0136

BOX:
164
FOLDER:
1673
DESCRIPTION:
Nathan, Nathan J.

DATE:
01/29/85

1673

Witnesses:

Wm W. Meeker
133 E 119th St

J

Counsel: W. Wickersham

Filed 29 day of Jan 1887

Pleads: Not guilty (30)

THE PEOPLE

B

Nathan D. Nathan

2 cases

MISDEMEANOR.

[Laws of 1884, Chapter 202, Section 6].

RANDOLPH B. MARTINE,
PETER B. OLNEY,

District Attorney.

A TRUE BILL.

W. W. Little

Foreman.

Recd Feb 19th 1887

0138

STATE OF NEW YORK,
City of Newyork } ss.
COUNTY OF Newyork

William W. Meeker of No. 133 East 119th Street, in the City of New York, being duly sworn, deposes and says: he is forty five years of age

That he is an expert

~~a State Agent~~ for the State of New York, appointed by Josiah K. Brown, New York State Dairy Commissioner, under chapter 202 of the laws of 1884, entitled "An Act to prevent deception in sales of dairy products," passed April 24, 1884, that his place of business is No. 350 Washington Street New York City; that on the 12th day of January 1885, at the City and County of New York, to wit: at No. ~~Forty~~ 244½ Grove Street in said City, one Nathan J. Nathan did then and there unlawfully ~~offer for~~ manufacture a certain oleaginous substance, and certain compounds of oleaginous substances, other than that produced from unadulterated milk, or cream from the same, which said substance and compounds thereof was designed to take the place of butter, ~~and that the said~~ Nathan J. Nathan In violation of Section 6. chapter 202 Laws of 1884 ~~did then and there unlawfully offer the same for an article of food.~~

That on said day deponent entered the store of the said, at the said number, and then and there found in the of the said and exposed for sale in said store, a quantity of such oleaginous substance and compounds of such oleaginous substances.

of the oleaginous substance and compounds thereof, as aforesaid, which deponent has since caused to be analized by experts, and the same has been found and deponent charges the same to be, not butter, but mostly composed of oleaginous substances, which are not produced from unadulterated milk, or from cream of the same, as appears from the certificate of analysis hereto annexed.

Wherefore, deponent prays that a warrant may issue for the arrest of the said Nathan J. Nathan, and that he may be dealt with as the law directs.

Sworn to before me, this day of January 1885

William W. Meeker

W. C. Brooks

Justice.

Wm. Police District

Court of The City and

County of New York

THE PEOPLE, &c.

W. W. Meeker

vs.

Nelson J. Nelson

Section 6. Ch. 202. Laws of 1884.

Affidavit:

W. W. Meeker

350 Washington St.

Witnesses:

Residence

Residence

Residence

0140

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. Nathan J. Nathan

Question. How old are you?

Answer. 41 years.

Question. Where were you born?

Answer. Germany

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

Answer. 543 West 58th Street 3 years.

Question. What is your business or profession?

Answer. Cloakmaker

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 of the charge. I desire to be tried at the Court of General Sessions.

N. J. Nathan.

Taken before me this 24 *day of* January *188*4

Police Justice.

0141

Police Court Second District.

Sec. 151.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by William H. Meeks of No. 133 East 119th Street, that on the 12th day of January 1885 at the City of New York, in the County of New York,

One Nathan J Nathan of No 24½ Grove Street did then and there unlawfully manufacture a Certain oleaginous Substance designed to take the place of butter in Violation of Section 6, Chapter 202 Laws of 1884.

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 2nd *District Police Court,* in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 21st *day of* January 1885

W. H. Meeks POLICE JUSTICE.

0142

Police Court Grove St District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William R. Meteer

vs

Nathan J. Nathan

Warrant—General.

Dated January 21st 1885

Welde *Magistrate.*

Lowry *Officer.*

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest,

Native of Gr

Age, 41

Sex,

Complexion,

Color, White

Profession,

Married, Yes

Single,

Read, Yes

Write, Yes

Jan 5-8-85

0143

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

Dated January 24 188 — Wm Rhodes *Police Justice.*

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

Dated January 24 188 — Wm Rhodes *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.*

0144

Police Court — 5 S 102 — District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
William H. Mestros
133 East 119th St
vs.
1 Nathan J. Sathan
2
3
4

Offence: Violation Sec. 2 Chap. 20 Penal Code

BAILED,
No. 1, by Emanuel Sanferty
Residence 228 Eldridge Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Dated January 24th 188
Wallace Magistrate.
Officer.
Precinct.

Witnesses
No. Street.
No. Street,
No. Street,
$ 300 to answer GS
Paid

0145

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Nathan J. Nathan

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

Nathan J. Nathan

of the Crime of ~~SELLING AS AN ARTICLE OF FOOD, AN ARTICLE MANUFACTURED~~ manufacturing OUT OF OLEAGINOUS SUBSTANCES AND COMPOUNDS THEREOF OTHER THAN THOSE PRODUCED FROM UNADULTERATED MILK, OR CREAM FROM UNADULTERATED MILK, ~~THE ARTICLE SO SOLD BEING~~ an article DESIGNED TO TAKE THE PLACE OF BUTTER PRODUCED FROM PURE, UNADULTERATED MILK, OR CREAM FROM THE SAME, committed as follows:

The said Nathan J. Nathan,

late of the City of New York in the County of New York aforesaid, on the twelfth day of January, in the year of our Lord one thousand eight hundred and eighty-five, at the City and County aforesaid, with force and arms, did unlawfully manufacture ~~of a certain article manufactured~~ out of oleaginous substances, and compounds of oleaginous substances, other than those produced from unadulterated milk, or cream from unadulterated milk, ~~unlawfully did then and there sell to one~~

a large quantity, to wit: ten thou=

~~as an article of food, the said article, so sold as aforesaid by the said~~

sand pounds of a certain article

~~being~~ designed to take the place of butter produced from pure, unadulterated milk, or cream from the same, (a more particular description of which said article, ~~so sold as aforesaid,~~ and of the oleaginous substances and compounds out of which the same was so manufactured as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,
PETER B. OLNEY,
District Attorney.

0146

BOX:
164
FOLDER:
1673
DESCRIPTION:
Nicholson, John

DATE:
01/15/85

1673

Witnesses:

H. P. K. Peck

853 Bway

133

133 ordered

Counsel,

Filed 15 day of Jany 1885

Pleads Not guilty (27)

with leave to withdraw &c. &c

THE PEOPLE

—vs.—

B

John H. Nicholson

29

93 Clinton Pl

Admit Agt

[Sections 242, 243, 245, Penal Code].

and Section 289, Code of Criminal Procedure.

RANDOLPH B. MARTINE,

PETER B. OLNEY,

District Attorney.

A True Bill.

Andrew Dill

Foreman.

Well Proved

Pr Feby 25. 1885

plead guilty.

Fined $200.

fd

0148

1

November 6th 1884 Examination Resumed.

David Hirsch being duly sworn deposes and says.

Q You are in the employ of the County Clerk of this county?

Ans Yes sir

Q as what?

A as record clerk in the County Clerks office?

Q Did you bring that paper from the files of the County Clerks office here to day? (showing witness a paper)

Ans Yes sir

Q when was it filed?

A May 9th.

Sworn to before me this 6th day of November 1884

[illegible] Justice

0149

1

Jacob Deaken called by the people being duly sworn say.

Q Where do you reside?

A 287 E Broadway.

Q Have you been employed by Mr Nicholson? Ans Yes sir

Q When?

A 6 months ago, I left 5 months ago I was an errand boy there.

Q State whether you went to any printers for him at any time?

Ans Yes I went with various printing matters and I brought them to him from the printers

Q Printed matters relating to the lottery drawing? Ans Yes sir

Q About how many of them was there as near as you can tell that you took from the printers?

A 500 or 1000 I dont know which

Q State what you know he done with them of your own knowledge?

A I dont know.

Cross Examined

Q Where did you work for Mr Nicholson?

A At Murray Street and 95 Christie place

Q How much of the time did you work

for him at 79 Murray Street and how much of the time did you work for him at 93 Clinton Place.

A Six months and I worked for him 2 months after that at Clinton Place. I believe I worked for him in Murray Street in the winter time and I think I worked at Clinton Place in June or July or August and July.

Q Look at that printed slip, did you ever see that before? (showing artiss)

A I believe I saw it in Murray Street.

Q How did you come to see that slip?

A I think I took it from the printers the bookkeeper gave me a proof to take to him in April or May.

Q Who was the bookkeeper?

A Sherwish Besq. he told me to take it down to the printers Hunzi and Domitzer at 79 Beekman Street and get them printed

Q And did you do so? A yes sir

Q Who did you give it to?

A I gave it to Mr Domitzer and told him to print it. I gave him the proof of it

Q Did Mr Nicholson send you down there with the proof?

4

Answer
Q In whose handwriting was that slip in
A I dont remember.
Q Did you go to the printers and get them slips? Anyhow about weeks afterwards. I gave them to the foreman at Dornitzer and when I got them I opened the packet and saw if they were the right ones.
Q Why this is one of the printed slips you received at Dornitzer and Ritzer (showing) Answer:
Q What did you do with the slips that you received from the foreman?
A Took them back to the office and gave them to the bookkeeper.
Q Did Mr Nicholson ever say anything to you about those slips? Yes
Q Do you know if any of those slips were put in the mail?
Q Did you ever see any of those slips put in the mail?
Answer
Q Is that your signature to that paper (showing) before Judge O'Reilly?
Answer
Q Is it true that sometime in the month

of March and April you were employed by Nicholson?
A Yes Sir
Q And during this time you took these to Hunger and Dornitzer? A Yes Sir
Q And you swear it was in March or April? A Yes Sir between March April and May.
Redirect
Q You stated you took these papers back to the prisoner did you meet or see anybody on the way back or at any time afterwards to whom you gave a copy of the circular?
A Yes Sir Mr Neat he is here;
Q In speaking of the time you were employed by Mr Nicholson at 7 Murray Street do you speak from positive knowledge or best recollection?
A From best recollection
Q When you gave this slip to Mr Neat what did he say?
A I just gave him the slip he read it and said nothing
Q Where was it?
A 55 Park row. On the hearing
Cross Examined

0153

6

Q What were you doing there?
A I just saw him there when I passed.
Q What did he say to you and what did you say to him?
A I didn't say anything I just gave him the
Q Did he ask you to come there?
A Yes sir I did it of my own free will

Sworn to before me
this 6th day of November 1884

Police Justice

0154

7

Charles West being duly sworn deposes and says:

Q Where do you reside?

A 23 Park row.

Q Look at that paper and see if it is your affidavit? (Showing witness)

A Yes sir

Q Mr West were you ever in the service of Mr Nicholson? A Yes sir

Q For what period of time?

A About 12 months.

Q When did you go there? A In March 83.

Q In what capacity were you employed by this man?

A As bookkeeper and correspondent.

Q State if you know anything of the prisoner having caused to be printed and circulated anything like that printed matter (Showing)

Objected to

By the Court Sustained

Q State whether or not the circulars such as deponent of were printed while you were with him?

A I had a large number of circulars printed

Q Do you know whether or not the defendant had printed the article

charged in this accusation as bill ?
Ans Yes Sir
Q State whether or not the envelope used by the defendant used in the month of May March or April bore any endorsement upon it ?
Objected to
By the Court. Sustained
Q State to next whether you have any knowledge as to whether the letter charged in this case has been circulated ?
Ans Yes sir I do know it has been circulated
Q By whom ?
A By Mr Michelson and people employed by him
Q Name any of the people that were employed by him ?
A Mr McCarthy, Donohue and Dunkey.
Cross Examined
Q What knowledge have you that the circular attached to this affidavit was circulated by the defendants ?
A None name.
Q Is that a copy of it attached to the circular
A I cannot swear to it

9

Q Have you any knowledge that the defendant circulated any of these printed slips?

A Yes sir I know his handwriting on the original copy sent to the printer and I have seen copies of the circular at his office

Q Did you see the defendant give any away? Answer

Q Have you ever seen him put any into a circular and send them away? Answer

Q While you were employed by the defendant did you have charge of his books?

A Yes sir

Sworn to before me this 6th day of November 1894

[signature]

John S Nicholson being duly sworn deposes and says

Q you are the defendant in this action

A Yes sir

Q where do you reside?

A 93 Clinton place

Q where is your place of business

A 7 Murray Street.

Q do you know the complainant?

A Yes sir

Q did you publish that article that libel (showing) A I did not.

Q did you cause it to be printed?

(A I did not)

Cross Examined

Q Now did it come to be printed (showing)

Objected to By the Court Sustained

Q did you cause it to be circulated?

A I did sir

Q did you compose that letter Mr Nicholson?

A No sir

Q did anybody in your office at your suggestion or direction compose it

A No sir

Q did anybody else set in your

11

affie did it at your suggestion?
Answer
Q Dayou know who did compare it?
Objected to
By the Court. Sustained
Q When did you first see that bill.
A I think the first sean of it was when this affidavit was presented to me. I dont know that I ever saw it before
Q Was it ever in your office six about March?
A I dont know.
Q Did you ever see it there?
A I dont remember ever seeing it
Q Did you ever have any correspondence with Mr John Jacksett. Ruthe P.O. Office Canada.
A I dont know.
Q Ask you if you used any envelopes in this business in March 1883 any of which bear the printed endorsement of Nicholson & Co. Ex upon which was stamped John S Nicholson Successor?
A Yes I think I did

Testimony of Stephen Jones for the Def. 1st day
Cross examination

0159

I do hereby certify that the within testimony of Romer & Rose and David Shrock, Jacob Deakin Charles West and John Nicholson is a true & correct copy of the original testimony as taken by me on said examination in stenography and as transcribed

Dated December 15th 1894.

Samuel J. Reilly
Schuylkill Co Pa

2

1

you have to pay for the Notary I will refund. by return of mail?

A I think I did if I didnt it was an oversight that was not intentional, it was always my purpose to repay any outlay any person had for me. or any expense.

Q Do you know of any single case where you remitted any money that was expended?

A My memory is that they didnt ask for it many of them. if it was any outlay it would probably be 25 to 50 cents for notary fees. I neither sent it in postage stamps to them or directed Chas Fuller my clerk to do so. I presume it was done.

Q How many affidavits did you receive in reply to this request of yours?

A I suppose I received affidavits in nearly every one of the 12 or 18 or what ever the number was, returning the specimens as drawn to the affidavit to identify them.

Q Mr Peck you were engaged in the business with Mr Nicholson for some time were you not?

Objected to
By the Court. Sustained

Q. Look at that and see if that circular was issued by you? (showing witness

A. Yes sir the circular is signed by me.

Marked for Identification Defts Ex. 2.

Q. Mr Peck are you the patentee of an ear drum as you state in your circular?

A. I am and here is the patent, and I have patents in Canada and England, the patent is numbered 235566. in the United States and is dated December 14th 1880. (producing the patent). This was issued to me.

Marked Defts Ex. 4. for Identification

Q. Did you make the ear drums which you sold under that patent?

A. Oh yes.

Q. And they conform to the specifications attached thereto?

A. Yes sir they are valuable improvements on the old English ear drum.

Q. This circular is the title of an action Homer P.K. Peck. against James H Nicholson, by James H Nicholson you referred to the defendant in this proceeding

A. Yes. but I was mistaken in the name

James it should have been John.

Q Was Mr Nicholson ever your agent for the patent ear drums?

A Yes sir he made a contract to sell them the contract was made on the 5th of September 1883 and he was to advertise them and obtain them of me at a low wholesale price and sell them as agent. and not to sell anything else for one year for deafness.

Q Do you know Mr V D Commoss?

A I may know such a man but I don't remember him now.

Q From Snyder Bluffs Texas?

A I don't recollect now I have so many correspondents very likely I may know him as a correspondent.

Q Did you ever write to him?

A Very likely

Q Was that a part of a letter that you wrote to him?

A It may be.

Q Is that your handwriting (showing)

A It looks like it

Mkd Defts Ex 5 for Identification

Q Mr Peck do you know E Duncan Griffen in this city?

Objected to.
By the Court Sustained
Complainants Counsel
Doe submit further to the Court
the original contract signed by
Mr Nicholson,
Offer in Evidence Notes Defts Ex 1.
I will also add that the complainant
Mr Peck will hereafter ask leave
to introduce from the clerks office
of the city and county of New York a
certain letter from Mr Nicholson
to Mrs. McCumber or McCumber
Sworn to before me
this 22d day of Oct 1884

Greg Justice

October 5th 1894.

Q Have you produce the affidavits you spoke of the other day?

A Here is one of William Patterson.

Q Can you tell where the affidavit was sworn to? Is there any seal on that affidavit?

A The only means of determining is by the seal of the Notary Public it was sent to me by mail

Q Did you write to William B Patterson to send it to you by mail?

A It is very likely I did

Q Did you write to him a letter similar to that one in form. (showing a letter)

A yes that is the form of the letter I sent to some of those people. and that is my signature,

Offered in evidence and marked Defendants Exhibit 1.

Q How many similar letters this did you send out.

A I think there were something like a dozen: perhaps from 12 to 18, according to my memory. there might have been a few more than that.

Q You say in your letter any fees

Homer P. K. Peck being duly sworn deposes and says,

By the Court;

Q Where do you reside?

A 380 – 3rd Street Brooklyn, and my office is at 853 B'way. N.Y.

Q What is your age?

A 66 years

Q What is your business?

A Patent Lawyer.

Cross examined on his affidavit

Q Are you the complainant in this proceeding?

A So far as these papers are concerned I am one of the complainants

Q Is that your signature? (showing witness)

A Yes sir.

Q Did you swear to that before the judge?

A Yes sir.

Q On the 27th of September 1884?

A On the day which it purports to be made there.

Q Do you know the defendant John H. Nicholson?

A. Yes sir.

Q How long have you known him?

A Since March 1883.

Q To how many justices have you presented this affidavit?—

A To Judge Patterson Judge O'Reilly and Judge Powers,

Q Do you know what time it was that you presented the affidavits to the two justices before you presented them to Judge O'Reilly?

A It may have been a few days, the way it was, was this, Judge Patterson when I presented the affidavits to him told me he wanted to see the injunction, and I went and got a certified copy of the injunction. I stopped at the Tombs Police Court thinking it would be more convenient for the witnesses, and Judge Powers told me that the jurisdiction of the case was at Jefferson Market if the defendant lived at Clinton Place as I had told him. I then came to Jefferson Market and when I got there Judge O'Reilly was there and he granted the warrant

Q Do you know anything of your own knowledge about the matter stated in your affidavit?

A. I think I know all about the matter stated in that affidavit.

Q You mean to say that all the matters and facts stated in that affidavit are true, do you?

A They are true as stated therein and not only so; by way of answering that question more fully I will ask permission of the Court to answer it particularly as to its truth

Q Do you know anything about the facts stated in this affidavit?

A The confirmation of my testimony is submitted there, I have ample knowledge of the facts to make that affidavit, I have a great many facts corroborative of my testimony.

Q Where did you get that slip that is fastened on there?

A This one was given to me by Mr. Douglas Smith.

Q When was it?

A The 13th day of last April according to my memory.

Q Was that the first time you saw it?

A I had not seen it prior to that.

Q Was this the first copy that you saw of this slip in your affidavit?

A No, I am not certain I received one or more of them before that.

Q Is this statement in the same condition that it was when you received it?

A It is in the same condition excepting that I carried it in my pocket and it became worn, the printed matter

is the same.

Q. By whom were these written insertions made?

A. The words of reference do you mean?

Q. Yes sir.

A. Those are references, innendoes made by the attorney referring to the matter.

Q. Does it read in the same way as the day you received it?

A. Yes sir it was identical with this one that was shown to me.

Q. This one has been in your possession ever since you received it?

A. Yes sir.

Q. You stated here that the defendant published the article to Wm. E. Dennitzer and Henry J. Werner?

A. Yes sir.

Q. What knowledge have you of that fact?

A. They told me so.

Q. When did they tell you so?

A. I think it was in July. I don't know the exact date, I did not put it down.

Q. What did they say to you at the time when they told they had received this? What did they say to you about this publication?

A. I presented that and I asked them if

they published that for Mr. Nicholson and they said yes that they printed it, and I asked them how many of them they had printed for Mr. H. Nicholson and they said "that is our business.

Q Was there any further conversation between you and this party with reference to the printing of that circular at that time?

A That was about the substance of it

Q Then you left?

A Yes sir.

Q Did you show them the article?

A I think it was the same article or one like it and asked them if they had printed it.

Q Which one of the two partners did you see?

A I really don't know which one of them I saw, I don't know them; the clerk was the one I saw first and he went for them,

Q Did you know either of these parties personally?

A I had no acquaintance until I went to their office

Q How many persons did you see there altogether?

A The clerk and one of the proprietors; two persons

Q Which one did you talk to?

A That is what I cannot say; I spoke to the clerk first

Q What did you say to him?

A I asked him if he knew it was printed at that office and he said he would send for one of the proprietors and find out, and he did so,

Q He sent ~~x~~ ~~[illegible]~~ ~~himself~~ for one of the proprietors and ~~when~~ ~~they~~ ~~came~~ ~~in~~ said, this is the gentleman?

A Yes sir; when they came in

Q What was substance of the conversation that passed between you and him

A I showed him that circular and asked if they printed it, and he answered yes

Q You don't know the name of the clerk?

A No, I went to 59 Beekman street, I think it is, the printing office up stairs.

Q Have you ever been there since?

A No sir

Q Do you know whether there is any more than one printing office in that building?

A I didn't notice any other.
Q You went to an office that had a sign up of Domitzer and Werner?
A Yes sir, I believe so.
Q What did the partner or clerk say to you on the subject of this circular?
A The clerks answer was that he would call one of the partners
Q Was there any other conversation passed between you and the clerk or between you and one of the proprietors in reference to the circular. Was that all the conversation that passed between you and the clerk?
A That is all as I stated it before
Q And that is all the conversation that passed between you and him and you left?
A Yes sir, I believe it was
Q Did the defendant ever threaten to break up your business?
A Yes sir, such a threat was made substantially to that effect.
Q And when and by whom were those threats made?
A From time to time during the last six or eight months I learned of them
Q To whom?

A It was done as I learned in various correspondences that I received. It consisted in acts calculated to undermine my business.

Q Name any persons?

A Charles West, and it was shown in his letter heads by changing the name of Peck's Patent Ear Drum to that of Our, ~~Patent~~ improved Ear Drum, on his letter head. like this (witness exhibiting one) and in affidavits of persons, sent to me by them, and contrary to this contract he made

Q I don't want to know when it was; I only want to know the persons to whom these threats were made?

A The threats were made and came to me through correspondence from different people which inclosed letters from the said J. H. Nicholson hostile to me in my business and which enabled me to form the judgment that he was trying to break up my business.

Q Name anyone of those persons?

A Mrs J. Tackett Ontario; she sent me these letters she had received from Nicholson. And a great many sent

me their names and affidavits stating they had purchased the ear drums attached of J. H. Nicholson and which were spurious imitations of my patent ear drums.

Q To whom those threats were made?

A Yes, here is another one from J. W. N Higgins of the affidavits.

Q Where does Higgins reside?

A At Jefferson county N. Y.

Q Have you any other names of the parties to whom threats were made

A These copies of these letters were sent to me from other people together with letters which he had sent out, one to Mrs Macumber Colorado Springs Colo. And the copies of testimonials which were in this book he used together with my copyrighted pamphlet to advertize a different appliance for deafness, by which he undertook to undermine and destroy my business

Q Any more names

A Yes, here is a letter of Sallie Martiny of Frankstown Md. and here is one from Wm B. Patterson agt. Jennings Ind who sent me an affidavit

indicating his purpose to break up my business

Defendants council moves to strike out all the evidence of the complainant and alas the testimony of the witness who testifies as to the names from the paper.

By the Court— Motion Denied

Q What knowledge have you that the defendant made any of these threats that you have testified to?

A Those facts which are presented here are evidence sufficient I think, and there is an abundance of them to show that he intended to rob me of my business or destroy it and to destroy and rob me of my character.

Q Have you any personal knowledge of any threats being made?

A No personal knowledge, only these letters and facts as I have stated

Q Have you any personal knowledge of the defendant having made any threats to break up your business?

A I had no personal interview with him since the first of last March

Q Have you ever been arrested Mr. Peck?

A Never in my life in that I know of

what has that got to do with this case

Homer R K Peck

Sworn to before me this 14th day of October 1884

David O Roff
Police Justice

The further hearing was adjourned to Tuesday Oct 21st 10 A.M.

0176

Sec. 192. 2d District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Frank M. Patterson a Police Justice of the City of New York, charging John H. Nicholson Defendant with the offence of Libel

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

We, John H. Nicholson Defendant of No. 95 Clinton Place Street; by occupation a Agent and Herbert W. Beecher of No. 138 East 16th Street, by occupation a Publisher Surety, hereby jointly and severally undertake that the above named John H. Nicholson Defendant shall personally appear before the said Justice at the 2d 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 Three Hundred Dollars.

John H. Nicholson

Herbert W. Beecher

Taken and acknowledged before me, this 29th *day of* September 188 5

F. M. Patterson Police Justice

0177

CITY AND COUNTY OF NEW YORK, } ss,

Herbert W. Beecher

the within named Bail and Surety being duly sworn, says, that he is a resident and Home holder within the said County and State, and is worth Six 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 Personal Property Contained in premises 138 East 16th Street and 240 Broadway in said City, being of the value of Three thousand dollars

Herbert W. Beecher

Sworn to before me, this day of September 188 9

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Geo. H. Nicholson

Undertaking to appear during the Examination.

Taken the 25 day of Sept. 188 9

Justice,

0178

District Attorney's Office
City & County of
New York

Oct. 20th 1884

Dear Sir,

O. H. Peck Esq
is authorized to represent
the prosecution in the
Case of The People vs.
Nicholson in which
Case the Defdt. is charged
with Libel —

Truly Yours
Rob't S. Olney

Hon.
Dan'l O'Reilly
Tombs

0179

To Esq. Police Justice
of the City of New York.

State of New York } s.s. Information.
City & County of New York }

853 Broadway Homer P. K. Peck
doing business in said City being duly sworn makes under oath this his information to the magistrate aforesaid against John H. Nicholson, defendant, and complains and alleges as follows, to wit:—

I. That on or about the first day of April A. D. 1884 at the City of New York the defendant John H. Nicholson, as complainant is informed, believes and suspects did falsely, maliciously and scandalously frame, make write and compose, and print and cause to be printed, in the form of a circular, a certain false, scandalous, defamatory and libellous writing of, concerning and against this complainant Homer P. K. Peck, and in these words, figures and matter, to wit:—

VERY IMPORTANT TO DEAF PERSONS.

(meaning one Douglass Smith)

Some few days ago I sent you a circular explaining that imitators were at work attempting to mislead people into buying inferior Ear Drums, claiming they were like ours. We sold Peck's Ear Drums, but found so many complaints that we discarded them, and have put a new and perfect Drum on the market. We enclose you a cut and description of same. Peck noticing the hold our new and perfect Drum took on the people, like a drowning man catching at a straw, has sent out a circular claiming that I was enjoined by the Supreme Court from doing business under the name of West & Co., and claiming that I was also enjoined against selling Drums.

(meaning this complainant's)

(meaning this complainant.)

This circular is false from one end to the other. I bought all right and title to the business of West & Co., see copy of bill of sale enclosed, and have all right and title to the New Improved Ear Drum which is such a bee in the bonnet of these imitators and prevaricators.

(meaning this complainant circulated a false circular.)

(meaning complainant to be an evader of the truth)

Have these imitators send you a cut and description of their Drums and see if they will do it. No Ear Drum maker in the world gives a cut and description of how the drums work excepting me. Peck is ashamed of his little piece of wire and rubber.

(meaning complainant, as one of "these people.")

When these people resort to infamous means to steal away our good name and reputation, ask them to send you a cut or photo of their drum and a description of the same, and then compare it with ours and we will abide the verdict with you as to which is the best. Now as these people are busy telling their story, and you may think it peculiar how Peck came to get your name, I will explain, I had a clerk in my employ who stole away a book of register of names of deaf persons and sold it to Peck. Peck got his bogus Supreme Court injunctions printed, and thought to induce some of my customers in this way to send their orders to him. You no doubt received one of those bogus Supreme Court injunctions signed not by a Supreme Court Judge, but by "Drummer" Peck himself. Be careful of those sharks who live on other people's money and drums and avoid them. They have no reputation to lose, and when they get your money that is all they care for.

(meaning this complainant.)

(meaning that complainant was guilty of forging injunctions and fraudulently publishing them as signed by a Supreme Court Judge but in fact feloniously signed by complainant in said Judge's name.)

(meaning that complainant took other people's money by fraud and that complainant is a disreputable person.)

I will prosecute any one who buys goods of those imitators. I am determined to wipe out this pirating on our reputation.

J. H. NICHOLSON,
Successor to West & Co.,
7 Murray Street, N. Y.

II. And complainant further alleges that with intention to scandalize and disgrace him this complainant and to bring him into public contempt, infamy and disgrace, the defendant John H. Nicholson (as complainant believes and suspects) afterward on or about the thirteenth day of April 1884 at this City and County of New York aforesaid unlawfully, wickedly and maliciously did send and cause to be sent through the mail to one Douglass Smith in an envelope addressed to the said Douglass Smith in said County the circular and libel aforesaid and the said Douglass Smith then and there opened said envelope and read said libel purporting to be signed by the defendant; and that the defendant John H. Nicholson did, by said libel and his said actings and the doings thereupon as aforesaid unlawfully wickedly and maliciously publish and cause to be published the said libel to the great damage, scandal infamy and disgrace of this complainant and against the peace of the People of this State and their

dignity.

And complainant further alleges that with the malicious and wicked intention to scandalize and disgrace this complainant and to bring him into contempt, infamy and disgrace the defendant John N. Nicholson (as complainant believes and suspects) did on or about the fifth day of April 1884 at the City and County of New York aforesaid - openly deliver and publish to William E. Dornitzer, Henry J. Winser - and divers other citizens in said County, State and elsewhere the said false, scandalous and libellous writing and composition and circular aforesaid to the great damage, infamy and disgrace of this complainant and against the peace of the People of the State and their dignity.

That as grounds for his suspicions, complainant has lately received from divers persons copies of said libel - signed J. N. Nicholson and other like scandalous writings and printings against him complainant and purporting to be signed by said J. N. Nich-

olson to wit:- the defendant and sent by him through the mail to such persons, and complainant is informed and believes that large numbers of said libels have been sent by said defendant signed by him to all parts of the United States and Canada to the great damage and disgrace of complainant; and further the said John H. Nicholson doing business at No. 7 Murray street New York City has threatened to break up complainant's lawful business of the manufacture and sale of his patented ear drums and to destroy complainants reputation as an industrious and law abiding citizen.

Wherefore complainant prays that the said John H. Nicholson be apprehended for the offence of the libels aforesaid and dealt with according to law.

Homer P. K. Peck

Taken and sworn to before me this 27 day of September 1884.

Daniel C. Pettit Police Justice

0184

State of New York
City & County of New York } s.s.

Charles West, 47 & 49 113 State St. being sworn saith: that he has read the affidavit of Douglass Smith in the proceeding of the People against John H. Nicholson for libel of, concerning and against the complainant Homer P. K. Peck and knows said Nicholson issued various circulars relating to Complainants Patented Ear Drums, at the bottom of which circulars was printed "J. H. Nicholson successor to West & Co - 7 Murray street N. Y." and deponent saith that the envelopes used by said defendant in and about his business and affairs bore the printed words "West & Co No 7 Murray st. N. Y." and that the libel stated in complainants affidavit therein has been circulated for some time.

Sworn & subscribed
this 27th day of Feb.
1884.
Daniel O'Reilly Police Justice

Charles West

0185

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

58 yr 33 St

Douglass Smith of the City of New York being duly sworn saith: that he has read the affidavit of Homer P. K. Peck wherein he charges — John A. Nicholson with the commission of the offence of libel upon said Peck and says that the printed circular therein headed "very important to deaf persons" is the circular received by him through the mail in an envelope directed to him and marked as from Hext & Co No. 7 Murray st. New York on or about the 13th day of April 1884 and that such circular was delivered by him to said Homer P. K. Peck on or about the 13th day of April 1884.

Sworn to before me this 27th day of September 1884

Douglas Smith

Saml C Barrett Police Justice

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

Jacob Dusskew residing at 214 Henry St. in said City being sworn saith:-

That in the months of March and April 1884 deponent was in the employment of the defendant John A. Nicholson at No. 7 Murray St. in said City: that he has seen printed copies of the circular set out in the annexed information or affidavit of Homer P. K. Peck, that as such employee, he was directed to take the manuscript of which said circular was a copy to Weiser & Domitzer No. 59 Beekman St. in said City and ask them to print circulars from said manuscript that he did so: that he has seen said defendant write and he believes the manuscript was in his defendants' handwriting: that afterwards deponent received such circulars so printed and brought them to defendants said office: that he saw them put into envelopes endorsed "Next & leo" &c and addressed and closed and deponent as directed put them

into the Post Office.

Deponent left said manuscript at Kruser & Dornitzer's in March or April last.

Jacob Dussiken.

Taken & sworn to before me this 27 day of September 1884

Saml C Reilly Police Justice

I.

The People of
The State of New York.

vs

John A. Nicholson

Complaint. &c.
Libel.

TORN PAGE

0189

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer John O'Nicholson

Question How old are you?

Answer 29 years

Question. Where were you born?

Answer. United States

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

Answer. 93 Clinton Place

Question What is your business or profession?

Answer. Agent

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

Answer. I am not guilty

John O'Nicholson

Taken before me this 9th *day of* Dec 188 }

Samuel C. McCullagh

Police Justice.

0190

Sec. 151.

Police Court Second District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Homer P. A. Peck of No. 853 Broadway Street, that on the First day of April 1884 at the City of New York, in the County of New York, John H. Nicholson did falsely, maliciously, and scandalously frame, make, write, and compose, and print, and cause to be printed in the form of a circular a certain false, scandalous defamatory and libelous writing concerning and against said complainant

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 Long *District Police Court,* in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 24 *day of* September 1884,

David C. Ruff POLICE JUSTICE.

0191

Police Court Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Homer P. N. Peck,

vs

John H. Nicholson

93 Clinton Place

Warrant—General.

Dated September 27 1884

Daniel O'Reilly Magistrate.

Campbell Officer.

The Defendant John H. Nicholson taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

William Campbell Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

..... Police Justice.

REMARKS.

Time of Arrest, Sept 30 1884

Native of N S

Age, 25

Sex,

Complexion,

Color, White

Profession, Cyt

Married, yes

Single,

Read, yes

Write, N

93 Clinton Place

0192

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

Dated Dec 1 188 4 Police Justice.

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

Dated Dec 1 188 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.*

0193

133 1626

Police Court — Second District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Homer P. K. Peck,
853 Broadway

1 John H. Nicholson

2

3

4

Offence Libel

RECEIVED DEC 15 1884 DISTRICT ATTORNEY

BAILED,

No. 1, by Huber H. Beecher

Residence 138 E 16 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated September 29th 1884

Daniel O'Reilly Magistrate.

Campbell Officer.

Cook Precinct.

Witnesses Charles West

No. 113 State street Brooklyn Street.

Douglas Smith

No. 58 West 33d Street,

Jacob Dresken

No. 241 Henry St Street.

$ 300 to answer G Sessions.

Oct 7 2 P M Bailed Dec 2 10 a M

14 10 a M

21 10 a M

Nov 6 10 a M

18 10 a M

0194

Russell Benedict,
Attorney and Counselor-at-Law,
Vanderbilt Building,
132, Nassau St., New York City.

People
vs
Nicholson
Feb 2 1885

Randolph B. Martine, Esq.
District Attorney,
New York City

Dear Sir:

In reference to the libel case against Jno. H. Nicholson, concerning whom I spoke to you on Friday.

I shall be happy to hear what determination you have reached, if any; and for this purpose, will call at your office at any time, after noon, indicated by you.

Yours very truly
Russell Benedict

0195

People
vs
Nicholson

TORN PAGE

0196

Salaries
Board of Education

$_____ CITY OF NEW YORK, FINANCE DEPARTMEN No._____

Comptroller's Office 1884.

THE HOME BANK
8th Ave. near 42nd St.

Pay to_____ or order

_____ Dollars

for Salary 1884.

HORACE HOLDEN, STATIONER, 62 WILLIAM ST N.Y.

City Paymast

TORN PAGE

0197

Jan 29/85

My dr Mr Penney

This will introduce Mr Benedict. and you kindly present him to the Museum with my compliments and say to him that I will appreciate any favor he can show as I personal

Yrs W Chandler

0198

SUPREME COURT OF NEW YORK,
County and City of New York.

H. P. K. PECK, *Plaintiff.*
vs.
JAMES H. NICHOLSON, *Defendant.*

INJUNCTION Granted.

Very Important to Deaf People.

J. H. NICHOLSON, has been enjoined by the Supreme Court of N. Y. from doing business at No. 7 Murray Street, New York, under the name of **WEST & CO.** as agent for the sale of PECK'S PATENT EAR DRUMS, and from receiving letters by mail ordering them, and is forbidden from selling said drums because he has violated his contract and infringed the patent by sending to customers a ***FRAUDULENT IMITATION,*** made of base metal and so crude and imperfect as to prove valueless and liable to injure the delicate organs of the ear, and has substituted other crude devices for Peck's Patent Ear Drums. His course has greatly damaged the good reputation of the Patent Ear Drums, and the good will of the business.

Hereafter all orders should be directed to

H. P. K. PECK,
Patentee,
853 Broadway, New York.

Also Proprietor STINSON'S CATARRH CURE for Deafness, and ASTHMA REMEDY.

0199

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 H. Nicholson

The Grand Jury of the City and County of New York, by this indictment, accuse John H. Nicholson of the CRIME OF Libel,

committed as follows:

The said John H. Nicholson,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the thirteenth day of April, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, unlawfully and maliciously did send, and cause and procure to be sent to one Douglas Smith, and did then and there unlawfully and maliciously part with the immediate custody of, under circumstances which exposed it to be seen and understood by the said Douglas Smith and divers other persons to the Grand Jury aforesaid unknown, and did then and there and thereby unlawfully and maliciously publish, and cause and procure to be published, a certain false, malicious, scandalous and defamatory libel, of and concerning one Homer P. K. Peck, containing the false, malicious, scandalous, defamatory and libellous

words and matters following, that is to say:

Very important to deaf persons.

Some few days ago I sent you a circular explaining that imitators were at work attempting to mislead people into buying inferior Ear Drums, claiming they were like ours, We sold Peck's Ear Drums, but found so many complaints that we discarded them, and have put a new and perfect Drum on the market. We enclose you cut and description of same. Peck, noticing the hold our new and perfect Drum took on the people, like a drowning man catching at a straw, has sent out a circular, claiming that I was enjoined by the Supreme Court from doing business under the name of West & Co.. and claiming that I was also enjoined against selling Drums.

This circular is false from one end to the other. I bought all right and title to the business of West & Co., see copy of bill of sale enclosed, and have all right and title to the New Improved Ear Drum which is such a bee in the bonnet of these imitators and prevaricators.

Have these imitators send you a cut and discription of their Drums and see if they will do it. No Ear Drum maker in the

world gives a cut and description of how the drums work, excepting me. Peck is ashamed of of his little piece of wire and rubber.

When these people resort to infamous means to steal away our good name and reputation, ask them to send you a cut or photo of their drum and a description of the same, and then compare it with ours, and we will leave the verdict with you as to which you want. Now as these people have been telling their story, and you may think it peculiar how Peck came to get your name, I will explain, I had a clerk in my employ, who stole away a book of register of names of deaf persons, and sold it to Peck, Peck got his bogus Supreme Court injunctions printed and thought to induce some of my customers in this way to send their orders to him. You no doubt received one of those bogus Supreme Court injunctions signed not by a Supreme Court Judge,

0202

but by "Drummer" Peck himself. Be careful of those sharks who prey on other people's money and brains and avoid them. They have no reputation to lose, and when they get your money that is all they care for.

I will prosecute any one who buys goods of those imitators. I am determined to wipe out this pirating on our reputation.

J. H. Nicholson,

Successor to West & Co.,

7 Murray Street, N. Y.

to the great damage of the said Homer P. K. Peck, 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.

0203

BOX:
164
FOLDER:
1673
DESCRIPTION:
Nolan, Joseph

DATE:
01/21/85


1673

Witnesses:

B. J. Corbin
894 - 2nd Av

Officer Thos Lynch
19th Precinct

#186

Counsel,

Filed 21 day of Aug 1885

Pleads Guilty (2d)

THE PEOPLE

vs.

P

Joseph Nolan
NU
23
334 & 33
fish business
single
father living

Forgery in the Second Degree.
Endorsement, etc.
(Sections 511 and 521.)

RANDOLPH B. MARTINE,

~~JOHN McKEON,~~

District Attorney.

Dr Feb 4/85 pleads guilty of an attempt to commit the offense charged in the 2nd Count

A True Bill.

Foreman.

Ebmira Ref.

0205

New York General Sessions.

PEOPLE ON MY COMPLAINT,

VERSUS

Ralph Nolan

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

1st I believe the defendant was under the influence of liquor at the time he committed the offence —

2nd I had no hand in the arrest of the defendant in this case, but was directed to sign an affidavit in the case —

3d Inasmuch this is the defendants first offence, and from the defendants surroundings I think it would serve the ends of justice if he were discharged

E. J. Corbin

Sworn to before me this 26 of February 1895

John W. Quinn
Notary Public

0206

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

POLICE COURT, 4 DISTRICT.

Chauncey J. Corbin

of No. 894 Second Avenue ~~Street,~~ being duly sworn, deposes and says,

that on the 16 day of January 1885

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

to him by Joseph Nolan (now here) with intent to cheat & defraud deponent, the annexed check drawn on the Fifth National Bank of the City of New York, for the sum of twelve dollars & ninety two cents ($12.92/100), signed by David De Venny & purporting to be indorsed by R. C. Baldwin.

That deponent is informed and believes, by Evelin W. Baldwin that said indorsement is a forgery: That de-

Sworn to before me, this day of 188

Police Justice.

0207

POLICE COURT—_____ DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated _____ 188

_____ *Magistrate.*

_____ *Officer.*

Witness, _____

Disposition _____

-ponent also believes said indors-
-ment to have been forged by de-
-fendant

C. J. Corbin

Sworn to before me
this 14th day of January 188

Police Justice

0208

CITY AND COUNTY
OF NEW YORK, } ss.

Evelin W. Baldwin

aged 32 years, occupation Fish & oyster Dealer of No. 1491 Park Avenue ~~Street,~~ being duly sworn deposes and says, that she has heard read the foregoing affidavit of Chauncey J. Corbin and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 17 *day of* January 1885

Mrs E W Baldwin

[illegible]

Police Justice.

0209

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Joseph Nolan 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? Joseph Nolan

Answer 22 years

Question. Where were you born?

Answer. New York City

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

Answer. 336 East 53 Street. 2 years

Question What is your business or profession?

Answer Fish & oyster business

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 intoxicated at the time I tried to pass the check & did not know what I was doing.

Joseph Nolan

Taken before me this 1 *day of* January 1887

Police Justice.

0210

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

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

Dated January 188 5 John M. Morris *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.*

0211

Police Court— 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Chauncey J. Corbin
894 vs. 2nd Av.

1 Joseph Nolan

3

4

Offence Larceny

Dated January 17 188 5

Murray Magistrate.

Quinn Officer.

19 Precinct.

Witnesses Gustave Mueller

No. 900 Second Avenue ~~Street.~~

Mrs E. W. Baldwin

No. 149 Park ave ~~Street,~~

No. Street,

$ 500 to answer

(Com)

BAILED.

No, 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No, 4. by

Residence Street,

0212

DISTRICT ATTORNEY'S OFFICE.

New York, January 16 1885

Recd from John W. Lomas Chief Clerk, a check signed by David Dennis, drawn to the order of R. C. Baldwin dated January 6 1885 for the sum of $12 exhibit in the case of Joseph Nolan charged with petit larceny.

Mos R. C. Baldwin

0213

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 Nolan

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

Joseph Nolan

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

The said Joseph Nolan,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Sixteenth day of January, in the year of our Lord one thousand eight hundred and eighty-five at the Ward, City and County aforesaid, having in his custody a certain instrument and writing, to wit: an order for the payment of money of the kind commonly called bank checks, which said bank check is as follows, that is to say:

Cor. 3d ave. and 23d St.

No. New York, January 16th 1885

Fifth National Bank,

Pay to the order of R. C. Baldwin

Twelve 92/100 Dollars $12 92/100

David De Vinney,

the said Joseph Nolan, afterwards, to wit, on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously did forge, and did cause and procure to be forged, and did willingly act and assist in the forging on the back of the said bank 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,

R. C. Baldwin,

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.

0214

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

Joseph Nolan

of the Crime of Forgery in the Second Degree, committed as follows:

The said Joseph Nolan,

late of the Ward, City and County aforesaid, afterwards, to wit, on the said Sixteenth day of January, in the year of our Lord one thousand eight hundred and eighty five, at the Ward, City and County aforesaid, ~~with intent to defraud~~ 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-check is as follows, that is to say:

Cor. 3d ave. and 23d St.

No. New York, January 16th 1885

Fifth National Bank

Pay to the order of R. C. Baldwin

Twelve 92/100 Dollars. $12 92/100.

David De Venny

and on the back 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: R. C. Baldwin,

with force and arms, and with intent to defraud, the said forged endorsement then and there feloniously did utter, ~~dispose of~~ and put off as true; he the said Joseph Nolan 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,
~~JOHN McKEON,~~ District Attorney.

02 15

BOX:
164
FOLDER:
1673
DESCRIPTION:
Norris, John

DATE:
01/12/85

1673

0216

BOX:
164
FOLDER:
1673
DESCRIPTION:
Conway Jr., Patrick

DATE:
01/12/85

1673

Witnesses:

Wm H Wilson

Henry Chapman

10 Pecked

#100
1. Kneass
2. H & K

Counsel,

Filed 12 day of Jany 1885

Pleads not guilty (18)

No. 1 Grand Larceny
2 Grand Larceny
Burglary

THE PEOPLE

vs.

1 John J. Norris

2

B

Patrick Conway Jr

Burglary in the THIRD DEGREE,

[Sections 498, 506, 526, 532

RANDOLPH B. MARTINE,

~~PETER B. OLNEY,~~

District Attorney.

P 2 Feby 13/85

No 1 tried & convicted 1 Mar 3 with recom. to mercy.

A True Bill.

Foreman.

P 2 Feby 14/85

No 2 tried & acquitted.

Jury 17/85

No 1 Pen one year

0218

Police Court—3rd District.

City and County of New York, } ss.:

William H. Wilcox

of No. 135 Bowery Street, aged 48 years, occupation Merchant being duly sworn deposes and says, that the premises No 135 Bowery Street, in the City and County aforesaid, the said being a Brick Building the first floor of

~~and~~ which was occupied by deponent as a Sales Room

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

were BURGLARIOUSLY entered by means of forcibly breaking the Glass of the Show Window of said Store

on the 6th day of January 1885 in the night time, and the following property feloniously taken, stolen, and carried away, viz: Two Satchels of the Value of Six dollars and one Leather Cuff Box of the Value of two dollars said property in all of the Value of Eight 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 John J. Morris & Patrick Conway (both now here)

for the reasons following, to wit: Deponent is informed by Henry Chapman of the 10th Precinct Police, that at the hour of about 3 o'clock in the morning said day the said defendants, leave the Window of the aforesaid premises, that when he came up to them they both run away that he arrested said Morris who had the afore described property in his possession

0219

Police Court _____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ _____ Bail.

Bailed by _____

No. _____ Street.

said Conway ran away
said Chapman further informs deponent
that at the hour of about 4 o'clock
he arrested said Conway

Sworn to before me this
6th day of January 1880

Wm H Wilson

John J Brennan Police Justice

0220

CITY AND COUNTY
OF NEW YORK, } ss.

Henry Chapman

aged 38 years, occupation Police officer of ~~No.~~ The 10 Precinct Police Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Millicent Wilson and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 6 *day of* January 188[illegible]

Henry Chapman

John J Gorman

Police Justice.

0221

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

John J Morris 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 John J Morris

Question. How old are you?

Answer 26 years

Question. Where were you born?

Answer. Brooklyn

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

Answer. 214 Grand Street 14 months

Question What is your business or profession?

Answer Boiler maker.

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

Answer. I am not guilty

John J Morris

Taken before me this 6 *day of* June 188 5

Police Justice.

0222

Sec. 198—200.

(3) District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Patrick Conway 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 Patrick Conway

Question How old are you?

Answer 28 years

Question. Where were you born?

Answer. New York

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

Answer. 214 Grand Street 15 years

Question What is your business or profession?

Answer Engineer

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

Pat. Conway

Taken before me this 6 *day of* July 188 }

Police Justice.

0223

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 Williams Patrick Conroy

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 January 6 188 5 John Hoffman *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.*

0224

37

Police Court— 8 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William H Wilson
135 Bowery

1 John J Morris
2 Patrick Conway
3
4

Offence Disorderly

Dated January 7 188

Gerrian Magistrate.

Chapman Officer.

10 Precinct.

Witnesses desk officer

No. Street.

No. Street,

No. Street,

$ 500 to answer GS

Centre St

BAILED,

No, 1, by

Residence Street.

No. 2, by Nathaniel Huggins

Residence Cosmopolitan Hotel

No. 3, by Conway Chambers Street and West Broadway

Residence Street.

No, 4, by

Residence Street,

0225

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 J. Norris and
Patrick Conway the younger

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

John J. Norris and Patrick Conway the younger

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

The said John J. Norris and Patrick Conway the younger, each ——

late of the Tenth —— Ward of the City of New York, in the County of New York aforesaid, on the sixth — day of January, 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 part of a building there situate, to wit: the Store — of one William

H. Wilson, ——

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

— William H. Wilson —

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.

0226

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said John J. Norris and Patrick Conway the younger

of the CRIME OF Petit LARCENY,

committed as follows:

The said John J. Norris and Patrick Conway the younger, each

late of the Tenth Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said Sixth day of January, in the year of our Lord one thousand eight hundred and eighty-five at the Ward, City and County aforesaid, in the night time of said day, with force and arms,

two satchels of the value of three dollars each, and one hoop of the value of two dollars,

of the goods, chattels and personal property of one William H. Wilson in the store of the said William H. Wilson 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.