad faith in these proceedings, is absolutely and unqualifidly false, for deponent not only has acted in good faith in this case, but has been very earnest in his efforts to bring the other cases, now pending before Justice Duffy, before the courts. And deponent now asks the Court to direct that, all the cases, now pending before Justice Duffy, may be ordered at once sent to the Grand Jury, and the witnesses subpenaed in the cases. Deponent further says, that he is positive, that if the

Court and prosecuting attorney will examine the evidence and the witnesses, and the complaints in all the cases that deponent has presented against Joseph W. Kay, Thomas Sport, Albert Johnson and William Patent, that they will discover absolute and positive evidence of the sale of what is commonly called 'Lottery policy,' besides the absolute evidence to establish the keeping of a room for gambling purposes.

Deponent further says, that he knows the said Joseph W. Kay by reputation, and deponent is informed and verily believes that he not only is connected with a fraudulent lottery scheme, known as the 'Little Havana Lottery', but further that he is interested in the lottery-policy business, and has the reputation of being one of the backers of policy writers in the cities of New York and Brooklyn.

Deponent therefore asks, that the complaints in the case of William Patent and Joseph W. Kay may be considered as part of deponent's affidavit, and that the facts there set out may be considered as proving the joint offense committed by Wm. Patent and Joseph W. Kay; and further, that this case, in which such extraordinary measures have been exercised by counsel for the defendant to delay and prevent from being brought to justice, may be placed upon the calander for trial, and a speedy trial given. And when the facts may be examined into it shall prove not only the absolute good faith of the deponent and his witnesses, but will also establish, as deponent is informed, and verily believes, the absolute guilt of the defendants.

Subscribed and sworn to before me this 26 day of June, 1886. : Anthony Comstock

Henry Morzbach
Notary Public (165)
N. Y. Co.

City County and :
State of New York : s.s.

George E. Oram of 150 Nassau Street, New York City, being duly sworn deposes and says, that on the 22nd day of April 1886, he accompanied Mr. William C. Beecher and Wesley Seymour to the Jefferson Market Police Court, reaching there about 2 P.M. After waiting about half an hour Mr. Beecher made application to Justice Duffy to have the cases against Thomas Sport et al, considered, as there had already been some fiteen adjournments. The defendant and counsel were called but no response was made as neither of them were present in court. Justice Duffy asked his clerk if Mr. Mitchell had been notified of this examination, and the clerk responded, 'Yes.' Justice Duffy thereupon ordered the cases closed, except the one upon which the search warrant was issued, on which he announced he would give his decision in due time.

Deponent knows the said Joseph W. Kay, Albert Johnson and Thomas Sport, and knows that neither of the parties were present, and when the cases were called neither of them responded neither did any one appear for them.

Subscribed and sworn to before me : George E. Oram
this 25th day of June, 1886.

People
vs
Wm Pattant
Joseph W. Kay,
affidavits.
Disproving attacks of
defendants Counsel.

0735

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

District Attorney.

Court of General Sessions of the Peace,

for the City and County of New York.

- - - - - - - - - - - - - - - - - - X

The People,

--agst--

William P. Pattant and Joseph W. Kay.

- - - - - - - - - - - - - - - - - - X

City and County of New York, ss:-

Joseph W. Kay, being duly sworn, deposes and says that he is one of the defendants above named. That on the 21st day of January, 1886, an indictment was filed in said Court of General Sessions, accusing the above named defendants of keeping a policy shop, and selling a certain paper, or instrument, purporting to be a ticket or part of a ticket in a lottery, at 74 Maiden Lane, in said City of New York; that no trial has ever been had on said indictment and the same is now pending.

That the above named defendant Pattant has been dead, as deponent has been informed and believes, for more than two years.

Deponent further says that for some time prior to the 1st day of May, 1885, he was the occupant, and in possession of the said premises No.74 Maiden Lane, but that on that day, to wit, the 1st day of May, 1885, deponent surrendered the possession of said premises, and never, since that day, has he been the occupant thereof, or the proprietor of any business of any kind whatever conducted there; that since the said 1st day of May, 1885,

0737

deponent has not been the keeper or proprietor of a policy shop, or of any place of business that might be properly characterized as a policy shop, nor has deponent been engaged in selling paper instruments purporting to be tickets or parts of tickets in a lottery.

Deponent further says that he is the president of The Thompson ~~Hunter~~ Me Company, having its principal office in a building known as Temple Court in said City of New York, and that in that capacity as president of said Company, much of his time is devoted to the business thereof.

Deponent further says that he is the editor and publisher of a well known newspaper, named "Home and Country", devoted to the cause of the veterans of the War, and has been such editor and publisher since May, 1885.

Sworn to before me, this
23 day of December, 1890.

Joseph W. Kay

August C. Kanz
Notary Public
New York Co.

0738

State of New York
City and County of New York } ss:

Alfred Murray being duly sworn deposeth and saith that he resides in Hoboken, New Jersey, and is engaged in business in the City of New York. That deponent knew and was personally acquainted with William Pattant Chambers, the person mentioned and described in the annexed certificate of the Board of Health, in his life time for a period of over six years. That said William Pattant Chambers was arrested on a charge of selling lottery policies in December 1885 and was indicted in the Summer of 1886 under the name of "William Pattant." That at that time and up to the date of his death deponent was in the habit of seeing said Chambers almost daily, the last time being on the 20th day of July 1889. That deponent next saw the dead body of said Chambers on the 24th day of July 1889 at the undertaker's establishment kept by one M. Daly in East 26th Street opposite Bellevue Hospital in this City.

That deponent knew and positively identified said dead body as that of William Pattant Chambers aforesaid

E.g.D.

0739

and the same person who had been indicted under the name of William Dattant in this City in the Summer of 1886 as hereinbefore set forth.

Sworn to before me this 2nd day of August 1889

Alfred Murray

C. G. Delaney
Notary Public
N.Y. Co.

0740

City of New York County of New York } ss.
and State of New York.

Anthony Comstock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that Joseph Doe and Peter Roe whose real name is unknown, but who can be identified did, on or about the 20th day of November, 1885, at number 74 Maiden Lane street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said, Joseph Doe and Peter Roe has in their possession, within and upon certain premises, occupied by them and situated and known as number 74 Maiden Lane street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premies, sells, vends, furnishes and procures, and has in their possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided. and with intent to use the same as a means to commit a public offence, and to promote, maintain and carry on a common and public nuisance

Anthony Comstock.

Subscribed and sworn to before me,
this 10th day of December 1885

Police Justice.

City of New York County of New York } ss.

Worley Seymour of 150 Nassau street being duly sworn further deposes and says, that on the 20th day of November 1885, aforesaid, he called at the place of business of the said Joseph Doe and Peter Roe aforesaid, at the said premises 74 Maiden Lane and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said Joseph Doe and Peter Roe and had conversation with them in substance as follows. Deponent said, to the said Peter Roe will you take my play The said Peter Roe thereupon called the said Joseph Doe and said take this mans play. this deponent therefore in the presence and hearing of both said, give me twenty-nine, forty-one, sixty three in both lotteries for ten dollars the said Joseph Doe, thereupon recorded the said numbers upon the paper annexed aforesaid, and also upon another paper, and then handed the same to deponent and deponent payed him the said Joseph Doe the sum of ten cents. Deponent further says that there was there kept and displayed in full view of all present divers and sundry papers, paraphernalia and apparatus for the

0741

purpose of gambling and selling what are commonly called lottery policies, and deponent then and there saw the same so used. Deponent further says that he has seen divers other persons whose names to deponent are unknown, in said premises so occupied, kept and used and allowed to be used for gambling purposes by the said Joseph Dorr and Bates Hoy, buying what are called lottery policies, and deponent knows that it is a room so unlawfully kept and used for gambling purposes against the form of the statute of the state of New York in such case made and provided, and against the provisions particularly of chapter nine of the Penal Code of the State of New York.

Subscribed and sworn to before me this 10th day of December 1885

Police Justice

Wesley Seymour

POLICE COURT— DISTRICT.

LOTTERY AND POLICY.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Authorized and Wesley Seymour.

vs.

Joseph Dorr & Bates Hoy

Dated 188

Magistrate.

Clerk.

Officer.

WITNESSES:

Bailed, $ to answer

By

Sessions.

Street.

0742

Police Court, ... District.

Sec. 151.

CITY OF New York COUNTY OF New York } ss.

AND STATE OF NEW YORK,

In the name of the People of the State of New York; To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, *or to any Marshal, Constable 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 Anthony Comstock and Wesley Seymour of No. 150 Nassau Street, charging that on the 20th day of November 1885 at the City of New York, in the County of New York that the crime of selling what is commonly called a Lottery Policy.

has been committed, and accusing Joseph Doe and Peter Roe whose real names are unknown but who can be identified thereof.

Wherefore, the said Complainant has prayed that the said Defendants 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, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen,* and each and every of you, to apprehend the said Defendants and bring them forthwith before me, at the First 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* 10th *day of* December 1885

..... POLICE JUSTICE.

0743

POLICE COURT, ... **DISTRICT.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Gruttow & Jos Seymour

vs.

Joseph Dor & Peter Hor.

Warrant—General.

Dated 188

..... *Magistrate.*

..... *Officer.*

The Defendant ..... taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Tho. Dale ..... *Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

REMARKS.

Time of Arrest, ...

Native of .....

Age, ...

Sex, ...

Complexion, ...

Color .....

Profession, ...

Married, ...

Single, ...

Read, ...

Write, ...

0744

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

POLICE COURT, _____ DISTRICT.

Anthony Comstock

of No. 157 Nassau Street, being duly sworn, deposes and says,

~~that on the _____ day of _____ 188~~

~~at the City of New York, in the County of New York,~~ William Cattant

here present is the one known and described as Joseph Dov in the annexed complaint & warrant.

Anthony Comstock

Sworn to before me, this 15 day of December 1885

Police Justice.

0745

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. William Pattant

Question. How old are you?

Answer. 45 years

Question. Where were you born?

Answer. Staten Island

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

Answer. 30 Bowery some years

Question What is your business or profession?

Answer. Grocer & Butter

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

Wm P. Pattant

Taken before me this 1st *day of* May *1893*

Police Justice.

0746

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 William Gattani

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 Dec 15th 188 5 P. G. Duffy *Police Justice.*

I have admitted the above-named defendant

to bail to answer by the undertaking hereto annexed.

Dated Dec. 15 188 5 P. G. Duffy *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.*

0747

Dec 3rd 1888

Jos. Bai[illegible] by
John E. DeRay
353 East 124th Street

BAILED, by Deposit $5.00

No. 1, by with thanks Chamberlain
Residence _____ Street.

No. 2, by Jacob Shipsey
Residence ~~[illegible]~~

No. 3, by 52½ Bowery
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court 1st 1406 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock
150 Nassau

William Pattant
Trial

2 _____

3 _____

4 _____

Offence Vio. Sec. 317 Penal Code

Dated Dec 13th 188

Duffy Magistrate

Lundy Officer.

~~Central Office~~ Precinct.

Witnesses Wesley Jennings
No. 150 Nassau Street.

Inspector Byrnes
No. _____ Street,

DEC 18 1888

No. _____ Street,

$ 500 to answer G S

Com

Bailed

0748

State of New York,

~~City and~~ County of ~~New York~~, ss.: Schoharie

James Tanner, being duly sworn, deposes and says that he is an attorney and counsellor at law, and at present resides in the City of Washington, in the District of Columbia.

That, at the entry of President Harrison upon the discharge of the duties of Chief Executive of the Nation, deponent was appointed Commissioner of Pensions, and served in that capacity until the 12th day of September 1889. That he is a veteran of the late Civil War, and has a large acquaintance with the veterans throughout the United States, and especially in the State of New York, and in the City of Brooklyn, where deponent for a long time resided. That deponent is Past Department Commander of the Grand Army of the Republic of the State of New York, and still takes great interest in the cause of veterans.

That deponent has been personally acquainted with Joseph W. Kay for about twelve years last past, and is able to state that few, if any, veterans of the war, have been of more service to their comrades than said Kay.

Deponent further says that said Kay is a man of high character, held in high esteem by all his associates and acquaintances, and a man whose representations and state

0749

ments under all circumstances are entitled to the highest credit.

Sworn to before me, this

day of January, 1891.

James Tanner

Notary Public

Schoharie Co.

N.Y.

0750

State of New York,
City and County of New York, ss:-

F r e d e r i c k C o c h e u being duly sworn, deposes and says that he resides at No.210 South 4th Street in the Eastern District of the City of Brooklyn. That he is well acquainted with Joseph W. Kay, whom he has known for fifteen years last past, and knows said Kay to be a man of strict integrity and high character, and one whose statements, in respect to any matter, are entitled to the highest credit. That said Kay is a veteran of the late Civil War, and a member of the Grand Army of the Republic, and for two years last past, commander of the Winchester Post, 197, Department of New York, and for nearly six years last past, the business manager and publisher of the Grand Army Review, now a journal called "Home and Country," devoted largely to the cause of the veterans of the late Civil War. That said Kay has rendered more valuable and efficient service to the cause of the veterans of the late Civil War than any man in the State of New York to deponent's personal knowledge. That deponent's means of knowledge in respect to said Kay's services above mentioned, have been extensive for the reason that deponent has been a member of the Grand Army of the Republic for twenty-one years last past, nearly seven years of that time a Post Commander, and during the whole period taking an active part in the organization.

Deponent further says that about the 6th day of March, 1889, he called at the office of Anthony Comstock, No 150 Nassau Street in the City of New York, for the purpose of getting information in reference to the character of Westley P. Seymour and ascertaining the estimate in which Seymour was held by said Comstock, having previously learned that he, said Comstock, was acquainted with Seymour, the said Seymour having been in the employ of the Society for which said Comstock was the principal agent. At this interview said Comstock stated to deponent that the character of said Seymour was bad; that he was unreliable; not worthy of confidence and his reputation was such that he, Comstock, would not believe the statements of said Seymour when made upon oath; said Comstock further stated that said Seymour, when in the employ of the Society represented by said Comstock, had broken open a tin box and taken away papers wrongfully, without authority so to do; that said Seymour had been indicted for forgery and advised deponent to have no business relations whatever with said Seymour.

Sworn to before me, this
17th day of January, 1891.

Notary Public

0752

State of New York,

City and County of New York, ss:-

J. Westley Smith, being duly sworn, deposes and says that he resides at No. 366 West 30th Street in the City of New York, and at present is engaged in the ice business; that in 1888 he represented the Thirteenth Assembly District of the City of New York in the State Legislature. That he has been personally acquainted with Joseph W. Kay for about seven years last past, and that to deponent's personal knowledge, said Kay has been the publisher of a journal entitled the Grand Army Review, and now called "Home and Country" for about six years last past, and that for several years said Kay has also been interested in a Company known as the Thompson Water Meter Company, having its place of business in Temple Court, in this City, and that said Kay is now the president of said Company.

Deponent further says that said Kay is a veteran of the late Civil War, taking great interest in the cause of veterans, devoting a great deal of time to their interests, and that he has rendered to them, for many years, very efficient and valuable service. That said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

Sworn to before me, this J. Westley Smith

20 day of January, 1891.

August C. Kann

Notary Public N.Y.Co

07553

John Miller

Sworn to and subscribed before me, a notary public, this twenty-third day of January eighteen hundred and ninety-one.

Isaac P Storm
Notary Public
Kings Co

Cert filed in
NY Co

0754

State of New York,
ss:-
C ty and County of New York,

Gen. Nicholas W. Day, being duly sworn, deposes and says that he resides at number 12 East 9th Street in the City of New York, and is at present engaged in business at #56 Murray Street in said City. That he has been personally acquainted with Joseph W. Kay for about ten years last past and that to deponent's personal knowledge said Kay has been the publisher of a journal entitled the Grand Army Review and now called "Home and Country" for about six years last past and that for several years said Kay has also been interested in a company known as the Thompson Water Meter Company, having its place of business in Temple Court in this City, and that said Kay is now the presecident of said Company.

Deponent further says that said Kay is a veteran of the late Civil War, taking great interest in the cause of veterans, devoting a great deal of time to their interests and that he has rendered to them for many years very efficient and valuable service. That said Kay is a man highly esteemed by all his associates and acquaintances and a person of excellent character and one whose statements are entitled to the highest credit.

Nicholas W. Day

Sworn to before me, this
day of January, 1891.

Sworn to before me
this 20th day of January 1891
D Shumway
Notary Publ. N.Y. Co

378

0755

[illegible] and [illegible] to his own knowledge [illegible] and
have the worth of confidence, that his word is his bond and
that his character is of the best.

Sworn to and subscribed
before me this 24
day of January, 1891

Louis J. Hoffman.

Frederick Willets
Notary Public
Kings Co
Certificate filed in N.Y. Co

0756

State of New York,

City and County of New York, ss:-

James S. Fraser, being duly sworn, deposes and says that he resides at 859 - 8th Ave in the City of New York, and is engaged in the business of a Pension Agent, at Laight Cor Canal Street in said City. That he is personally acquainted with Joseph W. Kay, and has been so acquainted with said Kay for about twenty years last past, and that to deponent's knowledge said Kay has been the publisher of a journal entitled the Grand Army Review, and now called "Home and Country" for about six years last past, and that for several years said Kay has also been interested in a Company known as the Thompson Water Meter Company, having its place of business in Temple Court, in this City, and that said Kay is now the president of said Company.

Deponent further says that said Kay is a veteran of the late Civil War, taking great interest in the cause of veterans, devoting a great deal of time to their interests, and that he has rendered to them for many years, very efficient and valuable service. That said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

Sworn to before me this
20 day of January, 1891.

Jas. S. Fraser

Commissioner of Deeds N.Y. Co.

Past Department Commander of G.A.R. Department N.Y.

0757

State of New York,

City and County of New York, ss:-

Col. George Hopper, being duly sworn deposes and says that he resides at No. 222 West 37th Street in the City of New York, and at present is engaged in no business ; that he has been personally acquainted with Joseph W. Kay for about twenty five years last past, and that to deponent's personal knowledge, said Kay has been the publisher of a journal entitled the Grand Army Review, and now called "Home and Country" for about six years last past, and that for several years said Kay has also been interested in a Company known as the Thompson Water Meter Company, having its place of business In Temple Court, in this City, and that said Kay is now the president of said Company.

Deponent further says that said Kay is a veteran of the late Civil War, taking great interest in the cause of veterans, devoting a great deal of time to their interests, and that he has rendered to them for many years, very efficient and valuable service. That said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

Sworn to before me, this
20th day of January, 1891.

Geo. F. Hopper
222 West 37th St

Commissioner of Deeds
N.Y. Co

0758

State of New York,

City and County of New York, ss:-

C o r n e l i u s T e n e i c k, being duly sworn, deposes and says that he resides at No.81 East 111th Street in the City of New York, and is engaged in the business of selling carriage materials at 1555 Broadway in said City, and has been engaged in said business for Fifteen (15) years last past.

That he is personally acquainted with Joseph W. Kay, and has been so acquainted with him for Eight (8) years last past, and that said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character, and one whose statements are entitled to the highest credit.

Cornelius Teneick

Sworn to before me, this 20 day of January, 1891.

Commissioner of Deeds
N.Y. Co

0759

State of New York,

City and County of New York, ss:-

, being

duly sworn, deposes and says that he resides at No. 8-

Attorney Street, in the City of New York, and is engaged

in Business at city Hall in

said City, and has been engaged in said business for

years.

That he is personally acquainted with Joseph W. Kay,

and has been so acquainted with him for 10 years

years last past, and that said Kay is a man highly esteem-

ed by all his associates and acquaintances, and a person of

excellent character and one whose statements are entitled

to the highest credit.

Sworn to before me, this William McEntee

21 day of January, 1891.

A Shimmel

Notary Publ. N.Y.C

390

0760

State of New York,

City and County of New York, ss:-

John J. N. Lynes, being duly sworn, deposes and says that he resides at No. 2542 Eighth Ave, in the City of New York, and is engaged in Foreman at 115 West 38th St in said City, and has been engaged in said business for years.

That he is personally acquainted with Joseph W. May, and has been so acquainted with him for Ten years years last past, and that said May is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

Sworn to before me, this 21 day of January, 1901.

John J. N. Lynes

A. Schimmel
Notary Public
N.Y. Co 340

Ben Farley 352 W 8

12 PM attach

0761

State of New York,

City and County of New York, ss:-

, being

duly sworn, deposes and says that he resides at No. 111 West 105th St N.Y. , in the City of New York, and is engaged in Superintendent at 402 Washington St in said City, and has been engaged in said business for years.

That he is personally acquainted with Joseph W. Kay, and has been so acquainted with him for Ten years last past, and that said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

Robert S Heilferty

Sworn to before me, this

21 day of January, 1891.

A Rhinewald
Notary Publ.
N.Y. Co 290

0762

State of New York,

City and County of New York, ss:-

, being

duly sworn, deposes and says that he resides at No. 141 Watt St, in the City of New York, and is engaged in at in

said City, and has been engaged in said business for years.

That he is personally acquainted with Joseph W. Kay, and has been so acquainted with him for Ten Years years last past, and that said Kay is a man highly esteemed by all his associates and acquaintances, and a person of excellent character and one whose statements are entitled to the highest credit.

John Mc Cauley

Sworn to before me, this

21 day of January, 1891.

D. Schimmel

Notary Public N.Y. Co 390

0763

State of New York,

City and County of New York, ss:-

John Mulligan being duly sworn, deposes and says, that he resides at 247 W 30th Street in the City of New York; that he has been personally acquainted with Joseph W. Kay for Five years last past, and that said Kay is highly exteemed by his associates and acquaintances, and is a man of excellent character, and one whose statements are entitled to the highest credit.

Sworn to before me, this 24th day of January, 1891.

John Mulligan

Thos. M. Moran
Notary Public No 76
N.Y. Co

0764

State of New York,

City and County of New York, ss

Edward A Dudley being

duly sworn, deposes and says, that he resides at 64

Putnam ave in the City of

~~New York~~ Brooklyn; that he has been personally acquainted with

Joseph W. Kay for 20 years last past, and that

said Kay is highly esteemed by his associates and acquain-

tances, and is a man of excellent character, and one whose

statements may be relied upon.

Sworn to before me, this

29 day of January, 1891.

Edward A Dudley

George H Jackson

Notary Public Kings County N.Y.

0765

State of New York,

City and County of New York, ss

I Joseph Hadfield being duly sworn, deposes and says, that he resides at 302 East Broadway in the City of New York; that he has been personally acquainted with Joseph W. Kay for fifteen years last past, and that said Kay is highly esteemed by his associates and acquaintances, and is a man of excellent character, and one whose statements may be relied upon.

Sworn to before me, this
day of January, 1[illegible]. } Joseph Hadfield

John H Smith
NOTARY PUBLIC.

0766

State of New York,

City and County of New York, ss-

Lewis M. Peck being duly sworn, deposes and says, that he resides at 300 Hicks Brooklyn in the ~~City~~ State of New York; that he has known Joseph W. Kay for several years last past, and that said Kay is very highly esteemed by his associates and acquaintances, and is a man of excellent character, and one whose statements may be relied upon.

Sworn to before me, this 28th day of January, 1891.

John H. Smith
NOTARY PUBLIC.

Lewis M. Peck
late Col. 173d N.Y.V.
Bvt. Major Gen'l Vols.
300 Hicks St Brooklyn

0767

State of New York,

City and County of New York, ss-

John S. Skillman being duly sworn, deposes and says, that he resides at 529 Lexington Av Brooklyn in the City of New York; that he has known Joseph W. Kay for five years last past, and that said Kay is highly esteemed by his associates and acquaintances, and is a man of excellent character, and one whose statements may be relied upon.

Sworn to before me, this 28th day of January, 1901.

John S. Skillman
132 Chambers St
NY

John E Tillm
Notary Public
Kings Co
Certificate filed New

People
vs
Joseph W. Kay.

Affidavits on
Motion to dismiss
Indictment.

Filed Feby 16 1891

0769

Court of General Sessions of the Peace

for the City & County of New York.

- - - - - - - - - - - - - - - - - - X

THE PEOPLE

versus

JOSEPH W. KAY, Et Al

- - - - - - - - - - - - - - - - - - X

City, County & State of New York ss:

ANTHONY COMSTOCK of 43 Park Row being duly sworn, deposes and says, that he knows JOSEPH W. KAY the defendant aforesaid, and has twice caused the arrest of the said KAY, each time for violations of law, committed at No. 74 Walker Lane. The first time the said KAY was arrested on, or about, the 18th. day of February 1880, he then gave the name of "JOHN WILLIAMS", and the said JOSEPH W. KAY was indicted by the Grand Jury as "JOHN WILLIAMS"; that a party who gave the name of "JAMES WALL" was also arrested at the same time and in the same place with the said JOSEPH W. KAY, for selling what is commonly called "Lottery Policy", and for keeping a room for the purpose of selling "Lottery Policies" and "Lottery Tickets"; that at this particular time and offense Deponent personally saw "Lottery Policies" sold by JAMES WALL in the presence of the said JOSEPH W. KAY, and this Deponent also personally purchased "Lottery Tickets" of the said JOSEPH W. KAY in person.

Deponent further says, that between February 1880 and December 1885, he was familiar with the premises occupied and

kept by JOSEPH W. KAY at No. 74 Maiden Lane, and for a number of years has known the said JOSEPH W. KAY as one of the managers of the "Little Havana Lottery", and also as one of the bookers of the "Lottery Policy" in the City of New York and the City of Brooklyn; that Deponent has frequently raided Lottery Policy shops in the City of New York and Brooklyn, when the said JOSEPH W. KAY would appear in Court and furnish bail for the Defendants, provide counsel for them, and personally supervise the proceedings against the persons arrested for the sale of "Lottery Policy" as aforesaid.

Deponent further says that during the month of November and December 1885 and subsequent thereto, this Deponent has personally seen the said JOSEPH W. KAY occupying the premises No. 74 Maiden Lane, and from personal observation and a careful examination of the premises under a search warrant, Deponent is informed and verily believes that the said JOSEPH W. KAY was the principal and occupant in said office down to the period of his indictment in the above entitled case. Deponent caused the arrest of the said JOSEPH W. KAY in the case now at bar. ~~that~~ Said premises No. 74 Maiden Lane consisted of a small room about 15 feet front facing on Maiden Lane and tapered back from Maiden Lane about the same distance, being not over 10 feet wide, or the eabouts, on the rear or Liberty Street side; that on, ~~or about,~~ the 10th. day of December 1885, Deponent personally visited the premises accompanied by Inspector of Police HENRY STEERS; that the said HENRY STEERS entered said premises by the front door, while this Deponent entered the premises by the rear, or Liberty Street entrance. As Deponent entered the rear door, THOMAS SPORT one of the

persons arrested at the time jumped over the desk in the rear room, behind which desk Deponent found the manifold-books for carrying on the Policy business. Deponent found there the sheets of the manifold, upon which were recorded the plays for the 10th. day of December 1885. A partition divides the premises No. 74 Maiden Lane into a front and rear room. At the right of the entrance from Maiden Lane is a desk, at which Deponent has frequently seen JOSEPH W. KAY sitting. This desk is about 8 feet, in a straight line from the desk where the said THOMAS FORT was, when Deponent entered, and behind which was found the manifold-books for "Lottery Policy." with nothing to obstruct the view [illegible] In the front window nearest William Street was displayed the sign, "The Louisiana Segar Store"; on the door nearest this said window, appeared the name "Miller & Co.", the name under which the said JOSEPH W. KAY was doing business at the time of his first arrest in 1880, and which has appear from that time down to the time of the said raid in Dec. 1885. Upon the door-posts opposite the door of entrance were the words: "Jos' W. Kay, 74 - Segars." The front of this room in front of the partition was a Segar Store Case. The entrance to the desk where the said JOSEPH W. KAY was, was through a door at the left hand end of this Segar Case, which opened into the Policy appartment, and there was a spring catch, or fastening, upon the inside of said door, to which was attached a wire, or string, which ran to the back ~~end~~ side of the Segar ~~Store~~ Case, where a little ring was attached. This ring was about on a line between the desk occupied by the said JOSEPH W. KAY and the "Lottery Policy desk." The partition separating the Segar Store from the rear part of the room was a

0772

board partition of about 7 feet open over the top. The wire leading to the catch on ~~the front of~~ the door (leading into the Policy room) ran in behind the partition, and was convenient to either the Policy desk, or the desk occupied by JOSEPH W. KAY. Upon the desk, which Deponent has frequently seen the said JOSEPH W. KAY occupy, on the 10th day of December were letters addressed to "JOSEPH W. KAY", one from New Orleans in reference to "Louisiana Lottery" drawings, and also a Registered Letter addressed to "JOSEPH W. KAY, 74 Maiden Lane". A quantity of correspondence lay upon the desk exposed addressed to "JOSEPH W. KAY"; also an invoice of "Havana Lottery tickets". There were a large number of bills made out to "JOSEPH W. KAY" for cigars and other matters; also gas bills from the Consolidated Gas Company for gas for said premises made out to "JOSEPH W. KAY".

At [illegible] a sh lf continuing, here there were rolls of "Havana Lottery" circulars, also envelopes and circulars of M. A. DAUPHIN of the "Louisiana Lottery" at New Orleans; also blanks for ordering tickets. One roll of "Little Havana Lottery" drawings lay upon ~~the~~ Kays desk. There were also about 100 circulars for November 85; also one envelope addressed "J. W. KAY" with Lottery Tickets for the "Little Havana Lottery" for drawings to take place in January/86; also one letter from San Francisco acknowledging receipt of Tickets, addressed "JOSEPH W. KAY"; there was also a letter addressed to the "Superintendent of the Registry Department of the New York Post-Office" which had just been written, which was signed "JOSEPH W. KAY" -- this was lying unfolded just as it had been written upon the desk, and the ink seemed moist.

Upon the said desk was a pocket-book containing several packages of Lottery tickets. There was one package of 14 "Little Havana"; Another one of 4; another one of 24; another one of 4; another one of 16; three others containing 5 tickets each; one envelope containing 15; another package of 50; all tickets of the "Little Havana Lottery", of which the said JOSEPH W. KAY was at that time, as Deponent is informed and verily believes, one of the managers and operators.

Deponent further says that there was a narrow air-way leading into the basement which at about 6 feet from where the s in JOSEPH W. KAY'S chair stood at the time when Deponent has seen him in there. Deponent there saw, and assisted in seizing a large quantity of manifold books and carbon paper, such as are used in policy shops for recording and registering Lottery Policies.

Deponent further says that he has previously arrested one of JERIAH J. SCANLAN for running circulars of the "Little Havana Lottery" through the mails; that immediately upon the arraignment of the said SCANLAN before the United States Commissioner, the said JOSEPH W. KAY appeared and procured bail and Counsel for the defendant; appeared at each examination and at the Trial and took active part in the defense of the said SCANLAN, and after the conviction of the said SCANLAN, as this Deponent is informed and verily believes, the said JOSEPH W. KAY did appeal the case, and judgment was afterwards entered up against the said SCANLAN, and he was fined the a sum not exceeding $500, which Deponent verily believes the said JOSEPH W. KAY paid.

At the time of the arrest of JERIAH J. SCANLAN, the business of the "Little Havana Lottery" was done principally

three-in-one office up on Broadway, where there was a vacant room and where the letters were placed in a hole through the door and were afterwards taken ~~away~~ away from the said vacant room to be answered elsewhere; that there was not then or now, so far as this Deponent knows, no known office for the management of this bogus Lottery, but Deponent was informed and verily believes that the main office of the said bogus Havana Lottery was at JOSEPH W. KAY's at No. 74 Malden Lane.

Deponent further says that since the arrest of the said JOSEPH W. KAY in December 1885, this Deponent has seen the said JOSEPH W. KAY sitting at the same desk, and on one occasion as Deponent was passing, Deponent watched the said JOSEPH W. KAY sitting writing at said desk, and when the said KAY saw this Deponent he immediately disappeared from sight.

Deponent further says that at the time of the arrest of the said JOSEPH W. KAY there was also arrested WINFIELD SCOTT, Assistant Cashier of the Chase Bank, and also a complaint against the said ANDERSON and THOMAS SPORT, this Deponent was obliged by Police Justice PATRICK G. DUFFY to attach certain letters and documents which Deponent found and seized in the premises at the time of the raid; that among those papers were the manifold-books for the day, containing the plays for the 10th. day of December, 1885, letters found upon the desk of JOSEPH W. KAY, and specimens of the circulars and Lottery and Policy drawings found in and upon the desk and premises; that Deponent is informed and verily believes that the said papers and documents have been stolen from the District Attorney's Office, as has also been taken, the former indictment against the said JOSEPH W. KAY, wherein he was

0775

indicted as "JOSEPH WILLIAMS."

Deponent further says that he has frequently endeavored to have the case of the said JOSEPH W. KAY brought to trial, but always without avail; whenever it has been brought up or placed upon the calendar, the said JOSEPH W. KAY or his counsel have appeared and opposed a trial, and the matters have invariably gone over without a trial.

Deponent further says, that notwithstanding the arrest and indictment of the said JOSEPH W. KAY, and the arrest and indictment of the said WILLIAM PATRAPT and others in said premises, the said business continues in said premises.

Deponent further says that one JAMES BYRNES, was arrested in December 1885 as one of the Assistants of the said JOSEPH W. KAY, and his business was carried on said office for the sale of Lottery Policies and of "Little Havana" Lottery Tickets; and again on the 11th. day of February 1880, this Deponent did again raid said premises 74 Maiden Lane and seized 1,050 Lottery circulars, 1,102 Lottery Tickets, besides the ordinary paraphernalia, consisting of nine manifold-books, acute pencils, carbon sheets, for conducting the sale of Lottery Policy, the Deponent did again secure the said Lottery Policies in said premises, found in the possession of the said BYRNES; and again arrested said James Byrnes, in charge. and Deponent is informed and verily believes that the said JOSEPH W. KAY retained his interest in said Policy shop, which was managed and operated for him by the said BYRNES, although the said JOSEPH W. KAY shortly after his indictment by the Grand Jury did move his office to another number in Maiden Lane, and this Deponent verily believes that the said JOSEPH W. KAY did retain his interest in, and derive a profit

from, said business so long as it was continued in the said premises No. 74 Maiden Lane.

Anthony Comstock

Subscribed, and sworn to before me :
this 5th day of January 1880. :

[illegible]

The People
vs
Joseph W. Kay -

Affidavit of Anthony Comstock -

Dated Jan 5/90.

0778

Court of General Sessions

The People vs.
vs.
Joseph W. Kay

Take notice that upon the annexed affidavit, and upon all the papers and proceedings herein, a motion will be made before Hon. Henry A. Gildersleeve in Part 1. of this Court, on the 28th day of June 1886 at 11 o'clock a.m. of that day, for an order dismissing the indictment herein, for the several reasons set forth in said annexed affidavit

N.Y. June 1886

Yours &c.
Stewart Rhinelander
Atty. for defendant
N.Y.

To
Randolph B. Martine Esq.
Dist. Attorney

0779

State of New York
City and County of New York } S.S.

Joseph W. Kay being duly sworn says that on December 10. 1885 Complaint was made by Anthony Comstock and Wesley Seymour to Justice P. G. Duffy, Police Magistrate, against Joseph Doe and Peter Hoe whose real names were unknown but who could be identified charging them with selling lottery-policy at No. 74 Maiden Lane N.Y. City Nov 20. 1885 - That on said day a warrant was issued by said Justice and on Dec 15. 1885, by virtue of said warrant one William P. Pattant was arrested and identified under oath, by said Comstock, as the Joseph Doe mentioned therein and, upon waiving examination, was bailed to await the action of the Grand Jury - That as deponent is informed and believes Peter Hoe, the other defendant mentioned in said Complaint and warrant, was never arrested or identified, had no examination and nothing in the papers show any connection between said Hoe and this deponent - That on or about Jany 21. 1886 said Comstock and his witnesses were summoned to and, did go, before the Grand Jury in the case of said Pattant and on that occasion, as this deponent has reason to believe, caused to be changed an endorsement on the papers as they came from the Police Magistrate, by having added

thereto, after the name William Pattant thereon, the words "et al" = That as the result of that act an indictment was found, on the evidence of said Comstock and Seymour, not against Peter Hoe named in said papers, but against this deponent = that deponent is informed and believes that said indictment so obtained is in fraud of his rights as a citizen and that when the facts concerning said indictment were communicated to the District Attorney, he said District Attorney announced it as his intention to go into Court and, as a matter of justice, move to dismiss the same, but on or about June 16th 1886 this deponent, while dining with friends in the Restaurant of Nash & Crook Times Building New York City, was arrested on a bench warrant issued by said District Attorney under said indictment and has since been bailed

This deponent being further sworn says that he has never been known as Peter Hoe but that said Comstock knows and for a number of years has known his proper and true name = that no attempt was made to arrest or identify this deponent under the warrant against Joseph Doe and Peter Hoe as the Peter Hoe

named therein nor did said Comstock state to the Magistrate that he so claimed, though this deponent was arrested on a warrant issued by Justice Duffy on a complaint made by said Comstock, based on information and belief, against this deponent in his own true and proper name, on the 16th day of December 1885 - Said Complaint and warrant were dated December 15, 1885 the same day on which William Pattant was arrested and identified as Joseph Doe mentioned in a former complaint - This deponent, on his arrest per 16th demanded an examination which is now pending before said Magistrate

Deponent, upon all the facts stated herein prays that the indictment herein may be dismissed

Sworn to before me this 23d day of June 1886

E. G. Delaney
Notary Public
N.Y.C.

Joseph W. Kay

Court of General Sessions

The People

vs.

Joseph W. Kay

Affidavit and
Notice of motion

Peter C Mitchell
Defts. atty.
Stewart Building

0783

City and County of New York ss:
Peter Mitchell
being duly sworn deposeth and saith that he is Attorney for Joseph W. Kay against whom an indictment was found on the 21st day of January 1886, and who was arrested on a bench warrant issued thereunder on the 16th day of June last.
That as soon as deponent had learned that such indictment had been found against said Kay, deponent hastened to the District Attorneys office to learn the particulars thereof, and the circumstances under which the same had been found. That deponent then learned from one Jay a clerk in the District Attorneys office that when the papers in the case of The People vs. William Pattant were being sent in to the Grand jury from said District Attorneys office that he, said Jay, at the request of Anthony Comstock, added after the said defendant Pattant's name on said papers the additional words "et al", and that he, said Jay, had

no instructions, and received no directions for so doing, from any of his superiors, or from any person connected with the said District Attorney's office; but that the same was done solely at the request of the said Anthony Comstock. That as deponent is informed and verily believes, the said indictment was found upon the papers so altered as aforesaid, and at the instigation, and through the contrivance, of the said Comstock.

That deponent received a copy of the complaint against William Pattant, from the Police Magistrate before whom said Pattant's case was pending, and said complaint and the indorsement thereon show that the name of no other person was charged or joined in the indorsement on said papers

Sworn to before me this 24th day of June 1886

Peter Mitchell

Wm. F. Vaulgenschlen
Notary Public
N.Y. Co

Court of General Sessions

The People

v

Joseph W. Kay

Affidavit and
Notice of Motion

PETER MITCHELL,
ATTORNEY FOR Deft
STEWART BUILDING,
NEW YORK.

Indict left on subject
with U.S. Court
Jan'y. 1858

0786

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William P. Pattant and Joseph W. Hong

The Grand Jury of the City and County of New York, by this indictment, accuse William P. Pattant and Joseph W. Hong

of the CRIME OF KEEPING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said William P. Pattant and Joseph W. Hong each —

late of the First —— Ward of the City of New York in the County of New York aforesaid, on the twentieth day of November, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room —— in a certain building —— there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "playing lottery policy", where money and property was dependent upon the result, 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 —

William P. Pattant and Joseph W. Hong

of the CRIME OF KEEPING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said William P. Pattant and Joseph W. Hong each —

late of the —— First —— Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said twentieth — day of November; in the year of our Lord one thousand eight hundred and eighty-nine ——, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building —— there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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.

0787

THIRD COUNT.

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

Joseph W. Hay

of the CRIME OF KNOWINGLY PERMITTING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Joseph W. Hay

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said Twentieth day of November, in the year of our Lord one thousand eight hundred and eighty-five, being then and there the owner of a certain room in a certain building there situate, known as number Seventy-four Madison Lane,

in the said Ward, City and County, at the Ward, City and County aforesaid, with force and arms, unlawfully did knowingly permit the said room to be used for gambling by divers common gamblers whose names are to the Grand Jury aforesaid unknown, whom in the said room the said Joseph W. Hay did then and there knowingly permit to engage as players in a certain gambling game commonly called "playing lottery policy", where money and property was dependent upon the result, 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.

FOURTH COUNT.

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

Joseph W. Hay

of the CRIME OF KNOWINGLY PERMITTING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Joseph W. Hay

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the Twentieth day of November, in the year of our Lord one thousand eight hundred and eighty-five, being then and there the owner of a certain room in a certain building there situate, known as number Seventy-four Madison Lane,

in the said City and County, with force and arms, at the Ward, City and County aforesaid, unlawfully did knowingly permit the said room to be used by one William R. Pattant, for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers and documents, in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and for therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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.

0788

Sixth COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said William P. Pottant and Joseph W. Hay

of the crime of "Selling to another what is commonly known as a Lottery Policy," committed as follows:

The said William P. Pottant and Joseph W. Hay, each —

late of the First Ward, in the City and County aforesaid, on the twentieth day of November, in the year of our Lord one thousand eight hundred and eighty-five at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— Wesley Simpson, —

a certain paper, instrument and writing, commonly called a lottery policy, which said paper, instrument and writing, called a lottery policy, is as follows, that is to say:

PZN 20

29-41-63 J10

(a more particular description of which said instrument and writing so commonly called a lottery policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York, and their dignity.

Sixth ~~SECOND~~ COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said William P. Pottant and Joseph W. Hay

of the crime of "Selling to others what are commonly called Lottery Policies," committed as follows:

The said William P. Pottant and Joseph W. Hay, each —

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, were ~~was~~ and yet are ~~is a~~ common gamblers; and on the day and in the year aforesaid, and on said other days and times, at the Ward, City and Connty aforesaid, with force and arms, feloniously did sell to divers persons (whose names are to the Grand Jury aforesaid unknown and cannot now be given), certain instruments and writings, commonly called lottery policies (a more particular description of which is to the Grand Jury aforesaid unknown and cannot now be given), against the form of the statute in such case made and provided, and against Peace of the People of the State of New York and their dignity.

0789

Seventh ~~FIFTH~~ COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said William P. Pattant and Joseph W. Hay

of the crime of "Selling a paper and writing, in the nature of a bet and wager upon the drawn numbers of a Lottery," committed as follows:

The said William P. Pattant and Joseph W. Hay, sen. —

late of the First Ward, in the City and County aforesaid, on the Twentieth day of November, in the year of our Lord one thousand eight hundred and eighty-Nine, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— Wesley Simpson —

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:

BN 20

29-41-63 f10

(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

Eighth ~~FOURTH~~ COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said William P. Pattant and Joseph W. Hay

of the crime of "Selling a writing, paper and document in the nature of an insurance upon the drawing of a Lottery," committed as follows:

The said William P. Pattant and Joseph W. Hay, sen. —

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, ~~was~~ were and yet ~~is a~~ are common gamblers; and on the day and in the year aforesaid, at the Ward, City and

County aforesaid, with force and arms, did feloniously sell to one Wesley Seymour, a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, to wit:

B.N.20

29-41-63 f.10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine,
District Attorney.

0791

BOX:
204
FOLDER:
2042
DESCRIPTION:
Pell, Walter

DATE:
01/21/86

2042

Witnesses:

210

Counsel, Reynolds & Harris

Filed 21 day of Jany 1886

Pleads Not Guilty

THE PEOPLE

vs.

B

Walter Pell

MISDEMEANOR.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Part III April 1887
Pleads Guilty

Francis Higgins

Foreman.

Insp. Fly

0793

E. G. LOVE, PH. D.,
Analytical and Consulting Chemist,
122 BOWERY,

(531)

New York, Jan 4th 1886

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, No. 670; Pell & Co, 62 Vesey St, NY City; Dec 29th '85
Received from B. F. Van Valkenburgh *per* W. W. Mutter
on Dec. 30th 1885.

THE SAMPLE CONTAINS:

WATER,	11.47.%
ANIMAL AND BUTTER FAT,	83.55.%
CURD,	1.13.%
SALT,	3.85.%

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	95.20.%
SOLUBLE " "	.035.%
SPECIFIC GRAVITY OF THE FAT AT 100° F.,	9054

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

Respectfully yours,

E. G. Love, Ph. D.

Mr. B. F. Van Valkenburgh

State of New York
City of New York } ss.
County of New York

On the fourth *day of* January *in the year one thousand eight hundred and* eighty six *before me personally came* E. G. Love *to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and* ..... *acknowledged that he executed the same.*

Jno. E. Kelsey
Notary Public
(Nº 1) N. Y. C.

No 670
Jany 4th 1886

0795

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

William H. Meeker, being duly sworn, deposes and says:

That he resides in the 572 East 116th Street, in the City of New York in the County of New York and State of New York, and is 46 years of age, and is an expert appointed by JOSIAH K. BROWN, New York State Dairy Commissioner;

That on the 29th day of December, 1885, in the store occupied by him, No. 62 Vesey street, in the City of New York in the County of New York and State of New York, one Walter Pell, against the form and statutes in such cases made and provided, and in violation thereof, and against the peace of the people of the State of New York, had in his possession, with intent to sell the same for Butter made from unadulterated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of animal fats or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or Cream; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter, the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter the product of the Dairy; that the said Walter Pell offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, ~~as and for butter~~ 2 pounds as and for Butter, the product of the Dairy, and represented the same to be Butter at such time and place; that the said substance, product and compound was not natural Butter produced from pure unadulterated Milk, or Cream of the same, and was not Butter the product of the Dairy, and was not made exclusively from Milk or Cream, or both; that it contained some substance for the purpose and with the effect of imparting thereto a color resembling that of yellow Butter, and was in imitation and semblance of natural Butter produced from pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow Butter, and was in semblance of natural Butter; that the same was a substance known as Oleomargarine; that it had been made, manufactured and rendered after April thirtieth, 1885, out of some animal fat, or animal or vegetable oils not produced from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure unadulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream or Butter a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or Cream, with design and intent to render, make and produce an article, substance and human food in imitation and semblance of natural Butter. That the same was not manufactured, or in process of manufacture on April thirtieth, 1885, but has been rendered, manufactured, compounded and mixed since April thirtieth, 1885, as deponent is informed and believes

That the tubs in which the same was contained did not have the words "Oleomargarine Butter" upon the top or side thereof, and such words were not burned in or painted thereon with permanent black paint, in a straight line not less than one half inch in length, where deponent could see such brand; that no printed label, bearing the words "Oleomargarine Butter," was delivered therewith to the purchaser thereof.

Deponent further says that on said 29th day of December 1885, he went to the said store of said Pell in said City and County, and told said Pell that he wanted to buy some Butter; that said Pell showed deponent a number of pounds of the said Oleomargarine hereinbefore mentioned, offered ~~the same~~ said Oleomargarine to deponent for sale, and sold the same to deponent; that he so sold to deponent, as and for butter 2 pounds thereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of $0.50; that, as deponent believes and charges, the said Pell at the time of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as hereinbefore stated; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not Butter, the product of the Dairy; that deponent saw the tubs in which the said Oleomargarine was contained, and no printed label bearing the words "Oleomargarine Butter," was delivered by said Pell to deponent with the Oleomargarine sold to him; that on December 30th 1885, deponent delivered a sample of such Oleomargarine, so purchased by him as aforesaid, to E. G. Love a chemist of the city of New York N. Y., and caused the same to be analyzed by such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said Walter Pell and that he may be dealt with as the law directs.

Sworn to before me this 15th day of January 1886

William H. Meeker

Police Justice.

0796

Warrant

Court of

County of New York

THE PEOPLE, &c.,

vs.

Walter Bell

Affidavit W. N. Meeleter
350 Washington St

Witnesses E. J. Lowe

Residence 122 Bowery

Charles Sears

Residence 350 Washington St

Residence

0797

POLICE COURT 1st DISTRICT.

City and County of New York, ss.: I

THE PEOPLE,

vs.

Walter Pell

On Complaint of William W Meeter

For Misdemeanor

After being informed of my rights under the law, I hereby ~~waive~~ demand a trial, by Jury, on this complaint, and ~~demand~~ waive a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in ~~and for~~ the City and County of New York.

Dated July 15 188

Walter Pell

Solon B Smith

Police Justice.

0798

Sec. 198—200.

10th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Walter Peel 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 Walter Peel

Question. How old are you?

Answer. 48 years

Question. Where were you born?

Answer. New York State

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

Answer. 347 West 14th Street 18 months

Question What is your business or profession?

Answer. Butter business

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 nothing to say

Walter Peel

Taken before me this 15 *day of* [illegible] *188*[illegible]

[illegible] *Police Justice*

0799

Sec. 151.

Police Court 1 **District.**

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING :

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by William W. Meeter of No. 38a Washington Street, that on the 29th day of December 188 5 at the City of New York, in the County of New York,

Walter Bell did unlawfully sell, for Butter, a substance known as Oleomargarine, in violation of the Statute in such Case made and provided

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 1 *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* January 188 6

Solon B. Smith POLICE JUSTICE.

0800

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm Worcester

vs

Walter Pell

Warrant—General.

Dated Jany 15 188 6

Smith *Magistrate.*

McCormick *Officer.*

The Defendant Walter Pell taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

McCormick *Officer.*

Dated Jany 15 188 6

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

REMARKS.

Time of Arrest, 9½ Pm

Native of U.S.

Age, 48

Sex,

Complexion,

Color, W

Profession, Painter

Married, Yes

Single,

Read, Yes

Write, Yes

349 Sr. 14 Stus

0801

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 Walter Pell

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 January 5 188 6 Solon B Smith *Police Justice.*

I have admitted the above-named Walter Pell

to bail to answer by the undertaking hereto annexed.

Dated Jany 5 188 6 Solon B Smith *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.*

0802

Police Court 1st District. 65

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William W Meeter
350 Washington

1 Walter Pell

2

3

4

Offence Misdemeanor

Dated January 15 1886

Smith Magistrate

McCormack Officer.

Court Precinct.

Witnesses Charles Sears

No. 350 Washington Street.

Ely Love

No. 122 Bowery Street,

No. 3 Street,

$ 300 to answer G S.

Bailed

BAILED,

No. 1, by Andrew Martin

Residence 47 Vesey Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0803

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Walter Pell

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

— Walter Pell —

(Chap. 458, Laws of 1885, § 3.) of a Misdemeanor, committed as follows:

The said Walter Pell,

late of the City of New York, in the County of New York aforesaid, on the 29th day of December, in the year of our Lord one thousand eight hundred and eighty-five, at the City and County aforesaid, two pounds of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more particular description of which said substance and compound, and of the ingredients and matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now be given), unlawfully did sell, and cause and procure to be sold to one William D. Meeker, for butter, the product of the dairy; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SECOND COUNT: (Chap. 246, Laws of 1882, § 1.)

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

— Walter Pell —

of a Misdemeanor, committed as follows:

The said Walter Pell,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one William D. Meeker two pounds of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said William D. Meeker —

to be butter; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

0804

THIRD COUNT: (Section 430, Penal Code.)

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

— Walker Pell —

of a Misdemeanor, committed as follows:

The said Walker Pell,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

William D. Meeker, as an article of food two pounds of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FOURTH COUNT: (Chap. 238, Laws of 1882, § 3.)

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

— Walker Pell —

of a Misdemeanor, committed as follows:

The said Walker Pell,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing two pounds of a certain article and substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked upon the top and side with the words "Oleomargarine Butter" only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law, to deliver to the purchaser, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail to one William D. Meeker, —

from a certain firkin box which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said William D. Meeker, — a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FIFTH COUNT: (Chap. 215, Laws 1882, § 2.)

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

— Walter Pell —

of a Misdemeanor, committed as follows:

The said Walter Pell,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

William W. Meeker, Inspector

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT: (Chap. 458, Laws of 1885, § 2.)

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

— Walter Pell —

of a Misdemeanor, committed as follows:

The said Walter Pell,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

William W. Meeker, Inspector

of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter produced from pure, unadulterated milk, or cream of the same the said article, substance and compound, so sold as aforesaid, being rendered and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the ~~thirteenth~~ 30th day of April, in the year of our Lord one thousand eight hundred and eighty-five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

RANDOLPH B. MARTINE,
District Attorney.