

0112

BOX:

243

FOLDER:

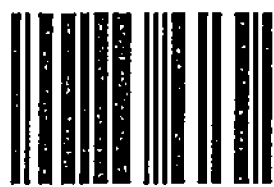
2362

DESCRIPTION:

Tate, Edward M.

DATE:

12/14/86



2362

POOR QUALITY  
ORIGINAL

0113

Witnesses:

Nicholas Dignito

Counsel, *Wm. H. Cox*  
Filed *14* day of *Dec* 188*6*  
Pleads *Not guilty (1st)*

THE PEOPLE

vs.

*Edward M. Tate*

Grand Larceny, 2nd degree  
(From the Person)  
[Sections 528, 531, Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Wm. H. Cox*  
*Dec 21/86*  
*Spec. & Foreman.*  
*Wm. H. Cox*  
*Levi Dix m.*



POOR QUALITY  
ORIGINAL

0114

The People  
vs.  
Edward M. Tate.

Court of general Sessions, part I.  
Before Judge gildersleeve.

December 22, 1886.

Indictment for grand larceny in the second degree.

Nicholas Diggio sworn and examined.      were you  
in the city of New York on November 25th?    yes sir.    At  
what time of day or night were you at 71 Sullivan Street?  
About ten o'clock in the morning, I just come out of my  
house and was standing on the sidewalk on the street; the  
defendant came and put up his hand and took my chain and he  
ran a couple of blocks.    did you run after him?    I ran about  
six or seven blocks.    did you see him all the time you  
were chasing?    Certainly.    That is, he never got out of  
your sight?    No sir.    You chased him right along and ar-  
rested him?    yes sir.    You are positive that the boy that  
you chased for six or seven blocks and never got out of  
your sight is this boy?    That is the boy.    This is the boy  
that pulled your watch and chain from you, that made you  
chase him?    yes s.r.    How much was it worth?    Ten dollars;  
it was my property.

Cross Examined.      Near what street is 71 Sul-  
livan Street?    Just across from my house, I do not know  
where Dominick Street is, Sullivan Street is the place  
where my watch was robbed.    I tried to pass the parade,  
but there was too many people, the defendant was passing  
and he pulled the watch and chain.    was there not a lot  
of people walking in the middle of the street, was there  
not a parade passing?    yes sir, a masquerade of ragmuffins.  
Was there not a large number of people walking on the  
same sidewalk that you were standing on?    yes sir, there

POOR QUALITY  
ORIGINAL

0115

were but he had his companions with him, I only saw him at the time when he grabbed my watch and gave it to his companion, he came from behind and then when he was along side of me he grabbed the watch and ran away, he reached his arm over from behind and pulled the chain, he ran away and I ran after him immediately, I run through the people that were standing on the sidewalk, he was right near me when he grabbed the watch, I was a block away when he passed it to his companion, I am positive that the prisoner is the man that took my watch.

John A. Savercool sworn and examined. I am a member of the municipal police and arrested the defendant in Dominick Street on the 25th of November, I was alone, I was standing on the corner of Varick and Spring Streets and saw a crowd turn down Clark Street, it was a block away, I went the other way around to meet them coming through the block, the complainant was running after the boy, I came in one end of the block about the same time they came in the other, the complainant said he stole his watch, he said that in the presence of the prisoner, the complainant had hold of him at that time, I told the prisoner I was an officer and I took charge of him.

Cross Examined. The boy said, I haven't got his watch, you can search me, that is the first word he said, I did not search him there but I searched him at the Station House, I found no watch on him. There was a parade there and I saw twenty or twenty-five people running, the first I saw of the complainant was when I turned into Dominick Street, they were running in Dominick Street from



POOR QUALITY  
ORIGINAL

0116

eye with which he dropped on the ground and then he ran away  
toward the crowd and the rest of the crowd after him, this was on Thanksgiving day.

Clark coming toward me, the defendant was running ahead and the complainant and the rest of the crowd after him, this was on Thanksgiving day.

Gatherine Tate sworn and examined for the defendant, testified: I am the mother of the defendant and live in 547 Greenwich Street, I have four children beside this boy, this boy has worked since he was fourteen years old and he is now seventeen or eighteen, he worked in different places, he brings home his wages, he keeps early hours and is a good boy.

James A. Sangston sworn. I work at 52 Leonard Street for Max Roll & Co., I know the defendant, he worked for the firm of L. L. Ganse, I have known him three years, he has worked in the same shop with me two and a half years, I was his foreman at the time, his general reputation for honesty is very good, he was always punctual and behaved himself well.

John Beatty sworn. I am a truck driver for Henry Zuber, I know the defendant three years, I live in the neighborhood where he resides and know other people who know him, his general reputation for honesty is very good, I never heard of his being in trouble before this.

Edward M. Tate sworn. I was never arrested before, I was in Sullivan Street on Thanksgiving morning and saw this parade going by, I heard the complainant say that I grabbed his watch and ran away but that is not true I saw him running with the crowd and I ran a little to get out of his way.

The Jury rendered a verdict of guilty of petty larceny with a recommendation to mercy.

POOR QUALITY  
ORIGINAL

0117

3

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES  
I, the undersigned, a Justice of the Peace of said County, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of said County.

Witness my hand and seal of office at Los Angeles, California, this 1st day of December, 1981.

\_\_\_\_\_  
Justice of the Peace

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

Testimony in the case of  
Edward M. Tate

filed  
Dec.  
1981



POOR QUALITY  
ORIGINAL

0118

Police Court—2 District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Nicholas Vigitto

of No. 71 Sullivan Street, aged 30 years,  
occupation Laborer being duly sworn

deposes and says, that on the 25 day of November 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

Person of deponent, in the day time, the following property viz:

one silver watch of the value  
of ten dollars

the property of deponent

and that this deponent

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

here, from the fact that while  
deponent stood in front of said  
premises on the side-walk, the  
said deponent came up and  
suddenly caught hold of the  
chain fastening said watch to  
deponent's belt and pulled said  
watch out of the belt pocket  
of the coat then on deponent's  
person, breaking said chain.  
That he immediately handed  
said watch to another man  
and deponent pursued the said  
deponent and apprehended him.

Nicholas  
Vigitto

Sworn to before me, this 26 day of November 1888

W. H. McLean Police Justice.

POOR QUALITY  
ORIGINAL

0119

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, { ss

*Edward M. Tate*

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

Question. What is your name?

Answer.

*Edward M. Tate*

Question. How old are you?

Answer.

*18 years of age*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*547 Greenwich St. 7 years.*

Question. What is your business or profession?

Answer.

*Umbrella 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. That is  
all I have to say.  
Edward M. Tate*

Taken before me this

*26*

day of *November* 188*8*

*W. H. Winters*

Police Justice.



POOR QUALITY  
ORIGINAL

0120

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

Police Court District

9<sup>th</sup> 1767

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nicholas M. Smith  
Edward M. Tate

Offence Larceny from the person

Dated November 26 1886

Magistrate  
Officer  
Precinct

Witnesses  
John W. Lawrence  
J. Paul. Police

No. \_\_\_\_\_ Street \_\_\_\_\_

No. 28<sup>th</sup> Street

\$10.00 to answer

Edward M. Tate

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

Edward M. Tate

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

Dated Nov 28 1886 Police Justice.

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

Dated \_\_\_\_\_ 1886 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 \_\_\_\_\_ 1886 Police Justice.

POOR QUALITY  
ORIGINAL

0121

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Edward M. Tate*

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

*Edward M. Tate*

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

The said

*Edward M. Tate,*

late of the City of New York, in the County of New York aforesaid, on the

*Twenty-fifth* day of *November*, in the year of our Lord  
one thousand eight hundred and eighty-*nine*, at the City and County aforesaid, in the

*day* time of the same day, with force and arms,

*one watch of the value of*

*ten dollars,*

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

*Handwritten signature*

District Attorney.



0 122

BOX:

243

FOLDER:

2362

DESCRIPTION:

Timoney, Francis

DATE:

12/22/86



2362

POOR QUALITY  
ORIGINAL

0123

Witnesses:

Thos. C. Sullivan

R. W. Moore

Counsel,

Filed 22 day of Dec 1886

Pleads, Indictment 23.

THE PEOPLE

vs.

Francis Timoney

MISDEMEANOR.

[Chap. 188, Laws of 1886, §§ 7 and 8, as amended by Chap. 677, Laws of 1886, §§ 2 and 3; § 480, Penal Code; Chap. 238, Laws of 1892, § 3; Chap. 246, Ibid., § 1; and Chap. 215, Ibid., § 2.]

RANDOLPH B. MARTINE,

Part 74, District Attorney.

Pleads Guilty

A True Bill.

S. J. Bonnetook

Foreman.

Done 11/08/87



POOR QUALITY  
ORIGINAL

0124

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

New York, *October 6<sup>th</sup>* 188*6*

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked *129 J<sup>234</sup> First Ave Apt 15/86 JH Gray*  
Received from *Mr B F Van Valkenburg* per *J B DuBois*  
on *Thursday Sept 16* 188*6*.

THE SAMPLE CONTAINS:

WATER,	- - - -	<i>6.33</i> %
ANIMAL AND BUTTER FAT,	-	<i>89.11</i> %
CURD,	- - - -	<i>1.55</i> %
SALT,	- - - -	<i>3.01</i> %
		<i>100.00</i>

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	-	<i>94.60</i> %
SOLUBLE " "	-	<i>.67</i> %
SPECIFIC GRAVITY OF THE FAT		
AT 100° F.,	- - - -	%
REICHERT FIGURE. C. C. $\frac{8}{10}$ Na OH.		<i>1.58</i>

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

Respectfully yours,

*Russell W. Moore*

Mr. *B. F. Van Valkenburg*  
*and Dairy Comr*

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

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

*E. J. DuBois*

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

POOR QUALITY  
ORIGINAL

0125

Ch. 129. J.  
Det. 6<sup>th</sup> St



and hearing of said Timoney, as and for butter the product of the Dairy; that thereafter on the 15th day of September 1886 deponent received such substance so sold to said Gray and delivered a portion of such substance so received by him from said Gray on the 16th day of September 1886 to Russell W. Moore a Chemist at School of Mines 4th Avenue and 49th Street in said City of New York and caused the same to be analyzed by such Chemist; that the certificate thereof made by such Chemist is hereto annexed; that such substance so sold and delivered to said Gray by said agent and person whose name is unknown to deponent, in presence of said Timoney, was not butter, the product of the dairy, and was not made from unadulterated milk or cream; that it was a manufactured oleaginous substance, not produced from milk or cream and had been made by mixing, compounding with and adding to natural milk, cream or butter, some animal fats, or animal or vegetable oils; not produced from milk or cream so as to produce an article, substance and human food in imitation and semblance of natural butter; that the said substance had been and was colored with some coloring matter whereby said substance was made to and did resemble butter the product of the dairy and was so colored thereby in semblance of and to resemble natural butter. Deponent charges that the said Thomas J.

Timoney against the Peace and dignity of the People of the State of New York and the statutes in such cases made and provided unlawfully, wilfully and knowingly so had such manufactured substance in his possession with intent to sell the same as and for butter made from unadulterated milk or cream and so offered the same for sale with such intent and so sold the said portion thereof to said Gray as and for butter the product of the dairy and caused the same to be so offered for sale and sold and was thereby guilty of a misdemeanor

Thomas A. DuBois

Known before me this  
11th day of September 1886  
Solomon D. Smith  
Notary Public

POOR QUALITY  
ORIGINAL

0127

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

POLICE COURT, 4<sup>th</sup> DISTRICT.

Thomas C. Du Bois

of No. 350 Washington Street, being duly sworn, deposes and says,

that on the \_\_\_\_\_ day of \_\_\_\_\_ 1886

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

that he resides at No 153 East 103<sup>rd</sup> Street in the City and County of New York, is 28 years of age and an expert appointed by Hon Josiah St. Brown, the New York Dairy Commissioner: that at the times hereinafter mentioned one Francis J. Imoney was a retail grocery dealer, and had his grocery store in a room in No 254 First Avenue, New York City and occupied and controlled such room; that on the 15<sup>th</sup> day of September 1886, deponent went into said store and such room so occupied and controlled by him and heard one Charles F. Gray, a boy, say to the servant and agent of said Imoney, then present, and in the presence and hearing of said Imoney, that he wanted to buy some butter; that the said agent and servant in the presence and hearing of said Imoney, in response thereto then and there sold and delivered to said Charles F. Gray, and said Imoney did permit and suffer his servant and agent then present, to sell to said Gray one pound of the manufactured substance hereinafter mentioned, for which said servant asked, and said Gray then and there paid him twenty five cents per pound. That it was so sold and delivered to said Gray by said agent in the presence



POOR QUALITY  
ORIGINAL

0 128

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles H. Gray*

aged 12 years, occupation \_\_\_\_\_ of No.

42 Norfolk

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Thomas C. Du Bois*

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

Sworn to before me, this

26<sup>th</sup>

day of November 1886

*Charles H. Gray*

*Solou B. Smith*

Police Justice.

POLICE COURT—4<sup>th</sup> DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

*Francis Timoney*

On Complaint of

*Thomas C. Du Bois*

For

*Misdemeanor*

After being informed of my rights under the law, I hereby ~~make~~ <sup>demand</sup> a trial, by Jury, on this complaint, and demand a trial at the COURT OF ~~SPECIAL~~ <sup>REGULAR</sup> SESSIONS OF THE PEACE, to be holden in and for the City and County of New York

Dated

November 27

188

6

*Solou B. Smith*

Police Justice.

*Francis Timoney*

POOR QUALITY  
ORIGINAL

0129

Sec. 108-200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK.

*Francis Timoney* 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.

*Francis Timoney*

Question. How old are you?

Answer.

*33 years*

Question. Where were you born?

Answer,

*Ireland*

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

Answer.

*252 1<sup>st</sup> Avenue, 8 years*

Question. What is your business or profession?

Answer,

*Grocer*

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 dont sell the stuff I dont know anything about it.*

*Francis Timoney*

Taken before me this *21<sup>st</sup>* day of *March* 188*8*  
*John J. McQuinn*  
Police Justice.



POOR QUALITY  
ORIGINAL

0 130

Sec. 151.

Police Court 4 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 Thomas C. DuBors

of No. 350 Washington Street, that on the 15 day of September

1886 at the City of New York, in the County of New York,

Francis J. Imoney at No 257 1st Ave  
did sell as butter a substance not  
made from unadulterated milk  
or cream

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 4 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, the 26 day of Nov 1886  
Solomon Smith POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0131

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated ..... 188

Magistrate

Officer.

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

*ap 33 Irish Res 252. - 1. Ave*  
Officer.

Dated *November 27* 188 *6*

This Warrant may be executed on Sunday or at  
night.

*Robert Smith*  
Police Justice

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

Dated

188

The within named

Police Justice



POOR QUALITY  
ORIGINAL

0132

BAILED,  
No. 1, by J. H. Smalley  
Residence 952 - 1<sup>st</sup> Ave  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court

4

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas & Audubon

Francis Timoney

2  
3  
4

Dated November 27 1886

Amick Magistrate.

Officer.

Precinct.

J. R. Gray

No. 350 Washington

Thomas & Audubon

No. 350 Washington

No. \_\_\_\_\_  
Street.

\$ 500 to answer 500.

Bailed

Offence Selling as Butter  
substance not made from  
unadulterated milk or cream

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 \_\_\_\_\_

Francis Timoney

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 Nov 27 1886

Solomon B. Smith Police Justice.

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

Dated Nov 27 1886

Solomon B. Smith Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

POOR QUALITY  
ORIGINAL

0133

**Court of General Sessions of the Peace.**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Francis Timoney*

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

*Francis Timoney*

(Chap. 183, Laws of  
1885, § 8,  
as amended by  
Chap. 577, Laws of  
1886, § 3.) of a Misdemeanor, committed as follows:

The said

*Francis Timoney*

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

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

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

*Francis Timoney*

of a Misdemeanor, committed as follows:

The said

*Francis Timoney*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, unlawfully did unintentionally sell and cause and procure to be sold  
to one *Charles S. Figary* ~~one pound~~

of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more  
particular description of which said substance and compound, and of the ingredients and matters of  
which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now  
be given), as and for butter, the product of the dairy; against the form of the statute in such case  
made and provided, and against the peace and dignity of the said people.



**POOR QUALITY  
ORIGINAL**

0134

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

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

*Francis Simoney*

of a Misdemeanor committed as follows:

The said

*Francis Simoney*

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

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

FOURTH COUNT: (Section 480, Penal Code)

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

*Francis Simoney*

of a Misdemeanor, committed as follows:

The said

*Francis Simoney*

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

*Charles S. Fygar* —

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

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

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

*Francis Simoney*

of a Misdemeanor, committed as follows:

The said

*Francis Simoney*

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

**POOR QUALITY  
ORIGINAL**

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

*Charles S. Fagan* —  
from a certain *tub and box* which was not then and there stamped, branded or marked as aforesaid, and unlawfully did not then and there deliver therewith to the said

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

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

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

*Francis Timoney* —  
of a Misdemeanor, committed as follows:

The said

*Francis Timoney* —

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

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

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

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

*Francis Timoney* —  
of a Misdemeanor, committed as follows:

The said

*Francis Timoney* —

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



**POOR QUALITY  
ORIGINAL**

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

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

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

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

*Francis Timoney*  
of a Misdemeanor, committed as follows:

The said

*Francis Timoney*  
late of the City and County aforesaid, afterwards, to wit: on the said *fifteenth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one *Charles X. Egan, one pound*

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

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

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

*Francis Timoney*  
of a Misdemeanor, committed as follows:

The said

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

*Charles X. Egan, one pound*

0137

BOX:

243

FOLDER:

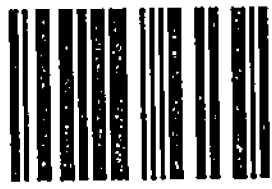
2362

DESCRIPTION:

Turner, John W.

DATE:

12/10/86



2362



POOR QUALITY  
ORIGINAL

0138

Witnesses:

Officer Price

Counsel,

Filed 10 day of Dec 1896

Pleads *Magistry (13)*

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.

[III, R. S., (7Ed), page 1981, § 18, and Laws of 1888, Chap. 840, § 5].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*J. W. Corbin*

Foreman.

*sent to Court of Special  
sessions for trial by  
consent of Grand Dec 10/96*

# 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 W. Turner*

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

*John W. Turner* —

(III. Revised  
Statutes, [7th  
edition] p. 1891  
Section 13).

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

The said

*John W. Turner*

late of the City of New York, in the County of New York aforesaid, on the *21st*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty *six* —, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of  
gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter,  
one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the  
Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to

*Jacob S. Rosman, and to* —  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the statute in such case made  
and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1889,  
chapter 840, sec-  
tion 5.)

SECOND COUNT:

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

*John W. Turner* —

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE  
AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*John W. Turner*

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, and at the premises there situate known as number

*52 and 54 West 31st Street,* —

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one  
gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of  
bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a  
certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to

*Jacob S. Rosman, and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank  
upon the premises aforesaid, without having a license therefor, as required by law, 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.

*Handwritten signature of District Attorney*

District Attorney.



Witnesses:

Officer Price

Counsel,

Filed *14* day of *Dec* 188*6*

Pleas *Guilty* 117

THE PEOPLE

vs.

*John W. Turner*

VIOLATION OF EXCISE LAW.  
[III, R. S., (1884), page 1981, § 18, and Laws  
of 1888, Chap. 840, § 67.]

RANDOLPH B. MARTINE,

District Attorney.

A TRUE BILL.

*M. Combs*

Foreman.

*sent to Court of Special  
Sessions for trial Dec 15/86  
by consent of Counsel*

# 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 W. Turner*

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

*John W. Turner*

(N.Y. Revised  
Statutes, [7th  
edition] p. 1691  
Section 18.)

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

The said

*John W. Turner*

late of the City of New York, in the County of New York aforesaid, on the *21st*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty *six*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of  
gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter,  
one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the  
Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to  
*Jacob S. Rossmann, and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the statute in such case made  
and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,  
chapter 840, sec-  
tion 5.)

SECOND COUNT:

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

*John W. Turner*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE  
AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*John W. Turner*

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, and at the premises there situate known as number *52*  
*and 54 West 31st Street,*  
certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one  
gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of  
bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a  
certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to  
*Jacob S. Rossmann, and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank  
upon the premises aforesaid, without having a license therefor, as required by law, 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.

*Handwritten signature*

District Attorney.