

0526

**BOX:**

467

**FOLDER:**

4286

**DESCRIPTION:**

Davis, Charles

**DATE:**

02/05/92



4286

0527

Witnesses:

William M. Anger  
John Taylor

Joseph M. Anger  
Samuel

Counsel,

Filed 5 day of Dec. 1892.

Pleads, *Arpa*

THE PEOPLE

23. *brother*  
11. *Stanton*, obs.

Charles Davis

Grand Larceny, *Deceit*  
(From the Person.)  
[Sections 628, 629, Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Ray D. Lanning*

Foreman.

Part 2 - Dec. 11, 1892

Pleads Petit Larceny

*In 1923 Dec. 15*

0528

Police Court

District.

Affidavit—Larceny.

City and County } ss:  
of New York,

*Helen M. Burgess*  
 of No. *273* *Person* *Brooklyn* Street, aged *35* years,  
 occupation *Single* being duly sworn,  
 deposes and says, that on the *30* day of *January* 189*2* at the City of  
 New York, in the County of New York, was feloniously taken, stolen and carried away  
 from the possession of deponent, in the *day* time, the following property, viz:

*One pocket book containing  
 about one dollar in change*

the property of

*Deponent*

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-  
 ously taken, stolen and carried away by *Charles Davis*

*(now here) who while deponent was  
 on the approach to the Brooklyn  
 Bridge she was jostled by said  
 Davis, then missed her pocket  
 book from her dress pocket,  
 seized said Davis when he  
 returned deponent said pocket  
 book and then ran away*

*Helen M. Burgess,*

Sworn to before me, this  
*February* 189*2*  
*Alfred A. Knickerbocker*  
 Police Justice.

0529

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Charles Davis* 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. *Charles Davis*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *602 Market St. Newark*

Question. What is your business or profession?

Answer. *Tailor*

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**Charles Davis*

Taken before me this

3

day of Feb

1892

Police Justice.

0530

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... Chapman

Guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifteen 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.

Date: February 1894 W. M. Nichols Police Justice.

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

*Dated*.....*18*.....*Police Justice.*

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

*Dated*.....18.....*Police Justice.*

053

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William Mc Ringers*  
*273rd Avenue St. Brooklyn*  
*Charles Davis*

2  
3  
4

Office

*144*  
*Lawrence*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *February 1st* 18*92*

*McGraham* Magistrate.

*Taylor* Officer.

*B. B.* Precinct.

Witnesses *R. P. Percival*  
*with Incas & Stirling Co.*  
No. *24 Park Place* *19 Barclay* Street.

*John Doe*  
No. *135 Lawrence* Street.  
*Bklyn*

No. .... Street

*1500* to answer *G. S.*

*1500 bond & Feb 3-92*

*Examinated*

0532

301

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Davis*

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

*Charles Davis*

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

The said

*Charles Davis*

late of the City of New York, in the County of New York aforesaid, on the *30th* day of *January* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

*divers coins of the United States of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one dollar and one pocket book of the value of one dollar*

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

*De Linney Nicoll*  
District Attorney

0533

BOX:

467

FOLDER:

4286

DESCRIPTION:

Davis, Milton

DATE:

02/10/92



4286

0534

**BOX:**

467

**FOLDER:**

4286

**DESCRIPTION:**

Walder, Max

**DATE:**

02/10/92



4286

0535

Witnesses:

Louis H. Stock  
Officer Kufe  
Herman Weiss

In the within case I am  
of opinion that no evidence  
can be had as the evidence  
is not sufficient to warrant  
a verdict of guilty. I  
therefore recommend that  
the indictment be dismissed  
as to deft Walcher.

Wandafer Green  
Feb 24/92  
Asst Dist Atty

{ 317 Phillip Levy  
Andrew J. Ba

Counsel,

Filed 10 day of 1895

Pleads, Ignorantly

THE PEOPLE

vs.

Milton Davis  
and

Max Walcher

Barclay in the Third Degree.  
[Section 408, C.C. 1895, 1896, 1897]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Henry J. Green  
Foreman.

No. 1. Tried & convicted.

Part 3. None of Refuse

July 23/92

No 2. Discharged on his own  
recog. on return of Dist Atty, 1894

0536

Court of  
General Sessions

The People  
vs.  
Max Walder

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

100 EAST 23D STREET,

New York, Oct 8 1892.

CASE NO. 62096

DATE OF ARREST

CHARGE

OFFICER

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Oct. 2 '91 Boys brother, Paul  
Walder, complained of brother Max  
having been expelled from school  
and being incorrigible, after an investigation  
by District Officer the family decided to give  
boy another chance.

Oct. 17 '91 Boy was arrested on the  
mother's complaint of Juvenile Delinquency.  
Justice White committed boy to the Hudson  
Orphan asylum but institution refused  
to receive him. Home is comfortable  
and parents are respectable. Boy is known  
a young loafer in the neighborhood.

All which is respectfully submitted.

William L. Lipp  
Supt

To the Court

*Book of  
General Orders*

*The People*

*ver*

*Wm. H. H. H.*

*Penal Code*

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

0537



Court of  
General Sessions

*Just People*

*re*

*Milton A. Davis*

PENAL CODE, 1909

*Leahy*

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. CERRY,

*President, &c.,*

100 East 23d Street,

NEW YORK CITY.

0539

0540

Police Court District.

City and County }  
of New York, } ss.:of No. 445 E. 50th Street, aged 21 years,  
occupation Painterdeposes and says, that the premises No 1931 2<sup>d</sup> Avenue Street,  
in the City and County aforesaid, the said being a three story frame  
building.and which was occupied by Thomas Mahan as a storehouse  
and in which there was at the time a person being by namewere **BURGLARIOUSLY** entered by means of forcibly breaking  
open the door leading from  
the rear yard into the cellar of said  
premises. and entering said premises  
with the intent to commit a felony  
on the 1<sup>st</sup> day of February 1892 in the Day time, and the  
following property feloniously taken, stolen, and carried away, viz:One bag of white lead of  
the value of four dollarsthe property of Thomas Mahan and in deponent's care

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

**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by  
Wilton Davis and Max Walter  
(both negroes)

for the reasons following, to wit:

that about two weeks  
ago deponent locked and secured  
fastened the doors and windows  
of said store house, and left  
said store house leaving said  
property therein.deponent is informed by Officer  
Thomas Keefe that he arrested these  
defendants together and in company with

0541

each other at about the hour of 5-  
 O'clock P. M. February 1<sup>st</sup> at the Corner  
 of 2<sup>nd</sup> Avenue and 99<sup>th</sup> Street with the  
 aforesaid bag of white lead. in their  
 possession. That the Officer then  
 went to said premises and there  
 discovered that said premises had been  
 entered through said door.  
 Defendant further informed by Herman  
 Weiz. that at about the hour of  
 5<sup>th</sup> O'clock P. M. Feb 1. he saw  
 the defendant Davis and another boy  
 in the act of coming from said  
 premises with a bag of white  
 lead in their possession.  
 Wherefore Defendant charges the said  
 defendants with being together and  
 acting in concert with each other  
 and burglariously entering said  
 premises as aforesaid and feloniously  
 taking, stealing and carrying away  
 said property.

Sworn to before me } Louis H. Stock  
 this 3<sup>rd</sup> day of Feb, 1892 }

Wm. Redde

Police Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0542

CITY AND COUNTY }  
OF NEW YORK, } ss.

1377.

Thomas Keefe  
aged \_\_\_\_\_ years, occupation Police Officer of No. 27  
West Police Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Louis H. Stroh  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this \_\_\_\_\_  
day of \_\_\_\_\_ 1892

Thomas Keefe

[Signature]

Police Justice.

0543

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Herman Wier  
aged 13 years, occupation School boy of No.  
247. E 106<sup>th</sup> Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Louis H. Stock  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of July 1892

Herman Wier

[Signature]

Police Justice.

0544

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Milton Davis* 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 to see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*Milton Davis (Colored)*

Question. How old are you?

Answer.

*15 years old*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*236 E. 107th St 1 year*

Question. What is your business or profession?

Answer.

*Work for a Doctor.*

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.*

*Milton Davis.*

Taken before me this

day of

*July*

1885

Police Justice.

0545

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.  
*Max Walter* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is his right to  
make a statement in relation to the charge against him; that the statement is designed to  
enable him if he see fit to answer the charge and explain the facts alleged against him;  
that he is at liberty to waive making a statement, and that his waiver cannot be used  
against him on the trial.

Question. What is your name?

Answer. *Max Walter*

Question. How old are you?

Answer. *14 years old*

Question. Where were you born?

Answer. *Brooklyn L.I.*

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

Answer. *235-8, 107th St 3 years*

Question. What is your business or profession?

Answer. *Work in a paper factory*

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*

*Max Walter*

Taken before me this

day of

*Sept*

1935

*Max Walter*

Police Justice.

0546

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 Muttin

Levin and Mary Walter

guilty thereof, I order that they be held to answer the same and they 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 they give such bail.

Dated July 3 18 92 W. A. Wood Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

054

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Police Court---5 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OFLouis H. Stock  
445 E 80th  
Milton Davis  
Max Walter

Offence Burglary

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated Feb 3 1892

Welde Magistrate.

Thomas Keefe Officer.

27 Precinct.

Witnesses Off Thos Keefe

No. 27 Precinct Street.

Herman Wier

No. 247 E 106th Street.

Thomas F. Moore

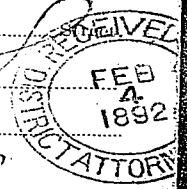
No. 100623

\$ 500 each to answer

Come

Bury 3

P. H. Remy



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Milton Davis*  
and  
*Max Walder*

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

*Milton Davis and Max Walder*

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

The said

*Milton Davis and Max Walder, both*

late of the *12<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*first* day of *February* in the year of our Lord one  
thousand eight hundred and ninety-*two* in the *day-* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *Building* of  
one *Thomas Monahan*

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

*Monahan* in the said *Building*  
then and there being, then and there feloniously and burglariously to steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

## SECOND COUNT—

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

*Milton Davis and Max Walder*

of the CRIME OF

*Petit* LARCENY

committed as follows:

The said

*Milton Davis and Max Walder, both*

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

*one keg of white lead of the  
value of four dollars*

of the goods, chattels and personal property of one

*Thomas Monahan*

in the

*building*

of the said

*Thomas Monahan*

there situate, then and there being found, in the

*building*

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

## THIRD COUNT:

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

*Milton Davis and Max Walder*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Milton Davis and Max Walder*, both

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

*one keg of white lead of the  
value of four dollars*

of the goods, chattels and personal property of

*Thomas Monahan*

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

*Thomas Monahan*

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

*Davis and Max Walder*  
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,

*District Attorney.*

0551

BOX:  
467

FOLDER:  
4286

DESCRIPTION:

Day, Peter S.

DATE:  
02/08/92



4286

0552

8.2 Mo.

Witnesses:

(501)

Adman Link

Counsel,

Filed

day of

1892

Pleads,

Not Guilty

THE PEOPLE

vs.

Peter S. Day

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. S. Stearns

Foreman.

No. 4.

COURT OF GENERAL SESSIONS OF THE PEACE  
Of the City and County of New York.

\*\*\*\*\*

The People of the State of New York "

Against "

P E T E R S. D A Y "

No. 6.

\*\*\*\*\*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Peter S. Day of a misdemeanor to  
wit: the crime of offending against the provisions of the  
second Section of the Act of the Legislature of this State,  
passed May 18th, 1887, entitled "An Act to protect the own-  
ers of bottles, boxes, syphons and kegs used in the sale of  
soda waters, mineral or aerated waters, porter, ale, cider,  
gingerale, milk, cream, small beer, lager beer, weiss beer,  
beer, white beer, or other beverages," as the same was  
amended by a certain other Act of the Legislature of this  
State, passed April 26th, 1888, entitled: "An Act to amend  
chapter three hundred and seventy-seven of the laws of  
eighteen hundred and eighty-seven, entitled 'An act to pro-  
tect the owners of bottles, boxes, syphons and kegs used in  
the sale of soda water, mineral or aerated waters, porter,  
ale, cider, ginger ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages'," as a  
second offense, committed as follows:

Heretofore, to wit: on the 29th day of September  
1890, at the City of New York in the County of New York  
aforesaid, one Herman W. Linker being the agent of John  
Bolen, successor to and transferee of all the rights and in-  
terests of the then late firm of Bolen & Byrne, then lately  
composed of the said John Bolen and one John Byrne then de-

ceased, the said John Bolen such successor to and transferee as aforesaid, being then engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the times mentioned in the complaint hereinafter referred to, and ever since then, and to the time of the making of the complaint and oath hereinafter mentioned, and then was, at the said City of New York, such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit: "Bolen & Byrne," which said description of said name and other marks and devices so as aforesaid used by the said John Bolen such successor to and transferee as aforesaid upon the said bottles, boxes, syphons and kegs was, on the 16th day of April, 1889, duly filed in the office of the Clerk of the City and County of New York, and also in the Office of the Secretary of State of the State of New York on the 15th day of April 1889, and which said description was by the said John Bolen and John Byrne while co-partners as aforesaid thereafter caused to be printed, and was printed for three weeks successively, in two daily newspapers published in the said City and County of New York, did make oath before Charles N. Taintor, Esquire, then and yet being one of the Police Justices of the said City of New York, that the said John Bolen successor to and trans-

ferce as aforesaid, having in all things complied with the provisions of the Acts of the Legislature aforesaid, and being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, with and by the said name and other marks and devices of which a description had been so duly filed and published as provided in the said Acts of the Legislature, that he the said Herman W. Linker had reason to believe and did believe the fact to be, that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day & Brother (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe, who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, namely, the building and premises then known and described as numbers 351 and 353 East 23rd Street in the said City and County of New York: all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the

State of New York in such case made and provided and without having the written consent of or having purchased the said divers bottles, boxes, syphons and kegs from the said John Bolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esquire, such Police Justice as aforesaid, a certain affidavit and complaint in writing, setting forth the allegations hereinabove contained and further alleging that the reason for his said belief and the further facts upon which the said affidavit and complaint was based, were that on the 27th day of September, 1890, he saw in and upon a wagon used by the said Peter S. Day, (marked No. 2.) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 418 East 23rd Street, in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon, upon the said complaint and affidavit, and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did, in due form of law then and there issue a search warrant to discover and obtain the said bottles and boxes so as aforesaid, therein alleged to be and to have been unlawfully used and filled by the said Peter S. Day, as aforesaid,

commanding and authorizing any peace officer in this State or in the said County of New York, with proper assistance in the day time, or at any time of the day, to enter the said building and premises of the said Peter S. Day, known and described as numbers 351 and 353 East 23rd Street, in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found together with the said Peter S. Day, and the said John Doe, forthwith before him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer, and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant, were by reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day, at the premises aforesaid.

And afterwards, to wit: on the 30th day of September, 1890, the said bottles and boxes so discovered and found were duly taken before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, and the said Peter S. Day was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did then and there duly inquire into the circumstances of such

possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, upon such inquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did order that the said Peter S. Day, be held to answer the same and did also admit him to bail in the sum of five hundred dollars, to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day, then and there requesting to be tried in that Court and waiving a trial by jury on the said charge and complaint, and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December, 1890, at the City and County aforesaid, the said Peter S. Day, was in due form of law, convicted in and by the said Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misdemeanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished, without having

obtained the written consent of or having purchased the said bottles and boxes from the said John Bolen, thereby offending against the provisions of the second section of the Act aforesaid as so amended.

Whereupon upon the conviction aforesaid, it was considered by the said Court of Special Sessions and ordered and adjudged that for the misdemeanor aforesaid the said Peter S. Day pay a fine of two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes; as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, one Charles Lehing, having his principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, cider and other beverages in bottles, boxes and kegs, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 14th day of February, 1889, and also in the office of the Secretary of State, of the State of New York, to wit: on the 12th day of February, 1889, a description of the name, marks and devices so used by him and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, boxes and kegs and a description of which had been so duly

filed and published as required by law, the said Charles Lehing used the name "Charles Lehing" upon such bottles.

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid, afterwards, to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said Charles Lehing, divers to wit: two certain bottles which and each of which were and was then and there marked and distinguished as aforesaid, with and by the said name of the said Charles Lehing being the name of which a description had been so filed and published as aforesaid, which said bottles had not been purchased from the said Charles Lehing; 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 Peter S. Day, of the same misdemeanor, committed as follows:

And heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, one Charles Lehing having his principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, cider and other beverages, in bottles, boxes and kegs, with his name and other marks and devices branded, stamped, engraved,

etched, blown and impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 14th day of February, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 12th day of February, 1889, a description of the name, marks and devices so used by him, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, boxes and kegs, and a description of which had been so duly filed and published as required by law, the said Charles Lehing used the name "Charles Lehing" upon such bottles.

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid, as alleged in the first count of this indictment, afterwards, to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said Charles Lehing, divers to wit: two certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name of the said Charles Lehing being the name of which a description had been so filed and published as aforesaid, and which said bottles had not been purchased from the said Charles Lehing; against the form of the statute in such case made and provided, and against the peace of the People of the State of

New York and their dignity.

-THIRD COUNT.-

And the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor, committed as follows:

Heretofore, to wit, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, one Charles Lehing, having his principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, cider and other beverages in bottles, boxes and kegs, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 14th day of February, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 12th day of February, 1889, a description of the name, marks and devices so used by him and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid, produced upon such bottles, boxes and kegs and a description of which had been so duly filed and published as required by law, and the said Charles Lehing used the name "Charles Lehing" upon such bottles.

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the said offense as alleged in the first count of this indictment, afterwards, to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said Charles Lehing divers to wit: two certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name of the said Charles Lehing being the name of which a description had been so filed and published as aforesaid, and which said bottles had not been purchased from the said Charles Lehing; against the form of the statute in such case made and provided against the peace of the People of the State of New York and their dignity.

*Deane M. M. M.*  
*Deane M. M. M.*

0564

Witnesses:

(501)

*Herman Link*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

Filed

day of

1892

Pleads,

*for Guilty (9)*

THE PEOPLE

vs.

*Peter S. Day*  
[six cases]

*Violation of Bottle Act  
Second offense  
Chap 374 Laws of 1887, § 2, as  
amended by Chap 181 Laws of 1887*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Henry S. Hermann*  
Part 2 - May 3/92 Foreman.  
Pleads Guilty  
Sentence suspended  
Fined on another  
no. 6. Indictment

0565

no 72

DISTRICT POLICE COURT.

State of New York, City and County of NEW YORK.

55:

HERMAN W. LINKER.

being sworn says: I am 27 years of age; I reside at Number 299 1/2 East 38th Street New York City. My business is that of Detective.

I am the agent of Henry Tonjes and John H. Hachmann, co-partners, doing business under the name of H. Tonjes & Co. Said Henry Tonjes and John H. Hachmann, doing business as aforesaid, are engaged in bottling and selling soda water, root beer and other beverages, in bottles, and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, and whose principal place of business was at the times hereinafter mentioned ever since has been and now is at the City of New York and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, and a description thereof is as follows, viz: on some bottles H. Tonjes with the letters H. T. in a monogram, on other bottles H. Tonjes, on other bottles Henry Tonjes & Co., with the letters H. T. in a monogram, on other bottles Hachmann & Hulle.

Said description of said name and other marks and devices so as aforesaid used by the said Henry Tonjes and John H. Hachmann, doing business as aforesaid, upon said bottles, was on the 8th day of March, 1889, duly filed in the office of the Clerk of New York County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 6th day of March, 1889; and such description was by said Henry Tonjes and John H. Hachmann, doing business as aforesaid, thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City and County of New York. The said Henry Tonjes and John H. Hachmann, doing business as aforesaid, have in all things complied with Chapter 377 of the Laws of the State of New York for 1887, amended by Chapter 181 of the Laws of the State of New York for 1888. That said Henry Tonjes and John H. Hachmann, doing business as aforesaid, are the owners of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section 1, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888; passed, April 26 1888; that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Peter S. Day

who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger-ale, small beer, lager beer, weiss beer, white beer and other beverages, and is, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, viz:

The build described premises known and described as numbered 351 and 353 East 23rd Street - in the City, County and State of New York, and the second floor of the build and premises known and described as numbered 393 First Avenue in the City, County and State of New York, said second floor being the first floor above the liquor column situated on said build and premises numbered 393 First Avenue aforesaid, and all wagon on these by said Day situated within one hundred feet of said premises numbered 351 and 353 East 23rd Street aforesaid.

All of which the said Peter S. Day is and has been

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles from the said John Tonjes and John H. Hachmann, doing business as aforesaid. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 16th day of June 1891 Deponent saw and upon a wagon in use as said Day in driving of customers, bottles, aerated waters, white beer and lager beer standing on the west East corner of East 23rd Street and Second Avenue in said New York City, bottles marked and distinguished as aforesaid filled with some beverage, this is charged as a second offense, the said Peter S. Day having been previously, on the 24th day of December 1890 been, at the City and County of New York a Court having jurisdiction in the premises, convicted of a violation of Chap. 371, of the Laws of 1887 and acts amendatory thereof more fully set out hereinbefore.

Subscribed and sworn to before me, this 18th day of June 1891

H. W. Linker

[Signature]

POLICE JUSTICE.

0566

W  
B. No. 72

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LINKER,

vs.

John S. Day

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT.

No. 149 East 15th Street,

NEW YORK CITY.

0567

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Peter S. Day* 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. *Peter S. Day*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *35' 3 E. 23<sup>d</sup> St. 12 years*

Question. What is your business or profession?

Answer. *Printer*

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

Answer. *I am not guilty, and I demand a jury trial*  
*Peter S. Day*

Taken before me this

49<sup>th</sup>

day of June 1891

Police Justice.

0568

1107  
State of New York,  
City and County of  
NEW YORK.

ss:

In the Name of the People of the State of New York.

To any Peace Officer in this State or in the County of NEW YORK.

Proof by affidavit having been this day made before me, by HERMAN W. LINKER, of name -

219 1/2 East 38th Street New York City that the following described property, to wit: divers bottles, the number of which is unknown to deponent, the property of Henry Tonjes and John H. Hachmann, co-partners doing business under the name of H. Tonjes & Co., having branded, blown and otherwise produced on some of said bottles H. Tonjes with the letters H. T. in a monogram, on others of said bottles H. Tonjes & Co., with the letters H. T. in a monogram, on others of said bottles H. Tonjes, on others of said bottles Henry Tonjes & Co., on others of said bottles Hachmann & Hulle, on others of said bottles Hachman & Hulle, was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

and that there is probable cause for believing that the said divers bottles are now in the possession of the said

and are now concealed in and upon the following described premises used and occupied by said

John H. Hachmann, the landlord, and premises known and described as premises situated 255 East 33rd Street in the City of New York, and State of New York, and the second floor of the building and premises thereon and described as premises 392 West Avenue in the City of New York, and State of New York, said second floor being on first floor above the first entrance, situated in said building known as 392 West Avenue, and all weapons in use by said premises situated within one foot of said premises in number 392 and 393 East 23rd Street of New York.

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said

aforsaid, and there make immediate search for the said divers bottles, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said

forthwith, before me, at 4th District Police Court in said New York, to be dealt with as the law directs.

Dated at New York the 18th day of June 1891

*[Signature]*

POLICE JUSTICE.

0569

Inventory of property taken by Abraham Philips  
warrant was executed, from Peter J. Day by whom this

in whose possession it was found, from within descent premises from whom it was taken,  
where the property was found, no person being there

1 Bottles Filled, each of said 7 bottles having blown  
Bottles Empty, imprinted with the name of Peter J. Day  
Boxes, Henry J. Jones & Co., each of said  
Total, 11 bottles having 7 produced the same  
for p. 1068.

COUNTY OF  
New York.

I, Abraham Philips ss:  
executed, do swear that the above inventory contains a true and detailed account of all the  
property taken by me on this warrant.

Sworn to before me, this 22nd  
day of August 1891

Abraham Philips

Notary Public.

THE PEOPLE, ETC.,

VS. THE COMPLAINANT OF

Henry J. Jones & Co.

VS.

SEARCH WARRANT  
AND  
WARRANT OF ARREST.

REGINALD HART,

ATTORNEY FOR COMPLAINANT.

No. 149 East 15th Street,

NEW YORK CITY.

0570

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

*Defendant*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* 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 *June 23<sup>d</sup>* 188*1* *A. J. White* Police Justice.

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

Dated *June 23* 188*1* *A. J. White* 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.

057

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Hennau W. Linker

219 1/2 E 38th

1

2

3

4

Dated

June 23

1891

Magistrate

Officer.

Precinct.

Witnesses

No.

No.

No.

\$



Baile

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to answer

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COURT OF GENERAL SESSIONS OF THE PEACE,  
Of the City and County of New York.

\*\*\*\*\*

The People of the State of New York

Against

P E T E R S. D A Y

\*\*\*\*\*

No. 5.

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment accuse Peter S. Day of a misdemeanor, to wit  
the crime of offending against the provisions of the second  
Section of the Act of the Legislature of this State, passed  
May 18th, 1887, entitled "An Act to protect the owners of  
bottles, boxes, syphons and kegs used in the sale of soda  
waters, mineral or aerated waters, porter, ale, cider, gin-  
ger ale, milk, cream, small beer, lager beer, weiss beer,  
beer, white beer, or other beverages," as the same was a-  
mended by a certain other Act of the Legislature of this  
State, passed April 26th, 1888, entitled "An Act to amend  
chapter three hundred and seventy-seven of the laws of  
eighteen hundred and eighty-seven, entitled 'An Act to pro-  
tect the owners of bottles, boxes, syphons and kegs used in  
the sale of soda water, mineral or aerated waters, porter,  
ale, cider, ginger ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer or other beverages,' as a sec-  
ond offense, committed as follows:

Heretofore, to wit: on the 29th day of September, 1890,  
at the City of New York, in the County of New York afore-  
said, one Herman W. Linker being the agent of John Bolen,  
successor to and transferee of all the rights and interests  
of the then late firm of Bolen & Byrne, then lately composed  
of the said John Bolen and one John Byrne then deceased,

the said John Bolen such successor to and transferee as aforesaid, being then engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the time mentioned in the complaint hereinafter referred to, and ever since then, and to the time of the making of the complaint and oath hereinafter mentioned, and then was, at the said City of New York, such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit: "Bolen & Byrne," which said description of said name and other marks and devices so as aforesaid, used by the said John Bolen such successor to and transferee as aforesaid, upon the said bottles, boxes syphons and kegs was, on the 16th day of April, 1889, duly filed in the office of the Clerk of the City and County of New York, and also in the office of the Secretary of State of the State of New York on the 15th day of April, 1889, and which said description was by the said John Bolen and John Byrne while co-partners as aforesaid, thereafter caused to be printed and was printed for three weeks successively, in two daily newspapers published in the said City and County of New York, did make oath before Charles N. Taintor, Esquire, then and yet being one of the Police Justices of the

said City of New York, that the said John Bolen successor to and transferee as aforesaid, having in all things complied with the provisions of the Acts of the Legislature aforesaid, and being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, with and by the said name and other marks and devices of which a description had been so duly filed and published as provided in the said Acts of the Legislature, that he, the said Herman W. Linker had reason to believe and did believe the fact to be that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day & Brother, (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, namely, the building and premises then known and described as numbers 351 and 353 East 23rd Street in the said City

and County of New York: all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the State of New York in such case made and provided, and without having the written consent of or having purchased the said divers bottles, boxes, syphons and kegs from the said John Bolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esquire, such Police Justice as aforesaid, a certain affidavit and complaint in writing, setting forth the allegations hereinabove contained and further alleging that the reason for his said belief and the further facts upon which the said affidavit and complaint was based were that on the 27th day of September, 1890, he saw in and upon a wagon used by the said Peter S. Day (marked No. 2) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 418 East 23rd Street, in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon, upon the said complaint and affidavit and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did, in due form of law,

then and there issue a search warrent to discover and obtain the said bottles and boxes so as aforesaid therein alleged to be and to have been unlawfully used and filled by the said Peter S. Day as aforesaid, commanding and authorizing any peace officer in this State or in the said County of New York, with proper assistance in the day time, or at any time of the day, to enter the said building and premises of the said Peter S. Day known and described as numbers 351 and 353 East 23rd Street in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found, together with the said Peter S. Day and the said John Doe, forthwith before him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer, and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant were by reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day at the premises aforesaid.

And afterwards, to wit: on the 30th day of September

1890, the said bottles and boxes so discovered and found were duly taken before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, and the said Peter S. Day was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did then and there duly inquire into the circumstances of such possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, upon such enquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did order that the said Peter S. Day be held to answer the same and did also admit him to bail in the sum of Five hundred dollars to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day requesting to be tried in that Court and then and there waiving a trial by jury on the said charge and complaint and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December, 1890, at the City and County aforesaid, the said Peter S. Day was, in due form of law, convicted in and by the said

Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misdemeanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished, without having obtained the written consent of or having purchased the said bottles and boxes from the said John Bolen, thereby offending against the provisions of the second Section of the Act aforesaid as so amended.

Whereupon, upon the conviction aforesaid, it was considered by the said Court of Special Sessions and ordered and adjudged that for the misdemeanor aforesaid, the said Peter S. Day pay a fine of Two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes; as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged- Henry Tonjes and John H. Hachmann, copartners doing business under the firm name of H. Tonjes and Company and having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages in

bottles and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit, on the 8th day of March, 1889, and also in the office of the Secretary of State of the State of New York, to wit, on the 6th day of March, 1889, a description of the name, marks and devices so used by them and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid so as aforesaid produced upon such bottles and boxes a description whereof had been so duly filed and published as aforesaid the said firm used the following name, marks and devices upon its bottles, a description thereof being as follows, that is to say: the words, letters and matters "Henry Tonjes and Co."

AND the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid, afterwards to wit: on the 18th day of June, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said firm divers to wit: eight certain bottles which and each of which were and was then and there marked and distinguished as aforesaid, with and by the said name, mark and device of the said firm hereinbefore set forth, the said name, marks and devices being

a name, marks and devices of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles there was then and there the said name, marks and devices of the said firm and did then and there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown- which said bottles had not been purchased from the said firm, 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 Peter S. Day of the same misdemeanor committed as follows:

Heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged Henry Tonjes and John H. Hachmann, copartners doing business under the firm name of H. Tonjes and Company and having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages, in bottles and boxes, with their name and other marks and devices branded, stamped, engraved, etched, blown and impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York- to wit: on the 8th day of March, 1889, and also in the office of the

Secretary of State of the State of New York, to wit: on the 6th day of March, 1889, a description of the name, marks and devices so used by them, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles and boxes a description whereof had been so duly filed and published as aforesaid, the said firm used the following name, marks and devices, upon its bottles, a description thereof being as follows, that is to say: the words, letters and matters "Henry Tonjes & Co."

AND the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment afterwards to wit: on the 18th day of June, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said firm divers to wit: eight certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the same name, mark and device of the said firm hereinbefore set forth, and the said name, marks and devices being a name, marks and devices of which a description had been so filed and published as aforesaid and upon which and each of which said bottles there was then and there the said name, marks and devices of the said firm, and did then and

there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles had not been purchased from the said firm against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

- THIRD COUNT -

AND the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor committed as follows:

Heretofore to wit and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, Henry Tonjes and John H. Hachmann, copartners doing business under the firm name of H. Tonjes and Company, having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages in bottles and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit, on the 8th day of March, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 6th day of March, 1889, a description of the name, marks and devices so used by them and did duly cause such description

to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles and boxes, a description whereof had been so duly filed and published as aforesaid, the said firm used the following name, marks and devices upon its bottles, a description thereof being as follows, that is to say: the words, letters and matters, "Henry Tonjes & Co."

And the said Peter S. Day late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment, afterwards to wit: on the 18th day of June, 1891, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said firm, divers to wit: eight certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name, mark and device of the said firm herein above set forth, and the said name, marks and devices being a name, mark and device, of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles there was then and there the said marks and devices of the said firm, and did then and there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles had not been purchased from the said firm

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

De Lancey Nicoll,

District Attorney.

0505

Witnesses:

(501)

*Herman Link*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

Filed

day of

1892

Pleads,

*86. Moss*  
*for Guilty (7)*

THE PEOPLE

vs.

*Peter S. Day*  
*[in cases]*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Henry S. Perry*  
~~*Peter S. Day*~~  
~~*for Guilty*~~  
Foreman.

*Violation of Bottle Act*

*Second offense.*

*Chap. 377 Laws of 1887 § 2, as amended by Chap. 181 Laws of 1888*

*No. 5.*

0586

11037

## DISTRICT POLICE COURT.

State of New York, City and County of NEW YORK.

ss:

HERMAN W. LINKER, being sworn says; I am 27 years of age; I reside at 343 East 15th Street, New York City. My business is that of Declarer, I am the agent of John Bolen, successor to and transferee of all the rights and interests of the late firm of Bolen and Byrne, lately composed of said John Bolen and John Byrne now deceased. Said John Bolen, successor to and transferee as aforesaid is engaged in bottling and selling soda waters, mineral and aerated waters, lager beer, and other beverages, in bottles, boxes, syphons and kegs, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the times hereinafter mentioned ever since has been and now is at the City of New York and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, boxes, syphons and kegs, and a description thereof is as follows, viz: Bolen & Byrne.

Said description of said name and other marks and devices so as aforesaid used by the said John Bolen successor to and transferee as aforesaid upon said bottles, boxes, syphons and kegs, was on the 16th day of April, 1889, duly filed in the office of the Clerk of New York County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 15th day of April, 1889; and such description was by said John Bolen and John Byrne, while co-partners as aforesaid, thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City and County of New York. The said John Bolen, successor to and transferee as aforesaid, has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, amended by Chapter 181 of the Laws of the State of New York for 1888. That said John Bolen, successor to and transferee as aforesaid, is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, boxes, syphons and kegs, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I. of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888; passed, April 26 1888: that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles, boxes, syphons and kegs, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Peter L. Day

who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and is, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, boxes, syphons, and kegs, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter L. Day

viz: The buildings and premises known and described as numbers 351 & 353 East 23<sup>rd</sup> Street in the City, County and State of New York

All of which the said Peter L. Day is and has been

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles, boxes, syphons and kegs, from the said John Bolen, successor to and transferee as aforesaid. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 28th day of March 1891 Deponent saw in and upon a wagon used by said Day in delivering to customers bottles, kegs, boxes, white, and other articles standing on the southeast corner of East 23<sup>rd</sup> Street and First Avenue in said City and County of New York, bottles marked and distinguished as aforesaid filled with orange beverage, and these charged for a second offense, the said Peter L. Day having been convicted of violation of Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888, by a Court having jurisdiction in the premises.

Subscribed and sworn to before me,

this 30 day of April 1891

*[Signature]*  
JULIA JUSTICE

*[Signature]*  
H. W. Linker

W)

B. No. 37

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HENRY W. ...

VS.

*Peter J. Say*

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street,

NEW YORK CITY.

0587

0588

Sec. 198—200

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

Peter S. Day 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. Peter S. Day

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. U. S.

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

Answer. 353, E. 23<sup>d</sup> St. 12 years

Question. What is your business or profession?

Answer. Brother

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 & demand a trial  
by jury  
Peter S. Day

Taken before me this

6<sup>th</sup>

day of

April

1891.

Police Justice.

0589

11037

State of New York,  
City and County of

ss:

In the Name of the People of the State of New York.

To any Peace Officer in this State or in the County of

Proof by affidavit having been this day made before me, by

*East 15th Street New York City* that the following described property, to wit: divers bottles, ~~boxes~~, syphons and ~~kegs~~, the number of which is unknown to deponent, the property of John Bolen, successor to and transferee of all the rights and interests of the late firm of Bolen & Byrne, lately composed of said John Bolen and John Byrne, now deceased, having branded, blown, etched and otherwise produced on said bottles, boxes, syphons and kegs, Bolen & Byrne,

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

*Peter S. Day*

and that there is probable cause for believing that the said divers bottles, ~~boxes~~, syphons and ~~kegs~~ are now in the possession of the said

*Peter S. Day*

and are now concealed in and upon the following described premises used and occupied by said

*Peter S. Day, viz the building and premises known and described as number 1835 East 15th Street in the City of New York and State of New York*

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said

*Peter S. Day*

situate as aforesaid,

and there make immediate search for the said divers bottles, ~~boxes~~, syphons and ~~kegs~~, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said *Peter S. Day*

forthwith, before me, at *4th District Police Station in the City of New York*

to be dealt with as the law directs

Dated at NEW YORK City the *11th* day of *April* 1891

*John J. [Signature]*  
POLICE JUSTICE.



0591

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

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

Dated April 16 1891 To J. C. B. [Signature] Police Justice.

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

Dated April 16 1891 To J. C. B. [Signature] 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..... 18..... Police Justice.

0592

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Herman W. Linker

vs.

1

Peter S. Day

2

3

4

No. 2

Offence

Dated

April 6

1891

Magistrate.

Officer.

Precinct.

Witnesses

No.

149 E. 15

Street.

No.

Call the office

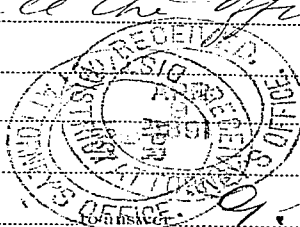
Street.

No.

3000

Street.

Bailed



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

THE PEOPLE OF THE STATE OF NEW YORK  
-against-  
P E T E R S. D A Y  
NO. 2.

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Peter S. Day, of a misdemeanor,  
to wit: the crime of offending against the provisions of  
the second Section of the Act of the Legislature of this  
State, passed May 18th 1887, entitled "An Act to protect  
the owners of bottles, boxes, syphons and kegs used in the  
sale of soda waters, mineral or aerated waters, porter, ale  
cider, gingerale, milk, cream, small beer, lager beer, weiss  
beer, beer, white beer, or other beverages," as the same  
was amended

by a certain other Act of the Legislature of this State,  
passed April 26th, 1888, entitled "An Act to amend chapter  
three hundred and seventy-seven of the laws of eighteen  
hundred and eighty-seven, entitled "An Act to protect the  
owners of bottles, boxes, syphons and kegs used in the  
sale of soda water, mineral or aerated waters, porter, ale,  
cider, ginger ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages," as a  
second offense, committed as follows:

Heretofore, to wit: on the 29th day of September,  
1890, at the City of New York in the County of New York  
aforesaid, one Herman W. Linker being the agent of John  
Bolen, successor to and transferee of all the rights and  
interests of the then late firm of Bolen & Byrne, then  
lately composed of the said John Bolen and one John Byrne  
then deceased, the said John Bolen such successor to and

transferee as aforesaid, being then engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the time mentioned in the complaint hereinafter referred to, and ever since then, and to the time of the making of the complaint and oath hereinafter mentioned, and then was, at the said City of New York, such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit: "Bolen & Byrne", which said description of said name and other marks and devices so as aforesaid, used by the said John Bolen such successor to and transferee as aforesaid, upon the said bottles, boxes, syphons and kegs was, on the 16th day of April, 1889, duly filed in the office of the Clerk of the City and County of New York, and also in the office of the Secretary of State of the State of New York on the 15th day of April 1889, and which said description was by the said John Bolen and John Byrne while copartners as aforesaid, thereafter caused to be printed, and was printed for three weeks successively, in two daily newspapers published in the said City and County of New York, did make oath before Charles N. Taintor, Esq., then and yet being one of the Police Justices of the said City of New York, that the said John Bolen successor to and transferee as aforesaid, having in all things complied with the provisions of the Acts of the Legislature aforesaid, and

2.

being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, with and by the said name and other marks and devices of which a description had been so duly filed and published as provided in the said Acts of the Legislature, that he the said Herman W. Linker had reason to believe and did believe the fact to be that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day & Brother, (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, namely, the building and premises then known and described as numbers 351 and 353 East 23rd Street in the said City and County of New York: all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the State of New York in such case made and provided, and without having the written consent of or having purchased the said divers bottles, boxes, sy-

phons and kegs from the said John Bolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor, Esq., Police Justice as aforesaid, present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esq., such Police Justice as aforesaid a certain affidavit and complaint in writing, setting forth the allegations hereinabove contained and further alleging that the reason for his said belief, and the further facts upon which the said affidavit and complaint was based, were that on the 27th day of September 1890, he saw in and upon a wagon used by the said Peter S. Day (marked No. 2) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 418 East 23rd Street in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon, upon the said complaint and affidavit and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esq., Police Justice as aforesaid, did, in due form of law, then and there issue a search warrant to discover and obtain the said bottles and boxes so as aforesaid therein alleged to be and to have been unlawfully used and filled by the said Peter S. Day as aforesaid, commanding and authorizing any peace officer in this State or in the said County of New York, with proper assistance in the day time, or at any time of the day, to enter the said building and

premises of the said Peter S. Day known and described as numbers 351 and 353 East 23rd Street in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found, together with the said Peter S. Day and the said John Doe, forthwith before him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer, and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant, were be reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day, at the premises aforesaid.

And afterwards, to wit: on the 30th day of September, 1890, the said bottles and boxes so discovered and found were duly taken before the said Charles N. Taintor, Esq., Police Justice as aforesaid, and the said Peter S. Day was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles N. Taintor, Esq., Police Justice as aforesaid, did then and there duly inquire into the circumstances of such possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him the said Charles N. Taintor, Esq., Police Justice as

aforesaid, upon such inquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles N. Taintor, Esq., Police Justice as aforesaid, did order that the said Peter S. Day be held to answer the same and did also admit him to bail in the sum of Five hundred dollars to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day requesting to be tried in that Court and then and there waiving a trial by jury on the said charge and complaint and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December 1890 at the City and County aforesaid, the said Peter S. Day was, in due form of law, convicted in and by the said Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misdemeanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished without having obtained the written consent of or having purchased the said bottles and boxes from the said John Bolen, thereby offending against the provisions of the second section of the Act aforesaid as so amended.

WHEREUPON upon the conviction aforesaid it was considered by the said Court of Special Sessions and ordered and adjudged that the said Peter S. Day for the misdemeanor aforesaid, pay a fine of two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes; as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages, in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon, and having his principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of the State of New York, a description of the name, marks and devices so used by him, being the same name and other marks and devices so described as aforesaid, to wit: the name, mark, device and mark following: "Bolen and Byrne"- and having so as aforesaid duly caused such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said

Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid afterwards, to wit: on the 5th day of April, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said John Bolen one hundred and nine certain bottles each of the said bottles being then and there so marked and distinguished as aforesaid, with and by the name, mark and device of the said John Bolen of which a description had been so filed and published as aforesaid and upon which and each of which said bottles there was then and there the said name, mark and device of the said John Bolen and did then and there unlawfully fill four of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles had not been purchased from the said John Bolen; 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 Peter S. Day of the same misdemeanor committed as follows:-

Heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager

beer and other beverages in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon, and having his principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of the State of New York, a description of the name, marks and devices so used by him, being the same name and other marks and devices so described as aforesaid, to wit: the name, mark, device and mark following "Bolen and Byrne"- and having so as aforesaid duly caused such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said Peter S. Day late of the City and County aforesaid, having been so convicted of the offence aforesaid as alleged in the first count of this indictment, afterwards to wit: on the said 5th day of April, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said John Bolen one hundred and nine certain bottles, each of the said bottles being then and there so marked and distinguished as aforesaid, with and by the name mark and device of the said John Bolen of which a description had been so filed and published as aforesaid and upon which and each of which said bottles there was then and there the said name, mark and device of the said John Bolen, and did then and there unlawfully fill four of the

said bottles with a certain beverage to the Grand Jury aforesaid unknown, and which said bottles had not been purchased from the said John Bolen; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

-THIRD COUNT-

And the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor, committed as follows:

Heretofore to wit: and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages, in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon and having his principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of the State of New York, a description of the name, marks and devices so used by him, being the same name and other marks and devices so described as aforesaid, to wit: the name, mark, device, and mark following: "Bolen and Byrne;" and having so as aforesaid duly caused

such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment afterwards to wit: on the 5th day of April, 1891, at the City and County aforesaid did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, <sup>unknown,</sup> without the consent of the said John Bolen one hundred and nine certain bottles each of the said bottles being then and there so marked and distinguished as aforesaid, with and by the name of the said John Bolen, of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles there was then and there the said name, mark, and device of the said John Bolen, and did then and there unlawfully fill four of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles had not been purchased from the said John Bolen; 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.

De Lancey Nicoll,

District Attorney.

0604

Witnesses:

Herman Link  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(501)

Counsel,

Filed

day of

1892

Pleads,

85. Moss  
X  
for Guilty (7)

THE PEOPLE

vs.

Peter S. Day

[six cases]

B

Violation of BoHk Act

Second offense.

Chap. 377, Laws of 1887, § 2, as amended by Chap. 181, Laws of 1888.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Henry S. Hammon

Foreman.

Part 2 - ~~June~~ June 14/89.

Pleads Guilty.

Fined ~~100~~ \$109.

No. 2.

0605

1103

DISTRICT POLICE COURT.

State of New York, City and County of NEW YORK.

ss:

HERMAN W. LINKER, being sworn says; I am 27 years of age; I reside at 149 EAST 15TH STREET, New York City. My business is that of Delicacies. I am the agent of Charles Lehing. Said Charles Lehing is engaged in bottling and selling soda water, cider, and other beverages, in bottles, boxes and kegs, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes and kegs, and whose principal place of business was at the times hereinafter mentioned ever since has been and now is at the City of New York, and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, boxes and kegs, and a description thereof is as follows, viz: on some bottles Holthusen & Lehing, on other bottles Charles Lehing, on boxes and kegs Charles Lehing.

Said description of said name and other marks and devices so as aforesaid used by the said Charles Lehing upon said bottles, boxes and kegs, was on the 14th day of February, 1889, duly filed in the office of the Clerk of New York County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 12th day of February, 1889; and such description was by said Charles Lehing thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City and County of New York. The said Charles Lehing has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Charles Lehing is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, boxes and kegs, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I. of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888; passed, April 26 1888; that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles, boxes and kegs, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Peter S. Day who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and is, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, boxes and kegs, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day viz:

The buildings and premises known and described as numbered 357 & 358 East 23rd Street in the City, County and State of New York

All of which the said Peter S. Day is and has been

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles, boxes and kegs, from the said Charles Lehing. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 13th day of March 1891, Deponent saw and upon a wagon used by said Peter S. Day in delivering bottled beverages, which said wagon was standing in the East 23rd Street of East 23rd Street and First Avenue in said City and County of New York, bottles marked and distinguished as aforesaid filled with some beverage and this is charged as a second offense, the said deponent and Day having heretofore at the City and County of New York on the 24th day of December 1890, been convicted of a violation of said Chapter 377 of the Laws of the State of New York for 1887 as amended by Chapter 181 of the Laws of said State for 1888, by a Court having jurisdiction in the premises.

Subscribed and sworn to before me, this 30 day of April 1891

H. W. Linker  
POLICE JUSTICE.

H. W. Linker

0606

40

B. No. 38

THE PEOPLE, ETC.,

VS. THE COMPLAINANT OF

HERMAN W. LARKER

VS.

*Chas. L. Day*

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street.

NEW YORK CITY.

0607

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK.

District Police Court.

*Peter J. Day* 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. *Peter J. Day*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer, *U.S.*

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

Answer. *353, E. 23<sup>rd</sup> St 12 years*

Question. What is your business or profession?

Answer, *Bottles*

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 & demand a trial -*  
*by jury*  
*Peter J. Day*

Taken before me this

day of April

1891

Police Justice.

0608

No 36

State of New York,  
City and County of

ss:

In the Name of the People of the State of New York.

To any Peace Officer in this State or in the County of

Proof by affidavit having been this day made before me, by HERMAN W. LINNER,

1200 STREET, New York City, that the following described property, to wit:  
divers bottles, boxes and kegs, the number of which is unknown to deponent, the property of  
Charles Lehing, having branded, blown, etched and otherwise produced on some of said bottles  
Holthusen & Lehing, on others of said bottles Charles Lehing, and on said boxes and kegs  
Charles Lehing.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold,  
disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New  
York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the  
State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to  
believe that the said property was unlawfully taken and has been and is being unlawfully had,  
used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Peter S. Day  
and that there is probable cause for believing that the said divers bottles, boxes and kegs are now  
in the possession of the said

Peter S. Day  
and are now concealed in and upon the following described premises used and occupied by said  
Peter S. Day viz, the buildings and prem-  
ises known and described as number 331 East  
East 33rd Street in the City, County, and  
State of New York

You are, therefore, in the name of the People of the State of New York, commanded and author-  
ized, with proper assistance, in the day-time, or at any time of the day  
to enter the building and premises of the said

Peter S. Day  
and there make immediate search for the said divers bottles, boxes and kegs, and if you find  
the same, or any part thereof, then you are likewise commanded to bring the same so found,  
together with the said

forthwith, before me, at 4th District Police Court in the City of New York

to be dealt with as the law directs,

Dated at

City the 12th

day of April 1890

Police Justice

0609

Inventory of property taken by *Andrew Armstrong* by whom this  
warrant was executed, from *Police S. E. Day*  
in whose possession it was found, & from *within described premises* from whom it was taken,  
where the property was found, ~~no person being there~~

Bottles Filled, *each of said bottles having*  
Bottles Empty, *been compressed in chamber for*  
Boxes, *the same as shown in Exhibit A*  
Total, *2*

COUNTY OF

ss:

I, *Andrew Armstrong*, the officer by whom this warrant was  
executed, do swear that the above inventory contains a true and detailed account of all the  
property taken by me on this warrant.

Sworn to before me, this

day of *April* 189*1*

*Andrew Armstrong*

*No. 38*

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

*Police S. E. Day*

vs.

*Police S. E. Day*

SEARCH WARRANT  
AND  
WARRANT OF ARREST.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street,

NEW YORK CITY.

06 10

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

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

Dated April 6 1891 Jo J. C. Kelly Police Justice.

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

Dated April 26 1891 Jo J. C. Kelly 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..... 18..... Police Justice.

061

BAILED,  
No. 1, by James R. Day  
Residence 353 E. 23<sup>rd</sup> Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

W 4 1462  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Herman W. Fink  
vs.

1 Peter S. Day

2 No. 6

3

4

Offence W. B. Cook

Dated April 6 1891

W. B. Cook Magistrate.

Armstrong Officer.

Cook Precinct.

Witnesses H. W. Lumber

No. 149 E 15<sup>th</sup> Street.

Call the office

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

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

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

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

\$ 3.00 to answer

Bailed



**DISTRICT POLICE COURT.**

State of New York, City and County of NEW YORK.

◆◆

HERMAN W. LINKER, being sworn says; I am 27 years of age; I reside at Number 244 East 38th Street New York City. My business is that of retailer. I am the agent of John Bolen, successor to and transferee of all the rights and interests of the late firm of Bolen and Byrne, lately composed of said John Bolen and John Byrne now deceased. Said John Bolen, successor to and transferee as aforesaid is engaged in bottling and selling soda waters, mineral and aerated waters, lager beer, and other beverages, in bottles, boxes, syphons and kegs, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the times hereinafter mentioned ever since has been and now is at the City of New York and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, boxes, syphons and kegs, and a description thereof is as follows, viz:

Said description of said name and other marks and devices so as aforesaid used by the said John Bolen successor to and transferee as aforesaid upon said bottles, boxes, syphons and kegs, was on the 16th day of April, 1889, duly filed in the office of the Clerk of New York County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 15th day of April, 1889; and such description was by said John Bolen and John Byrne, while co-partners as aforesaid, thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City and County of New York. The said John Bolen, successor to and transferee as aforesaid, has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, amended by Chapter 181 of the Laws of the State of New York for 1888. That said John Bolen, successor to and transferee as aforesaid, is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, boxes, syphons and kegs, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section 1. of Chapter 377 of the Laws of the State of New York for 1887, passed May 15th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888; passed, April 26 1888: that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles, boxes, syphons and kegs, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Peter J. Day

who <sup>5</sup> bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and <sup>15</sup> and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, boxes, syphons, and kegs, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said <sup>25</sup> Peter J. Day <sup>31</sup> and the buildings and premises known and described as numbers 351 and 353 East 23<sup>rd</sup> Street in the City, County and State of New York, and the second floor of the building and premises known and described as number 398 First Avenue in the City, County and State of New York, said second floor being the first floor above the liquor saloon situated in said building numbered 398 First Avenue aforesaid, and all wagons used by said Day, situated within one hundred feet of said premises in numbers 351 and 353 East 23<sup>rd</sup> Street aforesaid.

All of which the said

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles, boxes, syphons and kegs, from the said John Bolen, successor to and transferee as aforesaid. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 1<sup>st</sup> day of June 1891 Deponent saw in and upon a wagon in use by said Day in delivering to customers bottles, kegs, syphons, or like said wagon was also seen on the west side of the city of New York, bottles, kegs, syphons, or like said wagon, and that the said bottles, kegs, syphons, or like said wagon, were marked & distinguished as aforesaid. This is charged as a second offense, the last being on the 24<sup>th</sup> day of December 1890 being, as the City of New York by a Council of Competent Jurisdiction convicted of a violation of Chapter 10 of the Laws of 1887 and each said action being

Subscribed and sworn to before me,  
this 18th day of June, 1901.

100

POLICE JUSTICE. *2nd day of June 1891.*  
*Ag. v. ...*

96)

B. No. 71

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LINKER.

vs.

*Reginald Hart*

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street,

NEW YORK CITY.

0613

..

To any Peace Officer in this State or in the County of \_\_\_\_\_

7197 Say 3114 East New University

was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

John G. Day

[illegible]

*Fita & Fay*

thereof, then you are likewise comm

Dated at NEW YORK *City*

day of \_\_\_\_\_ 189

POLICE JUSTICE.

06 15

Inventory of property taken by *Abraham Philips*  
 warrant was executed, from *Peter S. Day* by whom this  
 & in whose posssssion it was found, & from *the 10th of June 1880* from whom it was taken,  
 where the property was found, ~~no person being there~~  
 1 Bottle Filled, each of said bottles and boxes having  
 96 Bottles Empty, *blown, branded, in pairs and otherwise*  
 7 Boxes, *produced them to the 10th of June*  
 Total, 104

COUNTY OF  
*New York*  
*Abraham Philips* the officer by whom this warrant was  
 executed, do swear that the above inventory contains a true and detailed account of all the  
 property taken by me on this warrant.  
 Sworn to before me, this *22<sup>nd</sup>*  
 day of *July* 1880 *Abraham Philips*

*71071*  
 THE PEOPLE, ETC.,  
 ON THE COMPLAINT OF  
 HENRY W. HART,  
 vs.  
 SEARCH WARRANT  
 AND  
 WARRANT OF ARREST.  
 REGINALD HART,  
 ATTORNEY FOR COMPLAINANT,  
 No. 149 East 15th Street,  
 NEW YORK CITY.

06 16

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

Peter J. Day 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. Peter J. Day

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. U.S.

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

Answer. 353 E. 23rd St 12 years

Question. What is your business or profession?

Answer. Butler

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

Answer. I am not guilty and demand a jury trial Peter J. Day

Taken before me this

23rd

day of

1897

Police Justice

06 17

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

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

Dated June 23 1891 A. J. White Police Justice.

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

Dated June 23 1891 A. J. White 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.

06 18

Police Court 4 District. 829

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Herman W. Link  
219 1/2 E. 38th

1 Peter S. Bay

2 No. 1

3

4

Offence See Book Ack

Dated June 23 1891

White Magistrate

Philips Officer.

Court Precinct.

Witnesses Herman W. Link

No. 219 1/2 E. 38th Street.

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

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

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

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

\$ 1000 to answer 95

Bailed



BAILED.

No. 1, by James R. Day

Residence 353 E. 23rd Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

06 19

Sec. 151.

Police Court 14<sup>th</sup> District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Samuel W. Finken of No. 219 1/2 East 88<sup>th</sup> Street, that on the 16<sup>th</sup> day of June 1891 at the City of New York, in the County of New York,

Peter L. Way did violate section two of Chapter 867 of Laws of 1887 and acts amendatory thereof by using & holding on the possession certain marked & distinguished bottles the property of John Bolan

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 14<sup>th</sup> DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 22<sup>nd</sup> day of June 1891

[Signature]  
POLICE JUSTICE.

0620

age 26. U.S. Res 353-8,23-4

The within named

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

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

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

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Warrant-General.

28.

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

\_\_\_\_\_  
Magistrate

The Defendant John S. Day  
\_\_\_\_\_  
Officer.

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

Officer.

Dated June 22 1891

This Warrant may be executed on Sunday or at  
night.

A. J. White  
Police Justice.

COURT OF GENERAL SESSIONS OF THE PEACE  
Of the City and County of New York.

""""""""""  
The People of the State of New York       "  
  "  
  "       No.1  
  "  
  "  
P E T E R   S .   D A Y                       "  
  "  
""""""""""

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Peter S. Day of a misdemeanor,  
to wit: the crime of offending against the provisions of  
the second Section of the Act of the Legislature of this  
State, passed May 18th 1887, entitled "An Act to protect  
the owners of bottles, boxes, syphons and kegs used in the  
sale of soda waters, mineral or aerated waters, porter, ale  
cider, ginger-ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages," as the  
same was amended by a certain other Act of the Legislature  
of this State, passed April 26th, 1888, entitled "An Act to  
amend chapter three hundred and seventy-seven of the laws  
of eighteen hundred and eighty-seven, entitled "An Act to  
protect the owners of bottles, boxes, syphons and kegs used  
in the sale of soda water, mineral or aerated waters, porter,  
ale, cider, ginger ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages", as a  
second offense, committed as follows:

Heretofore, to wit: on the 29th day of September 1890,  
at the City of New York in the County of New York aforesaid  
one Herman W. Linker being the agent of John Bolen, success-  
or to and transferee of all the rights and interests of the

(2)

then late firm of Bolen and Byrne, then lately composed of the said John Bolen and one John Byrne then deceased, the said John Bolen such successor to and transferee as aforesaid, being then engaged in bottling and selling soda waters mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the time mentioned in the complaint hereinafter referred to, and ever since then and to the time of the making of the complaint and oath hereinafter mentioned, and then was at the said City of New York such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit: Bolen and Byrne, which said description of said name and other marks and devices so as aforesaid used by the said John Bolen such successor to and transferee as aforesaid upon the said bottles, boxes, syphons and kegs was on the 16th day of April, 1839, duly filed in the office of the Clerk of the City and County of New York, and also in the Office of the Secretary of State of the State of New York on the 15th day of April 1839, and which said description was by the said John Bolen and John Byrne while co-partners as aforesaid thereafter caused to be printed and was printed for three weeks successively, in two daily newspapers published in the said City and County of New

(3)

York, did make oath before Charles M. Taintor, Esquire, then and yet being one of the Police Justices of the said City of New York, that the said John Polen successor to and transferee as aforesaid, having in all things complied with the provisions of the Acts of the Legislature aforesaid, and being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, with and by the said name and other marks and devices of which a description had been solemnly filed and published as provided in the said Acts of the Legislature, that he the said Herman W. Linker had reason to believe and did believe the fact to be that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day and Brother, (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S.

Day, namely, the building and premises then known and described as numbers 351 and 353 East 23rd Street in the said City and County of New York; all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the State of New York in such case made and provided and without having the written consent of or having purchased the said divers bottles, boxes, syphons and kegs from the said John Eolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor, Esq., Police Justice as aforesaid present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esq., such Police Justice as aforesaid, a certain affidavit and complaint in writing setting forth the allegation hereinabove contained and further alleging that the reason for his said belief and the further facts upon which the said affidavit and complaint was based was that on the 27th day of September, 1890, he saw in and upon a wagon used by the said Peter S. Day (marked No.2) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 418 East 23rd Street in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon upon the said complaint and affidavit and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esq., Police Justice as aforesaid, did, in due form of

law then and there issue a search warrant to discover and obtain the said bottles and boxes so as aforesaid therein alleged to be and to have been unlawfully used and filled by the said Peter S. Day, as aforesaid, commanding and authorizing any peace officer in this State or in the said County of New York, with proper assistance in the day time, or at any time of the day to enter the said building and premises of the said Peter S. Day known and described as numbers 351 and 353 East 23rd Street in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found together with the said Peter S. Day and the said John Doe forthwith before him the said Charles N. Taintor, Esq., Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant were by reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day at the premises aforesaid.

And afterwards, to wit: on the 30th day of September 1890, the said bottles and boxes so discovered and found were duly taken before the said Charles N. Taintor, Esq., Police Justice as aforesaid, and the said Peter S. Day

was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles N. Taintor, Esq., Police Justice as aforesaid, did then and there duly inquire into the circumstances of such possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him the said Charles N. Taintor, Esq., Police Justice as aforesaid, upon such inquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles N. Taintor, Esq., Police Justice as aforesaid, did order that the said Peter S. Day be held to answer the same and did also admit him to bail in the sum of Five hundred dollars to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day then and there requesting to be tried in that Court and waiving a trial by jury on the said charge and complaint and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December 1890 at the City and County aforesaid, the said Peter S. Day was in due form of law convicted in and by the said Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misdemeanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks

and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished without having obtained the written consent of or having purchased the said bottles and boxes from the said John Bolen thereby offending against the provisions of the second section of the Act aforesaid as so amended.

WHEREUPON upon the conviction aforesaid it was considered by the said Court of Special Sessions and ordered and adjudged that the said Peter S. Day for the misdemeanor aforesaid, pay a fine of two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes; as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages, in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon, and having his principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of <sup>the State of</sup> New York, a description of the name, marks and devices so used by him, being the same name and

other marks and devices so described as aforesaid, to wit: the name, mark, device and mark following: "Bolen and Byrne"- and having so as aforesaid duly caused such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid, afterwards, to wit: on the 18th day of June, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said John Bolen ninety-seven certain bottles and seven boxes, each of the said bottles and boxes being then and there so marked and distinguished as aforesaid, with and by the name, mark and device of the said John Bolen of which a description had been so filed and published as aforesaid and upon which and each of which said bottles and boxes there was then and there the said name, mark and device of the said John Bolen, and did then and there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles and boxes had not been purchased from the said John Bolen; 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 Peter S. Day of the same misdemeanor, committed as follows:

Heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon, and having his principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of the State of New York, a description of the name, marks and devices so used by him, being the same name and other marks and devices so described as aforesaid, to wit: the name, mark, device and mark following: "Bolen and Byrne"- and having so as aforesaid duly caused such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said Peter S. Day late of the City and County aforesaid, having been so convicted of the offence aforesaid as alleged in the first count of this indictment afterwards to wit: on the said 18th day of June, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said John Bolen ninety-seven

certain bottles and seven boxes, each of the said bottles and boxes being then and there so marked and distinguished as aforesaid, with and by the name, mark and device of the said John Bolen of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles and boxes there was then and there the said name, mark and device of the said John Bolen, and did then and there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown and which said bottles and boxes had not been purchased from the said John Bolen; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

-THIRD COUNT.-

And the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor, committed as follows:-

Heretofore to wit: and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the said John Bolen, the successor to and transferee of all the rights and interests of the said late firm of Bolen and Byrne, having been so as aforesaid, and at all the times hereinafter mentioned being likewise engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages, in bottles, boxes, syphons and kegs with his name and certain marks and devices branded, stamped and engraved, etched, blown, impressed and otherwise produced thereon and having his

principal place of business in the said City of New York, and having so as aforesaid duly filed in the office of the Clerk of the said County of New York, and also in the office of the Secretary of State of the State of New York, a description of the name, marks and devices so used by him, being the same name and other marks and devices so described as aforesaid, to wit: the name, mark, device, and mark following: "Bolen and Byrne" and having so as aforesaid duly caused such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment afterwards, to wit: on the said 18th day of June, 1891, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said John Bolen ninety-seven certain bottles and seven boxes, each of the said bottles and boxes being then and there so marked and distinguished as aforesaid, with and by the name of the said John Bolen, of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles and boxes there was then and there the said name, mark and device of the said John Bolen, and did then and there unlawfully fill one of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles and boxes had not been purchased from the said John Bolen;

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.

De Lancey Nicoll,  
District Attorney.

**POOR QUALITY  
ORIGINAL**

St. Moss

(501)

resses:

Hernandez

Counsel,

Filed \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_  
Pleads. *1st Cause*

Pleads, - 174 200 791

THE PEOPLE

U.S.

Peter S. Day

DE LANCEY NICOLL.

*Opinion Attorney.*

A TRUE BILL.

Gen. Brown

*Foreman*

Part 2. May 13<sup>th</sup>/92  
J. W. D.

No. 1.

0634

Sec. 193—200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK.

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

Question. What is your name?

Answer. *Peter J. Day*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *353 E. 23<sup>d</sup> St. 12 years*

Question. What is your business or profession?

Answer. *Boatman*

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

Answer. *I am not guilty and demand a  
trial by a jury* *Peter J. Day*

Taken before me this

*1934*

day of

*1934*

Police Justice.

0635

## DISTRICT POLICE COURT.

State of New York, City and County of NEW YORK.

ss:

HERMAN W. LINKER, being sworn says: I am 27 years of age; I reside at *Number 219 1/2 East 38th Street New York City*. My business is that of *Dejection*. I am the agent of The Union Bottling Company, a corporation created by and at all times hereinafter mentioned, existing under the laws of the State of New York. Said Corporation is engaged in bottling and selling soda water, lager beer, and other beverages, in bottles, boxes and kegs, with its name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes and kegs, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of New York, and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, boxes, and kegs, and a description thereof is as follows, viz: on some bottles U. B. C. in a monogram, on other bottles Isaac A. Moran & Bro., and the letters M. B., on other bottles W. & T. and XX, on other bottles W. T. & Co., on other bottles Merriam & Schrieber and XXX, on other bottles Merriam & Schrieber and the representation of a five pointed star, on other bottles U. B. Co., on other bottles U. B. Co. and U. B. C. in a monogram, on other bottles Union Bottling Co. and some in boxes I. A. M. & Bro., on other boxes U. B. Co., on other boxes Union Bottling Co., on some kegs I. A. M. & Bro., on other kegs U. B. Co., on other kegs Union Bottling Co.

Said description of said name and other marks and devices so as aforesaid used by the said Corporation upon said bottles, boxes and kegs, was on the 18th day of September, 1889, duly filed in the office of the Clerk of New York County in the State New York, and also in the office of the Secretary of State of the State of New York, on the 16th day of September, 1889; and such description was by said Corporation thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City of New York and County of New York. The said Corporation has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Corporation is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, boxes and kegs, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888, passed April 26th, 1888; that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles, boxes and kegs, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

*Peter S. Day*

who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and is, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, boxes and kegs, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said *Peter S. Day*:  
The building and premises known and described as *number 351 and 353 East 23rd Street in the City, County and State of New York*, and the second floor of the building, and premises known and described as *number 393 First Avenue in the City, County and State of New York*, said second floor being the first floor above the liquor saloon situated in said building, *number 393 First Avenue* aforesaid, and all wagons on use by said *Peter S. Day* within one hundred feet of said premises *numbers 351 & 353 East 23rd Street* aforesaid,

All of which the said *Peter S. Day* is and has been

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles, boxes and kegs, from the said Corporation. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 16th day of

June 1891 Deponent saw in and upon a wagon in use by said *Day* in delivering to customers bottles beverages, which said wagon was standing on the East corner of East 25th Street and Second Avenue. Bottles marked and distinguished as aforesaid filled with some beverage, this, charged as a brand offense, the said *Peter S. Day* having testified on the 24th day of December 1890, been at the City of New York by a Court having jurisdiction in the premises been convicted of a violation of the *Habitual Drunkenness* law, referred to, to wit: Chap 377 of the Laws of 1887 & acts amended.

Subscribed and sworn to before me,

this 1st day of June 1891

*H. W. Linker*  
POLICE JUSTICE

*H. W. Linker*

11

B. No. 73

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

NORMAN W. LINKER,

VS.

*Reginald Hart*

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street,

NEW YORK CITY.

*June 23 930*

0636

0637

SS :

To any Peace Officer in this State or in the County of \_\_\_\_\_

Proof by affidavit having been this day made before me, by HERMAN W. LINKER, *(of number)*

Peter J. Day

and that there is probable cause for believing that the said divers bottles, boxes and ~~keys~~ are now in the possession of the said

Polu. L. Gray—

and are now concealed in and upon the following described premises used and occupied by said Peter S. Ray viz, the buildings and premises known and described as Numbers 351 and 353 East 23<sup>d</sup> Street - in the City, County, and State of New York, and the second floor of the building and premises known and described as Number 393 First Avenue in the City, County, and State of New York, said second floor being the first floor above the ground level, as set out in said Number 393 First Avenue Record, and all persons who by said Peter S. Ray situate within one hundred feet of said premises numbered 351 & 353 East 23<sup>d</sup> Street in the City, County, and State of New York, and the second floor of the building and premises known and described as Number 393 First Avenue in the City, County, and State of New York, are hereby notified that they are prohibited from entering upon or using said premises numbered 351 & 353 East 23<sup>d</sup> Street in the City, County, and State of New York, and the second floor of the building and premises known and described as Number 393 First Avenue in the City, County, and State of New York, for the purpose of carrying on or conducting any business or other activity which is prohibited by the provisions of the said Number 393 First Avenue Record.

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day ~~\_\_\_\_\_~~ to enter the building and premises of the said

Peter T. Daen

aforesaid, and there make immediate search for the said divers bottles, boxes and ~~keys~~, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so

forthwith, before me, at 4th District Police Court in said New York City,  
to be dealt with as the law directs.

Dated at NEW YORK,

the

18th

day of

189

**POLICE JUSTICE.**

0638

Inventory of property taken by *Abraham Philips* by whom this  
 warrant was executed, from *Pine S. Day* from whom it was taken,  
 in whose possession it was found, & from *within deanted premises*  
 where the property was found, no person being there  
 6 Bottles Filled, each of said 27 bottles having been  
 21 Bottles Empty, impressed and otherwise produced thereon  
 2 Boxes, N. B. 6" in a square and  
 Total, 29- and each of said boxes having branded  
 stamped otherwise produced thereon  
 "N. B. 60"

COUNTY OF  
 NEW YORK.

I *Abraham Philips* the officer by whom this warrant was  
 executed, do swear that the above inventory contains a true and detailed account of all the  
 property taken by me on this warrant.

Sworn to before me, this *22<sup>nd</sup>* *Abraham Philips*  
 day of *May* 189*7*

*No. 97*  
 THE PEOPLE, ETC.,  
 ON THE COMPLAINT OF  
 HERMAN W. LUTER  
 vs.  
*Pine S. Day*  
 SEARCH WARRANT  
 AND  
 WARRANT OF ARREST.  
 REGINALD HART,  
 ATTORNEY FOR COMPLAINANT.  
 No. 140 East 15th Street.  
 NEW YORK CITY.

0639

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

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

Dated June 23 1891 A. J. White Police Justice.

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

Dated June 23 1891 A. J. White 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..... A. J. White Police Justice.

0640

830

Police Court-- 4 District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Herman W. Linker  
219 1/2 E. 38th

1 Peter S. Day

2 No. 3.

3

Dated June 23rd 1891

White Magistrate

Philips Officer.

Witnesses Herman W. Linker  
No. 219 1/2 E. 38th Street.

No. Street.

No. Street.

\$ 10.00 to answer

Bailed

Offence Violation of the  
Good Act



BAILED.  
No. 1, by James R. Day  
Residence 353 E 23rd Street.  
No. 2, by  
Residence Street.  
No. 3, by  
Residence Street.  
No. 4, by  
Residence Street.

## COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

The People of the State of New York

against

No. 3.

P E T E R S. D A Y.

82 88 97 98 99 01 11 12 13 14 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Peter S. Day of a misdemeanor, to  
wit: the crime of offending against the provisions of the  
second Section of the Act of the Legislature of this State,  
passed May 18th, 1837, entitled "An Act to protect the  
owners of bottles, boxes, syphons and kegs used in the  
sale of soda waters, mineral or aerated waters, porter, ale  
cider, ginger-ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages," as the  
same was amended by a certain other Act of the Legislature  
of this State, passed April 26th, 1833, entitled: "An Act  
to amend chapter three hundred and seventy-seven of the  
laws of eighteen hundred and eighty-seven, entitled 'An  
Act to protect the owners of bottles, boxes, syphons and  
kegs used in the sale of soda water, mineral or aerated  
waters, porter, ale, cider, ginger ale, milk, cream, small  
beer, lager beer, weiss beer, beer, white beer, or other  
beverages.'" as a SECOND OFFENSE, committed as follows:

Heretofore, to wit: on the 29th day of September 1890, at the City of New York in the County of New York aforesaid, one Herman W. Linker being the agent of John Bolen, successor to and transferee of all the rights and

interests of the then late firm of Bolen & Byrne, then lately composed of the said John Bolen and one John Byrne then deceased, the said John Bolen such successor to and transferee as aforesaid, being then engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the times mentioned in the complaint hereinafter referred to, and ever since then, and to the time of the making of the complaint and oath hereinafter mentioned, and then was, at the said City of New York, such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit, "Bolen & Byrne," which said description of said name and other marks and devices so as aforesaid used by the said John Bolen such successor to and transferee as aforesaid upon the said bottles, boxes, syphons and kegs was, on the 16th day of April, 1889, duly filed in the office of the Clerk of the City and County of New York, and also in the Office of the Secretary of State of the State of New York on the 15th day of April 1889, and which said description was by the said John Bolen and John Byrne while co-partners as aforesaid thereafter caused to be printed and was printed for three weeks successively, in two daily newspapers published in the said City and County of New York, did

make oath before Charles M. Taintor, Esquire, then and yet being one of the Police Justices of the said City of New York, that the said John Bolen successor to and transferee as aforesaid, having in all things complied with the provisions of the Acts of the Legislature aforesaid, and being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, with and by the said name and other marks and devices of which a description had been so duly filed and published as provided in the said Acts of the Legislature, that he, the said Herman W. Linker had reason to believe and did believe the fact to be that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day & Brother (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, namely, the building and premises then known and

described as numbers 351 and 353 East 23rd Street in the said City and County of New York: all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the State of New York in such case made and provided and without having the written consent of or having purchased the said divers bottles, boxes, syphons and kegs from the said John Bolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor Esquire, Police Justice as aforesaid, present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esquire, such Police Justice as aforesaid, a certain affidavit and complaint in writing setting forth the allegation hereinabove contained and further alleging that the reason for his said belief and the further facts upon which the said affidavit and complaint was based was that on the 27th day of September 1890, he saw in and upon a wagon used by the said Peter S. Day (marked No. 2) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 413 East 23rd Street in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon, upon the said complaint and affidavit, and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did, in due form of

law, then and there issue a search warrant to discover and obtain the said bottles and boxes so as aforesaid therein alleged to be and to have been unlawfully used and filled by the said Peter S. Day as aforesaid, commanding and authorizing any peace officer in this State or in the said County of New York, with proper assistance in the day time, or at any time of the day to enter the said building and premises of the said Peter S. Day known and described as numbers 351 and 353 East 23rd Street in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found, together with the said Peter S. Day and the said John Doe, forthwith before him the said Charles M. Taintor, Esquire, Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer, and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant, were by reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day at the premises aforesaid.

And afterwards, to wit: on the 30th day of September, 1890, the said bottles and boxes so discovered and found were duly taken before the said Charles M. Taintor,

Esquire, Police Justice as aforesaid, and the said Peter S. Day was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles M. Taintor, Esquire, Police Justice as aforesaid, did then and there duly inquire into the circumstances of such possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him the said Charles M. Taintor, Esquire, Police Justice as aforesaid, upon such inquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles M. Taintor, Esquire, Police Justice as aforesaid, did order that the said Peter S. Day be held to answer the same and did also admit him to bail in the sum of five hundred dollars to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day requesting to be tried in that court and then and there waiving a trial by jury on the said charge and complaint and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December 1890 at the City and County aforesaid, the said Peter S. Day was, in due form of law, convicted in and by the said Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misde-

meanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished without having obtained the written consent of or having purchased the said bottles and boxes from the said John Bolen, thereby offending against the provisions of the second section of the Act aforesaid as so amended.

Whereupon upon the conviction aforesaid it was considered by the said Court of Special Sessions and ordered and adjudged that for the misdemeanor aforesaid the said Peter S. Day pay a fine of two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes; as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, the Union Bottling Company, a corporation duly organized and existing under and by virtue of the laws of this State, having its principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, lager beer and other beverages in bottles, boxes and kegs with its name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 18th day of September, 1889, and also in the office of the Secretary of State of the State of New York, to wit, on the 16th day of September, 1889, a description of the name, marks and devices so used by it and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, boxes and kegs and a description of which had been so filed and published as aforesaid, the said corporation used the following marks and devices, a description thereof being as follows that is to say: in some cases and upon some of its bottles the letters "U. B. C." in a monogram, and also in some cases and upon some of its bottles and boxes the letters and signs "U. B. Co".

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid, afterwards to wit: on the 18th day of June, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said The Union Bottling Company, divers to wit: twenty-seven certain bottles which and each of which were and was then and there marked and distinguished as aforesaid, with and by one of the said marks and devices of the said corporation, to wit: the letters "U. B. C". in a monogram, also divers to wit: two boxes which and each of which were then and there marked and distinguished with another of the said marks and devices of the said corporation to wit: the letters and signs "U. B. Co", the said marks and devices being marks and devices of which a description had been so filed and published as aforesaid and upon which and each of which said bottles and boxes there was then and there the marks and devices of the said corporation, and did then and there unlawfully fill six of the said bottles with a certain beverage to the Grand Jury aforesaid unknown, which said bottles and boxes had not been purchased from the said corporation; 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 Peter S. Day of the same misdemeanor

or, committed as follows:

Heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, The Union Bottling Company, a corporation duly organized and existing under and by virtue of the laws of this State, having its principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, lager beer and other beverages, in bottles, boxes and kegs, with its name and other marks and devices branded, stamped, engraved, etched, blown and impressed and otherwise produced thereon, did duly file in the office of the clerk of the said County of New York to wit: on the 18th day of September, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 16th day of September, 1889, a description of the name, marks and devices so used by it, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, boxes and kegs and a description of which had been so filed and published as aforesaid, the said corporation used the following marks and devices, a description thereof being as follows, that is to say: in some cases and upon some of its bottles the letters "U. B. C." in a monogram and also in some cases and upon some of its bottles, and boxes the letters and signs, "U. B. Co."

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment afterwards, to wit: on the said 18th day of June, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said The Union Bottling Company, divers to wit: twenty-seven certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by one of the said marks and devices of the said corporation, to wit: the letters "U. B. C." in a monogram, also divers to wit: two boxes which and each of which were then and there marked and distinguished with another of the said marks and devices of the said corporation to wit: the letters and signs "U. B. Co." and the said marks and devices being marks and devices of which a description had been so filed and published as aforesaid and upon which and each of which said bottles and boxes there was then and there the said marks and devices of the said corporation and did then and there unlawfully fill six of the said bottles with a certain beverage to the Grand Jury aforesaid, unknown, and which said bottles and boxes had not been purchased from the said corporation against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

-THIRD COUNT.-

And the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor-

or, committed, as follows:-

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, The Union Bottling Company, a corporation duly organized and existing under and by virtue of the laws of this state, having its principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, lager beer and other beverages in bottles, boxes and kegs with its name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 18th day of September, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 16th day of September, 1889, a description of the name, marks and devices so used by it and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles boxes and kegs and a description of which had been so filed and published as aforesaid, the said corporation used the following marks and devices, a description thereof being as follows, that is to say: in some cases and upon some of the bottles, the letters "U. B. C." in a monogram and also in some cases and upon some of the bottles and boxes the letters and signs "U. B. Co".

And the said Peter S. Day late of the City and County aforesaid, having been so convicted of the offense aforesaid, as alleged in the first count of this indictment, afterwards, to wit: on the said 18th day of June, 1891, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said The Union Bottling Company divers to wit: twenty-seven certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by one of the said marks and devices of the said corporation to wit: the letters "U. B. C." in a monogram, also divers to wit: two boxes which and each of which were then and there marked and distinguished with another of the said marks and devices of the said corporation to wit: the letters and signs, "U. B. Co.", and the said marks and devices being marks and devices of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles and boxes there was then and there the said marks and devices of the said corporation, and did then and there unlawfully fill six of the said bottles with a certain beverage to the Grand Jury aforesaid, unknown, which said bottles and boxes had not been purchased from the said corporation; against the form of the statute in such case made and provided against the peace of the People of the State of New York and their dignity.

*Deaney McCall*  
*District Attorney*

0654

POOR QUALITY  
ORIGINAL

Witnesses:

(501)

*Herman Rink*

Counsel,

Filed

day of

1892

Pleads,

*For Equity 191*

THE PEOPLE

vs.

*Peter S. Day*

DE LANCEY NICOLL,

District Attorney.

AT RUE BILL.

*Henry S. ...*  
Foreman.

No. 3.

0655

7139

## DISTRICT POLICE COURT.

State of New York, City and County of NEW YORK.

55:

HERMAN W. LINKER.

of age; I reside at 149 EAST 15TH STREET, New York City, being sworn says: I am 27 years that of Delectore. My business is

I am the agent of Henry Tonjes and John H. Hachmann, co-partners, doing business under the name of H. Tonjes & Co. Said Henry Tonjes and John H. Hachmann, doing business as aforesaid, are engaged in bottling and selling soda water, root beer and other beverages, in bottles, and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, and whose principal place of business was at the times hereinafter mentioned ever since has been and now is at the City of New York and County of New York, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles, and a description thereof is as follows, viz: on some bottles H. Tonjes with the letters H. T. in a monogram, on other bottles H. Tonjes & Co. with the letters H. T. in a monogram, on other bottles Hachmann & Hulle, on other bottles Hachmann & Hulle.

Said description of said name and other marks and devices so as aforesaid used by the said Henry Tonjes and John H. Hachmann, doing business as aforesaid, upon said bottles, was on the 8th day of March, 1889, duly filed in the office of the Clerk of New York County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 6th day of March, 1889; and such description was by said Henry Tonjes and John H. Hachmann, doing business as aforesaid, thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City and County of New York. The said Henry Tonjes and John H. Hachmann, doing business as aforesaid, have in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Henry Tonjes and John H. Hachmann, doing business as aforesaid, are the owners of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, and duly filed and published as provided in Section 1, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888, passed April 26, 1888; that deponent has reason to believe and does believe and distinguishes as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Peter S. Day.

who is bottling and selling soda, ~~mint~~ and aerated waters, ~~port~~, ale, cider, ginger ale, small beer, lager beer, white beer and other beverages, and ~~is~~ and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, viz:

The build and premises known as described as numbered 351 & 353 East 23rd Street in the City, County and State of New York.

All of which the said Peter S. Day, and has been

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles from the said John Tonjes and John H. Hachmann, doing business as aforesaid. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 28th day of March, 1891, Deponent saw in and upon a wagon used

by said Day in delivering bottles and beverages, which said wagon was standing on the street and corner of East 23rd Street and 3rd Avenue, in the City of New York, New York, bottles marked with the name and device as aforesaid, filled with soda water, and this was charged as a second offense. The said Peter S. Day had been convicted of a violation of the Statute herein before referred to by a court having jurisdiction in the premises.

Subscribed and sworn to before me, }  
this 3rd day of April 1891 }

Herman W. Linker

H. W. Linker

POLICE JUSTICE.

0656

11  
B. No. 39

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LIBERTY

VS.

Delac. Guy

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 140 East 15th Street.

NEW YORK CITY.

0657

Sec. 198-200

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*Peter J. Day* 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. *Peter J. Day*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer, *N.Y.*

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

Answer. *353 E. 23<sup>d</sup> St. 12 years*

Question. What is your business or profession?

Answer, *Broker*

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

Answer. *I am not guilty and demand a trial by jury*  
*Peter J. Day*

Taken before me this

day of

*April*

1891

Police Justice.

0658

11057

State of New York,  
City and County of  
NEW YORK.

ss:

In the Name of the People of the State of New York.

To any Peace Officer in this State or in the County of New York.

Proof by affidavit having been this day made before me, by HERMAN W. LINKER.

at 140 East 15th Street, New York City that the following described property, to wit: divers bottles, the number of which is unknown to deponent, the property of Henry Tonjes and John H. Hachmann, co-partners doing business under the name of H. Tonjes & Co., having branded, blown and otherwise produced on some of said bottles H. Tonjes with the letters H. T. in a monogram, on others of said bottles H. Tonjes & Co., with the letters H. T. in a monogram, on others of said bottles H. Tonjes, on others of said bottles Henry Tonjes & Co., on others of said bottles Hachmann & Hulle, on others of said bottles Hachman & Hulle, was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

— Peter S. Day —

and that there is probable cause for believing that the said divers bottles are now in the possession of the said

— Peter S. Day —

and are now concealed in and upon the following described premises used and occupied by said

Peter S. Day viz, the buildings and premises situate at and described as numbers 351 and 353 East 23rd Street in the City, County and State of New York.

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said

Peter S. Day — situate as aforesaid, and there make immediate search for the said divers bottles, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said Peter S. Day —

forthwith, before me, at 4th District Police Court in the City of New York

to be dealt with as the law directs.

Dated at

City

the

Third

day of

April

1891

*Herman W. Linker*

POLICE JUSTICE

0659

Inventory of property taken by Andrew Armstrong by whom this  
warrant was executed, from Peter S. Day

in whose possession it was found, & from which deposited premises from whom it was taken,  
where the property was found, no person being there.

3 Bottles Filled,  
Bottles Empty, each said they both having  
Boxes, been impressed or otherwise  
Total, 3 of which three on Henry's floor

COUNTY OF  
NEW YORK.

ss:

I Andrew Armstrong the officer by whom this warrant was  
executed, do swear that the above inventory contains a true and detailed account of all the  
property taken by me on this warrant.

Sworn to before me, this

day of April 189 1

Andrew Armstrong

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LUGER

vs.

Peter S. Day

SEARCH WARRANT

AND

WARRANT OF ARREST.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street

NEW YORK CITY.

11039

0660

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

*Defendant*

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

Dated *April 6* 1891 *D. J. [Signature]* Police Justice.

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

Dated *April 6* 1891 *D. J. [Signature]* 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..... 18..... Police Justice.

066

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Herman W. Lumber

vs.

1 Peter S. Day

2

3

4

No. 4.

Office

Dated

April 6

1891

Reilly

Magistrate.

Armstrong

Officer.

Coach

Precinct.

Witnesses

H. W. Lumber

No.

149 E. 15

Street.

Call do office

No.

Street.

No.

Street.

\$

300

to answer

Bailed



COURT OF GENERAL SESSIONS OF THE PEACE,  
Of the City and County of New York.

\*\*\*\*\*

The People of the State of New York

Against

P E T E R S. D A Y.

\*\*\*\*\*

No. 4.

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Peter S. Day of a misdemeanor,  
to wit: the crime of offending against the provisions of  
the second Section of the Act of the Legislature of this  
State, passed May 18th, 1887, entitled "An Act to protect  
the owners of bottles, boxes, syphons and kegs used in the  
sale of soda waters, mineral or aerated waters, porter,  
ale, cider, ginger ale, milk, cream, small beer, lager beer,  
weiss beer, beer, white beer, or other beverages," as the  
same was amended by a certain other act of the Legislature  
of this State, passed April 26th, 1888, entitled "An Act  
to amend chapter three hundred and seventy-seven of the  
laws of eighteen hundred and eighty-seven, entitled 'An  
Act to protect the owners of bottles, boxes, syphons and  
kegs used in the sale of soda water, mineral or aerated  
waters, porter, ale, cider, ginger ale, milk, cream, small  
beer, lager beer, weiss beer, beer, white beer, or other  
beverages'," as a second offense, committed as follows:

Heretofore, to wit: on the 29th day of September,  
1890, at the City of New York in the County of New York  
aforesaid, one Herman W. Linker being the agent of John Bo-  
len, successor to and transferee of all the rights and in-  
terests of the then late firm of Bolen & Byrne, then lately  
composed of the said John Bolen and one John Byrne then de-  
ceased, the said John Bolen such successor to and trans-

ferree as aforesaid, being then engaged in bottling and selling soda waters, mineral and aerated waters, lager beer and other beverages in bottles, boxes, syphons and kegs with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles, boxes, syphons and kegs, and whose principal place of business was at the time mentioned in the complaint hereinafter referred to, and ever since then, and to the time of the making of the complaint and oath hereinafter mentioned, and then was, at the said City of New York, such name and other marks and devices so as aforesaid produced upon such bottles, boxes, syphons and kegs and a description thereof being as follows, to wit: "Bolen & Byrne", which said description of said name and other marks and devices so as aforesaid, used by the said John Bolen such successor to and transferee as aforesaid, upon the said bottles, boxes, syphons and kegs was, on the 16th day of April, 1889, duly filed in the office of the Clerk of the City and County of New York, and also in the office of the Secretary of State of the State of New York on the 15th day of April, 1889, and which said description was by the said John Bolen and John Byrne while copartners as aforesaid, thereafter caused to be printed, and was printed for three weeks successively, in two daily newspapers published in the said City and County of New York, did make oath before Charles N. Taintor, Esq., then and yet being one of the Police Justices of the said City of New York, that the said John Bolen successor to and transferee as aforesaid, having in all things complied with the pro-

visions of the Acts of the Legislature aforesaid, and being the owner of the following described property marked and distinguished as hereinbefore stated, namely: divers bottles, boxes, syphons and kegs, the number of which was unknown to the said Herman W. Linker, the same being so marked and distinguished as aforesaid, which and by the said name and other marks and devices of which a description had been so duly filed and published as provided in the said Acts of the Legislature, that he, the said Herman W. Linker had reason to believe and did believe the fact to be that the said property, namely, the said divers bottles, boxes, so marked and distinguished as aforesaid, were then being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by the said Peter S. Day, then doing business under the name of Day & Brother, (the name Peter S., being fictitious, the said Day's Christian name being unknown to him) and John Doe, who were then bottling and selling soda, aerated waters and other beverages and then were and had been unlawfully filling, using, buying, selling, giving and taking and otherwise disposing of and trafficking in said divers bottles, boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said Peter S. Day, namely, the building and premises then known and described as numbers 351 and 353 East 23rd Street in the said City and County of New York; all of which the said Peter S. Day and the said John Doe were then and had been doing contrary to the laws of the State of New York

in such case made and provided, and without having the written consent of or having purchased the said divers bottles, boxes, syphons and kegs from the said John Bolen such successor to and transferee as aforesaid.

And the said Herman W. Linker did then and there in and for so making oath before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, present, lay before, make, subscribe, verify and swear to, before the said Charles N. Taintor, Esquire, such Police Justice as aforesaid, a certain affidavit and complaint in writing, setting forth the allegations herein above contained and further alleging that the reason for his said belief and the further facts upon which the said affidavit and complaint was based were that on the 27th day of September 1890, he saw in and upon a wagon used by the said Peter S. Day (marked No. 2) in the delivery of bottled beverages, while said wagon was standing in front of saloon apparently kept by Charles Miller, No. 418 East 23rd Street in said City of New York, bottles marked and distinguished as aforesaid, filled with some beverage.

And thereupon, upon the said complaint and affidavit, and such oath having been so made before him as aforesaid by the said Herman W. Linker, the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did, in due form of law, then and there issue a search warrant to discover and obtain the said bottles and boxes so as there-<sup>aforesaid</sup> in alleged to be and to have been unlawfully used and filled by the said Peter S. Day as aforesaid, commanding and authorizing any peace officer in this State or in the

said County of New York, with proper assistance in the day time, or at any time of the day, to enter the said building and premises of the said Peter S. Day known and described as numbers 351 and 353 East 23rd St. in the said City and County, and there make immediate search for the said divers bottles, boxes, and if such peace officer found the same or any part thereof then to bring the same so found, together with the said Peter S. Day and the said John Doe, forthwith before him the said Charles N. Taintor, Esquire, Police Justice as aforesaid, at the Fourth District Police Court in the said City of New York, to be dealt with according to law; which said search warrant was on the day and in the year aforesaid, at the City and County aforesaid, duly executed by a peace officer, and twelve filled bottles, four hundred and forty-one empty bottles and seventeen boxes so described in the said complaint and affidavit and being the bottles and boxes described in the said search warrant were by reason thereof discovered and obtained by the said peace officer and found in the possession of the said Peter S. Day at the premises aforesaid.

And afterwards, to wit: on the 30th day of September 1890, the said bottles and boxes so discovered and found were duly taken before the said Charles N. Taintor, Esquire, Police Justice as aforesaid, and the said Peter S. Day was also duly brought before him according to the requirements of the said warrant, whereupon the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did then and there duly inquire into the circumstances

of such possession and did then and there also proceed to examine the said charge in due form of law, and it appearing to him, the said Charles N. Taintor, Esquire, Police Justice as aforesaid, upon such inquiry and examination that the crime and misdemeanor alleged in the said complaint and affidavit of the said Herman W. Linker had been committed and that there was sufficient cause to believe the said Peter S. Day guilty thereof, he the said Charles N. Taintor, Esquire, Police Justice as aforesaid, did order that the said Peter S. Day be held to answer the same and did also admit him to bail in the sum of five hundred dollars to answer the said charge and complaint at the Court of Special Sessions of the said City and County of New York, the said Peter S. Day then and there requesting to be tried in that court and waiving a trial by jury on the said charge and complaint and not having elected to be tried at the Court of General Sessions of the Peace of the City and County of New York.

And afterwards, to wit: on the 24th day of December 1890, at the City and County aforesaid, the said Peter S. Day was, in due form of law, convicted in and by the said Court of Special Sessions of the City and County of New York upon the said charge and complaint and of the misdemeanor specified and alleged therein, to wit: of having unlawfully used seventeen boxes and twelve bottles so marked and distinguished with and by the said name, marks and devices of the said John Bolen and of having unlawfully used and filled four hundred and forty-one other bottles likewise marked and distinguished without having obtained the written consent of or having purchased the

said bottles and boxes from the said John Bolen, thereby offending against the provisions of the second section of the act aforesaid as so amended.

Whereupon upon the conviction aforesaid, it was considered by the said Court of Special Sessions and ordered and adjudged that for the misdemeanor aforesaid the said Peter S. Day pay a fine of two hundred and thirty-five dollars, being a fine of fifty cents for each and every of such bottles and boxes: as by the record thereof doth more fully and at large appear.

AND heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, Henry Tonjes and John H. Hachmann, copartners doing business under the firm name of H. Tonjes and Company, having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages in bottles and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 8th day of March, 1889, and also in the office of the Secretary of State of the State of New York, to wit, on the 6th day of March, 1889, a description of the name, marks and devices so used by them and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid so as aforesaid produced upon

such bottles and boxes a description whereof had been so duly filed and published as aforesaid, the said firm used the following name, marks and devices upon its bottles, a description thereof being as follows that is to say: the words, letters and matters "Henry Tonjes & Co."

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offence aforesaid, afterwards to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said firm, divers to wit: three certain bottles which and each of which were and was then and there marked and distinguished as aforesaid, with and by the said name, mark and device of the said firm hereinbefore set forth, the said name, marks and devices being a name, marks and devices of which a description had been so filed and published as aforesaid and upon which and each of which said bottles there was then and there the said name, marks and devices of the said firm, which said bottles had not been purchased from the said firm; 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 Peter S. Day of the same misdemeanor, committed as follows:

Heretofore and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, Henry Tonjes and John H. Hachmann, copartners doing

business under the firm name of H. Tonjes and Company, and having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages, in bottles and boxes and kegs, with their name and other marks and devices branded, stamped, engraved, etched, blown and impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 8th day of March, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 8th day of March, 1889, a description of the name, marks and devices so used by it, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles and boxes, a description whereof had been so duly filed and published as aforesaid the said firm used the following name, marks and devices upon its bottles a description thereof being as follows, that is to say: the words, letters and matters "Henry Tonjes & Co.

And the said Peter S. Day, late of the City and County aforesaid, having been so convicted of the offense aforesaid as alleged in the first count of this indictment, afterwards to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid, unknown, without the consent of the said firm, divers to wit:

No 4

three certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name, mark and device of the said firm hereinbefore set forth and the said name, marks and devices being a name, marks and devices of which a description had been so filed and published as aforesaid and upon which and each of which said bottles there was then and there the said name, marks and devices of the said firm, and which said bottles had not been purchased from the said firm; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

-THIRD COUNT.-

And the Grand Jury aforesaid by this indictment, further accuse the said Peter S. Day of the same misdemeanor, committed as follows:-

Heretofore to wit and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, Henry Tonjes and John H. Machmann, copartners doing business under the firm name of H. Tonjes and Company, having their principal place of business in the said City of New York, being at all the times herein mentioned engaged in bottling and selling soda water, root beer and other beverages in bottles and boxes with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 8th day of March, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 6th

day of March, 1889, a description of the name, marks and devices so used by them and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as provided by the said Acts, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles and boxes a description whereof had been so duly filed and published as aforesaid, and kegs the said firm used the following name, marks and devices upon its bottles a description thereof being as follows, that is to say: the words, letters and matters "Henry Tonjes & Co".

And the said Peter S. Day late of the City and County aforesaid, having been so convicted of the offence aforesaid, as alleged in the first count of this indictment, afterwards to wit: on the 3rd day of April, 1891, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said firm, divers to wit: three certain bottles which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name, mark and device of the said firm hereinabove set forth, and the said name, marks and devices being a name, mark and device of which a description had been so filed and published as aforesaid, and upon which and each of which said bottles there was then and there the said marks and devices of the said firm, and which said bottles had not been purchased from the said firm; against the form of the statute in such case made and provided against the peace of the People of

0673

the State of New York and their dignity.

De Lancey Nicoll,  
District Attorney.

0674

BOX:

467

FOLDER:

4286

DESCRIPTION:

Delnegro, Francesco

DATE:

09/02/92



4286

Witnesses:

*Officer Linton*

Counsel

Filed

day of

1892

Plead

THE PEOPLE

*William H. us*

*De Lancey*

*De Lancey*

CONCEALED WEAPON  
Section 410, Penal Code

DE LANCEY NICOLL

District Attorney

A TRUE BILL

*Henry J. ...*

Foreman

*Part 3. Feb 8/92*

*Pleads guilty*

*Per bond*

0676

POOR QUALITY  
ORIGINAL

Witnesses:

*Officer Leaton*

Counsel,

Filed,

Pleads,

day of

1892

THE PEOPLE

*vs.*  
*Francisco Delnegro*

CONCEALED WEAPON.  
(Section 410, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Ray J. Hanna*  
Foreman.  
Part 3. Feb 8/92  
Pleads guilty.  
Per Court.

0677

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Francisco Delnegro* 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.

*Francisco Delnegro*

Question. How old are you?

Answer.

*29*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*58 Mulberry St.*

Question. What is your business or profession?

Answer.

*Bookbinder*

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

Answer.

*I am not guilty*  
*of*  
*Francisco Delnegro*  
*murder*

Taken before me this  
*20*  
*1914*  
*John M. Smith*  
Police Justice.

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 Alfred Law

five 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 January 15 1892 John B. Smith Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0679

Police Court---

101  
District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

*James L. Boston*  
*San Francisco, Deluge*

2

3

4

*Carrying*  
*Offence*  
*Carrying*  
*Carrying*

Dated

*Jan 15<sup>th</sup>*  
*Smith*  
*Curran & Weston*

1892

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 500 to answer

*9.25*

*Com*

BAILED.

No. 1, by

Residence Street.

No. 2, by

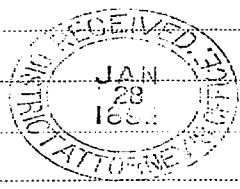
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street



0680

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, 1 DISTRICT.

*James Liston*  
 of *The 64th Precinct* Street, aged *34* years,  
 occupation *Police Officer* being duly sworn, deposes and says  
 that on the *25* day of *January* 189*2*

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

*he arrested*  
*Rauesco Deluego* on *Park Row*  
*acting in a suspicious manner*  
*that after arresting said Deluego*  
*deponent found concealed upon*  
*his person a weapon commonly*  
*called a spring shot and deponent*  
*therefor charges him with violating*  
*Section 416 of the Penal Code*  
*of the State of New York.*  
*James E. Liston*

Sworn to before me this

of

*John J. [illegible]*  
 Justice

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Francesco Delnegro*

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

*Francesco Delnegro*

of a FELONY, committed as follows:

The said *Francesco Delnegro* *25th*  
late of the City of New York, in the County of New York aforesaid, on the  
day of *January* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, with force and arms, feloniously did furtively  
carry, concealed on his person, a certain instrument and weapon of the kind commonly known as  
*a slung shot* with intent then and there  
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

SECOND COUNT—

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

*Francesco Delnegro*

of a FELONY, committed as follows:

The said *Francesco Delnegro*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, with force and arms, feloniously did possess a certain instrument and  
weapon of the kind commonly known as *a slung shot*  
by him then and there concealed, and furtively carried on his person, with intent then and there  
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

DE LANCEY NICOLL,  
*District Attorney.*

0682

**BOX:**

467

**FOLDER:**

4286

**DESCRIPTION:**

Denny, Thomas

**DATE:**

02/15/92



4286

Witnesses:

*M. A. P. Vincent*

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

*Thomas Denny*

*Grand Larceny, Second Degree.*  
[Sections 523, 524, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Ray D. Corning*  
Foreman.

*Joseph*

*Leander*

*Elmer A. P. M.*

0684

(1205)

Police Court—2<sup>nd</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Maria Ponzolani  
 of No. 15 Vandam Street, aged 22 years,  
 occupation Married being duly sworn,  
 deposes and says, that on the 1<sup>st</sup> day of February 1892 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

One seal ring value  
at the present value  
100

the property of Deponent

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
 and carried away by Thomas Leroy Woodbury  
who after being informed of his  
rights admit and confess to  
having stolen said property and  
to having passed the same.  
Deponent subsequently received  
the said property.

Maria Ponzolani

Sworn to before me, this

1892

(day)

Police Justice.

0685

Sec. 100, 200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Thomas Derry* 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. *Thomas Derry*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *N. D.*

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

Answer. *52 South 5th Avenue, Brooklyn*

Question. What is your business or profession?

Answer. *None*

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 guilty.*

*Thomas Derry*

Taken before me this  
day of *February* 1892

Police Justice.

0686

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

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

Dated *July 8* 18 *92* *[Signature]* Police Justice.

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

Dated.....18.....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.....18.....Police Justice.

068

Police Court--- 2 District. 169

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Major Richard*  
*W. Denny*  
3. *Ward*

2.

3.

4.

BAILED.

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Feb 8* 1892

*Hogan* Magistrate.

*Samuel Hogan* Officer.

*J.* Precinct.

Witnesses *Officer*

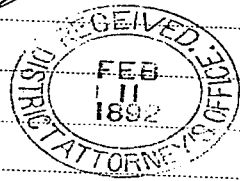
No. .... Street.

No. .... Street.

No. .... Street.

*1000* to answer *G.P.*

*Com*



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Denny*

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

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

The said

*Thomas Denny*

late of the City of New York, in the County of New York aforesaid, on the *sixth*  
day of *February* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, with force and arms,

*one sackage of the value  
of one hundred dollars*

of the goods, chattels and personal property of one

*Marie Purchard*

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

*De Lancey Nicoll,  
District Attorney*

0689

BOX:

467

FOLDER:

4286

DESCRIPTION:

Devanney, Patrick

DATE:

02/10/92



4286

0690

(501)

Witnesses:

J. B. Huntloorn  
off Hand

see in document filed  
Apr. 22, 1888

Counsel,

Filed 10<sup>th</sup> day of 11/1892

Pleads, 11/11

THE PEOPLE

Patrick Devanney

Grady

DE LANCEY NICOLL,

District Attorney.

William C. Fivittings Corwin  
Grady 11/11

A TRUE BILL.

Ray Devanney  
Foreman.

Part 3. February 15/92  
Pleads 8. L. 2d day 19  
5. 10 5 yrs.

Grand Jurors, second degree etc.  
(Second Offense)  
[Section 4685, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100]

0691

Police Court—2<sup>nd</sup> District.

(1905)

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 154 John B. Huntton Street, aged 44 years,

occupation Ice dealer being duly sworn,

deposes and says, that on the 29<sup>th</sup> day of January 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One grey mare valued  
at two hundred and fifty-  
dollars

\$250.00

the property of Deponent

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

Patrick Devaney (now living)  
and William C. Swickings (now yet  
arrested), who were acting in concert  
for the purpose following to wit:  
On the said date the aforesaid  
Swickings received from Wilbur Wilson  
a form in duplicate the said Swickings  
saying that Robert McGuire had sent  
him for said horse. Deponent has since  
been informed by said McGuire that he  
McGuire did not authorize the aforesaid  
Swickings to get said horse. Deponent  
is further informed by Detective Patrick  
J. Henry that the aforesaid Devaney  
admitted to him that he Devaney

Subscribed and sworn to before me this  
1892

Police Justice.

had brought said horse to Newark  
 New Jersey and that he had tried to  
 sell the said horse there. She said  
 that with Detective <sup>Atkinson</sup> ~~Black~~ <sup>Black</sup> went to  
 the place where the defendants Flanagan  
 said the horse was and they recovered  
 the same which horse appears to have  
 some skin and even teeth.

I am to before me } John B. Hewitt  
 this 2<sup>nd</sup> day of January }  
 1882

J. B. Hewitt  
 Police Justice

0693

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 33 years, occupation Detective of No. 9th Avenue Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John B. Hamilton and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me this 2 day of February 1890, } Patrick F. Hunt

[Signature]  
Police Justice.

0694

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

2 District Police Court.

*William C. Twitchings* 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 C. Twitchings*

Question. How old are you?

Answer.

*Between 15 years.*

Question. Where were you born?

Answer.

*England*

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

Answer.

*42 Horatio St. 1 1/2 years.*

Question. What is your business or profession?

Answer.

*Sailor*

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 C Twitchings*

Taken before me this

day of February 1882

Police Justice

0695

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.2<sup>nd</sup>

District Police Court.

*Patrick Deranny* 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.

*Patrick Deranny*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*174 Perry St. 9 years*

Question. What is your business or profession?

Answer.

*Oyster 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 am now guilty*

*Patrick Deranny*

Taken before me this

2

day of *February* 1892

Police Justice.

0696

Sec. 151.

Police Court 2 District.

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

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 John B. Huntington

of No. 154 John Street, that on the 29 day of January

1882 at the City of New York, in the County of New York, the following article to wit:

One gray mare  
Two hundred and fifty Dollars,  
 the property of Complainant  
 w a taken, stolen and carried away, and as the said complainant has cause to suspect and does suspect and  
 believe, by John Hervey and William R. Swick

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 every of you, to apprehend the body of the said Defendant  
 and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in  
 case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the  
 said charge, and to be dealt with according to law.

Dated at the City of New York, this 2 day of February 1882

John B. Huntington  
 POLICE JUSTICE.

0697

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.....

*Reframing*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *1000* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *July 2<sup>d</sup>* 1892 *DB* Police Justice.

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

Dated.....18.....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.....18.....Police Justice.

COX JURY JR. Z. 86 14

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Patrick Devanney*

The Grand Jury of the City and County of New York, by this  
Indictment accuse *Patrick Devanney*

of the crime of *Grand Larceny in the second degree*  
as a SECOND OFFENSE, committed as follows:

Heretofore, to wit: at a court of General Sessions of the Peace, holden in and  
for the City and County of New York, at the City Hall, in the said City of New York,  
on the *twenty-sixth* day of *November*, in

the year of our Lord, one thousand eight hundred and *Eighty-eight*,  
before the Honorable *Rufus B. Cowing, City*

*Judge of the City of New York*,  
and Justice of the said Court, the said *Patrick Devanney*

by the name and description of *Patrick Devanney*  
was in due form of law convicted of *a felony*

to wit: *Grand Larceny in the second degree*  
upon a certain indictment then and there in the said Court depending against *him*

the said *Patrick Devanney* by the  
name and description of *Patrick Devanney*

as aforesaid,

for that *he*

then

late of the

City of New York, in the County of New York aforesaid, on the  
twenty-eighth day of November in the  
fourth year of our Lord, one thousand, eight hundred and eighty seven,  
year aforesaid, at the City and

County aforesaid, with force and arms, thirty-one bales  
of hay of the value of two  
dollars each bale, and the  
sum of nine dollars and fifty  
cents in money, lawful money  
of the United States and of the  
value of nine dollars and fifty  
cents of the goods, chattels and  
personal property of one Clarence  
W. Manning then and there being  
found, then and there feloniously  
did steal, take and carry away.

0701

And Thereupon, upon the conviction aforesaid, it was considered by the said Court of General Sessions of the Peace, and ordered and adjudged that the said Patrick Devanney

by the name and description of

Patrick Devanney  
as aforesaid,

for the

felony and larceny whereof

he was so convicted as aforesaid, he imprisoned in the State

Prison

at hard labor for

the term of

three years and three months

as by the record thereof doth more fully and at large appear.

And the said

Patrick Devanney

late of the

City of New York, in the

County of New York aforesaid, having been so as aforesaid convicted of the

said felony and larceny in

manner aforesaid, afterwards, to wit: on the 29th day of

January

in the year of our Lord one thousand eight hundred

and ninety-two at the

City and County aforesaid, with force

and arms,

one horse of the value of two hundred and fifty dollars, of the goods, chattels and personal property of one John B. Huntton then and there being found, then and there feloniously did steal, take and carry away against the form of the Statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

## Second Count.

And the Grand Jury aforesaid by this indictment further accuse the said Patrick Devanney of the crime of Receiving stolen Goods as a second offense, committed as follows:

The said Patrick Devanney, late of the City and County aforesaid (having as aforesaid been convicted of the said felony and larceny as set forth in the first count of this indictment) afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid with force and arms, one house of the value of two hundred and fifty dollars, of the goods, chattels and personal property, of John B. Huntoon by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said John B. Huntoon, unlawfully and unjustly did feloniously receive and have; the said Patrick Devanney then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

De Lancey Nicoll,  
District Attorney.