

The District Court in the City of New York

FOR THE SECOND JUDICIAL DISTRICT.

R I C H A R D B O A Z,

Plaintiff,against

J O S E P H R O B E R T S,

Defendant.

B e f o r e

HON. GEORGE F. ROESCH,

Before

sitting in the absence of

HON. HERMANN BOLTE,

Justice.

Tried..... May 6th, 1897

INDEX.

[illegible]

BENJ. F. SPELLMAN,

Official Stenographer.

DISTRICT COURT IN THE CITY OF NEW YORK
FOR THE SECOND JUDICIAL DISTRICT.

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:
R I C H A R D B O A S , :
:
Plaintiff, :
:
-against- : B e f o r e
:
J O S E P H R O B E R T S , : H O N . G E O R G E F . R O E S C H ,
:
Defendant. : J u s t i c e ,
:
: Sitting in the absence of
-----X Hon. Hermann Bolte, Justice.

May 6th, 1897.

A p p e a r a n c e s : -

H. C. Harding, Esq., Attorney for plaintiff;

Menken Brothers, Esqs., Attorneys for Defendant.

TESTIMONY OF MR. POGGI.

W I L L I A M E . P O G G I , a witness, called on
behalf of the plaintiff, being duly sworn, testified as fol-
lows:

Direct-examination

by Plaintiff's Counsel:

Q. Where do you reside?

A. 385 Saint Nicolas Avenue.

Q. What is your business?

A. I am treasurer of the National Wine Association.

Q. Mr. Poggi, you were treasurer of the National Wine Associa-

tion during this period in question, October 1896 to January 1897?

A. Yes, sir.

Q. Do you remember seeing Mr. Roberts there?

A. I do.

Q. Did he have goods of his own on sale?

Defendant's Counsel: I object to that question.

The Court: What do you want to show by this witness?

Plaintiff's Counsel: I want to show that Mr. Roberts was there on his own account.

The Court: I don't think that testimony is necessary.

Q. Mr. Poggi, did you hear any of the conversation had between the plaintiff and the defendant regarding this mortgage and the assignment thereof?

A. Yes, sir.

Q. Can you state, as near as you can, what was said between the parties?

A. To the best of my recollection, the mortgage--in fact, I am positive--that the mortgage was given as security.

By the Court:

Q. Can you state that from your own knowledge, or can you state it because of conversations had with Mr. Boaz?

A. From my own knowledge.

By Plaintiff's Counsel:

Q. Who was present?

A. Mr. Roberts, and myself and Mr. Boaz.

Q. And I was there?

A. Yes, sir.

Q. State, if you can recollect, any of the conversation?

A. This mortgage we took because we concluded that Roberts was a bad risk, and Mr. Boaz was very anxious to get some collateral, and his failing to collect the amount, Mr. Roberts assured that he wanted to do the right thing, and he said, "I want you to hold this mortgage", and I remember distinctly asking Mr. Boaz whether that is very good, and Mr. Roberts said, "It is very good; it is some lots in Jersey; it is worth considerably much more than you advanced me". Mr. Boaz consulted me and asked what he should do, and I said I thought he should wash his hands entirely of Mr. Roberts, and Mr. Roberts said, "You can sell it for me", and Mr. Boaz said, "Whatever I get over the amount I advanced you, I will pay you back".

Q. Were you present at any of the interviews had between Mr. Boaz and Mr. Roberts when Mr. Boaz told Mr. Roberts to get out, that he didn't want him any more?

A. About fifteen or twenty times during that time at the very least.

Q. He told him he had no use for him, to get out and go away from there?

A. He came around the office about fifteen or twenty times, and he was told that he wasn't wanted.

Cross-examination

by Defendant's Counsel:

Q. Where was that?

A. At 82 Water Street.

Q. And that was during the times of the auction sales, the conversation was had during the time of the auction sales; at the time that Mr. Boaz told Mr. Roberts to get out, it was during the auction sales, was it not?

Plaintiff's Counsel: Objected to.

Witness: Roberts would come in there two or three times a week trying to get money.

Q. How do you know that?

A. I have seen him there and have heard him ask Mr. Boaz for money repeatedly.

By Plaintiff's Counsel:

Q. He used to come in between the sales?

A. Yes, sir.

Q. The sales were on the second loft?

A. Yes, sir.

Q. And the office was on the first loft?

A. Yes, sir.

Q. Now, he used to come in the office?

A. Yes, sir.

By Defendant's Counsel:

Q. Mr. Poggi, what was your business?

A. Auctioneer .

Q. Did you have a license?

A. Yes, sir.

Q. Were you indicted by the Grand Jury for maintaining sham auctions?

A. The indictment was quashed.

Q. Were you indicted?

A. Yes, sir, and it was thrown out by the District Attorney.

Q. Mr. Poggi, are there any proceedings pending before the Mayor of this city to revoke your license as auctioneer?

A. No, sir.

Q. There are none pending?

A. No, sir.

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(3)

The President of the United States of America, TO The Mayor, Aldermen and Commonalty of the City of New York and David B. Anster as Receiver of Taxes in the City of New York
[L. S.]

GREETING :

You are hereby commanded that you and each of you personally appear before the Judges of the Circuit Court of the United States of America, for the Southern District of New York, in the Second Circuit, in Equity, on the first Monday of July - A. D. 1897 wherever the said Court shall then be, to answer a bill of complaint exhibited against you in the said Court by The Mercantile National Bank of the City of New York

and do further and receive what the said Court shall have considered in that behalf. And this you are not to omit under the penalty on you and each of you

of TWO HUNDRED AND FIFTY DOLLARS.
WITNESS The Honorable MELVILLE W. FULLER, Chief Justice of the United States, at the City of New York, on the twenty-ninth day of May in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America, the one hundred and twenty-first

Brownell & Patterson
Solicitor S for Complainant

John A. Shuler
Clerk.

The Defendant are required to enter appearance in the above cause, in the Clerk's office of this Court, on or before the first Monday of July 1897, or the bill will be taken pro confesso against them

JAS. Clerk.

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THE UNIVERSITY OF CHICAGO

District Court in the City of New York

FOR THE

Ninth Judicial District.



170 East 121st Street,
CORNER OF SYLVAN PLACE.

Joseph P. Fallon, Justice.
William J. Kennedy, Clerk.
Francis Mc. Mullen, Dist. Clerk.

June 30th 1897

Hon. H. M. Goldfogle,
Dear Sir:

Below please find estimate
of blanks for the Ninth District Court for the
year 1898.

	Amount.
Original Summons	7500
Copy Summons	10000
Alias Summons	5000
Copy Alias Summons	5000
Free Summons	3000
Copy Free Summons	3500
Order to Show Cause	1000
Venues	1000
Notice to Juror	3000
Justice's Return	1000
Petition for Guardian	1000
Undertaking action to recover chattel	1000
Subpoena Duces Tecum	1000
Copy Subpoena Duces Tecum	3000
Attachment against witness	1000

District Court in the City of New York

FOR THE

Ninth Judicial District,

170 East 121st Street,

CORNER OF SYLVAN PLACE.



Joseph P. Fallon, Justice.
William J. Kennedy, Clerk.
Francis M. Mullen, Asst. Clerk.

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Affidant for Attachment	1000
Undertaking for Attachment	1000
Satisfaction of Judgment	1000
Warrant of Attachment	1000
Certificate of Satisfaction	1000
Execution - Attachment	1000
Execution against the property	3000
Execution Co defendant	1500
Execution Ca. Sa.	1500
Execution against the person	1500
Subpoena to testify	1500
Copy Subpoena to testify	5000
Application to sur as a poor person	2000
Affidant for free Summons	3000
Transcript	5000
Trial fee - Receipts	5000
Return Calendar	2500
Adjourned Calendar	5000
Pleading blanks	10000

District Court in the City of New York

FOR THE

Ninth Judicial District.



170 East 121st Street,
CORNER OF SYLVAN PLACE.

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William J. Kennedy, Clerk.
Francis Mc. Mullen, Asst. Clerk.

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Lithographed Note Heading (in pads)	2000
Lithographed letter Heading " "	2000
Book F. S.	6
Blank Books 130 pages	12
Docket of Judgments - Vols -	2
Stenographers Note Books	500

Respectfully yours,
Wm J Kennedy
Clerk.

13^d - Dist. Court

1	Ex. against prop. taken by Attachment.	1000
2	" " " Co-defendants	1000
3	" " the property	2000
4	" " " person	1500
5	Ca Sa. Wages female plaintiff	1500
6	Transcript	2000
7	Application for leave to sue as poor person.	2000
8	Affidavit free summons.	3000
9	Copy summons free	3000
10	" "	3000
11	Free Summons.	3000
12	Copy Alias Summons.	3000
13	Alias Summons.	3000
14	Summons.	3000
15	Order to show cause	500
16	Jurors fine blanks	500
17	Notices to Jurors	1000
18	Certificate payment into Court.	1000
19	Return of James P. Davenport Justice	500
20	" " Justice to the Supreme Court.	500
21	Execution against the prop in replevin.	1000
22	Venue	1000
23	Attachment against witness	500
24	Warrant of Commitment (Open Court)	500
25	Receipts from Clerk	5000
26	Certificate Satisfaction of Judgment.	500
27	Undertaking upon long adjournment	500
28	Venue. Landlord & Tenant.	500

29	Court Calendars	1000
30	Petition Appointment Guardian Default for ^{for}	500
31	Application & Affidavit to obtain order of arrest	500
32	Affidavit in an action to recover a chattel	500
33	Order of Arrest.	500
34	Undertaking to obtain an order of arrest.	500
35	Special judgment on a lien	1000
36	Undertaking on removing cause to City Court	500
37	Bond Third party Claimant	500
38	Order to bring prisoner into court.	500
39	" removing action to City Court	500
40	Subpoena. Suis Tecum. Copy.	500
41	" " " Original	500
42	Subpoena to testify.	1500
43	" " " Copy.	3000
44	Affidavit for attachment	500
45	{ Application, Affidavit and undertaking for a Warrant of Attachment	500
46	Warrant of Attachment	500
47	Summons to accompany an order of arrest Copy	500
48	" " " " " " " Original	500
49	Undertaking for attachment	500
50	Summons and Warrant of Attachment	500
51	Undertaking of plaintiffs securities on Replevin of property	500
52	Execution on a Judgment awarding recovery of chattel	500
53	" " " " " " (Co-defendants)	500
54	Undertaking in an action to recover a chattel	500
55	Affidavit on Replevin of personal property	500
56	Undertaking upon arrest (No. 1.)	500
57	" " " (No 2)	500

58	Undertaking on appeal	500
59	Exhibit receipts.	1000
60	Mechanics Lien Execution	500
61	Summons. Chattel Mortgage. Enclosure of Lien	500
62	Execution Chattel mortgage on lien	500
63	Transcript of Judgment Mechanics Lien	500
64	Alias Summons. Free	5000
65	Copy Alias Summons Free	5000

New York.

June. 30. 1897

A. N. DuMaur.

Clerk. 13 Dist Court.

13^d List Count

SEVENTH
JUDICIAL DISTRICT COURT

57th Street, bet. 3rd and Lexington Aves.

PATRICK McDAVITT, Clerk.
THOMAS P. McQUADE, Asst Clerk.

New York, July 7 1897

Hon William L. Strong, Mayor,
Chairman of the Board of City Record

Dear Sir:

In reply to your circular letter of 29th ult., I would state, That we have no blanks &c, other, than what are necessary for the transaction of business of this Court.

Respectfully Yours,

Patrick McDavitt

Clerk
7th Dis Court



WILLIAM F. MOORE, JUSTICE.
DANIEL WILLIAMS, CLERK.

Justices Chambers

July 6th, 1897

John A. Sleicher Esq.

Supervisor of the City Record.

Dear sir;

In accordance with the circular letter of Mayor Strong dated June 7th, 1897 I send herewith requisitions for books, printed matter, lithographed matter and stationery for the Third Judicial District of the Municipal Court for the year 1898.

It is impossible to furnish samples of printed forms etc, because we have none. At a meeting of the Justices of the District courts however, concerning which you have probably been advised, a Committee consisting of Justices Fallon and Goldfogle was appointed to prepare the various forms which will be required by the new Municipal Courts for the year 1898. They were requested when they completed their work to submit for use in connection with these requisitions the forms which they were to prepare.

Yours very respectfully.

William F. Moore
Justice

Estimate of the number of blanks required by the 3rd. District
Court for the year 1898.

No.	1.	Summons.	2500
	2.	Copy Summons.	2500.
	3.	Free Summons.	500
	4.	Copy free Summons.	500.
	5.	Affidavits to obtain free Summons.	500.
	6.	Free Summons in an action prosecuted by a poor person.	250.
	7.	Copy Free Summons in an action prosecuted by a poor person.	250.
	8.	Petition, affidavit &c., for leave to prosecute as a poor person.	250.
	9.	Alias Summons.	1000.
	10.	Copy Alias Summons.	1000.
	11.	Subpoena.	500.
	12.	Copy Subpoena.	1500.
	13.	Subpoena Duces Tecum	100.
	14.	Copy Subpoena Duces Tecum.	100.
	15.	Execution against property.	1000.
	16.	Execution against the property of joint judgment debtors.	250.
	17.	Execution on a Judgment awarding the recovery of a chattel.	250.
	18.	Execution against property taken by attachment.	100.
	19.	Execution against the person.	100.
	20.	Execution against the person in services of a female plaintiff.	250.
	21.	Transcript of Judgment.	2500.
	22.	Certificate of satisfaction of Judgment	250.
	23.	Certificate of payment into Court.	250.
	24.	Petition, affidavit and order for the appointment of guardian.	250.
	25.	Application and affidavit to obtain a warrant of attachment.	250.
	26.	Undertaking to obtain a warrant of attachment.	250.
	27.	Summons and warrant of attachment.	250.
	28.	Affidavit in an action to recover a chattel	250.
	29.	Undertaking in an action to recover a chattel.	250.

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2500

2500

500

500

500

500

500

500

500

1000

1000

500

1500

LITHOGRAPHED OR STAMPED LETTER HEADS, ETC.

N. B.—Call for the blanks, etc., in thousands, or fractions thereof, and not in reams. Do not call for lithograph work when printed work will do. It is suggested that lithographed headings be changed this year if those that have been in use in the past are not legible. Give two (2) samples of each, taking the samples from this year's supply.

PLEASE NOTICE—This requisition must be filled out and returned to the City Record Office on or before Sept. 15th.

New York, _____ 1896.

To JOHN A. SLEICHER, Supervisor of the City Record, No. 2 City Hall.

Sir: _____ Hereby Certify that the Lithographed Letter Heads, Checks, Envelopes, etc., hereinafter enumerated are required for the transaction of the business of the
12th District Court during the year 1897.

SAMPLE No.	DESCRIPTION	No. OF COPIES	DO NOT WRITE IN THIS COLUMN
1	Original Summons	2000	
2	Copy "	3000	
3	Original Alias Summons	1000	
4	Copy " "	1000	
5	Original Free Summons	1500	
6	Copy " "	1500	
7	Execution against Property	1000	
8	Property Executions Co-Def	500	
9	Execution against Person	500	
10	Transcript of Judgment	2000	
11	Application Poor Person	1000	
12	Affidavit Free Summons	1000	
13	Original Subpoenas	500	
14	Copy " "	500	
15	Subpoenas Jures Tecum	500	
16	Copy " "	500	
17	Order to Show Cause	500	
18	Order Removing to City Court	500	
19	Undertaking " " "	500	
20	Affidavit to Recover a Chattel	500	
21	Undertaking " " "	500	
22	Warrant of Attachment	500	
23	Apphe. Affid. & Undertaking Wof Attach	500	
24	Execution on Attachment	500	
25	Receipts Return Trial Fee	1500	
26	Receipts Summons	1500	
27	Return Plaintiff & Defendant	500	

SAMPLE No.	DESCRIPTION	No. of COPIES.	Do NOT WRITE IN THIS COLUMN
28	Writ Landlord and Tenant	500	
29	Certificate Satisfactory Judgment	1000	
30	Summons to accompany Order of Arrest	500	
31	Order of Arrest	500	
32	Justice Return on Appeal	500	
33	Petition for Guardian	500	
34	Order to bring Business to Court	500	
35	Writ of Habeas Corpus	2000	
36	Writ of Habeas Corpus	2000	
37	Writ of Habeas Corpus	2000	
38	Writ of Habeas Corpus	2000	
39	Writ of Habeas Corpus	2000	
40	Writ of Habeas Corpus	2000	
41	Writ of Habeas Corpus	2000	
42	Writ of Habeas Corpus	2000	
43	Writ of Habeas Corpus	2000	
44	Writ of Habeas Corpus	2000	
45	Writ of Habeas Corpus	2000	
46	Writ of Habeas Corpus	2000	
47	Writ of Habeas Corpus	2000	
48	Writ of Habeas Corpus	2000	
49	Writ of Habeas Corpus	2000	
50	Writ of Habeas Corpus	2000	
51	Writ of Habeas Corpus	2000	
52	Writ of Habeas Corpus	2000	
53	Writ of Habeas Corpus	2000	
54	Writ of Habeas Corpus	2000	
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12th Dist. Court

12 DC.

Stewart

Blanks necessary for the First
District Court

To The Board of Civil Justices

Summons	6 000
" Copies	7 000
" Slips	4 000
" " Copies	5 000
" Free	1 000
" " Copies	1 500
Transcript	4 000
Execution against Property	3 000
Summons & Attachment	1 500
" " " Copies	2 000
Affidavit on Attachment	1 500
Undertaking on Attachment	1 500
Application Paper Summons	1 000
Affidavit Free	1 000
Subpoenas	3 000
" Copy	5 000
" Under Return	1 000
" " " Copy	1 000
Summons to Jurors	500
Order Removing Cause etc	500
Certificate of Satisfaction	500
Executions against Property by Attachment	500
Undertaking upon arrest	500
Application order of Arrest	500
Order of Arrest	500
Undertaking upon arrest so 2	500

Order to Show Cause	500
Undertaking upon Replevin	1500
Affidavit	1500
Calendar	750
Executions against person (Ga. La.)	250
Return on Appeal	500
Plain Books	500
Execution against the person	500
Petition appointment of Guardian	250
Summon Order of Arrest	250
" " " " Copy	250
Venue	250
Notice of appeal	250
Undertaking on appeal	250
Undertaking on Removing Cause	250
Receipts	250

Respectfully Submitted
 W. C. Murphy Clerk

1st Dist Court

Second District Court Requisition for Printed Forms.

1	Original Summons	5000
2	Copy " "	6000
3	Original " on Arrest	2000
4	Copy " " "	2000
5	Warrant & Summons on Attachment	2000
6	Copy " " " "	2000
7	Application for Super Summons	2000
8	Affidavit " Free "	2000
9	Original Subpoenas	4000
10	Copy " "	5000
11	Original " Duces Tecum	1000
12	Copy " " "	1000
13	Order of Arrest	500
14	" to Show Cause	500
15	" Removing Cause to City Court	500
16	Execution against the Property	4000
17	" " Person	1000
18	" " Co-defendant	1000
19	" Awarding Recovery of Chattel	500
20	" Against Property Attached	500
21	" Ca. Sa.	1000
22	Transcript of Judgment	4000
23	Certificate of Satisfaction	1000
24	Venue	1000
25	Undertaking Removing Cause to City Court	1000
26	" on Replevin	1000
27	" " Attachment	1000
28	" " Order of Arrest	1

29	Return On Appeal	1000
30	Undertaking " "	1000
31	Affidavit for Replevin	1000
32	Receipts for Return Trial Fee	4000
33	Court Calendars	1000
34	Petition Appointment of Guardian	500
35	Summons for Jurors	500
36	Receipts for Return on Appeal	500
37	Notice of Appeal	1000

2^d Dist Court

Requisition for
Blanks

1898

Quantity

Blanks
4th District Court

2000	Order to show cause
4000	Original pay summons
5000	copy pay summons
3000	Original pay alias summons
4000	copy " " "
4000	Original free summons
5000	copy " "
3000	Original " Alias "
4000	copy " " "
1000	Petition for guardian
4000	affidavits for free summons. Blue
2000	" " " " White
3000	subpoena to testify
6000	" " " copy
2000	" Wages Tecum
4000	" " " copy
4000	Execution against the property form 38
3000	" " " " Co-defendants
3000	" " " person
2000	Ca. Sa executions
1500	jury notices
1000	Order to arrest and hold on bail
1000	affidavit and undertaking on arrest
1000	undertaking upon arrest No. 1
1000	" " " " No. 2
1500	" upon application for attachment
1500	affidavit for attachment
1500	summons + warrant of attachment
3000	Transcript of judgment

Quantity

1000	calendars
1000	Replevin executions
1000	Undertaking on appeal
1000	Notice of appeal
2000	affidavits on replevin
2000	Undertakings " "
1000	Summons on arrest
1500	" " " copy
1000	Execution against the property (on attachment)
500	To the Supreme Court, appellate term
500	Return of the justice
1500	certificate of satisfaction of judgment
500	Jury venire
25 pads.	Trial fee blanks, in pads of 100 sheets ^(in a pad)
500	Commitment, defaulting witness
500	Warrant of commitment. For a contempt of court ^{allowed in open court}
1500	Order removing case to City Court
1500	Undertaking on " " " " "

Haestius Cur