0988

BOX:
283
FOLDER:
2710
DESCRIPTION:
Kantrowicz, Herman

DATE:
11/28/87

2710

Witnesses:

The complainant in this case is now for service upon the County. I have notified him through his counsel that the indictment must either be tried or dismissed, and I do not consider that he has no intention of taking up prosecution. I recommend that it be dismissed.

DeLancey Nicoll
Dist Atty

220. Hdy N. Louis
Counsel, ~~Jas Black~~
Filed, 28 day of Nov 1887
Pleads, Not guilty 24

THE PEOPLE

vs.

Herman Kantrowicz

20

Counterfeit trade-marks
[Section 354, sub. 1, 2 and 3, Penal Code].

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

G. J. Magonn
Foreman.

June 8/93
Indictment
Dismissed

First District
Police Court
The People &c
on Complaint of
Howard Le Grand
agt
Hugo Tesch &
Hyman Kaufmann

Before - Hon
Andrew J. White
Police Justice
March 29th 1887

Appearances
LeRoy Lee Brooks for People
Roscoe Cheaming for Defendant

All parties present the
examination proceeds

Julius Pappenheim a witness
called on part of the people being
duly sworn deposes and says
By the Court
Q Where do you reside?
A Cafe Longchamp 50th Street

Q What is your age?
A 27 years
Q What is your business?
A Broker in Drugs and Liquors
Direct Examination
Cross Examination
Q Do you know a drug store called Asch & Kaufowitz?
A Yes sir I know Mr Kaufowitz
The one you see in court here (referring to Mr Kaufowitz)?
A Yes sir
Q Did you ever have any business dealings with Mr Kaufowitz for with the house of Asch and Kaufowitz
Defendants Counsel
Objected to
There is no evidence before the court that there is any such house of Asch and Kaufowitz
Peoples Counsel
Question withdrawn
Q Do you know a house called Asch and Kaufowitz in the City of New York

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A. I ~~don't~~ know such a house

Q. Where is it

A. Mr Mike Street, I believe for Mike Street

Q. Is this gentleman (referring to Mr. Kantrowitz the defendant) a member of the firm of Uscilka & Kantrowitz?

A. I believe so I have not well looked with him to the partners lips I know him to be Mr Kantrowitz

Q. Have you seen him in the store?

A. Yes Sir

Q. Do you know what business he is in

A. Cameras and Agent for some concerns or something like it

Q. Did you never have occasion to have any business with him at all?

A. No. I have had no business with him except once. when I gave him a little order for something

Q. What was the order you gave to him?

A. For Pendictions

Q. When was the order given to him do you recollect about when

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A About July or the end of June
Q What year?
A Last year
Q 1886
A Yes Sir
Q What did the order consist of
A I don't recollect sum something like two or three cases of Cordials I don't know whether it was two or three
Q You say that this order was for two or three cases of Cordials
A Yes Sir
Q Where did you order these cases to be sent?
A To Mr Rushand
Q Do you know where he lives?
A Yes Sir
Q His place of business?
A I know him to live in the Bowery I don't recollect I think it is 284 I sent it to the address of Mr Rushand in the Bowery
Q Do you recollect whether this case

5

was sent to or Quarks ?

A No I have not seen the cases

Q You quickly ordered two cases of Quendiline ?

A Yes Sir

Q You let me ask you now bringing you to Kirsch or Kautrowicz or Dr. Kirsch ?

A I think he about 6 or 8 years

Q Who do you mean Dr Kautrowicz or Dr Kelly

A Dr Kautrowicz.

Q This Dr Kautrowicz was in court

A Yes Sir 6 years ago

Q And do you know whether or not he was always in the same line of business when you made his acquaintance

A He was in a different line of business altogether

Q such as what ?

A Money papers ?

Q Do you know in what capacity he sold to you these cases whether he sold them on his own account

that is the account of the house what did he represent himself to be when he sold them to you

A. John Kunz stated he was agent for some party over in Europe that's what I thought

Q. Mr. Pa I question you then to know whether he is the agent for selling the Cordial Commodities?

A. I thought he was.

Q. If you now knowledge you don't know?

A. So he's down that the original firm in Europe is different than his and in as much as Mr. Kunz has never had anything to do with it before only recently

Q. How long have you been in the Wine business as a broker or otherwise?

A. 18 years

Q. And in that capacity are you more or less familiar with the different styles and brands and kinds of

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brands or labels that are on the market?

A I am not especially

Q Have you ever heard of a cordial called Benedictine?

A Yes sir

Q Have you ever had occasion to sell this article for consumption or anybody else than the person mentioned upon?

A Yes sir I sold it many years back I sold it to some saloons

Q Are you familiar with the shape and the brand of the bottle called Benedictine?

A I know the bottle

Q I show you a bottle Mr Rappenning marked and described with the signs and stamps that appear upon it and ask you whether or not you can tell if that is a genuine bottle (showing witness a bottle)

A Yes sir that is a genuine bottle

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there is a counterfeit made of such
dimensions as it appears in the trade
Q. Do you whether or not in your
judgement as an expert in this
bottle with the various marks
stamps and seals upon it there
I now show you (showing witness a
bottle) and which you have
taken in your hand, is that be-
ginning in the trade as a
genuine trade mark of the Orthal
called benedictine?
A. Yes sir, it is not
Q. Now Mr. Pope being an expert
I want to ask you whether or not
in your opinion this bottle
(showing witness a bottle) is likely
to induce the belief that it is
a genuine cordial that is put
up and styled benedictine?
A. It depends where buying it
Q. Among persons who are not
experts in the matter?
A. Among persons who are not experts

9

in the matter, but not to know who knew anything about it

Bros Jennings
Rep Dr T Cannine }

Q What did you understand the Counsel to mean when he asked whether it was a Patent genuine remedie

A Genuine Remedieline we under stand is good and is prepared from Herbs which I am Call Urine Tinkes with this trade mark with Returning to Spirit one.

Q Do you mean to say as an Expert that the exhibit 2 (Showing Witness) is not a genuine Remedieline

A It may be genuine remedieline but not regarded in the Market as coming from this place

Q And therefore you meant as I understood you by your answers on the direct

examination of Mr Sorbert that the bottle two was similar shewing medicable from which one or more of different manufacture?

A Yes of course

Q Do you mean to say that there is anything peculiar in that bottle that is peculiar to certain Manufacture or is it a common form of bottle in use in this country for medicals or other reasons

A This bottle ~~can~~ is one with some proper but only in a few places this shape bottle

Q Is it confined exclusively to Remedicine or is it used for other purposes,

A I know of other instances which is not confined to Remedicine

Q Is it manufactured to any extent bottles of that shape for use

A For Liquors

Q Do you mean the bottles?

11

A. Do much as I know it is a manufactured article for sale

Q. What name is it?

A. The firm manufactured

Q. Where?

A. In New York

Q. One out bottles of that kind manufactured in the West?

Mr Colin Cornell }
Mr Le Barbier }

Objected to on the ground of the being irrelevant
Cay the Court

Objection sustained

Q. In your answer to the Counsels question as Hy. do you consider or not in your opinion this bottle is likely to induce the belief that it is a genuine cordial that is put up and styled Benedictine and do you mean to be understood that there is anything in the labels attached to the bottle Exhibit 2 that could

12

Receive an order from Judge Wilson that it was a genuine Remedy

Mr Le Warden
Coppleton Counsel }

Objected to on the ground that it calls for a conclusion and that it is irrelevant and that he has already answered the question and that the question asks for information as to an inference drawn

Witness

Little and not to the general appearance of the whole bottle or the label

Question Withdrawn

Q. It depends how far the person is acquainted with the genuine article, if a person knows what the genuine article is he cannot be deceived, if he dont know it he might be deceived

Then I understand you answer to be this that if a person is totally unfamiliar with the

labels on the Exhibits one or two and then taking up the bottle Exhibit two he naturally supposed that he was taking Quinine wine which is that right?

A Yes Sir

Q Mr Rosenheim I wish you to take Exhibit two and tell me upon what knowledge or on what ground you base your assertion that that Exhibit is likely to deceive or induce the unwary to the purchase of what he was buying?

A In comparing Exhibit one and the general appearance?

Q Yes sir

A That is all that I can say if a person would examine it close he could see the difference between the trade mark of this and that referring to the bottles.

Q Is it because of the bottle?

A Yes partly. That is one instance

Q Is that the controlling instance

A. Schmidt Brothers

Q. That is what you mean in your statement that it was illicit to receive?

A. Yes sir

Q. Do you know of the Franciscan factory Ladislaus Starkowicz in Posen

A. Yes sir I know of their factory for a number of years

Q. When you used the word genuine as associated with Exhibit one do you mean anything more than that the Exhibit Nr. 1 has been made in the Parish of this Country than Spirits?

A. That didn't mean to this. I mean by genuine this. I mean the original is from France where the concern is making the Benedictine as they make this Benedictine from certain herbs

Q. Do you mean to be understood that Exhibit 1 is not a genuine Benedictine in the sense of its being a Benedictine Cordial and

15

And do you mean by containing all the elements and all the qualities as received by Jennie Cox Copeland Counsel

Objected to

By the Court

(The order of questions that the witness is wanted to answer is with the leave of the general appearance of the matter in the case mean all the liquids it is genuine or not and that the one which is not genuine would lead out to show that the liquid in that bottle which is not genuine to be genuine the object of that is to determine whether the liquid in the bottle that is not genuine is as good as the one that is genuine

Q Adm the question

A I don't understand the question

Q Do you mean to be understood as a judge that the quality (referring to Exhibit two) is as good as that

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Referring to Exhibit One?

A No sir

Q Do you mean to say that you call this genuine because you think that Number one has any virtues or is superior to number two

A I have not tasted this very much referring to a bottle Exhibit 2 This I think that the genuine is good and this one referring to Exhibit 2 I have not tasted this very much and I don't know

Q Not you answer the question one way or the other?

A I would judge of course that this is genuine. I don't know if the other is or not

Q You don't know what is in either of the bottles do you?

A No sir

Q I mean these two special bottles Exhibits One and two?

A I do not

Q Have you been sufficiently familiar

with number two which you say is manufactured by Hermann Kautrowicz of Posen to include to state whether there are not his trade marks which are attached to bottle Exhibit two as far as you know?

A. This is his trade mark?

Q. There are his trade marks?

A. Yes that I know

Q. Do you know how many years he has been manufacturing that?

A. No sir

Q. About?

A. From of it since about 10 or 12 years

Q. At least that?

A. Yes Sir

Q. You cannot say how much longer

A. No sir

Q. Do you know whether it has a very large sale in Europe?

A. Yes they sell some of it

Q. I am going to ask you whether that form of bottle is peculiar to

Benedictine or whether it is used for other purposes

A I have seen it used in one instance two instances I have seen it being used for other purposes than Benedictine

Q. For what?

A For quarter, or half that was equivalent bottle to this a half bottle is to this

Q. Is your mind that Exhibit two coming in a wrapper, bottle of that kind Exhibit 1 coming in a wrapper?

A. In a printed wrapper

Q. Is it a closed wrapper around the bottle or is it open is it closed all around or open top as it appears between

A I don't recollect exactly I think its only half

Q Is it a common form in which it is sold with a wrapper?

A Yes Sir

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Redirect Examination
By Mr Le Barbier

Q When you speak of what is called the Genuine Benedictine Liq is known as such on the Market to which bottle has that reference to ?

A Exhibit One

Re cross Examination
By Mr. Channing

Q Dont the word genuine as you used it a synonym for the word Veritable that appears on the bottle at the foot of it ?

A Yes Sir

Q And you say it simply because attached to that bottle the word Veritable appears, and you call it Genuine do you ?

A Yes Sir

Q Reading the label at the bottom you see the word Veritable ?

A Yes Sir

Q And you say the word genuine is popular use in this Country and

20

is an equivalent for the word "Excelsior" as is on that bottle?

A Yes Sir

Q And is for that reason that you designate that Exhibit one is genuine is it not?

A Yes Sir

Redirect Examination

Q Which one is known as the Genuine Remedichie

A This one referring to Exhibit One is known in the market as genuine

Recross Examination

Q Look at bottle Exhibit two. What market do you refer to?

A The American Market

Q When you say that that bottle Exhibit One is known in the Market as Remedichie is it because Exhibit 2 has as yet not acquired a market here is it known as exclusively as Exhibit One

A This is better known here (referring to Exhibit One) than this (referring to Exhibit 2)

21

Q. And that is the reason that you speak of it because it has a fractured here

A. Yes sir this is only very little known and is see

Sworn to before me this 27 day of May A.D. 1888

Lance Jackson

72

Mr. Cochran a witness called on the part of the people being duly sworn deposeth and says

By the Court

Q. Where do you reside

A. 53 3d Street

Q. What is your business

A. Druggist in Prince St Legion

Direct Examination

Q. Did you or not about July 9 receive two Cases of Benedictine

A. Yes sir

Q. From whom did you receive them

A. Ash Bros Kentrowicz

Q. From whom did you pay for the two Cases of Benedictine?

A. Ash Bros Kentrowicz

Q. How pay for 2 Cases of Benedictine that was sent to you do you recollect the price?

A. The whole bill was a little above (30) thirty dollars. thirty three or thirty five dollars

Q. Is that the bill Mr Cochran referring
witness to a bill?
A Yes sir that is it Thirty four dollars
Bill offered for identification and
admitted and marked People Exhibit

Q Is that one of the bills showing witness that was
contained in that envelope?
Cross Examined by
Mr Channing

Q When you received when the goods were
delivered?
A Yes sir
Q Do you know either Mr Ash or Kau-
fromicz?
A No sir!
Q You did not know that he delivered
them, that either of them delivered
them?
A A Carman brought them to me
Q And that is all you know in connect
ion with Ash and Kaufromicz
isn't it.
A A Carman paid it was from Ash
and Kaufromicz
Q You dont know who he is?

24

A No sir

Q Did you receive from McAlister & Kauffman any?

A No sir

Q Did you yourself deliver pay check or transfer any?

A Sent a check

Q Did you yourself pay anything to Messrs McAlister & Kauffman or deliver any?

A I think I did

Q Did you have said you never saw them

A I never did

Q You never paid them anything personally

A No sir

Q You look at the bottle exhibit two what recognition of identifying that bottle as being one part of the bottles that you received as Remedy? Do you identify it?

A The box was opened in my presence and bottles taken out and the labels was put on it in my presence signed by parties that opened the case.

Q. Was signed there?
A. The parties that opened the case
Q. Who were they?
A. Two men
Q. Do you know any of them?
A. I never saw them before
Q. Had you ever seen them before?
A. No Sir
Q. Or since?
A. No Sir
Q. And you don't know their signatures?
A. No Sir
Q. Did you know their handwriting?
A. No Sir
Q. Are you familiar with it?
A. No Sir I never saw it before
Q. Have you ever seen it since?
A. No Sir
Q. Are you familiar with their handwriting?
A. I saw this handwriting
Q. Are you so familiar with the handwriting that you would be prepared to swear that when you

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and this handwriting that you can say that that is the one that you saw written at the time?

A I saw the handwriting

Q You would not swear to any man's handwriting if you saw it but once would you?

A No Sir

Q Then I ask you again what means you have of identifying that bottle

A I can recognize a bottle like this that I saw

Q You can swear that that is the bottle still you?

A I can pick up exactly like this

Q Will you swear that this is the bottle referring to Exhibit 2?

A I cannot swear

Redirect Examination
By Mr. Le Barbier

Q Mr. Rochford were either of these gentlemen or both of them (referring to two gentlemen in the room) present when that case was

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Defendants counsel objected to
By the Court
Objection sustained
Q. Do you know whether this gentleman was present on that day (Referring to a gentleman)
A. I do not
Q. Do you know whether this gentleman (Referring to a gentleman)
A. Yes Sir
Q. Did you ever receive a receipt signed Mitchell & Authority for the money that was paid to the order of Mitchell & Authority?
A. I received a receipt by mail
Q. Is this the receipt you received (Showing witness)
A. Yes Sir
People's Counsel
Desire to have the receipt marked in evidence. Marked
Pltff's Ex 2
Defendants Counsel Subject to

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not the with Ref received as it is in no way connected or identifying the parties

By the Court

Admitted

Counsel Excepts

Q Did you show you a check signed by you and made to the order of Clark Dwyer Stantonsburg?

A That is the check made out to them for the Cam of Remedy Rule Counsel

Defs the check in evidence

Defendants Counsel

Objects to

By the Court

Admitted

Counsel Excepts

Check marked Plff Exhibit 3 in evidence

Q How long have you been in the wine business Mr. Rochard?

A In the ordinary business Law

29

In say now account the Liquors
Q And you are perfectly familiar
with the various kind & Cordials that are
on the Market
A I am familiar with the various
Q And are you familiar with the
Cordial Benedictine
A I have seen numerous Bene-
dictine except by name
Q How long have you known it by
name?
A About about 25 years or 20 years
Q Show you a bottle with the emblems
marks & devices that a witness on
Exhibit one, and ask you if that
is a genuine bottle or not
Defendants Counsel
Objected to
By the Coroner Sustained
Cross Examination
Q Was there anything else associated
with that bottle when you took it
out of the case was it not con-
tained in a wrapper?

80

A. Yes Sir.

Q. Where is that Fire Star?

A. Standing.

Q. It was contained in a Wrapper that entirely enclosed it, was it not?

A. Yes Sir.

Q. And that was sealed with all the letters in - is not?

A. I think I saw some wafers in the wrapper

Q. But all that you saw?

A. I believe so

Sworn to before me
this 27 day of March 1882

Police Magistrate

31

Edwin Mallett Pierson a witness called on the part of the people being duly sworn deposes and says as follows

Q. Where do you reside?
A. Hotel Americus 10th Ferris Place
Q. What is your business?
A. Lawyer
Q. Do you know Dr Bonhand?
A. Yes sir
Q. Did you ever have occasion to be present with him at any time?
A. I was requested to be present one morning at his place of business in the Bowery near 4th Street
Q. What took place then?
A. There were two cases of Benedictine opened in the presence of Dr. Bonhand. Dr Benedict, Dr. Esq. and myself and this is one of the bottles. I identify as being taken out of the case. for the reason that the cord was passed around through here (Showing) and under

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the hand hand and seals thereto (showing) and my signature put on it which I recognize

Defendants Counsel

Waives the Cross Examination of the Petitioner

Sworn to before me this 27th day of March 1892

Pulaski Jones

No further hearing was adjourned to April 1st 1892 2.30 P.M.

1st District Police Court

The People ex rel.
Société de Bénédictine

-v-

Hugo Asch and
Herman Kautarowicz

-Testimony-

Charles L. Baker
Atty for Plff
35 B'way NY
Co

1023

For defense

BAILED,

No. 1, by [illegible]

Residence [illegible] Street.

No. 2, by Anthony [illegible]

Residence 401 East 44th Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court 20 Precinct 964

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edward Regan
Hotel Clinton, Lexington Ave. cor. 46th St.

1. [illegible]
2. William Southard
3. [illegible]
4.

Offence Counterfeiting Trade Mark
3624. Penal Code

Dated June 7th 188 8

Magistrate

Witnesses Julius Rosenstein Cafe
No. Cafe Laurent 6 Spring Street.
Office Broad 13 [illegible]

No. 23 Madison Street.
Hotel Clinton
No. Hotel American 15 Irving Place Street.

$ 500 to answer [illegible]

Officer.

Precinct.

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 June 8 188 [signature] Police Justice.

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

Dated June 8 188 [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 188 Police Justice.

First District
Police Court

The People on the
complaint of
Fernand Le Grand
against
Hugo Asch and
Herman Hauptmann

Charged Before Hon
Andrew J. Wehle
Police Justice
March 1st 1899
with Violation of
Section 364 of the
Penal Code
Counterfeiting a
Trade Mark

All parties present the exa-
mination proceeded

Fernand Le Grand being
called as a witness on the part of
the people being duly sworn
deposes and says,

By the Court

Q What is your name?

A Fernand Le Grand

Q What is your age?

A 26 years

Q Where do you reside?

A Fecamp France

Q Where do you reside at present in ~~to~~ this City

A Hotel Morton. Corner of University Place and 9th Street

Daniel Fanniehim

Q What is your occupation?

A I am one of the Vice directors of the Society Benedictine

Q How long have you been such Vice director?

A 3 years

Q And how long have you been in the employ of the Company one way or the other?

A 5 years and before with my father

Q What is the object of the Society of

a

this Company

Defendants Counsel

Subject the objection can be shown by the organization papers themselves. the papers are the best evidence

By the Court

Objection sustained

Counsel Exception

Q. The Corporation of which you speak of. under what laws are they organized.

Defendants Counsel

Objected to

By the Court

Objection sustained

Counsel Exception

Q. The Corporation or company which you have spoken of please give its full name?

A. Aumonaes Society of the distillery of the cordial of Benedictine of the abbey of Focamp.

Q. Is that an incorporated society or

Company
Defts Counsel
Objected to as being incompetent. its a question of law to be determined by the papers which are the best evidence
By the Court
Objection sustained
Counsel Exception
Q. Under what laws is that company organized?
A. Under the French Laws
Q. What is the object of existence of that Company?
Defendants Counsel
Objected to as leading
By the Counsel
Objection withdrawn
A. The company was organized to sell the cordial of Benedictine In putting up and preparing and selling cordial of Benedictine for sale
Q. Have you any large sales of that

E

Cordial?

A Yes Sir

Q And where?

A We have ~~There~~ a very large sale of it and sell it all over the World. we sell six hundred ~~thousand~~ quart bottles

Q In what period of time?

A In a year

Q The profit derived of that Company from the sale of that cordial is of some Consequence is it, it realizes some profit?

A Yes Sir

Q And there are peculiar signs or figures or devices by which you are able to tell the Manufacture of that Company?

Defendants Counsel

Objected to as being immaterial

By the Court

Objection Sustained

Counsel Excepted

Q What marks are intended by that Company to designate the Cordial

71

manufactured by that Company
Defendants Counsel
Objected to as incompetent
and immaterial
By the Court
Question Allowed
Counsel Exception
A There is a bottle that is made in
a special form there is your
labels on the bottle and the trimmings
and a piece of lead and a seal
and then there is two circulars
on the top of the bottles and regarding
and the general appearance
of the bottle
Defendants Counsel
Ask to have the portion
of the witness testimony relating
to the registry stricken out
By the Court
Is ordered the words
registry be stricken out
Q Permit me to ask you in what
Capacity do you appear in behalf

of the Company to day?

A As their director of the Company and I have a special permission of Power of Attorney in my pocket

Q Can have that Power of Attorney with you?

A Yes Sir.

Power of attorney offered for identification

By the Court

Admitted and marked

Pltff's Exhibit, identification

Q And is the Company which you spoke the owner of the trade marks devices, Symbols and Signs which you have mentioned?

Defendants Counsel

Objected to

For the Court

Question allowed

A Yes Sir

Q Did they have been have they not?

Defendants Counsel

Objected to

N

By the court:

Objection overruled.

A Yes sir

Q Do you know of your own knowledge whether or not the Company is and always has been the owner of these trade Marks?

A The Marks belong to the society Benedictine since 1876

Q Now of your own knowledge do you know of this Company is the owner of these trade Marks?

A Yes sir there are the exclusive property of the society Benedictine

Q And of your own knowledge do you know if they always have been the exclusive property of this Society

A Yes sir these trade Marks always belonged to the Society Benedictine since 1876 and prior to that they belonged to my father

Q How long a time?

A Since 1863 or 1864 they belonged to my father

I

Q Now I offer you a bottle as you have described it, and ask you whether you identified that bottle as the style of bottle prepared and sold by your company?

A Yes, sir that is Benedictine Made and sold by the Society Benedictine Profits Limited

Mrs offer the bottle in evidence

Defendants Counsel

Objected to as being incompetent

By the Court

Admitted and marked Plaintiffs Exhibit 1

Q Is that the order style in which the Cordial Benedictine made by your Society is put up and offered for sale

A Yes there is a liter, a half liter and a Quarter liter and an eight liter a sixteenth liter and a thirty second liter.

8

Q. Did the general appearance of the bottle as shown you with the stamps, devices and signs on it is of the sky in put up by your Locality is it true.

A. Yes sir absolutely

Q. I show you another bottle referring reference to a bottle I marked with revenue stamps. My asks and devices on, and ask you if that is the bottle manufactured by your company

A. Yes sir

Q. Look at it and see if it is one that is manufactured by you

A. That is an imitation evidently the seal is not the same at the top of the bottle and the lower seal is not the same and the general appearance of the bottle is the same as our bottle, and the labels and marks are placed in the same position and the lead band appears in the same position the marks appear the same as

K

ours with the inside shown of a few little wires and the outside work on the labels and trimmings are exactly like ours and then the general appearance of the bottle is just the same as ours

Q Now in your opinion as an expert is such a bottle as Shane opened up the same as your Society Manufacture?

Defendants Counsel

Objected to as no foundation is laid as to his being an expert

By the Court

Objection Sustained

Counsel Speckhin

Q How long have you been Vice director of that Company?

A Shane been Vice director for 3 years and before that time with my father. I worked with my father before that. I was employed by the Society Benedictine. Shane only been a Vice director for 3 years

L

Q. And are you familiar with the stamps, signs, labels, marks and other emblems made use of by your Company in this brand?

A. Yes sir. I am absolutely. I was born right in the business.

Q. Now sir, your opinion is such a bottle as I have offered you shown you with the designs and marks thereon and asks therein likely to induce the public to believe that it is a genuine bottle of Cordial Benedictine by the use of words, letters, colors or similar appearance or by any sign or device is it apt to be believed that it is a genuine bottle?

A. Yes sir it looks like a genuine bottle. if I take up the bottle with its labels and colors and the shape of the bottle and look at it it looks like a genuine Benedictine but if I look at it and

M

look at the marks on it I see its an imitation and if I look at the whole bottle I see it looks like a genuine bottle,
Bottle offered in evidence
Objected to
By the Court
Admitted and Marked
Respts Exhibit 3. in evidence
Counsel Excepted

The further hearing was adjourned to Saturday March 5th 1910. M

Le Bourdais v Dennistoun
BV v Birkey

1st DISTRICT POLICE COURT

NEW YORK MARCH 9th 1887.

The People &c., On Complaint of Fernand Le Grand against Hugo Ash and Herman Kantrowitz.	Before Hon. Andrew J. White Police Justice.

(Examination continued.)

APPEARANCES:-

For the People:-Mr.Chas. E. Le Barbier.

For the Defence:-Mr. R. H. Channing.

(By direction of the Court, copies of the Articles of incorporation were produced by the People and marked "Complaint's Exhibit 4".)

BY MR. CHANNING:- It is incompetent. The Statute of 1875 requires that the correctness of the copy must be certified to and have the official seal attached to it of the correctness of the copy. ~~And~~ that the copy is not a copy of some other copy made by some other person. This purports that it is a correct copy, made by a Notary and does not purport to be a correct copy of the record itself. It is not certified to according to the rules in use in France".

Mr. Channing objected to the copy for the foregoing reasons.

Objection overruled. Exception taken.

MR. CHANNING:- "As there is a reference in this "Exhibit 4" to certain deposits of trade marks, they should produce

any evidence they may have in their possession of their documentory character that we might identify them".

Objection overruled. Exception taken.

FERDINAND LE GRAND the complaining witness being duly sworn testified as follows:-

CROSS EXAMINATION BY MR. CHANNING:-

('The witness being unable to speak English Mr. Archie Fortwengler was sworn as an interpreter to translate from English into French and from French into English.)

Q When did you come to this Country on your present visit?

A The 14th of February.

Q 1887?

A Yes, sir.

Q When were you here last before this visit?

A This is my first visit to America.

Q Do you personally know the Herman Kantrowitz or Hugo Ash mentioned in your affidavit in this proceeding?

A No sir, I don't personally know either of them.

Q When did you say you were born?

A In the year 1860.

Q You said something on your direct examination about your father having possession of certain trade marks in 1868, which you say now are owned by this anonymous society for the distilling of benedictine? Of your own personal knowledge, as to that fact, have you any, as to the ownership by your father in 1868 of these trade marks?

Objected to by Mr. De Barbiere as being irrelevant and immaterial.

Objection sustained. Exception taken.

Q Have the marks as now presented on the Exhibit, the marks, designs, labels and the other reading, their present reading been changed in any form, to your own knowledge, since 1863?

Objected to by Mr. La Barbiere, as being immaterial and irrelevant.

Objection overruled.

A The labels thus written have not changed since 1863. There has been this addition, the lower label. This label, the bottom label with the signature on was there. Labels marked "A. A." & "A.B."

Q That has been changed?

A No sir; not changed but added.

Q No other change?

A Yes sir, the back label on it.

Q When were these changes made, those additions?

A I couldn't say exactly. I would have to look up when the marks were deposited in Washington or in France or in either place.

Q Can you approximate the time, was it a year ago.

A In 1873, since this society was formed, none of the labels have been changed.

Q When the label "A.A" was added as a part of the trade mark, it indicated that your father was the manufacturer and preparer of this benedictine, did it not?

A Yes, sir.

Q What is on that bottle, at the present time, to indicate that he has ceased to be the manufacturer of it and that this anonymous society is now the manufacturer?

Objected to by Mr. La Barbiere as immaterial.

Objection overruled.

A He is always the preparer of the liquor and I am the director general of it.

Q What is on that bottle to indicate that there has been any change in the ownership or trade marks, since you say the marks and the right to manufacture it has been changed to this society?

A There is nothing on the bottle to show that he is not the preparer of it.

Q Or that anybody is the owner of the trade marks or has the right to manufacture this benedictine other than Le Grand Senior?

A There is nothing on the bottle that indicates that - no right to imitate the trade marks.

Q Is that your signature to the original complaint?

A Yes, sir.

Q Did you know that you swore in that complaint or affidavit that these defendants, of your own knowledge, had counterfeited these trade marks on the 6th of July or about that date. At the time you swore to that affidavit- did you know that you swore, of your own knowledge, that you knew that Hugo Ash and Herman Kantrowitz, the defendants, had counterfeited the trade mark of that society in July last?

A Yes sir, perfectly.

Q Of your own personal knowledge did you know that Ash and Kantrowitz, the defendants, had counterfeited, in July last these trade marks?

A No, sir.

Q You didn't know that you had so sworn in that affidavit?

A It was our Agent who informed me and I made the affidavit on the strength of that and of no personal knowledge on the subject.

Q Do you know Herman Kantrowitz, one of the defendants?

A His name only.

Q You never seen him?

A No, sir.

Q Do you know whether there has been a benedictine manufactured by Harting Kantrowitz for over Thirty-five years, in Europe, in France, Germany and in Switzerland?

A That is absolutely false; No.

Q How can you know and prove that when you were not living Thirty-five years ago- how can you pronounce it absolutely false then?

Objected to by La Barbiere as immaterial.

Objection sustained.

Q Do you know of any litigations touching these trade marks having been carried on in the Courts of France and Germany between Harting Kantrowitz and anybody else on his title to the benedictine?

A Yes, sir.

Q When do you return to France?

A Next Saturday.

Q Have your society knowledge of and do they authorize, this anonymous society of which you say you are the Vice President, do they authorize the proceedings against Mr. Herman Kantrowitz now pending in this Court?

A Yes, sir.

RE-DIRECT EXAMINATION BY MR. LA BARBIERE:-

Q As a matter of fact is the liquor manufacted under the same director as it was in 1876 and prior to 1876?

A The question should be made more explicit. There was no organization prior to 1876.

(Question withdrawn.)

Q Is it made under the direction of the same person before and after 1876?

A Yes sir; always by my father.

Q What suits have there been brought in Germany, France or Switzerland, that you know of, of your own personal knowledge against Harting Kantrowitz?

Objected to by Mr. Channing as irrelevant.

Objection overruled.

A About Five or Six years ago, I don't recollect exactly, there was a law passed in Germany to renew the trade marks or to make a deposit- to reregister the trade marks. To do that there was an omission of three months. Mr. Harting Kantrowitz registered the proper trade-marks, our trade marks, in his proper name, our trade marks. During this lapse of Three months and within Two months we went there to register our trade marks and we were told they were not our trade marks.

BY MR. CHANNING:-

Q What do you mean by "We went there," did you go there?

A No sir; I considered the benedictine our property.

BY MR. LA BARBIERE:- (Continued.)

Q Do you know, as a director of the Company, the facts of the suit?

Objected to by Mr. Channing as hearsay evidence

Objection overruled.

Exception taken.

A We have proceeded against Kantrowitz, have instituted a suit against Harting Kantrowitz of Posen,- The society has and Kantrowitz was obliged to stop all the manufacturing of this liquor and he was obliged to destroy all their marks.

BY MR. CHANNING:-

Q None there excepting the literal marks he has here?

A Yes, the marks on "Exhibit 2".

BY MR. LA BARBIERE:-

Q Have there been any other suits brought in Europe in reference to this?

Objected to by Mr. Channing as being immaterial.

Objection sustained.

MR. LA BARBIERE, of Counsel for the People offered in evidence a power of Attorney which was admitted and marked "Complainants Exhibit 5".

Adjourned to March 17th 1887 at 10.30 A. M. at 4th District Police Court.

1st DISTRICT POLICE COURT.

-----xox-----

The People &c., On Complaint
of Fernand Le Grand

against

Hugo Ash and
Herman Kantrowitz.

-----xox-----

TESTIMONY.

-----xox-----

James A. Lyon
Official Stenographer
151 East 57th St.,

Recd 12 March/87

Objected to by Mr. La Barbiere as immaterial.

Objection overruled.

A He is always the preparer of the liquor and I am the director general of it.

Q What is on that bottle to indicate that there has been any change in the ownership or trade marks, since you say the marks and the right to manufacture it has been changed to this society?

A There is nothing on the bottle to show that he is not the preparer of it.

Q Or that anybody is the owner of the trade marks or has the right to manufacture this benedictine other than Le Grand Senior?

A There is nothing on the bottle that indicates that - no right to imitate the trade marks.

Q Is that your signature to the original complaint?

A Yes, sir.

Q Did you know that you swore in that complaint or affidavit that these defendants, of your own knowledge, had counterfeited these trade marks on the 6th of July or about that date. At the time you swore to that affidavit- did you know that you swore, of your own knowledge, that you knew that Hugo Ash and Herman Kantrowitz, the defendants, had counterfeited the trade mark of that society in July last?

A Yes sir, perfectly.

Q Of your own personal knowledge did you know that Ash and Kantrowitz, the defendants, had counterfeited, in July last these trade marks?

A No, sir.

Q You didn't know that you had so sworn in that affidavit?

A It was our Agent who informed me and I made the affidavit on the strength of that and of no personal knowledge on the subject.

Q Do you know Herman Kantrowitz, one of the defendants?

A His name only.

Q You never seen him?

A No, sir.

Q Do you know whether there has been a benedictine manufactured by Harting Kantrowitz for over Thirty-five years, in Europe, in France, Germany and in Switzerland?

A That is absolutely false; No.

Q How can you know and prove that when you were not living Thirty-five years ago- how can you pronounce it absolutely false then?

Objected to by La Barbiere as immaterial.

Objection sustained.

Q Do you know of any litigations touching these trade marks having been carried on in the Courts of France and Germany between Harting Kantrowitz and anybody else on his title to the benedictine?

A Yes, sir.

Q When do you return to France?

A Next Saturday.

Q Have your society knowledge of and do they authorize, this anonymous society of which you say you are the Vice President, do they authorize the proceedings against Mr. Herman Kantrowitz now pending in this Court?

A Yes, sir.

RE-DIRECT EXAMINATION BY MR. LA BARBIERE:-

Q As a matter of fact is the liquor manufacted under the same director as it was in 1876 and prior to 1876?

A The question should be made more explicit. There was no organization prior to 1876.

(Question withdrawn.)

Q Is it made under the direction of the same person before and after 1876?

A Yes sir; always by my father.

Q What suits have there been brought in Germany, France or Switzerland, that you know of, of your own personal knowledge against Harting Kantrowitz?

Objected to by Mr. Channing as irrelevant.

Objection overruled.

A About Five or Six years ago, I don't recollect exactly, there was a law passed in Germany to renew the trade marks or to make a deposit- to reregister the trade marks. To do that there was an omission of three months. Mr. Harting Kantrowitz registered the proper trade-marks, our trade marks, in his proper name, our trade marks. During this lapse of Three months and within Two months we went there to register our trade marks and we were told they were not our trade marks.

BY MR. CHANNING:-

Q What do you mean by "We went there," did you go there?

A No sir; I considered the benedictine our property.

BY MR. LA BARBIERE:- (Continued.)

Q Do you know, as a director of the Company, the facts of the suit?

Objected to by Mr. Channing as hearsay evidence

Objection overruled.

Exception taken.

A We have proceeded against Kantrowitz, have instituted a suit against Harting Kantrowitz of Posen,- The society has and Kantrowitz was obliged to stop all the manufacturing of this liquor and he was obliged to destroy all their marks.

BY MR. CHANNING:-

Q None there excepting the literal marks he has here?

A Yes, the marks on "Exhibit 2".

BY MR. LA BARBIERE:-

Q Have there been any other suits brought in Europe in reference to this?

Objected to by Mr. Channing as being immaterial.

Objection sustained.

MR. LA BARBIERE, of Counsel for the People offered in evidence a power of Attorney which was admitted and marked "Complainants Exhibit 6".

Adjourned to March 17th 1887 at 10.30 A. M. at 4th District Police Court.

1st DISTRICT POLICE COURT.

-----xox-----

The People &c., On Complaint
of Fernand Le Grand

against

Hugo Ash and
Herman Kantrowitz.

-----xox-----

TESTIMONY.

-----xox-----

James A. Lyon
Official Stenographer
151 East 57th St.,

Recd 12 March 87

1680

District Attorney's Office.

PEOPLE

vs.

H. Nathowitz

Motion Mortis on file 10/90

No. 2. 409

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

In this case I have received the complaint that a warrant had been issued. Mr. Lehanbin has agreed to send his clients papers to me.

D. Chauncey Meade
District Attorney.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Herman Kautorowicz being duly examined before the undersigned, according to law, on the annexed charge, and being informed that it is h-s right to make a statement in relation to the charge against him; that the statement is designed to enable h~~im~~ if he see fit to answer the charge and explain the facts alleged against h~~im~~ that he is at liberty to waive making a statement, and that h~~is~~ waiver cannot be used against h~~im~~ on the trial,

Question. What is your name?

Answer. Herman Kautorowicz

Question. How old are you?

Answer. 36 years

Question. Where were you born?

Answer, Germany

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

Answer. 444 West 15th Street 3 mos

Question. What is your business or profession?

Answer, Importer

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 need demand a trial by jury
Herman Kautorowicz

Taken before me this 5th *day of* July 188 8

Police Justice.

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

Fernand Legrand being duly sworn, deposes and says: that he is 26 years of age and resides temporarily at the 5th Avenue Hotel in the City of Memphis.

That for the past twenty-three years one Alexander Legrand, Jr., and his successor in business, the Societe Anonyme de la Mistilleria de la Liqueur Cordiale, a corporation organized and existing in business under the laws of France, at the town of Cognac on the Territory of Seine Inferieure in France have been engaged in the manufacture of a certain compound mixture or preparation consisting of a liqueur or cordial. That the said corporation and its assignor have for the past twenty-three years used as trade-marks the letters, words, devices, emblems, figures, seals, stamps, diagrams, brands, wrappers, tickets, stoppers, labels or other marks of which copies or representations are hereto annexed and marked Exhibits A, B, C, D, E, F, G, H, I, J, K, L, and which have been lawfully adopted by the said corporation and its assignor and have been usually affixed by them to the boxes, bottles, chest or other vessel or package or the covers, wrappers, stoppers, brands, labels, or other things in, by or with which the said cordial is packed, inclosed or otherwise prepared for sale or disposition, to denote that the said liqueur or cordial was manufactured, produced, sold, compounded, bottled, packed and otherwise prepared by the said corporation and its assign

or.

That the said Alexander Legrand, Jr., on the 18th day of March, 1870, did assign, transfer and deliver unto the said the Societe Anonyme de la Distillerie de la Liqueur Benedictine, all his, said Legrand's right, title and interest in and to the above mentioned trade-marks.

That the said corporation, the Societe Anonyme de la Distillerie de la Liqueur Benedictine, is now the exclusive owner and the sole person having the right to use the above mentioned trade-marks for the aforesaid purpose.

That one Hugo Ash and one Jerome Hamburger at the City of New York, in the County of New York aforesaid on or about the third day of July, 1880, did feloniously, wrongfully, unlawfully, unjustly, wickedly, willfully, corruptly, fraudulently, falsely, maliciously and knowingly violate section 365, 366, 367, and 368 of the Penal Code of the State of New York, passed July 26th, 1881, in that they did falsely make and counterfeit the above mentioned trade-marks of the said Societe Anonyme de la Distillerie de la Liqueur Benedictine and in that they did affix to liqueurs and cordials not manufactured by the said Societe Anonyme de la Distillerie de la Liqueur Benedictine false or counterfeit trade-marks well knowing the same to be false and counterfeit and imitations of the above mentioned trade-marks of the said Societe Anonyme de la Distillerie de la Liqueur Benedictine without the latter's consent, and in that they sold

1050

kept and offered for sale liquors or cordials to which the official [illegible] false or counterfeit trade-mark of an imitation of the trade-mark of the said Société Anonyme de la Distillerie de la Figuera Combalibera without the consent, which said imitations of the said trade-marks and trade-marks so far as possible the genuine trade-marks by the use of words and letters similar in appearance and sound, and by signs, devices and [illegible] be likely to induce the public that they are genuine, and in fact they are not genuine, and in fact they are not well and truly to [illegible] the same of, and that the [illegible] was carried out, liquors or cordials which [illegible] to be genuine and believed that the said liquors or cordials was manufactured by the said Société Anonyme de la Distillerie de la Figuera Combalibera when the same was not manufactured by it.

Sworn to before me this 25 day of February 1888

C. P. G. Duffy

1017 Legrand

1051

Eph. a

B

LIQUOR
Monachorum Benedictinorum
ABBATIÆ FISCANENSIS

C

D

D.O.M

✝

Le Directeur

A. L.

E

VÉRITABLE LIQUEUR BÉNÉDICTINE
Brevetée en France et à l'Etranger.

A. Legrand aîné

7

Toutes les Bouteilles de Véritable Liqueur Bénédictine doivent avoir au bas une étiquette portant le fac-simile de la signature de Mr A. Legrand Aîné, Directeur général.

La plus large ligature du plomb qui entoure le col doit porter les marques et inscriptions suivantes: ★ VÉRITABLE ✠ BÉNÉDICTINE ★

Le bouchon devra être marqué tout autour de:

★ VÉRITABLE LIQUEUR BÉNÉDICTINE ★

Enfin le dessous du bouchon portera: D.O.M. ✠

9.

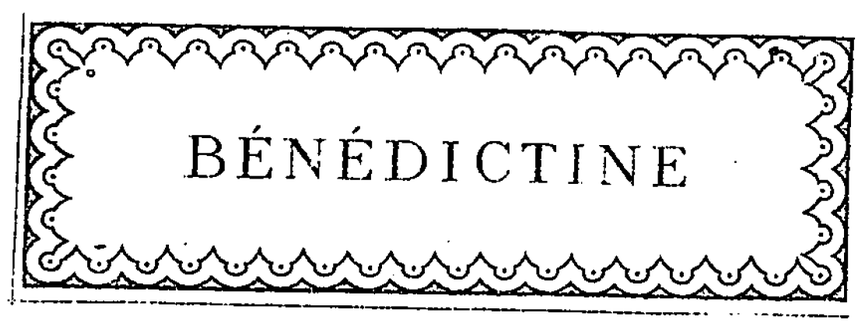
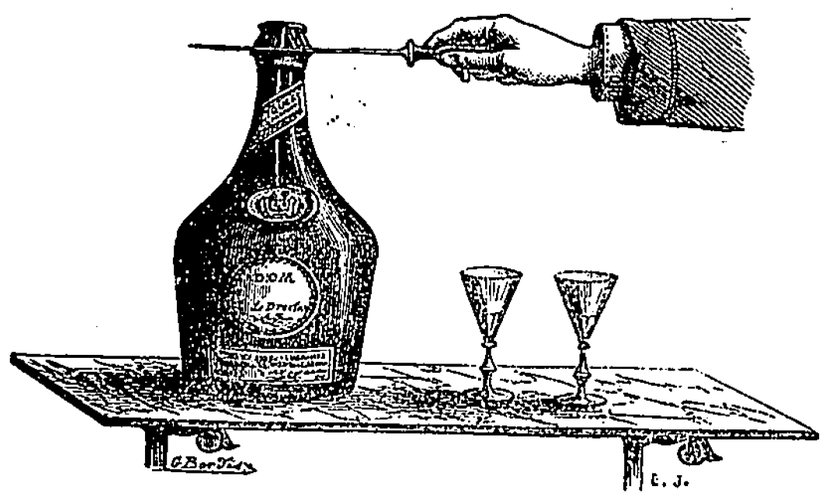


Exhibit I

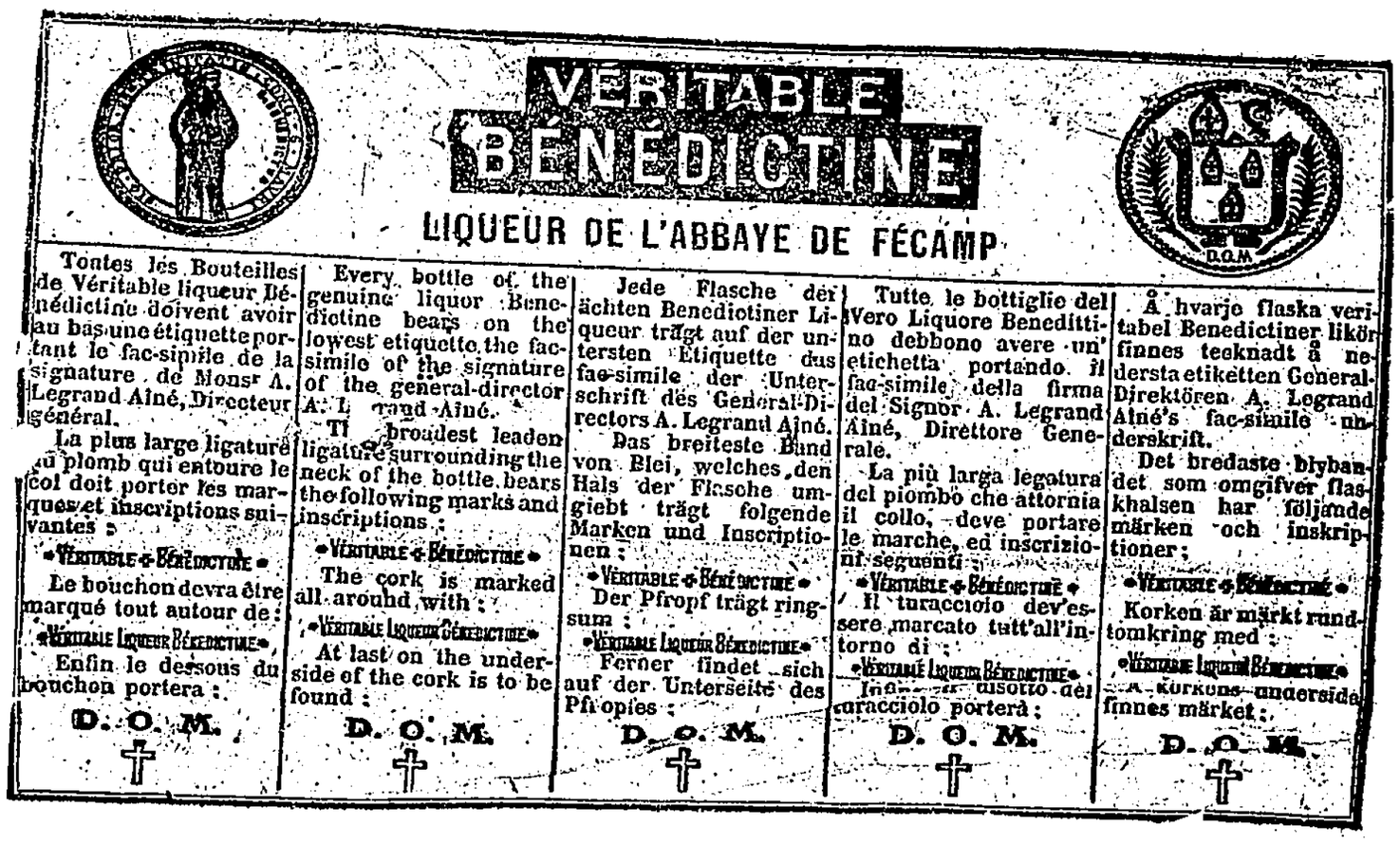
BÉNÉDICTINE

Pour déboucher la bouteille, il suffit de prendre un couteau et de couper le plomb et le parchemin tout autour *Voir le modèle ci-dessous.*



FÉCAMP (Seine-Inférieure)

H



VÉRITABLE BÉNÉDICTINE

LIQUEUR DE L'ABBAYE DE FÉCAMP

Toutes les Bouteilles de Véritable liqueur Bénédictine doivent avoir au bas une étiquette portant le fac-simile de la signature de Monsr A. Legrand Aîné, Directeur général.

La plus large ligature au plomb qui entoure le col doit porter les marques et inscriptions suivantes :

• VÉRITABLE ✠ BÉNÉDICTINE •

Le bouchon devra être marqué tout autour de :

• VÉRITABLE LIQUEUR BÉNÉDICTINE •

Enfin le dessous du bouchon portera :

D. O. M.

✝

Every bottle of the genuine liquor Benedictine bears on the lowest etiquette the fac-simile of the signature of the general-director A. Legrand Aîné.

The broadest leaden ligature surrounding the neck of the bottle bears the following marks and inscriptions :

• VÉRITABLE ✠ BÉNÉDICTINE •

The cork is marked all around with :

• VÉRITABLE LIQUEUR BÉNÉDICTINE •

At last on the underside of the cork is to be found :

D. O. M.

✝

Jede Flasche der ächten Benediotiner Liqueur trägt auf der untersten Etiquette das fac-simile der Unterschrift des General-Directors A. Legrand Aîné.

Das breiteste Band von Blei, welches den Hals der Flasche umgiebt trägt folgende Marken und Inscriptionen :

• VÉRITABLE ✠ BÉNÉDICTINE •

Der Pfropf trägt ringsum :

• VÉRITABLE LIQUEUR BÉNÉDICTINE •

Ferner findet sich auf der Unterseite des Pfropfes :

D. O. M.

✝

Tutte le bottiglie del Vero Liquore Benedittino debbono avere un' etichetta portando il fac-simile della firma del Signor A. Legrand Aîné, Direttore Generale.

La più larga legatura del piombo che attornia il collo, deve portare le marche, ed inscrizioni seguenti :

• VÉRITABLE ✠ BÉNÉDICTINE •

Il turacciolo dev'essere marcato tutt'all'intorno di :

• VÉRITABLE LIQUEUR BÉNÉDICTINE •

In[illegible] disotto del turacciolo porterà :

D. O. M.

✝

Å hvarje flaska veritabel Benedictiner likör finnes teeknadt å nedersta etiketten General-Direktören A. Legrand Aîné's fac-simile underskrift.

Det bredaste blyband det som omgifver flaskhalsen har följande märken och inskriptioner :

• VÉRITABLE ✠ BÉNÉDICTINE •

Korken är märkt runtomkring med :

• VÉRITABLE LIQUEUR BÉNÉDICTINE •

Å korkens underside finnes märket :

D. O. M.

✝

Exhibit J.

VÉRITABLE BÉNÉDICTINE LIQUEUR

DES

Moines Bénédictins

DE

L'ABBAYE DE FÉCAMP

(Seine-Inférieure. — France)

La partie active de la véritable LIQUEUR BÉNÉDICTINE est presque exclusivement composée de plantes croissant sur les falaises de Normandie, récoltées et infusées au moment de la sève et de la floraison.

Ces herbacées, par leur voisinage de la mer, encore toutes saturées de *brôme*, d'*iode* et de *chlorure de sodium*, développent et conservent dans les liquides spiritueux et sucrés, leurs principes vivifiants et salutaires.

L'industrie moderne emploie généralement, dans la fabrication des liqueurs, des esprits de betterave, de grains, de pommes de terre plus ou moins bien rectifiés, dont l'effet peut être nuisible.

LA VÉRITABLE LIQUEUR BÉNÉDICTINE est, au contraire, favorable à la santé, puisque sa base spiritueuse est uniquement composée des eaux-de-vie de Cognac des premiers crus.

On peut ainsi résumer ses qualités :

« Netteté de goût, onctuosité franche et bien fondue ;

« Bouquet délicieux, s'améliorant en vieillissant ;

« Nul aussi n'a jamais contesté, depuis plusieurs siècles, ses vertus antiapoplectiques, apéritives, digestives et antispasmodiques, lorsqu'elle est étendue d'eau. »

Plusieurs célébrités médicales de France et de l'étranger lui ont donné un éclatant témoignage de sympathie et ont constaté son intervention des plus heureuses dans les affections épidémiques de toute nature, soit comme préservatif, soit comme prophylactique.

Enfin, c'est une bienfaisante et agréable liqueur, dont l'usage journalier et modéré ne peut que faciliter toutes les fonctions de l'organisme.

Nota. — Les envois se font par caisses de 6 et 12 bouteilles, et par caisses de 12 et 24 1/2 bouteilles.

Chaque bouteille et demi-bouteille porte l'empreinte des cachets ci-dessus

L'AGENCE GÉNÉRALE, A PARIS, SE TROUVE : 76, BOULEVARD HAUSSMANN.

La Distillerie et l'Entrepôt général, à FÉCAMP
(Seine-Inférieure. — France)

La Véritable LIQUEUR BÉNÉDICTINE se trouve dans toutes les villes de France et de l'Etranger, dans tous les *Cafés*, chez MM. les *Négociants en vins et spiritueux, Distillateurs, Marchands de comestibles, Confiseurs, Epiciers, etc., etc.*

Fécamp. — Imprimerie de L. Durand.

Exhibit K.

Appearance of front view of bottle with Trademarks arranged thereon

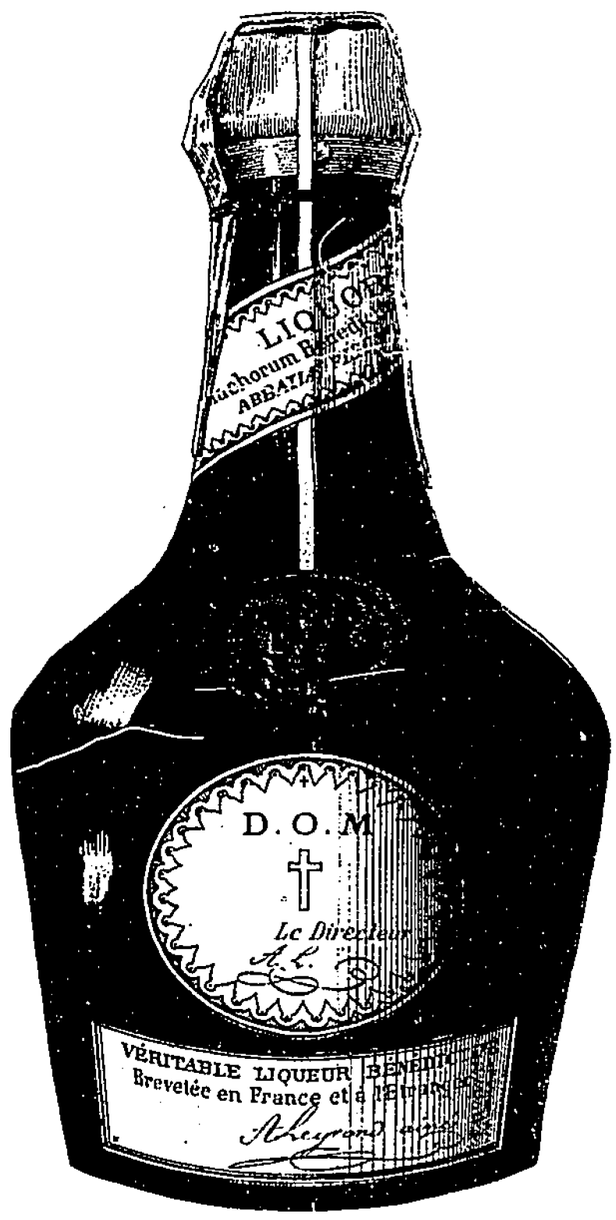
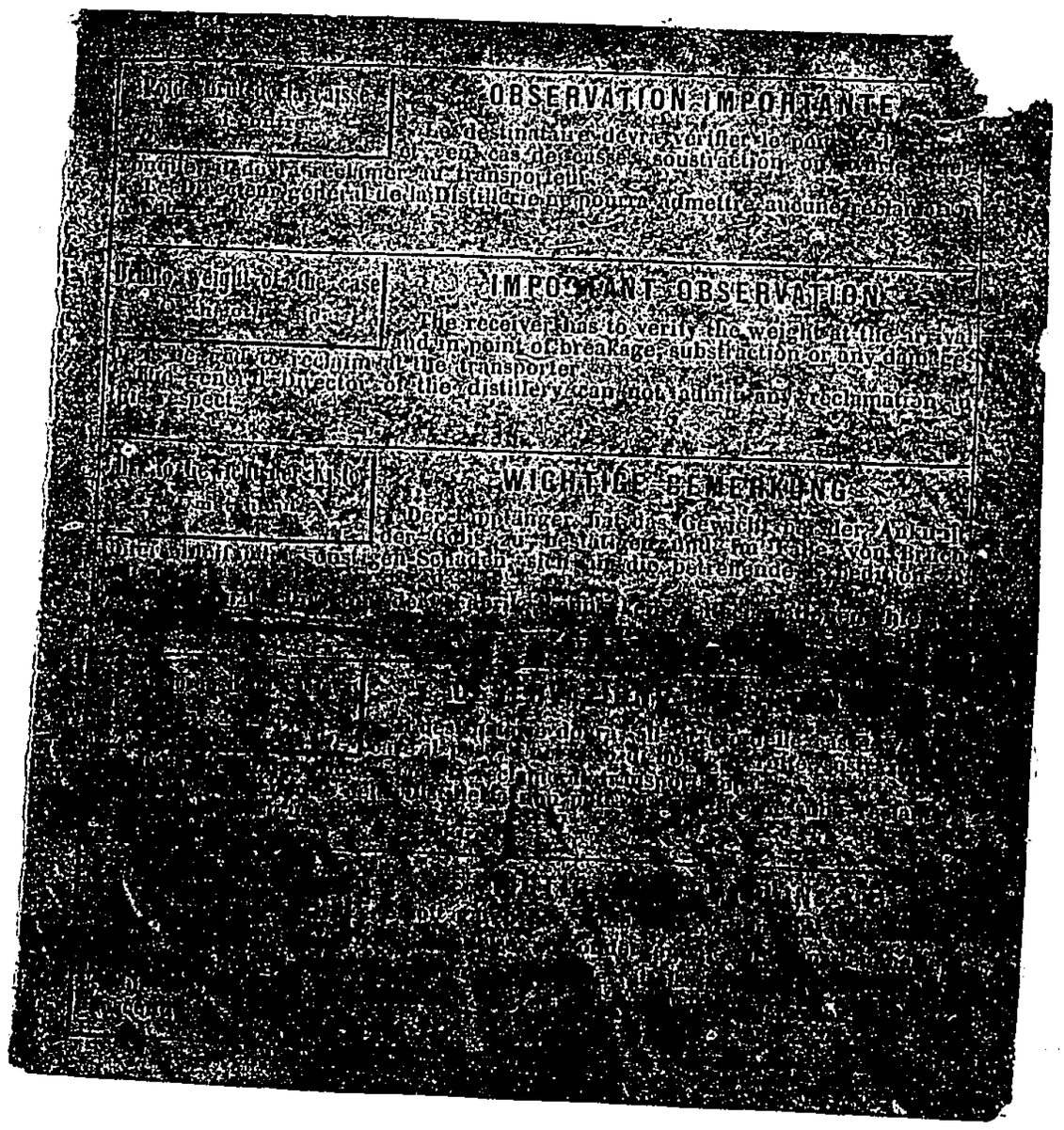


Exhibit K.

Appearance of front view of bottle with trademarks [illegible]

1057

Exhibit L.



OBSERVATION IMPORTANTE

IMPORTANT OBSERVATION

WICHTIGE BEMERKUNG

1058

Exhibit 7.

Poids brut de la caisse ci-contre	**OBSERVATION IMPORTANTE** Le destinataire devra vérifier le poids à l'arrivée, et, en cas de casse, soustraction ou avarie quelconque, il devra réclamer au transporteur. Le Directeur général de la Distillerie ne pourra admettre aucune réclamation à cet égard.
Brutto weight of the case On the other side	**IMPORTANT OBSERVATION** The receiver has to verify the weight at the arrival and in point of breakage, substraction or any damage, he is begged to reclaim at the transporter. The general Director of the distillery can not admit any reclamation in this respect.
Brutto Gewicht der Kiste Umstehend	**WICHTIGE BEMERKUNG** Der Empfänger hat das Gewicht bei der Ankunft der Colis zu bestätigen und im Falle von Bruch Unterschleif oder sonstigen Schaden, sich an die betreffende Expedition zu halten. Der general Director der Fabrik kann keine Reclamationen hierfür annehmen.
Peso lordo della cassa qui a lato	**OSSERVAZIONE IMPORTANTE** Il destinatario dovrà, all' arrivo delle casse, verificare il peso, e nel caso di bottiglie rotte, sostrazione, o guasto qualunque dovrà fare il reclamo al transportatore. Il Direttore generale della Distilleria non potrà ammettere nessuna reclamazione a questo riguardo.
Lådans bruttovægt Motstående	**VIGTIG OBSERVATION** Emottagaren bör undersöka vigten vid ankomsten och i händelse af sondergångna, uöfverensstemmelse eller hursomhelst sjöskadade, derom gjöra underrättelse till transportören. General-Direktören för distilleriet kan ej antaga någon reclamation i detta hänseende.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Herman Hartmann

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

Herman Hartmann

of the CRIME of Falsely making and counterfeiting a trade mark,

committed as follows:

The said Herman Hartmann,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the third day of July in the year of our Lord one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid, unlawfully and fraudulently did falsely make and counterfeit a certain trade mark, being a mark and label consisting of divers letters, words, devices, emblems, figures and diagrams, used by a certain corporation engaged and carrying on business under the laws of the Grande Republic of the Kaiser of Germany, in the Department of Seine Inferieure, in the said Republic, and called the "Société Anonyme de la Distillerie de la Bénédictine de Fécamp", to indicate the said corporation as the maker and seller of a certain article of merchandise known as Benedictine, which said trade mark had been theretofore duly and lawfully adopted by the said corporation

and more than is usually affixed to the said article of merchandise, so made and sold by him, to deceive that the same was manufactured, produced, sold, compounded and prepared by the said person, which said false and counterfeit trade mark, by reason of its device, name, figures, emblems, words and letters thereof, and the arrangement, and surrounding and imitates character and design of the same, cannot be accurately or properly set forth in this indictment, wherefore the Grand Jury aforesaid do not undertake to set forth the same; 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

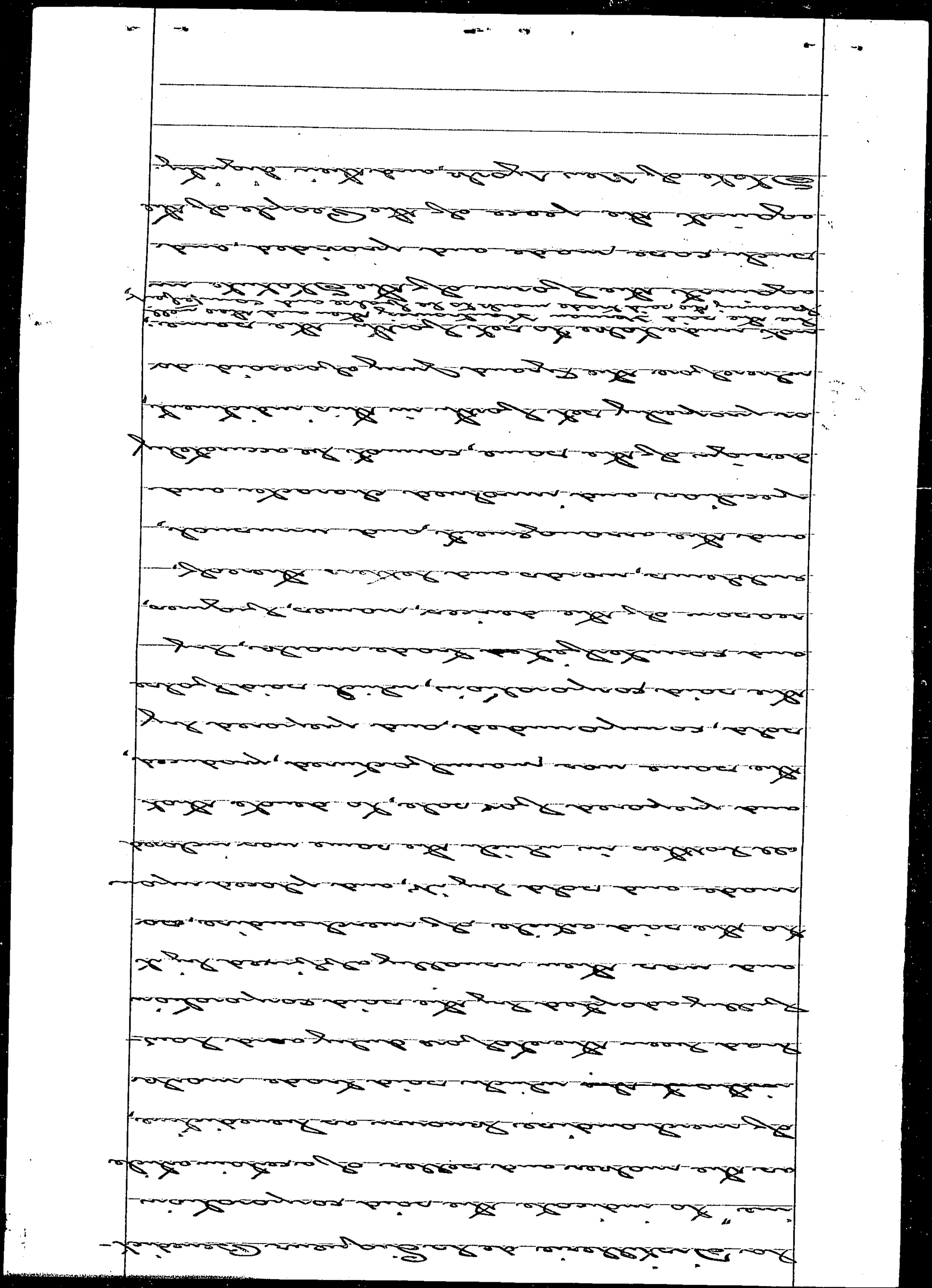
Herman Hauhouinet

of the CRIME of knowingly affixing to an article of merchandise false and counterfeit trade marks,

committed as follows:

The said Herman Hauhouinet,

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, ~~within the jurisdiction,~~ and knowingly did unlawfully affix to an article of merchandise, to wit: a certain liquor and cordial called Benedictine, by placing the same upon a large number, to wit: twenty, from bottles in which the said liquor and cordial was produced, and indeed, a certain false and counterfeit trade marks, being a mark and label consisting of divers letters, words, devices, emblems, figures and diagrams used by a certain corporation organized and carrying on business under the laws of the French Republic & the town of Fécamp in the said Republic, in the Department of Seine Inférieure, and called the "Société Anonyme des



"La Distillerie de la Liqueur Benedictine" to indicate the said corporation as the maker and seller of a certain article of merchandise known as Benedictine, ~~is at the~~ which said trade mark had been theretofore duly and lawfully adopted by the said corporation and was then usually affixed by it to the said article of merchandise, so made and sold by it, and placed upon all bottles in which the same was inclosed and prepared for sale, to denote that the same was manufactured, produced, sold, compounded and prepared by the said corporation, which said false and counterfeit trade mark, by reason of the devices, names, figures, emblems, words and letters thereof, and the arrangement, and unusual, peculiar and involved character and design of the same, cannot be accurately or properly set forth in this indictment, wherefore the Grand Jury aforesaid do not undertake to set forth the same; he the said Herman Kantrowitz then and there well knowing the said trade mark to be false and counterfeit, 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.

First COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Herman Hartmann of the CRIME of selling, keeping and offering for sale an article of merchandise to which was affixed a false and counterfeit trade mark, committed as follows:

The said Herman Hartmann late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid, did unlawfully and knowingly keep and offer for sale, and sell to one Eugene Bothard, an article of merchandise, to wit: twenty four bottles containing a certain liquor and cordial called Benedictine, to which said article of merchandise there was then and there affixed, and upon each and every of which said bottles so containing the same, and in which the same was packed and inclosed, there was then and there placed, a certain false and counterfeit trade mark, being a mark and label consisting of diverse letters, words, devices, emblems, figures and diagrams, used by a certain corporation organized and existing under the laws

under the laws of the French Republic, at the town of Fecamp, in the Department of Seine Inferieure, in the said Republic, and called the "Societe Anonyme de la Distillerie de la Liqueur Benedictine" to indicate the said corporation as the maker and seller of a certain article of merchandise known as Benedictine, which said trade mark had been theretofore duly and lawfully adopted by the said corporation, and was then by it usually affixed to the said article of merchandise so made and sold by it, and placed upon all bottles in which the same was inclosed and prepared for sale, to denote that the same was manufactured, produced, sold, compounded and prepared by the said corporation, which said false and counterfeit trade mark, by reason of the devices, names, figures, emblems, words and letters thereof, and the arrangement and unusual, peculiar and involved character and design of the same, cannot be accurately or properly set forth in this indictment, wherefore the Grand Jury aforesaid do not undertake to set forth the same; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Fourth COUNT.

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

— Herman Hartmann —

of the CRIME of knowingly affixing to an article of merchandise, an imitation of the trade mark of another without the latter's consent, —

committed as follows:

The said Herman Hartmann

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid, did wilfully and fraudulently and without the consent of the corporation hereinafter named, affix to an article of merchandise, to wit: a certain liquor and cordial called Benedictine, by placing the same upon a large number, to wit: twenty-four bottles in which the said liquor and cordial was packed and indorsed, an imitation of the trade mark of a certain corporation organized and carrying on business under the laws of the French Republic at the Town of Fécamp in the Department of Seine Inférieure in the said Republic, and called the "Société Anonyme de la Distillerie de la Liqueur Bénédictine" the said trade

mark being a mark and label consisting of divers letters, words, devices, emblems, figures and diagrams used by the said corporation to indicate itself as the maker and seller of a certain article of merchandise known as Benedictine, the same having been theretofore duly and lawfully adopted by the said corporation, and being then usually lawfully affixed to the said article of merchandise so made and sold by it, and placed upon all bottles in which the same was inclosed and prepared for sale, to denote that the same was manufactured, produced, sold, compounded and prepared by the said corporation, which said imitation trade mark so as aforesaid by him the said Herman Kantrowicz affixed to the said article of merchandise as herein alleged, by the use of words and letters similar in appearance and in sound, and by divers signs, devices and other means, so far resembles the genuine trade mark of the said corporation as to be likely to induce the belief that the same was genuine, and which said imitation trade mark, by reason of the devices, names, figures, emblems, words and letters thereof and the arrangement and unusual, peculiar and involved character and design of the same, cannot be accurately or properly set forth in this indictment, wherefore the Grand Jury aforesaid do not undertake to set forth the same; 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.

[illegible] COUNT.

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

Herman Kaufmann

of the CRIME of selling, keeping and exposing for sale an article of merchandise to which was affixed an imitation of the trade mark of another, without the latter's consent, committed as follows:

The said Herman Kaufmann,

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid, did unlawfully and fraudulently, and without the consent of the corporation hereinafter named, keep and exposed for sale, and sell to one Egon Gaddard, an article of merchandise, to wit: a quantity of bottles containing a certain liquor and provided called Hunyadi, to which said article of merchandise there was then and there affixed and upon each and every of which said bottles was contained the name, and in which the same was packed and indorsed, there was then and there placed, an imitation of the trade mark of a certain corporation organized and carrying

on business under the laws of the French Republic at the town of Fecamp in the Department of Seine Inferieure, in the said Republic, and called the "Societe Anonyme de la Distillerie de la Liqueur Benedictine," the said trade mark being a mark and label consisting of divers letters, words, devices, emblems, figures and diagrams used by the said corporation to indicate itself as the maker and seller of a certain article of merchandise known as Benedictine, the same having been theretofore duly and lawfully adopted by the said corporation, and being then usually by it affixed to the said article of merchandise so made and sold by it, and placed upon all bottles in which the same was inclosed and prepared for sale, to denote that the same was manufactured, produced, sold, compounded, and prepared by the said corporation, which said imitation trade so affixed to the said article of merchandise then and there kept, offered for sale and sold by him the said Herman Hartkowicz as aforesaid, so far resembled the genuine trade mark of the said corporation as to be

thereby to induce the belief that the name was genuine, and which said imitation was made, by reason of the dainess, names, figures, emblems, words and letters thereof, and the arrangement and unusual, peculiar and involved character and design of the name, cannot be accurately or properly set forth in this indictment, wherefore the Grand Jury aforesaid do not undertake to set forth the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine,
District Attorney

1070

BOX:
283
FOLDER:
2710
DESCRIPTION:
Kaplan, Charles

DATE:
11/11/87

2710

Witnesses:

Joseph Spencer

38.

Ordered
A 293 Mag

Counsel,

Filed 11 day of Nov 1887.

Pleads Not guilty (4)

THE PEOPLE

vs.

Charles Kaplan

Burglary in the Third Degree.

[Section 498 Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.

Nov 16 Pl 2 ADP
Nov 18 Pl 2 ADP 4 JAS.
Nov 30 Pl 2 ADP
Dec. 5 - Pl 2 [illegible]
Dec 7 Pl 2 ADP

A True Bill.

Jno C Magoun
Foreman

December 6/87

Trial by Acquitted.

POOR QUALITY ORIGINAL

1072

Police Court— First District.

City and County of New York, } ss.:

Joseph A. Spencer

of No. 73 Park Row Street, aged 44 years, occupation Manager Union Press Exchange being duly sworn deposes and says, that the premises No. 73 Park Row Street, 4th Ward in the City and County aforesaid the said being a four story brick building and which was occupied by deponent as an Office of the Union Press Exchange ~~and in which there was at the time a human being by name~~

were BURGLARIOUSLY entered by means of forcibly opening the door leading into the office from the hall way on the second floor in said premises with a key and entered therein

on the 17th day of September 188 in the ~~was attempted to be~~ time, and the following property feloniously taken, stolen, and carried away, viz:

Two clocks together of the value of Five Dollars

the property of Union Press Exchange Co. in Care and Custody of Complainant

and deponent further says, that he ~~has~~ great cause to believe, and does believe, that the aforesaid BURGLARY was ~~committed~~ attempted to be and the aforesaid property taken, stolen and carried away by Charles Kaplan (now here)

for the reasons following, to wit: That deponent securely locked and fastened the doors in the above described office at about the hour of one o'clock A.M. on the above described date and deponent stayed in said office all night waiting to see who the person was that was in the habit of coming into the said office and stealing frequently and while deponent was ~~waiting~~ so waiting in said office at about the

Eight o'clock A.M on said date the defendant opened the door with a key leading into said office and entered said office and deponent detained said defendant until an officer came and deponent gave said defendant into custody of an officer

Wherefore deponent prays that the defendant may be dealt with as the law directs

Sworn to before me
this 4th day of November 1893

J. O. Spencer

J. P. Williams
Police Justice

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188 _____ Magistrate.
_____ Officer.
_____ Clerk.

Witnesses, _____

No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

$ _____ to answer General Sessions.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____ *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* _____ *Hundred Dollars* _____ *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated _____ 188 . _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Charles Kaplan 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 Kaplan

Question How old are you?

Answer 16 Years

Question. Where were you born?

Answer. New York City

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

Answer. 49 Market St 18 months

Question What is your business or profession?

Answer Errand boy

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

Charley Kaplan

Taken before me this 1st *day of* May 188 }

Police Justice.

1075

38 / 1886

Police Court — 5 — District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Doe, Officer
173 Pearl St. for
Larceny & Receiving

1. Charles Taylor
2.
3.
4.

Offence Burglary

Dated Nov 4th 1886 188

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

RECEIVED, DISTRICT ATTORNEY'S OFFICE, NOV 3 1887

$1000 to answer G. J.

Committed

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* 10 *Hundred Dollars,* *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated Nov 4th 188 *Police Justice.*

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

Dated 188 *Police Justice.*

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

Dated 188 *Police Justice.*

1076

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 Hardam

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

— Charles Hardam —

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

The said Charles Hardam,

late of the — Fourth — Ward of the City of New York, in the County of New York, aforesaid, on the Fourth day of November, in the year of our Lord one thousand eight hundred and eighty-seven, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the Office of ~~one~~ a corporation called the Union Press Exchange Company. —

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 corporation,

in the said Office, 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.

Randolph Guggenheimer

District Attorney.

1077

BOX:
283
FOLDER:
2710
DESCRIPTION:
Kehl, Louisa

DATE:
11/21/87

2710

198

Witnesses:

Counsel, Fletcher

Filed 21 day of Nov 188

Pleads, Guilty (22)

THE PEOPLE

vs. B

Louisa Kehl

KEEPING A HOUSE OF ILL FAME, Etc.

(Sections 323 and 385, Penal Code.)

Dec 3 PM 3 DDP

RANDOLPH B. MARTINE,

District Attorney.

Bd. 7th day 1888 tried & acquitted

A True Bill.

J. C. Magorn

Jan 18 1888 9.50

Foreman

Dec 22 9.50

Dec 9 to 11 Dec 9.50

1079

POLICE COURT, ... DISTRICT.

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

Louis Selig

of No. 1 11th Street, being duly sworn, deposes and says, that Louisa Kahl (now present) is the person of that name mentioned in deponent's affidavit of the 12 day of Sept 188 hereunto annexed.

Louis Selig

Sworn to before me, this 13 *day of* Sept 188

P. G. Leffy

POLICE JUSTICE.

1080

Sec. 322, Penal Code.

District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

Louis Selig

of No. the 11th precinct police Street, in said City, being duly sworn says that at the premises known as Number 18 & 20 Allen Street, in the City and County of New York, on the 8th day of September 1887, and on divers other days and times, between that day and the day of making this complaint

Jane Doe

did unlawfully keep and maintain and yet continue to keep and maintain a an House of Assignation and did then, and on the said other days and times, there unlawfully procure and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil name and fame there to be and remain ~~drinking~~, dancing, ~~fighting~~ disturbing the peace, whoring and misbehaving themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said Jane Doe and all vile, disorderly and improper persons found upon the premises, occupied by said Jane Doe may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 12 *day of* September 1887

Louis Selig

Police Justice.

1081

Police Court— District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Louis Seley

vs.

AFFIDAVIT—Keeping Disorderly House, &c.

Dated Sept 12 188

R Duffy Justice.

Seley Officer.

11 Precinct.

WITNESSES :

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Louisa Kehl

Question How old are you?

Answer 35 years

Question. Where were you born?

Answer. Germany

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

Answer No 18 Allen st. 2 years

Question What is your business or profession?

Answer Laundress

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.

Art I am not guilty demand a trial by Jury

L. Kehl

Taken before me this 13 *day of* December 188[illegible]

[illegible] *Police Justice.*

1083

Sec. 151.

Police Court 3 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 Louis Delig of No. 11 Mercer Police Street, that on the 8 day of September 1887, at the City of New York, in the County of New York, Louisa Katz did keep and maintain at the premises known as Number 18 Allen Street, in said City, a house of assignation and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, d~~ancing,~~ fig~~hting~~, di~~sturbing~~ the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

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 body of the said

Jane Doe

and all vile, disorderly and improper persons found upon the premises occupied by said Jane Doe and forthwith bring them before me, at the 3rd DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 12 *day of* September 1887

[illegible]

POLICE JUSTICE.

1084

Police Court— 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Louis Selig

vs.

Louisa Kahl

WARRANT—Keeping Disorderly House, &c.

Dated September 12th 1887

Duffy Magistrate.

Selig Officer.

11 Precinct.

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

Selig Officer.

Dated September 13th 188

This Warrant may be executed on Sunday or at night.

P. J. Duffy Police Justice.

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.

1085

BAILED, No. 1, by Charles Hirsch Residence 1141 Broadway Street.

No. 2, by George Trullauschke Residence 35 Orchard Street,

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

146 1486

Police Court-- ..... District.

THE PEOPLE, &c., ON THE COMPLAINT OF

Charles Hirsch 1141 Broadway

Louisa Kehl

2

3

4

Offence Keeping a Disorderly House

Dated Sept 13 188 7

Magistrate.

Officer.

Precinct.

Witnesses ..... Street.

No. ..... Street.

No. ..... Street.

No ..... Street.

Charles Hirsch

Louisa Kehl

Charles Hirsch

Louisa Kehl

FILED IN THE CLERK'S OFFICE OF THE CITY AND COUNTY OF NEW YORK SEP 13 1887

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 Louisa Kehl *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 Sept 13 188 7 P. J. Geoghegan *Police Justice.*

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

Dated Sept. 13 188 7 ..... *Police Justice.*

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

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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Louisa Kehl

The Grand Jury of the City and County of New York, by this Indictment, accuse
— Louisa Kehl —

(Section 322, Penal Code.) of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said Louisa Kehl

late of the Tenth Ward of the City of New York, in the County of New York aforesaid, on the eighth day of September in the year of our Lord one thousand eight hundred and eighty-seven and on divers other days and times as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said
— Louisa Kehl —
on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, 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
— Louisa Kehl —

(Section 385, Penal Code.) of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Louisa Kehl

late of the Ward, City and County aforesaid, afterwards, to wit: on the eighth day of September in the year of our Lord one thousand eight hundred

and eighty- seven and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill governed house, and in her said house, for her own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

Louisa Kehl

(Section 322, Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Louisa Kehl

late of the Ward, City and County aforesaid, afterwards, to wit: on the eighth day of September in the year of our Lord one thousand eight hundred and eighty-seven and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for her own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in her said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, against the form of the Statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

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