0259

BOX:
401
FOLDER:
3721
DESCRIPTION:
Paradiso, Anthony
DATE:
06/23/90

3721

Witnesses,

Gini Ortomol.

3145 590

Counsel, Ray

Filed 23 day of June 1890

Pleads, Not Guilty

THE PEOPLE

vs.

B

Anthony Paradiso

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

JOHN R. FELLOWS,

Sept 10 Put 2 *District Attorney.*

18

Bail from Arrest

A True Bill.

Frank Higgins *Foreman.*

Offenses from the Complaint and the Grand Jury

Forfeited June 3/92

0261

Police Court— 1st District.

City and County of New York, } ss.:

Gini Orlolano

of No. 35 Spring Street, aged 18 years, occupation Fruit and Fish Dealer being duly sworn deposes and says, that on the 16th day of June 1890 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by Anthony Paradise (now here) who pointed and aimed a loaded revolver containing leaden ball cartridges at the person of deponent and discharged one shot therefrom at deponents person

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 be dealt with according to law.

Sworn to before me, this 16th day of June 1890 } Gini his X mark Orlolano

D McMahon Police Justice.

0262

Sec. 198—200.

1/22

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Anthony Paradisi 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. Anthony Paradisi

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. Italy

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

Answer. 218 Mulberry Street - 5 months

Question. What is your business or profession?

Answer. Painter

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.

Antonio Paradiso

Taken before me this 16 *day of* Oct. 188[illegible]

[illegible]

Police Justice.

0263

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 the 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 16 *18*90 W. W. Mathews *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated ..... *18* ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

0264

Police Court--- 1st District. No. 956

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Ins. Roland 235 Spring
vs.
Anthony Paradise
2
3
4

Offence Fel. Assault

Dated June 16th 1890
Monahan Magistrate.
James J. Connor Officer.
10th Precinct.

Witnesses George Buonocotte
No. 33 Spring Street.
Michele Imperato
No. 31 Spring Street.
James Dennon
No. 39 Spring Street.

$ 100 to answer. 1890

RECEIVED JUN 19 1890 DISTRICT ATTORNEY'S OFFICE

BAILED,

No. 1, by Frank Ortolano
Residence 69 Ridge Street.
Astoria L. I.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street

0265

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Anthony Paradiso

The Grand Jury of the City and County of New York, by this indictment, accuse Anthony Paradiso of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Anthony Paradiso late of the City of New York, in the County of New York aforesaid, on the sixteenth day of June, in the year of our Lord one thousand eight hundred and ~~eighty-one~~ ninety, with force and arms, at the City and County aforesaid, in and upon the body of one Gimi Ortolano in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Gimi Ortolano a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Anthony Paradiso in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent him, the said Gimi Ortolano 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 Anthony Paradiso of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Anthony Paradiso 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 Gimi Ortolano in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Gimi Ortolano a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Anthony Paradiso in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

JOHN R. FELLOWS,
District Attorney.

0266

BOX:
401
FOLDER:
3721
DESCRIPTION:
Parker, Joseph S.
DATE:
06/11/90

3721

0267

Witnesses:

Peter Nugent

Counsel,

Filed 11 day of June 1890

Pleads, Not guilty 16

THE PEOPLE

vs.

B

Joseph S. Parker

F Oct 17/90

F 3

Indecent Exposure

[Sec. 316, Penal Code]

Ready to the Court of Special Sessions for trial, by request of Counsel for Defendant.

JOHN R. FELLOWS,

District Attorney.

June 26 97 ADP

Sept 17 - P.C.

Oct 13 — see memo on subpoena

A TRUE BILL.

Francis Higgins

Foreman.

Penny Pl. 6. 2. 664.

170

0268

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph D. Carter

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Joseph D. Carter —

of the crime of willfully and knowingly exposing the private parts of his person,

committed as follows:

The said Joseph D. Carter, —

late of the City of New York, in the County of New York aforesaid, on the twentieth day of May, in the year of our Lord one thousand eight hundred and ninety ——, at the City and County aforesaid, in a public place, to wit: at the window of a certain building there situate, in the view of one Peter Duguid and divers other persons to the Grand Jury aforesaid unknown, then

0269

and there being, notwithstanding his willful
and deadly expose the private parts of his
person; against the form of the Statute in
such case made and provided, and against the
peace of the People of the State of Georgia,
and their dignity.

John R. Williams,

Solicitor

0270

BOX:
401
FOLDER:
3721
DESCRIPTION:
Patton, James L.
DATE:
06/04/90

3721

Witnesses:

Jas Washington

Jeff McNally

On the statement of the complt. and the certificate of character (enclosed) I am of opinion that the shot was fired accidentally and with no malice or intent. I therefore recommend that the defendant be discharged on his own recognizance

John W Goff
Asst Dist Atty

June 19/90

Complaint June 4 1890

Counsel,

Filed 4 day of June 1890

Pleads, Not guilty

THE PEOPLE

vs.

James L. Patton

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

June 4 93 pt. 3

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Francis Higgins *Foreman.*

Part III June 19/90.

Bail discharged.

0272

New York General Sessions.

PEOPLE ON MY COMPLAINT,

VERSUS

James L. Patton

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.

State of New York
City & County of New York } S.S.:

James Washington being duly sworn deposes and says that he is the complainant in the above entitled action against James L. Patton. That the shot which was fired on the 24th day of May at No 483 Seventh Avenue, by said defendant, he said James Washington believes to have been wholly accidental & without malice. That no malice existed between them. That he never had seen said defendant up to the time the officer took him in charge, after the shot was fired. That he believes the said defendant did not intentionally allow the pistol to go off. That he did not know said defendant, and that no quarrel existed between them.

Sworn to before me
this 19th day of June 1870
Thos A. Dennis
Commissioner of Deeds. N.Y.Co.

James Washington.

0273

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Antonio Di [illegible]

G L

Indicted

June 20/90

and mether papers

Day

ADP

District Attorney.

Dec 31/90

0274

Police Court— 2 District.

City and County of New York, } ss.:

James Washington

of No. 483 Seventh Avenue Street, aged 28 years,

occupation Steward being duly sworn

deposes and says, that on the 24 day of May 1882 at the City of New York, in the County of New York, at No. 483 Seventh avenue

he was violently and feloniously ASSAULTED and ~~BEATEN~~ by James L. Patton (now here) who fired one shot from a loaded revolver at deponent. The said shooting occurred in the dark part of the hallway of said premises. At the time of the shooting the defendant had both hands in his pockets of his overcoat, and the said shot was fired through the pocket of defendants overcoat

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 the above assault, etc., and be dealt with according to law.

Sworn to before me, this 24 day of May 1882 } Jas. Washington

E. Harris

Police Justice.

0275

District Attorney's Office.
City & Country of
New York.

New York, 6/19, 1890

This is to certify that I, Sarah E. Gardner, have employed James L. Pattin as house servant for the past eight months.

I have found him thoroughly honest, kind and obliging in disposition and forbearing with his fellow servants. I have had such confidence in his innocence of the charge made against him, that I have had him in my house since that time, and am quite willing to re-engage him.

Sarah E. Gardner.
130 W. 43d St. New York.

0276

Sec. 193—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James L. Patton 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. James L. Patton

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. U. S.

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

Answer. 130 West 43 Street 1 year

Question. What is your business or profession?

Answer. Waiter

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 did not attempt to shoot. the revolver went off accidently
James P. Atkins.

Taken before me this 24 *day of* May 1899

Police Justice.

0277

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 May 24 *18* 90 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated *18* *Police Justice.*

0278

8114

Police Court--- 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Washington

483 vs. 1 and

1 James L. Hattock

2

3

4

Offence Felonious Assault

BAILED,

No. 1, by Jacob Klinger

Residence 135 Greenwich Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated May 24 1890

Hogan Magistrate.

McNally Officer.

19 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer G. S.

Bailed

RECEIVED. MAY 26 1890 DISTRICT ATTORNEY'S OFFICE

0279

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

People
vs
James L. Patton.

New York June 1st 1890.

This is to certify that I have been at the house of Mrs. Sarah E. Gardner for nearly a year and a half; the house at which James L. Patton, the defendant in the above entitled action has been employed. That he was employed there at the time of this shooting. That he bore a very good character in the house & was thoroughly trusted. That he was a gentlemanly & obliging servant at all times. That he has been employed at the house since this shooting, owing to sympathy for him, and a belief in his innocence.

Jonas Fish Mason
Attorney & Counsellor at Law,
45 & 47 Wall St., N.Y.C.

0280

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James L. Patton

The Grand Jury of the City and County of New York, by this indictment, accuse James L. Patton of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said James L. Patton late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of May, in the year of our Lord one ~~thousand~~ eight hundred and ~~eighty~~ ninety, with force and arms, at the City and County aforesaid, in and upon the body of one James H. Washington in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said James H. Washington a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said James L. Patton in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent him, the said James H. Washington 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 James L. Patton of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said James L. Patton 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 James H. Washington in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said James H. Washington a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said James L. Patton in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

JOHN R. FELLOWS,

District Attorney.

0281

BOX:
401
FOLDER:
3721
DESCRIPTION:
Pettit, Thomas

DATE:
06/09/90

3721

WITNESSES:

Off McCall

Counsel,

Filed 9 day of June 1890

Pleads

#115

THE PEOPLE,

vs.

B

Thomas Pettit

(2 cases)

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)

[III Rev. Stat. (7th Edition), page 1988, Sec. 21 and page 1989, Sec. 5.]

Complaint sent to the Co[illegible]

134 Special Sessions, 1

June 4 1893

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Frank Higgins

Foreman.

0283

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Pettit

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas Pettit of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said Thomas Pettit

late of the City of New York, in the County of New York aforesaid, on the twelfth day of August in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one Louis McCord and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid by this indictment further accuse the said Thomas Pettit of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Thomas Pettit

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

JOHN R. FELLOWS,
District Attorney.

0284

BOX:
401
FOLDER:
3721
DESCRIPTION:
Piddian, Ascher L.

DATE:
06/09/90

3721

0285

BOX:
401
FOLDER:
3721
DESCRIPTION:
Piddian, Philip

DATE:
06/09/90

3721

Witnesses:

Edwin H Hamm

Hartley Pellitier

This case is now eight years in this office. A civil suit has been prosecuted as termination formally for the defendants Plaintiff. The complainants in this action. There is no desire on the part of the complainants to further prosecute this action. As the People feel that a proper disposition of the same would be the discharge of the defendants bail upon both indictments.

Pf 3, June 22nd 98. Albert Tomlinson asst dist atty.

Counsel,

Filed 9 day of June 1898

Pleads, Not guilty 11 with
Guilty manslaughter by 11

ENTERED T. J. W.

THE PEOPLE

vs.

B

Archer L. Piddian

and B

Philip Piddian

(2 cases)

Misdemeanor (Sec. 364 Penal Code)

JOHN R. FELLOWS,

District Attorney.

Offer May term '92 - Civil suit now on trial. V. M. D.

A TRUE BILL.

Francis Higgins

Foreman.

Part 3, June 22, 1898.
On motion of the D.A.
Bail Disch. on both Indts.
MT MM

0287

STENOGRAPHERS' MINUTES.

First District Police Ct

Edwin H. Hammer
vs.
Isaac Pideon &
others

BEFORE

Hon. Jas. T. Kilbreth
Police Justice

May 16th 1890

WITNESSES.	DIRECT.	CROSS.	RE-DIRECT.	RE-CROSS.

Tucker & Co., 51 Nassau St., N. Y.

0288

FIRST DISTRICT POLICE COURT:

Edwin H. Hammer,	CHARGED: With Counterfeiting a Trade-mark.
- against -	
ASA L. PIDEON, R.O.MORGENSTERN, PHILLIP PIDEON, GABE MAYER, and JOSEPH C.ROSENBAUM,	BEFORE HON.JAMES T.KILBRETH, POLICE JUSTICE.

May 16th,1890.

BY MR.JONES

APPEARANCES:
Mr.Jones, for Complainant.
Mr.Rosenbaum, for Defendants,

MR.JONES:-I offer in evidence, if your honor please, a certificate of the registration of the trade-mark of Complainants firm, signed by the Commissioner of Patents and sealed with the seal of the Department of the Interior dated the 14th of December, 1886

BY MR.ROSENBAUM:-I object to the receipt of this in evidence, upon the ground that the Common Law of this State protects Keasbey & Mattison in the eve t of their having a trademark as much as any statute that has been passed by the House of Representatives, and also upon the ground tha the Act under which the trademark is registered is uncon-

stitutional.

BY MR.JONES; Wont the gentleman kindly favor us with some sort of an indication of the constitutional grounds of his objection.

BY MR.ROSENBAUM:- I make the general objection.

BY THE COURT: Objection overruled

Certificate admitted in evidence and marked Exhibit No.1 of this date.

BY MR.JONES:- I offer a further certificate of registration, signed and sealed in like manner, dated the 4th day of June, 1883

Admitted and marked Exhibit 2 of this date.

BY MR.JONES:- I also offer in evidence, if the court please, a certificate of the incorporation, or rather a copy of the certificate of incorporation of what purports to be the Brooklyn Chemical Works, certified by the Secretary of State under his hand and seal and dated the 25th day of February,1890, in which it appears that the following named persons are declared to be the Managers of the concerns of the Company for the first year of the incorporation, to wit: Asa L.Pideon, R.O.Morgenstern, Philip

Pideon, Gabe Mayer and Joseph C. Rosenbaum, and the certificate furthermore showing that it is dated the 3rd day of February,1890, and that the Capital stock of the Company shall be the sum of $5,000.

ADMITTED and marked Exhibit No.3 of this date.

H A R T L E Y G. P E L L E T I E R, A Witness called on behalf of the Complainants, being duly sworn deposes and says:

BY THE COURT:

Where do you reside? A. 68 Pineapple Street, Brooklyn.

What is your age? A. 28

What is your occupation? A. Lawyer.

DIRECT EXAMINATION, BY MR.JONES;

Mr.Pelletier, you are a member of the bar of this state I believe and are connected with the office of Coudert Brothers, in this City? A. I am.

Do you remember of making a purchase of an article called Bromide-caffeine from the Brooklyn Chemical Works, or their representative at any time recently? A. Yes,sir; if my memory serves me right, it was about the first of March, I purchased there a quarter dozen bottles of

Bromide caffeine.

Is this the package containing the bottles (handing witness bottles in package? A. That is.

What is the date on that? A. March 1st,1890.

Just read the whole memorandum on that package and state whether or not you purchased those bottles from the Brooklyn Chemical Works or someone in their establishment at that time? A. This package is marked (reading) "One quarter dozen Br.Caf." which is my abbrevia tion for bromide caffeine "Brooklyn Chem.Works, 1,March,1890,H.G.P." which are my initials. That is to indicate and remind me of the fact that on the 1st of March, I purchased from the Brooklyn Chemical Works or the gentleman in charge of their office corner of Beekman Street and Perl Street here in this city a quarter dozen bottles of Bromide-caffeine. I purchased it from a gentleman whom I believe to have been the Secretary of the Company

What is his name? A. Phillip Pideon.

Is he here present? A. I do not see him.

That is the absent defendant

BY MR.ROSENBAUM; Yes.

Is that package now in the same condition that it was when

you received it from them? A. Substantially, with the exception that I opened it after I had gotten to the office, and tied it up again.

Have you had the package of bottles in your possession ever since? A.They have been in my possession and under my control ever since.

Have the contents of the bottles b en disturbed in any way or are they in the same condition as they were when you receivedit? A. As far as I can, of course, ~~xxxx~~ I cannot tell until I open it.

Well open it and see? (Witness opens package) A. You asked me if these bottles were in the same condition that I got them?

Yes? A. Yes, they are.

BY MR.JONES; I offer these bottles in evidence if the Court please.

BY MR.ROSENBAUM: We OBJECT to the introduction of bottlesupon which the label Bromide-caffeine is upon the ground that the charge brought against these defendants is counterfeiting the label Bromo-caffeine; this is bromide caffeine

BY THE COURT: Objection overruled.

ADMITTED and marked Exhibit No.4of this date.

And were the certificates xx that are attached to each of these bottles by a rubber band, with the bottles when you purchased them? A. They were.

Is this the bill and receipt for the purchase? A. It is.

BY MR.JONES; I offer this bill and receipt in evidence.

ADMITTED and marked Exhibit No.5 of this date.

That is all.

BY MR.ROSENBAUM; No Cross.

T H O M A S M c N a u g h t ; A Witness called on behalf of the Complainant, being duly sworn deposes and says:-

BY THE COURT

What is your age? A. 4o

What is your occupation? A. Detective Sargeant.

DIRECT EXAMINATION, BY MR.JONES;

Mr.McNaught, you are a Police Sargeant in the Municipal Police of this City, I believe? A. Detective Sargeant.

Do you remember executing a warrant of arrest against Asa L.Pideon and Joseph C. Rosenbaum and Philip Pideon on or about the 14th of March of this year? A.Yea,sir.

Where did you make the arrest? A. At the office of the

Brooklyn Chemical Works on Pearl Street

What is the number, do you know? A. No,sir; I do not remember now, it is on the corner there.

Corner of what?ACorner of Pearl and Beekman.

Now, describe as near as you can, the establishment? A. It is an office in that building on the corner, a narrow office, there are two desks and a few shelves with a number of bottles on the shelves and other packages.

What kind of bottles, bottles containing drugs and chemicals? A. Yes,sir.

About how much of a stock?

BY MR.ROSENBAUM; Objected to as immaterial.

A. I could not say, I saw quite a number of bbottles there.

How much of a stock?

BY MR.ROSENBAUM; OBJECTED to as immaterial.

BY THE COURT; OBJECTION SUSTAINED.

Did you see any bottles similar to the one I hold in my hand now (holding up one of Exhibit No.4) A. Yes,sir.

Did you examine them so carefully as to be able to say that they were exact fac similes of this bottle? A. Yes, sir, they were.

BY MR.JONES; I will have that marked for identification.

MARKED, Exhibit No.6 of this date.

BY MR.ROSENBAUM; We will admit that there are a great many bottles like that.

Whom did you find there in charge on your visits to the business? A. The first day we went there we saw a young man whom I do not see here now, Mr.Philip Pideon, and the second day we were there, the other Mr.Pideon, the one present here now and Mr.Rosenbaum, and Mr.Pideon's brother were all three there then.

Was that the date you made the arrest? A. Yes,sir; that is, two of them were there and I went out with one of them and when I returned Mr.Rosenbaum was there.

And you arrested all about the establishment? A. Yes,sir.

Or, in the office of the establishment? A. Yes,sir.

That is, the two Pideons named in the several warrants and Mr.Rosenbaum? A. Yes,sir.

That is all.

C r o s s E x a m i n a t i o n , BY MR.ROSENBAUM;

While you were there, when you were there the second day Mr.Pideon, Philip Pideon, wrote a note over to my office

didnt he, were you there while he wrote that note for me to come over? A. I think he wrote, or sent for you to come over.

You didnt see me there the first time? A. No, the first time, but you was there the second time.

That is all.

H A R T L E Y G . P E L L E T I E R , Recalled.

DIRECT, BY MR. JONES;

When you went in there to purchase the bottles that you identified, state to the Court what took place between you and the salesman or agent that you cound there?

A. Well, the first time I went in there was only a boy there and I asked him for some Bromo-caffeine.

BY MR.ROSENBAUM; I OBJECT to any testimony as to what took place between the witness and anybody else, the bottles are sufficient evidence.

BY THE COURT; OBJECTION SUSTAINED.

Well, go on with when you made the purchase, what took place then? A. When I made the purchase I found a gentleman whom I understood to be Mr.Philip Pideon there and I asked him for Bromo-caffeine.

That is one of the defendants? A. Yes, the one of the defendants who is not here.

You asked for Bromo-caffeine, go on. A. I asked for Bromo-caffeine and he handed me a bottle like Exhibit 4 here (indicating)

Which is Bromide-caffeine? A. Which is Bromide-caffeine. I looked at it a minute and called his attention to the fact that that was not Bromo-caffeine. He said, yes it is the same thing. He said, it is not called Bromo-caffeine but is bromo-caffeine, or words to that effect. And I asked him if it was all right. I said I was not familiar with the stuff I was going to get, I was getting it for somebody else and he said, yes, that was all right.

He furthermore said that they were printing labels at that time contain ng the words bromo-caffeine instead of bromide-caffeine which they intended substituting and I asked him if they were actually being printed and he said yes. When do you expect to get them done, I asked him and he said they expected them in two days. Then I suggested to him that I take a quarter dozen bottles of the stuff and see if it was all right because I did not want to run any responsibility of getting the wrong stuff and

if he would send me at the address which I gave him, or send to the person for whom I was purchasing this stuff some of these labels which I might paste right over these bottles. He took the address, and I offered to pay him the postage for forwarding these labels to me, but he said no that was not necessary; he did not actually put up the stuff for me then as he toldme he did not have enough in the place, but he said he would send to Brooklyn for it and if I would come in the next day he would have it for me. I came in the next day and these three bottles were done up in a package and I asked him if they were all right ahd he said yes, they were all right, and I paid him the money and he handed me the bill. I asked him if he had the labels yet and he said no, and I renewed my suggestion that he send them to me.

CROSS EXAMINATION; BY MR.ROSENBAUM;

That Bromide-caffeins was not sold to you as manufactured by Keasbey & Mattison? A. No, there was nothing said about Keasbey & Mattison

BY MR.JONES; I MOVE to strike that out as irrelevant.

BY THE COURT; Let it stand MOTION DENIED.

That bottle bears no resemblance to the bottle used by

Keasbey & Mattison? A. No.

BY MR. JONES; I object to that, and move to strike it out.

BY THE COURT; The bottle speaks for itself, motion denied

BY MR. ROSENBAUM; There being no bottle of Keasbey & Mattison here and the witness being acquainted with Keasbey & Mattison's bottles he is capable of testifying. Any ordinary person, as far as you know, would be able to seelthe difference between the bottles of Keasbey & Mattison's bromo-caffeine and the Bromo-caffeine you purchased from the Brooklyn Chemical Works? A. If they were familiar with the bottles of Keasbey & Mattison or had the two together

Would you take a bottle of the Brooklyn Chemical Works' Bromo Caffeine as Keasbey & Mattison's manufacture? A. Not is I was familiar with Keasbey & Mattison's.

I asked you whether you would take a bottle of the Brooklyn Chemical Works' Bromo-caffeine for a Bottle of Keasbey & Mattison's Bromo-caffeine, yet or no? A. No, I would not.

That is all.

RE-DIRECT, BY MR. JONES;

Well, that is because, is it not --

BY MR.ROSENBAUM; OBJECTED TO.

Why wouldnt you, Mr.Pelletier? A.

BY MR.ROSENBAUM Objected to.

BY THE COURT; Objection overruled.

In my case I would not because I am somewhat familiar with Keasbey & Mattison's label and again I am a little bit cautious in the way I proceed about anything, and I always read the label, I do just exactly as I did in this case, I want to find out if it is all right.

You have been cheated then have you? A. Well, I wont say that I have been cheated, I have had people intend to cheat me, but I wont own up that I have been cheated.

As a matter of fact, for the last three or four months you have had Keasbey & Mattison's label called to your especial attention, havent you? A. Very much so.

That is all.

BY MR.JONES; If it please the Court, that is as far as I can proceed without another witness who Is not present and from whom I wanted to prove the purchase of three more bottles.

BY THE COURT; Perhaps that will be conceded.

IT IS ADMITTED; That the three bottles purporting to contain Bromo-caffeine marked respectively, "Plaintiff's Exhibit, 6, 7 and 8" were sold to one E.H.Merritt in the City of New York on or about the 11th day of March, 1890 in the City of New York, by the defendant Asa L. Pideon at the office of the Brooklyn Chemical Works, No.284 Pearl Street, in the City of New York, and that the contents thereof are the manufacture of the Brooklyn Chemical Works.

BY MR.JONES; I also offer in evidence the Bill and receipt to Mr.Merritt.

ADMITTED and marked Exhibit 9 of this date.

PLAINTIFF RESTS -case for Complainant.

BY MR.ROSENBAUM;

I ask your honor to dismiss the complaint upon the grounds that the defendants are members, or, at least so far as the proof goes, are the Managers of theBrooklyn Chemical Works, a corporation incorporated under the Laws of this state, and they are not responsible for the acts of the Corporation; the Penal Code of this State expressly provides a way in which corporations should be punished for misdemeanors, it says that where

a corporation is guilty of a misdemeanor a summons is to issue from this court or any court of competent jurisdiction to one of its officers and the corporation itself brought into court, and upon being found fuilty of this misdemeanor, it should be punished by a Fine. Now the Penal Code expressly provides that way of punishm nt for corporations and these defendants, as far as the case at present is concerned are managers and not responsible for the corporate acts.

BY THE COURT; Which defendant Sold the bottles.

BY MR. JONES; There are five defendants. There were three of them arested.

BY MR. ROSENBAUM; I may say right here, that I do not understand that this prosecution should apply to myself as defendant and Plaintiff consents that I be discharged.

BY MR. JONES; Yes, if your honor please, there is one thing that I would call the attention of the Court to, I understand that Mr. Rosenbaum's only relation to this Company is that of legal adviser, although he is an incorporator and director, I do not care to continue the prosecution against him and therefore, with the permission of the Court, I will withdraw the charge as to Mr.

Rosenbaum.

BY THE COURT ; Is it the same defendant who sold on both of these occasions.

BY MR. JONES; Yes, Mr. Pelletier testified to that effect.

BY THE COURT; What is his name.

BY MR. ROSENBAUM; Mr. Pideon.

BY THE COURT; There are two Pideons - which is the one sold to you, youngman (to Mr. Pelletier.

MR. PELLETIER; Mr. Philip Pideon.

BY MR. ROSENBAUM; And Mr. Asa Pideon sold to Mr. Merritt

BY THE COURT ; I see nothing against the other defendants

BY MR. JONES; except the fact that they are Managers or Officers of this Corporation.

BY THE COURT; You should show some personal participation on their part.

BY MR. JONES; Now I will say your honor, that it is not a matter that I care anything about and I do not care to proceed either against Mr. Rosenbaum who chanced to be present there as legal adviser, nor against any director who was not in fact arrested there doing the business.

BY MR. ROSENBAUM; Then I understand the prosecution is only against Asa and Philip Pideon and that the other

defendants are discharged.

BY THE COURT; Yes, the other three defendants are discharged.

BY MR.ROSENBAUM; Then, if your honor please, I make my motion as applying to the defendants Asa and Phillip Pideon upon the ground that they are only Managers of the corporation and not responsible for its corporate acts.

BY THE COURT; MOTION DENIED.

DEFENDANTS EXCEPT.

BY MR.ROSENBAUM; We have no evidence to offer for the defendants now and ask, if your honor holds that the defendants Asa L.Pideon and Philip Pideon are guilty of the charge as alleged in the Complaint that they be tried before a Jury

BY THE COURT; Very well, we will take the formal statements of the defendants

Formal statements of Asa L.Pideon and Philip Pideon, defendants was here taken.

0305

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

Dated May 16th 1890 J. Williams Police Justice.

I have admitted the above-named Isaac L Piddesian and Philip Piddesian to bail to answer by the undertaking hereto annexed.

Dated May 23d 1890 J. Williams Police Justice.

There being no sufficient cause to believe the within named Leo Morgenstein and Leo Meyer and Joseph C Rosenbaum guilty of the offence within mentioned. I order them to be discharged.

Dated May 16th 1890 J. Williams Police Justice.

0306

W

Police Court--- 1st 824 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Edwin H Nathanson
78 Maiden Lane

vs.

1 Peter C Pidduck
2 Philip Piddock
3 Leo Wagenstein
4 Abe Weyer
5 Jacob Rosenbaum

Offence Forgery

Dated March 14th 1890

Sustained Magistrate.

Crowley and McCaughey Officer.

Precinct.

Witnesses Elmer H Merritt
No. Ninth ave & 42d Street.
Hartley G. Pelletier
Chas Condert Bro
68 William St
No. 3, 4 and 5 Geo Chesnyard

No. 1 and 2 Street.
$ 500 to next Court
Bailed

RECEIVED. DISTRICT ATTORNEY'S OFFICE. MAY 26 1890

BAILED,
No. 1, by Nathan Stern Jr
Residence 119 Grand St Street.
and 142 Grand St N. Y. City
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

0307

DIRECTIONS.

☞ The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

☞ When you arrive at the witness room, hand this Subpœna to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPŒNA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

Ask to see Mr. Redford

In the Name of the People of the State of New York, 12 o'clock M.

To Edwin H. Hammer

of No. 78 Maiden Lane or 138 E 40th Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 5th day of June 1893 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against Archer L. Piddian & Philip Piddian

Dated at the City of New York, the first Monday of June in the year of our Lord 1893

DE LANCEY NICOLL, *District Attorney.*

0308

COURT OF GENERAL SESSIONS, PART 3

THE PEOPLE
vs.
Asher L Riddman
Philip Riddman

For INDICTMENT
Not at the address

To M. Nathan Stiss
Moved to 710 Bway

No. 142 Bond *Street.*

I have to inform you that the indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for Trial at the COURT OF GENERAL SESSIONS OF THE PEACE, at the New Criminal Court Building, on Centre Street, between Franklin and White Streets, Borough of Manhattan, in the City of New York, on the 22nd day of June instant, at 10 o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

ASA BIRD GARDINER,
District Attorney.

0309

142 Grand
~~has art fan~~
can be found
at 710. Broadway

710 Broadway

0310

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Philip Pidian being duly examined before the undersigned 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 im; that the statement is designed to enable h im if he see fit to answer the charge and explain the facts alleged against h im that he is at liberty to waive making a statement, and that h is waiver cannot be used against h im on the trial.

Question. What is your name?

Answer. Philip Pidian

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer. Canada

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

Answer. 216 South 4th St Brooklyn 1 year

Question. What is your business or profession?

Answer. Secretary and Treasurer Brooklyn Chewing Gum

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

Answer. I am not guilty and I demand a trial by Jury

Philip Pidian

Taken before me this 16th *day of* May 1887

Pulitzer

Police Justice.

0311

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Asher L. Pidcain 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 m; that the statement is designed to enable h m 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 m on the trial.

Question. What is your name?

Answer. Asher L. Pidcain

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. New York

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

Answer. 216 South 4th St. Brooklyn 1 year

Question. What is your business or profession?

Answer. President Brooklyn Chemical Wks

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

Answer. I am not guilty and I demand a trial by Jury

Asher L. Pidcian

Taken before me this 16th *day of* May 1899

W. H. Wright

Police Justice.

03 12

Sec. 151.

Police Court 1st **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 Edwin N Naumen of No. 138 E 40 th Street, that on the 10 th day of March 189 0 at the City of New York, in the County of New York,

Asher L Riddian, Leo Magenstein, Philip Pierian, Abe Meyer, Joseph J Rosenbaum knowingly falsely made and counterfeited a trade mark Brand Caffeine, the property of Kenaly and Matthison

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 13 *day of* March 189 0

J Williams POLICE JUSTICE.

0313

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

.....

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

Dated.....*18* .....*Police Justice.*

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

Dated.....*18* .....*Police Justice.*

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

Dated.....*18* .....*Police Justice.*

0314

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Justice Nichols
will please remain and
determine the matter
during my absence
A. W. McMahon
Police Justice

Police Court--- 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edwin A. Nordquist

vs.

1 Robert C. Reddington
2 Leo Morgenstern
3 Philip Riddell
4 Ed Meyer
~~5 Joseph C. Greenbaum~~

Offense Grand Larceny

Dated March 16 1890

Sigbert Magistrate.

Conroley Officer.

C D Precinct.

Witnesses May 12 th 2 pm

No. 15 — Street. 2 pm

" 16

No. No 2 & 4 prisoner Street.

No. Street.

$ to answer

$500 bail each 24 Mch 18th 2 p.m.
Mch 25

POLICE COURT, HALLS OF JUSTICE,
City and County of New York.

City, County and State of New York, ss:

Edwin H. Hammer, being duly sworn, deposes and says, that he is the General Agent in the City of New York and surrounding territory of the copartnership firm of Keasbey & Mattison, of the town of Ambler, near the City of Philadelphia, in the State of Pennsylvania, and that he resides at No. 138 East 40th Street in the City of New York, and also has an office for the transaction of business at No. 78 Maiden Lane in the said City.

And the deponent further deposes and says that the said firm of Keasbey & Mattison, which is composed of one Henry G. Keasbey and one Richard V. Mattison, are manufacturing chemists and, as such, prepare and sell various kinds of standard chemicals and pharmaceutical preparations for use by physicians and others in the treatment of human disorders and diseases, and also several special preparations of which the said copartnership firm are the exclusive proprietors; that in or about the month of July, 1881, the said Keasbey & Mattison invented and began to prepare and sell a new and special pharmaceutical preparation composed among other things of the active principle of Guarana with Hydrobromic Acid resulting in Hydrobromate of Caffeine (the exact proportions of the compound, however, as well as the other ingredients of the formula being a secret) and the whole resulting, for the purposes of general classification in an effervescent salt, pleasant and attractive to the palate, and designed to be employed for the relief of nervous headache, acute indigestion, the depression resulting from alchoholic excesses and the use of chloral, morphia and opium, as well as for general mental fatigue, physical exhaustion and other similar and kindred disorders; that in or about the said month of July, 1881, the said Keasbey & Mattison adopted a new, arbitrary and fanciful name for the said preparation, to wit the words and symbols "BROMO-CAFFEINE," together with other words descriptive of the article, its uses, mode of administering, and other particulars as shown in the annexed impression thereof marked Exhibit No. 1; that from and after the adoption of the said trademark, as aforesaid, the said Keasbey & Mattison applied, and have ever since continued to apply, the said trademark to the said preparation, by which name the same has acquired a wide reputation and great popularity and success as a remedy, and consequently, a large and extensive sale throughout the United States; and that on or about the 14th day of October, 1886, the said Keasbey & Mattison duly applied for the registration of the said trademark, and, thereafter, to wit, on or about the 14th day of December, 1886, the same was, accordingly, duly registered in the United States Patent Office, pursuant to the laws of the United States in such case made and provided, a certificate whereof under the hand of the Commissioner of Patents and sealed with the seal of the Department of the

Interior, the deponent stands ready to produce in this proceeding as this honorable Court may order or direct.

And the said deponent further deposes and says that by reason of the foregoing facts, the said Keasbey & Mattison, from and after the said month of July, 1881, became and have ever since remained the lawful proprietors of the said special preparation and entitled to the exclusive use of the words "Bromo-Caffeine" to designate the same, and that from and after the said registration in the United States Patent Office they also became and have ever since remained the registered owners of the said trademark and entitled as such to all the benefits, advantages and protection afforded by the laws of the United States and of the State of New York, and the deponent further deposes and says that other manufacturing chemists and dealers in drugs, chemicals and pharmaceutical preparations as well as the public at large, have acquiesced in the said exclusive rights of the said Keasbey & Mattison, and that they have heretofore had and enjoyed all the benefits and advantages thereof without interruption or molestation.

But the deponent further deposes and says that one Asher L. Piddian, one Leo Margenstern, one Philip Piddian, one Abe Mayer, and one Joseph C. Rosenstein, who do business at 284 Pearl Street, in the City of New York, by and under the name of the Brooklyn Chemical Works, are making and selling an article in imitation of the said preparation of Keasbey & Mattison and are applying thereto a label having thereon the aforesaid trademark of the said Keasbey & Mattison, to wit: the word symbol "BROMO-CAFFEINE;" that deponent information and the grounds of his belief are derived from information to the above effect conveyed to deponent by one Elmer H. Merritt, a druggist, whose place of business is at the corner of 42nd Street and Park Avenue in the City of New York, and whose affidavit particularly setting forth the said facts is hereunto annexed.

Wherefore, the deponent charges that heretofore, to wit: on the 10th day of March, 1890, the persons above named, to wit, Asher L. Piddian, Leo Morgenstern, Philip Piddian, Abe Mayer and Joseph C. Rosenbaum, knowingly, falsely made and counterfeited a trademark, to wit, the aforementioned trade mark "BROMO-CAFFEINE," the property of the said Keasbey & Mattison; that at the same time and place the said persons affixed to an article of merchandize, a false or counterfeit trademark, knowing the same to be false or counterfeit, or the genuine trademark, or an imitation of the trademark of another without the latter's consent, to wit, the said trademark "Bromo-Caffeine," the property of the said Keasbey & Mattison; that at the same time and place the said persons sold or kept or offered for sale an article of merchandise to which was affixed a false or counterfeit trademark, or the genuine trademark, or an imitation of the trademark of another without the latter's consent, to wit, the said trademark "Bromo-Caffeine," the property of the said Keasbey & Mattison; and that the said persons at the same time and place otherwise violated the provisions of the Penal Code of the State

of New York in such case made and provided.

Wherefore, this deponent prays that a warrant in due form of law may be issued by a magistrate of this Court to apprehend and arrest the said persons to the end that they may be brought before such magistrate to be dealt with according to law

Sworn to and subscribed before me
this 13 day of March, 1890,

J. Kilbreth
Police Justice

E. P. Stevens

EXHIBIT No. 1.

BROMO
—K. & M.—
EFFERVESCENT
(TRADE-MARK.)
CAFFEINE
FOR BRAIN WORKERS.

Combining the active principle of Guarana with Hydrobromic Acid, this preparation contains one grain of Hydrobromate of Caffeine in each heaping teaspoonful.

This delightful effervescent salt is an almost certain remedy for the relief of the nervous headaches resulting from overtaxed mental energy or excitement, acute attacks of indigestion, the depression following alcoholic excesses, the supra-sensitiveness of chloral, morphia and opium habitues, and with ladies the headache and backache of neurasthenia, hysteria, dysmenorrhœa and kindred disorders.

A great boon and prompt source of relief in almost all cases of headache and distress attending mental fatigue and physical exhaustion. It commends itself especially to Physicians, Teachers, Clergymen, Lawyers, Merchants, and others following professions or pursuits requiring nerve energy or subjecting to mental strain.

DOSE.—A heaping dessertspoonful added to a tumbler half full of water, and drank during effervescence. This may be repeated in half an hour if necessary.

MANUFACTURED BY

KEASBEY & MATTISON,

CHEMISTS,

NEW YORK. * AMBLER. * CHICAGO.

Keep the Bottle tightly corked and in a dry place.

Police Court = Hall of Justice,
City & County of New York.

The People, &c,
on the complaint of
Edwin H. Hammer
vs.
Asher L. Piddian
and others, doing
business as the
"Brooklyn Chemical
Works."

Complaint & Supporting
affidavit.

0320

Sec. 192.

/ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Daniel J. McMahon a Police Justice of the City of New York, charging Philip Siddiani Defendant with the offence of Counterfeiting 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 hearing thereof having been adjourned,

We Philip Siddiani Defendant of No. 216 Stanton St Brooklyn Street, by occupation a Manufacturer and Moses J. Lichtenberg of No. 64 & 66 Johnson Street, by occupation a Jeweler Surety, hereby jointly and severally undertake that the above named Philip Siddiani Defendant shall personally appear before the said Justice, at the First 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 14 *day of* March 1890

D J McMahon Police Justice.

Philip Siddiani

M J Lichtenberg

0321

CITY AND COUNTY OF NEW YORK, } ss.

Moses J. Lichtenberg

the within named Bail and Surety being duly sworn, says, that he is a resident and house 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 the stock of jewelry contained in the warerooms at 64 & 66 John Street valued $10,000 free

Sworn to before me, this 14 day of March 1889

[illegible] Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 188

Justice.

0322

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Daniel F. McMahon a Police Justice of the City of New York, charging Archer L. Siddran Defendant with the offence of Counterfeiting Trade marks

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 hearing thereof having been adjourned,

We, Archer L. Siddran Defendant of No. 216 South 4th Street Brooklyn Street; by occupation a Manufacturer and Moses J. Lichtenberg of No. 64 & 66 John Street, by occupation a Jeweler Surety, hereby jointly and severally undertake that the above named Archer L. Siddran Defendant shall personally appear before the said Justice, at the First 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,

Archer L. Siddran

Taken and acknowledged before me, this 14 *day of* March 1890

D F McMahon Police Justice.

0323

CITY AND COUNTY OF NEW YORK, } ss.

Moses A. Lichtenberg

the within named Bail and Surety being duly sworn, says, that he is a resident and house 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 the stock of jewelry contained in the warerooms of 64 John Street, valued $10,000 free

Sworn to before me, this 14 day of March 1890

J. McMahon Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the ..... day of 188

..... Justice.

0324

Sec. 192.

1

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Daniel F. McMahon a Police Justice of the City of New York, charging Joseph C. Rosenbaum Defendant with the offence of Counterfeiting trademarks

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 hearing thereof having been adjourned,

We, Joseph C. Rosenbaum Defendant of No. 174 East 82nd Street; by occupation a Lawyer and Moses J. Lichtenberg of No. 64 & 66 John Street, by occupation a Jeweler Surety, hereby jointly and severally undertake that the above named Joseph C. Rosenberg Defendant shall personally appear before the said Justice, at the First 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 14th *day of* March 1890

D F McMahon Police Justice.

0325

CITY AND COUNTY OF NEW YORK, } ss.

Moses J. Lichtenberg

the within named Bail and Surety being duly sworn, says, that he is a resident and house 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 the stock of jewelry contained in the warerooms at 64 John Street, valued $10,000 free and clear

Sworn to before me, this 14 day of March 1890

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 188

Justice.

0326

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Archer L. Siddian and Philip Siddian

The Grand Jury of the City and County of New York, by this Indictment accuse Archer L. Siddian and Philip Siddian of a Misdemeanor ~~of the crime of~~

committed as follows:

The said Archer L. Siddian and Philip Siddian, both late of the City of New York, in the County of New York, aforesaid, on the first day of March in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, did unlawfully and knowingly sell to one Hartley G. Pelletier, without the consent of Henry G. Keasbey and Richard V. Mattison, co-partners then and there doing business in and by the firm, name and style of Keasbey and Mattison, certain articles of merchandise, to wit: three bottles then and there containing a certain compound, mixture, preparation and thing called "Bromide Caffeine" (a more ~~particular~~ description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing

the same there was then and there affixed an imitation of the trade mark of the said Keasbey and Mattison: 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 Archer L. Peddian and Philip Peddian of the same Misdemeanor, committed as follows:

Heretofore, to wit, on the first day of March, in the year of our Lord, one thousand, eight hundred and ninety and for a long time prior thereto, Henry G. Keasbey and Richard V. Mattison, were co-partners, carrying on business as manufacturing chemists in and by the firm, name and style of Keasbey and Mattison at divers places in the United States of America, and in the said City and County of New York, and as such manufacturing chemists, manufactured, produced, sold, compounded and prepared divers and various kinds of standard chemicals and pharmaceutical preparations, compounds and mixtures, and amongst others, a certain pharmaceutical preparation, compound and mixture invented by the said

Kearbey and Mattison and designed to be employed for the relief of certain physical disorders and ailments, and for which the said Kearbey and Mattison had lawfully adopted a new, arbitrary and fanciful name, to wit: the name "Bromo Caffeine" and which said name the said Kearbey and Mattison used to indicate themselves as the makers owners and sellers of the said pharmaceutical preparation, compound and mixture and usually affixed and placed upon bottles in and by which ~~which~~ the same was inclosed and prepared for sale and disposition, and upon labels placed upon such bottles, to denote that the same was manufactured, produced, sold, compounded, bottled and prepared by them, and which said name was by reason of the premises the trade mark of the said Kearbey and Mattison, and on the day of the commission of the crime hereinafter alleged, the said Kearbey and Mattison were the lawful proprietors of the said pharmaceutical preparation, compound and mixture and entitled to the exclusive use of the said trade mark, and to all the benefits advantages and protection of the laws of this State in such cases afforded and provided.

And the said Archer L. Peddicord and Philip Peddicord, both late of the City and County aforesaid, well knowing the premises, afterwards, to wit: on the said first day of March in the year aforesaid, at the City and County aforesaid, without the consent of the said Keasbey and Mattison, did unlawfully and knowingly sell to one Hartley G. Pelletier certain articles of merchandise, to wit: three bottles then and there each containing a certain preparation, compound mixture and thing, (a more particular description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing the same there was then and there affixed an imitation of the said trade mark of the said Keasbey and Mattison, to wit: a certain label with certain words and matters printed thereon, and amongst them the words and letters following to wit: "Bromide Caffeine" by the use of which said words and letters, the same being similar in appearance and sound to the said genuine trade mark, the said imitation trade mark so far resembled the said genuine trade mark as to be likely to induce the belief that it was genuine, against the form of the Statute

Kearsley and Mattison and designed to be employed for the relief of certain physical disorders and ailments, and for which the said Kearsley and Mattison had lawfully adopted a new, arbitrary and fanciful name, to wit: the name "Bromo Caffeine" and which said name the said Kearsley and Mattison used to indicate themselves as the makers owners and sellers of the said pharmaceutical preparation, compound and mixture and usually affixed and placed upon bottles in and by which ~~which~~ the same was inclosed and prepared for sale and disposition, and upon labels placed upon such bottles, to denote that the same was manufactured, produced, sold, compounded, bottled and prepared by them, and which said name was by reason of the premises the trade mark of the said Kearsley and Mattison, and on the day of the commission of the crime hereinafter alleged, the said Kearsley and Mattison were the lawful proprietors of the said pharmaceutical preparation, compound and mixture and entitled to the exclusive use of the said trade mark, and to all the benefits advantages and protection of the laws of this State in such cases afforded and provided.

in such case made and provided, and against the peace of the People of the State of New York and their dignity.

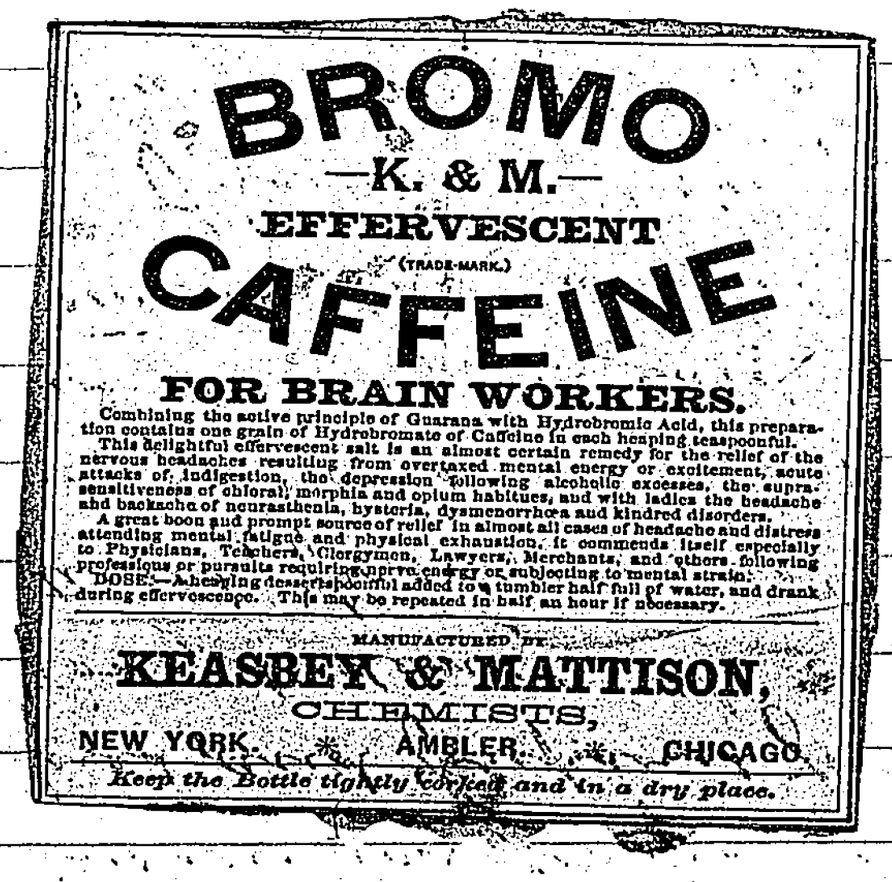
Third Count.

And the Grand Jury aforesaid, by this Indictment further accuse the said Arthur L. Peddian and Philip Peddian of the same Misdemeanor, committed as follows:

Heretofore, to wit: on the first day of March in the year of our Lord, one thousand eight hundred and ninety, and for a long time prior thereto, Henry G. Keasbey and Richard V. Mattison were copartners, carrying on business as manufacturing chemists in and by the firm, name and style of Keasbey and Mattison, at divers places in the United States of America, and in the said City and County of New York, and as such manufacturing chemists manufactured, produced, sold, compounded and prepared divers and various kinds of standard chemicals and pharmaceutical preparations, compounds, and mixtures, and amongst others a certain pharmaceutical preparation ~~and~~ compound and mixture, invented by the said Keasbey and Mattison and designed

to be employed for the relief of certain physical disorders and ailments and for which the said Keasbey and Mattison had adopted a new arbitrary and fanciful name, to wit: the name, "Bromo Caffeine"

And before the commission of the crime hereinafter alleged, the said Keasbey and Mattison duly and lawfully adopted a certain trade mark to wit: a mark used by them to indicate themselves as the makers, owners and sellers of the said pharmaceutical preparation, compound and mixture, the same being a certain label with certain words and matters printed thereon in the manner following, to wit:


BROMO
—K. & M.—
EFFERVESCENT
(TRADE-MARK.)
CAFFEINE
FOR BRAIN WORKERS.
Combining the active principle of Guarana with Hydrobromic Acid, this preparation contains one grain of Hydrobromate of Caffeine in each heaping teaspoonful.
This delightful effervescent salt is an almost certain remedy for the relief of the nervous headaches resulting from overtaxed mental energy or excitement, acute attacks of indigestion, the depression following alcoholic excesses, the supra-sensitiveness of chloral, morphia and opium habitues, and with ladies the headache and backache of neurasthenia, hysteria, dysmenorrhœa and kindred disorders.
A great boon and prompt source of relief in almost all cases of headache and distress attending mental fatigue and physical exhaustion, it commends itself especially to Physicians, Teachers, Clergymen, Lawyers, Merchants, and others following professions or pursuits requiring nerve energy or subjecting to mental strain.
DOSE:—A heaping dessert-spoonful added to a tumbler half full of water, and drank during effervescence. This may be repeated in half an hour if necessary.
MANUFACTURED BY
KEASBEY & MATTISON,
CHEMISTS,
NEW YORK. AMBLER. CHICAGO.
Keep the Bottle tightly Corked and in a dry place.

and which said trade mark and label

the said Kearsley and Mattison at all the times herein mentioned, usually affixed and placed upon bottles in and by which the said pharmaceutical preparation, compound and mixture was inclosed, and prepared for sale and disposition, to denote that the same was manufactured, produced, sold, compounded, bottled and prepared by them, and at all of the said times, the said Kearsley and Mattison were the lawful proprietors of the said pharmaceutical preparation, compound and mixture, of the said trade-mark, and entitled to the exclusive use of the same and to all the benefits, advantages and protection of the laws of this State in such cases afforded and provided.

And the said Archer L. Piddian and Philip Piddian, both late of the City and County aforesaid, well knowing the premises, afterwards, to wit: on the said ~~tenth~~ first day of March in the year aforesaid, at the City and County aforesaid, without the consent of the said Kearsley and Mattison, did unlawfully and knowingly sell to one Hartley G. Pettetier certain articles of merchandise, to wit: three bottles then and there each containing a certain preparation, compound, mixture and thing, (a more particular

description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing the same there was then and there affixed an imitation of the said trade-mark of the said Keasbey and Mattison, to wit: a certain label, with certain words and matters printed thereon in the manner following to wit:

For headache and brain fatigue.
Granular Effervescent
Bromide
B. C. W.
Caffeine

Dose — Two teaspoonfuls in a glass half full of water; repeat in a quarter of an hour if necessary. Each teaspoonful contains 1 grain of Hydrobromate of Caffeine. Drink slowly while effervescing.

Useful also in Over-exertion, Insomnia, Nervous exhaustion, Mania, Melancholia, and depression following Alcoholic Excess. It is a specific for Seasickness.

Prepared by the
Brooklyn Chemical Works,
Manufacturers of
Superior Effervescing Salts,
Brooklyn, New York

and which said label by the use of words and letters similar in appearance and in

sound, and of the arrangement, form and style thereof, so far resembled the genuine trade-mark aforesaid as to be likely to induce the belief that it was genuine: 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.

John R. Fellows,
District Attorney.

Witnesses:
Elson H Hamms
Hartly Pellites

Counsel, Mr Rosenbaum 280 Broadway

Filed 9 day of June 188

Pleads, Not guilty 11 with leave withdrawn 11

ENTERED T. J. W.

THE PEOPLE

vs.

B
Asher L. Pidohan

and B
Philip Pidohan

[2 cases]

Misdemeanor [Sec. 364, Penal Code]

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL.

May 4th

Francis Higgins
Foreman.

Part 3, June 22, 1898.
On motion of the D.A.
Bail discharged —
See the other indictment —

Description wherein to the Grand Jury

0337

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

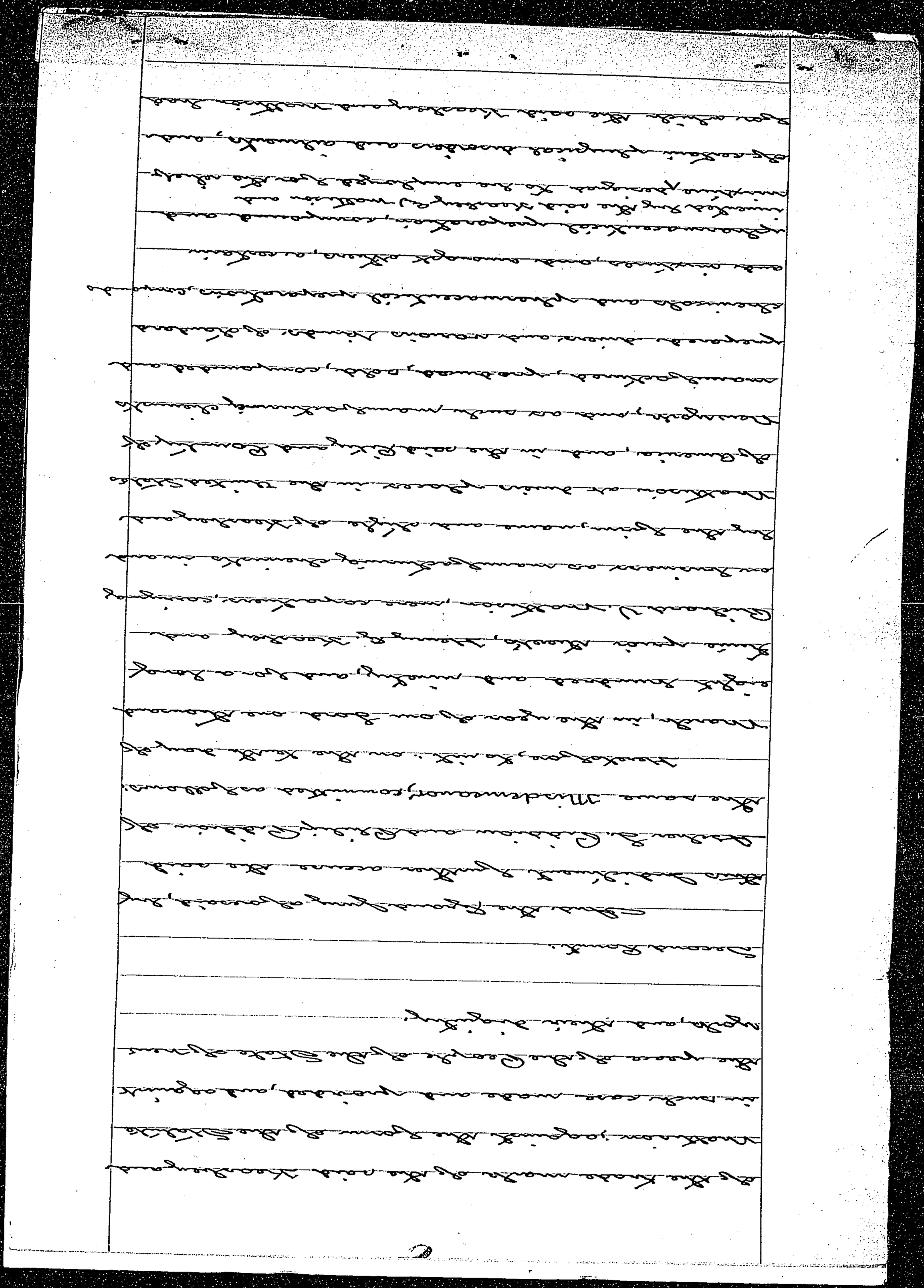
Andrew J. Gissian
and Philip Gissian

The Grand Jury of the City and County of New York, by this Indictment accuse Andrew J. Gissian and Philip Gissian of a Misdemeanor, ~~of the crime of~~

committed as follows:

The said Andrew J. Gissian and Philip Gissian, both

late of the City of New York, in the County of New York, aforesaid, on the ~~twenty~~ day of March, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, and feloniously did unlawfully sell to one Elmer H. Merritt, without the consent of Henry G. Keasbey and Richard V. Mattison, copartners then and there doing business in and by the firm, name and style of Keasbey and Mattison, certain articles of merchandise, to wit: three bottles then and there each containing a certain compound, medicine, preparation and thing called "Bromo Caffeine" (a more particular description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing the same there was then and there affixed an imitation



0330

lawfully adopted a new, arbitrary and fanciful name to wit: the name "Bromo Caffeine" and which said name the said Keasbey and Mattison was to indicate themselves as the makers, owners and sellers of the said pharmaceutical preparation, compound and mixture, and usually affixed and placed upon bottles in and by which the same was mixed and prepared for sale and exposition, and upon labels placed upon such bottles, to denote that the same was manufactured, produced sold, compounded, bottled and prepared by them, and which said name was by reason of the premises the trade mark of the said Keasbey and Mattison, and on the day of the commission of the crime hereinafter alleged the said Keasbey and Mattison were the lawful proprietors of the said pharmaceutical preparation, compound and mixture and entitled to the exclusive use of the said trade mark, and to all the benefits, advantages and protection of the laws of this State in such cases afforded and provided.

And the said Arthur S. Pridian and Philip Pridian, both late of the City and County aforesaid, well knowing the premises, afterwards, to wit: on the said Fourth day of March, in the year aforesaid, at the City and County aforesaid, without the consent of the

said Hearsey and Mathison, did unlawfully and knowingly sell to one Elmer H. Meirick certain articles of merchandise, to wit, three bottles then and there each containing a certain preparation, compound, mixture and thing (a more particular description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing the same there was then and there affixed a false and counterfeit trade mark, to wit: a certain label then and there containing amongst other things, printed thereon, the said words, "Bromo Seltzer"; 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 thereof Arthur L. Prabian and Philip Siddian of the same Misdemeanor, committed as follows:

Wherefore, to wit: on the tenth day of March in the year of our Lord one thousand eight hundred and nineteen, and for a long time prior thereto, Henry J. Hearsey and Richard J. Mathison were copartners, carrying on business as manufacturing chemists in and by the firm, name and style

of Kearney and Matteson, at divers places in the United States of America, and in the said City and County of New York, and as such manufacturing chemists manufactured, produced, sold, compounded and prepared divers and various kinds of standard chemicals and pharmaceutical preparations, compounds and mixtures, and amongst other a certain pharmaceutical preparation, ~~and~~ compound and mixture, invented by the said Kearney and Matteson and designed to be employed for the relief of certain physical disorders and ailments, and for which the said Kearney and Matteson had adopted a new, arbitrary and fanciful name, to wit: the name "Bromo Caffeine."

And before the commission of the crime hereinafter alleged, the said Kearney and Matteson duly and lawfully adopted a certain trade mark to wit: a mark used by them to indicate themselves as the makers, owners and sellers of the said pharmaceutical preparation, compound and mixture, the same being a certain label with certain words and matter printed thereon in the manner following to wit:

and which said trade mark and label the said Keasbey and Mattison or all the times herein mentioned usually affixed and placed upon bottles in and by which the said pharmaceutical preparation, compound and mixture was indorsed and prepared for sale and disposition, to denote that the same was manufactured, produced sold, compounded bottled and prepared by them, and of all of the said times the said Keasbey and Mattison were the lawful proprietors of the said pharmaceutical preparation, compound and mixture, of the said trade mark, and entitled to the exclusive use of the same and to all the benefits, advantages and protection of the laws of this State in such cases afforded and provided.

And the said Archer S. Gibson and Philip Gibson, both late of the City and County aforesaid, well knowing the premises, afterwards, to wit, on the said tenth day of March, in the year aforesaid, at the City

and selling of goods, without the consent of the said Heasley and Mattson, did unlawfully and fraudulently sell to one Elmer H. Merritt, certain articles of merchandise, to wit: three bottles then and there each containing a certain preparation, compound, mixture and thing, (a more particular description whereof is to the Grand Jury aforesaid unknown) to which, and to each of which said bottles so containing the same there was then and there affixed an imitation of the said trade mark of the said Heasley and Mattson, to wit: a certain label, with certain words and matters printed thereon in the manner following, to wit:

For headache and brain fatigue

Effervescing granules of

Bromo

B.C.W.

Caffeine

Dose.- Two teaspoonfuls, or twice the contents of measure on the bottle, in a glass half full of water; repeat in a quarter of an hour if necessary. Each teaspoonful contains 1 grain of Hydrobromate of Caffeine. Dissolve slowly while effervescing.

Useful also in

Over-exertion, Insomnia

0344

0345

BOX:
401

FOLDER:
3721

DESCRIPTION:
Pinckney, Eugene A.

DATE:
06/30/90

3721

Bail fixed at $1500
B.M.

Witnesses:

James Grange

Demurrer indictment clearly states a cause of action constituting a crime under Sections 530 & 536 of Penal Code.
Demurrer overruled
B.M.

Bailed by
Maria L. Pinckney
G. Eugene A. Pinckney
J. Fulton Sp

B.M. June 30 '90

489

Counsel,

Filed 30 day of June 1890

Pleads Not guilty July 16

THE PEOPLE

vs.

~~B~~

~~PC4~~

Eugene A. Pinckney

[2 cases]

Grand Larceny, 1st degree
(MISAPPROPRIATION.)
(Sections 528 and 530 of the Penal Code).

JOHN R. FELLOWS,
District Attorney.

Demurrer filed July 8/90
Disallowed July 15/90

A True Bill.

Francis Higgins
Foreman.

Set for ~~May 24~~ June 15/91 -1x L
B.

Set for December 1/91 B.S.W.

0347

County of New York, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable, Marshal or Policeman in this State, Greeting:

An indictment having been found on the 30th day of June 1890, in the Court of General Sessions of the Peace of the County of New York, charging Eugene A. Pinckney

with the crime of Grand Larceny in the first degree

You are therefore Commanded forthwith to arrest the above named Eugene A. Pinckney and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York.

New York City, the 30th *day of* June 189 0

By order of the Court,

John Sparks

Clerk of Court.

0348

New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK,

against

Eugene A. Pinckney

BENCH WARRANT FOR FELONY.

Issued June 30th 1890

☞ The officer executing this process will make his return to the Court forthwith.

0349

Court of General Sessions
City and County of New York

The People
against
Eugene A. Pinckney

The Defendant Eugene A. Pinckney above named demurs to the indictment presented by the Grand Jury on the 30th day of June 1890. on the following grounds: —

That the facts stated in said indictment do not constitute a crime.

Therefore the said defendant asks Judgment of the Court that he be dismissed and discharged from the said premises specified in said indictment

Dated New York July 8. 1890

Augustus F. Bayse
Attorney for Defendant

Court of General Sessions.
City of New York

The People
against.
Eugene A. Pinckney

Demurrer

Augustus F. Bays
of Counsel for
Defendant

filed July 8. 1890

0351

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.

Henry Nichols

of No. 150 Nassau Street, aged 41 years,

occupation Banker being duly sworn

deposes and says, that on or about the 14th day of February 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:

~~Eight~~ Seven hundred dollars in cash, good and lawful money of the United States

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 Eugene A. Pinckney of No. 29 Fulton Street as follows, viz: said Eugene A. Pinckney came to deponent at his office, 150 Nassau street with a note, the following of which is a copy. "$1231 42/100 New York Feby 14th 1887 Four months after date I promise to pay to the order of ~~the~~ Rustic Mfg & Construction Company Twelve hundred and thirty one 42/100 dollars at 197 Water street, value received. (signed) A. B. Cohen." That said Eugene A. Pinckney represented himself to be the manager of The Rustic Mfg and Construction Company, named in said note and deponent believed him to be ~~said~~ such manager and that he endorsed said note for said company as manager and also endorsed it as E. A. Pinckney in blank. That said endorsements were made on or about Feby

Sworn to before me, this day of 188

Police Justice.

14th 1887. That when said Pinckney came to deponent with said note he represented to deponent that the maker of the note was a very wealthy man and that he was at that date to wit; Feby 14th 1887 the sole owner of the business conducted at 197 Water street in agricultural implements, machinery, fertilizers, etc. and gave deponent a business card which represented said A. B. Cohn to be the owner of the business aforesaid conducted at 197 Water street, New York, and a return envelope directed thereto printed and purporting to be the agent of said Rustic Lifts & Construction Company and when said Pinckney gave deponent said card and envelope he stated to deponent that the representations made by them were true. That relying on said representations made by said Pinckney as to the business and financial ability of said A. B. Cohn and the further representation in writing signed by said Pinckney that said note was made and delivered to said Rustic Lifts & Construction Company for goods sold and delivered by said company to said Cohn, deponent at the urgent request of said Pinckney bought said note of said company for the sum of eleven hundred and sixty dollars paid to said company and said Pinckney as follows, satisfaction of judgment against said company and against said Pinckney individually of four hundred and sixty dollars ~~and seven hundred dollars~~ cash, total eleven hundred and sixty dollars. That deponent would not have bought said note ~~worth~~ except for the aforesaid representations of said Pinckney as to the wealth business and financial responsibility of said A. B. Cohn. That when said note became due it was duly presented for payment at 197 Water street and payment was refused and said note was duly protested for non-payment. That thereafter deponent made investigation as to the truths of the said representations made by said Pinckney as to said A. B. Cohn's standing and learned that said Cohn did not on Feby 14, 1887 own the said business at 197 Water street and had not for about two years or more and that were several unsatisfied judgments on file in the New York County Clerk's office against said Cohn, the first of which was docketed shortly after Feby 14th 1887. Deponent is informed and believes that said Cohn has been since Feby 14, 1887 examined in proceedings supplementary to execution on a judgment and has sworn that he has had no property liable to sale under execution for a time reaching back beyond Feby 14, 1887. Deponent has learned that the representations made by said Pinckney on Feby 14th 1887 that said A. B. Cohn was the sole owner of the business

Conducted at 197 Water street at that time in agricul-
~~tural~~ implements, etc; and the representations made
by Pinckney through said card and envolope were
false and fraudulent in each and every respect and deponent also
believes that the representations made by said
Pinckney that said Cohu was on Feb 14-1887 a
very wealthy man was also false and fraudulent
and known by said defendant to be false and fraudulent
Therefore deponent charges said defendant
with feloniously taking, stealing and carrying
away said property as aforesaid and prays
that said defendant be apprehended and
bound to answer and dealt with according
to law

Sworn to before me this
9th day of Dec - 1887
Sam'l C Weeks Police Justice

Henry Nichols

0354

T. C. by Safety Council.
I took the note to the Nassau Bank and looked at the rating of the maker of the note from the Mercantile Agency. It was rated as good & on that report I took the note. I paid him $200 odd dollars on the note and deposited some $400 with Henry Clay & Co as margins.
One June 17th $400 was lined on account of the note — by check of Ab Cotton and the check was paid on presentation.

Further Exd. adj. to Dec 22 at 2 P.M.

0355

Sec. 198—200.

_____ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Eugene Lincoln 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 Eugene G. Lincoln

Question How old are you?

Answer 38 years

Question. Where were you born?

Answer. New York

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

Answer. 525 Sixth Avenue Brooklyn 1 year

Question What is your business or profession?

Answer Treasurer of Manufacturing Company

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 went to Mr Merrill's office with Mr Mahin to speak about the note — Mr Merrill took the note, went to Herman Bonn and said he (Merrill) was perfectly satisfied with the genuineness of the note and the standing of the maker. He said he would hold the note as c. collateral for payment of judgment, and would buy me two thousand shares of Erie and later on he would loan further into the matter and verify as accurate it — He bought the Erie stock at 3 & 1/4 and gave me a memorandum for the same, and said he would later on account the paper — He said would credit

Taken before me this _____ day of _____ 188 }

_____ Police Justice.

a check for me. They ended by
found me guilty above the paper.
I for another second check for me
charging me twenty-five cents on
each check. I for afternoon received
the order discount the note
from me a receipt for Seven Thousand
Dollars ~~on~~ made by Henry Clews & Co
about the 26th of January 1887. — then
from me a letter to Mr McMahon.
Dated March 1st 1887. to satisfy a
judgement. I always considered
Mr Cohen a very rich man.
I made no false representations
all my statements in relation to
the standing of Mr Cohen were informed
by Mr. McMahon. ~~I was also reminded~~
~~whether the note inquired him was from~~
I did not state that the note
was from for goods sold. I do
not recollect saying that the note
was given for business. I was
sent for by Mr Marks and Mr
Thomson to go to the office of
Henry Clews and company 130
Nassau Street. They wanted me
to sign an affidavit against Mr
Cohen which I declined to do. They
agreed if I signed the affidavit
they would not prosecute me and
if I refused I would be arrested.
A second officer was present

Taken before me
this 22nd day of December
1882

E. A. Rinehart

Police Justice

0357

Sec. 151. 1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint on oath, has been made before the undersigned, one of the *Police Justices* in and for the said City, by Henry Nichols

of No. 150 Nassau Street, that on the 14 day of February 1887 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the United States

o the value of ~~about~~ Seven hundred Dollars,

the property of Complainant

w as taken, stolen, and carried away and as the said complainant has cause to suspect, and does suspect and believe, by Eugene A Pinchney

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen*, and every of you, to apprehend the body of the said Defendant and forthwith bring him 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 9 *day of* Dec 188 7

Saml C Ellis POLICE JUSTICE.

0358

POLICE COURT. _____ **DISTRICT.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

_____

vs.

_____

Warrant—Larceny.

Dated _____ 188

_____ *Magistrate*

Heidelburg _____ *Officer*

The Defendant _____

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

_____ *Officer.*

Dated _____ 188

This Warrant may be executed on Sunday or at night.

Sam'l Allen *Police Justice.*

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex _____

Complexion, _____

Color _____

Profession, _____

Married _____

Single, _____

Read, _____

Write, _____

29 Hudson Ave

Manager

0359

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 *Hundred Dollars,* *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated Dec 4 5 188 *Police Justice.*

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

Dated Dec 4 5 188 *Police Justice.*

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

Dated 188 *Police Justice.*

0360

Bond renewed
Dec 24. 1889.

BAILED,

No. 1, by John H Starr

Residence ~~[illegible]~~ Street.

No. 2, by 100 B-way

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

W 2134

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Nichols
~~[illegible]~~ 60 Broadway
Eugene A Pendergast
2
3
4

Offence Grand Larceny

Dated Dec 20 1887

D O Reilly Magistrate.

Heidelberg Officer.

Detective Bureau Precinct.

Witnesses R. R. Roe

No. Chapin House 66 to 68 St near 3rd Ave Street.

Francis S Turner

No. 45 Broadway Street.

N. B. Coles

No. 197 Broadway Street.

$ 1000 to answer

& for Dec 23

at 2 pm

ad to Dec 23 at 2. Dec 24 at 10

RECEIVED DEC 1887 BUREAU OF RECORD OF ATTORNEYS OF THE CITY

City and County of New York, ss:

James Grange, being duly sworn, deposes and says:

I am a bookbinder, doing business at No. 66 Duane Street, in the City of New York.

On the 25th day of June, 1890, I attended at the Police Court for the First District of the City of New York, with my Counsel, Andrew Gilhooly, Esq., whose office is at No. 5 Beekman Street. On my behalf my said Counsel then and there applied to Mr. Justice Gorman for a warrant for the arrest of Eugene A. Pinckney for larceny, and on said application presented to said Justice the annexed paper marked Exhibit A, and asked said magistrate to take my oath to said statement for the purpose of being used on said application. In answer, the said Justice said that the allegations in said statement contained, which are stated to be on information derived from James Boys, should be supported by affidavit of the said Boys. My said Counsel then left the Court Room in search of said Boys and on his return informed said Justice that Mr. Boys declined to attend unless he were subpoenaed, whereupon my said Counsel applied to said Justice for a subpoena to compel the attendance of said Boys. The Court then read over the annexed statement marked Exhibit A, and held that the facts therein alleged, even if substantiated by affidavit, did not constitute a criminal offence, and that deponent should bring a civil action of replevin against Boys for the recovery of the note in said statement mentioned. In reply

my said Counsel contended that the facts stated in said Exhibit A showed a felonious misappropriation of said note by said Pinckney to his own use while the same was in his possession as my agent. My said Counsel offered to substantiate by affidavit the facts in said Exhibit A alleged, but said Justice ruled that they were insufficient to show any criminal offence and denied the application for a warrant.

Sworn to before me this)
26th day of June, 1890.)

William K. Gilchrist
Notary Public
N.Y. Co.

James Grange

0363

Police Court— District. Affidavit—Larceny.

City and County of New York, } ss.:

Exhibit No. 9. N. P.

James Grange

of No. 66 Duane Street, aged 27 years, occupation bookbinder being duly sworn deposes and says, that on the about 20th day of May 1890 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:

A certain promissory note in writing dated March 10, 1890 at four months made by deponent to the order of Eugene A Pinckney for the sum of $1142.50

the property of deponent which said note was issued and delivered by deponent to said Eugene A Pinckney on March 11, 1890 solely for the purpose of procuring the same to be discounted as the agent of deponent and not otherwise and of paying over as such agent to deponent the proceeds of said note when discounted 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 said Eugene A Pinckney. That James Boys is a broker having his place of business at 50 Exchange Place in the City New York and that as deponent is informed by said Boys and verily believes he said Eugene A Pinckney died on or about May 20, 1890 borrow from said Boys the sum of $100 on his said Pinckney's check for $103 and at the same time deposited and pledged with said Boys the above described note for $1142.50 as collateral security for the payment of said loan and check. Thereafter deponent demanded of said Pinckney the return of said note or the proceeds thereof if discounted and in answer to such demand the said Pinckney refused to give deponent any account of said note or pretended to deponent the same or pay over to deponent the proceeds thereof or state to deponent what he had done with it. That at the time deponent received said information from said Boys he said Boys had the above described note in his possession and showed the same to deponent and stated that said

Sworn to before me, this day of 188

Police Justice.

0364

District Attorney's Office,

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Grange,
vs.
Eugene A. Prickney

2 cases

Offence Grand larceny first degree

Dated June 27 1890

Witnesses, James Boyd

No. 50-52 Exchange Pl Street,

No. Street,

No. Street,

Andrew Gilhooley Esq
attorney for Complainant
5 Beekman St.

0365

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Eugene A. Rinehart

The Grand Jury of the City and County of New York, by this indictment, accuse — Eugene A. Rinehart — of the CRIME OF ~~Grand~~ LARCENY, ~~in the first degree~~, committed as follows:

The said Eugene A. Rinehart,

late of the City of New York, in the County of New York aforesaid, on the ~~twenty-sixth~~ day of — May, — in the year of our Lord one thousand eight hundred and ~~eighty-~~ ninety at the City and County aforesaid, being then and there the ~~clerk and servant of~~ agent of one James Grange,

and as such ~~clerk and servant~~ agent, then and there having in his possession, custody and control certain ~~moneys,~~ goods, chattels and personal property of the said James Grange,—

the true owner thereof, to wit: a certain promissory note for the payment of money, made by the said James Grange and bearing date March 10th, 1890, wherein and whereby the said James Grange promised to pay to the order of the said Eugene A. Rinehart four months after the date thereof, the sum of eleven hundred and forty two dollars and fifty cents, the same being then and there wholly unsatisfied and of the value of eleven hundred and forty two dollars and fifty cents, the said Eugene A. Rinehart, — afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said promissory note —

to his own use, with intent to deprive and defraud the said James Grange

of the same, and of the use and benefit thereof; and the same ~~moneys,~~ goods, chattels and personal property of the said James Grange, —

did then and there and thereby feloniously steal, 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.

JOHN R. FELLOWS,
District Attorney.

0366

BOX:
401

FOLDER:
3721

DESCRIPTION:
Pindt, Paul

DATE:
06/10/90

3721

#148

Witnesses;

Jno Eichorn

Counsel,

Filed 10 day of June 1890

Pleads,

THE PEOPLE

vs.

P

Paul Pindt

Grand Larceny Second degree.

[Sections 528, 531, Penal Code].

JOHN R. FELLOWS,

District Attorney.

witnesses produced by District Attorney to complain June 11/90

A True Bill.

Francis Higgins

Foreman.

June 11/90

Plead Not Guilty

Elmira Ref. RBM.

0368

Police Court—5 District.

Affidavit—Larceny.

City and County of New York, } ss.

John Eichorn

of No. 54 Lawrence Street, aged 21 years,

occupation Baker being duly sworn

deposes and says, that on the 25th day of May 1899 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 hunting case gold watch of the value of Seventy five dollars ($75.00)

the property of Deponent

Magistrate
Police Justice

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 Paul Pendt (unknown) from the fact that at about the hour of 12 o'clock in said date deponent left the said defendant and said watch in deponents room in said premises. and after the defendant left said room deponent discovered that said watch was missing.
Deponent is informed by Detective David W. Erskine that the said defendant admitted and confessed to him that he had feloniously taken stolen and carried away said watch and gave him the Detective

a pawn ticket representing said watch.

Wherefore deponent prays the said defendant may be held and dealt with according to law.

Sworn to before me this 5th day of July 1890

Thomas Eichhorn

Police Justice

0370

CITY AND COUNTY OF NEW YORK, } ss.

David W. Erskine

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

Sworn to before me, this 1 *day of* June 1890

David W. Erskine

Police Justice.

0371

Sec. 198—200. 5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Paul Pendt

Question. How old are you?

Answer. 18 years old

Question. Where were you born?

Answer. Germany

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

Answer. No home

Question. What is your business or profession?

Answer. Errand Boy

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

Answer.

I am guilty

Paul Pindt

Taken before me this 3 *day of* July 18[illegible]

[illegible]

Police Justice.

0372

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 5 *189*0 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, *189* *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order h to be discharged.

Dated, *189* *Police Justice.*

0373

Police Court--- 5 District. 5886

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Eichorn 34 Lawrence St.
vs.
1 Paul Pundt
2
3
4

Offense Larceny (Felony)

Dated, June 5 1890
Duffy Magistrate.
David W. Erskine Officer.
~~20~~ 33rd Precinct.

Witnesses David W. Erskine
No. 33rd Pct Street.
A. G. Syska
No. 2286 6th av Street.
No. Street.
$500 to answer

Committed

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0374

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Paul Pindt

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

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

The said Paul Pindt

late of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of May in the year of our Lord one thousand eight hundred and ninety, , at the City and County aforesaid, with force and arms,

one watch of the value of seventy-five dollars

of the goods, chattels and personal property of one John Eichhorn

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.

John R. Fellows,
District Attorney.

0375

BOX:
401
FOLDER:
3721
DESCRIPTION:
Poehlmann, Henry

DATE:
06/10/90

3721

0376

BOX:
401
FOLDER:
3721
DESCRIPTION:
O'Connell, Daniel
DATE:
06/10/90

3721

Witnesses:

Wm. C. Daly.

Chas Plunkett

Counsel, J. Hayes

Filed 10 day of June 1890

Pleads, Not guilty. Nov 20/90

16 303 W.

THE PEOPLE

vs.

Henry Pochlmann

and

Daniel O'Connell

Burglary in the Third degree.

and Petit larceny

[Section 408, vs 6, 530 B. P.]

JOHN R. FELLOWS,

District Attorney.

309 No

P 3 Oct 10. 1890

No 1 Pleads Burg 3 dg

Sentence suspended

A True Bill.

RB M.

Broadus Higgins

June 11/90 *Foreman.*

No 2.

Pleads Burg 3 deg

Sentence suspended

RB M.

0378

Court of
General Sessions

The People
vs.
Henry Poehlmann.

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23D STREET,

New York, May 29th 1890

CASE NO. 49372 OFFICER Charles Smith 19th Pct.
DATE OF ARREST May 28th
CHARGE
Burglary

AGE OF CHILD 15 years.
RELIGION Protestant
FATHER Charles Poehlmann

MOTHER Lizzie Poehlmann

RESIDENCE 303 West 41st street.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT Society has no record of boy's ever having been arrested before Nothing was found against him. — Boy is well spoken off. Home comfortable.

All which is respectfully submitted.

F. Ellsworth Superintendent

F. Dist. Atty.

Court of
General Sessions

The People

vs.

Henry Poehlmann

Burglary
PENAL CODE, §§

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
New York City.

0380

Court of
General Sessions.

The People
vs.
Daniel O'Connell

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23D STREET,

New York, May 29th 1890

CASE NO. 49372 OFFICER Charles Smith 19th Precinct.
DATE OF ARREST May 28th
CHARGE Burglary

AGE OF CHILD 11 years.
RELIGION Catholic
FATHER dead

MOTHER Mollie O'Connell.

RESIDENCE 309 West 43d street.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

on February 20th 1889 boy was arrested for selling papers. Justice Duffy discharged boy. Boy is a young tough. Home is dirty and filthy — Mother has the appearance of an intemperate woman.

All which is respectfully submitted,
Ellwood Lewis
Supt

To Dist. Atty

Court of
General Sessions

The People
vs.
Daniel O'Connell

Burglary
PENAL CODE, §

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

0382

Police Court—2—District.

City and County of New York, } ss.:

Christopher O'Brien

of No. 153 West 88 st Street, aged 51 years,

occupation Plumber being duly sworn

deposes and says, that the premises No 153 West 88 st Street,

in the City and County aforesaid, the said being a two story brick dwelling

and which was occupied by deponent as a store on ground floor & basement

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the window sash and forcing apart the iron bars of a small window leading to the cellar of said premises

on the 28 day of May 1890 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

a quantity of lead pipe of the value of two dollars

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 Henry Pohlmann and Daniel O'Connell (now here)

for the reasons following, to wit: The said premises were securely locked and closed on the night of May 28 1890 and deponent is informed by Policeman Charles Arnold of the 19th Precinct that about the hour of 10 o'clock A. M. May 28 1890 he found the said premises broken open as aforesaid, and two bags of old lead ready for removal

one bag being outside the building, and the defendant Daniel O'Connell was inside the building having no right there, and the defendant Henry Bohlmann was & at said time, as deponent is informed by Policeman William E. Daly of the 22nd Precinct, caught in the act of running away from the said premises. and deponent is informed by John Brady watchman. that he caught the defendant Daniel O'Connell inside the said building

Sworn to before me this 29 day of July 1899

Rudolph Blumberg
Police Justice.

Police Court ——— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary ——— Degree.

188

Dated

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ——— Bail.

Bailed by ——— Street.

No.

0384

CITY AND COUNTY
OF NEW YORK, } ss.

John Brady

aged 32 years, occupation Liquor of No.

344 West 48th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Christopher Olmstead

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

Sworn to before me, this 29 *day of* May 1880

John Brady

Police Justice.

0385

CITY AND COUNTY
OF NEW YORK, } ss.

William E. Daly

aged 26 years, occupation Policeman of No.

22 Orchard Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Christopher Plunkett

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

Sworn to before me, this 29 *day of* May 1888

William E. Daly

Police Justice.

0386

CITY AND COUNTY
OF NEW YORK, } ss.

Charles Smith

aged ..... years, occupation Policeman of No.

19th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Christopher Plunkett

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

Sworn to before me, this 29 *day of* May 1888

Charles D. Smith

D. J. Flynn

Police Justice.

0387

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Daniel O'Connell 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. Daniel O'Connell

Question. How old are you?

Answer. 11 years

Question. Where were you born?

Answer. U.S.

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

Answer. 907 West 43rd St. 3 weeks

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 not guilty

Daniel O'Connell

Taken before me this 28 *day of* May 1887

Robert Ludlum

Police Justice.

0388

Sec. 198—200.

a District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Pochlmann 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. Henry Pochlmann

Question. How old are you?

Answer. 15 years

Question. Where were you born?

Answer. US

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

Answer. 303 West 41st St. 2 months

Question. What is your business or profession?

Answer. I work on a milk route

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.

Henry Pochlmann.

Taken before me this 7 *day of* May 188 8

Police Justice.

0389

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 Henry Pohlman, Daniel O. Connell

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,* 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 May 29 *18*90 *Police Justice.*

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

Dated June 1st *18*90 *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

0390

BAILED.

No. 1, by Robert Miller

Residence 6 W. 7th Ave Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Police Court--- 2 845 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Christian Pennfeld
157 West 41 st

Henry Poehlmann

David O'Connell

3.

4.

Offence Burglary

Dated May 29 1890

Morgan Magistrate.

J. P. Daly Officer.

22 Precinct.

Witnesses Schulter

No. 100 E. 23 d Street.

No. Street.

No. Street.

$ 500 to answer

Noj Feeley

Con.

Burg 3
P. L.

RECEIVED. JUN 2 1890 DISTRICT ATTORNEY'S OFFICE

0391

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Henry Poehlmann
and
Daniel O'Connell

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

Henry Poehlmann and Daniel O'Connell

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

The said Henry Poehlmann and Daniel O'Connell, both —

late of the Twenty-second Ward of the City of New York, in the County of New York, aforesaid, on the twenty-eighth day of May in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the store of one

— Christopher Plunkett —

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

— Christopher Plunkett —

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Henry Pochlmann and Daniel O'Connell of the CRIME OF Petit LARCENY committed as follows:

The said Henry Pochlmann and Daniel O'Connell, both late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of the said day, with force and arms, twenty pounds of lead pipe of the value of ten cents each pound

of the goods, chattels and personal property of one Christopher Plunkett in the Store of the said Christopher Plunkett there situate, then and there being found, in the Store 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.

John R. Fellows
District Attorney

0393

BOX:
401

FOLDER:
3721

DESCRIPTION:
Porr, Jacob

DATE:
06/10/90

3721

0394

BOX:
401
FOLDER:
3721
DESCRIPTION:
Stahl, Frederick
DATE:
06/10/90

3721

#151

Witnesses;

J. Warshauer
Jeff Regan

No. 1. June 16. 1894
Wrote Gov. recommending
defts. immediate discharge
R. B. M.

Counsel,

Filed 10 day of June 1890

Pleads,

THE PEOPLE

vs.

Jacob Dorr
(2 cases)
and
Frederick Stahl
(2 cases)

Burglary in the Third degree, and Petit Larceny and Receiving.

[Section 498, 506, 52 & 53 Vict. c. 43.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

June 11/90
Both Plead Guilty
Convict Ref. RBM

0396

Police Court—_____District.

City and County of New York, } ss.:

Adolph O. Wenzel

of No. 43 Centre Street, aged 39 years,

occupation Metal Plater being duly sworn

deposes and says, that the premises No Room 2. 43 Centre Street,

in the City and County aforesaid, the said being a four story rear brick building

and which was occupied by deponent as a Metal Plating establishment

and in which there was at the time no human being, by name

were **BURGLARIOUSLY** entered by means of forcibly prying open a wooden shutter covering said window and which was hooked on the inside and then breaking 2 panes of glass in said window

on the Fifth day of June 1890 in the Night time, and the following property feloniously taken, stolen, and carried away, viz:

One Dozen Tooth Forceps.

Being together of the value of

Sixty Eight Dollars.

the property of In the Care and custody 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 Frederick Starr Jacob Fox (now here) and two other persons not as yet arrested, and who

~~for the reasons following, to wit~~: were all acting in concert with each other, and who are known to deponent for the reasons following to wit. That on said day the said premises were made securely locked and fastened by means of closing the shutters fastening them, and said window glass was whole and unbroken. Deponent is informed by Stephen J. Keegan a police officer

0397

Attached to the Sixth Precinct Police that about the hour of 5 o'clock on said day Ann the same said defendants with a bag in their possession in Elm Street acting in a suspicious manner and arrested them when he found said property in their possession when said defendants admitted to said Ryan that they in company with other persons who are as yet not arrested broke open the said premises and took said property therefrom which defendant identifies as being his and charges said defendants with having acted in concert with each other and with the burglary aforesaid

J. H. O'Mahon

Sworn to before me this 5th day of June 1893

Adolph C Wenzel

Police Justice

Police Court _____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ——— Degree.

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ _____ Bail.

Bailed by _____

No. _____ Street.

0390

CITY AND COUNTY
OF NEW YORK, } ss.

Stephen J. Reagan

aged 27 years, occupation Police officer of No.

6th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Joseph C. Wenzel

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

Sworn to before me, this 5th
day of June 1898

Stephen J. Reagan

W. McMahon
Police Justice.

0399

Sec. 198—200. 1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Frederick Starr 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. Frederick Starr

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany

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

Answer. Newsboys lodging house

Question. What is your business or profession?

Answer. Farmer

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

F. Stahl

Taken before me this 6 *day of* December 1888

Wm Meade

Police Justice.

0400

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss.

Jacob Porr ..... District Police Court.

..... 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 m; that the statement is designed to enable h m if he see fit to answer the charge and explain the facts alleged against h m; that he is at liberty to waive making a statement, and that h s waiver cannot be used against h m on the trial.

Question. What is your name?

Answer. Jacob Porr

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. Germany

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

Answer. No Name

Question. What is your business or profession?

Answer. Barber

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

Jacob Porr

Taken before me this 3rd *day of* March 1889

Police Justice.

0401

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 L. Cypendavid

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty-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 5 *18*90 D. J. McKeelson *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated ..... *18* ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

0402

Police Court--- 1 882 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Joseph C. Wright
vs.
1 Frederick Starr
2 Jacob Starr
3 (in cases)
4

Offence

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

Dated June 5th 1890
J. M. O'Rourke Magistrate.
Reagan Officer.
6 Precinct.
Witnesses Stephen J. Reagan
No. 6th Greenwich Street.
No. Street.
No. Street.
No. Street.
$ 2500 Commissioner

RECEIVED. DISTRICT ATTORNEY'S JUN 6 1890

Bail 3
To Prov

0403

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

0404

Police Court—1 District.

City and County of New York, } ss.:

Samuel Warshauer

of No. 43 Centre Street, aged 33 years, occupation Manufacturer being duly sworn deposes and says, that the premises No 43 Centre Street, in the City and County aforesaid, the said being a factory building in the rear of 43 Centre, the second floor ~~and~~ which was occupied by deponent as a factory and in which there was at the time no human being, ~~by name~~

were **BURGLARIOUSLY** entered by means of forcibly opening a window leading to the said premises, and which window had been securely fastened

on the 5th day of June 1890 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of lead type of the value of about Twenty five dollars

the property of deponent and his copartner

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 Jacob Porr and Fred Fried Starr (both now here)

for the reasons following, to wit: Deponent says— when he called at his factory at the above address on the morning of said date he discovered that during the night his premises had been forcibly entered in the manner aforesaid, and the above property taken

Deponent further says— he

has been informed by Stephen J. Reagan of the Sixth Precinct that he arrested defendants with said property in their possession, and defendants admitted to said officer that they had burglariously entered the premises herein mentioned, and had taken therefrom the property in their possession, from the said premises.

Deponent further says, he identifies said property, as property belonging to himself and copartners, and charges defendants with acting in concert with each other, and burglariously entering his premises, and taking, stealing and carrying away the said property from deponent and copartners possession.

Sworn to before me this 4th day of June 1893

S. Warshauer

W. T. Nettleton
Police Justice

Police Court ..... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ..... Bail.

Bailed by

No. ..... Street.

0406

CITY AND COUNTY OF NEW YORK, } ss.

Stephen J. Reagan

aged ..... years, occupation Police Officer of No. Sixth Precinct Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Samuel Marshaun and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 5th *day of* June 1890 } Stephen J. Reagan

A. M. Nealon

Police Justice.

0407

Sec. 198--200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Jacob Porr

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. Germany

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

Answer. No Home

Question. What is your business or profession?

Answer. Barber

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

Jacob Porr

Taken before me this [illegible] *day of* [illegible] 1888

[illegible] *Police Justice.*

0408

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Frederick Stan 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. Frederick Stan

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany

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

Answer. New Boys Lodging house

Question. What is your business or profession?

Answer. Farmer

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

F Stahl

Taken before me this 3 *day of* June 1880

Thos Acker

Police Justice.

0409

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 the defendants

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 5 *18*90 D. McNaton *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated *18* *Police Justice.*

0410

Police Court--- 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel Warshauer 43 Ludlow st

vs.

1. Jacob Porr

2. Frederick Starr

3.

4.

Offence Burglary

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated June 5th 1890

Mimahan Magistrate.

Stephen J. Reagan Officer.

6th Precinct.

Witnesses Said Officer

No. Street.

No. Street.

No. Street.

$ 2500 to answer

RECEIVED. DISTRICT ATTORNEY'S OFFICE JUN 6 1890

Bring P. L. Reagan

0411

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frederick Stahl
and
Jacob Porr

The Grand Jury of the City and County of New York, by this indictment, accuse Frederick Stahl and Jacob Porr —

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

The said Frederick Stahl and Jacob Porr, both

late of the Sixth Ward of the City of New York, in the County of New York, aforesaid, on the fifth day of June in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the building of one — Adolph C. Wenzel —

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

— Adolph C. Wenzel —

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Frederick Stahl and Jacob Parr of the CRIME OF Grand LARCENY in the second degree, committed as follows: The said Frederick Stahl and Jacob Parr, both late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night-time of the said day, with force and arms, twelve tooth-forceps of the value of four dollars each

of the goods, chattels and personal property of one Adolph C. Wenzel in the building of the said Adolph C. Wenzel — there situate, then and there being found, in the building aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Frederick Starr and Jacob Parr of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Frederick Starr and Jacob Parr, both late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, twelve tooth-forceps of the value of four dollars each of the goods, chattels and personal property of one Adolph C. Wenzel by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Adolph C. Wenzel unlawfully and unjustly, did feloniously receive and have; the said Frederick Starr and Jacob Parr 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.

JOHN R. FELLOWS,
District Attorney.

Witnesses;

J. Warshauer

Jas Regan

#150

Counsel,

Filed 10 day of June 1890

Pleads,

THE PEOPLE

vs.

P

Frederick Stahl
(2 cases)
and
P

Jacob Porr
(2 cases)

Burglary in the Third degree. Grand larceny, Second degree and Receiving.

[Section 498, 506, 528, 527, 530 P.C.]

JOHN R. FELLOWS,

District Attorney.

Both defts. sentenced on and indict. B.H.

A True Bill.

Thomas Higgins

Foreman.

69

0415

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob Porr and Frederick Stahl

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

Jacob Porr and Frederick Stahl

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

The said Jacob Porr and Frederick Stahl, both

late of the Sixth Ward of the City of New York, in the County of New York, aforesaid, on the fifth day of June in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the factory of one

Samuel Warshauer

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 Warshauer

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Jacob Porr and Frederick Stahl of the CRIME OF Petit LARCENY committed as follows: The said Jacob Porr and Frederick Stahl, both late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night-time of the said day, with force and arms, a quantity of lead type, a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of twenty-five dollars

of the goods, chattels and personal property of one Samuel Warshauer in the factory of the said Samuel Warshauer there situate, then and there being found, in the factory 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Jacob Porr and Frederick Stahl of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Jacob Porr and Frederick Stahl, both late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, a quantity of lead type, a more particular description whereof is to the Grand Jury aforesaid unknown of the value of twenty-five dollars

of the goods, chattels and personal property of one Samuel Warshauer

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

unlawfully and unjustly, did feloniously receive and have; the said Jacob Porr and Frederick Stahl

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.

JOHN R. FELLOWS,
District Attorney.

04 18

BOX:
401
FOLDER:
3721
DESCRIPTION:
Powers, James
DATE:
06/09/90

3721

WITNESSES:

Offr Stullaway

1941 112

for Plea

Counsel,

Filed 9 day of Dec 1890

Pleads

THE PEOPLE,

vs.

B

James Powers

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III. Rev. Stat. (7th Edition), page 1933, Sec. 21 and page 1939, Sec. 5.]

June 3 95

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Frank Higgins *Foreman.*

0420

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Powers

The Grand Jury of the City and County of New York, by this indictment, accuse James Powers of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said James Powers

late of the City of New York, in the County of New York aforesaid, on the fifth day of August in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one George E. Halloway

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid by this indictment further accuse the said James Powers of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said James Powers

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

JOHN R. FELLOWS,
District Attorney.

0421

BOX:
401

FOLDER:
3721

DESCRIPTION:
Prescott, Richard

DATE:
06/20/90

3721

Witnesses;

Mary McAdam

Counsel,

Filed 20 day of June 1890

Pleads, Not Guilty

52 THE PEOPLE

H14W 26 *vs.*

Richard Prescott

Grand Larceny second degree.

[Sections 528, 531, Penal Code].

JOHN R. FELLOWS,

Sat 27 June 27/90 *District Attorney.*

~~Withdrawn~~

Pleads Petit Larceny

A True Bill.

June 30

Francis Higgins

Foreman.

June 27th

G.J.

Pen 1 yr Jd. June 30/90

0423

Police Court— District.

Affidavit—Larceny.

City and County of New York, } ss.:

Mary Mc Adams

of No. 1 917 West 28 Street, aged 48 years, occupation Washing & Ironing being duly sworn deposes and says, that on the 19 day of June 188 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:

a basket of wearing apparel of no value of about forty dollars. $40 —

the property of deponents customers and then in deponents care.

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 Richard Prescott now here, under the following circumstances the said property was entrusted by deponent to the defendant on said date, for delivery to deponents customers, and the defendant has failed to deliver the said goods as he agreed to do and has failed to account for it, and deponent charges that defendant has feloniously appropriated the said goods to his own use.

Mary McAdams

Sworn to before me, this 19 day of June 188

Police Justice.

0424

2

Sec. 198—200. District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Richard Prescott 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. Richard Prescott

Question. How old are you?

Answer. 52 years

Question. Where were you born?

Answer. England

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

Answer. 414 West 26 St. — 9 years

Question. What is your business or profession?

Answer. Laborer

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 do not recollect taking the goods

Richard his Prescott mark

Taken before me this 11 *day of* June 188[illegible]

[illegible]

Police Justice.

0425

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 Richard Orcutt

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 15 188 0 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated 188 *Police Justice.*

0426

941

Police Court--- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Mary Ann Adams
317 West 25 St
vs.
Richard Prescott
1
2
3
4

Offence Larceny
Decoy

Dated June 17 1880
Hogan Magistrate.
Jas Fitzgibbons Officer.
16 Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
$500 to answer

RECEIVED. JUN 19 1880 DISTRICT ATTORNEY'S

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street

0427

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Richard Prescott

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

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

The said Richard Prescott

late 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 ninety, , at the City and County aforesaid, with force and arms,

divers articles of wearing apparel of a number and description to the Grand Jury aforesaid unknown, of the value of forty dollars

of the goods, chattels and personal property of one Mary McAdams

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.

John R. Fellows
District Attorney.

0428

BOX:
401
FOLDER:
3721
DESCRIPTION:
Privato, Antonio
DATE:
06/20/90

3721

Witnesses;

N E Racer

After full examination, I recommend the discharge of defendant on his own recognizance.

Aug 7/90.

A D Buck
Asst

Counsel, E. J. Newell
4 Warren St

Filed 20 day of June 1890

Pleads, Not guilty 20

THE PEOPLE

vs.

Antonio Privato

Grand Larceny first degree.
[Sections 528, 530 — Penal Code].

Ford Tamis

JOHN R. FELLOWS,
District Attorney.

June 20 Pl 1 agd deft to next day of st Asst

July 8/

1st Monday of August at Dfts request.

A True Bill.

Aug 6 1890 Def

Not guilty on his own recog of his atty

Trial Aug 5th per Court

Foreman.

~~On motion of Dist Atty bond dis'd per Court~~

Aug 6/90

----------x
x
The People &c. x
x
vs. x
x
Antonio Privato. x
x
----------x

In the above case which has been referred to me for examination, I report as follows:-

The defendant was indicted for the crime of Grand Larcency in the first degree, on the 20th day of June 1890. As he had left the state, proceedings wereinstituted to secure his return to this state (See letter of Butler, Stillman & Hubbard, in accompanying papers).

The defendant pleaded not guilty, and the case was placed on the calendar for trial. The case apparently appeared several times on the calendar. Several adjournments were had, and finally, as the People were not furnished with the proof necessary, in the judgment of Mr. Parker, to justify the trial of the case, the defendant was discharged on his own recognizance; and the following endorsement appears upon the indictment:-

"After full examination I recommend the discharge of the defendant on his own recognizance."
(Signed) A. D. Parker, Assistant." This discharge took place on August 7th.

This discharge of the defendant, it is claimed, was not brought to the knowledge of the complaint until the end of last December, when his counsel, Messrs. Butler, Stillman & Hubbard, addressed a letter to Col. Fellows,

expressing their surprise at the action which had been taken by the office, and claimed that an opportunity had not been afforded complainant or his counsel of producing the desired proof.

It would seem that there was some misunderstanding between Mr. Parker and the complainant, or his counsel, in this regard, as I understand from the report of Mr. Parker that he had notified the complainant that unless additional proof was supplied, the case would not be tried.

From interviews with witnesses whose names have been furnished by the complainant, it appears that the case stands as follows:-

The complainant is a member of the firm of Davies, Turner & Co., forwarding merchants, doing business at No. Broadway, in this City; that on or about the 10th of November, 1889, a shipment of goods was made to them by the house of Bettinger & Co., of Venice. The goods were received at the Custom House and the bill of landing for which, called for 35 cases of miscellaneous goods. It seems that two other cases containing armor, sent by another shipment to them from the same house came to them by the same vessel, and, ~~through a mistake of the Custom House officers, these two cases were delivered to Messrs. Davies, Turner & Co.~~ there two cases were delivered to Messrs Davies Turner & Co, in addition to the 35cases called for by the bill of landing first above referred to. In these 35 cases were included two cases of glassware which were sent to Messes. Davies, Turner & Co., to be delivered to the defendant. Through the mistake of the

delivery agent of Mess.Davies,Turner & Co.,the two cases containing armor were delivered to the defendant in place of the two cases containing the glassware. The mistake apparently having arisen from the similarity of the figures on the respective cases,the figure "3" being mistaken for the figure "5".

The two cases were delivered to defendant by Mess. Davies,Turner & Co.,and received by him. When the bill of lading arrived for the two cases of armor,which was some ten days after the delivery of the armor to the defendant,the mistake was discovered. The defendant was sent for by Davies,Turner & Co.,and the mistake explained,and the return of the goods demanded. The defendant stated that he had sold the goods to a party in South America,and had received a note therefor which had not yet been paid,and that he was unable therefore to deliver the goods or the money. Being threatened with criminal proceedings unless such return was made, he left the state.

It seems to be established that the defendant did not sell the goods to a party in South America,but to one Graham,a dealer in antiquities,doing business in Union Square,this city.

From the notes found among the papers,I infer that the defense of the defendant is,that he claimed to represent in some way,the Venice house,and also claimed that they were in his debt for commissions due him for

goods sold by him for them. The armor in question had been sold to a house in Chicago by Bettinger & Co.,and shipped to Mess.Davies,Turner & Co.,to pay the duty on the same,and forward the goods to the Chicago purchaser and collect the price therefor.

Under these circumstances it would seem that there was a case to be submitted to the jury for them to determine whether from the circumstances an inference can be drawn of an intent to defraud in the appropriation of the armor and its proceeds to the personal use of the defendant. The fact that the defendant resorted to falshood and evasion when accused of the misappropriation of the property,is an important fact in favor of the People. Says Ruger,CJ. in People vs. Conroy,97 N.Y.62-80."The resort to falshood and evasion by one accused of a crime,affords of itself a presumption of evil intention,and has always been considered proper evidence to present to a jury upon the question of the guilt or innocence of the person accused."

The further fact that the defendant left the state within a short time after the charge against him was made,is other evidence to submit to the jury on behalf of the People.

"The conduct of a person charged with crime immediately after the commission,is always a proper subject of inquiry. If he attempts to run away,or hide and evade the officer,it is a circumstance proper to go to the jury."

People vs.Taylor,3 N.Y.Crim.Repts.,397;

People vs. Ogle, 4 N.Y. Crim. Repts.,349.

The complainant also states that the father of the defendant made a proposition of settlement if the criminal proceedings were withdrawn;and,while this may not be admissible,it is of importance in determining whether the defendant himself recognized that the circumstances of the case were such as to render it desirable that the prosecution should be stopped.

The complainant and his counsel evidently feel much dissatisfied that the prisoner was discharged on his own recognizance without,as they claim,an opportunity to furnish the necessary evidence;and,as the facts would seem to justify the submission of the case to a jury, I am of the opinion that the defendant should be taken into custody,and the case placed on the calendar for trial.

All of which is respectfully submitted.

New York June 24th 1890

Asst.District Attorney.

District Attorney.

Write that though from
the upon Judge
Dunn for a correct
Word - I am willing that
the case should be

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Antonio Privato

Report
of Henry Phillips
to Assistant Dist Atty.

D. Lansey Nicoll,

~~JOHN R. FELLOWS,~~

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

(Copy)

New York, December 27, 1890.

John R. Fellows, Esq.,

District Attorney,

Dear Sir:-

Some moths ago, in company with Adolph E. Racer, one of the members of the firm of our clients Messrs. Davies, Turner & Company, forwarding agents, of this city, we called at your office in order to procure the arrest of one Antonio Provato, who having obtained goods under false pretences from our clients, had sold the same and fled with the proceeds to Boston, where he was then living under an assumed name. Under the direction of your office, Mr. Racer swore to a complaint against Provato, and extradition proceedings were instituted which resulted in the bringing of Provato to this City and his confinement in the Tombs. Shortly after this, at the request of one of your assistants, we attended at your office with Mr. Racer the complainant to furnish the evidence necessary for the conviction of Provato and to give the necessary information to you for the procurement of such other witnesses as you might desire. Shortly afterwards the case appeared upon the calendar and we attended at Court with Mr. Racer, who had been subpoenaed by you, but the case was adjourned. Upon the adjourned day we again attended with Mr. Racer and upon several other adjourned days, the case appearing on the calendar for the last time some two or three months ago. Since that time neither our clients nor ourselves have heard anything whatever from your office in regard to the matter, and the case has not again appeared upon the calendar for trial to our knowledge, although we have carefully watched for its appearance. Our clients have repeatedly spoken to us about the matter and expressed surprise that Provato had not been brought to trial; we however assured them that they would be duly notified

by your office before any trial of Provato was had.

In view of these facts, we were astonished upon making inquiries to be informed by Provato's attorney a few days ago that Provato had been discharged and the indictment against him dismissed. We cannot believe that you would have consented to such a disposition of the matter without notifying the complainant or ourselves. We therefore write this letter to you in order that we may be advised what ~~we~~ are the facts in relation to the matter.

We may add that our clients, after having gone to considerable trouble and expense incident upon requisition proceedings and frequent attendance at Court and the procurement of evidence, feel greatly disturbed about the matter and are pressing us for an explanation.

Your early reply will oblige,

Yours truly,

Butler, Stillman & Hubbard.

(Copy)

DISTRICT ATTORNEY'S OFFICE,
City and County of New York

December 30th, 1890.

Messrs. Butler, Stillman & Hubbard,
54 Wall Street,

Gentlemen:

I am in receipt of yours of 27th inst. in relation to the case of one Antonio Provato. The matter, as I am informed, was in charge of Mr. Parker Assistant District Attorney, who is not to-day at the office. I have sent for him to be present to-morrow and will ascertain the facts in relation to the case and inform you fully regarding the same. I do not remember that the case was ever brought to my personal notice.

Very truly yours,

J. R. Fellows,

District Attorney.

(Copy)

DISTRICT ATTORNEYS OFFICE,
City and County of New York.

December 31, 1890.

Messrs. Butler, Stillman & Hubbard,

Gentlemen:-

I enclose letter from Mr. Parker explaining action in the Antonio Provato case. By this statement you will perceive that the Indictment has not been dismissed and the defendant can be brought to trial at any time evidence is secured. If when Mr. Nicoll comes in I can aid you by giving him any information respecting this case please command me.

Very truly,

J. R. Fellows.

My address from 1st prox. will be

Emigrant Savings Bank Building,

49 Chambers St.

(Copy)

DISTRICT ATTORNEYS OFFICE
City and County of New York.

December 31, 1890.

Hon. John R. Fellows,

District Attorney,

Sir:

In response to your request for a statement of the present position of the case of Antonio Provato, indicted in June last, for Grand Larceny in the first degree, I submit briefly as follows:

I examined this case minutely, having several talks with Mr. Adolph E. Racer, the complainant, hearing the defendant's explanation, and what Mr. Racer had to say in answer thereto. From all my examination it bedome evident to me that the proof was not sufficient to justify putting the defendant on trial. I so informed Mr. Racer, and told him that unless he could supply other proof which I specified, I could no longer keep the man in prison; but would be obliged to discharge him upon his own recognizance. I told him I would do this so that if he could supply the required proof at any future time, the case could be re-opened. I told him a day by which I would heed the proof and that unless the proof was then supplied I would take the course indicated. Mr. Racer did not supply the proof, and upon the 7th day of Aug., when more than two terms of imprisonment had elapsed, and there was no answer possible to the defendant's motion for discharge, I made the recommendation for his discharge upon his own recognizance, which was acted upon by the Court. That is the present position of the case, and if the complainant is now in any better position to proceed, or at any time becomes so, the case can be re-opened and tried, if it shall be the judgment of the District Attorney that a sufficient case if presented.

Very Respectfully,
A.D.Parker, Asst.

(Copy)

New York January 2nd, 1891.

John R. Fellows, Esq.,

Dear Sir:-

We have your favor of the 31st ult enclosing letter addressed to you from Mr. A.D.Parker. We have seen Mr.Adolph E. Racer, and he tells us that Mr. Parker is mistaken in saying that he informed Mr. Racer that unless he could supply other proof which he specified he would be obliged to discharge the prisoner Provato upon his own recognizance, or that if such proof werennot supplied he would take that course; but that, on the contrary, upon the last interview had by him with Mr. Parker nothing whatever was said to him to the effect that the proof was not sufficient. When the case last appeared upon the calendar we told Mr. Parker that we did not consider that the testimony of Mr. Racer , whom he had alone subpoenaed, was sufficient convict Provato, and accordingly handed to him a written menorandum of the other withesses that were necessary, giving their names and addresses and the testimony that they would give. This is the last that either ourselves or Mr Racer heard of the case from the office of the District Attorney.

As suggested by you we propose to turn over the correspondence in this matter to your successor, Mr. Nicoll, and await his action in the matter.

Yours truly,

Butler, Stillman & Hubbard.

BUTLER, STILLMAN & HUBBARD.

WM ALLEN BUTLER.
THOS.E.STILLMAN.
THOS.H.HUBBARD.
JOHN NOTMAN.
ADRIAN H.JOLINE.
WILHELMUS MYNDERSE.
WM ALLEN BUTLER JR.

54 Wall Street,

New York, January 2nd 1891

John R. Fellows Esq.

Dear Sir:

We have your favor of the 31st ult. enclosing letter addressed to you from Mr. A.D.Parker. We have seen Mr. Adolph E. Racer, and he tells us that Mr. Parker is mistaken in saying that he informed Mr. Racer that unless he could supply other pro of which he specified he would be obliged to discharge the prisoner Provato upon his own recognizance, or that if such proof were not supplied he would take that course; but that, on the contrary, upon the last interview had by him with Mr. Parker nothing whatever was said to him to theeffect that the proof was not sufficient. When the case last appeared upon the calendar we told Mr. Parker that we did not consider that the testimony of Mr. Racer, whom he had alone subpoenaed, was sufficient to convict Provato, and accordingly handed to him a written memorandum of the other witnesses + whose attendance we of course could not command, that were necessary, giving their names and addresses and the testimony that they would give. This is the last that either ourselves or Mr. Racer heard of the case from the office of the District Attorney.

As suggested by you we propose to turn over the

0443

correspondence in this matter to your successor, Mr. Nicoll, and await his action in the matter.

Yours truly,

Butler Stillman Hubbard

0444

Anthony Peralo

Pulver + VanDuken } 4th Mark on Case

who did you see when you went to Davis + ~~Turner~~ ~~Author~~ about: what were the marks on Case

I went down to Davis + I saw Mr Racer. Are you sure that those 2 cases of arrows belongs to me — because I was not expecting them but I was waiting for 2 cases of glass ware. Racer said, those cases came on your name from the House of Bottefair Bros that you are agent for — and the 2 cases glass ware did not arrive but as soon as they arrive we will let you know

At this time the Cases were still in my possession

after this about 10 or 15 days afterwards I was sent for by Mr Racer (his own brother calling) to call at his office, I went next morning - he then asked me what became of those 2 Cases of Armours - I said I sold them - he said? what right had you to sell them - I said I sold them because they came from Bonfoi Bros - and because you assured me they were for me - he then asked me to whom did I sell them to a gentleman from Lafatte La. he then went out and locked me in his office for about 20 minutes - then he came back excited and said tonight I will send somebody after you - about a week after that I left the city —

Lorio Stein
Anthony Pierrot.
Patterson Parks
and this
time at this
Orleans for
Examination &
still in my deposition

Patterson Parks
Witness

0446

City & County of New York.

January 22nd 1891

People
v.
Sinato

Mr. Adolph E. Rader.

Dear Sir,

The above matter has been referred to me for examination. I wrote several days ago to Messrs Butler Stillman and Hubbard asking them to request you to call upon me in reference to same. As I have not yet met you here I write to ask you to call upon me at this office tomorrow morning at eleven o'clock. If that hour will not suit your convenience I shall be pleased to meet you at any other time which may best suit your convenience. Very truly yours

Assistant D.A.

MEMORANDUM.

EDWARD J. NEWELL,
ATTORNEY AND COUNSELLOR AT LAW,
No. 4 WARREN STREET.

New York, April 29, 1891

People
vs
Privato

My dear Sir:

In responce to my note requesting Mr. Privato to come to this office I am informed that he is suffering with the "Grippe" and is confined to his bed. I shall inquire further in a few days.

Yours respectfully
E. J. Newell

Hon. Henry B. Stapler
Asst. District Atty

Lhh0

0448

PART 1

THE COURT ROOM IS IN THE BROWN STONE BUILDING, AND FRONTING THE CITY HALL.

☞ If this Subpœna be disobeyed, an attachment will immediately issue.

☞ Bring this Subpœna 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.]

SUBPŒNA.—(DUCES TECUM.)

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace

The People of the State of New York,

To Ida Kuler, Pawnbroker

of No. 79 Avenue C 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 General Sessions of the Peace in the Park of the said City on the Sixteenth day of June instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Marcy Marks and others

in a case of felony, whereof ~~the stand~~ indicted, and that you bring with you and produce, at the time and place aforesaid, ~~a certain~~ all property heretofore pledged ~~to you as security upon loan~~ evidenced by your pawn ticket No. 31465

now in your custody and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. Randolph B. Martine Presiding Judge of our said Court, at the City Hall in our said City, the first Monday of June in the year of our Lord 1890.

JOHN R. FELLOWS, *District Attorney.*

where however, the offense consists in the secreting, withholding or appropriating or where it consists in the appropriating of property by bailee servant or attorney, agent clerk etc. It is only necessary that the felonious intent exists at the time of such secreting, withholding or appropriating of the property, for in such cases the property stolen must be property in the possession of the party secreting withholding or appropriating it

People v Myers 37 Hun 94
People v. Cuille 44 Hun 499.

0450

[illegible] Cisco

Then dates facts

J. J. O'Connel Inspector of Customs Barge Office about the ~~point~~ 4th October. Mentalo denied that 3 weeks after, Went to Rum Smuggled to 4th Street next to Prints in Bleecker St. New Thompson and Sullivan Streets in Saturday morning in a false compartment of his Engine went back Thursday night said Prints. Said he had buffet there to hide Rum. Barrels had 60 gals which he. Then said he met them at [illegible] as he supposed - street [illegible] for [illegible] dollars for [illegible] a [illegible] Rum [illegible] because this he should [illegible] with [illegible] and [illegible]

0451

für Schreibphrase im Selbstgesprächspunkt. Thatsache!

January 26th

Racer called. Had interview with him.
Said two cases contained some valuable jewelry which had been shipped from Europe by Rotterdam & Various were by mistake delivered to defendant in place of the cases of plaints which value $1 for merchandise: the two cases were intended for Schwab & Painter in Chicago - when missing he dismissed - Racer sent for Finnis to come down to see him - which he did & showed the matter the jewelry - said he had sold them to a man from South America, claimed to have been drugged & robbed.
Thinks Schwab that he sold them knowingly & willfully & with knowledge false. He admitted sold them to Mr. Graham of Union Square & also sold them to Carter in Chicago. Racer charged Finnis with having intentionally sent out merchandise knowing it was not to be paid for & that Finnis & Schwab were implicated in a fraudulent conspiracy

Court of the General Sessions

of the Peace

The People

agst.

Anthony Privato

City and County of New York, ss:

Anthony Privato being duly sworn says that he is the defendant above named; that on the 24th day of June 1890 he was arrested upon a charge of grand larceny and upon the 20th. day of June 1890 indicted thereupon.

That he remained a prisoner in actual confinement for a period of upward of six weeks notwithstanding frequent endeavors to secure a trial.

That on the 7th. day of August, at a time when deponents counsel, Edward J. Newell was not in Court, he having not been notified, as deponent is informed and verily believes, by the Honorable District Attorney to attend, deponent was brought to bar and was informed that he was discharged. That within a few days deponent has learned that said discharge was not final but was merely a release upon deponents own recognizance. That charge of grand larceny upon which deponent was indicted was entirely groundless and false and that deponet is absolutely innocent of the said crime of grand larceny or of any other crime. That the existence of the said indictment has been and continues to be a cause of great injury and distress to deponent.

Sworn to before me this
24th day of Sept. 1890.

Anthony Privato

Jaspr Rowe
Notary Public, N.Y. County. Cert. filed in Kings Co.

0454

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

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

Adolph E. Racer

of No. 40 Broadway *Street, aged* 33 *years, occupation* Auditor & Commission Broker *being duly sworn, deposes and says, that on the* [illegible] *day of* November 1889, *at the City of New York, in the County of New York,* Antonio Privato did

deponent is informed and verily believes feloniously steal, take and carry away two cases containing ~~valuable~~ armor of the value of upwards of five hundred dollars, belonging to a firm in Chicago Ill and in the care and custody of the firm of Davies Turner & Co, of which deponent is a member.

That afterwards and in the latter part of the same month of November 1889 the said Privato fled from the justice of this State and deponent has reason to believe that he is now in Cambridgeport Massachusetts, a fugitive from justice, at which place he is now doing business under an assumed name at 56 Main Street and residing in the rear of 110 Main Street.

Sworn to before me this
[illegible] day of June 1890
Henry A. Whitman
Notary Public
N.Y.Co.

Adolph E. Racer

Indexed January 90
Recd Aug 7 90

EDWARD J. NEWELL,
ATTORNEY AND COUNSELLOR AT LAW,
No. 4 WARREN STREET,
NEW YORK.

Aug 7 /90

Hon Delancey Nicoll
District Attorney etc.

Dear Sir:

I beg to call your attention to the case of the People vs. Antonio Privato, the facts concerning which are briefly stated in the enclosed affidavit. Mr. Privato justly asks that he be relieved from the onus of being under an indictment for a crime of which he is entirely innocent, and respectfully prays that you investigate his case either personally or through one of your assistants, to the end that you will consent to the

dismissal of the indictment at an early date.

I should be pleased to be accorded an interview with you upon this subject and am ready at all times to produce Mr. Privato for examination.

Very respectfully
Edward J. Newell
Deptʼ atty.

Apr. 16. 1891.

0457

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

Please return
enquired in
this case

0458

Note answered on back

BUTLER, STILLMAN & HUBBARD.

WM ALLEN BUTLER.
THOS. E. STILLMAN.
THOS. H. HUBBARD.
JOHN NOTMAN.
ADRIAN H. JOLINE.
WILHELMUS MYNDERSE.
WM ALLEN BUTLER JR

54 Wall Street.

New York December 27, 1890.

John R. Fellows, Esq.,

District Attorney,

Dear Sir:

Some months ago, in company with Adolph E. Racer, one of the members of the firm of our clients Messrs. Davies, Turner & Company, forwarding agents, of this City, we called at your office in order to procure the arrest of one Antonio Provato, who, having obtained goods under false pretences from our clients, had sold the same and fled with the proceeds to Boston, where he was then living under an assumed name. Under the direction of your office, Mr. Racer swore to a complaint against Provato, and extradition proceedings were instituted which resulted in the bringing of Provato to this City and his confinement in the Tombs. Shortly after this, at the request of one of your assistants, we attended at your office with Mr. Racer the complainant to furnish the evidence necessary for the conviction of Provato and to give the necessary information to you for the procurement of such other witnesses as you might desire. Shortly afterwards the case appeared upon the calendar and we attended at Court with Mr. Racer, who had been subpoenaed by you, but the case was adjourned. Upon the adjourned day we again attended with Mr. Racer and upon several other adjourn-

ed days, the case appearing on the calendar for the last time some two or three months ago. Since that time neither our clients nor ourselves have heard anything whatever from your office in regard to the matter, and the case has not again appeared upon the calendar for trial to our knowledge, although we have carefully watched for its appearance. Our clients have repeatedly spoken to us about the matter and expressed surprise that Provato had not been brought to trial; we however assured them that they would be duly notified by your office before any trial of Provato was had.

In view of these facts, we were astonished upon making inquiries to be informed by Provato's attorney a few days ago that Provato had been discharged and the indictment against him dismissed. We cannot believe that you would have consented to such a disposition of the matter without notifying the complainant or ourselves. We therefore write this letter to you in order that we may be advised what are the facts in relation to the matter.

We may add that our clients, after having gone to considerable trouble and expense incident upon requisition proceedings and frequent attendance at Court and the procurement of evidence, feel greatly disturbed about the matter and are pressing us for an explanation.

Your early reply will oblige,

Yours truly,

Butler Stillman & Hubbard

0460

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Antonio Grimaldo

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

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

The said Antonio Grimaldo,

late of the City of New York, in the County of New York aforesaid, on the twenty day of November, in the year of our Lord one thousand eight hundred and eighty nine —, at the City and County aforesaid, with force and arms,

two cases, each containing a quantity of armor (a more particular description whereof is to the Grand Jury aforesaid unknown), of the value of three hundred dollars each, twenty pieces of metal armor, of a number and description to the Grand Jury aforesaid unknown, of the value of six hundred dollars, and twenty spears, chattels and personal property, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of six hundred dollars, —

of the goods, chattels and personal property of one Adolph E. Rosen,

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.

Geo. C. Williams,
District Attorney.

0461

BOX:
401
FOLDER:
3721
DESCRIPTION:
Pursell, Henry

DATE:
06/25/90

3721

Witnesses:

Anthony Comstock

Counsel:

Filed 25 day of June 1890

Pleads Guilty

THE PEOPLE

vs.

Henry Pursell (2 cases)

POLICY.
[§ 344, Penal Code].

JOHN R. FELLOWS,
District Attorney.

Fine $75, RBM

A TRUE BILL.

Frank Higgins
Foreman.

Plead Guilty

0463

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Pursell

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

Henry Pursell

of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said Henry Pursell

late of the City of New York in the County of New York aforesaid, on the twenty-second day of May in the year of our Lord one thousand eight hundred ~~and eighty~~ ninety, at the City and County aforesaid, feloniously did sell to one

John R. Collard

what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

B X 22/5
16 42 54
16 43 54 $10
9-78 Ct $10

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Henry Pursell

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said Henry Pursell

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collard

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say:

B X 22/5
16 42 54
16 43 54 10
9-78 Ct 10

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

Henry Pursell

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said Henry Pursell

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collord

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

B X 22/5
16 42 54
16 43 54 10
9-78 Ct 10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

Henry Pursell

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collard

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

B X 22/5
16 42 54
16 43 54 1/10
9-78 Cr 1/10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

Henry Purcell

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collard

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

B X 22/5
16 42 54
16 43 54 1/10
9-78 Cr 1/10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

Witnesses:

Anthony Comstock

Counsel,

Filed 25 day of June 1890

Pleads Guilty 26

THE PEOPLE

vs.

B

Henry Cursell

(2 cases)

POLICY.

[§ 344, Penal Code].

JOHN R. FELLOWS,

District Attorney.

Sentenced on ag. indict

Sentence suspended

A TRUE BILL.

BM

Frederick Higgins

Foreman.

Convicted

Pleads guilty

423

0467

To Hon. Commrs of Police

$500 Rewd

CITY OF New York COUNTY OF New York
AND STATE OF NEW YORK.

Anthony Comstock of ~~150 Nassau~~ 41 Park Row Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe ~~and charge~~ that Henry Purcell here present did, on or about the 22nd day of May, 1890, at number 341 Spring street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said, Henry Purcell had in his possession, within and upon certain premises, occupied by him and situated and known as number 341 Spring street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premies, ~~sells~~ sold, vended, furnished and procures; and had in his possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Anthony Comstock

Subscribed and sworn to before me, this 22nd day of May 1890

John Shrosbery
Police Justice.

CITY OF New York COUNTY OF New York } ss.

John R. Collard of 205 West street being duly sworn further deposes and says, that on the 22nd day of May 1890, aforesaid, he called at the place of business of the said Henry Purcell aforesaid, at the said premises 341 Spring street and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said Henry Purcell and had conversation with him ~~in substance as follows.~~ ~~Deponent said,~~ and saw him write record and sell the annexed paper, and deponent paid the said Henry Purcell 25 cents for the same.

John R. Collard

Subscribed and sworn to before me this 22nd day of May 1890

John Shrosbery
Police Justice.

POLICE COURT— DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Anthony Comstock

VS.

Henry Purcese

LOTTERY AND POLICY.

Dated.....188

.....*Magistrate.*

.....*Clerk.*

.....*Officer.*

WITNESSES:

.....

.....

.....

.....

Bailed, $.....

to answer.....*Sessions.*

By.....

.....*Street.*

0469

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Purcell 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. Henry Purcell

Question. How old are you?

Answer. 34 years.

Question. Where were you born?

Answer. Yonkers N.Y.

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

Answer. 89 Horatio Street 1 year

Question. What is your business or profession?

Answer. Book keeper.

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 Purcell

Taken before me this 3d day of *January* 1880

Police Justice.

0470

Sec. 192.

/ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice of the City of New York, charging Henry Purcell Defendant with the offence of Violation of Liquor Tax Law

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 hearing thereof having been adjourned

We, Henry Purcell Defendant of No. 89 Mondaro Street; by occupation a Bookkeeper and John Howard of No. 31 Bowery Street, by occupation a Liquor Dealer Surety, hereby jointly and severally undertake that the above named Henry Purcell 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 Ten Hundred Dollars.

Taken and acknowledged before me, this 23 *day of* May 1880

John J. Gorman POLICE JUSTICE.

H. Purcell

John Howard

0471

CITY AND COUNTY OF NEW YORK, } ss.

John Howard

the within named Bail and Surety being duly sworn, says, that he is a resident and free holder within the said County and State, and is worth Twenty 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 Stores & Lot 31 Bowery of the value of Twenty thousand dollars and all encumbrances

John Howard

Sworn to before me, this 23 day of January 1883

John Wm Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Taken the ..... day of ..... 188 ..... Justice.

Undertaking to appear during the Examination.

0472

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 Wm Jendant

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 June 3rd *18* 90 D McMahon *Police Justice.*

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

Dated June 3rd *18* 90 D McMahon *Police Justice.*

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

Dated *18* *Police Justice.*

0473

$1000 bail for
Ex June 2nd 1890
2 PM

BAILED,
No. 1, by John Howard
Residence 31 Bowery Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

The Magistrate presiding in this Court will hear and determine the within case by reason of my absence

[illegible]
Police Justice

Police Court--- 1 District. 8824

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Comstock
vs.
1 Henry Purcell
2
3
4

Offence Not Carry Pass

Dated May 22 1890
[illegible] Magistrate.
Officer.
Precinct.
Witnesses
No. Street.
No. Street.
No. Street.
$ 1000 to answer G. J.
Bailed

RECEIVED. DISTRICT ATTORNEY'S OFFICE JUN 6 1890

Secy Policy

04·74

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice of the City of New York, charging Harry Purcell Defendant with the offence of Violation of the Lottery Act

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 hearing thereof having been adjourned

We, Harry Purcell Defendant of No. 89 Ludlow Street; by occupation a Bookkeeper and John Howard of No. 31 Bowery Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake that the above named Defendant shall personally appear before the said Justice, at the 1 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 Ten Hundred Dollars.

Taken and acknowledged before me, this 23 *day of* May 1886.

H. Purcell

John Howard

John J. Gorman POLICE JUSTICE.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the ..... day of 188

Justice.

CITY AND COUNTY OF NEW YORK, } ss.

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 Twenty 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 Furniture valued at $20.00

Barney O'Hare
Charles Lawson
Patrick Carroll

Sworn to before me, this 23 *day of* June 188 5

John Morrison *Police Justice.*

John Howard

BX 215

5-9-14 55
48259
16-42 54
16-43 54
4-5-14
5767 73
9-78 Ox 40

9L40

0477

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

Anthony Comstock

of ~~150 Nassau~~ 41 Park Row Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that ~~John Doe~~ Henry Purcell here present

whose real name ~~is~~ unknown, but who can be identified by John A. Collard

did, at the city ~~of~~ County ~~of~~ and State of New York, on or about the 21st day of May 1890, unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage ~~as a dealer or game keeper~~ in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, he has just ~~cause~~ cause to believe, is informed and verily does believe from ~~personal observation and from~~ statements made by John A. Collard to deponent that the said John Doe Henry Purcell aforesaid, now has in his possession, at in and upon certain premises occupied by him and situate and known as Number 341 ~~Spring street~~ in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia ~~layouts, chips, deal boxes, cards~~, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Anthony Comstock

Subscribed and sworn to before me this 22nd day of May 1890.

John J. Conway Police Justice.

CITY OF New York AND COUNTY OF New York ss.

John A. Dollard, of 205 West street

being further sworn deposes and says that on the 21st day of May 1890, deponent visited the said premises, named aforesaid, and there saw the said ~~John Doe~~ Henry Purcell aforesaid, and had dealings and conversation with him as follows:

Deponent purchased of said ~~John Doe~~ Henry Purcell the paper annexed aforesaid and paid the sum of ~~forty~~ five cents for the same. The said ~~John Doe~~ Henry Purcell wrote the figures characters and numbers upon said paper, and also recorded the same upon a manifold book of paper then and there kept and used for the purpose of recording the sale of what are commonly called lottery policies, and handed annexed paper to deponent and deponent paid the aforesaid amount of money to the said ~~John Doe~~ Henry Purcell for the same. Deponent further says from personal observation, and dealings

had with said ~~John Doe~~ Henry Purcell he is informed and verily believes that the said ~~John Doe~~ Henry Purcell has in his possession at in and upon the said premises 341 Spring Street, divers and sundry books, papers, devices, apparatus and paraphernalia for gambling purposes, and with intent to use the same as a means to commit a public offense —

Subscribed and sworn ~~before me~~ John R. Collord
this 22nd day of May 1890

J. Wm. Zeman
Police Justice.

THE PEOPLE

ON COMPLAINT OF

Anthony Comstock et al

AGAINST

~~John Doe~~

Henry Purcell

341 Spring

Violation Sec. 344, P. C. Gambling and Policy.

Affidavit of Complaint.

WITNESSES:

A. Comstock

John A. Collard

205 West St

Subscribed and sworn to before me this .....day of.....188.....

.....

Police Justice.

0481

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Parsell 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. Henry Parsell

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Yonkers N.Y.

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

Answer. 89 Horatio Street 1 year

Question. What is your business or profession?

Answer. Bookkeeper.

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

Chas Parsell

Taken before me this 8th *day of* August 1873

Police Justice.

0482

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 Wm Fendum

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 June 3rd *18*90 W. J. Murphy *Police Justice.*

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

Dated June 3rd *18*90 W. J. Murphy *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

0483

Proof cont for Ex June 2nd 1890 2 Pcs

Police Court--- 1 883 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Gaustock
vs.
1 Thos Purcell
2
3
4

Offence Assault

BAILED,
No. 1, by John Howard
Residence 91 Bowery Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

The Magistrate presiding in this Court will please hear and determine the within case by reason of my absence
J. H. Lemon
Police Justice

Dated May 5 1890
J. H. Lemon Magistrate.
Officer.
Precinct.
Witnesses
No. Street.
No. Street.
No. Street.
$ 1000 to answer G. J.
Bailed
Seldner
Pollard

RECEIVED. DISTRICT ATTORNEY'S OFFICE JUN 6 1890

0484

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Purcell

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

Henry Purcell

of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said Henry Purcell

late of the City of New York in the County of New York aforesaid, on the twenty-first day of May in the year of our Lord one thousand eight hundred ~~and eighty~~ ninety, at the City and County aforesaid, feloniously did sell to one

John R. Bollard

what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

B X 21/5
5-9-14 55
48 20/-
16-42 54
16-43 54
4-5-14
57 67 73 77½
9-78 Cr 10

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Henry Purcell

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Bollard

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say:

X 21/5
5 - 9 - 14 55
4 8 20
16 - 42 54
16 - 43 54
4 - 5 - 14
57 67 73 71/2
9 - 78 Ct 10

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

Henry Purcell

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Colland

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

X 21/5
5 - 9 - 14 55
4 8 20
16 - 42 54
16 - 43 54
4 - 5 - 14
57 67 73 71/2
9 - 78 Ct 10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

Henry Purcell

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collard

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

B X 21/5
5-9-14 55
48 25
16-42 54
16-43 54
4-5-14
57 67 73 71/2
9-78 Cr 10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

Henry Purcell

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said Henry Purcell

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one John R. Collard

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

B X 21/5
5-9-14 55
48 25
16-42 54
16-43 54
4-5-14
57-67 73 71/2
9-78 Cr 10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.