

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES

vs.

LOUIS WESOKY and
JACOB WESOKY.

NO. 21 MAY TERM, 1909.

NO. 23 MAY TERM, 1909.

KNOW ALL MEN BY THESE PRESENTS: That We, JACOB WESOKY, of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, as principal, and James H. Thompson, of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, as surety, are held and firmly bound unto the United States of America, in the sum of \$5000⁰⁰ Thousand Dollars, lawful money, to be paid to the said United States of America, its certain attorney or assigns, to which payment well and truly to be made, we bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally, firmly by these presents.

James SEALED with our seals and dated the 14th day of June in the year of our Lord, one thousand nine hundred and nine.

WHEREAS, The above named

James H. Thompson
at the special instance and request of the above bounden, JACOB WESOKY, standeth bound for said JACOB WESOKY to the United States of America, in the sum of \$5000⁰⁰ Thousand Dollars, conditioned for the appearance of the said JACOB WESOKY at the next term of the United States Circuit Court of Appeals, Third Circuit, to be held at the City of Philadelphia, in and for the County of Philadelphia, in the Commonwealth of Pennsylvania, to answer the judgment of the Court and such matters and things as shall then and there be found against him on the part of the United States, and abide by the judgment of said

Court.

NOW THE CONDITION OF THE ABOVE OBLIGATION IS SUCH,
That if the said JACOB WESOKY shall prosecute his appeal with effect
and answer all damages and costs if he fail to make his plea good,
and so abide the further orders of the Court touching the same, then
this obligation to be void, or else to remain in full force and virtue.

Jacob Wesoky (SEAL)

James N. Thompson (SEAL)

WITNESS:

R. M. Egan

STATE OF PENNSYLVANIA,)
COUNTY OF ALLEGHENY.) SS:

Personally appeared before me, James N. Thompson,
who being duly sworn, says that he is worth
the amount of the foregoing bond over and above all his just debts
and liabilities.

SWORN to and subscribed before me

this 14th day of June 1909.

W. J. Mearns

James N. Thompson

UNITED STATES COMMISSIONER,
WESTERN DISTRICT OF PA.,
Commission Expires July 1, 1912
HARRISBURG, PA.

O R D E R.

AND NOW, to wit: June 14th 1909, the foregoing bond is presented in open Court, and on motion of Counsel the same is approved and ordered filed. It is further ordered that said bond shall operate as a supersedeas in said case.

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C. W. C. W.

NO. 21
NO. 23

MAY TERM, 1909.
MAY TERM, 1909.

UNITED STATES

VS.

LOUIS WESOKY and JACOB WESOKY.

B O N D.

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S

John M. Haverty,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed *June 14* 1909.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES

vs.

LOUIS WESOKY and
JACOB WESOKY.

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NO. 21 MAY TERM, 1909.

NO. 23 MAY TERM, 1909.

KNOW ALL MEN BY THESE PRESENTS: That We, LOUIS WESOKY, of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, as principal and Julius Wesoky, of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, as surety, are held and firmly bound unto the United States of America, in the sum of \$5,000⁰⁰ Thousand Dollars, lawful money, to be paid to the said United States of America, its certain attorney or assigns, to which payment well and truly to be made, we bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Given SEALED with our seals and dated the 14th day of June in the year of our Lord, one thousand nine hundred and nine.

WHEREAS, The above named Julius Wesoky at the special instance and request of the above bounden, LOUIS WESOKY, standeth bound for said LOUIS WESOKY to the United States of America in the sum of \$5,000⁰⁰ Thousand Dollars, conditioned for the appearance of the said LOUIS WESOKY at the next term of the United States Circuit Court of Appeals, Third Circuit, to be held at the City of Philadelphia, in and for the County of Philadelphia, in the Commonwealth of Pennsylvania, to answer the judgment of the Court and such matters and things as shall then and there be found against him on the part of the United States, and abide by the judgment of said Court.

O R D E R.

AND NOW, to wit:

June 14th

1909, the
~~foregoing bond is presented in open Court, and on motion of Counsel
the same is approved and ordered filed. It is further ordered that
said bond shall operate as a supersedeas in said case.~~

NO. 21 MAY TERM, 1909.
NO. 23 MAY TERM, 1909.

UNITED STATES

vs.

LOUIS WESOKY and JACOB WESOKY

B O N D.

my

John M. Haverty,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed *June 14* 1909.

In the District Court of the United States,
For the Western District of Pennsylvania.

The United States,

vs.

Jacob Wesoky and
Louis Wesoky.

No. 22 May Term, 1909.

And, now, to wit, Oct 17 1910, the Court is moved
for leave to enter a Nolle Prosequi in the above-entitled case
for the reason that the same has been authorized by a letter
from the Honorable, the Commissioner of Internal Revenue, dated
June 29, 1910, a copy of which is hereto attached.



U. S. Attorney, West. Dist. of Pa.

And, now, to wit, Oct 17 1910, the foregoing
motion presented in open Court, and upon consideration thereof it
is hereby ordered that a Nolle Prosequi be entered in the above-
entitled case.



JBTT
I. P.

Copy

1385.38

TREASURY DEPARTMENT
WASHINGTON

TM

OFFICE OF
COMMISSIONER OF INTERNAL REVENUE
IN REPLYING QUOTE INITIALS

RMH

June 29, 1910.

J. H. Jordan, Esq.,

U. S. Attorney,

Pittsburg, Pa.

Sir:

Your letter of the 29th instant, reporting the disposition of the several cases against R. H. Pattison and N. O. Patterson, William H. Shipley et al., and Jacob & Louis Wesoky, has been received.

You state that all of these cases have been finally disposed of except No. 22 May Term, 1909, United States v. Jacob & Louis Wesoky, and you recommend that, as these parties are now undergoing sentences of imprisonment, you be authorized to enter a nolle pros as to this pending case.

In reply you are authorized to enter a nolle as requested, referring to this letter in your term report as authority.

Respectfully,

R. E. Cabell

Commissioner.

No. 22 May Term, 1909
In the District Court of the
United States, for the Western
District of Pennsylvania.

The United States

vs.

Jacob Wesoky and Louis
Wesoky.

Motion and Order for
Nolle Prosequi.

me D

Filed Oct. 17, 1910

John H. Jordan,
U. S. Attorney

RECORDED

1910

1st Court

In the District Court of the United States,
For the Western District of Pennsylvania.

Of May Sessions, A. D. 1909

Western District of Pennsylvania, ss.

The GRAND INQUEST of the United States of America,
now inquiring in and for the Western District of Pennsylvania, upon
their oaths and solemn affirmations, respectively, DO PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-first
day of January, in the year of our Lord, one thousand
nine hundred and nine, at the County of Allegheny, in said
Western District of Pennsylvania, and within the jurisdiction of
this Court, unlawfully did knowingly sell and offer for sale, and
deliver and offer to deliver, to one John Michael
certain oleomargarine, to wit, sixty pounds pounds, which
was not packed in a new wooden or paper package, or new wooden
or paper packages, as required by law, to wit, unlawfully did know-
ingly sell and offer for sale, and deliver and offer to deliver,
to said John Michael said oleomargarine which
was packed in ^{two} certain wooden tubs, or packages, which had been
theretofore used to contain oleomargarine; contrary to the form
of the Act of Congress in such case made and provided and against
the peace and dignity of the United States.

2^d Count Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore to wit, on the fourth day of January, in the year of our Lord, one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Joseph Strack certain oleomargarine, to wit, thirty pounds, which was not packed in a wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Joseph Strack said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

3^d Feb Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore to wit, on the Twenty-first day of January, in the year of our Lord, one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Stephen Butcher certain oleomargarine, to wit, sixty pounds, which ^{new} was not packed in a wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Stephen Butcher said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

4th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore to wit, on the fourth - seventh day of January, in the year of our Lord, one thousand nine hundred and twice, at the County of ALLEGHENY, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Morris Kamin certain oleomargarine, to wit, Thirty Pounds pounds, which was not packed in a wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Morris Kamin said oleomargarine which was packed in ^{thirty pounds in a wooden} certain wooden tub, ^{ex} package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

~~THE~~ 5th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOCKY and LOUIS WESOCKY,

late of said District, heretofore to wit, on the Twenty-fifth day of January, in the year of our Lord, one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Joseph Kellner certain oleomargarine, to wit, ninety pounds, which ^{new} was not packed in a wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Joseph Kellner ^{those} said oleomargarine which was packed in a certain wooden tub; or package; which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

37th 6th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESCKY and LOUIS WESCKY,

late of said District, heretofore to wit, on the fourth - ffth day of January, in the year of our Lord, one thousand nine hundred and twice, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one A. Borakowsky certain oleomargarine, to wit, Thirty pounds, which was not packed in a wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said A. Borakowsky said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

~~to~~ the 7th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY

late of said District, heretofore, to wit, on the Twenty-fifth day of November, in the year of our Lord, one thousand, nine hundred and ~~two~~ ^{eight}, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court,, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to one Michael Gurgach certain oleomargarine, to wit, Thirty pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Michael Gurgach said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

~~THE~~ 8TH Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY

late of said District, heretofore, to wit, on the twelfth day of December, in the year of our Lord, one thousand, nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court,, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to one Michael Gungach certain oleomargarine, to wit, Thirty pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Michael Gungach said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

8th 9th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY late of said District, heretofore, to wit, on the ninth day of December, in the year of our Lord, one thousand, nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court,, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to one George Delock certain oleomargarine, to wit, Thirty pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said George Delock said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

9th 10th Count.

And the GRAND JURIST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY

late of said District, heretofore, to wit, on the ninth day of December, in the year of our Lord, one thousand, nine hundred and Eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court,, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to one B. L. Dimickovitz certain oleomargarine, to wit, Thirty pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said B. L. Dimickovitz said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

11th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore to wit, on the ninth day of December , in the year of our Lord, one thousand nine hundred and eight , at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Mrs. E. Albert certain oleomargarine, to wit, fifteen pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Miss E. Albert said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

12th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore to wit, on the Twelfth day of December, in the year of our Lord, one thousand nine hundred and ninth, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one H. Lebowitz certain oleomargarine, to wit, ten pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said H. Lebowitz certain oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

13th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore to wit, on the Twelfth day of December, in the year of our Lord, one thousand nine hundred and Eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale and deliver and offer to deliver, to one Stephen Nowaczyjki certain oleomargarine, to wit, thirty pounds, which was not packed in a new wooden or paper package, or new wooden or paper packages, as required by law, to wit, unlawfully did knowingly sell and offer for sale, and deliver and offer to deliver, to said Stephen Nowaczyjki said oleomargarine which was packed in a certain wooden tub, or package, which had been theretofore used to contain oleomargarine; contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

122 10th 14th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Tuesday - first day of January, in the year of our Lord, one thousand nine hundred and nine, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, sixty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

~~THE~~ 15th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-first day of January, in the year of our Lord, one thousand nine hundred and nine, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, Thirty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper Firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

~~Page~~ 16th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-first day of January, in the year of our Lord, one thousand nine hundred and nine, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, Eighty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

Page 17th count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the fourth - november day of January, in the year of our Lord, one thousand nine hundred and ninety, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, thirty six pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

742 18th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-fifth day of January, in the year of our Lord, one thousand nine hundred and nine, at the County of Allegheny, in said western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, twenty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in ~~a~~ ^{three} certain wooden tubs, or packages, which had theretofore been used to contain oleomargarine, and not in ~~a~~ new wooden or paper firkin; tubs or packages, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

Firkin 19th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Fourth - Fifth day of January in the year of our Lord, one thousand nine hundred and twins, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, Thirty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

10th 20th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-fifth day of November, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, Thirty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package ^{as} required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

FIR 2/2nd Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the month day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, Thirty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

18th 22^d Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the ninth day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, sixty ^{two} pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in ~~a~~ certain wooden tub; or package; which had theretofore been used to contain oleomargarine, and not in ~~a~~ new wooden or paper firkin; tubs or packages as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

1974 23d Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the first day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit, four hundred ^{seven} forty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

24th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY late of said District, heretofore, to wit, on the Ninth day of December, in the year of our Lord, one thousand nine hundred and ninety, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit: fifteen pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided against the peace and dignity of the United States of America.

25th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY
late of said District, heretofore, to wit, on the Twelfth day
of December, in the year of our Lord, one thousand nine
hundred and eight, at the County of Allegheny, in said Western
District of Pennsylvania, and within the jurisdiction of this Court,
unlawfully did knowingly pack certain oleomargarine, to wit:

Ten pounds of oleomargarine artificially colored to
look like butter of a shade of yellow, in a certain wooden tub, or
package, which had theretofore been used to contain oleomargarine,
and not in a new wooden or paper firkin, tub or package, as required
by law; contrary to the form of the Act of Congress in such case
made and provided against the peace and dignity of the United States
of America.

26th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY late of said District, heretofore, to wit, on the Twenty day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly pack certain oleomargarine, to wit:

Thirty pounds of oleomargarine artificially colored to look like butter of a shade of yellow, in a certain wooden tub, or package, which had theretofore been used to contain oleomargarine, and not in a new wooden or paper firkin, tub or package, as required by law; contrary to the form of the Act of Congress in such case made and provided against the peace and dignity of the United States of America.

Feb 27th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WMSOKY and LOUIS WMSOKY,

late of said District, heretofore, to wit, on the Twenty-first day of January, in the year of our Lord one thousand nine hundred and nine, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one John Michael, certain wooden firkins, tubs or packages, of oleomargarine, to wit, two firkins, tubs or packages, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars, the internal revenue tax due the United States on the oleomargarine in said tub ^{and package} contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

Book 28th Count.

77

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-first day of January, in the year of our Lord one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Joseph Krass certain wooden firkins, tubs or packages, of oleomargarine, to wit, one firkin, tub or package, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, ~~each~~ of which said firkins, tub or package, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, ~~had~~ affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Five Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

And 29th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-ninth day of January, in the year of our Lord one thousand nine hundred and nineteen, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Stephen Butcher certain wooden firkins, tubs or packages, of oleomargarine, to wit, Two firkins, tubs or packages, ~~each~~ ^{one} containing sixty pounds, The other thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Six Dollars and Five Dollars ^{respectively} ~~Dollars~~, the internal revenue tax due the United States on the oleomargarine in said tubs contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

Page 30th
Court.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the fourth day of January, in the year of our Lord one thousand nine hundred and twelve, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Morris Kuman, a certain wooden firkins, tubs or packages, of oleomargarine, to wit, one firkin, tub or package, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, ~~each~~ of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, ~~each~~ of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

231st Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the twenty-fifth day of January, in the year of our Lord, one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Joseph Kellner certain wooden firkins, tubs or packages, of oleomargarine, to wit, three firkins, tubs or packages, each containing thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, ~~have~~ as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of three Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

77th 32^d Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the fourth day of January, in the year of our Lord, one thousand nine hundred and seven, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one A. Booth-Cavory a certain wooden firkin^s, tub^s or package^s, of oleomargarine, to wit, one firkin^s, tub^s or package^s, ~~each~~ containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, ~~each~~ of which said firkin^s, tub^s or package^s, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, ~~each~~ of said tubs did not, ~~mark~~ as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

Reil 33d Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the ninth day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Michael Grogan, a certain wooden firkin~~s~~, tub~~s~~ or package~~s~~, of oleomargarine, to wit, one firkin~~s~~, tub~~s~~ or package~~s~~, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, ~~each~~ of which said firkin~~s~~, tub~~s~~ or package~~s~~, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, ~~each~~ of said tub~~s~~ did not, ~~have~~ as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

27th 34th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the ninth day of December, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Precision Supply Co. certain wooden firkins, tubs or packages, of oleomargarine, to wit, Two firkins, tubs or packages, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, ~~have~~ as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

§ 81h 35th
Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the fifteenth day of November, in the year of our Lord, one thousand nine hundred and eight, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Max Reck a certain wooden firkin, tub or package, of oleomargarine, to wit, one firkin, tub or package, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkin, tub or package, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, ~~have~~ as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

Sept 36th
Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the Twenty-ninth day of January, in the year of our Lord one thousand nine hundred and ninety, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one East Brothers certain wooden firkins, tubs or packages, of oleomargarine, to wit, one firkin, tub or packages, each containing Thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, ~~each~~ of which said firkins, tubs or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Five Dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

U. S. Attorney, West. Dist. of Penn'a.

37th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit: on the Ninth day of December, in the year of our Lord, one thousand nine hundred and ~~one~~^{eight}, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Miss E.

About certain wooden firkins, tubs, or packages of oleomargarine, to wit: One firkin, tub, or package, ~~each~~ containing fifteen pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs, or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of One $\frac{50}{100}$ dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

38th Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit: on the twelfth day of December, in the year of our Lord, one thousand nine hundred and ~~nine~~^{eight}, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one H. Lebonitz certain wooden firkins, tubs, or packages of oleomargarine, to wit: One firkin^s, tub^s, or packages, each containing ten pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloring that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs, or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that ~~is~~ to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of One dollars, the internal revenue tax due the United States on the oleomargarine in said tub ~~amntained~~, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

39 cts Count.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, THAT

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit: on the twelfth day of December, in the year of our Lord, one thousand nine hundred and ~~nine~~^{eight}, at the County of Allegheny, in said Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did knowingly sell and offer for sale to one Stephen Nowajyski certain wooden firkins, tubs, or packages of oleomargarine, to wit: One firkin~~s~~, tub~~s~~, or packages, each containing thirty pounds of oleomargarine to which had been added, and with which had been mixed, certain artificial coloration that caused the same to look like butter of a shade of yellow, each of which said firkins, tubs, or packages, was not then and there stamped, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has prescribed in the premises, that is to say, each of said tubs did not, as was prescribed by the Commissioner of Internal Revenue, have affixed and attached thereto a certain internal-revenue stamp denoting the payment to the said United States of Three dollars, the internal revenue tax due the United States on the oleomargarine in said tub contained, being a tax of ten cents per pound on said oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

John H. Jordan
U.S. Attorney, W. D. Pa.

BACK OR COVER OF INDICTMENT

WITH

PLEA AND JUDGMENT.

Witnesses:

John Michael
 Jos. Skrak
 Stephen Butelko
 Morris Nieman
 Jos. Kellner
 S. Bartkowsky
 Michael Gregach
 Geo. Delost
 B. L. Simkowitz
 Mat Recht
 Jacob Berkowitz
 H. S. Fover
 J. W. O'Connor
 C. L. Sprung
 C. L. Criss
 L. M. Shalva
 C. T. Freeman
 Louis Kunkel
 S. P. Smith
 J. Fullerton
 B. Young

E. S. Nutt
 E. A. Dingwall
 Mrs. M. A. Becht
 Mrs. Jos. Skrak
 Mary Polynog
 Richard Miller
 R. T. Lacombe
 J. B. Coy
 Geo Gregach
 Miss E. Albert
 H. Lebowitz
 S. Nowakowski
 John Simkowitz
 Mrs. L. Marshall
 A. Reichbaum

Abv witnesses sworn by me this 4
 day of May 1909

No. *May Term, 1909*
Rule Docket
 No. *22*

United States District Court,

Western District of
 Pennsylvania.

THE UNITED STATES

vs.

Jacob Wesoky and Louis Wesoky

INDICTMENT FOR

*1-19 packages: selling obscene games packed
 in packages then put out for sale
 20 & 29 packages: selling obscene games
 packed in boxes not stamped as required
 by law*

A TRUE BILL.

Alfred W. ...

Foreman Grand Jury.

Filed *May 11* 1909

W. H. Jordan
 Clerk.

John H. Jordan,
 U. S. Attorney.

The defendant _____ waives arraignment and pleads _____ in open Court, this _____ day of _____, 1909.

VERDICT.

We, the jury, find the defendant _____

this _____ day of _____, 1909.

SENTENCE.

Foreman.

Whereupon, it is considered, ordered, and adjudged by the Court, that the said defendant _____

be imprisoned in the common jail of _____

County, for the term of _____

months, that he pay a fine of _____

dollars and costs of prosecution, and that he

remain imprisoned in said jail until said fine and costs are paid, or until he is otherwise discharged by law.

In open Court, this the _____ day of _____, 1909.

Dec. 17, Recy. Aug. 2, 1886
1 Dep. 507.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

Of May Sessions, A. D. 1909.
Western District of Pennsylvania, ss.

The GRAND INQUEST of the United States of America,
now inquiring in and for the Western District of Pennsyl-
vania, upon their oaths and solemn affirmations, respective-
ly, DO PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the ^{25th}~~24th~~

day of January, in the year of our Lord one
thousand nine hundred and twins at the County of Alle-
gheny, in the Western District of Pennsylvania, and within
the jurisdiction of this Court, being then and there persons
engaged in carrying on the business of manufacturing oleo-
margarine, to wit, persons engaged in selling, vending and
furnishing oleomargarine for the use and consumption of oth-
ers (not for the family table or tables of either or both of
them, without compensation), which said oleomargarine had
added to and mixed with it by them, said Jacob Wesoky and
Louis Wesoky, certain artificial coloration and coloring mat-
ter that caused it to look like butter of a shade of yellow,
unlawfully did defraud the said United States of the tax on
certain oleomargarine, to wit, thirty pounds, produced by
them; that is to say, the said Jacob Wesoky and Louis

Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United States of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, thirty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one Joseph Kellmer, and removing for consumption and use from their manufactories (said manufactories then being upon the premises at No. 12 Carpenter Alley, in rear of premises at No. 12 ^{see premises on} Trumbull St., at No. 12 Trumbull St., Pittsburgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

2nd COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 2/5/54 day of January, in the year of our Lord one thousand and nine hundred and seven, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, eight pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United States

of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky, did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, eighty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one Stephen Buechse, and removing for consump-

tion and use from their manufactorys (said manufactorys then ^{upon the premises at No. 12 Poplar Alley, in city of Pittsburg, at No. 12, Thunders St.,} being ^{and} upon the premises at No. 1231 Poplar Alley, ^(each premises was) Pittsburg,

in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United states; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

3rd COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 27th day of January, in the year of our Lord one thousand and nine hundred and twain, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, Twenty pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United

States of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, Thirty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one Morris, and removing for consumption and use from their manufactories (said manufactories ^{being upon premises at No. 12 Carpenter Alley, in near No. 24 Townsend St., and} ^{said premises in} ~~then being~~ upon the premises at No. 1231 Poplar Alley, Pittsburgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

4th COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 25th day of November, in the year of our Lord one thousand and nine hundred and ^{eight} ~~seven~~, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, thirty pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United States

of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky, did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, Twenty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one Michael Grogan, and removing for consumption and use from their manufactories (said manufactories then being at No. 12 Carpenter Alley, in rear of No. 12 Townsend St., and being upon the premises at No. 1231 Poplar Alley, ^{each place in} Pittsburgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United states; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

576 COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 21st day of December, in the year of our Lord one thousand and nine hundred and twelve, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, Thirty pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United

States of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, Thirty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one George DeLoak, and removing for consumption and use from their manufactorys (said manufactorys *being at No. 12 Carpenter Alley, in rear of Premises at No. 12 Townsend St., at No. 12 Townsend St., and each place in ~~these~~ being upon the premises at No. 1231 Poplar Alley, Pitts-*burgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

676 COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the 9th day of December, in the year of our Lord one thousand nine hundred and twine, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, Thirty pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United States

of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky, did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, Thirty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one B. L. Linn County, and removing for consumption and use from their manufactory (said manufactory then being at No. 12 Coppleton Alley, in ~~near~~ ^{each} ~~the~~ ^{of} ~~the~~ ^{the} ~~premises~~ ^{premises} at No. 12 Poplar Alley, Pittsburgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

7th COUNTY.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 9th day of December, in the year of our Lord one thousand and nine hundred and eight, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused it to look like butter of a shade of yellow, unlawfully did defraud the said United States of the tax on certain oleomargarine, to wit, Thirty pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United

GOPY
FROM NATIONAL ARCHIVES
MID ATLANTIC REGION

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Record Group No. _____

Additional Information _____

States of ten cents on each pound of said artificially colored oleomargarine contained in said firkin, tub or package; but the said Jacob Wesoky and Louis Wesoky did then and there unlawfully defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, Thirty pounds, contained in a certain wooden firkin, tub and package, by knowingly selling and delivering to one Michael Gyzgack, and removing for

consumption and use from their manufactories (said manufactories being at No. 12 Chestnut Alley, in the premises at No. 12 Townsend St., at No. 12 Townsend St., and ^{said place} ~~at No. 12 Chestnut Alley, in the premises at No. 12 Townsend St., at No. 12 Townsend St., and~~

then being upon the premises at No. 1231 Poplar Alley, Pittsburgh, in said County and District,) said oleomargarine, contained as aforesaid, without attaching and affixing to the said wooden firkin, tub or package containing said oleomargarine the proper stamp denoting the payment to the United States of said internal revenue stamp tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

872
COUNT.

CS
And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the tenth day of December, in the year of our Lord one thousand nine hundred and eight, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, being then and there persons engaged in carrying on the business of manufacturing oleomargarine, to wit, persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table of either or both of them,^A without compensation) which said oleomargarine had added to and mixed with it by them, said Jacob Wesoky and Louis Wesoky, certain artificial coloration and coloring matter that caused the same to look like butter of a shade of yellow, unlawfully did attempt to defraud the said United States of the tax on certain oleomargarine, to wit, twelve hundred pounds, produced by them; that is to say, the said Jacob Wesoky and Louis Wesoky, as such manufacturers of artificially colored oleomargarine, were required by law to attach and affix to each wooden or paper firkin, tub or package containing such oleomargarine manufactured by them, and sold by them or removed from their manufactory for consumption and use, a certain internal revenue stamp denoting the payment to the said United States of ten cents on each pound of said artificially colored oleomargarine contained in said firkin,

tub or package; but the said Jacob Wesoky and Louis Wesoky did then and there unlawfully attempt to defraud the said United States of said tax of ten cents per pound on certain artificially colored oleomargarine, to wit, twelve hundred pounds, contained in forty wooden firkins, tubs or packages, each of said tubs containing thirty pounds of said oleomargarine, by knowingly delivering to the Standard Ice Company, of Pittsburgh, Pennsylvania, and removing from their manufactorys (at No. 1281 Poplar Alley,^{at No. 12 Capen's Alley and at No. 12 Townsend Street,} in said City of Pittsburgh, in the County and District aforesaid,) for consumption and use, said oleomargarine contained as aforesaid, without attaching to each, or any, of said firkins, tubs or packages the proper stamp denoting the payment to the United States of said internal revenue tax of ten cents on each pound of said artificially colored oleomargarine, and without paying said tax to the United States; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

John H. Jordan

U. S. Attorney, West. Di. st. of Penna.

BACK OR COVER OF INDICTMENT

WITH

PLEA AND JUDGMENT

Witnesses:

- ✓ L. S. Nutt
- ✓ T. Wallington
- ✓ B. Cot
- ✓ S. C. Smith
- ✓ J. W. O'Connor
- ✓ R. T. Macomber
- ✓ E. A. Dingwall
- ✓ Richard Miller
- ✓ S. S. Griffin
- ✓ G. L. Spring
- ✓ A. B. Young
- ✓ A. E. Kough
- ✓ Jas. Kellner
- ✓ S. Buzelko
- ✓ Marion Nieman
- ✓ Geo. DeLoat
- ✓ John Sinkovitz
- ✓ B. L. Sinkovitz
- ✓ L. M. Shrine

Also witnesses sworn by me this 4
 day of May 1909
Allradwue

No. 73 May Term 1909
 Levin - Docker.

No.

United States District Court,

Western District of Pennsylvania.

THE UNITED STATES

vs.

Jacob Wesoky and Louis Wesoky

INDICTMENT FOR

1-7 inclusive: Defrauding United States
 of Stamp Tax on oleomargarine manufactured
 & sold attempting to defraud United States of
 said taxes

A TRUE BILL.

Allradwue

Foreman Grand Jury.

Filed May 4th, 1909

W. J. Swasey
Clerk.

John H. Jordan,
U. S. Attorney.

PLEA

The defendant *Jacob Wesoky* waives arraignment and pleads
not guilty in open Court, this 5th day of May, 1909

Jacob Wesoky
Louis Wesoky

VERDICT.

We, the jury, find the defendants *Jacob Wesoky & Louis Wesoky*, guilty in *mens rea*
 and *force & violence* this 5th day of May, 1909.

Herbert Rasmus
 Foreman.

SENTENCE.

Whereupon, it is considered, ordered, and adjudged by the Court, that the said defendant

be imprisoned in the common jail of

County, for the term of

..... months, that he pay a fine of

..... dollars and costs of prosecution, and that he

remain imprisoned in said jail until said fine and costs are paid, or until he is otherwise discharged by law.

In open Court, this the

..... day of

....., 190

UNITED STATES OF AMERICA, } ss.
Western District of Pennsylvania. }

The President of the United States,

To the Marshal of the Western District of Pennsylvania,
And the Warden or Keeper of the Common Jail
of Allegheny County, Pennsylvania,

GREETING:

You, the said Marshal, are hereby **Commanded to**
Deliver to the said Warden or Keeper of said Common Jail,
~~the body of~~ the bodies of Jacob and Louis Wesoky ^{have} who ~~has~~ been
indicted on a charge of violating the Internal Revenue Laws of the
the United States

are

and who ~~is~~ now in your custody and unable to furnish the bail demanded by the Court for
their appearance when required.

And you, the said Warden or Keeper of said Common Jail, are hereby **commanded**
to safely keep the said Jacob and Louis Wesoky until he shall be discharged
therefrom by due course of law.

~~Witness~~ the HONORABLE JOSEPH BUBBINGTON, Judge of the District Court
of the United States for said District, and the seal thereof, at Pittsburgh
this 30th day April A. D. 1930, and of the Independence of the United
States the one hundred and twentyx 34th.

Joseph B. Bunting
Clerk.

No. *23 May 1910*
Crim Docket.

District Court of the United States,
WESTERN DISTRICT OF PENNSYLVANIA.

THE UNITED STATES
vs.

Jacob Louis Menden

COMMITMENT

TO
The Common Jail of

Allegheny County

Filed April 30 1910

*Wm W. Shattuck, Treasurer
Western District of Pennsylvania
April 30, 1910. I hereby certify and return
that I delivered the body of the within named
defendant to the Warden of the Allegheny
County Jail, no within of our command
is our Cross Street Prison
W. Shattuck*

In the United States District Court,
For the Western District of Texas.

United States

vs
Jacob Moskley and
Louis Moskley



No. 73 May Term 1909

Gen. S. Docket.

And now, to-wit: May 5, 1909,
on motion of U. S. Attorney, the attorney
for defendant consenting, ordered that
the said above ~~stated~~ case be and the
same is hereby consolidated with
case of The United States vs. Jacob
Moskley and Louis Moskley as
No. 71 May Term 1909, which
docket, the said cases being the
same called for trial.

Per Curiam

No. 23 May Term, 1909
Law a Docket

United States

v.

Jacob M. M. M. M.
and
Louis M. M. M.

Under consolidation
with this proceeding
with # 21 May
Term, 1909, term.
Docket.
M. J.

Filed May 5, 1909

RULE 14 (d). All papers must be so endorsed as to disclose the general contents thereof; and all orders, decrees and rules to show cause submitted to the court by counsel must be prepared so that when served they will of themselves be self-explanatory.

In the District Court of the United States,
for the Western District of Pennsylvania.

United States



Jacob Mesoky and
Louis Mesoky.

No. 33 October Term 1910

And now, comit: April 20th 1910,
it appearing to the Court that the defendants
are now in the custody of the U. S. Marshal
to be committed to the Leavenworth
Leavenworth, Kansas, and that the said
Marshal is not prepared at present to
return them the said defendants to the
said prison for a few days, it is ordered
that the said defendants be committed
to the Allegany County jail to await

The return of them.

Pat. Curran

No. 23 May Term 1909

(Criminal Docket)

United States District Court

Western District of Pennsylvania

United States

Jacob Moskoff
vs Louis Moskoff

Order of Court

Rule 14 requires endorsement of all papers.

Made April 30, 1910

In The District Court of the United States
For the Western District of Pennsylvania.

United States

v.

Jacob Trecker

Louis Trecker

No.

Order

And now, to wit, April 30, 1910, The
Masters of the United States Court of Ap-
peals, having been presented to The
Court, wherein this Court has been
directed, ~~to~~ in substance ~~and~~ ^{of which} to
carry out the original judgment of this
Court; and defendants having been
produced in Court;

It is ordered that defendants en-
ter into the service of the sentence
hereinbefore imposed, said sentence
to commence from the date hereof.

Per Curiam

No. 23 May Term 1909
Kerim. Docket

United States

v.

Jacob Messoky
Louis Messoky
—

Proctor

M D

Filed April 30, 1910

In the District Court of the United States,

for the Western District of Pennsylvania.

At No. 23 MAY Term, 19 09

CRIMINAL DOCKET.

THE UNITED STATES

vs.
Louis Hestony

INDICTMENT 1-7 inclusive: Defrauding United States of stamp tax on oleomargarine manufactured, 8: attempting to defraud United States of said tax

On the 4th day of May

19 09 "True Bill." On the 5th day of May 19 09 Defendant pleads

Not Guilty. On the 10th day of May 19 09 Tried.

On the 10th day of May 19 09 Verdict, Guilty. appeal taken, new trial ~~and~~ refused

And now, to-wit, June 14th 1909 the District

Attorney moves for judgment: whereupon the SENTENCE of the Court is ~~that you be imprisoned in the~~ FINE

~~that you be imprisoned in the~~ United States Penitentiary at Leavenworth, Kansas,

for and during the term of two years-----

and be subject to the same discipline and treatment as convicts sentenced by the Courts of

the State, and while so confined therein, you shall be exclusively under the control of the

officers having charge of the said penitentiary; that you pay the COSTS of this

prosecution, and stand committed until this sentence is complied with.

CERTIFIED FROM THE RECORD.

Witness my hand and the Seal of said Court, at the

City of Pittsburgh, in said District, this 14th

day of June A. D. 19 09

J. M. [Signature] Clerk.

No. 18 May Term, 1909
(Criminal Docket.)

District Court of the United States,
WESTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES

vs.

Louis Wesley

1791

COMMITMENT
TO

U.S. Penitentiary at
Leavenworth, Kansas

\$

June 6, 1909, as within contained I have this day delivered the body
of Louis Wesley into the custody of the Warden of the
United States Penitentiary at Leavenworth, Kansas.

So answers, L. Russell Porter, U.S. Marshal,

by Geo. A. ...
Deputy.

In the District Court of the United States,
for the Western District of Pennsylvania.

The United States,

• VS. •

Jacob Hsoky

No. *73 Hsoky* Term. *1909*

CRIMINAL DOCKET.

And now, to wit, *June 14* A. D. *1909*, the

SENTENCE of the Court is, ~~that you pay a Fine to the United States of~~

~~Dollars; that you be Imprisoned in the~~

~~United State Penitentiary at Leavenworth, Kansas,~~

for and during the term of *two years*

and be subject to the same discipline and treatment as convicts sentenced
by the Courts of the State; and while so confined therein you shall be
exclusively under the control of the officers having charge of the said

penitentiary; that you pay the Costs of this prose-
cution, and stand committed until this sentence be complied with.

W. L. ...

No. 13 May Term, 1909

(Criminal Docket.)

United States District Court,
WESTERN DISTRICT OF PENNSYLVANIA.

The United States,

vs.

Jacob Kessock

SENTENCE OF THE COURT.

(P) m. s.

Filed June 14, 1909

In the District Court of the United States,
for the Western District of Pennsylvania.

The United States,

vs.

Louis Newby

No. 736 Bay Term 1909

CRIMINAL DOCKET.

And now, to wit, June 11th A. D. 1909, the

SENTENCE of the Court is, that you pay a fine to the United States of

~~Dollars~~; that you be imprisoned in the

United States Penitentiary at Leavenworth, Kansas,

for and during the term of two years

and be subject to the same discipline and treatment as convicts sentenced

by the Courts of the State; and while so confined therein you shall be

exclusively under the control of the officers having charge of the said

penitentiary; that you pay the Costs of this prose-

cution, and stand committed until this sentence be complied with.

Per Curiam

No. *73 May* Term, *1909*

(Criminal Docket.)

United States District Court,
WESTERN DISTRICT OF PENNSYLVANIA.

The United States,

vs.

Louis Mesocrey

SENTENCE OF THE COURT.

(P) 1/14

Filed *June 1*

In the District Court of the United States,

For the Western District of Pennsylvania.

At No. 23 ~~APR~~ MAY Term, 19 09

CRIMINAL DOCKET.

THE UNITED STATES

vs.
Jacob Nespor
~~Jacob Nespor~~

INDICTMENT 1-7 inclusive: Defrauding United States of stamp tax on oleomargarine manufactured, 8, Attempting to defraud United States of said tax.

On the 4th day of May

19 09 True Bill. On the 5th day of May 19 09 Defendant pleads

Not Guilty. On the 10th day of May 19 09 Tried.

On the 10th day of May 19 09 Verdict, Guilty, Appeal taken, new trial requested.

And now, to-wit, June 14, 19 09 the District

Attorney moves for judgment: whereupon the SENTENCE of the Court is ~~that you be imprisoned in the~~

~~penitentiary at Leavenworth, Kansas~~

~~that you be IMPRISONED in the~~

United States Penitentiary at Leavenworth, Kansas

for and during the term of two years-----

and be subject to the same discipline and treatment as convicts sentenced by the Courts of the State, and while so confined therein, you shall be exclusively under the control of the officers having charge of the said penitentiary; that you pay the COSTS of this prosecution, and stand committed until this sentence is complied with.

CERTIFIED FROM THE RECORD.

Witness my hand and the Seal of said Court, at the

City of Pittsburgh, in said District, this 14th

day of

~~May~~ June A. D. 19 09

Wm. M. Muesey
Clerk.

No. *23 May Term, 1909*
(Criminal Docket.)

District Court of the United States,
WESTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES

vs.

Jacob Nesorky

1791

COMMITMENT
TO

*U.S. Penitentiary at
Leavenworth, Kansas*

8

PRESS OF PERCY F. SMITH, PITTSBURGH

Filed June 11, 1910

June 6, 1910, as within commanded I have this day delivered the body
of *Jacob Nesorky* into the custody of the Warden of the
United States Penitentiary at Leavenworth, Kansas.

So answers, E. Hadsell Porter, U.S. Marshal,

by *Geo A Decker*
Deputy.

RULE 14 (d). All papers must be so endorsed as to disclose the general contents thereof; and all orders, decrees and rules to show cause submitted to the court by counsel must be prepared so that when served they will of themselves be self-explanatory.

In the District Court of the United States,
For the Western District of Pennsylvania.

United States of America)

vs.)

Robert Louis Marky)

No. _____ May Term, 1909.

Criminal Docket.

ORDER OF COURT.

And now, to-wit: August 21, 1909, it appearing to the Court that it will be impossible for the Clerk to complete the transcript of record in the above entitled case within the time allowed by previous orders of this Court:

It is therefore ordered, adjudged and decreed that the time for filing said record in the United States Circuit Court of Appeals for the Third Circuit, be and the same is hereby extended for a further period of thirty days from the 14th instant.

Robert L. Marky

No. 91723 May 9, 1909

(Term Docket)

United States District Court
Western District of Pennsylvania

United States

vs.
Jacob Mesoky
et al

Order regarding
Rule 14 requires endorsement of all papers.
transfer filing record
in Circuit Court of
Appeals
my P

Filed Aug 4, 1909

See the Summer Report of the United States
For the Marine Station of Puget Sound.

United States
r
Jacob Mesoky and
Louis Mesoky
No. 21 May 20 1879
Columbia Station.

United States
r
Jacob Mesoky and
Louis Mesoky
No. 23 May 20 1879
Columbia Station.

Summer:

- 1 No. W. Reeves
- 2 Thomas J. Fowler
- 3 A. K. Meiler 1 left.
- 4 John Thomas 2 left.
- 5 Robert P. Douglass
- 6 J. A. Webster 3 left.
- 7 Dennis L. Keane
- 8 Oliver B. McGarry
- 9 George L. Ayers
- 10 George A. Merritt
- 11 James R. Weeks
- 12 Lot Bell
- 13 Thomas H. Ralston
- 14 Andrew Crawford
- 15 George W. Chalfant
- 16 James M. Wallace
- 17 John J. Finn
- 18 Jacob J. Bueker

Gibson
Hunt

M.A.

Addresses
U.S.

Z. H. Pearson

Dep.

Samuel B. Smith (printer)

Joseph Wilson Reinhart
Major, Engineer

L. M. Shine

Dr. Arthur B. Adams

Robert S. Green

Michael Gungor

John Guback

Charles F. Chase

Stephen Peutechs

George D'Lee

Morris Neiman

John Ewley

B. J. Smihovitz

John Michael

Elmer A.H.

J. H. A' Connor

Louis Amabil

Stanislaw Watalinski

Stanislaw Watalinski

dept.

Jacob Hrochky

J. N. Thompson

Matthew Miller

John Ebner

J. M. Gnedoman

Harris Berman

Harry Silverman

J. Brodstein

Thomas F. J. Keating

Louis Pesabov

Wm. F. Gledsey

Keyman Sans

Joseph Abants

Jacob Medwan

Phillips Loukaszy
Florence K. Jansen
Jacob Goll
James Clark
Louis Gaty
Samuel Adams
William Henry Reed
Jack Fleming

Ms. 21493 May 1919
Encl. 2019

United States

Dept.
Jacob Hrochky
John Michael

18
1919

Joseph Starak
Stephan Buchowski
Richard Miller
George Griffin
Ed. Fullerton
H. M. Brooks
C. J. Greenan
A. J. Yonin
John Elias
P. H. Lacy
Virginia Capote
H. Bloom
Arthur Hiesenthal
L. G. Nutt

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF PENNA.

United States of America)
))
))
vs.))
))
Jacob Wesoky & Louis Wesoky.)

Nos. 21-23 May Term, 1909.

To WM. T. Lindsay, Esq.,
Clerk.

Enter my appearance as counsel for defendants in the
above entitled case.



Attorney for defendants.

Nov. 21-23 May Term, 1909.

United States of America

North Dakota
Hockey

Receipts & Appearance

D

Attest my hand
A. C. Lewis
50th Street
New York

Recd Aug. 2, 1886 as amended
by Act of March 7, 1902

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

Of May Sessions, A. D. 1909.

Western District of Pennsylvania, ss.

The GRAND INQUEST of the United States of America, now inquiring in and for the Western District of Pennsylvania, upon their oaths and solemn affirmations, respectively, DO PRESENT, that

JACOB WESOKY and LOUIS WESOKY, late of said District, heretofore, to wit, on the 25th day of January, in the year of our Lord one thousand nine hundred and twentieth, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did carry on the business of manufacturer of oleomargarine, without having paid to the said United States the special tax therefor, as required by law; that is to say, the said Jacob Wesoky and Louis Wesoky, being then and there persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation), to wit, persons who had then and there sold, vended and furnished certain oleomargarine, to wit, sixty pounds, to one Joseph Williams and other quantities to divers other persons to this Grand Inquest unknown, had theretofore added to and mixed with the

said oleomargarine, sold, vended and furnished as aforesaid, certain artificial coloration that caused the same to look like butter of a shade of yellow, and were therefore manufacturers of oleomargarine and required by law to pay to the United States a special tax as such manufacturers of oleomargarine; but the said Jacob Wesoky and Louis Wesoky did fail, neglect and refuse to pay said special tax; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

SECOND COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 21st day of January, in the year of our Lord one thousand nine hundred and nin, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did carry on the business of manufacturers of oleomargarine without having paid to the said United States the special tax therefor, as required by law; that is to say, the said Jacob Wesoky and Louis Wesoky were then and there persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them, without compensation); and the said Jacob Wesoky and Louis Wesoky, upon the premises commonly known and designated as No. 1231 Poplar Alley, in the City of Pittsburgh, in said County and District, did add to and mix with a quantity of oleomargarine, to wit, sixty pounds, certain artificial coloring matter which caused said oleomargarine to look like butter of a shade of yellow; and having added to and mixed with said oleomargarine said artificial coloration, the said Jacob Wesoky and Louis Wesoky, at the time and place first aforesaid, did sell, vend and furnish said oleomargarine to

one Stephen Butcher, without having paid to the

said United States the special tax required by law by manu-
facturers of oleomargarine; contrary to the form of the Act
of Congress in such case made and provided and against the
peace and dignity of the United States of America.

THIRD COUNT.

And the GRAND INQUEST aforesaid, upon their oaths and affirmations aforesaid, DO FURTHER PRESENT, that

JACOB WESOKY and LOUIS WESOKY,

late of said District, heretofore, to wit, on the 8th day of December, in the year of our Lord one thousand nine hundred and twine, at the County of Allegheny, in the Western District of Pennsylvania, and within the jurisdiction of this Court, unlawfully did carry on the business of manufacturers of oleomargarine without having paid to the said United States the special tax therefor, as required by law; that is to say, the said Jacob Wesoky and Louis Wesoky, being then and there persons engaged in selling, vending and furnishing oleomargarine for the use and consumption of others (not for the family table or tables of either or both of them), did mix with and add to a large quantity of oleomargarine, the exact amount of which is to this Grand Inquest unknown and cannot be herein set forth, certain artificial coloring matter which caused the same to look like butter of a shade of yellow; and having added to and mixed with said oleomargarine said artificial coloration, as aforesaid, said Jacob Wesoky and Louis Wesoky, on the day and date aforesaid, at the place aforesaid, did sell said oleomargarine to a certain person, or to certain persons, at present to this Grand Inquest unknown; and the said Jacob Wesoky and Louis Wesoky then and there colored and sold said oleomargarine, as afore-

said, without having then and there paid to the said United States the special tax required by law to be paid by manufacturers of oleomargarine; contrary to the form of the Act of Congress in such case made and provided and against the peace and dignity of the United States of America.

Wm. H. Rouse

U.S. Attorney, West. Dist. of Penna.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA.

UNITED STATES

VS.

JACOB WESOKY AND LOUIS WESOKY.

NO. 21 MAY TERM 1909
NO. 23 MAY TERM 1909

ORDER OF COURT.

And now to-wit July / 3, 1909 on motion of John M. Heverly, Esq., Attorney for said defendants, the United States Attorney for said district consenting, it is hereby ordered that the time for filing the record of said case in the United States Circuit Court of Appeals for the Third Circuit, be extended for a period of thirty days from July 14, 1909.

Per Curiam

And now, July / 3, 1909, I hereby consent to the making of the above order.

R. M. Egan

Assistant United States Attorney.

ORDER.

No. 31 MAY TERM 1909.

No. 33 MAY TERM 1909.

UNITED STATES

VS.

JACOB WESOKY AND LOUIS WESOKY.

my

J

John M. Haverly,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed July 14, 1909

Judge Hand Will per your letter this 07/16
United States of America, vs: EAC

The President of the United States of America,



To the Honorable the Judges of the District
Court of the United States for the Western
District of Pennsylvania.

GREETING:

Whereas, lately in the District Court of the United States
for the Western District of Pennsylvania, before you,

or some of you, in a cause between Jacob Wesoky and Louis Wesoky,
Defendants-Plaintiffs in Error, and the United States of America,
Plaintiff-Defendant in Error, judgments or verdicts, finding
Defendants to be guilty, were duly entered in the said District
Court on the 10th day of May, 1909, in each case, as follows:-

"The Jurors on their oaths aforesaid, respectively do say that
they find the defendants Guilty in manner and form as indicted and so
they all say."

Pursuant to which judgment sentences of fine and imprisonment
were imposed and duly entered of record in the said District Court
on the 14th day of June, 1909, against the said Jacob and Louis
Wesoky, which judgments and sentences are of record in the office of
the Clerk of said District Court, to which reference is hereby made
and the same are hereby expressly made a part hereof,

as by the inspection of the transcript of the record

of the said District

*Court, which was brought into the United States Circuit Court of Appeals for the Third Circuit
by virtue of a writ of error
agreeably to the act of Congress,*

in such case made and provided, more fully and at large appears.

And ~~Wherry~~, in the ~~present~~ term of October , in the year of our Lord
one thousand nine hundred and nine , the said cause came on to be
heard before the said United States Circuit Court of Appeals on the said transcript of record,
and was argued by counsel:

On consideration whereof, it is now here ordered and adjudged by
this Court that the judgments and sentences of the said District
Court in this cause be, and the same are hereby, affirmed., and
that the said Defendant in Error, The United States, recover a-
gainst the said Plaintiffs in Error, Jacob Wesoky and Louis Wesoky,
the sum of Twenty dollars (\$20.00) for its costs herein expended
and have execution therefor.

Philadelphia.

January 14, 1910.

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause,

as according to right and justice, and the laws of the United States, ought to be had, the said writ of error notwithstanding.

Melvin, the Honorable MELVILLE W. FULLER, Chief Justice of the Supreme Court of the United States, at Philadelphia, the nineteenth day of April, in the year of our Lord one thousand nine hundred and ten.

COSTS OF the United States

Clerk	-----	\$
Printing Record	- - - - -	\$
Attorney	-----	\$
		\$ 20.00
		\$ 20.00

Benjamin Stewart
Clerk of the U. S. Circuit Court of Appeals, Third Circuit.

ORIGINAL FILE NO. 1280

U. S. CIRCUIT COURT OF APPEALS, THIRD CIRCUIT.

No. 33 October Term, 19 09

Jacob Wesoky and

Louis Wesoky

Plaintiffs in Error

vs.

the United States

Defendant in Error.

MANDATE.

Filed April 30, 1910

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA.

UNITED STATES

VS.

JACOB WESOKY AND LOUIS WESOKY. }

}
}
}

NO. 21 MAY TERM 1909
NO. 23 MAY TERM 1909

STIPULATIONS FOR PRINTING RECORD.

It is hereby stipulated and agreed that the following only, of the record in the above entitled case shall be printed and the case submitted to the Court on the parts therein contained. Print the indictments; docket entries; testimony in full; pleas; verdicts; motion in the rest of judgment and motion for a new trial with reasons; order of Court, judgment and sentence; citation; petition for writ of error; bond; extension of time for pleading; bill of exceptions; record and certificate.

The printed matter is to contain everything with reference to the case except the subpoenas.

R. M. Egan

Assistant United States District Attorney

Attorney for plaintiffs in error.

No. 21 MAY TERM 1909


No. 23 MAY TERM 1909

UNITED STATES

VS.

JACOB WESOKY AND LOUIS WESOKY

STIPULATIONS


John M. Haverly,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed July 13, 1909

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES

vs.

JACOB WESOKY and LOUIS WESOKY.

(NO. 21 MAY TERM, 1909.
(
(NO. 23 MAY TERM, 1909.
)

MOTION FOR NEW TRIAL.

TO THE HONORABLE, THE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA:

And Now, to-wit, May 14th, 1909, come the defendants, JACOB WESOKY and LOUIS WESOKY, by their attorney^H, and move that the Court grant a new trial in the above entitled cases, for the following reasons and grounds hereinafter set forth in support of motion:—

1st-- Because the Court erred in permitting the witness, SAMUEL C. SMITH, to testify to facts, circumstances and papers secured by him under and by virtue of a fraudulent and fictitious search warrant, produced for the purpose of searching the premises of the defendants at No. 12 Townsend Street, Pittsburgh, Pa., on February 8th, 1909.

2nd-- Because the Court erred in permitting the Jury to arrive at its verdict by inference and deduction, there being no evidence as to the sale or removal for sale of the specific material alleged to have been prepared or manufactured at the alleged place of business of said defendants.

3rd-- Because the Court erred in admitting evidence to which defendants objected.

4th-- Because said verdict is against the evidence.

5th-- Because the verdict was against the defendants, when it should have been for the defendants.

6th-- Because the Act of August 2, 1886, together with its amendment of May 9, 1903, is unconstitutional and void so far as it attempts to distinguish and discriminate between two food products which in physical and chemical structure are identical, though designated by different names.

7th-- Because the Internal Revenue Agents have not the right of search, nor can such right be conferred on them by Section 2462 of the Revised Statutes of the United States, such section being unconstitutional and void.

8th-- Because the requirement of the Act of August 2nd, 1886 and its amendment commonly known as the oleomargarine laws, that oleomargarine, to be taxable, must be made in imitation or semblance of butter or for butter, or when so made calculated or intended to be sold as butter or for butter, is not supported by any evidence adduced by the Government.

9th-- Because the Government failed to produce any proof upon which the Jury would be authorized or could with legality

convict the defendants, by failing to show that any material which they alleged to be manufactured cleomargarine, and to which they alleged had been added artificial coloration, had ever been sold, vended or furnished for the use and consumption of others, as set forth in Section 3 of said Act of August 2nd, 1886.

10th-- Because of errors of law on the part of the Court in overruling the defendants' motion to exclude certain testimony and exhibits received on the trial of the said cases, to which rulings the defendants then and there excepted.

11th-- Because of errors of law on the part of the Court in admitting incompetent testimony against said defendants, to which defendants then and there excepted.

(a) For permitting certain witnesses for the Government to testify to facts discovered by them under the guise of a false search warrant, such action being in the nature of coercion of the defendants, and in violation of the 4th amendment to the Constitution of the United States.

(b) For permitting testimony so secured to be addressed to acts not averred in the indictment.

12th-- For the reason that the verdicts of the Jury were contrary to the evidence, did not rest on proper averments in the indictment, and were not supported by competent evidence.

13th-- Because the Court erred in admitting as evidence certain exhibits, which admission in effect compelled defendants to testify against themselves, to which admission of said evidence exception was duly made.

14th-- Because the Court erred in refusing to permit Mrs. JACOB WESOKY to testify as to certain facts and circumstances concerning the search of the premises at No. 12 Townsend Street, Pittsburgh, Pa., on February 8th, 1909, to contradict the testimony of Officers who testified for the Government.

15th-- Because the Court erred in admitting evidence, exception to which was duly made, which evidence was improper, incompetent and irrelevant, and was used by the Government for the purpose of influencing the verdict of the Jury, said evidence being by inference and entirely guess work on the part of the witnesses.

John D. Starnes
Att'y for Defendants.

NO. 21 MAY TERM, 1909.
NO. 23 MAY TERM, 1909.

UNITED STATES

vs.

JACOB WESOKY & LOUIS WESOKY.

MOTION FOR NEW TRIAL.

*And now Toid May 14th 1909.
Presented in open Court and
ordered filed.
Per Curiam
A.L. 92 JH*

JM
JOHN M. HAVERTY,
ATTORNEY AT LAW,
PITTSBURGH, PA.
611 FRICK BUILDING.

Filed May 14 1909

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN
DISTRICT OF PENNSYLVANIA.

UNITED STATES

vs.

LOUIS WESOKY and
JACOB WESOKY.

NO. 21

MAY TERM, 1909.

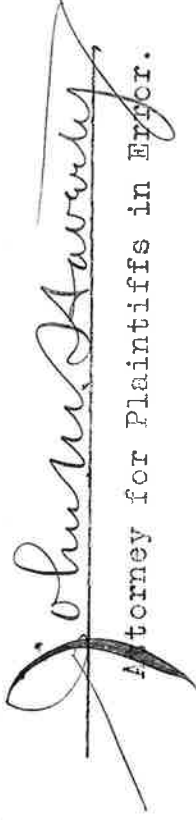
NO. 23

MAY TERM, 1909.

APPLICATION FOR WRIT OF ERROR.

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The above named LOUIS WESOKY and JACOB WESOKY, defendants below, and plaintiffs in error, considering themselves to be aggrieved by the rulings of the Court and the verdict of the jury in the above entitled case, and by the judgment thereon, do hereby make application for a writ of error to the said District Court from the United States Circuit Court of Appeals, for the Third District, and pray that said writ of error may be allowed, that a transcript of the record and proceedings and papers in said case duly authenticated may be sent to the said Circuit Court of Appeals, and that said defendants be admitted to bail in such sum as the Court may deem proper, which said bill shall operate as a supersedeas.


Attorney for Plaintiffs in Error.

O R D E R.

AND NOW, this 14th day of June, A. D. 1909, on motion of counsel for plaintiffs in error, a writ of error is allowed as prayed for, bail to be entered in the sum of 5000⁰⁰ thousand dollars, ^{from each defendant} which shall operate as a supersedeas.

Geo. B. Whiting

" duy.

NO. 21 MAY TERM, 1909.
NO. 23 MAY TERM, 1909.

UNITED STATES

VS.

LOUIS WESOKY and JACOB WESOKY

APPLICATION FOR WRIT OF ERROR.

WJ

A

John M. Haverty,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed June 14/1909

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES.

TO THE HONORABLE, THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA, GREENING:

Because, in the record and proceedings as also in the rendition of the judgment of a plea which is in the said Circuit Court before you, between the United States and Louis Wesoky and Jacob Wesoky, manifest error hath happened to the great damage of the said Louis Wesoky and Jacob Wesoky as by their complaints appear, we being willing that error, if any hath been, shall be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you if judgment be therein given that then under your seal, distinctly and openly, you send the record and proceedings aforesaid with all things concerning the same to the United States Circuit Court of Appeals for the Third Circuit, together with this writ, so that you have the same at the City of *Philadelphia*, on the *14th* day of *July* next, in the said United States Circuit Court of Appeals to be then and there held, that the record and proceedings aforesaid, being inspected, the said Circuit Court of Appeals may cause further to be done to correct that error, what of right, and according to the laws and custom of the United States should be done.

WITNESS the Honorable *Melville W. Fuller*, Chief Justice
of the Supreme Court of the United States this day of

, A. D. 19 .

Allowed by

Geo. B. Snyper

United States

1st Circuit

Judge.

14th

day of

June

, 1907

, service accepted.

R. M. Egan

Asst United States Attorney.

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NO. 21 MAY TERM, 1909.
NO. 23 MAY TERM, 1909.

UNITED STATES

vs.

LOUIS WESOKY and JACOB WESOKY

WRIT OF ERROR.

my

A

John M. Haverty,
Attorney at Law,
611 Frick Building,
Pittsburgh, Pa.

Filed June 14 1909

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

WESTERN DISTRICT OF PENNSYLVANIA.

U N I T E D S T A T E S)

(

vs.

) No. 21 May Term, 1909.

(

) No. 23 May Term, 1909.

JACOB WESOKY and LOUIS WESOKY.)

BILL OF EXCEPTIONS.

Be it Remembered that in May Term, 1909, came into this Court the United States and impleaded Jacob Wesoky and Louis Wesoky in an indictment (see indictment) and the defendants pleaded (see plea) and thereupon an issue was joined between them, and afterwards, to-wit, at a session of said Court held in the District aforesaid, in the City of Pittsburgh, before the Honorable Chas. P. Orr, District Judge, on the 5th day of May, 1909, the said issue came on to be tried before a jury (see list of jurors) impaneled for that purpose, at which time came the plaintiff and the defendants, by their respective attorneys, and the jurors impaneled to try the issue were then and there called, and in due manner chosen and sworn to try the same; whereupon the witnesses whose names are set forth in the testimony, which testimony is filed in the office of the Clerk of said Court and is made part of this Bill of Exceptions, were called and duly sworn and testified, and the testimony, which has been filed in the office of the Clerk of said Court and which is made a part of this Bill of Exceptions, (see testimony) was duly taken in said case, and the trial of the said case so proceeded that on the 10th day of May, 1909, at the close of the testimony and during the trial of the said case on May 5th, 6th, 7th and 10th, 1909, certain exceptions were taken to the admission of evidence and refusal to admit evidence by the Court, as set forth in the testimony (see testimony), upon which exceptions were noted and bills sealed by the Honorable Court. The testimony was completed May 10, 1909, and a verdict rendered by the jury in this case of "guilty." (See verdict). On the 10th day of May, 1909, and on May 14, 1909, a motion for new trial on the part of defendants, with reasons therefor, (see motion and reasons for new trial) were presented and filed; whereupon, on the 14th day of June, A. D. 1909, said motion for new trial was refused and judgment entered and defendants sentenced; whereupon on the 14th day of June, 1909, defendants filed a petition for writ of error (see said petition for writ of error) and presented with said petition assignments of error, and a supersedeas bond (see assignments of error and supersedeas bond), and on the same day a writ of error

was allowed and issued, and a citation was thereupon issued and on the same day served on the attorney for the United States (see writ of error, citation and service on the United States District Attorney); and thereupon the aforesaid Judge, at the request of counsel for defendants, did to this Bill of Exceptions, in pursuance of the request of defendants and of the law, put his seal this 13 day of July, A. D. 1909.



Charles R. Smith
District Judge

No. 21 May Term, 1909.
No. 23 May Term, 1909.

UNITED STATES

vs.

JACOB WESOKY and LOUIS WESOKY

BILL OF EXCEPTIONS.

JOHN M. HAVERTY,
ATTORNEY AT LAW,
PITTSBURGH, PA.
—
611 FRICK BUILDING.

Filed July 13 1909

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF PENNSYLVANIA.

U N I T E D S T A T E S)
(
) No. 21 May Term, 1909.
(No. 23 May Term, 1909.
JACOB WESOKY and LOUIS WESOKY.)

ASSIGNMENTS OF ERROR.

And now, June 14, 1909, comes the said Jacob Wesoky and Louis Wesoky, defendants above named and plaintiffs in error, by their attorney, John M. Haverty, Esq., and says that in the record and proceedings in the above case there is manifest error, to-wit:

First. The Court erred in refusing to strike out the testimony of Mr. Forrer with reference to testimony of certain marks and stamps alleged by him to have been on certain exhibits, his evidence being incompetent and simply a matter of inference, to which evidence objection was made, exception noted and bill sealed for defendants.

Second. Because the Court erred in permitting the witness, Samuel C. Smith, to testify to facts, circumstances, and papers secured by him under and by reason of a fraudulent and fictitious search warrant, produced for the purpose of searching the premises of the defendants at No. 12 Townsend Street, Pittsburg, Pa., on February 8, 1909, to the admission of which testimony objection was made at the time of offering.

Third. Because the Court erred in admitting in evidence a receipt identified by John Turley, identification of which was incomplete and therefore incompetent and irrelevant, which paper or book was obtained by improper means, exception being taken to the offer, being Exhibit No. 25, and bill sealed.

Fourth. Because the Court erred in admitting in evidence exhibits 57 to 68 inclusive, obtained from 2243 Center Avenue, and portions of revenue stamps marked Exhibit 69 and mentioned in the testimony of witness Forrer, which exhibits were obtained by fraudulent and fictitious means and which were admitted after exception made by defendants and bills sealed.

Fifth. Because the Court erred in admitting the testimony of C. I. Freeman, the said testimony being incompetent and purely a matter of inference. The said testimony is as follows:

"Q Did Dick Miller bring these packages there?

A I couldn't say that Dick Miller brought the stuff. We have many receipts and many deliveries each day. It is impossible for any man to tell months afterward whether one man brought it or whether another man brought it.

Q Won't your records show that?

A No, sir, you might come there with a wagonload of butter and say, 'This is for Richard Miller.'

Q Wouldn't you take my name as bringing it there?

A No, sir, we have various cases of deliveries in town and their wagon comes and we recognize their wagon; we don't know their driver .

By Mr. Haverly: Well, I object to the testimony of this witness and along this line as being improper and incompetent and irrelevant.

By the Court: This is clearly corroborative of Mr. Miller's testimony, to my mind, and the objection is overruled and bill sealed."

Sixth. Because the Court erred in refusing to allow the testimony of character witnesses as to the honesty of Jacob Wesoky, the question of honesty being clearly in issue.

Seventh: Because the Court erred in refusing to permit Mrs. Jacob Wesoky to testify as follows:

Counsel for the Government object to the swearing of Mrs. Wesoky as a witness in this case as incompetent, her husband being one of the defendants.

Mr. Haverly: She is called, not as a witness in behalf of either of the defendants, but in contradiction of one of the witnesses for the Government, Mr. Smith, the internal revenue agent, who was at her home, concerning the search warrant episode. Counsel for the Government asks for an offer.

Mr. Haverty: The defense desires to prove by Mrs. Wesoky that the internal revenue officer, Smith, on February 8th came to her home, in company with one or two other men connected with the Government, and in answer to their knock on the door, opened the door and the officer, Smith, rushed past her into her home, and upon her demanding who he was and what he wanted he replied that he had a search warrant and was going to search the premises; said officer went to the second floor of the premises and was followed by Mrs. Jacob Wesoky, who notified the officer that he had not read any search warrant nor produced the same, at which question the said officer, Smith, produced and read what he purported to be a search warrant issued by United States Commissioner Lindsay. That said witness, immediately on the officer's leaving, came to the office of United States Commissioner Lindsay and inquired concerning a search warrant and was informed by United States Commissioner Lindsay that no search warrant had been issued from his office in that matter as of that date, to Mr. Smith, the purpose being to contradict the Government's witness, namely, Smith, wherein he states in his examination that he went there to serve a summons of Mr. Heiner, in company with Mr. Fullerton; that they did not force themselves into the premises and did not state that they had a search warrant.

To which counsel for the Government object as incompetent, irrelevant and immaterial, and not contradiction of the witness Smith in any point material to this issue.

Mr. Haverty: It is relevant to prove in what manner search was made of the premises and contradict Smith, he having stated that he never pretended to read or have a search warrant.

Mr. Gibson: We will admit, for the purposes of this case, that if the witness were sworn she would testify as indicated in defendants' offer, but I object to her being sworn, because a wife is not a competent witness in a case against her husband.

The Court: I am of the opinion that it is wholly immaterial to this issue and I feel as you do, that we don't want to shut out any evidence, but I think it is so immaterial that I will have to sustain the objection to the admissibility of that testimony. Objection sustained and bill sealed for defendants.

Eighth. The Court erred in permitting the jury to arrive at its verdict by inference and deduction, there being no evidence as to the sale or removal for sale of the specific material alleged to have been prepared or manufactured at the alleged places of business of said defendants.

Ninth. Because the Court erred in admitting evidence to which defendants objected.

Tenth. Because said verdict is against the evidence.

Eleventh. Because the Act of August 2, 1886, together with its amendment of May 9, 1902, is unconstitutional and void, so far as it attempts to distinguish and discriminate between two food products which in physical and chemical structure are identical, though denominated by different names.


Twelfth. Because the internal revenue agents have not the right of search, nor can such right be conferred on them by Section 3462 of the revised statute of the United States, such section being unconstitutional and void.

Thirteenth. Because the requirement of the Act of August 2, 1886, and its amendment, commonly known as the Oleomargarine Law, that Oleomargarine to be taxable must be made in imitation or a semblance of butter, or for butter, or when so made calculated or intended to be sold as butter, or for butter, is not supported by any evidence adduced by the Government.

Fourteenth. Because the Government failed to produce any proof upon which the jury would be authorized or could, with legality, convict the defendants by failing to show that any material which they alleged to be manufactured Oleomargarine and to which they alleged had been added artificial coloration, had ever been sold, vended or furnished for the use and consumption of others, as set forth in Section 3 of said Act of August 2, 1886.

Fifteenth. Because the Court erred in admitting in evidence certain testimony and certain exhibits, which admission, in effect, compelled defendants to testify against themselves, to which exhibits and testimony exception was duly made, the allowance of which exception and testimony was in contravention of the constitutional rights of said defendants.

Wherefore the defendants pray that the judgment of the District Court of the United States for the Western District of Pennsylvania in the above entitled case may be reversed and set aside.


Attorney for plaintiffs in error.

No. 21 May Term, 1909.

No. 23 May Term, 1909.

UNITED STATES

vs.

JACOB WESOKY and LOUIS WESOKY.

ASSIGNMENTS OF ERROR.

JOHN M. HAVERTY,
ATTORNEY AT LAW,
PITTSBURGH, PA.
611 FRICK BUILDING.

Filed July 13, 1909

In the District Court of the United States,
for the Western District of Pennsylvania.

The United States,

vs.

Jacob Mesoky

No. 21 *Meay* Term 1909

CRIMINAL DOCKET.

And now, to wit, *June 14th 1909*, the

SENTENCE of the Court is, that you pay a Fine to the United States of

Twenty Five Dollars; that you be imprisoned in the

~~for and during the term of~~
~~and be subject to the same discipline and treatment as convicts sentenced~~
~~by the Courts of the States and while so confined therein you shall be~~
~~exclusively under the control of the officers having charge of the said~~

~~;~~ that you pay the Costs of this prosecution, and stand committed until this sentence be complied with.

Per Curiam

No. 21 May Term, 1909

(Criminal Docket.)

United States District Court,
WESTERN DISTRICT OF PENNSYLVANIA.

The United States,
vs.

Jacob Mesockey

SENTENCE OF THE COURT.

J.D. m

Filed June 14, 1909

In the District Court of the United States,
for the Western District of Pennsylvania.

The United States,

vs.

Louis Wrobley

No. 21 May Term 1909

CRIMINAL DOCKET.

And now, to wit, June 16 A. D. 1909, the
SENTENCE of the Court is, that you pay a Fine to the United States of
Fifty Hundred Dollars; ~~that you be imprisoned in the~~

~~for and during the term of~~
~~and be subject to the same discipline and treatment as convicts sentenced~~
~~by the Courts of the State; and while so confined therein you shall be~~
~~exclusively under the control of the officers having charge of the said~~
~~;~~ that you pay the Costs of this prosecution, and stand committed until this sentence be complied with.

P. S. Curran

No. 21 May Term, 1909

(Criminal Docket.)

United States District Court,

WESTERN DISTRICT OF PENNSYLVANIA:

The United States,

vs.

Louis Nesomey

SENTENCE OF THE COURT.

(Signature)

(Signature)

Filed June 14, 1909

PRESS OF PERCY F. SMITH, PITTSBURGH.

In the District Court of the United States,
For the Western District of Pennsylvania.

The United States

vs.

Jacob Wesoky and Louis Wesoky.

No.

May Term, 1909

And, now, to wit, May 13, 1909, it appearing to the Court, upon statement of the United States Attorney for the Western District of Pennsylvania, that Herbert S. Forrer, a witness in the above-entitled case, has come to this Court, and has been in attendance as a witness, from Portland, Oregon; that he so came as a witness upon assurance, ^{which has been fulfilled} that a subpoena would be issued for his attendance as such witness; that he has travelled in response to said arrangement made with him by the United States Attorney, through L. G. Nutt, Revenue Agent, from Portland, Oregon, to Pittsburgh, and expects to return and will return to Portland, Oregon, going first, however, to Chicago, Illinois, there to testify on behalf of the United States in a certain case pending before the Court there.

That said witness, Herbert S. Forrer, at the time he attended Court as a witness as aforesaid was receiving no salary and was not an employee of the United States; that he has attended as a witness for 11 days.

It is therefore ordered that the Marshal pay the said Herbert S. Forrer the regular and lawful mileage from Portland, Oregon to Pittsburgh, Pennsylvania, and from Pittsburgh, Pennsylvania, to Chicago, Illinois; and also the regular and lawful per diem for each day of attendance at Court in Pittsburgh, being 11 days, as ^{such} ~~under~~ ^{articles}.

John Curran
Dist. Ct. Pittsburgh

No. 2 / May Term, 1909

U.S. Dist. Court

The United States

vs.

Jacob Wesoky and Louis Wesoky

Order for payment of

Witness

W.H.J.

John H. Jordan,

U.S. Attorney

Filed March 13, 1909

Western District of Pennsylvania, ss.

The President of the United States of America.

To *M. A. Ashman, Mrs. Kea*

not in

Greeting:

We Command you that, laying aside all manner of business and excuses whatsoever, you personally be and appear before the DISTRICT COURT OF THE UNITED STATES, for the Western District of Pennsylvania, at a session thereof, to be holden at the City of Pittsburgh, Pa., on the *12* day of *May* 19*09* at *9:30 A.M.*, to give evidence on the part of the plaintiff, in the suit pending in said Court, wherein the United States is plaintiff and *East Westey et al are* Defendant *S*

Herein fail not under a penalty of four hundred dollars.

Witness, the Honorable the Judges of the said Court at Pittsburgh, this *10th* day of *May* 19*09* and in the *1337th* year of the Independence of the United States of America.

Attest:

Mrs. J. Lindsay

Western District of Pennsylvania, ss.

The President of the United States of America.

To *A. E. Sapp, 16th & Broadway*
Birmingham
~~*from*~~ *M. Pittsburgh, Pa*

Greeting:

We Command you that, laying aside all manner of business and excuses whatsoever, you personally be and appear before the DISTRICT COURT OF THE UNITED STATES, for the Western District of Pennsylvania, at a session thereof, to be holden at the City of Pittsburgh, Pa., on the *6th* day of *May* 19*09* at *9:30 A.M.*, to give evidence on the part of the plaintiff, in the suit pending in said Court, wherein the United States is plaintiff and *Louis Meawley and Jacob Meawley* Defendant

Herein fail not under a penalty of four hundred dollars.

Witness, the Honorable the Judges of the said Court at Pittsburgh, this *6th* day of *May* 19*09* and in the *1337th* year of the Independence of the United States of America.

Attest:

M. Sweeney Clerk.

Western District of Pennsylvania, ss.

Served the within Subpoena

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Services @ 50c.

Miles, 6c.

U. S. Marshal.

Per

Deputy

No. 21 May Term, 1909
Crime Docket

United States District Court
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES
vs.

Jacob Wiesoky

Served by Worthington
Res Agent May 8, 1909

SUBPOENA

All witnesses subpoenaed on behalf of the Government are required to report in person, at the office of the United States Attorney, promptly on their arrival in the city; otherwise they will be presumed not to have obeyed the Subpoena, and will be subject to attachment.

RETURNED AND FILED ON

day of 16 1909 19

WM. T. LINDSEY,

Clerk U. S. District Court.

Press of Percy F. Smith, Pittsburgh.

Western District of Pennsylvania, ss.

Served the within Subpoena

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and
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Res. Agent

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FILED

RETURNED AND FILED ON
AT 10 A. M.

WM. T. LINDSEY, 19

Clerk U. S. District Court.

Press of Percy F. Smith, Pittsburgh.

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MAY 06 2011

Record Group No. 21
Additional Information

Term 107 2/1865
Cases # 4+51
Also Term 9 3/166
WOPA Cases # 21-23
May 1909 Term