

0451

BOX:

270

FOLDER:

2597

DESCRIPTION:

Lewis, Leo

DATE:

07/08/87



2597

0452

BOX:

270

FOLDER:

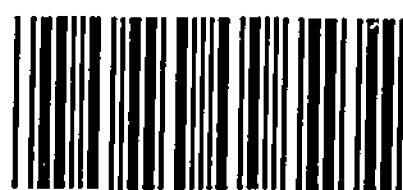
2597

DESCRIPTION:

Ward, Edward

DATE:

07/08/87



2597

POOR QUALITY
ORIGINAL

0453

Witnesses:

Deputy Sec.
Wm. K. Koenig
to 9 13 evening
at 4 11 57.

Officer F.

Deputy Sec. Koenig
has being employed
by Koenig

to

Counsel, *McClay*
Filed, 8 day of July 1887
Pleads, *Not guilty*

THE PEOPLE
vs.
Edward Ward
and
Geo. Lewis
[Sections 528, 530, 550, Penal Code].
Grand Larceny, 1st degree
(From the Person).

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Emmanuel M. M. M.

July 11/87 Foreman.

Wm. K. Koenig
29th 6 mos 5. P. M.
July 13/87

POOR QUALITY
ORIGINAL

0454

Police Court—

1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Andrew Gesteoka
of No. 42 Central Ave Wm Burg L. I Street, aged 39 years,
occupation Shoemaker being duly sworn

deposes and says, that on the 5 day of July 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the night time, the following property viz:

One silver Watch with metal chain and
gold Locket attached. One wooden
Snuff Box and gold and lawful money
consisting of one silver coin of the
denomination and value of One
dollar all of said property being
of the value of Eighteen 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 Edward Ward and Joseph Lewis
(both now here) from the fact that deponent
was sitting down in a Truck in
Elizabeth Street in said City at about
the hour of 2 A. M. on said date when
some person came along and stood
alongside of him and took said
property from the pockets of the pantaloons
then and there worn by him, and ran away

Deponent further says that he is
informed by Officer William Holder
that he saw said defendants walking
up North Street in a rapid manner
and acted in a suspicious manner
and that he said officer followed

of _____ day of _____ 1887

Police Justice

POOR QUALITY
ORIGINAL

0455

in pursuit and one of said defendants
Threw away the wooden snuff Box (now
here shown) which the said Officer
picked up and continued in pursuit
of them to the Corner of Grand and North
Streets in said City when Officer Charles
G. Carroll came up to him and asked
him if he saw two men walking in
North Street and said Officer Holder
informed Officer Carroll of the facts
aforesaid and they took said defend-
ants in custody in Elizabeth Street
where they ran.

at Gestoona

Brought before me

this 5th day of July 1887

James C. Kelly Police Justice

POOR QUALITY
ORIGINAL

0456

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles G Carroll
aged 30 years, occupation Police Officer of No.
the 6th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Andrew Gesteoka
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

183

4 } Charles G Carroll
July

Samuel C. Smith
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Holder
aged 30 years, occupation Police Officer of No.
the 6th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Andrew Gesteoka
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

188

5 } William Holder
July

Samuel C. Smith
Police Justice.

POOR QUALITY
ORIGINAL

0457

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer. Leo Lewis

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer, New York

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

Answer. 230 Stanton St 14 mos

Question. What is your business or profession?

Answer, Peddler

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 innocent of the charge
Leo Lewis

Taken before me this

day of

188

John J. McNeill Police Justice.

POOR QUALITY
ORIGINAL

0458

Sec. 198—200.

11/11 District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

Edward Ward 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.

Edward Ward

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer,

New York

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

Answer.

147 Second St 8 years

Question. What is your business or profession?

Answer,

Peddler

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 innocent of the charge

Edward X Ward
mark

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0459

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

68
Police Court 154 District. 1019

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Andrew Sostola
& Edward Ward
vs. Lewis

3
4

Offence Larceny from
the person

Dated July 5 1887

W. D. Kelly Magistrate

Sanoll Officer

Witnesses Elias S. Sanoll Precinct 6

William Gooden Street

611 West 10th Street

Complainant committed to custody
of detention in default of \$1000
to appear

No. 1019 Police Justice

\$1000 to answer

Committed

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

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

Dated July 5 1887 Samuel C. Miller Police Justice.

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

Dated _____ 1887 _____ 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 _____ 1887 _____ Police Justice.

POOR QUALITY
ORIGINAL

0460

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

February 27th, 1888.

Sir :

Application for Executive clemency having been made on behalf
of Leopold Cohen, alias ^{Lewis,} Leo^A who was convicted of grand larceny, 2nd
degree, in the county of New York----- and sentenced July 13th, 1887,
to imprisonment in the Sing Sing Prison----- for the term of
two years, six months-----, I am directed by the Governor
respectfully to request that, in pursuance of Section 695 of the Code
of Criminal Procedure, as amended in 1884, you will forward to him a
concise statement of the facts and circumstances developed upon the
trial, or upon the preliminary examination, or before the coroner's
jury if no trial was had, together with your opinion of the merits of the
application. Will you also inform the Governor of any other matters
having a bearing upon this case which have come to your knowledge
since conviction?

It is particularly requested that each letter of inquiry from
the Executive Chamber should be separately answered.

Hon. F. Smyth,

I am,

Recorder, &c.,

New York City.

very respectfully yours,

William G. Rice,
Private Secretary.

POOR QUALITY
ORIGINAL

0461

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

February 27th, 1888.

Sir:

Application for Executive clemency having been made on behalf
of Leopold Cohen, alias Leo^{Lewis,} who was convicted of grand larceny, 2nd
degree, in the county of New York----- and sentenced July 13th, 1887,
to imprisonment in the Sing Sing Prison----- for the term of
two years, six months-----, I am directed by the Governor
respectfully to request that, in pursuance of Section 695 of the Code
of Criminal Procedure, as amended in 1884, you will forward to him a
concise statement of the facts and circumstances developed upon the
trial, or upon the preliminary examination, or before the coroner's
jury if no trial was had, together with your opinion of the merits of the
application. Will you also inform the Governor of any other matters
having a bearing upon this case which have come to your knowledge
since conviction?

It is particularly requested that each letter of inquiry from
the Executive Chamber should be separately answered.

Hon. John R. Fellows,

I am,

District Attorney, &c.,
New York City.

very respectfully yours,

William G. Rice

Private Secretary.

Dr 1

POOR QUALITY
ORIGINAL

0462

Answered
April 14 1888
J. R. S.
J. S.

POOR QUALITY
ORIGINAL

0463

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

POLICE COURT, 1/ DISTRICT.

Charles G. Carroll

of the 6th Precinct Police ~~Sect~~, being duly sworn, deposes and says,

that on the _____ day of _____ 188

at the City of New York in the County of New York, that Andrew Gesteoka

the within named Complainant is a
necessary and material witness against
Edward Ward & Leo Lewis charged
with a "Felony". Deponent says that
said Complainant is not a resident
of this County and asks that he
give surety for his appearance
to testify

Charles G. Carroll

Sworn to before me, this

of

1887

day

James C. McNeill Police Justice.

POOR QUALITY
ORIGINAL

0464

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Edward Ward
and Geo Lewis

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

Edward Ward and Geo Lewis

of the CRIME OF GRAND LARCENY IN THE *First* DEGREE, committed
as follows :

The said *Edward Ward and Geo Lewis, both* —

late of the City of New York, in the County of New York aforesaid, on the
Eight day of *July*, — in the year of our Lord
one thousand eight hundred and eighty-~~nine~~, at the City and County aforesaid, in the
night time of the same day, with force and arms,

*one watch of the value of ten dollars,
one chain of the value of one dollar,
one pocket of the value of seven dollars,
one snuff-box of the value of twenty
cents, and one silver coin, of the
kind called dollars, of the value
of one dollar, —*

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

POOR QUALITY
ORIGINAL

0465

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Edward Ward and Geo Lewis

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Edward Ward and Geo Lewis,*

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

one watch of the value of ten dollars, one chain of the value of one dollar, one pocket of the value of seven dollars, one small box of the value of twenty cents, and one silver coin, of the kind called dollars, of the value of one dollar,

of the goods, chattels and personal property of one *Andrew Fitzgerald,*

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

Andrew Fitzgerald,

unlawfully and unjustly, did feloniously receive and have; the said *Edward Ward and Geo Lewis*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0466

BOX:

270

FOLDER:

2597

DESCRIPTION:

Weinberg, Israel

DATE:

07/12/87



2597

POOR QUALITY
ORIGINAL

0467

Witnesses:

Counsel, *W. P. Smith #1*
Filed, *12/10/1887*
Pleads, *Not guilty*

THE PEOPLE

vs.

Israel Weinberg

Grand Larceny, *first* degree
(From the Person).
[Sections 628, 630, Penal Code].

W. P. Smith
RANDOLPH B. MARTINE,

District Attorney.

Aug 1/87

Med. Rem. cleared & L. 24

A True Bill.

Samuel W. Martin

S. P. Freeport
Foreman.

The People
vs.

Israel Weinberg

Stout of General Sessions, Part I
Before Judge Gildersleeve.
Monday, August 1. 1887.

Indictment for grand larceny first degree.

Henry Keller sworn. I live 635 East Eleventh St. and am a tin smith. I recollect the 4th of July last, I had a watch and chain that day in my vest pocket and the chain was hanging in the button hole. I paid sixteen dollars for the watch and chain. On the night of the 4th of July, I walked through Essex St. with my wife and child - a girl twelve years of age; we walked arm in arm in Essex St.; near Broome St. There is a new building; the ground was open and there was four planks laid over to walk over. The prisoner and two fellows came along, and the two fellows made out to fight and they fell down on the sidewalk in front of my leg; my wife and I and the child could not walk further. The prisoner pulled the watch out of my pocket and dropped the chain. I wanted to run after him, but one of the fellows had my left leg and I had to give him the right leg not to lose him. I went almost behind him nearly to take

POOR QUALITY
ORIGINAL

0469

hold, but he was a little too quick and a policeman caught him at the corner of Essex and Chester Sts. I never lost sight of the prisoner. I saw the chain hanging out of his hand and the watch was in his hand. As soon as the policeman took hold of him he dropped the watch on the floor and the policeman picked it up quick and put it in his pocket. I say, "Take that man along, I want him arrested, he is a Thief." Cross Examined. I went to the Essex Market Police Court next morning. It was dark at nine o'clock and there were a good many people in the street at the time. I did not see any fireworks shot off. My wife is not here. I saw the prisoner taking the watch out of my pocket, he broke the chain off and he took the watch. That was the time the two men were fighting. There was a part of the chain left on my person. I had no time to look after the two men who were fighting. I had to run after the prisoner, so as not to lose sight of him. Because he had the watch. The other men held me one second by the leg; they were lying down on the ground. There was

not much of a crowd where the watch was taken. When he was caught there were five or six people around.

Percival Bull sworn. I am a police officer of the Eleventh precinct; on the 4th of July I arrested the prisoner about nine o'clock at night. I was standing on the corner of Hester and Essex Sts. I saw this prisoner running very hard up through Essex towards Hester St. I caught hold of him by the throat; he dropped the watch in front of my feet and I picked it up; it was a silver watch and was identified by the complainant as his watch.

Cross Examined. There was nobody else there beside him when I caught him and there were no persons running the time he was running. I suppose the complainant was about twenty feet behind him. I looked up and saw the complainant running after him. I was standing there about a minute and there was some noise about fireworks going off. There were a good many people out that night especially between Hester and Grand Sts. They were looking at the fireworks going off. I caught the prisoner by the throat.

Israel Weinberg, sworn in his own behalf testified: I live 126 East Broadway with Mr. Saxe and worked for him. My parents are in London, Eng., I have been about eleven months in this country and I have been peddling. I pay my board and the rest I send home to my parents. I have never been arrested charged with crime before. I was standing at the corner of West and Essex Sts. on the 4th of July evening but was not in Broome St. I did not steal the complainant's watch. It is not true, as the officer states, that he saw me running and caught me by the throat. I was standing looking at them lighting the fireworks, and all at once. I saw a fight and we all went up to look at it. In the middle of the fight a man halloed, "There is a policeman coming;" we all started to run, and the policeman caught me. I did not know the fellows who were fighting and I was not with them. I was peddling artificial flowers.

Sarah Saxe, Sarah Silverstein and Annie Heller and Adolph Silverstein testified to the good character of the defendant. The jury rendered a verdict of guilty.

POOR QUALITY
ORIGINAL

0472

Testimony in the
case of
Israel Weinberg

filed July 1887.

POOR QUALITY
ORIGINAL

0473

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No.

635 East 11th

occupation

Tom Smith

Street, aged

41

years,

being duly sworn

deposes and says, that on the

7th

day of

July

1887

at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the night time, the following property viz:

one Double Cased Silver Watch and Gold Chain of the value of sixteen dollars \$16.00

the property of

deponent

and that this deponent

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

Israel Weinberg (now here)

from the fact that deponent caught defendant in the act of taking stealing and carrying away said property from the pocket of the vest worn by deponent as a part of his bodily clothing when deponent was walking through Essex Street in said City. Deponent further says that defendant snatched the Watch Chain pulled the Watch from his pocket and then ran away deponent followed him and did not lose sight of him till he defendant was arrested.

Henry Keller

Sworn to before me, this

day

1887

Police Justice.

POOR QUALITY
ORIGINAL

0474

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK.

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

Question What is your name?

Answer

Israel Weinberg

Question. How old are you?

Answer

21 years

Question. Where were you born?

Answer.

Poland

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

Answer.

126 East Broadway, Omaha.

Question What is your business or profession?

Answer

Operator

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,

Israel Weinberg
mark

Taken before me this

File

Subscribed and sworn to before me this
1887
Justice

POOR QUALITY
ORIGINAL

0476

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Isaac Weindman

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

Isaac Weindman

of the CRIME OF GRAND LARCENY IN THE *first* DEGREE, committed
as follows:

The said *Isaac Weindman*

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *July*, in the year of our Lord
one thousand eight hundred and eighty-seven, at the City and County aforesaid, in the
month time of the same day, with force and arms,

one watch of the value of
fifteen dollars, and one chain
of the value of one dollar,

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

Randolph B. Smith

District Attorney.

0477

BOX:

270

FOLDER:

2597

DESCRIPTION:

Whittelsey, Harry M.

DATE:

07/12/87



2597

POOR QUALITY
ORIGINAL

0478

Witnesses:

Counsel,

Filed day of

1887

Pleads

THE PEOPLE

vs.

Pratt

vs.

1st

1

Harry M. Whitte

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

By

Aug 1/87

pleaded attempt

A True Bill.

Edmund Van Vorst

Foreman.

Per: L. J. ...

POOR QUALITY
ORIGINAL

0479

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Harry ell Whittelsey

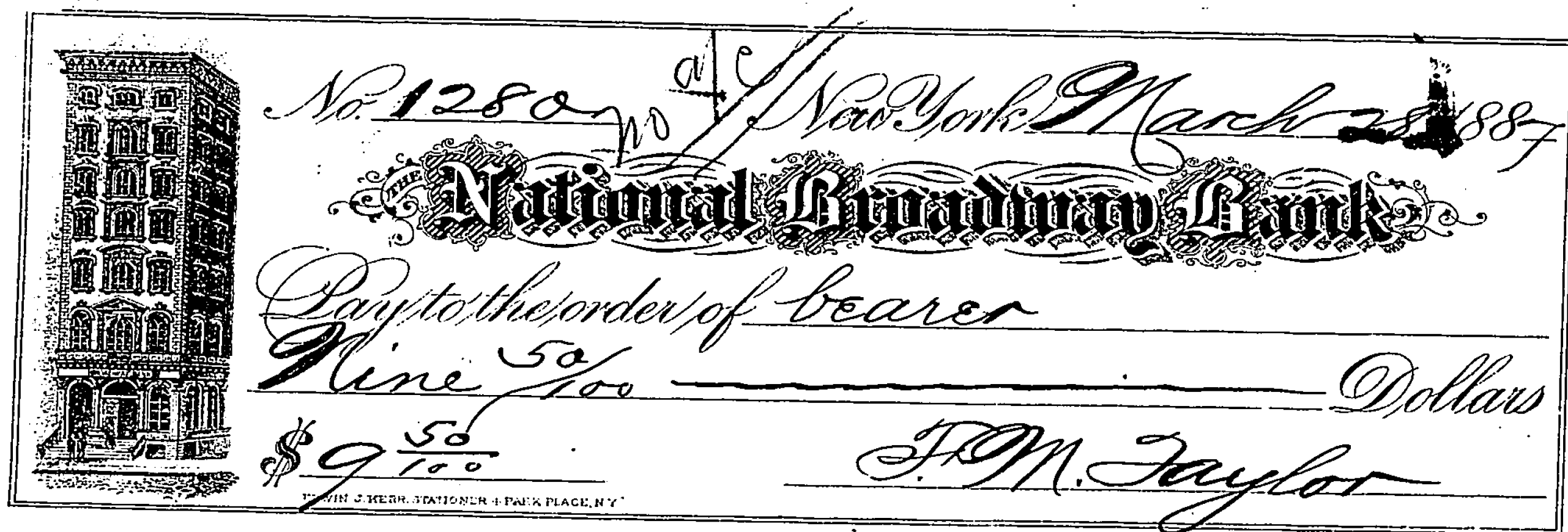
As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. ^{and} for the further reason I do not think he really meant to defraud me but on the other hand intended paying back the amount for which the check was drawn - I have known the defendant about fifteen years we were schoolmates. I do not think he really realized the enormity of the crime he was committing at the time - his character has been good up to this time and from letters written to me since his arrest I believe that he will yet make a good man. for these reasons I ask that the Court may in its wise judgment see fit in this case to suspend sentence and give the defendant another chance.

Witness
Jacob Berlinger

Jonathan A. McLean

POOR QUALITY
ORIGINAL

0480



**POOR QUALITY
ORIGINAL**

0481

7 1/2

Dr. New Whittlescy
The Deposit
W. L. Leach Brothers

POOR QUALITY
ORIGINAL

0482

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

POLICE COURT, 2nd DISTRICT.

aged 26 years, being Jonathan A. McLean
of No. 4 Broadway Street, being duly sworn, deposes and
says that on the 28 day of March 1887
at the City of New York, in the County of New York,

Harry M. Whittlesey (now here) did feloniously
unlawfully make, forge, and utter as true
a check purporting to be drawn made and
signed by F. M. Taylor, and payable
in the National Broadway Bank for
sum of Nine ⁵⁰/₁₀₀ dollars — with
the intent to cheat and defraud, and
whereby deponent was cheated and
defrauded, of Nine ⁵⁰/₁₀₀ dollars —

That on said 28th day of March
1887 said defendant came to deponent's
place of business at the aforesaid premises,
and asked deponent to cash for him
a small check, that at the same
time drawing from his pocket a
number of papers one of them
appeared the heading of the firm of
Bryant Taylor & Company, ^{he then} saying
I think they are good for that amount,
that then said defendant gave deponent
the hereto annexed check, and deponent
gave him said defendant, Nine dollars
and fifty cents in good and lawful
money of the United States

That deponent deposited said
check in the Manhattan Company for
collection, and was returned to deponent
by said Company as not good, and
no account in said National

POOR QUALITY
ORIGINAL

0483

Wm. A. Bauld, Depovent is
informed by Finley M. Taylor, of the Firm
of Bryan Taylor & Company, that the
signature to said Check is a forged
that said signature was not made
by him or by any person authorized
to sign said Name.

Depovent prays that said defendant
be dealt with as the law directs

Sworn to before me this }
6th day of July 1887 } Jonathan A. McLean
John Gorman }
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated _____ 188

Magistrate.

Officer.

Witness.

Disposition.

POOR QUALITY
ORIGINAL

0484

CITY AND COUNTY }
OF NEW YORK, } ss.

Frederic M Taylor
aged 33 years, occupation Book publisher of No.

757 Broadway Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Jonathan A W Sean*

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

day of

July 1887

Frederic M Taylor
John J. Gorman
Police Justice.

**POOR QUALITY
ORIGINAL**

0485

Sec. 198—200

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

Harry M. Whitley 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.

Harry M. Whitley

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer,

Brooklyn

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

Answer.

in the Barmy

Question. What is your business or profession?

Answer,

Clerk

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

H. M. Whitley

Taken before me this

day of

July

188

7

Police Justice.

POOR QUALITY
ORIGINAL

0485

1027
Police Court 2. District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Justus J. M. M. M.
Henry M. M. M.

1. *Henry M. M. M.*
2. *Henry M. M. M.*
3. *Henry M. M. M.*
4. *Henry M. M. M.*

Offence *Forgery*

Bailed,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Dated *July 6* 188*7*

James M. M. M. Magistrate.
Henry M. M. M. Officer.

Witnesses
No. _____ Street _____
No. _____ Street _____

RECEIVED JUL 7 1887 DISTRICT ATTORNEY'S OFFICE

No. _____ Street _____
to answer *to answer*
Car

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 _____

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

Dated *July 6* 188*7* *James M. M. M.* 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.

POOR QUALITY
ORIGINAL

0487

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Harry M. Whittier

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

Harry M. Whittier

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Harry M. Whittier*

late of the City of New York, in the County of New York aforesaid, on the
Twenty-eighth day of *March*, — in the year of our Lord
one thousand eight hundred and eighty-*seven*, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act
and assist in the forging a certain instrument and writing, *to wit: an order*
for the payment of money to the
said called David Deane, —
which said forged *David Deane* —
is as follows, that is to say:

No. 1280 New York March 28 1887

The National Broadway Bank

Pay to the order of bearer

nine ⁵⁰/₁₀₀ Dollars

\$9 ⁵⁰/₁₀₀

E. M. Taylor

with intend to defraud, 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.

POOR QUALITY
ORIGINAL

0488

SECOND COUNT:

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

Danny M. Whittney -

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Danny M. Whittney*

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid,
at the City and County aforesaid, having in *his* possession a certain forged
instrument and writing, *to wit: an order for the*
payment of money to the
kind called Bank Cheque,
which said forged *Bank Cheque*
is as follows, that is to say:

No. 1280 New York March 28 1887
The National Broadway Bank
Pay to the order of bearer
nine ⁵⁰/₁₀₀ Dollars.
\$9 ⁵⁰/₁₀₀ *E. M. Taylor*

with force and arms, and with intent to defraud, the said forged *Bank Cheque*
then and there did feloniously utter, dispose of and put off as true, *the* the said
Danny M. Whittney, then and there well knowing the same to be
forged, 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.

0489

BOX:

270

FOLDER:

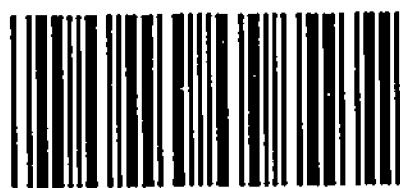
2597

DESCRIPTION:

Wilhelm, Sigmund

DATE:

07/15/87



2597

POOR QUALITY
ORIGINAL

0490

4 Bail \$500.
H.H.L.

Witnesses:

depts first
appears boys
also says he was
hired by when
he ~~was~~ the property
of

13
Counsel, R. Van Damm
24. Park Row
Filed, 15 day of July 1887
Pleads, Not Guilty

THE PEOPLE
vs. ~~Mr~~ ~~John~~ ~~W.~~ ~~Mc~~ ~~Donald~~ ~~son~~
[Sections 528, 529, 530 Penal Code].

Grand Larceny, Second degree

Sigmund Wilhelm

Ordered to sit at Court
of City and County

for trial July 7th.
RANDOLPH B. MARTINE,

District Attorney.

July 7th 1887
Pls. clear up the property
A True Bill.

Emmanuel M. M. M.
Part 3, November 2, 1887.

Pls. put the Foreman.
Trains full back to Court
of General officers for trial
3. Mds, sent up A 1888

POOR QUALITY
ORIGINAL

0491

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Sigmund Wilhelm

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

The reason why I make this recommendation is that the defendant is a man nearly sixty years of age. I have known him about a year and a half, he has been a customer of mine for that period. I know that he has two small children aged respectively 7 and 13 years dependent upon him for the necessities of life. And whom he has supported up to the time of his arrest, I feel satisfied he is without means. in view of his long infirmity - must already suffered his age, poverty and his children's distress I make this recommendation.

Dated August 16. 1887.

Henry J. Richards

POOR QUALITY
ORIGINAL

0492

Police Court—3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Henry Reinhardt
of No. 105 Avenue B Street, aged 39 years,
occupation dry goods being duly sworn

deposes and says, that on the 12 day of July 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz :

one piece of
black Cashmere goods of the
value of Thirty Dollars (\$30) and
a quantity of underclothes of the
value of fifteen Dollars (\$15) —
the whole being of the value of
forty five Dollars (\$45)

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 Sigmund Wilhelm (now
here) for the reason that deponent
came to deponent's store under pre-
tense of purchasing goods. Deponent
is informed by his clerk John
Rutenberg (nowhere) that he caught
the defendant on said date in the
act of leaving the said store, having
part of the said property secreted in his
bundle, and took it away from
him, the defendant not having purchased it,
and having no right to take it, but
being in the act of feloniously stealing
and carrying the same away. A
part of said property was later from
defendant's house by Policeman Patrick
Brennan (nowhere) Henry Reinhardt

Sworn before me, this 13 day of July 1887
at New York, N.Y.
Police Justice.

POOR QUALITY
ORIGINAL

0493

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 17 years, occupation John Rutenberg
Clerk of No.

105 Avenue B Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Henry Remhardt

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

19

day of

July

188

John Rutenberg

Solomon Sumich

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation Patrick Brennan
Policeman of No.

13th Street Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Henry Remhardt

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

19

day of

July

188

Patrick Brennan

Solomon Sumich

Police Justice.

POOR QUALITY
ORIGINAL

0494

Sec. 198-200.

9 District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

Argmund Wilhelm 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.

Argmund Wilhelm

Question. How old are you?

Answer.

56 years

Question. Where were you born?

Answer,

Hungary

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

Answer.

276 E. Third St 8 months

Question. What is your business or profession?

Answer,

Bedder

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 did not know the piece of cloth was in my bundle. The underclothing is mine I bought it

Argmund Wilhelm

Taken before me this

13

188

Police Justice.

0495

Residence:

Stoppel

4.

881

13
Precinct.

Patricia J. Brennan

1004
Street

105

Street

1000
to answer
3

Dated 188 *Police Justice.*

POOR QUALITY
ORIGINAL

0496

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

~~PEOPLE~~

vs.

Part 3

Sigmund Mikhlin

Rutenberg

Off. Brunau

District Attorney.

Record personally
for Nov. 21

Lausier

POOR QUALITY
ORIGINAL

0497

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Sigmund Withelm

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

Sigmund Withelm

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

The said *Sigmund Withelm*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Twelfth day of *July* in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms,

one piece of black cashmere of
the value of thirty dollars, and
a quantity of underwear,
a more particular description
whereof is to the Grand Jury
aforesaid unknown, of the
value of fifteen dollars.

of the goods, chattels and personal property of one

Henry Handman,

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

Charles J. Bonaparte

District Attorney.

0498

BOX:

270

FOLDER:

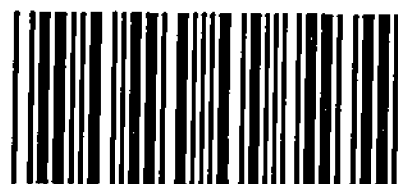
2597

DESCRIPTION:

Williams, Annie E.

DATE:

07/13/87



2597

POOR QUALITY
ORIGINAL

0499

168

Counsel, _____
Filed, 13 day of July 1887
Pleads, Guilty (14)

THE PEOPLE

vs.

W. J. 25 law R

Annie E. Williams

(2 cases)

[Section - 289 - Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

Aug 3/87

plead & guilty.

A True Bill.

Edward W. M. M. M.

Foreman.

Price \$25.

POOR QUALITY
ORIGINAL

0500

2^d District Police Court.

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

Henry C. Stocking
of Number 100 West 23^d Street being duly sworn,
deposes and says, that on the 8th day of July 1887, at the
City of New York, in the County of New York, to the best of his knowledge
and has no cause to believe, that one
Amie E. Williams at n^o 84 West 3^d Street
in said City of New York, did unlaw-
fully and willfully abduct, and
detain to remain in a reputed house of
prostitution or assignation a certain
female child actually and apparently
under the age of sixteen years, to wit:
one Minnie Saunders who was then and
then of the age of fourteen years, that
the said child is the inhabitant of the said
house of prostitution or assignation situated
at n^o 84 West 3^d Street in said City of
New York, in violation of the Penal
Code of the State of New York, as amended.

Wherefore the complainant prays that the said

Amie E. Williams

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this

day of

July

9th

1887

Henry C. Stocking

John J. Lawrence

Police Justice

POOR QUALITY
ORIGINAL

0501

POLICE COURT 2 DISTRICT.

THE PEOPLE, & CO.,
ON THE COMPLAINT OF



CRUELTY TO CHILDREN.

DATED 188

Magistrate.

Clerk.

Officer.

Witnesses:

E. Pelham Jenkins, Supt.,
100 East 23rd Street

Disposition,

POOR QUALITY
ORIGINAL

0502

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, ^{SS}

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

Question. What is your name?

Answer. *Alice E. Williams*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New Orleans.*

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

Answer. *84 West 3rd Street 3 weeks*

Question. What is your business or profession?

Answer. *Work on a Steam Boat*

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*

Alice E. Williams
(Mark)

Taken before me this

9

day of

July

1887

John J. Williams Police Justice.

POOR QUALITY
ORIGINAL

0503

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

104
Police Court 2 District 1047

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry E. Blockley
100 188 23
John E. Williams

2
3
4

Offence abduction
Greatly to America

Dated July 9 1887

Magistrate
Officer
Precinct 15

Witnesses
No. 1 John E. Williams
1887 100 23
Street

No. 2 John E. Williams
1887 100 23
Street

No. 3 John E. Williams
1887 100 23
Street

No. 4 John E. Williams
1887 100 23
Street

No. 5 John E. Williams
1887 100 23
Street

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

Dated July 9 1887 John E. Williams Police Justice.

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

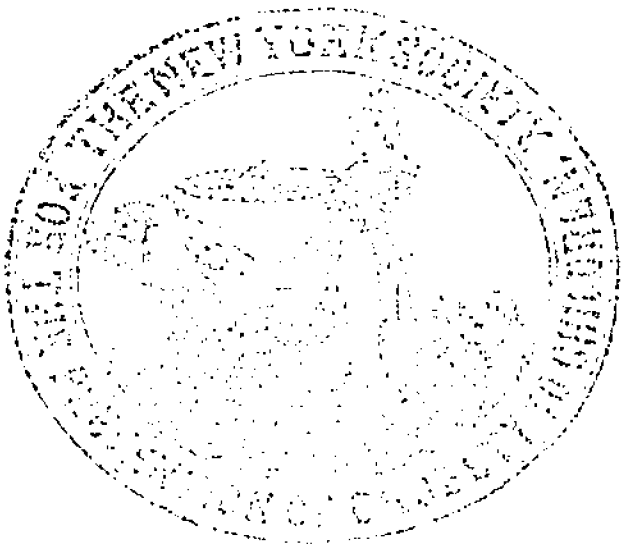
Dated _____ 1887 _____ Police Justice.

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

Dated _____ 1887 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

0504



*The New York Society for the
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *July 13th* 1887

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against*

Anna E. Williams

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail,
or final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1875, Chapter 130, Section 3), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

Elbridge T. Gerry,

President, &c.

POOR QUALITY
ORIGINAL

0505

N. Y. GENERAL SESSIONS.

THE PEOPLE

against

Anna E. Williams

Or. Soc. 322.9289. P. O.
CRUELTY TO CHILDREN.

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

10/17

POOR QUALITY
ORIGINAL

0506

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 2, DISTRICT.

George T. Leeson
of the 10th Precinct Police Street, aged 31 years,
occupation Police officer being duly sworn deposes and says,
that on the 9 day of July 188

at the City of New York, in the County of New York, he identifies
as the person named Jane Doe in
the annexed Complaint of Edward L
Green, and who is the owner of the
premises No 84 West 3rd Street

George T. Leeson

Sworn to before me, this
of July 188

Henry J. Moore
Police Justice.

POOR QUALITY
ORIGINAL

0507

Sec. 151.

Police Court— 2nd District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by *Edward D. Green* of No. *231* *Thompson* Street, that on the *30* day of *June* 188*7*, at the City of New York, in the County of New York, *Jane Doe* did keep and maintain at the premises known as Number *84 West 3rd* Street, in said City, a *House of Ill fame* and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Jane Doe and all idle, disorderly and improper persons found upon the premises occupied by said *Jane Doe* and forthwith bring them before me, at the *2nd* 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 *8* day of *July* 188*7*

John H. Homan POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0500

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated 188

Magistrate

Officer.

Precinct.

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

Edward Gilgar Officer.

Dated July 9 1887

This Warrant may be executed on Sunday or at
night.

John Horner Police Justice.

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

Dated

188

Police Justice.

The within named

POOR QUALITY
ORIGINAL

0509

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY {
OF NEW YORK, ss

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

Question. What is your name?

Answer. *Aunice E. Williams*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New Orleans*

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

Answer. *84 Mel 3rd Street 3 weeks*

Question. What is your business or profession?

Answer. *Work on a Steam boat,*

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*

her
Aunice E. Williams
mark

Taken before me this

9

day of

July

1887

John J. Macdonald
Police Justice.

POOR QUALITY
ORIGINAL

05 10

Sec. 322, Penal Code.

2 District Police Court.

CITY AND COUNTY {
OF NEW YORK. } ss.

Edward L. Green
of No. 231 Thompson Street, in said City, being duly sworn says
that at the premises known as Number 84 West 3rd Street,
in the City and County of New York, on the 30 day of June 1887, and on divers
other days and times, between that day and the day of making this complaint

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

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

Sworn to before me, this 8
day of July 1887

Edward L. Green
John J. ... Police Justice.

POOR QUALITY
ORIGINAL

0511

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

44 108 1047
Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Green
231 5th Avenue
New York

1 _____
2 _____
3 _____
4 _____

Offence House of
delinquency

Dated July 8 188

Magistrate
Officer
15

Witnesses

No. 1, by _____ Street _____

No. 2, by _____ Street _____

No. 3, by _____ Street _____

No. 4, by _____ Street _____

No. 5, by _____ Street _____

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 Ten Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated _____ 188

John Thomas 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.

POOR QUALITY
ORIGINAL

05 12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Annie E. Williams

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

Annie E. Williams —

(Section 822,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows :

The said *Annie E. Williams*,

late of the *15th* Ward of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *June*, in the year of our Lord one thousand eight hundred and eighty-~~seven~~, and on divers other days and times as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did keep and maintain ; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain ; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Annie E. Williams —

on the days and times aforesaid, there did commit whoredom and fornication ; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated ; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT.—

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

Annie E. Williams —

(Section 885,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows :

The said *Annie E. Williams*,

late of the Ward, City and County aforesaid, afterwards, to wit : on the *thirtieth* day of *June*, — in the year of our Lord one thousand eight hundred

**POOR QUALITY
ORIGINAL**

05 13

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

THIRD COUNT.—

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

Annie E. Williams —

(Section 823,
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

Annie E. Williams,

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

RANDOLPH B. MARTINE,
District Attorney.

POOR QUALITY
ORIGINAL

05 14

Witnesses :

Counsel,

Filed

13

day of

1887

Pleads

Chattel Mortgage

THE PEOPLE

vs.

KEEPING A HOUSE OF ILL FAME, ETC.

(Sections 822 and 885, Penal Code.)

Annie E. Williams

(2 cases)

RANDOLPH B. MARTINE,

District Attorney.

Aug 3/87

Pleas guilty

A True Bill.

Charles W. Newburgh

Aug 3. 1887

budget suspended.

Foreman

W. J. H.

POOR QUALITY
ORIGINAL

05 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Annie E. Williams

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

Annie E. Williams of a Misdemeanor,

~~of the Crime of~~

committed as follows:

The said *Annie E. Williams*,

late of the *15th* Ward of the City of New York, in the County of New York afore-
said, on the *eight* day of *July* in the year of our Lord
one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

did unlawfully admit to and allow
to remain in a certain rented house
of prostitution and assignation there
situate, one Minnie Saunders, who
was then and there a child actually
and apparently under the age of
sixteen years, to wit: the said
Minnie Saunders being then and there
of the age of fourteen years, against
the form of the Statute in such case
made and provided, and against the
oath of the People of the State of
New York, and their dignity

Randolph B. Smith

District Attorney.

05 16

BOX:

270

FOLDER:

2597

DESCRIPTION:

Wilson, George

DATE:

07/06/87



2597

Witnesses:

Deft. will give
no info of having
or refer to any
one as to Ch. 1
he admits that
he lived as when
peace of residence

197

No 13

Counsel,

Filed

6

day of

1887

Pleads,

July 7

THE PEOPLE

vs.

George Wilson

Burglary in the Third Degree.

[Section 418]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Emmanuel M. M. M. M.

Foreman

July 7/87

Headsqually
July 7 & 8 1887

05 17

0518

Police Court—4th District.

City and County of New York, ss.:

of No. 1690 Broadway Street, aged 25 years, occupation Grocer being duly sworn

deposes and says, that the premises No. 1690 Broadway Street, 22d Ward

in the City and County aforesaid the said being a Store brick building used as a Grocery and which was occupied by deponent as a Store for the sale of Groceries and in which there was at the time a human being, by name

deponent Oscar Dorting were BURGLARIOUSLY entered by means of forcibly opening the door light over the door leading into the store from the street

on the 27th day of June 1887 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Groceries, liquors and money all of the value of one hundred dollars and more

the property of deponent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by

George Wilson, (nowhere)

for the reasons following, to wit: that said premises were securely locked and fastened at 9 o'clock P.M. on said night that at between 3 and 4 o'clock A.M. on the morning of the 28th day of June 1887 deponent caught and detected said defendant in said premises and that he acknowledged and confessed that he climbed in over the door light into said store with intent to steal said property. Deponent asks that said defendant be held to answer and dealt with according to law.

Edward Dorting

Subscribed and sworn to before me this 28th day of June 1887
John A. [illegible]
Not Public

05 19

Sec. 198—200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

George Wilson 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.

George Wilson

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer,

New York

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

Answer.

2002 Myrtle Avenue Brooklyn 10 years

Question. What is your business or profession?

Answer,

None

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

Answer.

I am Guilty of the Charge

George Wilson,

Taken before me this

28th day of March 1927

John D. Smith
Police Justice.

0520

BAILLED,
No. 1, by
Residence
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence
Street,
Street,
Street,
Street,
Street,
Street,

74/ 13 973
Police Court-- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adelaide Fortney
1690th Broadway
George Wilcox

3
4
Offence *Burglary*

Dated *June 28* 1887

Solomon Smith Magistrate.

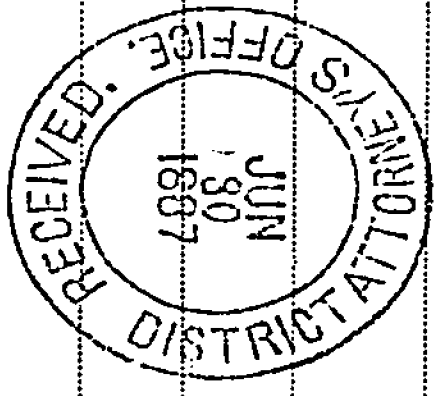
Alfred Murray Officer.

22 Precinct.

Witnesses

No. Street,

No. Street,



No. Street,

1000 to answer *GA*

cm

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
Ten 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 *June 28* 1887 *Solomon Smith* 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.

0521

George W. Wilson

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George W. Wilson

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

George W. Wilson

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

The said *George W. Wilson*,

late of the *Second* Ward of the City of New York, in the County of New York, aforesaid, on the *fourteenth* day of *June*, in the year of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Store* of one

Edward D. Smith

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

Edward D. Smith

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

Richard B. Smith

District Attorney.

0522

BOX:

270

FOLDER:

2597

DESCRIPTION:

Wilson, John Jr.

DATE:

07/06/87



2597

POOR QUALITY
ORIGINAL

0523

Counsel,
Filed 6 day of July 1887

Pleads, *John Wilson Jr*

THE PEOPLE
[Sections 498, 506, 528, 532, 550]
Burglary in the Third Degree

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Edmund W. Martine

Foreman
May 3, 1887
Pleads Burg. 3d D.
State Reformatory

POOR QUALITY
ORIGINAL

0524

Police Court— 2 District.

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

of No. 229 7th Avenue Street, aged 36 years,
occupation Saloon keeper being duly sworn

deposes and says, that the premises No 229 7th Avenue Street,
in the City and County aforesaid, the said being a Three story brick building

and which was occupied by deponent as a beer saloon & dining room
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly

removing the
panel of the door leading from the hallway
on the 1st floor of said premises into deponent's
saloon and putting his hand through said
aperture and unlatching said door
on the 23rd day of June 1887 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the
United States to the amount and value
of three dollars fifty cents of the
value of seven dollars and a cent of the
value of one dollar together of the
value of eleven dollars
\$11.00

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

John Wilson (now here)
for the reasons following, to wit: that at the hour of 4 O'clock
am said date deponent left his saloon
leaving it securely locked and fastened and
in good repair and condition. And at about
the hour of 5 O'clock am same day deponent
was informed that his saloon had been broken
open. Deponent examined it and found
it broken open as aforesaid and said
property missing. And deponent is informed

POOR QUALITY ORIGINAL

0525

by Officer George W. Lacour of the
19th Precinct Police that at about the
hour of One O'clock PM June 25th he
arrested the said defendant on 7th Avenue,
and the hat which the defendant wore
at the time of his arrest deponent has
since seen and fully identifies as his property
which was stolen at the time his place was
broken open.

Wherefore deponent charges the said defendant
with burglariously entering said premises as
aforesaid and feloniously taking, stealing
and carrying away said property.

Sworn to before me } Samuel Loom
this 28th day of June 1887

Wm. H. H. &
Police Justice

Police Court	District.
THE PEOPLE, &c., ON THE COMPLAINT OF	
Burglary	
Dated	188 1
Magistrate.	
Officer.	
Clerk.	
Witnesses:	
Committed in default of \$	
Bailed by	
No.	Street.

POOR QUALITY
ORIGINAL

0526

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation _____

George W. Lacombe
Police Officer of No. _____

19th Precinct Police

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Samuel Loeu

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

28

day of

June

188

Geo. W. Lacombe

Wm. J. Loeu

Police Justice.

POOR QUALITY
ORIGINAL

0527

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

John Wilson 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.

I am not guilty
John Wilson

Taken before me this

21st Feb
1887

Police Justice.

0528

No 169

Police Court District.

771

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel J. Lee

vs

John Williams

1
2
3
4

Offence *Burglary*

Dated *June 20th, 1887*

Murray Magistrate.

Geo W. Macoun Officer.

19th Precinct.

Witnesses *G. B. McLaughlin*

No. *19th* Street,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ *1000* to answer *Wm. J. Lee*

(Cm)

Dated 188 *Police Justice.*

POOR QUALITY
ORIGINAL

0529

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Wilson the younger

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

John Wilson the younger —

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

The said

John Wilson the younger,

late of the *Sixteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *Twenty Third* day of *June*, — in the year of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *saloon* of one

Samuel Sauer, —

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

Samuel Sauer, —

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

POOR QUALITY
ORIGINAL

0530

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

John Wilson the younger —

of the CRIME OF *Petit* LARCENY, —

committed as follows :

The said *John Wilson the younger*.

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

fifty pieces of the value of
fourteen cents each, one lot
of the value of one dollar, and
the sum of three dollars in
money, lawful money of the
United States, and of the value
of three dollars,

of the goods, chattels and personal property of one *Daniel Saw,* —

in the *place* of the said *Daniel Saw.* —

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

**POOR QUALITY
ORIGINAL**

0531

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

John Wilson the younger
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

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

one lot of the value of one
dollar,

of the goods, chattels and personal property of one Samuel Sears, —

by ~~a certain~~ *persons* to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said *Samuel Sears, —*

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

John Wilson
the younger

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen,
taken and carried away, against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0532

BOX:

270

FOLDER:

2597

DESCRIPTION:

Wolcott, Royal L.

DATE:

07/15/87



2597

0533

Witnesses:

I am satisfied
that the defendant
is ~~not~~ ^{not} ~~the~~ ^{the}
Clerk

I am informed
that the complainant
~~is~~ ^{is} ~~not~~ ^{not} ~~the~~ ^{the}
Clerk
I am informed
that the complainant
is ~~not~~ ^{not} ~~the~~ ^{the}
Clerk
I am informed
that the complainant
is ~~not~~ ^{not} ~~the~~ ^{the}
Clerk

Attest
a Clerk with
me
June 15, 1892

Counsel,

Filed 15 day of July 1887

Pleas

Pr. Plea of not guilty
to the charge of
unlawfully practicing medicine
in violation of the
Laws of 1880.

THE PEOPLE

vs.

Royal E. Wolcott

Port. III June 15, 1892

Defendant
RANDOLPH B. MARTINE, clerk, M. D.

District Attorney.

Oct 20 1892
Oct 20 1892
A True Bill.
Feb 20 1889 P.M.

Amundson
Part 3. June 27, 1892

and signed and witnessed
by the Clerk of the Court

Foreman

1892

Court of General Sessions.

The People

vs -
Royal & Wolcott.

Statement.

The above named defendant was indicted by the Grand Jury of New York County by an indictment found by them and presented on the 15th day of July 1887.

First
Count.

The indictment charges the defendant - in short - with a violation of Section 356 of the Penal Code in this. That on the 11th day of June 1887 in the City and County of New York the defendant without being authorized by a license or diploma from some Chartered School, State board of medical examiners or medical Society did unlawfully practice medicine on that day.

Second Count.

This charge is framed under § 1. of the 513rd Chapter of the Laws of 1880. and is the identical charge as is set forth in the indictment under the first Count. with the date referred to instead of being given, Third Count.

This charge is framed under § 2 of the 513rd Chapter of the Laws of 1880. and charges the defendant with a misdemeanor in violation of said Section in that, "on the ~~23~~²⁴ day of June ~~1887~~¹⁸⁸⁸ at the City of New York" the defendant being duly authorized to practice medicine did unlawfully practice without having registered in the County Clerk's office his name etc.

On the 23rd Day of June 1887. before said indictment was presented to this Court

The Legislature passed an act known as Chapter 647 of the laws of 1887. which by Section 11 went into effect immediately.

By Section 9 of of said last named act the following acts and parts thereof were expressly repealed to wit:
 "also Chapter 513 of the laws of 1880 * * also Chapter 411 of the laws of 1884 also Section 356 of the Penal Code."

This Section 9 contains no words or provisions whatever to except from its express repeal any act or thing done or omitted to be done under any of the laws repealed by said Section.

In the indictment - though the defendant files a demurrer "that the facts stated do not constitute a crime" assigning a repeal of the laws or parts

acts under which the indictment was found.

I

The first two counts in the indictment will be considered under one head.

There is no provision what ever in the law of 1887 Chapter 647. which can even be construed to keep alive any offense under either Section 356 of the Penal Code or Section 1 of Chapter 513 of the laws of 1880.

It is well settled by the Courts of this State that no prosecution can be had even after indictment if the law under which the indictment was found was repealed before conviction and sentence.

Judge Denis wrote a

a very learned and elaborate opinion on this point in Hartung on the People reported in 22 N.Y. Repts. He reviews many authorities both in England and America and sustains the rule. This is a leading case upon the subject and has not been modified or questioned.

See 22 N.Y. Repts 95: 99.

In Cook v. Board of Police 16 Abb. P. R. 473 S.E. 40 Barb 626 the same rule was followed and held that the repeal of a statute creating an offense before trial for such offense is a bar to conviction.

The same is held under the U.S. laws.

U.S. v. Parsons 4 Dallas 372

In Powell v. People 5 Hill 169, ^{it is held that} no conviction can be had upon an indictment.

ment for a conspiracy to violate the provisions of a statute which has been repealed before the trial -

And this Court in the case of *The People v. Smith* Reported in my Duty Register Aug 31 1887. held that an indictment against a public officer for wilful neglect of duty imposed by statute cannot be sustained after the repeal of the statute imposing such duty although such repeal be subsequent to the finding of the indictment -

In such case the indictment will be quashed on motion -

Hence under section 356 of the Penal Code nor under section 1 of Ch 513 of the laws of 1880 being the first two counts in the indictment -

can this defendant be
indicted nor if indicted
for a violation of either
can he now be called
to answer and the
demurrer thereto should
be sustained.

II

Now as to the Third Count
under Section 2 of the
513rd Chapter of the laws of
1880.

The repealing clause
of the act of 1887. Ch 647.
§ 9 does not contain
one word of exception
or saving of ^{prosecution of} offences com-
mitted prior to such repeal.

Hence it is presumed to be
the will of the legislature
that when it used the
words viz. "That the following
acts and parts of acts are
hereby expressly repealed"

without any saving clause
in that repealing section
the legislature intended just
what it said - and repealed
the entire Law of 1880 ch.
513 and the amendatory
act of that Chapter, viz
Chapter 411 of Laws of 1884

I am aware of the contents of
Section 5 of the Law of 1884 -
and the proviso therein con-
tained - but such proviso
is to be construed in con-
nection with the sense of
that section - § 5 - and none
other -

Section 5 provides that
"Every person now licensed
to practice physic &c shall
comply with the requirements
of said Chapter (^{§ 2} Ch 513 L 1880)
as or before the 1st of Dec 1884
and thereafter no person shall
~~register~~ be entitled to register any
authority to practice &c except
the license conferred under this

Act & and no registration shall be considered valid as such unless the act is duly registered and constituted at the time of registration a license under the laws of this state then in force; provided that nothing in this Act shall be construed to prohibit or suspend any prosecution for non-registration under said Act instituted prior to the 1st day of October 1887."

Now does this provision help to sustain the third Count of the indictment?

It is respectfully submitted that it does not. because the provision is confined to "this Act" what Act? this 5th section of the act of 1887. and no other.

What Section is confined to persons now licensed to practice under the laws of this state. When does "now"

refer to? The answer is the date of the passage of the act June 23. 1887. and ~~not~~ prior to that time.

But if otherwise, the act of 1887. does not contain any word to keep alive any action but § 2 of the act of 1880. and by reference to that section not one word can be found to give the non-registration a name ~~for such~~ ^{for such} omission or a penalty for such omission.

Section 3. ^{of the act of 1880} ~~provided~~ ^{that} a violation of § 1. & § 2 ^{is} a misdemeanor and ~~is~~ ^{now} punishable. but § 2 does not contain one word of action a name for its violation or a punishment excepting the crime of perjury for a false oath.

Again § 5 of the law

of 1887 does not in any way modify the repealing clause § 9. or prohibit the effect of the provisions therein contained. In other words the proviso ⁱⁿ section (§) 5 is an unnecessary or useless clause because the effect of the repealing clause contained in § 9 is of itself a repeal of the whole law of 1880 and its amendments and consequently wipes out of existence the law of 1880 and its amendments the same as if it had never been enacted.

As before observed there is no penalty or name given in section 2 of the law of '80 for the omission contained therein for not registering. Such punishment & name is to be found in § 3 and no where else and there is not one word in the act of 1887 which keeps § 3 of the

act of 1880 alive. Hence
 there can be no punishment
 for such non regis.
 - Try for no when in § 2
 of the act of '80 is there one
 word which can be even
 construed to create the non
 registering either a misdeemeanor
 or a crime.

Section 5 of the law of 1884
 is strictly construed to § 2
 of 1880 and nothing else.

These statutes are unknown
 to the common law.

They are to be strictly
 construed, and not extended
 one word beyond their expressed
 words.

This is so well known that
 no authorities are necessary.

See also the case of
 Nash vs White's Bank
 of Buffalo
 105 N.Y. Rpts 243.

0546

The ~~Memoranda~~ filed
to this indictment
should be sustained.

J. C. Aubrey
Attorney for
Defendants
Roger L. Wolcott
140 Nassau St
N.Y. City

Court of General
Sessions.

The People

vs.

Royal & Wolcott.

Brief for
defendants.

A. C. Hubert

for deft.

140 Nassau St.

N.Y. City.

0547

0548

Court of General Sessions.

The People,

against

Robert L. Wolcott.

On Demurrer.

Points for the People.

It is contended by defendant that although he was arrested while Chap, 513, Laws 1880 was in force, his indictment thereunder was found subsequent to June 23rd 1887, upon which date Chap. 647 of the Laws of 1887 took effect; that the latter law repealed the former and consequently annuls the indictment.

I.

Chap. 647, Laws of 1887 is a codification of the penal laws regulating the practice of medicine; it is a substitute for section 356 of the Penal Code, which it repeals. It must therefore be construed by the rule of construction laid down in the code that is to say "According to the fair import of its terms to promote justice and effect the objects of the law."

The Penal Code, Sec. II.

II.

The object to be effected by chapter 647, Laws 1887, was to reduce to one statute the various acts punishing as unlawful the practice of medicine by persons either unlicensed.

0549

2

ed or not having their licenses registered, and also to prescribe a better method of registration and to punish certain fraudulent acts connected with the practice of medicine.

It provides in section five that until October 1st 1887 any person entitled to register as a medical practitioner according to the provisions of chapter 513, Laws 1880, might so register in the manner prescribed by that act; but that thereafter all registration should be made in the manner prescribed by the new law, Chap. 647, Laws of 1887.

The said section 5 further provides that nothing in that section shall be construed to prohibit or suspend any prosecution for non-registration instituted prior to said 1st day of October 1887.

Section 9 of the act repeals among many other statutes chapter 513 of the laws of 1880.

It is very evident therefore that the object of the new law is to substitute for the heterogeneous laws on the statute book at the date of its passage a single statute in which the whole law on the subject of medical practice in its penal aspects might be found, and that to this end, after stating the law in the first eight sections of the act, all other laws on this subject are specifically repealed in the ninth section.

It is equally evident that while the new law provides a more complete method of registration than that existing at the date of its passage it purposed, in a spirit of

leniency continuing the persons already in practice the privilege of registering until October 1st 1887 under the law in force when they began their practice. But, in order that there should be no interval between the date of the passage of the new law and the date October 1st 1887, during which persons without registered licenses might practice medicine without restriction, the penalties inflicted by the law of 1880 for such practice were expressly continued in force by the provision of section five above quoted.

It cannot therefore be argued in the presence of this saving clause that the repealing clause of section nine is to be read absolutely and apart from any connection with the body of the statute. The proviso of section five clearly relates to the whole statute and, of course, to section nine as part thereof.

III.

Such the being the manifested object of chapter 647 Laws of 1887, the following familiar rules of law are to be followed,

(a) a statute is to be so construed as to carry out the intent of the Legislature, although that intent may seem contrary to the letter.

Scofield, vs. Collins, 3 Cow. 89.

and where the legislative intent is manifest the letter of a statute must yield to its spirit,

Murry vs. N. Y. Cent. R. R. Co., 4 Keyes, 274.

Thus in Hudson I. & Co vs. Alger, 54 N. Y. 173 the commission of appeals say "In construing any statute the intention of the law makers must be sought for. That is the grand central light in which all statutes must be read. The intention, however, is to be sought for in the language used."

So also it has been said by Judge Potter, a great authority on the construction of statutes, "that a thing which is within the intention of the makers of a statute is as much within the statute as if it were within the letter; and a thing which is within the letter of a statute is not within the statute unless it be within the intention of the maker!"

Holmes vs. Carley, 31 N. Y. 289.

For these reasons apparent contradictions in a statute will always be reconciled by the courts where it is possible to the end that the statute may prevail rather than fail, and it is elementary law that the whole act is to be considered in order that the true ^{intent} of the legislature may be carried out rather than defeated by a technical and literal construction of detached clauses.

I Kent, 162.

People vs. Draper, 15 N. Y. 532.

IV.

If the repeal of chapter 513, Laws 1880 by section nine of the new law of 1887 is absolute, then the proviso that nothing in section five of the latter shall be construed to

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suspend prosecutions becomes nonsense; which will not be the case if the statute is construed as a whole according to its intent.

V.

The demurrer should be overruled.

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Court of General Sessions.

The People,

against

Robert L. Wolcott.

On Demurrer.

Points for the People.

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Court of General Sessions of the Peace
of the City of New York

The People
vs
Royal L. Holcott }

Royal L. Holcott the above
named defendant herein, demurs to the
indictment found against him for a mis-
demeanor filed the 15th day of July 1887 on
the ground that the facts stated do not
constitute a crime for the following reason -

The indictment is founded upon Section
356 of the Penal Code and Chapter 573 of the
Laws of 1880 charging the defendant with a
misdemeanor committed on the 11th day of June
1887 - whereas on the 23^d of June 1887
before said indictment was found said Section
356 of the Penal Code and said Chapter 573
of the Laws of 1880 were repealed by Section 9
of Chapter 647 of the Laws of 1887

Oct 24 1887

A. C. Hubert
Counsel for Defendant
140 Nassau St
N.Y.C.

Count of General
Sessions of the Peace
of the City of New York

Demurrer over-
ruled (disallowed)
W. H. L.
July 20th 1889.

The People

^{vs}
Royal L. Wolcott

Demurrer

M. Aubrey

Def't's Counsel

No 140 Nassau St,

N.Y. City

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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. 647.

AN ACT to regulate the licensing and registration of physicians and surgeons, and to codify the medical laws of the State of New York.

PASSED June 23, 1887; three-fifths being present.

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

SECTION 1. No person shall practice physic or surgery in this State who shall not have attained the age of twenty-one years; and no person shall practice as aforesaid unless he or she shall be, at the time this act shall take effect, a person lawfully engaged in such practice in this State under license or authority conferred by its laws then in force, and lawfully registered pursuant to chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, or unless he or she shall be licensed or authorized so to practice by the provisions of this act, and registered as herein prescribed.

§ 2. From and after the date of the taking effect of this act, no person not theretofore licensed or authorized to practice physic or surgery in this State shall be deemed so licensed or authorized except one of the three following classes:

First. All who shall have been graduated from an incorporated medical school or college in this State with the degree of doctor of medicine, after substantial compliance with all the requirements of the general laws and of the charter of said corporation regulating the term and amount of study, attendance and attainment requisite to obtain said degree; provided that no person shall receive the degree of doctor of medicine, or be licensed to practice physic or surgery in this State, unless after the age of eighteen he shall have pursued the study of medical science for at least three years in a chartered medical school or with some physician and surgeon duly authorized by law to practice physic or surgery; and shall have attended two complete courses of lectures in some legally incorporated medical school or college, in good standing at the time of such attendance, prior to the granting to him or her a diploma or license; provided, further, that two courses of lectures, both of which shall be either begun or completed within the same calendar year, shall not satisfy the above requirement.

Second. All who have received said degree from the Regents of the University of the State of New York after substantial compliance with the legal requisites preliminary to its attainment, and after examination by a legally constituted board of medical examiners of this State.

Third. All who, having been graduated from incorporated medical schools or colleges without the State as doctors of medicine, or licensed to practice physic or surgery under the laws of those European countries in which said degree does not confer the right so to practice, shall procure their diplomas from said corporations, or their licenses from such countries, to be indorsed by the faculty of an incorporated medical

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school or college within this State, or by the Regents of the University on the recommendation of a legally constituted board of medical examiners of this State. Every such indorsement shall be in form of schedule A or of schedule B provided by the tenth section of this act. Every corporation or board so indorsing, shall keep a record of their indorsements, and may require applicants to verify their statements under oath; any indorsement made with fraudulent intent, or gross carelessness or ignorance, shall be deemed a misdemeanor and shall subject the indorser or indorsers, upon conviction thereof, to a fine of two hundred and fifty dollars.

§ 3. Every person who, at the time this act shall take effect, shall be practicing lawfully physic or surgery in this State, under the authority and license conferred by the laws then in force, but who shall not be then duly registered in the county where he or she practices; and every person who shall thereafter become lawfully authorized or licensed to practice physic or surgery in this State, shall register in a book to be kept in the clerk's office of the county in which such practice is carried on, his or her name, residence, place and date of birth, and authority for practicing as aforesaid. Every person who shall apply to register as a physician or surgeon shall be required, before registration, to subscribe and verify by oath or affirmation, before a person qualified to administer oaths in this State, an affidavit which shall be filed and preserved in a bound volume. This affidavit shall be in the form prescribed in schedule C, provided by the tenth section of this act. Every person registering as aforesaid shall exhibit to the county clerk his or her diploma or license, or in case of loss, a copy of either, legally certified as are copies of documents admitted in evidence, or a duly attested transcript of the record of its conferment from the body conferring it, upon which the said clerk shall indorse, or stamp his name, and the words "Presented and registered as authority to practice physic and surgery by _____, on the _____ day of _____, in the clerk's office of _____ county." The said clerk shall also give to every registered physician or surgeon a certificate in the form of schedule D, provided by the tenth section of this act. For all of his said services the county clerk shall receive as a total fee for registration, affidavit and certificate the sum of one dollar. It is provided, however, that nothing in this act shall require any physician or surgeon who shall have duly registered lawful authority to practice as such, conformably to the provisions of chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, to register again under the provisions of this act, in any county where he or she shall have registered already.

§ 4. A practicing physician or surgeon having registered lawful authority to practice physic or surgery in one county, who shall remove his practice or part thereof to or regularly engage in practice or open an office in another county, shall exhibit in person to the clerk of such other county, or shall send to him through the mail by registered letter, his certificate of registration, and if such certificate shows lawful authority to have been registered said clerk thereupon shall register said applicant in said latter county, on receipt of a fee of twenty-five cents. The clerk shall stamp or indorse upon such certificate the words "Registered also in _____ county, and return the same and every certificate and indorsement made pursuant to the provisions of this act shall be prima facie evidence in any legal proceeding that the person

named has registered in the office issuing the same, the authority stated in the transcript.

§ 5. Every person now licensed to practice physic or surgery in this State under the laws thereof in force at the time of the conferment of such license, unless he or she already shall have registered his or her name, residence, place of birth and authority so to practice pursuant to the provisions of section two of chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, shall comply with the requirements of said chapter on or before the first day of October, eighteen hundred and eighty-seven; and thereafter no person shall be entitled to register any authority to practice physic or surgery, except the license conferred under this act, and the laws enacted hereafter, and no registration shall be considered valid as such unless the authority registered constituted at the time of registration a license under the laws of this State then in force; provided that nothing in this section shall be construed to prohibit or suspend any prosecution for non-registration under said section instituted prior to said first day of October, eighteen hundred and eighty-seven, and further provided, that no diploma or license conferred upon a person not actually in attendance at the lectures, instruction and examination of the corporation conferring the same, or not possessed at the time of its conferment of the requirements then demanded of medical students in this State as a condition of their becoming licensed so to practice, shall be deemed lawful authority to practice physic and surgery in this State.

§ 6. No person shall be licensed or permitted to practice physic or surgery in this State who has been convicted of a felony by any court of competent jurisdiction; and if any person who is or hereafter shall be duly licensed to practice physic or surgery in this State, shall be convicted of a felony, as aforesaid, his or her license to so practice, if any, shall be revoked by the fact of such conviction having been had. Any person who shall willfully swear falsely to any statement contained in any affidavit made pursuant to the provisions of this act shall be deemed guilty of a felony, and subject to conviction and punishment for perjury; any person who falsely and without authority shall counterfeit, make or alter any diploma, certificate or instrument constituting a license to practice physic or surgery within this State, or any certificate or indorsement given in pursuance of this act shall be deemed guilty of a felony, and be subject to conviction and punishment for forgery in the second degree; any person who shall practice physic or surgery under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be deemed guilty of a felony, and shall be subject to conviction and punishment for false personation; and any person guilty of violating any of the other provisions of this act, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining thereof, or who shall practice physic or surgery in this State under cover of a diploma or license that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations, or mistake of fact in material regard, or who, after conviction of a felony, as aforesaid, shall attempt to practice physic or surgery in this State, and any person who shall assume the title of doctor of medicine, or append the letters

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"M. D." to his or her name, without having received the degree of doctor of medicine from some school, college or board empowered by law to confer said degree or title, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or imprisonment for six months for the first offense, and upon conviction of a subsequent offense, by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment. Any person who, not being then lawfully authorized to practice physic or surgery in this State and so registered according to law, shall practice on or after the first day of October, eighteen hundred and eighty-seven, physic or surgery within this State without the license and registration provided for in this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars for the first offense, and for each subsequent offense by a fine of not less than one hundred dollars, or by imprisonment for not less than one hundred days, or by both fine and imprisonment. When any prosecution under this act is made on the complaint of a lawfully incorporated medical society of this State, or a county society entitled to representation in a State society or association, the fines when collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical law of this State, shall be paid at the end of the year to the county treasurer, for the use of the poor of said county.

§ 7. The duly incorporated medical societies of any county in which any person shall practice physic or surgery without lawful authority or registration may, upon proof of such practice, recover from such practitioner, in an action before any justice of the peace, a penalty of twenty-five dollars and the cost of the action for the first judgment, and upon every subsequent judgment for the same offense a penalty of fifty dollars and the cost of the action; provided that said societies shall pay to the county treasurer for the use of the poor of said county any surplus that may accrue in their hands from the excess of fines and penalties collected over the disbursements of said society for counsel fees and the expenses incidents to the enforcement of this act by them.

§ 8. Nothing in this act shall be construed to punish commissioned medical officers serving in the army or navy of the United States, or in the United States marine hospital service, while so commissioned, or any one while actually serving as a member of the resident medical staff of any legally incorporated hospital, or any legally qualified and registered dentist exclusively engaged in practicing the art of dentistry, or interfere with manufacturers of artificial eyes, limbs or orthopedical instruments or trusses of any kind from fitting such instruments on persons in need thereof; or any lawfully qualified physicians and surgeons residing in other States or countries meeting registered physicians and surgeons of this State in consultation, or any physician or surgeon residing on the border of a neighboring State, and duly authorized under the laws thereof to practice physic or surgery therein, whose practice extends into the limits of this State; providing that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of the State of New York; or physicians duly registered in one county of this State, called to attend isolated

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cases in another county, but not residing or habitually practicing therein.

§ 9. The following acts and parts of acts are hereby expressly repealed, to wit: Sections eight to twenty-two inclusive of title seven of chapter fourteen of part one of the Revised Statutes; also all of chapter one hundred and thirty-eight of the laws of eighteen hundred and six, that provided for the examination and admission of medical students to practice, and for penalties for practicing physic and surgery without a diploma or other lawful authority; also section or paragraph fifth of chapter one hundred and four of the laws of eighteen hundred and seven; also sections nine, ten, eighteen and all of section eleven following and including the words "whose duty" of chapter ninety-four of the laws of eighteen hundred and thirteen; also sections one, two, four, and all of section three following and including the words "any three" of chapter two hundred and six of the laws of eighteen hundred and eighteen; also section two of chapter two hundred and thirty-seven of the laws of eighteen hundred and nineteen; also chapter one hundred and twenty-six of the laws of eighteen hundred and thirty; also sections one, two and four of chapter five hundred and thirty-two of the laws of eighteen hundred and forty-one; also chapter sixty-four of the laws of eighteen hundred and forty-one; also chapter two hundred and seventy-five of the laws of eighteen hundred and forty-four; also chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-four; also chapter five hundred and thirteen of the laws of eighteen hundred and eighty; also chapter one hundred and eighty-six of the laws of eighteen hundred and eighty-one; also chapters four hundred and eleven and four hundred and forty-five of the laws of eighteen hundred and eighty-four; also section three hundred and fifty-six of the Penal Code. And also all acts or parts of acts authorizing any incorporated school or college to confer the degree of doctor of medicine causa honoris or ad eundem, or otherwise, than upon duly graduated students in course; and all other acts or parts of acts inconsistent with this act are hereby repealed. And it is provided that the degree of doctor of medicine conferred causa honoris or ad eundem gradum, shall not be a qualification for the practice of physic and surgery in this State. And, whereas it is the purpose of this act to codify the statutory provisions of this State regulating the admission of individuals to the practice of physic and surgery, and the punishment of those practicing either physic or surgery without authority. It is further provided that the specific repeal herein of any portion of an act that may have been heretofore repealed, expressly or by implication, shall not be construed to revive the remaining part thereof.

§ 10. Section ten shall embrace the following schedules, namely A, B, C and D.

SCHEDULE A.

To all whom it may concern, greeting:

A. B., having on the day of eighteen hundred and , presented to the faculty of , a diploma purporting to have been issued on the day of , to said A. B., conferring on the degree of doctor of medicine, and it being made certain to us by inquiry and examination, that the said , at the date of said diploma, was a medical college or school, duly incorporated, in good standing and authorized to confer the degree of doctor of medicine, and also that

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the said A. B. is the identical person upon whom the said diploma was conferred, and is also a person of good moral character, who has pursued a course of study equivalent to that required of a doctor of medicine by said faculty, and is sufficiently well versed in the knowledge of physic and surgery to qualify to practice the same.

Now, therefore, the said faculty have caused this indorsement and the seal of the said to be placed upon said diploma.

[SEAL.]

(Signed) by the dean or proper officer.

SCHEDULE B.

To all whom it may concern, greeting:

A. B., having on the day of presented to the faculty of a license purporting to have been issued to said , as authority to practice physic and surgery in all branches; and it being made certain to us by inquiry and examination that A. B. is the identical person on whom the license was conferred; that it is not necessary in the country in which it was conferred, that a licensed practitioner of physic and surgery should have the degree of doctor of medicine, and that a license in form and substance such as the one hereby indorsed is the usual and sufficient authority to practice physic or surgery therein; and further, that said A. B. is a person of good moral character, who has pursued a course of study equivalent to that required of a doctor of medicine by our faculty, and is sufficiently versed in the knowledge of physic and surgery to practice the same.

Now, therefore, the said faculty have caused this indorsement and the seal of the said to be placed upon said license.

[SEAL.]

(Signed) by the dean or proper officer.

SCHEDULE C.

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

being duly sworn says that h name is ; that was born in on the day of , in the year ; that now resides at number street, in the city of , and intends to practice physic and surgery in the county of ; that h authority so to practice is a license (or diploma), conferred upon h , on the day of , in the year , by , a duly incorporated medical school (or college), or a legally constituted board of medical examiners of the State of New York, authorized at the date of conferring said to confer the same, and being then in good standing; (or in case of a European license, describe the source thereof, and the authority under which it was conferred). Affiant further says that the person named in the said , and had, before receiving the same, fully and substantially complied with the requisites as to attendance, terms and amount of study and examinations required by the laws of the State and the charter and regulations of said as preliminary and necessary to the conferment thereof. Affiant further says that no money was paid by for said except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one, or occurred, in order that said should be conferred on affiant. (Where indorsement has been made of a license or diploma granted without the State, this additional clause shall be verified.)

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And affiant further says that the said diploma or license was indorsed on the day , eighteen hundred and , by the faculty of , upon satisfactory proof by affiant of all the facts hereinabove recited, and that had followed a course of study equivalent to the curriculum of said , and was competent to practice physic and surgery.

Sworn to before me, this }
day of }

SCHEDULE D.

To whom it may concern: Know ye, that on the day of A. B., having first subscribed and verified an affidavit in the form of schedule C of chapter of the laws of eighteen hundred and eighty-seven, made an entry in the register of physicians and surgeons, kept in the office of the clerk of county, of which entry I certify the following to be a transcript:

NAME.	Birthplace.	Residence.	Date, source and character of license or diploma.	Indorsed by what faculty.	Remarks.
-------	-------------	------------	---	---------------------------	----------

In witness whereof I have set my hand and official seal this day of

Clerk of county.

[SEAL.]

§ 11. This act shall take effect immediately.

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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W. A. Barrington

R. C. Shannon

Officers of
Barrington & Shannon,
Counsellors at Law,
63 Wall Street.

People
v
Wilcott

New York, June 23 1892

Robert Townsend E.
Asst Dist Atty

Dear Sir: I did not receive your letter asking me to see you in the case at 10 ³⁰ in season to comply with your request. I cannot, however, add to what I have written - originally the case was clear. Now the chief witness is dead. The case was held on demurrer an absurdly long time, & then not brought to trial. It is now stale, & I make it a rule not to ask trials in these cases where a conviction does not seem assured. Moreover I am told by defts counsel that he has quit his unlawful practice which is the object aimed at. I think it wise to dismiss the indictment. Very yours
W. A. Barrington

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W. A. Burrington.

R. C. Shannon.

Offices of
Burrington & Shannon,
Counsellors at Law,
63 Wall Street.

New York: October 10 1887

Randolph B. Martine Esq
District Attorney.

Dear Sir,

The annual meeting of the Medical Society takes place on next Monday and I wish to report the Calendar of General Sessions as clear as possible. I do not suppose that the Commission has returned in Marini's case but Wolcott's is ready I presume, Would it be possible to set it down for Thursday

Very truly yours

This can be done. Do you wish it?

W. A. Burrington

Counsel Med Soc Comy
RCS

ADP Yes
To Mr. Martine. Oct 15/87 RBM

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Pine Hill N.Y Aug 6th/87

I hereby authorize my
Attorney Mr A E Aubrey
to appear in Court for me
and plead or demur to the
indictment found against
me and filed July 15th 1887
for unlawfully practicing
Medicine

R L Wolcott

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W. A. Harrington.

W. C. Shannon.

Officers of
Harrington & Shannon,
Counselors at Law,
63 Wall Street,

People
vs
Wolcott }

New York: Oct 27 1887

R. B. Martine Esq
District Attorney

Sir: I learn that a demurrer is filed in this case on the ground that Ch. 647 L. 1887 repeals Ch. 513 L. 1880 under which the indictment is found.

I venture to call attention to this language in § 5 of the former act - provides that nothing in this section shall be construed to prohibit or suspend any prosecution for non registration under said section instituted prior to said first day of October 1887. Which taken with the general prohibition of Section 1 of said act of 1887 makes it clear that the act was not intended to prevent any prosecutions under the medical law instituted prior to that date. The principal witness is due to see to attend trial tomorrow. He may be present, however,

Very truly Yours

W. A. Harrington

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The People

vs

Volcott

Manufacturing
Company

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©
Officer J. J. 11. 1887.
Indictment
July, 1887.

See report
June 22, 1887.

See Sec 356 V.C.

1st Count Charges
as if under a
law repealed

2nd Count Law also
repealed.

See Sec. 2, 1887.

Chap 513

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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. 647.

AN ACT to regulate the licensing and registration of physicians and surgeons, and to codify the medical laws of the State of New York.

PASSED June 23, 1887; three-fifths being present.

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

SECTION 1. No person shall practice physic or surgery in this State who shall not have attained the age of twenty-one years; and no person shall practice as aforesaid unless he or she shall be, at the time this act shall take effect, a person lawfully engaged in such practice in this State under license or authority conferred by its laws then in force, and lawfully registered pursuant to chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, or unless he or she shall be licensed or authorized so to practice by the provisions of this act, and registered as herein prescribed.

§ 2. From and after the date of the taking effect of this act, no person not theretofore licensed or authorized to practice physic or surgery in this State shall be deemed so licensed or authorized except one of the three following classes:

First. All who shall have been graduated from an incorporated medical school or college in this State with the degree of doctor of medicine, after substantial compliance with all the requirements of the general laws and of the charter of said corporation regulating the term and amount of study, attendance and attainment requisite to obtain said degree; provided that no person shall receive the degree of doctor of medicine, or be licensed to practice physic or surgery in this State, unless after the age of eighteen he shall have pursued the study of medical science for at least three years in a chartered medical school or with some physician and surgeon duly authorized by law to practice physic or surgery; and shall have attended two complete courses of lectures in some legally incorporated medical school or college, in good standing at the time of such attendance, prior to the granting to him or her a diploma or license; provided, further, that two courses of lectures, both of which shall be either begun or completed within the same calendar year, shall not satisfy the above requirement.

Second. All who have received said degree from the Regents of the University of the State of New York after substantial compliance with the legal requisites preliminary to its attainment, and after examination by a legally constituted board of medical examiners of this State.

Third. All who, having been graduated from incorporated medical schools or colleges without the State as doctors of medicine, or licensed to practice physic or surgery under the laws of those European countries in which said degree does not confer the right so to practice, shall procure their diplomas from said corporations, or their licenses from such countries, to be indorsed by the faculty of an incorporated medical

school or college within this State, or by the Regents of the University on the recommendation of a legally constituted board of medical examiners of this State. Every such indorsement shall be in form of schedule A or of schedule B provided by the tenth section of this act. Every corporation or board so indorsing, shall keep a record of their indorsements, and may require applicants to verify their statements under oath; any indorsement made with fraudulent intent, or gross carelessness or ignorance, shall be deemed a misdemeanor and shall subject the indorser or indorsers, upon conviction thereof, to a fine of two hundred and fifty dollars.

§ 3. Every person who, at the time this act shall take effect, shall be practicing lawfully physic or surgery in this State, under the authority and license conferred by the laws then in force, but who shall not be then duly registered in the county where he or she practices; and every person who shall thereafter become lawfully authorized or licensed to practice physic or surgery in this State, shall register in a book to be kept in the clerk's office of the county in which such practice is carried on, his or her name, residence, place and date of birth, and authority for practicing as aforesaid. Every person who shall apply to register as a physician or surgeon shall be required, before registration, to subscribe and verify by oath or affirmation, before a person qualified to administer oaths in this State, an affidavit which shall be filed and preserved in a bound volume. This affidavit shall be in the form prescribed in schedule C, provided by the tenth section of this act. Every person registering as aforesaid shall exhibit to the county clerk his or her diploma or license, or in case of loss, a copy of either, legally certified as are copies of documents admitted in evidence, or a duly attested transcript of the record of its conferment from the body conferring it, upon which the said clerk shall indorse, or stamp his name, and the words "Presented and registered as authority to practice physic and surgery by _____, on the _____ day of _____, in the clerk's office of _____ county." The said clerk shall also give to every registered physician or surgeon a certificate in the form of schedule D, provided by the tenth section of this act. For all of his said services the county clerk shall receive as a total fee for registration, affidavit and certificate the sum of one dollar. It is provided, however, that nothing in this act shall require any physician or surgeon who shall have duly registered lawful authority to practice as such, conformably to the provisions of chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, to register again under the provisions of this act, in any county where he or she shall have registered already.

§ 4. A practicing physician or surgeon having registered lawful authority to practice physic or surgery in one county, who shall remove his practice or part thereof to or regularly engage in practice or open an office in another county, shall exhibit in person to the clerk of such other county, or shall send to him through the mail by registered letter, his certificate of registration, and if such certificate shows lawful authority to have been registered said clerk thereupon shall register said applicant in said latter county, on receipt of a fee of twenty-five cents. The clerk shall stamp or indorse upon such certificate the words "Registered also in _____ county, and return the same and every certificate and indorsement made pursuant to the provisions of this act shall be prima facie evidence in any legal proceeding that the person

named has registered in the office issuing the same, the authority stated in the transcript.

§ 5. Every person now licensed to practice physic or surgery in this State under the laws thereof in force at the time of the conferment of such license, unless he or she already shall have registered his or her name, residence, place of birth and authority so to practice pursuant to the provisions of section two of chapter five hundred and thirteen of the laws of eighteen hundred and eighty, and the acts amendatory thereof, shall comply with the requirements of said chapter on or before the first day of October, eighteen hundred and eighty-seven; and thereafter no person shall be entitled to register any authority to practice physic or surgery, except the license conferred under this act, and the laws enacted hereafter, and no registration shall be considered valid as such unless the authority registered constituted at the time of registration a license under the laws of this State then in force; provided that nothing in this section shall be construed to prohibit or suspend any prosecution for non-registration under said section instituted prior to said first day of October, eighteen hundred and eighty-seven, and further provided, that no diploma or license conferred upon a person not actually in attendance at the lectures, instruction and examination of the corporation conferring the same, or not possessed at the time of its conferment of the requirements then demanded of medical students in this State as a condition of their becoming licensed so to practice, shall be deemed lawful authority to practice physic and surgery in this State.

§ 6. No person shall be licensed or permitted to practice physic or surgery in this State who has been convicted of a felony by any court of competent jurisdiction; and if any person who is or hereafter shall be duly licensed to practice physic or surgery in this State, shall be convicted of a felony, as aforesaid, his or her license to so practice, if any, shall be revoked by the fact of such conviction having been had. Any person who shall willfully swear falsely to any statement contained in any affidavit made pursuant to the provisions of this act shall be deemed guilty of a felony, and subject to conviction and punishment for perjury; any person who falsely and without authority shall counterfeit, make or alter any diploma, certificate or instrument constituting a license to practice physic or surgery within this State, or any certificate or indorsement given in pursuance of this act shall be deemed guilty of a felony, and be subject to conviction and punishment for forgery in the second degree; any person who shall practice physic or surgery under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be deemed guilty of a felony, and shall be subject to conviction and punishment for false personation; and any person guilty of violating any of the other provisions of this act, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining thereof, or who shall practice physic or surgery in this State under cover of a diploma or license that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations, or mistake of fact in material regard, or who, after conviction of a felony, as aforesaid, shall attempt to practice physic or surgery in this State, and any person who shall assume the title of doctor of medicine, or append the letters

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"M. D." to his or her name, without having received the degree of doctor of medicine from some school, college or board empowered by law to confer said degree or title, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or imprisonment for six months for the first offense, and upon conviction of a subsequent offense, by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment. Any person who, not being then lawfully authorized to practice physic or surgery in this State and so registered according to law, shall practice on or after the first day of October, eighteen hundred and eighty-seven, physic or surgery within this State without the license and registration provided for in this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars for the first offense, and for each subsequent offense by a fine of not less than one hundred dollars, or by imprisonment for not less than one hundred days, or by both fine and imprisonment. When any prosecution under this act is made on the complaint of a lawfully incorporated medical society of this State, or a county society entitled to representation in a State society or association, the fines when collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical law of this State, shall be paid at the end of the year to the county treasurer, for the use of the poor of said county.

§ 7. The duly incorporated medical societies of any county in which any person shall practice physic or surgery without lawful authority or registration may, upon proof of such practice, recover from such practitioner, in an action before any justice of the peace, a penalty of twenty-five dollars and the cost of the action for the first judgment, and upon every subsequent judgment for the same offense a penalty of fifty dollars and the cost of the action; provided that said societies shall pay to the county treasurer for the use of the poor of said county any surplus that may accrue in their hands from the excess of fines and penalties collected over the disbursements of said society for counsel fees and the expenses incidents to the enforcement of this act by them.

§ 8. Nothing in this act shall be construed to punish commissioned medical officers serving in the army or navy of the United States, or in the United States marine hospital service, while so commissioned, or any one while actually serving as a member of the resident medical staff of any legally incorporated hospital, or any legally qualified and registered dentist exclusively engaged in practicing the art of dentistry, or interfere with manufacturers of artificial eyes, limbs or orthopedical instruments or trusses of any kind from fitting such instruments on persons in need thereof; or any lawfully qualified physicians and surgeons residing in other States or countries meeting registered physicians and surgeons of this State in consultation, or any physician or surgeon residing on the border of a neighboring State, and duly authorized under the laws thereof to practice physic or surgery therein, whose practice extends into the limits of this State; providing that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of the State of New York; or physicians duly registered in one county of this State, called to attend isolated

cases in another county, but not residing or habitually practicing therein.

§ 9. The following acts and parts of acts are hereby expressly repealed, to wit: Sections eight to twenty-two inclusive of title seven of chapter fourteen of part one of the Revised Statutes; also all of chapter one hundred and thirty-eight of the laws of eighteen hundred and six, that provided for the examination and admission of medical students to practice, and for penalties for practicing physic and surgery without a diploma or other lawful authority; also section or paragraph fifth of chapter one hundred and four of the laws of eighteen hundred and seven; also sections nine, ten, eighteen and all of section eleven following and including the words "whose duty" of chapter ninety-four of the laws of eighteen hundred and thirteen; also sections one, two, four, and all of section three following and including the words "any three" of chapter two hundred and six of the laws of eighteen hundred and eighteen; also section two of chapter two hundred and thirty-seven of the laws of eighteen hundred and nineteen; also chapter one hundred and twenty-six of the laws of eighteen hundred and thirty; also sections one, two and four of chapter five hundred and thirty-two of the laws of eighteen hundred and thirty-six; also chapter sixty-four of the laws of eighteen hundred and forty-one; also chapter two hundred and seventy-five of the laws of eighteen hundred and forty-four; also chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-four; also chapter five hundred and thirteen of the laws of eighteen hundred and eighty; also chapter one hundred and eighty-six of the laws of eighteen hundred and eighty-one; also chapters four hundred and eleven and four hundred and forty-five of the laws of eighteen hundred and eighty-four; also section three hundred and fifty-six of the Penal Code. And also all acts or parts of acts authorizing any incorporated school or college to confer the degree of doctor of medicine causa honoris or ad eundem, or otherwise, than upon duly graduated students in course; and all other acts or parts of acts inconsistent with this act are hereby repealed. And it is provided that the degree of doctor of medicine conferred causa honoris or ad eundem gradum, shall not be a qualification for the practice of physic and surgery in this State. And, whereas it is the purpose of this act to codify the statutory provisions of this State regulating the admission of individuals to the practice of physic and surgery, and the punishment of those practicing either physic or surgery without authority. It is further provided that the specific repeal herein of any portion of an act that may have been heretofore repealed, expressly or by implication, shall not be construed to revive the remaining part thereof.

§ 10. Section ten shall embrace the following schedules, namely A, B, C and D.

SCHEDULE A.

To all whom it may concern, greeting:

A. B., having on the day of eighteen hundred and , presented to the faculty of , a diploma purporting to have been issued on the day of , to said A. B., conferring on the degree of doctor of medicine, and it being made certain to us by inquiry and examination, that the said , at the date of said diploma, was a medical college or school, duly incorporated, in good standing and authorized to confer the degree of doctor of medicine, and also that

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the said A. B. is the identical person upon whom the said diploma was conferred, and is also a person of good moral character, who has pursued a course of study equivalent to that required of a doctor of medicine by said faculty, and is sufficiently well versed in the knowledge of physic and surgery to qualify to practice the same.

Now, therefore, the said faculty have caused this indorsement and the seal of the said to be placed upon said diploma.

(Signed) by the dean or proper officer.

[SEAL.]

SCHEDULE B.

To all whom it may concern, greeting:

A. B., having on the day of presented to the faculty of a license purporting to have been issued to said, as authority to practice physic and surgery in all branches; and it being made certain to us by inquiry and examination that A. B. is the identical person on whom the license was conferred; that it is not necessary in the country in which it was conferred, that a licensed practitioner of physic and surgery should have the degree of doctor of medicine, and that a license in form and substance such as the one hereby indorsed is the usual and sufficient authority to practice physic or surgery therein; and further, that said A. B. is a person of good moral character, who has pursued a course of study equivalent to that required of a doctor of medicine by our faculty, and is sufficiently versed in the knowledge of physic and surgery to practice the same.

Now, therefore, the said faculty have caused this indorsement and the seal of the said to be placed upon said license.

(Signed) by the dean or proper officer.

[SEAL.]

SCHEDULE C.

STATE OF NEW YORK, } ss.:

COUNTY OF being duly sworn says that h name is ; that was born in on the day of , in the year ; that now resides at number street, in the city of ; and intends to practice physic and surgery in the county of ; that h authority so to practice is a license (or diploma), conferred upon h , on the day of , in the year , by , a duly incorporated medical school (or college), or a legally constituted board of medical examiners of the State of New York, authorized at the date of conferring said to confer the same, and being then in good standing; (or in case of a European license, describe the source thereof, and the authority under which it was conferred). Affiant further says that is the person named in the said , and had, before receiving the same, fully and substantially complied with the requisites as to attendance, terms and amount of study and examinations required by the laws of the State and the charter and regulations of said as preliminary and necessary to the conferment thereof. Affiant further says that no money was paid by for said except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one, or occurred, in order that said should be conferred on affiant. (Where indorsement has been made of a license or diploma granted without the State, this additional clause shall be verified.)

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And affiant further says that the said diploma or license was indorsed on the day , eighteen hundred and , by the faculty of , upon satisfactory proof by affiant of all the facts hereinabove recited, and that had followed a course of study equivalent to the curriculum of said , and was competent to practice physic and surgery.

Sworn to before me, this }
day of }

SCHEDULE D.

To whom it may concern: Know ye, that on the day of A. B., having first subscribed and verified an affidavit in the form of schedule C of chapter of the laws of eighteen hundred and eighty-seven, made an entry in the register of physicians and surgeons, kept in the office of the clerk of county, of which entry I certify the following to be a transcript:

NAME.	Birthplace.	Residence.	Date, source and character of license or diploma.	Indorsed by what faculty.	Remarks.
-------	-------------	------------	---	---------------------------	----------

In witness whereof I have set my hand and official seal this day of

[SEAL.]

Clerk of county.

§ 11. This act shall take effect immediately.

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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Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Sydney White a Police Justice
of the City of New York, charging Royal R. Walcott Defendant with
the offence of Illegal Practice of Medicine

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned,

We, Royal R. Walcott Defendant of No. 403
Canal Street; by occupation a Practitioner of Medicine
and Sidney C. Thompson of No. 125 Nassau
Street, by occupation a Publisher Surety, hereby jointly and severally undertake that
the above named Royal R. Walcott Defendant
shall personally appear before the said Justice, at the District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 20
day of June 1888
S. J. White POLICE JUSTICE.

R. L. Wolcott

Sidney C. Thompson

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CITY AND COUNTY OF NEW YORK, ss.

Sworn to before me, this 20th day of June, 1888, at New York, N.Y.
District Police Justice

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and lot

of ground situated on the south east corner of Hobbes street and Main Avenue in New York City - of the full value of Six Hundred Dollars

Sidney C Thompson

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the examination.

188

day of

Taken the

Justice.

0572

Sec. 151.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by The Medical Society of the County of New York by W.A.
No. Remington their Counsel of No 63 Wall or about 11
1887 at the City of New York, in the County of New York, Street, that on the 11 day of June

R.L. Wolcott practiced medicine in said County
without lawful authority, or due registration of lawful
authority in the Office of the County of said County -
Contrary to the provisions of Chap. 513 Laws 1880
Chap. 411 Laws 1884 and § 356 Penal Code

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 Police, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the First 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 15th day of June 1887

John B. Smith
POLICE JUSTICE.

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Police Court *First* District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF
*The Medical Society of the
County of New York by their
Counsel W. A. Cunningham*

vs.

*R. L. Wolcott
Agent The Cure Company
or Free Cure Company
403, Sixth ave. N.Y.*

Warrant-General.

Dated *June 15* 188*7*
Smith Magistrate

Walsh Officer.

The Defendant *Royal L. Wolcott*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Robert Walsh Officer.

Dated *June 20* 188*7*

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

*55 yrs
w
MS
Medicines*

188

*Mr
yes*

403-6-ave

Police Justice.

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.

The within named

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Police Court: } New York County.
First District: }

The People, on the complaint
of the Medical Society of the
County of New York.

against -
R. L. Wolcott

Illegal practice
of
Medicine.

Ch. 513. L. 1880

Ch 411 L. 1884

Penal Code § 356.

The Medical Society of the County of New York
complains that R. L. Wolcott —
is practicing medicine and surgery in the county
of New York, contrary to the provisions of the
statute in that said Wolcott
practices medicine and surgery without the authority
required by law and that having such authority
he has not registered the same in the office
of the Clerk of this county.

In support of this their complaint the
said Society submit the following affidavits

W. A. Cunningham
Council of the Medical Society
of the County of New York.

City and County }
of New York } ss.

Dillon Inwood being

duly sworn says that he resides at number 504 West 125th Street in said City, that on or about the 11th day of June 1884 he visited the office of R. L. Wolcott alias the New Cure or Free Cure Company, at number 403 Sixth Avenue in said City. That deponent consulted the said Wolcott as a physician in reference to the disease from which the deponent was suffering and that the said Wolcott did then and there make a medical examination of deponent's physical condition and presented treatment and remedies for the cure and alleviation of the disease from which deponent was suffering. And deponent further states that the said Wolcott demanded and received ^{compensation} for such medical treatment and remedies.

Deponent further states that he, deponent, is the agent of the Medical Society of the County of New York, that deponent in such capacity has made a careful examination of the books kept by law in the office of the Clerk of said County for the recording of physicians and surgeons, for the name of said Wolcott but that up to the 14th day

0576

of June 1887. he sued; not find the
same —
Sum to before
me this 15th day of June 1887 } Nelson Sumo
Solon Summit
Police Justice

0577

Price

The People
of Washington
County

R. L. W. Lee

0578

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK. } ss.

Royal L. Wolcott 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.

Royal L. Wolcott

Question. How old are you?

Answer.

55 years

Question. Where were you born?

Answer,

Ill.

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

Answer.

413. 6th Ave. 10 weeks

Question. What is your business or profession?

Answer,

Patent Medicines

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

R L Wolcott

Taken before me this

day of

1884

Police Justice.

0579

BAILED,
No. 1, by Henry C. Thompson
Residence 132 Madison Street.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____
Street.

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Thompson
Police Officer
Charles H. Walker
Officer of the Court

Dated June 27 188

Magistrate

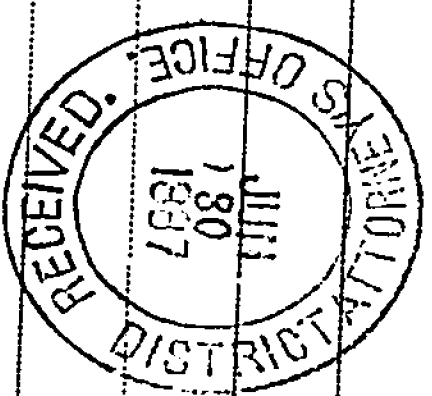
Officer

Precinct

Witnesses

No. _____ Street.

No. _____ Street.



No. _____ Street.

\$500 to answer

June 27/230

Charles

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

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

Dated June 27 188 A. J. Smith Police Justice.

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

Dated June 27 188 A. J. Smith 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.

0580

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

Rough E. W. Smith

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

Rough E. W. Smith —

(Sec. 856
Penal Code)

of a MISDEMEANOR, committed as follows :

The said

Rough E. W. Smith,

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *June*, — in the year of our Lord one thousand eight hundred and
eighty-*seven*, at the City and County aforesaid, without being authorized by a license
or diploma from any chartered school, State board of medical examiners, or medical society,
did unlawfully practice medicine, and did then and there, without being so authorized as
as aforesaid, unlawfully examine, treat and prescribe for one

William Smith, —

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

SECOND COUNT (Chap. 513, Laws of 1880, § 1).

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

Rough E. W. Smith —

of a Misdemeanor, committed as follows :

The said

Rough E. W. Smith,

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 practice physic, without being lawfully
authorized so to do, and without such lawful authority, did then and there unlawfully
examine, treat and prescribe for one *William Smith,* —

as a physician, 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.

0581

THIRD COUNT (Laws of 1880, Chap. 513, § 2).

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

Raugh E. Wadsworth —

of a Misdemeanor, committed as follows:

The said

Raugh E. Wadsworth,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, being then and there a person duly authorized to practice physic, did unlawfully practice physic without having first registered in the Clerks office of the said County, in the manner and form required by law, his name, residence and place of birth, together with his authority to practice physic, and did then and there, without having so registered as aforesaid, unlawfully examine, treat and prescribe for one

William Swine —

as a physician, 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.

0582

BOX:

270

FOLDER:

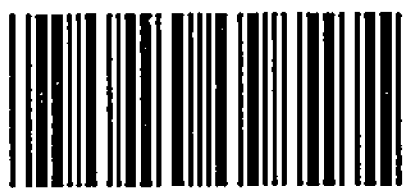
2597

DESCRIPTION:

Wolf, Adam

DATE:

07/12/87



2597

POOR QUALITY
ORIGINAL

0503

Witnesses:

It appearing by the within affidavits
that it is impossible to secure the at-
tendance of Christian Gull-
a material and necessary witness for
the People and without whose evidence
a conviction cannot be had. I there-
fore respectfully recommended that the

defendant herein Adam
Wolf be
discharged on his own recognizance.

N. Y., Aug. 1887
James F. T. [unclear]
District Attorney.

Counsel,
Filed 12th July 1887
Pleads Not guilty

THE PEOPLE
vs.
Adam Wolf
Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.
Aug 16/87
Read by the clerk in his
A True Bill.
Edmund [unclear]
Foreman.

POOR QUALITY
ORIGINAL

0584

Witnesses :

It appearing by the witness affidavits
that it is impossible to secure the at-
tendance of Christian Gull-
a material and necessary witness for
the People and without whose evidence
a conviction cannot be had there-
fore respectfully requested that the
defendant Adam
Wolf be
discharged as his own negligence.

N. Y. Aug. 1887

Randolph B. Martine
District Attorney

Counsel,

Filed day of

Pleads

1887

THE PEOPLE

vs.

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

Adam Wolf

RANDOLPH B. MARTINE,

District Attorney.

Aug 16th
Ordered by the Court to his
A True Bill.

Charles D. Murphy
Foreman.

POOR QUALITY
ORIGINAL

0585

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

affidavit wanted

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace

The People of the State of New York.

To *Christian Gullb*

of No. *50 Essex or 31 Chrystie* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *19* day of *August* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Adam Wolf

in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *August* in the year of our Lord 1887

RANDOLPH B. MARTINE, District Attorney.

*Boarding-master
has the car
ride when he will
be back*

POOR QUALITY
ORIGINAL

0586

Court of General Sessions.

THE PEOPLE

vs.
Wolf

City of New York, ss.:

d says: I reside at No.

James H. Driscoll
being duly
29 City Hall Place

~~Street~~, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *10th* day of *August* 188*7*, I called at *No. 50 Essex Street*

the alleged residence of *Christian Gullb*

the complainant herein, to serve him with the annexed subpoena, and was informed by *the saloon keeper that John Martin* who formerly kept a boarding house at that place and with whom said Gullb boards had moved to No. 31 Chrystie Street and that said Gullb had moved with him. I then called at No. 31 Chrystie Street and was informed by John Martin that said Gullb had left about 3 weeks ago and shipped on a vessel to go to Washington - That he has not heard from him since and does not know when he will return, he thought he might return in about 6 weeks.

Sworn to before me, this *11th* day
of *August*, 188*7*

Andolph L. Schauf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

James H. Driscoll
Subpoena Server.

POOR QUALITY
ORIGINAL

0587

Court of General Sessions.

THE PEOPLE, on the Complaint of

Christian Gullb

vs.

Adam Wolf

Offense :

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

James H. Driscoll

Subpoena Server.

Failure to Find Witness.

POOR QUALITY
ORIGINAL

0588

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PART.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court's Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *Christian Gullb*
of No. *50 Essex or 31 Chrystie* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *12* day of *August* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Adam Wolf
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *August* in the year of our Lord 1887

RANDOLPH B. MARTINE, *District Attorney.*

0589

CORRECTION

GLUED PAGE

POOR QUALITY
ORIGINAL

0590

Court of General Sessions.

THE PEOPLE

vs.
Wolf

City of New York, ss.

d says: I reside at No.

James H. Driscoll
being duly
29 City Hall Place

~~Street~~, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *10th* day of *August* 188*7*, I called at *No. 50 Essex Street*

the alleged residence of *Christian Gullb*

the complainant herein, to serve him with the annexed subpoena, and was informed by *the saloon keeper that John Martin* who formerly kept a boarding house at that place and with whom said Gullb boarded had moved to No. 31 Chrystie Street and that said Gullb had moved with him. I then called at No. 31 Chrystie Street and was informed by John Martin that said Gullb had left about 3 weeks ago and shipped on a vessel to go to Washington - That he has not heard from him since and does not know when he will return, he thought he might return in about 6 weeks.

Sworn to before me, this *11th* day
of *August*, 188*7*

Andolph L. Schaaf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

James H. Driscoll
Subpoena Server.

POOR QUALITY
ORIGINAL

0591

Court of General Sessions.

THE PEOPLE, on the Complaint of
Christian Lull

vs.

Adam Wolf

Offense :

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

James H. Driscoll
Subpoena Server.

Failure to Find Witness.

POOR QUALITY
ORIGINAL

0592

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PART.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court's Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *Christian Guleb*
of No. *50 Essex or 31 Chrystie* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *12* day of *August* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Adam Wolf
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *August* in the year of our Lord 1887

RANDOLPH B. MARTINE, *District Attorney.*

GLUED PAGE

POOR QUALITY
ORIGINAL

0593

Court of General Sessions.

THE PEOPLE

vs.

Wm Wolf

County of New York, ss.:

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

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

being duly sworn, deposes and says he
Subpoena, of which the within is a copy, upon

, 188, by on the day of

sworn, deposes and says: I am a Police Officer attached to the *Sanitary Squad* being duly sworn,
in the City of New York. On the *11th* day of *August* 188,
I called at *no. 50 Essex Street*

the alleged *residence* of *Christian Gullb*

the complainant herein, to serve him with the annexed subpoena, and was informed by one of the tenants that said Gullb has not been there in some time, he formerly resided there. I then called at *No. 31 Chrystie Street* and was there informed that said Gullb does not reside there and is not known to either of the person residing there.

Jacob Wicke

Sworn to before me, this *12* day

of *August*, 188

Rudolph L. Schauf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

POOR QUALITY
ORIGINAL

0594

Court of General Sessions.

THE PEOPLE, on the Complaint of

Christian Gubb

vs.

Adam Wolf

Offense:

RANDOLPH B. MARTINE,

District Attorney.

Affidavit of Police Officer

Jacob Mike

Sanitary Precinct.

Failure to Find Witness.

POOR QUALITY
ORIGINAL

0595

Police Court—34 District.

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

of No. 57 6 32 27 Street, aged 24 years,
occupation Barber being duly sworn
deposes and says, that on 5 day of July 1887 at the City of New
York, in the County of New York,
he was violently and feloniously ASSAULTED and BEATEN by

Adam Wolf (now here),
who wilfully and feloniously
struck and pressed a violent
blow on the head with a
steel razor which the
deponent then and there
held in his hand.

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and dealt with according to law.

Sworn to before me, this 6 day
of July 1887

Christian Gullb.

Solomon B. Smith
Police Justice

POOR QUALITY
ORIGINAL

0596

Sec. 198-200.

34 District Police Court.

CITY AND COUNTY {
OF NEW YORK, } ss

Adam Wolf being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is h ~~is~~ right to
make a statement in relation to the charge against h ~~is~~ me; that the statement is designed to
enable h ~~is~~ me if he see fit to answer the charge and explain the facts alleged against h ~~is~~ me
that he is at liberty to waive making a statement, and that h ~~is~~ no waiver cannot be used
against h ~~is~~ me on the trial.

Question What is your name?

Answer

Adam Wolf

Question. How old are you?

Answer

22 years

Question. Where were you born?

Answer.

Germany

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

Answer.

100 Kensington Street for several years

Question What is your business or profession?

Answer

Booker

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

Adam Wolf

Taken before me this 6
day of July 1938
James P. Justice
Police Justice.

POOR QUALITY
ORIGINAL

0597

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

1025
Police Court- 3^d District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
William B. Smith
vs. John Smith
150 East
Adams Street
2 _____
3 _____
4 _____
Offence Robbery
Dated July 6 188 _____
Magistrate John Smith
Officer William B. Smith
Precinct _____
Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
to answer July 9
\$ 1000
COM

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 1000 Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated July 6 1887 John B. Smith 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.

POOR QUALITY
ORIGINAL

0598

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

THE PEOPLE OF STATE OF NEW YORK,

against

Adam Wolff

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

Adam Wolff

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Adam Wolff*

late of the City of New York, in the County of New York aforesaid, on the
21st day of *July* in the year of our Lord
one thousand eight hundred and eighty ~~seven~~ with force and arms, at the City and
County aforesaid, in and upon the body of one *Christian Fyffe*,
in the peace of the said People then and there being, feloniously did make an assault,
and *him* the said *Christian Fyffe*,
with a certain *stung shot*
which the said *Adam Wolff*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon then and there wilfully and feloniously did ~~cut, stab~~ *stung* and wound,

with intent *him* the said *Christian Fyffe*,
thereby then and there feloniously and wilfully to kill, against the form of the statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT;

And the Grand Jury aforesaid, by this indictment, further accuse the said
Adam Wolff
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Adam Wolff*

late of the City and County aforesaid, afterwards, to wit: on the day and in the
year aforesaid, at the City and County aforesaid, with force and arms, in and
upon the body of the said *Christian Fyffe*
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault, and *him* the said

Christian Fyffe
with a certain *stung shot*
which the said *Adam Wolff*

in *his* right hand then and there had and held, the same being
an instrument and weapon likely to produce grievous bodily harm, then and there
feloniously did wilfully and wrongfully ~~cut, stab~~ *stung* and wound, 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.

Samuel J. Beardslee

District Attorney.

0599

BOX:

270

FOLDER:

2597

DESCRIPTION:

Wolff, Sarah

DATE:

07/15/87



2597

0600

BOX:

270

FOLDER:

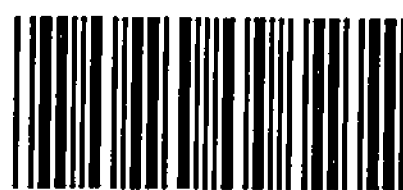
2597

DESCRIPTION:

Schoolherr, Louis

DATE:

07/15/87



2597

For the reasons stated in
annexed report of Asst
Dist. Atty. I recommend I re-
commended that within
indictment be dismissed
that Bail be discharged.
Dec 16, 1887
Randolph S. Martine
Dist. Atty.

September 16 1892

On the within
report and the above
recommendation of
recommendation about this
industrialist he discussed

Delaney McColl
District of the

Filed, *20* day of *July*, 188*7*
 Pleads, *Not Guilty - C. P. D.*

vs.

Sarah Wolff



Louis Schoeller

RANDOLPH B. MARTINE

District Attorney.

A True Bill.

Ernst von Kautsky

Black Box
Hollywood
L.A. 20
Sept 19/92
(Car and 4 samples)

**POOR QUALITY
ORIGINAL**

0601

Court of General Sessions of the Peace,
In the matter of the
People

Sarah Walff and
Louis Schoolherr.

Be it known that
We, Sarah Walff and Louis
Schoolherr, have each of
us individually made,
constituted and appointed
and by these presents do
hereby each for ourselves
make, constitute, and
appoint, Jurmenstiel and
Hirsch, attorneys and coun-
sellors at law, our true
and lawful attorneys for
each of us and in our name
place and stead to appear
and plead for each of us
in the above entitled
matter giving and granting
unto them in each of
them full power and auth-
ority to do & perform
all and every act & thing

POOR QUALITY
ORIGINAL

0603

whatsome requisite ^{and} necessary
to be done in ^{and} about the pre-
mises, as fully to all in-
tents ^{and} purposes as we
might or could do if person-
ally present ^{and} appearing
for ourselves, with full
power of substitution ^{and} re-
vocation, hereby ratifying
^{and} confirming all that the
said Blumenthal & Kisch or
their substitutes shall
lawfully do or cause to be
done by virtue hereof.

In Witness whereof
we have hereunto set
our hands ^{and} seals the
3rd day of September in
the year 1887

Sarah Wolff
Louis F. Kisch

Sealed & delivered in the presence of
Arthur Rothschild

City ^{and} County of New York ss.
Be it known, that on the
third day of September 1887
before me personally came

POOR QUALITY
ORIGINAL

0604

~~Ques~~ to me personally known and
known to me to be the
same persons described
in & who executed the
within power of attorney
and who severally acknowledge
to me that they execu-
ted the same for the
purposes therein men-
tioned.

On testifying whereof I have
therunto subscribed my
name & affixed my seal
the day & year last above
written.

Arthur Rothschilb
Commr of Deed
N.Y.

POOR QUALITY
ORIGINAL

0605

Court of General
Sessions of the Peace

The People

vs.

David Wolff
and Louis Schachter

Lawyer of Attorney

BLUMENSTIEL & HIRSCH,

Attorneys for

320 BROADWAY, N. Y. CITY.

BURGONE'S "QUICK" PRINT, 146-150 Centre St., N. Y.

POOR QUALITY
ORIGINAL

0606

Resolved that the Street Commissioner be and he is hereby directed to cause both side walks on ^{21st} Second Street, from the eighth to the eleventh Avenues, to be flagged ~~with~~ four feet wide with good flagging of that width.

This work is in the printing
Branches to Street Superintendent.

POOR QUALITY
ORIGINAL

0607

the

layer

Wm. H. L. L. L.
By Geo. L. L. L.

Board of Aldermen
July 28 (Sec
Rep to Council Road
St. John's
St.

Wm. H. L. L. L.
Specifications of road

Re: Road

POOR QUALITY
ORIGINAL

0600

Chas Lawrence -
17 Hubert St. or
51 Beach Street -

POOR QUALITY
ORIGINAL

0609

James I Stead
383 6th Ave

Margaret Carson
407 W 34

Mary Eadie
453 1st Ave

Kate Rich
550 W 43

John Kelly 22nd St

James A
Wm T Jenkins
Coroner's Office

Sister Catherine 407 W 34
St Mary Hospital

Off Wm Mc Gowan
22nd St

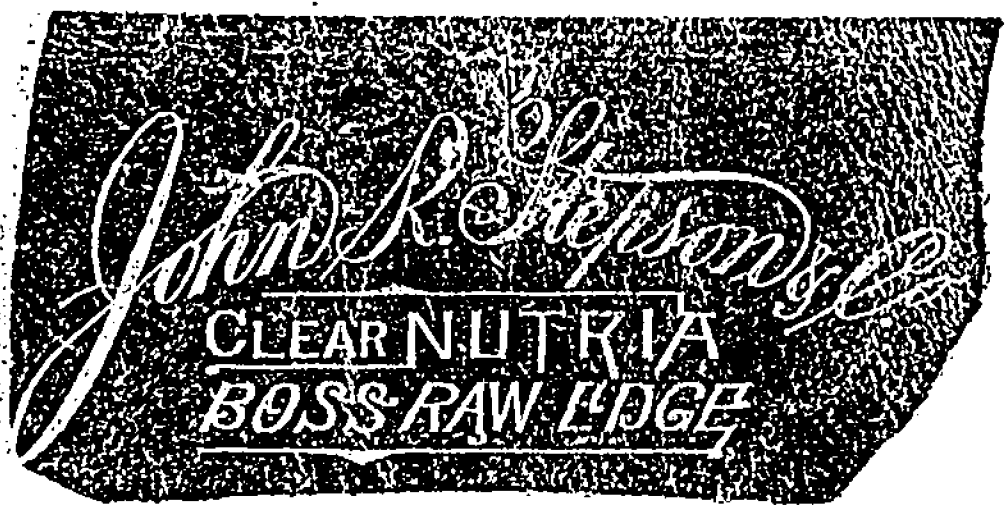
Henry E Stocking
100 E 23rd

06 10

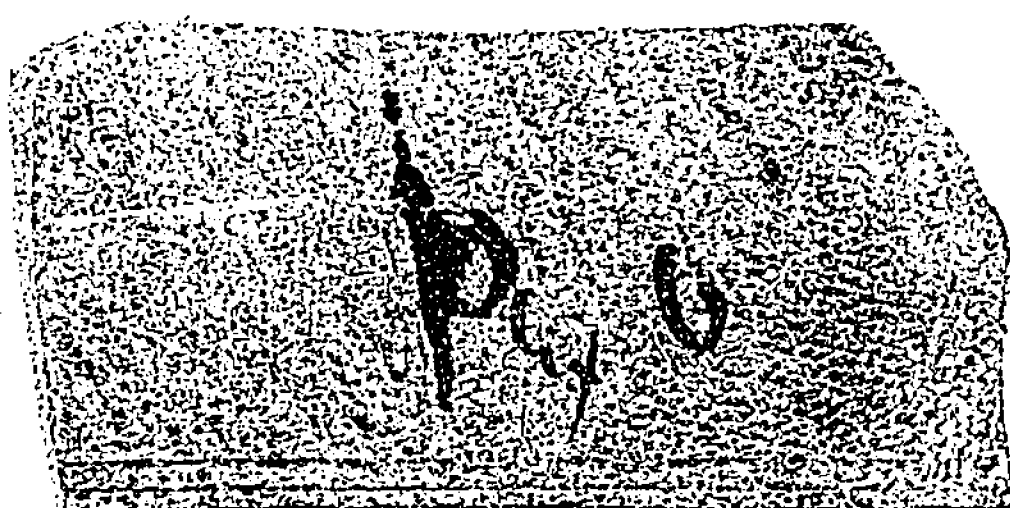
**TRADEMARKS
EMBOSSSED ON
LEATHER**

ILLEGIBLE MATERIAL

06 11



06 12



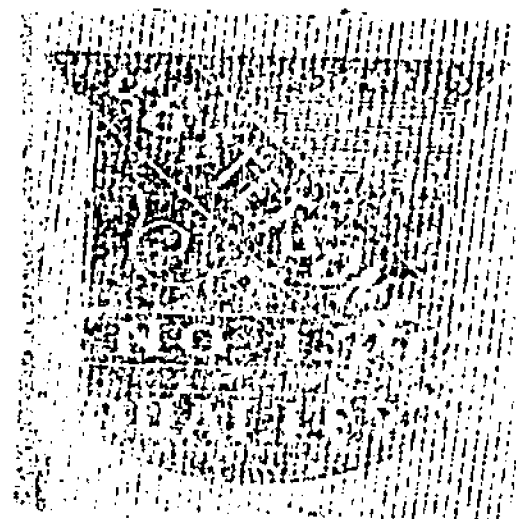
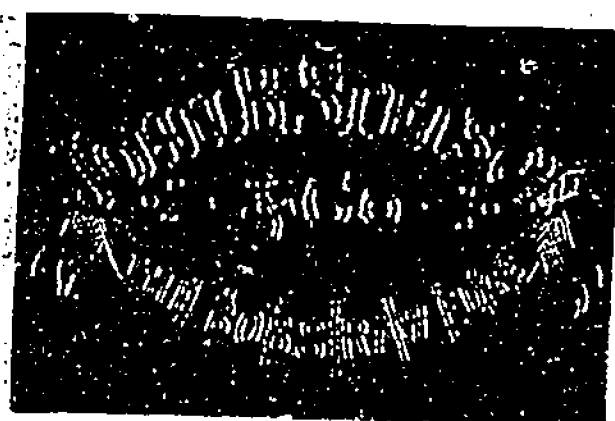
06 13



06 14

JHC . Del
Waco

06 15



06 16

District Attorney's Office,
City & County of
New York.

People

vs.

Sarah Wolf
et al.

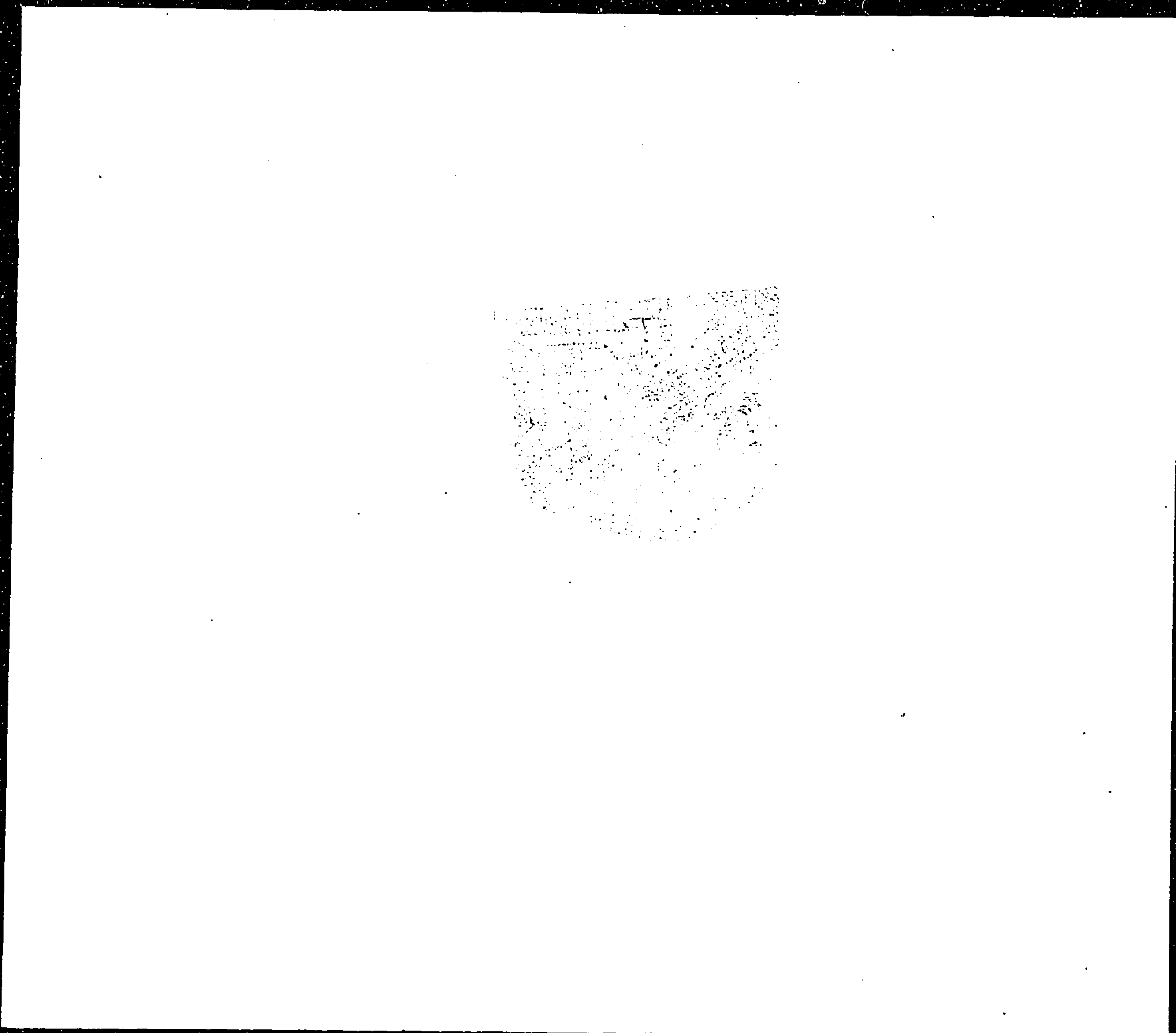
06 17

**TRADEMARKS
EMBOSSSED ON
LEATHER**

ILLEGIBLE MATERIAL

**POOR QUALITY
ORIGINAL**

06 18



POOR QUALITY
ORIGINAL

06 19

Sec. 568.

District Police Court.

UNDERTAKING TO ANSWER General Sessions.

CITY AND COUNTY
OF NEW YORK.

An order having been made on the

5th day of June 1887 by
a Police Justice of the City of New York. That

be held to answer upon a charge of

counterfeiting a Trade Mark

upon which She has been duly admitted to bail, in the sum of Four Hundred Dollars.

We, Sarah Wolff Defendant of No. 341 @ 72

Street; Occupation Married and

Phelps of No. 133 @ 62 Street

Occupation Bookkeeper Surety, hereby undertake jointly and severally,
that the above named Sarah Wolff shall appear and answer the charge, above-
mentioned, in whatever Court it may be prosecuted; and shall at all times render her self amenable to the orders
and process of the Court; and if convicted, shall appear for judgment, and render her self in execution thereof,
or if her fail to perform either of these conditions that we will pay to the People of the State of New York, the sum
of Four Hundred Dollars.

Taken and acknowledged before me, this 3
day of June 1887

[Signature]
POLICE JUSTICE.

Sarah Wolff
[Signature]

POOR QUALITY
ORIGINAL

0620

Sec. 508.

4 District Police Court.

UNDERTAKING TO ANSWER Sumner Sessions.

CITY AND COUNTY } ss.
OF NEW YORK,

An order having been made on the 3^d day of June 1887 by
William W. Park a Police Justice of the City of New York. That
Sarah Wolff be held to answer upon a charge of
Counterfeiting a Trade Mark

upon which she has been duly admitted to bail, in the sum of Five Hundred Dollars.

We, Sarah Wolff Defendant of No. 341 E 72
Phelps G. Gumprecht Street ; Occupation Married and
of No. 133 E 62 Street

Occupation Blanch Surety, hereby undertake jointly and severally,
that the above named Sarah Wolff shall appear and answer the charge, above
mentioned, in whatever Court it may be prosecuted : and shall at all times render h self amenable to the orders
and process of the Court ; and if convicted, shall appear for judgment, and render h self in execution thereof,
or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum
of Five Hundred Dollars.

Taken and acknowledged before me, this 3
day of June 1887 }
A. J. White POLICE JUSTICE.

Sarah Wolff
Phelps G. Gumprecht

POOR QUALITY
ORIGINAL

0621

CITY AND COUNTY }
OF NEW YORK, } ss,

Police Justice

Sworn to before me this

the within named Bail and Surety, being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth _____ Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of _____

Philip Gumprecht
number 133 East 67 Street
the full value of
Two thousand dollars
P. Gumprecht

New York _____ Sessions.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to Answer.

vs,

Taken the _____ day of _____ 188

Justice,

Filed _____ day of _____ 188

POOR QUALITY
ORIGINAL

0622

First Notice

Police Court

The People^{vs}
the complainant of
Henry H. Roelofs
against
Sarah Woolf^{vs}
Louis Schoedon

Charged with
Manufacturing a
Trade mark
Violated 1st 1884
Before Hon
Andrew J. White
Police Justice

Appearances

John H. Hull on the part of the people
Morris Smith for Defendants.
Mr. Smith,

Defendants Answer

I desire to move for
the dismissal of the complaint
on the ground that the information
does not contain any legal evidence
of the violation of the statute, the
affidavit is made by one Roelofs
who recites that the complainants
were the owners of the trade

POOR QUALITY
ORIGINAL

0623

...describes the trade marks and
their purposes, and also the style
of merchandise upon which the
trade mark is affixed, and also
the facts are mentioned to the de-
fendants

By the Court

Motion Denied

Remand Exception

Henry H. Rogers, the accompanying
witnesses being duly sworn depose
and say,

By the Court

Whether do you receive?
A Philadelphia

Whether is your answer?
A Has manufacturer

Examined upon his affidavit
by Mr. H. H. Rogers, defendant, Remand
of I now show you the affidavit upon
which the warrant was granted
in this matter and verified before
Justice White on the 24th of February

POOR QUALITY
ORIGINAL

0624

3.

any 1887, is that your signature?
Answer:

Q In this affidavit you stated that the
facts as to the insertion of the trade
is a trade mark of your firm
Answer:

Q And they are well known to the firm
of Woolf & Company, composed of
Sarah Woolf, W. Louis Debeauche
and doing business at 66 of Broadway
under the firm name of Woolf
& Company?

Answer:

Q Have you any personal knowledge
that the facts which you have stated
in this affidavit are known to either
of the parties that you have mentioned?
Answer:

Q What personal knowledge have you?
A Because they are selling those
goods at the time with the original
trade marks in them.

Q How long have you been selling
them?

POOR QUALITY
ORIGINAL

0625

4

A Ever since they were originated.
Q Did you mean Sarah Woolf one of
the members of that firm, and one
of the dependants?

Ans: Sir

Q Did you mean Louis Schoobert another
of the firm and another one of the
dependants now charged?

Ans: Sir

Q Did you ever see Mrs Woolf?

Ans: Sir

Q Did you ever see Mrs Schoobert?

Ans: Sir

Q Did you ever sell for any goods Sarah
Woolf?

Ans: Sir

Q Or Louis Schoobert?

Ans: Sir

Q When you don't mean the firm of
Woolf & Company, composed of
Sarah Woolf and Louis Schoobert
personally?

Ans: Sir

Q Has your firm ever sold them

POOR QUALITY
ORIGINAL

0626

any goods?
Answer

I now set apart from your business
transactions with them, with the
firm of Woolf & Company in
the sale of hats to them, to the
firm of Woolf & Company, have
you any knowledge of the fact
that either Mr Schooler or Mrs
Woolf had any personal knowledge
of the facts which you have sworn
to concerning your trade mark.
Trace here if from the source of their
obtaining goods from us. And by their
letters.

I leave you the question again, apart
from your business transactions
with them, in the sale of hats to
the firm of Woolf & Company have
you any personal knowledge of
the fact that either Mr Schooler
or Mrs Woolf, comprising the firm
of Woolf & Company had any
personal knowledge of the existence

POOR QUALITY
ORIGINAL

0627

6

after this trade union, which you
have sworn to in your affidavit
A well I take it I have got personal
knowledge, when they order goods
from us by their letters to us.
I apart from your personal business
transactions with them and their
purchase of goods from your
firm have you any personal
knowledge that either of them
knew of the existence of the trade
union concerning which you
have sworn to?

A I don't see how they could keep
knowing it

If you can answer that question.
which admits of an answer yes
or no?

By Mr. Hull

Representing the people.

A we will admit that from the
Mr. Brock

Depto. Council

I don't want your admission I

POOR QUALITY
ORIGINAL

0628

7

want him to answer my question
Mr. Hull

But we will admit
Mr. Hull

I don't want any admissions
I want his answer. We shall ask
the Court to instruct the witness to
answer my question.

By the Court

Answer the question.

Mr. Birch I will put it again.
Apart from your business transactions
with them in the case of hats
to the firm of Woolf & Company
have you any personal knowledge
of the fact that either Mrs. Schocker
or Mrs. Woolf comprising the firm
of Woolf & Company had any
personal knowledge of the exis-
tence of this trade mark which
you have sworn to in your affida-
vit?

A I have not.

What knowledge have you that in

**POOR QUALITY
ORIGINAL**

0629

8

the 2d day of February 1887 Mrs Woolf
or Mrs Schoultens, or the firm of
Woolf & Company composed of
Mrs Woolf & Mrs Schoultens offered
for sale and sold to one Caldwell
a lot of hats bearing a trade mark
which is an imitation of yours?
A we have the bill for the goods.

Q Have you any positive knowledge?
A we have the bill for the goods.

Q Have you any personal knowledge
that on the 2d day of February 1887
that the firm of Woolf & Company
composed of Mrs Woolf and Mrs
Schoultens offered for sale and
did sell to one Caldwell a lot
of hats bearing a trade mark
which is an imitation of yours
apart from the bill which you
speak of?

Answer,

Q You have sworn in the affidavit
made by you that on the 2d
day of February 1887 these

POOR QUALITY
ORIGINAL

0630

9

dependants said to me Townsend
lots?

Answer:

I have no knowledge how you of that?
A The possession of the lots, the goods
and the bill.

Where you present unless they were
purchased by Townsend?

Answer:

I put that information that was
imported to you by Townsend?

Answer: And the bill of the lots.

I will tell you that he bought the
Answer:

I have no further knowledge
of that, and the possession of the goods.

Answer:

If you have sworn positively in your
affidavit that on the 21 day of
February 1887 the dependants offered
for sale and did sell to one Townsend
lots
to which was affixed a false
trade mark, now sir apart from
whatever information was

POOR QUALITY
ORIGINAL

0631

10

imported to you by Comendore either
in the shape of a verbal communication
or by letter or bill, that he claims
to have purchased these goods from
the defendants, have you any other
information?

A. I have no other than the bill and
the purchase of the goods.

Q. And that is true of all the merchan-
dise which you claim and state
in your affidavit was sold by
the defendants with these false
statements?

A. Yes.

I am to before you
this 1st day of March 1887

Power Justice

POOR QUALITY
ORIGINAL

0632

John Fairdwell a witness called
on the part of the people being
duly sworn & deposes he says

By the Court

Where do you reside?

A. 4th Sands Street Brooklyn

What is your age?

A. 51 years

What is your business?

A. Clerk.

Direct Examination

By Mr. Hull

Q. Mr. Fairdwell is that the bill
for the goods that you bought
of Woolf & Company (showing
introduce a bill)

By Mr. Hirock

Repts. Fairdwell

I object to it that is
not the way to prove it

By the Court

Objection Overruled
Repts. Fairdwell

Exemption

POOR QUALITY
ORIGINAL

0633

12

Q Did you have any business with
Woolf & Company on the 2^d day
of February 1884?

By Mr. Shrock

Objected to

By the Court

Question allowed

Mr. Shrock

Exception?

Answer

Mr. Shrock. I also object to the
question as the ground. That the
person with whom the trans-
action was had must be clearly
specified.

By the Court

Objection Overruled

Answer

Exception

Q State what occurred on that day
in that place?

By Mr. Shrock

Depts. Russell

Objected to

By the Court.

13

Question answered
Diplomat

Exception

Q I went into the store 609 Broadway
and I purchased various hats.

Q Where did you see them?

A I don't recognize any one here
that I saw there.

Q You saw the clerk in the store?
Answer

Q State if you see anybody here that
sold you the hats?

A I see nobody here.

Q Well state what took place?

A I went into the store and was waited
upon the same as any other customer.

Q And what occurred?

A I was shown several varieties of
hats and picked out several
and said I would take them.
and he laid them aside I received
a bill for them, obtained the check
for the amount of the money and
went back to Wolff & Company

0635

and paid the cash and received a
receipted bill for the goods.
Go to the bill (showing interest
a bill) that you received?
Ayee.

I now offer the bill in evidence
Gm 100.00

Subject to the introduction
of the bill.

By the Tenant

Objection Overruled.

General Exception.

Filed after which this is a copy being
admitted in evidence by the Court
was marked Puff Ex 1. March
1887.

110 goods taken ^{by} ~~unlawful~~ damages, claims
for goods deficient or imperfect
must be made within 30 days after
the receipt of goods

Sales Book 520-

Sacramento _____

New York 2/2 1884
Mr. J. Laneauce Esq.

POOR QUALITY
ORIGINAL

0636

15

Bought of Howell & Co.

manufacturers and wholesale dealers in

Hats and Caps and

Straw Goods.

667 Broadway, 234 Mercer St.

Terms Cash.

All bills payable with exchange on New York

all accounts not paid in 30 days must

be settled by note.

Lot.	Doz		
4509	1/12	27.	2.25
5952	1/12	39	3.25
5903	1/12	33.	2.75
5951.	1/4	36	9
5924	1/4	24	6
5363.	1/4.	27	6.75
			30.

7%

2.10

27.90

Paid 1/2 by

Howell & Co.

Merch

want stylographic pen }

Of course those the hats that you received
(showing witness hats)

A former objection. I received that hat.
(referring to a hat. ^{and} that, and that
Hats offered in evidence by Peoples
Counsel.

Mr. Hirsch

Subject to the hats being
offered in evidence

By the Court

Objection Overruled
Counsel Exceptions.

Hats admitted ^{as} introduced in evidence
as plaintiffs Exhibits - # 2 3 4 5 & 6
Of what kind of a hat did you have
on that time?

A a hat like this (showing)

Of a soft hat like this (referring to
an exhibit ^(b))

Counsel Sir I did

Of what conversation occurred with
the clerk on account of that
hat?

Objected to

17

By the Court

Question answered.

Counsel Exception.

A. I was asked what kind of hats I
wished to purchase Q. for what
amount A. I said I wanted a hat for
a western market, something like
that hat, that is the hat that is
popular.

Q. Taking off your own hat and showing
it to them.

A. Yes, that is the hat I wore at
the time. Q. From that, I was then
shown a variety of hats and from
them I picked out the hats that
have been ordered here to day.

Q. After you showed this to the
jury that you had in your hands?

objected to

By the Court

Objection Overruled

Counsel Exception.

A. Yes.

The witness was then Cross Examined by
Mr. Sheroch

Repts. Cunnell

Q What is your business?

A Clerk.

Q For whom?

A Mr. Shull.

Q What was your occupation in the
month of February?

A The same.

Q What was your business before that?

A I was a newspaper canvasser.

Q How long have you been in Mr.
Shull's employ?

A I appeared on service the first of
January.

Q And in February?

A In February I was canvassing a book
for him.

Q For Mr. Shull?

A Yes Sir.

Q What was your occupation prior to
that of book canvasser?

A I was out of employment for a

19

while, I was a newspaper carrier for a good while.

Q. And you gave me the hat you had on the day you went into the store of Wadley & Company;

A. I obtained the hat at the office of Mr. Huse.

Q. And you instructed to go to Wadley & Company for the purpose of seeing whether they sold hats like this?

A. I was instructed to go to ^{get a} ~~the~~ store, I went to that store to see if I could obtain hats similar to it or any thing else that contained in my fragment a violation of the trade mark of J. H. Stetson & Company.

Q. You bought some hats?

A. Yes.

Q. And are those the hats that are produced here?

A. Yes.

Q. You bought those hats according to this bill (referring to the bill of

myself & company?

Ayesa I didn't notice the bill
very particularly

Q How many hats did you buy in all
on that day at this place?

A I don't remember there was three
lots of sample hats, I cannot tell
you exactly without looking at
the bill

Q The bill calls for $3\frac{1}{2}$ dozen and $3\frac{1}{4}$
dozen each?

A I think that is correct.

Q Then you had a dozen hats in all?
Ayesa

Q Where are the other hats?

A In possession of Stearns Company

Q Are they all the same as these?

A Yes sir they are samples of each
one.

Q From whom did you get the check
that you paid for the hats?
A Mr. Hull.

Q Did you ever see Mr. Rollaps?
A Not at that time I didn't

Q. And how did you see him?

A. I think I saw him, I met him at Mr
Shells office.

Q. You communicated those circumstances to
Mr. Shell did you not?

A. Yes Sir

Q. And Mr. Shell is the owner for J. B.
Stewart & Company are they proceeding?

A. Yes Sir

Q. Did you ever communicate those facts to
Mr. R. C. C.?

A. Yes I think I did

Q. Have you any doubt about it?

A. Yes Sir

Q. Did you know the person who waited
on you, on that occasion?

A. I did not.

Q. Do you know the person now who
waited on you?

A. Yes Sir

Q. Do you know whether any other
corporation or person, or company
is carrying on business at 66 of
besides Woolf & Company?

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Ad was informed I was buying of
Woolf & Company

Q Do you repeat my question? Do you
know whether any other person or
Company or Corporation is carrying
on business at 66 1/2 Broadway besides
Woolf & Company?
A I do not.

Q Do you know the name of the
person with whom you had the
conversation?

A I do not.

Q Do you know Mrs Woolf?
A I do not.

Q Do you know Mrs School here?
A I do not.

Q Did you ever see either of them to your
knowledge?

A I do not.

Q Do you know who this gentleman is
here? (pointing to a gentleman sitting
besides Mr. Brock defendant counsel)
A I cannot say that I do.

Q Did you see him there that day?

(Referring to the same person).
A I cannot say that I did
If you saw me today, where did you?
A Yes

If you show any but an exact
reproduction you refer to in that
place exactly identical with the
one which you had on, on that
day, identically comparing with
the same person?

A Yes I think not I have no knowledge
of it.

If you have any knowledge as to
whether the other Exhibits which
you have referred to as which you
have handled Exhibits - N. 2, 3, 4, 5, 6
were made by J. H. Stetson & Co.
Company, have you any knowledge
as to whether they were or not.
A I had them in my pockets in my
pockets.

Will you describe what if anything
in the four hats, here, were made
by J. H. Stetson & Company?

POOR QUALITY
ORIGINAL

0645

24

Adam no better.

If you cannot say,

Amos not positively

If had you ever bought any bats in
quantity before?

Amos

If this was your first experience
in the purchase of more than one
bat at a time?

Agree

Severus to before me
this 1st day of March 1887

25-

Henry A. Roelof, Recased
on the part of the people
Examined by }
Mr. Stull

Q How you entered at the exhibits
annexed to the complaint in
Roelof's and there?
Answer:

Answer: They are manufactured by you?
A Positively no.

Q Are they are counterfeit of your trade
mark?

Answer:

No (have Examination)

By Mr. Stull

Q The exhibits which are annexed to
the affidavit from H. G. do they
represent the trade mark of H.
Stonewall Company?

A They represent the quality of the hats
in which they appear in as well
as the trade marks.

Q They are the trade marks?

A They are the trade marks in so much

as they represent the quality of the raw
material which they appear.

Q. They are the trade marks.

A. Perhaps they might be considered
trade marks, and consider them
trade marks in manufacturing
the goods they representing the quality
upon which they appear?

Q. Are any of these trade marks regis-
tered?

A. No.

Q. How long have you been using
those exhibits or trade marks in
goods manufactured by you?

A. I cannot say how long we have
been using them.

Q. These trade marks referred to?

A. I cannot say, I don't think.

I can say within a year, I should
judge 6 or 7 years.

Q. How long have you been a member
of the firm of J. B. Stetson & Company?

A. 2 years.

Q. And all that you know of your

POOR QUALITY
ORIGINAL

0648

27

your knowledge is what transpired
at the time you became a member
of that firm?

Answer 13 years ago.

Q Had you been with them previously?
Answer, the reason I said ten
years ago before that we had
made no deal with I. H. S. in justice
and when the addition to the
firm was made we made the
addition of Co. to it. It was
made I. H. S. & Co.

Q Do you any other person in the
last business?

Answer Not that I know of.

Q You don't know of a John H. S. in the
last business?

Answer Not to my knowledge. I
think I know the whole trade
in the United States, and some
of those hats are merely stamped
on the sweat band in order to
describe the quality of the hat,
as well as the trade mark.

The soft hats are all represented to the trade by the trade mark like that and at the same time it shows the quality of the hat.

Now you state how long any of those places have been in actual use by your firm, any one of them here for instance number one.

A That is difficult for me to say I should judge 11 or 12 years, and maybe 13 years, I don't know but what it is 13 years.

Now how long have you been using the word "Clear Edge"? the word "Clear Edge"?

A We have been using that since the dye was made from 11 to 13 years I don't know exactly.

Now how long have you been using the word "Clear Ultra"??

A Thirteen years and over

What does the word "Clear Ultra" indicate?

A It indicates what it says "Clear

Q. What is

A. What is the meaning of the words?

A. That the hat is made from the
pure stuff.

Q. What is the meaning of the words
"Boss raw edge"?

A. That is a fancy name given to the
hat.

Q. I want to know in what connection
or other way that the words the
"Boss raw edge" are used in connection
with this hat, what do you
intend to convey to the public
by that?

A. Just what it says.

Q. What is the connection of that with
the hat?

A. Any hat that is manufactured by us
is manufactured in a peculiar
manner by ourselves. And the hat
contains just what it says, the boss
raw edge.

Q. Now you call that the "boss raw edge"
Correct?

Q If you claim that if anybody else manufactures a hat. Q. Is it claimed it as a bare name edge that it would be infringing upon yours?

A Yes Sir

Q And if anybody else manufactured a hat out of deer or extra and so annexed that on the lining or stamped it on the sweat band. Q. The fact was that he did manufacture the hat out of deer or extra, would you consider that fact as the trade mark an infringement upon yours?

A Yes Sir

Q You indicate on one of your trade marks, that the trade mark is registered on Exhibit 2.

A Yes Sir

Q Is it a fact that that trade mark is registered?

A Yes Sir

Q Then that is a deception?

A No Sir it is not our lawyer -

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Q Then would that you intended to convey to the public by the words trade mark registered, the fact that it was a registered trade mark belonging to your firm. did you not?

A Yes Sir

Q If you intended to convey to the public the meaning of those words did you not? the explanation of those words?

A Yes Sir

Q Then what was the object of putting it there then?

A When the dyos were gotten up they were gotten up with those words on them and they were intended to be registered and by advice of counsel it was considered not necessary to register the trade marks it was fully intended to have them registered and we were advised by our counsel that it was not necessary.

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Q And you say that those days were in
over 13 years?

A Yes Sir.

Q And at that time you intended to
have them registered?

A Yes Sir.

Q At that time?

A Yes Sir.

Q How do you know that when you were
not a member of the firm 13 years
ago?

A I was there, I had charge of them.

Q How old are you now?

A 38 years.

Q And you have been there 13 years?

A Yes Sir.

Q And do you know when that date
was made "Clear Water" or when
it went into use?

A From 11 to 13 years ago.

Q Was it not in use before you came
there yourself?

A No Sir.

Q Do you know who made the date?

Answer

Quicks?

A Copper and Fry.

Where are they?

About as expensive, they are both
dead men.

And you are prepared to swear positively
that 11 to 13 years ago these dyes
were first made?

About compound the dye with
John H. Stetson dye. They were used
first?

I mean the quality dye? I asked
you in the outset how long this
particular trade mark dye "Clear
Quicks" has been used by your
firm. As you said 13 years? I
am speaking of this particular
one?

From 6 to 7 years.

And the John H. Stetson dye?

From 6 to 7 years. They are all
the same.

Was the advice given to you by

Cornwall personally as to not having
it registered?

A Yes it was given to Mr. Stetson.

Was you present?

A I think I was.

Was you present?

A I think I was.

Who was the counsel?

A Mr. Elson.

Of Philadelphia?

A Yes Sir.

And notwithstanding the advice
given by your counsel, you still
went on and manufactured
hats and sent out the hats conveying
to the public the fact that the
trade mark was registered?

A Yes Sir.

Do you know that Woolf and Company
do not manufacture hats?

A Yes Sir I do not.

Will you swear that they did?

A I don't know whether they did or
not.

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Q If you have had large dealings with them in hats?

A Yes Sir, but not very large considering the business and the amounts of business done with other houses.

Q If you have had considerable dealings with Woolf and Company here for hats?

A I have their dealings right here in my pocket.

Q The transactions which you had of Woolf and Company was in the purchase and sale of hats?

A In the making and filling the orders

Q Do you know the character of their business, whether they are sellers or manufacturers?

A They are called jobbers.

Q Have you ever been in their place?
Answer

Q Have they ever purchased any material from you for the manufacturing of hats?

Quasi Ikhut mats

Do you sell animals for the
purposes of manufacturing hats?
Ayes si

Do you sell deer skins?
Ayes si

Do you sell deer bands?
Ayes si

Have you ever sold any?
Ayes si the hats

Do you have outside of the hats?
Ayes si

And the business of your firm is
manufacturing hats?
Ayes si

Do you accept it?
Ayes si

And how long have you been
specifying?
Ayes si

And you have not business here?
Ayes si 546 Broadway

Do you manufacture hats?
Ayes si

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Q Only an affidavit?
A Yes sir please your honor.

Q If you have never spoken to Mrs Waag
or Mrs Schwalbe have you?
A No sir.

Q If you have heard the testimony of
Mr Cueddwell to day?
A Yes sir.

Q And all the knowledge you have is
the statement made by him of
the transactions so that the
defendants were selling lots
containing your trade mark, other
than that you have no personal
knowledge have you?

A We have personal knowledge of
other matters.

Q Do you know knowledge that they
were selling the lots containing
your trade mark on the 2d day
of February 1884?

A That is what I mean
I aside from the circumstances
related by Cueddwell to day.

38

Have you any personal knowledge
which will enable you to testify
here, that Mrs Schooller and Mrs
Woolf comprising the firm of
Woolf and company knew that
they were selling hats containing
a counterfeit of your brand to
Poundwell on February 2d 1889?
Answer I have not.

Mr Thirick

Dependants Poundwell
have I again seen any previous
motion to disprove the complaints
By the Court

Motion Denied

Poundwell Exception

And on the further ground that
they have not proven any knowledge
and that it has not been proven
that these dependants Mrs Woolf
or Mrs Schooller had any knowledge
of the facts alleged against them
that they were selling hats con-
taining a counterfeit of the

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alleged trade mark claimed by
the complainants.

And on the further ground that
according to the showing of the
complainants they are themselves
guilty of a deception upon the
public.

By the Court

Verdict Allowed

General Exception

People Rest.

The further examination was ad-
journed to March 7th 3 PM.

**POOR QUALITY
ORIGINAL**

0661

Goods taken back unless damaged. Claims for goods deficient or imperfect must be made within 5 days after receipt of goods.

SALES BOOK NO.

SALESMAN

New York

2

1887

Dr. N. *Frank J. Haldwell* My

Bought of

WOLFF & CO.

MANUFACTURERS AND WHOLESALE DEALERS IN

HATS, CAPS

AND STRAW GOODS

Terms:

All Bills payable with Exchange on New York.
All accounts not paid in 30 days must be settled by note.

667 BROADWAY 234 MERCER ST.

LOT

DOZ.

4509
~~5353~~ 1/12
5952 1/12
5903 1/12
5951 1/4
5924 1/4
5363 1/4

*Paid 7/1/87
Wolff & Co*

27	2	25
39	3	25
33	2	75
36	9	
24	6	
27	6	75
#	30	
7%	2	10
#		27 90

Wolff & Co

POOR QUALITY
ORIGINAL

0662

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Patrick C. Duffy a Police Justice
of the City of New York, charging Louis Schoolherr Defendant with
the offence of counterfeiting a trade mark

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Louis Schoolherr Defendant of No. 336 East 64th
Street; by occupation a father
and Samuel Gutman of No. 424 Broadway
Street, by occupation immigrant Surety, hereby jointly and severally undertake that
the above named Louis Schoolherr Defendant
shall personally appear before the said Justice at the 5th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 24th
day of February 1888

Patrick C. Duffy
POLICE JUSTICE.

Louis Schoolherr
Samuel Gutman

POOR QUALITY
ORIGINAL

0663

CITY AND COUNTY } ss,
OF NEW YORK,

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Ten Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of

a house and lot of land situated at no 1349 3rd Avenue in said City valued at Thirty Thousand Dollars clear

District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during the Examination.

Taken the day of 188

Justice,

Sanders Gutman

POOR QUALITY
ORIGINAL

0664

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Patrick L. Duff, a Police Justice
of the City of New York, charging Sarah Wolff Defendant with
the offence of Counterfeiting a Trade Mark

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Sarah Wolff Defendant of No. 27 East 73rd Street; by occupation a State
and Sanders Gutman of No. 44 E Broadway
Street, by occupation a Importer Surety, hereby jointly and severally undertake that
the above named Sarah Wolff, Defendant
shall personally appear before the said Justice at the District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 27th day of February 188

P. L. Duff
POLICE JUSTICE.

Sarah Wolff
Sanders Gutman

POOR QUALITY
ORIGINAL

0665

CITY AND COUNTY { ss,
OF NEW YORK,

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth ten Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of a house and lot

land situated at no 1349 3rd Ave
in said City valued at Thirty
Thousand Dollars clear

District Police Court.

Underlying to appear during
the Examination.

THE PEOPLE REC'D
ON THE COMPLAINT OF

vs,

Taken the 1 day of 188

Justice,

Sanders Gutman

0666

**TRADEMARKS
EMBOSSSED ON
LEATHER**

ILLEGIBLE MATERIAL

**POOR QUALITY
ORIGINAL**

0667



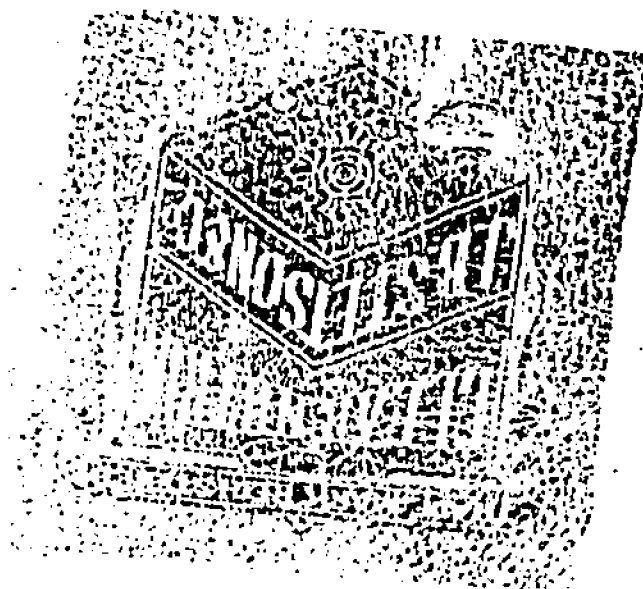
**POOR QUALITY
ORIGINAL**

0668

Ex-1 No. 1.

POOR QUALITY
ORIGINAL

0669



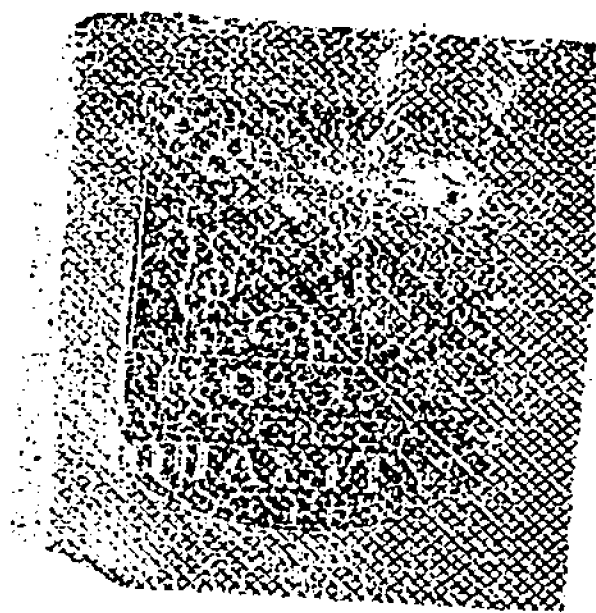
**POOR QUALITY
ORIGINAL**

0670

Px. No 21

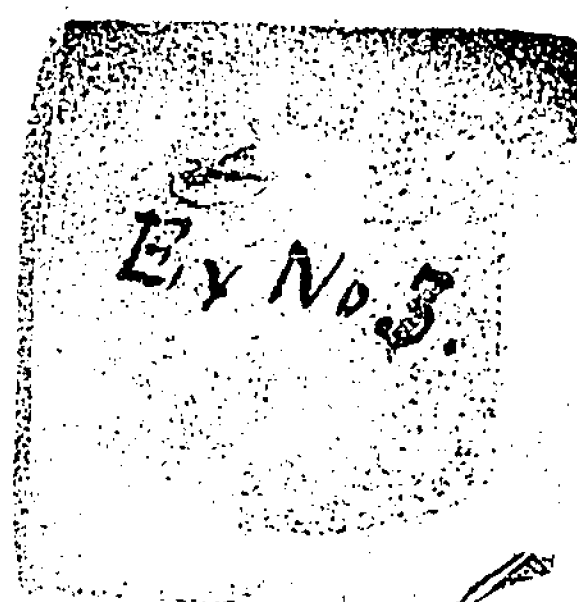
**POOR QUALITY
ORIGINAL**

0671



**POOR QUALITY
ORIGINAL**

06 72



POOR QUALITY
ORIGINAL

0673



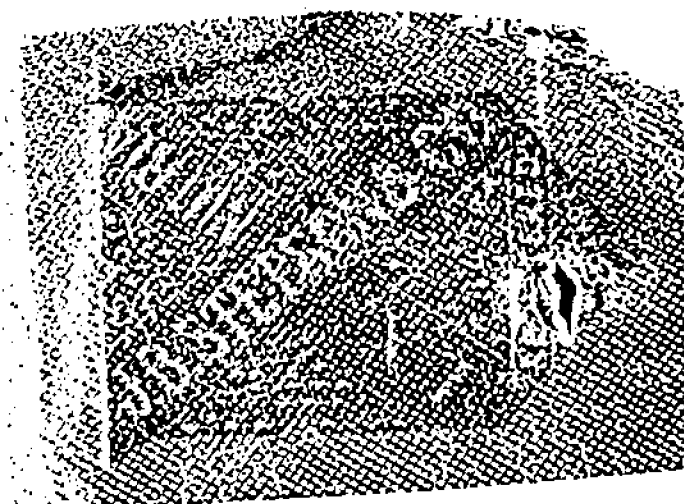
**POOR QUALITY
ORIGINAL**

0674

No. 4.

POOR QUALITY
ORIGINAL

0675



**POOR QUALITY
ORIGINAL**

0676

STATE OF NEW YORK

City and County of New York.

:
ss:
:

HENRY H. ROELOFS, being duly sworn, says:

I am one of the firm of John B. Stetson & Co., who do business in Philadelphia, Pa., and are manufacturers of soft hats. My firm were the originators of the trade marks annexed hereto and marked Exhibits Nos. 1, 2, 3 and 4, and which consist of a symbol shaped like a shield with bands crossing diagonally and bearing the words "J. B. Stetson & Co." and "I, X, Nutria", and "Trade mark". Another of said trade marks consists of the words "John B. Stetson & Co" in a curved line, and from the ends a banner suspended at each end with the words "The boss raw edge". These trade marks are used to distinguish the soft hats manufactured by our firm, in different qualities, and are placed upon the leather sweat band stamped either in gilt, or without gilt, and also in the silk lining inside of such hats. So used they have become widely known throughout all the United States of America, and are recognized by dealers and customers as the distinctive mark of our goods, and are the means of identifying the same. They are also used by us upon hat boxes and other ways, and in advertisements, and in many other methods in order to impress upon the public the fact that our goods are always so marked in order to distinguish them from other hats. We have expended many thousands of dollars in carrying out this plan of identifying our hats, and

**POOR QUALITY
ORIGINAL**

0677

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it is now publicly recognized, that hats bearing this trade mark are the manufacture of our house. Buyers have become familiar with the appearance of said trade marks and accustomed to seeing them, or one of them, in our hats; have enquired for hats of our make as "Stetson's" hat, or "The boss - raw - edge" hat; this last term being an arbitrary term, which we use to designate our particular manufacture, and which is not descriptive but purely arbitrary and fanciful.

Our hats are of superior quality and finish, and are recognized as such by the public, who have great confidence in our manufacture, and who buy wholly upon the fact that they distinguish our goods by the presence of such trade marks. These marks are used for different styles and are so known to designate such styles.

These facts are well known to the members of the firm of *Wolff Leo* composed of *Sarah Wolff and Louis Scholherr* but notwithstanding such knowledge said *Wolff Leo composed as aforesaid* doing business at *667 Broadway* in the City of New York, as dealers in hats, did, on or about the *2d* day of February, 1887, offer for sale and did sell unto one, John H. Caldwell a lot of hats, to which was affixed and stamped a false and counterfeit trade mark, and an imitation of the trade mark of our firm and which false

**POOR QUALITY
ORIGINAL**

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and counterfeit trade mark and imitation of our trade mark is annexed hereto and marked Exhibit 1 A, and is intended to, and does imitate our trade mark annexed hereto and marked Exhibit 1. Said counterfeit contains the name "J. **R** Stetson", which is intended to imitate our name with the slight alteration of the letter "N" for the letter "B", and also contains the words "Clear Nutria" which is a trade mark originated by us, and printed on some of our trade marks. It also contains the fanciful term invented by us and used in our trade marks, to wit: "The Boss Raw Edge".

All of this was without our consent or knowledge until we discovered the same.

Said persons did also on said day offer for sale and did sell unto said Caldwell, knowingly, and with a full acquaintance with the said facts, a lot of hats, to which was affixed a false and counterfeit trade mark, and an imitation of the trade mark of our firm, which false and counterfeit trade mark is hereto annexed marked Exhibit No. 2 A and which is intended to imitate our trade mark hereto annexed marked Exhibit No. 2 and with the intent to cheat and defraud the public and said Caldwell; and without our consent. Said trade mark so affixed by said persons, contains also the words "Clear Nutria" and the words "John R. Stetson & Co.", and also "J. R. Stetson & Co.", and a shield like our trade mark. The use of all these, and especially the use of the words "John R. Stetson", and "J. R. Stetson

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& Co." is intended to cheat and defraud the public and to convey the impression that such hats are of our manufacture.

Said persons did also on said day offer for sale and did sell to said Caldwell a lot of hats, to which was affixed and stamped a false and counterfeit trade mark, and an imitation of the trade mark of our firm, and which false and counterfeit trade mark is annexed hereto, and marked Exhibit 3 A, and is intended to and does imitate our trade mark annexed hereto and marked Exhibit 3

Said counterfeit contains the name "J. B. Stepson" and "I. X. Nutria" and is intended to imitate by a slight change our name, and convey the impression that such hats were our goods. Such acts were without our consent.

Said persons did also on said day offer for sale, and did sell unto said Caldwell a lot of hats, to which was affixed and stamped a false and counterfeit trade mark, and an imitation of our trade mark, which false and counterfeit trade mark is hereto annexed, marked Exhibit No. 4, A, and which is intended to counterfeit and imitate our trade mark, which is annexed marked Exhibit No. 4. Said counterfeit contains the name "J. R. Stetson & Co" the "R" being purposely formed to resemble a "B" with the intent to deceive the public, and also contains the words "The Boss Raw Edge", invented by us as aforesaid. And this also was without our consent.

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There is no other manufacturer of soft hats by the name of John B. Stetson, or John R. Stetson, or J. R. Stetson, or J. R. Stepson, or Stetson, and the use of this name with the variations set forth is to imitate our trade marks, and to counterfeit the same and to cheat and defraud the public.

The said persons knowingly also made said counterfeits with the like intent, and knowingly affixed the same to the said hats so sold as aforesaid knowing the same to be false and counterfeit and without the consent of our firm.

I further aver that our firm has been greatly damaged by reason of such false and counterfeit trade marks, and our business greatly damaged.

Sworn to before me this

24th day of February, 1887.

Henry A. Rockoff

Andrew J. White
Robert J. Fisher

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Sec. 198-200.

15 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question What is your name?

Answer

Louis Schoolherr

Question How old are you?

Answer

67 years

Question Where were you born?

Answer

Germany

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

Answer

33 East 64th St. / 12 years

Question What is your business or profession?

Answer

Father

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

Louis Schoolherr

Taken before me this

day of

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Police Justice.

POOR QUALITY
ORIGINAL

0682

Sec. 198-200.

187 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Sarah Wolff

Taken before me

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0683

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 Henry R. Rockoff
of No. 445 Broadway Street, that on the 24 day of February
1887 at the City of New York, in the County of New York,

Samuel Wolff
and Louis Schoolhoff are guilty of a violation
Section 364 of the Penal Code
in Counterfeiting, Trade marks

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 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 24 day of February 1887
Henry R. Rockoff POLICE JUSTICE.

Police Court 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry R. Rockoff

Samuel Wolff
and Louis Schoolhoff

Warrant-General.

Dated Feb 24 1887

White Magistrate.

Henry R. Rockoff
Officer.

The Defendants Samuel Wolff
and Louis Schoolhoff

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

Rockoff Officer.

Dated Feb 25 1887

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, Feb 25 - 87

Samuel Wolff

Naive of 1 US

2 ser.

Age, 1 60

2 27

Sex, 1 m

2 fer

Complexion, 1 fair

2 no

Color, 1 W

2 no

Profession, 1 ser

2 US

Married, 1 yes

2 no

Single, 1 no

2 no

Read, 1 no

2 no

Write, 1 no

2 no

0604

323 *Artemia*

For Capt.

No. 1, by

Residence

No. 2. by

Residence

No. 3, by

Reference

No 4, by

Residence

THE PEOPLE, &c.
ON THE COMPLAINT OF

Henry H. Jacobs

Dr. J. B. Williams
J. B. Williams

David Schaubert

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.....

Dated Thursday 24th 188

Sherry, Magistrate

OFFICE

David
Precinct

Witnesses *John Bucknall*

No. 3154 Street 11th

10/11/2017

No. 1111 Street.

100

Street.

[Handwritten signature]

Deary

Dated 188 *Police Justice.*

Court of General Sessions of the Peace
City and County of New York

The People of the State of New York }
Against
Sarah Waeff and
Louis Schoekern }

State of New York }
City and County of New York } S.S.
We John D. Stetson and Henry H.
Roelofs of the City of Philadelphia
State of Pennsylvania, composing
the firm of John D. Stetson & Company
the complainants herein do hereby
certify and declare that we have
received from the defendants
Sarah Waeff and Louis Schoekern
full satisfaction for the injury
complained of herein, and do hereby
consent that an order be made
staying all proceedings upon
the prosecution of the charge
against the said defendants and
that the said defendants be
discharged therefrom pursuant
to Section 664 of the Code of
Criminal Procedure of the State

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State of Pennsylvania,
County of Philadelphia, ss.

Acknowledgment (Notary).

I, WILLIAM B. MANN, Prothonotary of the Courts of Common Pleas of said County, which are Courts of Record, having a common seal, being the officer authorized by the laws of the State of Pennsylvania to make the following certificate, **Do Certify**, That James C. McGill Esquire, whose name is subscribed to the certificate of the acknowledgment of the annexed Instrument and thereon written, was at the time of such acknowledgment a NOTARY PUBLIC for the Commonwealth of Pennsylvania, residing in the County aforesaid, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments and proofs of Deeds or Conveyances for lands and tenements in said State of Pennsylvania, and to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere, and that I am well acquainted with the handwriting of the said NOTARY PUBLIC and verily believe his signature thereto is genuine, and I further certify that the said Instrument is executed and acknowledged in conformity with the Laws of the State of Pennsylvania.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this 18th day of October in the year of our Lord one thousand eight hundred and eighty-seven.

William B. Mann Prothonotary.

0687

of New York.
 Dated 15th October 1887. John B. Stetson
 Witness Henry H. Roelofs
James H. Roelofs

State of New York, County of ~~Philadelphia~~ ^{Pennsylvania} S.S.
 City of ~~Philadelphia~~ ^{Pennsylvania}
 On this 15th day of October 1887
 before me personally came
 John B. Stetson and Henry H.
 Roelofs to me known and
 known to me to be the
 individuals mentioned and
 described in and who executed
 the foregoing instrument and
 who severally acknowledged to
 me that they executed the same
James H. Roelofs
 Notary Public

**POOR QUALITY
ORIGINAL**

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*District Attorney's Office,
City & County of
New York.*

Dec. 15th, 1887.

Hon. Randolph B. Martine,

District Attorney, N. Y. County.

My Dear Sir:

In the matter of The People vs SARAH WOLFF and LOUIS SCHOOLHERR referred to me I have the honor to report as follows:

The indictment charges the defendant with an offence against trade marks, as defined by Sub. 3 of Section 364 of the Penal Code. The crime thus charged and defined is a misdemeanor, and the injury done by the act constituting the crime is one for which the person aggrieved has a remedy by civil action.

The crime charged is not within the exceptions enumerated in Section 663 of the Code of Criminal Procedure, and is, therefore, one which may be compromised, as provided by Section 664 of the Code of Criminal Procedure.

The defendant applies to have the indictment dismissed. In support of this application he submits an acknowledgment of satisfaction and consent to dismissal made and executed at Philadelphia in the State of Penn-

**POOR QUALITY
ORIGINAL**

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*District Attorney's Office,
City & County of
New York.* (2)

sylvania before a notary public.

To be in strict conformity to the statute the acknowledgment should have been made in the Court of General Sessions. But in view of the non-residence of the complaining witnesses, and of the assurance of counsel as to the good faith of the proceedings, I think the strict observance of the statute should in this respect be waived, and the indictment dismissed, and I do so report.

Respectfully submitted.

W. Henry Searles

Assistant District Attorney

POOR QUALITY
ORIGINAL

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THE PEOPLE OF THE STATE OF
NEW YORK,

against

Sarah Wolff
+
Louis Schoorherr

Enforcement of
Trade Marks.

RANDOLPH B. MARTINE,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

Approved
applied for
Record to
McKays in Senate
Acted on 10/13

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*David Wolff and
Solomon Schindler*

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

David Wolff and Solomon Schindler

of the crime of a *Misdemeanor*,—

committed as follows:

The said *David Wolff and Solomon Schindler*, both

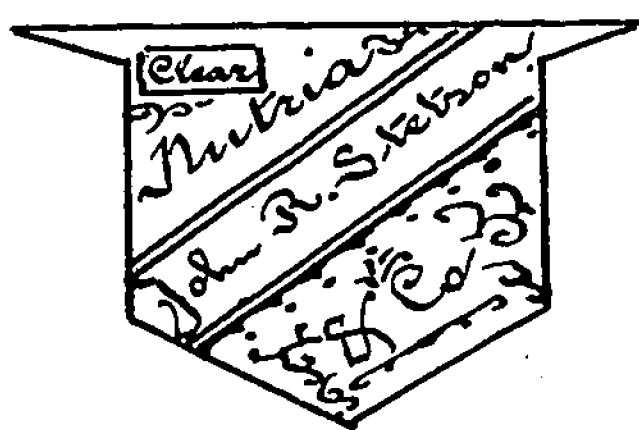
late of the *First* Ward of the City of New York, in the County of New York afore-

said, on the *second* day of *February*, in the year of our Lord

one thousand eight hundred and eighty *seven*, at the Ward, City and County aforesaid,

and having
did unlawfully sell to one John St.
Ridwell, a certain article of merchandise,
to wit: a certain hat to which there was
then and there affixed an imitation of
the trade mark theretofore used and
lawfully adopted by a certain partnership
doing business in and by the firm name
and style of John B. Stetson and
Company, by the said partnership
used to indicate themselves as the makers
and sellers of certain articles of merchandise,
to wit: of certain hats, and usually affixed
to all hats manufactured and sold by
them to denote that the same were so
without the consent of the said partnership
manufactured and sold, and the said

Trade marks as as above said and which
adopted by the said corporation consists
of a device and symbol and emblem in
the shape of a shield, bearing upon the
face, and in a diagonal line bounded
by a band, the name of the said corpora-
tion, as follows, to wit: "John R.
Stetson & Co." and also upon the face
above the words and letters "J. R. Stetson",
and "Trade marks", and which said imitation
of the said trade marks, as devised to
the said that as as above said by the said
David W. Stetson and Simon S. Stetson then
and there sold to the said John R. Stetson
and for resulted the said genuine trade
marks, by the use of words and letters
similar in appearance and sound, as also
by the similarity of the shape and device,
as to be likely to induce the public that
the same was genuine, and which said
imitation trade marks is as follows, there
is to say:



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

David W. Stetson