

0304

BOX:

183

FOLDER:

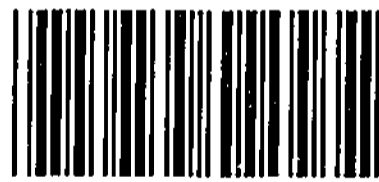
1849

DESCRIPTION:

Sherry, Frank

DATE:

07/16/85



1849

Witnesses:

John T. Mahan

106

Counsel,

Filed

day of

1885

Pleads,

THE PEOPLE

vs.

Frank Sherry

Burglary in the Third Degree.
Sections 408, 506, 528, 545, 532

RANDOLPH B. MARTINE,

July 17th District Attorney.

Pleads Day 3 day

A True Bill. S. P. 2 years.

Allen A. Apgar

Foreman

James V. Day

0305

0306

Police Court—101 District.City and County }
of New York, } ss.:of No. 48 Prince Street, aged 22 years,
occupation grocer being duly sworndeposes and says, that the premises No 48 Prince Street,
in the City and County aforesaid, the said being a store in the two story
wooden building situated in the west ward
and which was occupied by deponent as a grocery store
and in which there was at the time no person being, by namewere **BURGLARIOUSLY** entered by means of forcibly prying open
the wooden shutters of the front door
in the rear of said store and then
raising the window and climbing into
said store
on the 10th day of July 1885 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Good and lawful money of the United
States consisting of silver and nickel
coins of divers denominations and values
and being in all together of the value ofOne dollar and fifty two centsthe property of Deponentand 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 byFrank Sherry (now here)
for the reasons following, to wit: That on the night of the
aforesaid day said premises were securely
locked and fastened and said window
was closed, and the shutters were locked
by means of a hook, and that said
property was in a drawer behind the
counter in said store and that said drawer
containing said money was locked by means
of a spring lock; Deponent is informed

0307

by Henry Reicke of 48 Prince Street that about
 the hour of 2³⁰ o'clock a.m. on the night of
 the aforesaid day he saw said Henry
 jump out of the said window of said store
 and that the money drawer containing said
 property was pulled out and lying on
 the counter and said property gone, that
 said Reicke then pursued said Henry
 and caused him to be arrested, said Reicke
 fully identifies said Henry as the person
 he saw coming out of said premises
 and deponent therefore charges him with
 having broken into said premises
 and with having taken stolen and carried
 away the property aforesaid;

Subscribed to be foreman } John H. Roberts
 this 11th day of July 1885 }
 Solon B. Smith
 Peace Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0308

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 21 years, occupation Barber of No. 48 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John V. Roberts

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

Sworn to before me, this 11th day of May, 1888, by Henry Reincke

Solomon Samuel
Police Justice.

0309

Sec. 198-200.

107

District Police Court.

CITY AND COUNTY {
OF NEW YORK, } ss

Frank Sherry 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.

Frank Sherry

Question. How old are you?

Answer

18 years.

Question. Where were you born?

Answer.

United States

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

Answer.

307 Bamesey Years.

Question. What is your business or profession?

Answer.

Plasterer

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

Answer.

I am guilty of the charge

Frank Sherry

Taken before me this

11th

1888

at New York City
Justice.

03 10

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

five 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

July 11

188

Solomon B. Smith

Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated

188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated

188

Police Justice.

0311

Police Court

714 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John H. Rohrer
48 Prince
Frank Sherry

1

2

3

4

Offence

Dated

July 11th

1885

Magistrate

Officer.

14th Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

03 12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Franka Sherry

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

Franka Sherry

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

The said

Franka Sherry

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

John St. Robert

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

John St. Robert

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

0313

SECOND COUNT—

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

of the CRIME OF

Franklin Sherry
Petit LARCENY,—

committed as follows :

The said

Franklin Sherry

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,

did unlawfully, as a number, kind and
denomination to the Grand Jury
aforesaid unknown, of the value of
one dollar and fifty-two cents,

of the goods, chattels and personal property of one *John St. Robert*,—

in the

store

of the said

John St. Robert,

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.

Randolph B. Martin
District Attorney

03 14

BOX:

183

FOLDER:

1849

DESCRIPTION:

Silverberg, Gustav

DATE:

07/21/85

155

Louis B. Wehner
127 Broadway
New York City

Counsel,

Filed 21 day of July 1885

Pleads *McKully vs M*

THE PEOPLE

vs.

B

Gustav Silverberg

Forgery in the Second Degree.
(Sections 611 and 621, Penal Code.)
(Indorsement, etc.)

RANDOLPH B. MARTINE,

District Attorney.

Orlando
Byer of New York
Actual Bill
Jan 1886

Allen P. Apgar

Foreman.

Robert
Indictment
Webster

*From the Amused
Manuscript - It
will appear
that the Defendant
is dead -
for I am in
a court in at
Malaga*

03 16

{ City & County } ss
of New York

Daniel Patterson being duly sworn
deposes and says - I reside at n^o 185 1/2 Forsyth
Street, in the City & County, New York. I was
the bondsman for Gustave Silverberg.
Charged with Forgery - The said
Silverberg died on February 6th 1886 -
I know of my own knowledge that the
Gustave Silverberg mentioned in the annexed
certificate of death is the same person
mentioned in the indictment for Forgery.

Sworn before me this 9th Daniel Patterson
day of June 1892

H. W. Illwitzer

Com of deeds
N. Y. Co

TORN PAGE

0317

17 Form II.

1490

HEALTH DEPARTMENT OF THE CITY OF NEW YORK
BUREAU OF RECORDS.
Office, 301 MOTT STREET.

Liber 22

No. 15307

New York, June 7, 1892

A TRANSCRIPT FROM THE RECORD OF DEATHS
IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH			AGE OF DECEASED		
Gustave Silverberg			MONTH	DAY	YEAR	YEARS	MONTHS	DAYS
			Feb	6	1886	52	-	-
COLOR	CONDITION	OCCUPATION	BIRTHPLACE			HOW LONG RESIDENT IN CITY		
W	M		Germany			YEARS	MONTHS	DAYS
			12					
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE		
No. 235 Fifth St.			Germany			Germany		
WARD.								
CAUSE OF DEATH			TIME FROM ATTACK TILL DEATH					
Suicide by Pistol shot wound of head			Mental aberration			YEARS	MONTHS	DAYS
						HOURS	MIN'S	
PLACE OF BURIAL			UNDERTAKER			MEDICAL ATTENDANT		
Union			A. Stolzenberger			Dr. F. Levy		

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

John T. Nagle
Deputy Register.
At True Copy,
C. Goldman
Clerk.

03 18

11

20

Almshaus

0319

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *James McBlancey*
of No. *43 Beaver* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the *19* day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

Witness, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*6*

RANDOLPH B. MARTINE, ~~JOHN MCKEON~~ District Attorney.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Henry W. Boyd*
of No. *346 Wall* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the *19* day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

Witness, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*6*

RANDOLPH B. MARTINE, ~~JOHN MCKEON~~ District Attorney.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

0320

Edward P. Wilder.

Law Offices,

People

110 Nassau St.

Gustav. Silverberg

New York, Jan. 16 1886

Hon. R. B. Martine

Dist. Atty.

Dear Sir:

I have called at your office several times to see you or one of your assistants, but have not been so fortunate as to find Mr. Farris, who I understand has this case in charge.

My client desires to know how soon he may expect to see this case tried, as he is the complainant at whose instance the indictment was found, and naturally feels desirous of seeing the thing through.

Will you, or Mr. Farris, kindly

0321

give the matter your earliest
attention?

Very truly Yours

E. J. Wilder

0322

District Attorney's Office.

PEOPLE

vs.

Gustav Silverberg.

Forgery.

Let this case
be tried among
early bail cases

Jan 16/86

To Mr. Conner

P.B.M.

0323

Burdys & Nicholas

Nº 11110

New York

October 15 18

The Union National Bank

Pay to the order of

Att. Stutz

One Hundred twenty three & 75/100 Dollars

\$ *123 75*

\$123.75

Burdys & Nicholas

Carbon Library Co. Stationers, 20 Nassau St. N.Y.

0324

Received
in
1900

Otto R. R. R.
For Office to Order of
Cellulose Letter Co.
D. E. Saffert
Pres.

0325

City & County of New York ss: Otto Stietz being duly sworn says:

I am ^{the} President of a Corporation known as "The Otto Stietz New York Glass Letter Company," which exists under and by virtue of the laws of this State; is a manufacturing corporation and has its principal place of business at No. 49 Chambers Street in this city. Said corporation prior to the 15th day of October 1933, had sold and delivered goods, wares and merchandise to the firm of Purdy & Nicholas, a copartnership doing business in the City of New York, and composed of Belmont A. Purdy and George S. Nicholas, as deponent is informed and verily believes. That on the 15th day of October 1933 said firm was justly indebted to said corporation, in the sum of \$137.50.

Further deponent says, that on said 15th day of October 1933, one Gustav Silverberg was in the employ of said corporation, as clerk, bookkeeper and secretary, and as such, was entrusted with the charge of its books of account, the care and keeping thereof, and it was one of his duties to collect and receive moneys due to said corporation and faithfully to account for the same, and enter the same upon the books of said corporation, and pay over the same to this deponent, as President thereof.

Deponent further says, upon his information and belief, that on said 15th day of October 1933, the said firm of Purdy & Nicholas, in payment of their aforesaid indebtedness to said corporation, paid and delivered to the said Gustav Silverberg as clerk, bookkeeper and acting Secretary thereof, the annex-

0326

ed check dated New York October 15th 1883, directed to the Union ~~Bank~~ National Bank, and directing said Bank to pay to the order of this deponent \$123.75; signed with the firm name of Purdy & Nicholas; but the said Gustav Silverberg did not make in the books of said corporation or any portion thereof, any note or entry of the receipt of said check, nor did he deliver the same to this deponent, but on the contrary, that he falsely and fraudulently endorsed upon said check, the name of this deponent, without this deponent's knowledge or consent, and thereupon procured the amount of said check, to-wit, the sum of \$123.75, which he converted and appropriated to his own use,

Deponent further says, that he, (deponent) was not made aware of the foregoing facts until a few days ago, when he ^{dis-}covered the same, upon examining the books of said corporation, and upon making application to said firm of Purdy & Nicholas, who have kindly furnished said checks to this deponent, for the purposes of this proceeding.

Further deponent says, that in the month of January 1884, the said Silverberg was discharged from the employment of said corporation, and has not since that time been in the employ either of said corporation or of this deponent.

WHEREFORE deponent prays that the said Silverberg be apprehended and dealt with according to law.

Sworn to before me this
4th day of December 1884

William R. Meekins

Notary Public

N. Y. Co.

P. A. Purdy
Nicholas

Wm. L. Lutz

0327

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK,

An information having been laid before Andrew J. White a Police Justice
of the City of New York, charging Gustav Silverberg Defendant with
the offence of Forgery

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

We, Gustav Silverberg Defendant of No. 30
Centre Street; by occupation a Liquor
and Daniel Patterson of No. 30
Street, by occupation a Liquor Surety, hereby jointly and severally undertake that
the above named Gustav Silverberg Defendant
shall personally appear before the said Justice, at the next 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 13

day of December 1884

Andrew J. White POLICE JUSTICE.

Gustav Silverberg
Daniel Patterson

0328

CITY AND COUNTY } ss.
OF NEW YORK, }

Daniel Patterson

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 *Ten* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *a house and lot of*

land at No 125 Delancy Street in
said City and of the value of
Ten thousand dollars

Daniel Patterson

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Gustav Silberberg

Taken the *13* day of *December* 188*4*

Andrew J. White Justice.

Undertaking to appear
during the Examination.

Sworn to before me, this *13*
day of *December* 188*4*
Charles W. White District Police Justice.

Henry W Boyd of number 34
Wall Street being duly sworn
deposes and says

I am a bookkeeper
in the Union National Bank
of this city I know the firm of
Purdy and Nicholas have an ac-
count in that bank. I recognize
that check as bearing their signatures
check marked ^{P&N} E. I. in evidence

I know that on or about the 12th or
14th of October 1884 a check of that
amount made by Purdy and
Nicholas was paid by this bank
I don't know how it was paid if it
was over the counter or came through
the bank in a business way of my
own personal knowledge. The check
does bear marks indicating if it
was paid over the counter or came
in by way of exchange

objected to, the check speaks
for itself in most of all.

of what marks

objected to

A The cut ^{and} the clearing house number
of the bank from which it came
witness refers to the number 30

0330

Acct of said check. I have examined
the account of Purday & Nicholas
with a view of ascertaining whether
any other check of the same amount
drawn by them was paid by that
bank at or about the same time
Q Can you say if any other check
than this one now in evidence was
drawn by Purday & Nicholas &
paid by this bank or about the
same time The cut is one of the cuts
usually ^{used by our bank} objected to on the ground
that you cannot give parole testimony
of the contents of a book kept by the
witness

I swore to before me
this 10th day of January 1885 } Henry M. Boyd.
P. G. L. M. B. }
County Justice

James MacLauray of #3 Beaver
 Street being duly sworn says:
 I am the bookkeeper & cashier
 of the firm of Purdy & Nicholas.
 The check marked Exhibit 1. is a
 check drawn by that firm & bears
 their signature that check was
 paid by the Union National Bank
 and came back from the bank in
 the condition it now is, I know
 Otto Steitz to whom that check was drawn
 and previous to the drawing of that
 check Purdy & Nicholas had an
 account with Otto Steitz
 was this check drawn with any relation
 to that account

objected to.

Q. Did you draw the check?
 A. I did! I drew the check for a bill
 due Mr Otto Steitz some in payment
 of a bill (witness produces a bill)
 that is the bill, bill removed for
 identification & Ex 2. after I drew
 the check and the firm signed it I gave
 it Mr Steitz collector I don't know his
 name. He was the man (meaning the
 defendant) who offered in evidence, objected to
 sworn to before me
 this 10th day of 20th Dec 1904

James MacLauray
 Cashier

This is the receipt the witness gave me
 Exhibit 3 Affidavit

0332

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss

Gustave Silverberg 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. *Gustave Silverberg*

Question. How old are you?

Answer. *51 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *235 5 street (resided there 3 yrs)*

Question. What is your business or profession?

Answer. *Manufacturer Glass letters Regis*

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 was engaged in the marriage of Otto Steitz about 1875. I was told by Steitz that the Secretary of this company had left for Europe, and somebody had to fill his place. I soon discovered that this company was only a nominal one then never had listed any stockholder, never filed any statement nor report and the only meeting that ever took place, whilst I had anything to do with it the so called stockholders were presented with shares & the rest at that time Gustave Roemer was presented with 2000 worth of shares which were returned two years afterwards in the 1882. Otto Steitz sold his*

day of

188

Placed before me this

Police Justice

glass letter business & the
 printing of his letters
 to Charles Parker for \$1000
 half cash & half notes
 & not being able to pay
 the notes business went back
 to Steitz. In the year
 1883 Wolfram & myself
 bought this same glass
 letter business from Steitz
 & kept it in the same
 premises. We paid Steitz
 \$2500 for the same & he
 credited the business
 in the same premises
 paying him \$25. rent
 a month. We engaged
 Steitz for doing a part
 of the manufacturing business
 for this we paid him.
 I kept on doing the
 office business for Steitz
 drumming orders, collec-
 ting money, paying all
 hands. Whenever Saturday
 there was not money
 enough in Steitz's business
 pay hands or when at

0334

the end of the month
then was not money
enough to pay bills
we advanced this money
to Steitz which in the
month of October 1883
amounted \$539. I tried
to recover this advanced
money either by taking
the money as it came
in or by bills which
came due. I used
to sign all the
checks which were
used to pay credits
of other Otto Steitz.
I ~~see~~ all the checks
which I wanted cashed
I made Steitz sign
them for this check
in question. I could
make use to pay
to a creditor of the
glass letter business.
If I would have
needed the cash I
would have Steitz sign
it on account of the

0335

signature of Steitz being
in the Bank, Another
reason I advanced
this money to Steitz
was that I did not
want him to decrease
his private bank account
knowing that sooner or
later the law would
overtake and punish
him, for his beastly
practice of seducing
his wife's case his wife
would have some means
to support herself. I
am willing to swear
+ bring proof to anything
that I have said

Taken before me
this 19 day of Jan 1885

J. G. Coffey

Notary Public Chester Silverberg

0336

City & County
of New York

I, Gustav. Silberberg being duly
sworn says. I reside N^o 58
Centre Street
(Exhibit N^o 1. Shown)
I saw the indorsement Otto Stetz,
it is made by me, I gave the
check in payment, to the Carolina
Leather Company, for leather
I bought from them for
myself as a Wholesaler,
we bought that glass of ~~Stetz~~
business, from Otto Stetz,
that purchase was made April
20, 1883 the business was
conducted under the name
of Otto Stetz New York Glass
Leather Company
The indorsement is a pretension
for that long name
I swear I had the authority
to make the indorsement
prior to this purchase I was
in the employ of the Stetz
Company I was in
their employ about 8 years

0337

during that time I had charge
 of all the office work in collecting
 and paying out money
 since April 1883 I kept on doing
 the office business, and was
 attending to our own business at
 the same time we had been
 doing a part of the manufacturing
 of ^{any} Glass Leather the largest
 part of ~~our~~ the cutting of our
 Glass cutting we did ourselves.
 When ever we had more money
 in our business, as we needed
 for our own purposes, we invested
 the same in ~~our~~ business
 and tried to recover the money
 we invested. I always signed
 checks which we handed to our
 creditors to the knowledge of ~~our~~
 only such checks which we had
 cashed at the ~~place~~ Bank were
~~our~~ personal check was deposited
 I made ~~our~~ signing them
 at the time that you
 endorsed the words att
~~our~~ on the check in
 question & passed the
 check on to creditors

0338

man Otto Steitz in your
debt for money ad-
vanced by you for the
purpose for him, and
if so how much,
question objected to

Q Is there any reason that
any one stated why
these monies were handed
over to you as stated

A Yes.

Q The reason,
objected by Counsel for
Complainant

Q Has this man Steitz
been arrested on your
complaint recently

A Yes on a charge of
Grand Larceny

Crop Larceny

Q Has not Mr Steitz tried
to frequent

A Yes.

0339

Q Was not this check upon which you indorsed the name of Otto Steitz paid out by you in payment of a personal debt of your own and Wolfman

A Yes

Q Was the firm of Rudy & Nicholas who made the check indebted to you and Wolfman

A Yes No

Q Was not the check given to you by Rudy & Nicholas in payment of a debt which they owed to Otto Steitz or to the Otto Steitz New York Glass Bottle Company

A It was not given to me at all. It was collected and went into the cash like any other amount

- Q How did you get it.
 A It came in as other
 names did.
- Q Did it come into you
 as Secretary or Treasurer
 of that Company?
- Q It came in in the
 regular business way.
- Q Were you Secretary or
 Treasurer of that Company
 at that time?
- Q I was Book Keeper of
 the Company.
- Q Did you then or
 deliver the check
 to any of the officers
 of the Company after
 you received it?
- Q There were no officers
 except Steitz & me.
- Q What officer did Steitz
 hold?
- Q Superintendent of the
 Manufacturing Company.
- Q What officer did you
 hold?
- Q Secretary or Book Keeper.
 either of the two.

Q Don't you know which
 A I was elected Six
 years ^{ago} Secretary, at the
 time I did know what
 office I held.

Q Did you show or deliver
 this check to Otto
 Seitz?

A Not Exceptional No.
 Q Did not Otto Seitz's
 glass lettering Co carry
 on the business at the
 time you received this
 check quite apart from
 the private business carried
 on by you and Wolfram?

A Yes.
 Q And was not this check
 received by you as Seitz
 or Book Keeper of that Company
 in payment of a debt
 due from Purdy &
 Nicholas to that Company?

A Like any other amount
 Yes.

Q Did you keep the books
 of this company at

0342

The time you received
this check

A Yes.
Q Did you enter the amount
of this check
in the books of the
company

A Yes. I suppose so
Q Will you swear that
you entered the amount
of that check upon
any of the books
of the company

A I cannot swear to
it I cannot
remember.

Walter Silverberg
 sworn to before me
 this 19 day of July 1883

P. H. Gifford
Justice of the Peace

0343

Sec. 151.

Police Court ----- District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by *Otto Stietz*

of No. *49 Chambers* Street, that on the *15* day of *October*
1888 at the City of New York, in the County of New York,

Guotav Silverberg committed
Forgery

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 ----- 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 *4* day of *December* 188*8*
[Signature] POLICE JUSTICE.

0344

Police Court District.

THE 'PEOPLE, &c.,
ON THE COMPLAINT OF

Otto F. Tute
vs

Julius Rosenberg

Warrant-General.

Dated *Dec 10* 1887

D. J. [Signature] Magistrate.

Bellevue Officer.

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

[Signature] Officer.

Dated *Dec 10* 1887

This Warrant may be executed on Sunday or at
night.

[Signature] Police Justice.

REMARKS.

Time of Arrest, *9:45 AM*

Native of *[Signature]*

Age, *30*

Sex, _____

Complexion, _____

Color, *5'*

Profession, *[Signature]*

Married, *[Signature]*

Single, *[Signature]*

Read, *[Signature]*

Write, *[Signature]*

[Signature]

0345

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

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

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

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

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

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

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

Dated January 3rd 1885

Police Justice.

0346

The Magistrate Presiding
at the 1st Dist Police
Court will please hear
the within case

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

E P Welden
Counsel for Complainant
Char Spencer
Counsel for Defendant

Police Court

District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Otto Stech
Cor. Bowery & Broome
Justus Silverberg

Dated

188

Magistrate.

Henry M. Boyd
34 Wall

Officer.

Precinct.

Jan. 19, 2 PM

Witnesses

No.

Street.

No.

Street.

No.

Street.

to answer

Session.

Jan. 19, 3 PM

To be resolved

when the case is

0347

TORN PAGE

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 21 day of July
1885, in the Court of General Sessions of the Peace, of the County of
New York, charging Gustav Silverberg

with the crime of Forgery the second degree

You are therefore Commanded forthwith to arrest the above named Gustav Silverberg
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 21 day of July 1885.

By order of the Court,

John Sparks
Clerk of Court.

0348

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Gustav Silverberg

Bench Warrant for Felony.

Issued

July 21st 1885
58 Court St
Signs

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

July 25th 1885

The within named
defendant was arrested
this day and brought
to the Dist. Att. Office
by Det. VonBeuchlin & Kernan

0349

District Attorney's Office.

PEOPLE

vs.

Gustav Silverberg
Forger - 2^d

It is claimed that the business relations of the complot & deft were such that a jury might have a doubt as to whether deft. was not authorized to sign the name of *Stietz* to the cheque. On a careful examination of the case, I can find no substantial foundation for any such pretence. Even if it should appear that technically Silverberg had the right to sign the name of *Stietz* to some papers that will

0350

District Attorney's Office.

2.

PEOPLE

vs.

Silverberg

not relieve him from the charge of forgery. The essence of this crime is the intent to defraud, and where the intent to defraud is made out by the signing of the name of another, although the alleged forger may have technically the absolute right to do so, still it does not relieve him from the crime. I am also strengthened in my views by the evidence of deft. before the magistrate. I think a conviction would probably be the result of a trial of this case.

Randolph B. Macfay
District Attorney
Dec. 17, 1885

0351

LAWRENCE & WAEHNER,

COUNSELLORS AT LAW,

FRANK R. LAWRENCE,
LOUIS C. WAEHNER.

Third Floor, Room 30,
(ELEVATOR.)

120 BROADWAY,

(EQUITABLE BUILDING.)

NEW YORK, *Aug 10* 1885

Dr. Sir

Herewith I send
you copy printed papers
in the *Silvberg* - *Stetz*
matter and call your
attention to pages 47 48
51 & 52 as bearing upon
the rights of *Silvberg* to
endorse the check, as
these admissions are made
by *Stetz* they seem to
be conclusive upon the
question of *Silvberg's* au-
thority as Secretary of the
nominal Co to endorse
him

0352

the check.

Yours truly
L. O. Washburn

Amos B. Martine

Dear Sir,
I have the honor to acknowledge the receipt of your check of \$100.00 for the amount of the bill for the purchase of the land in the town of New York, County of New York, and I am very glad to hear that you are well and happy.
I am, Sir, very respectfully,
Yours truly,
L. O. Washburn

0353

Supreme Court

City and County of New York.

THE OTTO STIETZ NEW YORK GLASS LETTER
COMPANY

against

GUSTAV G. WOLFRAM, GUSTAV SILVERBERG,
JOSEPH HARTEL, and OSCAR R. SEVERIN.

APPEAL FROM ORDER

Punishing for Contempt.

LAWRENCE & WAERNER,
Attorneys for Defendants,
120 Broadway, New York.

NEW YORK:
DOUGLAS TAYLOR, LAW PRINTER, 89 NASSAU STREET, COR. FULTON.

1884.

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Supreme Court.

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

Upon the verified complaint of the plaintiff in this action, and the annexed affidavits of Otto Stietz, Edward P. Wilder and Thomas P. Squier, I do hereby enjoin and restrain the above-named defendants and each of them, their servants, agents and attorneys, from interfering in any way with the business carried on by the plaintiff at No. 49 Chambers Street, in the City of New York, or with plaintiff's customers, and from circulating or distributing to the public or otherwise the circular annexed to the complaint, or any other circular to the effect that The Otto Stietz New York Glass Letter Company has removed its place of business from 49 Chambers Street aforesaid to 58 Centre Street, or any similar effect, and from publishing the advertisement annexed to and described in the complaint to the effect that the defendants have bought out the business and the firm name of the plaintiff, The Otto Stietz New York Glass Letter Company, and that the defendants have succeeded to the rights of said firm under

4 an alleged bill of sale or otherwise, or any other advertisement calculated to injure the plaintiff in its business aforesaid, and from using plaintiff's property, name or trade-marks or patents, and from holding themselves out in any way to the public as entitled to make use of plaintiff's name, trade-marks, patent or business, or as being proprietors thereof or successors thereto, and from diverting in any way plaintiff's mail, or receiving or taking or meddling with letters or other mail matter addressed to the plaintiff, or in any other way intermeddling with plaintiff's business, name, trade-marks, patents or property until the further order of the Court in the premises.

5 I do hereby further order, that the defendants show cause before me, or one of the Justices of this Court, at a Special Term thereof, to be held at Chambers, at the Court House, in the City of New York, on the 17th day of March inst., at the call of the calendar on that day or as soon thereafter as counsel can be heard, why this injunction should not be continued and made permanent during the pendency of this action, and why plaintiff should not have such other and further relief as may be just, with costs of motion.

6 And sufficient facts appearing in the annexed affidavits, let service hereof on or before the 8th day of March inst. be deemed sufficient.

Dated New York, March 7, 1884.

(Sgd.) ABM. R. LAWRENCE,
Justice S. C.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

Place of Trial.

against

Summons.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

To the above-named Defendants and each of them :

You are hereby summoned to answer the complain in this action, and to serve a copy of your answer on the plaintiff's attorney within twenty days after the service of the summons, exclusive of the day of service ; and in case of your failure to appear, or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated March 6, 1884.

EDWARD P. WILDER,
Plaintiff's Attorney.

Office and Post Office address :
No. 140 Nassau Street,
New York City.

10 SUPREME COURT,
CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

Place of Trial.

11

The plaintiff complaining alleges:

I.—That plaintiff is and was at all the times hereinafter mentioned, a corporation existing under the laws of the State of New York, and having its business, which is that of manufacturing and dealing in ornamental glass letters and numbers under certain valuable patents belonging to the plaintiff, in the City of New York, at No. 49 Chambers Street, in said city.

12 II.—That the plaintiff is and was at the times hereinafter mentioned, the owner of certain valuable property, consisting of ready-made glass letters and numbers, patterns, and a stock of merchandise connected with said business, and which on and prior to the 22d day of February, 1884, was located at plaintiff's store and place of business aforesaid, and the value of which property was the sum of about ten thousand dollars.

III.—That on the 22d day of February last, the above-named defendants, who, as plaintiff is informed and verily believes, constitute a firm of copartners doing business in said City of New York, at No. 58 Centre Street, under the name of "Wolfram & Co.,"

wrongfully broke into plaintiff's store and premises 13
aforesaid, and without any right or title thereto,
took and carried away all of the aforesaid property
and removed the same without plaintiff's permission
to their said place of business 58 Centre Street, as
plaintiff is informed and verily believes.

IV.—That the aforesaid acts, and those herein-
after mentioned, were done and committed by the
defendants under some claim or pretence of having
succeeded to plaintiff's right, title and interest in the
business of manufacturing and vending glass letters
and numbers aforesaid, which claim or right is
not founded upon fact, but is wholly without con-
sideration, as plaintiff is advised, both in fact and in
law. 14

V.—That the defendants in further pursuance of
said false and fictitious claim, have, since the 22d
day of February last, stationed persons in front of
plaintiff's premises aforesaid, and provided such
persons with printed circulars, a copy of which is
hereto annexed and marked Exhibit "B," which
circulars the said persons have distributed in great
numbers to passers-by and to the public generally,
and to plaintiff's customers visiting plaintiff's prem-
ises aforesaid, for the purpose of diverting plaintiff's
customers from the plaintiff and its place of busi-
ness, and directing them to the defendant, to the
the great injury of plaintiff's trade and business. 15

VI.—That in further pursuance of said false and
fictitious claim the defendants have, both before and
since the 22d day of February last, notified the Post-
master of the City of New York, that The Otto
Stietz New York Glass Letter Company has removed
its place of business to 58 Centre Street, and that all
letters and mail of every description addressed to
this plaintiff should be by him delivered to the de-
fendants at said last-named address. And as plain-

16 tiff is further informed and verily believes, the defendants, in order to still further secure such delivery and capture of this plaintiff's mail and letters, have hired a box in the General Post Office in this city for the receipt of such letters, and that this plaintiff's letters are now, in consequence of such notice, delivered to the defendants, either by being placed in said box or by being delivered at defendants' address aforesaid. That the delivery of this plaintiff's mail in manner as aforesaid to the defendants causes irreparable harm and damage to this plaintiff, as such letters frequently contain money and orders for
 17 goods belonging to this plaintiff, and the diverting thereof to the defendants is ruinous to plaintiff's business.

VII.—That in still further pursuance of said false and fictitious claim, the defendants have published, and are now publishing, advertisements in the public newspapers of the said city, such as a copy hereto annexed, marked "C," and which is cut from a German newspaper, to wit, the *New Yorker Herald*, having a wide circulation among plaintiff's customers and the public generally. A true translation of said advertisement from the German language into
 18 English is also subjoined thereto and forms a part of said Exhibit.

Wherefore, plaintiff demands judgment, that the defendants and each of them, their servants, agents and attorneys be restrained and enjoined perpetually from interfering in any way with this plaintiff's business or with plaintiff's customers, and from circulating the aforesaid printed circular, or any other or similar circular, and from publishing the aforesaid or any similar advertisement in any newspaper, and from carrying on business in the name of this plaintiff, and from making any use of plaintiff's name or trade-marks or patents or goods manufactured thereunder, and from holding themselves out in any way to the public as entitled to make use of plain-

tiff's name, trade-marks, patents, glass letters, numbers or business, or as being proprietors thereof or successors thereto, and from diverting in any way plaintiff's mail, or receiving or taking or meddling with letters or other mail matter addressed to the plaintiff, or in any other way intermeddling with plaintiff's business, name, trade-marks, patents or property. Plaintiff moreover prays that an injunction to such effect be now temporarily granted, to continue during the pendency of this action, and until the hearing and determination of this action, and that plaintiff may have such other and further relief as may be just, with the costs of this action. 19 20

EDWARD P. WILDER,
Plaintiff's Attorney.

City and County of New York, ss.:

OTTO STIETZ, being duly sworn, says, that he is the President of the plaintiff's corporation, and that he has read the foregoing complaint and knows its contents, that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true. 21

OTTO STIETZ.

Sworn to before me, this 4th }
 day of March, 1884.

WILLIAM R. WILDER,
Notary Public,
 N. Y. Co.

16 tiff is further informed and verily believes, the defendants, in order to still further secure such delivery and capture of this plaintiff's mail and letters, have hired a box in the General Post Office in this city for the receipt of such letters, and that this plaintiff's letters are now, in consequence of such notice, delivered to the defendants, either by being placed in said box or by being delivered at defendants' address aforesaid. That the delivery of this plaintiff's mail in manner as aforesaid to the defendants causes irreparable harm and damage to this plaintiff, as such letters frequently contain money and orders for goods belonging to this plaintiff, and the diverting thereof to the defendants is ruinous to plaintiff's business.

VII.—That in still further pursuance of said false and fictitious claim, the defendants have published, and are now publishing, advertisements in the public newspapers of the said city, such as a copy hereto annexed, marked "C," and which is cut from a German newspaper, to wit, the *New Yorker Herald*, having a wide circulation among plaintiff's customers and the public generally. A true translation of said advertisement from the German language into English is also subjoined thereto and forms a part of said Exhibit.

Wherefore, plaintiff demands judgment, that the defendants and each of them, their servants, agents and attorneys be restrained and enjoined perpetually from interfering in any way with this plaintiff's business or with plaintiff's customers, and from circulating the aforesaid printed circular, or any other or similar circular, and from publishing the aforesaid or any similar advertisement in any newspaper, and from carrying on business in the name of this plaintiff, and from making any use of plaintiff's name or trade-marks or patents or goods manufactured thereunder, and from holding themselves out in any way to the public as entitled to make use of plain-

tiff's name, trade-marks, patents, glass letters, numbers or business, or as being proprietors thereof or successors thereto, and from diverting in any way plaintiff's mail, or receiving or taking or meddling with letters or other mail matter addressed to the plaintiff, or in any other way intermeddling with plaintiff's business, name, trade-marks, patents or property. Plaintiff moreover prays that an injunction to such effect be now temporarily granted, to continue during the pendency of this action, and until the hearing and determination of this action, and that plaintiff may have such other and further relief as may be just, with the costs of this action.

EDWARD P. WILDER,
Plaintiff's Attorney.

City and County of New York, ss. :

OTTO STIETZ, being duly sworn, says, that he is the President of the plaintiff's corporation, and that he has read the foregoing complaint and knows its contents, that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

OTTO STIETZ.

Sworn to before me, this 4th }
day of March, 1884.

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

"B."

WOLFRAM & Co.
 R E M O V A L.
 Otto Stietz N. Y. Glass Letter Co.
 GLASS LETTERS & NUMBERS.
 Removed from
 49 CHAMBERS STREET
 to
 58 CENTRE STREET, NEW YORK.

"C."

WOLFRAM & CO.,
 (vormals "Otto Stietz N. Y. Glass Letter Co.")
 58 CENTRE STR., NEW YORK.

Eine Anzeige von Otto Stietz, lautend:
 OTTO STIETZ GLASS SIGNS, GLASS LETTERS, &c.,
 49 Chambers Str. 49

Es existirt keine berechtigte Nachfolge der
 OTTO STIETZ N. Y. GLASS LETTER CO.,
 24 beruht auf einer absichtlichen Entstellung der Wahr-
 heit und hat anscheinend den Zweck, das Publikum
 irre zu leiten.

Durch Kaufvertrag (*Bill of Sale*) vom 20. April
 1883 haben wir besagtes Geschäft, das Recht, die
 Firma "Otto Stietz N. Y. Glass Letter Co." zu füh-
 ren, sowie das ausschliessliche Privilegium der
 Fabrikation von patentirten Glasbuchstaben und
 Nummern erworben.

Die obige Anzeige enthält eine Verletzung unseres
 Kaufvertrages und werden wir gegen diesen, wie
 gegen jeden anderen unbefugten Eingriff in unsere
 Rechte gerichtlich vorgehen.

New York, den 27. Februar 1884.

GUSTAV GEO. WOLFRAM.
 GUSTAV SILVERBERG.

Translation of Exhibit "C":

WOLFRAM & Co.,
 Formerly "OTTO STIETZ N. Y. GLASS LETTER CO.,"
 58 CHAMBERS STREET, New York.

An advertisement of Mr. Otto Stietz reads as fol-
 lows:

"OTTO STIETZ, GLASS SIGNS, GLASS LETTERS, &c.,
 "49 CHAMBERS STREET.

"There are no legal successors to the
 "Otto Stietz N. Y. Glass Letter Co."

This advertisement shows a manifest intention to
 misrepresent the truth and mislead the public. Ac-
 cording to a bill of sale, dated April 20th, 1883, we
 have bought out the business and the right and
 the firm name of the "Otto Stietz N. Y. Glass
 Letter Co." with the exclusive privilege of manu-
 facturing from patents glass letters and numbers.

The above advertisement is a violation of our bill
 of sale, and we shall take legal proceedings against
 it, as well as against any other acts hostile to our
 rights.

New York, Feb. 27th, 1884.

GUSTAV GEO. WOLFRAM,
 GUSTAV SILVERBERG.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

Place of Trial.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY*against*GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.*City and County of New York, ss.:*

OTTO STIETZ, being duly sworn, says: I am the president of the above-named company, a corporation existing under the laws of this State, and I pray for the annexed injunction order herein, and aver that no previous application has been made for the same; and I refer to the verified complaint of the plaintiff herein and ask that the same be taken as a part of the papers upon this application. Each and every allegation in said complaint contained is true as therein made. The said corporation is the owner of valuable patents, and has a name and reputation worth to it a great deal of money. It has a well-established business, located at No. 49 Chambers Street, in the City of New York. The defendant Gustav Silverberg has been for a long time secretary of said company, and has greatly abused the trust reposed in him by attempting to carry off the property of said company and to make use of its name, patents, trade-marks, business, and to appropriate its customers by issuing to them circulars falsely representing that he in company with the other defendants, with whom, as I am informed and verily believe, he has associated

himself in partnership, have become and are successors to said company, its name and business. Annexed to the complaint herein is a copy, not only of a false circular, but also of a false advertisement which is greatly injurious to the plaintiff's business, and unless restrained will do irreparable injury to said business, which it will be impossible to calculate or compute. The plaintiff's business is that of manufacturing and selling, among other things, a certain kind of glass letters or numbers, made wholly of glass, and so made as to be affixed to window panes or other substances in various artistic and beautiful forms, and are greatly in demand in the market; and plaintiff has been in the habit of receiving many orders for the manufacture and delivery of such letters, and also money and checks in payment of such orders supplied; that recently, owing to the aforesaid wicked scheme and device of the defendant Silverberg and to certain disagreements arising between the plaintiff and said Silverberg, the said Silverberg and the other defendants herein have undertaken to set up a rival establishment at No. 58 Centre Street, and to assume, without authority so to do, this plaintiff's name; and have instructed, as I am informed and verily believe, the Postmaster of this city to deliver all of plaintiff's mail to the defendants at their place of business, No. 58 Centre Street in this city, or to place the same in a letter-box that they have hired in the post office for that purpose; the consequence is that this plaintiff is deprived of its usual mail delivery, and of many of its customers, and of much of its profits, and its business has been greatly impaired, and will continue so to be unless the defendants are restrained by this Court.

Furthermore, I am informed of the foregoing facts with reference to plaintiff's mail by the letter carrier who has hitherto been in the habit of delivering to the plaintiff its mail; and I verily believe the same to be true.

34 Furthermore, I am informed, and verily believe, that the defendants claim the right to do the various things hereinbefore mentioned by virtue of some paper writing which they characterize as a "bill of sale," but the plaintiff has never executed any such paper writing, as I verily believe, and I have recently repeatedly asked the defendant Silverberg, who claims to possess such paper writing, to exhibit the same to me; but he has refused to do so. It is true that at some time in the year 1883 I personally executed and delivered to the defendants Silverberg and Wolfram, if I remember rightly, a paper writing conditioned upon the performance of certain covenants by him on their part, which they have not performed; but which in no manner conveyed or transferred any of the property rights or interests of the plaintiff, or the use of its name or mail.

35 Furthermore, I aver that on the 22d day of February last the defendants Silverberg and Wolfram wrongfully broke and entered into the premises of the plaintiff and took and carried away all of the property mentioned in the complaint herein, without plaintiff's authority or permission. I visited the plaintiff's store on that day, the same being a holiday, Washington's birthday, and found them in the act of removing the same, they having already removed the greater portion thereof. I protested against such removal, but to no avail. They were attended by men and force sufficient to accomplish their purpose notwithstanding my protests.

OTTO STIETZ.

Sworn to before me this 7th {
day of March, 1884. }
WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

City and County of New York, ss.:

THOMAS P. SQUIER, being duly sworn, says:

I am in the employ of the plaintiff herein, at its office No. 49 Chambers Street. I know there has been ill-feeling for some time on the part of the defendant Silverberg against Mr. Otto Stietz, the plaintiff's president. Mr. Silverberg was formerly the plaintiff's secretary. About one month ago, however, he left the plaintiff's store and place of business, and has not since that time maintained friendly relations either with the plaintiff or with Mr. Stietz. While he was secretary it was his duty to keep the plaintiff's books of account showing the plaintiff's business transactions. He left those books of account in great disorder and confusion, so that I, who am now employed in keeping them, have found it extremely difficult, if not impossible, to ascertain the true state of plaintiff's accounts, either with its creditors or its debtors. Within the last two weeks the plaintiff's mail has almost wholly fallen off, scarcely any being delivered. Mr. Stietz informed me that he had inquired of the letter carrier, whose practice it was to deliver the same, as to the cause thereof, and he informed him that the defendants herein have notified the Postmaster to deliver to them, at No. 58 Centre Street, or to place in a box hired by them in the general post-office all letters addressed to "The Otto Stietz New York Glass Company."

THOMAS P. SQUIER.

Sworn to before me this 7th {
day of March, 1884. }
WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

City and County of New York, ss.:

EDWARD P. WILDER, being duly sworn, says:

I am the plaintiff's attorney herein. I know the defendant Silverberg. A few days prior to the 22d

40 day of February last, I wrote to Mr. Silverberg a note asking him to call at my office, and suggesting an amicable adjustment of all matters in difference, if any, between him and Mr. Stietz. He called upon me. I asked him to show me the alleged paper writing or bill of sale referred to in the annexed affidavit of Otto Stietz, but he refused to do so.

E. P. WILDER.

Sworn to before me this 7th)
day of March, 1884. (

JAMES L. McNEIRNY,
Notary Public,
N. Y. Co.

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At a Special Term of the Supreme Court
held at Chambers thereof, at the Court
House in the City of New York, on
the 18th day of March, 1884.

Present—Hon. ABRAHAM R. LAWRENCE,
Justice.

42

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

The plaintiff having obtained, on the 7th day of March inst., an injunction order herein against the defendants, together with an order to show why such injunction should not be made permanent, *pendente lite*, and why plaintiff should not have such

other and further relief as may be just with costs of 43
motion, and said motion coming on to be heard, pursuant to adjournment this day, and the defendants failing to appear in opposition thereto;

Now, on reading and filing the said order to show cause, together with the summons and verified complaint herein, and the moving affidavits of Otto Stietz, Thomas P. Squier and Edward P. Wilder, together with proof of service thereof by the affidavit of William J. Lynch, and on motion of Edward P. Wilder, plaintiff's attorney,

It is hereby ordered, that the above-named defendants Gustav G. Wolfram, Gustav Silverberg, Joseph Hartel and Oscar R. Severin and each of them, their servants, agents and attorneys, be and they are hereby enjoined and restrained until the trial and determination of this action and the further order of the Court herein, from interfering in any way with the business carried on by the plaintiff at No. 49 Chambers Street, in the City of New York, or with plaintiff's customers, and from circulating or distributing to the public or otherwise, the circular annexed to the complaint or any other circular, to the effect that The Otto Stietz New York Glass Letter Company has removed its place of business from 49 Chambers Street in said city to 58 Centre Street, or elsewhere, or to any similar effect, and from publishing the advertisement annexed to and described in the complaint herein, or any other advertisement, to the effect that the defendants have bought out or become entitled to the business or the enjoyment of the name of The Otto Stietz New York Glass Letter Company, or that the defendants have succeeded to the rights of said company in any way or manner, and from publishing any other advertisement calculated to injure the plaintiff in its business aforesaid, and from using plaintiff's name or trade-marks or patents, and from holding themselves out in any way to the public as entitled to make use of plaintiff's name, trade-marks, patents 44 45

46 or business, or as being proprietors thereof or successors thereto, and from diverting in any way or receiving or taking out of the post office or meddling with letters or other mail matter addressed to The Otto Stietz New York Glass Letter Company, or in any other way intermeddling with plaintiff's business, name, trade-marks, patents or property.

47 Ordered further that a copy of this order be served upon the Postmaster of the City of New York, as evidence that the plaintiff herein, doing business at No. 49 Chambers Street, in the City of New York, is entitled to receive and to have delivered to it, all letters and mail matter addressed to The Otto Stietz New York Glass Letter Company, until the further order of the Court herein.

Ordered further that the plaintiff have \$10 costs of this motion against the defendants.

(A copy.)

48 [L. s.]
J. P. G.

PATRICK KEENAN,
Clerk.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

Upon all the papers served and filed in this action, and upon all the proceedings had therein, and upon the affidavits of Gustav Silverberg, Oscar R. Severin, Emil Reschbach and Louis C. Waelner, let the plaintiffs show cause at a Special Term of this Court, to be held in the Chambers thereof, in the City of New York, on the 19th day of April, 1884, at 10.30 A. M., why the order continuing the injunction herein referred to in said Waelner's affidavit should not be vacated and set aside, upon the ground that the notice of motion for the continuance of said injunction was irregular (being in violation of Rule 37 of this Court), and upon the merits, and why the original order granting the temporary injunction should not be set aside upon the merits, and the motion for the continuance of the same denied, and for such other and further relief or order in the premises as may be just and proper. And it appearing to me that sufficient grounds therefor exist, I direct that service of this order to show cause may be made in less time than the Rules of this Court provide for the giving of notice of hearing of motion.

Dated New York, April 17, 1884.

C. DONOHUE,
J.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

GUSTAV SILVERBERG, being duly sworn, says: I am one of the defendants in the above-entitled action, and have known Otto Stietz, mentioned in the complaint herein, for several years. About the year 1875 I went into the employ of said Stietz, who was then doing business as The Otto Steitz N. Y. Relief Glass Letter Company. Owing to financial embarrassments, as he informed me, said company was organized, but it had only a nominal existence; 54 no certificates of stock were issued and paid for, and the business was practically carried on by Stietz, all moneys being received by him and not accounted for to any person or corporation. Shares of stock were nominally issued, but never delivered, to one Frederick Erle, of San José, California; to another person in Leadville, Colorado; some were delivered to me, but were returned or destroyed; some were issued to Romer, but these were also returned and destroyed. I was in the employ of said Stietz from 1875, and never knew or heard of any meeting of the stockholders of said company, except one meeting when the nominal organization of said company was effected, which was as far back as 1878, when the formality was gone through of

appointing said Stietz superintendent of said com- 55
pany. The said company was organized simply to prevent creditors of said Stietz from reaching certain valuable assets and interests which he had in the glass letter business, and this he told me was done by the advice of his counsel at that time; and furthermore, he stated to me that his counsel had advised him that the best way to cover up his property was to organize nominally a corporation.

After a time the name of said company was changed to The Otto Stietz N. Y. Glass Letter Company, but said Stietz still continued to control the entire business of said company, to receive all its moneys, and never accounted to any stockholder, 56 director, trustee or officer of said company; no books were kept in the name of said company, although I was the bookkeeper of said Stietz and nominally the secretary of said alleged company, the plaintiff in this action. That no certificates of stock were ever issued in the name of the present company, and no meeting of any board of trustees of the plaintiff was ever held. That said Stietz, about March, 1882, in the name of The Otto Stietz N. Y. Glass Letter Company, gave a license to one Charles Palka to manufacture glass letters under his patent, and received from said Palka \$1,000 in 57 cash, being part payment for said license; which said sum said Stietz deposited to his own private account, as he did all of the moneys that were received in the business done under the name of said company and the aforesaid Relief Glass Letter Company. That, knowing these facts, I assumed that said Stietz was the owner of the property and rights covered by the bill of sale, a copy of which is hereto annexed, marked "A," and entered into negotiations with him for the purchase of the rights and property mentioned in said bill of sale. I have read the affidavit of Mr. T. Edwin Leary, hereto annexed, and the same correctly and accurately states in all respects the circumstances attending the execution

58 of said bill of sale. That the consideration therein mentioned was paid by a check, copy of which is hereto annexed, marked "B." That said check has been paid, as appears from the endorsements thereon as deposited by said Stietz to the credit of his own private account in the German Savings Bank. That during the time that said Stietz was engaged in business at 49 Chambers Street, under the different company titles above mentioned, the rent of the premises occupied by him were paid by Stietz individually, and notably in one instance, on May 1st, 1883, he gave a check therefor, a copy whereof is hereto annexed, marked "C." That 59 after the execution of said bill of sale the defendants continued in business at 49 Chambers Street, and, with the knowledge and assent of said Stietz, used business cards like the one a copy of which is hereto annexed, marked "D." That all the correspondence of the defendants was addressed to them in the name of "The Otto Stietz N. Y. Glass Letter Company," and this was known to said Stietz, but he offered no remonstrance or objection.

That the defendants continued in business at No. 49 Chambers Street until February 22, 1884, and were tenants of Stietz, paying him rent for the portion of the premises occupied by them, and during 60 that time the defendants dealt with said Stietz, and all their transactions were done and carried on upon their part, in the name of The Otto Stietz New York Glass Letter Company, with said Stietz individually. That it was not until the defendants removed their place of business and notified the public of such removal, that said Stietz made any complaint of the use by the defendants of the said company title. That in the year 1883, The Otto Stietz New York Glass Letter Company was assessed in the City of New York for taxes upon personal property, and upon notice from the Marshal for the collection of the same being sent to said Stietz, he delivered the same to Emil Eschbach, one of the defendants' employees, and stated to him that he had nothing what-

ever to do with it; that it belonged to the defendants. 61 As a further evidence of the manner in which said Stietz did business, bill-heads were used by him, one of which is hereto annexed, marked "E," and these same bill heads, after the execution of the said bill of sale, were used by the defendants with the knowledge and assent of said Stietz. I deny that the defendants broke into the plaintiff's store or premises and removed any property therefrom belonging to the plaintiff or said Stietz. That upon the removal of their property and business from 49 Chambers Street, said Stietz was present, and there was no objection made by him nor any one else. 62 That the property removed from said premises belonged to the defendants, and did not belong to said alleged company or to said Stietz. That whatever the defendants have done in the way of notifying the public to the effect that they succeeded to the rights of The Otto Stietz New York Glass Letter Company has been done in pursuance of the said bill of sale; and whatever notice they have given to the Postmaster to deliver mail matter to them has been done pursuant to the rights and property conveyed to them by said bill of sale; and it was only after the delivery to the Postmaster of the City of New York of said bill of sale that the mail matter 63 addressed to The Otto Stietz New York Glass Letter Company was delivered to them.

GUSTAV SILVERBERG.

Sworn to before me, }
April 17, 1884.
S. E. BROWNE,
Notary Public,
N. Y. Co.

"A."

Know all men by these presents, that I, Otto Stietz, of the City, County and State of New York, party of the first part, for and in consideration of the sum of twenty-five hundred dollars, lawful money of the United States, to me in hand paid at or before the ensaling and delivery of these presents by Gustav Geo. Wolfram and Gustav Silverberg, of the same place, parties of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant and convey unto the said parties of the second part, their executors, administrators and assigns, all and singular the stock in trade of my glass letter business now conducted by me at No. 49 Chambers Street, in the City of New York, together with the good will thereof and the right to use the name of "The Otto Stietz N. Y. Glass Letter Co." and to manufacture glass letters under my patent duly procured by me, and in order more fully to protect the good will hereby sold to the parties of the second part the party of the first part hereby covenants and agrees that he will not engage in that business in or within a radius of thirty miles of New York City. To have and to hold the same unto the said parties of the second part, their executors, administrators and assigns forever. And I do for myself, my heirs, executors and administrators, covenant and agree to and with the said parties of the second part to warrant and defend the sale of the said stock, good will, etc., hereby sold unto the said parties of the second part, their executors, administrators and assigns, against all and every person and persons whomsoever.

In witness whereof, I have hereunto set my hand and seal the 20th day of April, in the year one thousand eight hundred and eighty-three.

OTTO STIETZ. [SEAL.]
Sealed and delivered in }
the presence of }
T. EDWIN LEARY.

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

On the 20th day of April, in the year one thousand eight hundred and eighty-three, before me personally came Otto Stietz, to me known and known to me to be the individual described in and who executed the foregoing instrument and who acknowledged that he executed the same.

T. EDWIN LEARY,
Notary Public (52),
N. Y. Co.

"B."

No. 758. NEW YORK, April 20, 1883.

330 THE GERMAN EXCHANGE BANK,
Borey.

Pay to the order of Otto Stietz two thousand five hundred $\frac{9}{100}$ dollars.
\$2,500.⁹⁰

GUSTAV GEO. WOLFRAM.

(Endorsed)—Otto Stietz. For deposit with the Bank of the Metropolis-German Savings Bank. J. B. Kuly Clark.

"C."

No. 501. NEW YORK, May 1st, 1883.

WM. CLARK & SONS, Bankers,
2 Chambers Street,

Pay to Messrs. Holmes, Booth & Haydens or order five hundred $\frac{0}{100}$ dollars.
\$500.⁰⁰

OTTO STIETZ.

(Endorsed)—To the credit of Holmes, Booth & Haydens. C. S. Williams, Tr., The National Park Bank of New York. Paid.

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"D."

OTTO STIETZ N. Y. GLASS LETTER CO.
49 Chambers Street, New York,
Sole Manufacturers of
PATENT EMBOSSED GLASS LETTERS
and the
NEW WHITE LETTERS.
Embossed Glass Signs a specialty.

"E."

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NEW YORK.....188

M.....

To OTTO STIETZ,
New York Glass Letter Company,
49 Chambers Street.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

72

THE OTTO STIETZ NEW YORK GLASS
LETTER COMPANY

agst.

GUSTAV GEO. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

T. EDWIN LEARY, being duly sworn, doth depose
and say: That he was the person who drew the an-
nexed bill of sale bearing date the 20th day of

April, 1883, subscribed and executed by one Otto 73
Stietz before this deponent as a notary public, who
took the acknowledgment of said Stietz to said bill
of sale in said capacity. That this deponent pre-
pared said bill of sale in his (said deponent's) office
and brought the same to the office of said Stietz,
where deponent met said Stietz and the above-
named Gustav Geo. Wolfram, Gustav Silverberg
and Oscar R. Severin. That this deponent carefully
read over the bill of sale to said Stietz, Silverberg
and Wolfram, in the presence and hearing of the
herein-named Oscar R. Severin; that said Stietz,
after the perusal of the bill of sale as aforesaid, re- 74
quested this deponent to let him (said Stietz) have
the bill of sale, saying to this deponent at the same
time, "I know it is all right, but want to read it
myself;" that after he (said Stietz) had concluded
reading the same he said, "Very good, Mr. Leary,
it is all right," and, placing the bill of sale on the
desk, was about to sign the same when Mr. Silver-
berg, looking down on the bill of sale, said, "One
moment, Mr. Stietz, the letters 'N. Y.' between the
words 'Otto Stietz' and the words 'Glass Letter
Company' are omitted; the letters N. Y. had bet-
ter be inserted." Whereupon the said Stietz said,
"All right." That this deponent, when he dipped 75
the pen into the ink to make the correction suggested
by Messrs. Silverberg and Stietz, observed that the
ink was of a bluish or violet color, while the bill
of sale was written out in black ink, and said, "It
will not do to have the bill of sale corrected in ink
of a different color than that in which the body of
the instrument is made out. I will take the bill of
sale back to the office and make the correction there
in the same colored ink in which the body of the bill
is written." That said Stietz, replying to this de-
ponent's remarks, said, "All right, Mr. Leary, make
the correction in any manner you please." That this
deponent then asked said Stietz who constituted the
Glass Letter Company, and said Stietz laughingly

76 said, "Oh, I am the company myself." That when Mr. Wolfram, one of the above-named defendants, handed said Stietz the check for twenty-five hundred dollars, representing the consideration money named in the bill of sale, said Stietz observed to said Wolfram, "You have got a very cheap bargain. There is plenty of money in the business if it is properly attended to." That said Stietz then shook hands with Messrs. Wolfram and Silverberg and said "I wish you success.

T. EDWIN LEARY.

77 Sworn to before me, April }
16th, 1884.

CHARLES WOLFF,
Notary Public (No. 46),
N. Y. Co.

SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

78 THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFROM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

OSCAR R. SEVERIN, being duly sworn, says: I am one of the defendants herein. I was in the employ of Otto Stietz mentioned in the affidavit of the defendant Silverberg from June, 1881, to April,

1883, being an apprentice and general servant. I 79
always understood that said Stietz was my employer, and not any company or corporation known as The Otto Stietz New York Glass Letter Company. That said Stietz had complete control of said business, directing exclusively its entire management, receiving and paying out moneys, purchasing materials and employing workmen. I have read the affidavit of T. Edwin Leary, and that portion thereof relative to the insertion of the letters "N. Y." in said bill of sale truly and correctly states the fact.

OSCAR R. SEVERIN.

Sworn to before me, April }
17th, 1884,

S. E. BROWNE,
Notary Public,
N. Y. Co.

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SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFROM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

EMIL AESCHBACH, being duly sworn, says: I know Otto Stietz. On the day of January, 1884, he handed to me a notice from the marshal for the collection of taxes in the City of New York,

81

82 directed to Otto Stietz N. Y. Glass Lettering Mfy. Co., and told me that he had nothing whatever to do with it, that I should deliver it to the defendants, who are now the company.

E. AESCHBACH.

Sworn to before me this 17th (day of April, 1884. {

S. E. BROWNE,
Notary Public,
N. Y. Co.

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SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst.

84 GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

LOUIS C. WAENER, being duly sworn, says: I am one of the attorneys for the defendants herein. That on the 7th of March, 1884, a temporary injunction was granted in this action, together with an order to show cause why the same should not be continued, which order was returnable on the 17th day of March, 1884. That upon said return day I was absent from the city on professional business, and, as I am informed by my managing clerk, a postponement of a motion to continue said injunc-

tion was refused. That thereupon an order was 85 entered, dated the 18th day of March, 1884, continuing said injunction, which order was entered by default. That no previous application for the order now applied for has been made, and the reason why an order to show cause is applied for now is that the injunction now in force works great hardship to the defendants in their business.

L. C. WAENER.

Sworn to before me (April 17, 1884. {

S. E. BROWNE,
Notary Public,
N. Y. Co.

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Exhibit A.

Gustav Geo. Wolfram,
Gustav Silverberg,

Joseph Hartel,
Oscar R. Severin.

WOLFRAM & Co.

(Formerly with Otto Stietz, N. Y. Glass Letter Co.),

Sole manufacturers of

PATENT EMBOSSED GLASS LETTERS

and the

NEW WHITE LETTERS.

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58 Centre Street,

New York.

Exhibit B.

Gustav Geo. Wolfram,
Gustav Silverberg,

Joseph Hartel,
Oscar R. Severin.

WOLFRAM & Co.,

Sole manufacturers of

PATENT EMBOSSED GLASS LETTERS

and the

NEW WHITE LETTERS.

58 Centre Street,

New York.

Exhibit C.

Gustav Geo. Wolfram,
Gustav Silverberg,

Joseph Hartel,
Oscar R. Severin.

WOLFRAM & Co.
Artistic Embossed
GLASS SIGNS.
No. 58 Centre Street, New York.

At a Special Term of the Supreme Court,
held at Chambers thereof at the Court
House in the City of New York, on the
25th day of April, 1884.

Present—HON. GEORGE C. BARRETT,
Justice.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV C. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

The above-named defendants, having moved this
Court to vacate and set aside the order made herein
on the 18th day of March, 1884, continuing and
making permanent the preliminary injunction ob-
tained herein against the defendants on the 7th day
of March, and to dissolve said injunction, both upon
the merits and by reason of a supposed irregularity
described in the order to show cause upon which

said motion was noticed, and said motion coming on 91
to be heard;

Now, on reading and filing the moving affidavits
of Gustav Silverberg, T. Edwin Leary, Oscar R.
Severin, Emil Aeschbach and Louis Waehner, and
the exhibits thereto annexed, together with the
opposing affidavits of Otto Stietz, Edward P. Wilder,
William R. Wilder, and the exhibits annexed there-
to, and the replying affidavit of Louis C. Waehner,
on behalf of the defendant, and the further affidavit
of Otto Stietz in reply thereto, on behalf of the
plaintiff, and after hearing Louis C. Waehner, Esq.,
counsel for the defendants, in support of said mo-
tion, and Edward P. Wilder, Esq., counsel for the 92
plaintiff, in opposition thereto, and due deliberation
being had thereon,

It is ordered, that said motion to vacate the afore-
said order entered hereon on March 17th, 1884, and
to dissolve the preliminary injunction obtained
herein by plaintiff on the 7th day of March, 1884, be,
and the same is hereby in all respects denied upon
the merits thereof with \$10 costs to plaintiff, and the
said order stand and remain as the order of this
Court herein, and that the preliminary injunction
herein be, and the same is hereby made permanent.

Enter.

(Sgd.)

GEO. C. BARRETT,
Justice.

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER CO.

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

95 On the annexed affidavits of William R. Wilder, Thomas P. Squier, Otto Stietz, Edward P. Wilder, F. D. Schuyler, W. N. Pierce and the complaint, affidavits, injunction orders and all the papers and proceedings had herein, I hereby order and direct the defendants and each of them to personally show cause before me or one of the Justices of this Court, at a Special Term Chambers thereof, to be held at the County Court House, in the City of New York, on the 19th day of May, 1884, at the call of the calendar on said day, or so soon thereafter as counsel can be heard, why they and each of them should not be punished as and for a contempt of this Court in violating and disobeying the injunction orders or either of them, made herein on March 7th and March 13th, 1884, respectively, and why the plaintiff should not have such other or further relief as may be just and in accordance with equity, with costs of motion.

96 And for reasons appearing sufficient from the annexed affidavits the return hereof is shortened as aforesaid; and let service hereof on or before the 17th day of May, 1884, suffice.

Dated N. Y., May 12, 1884.

(Signed) C. DONOHUE,
J.

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG *et al.*

City and County of New York, ss.:

98 THOMAS P. SQUIER, being duly sworn, says: I am in the employ of the plaintiff corporation herein, at its office, No. 49 Chambers Street, in this city, and am the same person who made an affidavit on the motion for the injunction herein. I am informed and verily believe that the defendants have not obeyed the injunction order of this Court, in that they have taken mail matter from the Post Office, addressed to this plaintiff, since the granting of said order. I have this day also, in passing defendants' place of business, No. 58 Centre Street, observed and read the following sign over defendants' door and entrance to said place of business, to wit, as follows:

Glass Letters.	WOLFRAM & Co. Formerly OTTO STIETZ N. Y. GLASS LETTER CO.	Glass Numbers.
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I have personally inquired among the trade, and am informed and verily believe that the defendants represent to those trading with them that they are the only and legal successors to and in fact "The Otto Stietz N. Y. Glass Letter Company." That by

100 such representations they have diverted and are diverting to themselves much of plaintiff's trade and business, to the plaintiff's great and irremediable injury.

To my personal knowledge defendants have repeatedly violated both the orders of this Court forbidding it to meddle with plaintiff's mail matter, as plaintiff has received from defendants' agents, as I verily believe, addressed to plaintiff, which the defendants had received, opened, and having no use therefor had sent the same to plaintiff. And further deponent saith not.

THOMAS P. SQUIER.

101

Sworn to before me, this 4th }
day of April, 1884. }

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

City and County of New York, ss.:

THOMAS P. SQUIER, being further duly sworn, says: That plaintiff this day sent a person not in plaintiff's employ to defendants' place of business, and he was presented with the annexed card, marked Exhibit A, as the defendants' business card.

THOMAS P. SQUIER.

Sworn to before me, this 8th }
day of April, 1884. }

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

"Exhibit A."

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GUSTAV GEO. WOLFRAM.
GUSTAV SILVERBERG.

JOSEPH HARTEL.
OSCAR R. SEVERIN.

WOLFRAM & CO.,
(Formerly Otto Stietz N. Y. Glass Letter Co.)
Sole Manufacturers of
PATENT EMBOSSED GLASS LETTERS
and the
NEW WHITE LETTERS.

58 Centre Street,

New York. 104

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER CO.

vs.

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss.:

WILLIAM R. WILDER, being duly sworn, says: I am a clerk in the office of the attorney for the plaintiff herein; that this action was brought on the 7th day of March last to restrain the defendants, among other things, from using this plaintiff's name, patents, trade-marks, and from holding out and advertising to the public that they (the defendants) were its legal successors, and from interfering and meddling with its mail matter and the orders to it sent. A preliminary injunction was granted, and the same was made permanent *pendente lite* by order of this Court, dated March 18th, 1884, and was thereafter and on the 21st ult. served on the defendant Silverberg, copy whereof with proof of service is hereto annexed.

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106 II.—I caused a certified copy of said order to be served on Mr. John Richards, the acting Postmaster of this city, on the 19th ultimo, and requested him in pursuance thereof to neither deliver to nor place in defendants' letter-box in said post office mail matter addressed to this plaintiff. Said Richards told me that he had both delivered to and caused to be placed in defendants' letter-box mail matter addressed to this plaintiff, and had done so pursuant to a certain bill of sale to him exhibited by defendants purporting to convey to defendants the right to the sole use of plaintiff's name, and that defendants had notified him of the removal of plaintiff from its present place of business, 49 Chambers Street, to 58 Centre Street, defendants' place of business, and further, that in pursuance of the U. S. Postal Regulations he should be obliged to hold said bill of sale to be genuine and valid and would continue to deposit said mail in defendants' letter-box in said post office until he could be advised from the Department of Washington to which he was about to refer the matter.

107 Subsequently, and on the 22d ult., if I remember rightly, Mr. Louis C. Waehner called at the office of the attorney for the plaintiff and exhibited to him and me said bill of sale. I observed upon examination that said instrument was not of the nature represented to the Postmaster, and among other things did not authorize these defendants or anybody else to use or do business under the name of "The Otto Stietz New York Glass Letter Company," or to receive its mail. I thereafter informed said Richards of the above facts, and subsequently, and on April 3d, inst., learned from him that he had sent for defendants and demanded a reinspection of said bill of sale, or a verified copy thereof, and defendants neglecting and refusing to furnish him with either, he had given orders on April 1st, that thereafter and until some further order from this Court all mail matter addressed to plaintiff should be delivered

to it at 49 Chambers Street, and that further instructions from defendants in the premises should be disregarded. Said Richards informed me that up to said 1st day of April, 1884, his carriers had delivered mail matter addressed to the plaintiff to defendants, and that in pursuance of defendants' orders he had caused mail matter addressed as aforesaid to be deposited in defendants' letter-box, and that the same had thereafter been removed therefrom either by defendants or some person or persons in their employ or under their control—all of which will more fully and at large appear, together with other and further violations of said order, from the affidavit hereto annexed. 109 110

I am informed by the officers of the plaintiff that its business is being seriously injured and interfered with by said gross and continued and open violations of said orders, and I therefore pray for a short order requiring the defendants to show cause why they should not be punished as for a contempt of this Court in thus openly and flagrantly violating its orders, and I aver that no previous application has been made for such order.

WILLIAM R. WILDER.

111

Sworn to before me, this }
8th day of April, 1884. }

JAMES A. LYNCH,

Notary Public (69),
N. Y. County.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss. :

- 113 OTTO STIETZ, being duly sworn, says: I am the president of the plaintiff, and as such verified the complaint herein, to which I refer on this motion. On behalf of said corporation I complain to this Honorable Court that the defendants herein have violated and continue to violate the orders of this Court made March 7th and March 18th, 1884, to this plaintiff's great and increasing damage. That despite such orders defendants still continue to use plaintiff's name, and I have seen the same over their place of business so recently as this day; that I am almost daily informed by my friends and
- 114 plaintiff's customers, that defendants represent themselves as having succeeded to all of plaintiff's rights, patents and business; that they have received and filled orders designed for this plaintiff, and have not accounted to it therefor; that until about a week ago plaintiff's mail had greatly fallen off, and letters containing money for plaintiff have come into the possession of defendants, who have kept the same, as I verily believe; that some letters addressed to plaintiff, and for which defendant could have no use whatever, were considerably returned to me, having first been opened by defendants and the contents read by defendants, and all since the granting of the orders aforesaid. Plaintiff has been and is greatly embarrassed and injured in

its business by such infractions of said orders, and 115 earnestly invokes the power and protection of this Court to save it from further despoliation and ruin.

I have read the affidavits of Thomas P. Squier and William R. Wilder, and am personally familiar with most of the facts and circumstances therein recited; I was present with Mr. Wilder at the conversation had with Mr. Richards, and have seen "Exhibit A," and cards similar to it in circulation, and verily believe that the defendants neither have obeyed, nor do they mean to obey, the injunction orders of this Court.

OTTO STIETZ.

Sworn to before me this 8th
day of May, 1884.

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

THE OTTO STIETZ NEW YORK
GLASS LETTER Co.

against

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss. :

FRANK B. SCHUYLER, being duly sworn, says: That I called this morning in company with William N. Pierce on the defendants at their place of business, No. 58 Centre Street, in this city, and saw and conversed with Joseph Hartel, one of the defendants herein, and asked him whether "The Otto Stietz New York Glass Letter Company" had its place of business there, and whether I could purchase glass letters and signs there. Said Hartel told me that

118 said company used to have its place of business at 49 Chambers Street, and that he and his partners, Wolfram, Silverberg and Severin, had succeeded to all its rights, and had removed said business to 58 Centre Street, and that he would be pleased to furnish us with glass signs and letters; that he and his partners were manufacturing glass signs and glass letters under the patents of said Otto Stietz New York Glass Letter Company, and had for some time, and thereupon proceeded to show us glass signs and letters thus manufactured by defendants. I and my friend inspected the same, and after pricing them came away. Before leaving, however, said Hartel presented me with their firm card, containing the names of the successors of said company, and an old circular of The Otto Stietz New York Glass Letter Company, whose successors he said his firm was, and which are hereto annexed, marked "Exhibits C. and D." respectively.

And further deponent saith not.

FRANK D. SCHUYLER.

Sworn to before me, this }
9th day of May, 1884. }

JACOB WASHBURN,
Notary Public,
N. Y. Co.

120

City and County of New York, ss.:

WILLIAM N. PIERCE, being duly sworn, says: I accompanied Frank D. Schuyler to 58 Centre Street this morning. I have read his affidavit, and the same states what took place while we were there, and truly recites the representations made by said Hartel to him, all of which were made as there set forth, in my presence.

WILLIAM N. PIERCE.

Sworn to before me, this }
12th day of May, 1884. }

JACOB WASHBURN,
Notary Public,
N. Y. Co.

"G."

121

WOLFRAM & Co.
ARTISTIC EMBOSSED
G-L-A-S-S--S-I-G-N-S-
No. 58 Centre Street, New York.

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER Co.

122

agst.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG *et al.*

City and County of New York, ss.:

EDWARD P. WILDER, being duly sworn, says: I am the plaintiff's attorney herein, and as such was about to move, on the annexed affidavits of Otto Steitz, Thomas P. Squier and William R. Wilder, to punish the defendants as for a contempt of this Court in wilfully disobeying the injunction orders of this Court, dated March 7th and 18th, 1884, respectively, when and on April 18th last I was served with affidavits and an order to show cause why the injunction orders aforesaid should not be vacated and set aside. Said motion was submitted to Mr. Justice Barrett, after argument had thereon on the 28th ult., and on the 5th inst. said Justice filed his decision thereon denying defendant's motion to vacate said injunction orders and continuing the injunction on its merits, with costs; upon which decision an order has been duly entered and served. Pending

123

124 the hearing and determination of said last motion I deemed it advisable to defer the making of this present motion, inasmuch as the defendants, in their moving papers, alleged that the order of March 8th making permanent the preliminary injunction had been granted irregularly and by default, and that the matter had never been heard on its merits.

But despite the fact that Mr. Justice Barrett has decided against them, and a third order has been made enjoining and restraining them as prayed for in the complaint, the defendants wilfully and persistently continue to disregard and disobey the injunction orders aforesaid to this plaintiff's great and lasting damage, as I am informed and verily believe, all of which will appear from the annexed affidavits of Frank D. Schuyler and Thomas P. Squier, verified as recently as the 8th day of May, 1884.

125 That the plaintiff herein is utterly without remedy, and the injunction order of this Court, to which it has proven itself to be entitled, are of no use and advantage to it, unless the defendants can be made to respect and obey them. I therefore pray, in view of the damage daily done by defendants to plaintiff, for a short order compelling the defendants to show cause why they and each of them should not be punished as and for a wilful contempt of this Court in refusing to obey the orders aforesaid, and I aver that no previous application has been made for such order. And I move for such relief and such other relief as to this Court may seem just and equitable, upon the affidavits herewith served and the pleadings herein, and all papers and proceedings heretofore filed and had herein.

EDWARD P. WILDER.

Sworn to before me this)
12th day of May, 1884. }

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

Exhibit B.

127

GLASS LETTER BUSINESS
REMOVED

From 49 Chambers St.

to

58 CENTRE ST. WOLFRAM & CO.

City and County of New York, ss.:

THOMAS P. SQUIER, being duly sworn, says, that I have re-read the affidavits verified by me on the 4th and 8th days of April last, and aver that the facts therein stated as to defendant's representations to the trade and to the public that they are the legal successors of the plaintiff are as true to-day as they were then, that said representations still continue, and to plaintiff's loss and damage; that the sign as described in my affidavit is still over their place of business at 58 Centre Street; that circulars like the one hereto annexed and marked Exhibit B, are constantly circulated in front of plaintiff's place of business, 49 Chambers Street; that the one aforesaid was handed to me on April 11th last; and that circulars like unto the aforesaid have been circulated at intervals of every two or three days in plaintiff's doorway and on the street in front of plaintiff's place of business for more than a month past, and as lately as the 3d inst. a distributor was stationed in the doorway leading to plaintiff's place of business distributing the circulars aforesaid to all passers-by and to persons and customers coming to see plaintiff, and refused to desist or depart therefrom, saying that he was ordered to station himself right there and distribute said circulars, and only when it was threatened that a policeman would be called and he be summarily removed did he leave the doorway and confine the annoyance to the sidewalk in front of No. 49 Chambers St.

128
129
That about two weeks ago Joseph Hartel and Os-

130 car R. Severin, two of the defendants, called at plaintiff's place of business and announced that they had come to give the plaintiff "official notice" not to manufacture glass letters, as that right belonged to them alone, and if plaintiff persisted that they should be obliged to take "legal measures," and conducted themselves in an overbearing and offensive manner. I was present when they called and heard their conversation. I know that they have not plaid the slightest regard to the injunction orders of this court, and verily believe that they have no intention of obeying the same.

THOMAS P. SQUIER.

131 Sworn to before me this }
8th day of May, 1884. }

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

SUPREME COURT.

132 THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss.:

OTTO STIETZ, being duly sworn, says: I have heard read the affidavit of Gustav Silverberg upon this motion, and a number of the allegations therein contained are utterly false and untrue.

It is untrue that I ever had any connection with the company known as "The Otto Stietz New York

Relief Glass Letter Co.," and the mention of that 133
name at folio 2 of the moving affidavit of said Silverberg, is only one of many gross errors and inaccuracies of which his affidavit is full. In September, 1875, three gentlemen whose names were Otto Hagedorf, Gustav Roemer and myself, united in incorporating under the general statutes of this State relating to manufacturing companies, "The New York Relief Glass Letter Co.," and a certificate of its incorporation was duly filed in the office of the Clerk of this County and in the office of the Secretary of State on September 27th, 1875, and a certified copy whereof is hereto annexed. Said company was never known by any other name than the above 134
mentioned until the 11th day of March, 1878, when its name was duly changed to "The Otto Stietz New York Glass Letter Co.," by an order of this Court at General Term, a certified copy whereof is hereto annexed. It is utterly untrue that said company was formed or organized owing to the financial embarrassments of myself or any other person. On the contrary, it was organized for the purposes as recited in the certificates of its incorporation, for the manufacture and sale of glass letters and signs under certain patents issued and belonging to me, dated May 14th, 1867, and assigned by me to said company. 135
It is utterly untrue that said company had or has only a nominal existence; on the contrary, it has had ever since its organization a *bona fide* existence and has carried on and transacted business through its proper officers and directors, and the particular billhead, Exhibit "E," attached to the moving papers of the defendants upon this motion, is evidence of the uniform course and practice of its business, and shows that the business carried on at No. 49 Chambers Street has ever been the business of said company, the plaintiff herein, and not of this deponent. Said billheads, Exhibit "E," is a sample of billheads in common use by said company for several years past.

136 It is utterly untrue also that no certificates of stock of said company were issued and paid for, or that the business thereof was practically carried on by this deponent; on the contrary, the truth and fact is, that the stock of said company was duly issued in accordance with law, and certificates thereof delivered to the different persons entitled to the same. It is utterly untrue that the moneys received by said company in the course of its business was received by this deponent and not accounted for. On the contrary, this deponent has at all times accounted for and kept proper books of account (so far as was in his power to do so) of moneys received by him as president of said company.

137 The foregoing statement is subject only to the following qualifications, to wit: That during the latter period of the said Silverberg's employment or term of office as secretary of said company he, Silverberg, has been exceedingly remiss in his method of keeping the books of account of said company, which were wholly entrusted to him, and whatever imperfections or shortcomings in said books of account exist are due wholly to the delinquencies and mismanagement of said Silverberg. It was for this among other reasons that said company found it necessary a few months ago to dispense with the services of said Silverberg, and it was in this fact that the said Silverberg found his excuse for his present enmity to the plaintiff company and his attempts to despoil it of its property and to interfere with its business.

138 As to the stock issued to Frederick Erle, mentioned in the affidavit of Silverberg, it is true that the same was not delivered to him. It consists of only ten shares, and as the said Erle is nearly related to this deponent and has requested deponent to keep the same in trust for him, deponent has done so and as continued to do so instead of actually sending the same to his residence in California: and deponent is advised by counsel that the foregoing fact has no legal significance to impair the right or title of said

Erle to said stock. It is true that some ten shares 139 of the stock of said company were issued and delivered to the said Silverberg. Whether he has destroyed them or not I do not know, but I am certain he has never returned them.

As to the stock which was issued to Gustav Roemer, it is false that he returned or destroyed them, but, on the contrary, they were sold and transferred by him to another person. It is utterly untrue that said company was organized in order to prevent any creditors from reaching my property in any way. I had no creditors of any consequence, and have none now. All my debts do not exceed \$500. It is untrue that I ever stated to Silverberg or to any other person that counsel had advised me that the best way to cover up my property would be to organize nominally a corporation. I never had any desire or motive to cover up my property. The said Silverberg's relations with me and said company were of such a nature that he could not possibly know of all the meetings of its directors, trustees or officers, and his allegations to the effect that no such meetings were held are utterly false and untrue. Moreover, it is utterly false and untrue that the said Silverberg had any ground whatever for supposing or assuming that I individually was the owner or proprietor of said company; or of the business conducted or carried on by it. I have never so stated to him, nor have I ever so represented to any other person, nor have I ever converted to my own use any of the money or property of said company. It is true that in April, 1883, I individually and upon my own responsibility, without any vote of the Board of Directors of plaintiff company, but supposing that the company would sustain and ratify my act, did execute and deliver to two of the defendants—to wit, Wolfram and Silverberg—a certain bill of sale, a false, garbled and untrue copy of which is annexed to the moving papers herein. The circumstances under which said instrument was executed were as follows: The de-

142 fendant Silverberg had then been in the employ of the plaintiff company and a small holder of its stock to the extent of only ten shares, and has endeared himself to me personally by his attention to business and his social qualities. Meanwhile the business of said company had gradually drifted chiefly into the manufacture of embossed signs, somewhat to the detriment of the manufacture of glass letters, and it was deemed desirable to make special efforts to increase its business in the latter branch. The defendant Silverberg proposed to devote himself more particularly to the stimulation and enlargement of this latter branch of the company's business, and for that purpose induced me to consent to allow him, with the aid of some private capital which he proposed to obtain for that purpose, from his friend the defendant Wolfram, to bring up that branch of the business, to sell glass letters and advertise them as extensively as possible. It was never proposed by him nor intended by me that he or Wolfram should have the right to manufacture said letters, as that was a right depending exclusively upon patents belonging to the plaintiff company, nor was it understood that Silverberg and Wolfram were to establish any firm in rivalry or hostility to said company. On the contrary, it was specially agreed that Silverberg was to continue his position as secretary of the company, and he did so continue, and drew his regular salary as such, long after the execution of the bill of sale. It was further understood and agreed that the business of selling the said glass signs should be continued at No. 49 Chambers Street, under the plaintiff's name and not under the name of Silverberg or Wolfram, either jointly or severally. The said Wolfram was not to come to said place of business or to be connected with it at all, he was merely to furnish Silverberg with some money with which to enlarge or expand said business. The plaintiff company was to manufacture, as had been previously done, all the glass letters which the said Silverberg should sell;

and the only difference between Silverberg's relations to the company under said bill of sale or agreement and his former relations was, that Silverberg and his friend Wolfram, as they might decide between themselves, were to have all the profits arising from the sale of said glass letters after paying to said company the manufacturing price thereof, and such relations were to continue so long as the said Silverberg should continue said business at the company's place of business and under the company's name, and as a branch and department of the plaintiff's business. It was never contemplated that he or Wolfram should have the right to manufacture glass letters, and certainly not that he or they should have the right to remove said business away from No. 49 Chambers Street, which was and is the plaintiff's place of business, or to set up an establishment in rivalry with the plaintiff. It is true, that I permitted them to take certain stock in trade connected with the glass letter department of said company and to use the same and in consideration therefor the price of \$2,500 was agreed upon and paid to me, and the said bill of sale so recites. All this, however, was a private understanding between the said Silverberg and myself, and I expressly declined to make out of it a corporate act on behalf of the company, the plaintiff herein, and told Silverberg at one time that I would see that the company would ratify the act so long as he observed his own covenant and remained a true and faithful servant of the company and developed the glass letter business thereof in connection with the company at the company's place of business, but I did not intend then or ever to commit the plaintiff corporation to any instrument whereby its stock of letters and the right to manufacture the same should be absolutely sold to any person or persons, with such title thereto as would authorize them to remove and carry away the same and set up a rival establishment. The said Silverberg perfectly understood at the time said bill

148 of sale was executed that it was a private act and not the act of the plaintiff's corporation, and it was subject to all the foregoing covenants and conditions.

Moreover, it was never understood that the right to manufacture glass letters should be included in said bill of sale. I do not believe it is included in the original instrument. If it is, it was done surreptitiously, fraudulently and by trick and device, and without my knowledge or consent. I did not draw nor prepare said bill of sale. I am a poor English scholar, and not very familiar with the English language. I left the preparation of said instrument wholly to Silverberg, in whom I placed 149 implicit confidence. I have sought repeatedly, but in vain, since the said Silverberg left the plaintiff's employ, for an inspection of that bill of sale, having kept no copy thereof, but he has uniformly refused to let me see it.

I know that the alleged copy, annexed to the motion papers herein, is not a true copy thereof, at least in one particular, to wit, the fraudulent insertion of the letters "N. Y." between the words "Stietz" and "Glass" in the name of the company described in the body of said instrument; and I fully believe that the paper is in other respects 150 garbled and perverted from its original character.

The stock of merchandise turned over to the defendants Wolfram & Silverberg, upon the execution and delivery of said bill of sale, was worth very much more than the sum of \$2,500 received by me as a partial consideration therefor, and was, in fact, worth much more. If I have done any wrong in that transaction, it was a wrong not to the defendants, but to the plaintiff herein, and I supposed that I had fully protected the plaintiff from all possibility of loss by hedging about said transaction with the conditions and covenants on the part of the defendants Wolfram & Silverberg already hereinbefore described. In this connection I have also read the affidavit of T. Edwin Leary, who pretends to be the subscribing witness to said bill of sale. I

am astonished at the said Leary's memory as to 151 alleged conversations had between myself, Silverberg and Severin at the time of its execution. It is impossible for me to repeat conversations with such apparent accuracy and detail after the lapse of time, but I have no hesitation in denying that anything whatever was said at the time of the execution of said instrument, or at any other time, as to the omission of the letters "N. Y." in said bill of sale as described by said Leary; and I emphatically deny that I ever authorized him to insert said letters either then or at any other time. The matter was not brought up or discussed in any way, shape or form. I paid no attention to the contents of the instrument, but 152 signed it at the dictation of Mr. Silverberg, who assured me that he had prepared it in strict accordance with our agreement hereinbefore set forth, and upon whose statement in that regard I implicitly relied.

Furthermore, I do not believe that the defendant Severin herein was present at the time of its execution; he was a mere boy in the employ of the company. I have no recollection of his presence, and from the private nature of this transaction I have no hesitation in saying that if he had been present he would have been summarily ordered from the room, either 153 by myself or the defendant Silverberg.

Furthermore, as to the allegation in folio 9 of said Silverberg's affidavit, that the rent of the premises occupied by the plaintiff in its business at No. 49 Chambers Street was paid by me individually, the said allegation, in the sense in which he makes it, is utterly false and untrue. It may have been that I occasionally gave my personal check for rent or for any other obligation of the company, but such was not my uniform practice, and whenever I occasionally did so, it was either because it was more convenient, or that I was indebted to the company, and the proper adjustments of my accounts with it required such payment to be made out of my own private account.

154 It is quite true, that so long as Silverberg carried on the glass letter department of the plaintiff's business at No. 49 Chambers Street, the plaintiff made no objection to the use of such cards as are shown in Exhibit "D," nor would the plaintiff have made such objection to this date, but for the fact that on or about the 3d day of January last, the defendant Silverberg severed his connection with the plaintiff company, and thereafter united himself with the other defendants herein, established a rival place of business at 58 Centre Street, and thither removed a large quantity of plaintiff's property, and there set up in opposition to plaintiff the business of not only selling but manufacturing glass letters, in violation of plaintiff's patents, and assumed to use plaintiff's name and trade-mark, and to issue circulars and publish advertisements calculated to seduce plaintiff's customers and destroy plaintiff's business. It is these acts which have precipitated the present action, and against which the defendants are now enjoined.

155 As to the allegation in Silverberg's affidavit, that when a notice of taxes assessed against the plaintiff company was delivered to this deponent, he delivered the same to one Emil Eschbach with the statement that it belonged to the defendants, it is quite possible that deponent did so deliver and state for the reason that the defendants Wolfram and Silverberg were in point of fact enjoying the benefit of the stock taxed and the emoluments accruing therefrom, and it was but equitable and just that they should pay the taxes thereon. But deponent emphatically denies that he ever stated either to Eschbach or anybody else that the defendants constituted the "Otto Stietz New York Glass Letter Co.," or that this deponent had nothing to do with said company.

156 And now further deponent avers that notwithstanding the injunction herein and the service thereof, the defendants are openly, flagrantly and defiantly violating the same, and are circulating among the

public printed circulars, several of which have accidentally reached the plaintiff's office, and one of which is hereto annexed. 157

Deponent therefore submits that instead of granting this present motion, it should be denied, and the defendants should be punished as for a contempt of Court for violating the injunction heretofore granted herein.

OTTO STIETZ.

Sworn to before me, this 23d {
day of April, 1884.

WILLIAM R. WILDER,
Notary Public,
N. Y. Co. 158.

Ex. "E."

GLASS LETTER BUSINESS
REMOVED
FROM 49 CHAMBERS ST.
TO
58 CENTRE ST.
WOLFRAM & CO. 159

160 At a General Term of the New York Supreme Court, held in and for the City and County of New York, at the Court House, in the City of New York, on the 11th day of March, 1878.

Present--The Hon. NOAH DAVIS, P. J.
 " " JOHN R. BRADY, and
 " " C. R. INGALLS,
Justices.

161 IN THE MATTER
 of
 The Application of the NEW YORK
 RELIEF GLASS LETTER COM-
 PANY for a change of name.

162 Upon reading and filing the petition of the New York Relief Glass Letter Company for a change of its name, and the notice of application for such change, and due proof of publication of such notice, and on motion of Henry Wehle, attorney for petitioner, and no one appearing in opposition.

It is ordered, that the said application be, and the same is hereby granted, and that the name of the said New York Relief Glass Letter Company be, and the same is hereby changed to the "Otto Stietz New York Glass Letter Company," without prejudice in any respects to the rights of the creditors of said company.

J. P. M.

(A copy.)

PATRICK KEENAN,
Clerk.

163 *Know all men by these Presents, That I, Otto Stietz, of the City, County and State of New York, party of the first part, for and in consideration of the sum of twenty-five hundred dollars, lawful money of the United States, to me in hand paid, at or before the ensealing and delivery of these presents, by Gustav Geo. Wolfram and Gustav Silverberg, of the same place, parties of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents do grant and convey unto the said parties of the second part, their executors, administrators and assigns, all and singular the stock in trade of my glass letter business now conducted by me at No. 49 Chambers Street in the City of New York, together with the good will thereof and the right to use the name of "The Otto Stietz New York Glass Letter Company," and to manufacture glass letters under my patent duly procured by me; and in order more fully to protect the good will hereby sold to the parties of the second part the party of the first part hereby covenants and agrees that he will not engage in that business in or within a radius of thirty miles of New York City.*

164 To have and to hold the same unto the said parties of the second part, their executors, administrators and assigns forever; and I do for myself, heirs, executors and administrators, covenant and agree, to and with the said parties of the second part, to warrant and defend the sale of the said stock, good will, &c., hereby sold unto the said parties of the second part, their executors, administrators and assigns, against all and every person and persons whomsoever.

In witness whereof, I have hereunto set my hand and seal the 20th day of April, in year one thousand eight hundred and eighty-three.

OTTO STIETZ. [L. S.]

Sealed and delivered {
 in the presence of {
 T. EDWIN LEARY.

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

We, OTTO STIETZ, OTTO HAGENDORF, and GUSTAV ROEMER, of the City of New York, do by these presents to and in conformity with the act of the Legislature of the State of New York, passed on the seventeenth day of February, 1848, entitled "An Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and the several acts of the said Legislature amendatory thereof, associate ourselves together and form a corporation under the name and style of New York Relief Glass Letter Company, and the following are hereby declared to be—

187 The corporate name of said company ;
The objects for which the company is formed ;
The amount of the capital stock of said company ;
The term of existence of the said company ;
The number of shares of which the capital stock of the said company shall consist ;
The number of its trustees and the names of those who shall manage the concerns of the said company for the first year ;
The names of the town and county in which the principal part of the business of the said company within this State is to be transacted.

188 1. The corporate name of the said company is hereby declared to be New York Relief Glass Letter Company.

2. The objects for which the said corporation is formed are as follows :
The manufacture and sale of glass letters and glass signs under the patents of Otto Stietz, dated May 14th, 1867.

3. The capital stock of the said corporations shall be twenty thousand dollars, which shall be divided into two hundred shares of one hundred dollars each.

4. The said corporation shall commence on the 27th day of September, in the year one thousand eight

hundred and seventy-five, and shall continue in 169
existence for the term of thirty years.

5. The number of trustees who shall manage the concerns of the said corporation shall be three, and the name of such trustees for the first year are Otto Stietz, Otto Hagendorf and Gustav Roemer.

6. The name of the city and county in which the operations of the said company are to be carried on in the State of New York, is the City and County of New York.

Witness our hands and seals, this twenty-fifth day of September, one thousand eight hundred and seventy-five.

OTTO STIETZ. [L. S.] 170
OTTO HAGENDORF. [L. S.]
GUSTAV ROEMER. [L. S.]

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

On the twenty-fifth day of September, in the year one thousand eight hundred and seventy-five, before me personally came Otto Stietz, Otto Hagendorf and Gustav Roemer, severally known to me to be the individuals described in and who executed the foregoing instrument and severally duly acknowledged that they executed the same.

HENRY FUEHRER,
Notary Public,
Kings Co.,

J. J. M.

(A copy.)
PATRICK KEENAN,
Clerk.

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

I, PATRICK KEENAN, Clerk of said city and county, and Clerk of the Supreme Court for said county, do certify that I have compared the preceding with the original certificate of incorporation

172 of New York Relief Glass Letter Company on file in my office, and that the same is a correct transcript therefrom and of the whole of such original.

In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 14th day of Feb., 1884.

PATRICK KEENAN,
Clerk.

Endorsed—Filed 27 Sept., 1875.

173

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV GEO. WOLFRAM *et al.*

City and County of New York, ss.:

174 TERENCE FARLEY, being duly sworn, says: That on the 14th day of May, 1884, at No. 58 Centre Street, in the City of New York, he served the annexed affidavits and order to show cause upon Joseph Hartel, to him known to be one of the defendants herein, by delivering to and leaving with said Hartel personally a true copy thereof, and exhibited to him at the same time the Justice's signature on the annexed original. Deponent further says that on the 15th day of May, 1884, at No. 58 Centre Street aforesaid, he served a copy of the annexed affidavits and order to show cause upon Gustav Silverberg in the manner and way above set forth, and that he knew said Silverberg to be one of the defendants in the above-entitled action.

Deponent further says, that on the 15th day of 175 May, 1884, at No. 82 Second Street, in the City of New York, he made like service of the annexed affidavits and order to show cause upon Gustav Geo. Wolfram, one of the defendants above named, by delivering to said Wolfram, and leaving with him personally a true copy thereof.

TERENCE FARLEY.

Sworn to before me this 16th
day of May, 1884.

WILLIAM R. WILDER,
Notary Public,
N. Y. Co.

176

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss.:

177 WILLIAM R. WILDER, being duly sworn, says: I am an attorney at law and clerk in the office of the attorney for the plaintiff herein; that I have read the affidavit of Edward P. Wilder, hereto annexed, and the allegations thereof referring to myself are true. I was in my office on or about the 22d of March, 1884; the day that Mr. Waehner called upon us, and it was I who first saw the bill of sale in dispute. I read the same very carefully, and noticed that it purported to convey to one Wolfram and others, certain rights, &c., of "The Otto Stietz Glass

178 *Letter Company.* I, on finishing the perusal thereof, called Mr. Waehner's attention to the fact that owing to the omission of the words "New York" after Otto Stietz, he might experience some difficulty in that respect, if not in others, in bringing home that contract to this plaintiff, and asked him what he had to say about it. He thereupon looked at it with some care and remarked, "I will then have to send your man to jail."

179 While conversing further with said Waehner, my brother, Edward P. Wilder, came in and read the said bill of sale, and I directed his attention to the fact that it did not read from this plaintiff to the defendant. He thereupon requested said Waehner to allow his clerks to make a copy thereof; but said Waehner professed to have no time to wait, and departed therewith, promising to send us a copy thereof.

Some three or four days later I sent one Terence Farley, a clerk in this office, to make or procure a copy of said instrument from defendants' attorneys, but he returned saying that Mr. Waehner was absent from his office, and he would have to see him in person.

180 Subsequently I again sent him to said office, and he was given what was stated to be a copy of said bill of sale, and which I herewith submit.

I aver that neither that nor the alleged copy served with the moving papers herein is a true copy of said bill of sale. In the former the words "New York" have been interpolated between the words "The Otto Stietz" and "Glass Letter Co.," and in the latter the letters "N. Y." occupy the same position.

Thereafter I personally called thrice at the office of defendant's attorneys, and requested to be allowed to compare the alleged copy given to our clerk with the original in their possession. On one, the last, occasion, I saw Mr. Lawrence, but on each occasion was put off, now on one pretext and now

on another, the second excuse being that "Mr. 181 Waehner, who had charge of the case, was out of town."

I am positive and am under oath that in said bill of sale exhibited to me by said Waehner neither the letters "N. Y." nor the words "New York" occurred in the position they now occupy in the copies served upon us.

I further aver that I also was present in court on the return day of the preliminary injunction and the day following, and the narration of what took place on said days, as recited in my brother's affidavit, is strictly true.

WILLIAM R. WILDER. 182

Sworn to before me this
23d day of April, 1848.

JAMES A. LYNCH,
Notary Public,
N. Y. Co.

SUPREME COTRT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

agst

GUSTAV G. WOLFRAM et al.

183

City and County of New York, ss.:

EDWARD P. WILDER, being duly sworn, says: I am the plaintiff's attorney herein.

It is true that the injunction order herein contained a clause requiring the defendants to show cause on the 17th day of March last, why said injunction should not be made permanent, and that

184 said order was obtained on the 7th of March. But it is also true that on the said 17th day of March, the defendants' attorneys appeared in Court by a clerk or representative from their office, and asked for a postponement of the hearing of said motion, claiming that Mr. Waehner, the counsel having this matter specially in charge, was absent in Albany, and could not return. No objection or point was made, that the order was irregular or void in any way, and the hearing was adjourned by consent to the 18th.

On March 18th, a clerk from the defendants' attorneys' office again appeared in Court, and asked a further adjournment, which I offered to consent to, provided a stipulation could be made that the plaintiffs' mail matter held by the post office authorities might be delivered or distributed pending such adjournment, there being a controversy as to whether such mail matter should be delivered to the plaintiff or the defendants. As the defendants were unwilling to agree to such stipulation, I declined to grant a further adjournment, and thereupon the clerk of defendants' attorney stated, that he should withdraw and leave me to take such order as I might be advised, inasmuch as Mr. Waehner was still in Albany, and he, the said clerk, did not know enough about the case to argue the motion, I thereupon waited until the motion was regularly reached upon the call of the calendar, and then took an order making the injunction permanent, with \$10 costs; which costs, by the way, have not yet been paid.

And now furthermore I aver, that thereafter and on or about the 22d day of March, Mr. Waehner, one of the defendants' attorneys, called at my office, bringing with him a paper which he declared to be the original bill of sale under which the defendants claimed their rights herein. He said he had concluded to let me see it, having heard that I had made repeated request both of the defendant Silverberg and of the defendants' attorneys for permission

to see it; and thereupon he exhibited it to me. My brother, William R. Wilder, was present at the time, and we both examined it. I asked permission to allow one of my clerks to copy it, but Mr. Waehner professed to be in a great hurry and said he could not wait at that time, but he would take it back to his office and send me a copy of it made by his own clerks. Thereafter, he sent me a paper purporting to be a copy of said bill of sale, but I observed immediately upon examining it, that it was not a true copy, and I aver that the paper annexed to the moving affidavits herein, and purporting to be a copy of said instrument, is not a true copy thereof, forasmuch as the letters "N. Y." between the words "Stietz" and "Glass," occurring in the name of the company described in the body of said instrument, were not in said bill of sale when Mr. Waehner exhibited the same to me, as aforesaid, although they are inserted in the alleged copy thereof which Mr. Waehner sent to me afterwards, and also in the alleged copy annexed to the moving papers herein.

I do not know in how many other respects said alleged copies have been garbled or altered from the original, but I have no hesitation in declaring that said letters "N. Y." were not in such original bill of sale in the place aforesaid, for my brother and I both remarked upon their absence immediately after examining said bill of sale, and after Mr. Waehner's departure from our office. I will further add, that I have had the utmost difficulty in getting an inspection of said original instrument. Upon receiving the aforesaid copy thereof, I sent repeated requests to the defendants' attorneys, by clerks and special messengers, for permission to compare said alleged copy with the original, but said requests have been uniformly denied. I made similar requests to the defendant Silverberg for an inspection or copy of said bill of sale before the commencement of this action, and I made such requests, both by letter and

190 personally, of the defendant Silverberg, but each and every of them was refused.

E. P. WILDER.

Sworn to before me, this }
24th day of April, 1884. }

CORNELIUS FARLEY,
Com. of Deeds,
N. Y. City.

SUPREME COURT.

191

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM *et al.*

City and County of New York, ss.:

192 OTTO STIETZ, being duly sworn, says, in rebuttal of the replying affidavit of Louis C. Waehner herein, utterly and totally denies that any separate or different bill of sale as referred to in said affidavit of Waehner was given by him to the defendant Wolfram in addition to the bill of sale described in deponent's former affidavit herein, and which was given to the defendant Silverberg. The defendant Silverberg did submit to me at the time in question two papers which looked very similar, which he declares to be duplicates; one being for me to keep and the other being for him to keep. The one intended for me to keep was for a long time kept in the safe at the company's office, but some months afterwards, when I went in search of it, I found it was gone, and I presume it is the one or it is the same paper now referred to in said Waehner's affidavit as the

second alleged bill of sale, but which paper has 193 doubtless been stolen from said safe by the defendant Silverberg. I did not read it, as I did not read either of said instruments, and if it is not a duplicate of the other bill of sale mentioned in the moving affidavits herein, it is wholly due to the fault or fraud of the defendant Silverberg.

OTTO STIETZ.

Sworn to before me, this 28th }
day of April, 1884. }

GEORGE F. ESCHBACH,
Notary Public,
N. Y. Co.

194

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM *et al.*

195

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

OTTO STIETZ, being duly sworn, says: I am the president of the plaintiff corporation herein, and have been requested by the plaintiff's attorney to furnish evidence respecting the extent to which the plaintiff has been damaged by the defendants' willful misconduct in violating the injunction orders herein.

I am thoroughly familiar with the plaintiff's business and can state approximately to what extent it has suffered by reason of the wrongful act of the defendant.

196 The injunction herein was served on the 8th day of March last, together with a copy of the summons and complaint. The defendants have not paid the slightest attention to it, but have gone on the same as before, manufacturing and selling glass letters and signs, in violation of plaintiff's rights and patents, and have gone on advertising and pretending to plaintiff's customers and to the public that they were and are plaintiff's successors in said business, and have by means of such advertisement almost totally destroyed plaintiff's business in the manufacture and sale of glass letters and signs. To such an extent have they done this, that the plaintiff's receipts have fallen off from their former average to the amount of at least \$500 a month, while plaintiff's expenses have continued to be the same as before. So that the actual loss sustained by this plaintiff in consequence of defendants' violation of the injunction order herein, has been not less than \$1,000 in the direct loss of business.

197 In addition to the foregoing, the defendants by their advertising and their circulars aforesaid, have caused the public generally to believe that this plaintiff has gone out of the business of manufacturing glass letters and signs, so that deponent is in the habit of meeting old friends and former customers, almost every day, who inform deponent that they have heard that the plaintiff has gone out of said business, and inquire of deponent its reason for so doing. So thoroughly have the defendants advertised the aforesaid falsehood, that it will probably require months, if not years, for the plaintiff to recover the ground it has lost through defendants' wrongful acts, and deponent verily believes and asserts, that the damage thus sustained by the plaintiff amounts to at least the further sum of \$2,000.

198 In addition to the foregoing plaintiff has been compelled to employ counsel, whose services have been largely engaged for the greater portion of the time since the 7th day of March last, in preparing

affidavits, orders and papers to obtain and perpetuate 199 the injunction herein, and to punish the defendants for their violation thereof.

That the plaintiff has already paid to said counsel so employed the sum of \$200 for his services herein, and deponent is informed and verily believes, that said counsel has a further charge against the plaintiff for said services.

OTTO STIETZ.

Sworn to before me this 7th day of June, 1884.

WILLIAM J. LYNCH,
Notary Public,
Kings and N. Y. Cos.

200

SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM et al.

201

City and County of New York, ss.:

EDWARD P. WILDER, being duly sworn, says:

I am the attorney for the plaintiff herein, and have had the charge of this litigation from its inception. The affidavit of Otto Stietz, hereto annexed, regarding my services heretofore rendered herein, is true. The services I have heretofore rendered in obtaining and perpetuating the injunction herein, and in making the present motion to punish the defendants for contempt, are reasonably worth at least the sum of \$500. The defendant has not yet served an

202 answer to the complaint, but have obtained repeated extensions within which to do so.

EDWARD P. WILDER.

Sworn to before me, this 7th }
day of June, 1884.

WILLIAM J. LYNCH,
Notary Public,
Kings and N. Y. Cos.

203

N. Y. SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

vs.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

204 *City and County of New York, ss. :*

GUSTAV SILVERBERG, being duly sworn, says: I am one of the above-named defendants; that I have read the affidavits upon the motion to punish the defendants for contempt herein; that the defendants immediately after purchasing what they supposed to be all of the rights of Otto Stietz individually and of The Otto Stietz New York Glass Letter Company, engaged a box in the Post Office in the City of New York, after removed to 58 Centre Street; that before the time of said hiring they were doing business at No. 49 Chambers Street, in the City of New York, in connection with Otto Stietz, under the name of The Otto Stietz New York Glass Letter Company; the only connection, however, that ex-

isted between said Stietz and these defendants, or 205
of said alleged company (the plaintiff herein) and these defendants, was that they had business relations together as landlord and tenant, and the said Stietz from time to time manufactured for said defendants; that with the full knowledge and consent of said Stietz all mail matter addressed to The Otto Stietz New York Glass Letter Company was opened by these defendants, and as aforesaid for nine months they transacted business with the full knowledge and consent of said Stietz at said place of business under said title, to wit, The Otto Stietz New York Glass Letter Company; that, in fact, 206
the box in the Post Office was engaged only in the name of Wolfram & Co.; that upon the removal of the defendants from 49 Chambers Street to 58 Centre Street mail matter addressed to Wolfram & Co., and to The Otto Stietz New York Glass Letter Company was, as usual, placed in the box of Wolfram & Co. and duly received by these defendants. That after the temporary injunction herein was granted, these defendants obeyed the same in every particular except one, which will be hereinafter referred to. That it is utterly false and untrue that any time after the granting of said temporary injunction these defendants retained any letters belonging to said Stietz individually or to said alleged company. That it is utterly false and untrue that the defendants since the granting of said temporary injunction have received any money enclosed in any envelopes, and retained the same, addressed to said alleged company or to said Stietz individually. That any and every allegation contained in any of the affidavits aforesaid alleging that these defendants did so, are false and untrue. That these defendants are not responsible for the action of the postal authorities in placing any letters belonging to said Stietz or to said alleged company in their box. That upon engaging said box they, in good faith, exhibited the bill of sale referred to in

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207

208 the proceedings heretofore had herein to the Post-
master of this city, and, as aforesaid, the mail mat-
ter addressed to said alleged company at 49 Cham-
bers Street was always opened with the full knowl-
edge and consent of said Stietz, and all correspond-
ence, orders and communications relative to the
same or to glass letters was always referred by
said Stietz to these defendants. That since
the 1st of April, 1884, these defendants
have not opened any letters addressed to
said alleged company, nor have they received
any. That since the granting of the temporary in-
junction herein the defendants have not represented
209 to or informed the public or anybody that they have
succeeded to all of the plaintiff's rights, patents and
business, have not received and filled orders de-
signed for the plaintiff, except that through inad-
vertence the sign outside of the premises occupied
by the defendants was permitted to remain with no
intention whatever to disregard the orders of this
Court, and said sign has since been altered, so that
it now reads "Wolfram & Co., formerly with The
Otto Stietz New York Glass Letter Company." That
upon reference to the defendants' affidavits filed
upon the motion to vacate the injunction made per-
manent by Judge Lawrence, the facts upon this
210 subject will more fully appear. That immediately
after the granting of the temporary injunction the
defendants' cards were altered to correspond to
Exhibit A hereto annexed, and immediately after
the granting of the permanent injunction, the only
cards used by the defendants in their business are
as Exhibit B hereto annexed, and also as Exhibit C
hereto annexed. That the only circulars distrib-
uted, and that occurred only upon two or three oc-
casions on Chambers Street, between Broadway and
Centre Street, were circulars like unto the one re-
ferred to in plaintiff's papers on this motion, and
from it it will distinctly appear that there is no repre-
sentation that the defendants are the successors of

the said alleged The Otto Stietz New York Glass 211
Letter Company, or to any of the rights or patents.
That Wolfram & Co. did business at 49 Chambers
Street for nine months, and upon their removal, this
deponent respectfully submits, were entitled to no-
tify the public of that fact.

GUSTAV SILVERBERG.

Sworn to before me }

May 28th, 1884. }

JOHN F. FOX,

Notary Public,

New York County.

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N. Y. SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

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City and County of New York, ss.:

GUSTAV SILVERBERG, being duly sworn, says: I
am one of the defendants above named, and am
thoroughly familiar with the business of the defend-
ants; I refer to the affidavits heretofore made
herein on behalf of the defendants upon the motion
to vacate the temporary injunction and upon the
motion to punish the defendants as for a contempt
of Court for the alleged violation thereof, and I
make the same a part of this my affidavit, so far as
my former affidavits upon said motion are con-

214 cerned; that the pretence made in the affidavit of Otto Stietz, that the plaintiff has sustained damages to the amount of \$3,000 is absolutely absurd; that the business of the defendants in the manufacture and sale of glass letters and signs have averaged, since March 8, 1884, about \$1,200 per month, and this not in the way of profit but in the way of total sales; that the net profit realized by the defendants upon said transactions was not over ten per cent.; that it will be observed that the defendants were never restrained from manufacturing and selling glass letters.

GUSTAV SILVERBERG.

215 Sworn to before me }
June 13th, 1884. }
JOHN F. FOX,
Notary Public,
New York County.

N. Y. SUPREME COURT.

216 THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

vs.

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

JOSEPH HARTEL, being duly sworn, says: I am one of the defendants herein. That I have read the affidavits upon this motion. That I attend to the manufacturing department of the business, Mr. Silverberg having charge of the general business. That,

in the absence of Mr. Silverberg and Mr. Severin, I 217
happened to be at the office of the defendants, at 58
Centre, when two persons, strangers to me, came in
and inquired about the price of glass letters. That
I referred them to the defendants' price list, which
is the price list formerly used by the defendants
when they were doing business in connection with
said Stietz and said alleged The Otto Stietz New
York Glass Letter Company. That at that time, or
at any time, I did not represent to said parties that
the defendants were the successors of said company,
or that said company's business used to be attended
to by the defendants at 49 Chambers Street, or that
the defendants had succeeded to all of the rights of 218
said alleged company or its patents. One of the
persons asked me if we had succeeded Otto Stietz,
and I told him that we did the same work of glass
letters. He saw a sign out and I gave him a price
on it. That I did not at any time, or by giving the
card in the affidavit of Thomas P. Squier mentioned,
represent that the defendants were the successors of
The Otto Stietz New York Glass Letter Company,
and reference to the card in question will show that
there is nothing upon it from which such an infer-
ence could be drawn. That with reference to that
portion of the affidavit of Squier which speaks 219
of the visit of myself and Severin at the plaintiff's
place of business, we did call there at about the
time he states and had a talk with said Stietz, but
we did not announce or say that we had come for
the purpose of giving the plaintiff official notice not
to manufacture glass letters, but we told said Stietz
that if he manufactured glass letters we would re-
sort to legal measures to protect the rights which he
had pretended to convey to us.

JOSEPH HARTEL.

Sworn to before me May }
28th, 1884. }

JOHN F. FOX,
Notary Public,
New York County.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

vs.

GUSTAV GEO. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

City and County of New York, ss.:

221 LOUIS C. WAEHNER, being duly sworn says: I am one of the attorneys for the defendants herein. I am informed and verily believe that two bills of sale were executed by Otto Stietz, and that the one which was shown to the attorney for the plaintiff was handed to him in the first instance, and that that bill of sale was delivered to Mr. Silverberg, but that the bill of sale referred to in Mr. Leary's affidavit was delivered to Mr. Wolfram, who was the party that had advanced the money to capitalize the defendants' firm.

222 That there is no mystery concerning said bill of sale, and I am ready to produce the same before this Court at any time upon the request of plaintiffs' counsel; that deponent has never deemed it proper to submit his evidence in advance to his adversary simply upon the latter's request, and whether he permitted an inspection of said bill of sale or not seems to him to be entirely immaterial to the merits of the motion now before the Court.

L. C. WAEHNER.

Sworn to before me }
April 28th, 1884. {

S. E. BROWN,
Notary Public,
N. Y. Co.

At a Special Term of the Supreme Court, 223
held at Chambers thereof, at the Court
House in the City of New York, on the
28th day of May, 1884.

Present—Hon. CHARLES DONOHUE,
Justice.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY

against

224

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN.

The above-named plaintiff having made a motion to punish the above-named defendants, as for a contempt of this Court in wilfully violating and disobeying the injunction orders of this Court, made herein on the 7th and 17th days of March, 1884, respectively, and said motion coming on to be heard; 225

Now, on reading and filing the moving affidavits of William R. Wilder, Edward P. Wilder (two), Otto Stietz (two), Thomas P. Squier (three), Frank D. Schuyler, William N. Pierce and Terence Farley, and the order to show cause granted thereon on May 12th, together with the complaint and affidavits upon which the injunction order herein was granted on the 7th day of March last, together with the order made herein on March 17th, and proof of due service thereof on defendants, and all the papers and proceedings heretofore had herein, together with the opposing affidavits of Gustav Silverberg (two) and Joseph Hartel, and after hearing

226 Edward P. Wilder, Esq., counsel for the plaintiff, in support of said motion, and Louis C. Waelner, Esq., counsel for the defendants, in opposition thereto, and due deliberation being had thereon; On motion of Edward P. Wilder, plaintiff's attorney,

It is hereby ordered, adjudged and determined, that the defendants Gustav G. Wolfram, Gustav Silverberg, Joseph Hartel and Oscar R. Severin are and each of them is, hereby adjudged to be guilty of a contempt of this Court, for having wilfully violated and disobeyed the injunction orders of this Court made in this action on the 7th and 17th days of March, 1884, respectively, in that they held and are now holding themselves out to be the legal successors of The Otto Stietz New York Glass Letter Company, the plaintiff herein, and distributing circulars to the effect that said company had removed its place of business from 49 Chambers Street, in the City of New York, to 58 Centre Street in said city, as well as interfering with and disturbing the mail matter addressed to plaintiff, and in other ways so conducting themselves as to injure the plaintiff in its business in violation of said injunction orders; and that said misconduct, disobedience and contempt was calculated to and actually did, defeat, impair and impede and prejudice the rights and remedies of the plaintiff herein.

228 It is further ordered, adjudged and determined, that the defendants Gustav G. Wolfram, Gustav Silverberg, Joseph Hartel and Oscar R. Severin, be and they are and each of them is, hereby fined the sum of \$3,000 to be paid to the plaintiff, together with the sum of \$10 costs of this motion, for such contempt.

It is further ordered and adjudged, that a commitment issue to the Sheriff of the City and County of New York, directing him to commit the said defendants and each of them to the county jail of said county to be there detained as close prisoners until the fine and costs hereinbefore imposed shall be paid

to the plaintiff or to its attorney, Edward P. Wilder, 229 or until the defendants shall be discharged according to law.

(A copy.)

PATRICK KEENAN,
Clerk.

N. Y. SUPREME COURT.

THE OTTO STIETZ NEW YORK
GLASS LETTER COMPANY,
Plff.

against

GUSTAV G. WOLFRAM, GUSTAV
SILVERBERG, JOSEPH HARTEL
and OSCAR R. SEVERIN,
Defts.

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Take notice that the defendants herein appeal to the General Term of this Court from the order, and each and every part thereof, punishing said defendants for contempt, and entered in the office of the Clerk of the City and County of New York on the 19th day of September, 1884.

Dated Oct. 2d, 1884.

Yours, &c.,

LAWRENCE & WAEHNER,

Attys. for Defts.,

120 Broadway, N. Y.

To EDWARD P. WILDER, Esq.,

Plff.'s Atty.,

140 Nassau Street.

THE CLERK OF THE COUNTY OF NEW YORK.

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0395

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Exhibit "D."

OTTO STIETZ

N. Y. GLASS LETTER CO.

611 BROADWAY, Cor. HOUSTON ST., New York,

Sole Manufacturers of

IMPROVED PLAIN AND EMBOSSED

GLASS LETTERS AND NUMBERS.

PATENTED TO
REMOVED TO 15th Street.

49 Chambers Street,
NEAR BROADWAY.

GLASS CLOCK DIALS,
COPIES OF MEDALS ON GLASS.

GLASS TABLE-TOPS, DOOR-PLATES, FINGER-STRIPS,

Number-Plates for Hotels, Church-Pews, &c.

FANCY EMBOSSED ON GLASS OF EVERY DESCRIPTION.

COATS OF ARMS, MONOGRAMS, MOTTOS, &c.

ADVERTISING GLASS SIGNS A SPECIALTY.

Here follows:

PRICE LIST

OF

GLASS LETTERS AND NUMBERS,

CLOCK DIALS, &c.

0396

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Ryuslaw S. S. S. S. S.

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

Ryuslaw S. S. S. S. S.

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

The said *Ryuslaw S. S. S. S. S.*

late of the City of New York, in the County of New York aforesaid, on the
19th day of *October*, in the year of our Lord
one thousand eight hundred and eighty-*three*, at the City and County aforesaid,
having in *his* custody a certain instrument and writing, *to wit: an*
order for the payment of money of
the said commonly called Trade-Check,
which said *Trade-Check* is as follows, that is to say:

No. 11410 New York October 15 1883
The Union National Bank
Pay to the order of *Otto S. S. S.*
One hundred Twenty Three & 7/10 Dollars
\$123.75
Pending & Nicholas

the said *Ryuslaw S. S. S. S. S.* afterwards, to wit, on the day and in the year
aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge,
and cause and procure to be forged, and willingly act and assist in the forging on the
Trade of the said *Trade-Check*,
a certain instrument and writing commonly called an *Endorsement* which said forged
instrument and writing, commonly called an *Endorsement* is as follows: that is to say,

"*Otto S. S. S.*"

with intent to defraud, against the form of the Statute in such case made and provided, and
against the peace of the People of the State of New York and their dignity.

0397

SECOND COUNT:

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

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

The said Signature S. S. S. S. S.

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid,
at the City and County aforesaid, having in his possession a certain instrument
and writing, to wit: an order for the payment of money
of the kind commonly called bank-checks,
which said bank-checks are as follows, to wit:
is to say:

No. 11410 New York, October 15 1883
The Union National Bank
Pay to the order of Otto S. S. S.
One Hundred Twenty Three & ⁷⁵/₁₀₀ Dollars
\$123 ⁷⁵/₁₀₀
Otto S. S. S.

on the check of which said bank-check, there was then and
there written a certain forged instrument and writing, commonly called an endorsement
of the said last-mentioned bank-check, which said forged
instrument and writing, commonly called an endorsement is as follows,
that is to say:

"Otto S. S. S."

with force and arms, the said forged endorsement then and there feloniously did
utter, dispose of and put off as true, with intent to defraud, the the said
Signature S. S. S. then and there well knowing the premises,
and that the said endorsement was forged, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of New York
and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0398

BOX:

183

FOLDER:

1849

DESCRIPTION:

Smith, John

DATE:

07/01/85



1849

Witnesses:

Nicholas Young
W. John Plunkett

6 Paid

297

Counsel,

Filed

day of

1885

Pleads,

Chiquely (2)

THE PEOPLE

vs.

John Smith

Robbery, second degree.
[Sections 224 and 229, 34 Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

Greene & Hequith

A True Bill.

Foreman.

W. J. Plunkett

0399

0400

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss

Nicholas Young
of No. 12 Pell Street, Aged 25 Years
Occupation Seam Maker being duly sworn, deposes and says, that on the
27 day of June 1888 at the 6th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

One Silver Watch + Silver Chain
together of the value of Seven Dollars
+ fifty Cents

of the value of
the property of

Nicholas Young

DOLLARS,

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

John Smith (now here) for the following
reasons to wit: that at about the hour of
twelve o'clock + twenty five minutes A.M.
deponent was walking along Park Street the
said defendant followed deponent and
forcibly caught hold of deponent and attempted
to take the watch and chain out of deponents
vest pocket worn by deponent as a portion of
deponents bodily clothing, and at the same
time the said defendant kicked deponent
on the body, wherefore deponent charges the said
defendant with attempting to take and carry
away the aforesaid property from the person of deponent
by force and violence without his consent and against
his will to-wit:

Nicholas Young

day of

Sworn to before me, this

188

Samuel C. Nichols
Police Justice.

0401

Sec. 198-200.

CITY AND COUNTY OF NEW YORK

Dvor District Police Court.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I am not guilty I don't know anything about it

John Smith

Taken before me this

day of

188

James J. Kelly Police Justice.

0402

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 15
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 25 1885 Samuel C. Bell Police Justice.

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

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0403

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Nicholas Young
12 Perry St.

John Smith

1

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Witnesses

No.

Street.

No.

Street,

No.

Street.

\$

1500

to answer

Sessions.

Committed

0404

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Smith

The Grand Jury of the City and County of New York, by this indictment, accuse *John Smith* of the crime of *Attempting to commit* —
of the CRIME OF ROBBERY in the *second* degree, committed as follows:

The said *John Smith*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twenty seventh* day of *June*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one *Nicholas Young* in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of seven dollars, and one chain of the value of fifty cents,

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

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

Randolph B. Martine
District Attorney

0405

BOX:

183

FOLDER:

1849

DESCRIPTION:

Smith, Joseph

DATE:

07/14/85

0406

Police Court—3^d District.

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

Morris Mendelson

of No. 87 Hester Street, aged 35 years,
occupation Watchmaker being duly sworn

deposes and says, that the premises No 87 Hester Street,
in the City and County aforesaid, the said being a Store

and which was occupied by deponent as a Store for the sale of watches
and in which, there was at the time a human being, by name viz deponent

were BURGLARIOUSLY entered by means of forcibly breaking a
pane of glass in the store window
leading into said premises with his
hand

on the 5th day of July 1885 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

Two silver watches of the value of Eight-
dollars and one silver case for a watch
of the value of three dollars all of the
value of Eleven 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

Joseph Smith (narrative)

for the reasons following, to wit: That deponent is informed by
Annie Rosenberg that she saw said
Smith break said window and take
steal and carry away therefrom said
property

Sworn to before me

This 10th day of July 1885

Morris Mendelson

Samuel C. Kelly Police Justice

0407

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 50 years, occupation Widow of No. 72 Huston Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Morris Mendelson and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

day of

July

189

At Amice

hu

mark

Rosenberg

Samuel C. Bennett

Police Justice.

0408

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Joseph Smith 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.

Joseph Smith

Question. How old are you?

Answer.

16 years

Question. Where were you born?

Answer.

U. S.

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

Answer.

99 Hester St

1 day

Question. What is your business or profession?

Answer.

Printer

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

Joseph - Smith

Taken before me this

day of

July 1885

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 defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 15
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated July 10 1885 Samuel C. Ruff 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.

0410

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Morris Mendelson

87 West

Joseph Smith

.....

.....

.....

.....

Dated *July 10* 188

D O Kelly Magistrate.

Ed Hagan Officer.

10 Precinct.

Witnesses *Annie Rosenberg*

No. *72 Huston* Street.

No. Street,

No. Street.

\$ *1500* to answer *G* Sessions.

.....

.....

Offence *Burglary*

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

Joseph Smith

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

Joseph Smith

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

The said *Joseph Smith*

late of the *South* Ward of the City of New York, in the County of New York, aforesaid, on the *12th* day of *Aug* in the year of our Lord one thousand eight hundred and eighty-*five*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Store* of one

Morris Mendelsohn

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

Morris Mendelsohn

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

04 12

SECOND COUNT--

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

Joseph Smith
of the CRIME OF Petit LARCENY, _____ committed as follows:

The said Joseph Smith, _____

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

two watches of the value of
four dollars each, and one
watch case of the value of
three dollars,

of the goods, chattels and personal property of one Morris Mendelson,

in the store of the said Morris Mendelson,

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.

Randolph B. Martine,
District Attorney

0413

BOX:

183

FOLDER:

1849

DESCRIPTION:

Smith, Thomas

DATE:

07/21/85



1849

0414

1687

Witnesses:

James King

Counsel,

Filed

21

day of

July

1885

Pleads,

THE PEOPLE
vs.
R
Thompson Smith
Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 828, 829, 830, Penal Code.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Allen J. Appen

July 22/85

Foreman

Pleads guilty

S.P. 2 years.

0415

Police Court—74 District.

Affidavit—Larceny.

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

David Berger
of No. 300 Bleecker Street, aged 37 years,
occupation sells merchandise being duly sworn
deposes and says, that on the 15 day of July 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, and from his person in the day time, the following property viz:

One box containing a set
of jewelry of the value of
five dollars \$ 5.—

the property of Louis Berger and in
charge 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 Thomas Smith (now here)
from the fact that while the
deponent was walking down on the
Bleecker between Canal and Bay and street
at the hour of 4.30 P.M. on said day the
defendant came walking from
behind of deponent and thrust his hand
in deponent's outside coat pockets
and took therefrom the above
described property, said coat being
worn upon deponent's person
at the time when said larceny
was committed by the defendant.

David Berger

Sworn to before me, this 16 day
of July 1885

Police Justice.

0416

Sec. 198—200.

94 District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss

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

Question What is your name?

Answer.

Thomas Smith

Question. How old are you?

Answer

16 years

Question. Where were you born?

Answer.

New York City

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

Answer.

16 Russell Street five months

Question What is your business or profession?

Answer.

printer

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

Thomas Smith

Taken before me this

16

day of

Sept

1885

James W. Kelly Police Justice.

0417

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

POLICE COURT, 34 DISTRICT.

Joseph J. Loney

of No. 7th Precinct Police Street, being duly sworn, deposes and says,

that on the 15 day of July 1885

at the City of New York, in the County of New York, David Berger

who is complainant against
Thomas Smith in a case of larceny
from person will not appear
at the general session and therefore
prays that said Berger may be
sent to the house of detention.

Joseph J. Loney

Sworn to before me, this

of

July

1885

day

Samuel W. Smith Police Justice.

0418

Shuler

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

Thomas Smith
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 *July 16* 188*5* *Samuel C. Bell* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0419

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

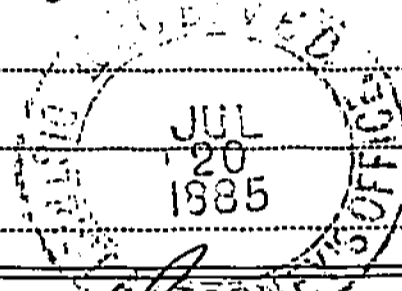
Complainant bailed
by Edward Berger,
300 Bowery.

Police Court 34745 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Berger
300 Bowery
Thomas Lewis

2
3
4



*Offence Larceny from
the person*

Dated July 16 188 5

O'Neill Magistrate.

Lewis Officer.

Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer General Sessions.

Complainant bailed

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

Thomas Smith

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

— Thomas Smith —

of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Thomas Smith,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
fifteenth day of July, — in the year of our Lord one thousand
eight hundred and eighty-five, in the day time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one box of the value of ten cents,

and one set of iguery (a more

particular description whereof is to

the Grand Jury aforesaid unknown,

and cannot now be given) of the

value of five dollars, —

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

Randolph B. Martin,

District Attorney.

0421

BOX:

183

FOLDER:

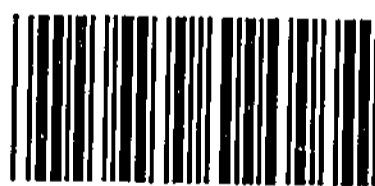
1849

DESCRIPTION:

Smoull, Charles

DATE:

07/16/85



1849

0422

Witnesses:

George Engelmann

115-

Counsel,

Filed

day of

1880

Pleas,

16 July
St. Louis City

THE PEOPLE

vs.

P

Charles Smull

Grand Larceny, 2nd Degree,
(From the Person.)
[Sections 538, 539 and 550, Penal Code.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Allen C. Appen

July 21/80

Foreman.

St. Louis

10 30 days

0423

Police Court—2nd District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Luigi Sugheimoni
 of No. 223 Sullivan Street, aged 41 years,
 occupation Manufacturer of Balloons being duly sworn
 deposes and says, that on the 11th day of July 1888 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 Meerschbaum pipe of the
value of three dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
 and carried away by Charles Smull (now here)

for the following reasons to wit: On said
 date about 2 o'clock in the afternoon
 deponent had the afore-described property
 in the right hand pocket of his Coat
 which was then worn on the person of
 deponent. That said defendant was
 in the Company of deponent from that
 time till 2:30 o'clock p.m. on said
 date. That deponent missed said
 property as having been stolen from
 said pocket of his Coat about the
 hour of 4 o'clock in the afternoon of said
 date. That deponent immediately
 afterwards went to a pawn shop

Subscribed to before me this

1888

Police Justice.

0424

in West Houston Street between Wooster
Street and Smith 5th Avenue and then
and there saw said defendant come
out of said pawn shop that defendant
immediately went into said pawn shop
and there identified said property which
was stolen from his possession and from
his person.

Present to before me
This 12th day of July 1885 } Gugheleau Judge
J. H. Smith
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail:
Dated 1885
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1885
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1885
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Date

1885

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions.

0425

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question. What is your name?

Answer. *Charles Smull*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *France*

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

Answer. *78 wooster street and 3 years*

Question. What is your business or profession?

Answer. *Florist*

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 admit getting the pipe from another man to pawn*

Smull

Taken before me this

19

day of *July* 1885

Police Justice.

0426

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

Charles Russell

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 *July 12* 188*5*. *J. Henry Ford* 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.

0427

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court *2nd* District. *408*

THE PEOPLE, &c,
ON THE COMPLAINT OF

Luigi Guglielmo
223 Sullivan St

Charles Small

1 _____
2 _____
3 _____
4 _____

Office of Henry from
the person

Dated *July 12* 188*5*

Lord Magistrate.

Edward Brown Officer.

15 Precinct.

Witnesses _____

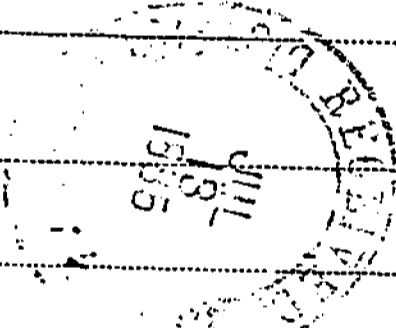
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *G. S.*

Comd



0428

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Smull

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

Charles Smull
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Charles Smull*,

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

one merchandise rifle of the

value of three dollars,

of the goods, chattels and personal property of one *Simon Agnewman*,
on the person of the said *Simon Agnewman*,
then and there being found, from the person of the said *Simon Agnewman*,
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.

0429

SECOND COUNT—

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

_____ Charles Smull _____
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Charles Smull, —

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

one manschuam pipe of the
value of three dollars, —

of the goods, chattels and personal property of one Simon Rappaport, —

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

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

_____ Charles Smull _____

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

RANDOLPH B. MARTINE,

District Attorney.

0430

BOX:

183

FOLDER:

1849

DESCRIPTION:

Stanton, John

DATE:

07/22/85



1849

0431

BOX:

183

FOLDER:

1849

DESCRIPTION:

Bundy, George

DATE:

07/22/85



1849

0432

ORDERED - A
20 Review
23 Chambers

Witnesses:

Counsel,
Filed 22 day of July 1885
Plends, *Chambers*

THE PEOPLE
+ vs.
John P. Stanton
ans
George Bundy

Sections of Code, Penal Code.

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Alley D. Argan
Aug 5/85 Foreman
Ar. 1.

*Transcript of
Aug 6/85, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 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827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 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1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 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2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 21*

0433

W. Reel Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

The People of the State of New York, TO
Solon B. Smith Esq, one of the Police Justices
of the City of New York, and to John Sparre Esq,
Clerk of our Court of General Sessions of the Peace,
holden in and for the City and County of New York

CERTIORARI
TO CERTIFY CAUSE OF
DETENTION.

WE Command you, That you certify fully and at large to our
Supreme Court of the State of New York

at a Special Term at Chambers held in the
County Court House in the City of New York
on the 18th day of July 1888 at 11.30 O'clock in the forenoon
the day and cause of the imprisonment of George Bundy

George Bundy
by you detained ; as is said, by whatsoever name the said George
Bundy

shall be called or charged ; and have you then this writ.

Witness, Hon. Noah Davis, Presiding Justice of our Supreme Court
the 17th day of July 1888

Songlas A. Levien Jr. Patrick Keenan
Attorney for Relator Clerk.

0434

N. Y. Supreme Court

In re the Imprisonment
of:
George Bundy

Writ of Certiorari

Douglas A. Leven Jr
Attorney for Petitioner
23 Chambers St
N. Y. City

I Herely allow the
Within Writ.
Dated this 17th day of July 1887.
C. D. Smith

To
Solon B. Smith Esq
Justice &c

0435

City and County of New York, ss.

I, Solon B. Smith the Police Justice

named in the annexed writ, do certify and make return to the Supreme Court that on the

fifteenth day of July 1885

George Bundy
named in said writ, was brought before me at the 1st District Police Court in said

City, and then and there charged

charged before me, as one of the Police Justices aforesaid, upon the oath of Henry

Monett, Thomas Muley and Clark Mumbue

for that he the said George Bundy

did, on the 14th day of July 1885, at the City and County aforesaid

with intent to defraud, attempt to
counterfeit and utter certain
faked instruments purporting
to be a passage ticket entitling
the holder to a passage on the New York
Buffalo and West Shore Railway
and other railways between the
City of Albany, New York and Kansas
City, Missouri

And I, the said Police Justice, having in due form of law examined the said complainant and the witnesses before me produced, and the said George Bundy

and it appearing that an offence has been committed, and that there is probable cause to believe the

prisoner aforementioned to be guilty thereof, I fixed the amount of bail to be given by the said

prisoner at the sum of fifteen hundred dollars; and he having failed and

neglected to find surety in the sum of fifteen hundred dollars I did thereupon

commit the said George Bundy

to the City Prison, to answer the said complaint until he be thence delivered by due course of law.

The complaint is hereto annexed and made a part of this return.

Solon B. Smith

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said Stanton had the aforesaid property in his possession which deponent is informed by Charles E. Arnold of 462 Broadway Albany N.Y. that the property so found in the possession of said deponents was taken and stolen and carried from his office in Albany, and at the time of said arrest said Stanton had in his possession the said stamp which is a fac simile of the one used by the said Railway Company.

Sworn to before me *Henry M. Smith*
 this 15th day of July 1885
Solo R. Smith
 Peace Justice

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

0438

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

POLICE COURT,

1st DISTRICT.

of No. 300 Mulberry Street, being duly sworn, deposes and says,
that on the 15th day of July 1885

at the City of New York, in the County of New York.

Reponent who is a Sergeant detective of the Police Central Office arrested John P. Stanton and George Bundy (now here) for the reason that on the 13th day of July 1885 deponent visited the engraving establishment of Clark R. Drumbull of 330 Bowery and was there informed by said Drumbull that two persons had ordered a railway stamp, which is a facsimile of the one used by the New York West Shore and Buffalo railway company. That on the 14th day of July deponent went in company with John Sturd a detective Sergeant of 300 Mulberry street to the said premises and while in said premises they said George Bundy (now here) came with said stone and asked said Drumbull if the stamp was ready and said Drumbull replied it had as yet not arrived and said Bundy left said premises and deponent followed him down the Bowery to Beeker street and at the corner of Bowery and Beeker street said Stanton came over and spoke to said Bundy and together said Bundy and said Stanton went to a beer saloon in the Bowery and there remained for about

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half an hour, when said Stanton came
back to said Chumbells store and asked
said Chumbell if the stamp was in
yet. when said Chumbell replied
he expected it every moment.
thereupon said Stanton waited in the
said store for about fifteen minutes
when a boy brought in the said stamp
and gave it to said Chumbell, and said
Chumbell then gave it to said Stanton
and said said Chumbell therefore
and said Stanton left said store with
the said property in his possession and
was walking up ^{the} Broadway and ^{was} followed
by deponent; to Great Jones Street,
where said Bundy came up to him
and joined him in conversation when
said Mulry and said Thurd arrested
said Stanton and said Bundy and
found in said Stanton's possession the
said stamp and the tickets aforesaid
deponent fully identifies said Stanton, as
the persons he saw come into said
Chumbells and pay for the said property
before me.

this 10th day of July 1885

Thomas M. Mulry

Solomon S. Smith

Deputy

POLICE COURT—

DISTRICT—

THE PEOPLE, & C.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

0440

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

POLICE COURT, 1st DISTRICT.

of No 330 Bowery Street, being duly sworn, deposes and says,
that on the 13th day of July 1885

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

John P. Stanton Ans

George Dundy (now here) did together come into deponent's place afterwards at 330 Bowery. And that said Stanton said to deponent he was (meaning said Stanton) the general ticket agent at the Albany office, and that he had broken his stamp and that he wanted a new one made to replace the broken one. And that said Stanton then took from his pocket a piece of paper upon which was a lead pencil drawing which is hereto annexed and marked Ex A. And told deponent he wanted it made just like that. And said Stanton called deponent's particular attention to the letter A. after the word Albany on exhibit A. And to the space between the R & Y on said exhibit. And at the same time said Stanton exhibit to deponent a railway ticket which is hereto annexed and marked Ex B. And that he wanted the lettering exactly like what was on Exhibit B. And said Stanton then asked deponent how much said stamp would cost. When deponent replied it would cost Eight dollars said Stanton told him to go ahead and make it. Then said Stanton asked deponent how long

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before he would have it done and
deponent replied that he would have
it done the following afternoon.
thereupon said Bondy who was
present during the whole of the
communication between said Stanton
and deponent ~~said~~ ^{asked} deponent if it
could not be done the following
morning when deponent replied it
could not be done at that time said
Bondy asked deponent if he could not
fix a specified hour when it would
be done and deponent again replied he
could not but that it would be done
some time during the day. whereupon
said Stanton paid the deponent a deposit
of four dollars. and told him to go ahead
and make it, then said Stanton and said Bondy
left said premises, that on July 14th
said Bondy came into said deponent's
store and asked him if the stamp was ready
yet, and on deponent's replying it was not, said
Bondy left said store shortly thereafter
said Stanton came into deponent's store
and asked deponent if the stamp was
ready. and on being told that it was,
said Stanton paid deponent the balance due on said
stamp and left said store with said
stamp in his possession.

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

Deponent fully identifies said Stanton
and said Bondy as the persons who
came to his premises and who ordered
the said stamp
Subscribed before me
this 15th day of July 1888

Clark R. Trumbull
Solomon D. Smith
Police Justice

Dated

Witness

Disposition

0442

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles E. Arnold
aged 35 years, occupation Traveller Agent of No.

462 Broadway Albany St. Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Henry Mowatt

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

Sworn to before me, this 15th day of July 1888 } Charles E. Arnold

Solomon R. Smith
Police Justice.

0443

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Detective of No.

300 Mulberry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Thomas W. Mulby

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

knowledge.

Sworn to before me, this 15th

day of July

188 ✓

John Heard

Solomon Smith

Police Justice.

0444

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss

11/14 District Police Court.

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

Question. What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

1884

Police Justice.

0445

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

1901 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day

John P. Stanton
Police Justice.

John P. Stanton

0446

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

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

Dated *July 1, 1885*

1885

Solomon B. Smith Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order he to be discharged.

Dated _____ 188

Police Justice.

0447

O. J. Hammond
280 Broadway
att'y for Russell & W.
Houston Receivers
of N.Y. W.S. B. Ry.
Wm O. Houghue.
Deft's Counsel
23 Chambers St.

Police Court

736
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Mouett
280 Broadway

John P. Stanton
George Dundy

Office attempted

for Henry
John P. Stanton

MAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

July 15th

188

Magistrate

Wm. H. Hurd

Officer.

Precinct.

Witnesses

No.

462 Broadway

Street.

Thomas Mulvey

No.

300 Mulberry St.

Street.

John Hurd

No.

300 Mulberry

Street.

Chas. Dundy

\$ 330 Bond to answer

1500 to ans. G.S.

Wm

0448

First Dist. Police

~~RECEIVED~~

South

CITY AND COUNTY OF NEW YORK.

THE PEOPLE,

vs.

George Bundy

RETURN TO

WRIT OF CERTIORARI

Ex Parte

Mat. 11 - Sub 3


Wm. Marshall

Wm. Marshall

Wm. Marshall

July 18th

Eighty and	85	86	87	88	89	90
thousand	91	92	93	94	95	96



GOOD FOR ONE PASSAGE

OF CLASS INDICATED,

—TO—

KANSAS CITY, Mo.

When Stamped by Company's Agent and presented with Coupons attached in accordance with terms of the following contract:

1st. This Ticket will be **FIRST CLASS** if no class is punched on coupons, and if sold for lower class passage, Ticket will be honored for Class Punched.

2d. That Ticket will be Unlimited if date is not punched in margin hereof.

3d. That when Limited, Ticket will not be honored after midnight of the date punched by Agent in margin hereof.

4th. That the Ticket will not be honored if more than one date be punched, or if any alterations are made thereon.

5th. That Stop-Over privileges will be governed by local regulations of lines over which Ticket reads.

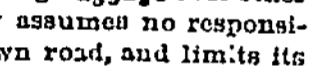
6th. That in checking Baggage over other lines this Company assumes no responsibility beyond its own road, and limits its liability to wearing apparel not exceeding \$100 in value

Feb. Apr. June Aug. Oct. Dec. 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30
Jan. Mar. May Jul. Sep. Nov. 1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31

Henry M. Smith
AGENT

Form 250

Eighty and	85	86	87	88	89	90
thousand	91	92	93	94	95	96



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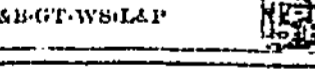
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Henry M. Smith
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4th. That the Ticket will not be honored if more than one date be punched, or if any alterations are made thereon.

5th. That Stop-Over privileges will be governed by local regulations of lines over which Ticket reads.


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Jan. Mar. May Jul. Sep. Nov. 1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31

Henry M. Smith
AGENT

Form 250

85	86	87	88	89
91	92	93	94	95
1 and				



GOOD FOR ONE PASSAGE

OF CLASS INDICATED.

—50—

KANSAS CITY, MO.

When Stamped by Company's Agent and pro-
 vided with Coupons attached in accordance
 with terms of the following contract:

1st. This Ticket will be **FIRST CLASS** if
 no class is punched on coupon, and it will
 be **lower class passage**, Ticket will be
 honored for **Class Punched**.


2d. That Ticket will be **unlimited** if date
 is not punched in margin hereof.

3d. That when **limited**, Ticket will not be
 honored after midnight of the date punched
 by Agent in margin hereof.

4th. That the Ticket will not be honored if
 more than one date to be punched, or if any
 alterations are made thereon.

5th. That **Stop-Over** privileges will be
 governed by local regulations of lines over
 which Ticket reads.

6th. That in checking **Baggage** over other
 lines the Company assumes no responsa-
 bility beyond its own road, and limits its
 liability to wearing apparel not exceeding
 \$100 in value



J. M. SMITH, PRES.

Feb. Apr. June Aug. Oct. Dec. 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30

Jan. Mar. May Jul. Sep. Nov. 1 3 5 7 9 11 13 15 17 19 21 23 25 27 29

85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

GOOD FOR ONE PASSAGE

OF CLASS INDICATED,

—20—

KANSAS CITY, MO.

When Stamped by Company's Agent and presented with Coupons attached in accordance with terms of the following contract:

1st. This Ticket will be FIRST CLASS if no class is punched on coupons, and if sold for lower class passage, Ticket will be honored for Class Punched.

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5th. That Stop-Over privileges will be governed by local regulations of lines over which Ticket reads.

6th. That in checking Baggage over other lines this Company assumes no responsibility beyond its own road, and limits its liability to wearing apparel not exceeding \$100 in value

Form 250



NEW YORK WEST SHORE & BUFFALO RAILWAY COMPANY

0452

The People
vs.
John P. Stanton. { Court of General Sessions, Part 1.
 { Before Judge Gildersleeve.

August 4, 1885.

Jointly indicted with George Bundy for attempt at forgery in the third degree.

Clark R. Trumbull sworn and examined. I am an engraver and my place of business is 330 Bowery, I have seen Stanton and Bundy, I first saw Stanton on Monday the 13th of July, they came to my place together, Stanton said that he was an agent at Albany, a ticket agent and had broken his stamp and wanted another made exactly like the impression he showed me on the back of the ticket, he left the ticket as a copy to work by (ticket shown), he wanted a facsimile; that is the ticket and that is the sketch that he had supplying some letters that were missing of the ticket. They inquired the price and how soon it could be ready, I told them I could have it ready the next day, I think Mr Stanton inquired the price, he seemed to be the spokesman. He made the remark that he wanted the stamp made exactly a facsimile so that it would not be detected as he would be fined if it was discovered that he had broken his stamp; he called my attention to the quotation marks on the letter A following the word Albany to be sure and have it stamped. I took the order and he went away, I next saw him I think between twelve and one o'clock on the day following. In the meantime I had communicated with Mr. Monett, the General Passenger Agent of the railroad. Stanton came in first the next day and Bundy shortly afterwards. The stamp was not ready yet and they went away again, Stanton came back and got the stamp soon after

0453

that, I did not make it myself, I got a party down town to make it: Stanton paid me for it.

Charles E. Arnold sworn. I am ticket agent for the West Shore Railroad at Albany. The package of ticket now shown me were stolen from my office; they are not valid now and what they need to become valid is to have the date stamped on them, they are not stamped now; the stamp now shown me is not an exact facsimile, the shape is slightly different, my stamp is a little more oval; otherwise it is a correct imitation, I should say mine is a little more oblong.

Thomas W. Mulrey sworn and examined by MR Purdy, testified: Mr Mulrey what is your business? A detective officer. And where are you situated? The detective Bureau 300 Mulberry Street. A Detective Sergeant are you? Yes sir. Did you arrest these two young men? Yes sir, in company with another officer. Where did you arrest them? On the Bowery between Bond and Great Jones Street. And when? On the 11th day of July. And what did you find, did you find anything in his possession? In the possession of John P. Stanton I found that stamp of a railroad date and the tickets. Say whether those are the tickets? (Tickets shown). Those are the tickets found in his possession. Where did you find them? They were in a laundry bundle that he had in his possession under his arm, he carried it. Where was the stamp? The stamp he carried it done up as the engraver gave it to him wrapped up in a piece of paper. Had you followed him from the

0454

engraver? I followed him from the engraver. You had received information about him and was watching him? Yes sir, from the West Shore people.

Henry Monett sworn and examined. What is your business? General Passenger Agent of the West Shore Railroad. Will you look at these tickets and state what do they require to be a complete ticket, do they require anything to make them a complete ticket of a passage? According to conditions they require the stamp of the selling agent.

Counsel. We object on the ground that the paper speaks for itself.

The Court. Objection overruled.

By Mr. Puffly. They require the stamp? They require the stamp of the selling agent to whom these tickets are invoiced from the general office. The tickets are invoiced from the general office and sent to the branch offices are they not? Yes. And then the branch office agent stamps them as he sells them? As he sells them and not sooner. They are not valid until stamped. No sir, they are not valid until stamped. By the Court. Did you examine the stamp that has been introduced in evidence? I have. Do you know the impression it produced? I have seen the impression. Was it such an impression as would give it validity? Yes sir, the impression from that stamp would pass current on our trains and in the office of the Auditor's Department.

There was no evidence offered for the Defence.

The Jury rendered a verdict of guilty of an attempt at forgery in the third degree.

0455

Testimony in the case

John P. Stanton

filed July 1885.

0456

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John P. Stanton and
Fitzgerald Connolly

The Grand Jury of the City and County of New York, by this indictment,
accuse John P. Stanton and Fitzgerald Connolly

of the CRIME OF Attempting to commit the
Crime of Forgery in the third degree,
committed as follows:

The said John P. Stanton and Fitzgerald
Connolly, each

late of the First Ward of the City of New York, in the County of New York afore-
said, on the fourteenth day of July, — in the year of our Lord
one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid,
with intent to defraud, did feloniously
attempt to forge and counterfeited a ticket
paper and writing purporting to be issued
by the New York, West Shore and
Long Island Railway Company, and to entitle
the holder or proprietor thereof to a
passage upon certain railroads from Al-
bany in the said State of New York to
Kansas City in the State of Missouri,
to wit: upon the railroad of the said
Railway Company from said Albany to
Suspension Bridge in the said State of
New York; from thence upon the Great
Western Division of the railroad of the
Grand Trunk Railway Company to Detroit
in the State of Michigan, and from thence

upon the railroad of the Western, St. Louis and Pacific Railway Company to said Kansas City; 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 John P. Stanton and George Bunday of the crime of Attempting to commit the crime of Forgery in the third degree, committed as follows:

The said John P. Stanton and George Bunday, each take of the Words, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with intent to defraud, did feloniously attempt to forge and counterfeit a ticket, paper and writing, which said ticket, paper and writing, so completed, and forged and counterfeit pursuant to the said attempt, would have purported to be issued by the New York, West Shore and Buffalo Railway Company, and to entitle the holder or possessor thereof

0458

to a passage upon certain railroads
from Albany in the said State of New
York to Kansas City in the State
of Missouri, to wit: upon the railroad
of the said the New York, West Shore
and Buffalo Railway Company from
said Albany to Suspension Bridge
in the said State of New York, from
thence upon the Great Western
Division of the railroad of the Grand
Trunk Railway Company to Detroit in
the State of Michigan, and from thence
upon the railroad of the Walworth, St.
Louis and Pacific Railway Company to
said Kansas City, against the form
of the Statute in such case made and
provided, and against the usage of the
People of the State of New York, and
their dissenting

Randolph B. Martin,

District Attorney

0459

BOX:

183

FOLDER:

1849

DESCRIPTION:

Stephan, James

DATE:

07/13/85



1849

0460

Witnesses:

William T. H. Jones
John Pauline
Officer Wiley

67

Deborne a

Counsel,

Filed 13 day of July 1885

Reads (Magistrate 16)

THE PEOPLE

vs.

P

James Stephan

July 21/85

Quitted

Swearing in the Third Degree.
Sections 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Allen D. Appan
The Affiant
M. J. of the Law
don't call him

0461

Police Court—H District.City and County }
of New York, } ss.:of No 339 W. 43occupation PainterWilliam Hepburn
Street, aged 44 years,deposes and says, that the premises No 764 St. Annue Street,in the City and County aforesaid, the said being a four story tenement
houseand which was occupied by deponent ~~as a~~ the Basement as a Paint Shop
and in which there was at the time ~~a~~ my human being, by nameAttempted by
were BURGLARIOUSLY entered by means of forcibly breakingA Light of Glass in the Door
of the Basement leading into deponent's
Paint Shopon the 6 day of July 1885 in the Day time, and the
attempted to following property feloniously taken, stolen, and carried away, viz:A Quantity of Paints
Oil & Brushes of the Value
of About Five Hundred
Dollarsthe property of deponentand 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 byJames Stephan (prose) and
two other person not arrested
for the reasons following, to wit:that this deponent has been
informed by John Barling
that the said James and
two other attempted to break into
deponent's paint shop. That

0462

about the hour of one o'clock
on the afternoon of the within date
the said Barking sitting on the stoop
lying in wait while the two others
not arrested broke the glass in the
door leading into Alpoen's paint
shop and attempted to carry
away the within mentioned property
sworn before me William Hepburn
this 7th day of June 1885

John Florman
Police Justice

Police Court — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

0463

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 12 years, occupation Shoe Black of No.

531 - W 216

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

William Hepburn

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

Sworn to before me, this

day of July

1883

John Baerlein

John Hermann

Police Justice.

0464

Sec. 198-200.

District Police Court.

CITY AND COUNTY {
OF NEW YORK, } ss

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

Question What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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

Answer.

James Stephens

Taken before me this

day of August 1885

John J. McNamee Police Justice.

0465

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

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

Dated 188 *John F. Carran* Police Justice.

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

Dated 188 *John F. Carran* 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 *John F. Carran* Police Justice.

0466

Police Court District. 695

THE PEOPLE, &c,
ON THE COMPLAINT OF

William Neuberger
#59 W. 43rd
vs.

James Stephan

2
3
4
JUL 9 1885

Attorney
George A. A. A.

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated June 7 1885

Gorman Magistrate.

Justice Officer.

Precinct.

Witnesses John Barrless

No. 531 W. 216 Street.

No. Street.

No. Street.

\$ 700 to answer

Chau

0467

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 Stephan

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

James Stephan of the crime of
attempting to commit

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

The said James Stephan,

late of the Seventh second Ward of the City of New York, in the County of
New York, aforesaid, on the twelfth day of July in the year of
our Lord one thousand eight hundred and eighty-five, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the shop of one

William Stephan,

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

William Stephan,

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

Randolph B. Martin
District Attorney

0469

BOX:

183

FOLDER:

1850

DESCRIPTION:

Stephens, Thomas

DATE:

07/14/85



1850

Witnesses:

Edgar Schumann

It appearing by the within affidavits that it is impossible to secure the attendance of *Mrs. Ernest Thompson* material and necessary witnesses for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein *Thomas Stephens*

be

Stephens

discharged on his own recognizance

W. R. June 20 1892

AD Macdonna

District Attorney

District Attorney

THE PEOPLE

vs.

B

Thomas Stephens

Jan 2 - June 20, 1892.

On motion of said atty. cell discharged on his own recognizance.

RANDOLPH B. MARTINE,

District Attorney.

Mr. Stephens, Jan 20, 1892, at a meeting in the Court House, June 1892.

A True Bill.

Allen J. Appen

Foreman.

0470

0471

New York July 9 1885
2^d - 20th Police Court
Hon J. H. Ford Presiding

On the
evening of the 20th of June
about the other day attention
was called to my brother
who was in the Hall
way 449, N. 28th St fighting
with another man. heard
him call me, I ran
over and found him
~~on~~ on the floor with the
Defendant Ed Stephens,
on top of him beating
him. I pulled him
off of my brother and
threw him one side,
he then hit me in
the face with his fist.
Coming out and fell
at the door, got up, pushed
a cart up out of the
truck, ran in the

0472

2

hall when I was, I
tried to get out of his way
he said "You son of a bitch
I will kill you", I struck
me on the shoulder
then he struck me on
the head and knocked
me on the ground. I walked
to the station house from
there I was taken to the
Hospital, I was confined
there three weeks

Hisp
C. L. Brown
Mail

I come before
me this 9 day of May 1885
J. H. Brown

Police Justice

0473

3

Jacob Schoemaker
I was present at the
mist of the occurrence
between the Captain
who is my brother and
the Defendant, Brady hit
me and pulled me in
the hall, Stephens followed
me in the hall and hit
me in the side of the
head. I called for my
brother, my brother came
over took hold of
Stephens and threw him
one side, then he
punched me further.
Stephens ran out and
fell got up again and
got a knife from Hymans
Cork, he went into the
hall after my brother
screaming - after my brother
that he would kill him
I smelt him once over
the shoulder

0474

H

+

And once on the
floor, knocked him down
and then he ran away.
~~A not true.~~

I was not at any time
knocked down by the blow.
Stephens was standing in
the hall one step from
the door when my brother
took hold of him.

The lady was present
during the time.

Q

It is not true, if a person
testifies that you were on the
ground?

A

I was not on the
ground, nor on the floor
and Stephens ^{was not} on top of
me.

Witness before me
this 9th day of July 1885
J. Murray Cook

Once Justice

0475

5.

The party 18 years of
age live at 4 West 28
Bet. Madison & Wisconsin
of last time I saw the
Stephens and Robt. Purtille
standing at the canal
bot at 1249 N. 28th St
I saw Jacob Schoonmaker
came down the canal
on the 18th. Deany, who
Brady was standing
in the canal. He said
Jacob Schoonmaker
threw the Brady and
knocked him into the hall
way. Ellis Schoonmaker
James Deany, and Stephens
Roburton and myself were
in the hall. Jacob was
knocked down. The Brady.
Stephens said let him
up. As he was lifting
Brady Ellis struck him.

0476

Three or four times and
 kicked him in the
 eye. ~~Stephens had him~~
 down Ellis Schoonmaker
 had Stephens down and
 kicked him in the eye.
 Ellis Schoonmaker threw
 him out of the hole
 he was coming to pick
 him up again as he
 Stephens picked the man
 up struck the back of
 a window and the
 man fell down and
 struck Ellis Schoonmaker
 head. Stephens then went
 into Mary's place to
 mark his face, which was
 bleeding and cut. The
 quarrel was on further.

Shown before me
 this 9th day of May 1885
 J. Kennedy

Thos. J. Watts

Justice

0477

7

Port Mill 442 N. 28 Dr
 21 years of age Director of
 Ice can. I was standing
 in company with Thomas
 Stephens our guide 449 N. 28 Dr
 Jacob and his Schoonmaker
~~Struck the Brady~~
 the Complainant brother
 Struck one Brady, Stephens
 and myself went into the
 hall, Stephens told Schoonmaker
 to let Brady up, Schoonmaker
 Struck Stephens, the two
 were locked in arms,
 Schoonmaker threw Stephens
 down, Jacob Schoonmaker
 then kicked Stephens, I
 pulled Jacob away from
 Stephens, while I was
 pulling him away some
 one else was trying to pull
 the other brother Ellis away,
 when they were pulling him
 away, Complainant said to
 defendant "let me get at him"

0478

18

"All Kill him." Stephens
got up, ran in the door,
& Choynmaker followed him,
I held his brother in the
hall way so he could
not get at Stephens.
Stephens was cut on the left
eye.

Arthur

John Justice

Presented before me
this 9th day of May 1885
J. M. [unclear]

John Justice

8

0479

Police Court Second District.

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

of No. 448 West 28th Street, aged 25 years,
occupation Truck driver being duly sworn
deposes and says, that on the 10th day of June 1885 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Thomas
Stephens (now here), who wilfully
and maliciously struck deponent two
violent blows, viz; one blow on the
right shoulder and one blow on
the top of the head with a cane
stung which he the said Stephens held
in his hand inflicting a compound
fracture of the skull.
Deponent charges that
he was assaulted by said Stephens
as aforesaid.

And
with the felonious intent to take the life of deponent, & 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 8 day
of July 1885.

Ellis Schoonmaker
mark

J. Henry Bond Police Justice.

0480

Sec. 498-200.

Second District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question. What is your name?

Answer. Thomas Stephens

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. New York

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

Answer. 429 West 28th Street, and 17 years

Question. What is your business or profession?

Answer. Gas-fitter

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 admit striking the Complainant in self-defence

Thomas Stephens

Taken before me this

8th

day of July

1885

Police Justice.

0481

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 B. Smith a Police Justice
of the City of New York, charging Thomas Stevens Defendant with
the offence of Assault on one Ellen
Schoonmaker

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

We, Thomas Stevens Defendant of No. 429
West 28th Street; by occupation a Machinist
and Andrew Myles of No. 357 West 17th
Street, by occupation a Cartman Surety, hereby jointly and severally undertake that
the above named Thomas Stevens Defendant
shall personally appear before the said Justice. at the 2nd 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 27
day of June 1885.

Wm. F. Fudge POLICE JUSTICE.

Thomas Stevens
Andrew Myles

0482

CITY AND COUNTY }
OF NEW YORK, } ss.

day of

Sworn to before me, this 27

188

Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth 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 the house and

lot situated at No 357 West
17th Street worth Ten Thousand
dollars over all encumbrances

Andrew Myles

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Thomas Stevens

Undertaking to appear
during the Examination.

Taken the 27 day of June 188

Justice.

W. E. L. L. C.

0483

ROOSEVELT HOSPITAL,

59th STREET & NINTH AVENUE.

New York, June 27 1885

This is to certify that Ellis Schoonmaker
is still a patient at this hospital,
that he continues to have no unfavorable
symptoms, that he is allowed up, &
that as such cases are commonly
considered he is out of all reasonable
danger.

George Woolsey M.D.
acting for James H. Montgomery
House Surgeon.

0484

ROOSEVELT HOSPITAL,

59th STREET & NINTH AVENUE.

New York, June 26th 1885

This is to certify that Ellis Schoon-
maker is still a patient at this
hospital. He has had no unfa-
vorable symptoms and is now
out of bed. He will be allowed to
go out in a few days and his
recovery seems almost certain.

James H. Thompson M.D.
House Surgeon.

0485

ROOSEVELT HOSPITAL,

59th STREET & NINTH AVENUE.

New York, June 22nd 1885-

This is to certify that there has
been no change in the con-
dition of Ellis Schoonmaker, since
the certificate, in regard to
his case, was given to a mes-
senger from the court of June 21st
James H. Montgomery M.D.
House Surgeon

0486

ROOSEVELT HOSPITAL,

59th STREET & NINTH AVENUE.

New York, June 16th 1885

Ellis Schoonmaker is still confined
to bed at this hospital suffering
from a compound fracture of the
skull. He is doing well, and
unless unfavorable symptoms arise,
his recovery now seems likely
James H. Turnbull M.D.
House Surgeon

0487

ROOSEVELT HOSPITAL,

59th STREET & NINTH AVENUE.

New York, June 13th 1885

Ellis Stenover is still confined to bed in this hospital with a compound fracture of the skull. He cannot be said to be out of danger, and the result cannot be predicted with any certainty at the present time.

James H. Munger, M.D.
House Surgeon

0488

ROOSEVELT HOSPITAL.

59th STREET & NINTH AVENUE.

New York, June 11th 1885

Ellis Sherman aged 25 was brought to this hospital about 11:30 pm on June 10th suffering from a compound fracture of the skull. His injuries are very serious and the result cannot be predicted at present.

James H. Montgomery M.D.
House Surgeon

0489

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Thomas M. Carmichael

of No. 20th Precinct Street, aged 58 years,
occupation Policeman being duly sworn deposes and says,

that on the 11th day of June 1885
 at the City of New York, in the County of New York, he arrested Thomas Stephens
 (now here) who was charged by Ellis Schormmacker
 with having on the 10th day of June 1885 struck him
 a violent and malicious blow on the top of the head
 with a cart-rung which he held in his hand,
 inflicting such serious injury, that the said Ellis
 Schormmacker is at present confined to the Roosevelt
 Hospital suffering from a compound fracture of the skull.
 Wherefore deponent prays that the said Thomas Stephens
 may be committed to await the result of the injuries
 so inflicted or until the said Schormmacker can
 appear in Court and make complaint.

Thomas M. Carmichael

Sworn to before me, this 14 day

of June

1885

day

Police Justice.

0490

Police Court, 2 District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Thomas Stephens

AFFIDAVIT.

Dated

June 12

188 6

John R. Smith Magistrate.

Thomas M. Smith Officer.
20 West

Witness,

Ex and default
resist of jury

Disposition,

June 27/87

The Justice Presiding
at the 2^d District Police
Court will please hear
and determine the
written case in my
absence

M. A. Smith
Police Justice

0491

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

Thomas Stephens

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

July 9th 1885

J. W. H. Ford

Police Justice.

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

Dated

July 9 1885

J. W. H. Ford

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.

0492

4000 bail for E.
July 9th 2. P.M.

4 July 9th 2. P.M.

BAILED,

No. 1, by

James A. Cowie

Residence

140 - 9th Avenue Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court

2nd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ellis Schoonmaker
448 No. 28 St.
Thomas Stephens

2

3

4

Offence performed
Pass and

Dated

July 8th 1885

1885

Magistrate.

Thomas McCormick Officer.

20th

Precinct.

Witnesses

No.

No.

No.

No.

\$

to answer

Gen.

Sessions.

Bailed

Dr. Jas. H. Montgomery not at

the Hospital has gone to Rochester

at

at

at

at

at

at

at

at

at

at

at

0493

affidavit waived

PART I.

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

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Thomas Mooney*
of No. *448 West 28* Street,

2 years
gone over
Mrs. Hand
8 years
in house
GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the *8* day of *September* instant, at the hour of eleven in the forenoon of the said day, to testify the truth and give evidence in our behalf, against *Thomas Stephens* in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *September*, in the year of our Lord 188

RANDOLPH B. MARTINE, District Attorney.

0494

Court of General Sessions.

THE PEOPLE

vs.

Thomas Stephens

City and County of New York, ss.:

Peter J. Boylan being duly sworn, deposes and says: I reside at No. 980 7th Avenue Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the 7 day of September 1887, I called at No. 44 West 2nd Street.

the alleged residence of Thomas Mooney the complainant herein to serve him with the annexed subpoena, and was informed by Mrs. Flann that she has resided there for the past 8 years, and that the said Mooney resided there about 2 years ago, and that he moved away but that she does not know where he now resides or where he can be found.

Sworn to before me, this 7 day

September

1887

Rudolph L. Schauf

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

Peter J. Boylan
Subpoena Server.

0495

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas Stephens

Offense:

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

Peter J. Bryan
Shoptown Server.

Failure to Find Witness.

0496

The People
vs.
Thomas Stephens

City & County of New York fs.:-

Ellis Schoonmaker being
duly sworn says:- That he resides at
No. 448 West 28 Street and is the
complainant against the above named
Thomas Stephens the defendant herein.

Deponent is informed and verily
believes that William Barnes a
Witness on behalf of the People herein
died at the sailors' Hospital on Swan
Island about July 7th 1886.

Deponent further says that Thomas
Mooney another witness on behalf of
the People herein has separated from his
wife, sold his furniture and moved to
parts unknown and that he does
not know where the said Thomas
Mooney now resides or where he
can be found.

Sworn to before me this } Ellis Schoonmaker
16th day of August 1887 }

Warner Brown

Notary Public

City & County of New York

0497

COURT OF GENERAL SESSIONS.

The People, &c.

VS.

Thomas Stephens

RANDOLPH B. HARTER
District Attorney

Affidavit of
Ellis Schoonmaker

The People
 vs.
 Thomas Stephens

City & County of New York, ss:—

Jacob Schoonmaker being duly sworn says:— That he resides at No 448 West 28 Street and resides there with his mother and brother Ellis Schoonmaker who is the complainant against the above named Thomas Stephens the defendant herein. Deponent further says that he was well acquainted with William Barnes a witness on behalf of the People herein, and that deponent has heard and verily believes that the said William Barnes died at the Sailor's Hospital on Staten Island since last fall more than seven months ago.

Deponent further says that he is also acquainted with Thomas Mooney a witness for the People herein and resided in the same house with the said Mooney. That the said Mooney separated from his wife about one year ago and sold all his furniture and moved away, since then deponent has not seen or heard of the said Thomas Mooney and don't know where he now resides

0499

or where he can be found.
Sworn to before me this } Jacob Schoonmaker
20th day of June 1877 }
Rudolph L. Scharf
Com. of Deeds
N. Y. City & Co.

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Thos. Stephens

RUDOLPH L. SCHARF
District Attorney

Affidavit of
Jacob Schoonmaker
that important
witnesses cannot be
found.

0500

Sailors Snug Harbor,

New Brighton, Staten Island, N. Y.

Governor's Office.

Sept 9th.

1887

Mr Rudolph S Scharf.

District Attorney's Office Ct. Y. C. C.

Dear Sir:

Your letter of 8th inst addressed to the
"Supt. of the Sailors Hospital Staten Island" is
delivered to us. I suppose we would state that
we have no inmate named William Barnes
nor do we know anything of such person.

Possibly your communication was intended
for the U. S. Marine Hospital at Stapleton
Staten Island of which Dr Walter Wyman
is Surgeon in charge - that being a Hospital
for Seamen also -

Yours Respy. J. J. Trask.
Gov. -

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Stephens

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

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

The said Thomas Stephens

late of the City of New York, in the County of New York aforesaid, on the Tenth day of June, in the year of our Lord one thousand eight hundred and eighty five, with force of arms, at the City and County aforesaid, in and upon the body of one Ellis Schoonmaker in the peace of the said People then and there being, feloniously did make an assault and injure the said Ellis Schoonmaker, in and upon with a certain the head of him the said Ellis Schoonmaker, with a certain part of which the said Thomas Stephens in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound and fracture, the same being such means and force as were likely to produce the death of the said Ellis Schoonmaker, with intent injure the said Ellis Schoonmaker, 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

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

The said Thomas Stephens

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 one Edwin S. Sprockmader in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and him the said

Ellis S. Schumaker,
with a certain part - run of —

which *the* said *Thomas Stephens* —
in *his* — right hand then and there had and held, the same being a
— *knife* — likely to produce grievous bodily harm, then and
there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound, and
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.

0502

THIRD COUNT--

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

Thomas Stephens
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thomas Stephens

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 one Ellis Schneider

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and ~~him~~ the said Ellis Schneider

in and upon the head and shoulder of ~~him~~ the
said Ellis Schneider did then and there
feloniously, wilfully and wrongfully strike, beat, grieve, bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon ~~him~~ the said Ellis Schneider,
grievous bodily harm, to the great damage of the said Ellis Schneider,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0503

THIRD COUNT---

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

The said Thomas Stephens _____

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 one Ellis Schoonmaker _____

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and ~~him~~ the said Ellis Schoonmaker

in and upon the head and shoulder of ~~him~~ the
said Ellis Schoonmaker did then and there
feloniously, wilfully and wrongfully strike, beat, injure, bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon ~~him~~ the said Ellis Schoonmaker, —
grievous bodily harm, to the great damage of the said Ellis Schoonmaker,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,
District Attorney.