

0526

BOX:

467

FOLDER:

4286

DESCRIPTION:

Davis, Charles

DATE:

02/05/92



4286

Witnesses:

Allen M. Anger
Elias Taylor

Joseph Street
Hampden

Counsel,

Filed 5 day of Dec. 1892.

Pleads, *Arpaally!*

THE PEOPLE

*25. Clothing buttons, obs.
11 1/2 Stamps*

Charles Davis

Grand Larceny, *Sec. 11*
(From the Person.)
Degree. Penal Code.)
[Sections 628, 629]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Ray D. Lawrence

Part 2 - *Oct. 11, 1892*
Foreman.
Pleads Petit Larceny

In 192 B. Oct. 15

Police Court

1 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 273 Person Street Brooklyn aged 35 years,
occupation Single being duly sworn,

deposes and says, that on the 30 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 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 1st day
of February 1892
H. M. Jackson Police Justice.

0529

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

day of *Feb* 1892

3

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 Defendant

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.

Dated February 1899 H. M. M. M. M. 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.

053

Police Court--- District. ¹⁴⁰

THE PEOPLE, &c.,
OF THE COMPLAINT OF

Miles M. Rogers
273rd Broadway, N.Y.
Charles Davis

2
3
4

Lawrence
Officer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Feb 27 1892*

W. Taylor Magistrate.

B. B. Officer.
Precinct.

Witnesses *R. Percival*
with Insurance Co.
No. *24 Park Place* Street.

John Doe
No. *135 Lawrence* Street.
Bklyn

No. *1500* Street
to answer *G.S.*

1500 bond 4 Feb 3-92
Committed

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 Lucy 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 A. Stock
Officer Kufe
Hermon Miss

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 dept Walden.

Wardlaw from
Feb 24/92
Asst Dist Atty

126 Phillip Levy
{ 317 Broadway

Counsel,
Filed 10th day of Feb 1895
Pleads, *Ignorantly*

THE PEOPLE

vs.

Milton Davis
and
Max Walden

Engraved in the Third Degree.
Section 408, City of New York.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry J. ...
Foreman.

No. 1. tried & convicted.

Par 3. None of Refuse

July 23/92

No 2. Discharged on his own
recog. in return of Dist Atty, 1891

Court of
General Sessions

The People
vs.
Max W. Alder

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

100 EAST 23D STREET,

New York, Oct 8 1892

CASE NO. 62890 OFFICER *Morgan*
DATE OF ARREST *Feb 14 1892*
CHARGE *Burglary*

AGE OF CHILD *fourteen years*
RELIGION *Hebrew*
FATHER *Isidore*

MOTHER *Johanna*

RESIDENCE *235 E. 107th Street*

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Oct. 24 Boys' brother, Paul
W. Alder, 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 Boy was arrested on the
mother's complaint of juvenile delinquency.
Justice White committed boy to the Hebrew
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 DeLong
Supt

To the court

0537

*Book of
General Assurances*

*The People
New York
Mary Habicht*

PENAL CODE

Comptroller

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.

0539

*Court of
General Sessions*

Not Reported

re

Milton Cross

PENAL CODE, %

Langford

**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.

0540

Police Court 5 District.

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

of No. 445 E. 50th Street, aged 21 years,
occupation Painter

deposes and says, that the premises No 1931 2^d 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 straw
warehouse at the time a lock being by name

were 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 1st day of February 1894 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One keg of white lead of
the value of four dollars

the property of Thomas Mahan and in default of
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 now here)

for the reasons following, to wit: that about two weeks
ago deponent locked and secured
fastened the doors and windows
of said straw house, and left
said straw house leaving said
property therein.
deponent is informed by Officer
Thomas Keefer that he arrested these
defendants together and in company with

0541

each other at about the hour of 5-
 O'clock P. M. January 1st at the corner
 of 2nd avenue and 99th 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.
 Deponent is further informed by Herman
 Weiss that at about the hour of
 5th O'clock P. M. Feb 1. he saw
 the defendant Davis and another boy
 in the act of entering from said
 premises with a bag of white
 lead in their possession.
 Wherefore Deponent 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 3rd day of Feb, 1892 }

Wm. Redde

Police Justice

Police Court _____ District _____

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

Dated _____ 188 _____

Magistrate _____

Officer _____

Clerk _____

Witnesses: _____

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street _____

Burglary _____ Degree _____

0542

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

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 3 day of July, 1897.
Thomas Keefe

[Signature]
Police Justice.

0543

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.

Herman Wierz

aged 13 years, occupation School boy of No. 247. E 106th Street, being duly sworn, deposes and

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

Sworn to before me, this 9
day of July, 1892

Herman Wierz

[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, 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.

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 1887

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
W. J. [Signature]
 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. [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.

054

138

Police Court---5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis H. Stock
445 E. 80th
Milton Davis
Max Walter

Offence Burglary

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 3 1892

Welde Magistrate.

Thomas Keepe Officer.

27 Precinct.

Witnesses Off Thos Keepe

No. 27 Precinct Street.

Herman Wiers

No. 247 E 106th Street.

Thomas F. Moore

No. 100623rd

\$ 500 each to answer

Coone

RECEIVED
FEB 4 1892
DISTRICT ATTORNEY
Buy 3
P
R

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 *12th* 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 *Retit* 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.

0550

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
Milton Davis and Max Walden
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Milton Davis and Max Walden*, 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 *Milton Davis and Max Walden* 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

189

Pleads,

Not Guilty

THE PEOPLE

vs.

Peter S. Day

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. J. ...

Foreman.

No. 4.

File ... 887 62, 100
... 13 ...

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.

*Witness my hand
at New York*

0564

Witnesses:

(501)

Herman Link

fy *mod*

Counsel,

Filed *17* day of *July* 189*2*

Pleads, *not 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.

Herman Link
Part 2 - May 3/92 Foreman.
Pleads Guilty
Sentence suspended
Fined on another
no. 6. Indictment

0565

no 12

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. Taylor

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 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. Taylor, viz:

The build described here 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 colonn situated on said build and premises numbered 393 First Avenue aforesaid, and all wagons on horse by said Peter S. Taylor situated within one hundred feet of said premises numbered 351 and 353 East 23rd Street aforesaid.

All of which the said Peter S. Taylor 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 in and upon a wagon in use at said City in driving of customers bottles, which said wagon was standing on the west East corner of East 25th 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. Taylor having been previously charged on the 24th day of December 1890 being at the City and County of New York a Court hearing just aforesaid in the premises, connected with a violation of Chap. 377, 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.

0588

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.

M

0567

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter S. 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 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^d 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

day of

1911

at

494

[Signature]

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 J. Deane, 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 situated 392 West 42nd Street in the City of New York, and State of New York, said second floor being on the 2nd floor above the 1st floor, and situated in said building numbered 392 West 42nd Street, and all the premises in and upon said premises situated between one part of said premises numbered 391 and 393 East 23rd Street of said city.

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 City to be dealt with as the law directs.

Dated at New York the 15th day of June 1891

[Handwritten 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 1/2 ounce
Bottles Empty, impressed with the name of the said company
13 Boxes, Heur y Jones & Co, each of said
Total, 11 bottles having 7 produced and sealed
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 Feb 1898

Abraham Philips

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

Henry W. Limer

vs.

Philips

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^d* 1891 *A. J. White* Police Justice.

I have admitted the above-named..... *separately*
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.

057

829

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hennau W. Linker
219 1/2 E. 38th St

1 Peter S. Day

2
3
4

No 5

Offence vs. Boddlech

BAILED.
No. 1, by James R. Day
Residence 353 E 23 Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated June 23 1891

Whitey Magistrate

Philips Officer.

Court Precinct.

Witnesses Hennau W. Linker

No. 219 1/2 E 38th Street.

No. Street.

No. Street.

\$ to answer

Prud

No



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

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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

86. Moos

Witnesses:

(501)

Herman Link

Counsel,

Filed

day of

189

Pleads,

[Signature]
for guilty (9)

THE PEOPLE

vs.

Peter S. Day
[in case]

Violation of Bottle Act

Second offense.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

[Signature]
~~*[Signature]*~~ Foreman.
~~*[Signature]*~~

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 Detective, 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 23rd Street in the City, County and State of New York

All of which the said Peter L. Day would have 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 bottled beverages, white and light beer, in said City and County of New York, bottles marked and distinguished as aforesaid filled with ~~beer~~ ^{beer} and these changed for a second offense, the said 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]

H. W. Linker

POLICE JUSTICE

W)

B. No. 37

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. ...

VS.

Peter A. 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^d 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 & demand a trial by jury*
Peter S. Day

Taken before me this

day of *April* 1891.

W. H.

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

100 EAST 10TH 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, the building and premises known and described as number 1835 1/2 East 10th 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, ~~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 *12th* day of *April* 1891

[Signature]
POLICE JUSTICE.

0590

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

in whose possession it was found, from *within described premises* where the property was found, no person being there

4 Bottles Filled, *with medicine*. Each of said bottles
100 Bottles Empty, *hand-dred & fire bottles*
Boxes. *boxes impressed or otherwise produced*
Total, *109* *thereon, Peter S. Day & Co.*

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 *July* 189*7* *Andrew Armstrong*

No. 27
THE PEOPLE, ETC.,

OF THE COMPLAINT OF

UPPER WATER

VS.

Peter S. Day

SEARCH WARRANT
AND
WARRANT OF ARREST.

REGINALD HART,
ATTORNEY FOR COMPLAINANT.

No. 140 East 15th Street.

NEW YORK CITY.
Peter S. Day - 25
U.S. Rev. 353 to 234
Officer Armstrong

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.....

Depeudant

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 10* 1891 *So J. C. [Signature]* Police Justice.

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

Dated *April 10* 1891 *So J. C. [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

W 467
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Herman W. Sinker
vs.

1 Peter S. Day

2

3 No. 2

4

Offence View Bond Act

Dated April 6 1891

Walter Murray Magistrate.

Samuel Cook Officer.

Cook Precinct.

Witnesses H. W. Sinker

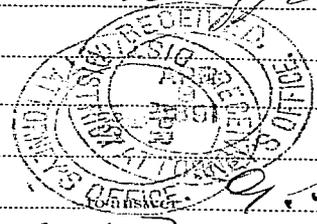
No. 149 E. 15 Street.

Call the office

No. Street.

No. Street.

\$ 3000 Bonded



BAILABLE

James R. Day

No. 1, by Peter S. Day
Residence 353 E. 23 Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

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 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 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, siphons 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, ^{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 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

J.S. Moss

Witnesses:

(501)

Herman Link

Counsel,

Filed

day of

1892

Pleads,

for Guilty

THE PEOPLE

vs.

Peter S. Day

[six cases]

B

Violation of BoHk Act
Second offense.
Chap. 577 Laws of 1887, § 2, as amended by Chap. 101 Laws of 1888

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Henry Stanning

Foreman.

Part 2 - June 1892

Pleads Guilty.

Fined \$109.

No. 2.

0506

W

B. No. 38

THE PEOPLE, ETC.,

OF THE COMPLAINT OF

HERMAN W. LARKER,

vs.

Chas. S. Day

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street

NEW YORK CITY.

0607

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. *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. *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

[Signature]
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,

OF 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 J. 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 J. Day

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

Peter J. Day viz, the buildings and prem-
ises known and described as numbers 351-355
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 J. 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

[Signature]
POLICE JUSTICE

0609

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

Bottles Filled, *each of said bottles having*
Bottles Empty, *been compressed in substance*
Boxes, *all in the name of Andrew Armstrong*
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

By *Police Lt. Day*

vs.

Police Lt. 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

462

W
Police Court--- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hermann W. Fink

vs.

1 Peter S. Day

2 No. 6

3

4

Offence: New York Code

Bailed,
No. 1, by James R. Day
John S. Day
Residence 353 E. 23 Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated April 6 1891

Richard Murray Magistrate.

Arustrom Officer.

Code Precinct.

Witnesses H. W. Lumber

No. 149 E 15th Street.

Call the office

No. _____ Street.

No. _____ Street.

\$ 3.00 to answer G. S.
Bailed



06 12

1071

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 219 1/2 East 35th Street New York City. My business is that of Detective. 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 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 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, syphons 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 build drags and premises known and described as numbers 351 and 353 East 23rd Street with the City, County and State of New York, and also the second floor of the build drags and premises known and described as number 398 First Avenue with the City, County and State of New York, said second floor being the first floor above the liquor saloon situated in said build drags number 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 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, 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 16th day of June, 1891, Deponent was in and upon a wagon in use by said Day in delivering to customers bottled beverages, while said wagon was then on the west side of East 23rd Street, second avenue New York City, bottles marked & distinguished as aforesaid filled with some beverage, this is charged as a second offense, the said Peter S. Day, having been previously convicted on the 24th day of December 1890 being, as the City of New York, having jurisdiction, of the laws of 1887 and act amendatory thereof.

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

H. W. Linker
New York
Police Justice
32nd day of June 1891
Peter S. Day

91)

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

06 15

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

& in whose possession it was found, & from *the above named premises* 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 pieces and otherwise
- 7 Boxes, produced therein *Botten & Co.*
- 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 22nd
day of July 1890

Abraham Philips

77077

THE PEOPLE, ETC.,

OF THE COMPLAINT OF

HURDIS W. LARSEN

vs.

John S. ...

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. Butcher.

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

James J. [Signature]

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.

Police Court 4 District 829

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Herriau W. Lindo
219 1/2 E. 38th

1 Peter S. Bay

2 No. 1

3

4

Offence See Book A-2

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.

Dated June 23 1891

White Magistrate

Philips Officer.

6 Precinct.

Witnesses Herriau W. Lindo

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

No. _____ Street.

No. _____ Street.

\$ 1000 to answer 95

Bailed



06 19

Sec. 151.

Police Court 4th 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. Bunker of No. 219 1/2 East 88th Street, that on the 16th day of June 1891 at the City of New York, in the County of New York,

Peter S. Way did violate section two of Chapter 867 of Laws of 1887 and acts assendatory thereof by using & holding in his 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 4th 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 22nd day of June 1891

POLICE JUSTICE.

0620

Age 26. U.S. Res 353-623-A

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.

ss.

Dated _____ 188

Magistrate

W. S. Day
Officer.

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

Officer.

Dated *June 22* 1891

This Warrant may be executed on Sunday or at night.

A. J. White
Police Justice.

(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 N. 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 ^{the State of} New York, a description of the name, marks and devices so used by him, being the same name and

7.

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;

0632

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.

0633

POOR QUALITY ORIGINAL

J. H. Moss

(501)

Witnesses:

Hermandine

Counsel,

Filed *17th* day of *May* 189*2*

Pleads, *Not Guilty*

THE PEOPLE
vs.

Peter S. Day
[unclear]

*Violation of Booth Act
Second offense
[unclear]*

DE LANCEY NICOLL,
District Attorney

A TRUE BILL.

[Signature]

Foreman.

*Part 2. May 13th 1892
J. M. 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 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. *US*

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

Answer. *353 E. 23^d St. 12 years*

Question. What is your business or profession?

Answer. *Porter*

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 *13^d* day of *June* 1891
[Signature]
Police Justice.

0635

11073

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 a Deponent. 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 of 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, viz: The buildings and premises known and described as premises numbered 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 numbered 393 First Avenue in the City, County and State of New York, second second floor being the first floor above the liquor saloon which is in said building, numbered 393 First Avenue aforesaid, and all wagons or use by said Peter S. Day within one hundred feet of said premises numbered 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 bottled beverages, which said wagon was standing on the West East corner of East 25th Street and Second Avenue, bottles marked and distinguished as aforesaid filled with some beverage. This is charged as a second offense, the said Peter S. Day having before on the 24th day of December 1890, been at the City of County of New York by a Court having jurisdiction in the premises been convicted of a violation of the Statute therein before referred to, to wit: Chap 377 of the laws of 1887 & acts amended therein, to wit:

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

H. W. Linker

POLICE JUSTICE

11)

B. No. 73

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

MURRAY W. LINKER,

VS.

Adm. L. M.

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 149 East 15th Street,

NEW YORK CITY.

Jan 27 9:30

0836

0637

11073
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 _____

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

719th East 28th 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 The Union Bottling Company, a corporation created by and existing under the Laws of the State of New York, having branded, blown and otherwise produced on some of said bottles U. B. C. in a monogram, on others of said bottles Isaac A. Moran & Bro. and the letters M. B., on others of said bottles W. & T. and XX, on others of said bottles W. T. & Co., on others of said bottles Merriam & Schrieber and XXX, on others of said bottles Merriam & Schrieber and the representation of a five pointed star, and others of said bottles, U. B. Co., on others of said bottles U. B. Co. and U. B. C. in a monogram, on others of said bottles Union Bottling Co., and on some of said boxes L. A. M. & Bro., on others of said boxes U. B. Co., on others of said boxes Union Bottling Co., and some of said kegs L. A. M. & Bro., on others of said kegs U. B. Co., and others of said kegs Union Bottling Co. 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 building and premises known and described as numbers 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 ground level, and the premises known as 393 First Avenue is situated on the East side of said street within the City, County and State of New York, and the premises known as 351 & 353 East 23rd Street is situated

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

aforsaid, 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

Peter S. Day

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, City the 18th day of June 1891

[Signature]

POLICE JUSTICE.

0638

Inventory of property taken by Abraham Philips by whom this
 warrant was executed, from Pine S. Way from whom it was taken,
 in whose possession it was found, & from within described premises
 where the property was found, no person being there
 6 Bottles Filled, each of said 27 bottles having blown
 21 Bottles Empty, impressed and otherwise produced thereon
 2 Boxes, N. B. 6" in a square and
 Total, 29- and each of said bottles having branded
 stamped or 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 22nd
day of July 1897

Abraham Philips

No. 97
THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LINGER

VS.

Pine S. Way

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..... 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

4

Office of the
Board of
Police

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.

Dated *June 23rd* 1891

White Magistrate

Philips Officer.

Court Precinct.

Witnesses *Herman W. Linker*

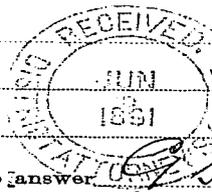
No. *219 1/2 E. 38th* Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer

Bailed



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 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 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, 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 misdemean-

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 misdemean-

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.

Wm. S. McCall
Attorney

0654

POOR QUALITY ORIGINAL

B *Nov*

Witnesses:

(501)

Herman Rink

Counsel,

Filed

day of

189*2*

Pleas,

Not Guilty (91)

THE PEOPLE

vs.

Peter S. Day

... ..
... ..
... ..

DE LANCEY NICOLL,

District Attorney.

ATRUE 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 Detective My business is John H. Hachmann, co-partners, doing business under the name of H. Tonjes and 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 monogram, on other bottles H. Tonjes & Co. with the letters H. T. in a monogram, on other bottles H. Tonjes, on other bottles Henry Tonjes & Co., on other bottles Hachmann & Hulle, on other bottles Hachman & 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, and 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 hereinafore 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 hereinafore 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 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, ~~mint~~ and aerated waters, ~~peppermint~~, 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 and 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 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 and upon a wagon used by said Day in delivering bottles and other beverages, which said wagon was standing on the street and corner of East 23rd Street and First Avenue, in the City of New York, several bottles marked as distinguished as aforesaid filled with soda water, and this is 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

[Signature]

H. W. Linker

POLICE JUSTICE.

0656

B. No. 39

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

HERMAN W. LIBERTY

vs.

Edw. Fay

AFFIDAVIT.

REGINALD HART,

ATTORNEY FOR COMPLAINANT,

No. 140 East 15th Street.

NEW YORK CITY.

M

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. 23rd 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

P. J. Keenan
Police Justice.

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

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 Hachmann & 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 J. Day

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

Peter J. Day

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

Peter J. Day viz, the buildings and premises below and described as numbers 351 and 353 East 25th 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 J. 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 J. 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 departed premises* from whom it was taken, where the property was found, no person being there.

3 Bottles Filled,
Bottles Empty, *one of said bottles having been impressed on otherwise no-*
Boxes, *duced thereon Henry J. Taylor*
Total, 3

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 *6th* day of *April* 189*1* *Andrew Armstrong*

1039
THE PEOPLE, ETC.,
ON THE COMPLAINT OF
HERMAN W. LASSER
vs.
Peter S. Day
SEARCH WARRANT
AND
WARRANT OF ARREST.
REGINALD HART,
ATTORNEY FOR COMPLAINANT,
No. 149 East 15th Street,
NEW YORK CITY.

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

Police Court--- District. 462

THE PEOPLE, &c.
ON THE COMPLAINT OF

Herman W. Lumber
vs.

1 Peter J. Day

2

3 No. 4.

4

Office: Geo Bonduca

BAILED

No. 1, by James B. Day
Peter J. Day

Residence 353 E. 23 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated April 6 1891

Ruth Murray Magistrate.

Armstrong Officer.

Witnesses H.W. Lumber

No. 149 E. 15 Street.

Call de officu

No. Street.

No. Street.

\$ 300 to answer

Bailed



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-^{aforesaid} 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 court 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. 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, 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

0675

Witnesses:

Officer Lester

Counsel

Filed

day of

1892

Plead

Wm. C. ...
D. F. ...
March 31

THE PEOPLE

James ...

CONCEALED WEAPON
Section 410, Penal Code

De LANCEY NICOLL

District Attorney

A TRUE BILL

Henry ...

Foreman

Part 3. Feb 8/92

Plead guilty

Per bond

0676

POOR QUALITY ORIGINAL

Witnesses:

Officer Leaton

Counsel,

W. H. C. [unclear]

Filed,

28 day of *February* 1892

Pleads,

Guilty

THE PEOPLE

vs. [unclear]

Francisco Delnegro

CONCEALED WEAPON.

(Section 410, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

[Signature]
Foreman.

Part 3. February 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 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. *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
2-6
John M. [Signature]
Police Justice.

0678

Vol. See No. 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 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 25 1894 *John B. ...* 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.

Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

James Weston
of
San Francisco, Dehegros

Carroll Weston
Offence

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 *Jan 15th* 1892

Smith Magistrate.

Carroll & Weston Officer.

6 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *500* to answer *9.25*

Com...



0680

CITY AND COUNTY OF NEW YORK } ss. POLICE COURT, 1 DISTRICT.

of Me. *The 6th Precinct* Street, used *740238*
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 immediately
called a strong 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 *25* day of *January* 189*2*
at *740238*
John J. [Signature]
Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

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*
late of the City of New York, in the County of New York aforesaid, on the *25th*
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. Richards

.....
.....
.....

145

Counsel,
Filed
Pleads,

15 day of July 1892

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

THE PEOPLE
vs.

Thomas Denny

De LANCEY NICOLL,
District Attorney.

M. J. ...

A TRUE BILL.

Ray ...
Foreman.

John ...
Leavelle ...
Elmwood ... P.S.M.

0684

(1205)

Police Court— 2nd District.

Affidavit—Larceny.

City and County }
of New York, } 85.

of No. 15 Vandam Street, aged 22 years,
occupation Married being duly sworn,

deposes and says, that on the 1st 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
or the sum of dollars
\$ 100.00

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 Thomas L. Lacey Woodbury who after being informed of his rights admits and confesses to having stolen said property and to having passed the same. Deponent subsequently recovered the said property.

Maria Panchore

Subscribed and sworn to before me, this 18th day of February, 1892.

Police Justice.

0685

Sec. 103, 200.
CITY AND COUNTY }
OF NEW YORK, } ss.

2 District Police Court.

Thomas Drury 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 Drury

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.

57 South 5th Avenue, Manhattan

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 Drury

Taken before me this
day of *February* 1885

Police Justice.

[Signature]

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

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.

058

169

Police Court--- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Major Leonard
173 S. Vandam St.
Wm. Denny

James
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

Harlan Magistrate.

Samuel Harlan 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 Laurey Nicoll,
District Attorney*

0689

BOX:
467

FOLDER:
4286

DESCRIPTION:

Devanney, Patrick

DATE:
02/10/92



4286

108

108

Witnesses:

J. B. Huntton
off Hand

(501)

Counsel,

Filed 10th day of 11/ 1892

Pleads, *Guilty*

THE PEOPLE

30 Jan
174
out of 1000

Patrick Devaney

Griffith

Grand Jurors, second degree,
(second offense)
(Section 4685, 53, 55, 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)

see in attachment filed
Apr. 22, 1888

DE LANCEY NICOLL,

District Attorney.

William C. Smith
Griffith

A TRUE BILL.

Patrick Devaney

Foreman.

Patrick Devaney 15/92
Pleads G. 2nd deg
5. 10 5 yrs. 19

0691

(1905)

Police Court—2nd Dist. District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 154 Lane Street, aged 44 years,
occupation Ice dealer being duly sworn,

deposes and says, that on the 29th 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 Deponant

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 here
and William C. Swickings (now here
arrested) who were acting in concert
for the purpose following to wit:

On the said date the deponent
Swickings received from Wilbur Wiley
a form in duplicate the said Swickings
saying that Robert McQuinn had sent
him for said horse. Deponant has since
been informed by said McQuinn that he
McQuinn did not authorize the deponent
Swickings to get said horse. Deponant
is further informed by Detective Patrick
J. Hays that the deponent Devaney
admitted to him that he Devaney

Subscribed before me this 189-

Police Justice.

Lead brought said horse to Newark
 New Jersey and that he had tried to
 sell the said horse there. The said
 Hunt with Detective ^{W. J. ...} ~~Black~~ went to
 the place where the defendant Flanagan
 said the horse was and they recovered
 the same which horse appears to
 have same skin and even teeth.

I wish to refer me } John B. Huntman
 this 2nd day of January }
 1882

D. J. ...
 Police Justice

0693

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick J. Hunt
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 J. Hunt

[Signature]
Police Justice.

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

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.

Forty five 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.

2nd District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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 2nd day of *February* 1892
[Signature]
Police Justice.

0696

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK. } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or 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 grey mare
of the value of Two hundred and fifty Dollars,
the property of Complainant
was taken, stolen and carried away, and as the said complainant has cause to suspect and does suspect and believe, by Samuel Keramy and William R. Swickling

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 bodies of the said Defendant and forthwith bring them 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 January 1882
[Signature]
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.....

Refractors
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~200~~ 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^d* 1892 *[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.

Ex July 2nd 2. P.M.

108 130 152
Police Court --- District

Address
L B Huntton
Office Huntton

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John B. Huntton
Patricia Lawrence
~~Wm. A. ...~~

[Handwritten signature/initials]

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated July 2 1892

Winn Magistrate.

Amos W. Barleigh Officer.

9th Precinct.

Witnesses ~~William Wilson~~

DISMISSED.

No. 107th Street.

as to ~~Wm. A. ...~~ 1882

No. ~~...~~ FOREMAN. Street.



No. East Street.

\$ 1000 to answer

Ex July 3 2. P.M.

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 _____

0700

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

twenty-eighth day of November in the
year of our Lord, one thousand, eight hundred and eighty seven,
at the City and

County aforesaid, with force and arms,

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.

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 horse of the value of two hundred and fifty dollars, of the goods, chattels and personal property, of John B. Huntton by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said John B. Huntton, 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.