

0451

BOX:

254

FOLDER:

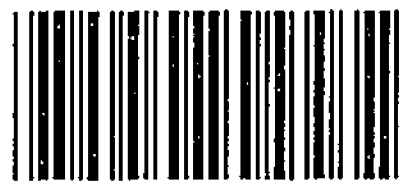
2458

DESCRIPTION:

Peterson, Jacob

DATE:

03/16/87



2458

Witnesses:

R. W. Moore

D. J. Sorenson

Counsel,

Filed, 16 day of March 1887

Pleads, *Exigentia*

THE PEOPLE

vs.

Jacob Peterson

MISDEMEANOR.

[Chap. 183, Laws of 1885, §§ 7 and 8, as amended by Chap. 577, Laws of 1886, §§ 2 and 3; § 480, Penal Code; Chap. 238, Laws of 1882, § 3; Chap. 246, Ibid., § 1; and Chap. 215, Ibid., § 2.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Per J. H. Wendt 24/87

Pleads guilty

Bowie Dash Foreman.

Fined \$100.

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0453

RUSSELL W. MOORE, A. M. M. Sc.
CHEMIST.

New York, October 11th 1886

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, 854 D October 2nd 1886 766 11th Ave N.Y. City E. Wilson
Received from Mr. B. F. Van Valkenburgh per J. J. S. Morgan
on Monday October 4th 1886.

THE SAMPLE CONTAINS:

WATER,	- - - -	94.1%
ANIMAL AND BUTTER FAT,	- - - -	56.11%
CURD,	- - - -	8.7%
SALT,	- - - -	3.61%
		100.00

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	-	93.64%
SOLUBLE " "	-	1.78%
SPECIFIC GRAVITY OF THE FAT		
AT 100° F.,	- - - -	0%
REICHERT FIGURE. C. C. $\frac{8}{100}$ Na OH.	-	3.36

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

Respectfully yours,

Russell W. Moore

Mr. B. F. Van Valkenburgh
Asst Dairy Comr

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

On the 17th day of October in the year
one thousand eight hundred and Eighty six before me personally came
Russell W. Moore to me known, and known to me to be the individual
described in, and who executed the foregoing instrument, and he
acknowledged that he executed the same.

E. J. Dierks

NOTARY PUBLIC No. 70,
CITY & COUNTY OF NEW YORK

0454

RUSSELL W. MOORE, A. M. M. Sc.
CHEMIST.

New York, October 11th 1886

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, 854 D, October 2nd 1886 766 11th Ave N.Y. City E. Wilson
Received from Mr. B. F. Van Valkenburg per J. J. Morgan
on Monday October 4th 1886.

THE SAMPLE CONTAINS:

WATER,	- - - -	9.41%
ANIMAL AND BUTTER FAT,	- - - -	86.11%
CURD,	- - - -	8.7%
SALT,	- - - -	3.61%
		100.00

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	-	93.64%
SOLUBLE " "	-	1.78%
SPECIFIC GRAVITY OF THE FAT		
AT 100° F.,	- - - -	%
REICHERT FIGURE, C. C. $\frac{8}{100}$ Na OH.	-	2.36

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

Respectfully yours,

Russell W. Moore

Mr. B. F. Van Valkenburg
Asst Dairy Comr

State of Champlain
City of Champlain ss.
County of Champlain

On the 17th day of October in the year
one thousand eight hundred and Eighty six before me personally came
Russell W. Moore to me known, and known to me to be the individual
described in, and who executed the foregoing instrument, and he
acknowledged that he executed the same.

E. J. Duerksen

NOTARY PUBLIC No. 70,
CITY & COUNTY OF NEW YORK

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TORN PAGE

LAWS OF NEW YORK.—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State, on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Sec. 12, title 4, chap. 7, part 1, Revised Statutes.]

Chap. 577.

AN ACT to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health," being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products."

PASSED June 4, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products, and to preserve the public health," being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled "An act to prevent deception in sales of dairy products," is hereby amended so as to read as follows:

§ 1. No person or persons shall sell or exchange, or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. The provisions of this section shall not apply to skimmed milk sold for use in the county in which it is produced, provided it is sold for and as such. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment of not less than one month or more than six months, or by both such fine and imprisonment, for the first offense, and by six months imprisonment for each subsequent offense.

§ 2. Section seven of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 7. No person by himself or his agents or servants shall render or manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream of the same, nor mix, compound with, or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or semblance of natural butter or cheese, nor sell, keep for sale, or offer for sale, any article, substance or compound made,

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manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this State or elsewhere. This section shall not be so construed as to require evidence of a willful or intentional violation thereof. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or not less than six months or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense. Nothing in this section shall impair the provisions of section six of this act.

§ 3. Section eight of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-five, is hereby further amended so as to read as follows:

§ 8. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced, be sold intentionally or otherwise as and for butter for cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine, or any compounds of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture or compound shall resemble butter or cheese, the product of the dairy, or shall have the same in his possession, with intent to sell the same, or shall sell or offer the same for sale. No person shall be excused from liability under this section or section seven of this act on account of want of knowledge of the nature or ingredients of the product so in his possession, sold or offered for sale by him. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. This section shall not be construed to impair or affect the prohibitions of sections six and seven of this act.

§ 4. Section fifteen of such act, chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 15. In all prosecutions under this act, one-half of the money shall be paid by the court or clerk thereof to the city or county where the recovery shall be had, for the support of the poor, except in the city and county of New York, and the city of Brooklyn shall be equally divided between the pension funds of the police and fire departments, and the residue shall be paid to the treasury of the State. All sums of money expended by the Dairy Commissioner under the provisions of this act, shall be audited and allowed by the Comptroller of the State. Any bond given by any officer shall be subject to the provisions of this section.

§ 5. Section nineteen of such act, chapter one hundred and eighty-three, of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 19. If any person shall, by himself or another, violate any of the provisions of section one, two, three, four or five of this act, or knowingly

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suffer a violation thereof by his agent, or in any building or room occupied by him, he shall in addition to the fines and punishments therein prescribed, for each offense forfeit and pay a fixed penalty of one hundred dollars. If any person, by himself or another, shall violate any of the provisions of section six, seven or eight of this act, he shall, in addition to the fines and penalties herein prescribed, for each offense forfeit and pay a fixed penalty of five hundred dollars. Such penalties shall be recovered with costs in any court of this State having jurisdiction thereof, in an action to be prosecuted by the Dairy Commissioner or any of his assistants or by any citizen authorized to sue in the name of the people of the State of New York.

§ 6. The following sections are added to said act, chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five:

§ 22. For the purposes of said act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-five, and as hereby amended, the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream of the same," "butter or cheese made from unadulterated milk or cream," "butter or cheese the product of the dairy," and "butter or cheese" shall be understood to mean the products usually known by the terms "butter" and "cheese" and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter or sage.

§ 23. The prosecution shall not be compelled to elect in any trial for the misdemeanors wheresoever committed, or suit for the penalties wheresoever incurred by the violations of sections six, seven or eight where the indictment, information or complaint charges a violation of any two or all of such sections of said act, as amended, between the charges or counts under such different sections whether such prosecutions or suits have already been commenced or shall hereafter be instituted.

§ 24. An action now or hereafter brought to recover a penalty provided by section nineteen of said act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall have a preference upon the calendar of the courts of record of this State next after civil causes entitled to a preference under the provisions of subdivision one of section seven hundred and ninety-one of the Code of Civil Procedure, where the attorney for the people therein has given notice, at the time of the service of notice of trial or argument, of a particular day in a term on which he will move it. If the action is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it the other party may then move the trial or argument, otherwise it shall not be moved out of its order at that term except by the special order of the court. The note of issue filed by such attorney for the people shall state the day in the term on which he has given notice that he will move it, and the clerk of the court shall place such cause upon the day calendar of that day as a preferred cause as hereinbefore provided. No order for the clerk to do so shall be necessary.

§ 25. Actions for penalties under the provisions of this act and of the act of which this is amendatory may be brought and prosecuted in the name of the people of the State of New York by any citizen of the State, and the citizen so prosecuting said action shall be entitled to

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and shall receive one-half of the penalty or judgment recovered. The balance of the judgment or recovery shall be paid over to the city or county in which the action is brought as provided by section fifteen of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five. Any citizen so prosecuting shall execute and file an undertaking with the court in which the action is brought in the penalty of one hundred dollars conditioned for the payment of any costs which the defendant in the action may recover.

§ 7. This act shall take effect on the first day August, eighteen hundred and eighty-six; but the sections as herein amended shall not apply to any product manufactured or in process of manufacture on the first day of August, eighteen hundred and eighty-six. This act shall not impair the power to prosecute any violations committed prior to the time of its taking effect, of the sections hereby amended pursuant to and in the manner and under the rules and regulations provided by such sections as they existed prior to the passage of this act. This act is declaratory of the existing law.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

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STATE OF NEW YORK,
City and County of New York,

Joseph J. Hogan of No. 350 Washington Street,
being duly sworn, says: That he resides at No. *29*

Street, in the City of New York, County and State of New York, is *29*
years of age, and an expert appointed by HON. JOSIAH K. BROWN, the New York Dairy Com-
missioner; That at the times hereinafter mentioned one *Jacob Petersen*

was a Retail Grocery Dealer, and had his Grocery Store
in a room in No. *766* *Eleventh Avenue* Street, in the said City of New
York, and occupied and controlled such room; That on the *2nd*
day of *October*, 1886, deponent went into said *Petersen's*

store and such room so occupied and controlled by
him, and said to *a clerk of said Petersen* that he wanted to
buy some Butter; That the said *clerk of said Petersen* in
response thereto then and there sold and delivered to deponent *one half*
pound of the manufactured substance hereinafter mentioned, for which he asked and deponent
then and there paid him *thirteen* cents per pound; That it was so sold
and delivered to deponent by said *clerk of said Petersen* as
and for Butter, the product of the dairy; That thereafter and on *October*
4th, 1886, deponent delivered a portion of such substance so sold to

him by said *Petersen and his said clerk* to *Russell*
M. Morse, a Chemist of No. *49* *West 4th Avenue*
Street in said City of New York, and caused the same to be analyzed by such Chemist; That
the certificate thereof made by such Chemist is hereto annexed; That such substance so sold
and delivered to deponent by said *Petersen and his said clerk*
was not Butter, the product of the dairy, and was not made from unadulterated milk or cream;
That it was a manufactured oleaginous substance not produced from milk or cream, and had been
made by mixing, compounding with and adding to natural milk, cream or Butter, some animal
fats or animal or vegetable oils ~~not~~ produced from milk or cream, so as to produce an article,
substance and human food in imitation and semblance of natural Butter; That the said substance
had been and was colored with some coloring matter whereby said substance was made to and did
resemble Butter the product of the dairy, and was so colored thereby in semblance of and to re-
semble natural Butter; That on said *October* day of

October, 1886, deponent in said
store and room occupied and controlled by him saw a quantity of such manufactured substance
offered for sale as and for Butter made from unadulterated milk or cream, with intent to sell the
same as and for Butter made from unadulterated milk or cream in the ordinary course of said
Grocery business.

Deponent charges that the said *Jacob Petersen*
against the peace and dignity of the people of the State of New York and the statutes in such
case made and provided, unlawfully, wilfully and knowingly so, had such manufactured substance
in his possession with intent to sell the same as and for Butter made from unadulterated milk or
cream, and so offered the same for sale with such intent, and so sold the said portion thereof to
this deponent as and for Butter the product of the dairy, and caused, procured, and suffered the
same to be so offered for sale and sold, and was thereby guilty of a misdemeanor.

Sworn to before me this *7th*
day of *September* 1886.

Joseph J. Hogan
J. M. Patterson

Justice.

0460

2d Dist Police

Court of New York

County of

Warrant

THE PEOPLE, &c.

Joseph J. Sorogan

Jacob P. Brown

December 27, 1886

William

Affiant:

Joseph J. Sorogan
350 Washington St.

Witnesses:

Edmond S. Wicks

Residence 350 Washington St.

Kenneth W. Wicks

Residence School St.

42 Ave & 49th St

Residence

0461

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Jacob Peterson 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. *Jacob Peterson*

Question. How old are you?

Answer. *Twenty-eight years*

Question. Where were you born?

Answer, *Germany*

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

Answer. *548 West 54th Str. About four years*

Question. What is your business or profession?

Answer, *Cheer*

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

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

Jacob Peterson

Taken before me this *29*

day of *November*

188 *61*

James M. McCarty

Police Justice.

0462

Sec. 151.

Police Court 1st District.

CITY AND COUNTY } ss. In the name of the People of the State of New York; To the Sheriff of the County
OF NEW YORK, } of New York, or 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 Joseph L. Soregan

of No. 350 Washington Street, that on the 1st day of October
1886 at the City of New York, in the County of New York, on the premises

766 Flanagan Avenue one block

between had in two possession with attack &

kill and did kill, his and his brother

to Joseph L. Soregan one half pound

of cocaine again made in violation and

violation of Chapter 1527 of the Laws of 1886.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring
forthwith before me, at the 1st 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 28 day of September 1886

Joseph L. Soregan POLICE JUSTICE.

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Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joseph G. Borozan

vs

Jacob Peterson

Warrant-General.

Dated December 28 1886

Jacob M. Patterson Magistrate.

Rounds M. Campbell Officer.

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

Rounds M. Campbell Officer.

Dated December 28 1886

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, 9:40 A.M. Dec 28. 1886

Native of Germany

Age, 28

Sex, Male

Complexion, _____

Color, White

Profession, Grocer

Married, Yes

Single, _____

Read, Yes

Write, Yes

348. Dr. 52. Sub

0464

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

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

Dated Dec 29 1888 J. M. Patterson Police Justice.

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

Dated Dec 29 1888 J. M. Patterson 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 _____ 1888 _____ Police Justice.

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Police Court 2 1957 District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Joseph Perogam
vs.

1 Jacob Peterson
2
3
4

Office of the District Attorney
State

Dated December 29 1886
Jacob M. Vatterstrom Magistrate.
Matthew Campbell Officer.
Court Precinct.

Witnesses
No. Street.

No. Street.

No. Street.
\$ 300 to answer

Bailed

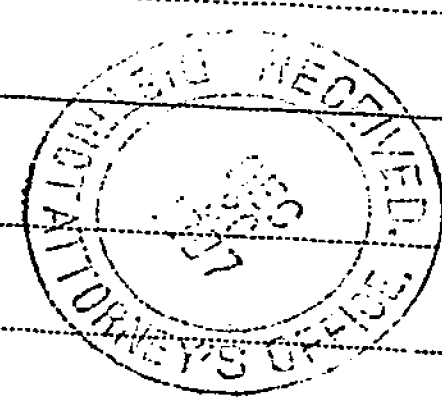
BAILED,

No. 1, by Joseph A. Scholz
Residence 548 West 54th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street

No. 4, by
Residence Street.



0466

Court of General Sessions of the Peace.

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Jacob Peterson

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

Jacob Peterson -

(Chap. 183, Laws of
1885, § 8,
as amended by
Chap. 577, Laws of
1886, § 3.)

of a Misdemeanor, committed as follows:

The said

Jacob Peterson,

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

SECOND COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3).

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

Jacob Peterson -

of a Misdemeanor, committed as follows:

The said

Jacob Peterson,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at
the City and County aforesaid, unlawfully did unintentionally sell and cause and procure to be sold
to one *Joseph J. Dorogon*, *one half pound*
of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more
particular description of which said substance and compound, and of the ingredients and matters of
which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now
be given), as and for butter, the product of the dairy; against the form of the statute in such case
made and provided, and against the peace and dignity of the said people.

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

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

Jacob Peterson —

of a Misdemeanor committed as follows:

The said *Jacob Peterson,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Joseph J. Doragan, one half pound* of a certain substance, not being butter, and commonly called oleomargarine, and did then and there falsely represent the same to the said *Joseph J. Doragan* —

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

FOURTH COUNT: (Section 430, Penal Code)

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

Jacob Peterson —

of a Misdemeanor, committed as follows:

The said *Jacob Peterson,*

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

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

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

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

Jacob Peterson —

of a Misdemeanor, committed as follows:

The said *Jacob Peterson,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one half pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy,

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

Joseph J. Dorogon.
from a certain *Edw. Dor* which was not then and there stamped, branded or marked as aforesaid, and unlawfully did not then and there deliver therewith to the said

Joseph J. Dorogon.
such purchaser as aforesaid, a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

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

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

John Peterson
of a Misdemeanor, committed as follows:

The said *John Peterson*

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

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

SEVENTH COUNT: (Chap. 183, Laws of 1885, § 7, as amended by Chap. 577, Laws of 1886, § 2.)

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

John Peterson
of a Misdemeanor, committed as follows:

The said *John Peterson*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,

0469

at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

Joseph J. Soregan, one half pound

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

EIGHTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

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

Jacob Peterson -

of a Misdemeanor, committed as follows:

The said

Jacob Peterson

late of the City and County aforesaid, afterwards, to wit: on the said *second* day of *October*, - in the year of our Lord one thousand eight hundred and eighty- *six*, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

Joseph J. Soregan, one half pound

of a certain compound product and manufacture made in whole from animal fats and animal and vegetable oils, not produced from unadulterated milk or cream, which said compound product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy (a more particular description of which said compound, product and manufacture, and of the fats and oils from which the same was so made as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

NINTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

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

Jacob Peterson -
Joseph J. Soregan -

of a Misdemeanor, committed as follows:

The said

Joseph J. Soregan
Jacob Peterson -

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

Joseph J. Soregan, one half pound

0470

of a certain compound, product and manufacture made in part from animal fats and animal and vegetable oils not produced from unadulterated milk or cream, which said compound, product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy, (a more particular description of which said compound, and of the ingredients thereof, is to the Grand Jury aforesaid unknown, and cannot now be given,) against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0471

BOX:

254

FOLDER:

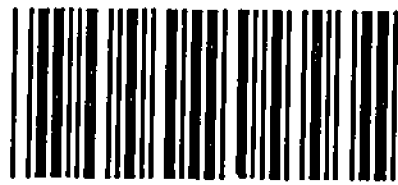
2458

DESCRIPTION:

Pittman, Thomas

DATE:

03/16/87



2458

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Witnesses:

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Counsel, _____
Filed, 16 day of April, 1887
Pleads, Not Guilty

THE PEOPLE

vs.

Thomas J. Pittman

MISDEMEANOR.

[Chap. 183, Laws of 1885, §§ 7 and 8, as amended by
Chap. 577, Laws of 1886, §§ 2 and 3; § 430, Penal
Code; Chap. 238, Laws of 1882, § 3;
Ibid., § 1; and Chap. 215, Ibid., § 2.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Per 14 April 18 87

Pleads Guilty

Bornie Park Foreman.

Sup. PA

0473

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

Charles Sears of No. 350 Washington Street, being duly sworn, says: That he resides at No. Maiden Lane Orange St. Street, in the City of New York, County and State of New York, is Fifty (50) years of age, and an expert appointed by HON. JOSIAH K. BROWN, the New York Dairy Commissioner; That at the times hereinafter mentioned one Thomas J. Pittman was a Retail Butter Grocery Dealer, and had his Grocery Store in a room in No. 5-5-0 Grand Street, in the said City of New York, and occupied and controlled such room; That on the Twentieth (20) day of October, 1886, deponent went into said Thomas J. Pittman's store and such room so occupied and controlled by him, and said to said Thomas J. Pittman that he wanted to buy some Butter; That the said Thomas J. Pittman in response thereto then and there sold and delivered to deponent one half (12) pounds of the manufactured substance hereinafter mentioned, for which he asked and deponent then and there paid him at the rate of twenty cents per pound; That it was so sold and delivered to deponent by said Thomas J. Pittman ^{in and was made in imitation and semblance of butter the product of the dairy} and for Butter, ^{the product of the dairy}; That thereafter and on twenty first (21) day of October, 1886, deponent delivered a portion of such substance so sold to him by said Thomas J. Pittman to Edward G. Loe, a Chemist of No. 122 Burray Street in said City of New York, and caused the same to be analyzed by such Chemist; That the certificate thereof made by such Chemist is hereto annexed; That such substance so sold and delivered to deponent by said Thomas J. Pittman was not Butter, the product of the dairy, and was not made from unadulterated milk or cream; That it was a manufactured oleaginous substance not produced from milk or cream, and had been made by mixing, compounding with and adding to natural milk, cream or Butter, some animal fats or animal or vegetable oils; Not produced from milk or cream, so as to produce an article, substance and human food in imitation and semblance of natural Butter; That the said substance had been and was colored with some coloring matter whereby said substance was made to and did resemble Butter the product of the dairy, and was so colored thereby in semblance of and to resemble natural Butter; That on said Twentieth (20) day of October, 1886, deponent in said Thomas J. Pittman's store and room occupied and controlled by him saw a quantity of such manufactured substance offered for sale as and for Butter ^{me not} made from unadulterated milk or cream, with intent to sell the same as and for Butter ^{me not} made from unadulterated milk or cream in the ordinary course of said Thomas J. Pittman's Grocery business.

Deponent charges that the said Thomas J. Pittman against the peace and dignity of the people of the State of New York and the statutes in such case made and provided, unlawfully, wilfully and knowingly so, had such manufactured substance in his possession with intent to sell the same ~~as and for Butter made from unadulterated milk or cream~~ and so offered the same for sale with such intent, and so sold the said portion thereof to this deponent ~~as and for Butter the product of the dairy~~, and caused, procured, and suffered the same to be so offered for sale and sold, and was thereby guilty of a misdemeanor.

Sworn to before me this 10-5 day of December 1886.

Charles Sears
J. M. Patterson

Justice.

0474

Police Court
Court of 3rd District

County of New York

THE PEOPLE, &c.
vs.
Charles E. M. J.

Thomas J. Pittman

Thomas J. Pittman

Affidavit:

Charles E. M. J.
350 Washington St.

Witnesses:

Richard V. Clark

Residence 350 Washington St.

Edward G. Gore

Residence 122 Boring

Residence

0475

Sec. 198-200.

9 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question What is your name?

Answer

Thomas J Pittman

Question. How old are you?

Answer

44 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

330 Grand St.

Question What is your business or profession?

Answer.

Proctor

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 I demand a trial by jury

Thomas J Pittman

Taken before me this

11th

day of

December

1886

Thomas J Pittman

Police Justice.

0476

Sec. 151.

Police Court 3 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Charles Sears
of No. 350 Washington Street, that on the 20th day of October
1888 at the City of New York, in the County of New York,

Thomas J. Pittman did in premises
530 Grand Street unlawfully sell to
Complainant a certain substance called
Oleomargarine for butter in violation of the
Statute in such case made & provided

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 3 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 20th day of December 1888

J. M. Patterson POLICE JUSTICE.

0477

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Lewis

vs.
Thomas J. Pittman

Warrant-General.

Dated

December 10th 188

Patterson Magistrate

Weis Officer.

The Defendant

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

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated _____ 188

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.

Police Justice

Dec 11. 88

44 yrs.

Mr. Green

Mr. 550 Grand

The within named

0478

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

Thomas J. Pittman

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

Dated

Dec 11

1886

J. M. Pittman

Police Justice.

I have admitted the above-named

Defendant

to bail to answer by the undertaking hereto annexed.

Dated

December 13

1886

J. M. Pittman

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.

0479

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c
ON THE COMPLAINT OF

Charles Lewis

vs.

Thomas J. Pettua

2

3

4

Dated

Dec 11

188

Pattum

Magistrate.

Weir

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

(Bailed)

0480

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

New York, Nov 20th 1886

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, 13.991, October 20th 1886

Received from B. F. VAN VALKENBURGH, per Chas. Deane
on Oct. 21st 1886.

THE SAMPLE CONTAINS:

WATER,	-	-	-	<u>4.26</u>	%
ANIMAL AND BUTTER FAT,	-	-	-	<u>86.60</u>	%
CURD,	-	-	-	<u>1.11</u>	%
SALT,	-	-	-	<u>2.70</u>	%

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	<u>75.18</u>	%
SOLUBLE " "	<u>0.30</u>	%
SPECIFIC GRAVITY OF THE FAT AT 100° F.,	<u>.9039</u>	

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

Respectfully yours,

E. G. Love, Ph. D.

MR. B. F. VAN VALKENBURGH.

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

On the twentieth day of November in the year
one thousand eight hundred and eighty-08
E. G. Love before me personally came
to me known, and known to me to be the individual
described in, and who executed the foregoing instrument, and
acknowledged that he executed the same.

John H. Deane
Notary Public
(N.Y.) N.Y.C.

0481

No. 991. B
Nov. 20th H
✓

0482

Court of General Sessions of the Peace.

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Thomas J. Pittman

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

(Chap. 183, Laws of
1885, § 8,
as amended by
Chap. 577, Laws of
1886, § 3.)

of a Misdemeanor, committed as follows:

The said

Thomas J. Pittman
late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *October*, in the year of our Lord one thousand eight hundred and
eighty *six*, at the City and County aforesaid, *one half pound*
of a certain oleaginous substance and compound, not made nor produced from milk or cream
(a more particular description of which said substance and compound, and of the ingredients and
matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and
cannot now be given), unlawfully did intentionally sell, and cause and procure to be sold to one
Charles Sears, as and for butter, the product of the dairy; against the
form of the statute in such case made and provided, and against the peace and dignity of the said
people.

SECOND COUNT: (Chap. 183, Laws of 1885, § 8. as amended by Chap. 577, Laws of 1886, § 3).

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

Thomas J. Pittman

of a Misdemeanor, committed as follows:

The said

Thomas J. Pittman
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at
the City and County aforesaid, unlawfully did unintentionally sell and cause and procure to be sold
to one *Charles Sears*, *one half pound*
of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more
particular description of which said substance and compound, and of the ingredients and matters of
which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now
be given), as and for butter, the product of the dairy; against the form of the statute in such case
made and provided, and against the peace and dignity of the said people.

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

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

Thomas J. Pitman

of a Misdemeanor committed as follows:

The said

Thomas J. Pitman,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Charles Sears, one half pound* of a certain substance, not being butter, and commonly called oleomargarine, and did then and there falsely represent the same to the said *Charles Sears,*

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

FOURTH COUNT: (Section 430, Penal Code)

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

Thomas J. Pitman

of a Misdemeanor, committed as follows:

The said

Thomas J. Pitman,

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

Charles Sears,

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

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

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

Thomas J. Pitman

of a Misdemeanor, committed as follows:

The said

Thomas J. Pitman,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one half pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy,

0484

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

Charles Sears
from a certain *Kub and box* which was not then and there stamped, branded or marked as aforesaid, and unlawfully did not then and there deliver therewith to the said

Charles Sears,
such purchaser as aforesaid, a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

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

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

Thomas J. Pitman
of a Misdemeanor, committed as follows:

The said *Thomas J. Pitman,*

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

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

SEVENTH COUNT: (Chap. 183, Laws of 1885, § 7, as amended by Chap. 577, Laws of 1886, § 2.)

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

Thomas J. Pitman
of a Misdemeanor, committed as follows:

The said *Thomas J. Pitman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,

0485

at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

Charles Sears, one half pound

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

EIGHTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

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

Thomas J. Pittman -

of a Misdemeanor, committed as follows:

The said

Thomas J. Pittman,

late of the City and County aforesaid, afterwards, to wit: on the said *fourteenth* day of *October* - in the year of our Lord one thousand eight hundred and eighty- *six*, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

Charles Sears, one half pound

of a certain compound product and manufacture made in whole from animal fats and animal and vegetable oils, not produced from unadulterated milk or cream, which said compound product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy (a more particular description of which said compound, product and manufacture, and of the fats and oils from which the same was so made as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

NINTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

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

Thomas J. Pittman -

of a Misdemeanor, committed as follows:

The said

Thomas J. Pittman,

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

Charles Sears, one half pound

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of a certain compound, product and manufacture made in part from animal fats and animal and vegetable oils not produced from unadulterated milk or cream, which said compound, product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy, (a more particular description of which said compound, and of the ingredients thereof, is to the Grand Jury aforesaid unknown, and cannot now be given,) against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0487

BOX:

254

FOLDER:

2458

DESCRIPTION:

Pollak, Josef

DATE:

03/02/87



2458

Witnesses:

Samuel Bendler

Officer R. Sullivan

11th Precinct

Counsel,

Filed 2 day of March 1887

Pleads *Not guilty*

THE PEOPLE

vs.

Joseph Pollara

Robbery, *first degree.*
[Sections 224 and 228, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

Agreed by
Spec'd & required.

A True Bill.

William J. Morrow

Foreman.

March 9th
D.S.A.

0488

0489

STENOGRAPHER'S MINUTES.

3

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Bendeler

vs.

Pollock

BEFORE HON.

Daniel O'Rully

POLICE JUSTICE,

Feb 27

1887

APPEARANCES:

For the People,

For the Defence,

N. Grachman

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WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Samuel Bendeler

1.10

Richard Sullivan

10

Levi Pollock

11

Mr. May Barnett

12

Abraham Barnett

16

Joseph Pollock

20

N. L. Crumby

Official Stenographer.

0490

3

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Sam Bendeler
agst.
Joseph Pollock

Examination had February 25 1887
Before Daniel O. Reilly Police Justice.

I, Waterson L. Ormsby Stenographer of the 3d District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of Samuel Bendeler, Richard Sullivan, Levi Pollock, Mary Barnett, Abraham Barnett, Joseph Pollock as taken by me on the above examination before said Justice.

Dated February 27 1888.

Waterson L. Ormsby
Stenographer.

Daniel O. Reilly
Police Justice.

0491

Police Court
Third District.

The People vs
Samuel Bendeler
Joseph Pollock.

Examination Before Justice O'Reilly
February 21-1887

For H. Gustave S. Drachman

Samuel Bendeler, the complaining
witness being duly sworn and cross
examined upon his affidavit by
Mr. Drachman, deposes and
says: I am 25 years old I
live at 421 East 76th street

Q Where you on the 22nd day
of February 1887 about 8 P.M.

A I was home

Q Where did you go then?

A I went down town to see
some friends. I went to see
my brother in law. He keeps
a grocery store in Rivington St

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and his name is Abraham
Barnett. His number is
261 or 263, Ruxton St.

Q Did you go right there from
home?

A No.

Q Where did you go before?

A I went to see a lady a friend
by the name of Klein

Q In what business is she

A A private family

Q Had you been drinking
that day?

A I drank with my brother
in law and sister in law
a pint of beer, just one pint

Q Had you drank anything
before that?

A No sir.

Q Were you not under the
influence of liquor in Barnett's
store?

A No, sir.

Q Is that or true as ~~was~~ anything
else you have testified to?

0493

A Yes.

Q How long did you remain
in Barnett's store?

A More than half an hour.

Q To whom did you speak
while you were there?

A I spoke to my brother in
law who works for a person
named Brown in Allen street
I was asking the price of a
tobacco press ^{or mould}. My brother
in law said the press would
cost about 8 or 10 dollars
and nothing under. I said
"I can do better than that; I
can go down to St Rington and
have a chance to get a second
hand one cheaper. all of a
sudden, while I was drinking
a pint of beer, my sister in law
came in - Mrs. Barnett, she
said "Jo is waiting for you"
I said "Well; if he is waiting
let him wait."

Q You sent out for a pint of beer

0494

A Mer. Su.

Q Do you know what money
you had?

A - My brother in law said to
me "I will swap with you
what I took in to day" I
said "No". I don't swap.

Q How much money did you
take out at the time?

A - I had ten dollars! I
do not know whether I
took out all of it or a
portion of it.

Q You do not know how
much you took out?

A No, Sir; I am not sure
how much I had - with
me altogether; I had some
in paper and some in silver.

Q Did you not take out
three dollars and a quarter
in that store and say to
your brother in law "I have
got three dollars and a quarter
here I am going to buy a press?"

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A. No, sir. Those words I never said at all.

Q. How did you come to leave that store?

A. I left that store to go down to 88 Rivington Street to buy that press.

Q. Did you not have words with Barnetts wife?

A. No, sir.

Q. Did not Barnetts wife tell you you were drunk?

A. No, sir.

Q. Did you drink anywhere before you went there?

A. No, sir.

Q. What did you do after you left Barnetts place?

A. I went down to 88 Rivington Street to buy a press.

Q. Who kept the place

A. Mr. Yakum.

Q. From there where did you go?

5 A. I went around to the other

0496

store, at the corner of Stanton street, Mr Yakum's store, where I got a cigar, and took my press on my shoulder and was going home.

Q Did you drink anything on your way home?

A No, Sir.

Q What time was it?

A Between 10 and 11 o'clock

Q When you left Barnett's was it not half past seven?

A It was later than that

Q How much later? What time was it?

A Barnett took his watch out and said it was quarter past ten when I left the store

Q Where did you go?

A Then I went to Yakum's

Q I asked what time it was before I left.

Q From Yakum's where did you go?

0497

A - I went to the corner of Stanton and Allen street

Q What did you do there?

A I took a cigar from Yakum and took my press

Q What is Yakum's first name?

A His first name is R

Q What happened after you came out of Yakum's

A I came out with the press. This young man the Defendant, and another young fellow who is not present, were there. The defendant went to my right side and the other to my left side. I was in the middle. They said "Now we have got you" I said "What do you want of me?" They did not give me a chance to put my press down. They struck me. The other young fellow that is not here

0498

and defendant. all of a sudden. I hollered out I fell down in the gutter and tumbled over on my head. One of these two young fellows got on my back, and one of them worked him off. I am not sure of how much I had. I had ten dollars and 70 cents when I left home: I had paid for the press. I had 20 or 30 cents in change.

Q Do you know the name of the other man?

A His name is Crook - on 76th street -- I was lying down - my body was on the sidewalk.

Of course I had no chance.

Q Do you say that the moment you went out they attacked you?

A I went on the other side of

0499

the street between Allen
and Eldridge, Two ^{or} three
doors away from the corner.

Q Was it pretty dark?

A Yes it was near 11 O'clock
I was talking with Mr Yakum.

Q Were there any stores open
around there?

A No sir: it was quite dark.

Q All the stores locked?

A No sir: it was. I did not
take much notice

Q Any policeman there?

A I did not see any policeman.

Q You say these two men
assaulted you and struck
you there. Did they throw
you down?

A They made the assault
together

Q Nobody came to your assistance?

A No, sir.

Q Nobody came over there?

A No, sir.

Q Did you holler?

0500

1 I hollered "Police" but no body came.

Richard Sullivan, being duly sworn and examined as a witness for the people deposes and says: I went to the place where the complainant says he bought the gun, and the man there told me that such was the case and that the complainant was there and bought the gun. That is all I know.

Samuel Bendler, the complainant being recalled and further cross-examined, deposes and says:
2 The defendant and you are related?

0501

- A - He and my wife are related
Q What relation?
A That is more than I know.
I believe a cousin.
Q Was there any ill feeling
between you?
A No.
Q Did you not want him
to work for you?
A No Sir

Levi Pollock, being duly sworn
as a witness for defendant
deposes and says: I live at
46 Broome St. I am 6 years
old

Q Do you know complainant
and defendant?

A Yes: One is my son in law,
the other is my nephew.

Q Tell what you know about
the whereabouts of the

0502

Defendant on February 22
A - at quarter before ten they
went away from my premises
into another room

Q When did he come to your
place?

A About half past six

Q And remained there until
quarter of ten?

A Yes.

Q He and another young man?

A Yes.

Q Did he take supper there?

A No.

By Justice O'Reilly

Q Who was this other young
man?

A That is a nephew of mine
by the name of Joseph
Pollock.

Mrs Mary Barnett, being duly
sworn as a witness for the

0503

Defendant deposes and says:
I am 24 years old; I live
at 261 Rivington street with
my husband. I remember
the 22nd day of February
1887 when complainant Samuel
Bendler came into my husbands
grocery

Q Do you live with your
husband?

A Yes Sir.

Q What time of night was it
when Bendler came to your
husbands store?

A Half past seven.

Q Are you sure of that?

Q What took place when he
came in. Tell everything
that you saw.

A When he came in he was
very drunk. He got beer
there. I told him "You
should look out for yourself
and go home" That is all
I know.

0504

Q You told him to look out
for himself and go home.

A Yes, Sir.

Q That was half past 7?

A Yes, Sir.

Q And went out ~~there~~?

A Yes, Sir.

Q Did he drink a pint of
beer in that place?

A Yes, Sir.

Q Do you know the defendant?

A Yes.

Q He lives with you?

A Yes, Sir.

Q Do you remember the time
he came in your place of
business on the night of
February 22?

A Ten o'clock.

Q What did he say when he
came in.

A Nothing at all.

Q What did he do when he
came in.

A He laid down

0505

Q. Went to bed?

A. Yes.

Q. Are you sure it was not later than 10 o'clock?

A. I am sure.

Q. He could not go out of that place without your knowledge?

A. No.

Q. Who had the key?

A. My husband.

Q. When was the store closed that night?

A. Half past nine.

Q. Then you went to bed?

A. Yes.

Q. Do you generally close about that time?

A. Yes, Sir.

Q. Are you sure he did not go out again?

A. I did not see him go out - I do not know anything about it.

Q. Was your room next to his?

A. Close to it.

0506

Q Could you have seen it if he got out.

A Yes

Q Could he have got out without getting the key?

A He could not. The door is locked.

Abraham Barnett being duly sworn
deposes and says: I live at
261 Livingston street. I am
an engineer by trade. at
present I keep a grocery
store at 261 Livingston street.
I am the husband of the
last witness

Q Were you in the store on the
evening of February 22

A Yes sir when Bendeler came in

Q Did you hear and see what
took place?

A Yes sir

Q Tell everything that you saw

0507

and heard?

A It was about half past seven when Samuel Bendeler came in the house at 261 Reympton. He was about half drunk. He put his hand in his pocket and pulled out a silver dollar, and a bill - a silver certificate, and a 50 cent piece. There was three dollars and sixty two cents in all. He said he was going around to Yarcums to buy a press for \$350, and that he would have enough left to pay car fare. He had seven cents left and wanted to get a pint of beer. I told him I did not want him to go home intoxicated from my place. He said it was none of my business. He left my place between half past seven ^{seven} and quarter to eight.

0508

Q True?

A Yes; I asked the time before he left the store?

Q Was your wife there?

A My wife was present in the store. He was fooling a little with my wife - I said to my wife "you had better let him alone he is drunk." My wife said to him "You had better go about your business because customers will be coming in and it don't look well."

Q Then he went out?

A Yes. I am sure it was between half past seven and quarter to eight. I looked at my watch a couple of hours before he went away.

Q When did you close up?

A It was exactly half past nine. O

Q When do you usually close?

0509

A Between 9 and 10.0 clock.

Q What time did Defendant come in?

A Exactly 10.0 clock.

Q What did he say?

A He did not say anything except that he had got to get up early.

Q And went right to bed?

A Yes.

Q With whom?

A With the other young man.

Q How far from your bed to the place where they sleep?

A It is about six feet.

Q In another room?

A Yes.

Q Could he go out without your knowing it?

A He could not. The door was so fixed that you could not open it without making a noise.

Q Did you pass through the room where he slept.

0510

A Yes. I was taking medicine
I got up at 11 o'clock and
at 12 I did not get
up after that

Q And you found them in
bed.

A Yes.

Q Both asleep?

A Yes.

Q And they could not go
out without your knowledge?

A No

Joseph Pollock the defendant,
being duly sworn as a witness
in his own behalf deposes
and says: - I live at No
262 Rivington Street. with
Mr Barnett. I have been
in this country four months
Q On the 22nd day of February
last where were you?

0511

A - I ate my supper at 6 o'clock.

Q Where did you go after you ate your supper?

A I went to my cousin in ^{Broome} William Street - #6

Q How long did you stay there?

A Until quarter to ten or ten minutes to ten

Q Where did you go after you left there

A I went home to sleep.

Q You went to Barnetts where you they were living?

A Yes.

Q You went directly home?

A Yes Sir

Q When you went there what did you do.

A I laid down and went to sleep.

Q And slept until morning?

A Yes Sir.

Q Did you assault this

0512

complainant?

A No. No

Q Did you rob him?

A No. No

Rosa Pollock, being duly sworn
as a witness for defendant
deposes and says: I live at
1450 Second Avenue. The
defendant is my son.

Q Did you have any conversa-
tion with complainant at
any time before the 22nd
day of February?

A I spoke to him. He said
he would have to bring
my son out. He wanted my
son to work for him and
make repairs, and my son
would not do it. He had
some work to do that paid
him better.

0513

Police Court-- 3rd District.CITY AND COUNTY }
OF NEW YORK, } ss

Samuel Bender.

of No 431. East 76 Street, Aged 25 Years

Occupation Cigar Maker being duly sworn, deposes and says, that on the

22 day of February 1887, at the 14 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Good and Lawful Money of the
 Union of the United States Consisting of
 of three notes of the denomination of one
 dollar each, and four silver coins
 of the denomination and value of one
 dollar each, and one silver coin
 of the value of fifty cents -
 said Money being in all of the value
 of

of the value of Seven 50/100 DOLLARS,

the property of deponent,

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

Joseph Pollack, (nowhere) and another
 person named Joseph Pollack, not arrested
 from the fact that between the hours of
 10 + 11 O'clock in the night of said
 22nd day of February 1887, deponent was
 walking along Stanton Street when deponent
 had said Money in the right hand pocket,
 of the Pants then worn upon deponent's person,
 that deponent was carrying a Cigar box
 upon his head, that said two defendants
 came up to deponent and told deponent
 now we have got you and said Pollack
 not arrested struck deponent in the

day of

Sworn to before me, this

188

Police Justice

0514

face with his fist, that one of the said defendants
violently pushed defendant and defendant fell
down, that both defendants struck defendant
and when defendant was lying down,
the defendant Pullard (nowhere) placed
his hand in defendant's pocket, and took
said defendant's money by force and
violence as aforesaid.

Sworn to before me this 24th day of February 1889
Sam Bond
Sam C. Smith, Police Justice.

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 1889
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1889
There being no sufficient cause to believe the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated 1889
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
of the complaint of

Offense—ROBBERY.

1
2
3
4

Dated

1889

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

05 15

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

POLICE COURT, 3rd DISTRICT.

Richard Sullivan

of the 11th Precinct Police Street, being duly sworn, deposes and says,

that on the 24 day of February 1887

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

(named) is a Material Witness for the people of the State of New York against one Joseph Bullock, charged with Robbery, deponent fears that said Samuel will not appear to testify when required, wherefore deponent prays that he said Samuel be committed to the House of Detention

Richard Sullivan

Sworn to before me, this

of

March 1887

24 day

Samuel C. Hall Police Justice.

05 16

Sec. 198-200.

9

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK.

Joseph Pallack 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

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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.

Taken before me this

day of

188

Police Justice.

0517

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

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

Dated Feb 25 1887 Sam'l C. Bell Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0518

476 256
Police Court-- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Bender,
431 ~~440~~ E. 76 St.
Joseph Pallock

Office Police

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Compl. Bailed by
J. P. M.
58 Broome St.

Dated July 24 1887

Reilly
Richard Sullivan
Magistrate
Officer.

Precinct.

\$2500 for E. Feb 25

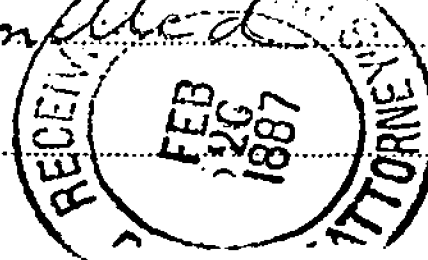
No. P. M. Street.

Complaint committed to
the House of Detention in default
of \$100 to appear bailed by
J. P. M. 58 Broome St.

No. Ignatz Binn & Sarah Binn Street.

\$1500.00 to answer

Committed to
J. P. M. 58 Broome St.



05 19

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Pollack

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

of the CRIME OF ROBBERY in the *First* degree, committed as follows:

The said *Joseph Pollack*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Twenty-second* day of *February* in the year of our Lord one thousand eight hundred and eighty-*seven*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one *Samuel Bender*, in the peace of the said People, then and there being, feloniously did make an assault, and

Three promissory notes for the payment of money, of the kind called United States Treasury Notes, of the denomination and value of one dollar each, four silver coins, (of the kind called dollars) of the value of one dollar each, and one silver coin, (of the kind called half dollars) of the value of fifty cents,

of the goods, chattels and personal property of the said *Samuel Bender*, from the person of the said *Samuel Bender*, against the will, and by violence to the person of the said *Samuel Bender*, then and there violently and feloniously did rob, steal, take and carry away, (the said

Joseph Pollack being then and there aided by an accomplice actually present, to wit: one *Joseph Pollack*)

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.

David J. Smith

District Attorney.