

0713

BOX:

132

FOLDER:

1376

DESCRIPTION:

Hill, William F.

DATE:

03/26/84



1376

Witnesses:

Charles H. Howard
Conrad Storer

232. B.P.C. x

Counsel,
Filed 26 day of March 1884
Pleads Not guilty (27)

Grand Larceny 2nd degree
[Sections 528, 531, 550, Penal Code].

THE PEOPLE

vs. P

William F. Will

PETER B. OLNEY,
District Attorney.

A True Bill.

Walter J. Knevals
Foreman.
April 10/84.

Specie requested.

Mr. Knevals 4/10/84.

07-15

John McKenna 27
Officer of Delaware Lackawanna
Western Railway 46
Gegony Street Jersey City.
Every day even days I have
been in employ of the Company
ten years. I arrested with Officer
McGonish. William Hill and
Gustave Berghorn on Men
17. On last Saturday Men 15
I went to Mr Friks in Jersey
City and saw the box that I
now hold in my hand. I got
it from him. After seeing Friks
I saw a man named Matthews
who works in Lordlands at Jersey
City. I then saw Mr Stone in 522
Street New York. 4445. East. From there
I came to the Court and got a warrant.
I went with Officer Mc Gonish to
get the prisoners. We arrested both
defendants. I asked Mr Hill
after the arrest how he got the keys.
He said he took them from a Crook
Cor of Cullman & West Street.
I asked him when he was
with he said he thought he was
doing time. He also said

07-16

He was to get 20 cents on the dollar
for them. I asked him what he
did with the \$800 he said he
sold them to a man kept a
liquor store ~~corner~~ corner of
Chrystie & Canal Streets. I asked
him if he could not have told him
from the Brand on the case when
the cigars came from. He said
he could not as the mark
was dotted with ink. He said
he broke up the case and
burned it. I went to Mr
Berghmans Daloon. I did not
see any cigars of this brand. Mr
Coryak told him he was charged
with having cigars that had
been stolen in his premises.
He told him the Brand &
Berghmans said he had some.
He said Billy Hill had
told him he had some cigars
and eight dollars would
buy them. He said he did
not have the money and
he went out Hill to Mr
Stones and he agreed to
take one or two thousand

0717

Hill

Berghorn said, he went to
Storer and sold some cigars
to him and that he got twenty-
dollars from Storer for them
and that the cigars were left with
Berghorn to be delivered to Storer.

X 24

The first conversation with Hill
took place from his house to the
Police Station. Hill spoke to me
first. He knew what he was asked
for. I am positive he told me
he got them from a crook.

Hill did not tell me he was
asked to take the goods in his
wagon and deliver them to a
certain place on the Bowery.
He told me he was going to get
20 cents commission on the
dollar for selling them. And
he also said he did not know
where the crook got them. I never
saw the case of cigars. I don't know
of my own knowledge there was any
case of cigars.

Berghorn was not present at
my conversation with Hill. Hill
was not present at my conversation
with Berghorn.

0718

Reduct When the defendants were
arrested they were told what
they were arrested for. When
Hill told me he got the cigars from
across it referred to these
particular cigars.

Rex

Hill told me he took the cigars from
a Crook Cor of Courtland Street
Shut and was to get 20 cents or
a dollar for selling them. I asked
him why he took them home instead
of to an Auction Room. He said
he did not know what they were
worth. I never ^{saw} this box till I saw
it at Frinks in Jersey City.

Signed to before me } John W. Hanna
this 20 of March 1884 }
Solomon B. Smith

Police Station

0719

Reuben Sudaheir 31. Clerk
707-22 are being dug
even says I am chief clerk
your Liechtenstein Brothers
~~State to the~~ Liechtenstein Bros
are the manufacturer of the white
ash cigars. They made that
cigar for Clark and Sumner in
Scranton. This box here contained
one hundred of them. On or
about Aug 8. Our firm shipped
them a case of cigars by their
order. They were delivered by
our carrier to the Delaware
and Lackawanna and Western
Railway freight depot in
this city. This is one of the boxes
shipped by us Aug 8. 1883.
We have the company's receipt
for the reception of the case at
their office. We shipped a
case containing one hundred
boxes each box containing one
hundred cigars. The cigars were
worth twenty four dollars a
thousand. in all two hundred
and forty dollars. I think
our firm was paid for
those cigars, by check from

0720

The Delaware Lackawanna and Western Railway Company for two hundred and forty dollars I received the check and receipts for it. I made a demand on the company for the payment of the amount. The demand was made because we never received payment for the cigars from Clark and Sumner.

X 4

I am not positive I saw those 10,000 cigars packed in the case or that I saw 100 cigars packed in each of the boxes.

I have had business relations with Clark and Sumner for over five years. We have made this brand "White Ash" for a long time, about 7 or 8 years.

Each shipment to them were put up in the same style as this box. There is a distinction sometimes. We have two factories and some have been made at each. The boxes show which factory they are made at. I swear positively that the box now shown me was shipped

0721

on that case Aug 8. We did not ship any that day to any other party. and not with those name on them. I won't be positive I saw this box put in that case Aug 8.

Reduct.

The letter ^{memoranda} from me is from Clark and Sumner. We don't sell any of those cigars to New Jersey. We don't sell them to any place nearer than Acapulco. I identify a mark on the bottom of the box that shows it was shipped in the case on Aug 8. inst.

Reduct.

The initials of the packer who packed the case are on the box and the cancellation of the stamp also shows it. When we receive an order for 10,000 cigars the packer who packed them puts his initials on the box and those initials go on the receipt. I will not swear if I saw the initials on the box that the box contained 100 cigars. The initials would not be on the box if it had not been packed

Reduct.

0722

It was in consequence of the receipt
of the letter that we demanded
two hundred and forty dollars
from the Railroad Company -
The draft Mr Shumme marked
Ex B is the one received from the
Railroad company in payment
for the Cigars shipped Aug 8 -
The case was marked Clark and Sumner
Scranton Penn

Sworn to before me } Reuben Lindheim
Mar 20. 1884
Solon B Smith

Police Justice

Charles H Howard receiving clerk
39. 133 west 11. St being duly
Sworn says I am shipping
receiving clerk for the Delaware, Lackawanna
and Western Railroad Company
and was in their employ Aug 8
1883. On that date I saw a
package marked as containing
one case of cigars and directed
to Clark and Sumner Scranton
Pennsylvania. Receipt offered
in evidence and marked Exhibit
D.

0723

24

After I signed the receipt for the case I don't know what became of it. I don't remember what time of day it was received. I examined the marks on the case and found it to correspond to the receipt. I can't say how many receipts I sign in a day. I examine every case every day to see if the marks correspond with the receipt. My hours are from a little before 8 $\frac{1}{2}$ to 5 P.M.

Redner

The receipt was signed on the date it bears on its face.

Sworn to before me
this 20. of Mar 1884 } C. H. Howard
Solomon Smith
Police Justice

Lewis Smith 564 Jersey
Avenue Jersey City 37 years
green being duly sworn says
He received this box of cigars
from John in the latter part
of Aug or the first of Sept

0724

X 4 From Mr. Stone. I bought it.
I paid two dollars a box. I
bought I believe two boxes.
I never saw the defendant Hill.
I never had that brand in my
store before I bought this one.
The label on the end of the box
and on the inside is the only way
I identify the box as the one I
bought. I cannot swear
it is the same box I gave to
McKenna. It might have
been changed.

Reduced. I had the box since I bought it
the latter part of Aug up to Mar
15. Since I have had it it has
been in my store. I gave it to
Mr. McKenna. I don't know
if Stone had any more cigars
when he bought these cigars
to me.

Louis R. Fink

Seen to before me
this 20 of March 1884
Solomon Smith

Police Justice

0725

Conrad Storer 24. poster
445 & 520. Just being dug
even says
I bought some cigars of the
"white ash" brand from a man
whose name I don't know. I
sold a thousand to my friend
him, and we sold some to Mr
Fink. I don't know how many
but I guess two boxes. This is
the same brand. I bought
them from William Hill.
I paid him I guess between
ten and fifteen dollars for
the thousand. I got them from
Berghman's house and paid
him for them. I saw Hill.
I could not speak English and
my friend spoke for me. Hill
and Berghman came to my
house about my buying the
cigars. Hill said he got
them from a friend, but I
don't know who or where he
got them from. but I think
he said from Philadelphia
I know Mr Berghman a
couple of years. I drink my

44 -

0726

beer at his place. When he came
~~to my house he said~~. When
I was in his saloon he
gave me a cigar and said
he bought them and asked
~~himself~~ me if I wanted
to buy some. I told him I
would see. Berghon came
to my house. I made the
Bergman ask Hill at
Berghon's house. Berghon
had nothing to do with the
sale of the cigars. The arrangement
was for Hill to leave the cigars
at Berghon's and I was to
leave the money with Berghon
for Hill.

~~Did~~ I left the money with Berghon
to give to Hill. I paid 10 or 15
dollars for them.
~~I was to be paid~~ me
~~this~~

X 2

I ~~have~~ did not know Hill
at all. I first met him at
my house. He came with
Berghon. Hill told me
he had 8500 cigars. I
got one thousand from
Hill.

0727

Sec. 151.

CITY AND COUNTY
OF NEW YORK, } ss

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

First District Police Court.

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

of No. *46 Gregory Street*, that on the *8* day of *August*
188*3* at the City of New York, in the County of New York, the following article to wit:

*One Hundred boxes containing
ten thousand Cigars*

of the value of *Two hundred and forty* Dollars
the property of *the Delaware, Lackawanna and Western Railroad Co*
w *en* taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *John Doe and Gustav Bergorn*

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the bodies of the said Defendant and forthwith
bring *them* before me, at the *First* DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this *17* day of *March* 188*4*

W. J. Conroy POLICE JUSTICE.

0728

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated March 17th 1884

M. J. O'Connell Magistrate

John M. O'Connell Officer

The Defendant August Berghman and Wm. Hill
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

M. O'Connell Officer

Dated March 17th 1884

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, 6:30 P.M. March 17th

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

0729

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 24 years, occupation Porter of No.

445 East 52nd Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John McNamee

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

Sworn to before me, this 17
day of March 1884

Conrad Stever

Conrad Stever

Police Justice.

0730

First District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK } ss.

of No. *46 Gregory Street* *City of New York* *John McKeenna*
being duly sworn, deposes and says, that on the *8* day of *August* 188*3*
from *at the Pier 19 North River, at the* City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent *the Delaware, Lackawanna and Western Railroad*
the following property, viz :

*One Hundred boxes containing
ten thousand Cigars of the value
of two hundred and forty dollars
(\$240⁰⁰)*

Sworn before me this

17 day of *March* 188*4*
City of New York
POLICE JUSTICE,

the property of *the Delaware, Lackawanna and Western
Railroad Co., is Common Carriers*

and that this deponent

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

*William Hill John Roe whose right name
is unknown, & Gustav Berggren from the fact
that deponent is informed by Conrad Stever
of No 445 East 52nd Street that on or
about the 20th day of August 1883 he purchased
from the said John Roe and said Gustav
Berggren one thousand Cigars. That deponent has
since seen one box in which said Cigars
were delivered by ^{to said Stever} and fully identifies it as one
of the boxes stolen from his possession
deponent therefore charges that said defendants
did take said and carry away the said property
and asks that said defendants be arrested and dealt
with according to law.*

John McKeenna

0731

\$1000 in cash
Mch 21. 3074.

✓
Dist. District Police Court.

THE PEOPLE, & C.,
ON THE COMPLAINT OF
John McHenry
vs.
John Roe
John Doe
John Smith
John Brown

AFFIDAVIT - Larceny.

Dated *March 17* 188*8*
John Doe Justice Magistrate.

Officer.

WITNESSES:
Malcolm. Smith

DISPOSITION
1000 in cash
sent to prison
Prison

0732

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

POLICE COURT, 18 DISTRICT.

John Mc Cormick

of No. 18 District Police Court Squad Street, being duly sworn, deposes and says,

that ~~on the~~ day of 188

at ~~the City of New York, in the County of New York,~~ William Hill

here present is the one known as
John Doe in the alleged complaint
John Mc Cormick

Sworn to before me, this

March

188

day

my

Police Justice.

0733

Spaid between ten or fifteen
dollars. It was about four or
five months ago.
Reduced I went once to Hill's house and
I saw cigars there I don't know
how many. About a couple of
boxes. In a bedroom.
84 I can't swear this box one I
got from Berghorn. It had a
label on it like this one.

Sworn to before me } (Signed) J. C. Smith
this 20 of March 1884
Solon B. Smith

Police Justice

Gottfried Matthews 25. book
keeper 263. 3^d Street Jersey City
being dug down says I was present
when Slater bought the cigars
from Hill. Hill said he had
some cigars he wanted to sell
and he said he wanted to sell
all when I asked him if he
wanted to sell all or part.
I did not have money to
buy all and I told Slater

0734

to buy all he could. Stones brought
about a thousand to my office
and I sold them. I sold them
from one to two dollars a box.
Hill did not say where he
got the eggs. This box looks like
it. I went once to Hill's house he
was not in. I did not see
any eggs there. He did not
know me any. Hill said he
had over a thousand or two thousand.
X 4 I can't swear positively that
this box is the same to Fink. It
looks very much like it.

John Matthews
Sworn to before me
this 20 of March 1884
Solon B. Smith

Police Justice

0735

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, ss.

First District Police Court.

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

Question. What is your name?

Answer. William F Hill

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. England

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

Answer. 74 Allen St 2 years

Question. What is your business or profession?

Answer. Car driver

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

Answer. I received the cigars from
another party who requested me to
cart this case from Conduard St
and Broadway to Bayard St and
the Bowery. He told me he owned the
contents of the case and promised
to pay and did pay fifty cents for
the cartage of the same, and the first
knowledge I had that the case contained
cigars was on arriving at Bayard Street
the Bowery. I took a portion of the
cigars from the case and asked me to
dispose of the balance for him on
commission. Which I did and paid
to him the amount received therefor, and
took a receipt from him.

Wm F Hill

When before me this

20

day

Michael J. Smith

Police Justice

0736

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed,

and that there is sufficient cause to believe the within named

Hill

William F

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

Dated *Mar 20* 188 *4*

Solomon Smith
Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named

Gustave Berghorn

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

Dated *Mar 20* 188 *4*

Solomon Smith
Police Justice.

0737

Counsel for Deft.
H. C. Beach

G. M. Blunt
For People
And has exhibits

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

232
Police Court - 1198 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Mc Kenna
46 Gregory St Jersey City N.J.
William F Hill
Eustace Berghorn
No. 1. 1000 to ans
No. 2. Discharged

Offence Grand Larceny

Dated Mar 20 1884

Smith Magistrate.

McGonick Officer.

10th Dist Court Precinct.

Witnesses John Mc Kenna
Reuben Lindheim

No. 707-22 ave Street.

Chas H Howard

No. 133 W. 11th Street.

Sewer Fick

No. 564 Perry and Lewis St

Comm Stoen

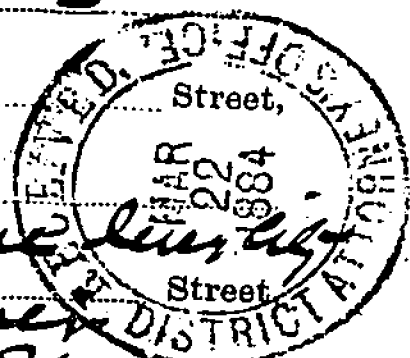
\$ 445 & answer 5248 Sessions.

Gottlieb Matthews

262 3rd St Jersey City.

Eustace Berghorn

47 1/2 Allen St.



0738

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

William F. Rice

The Grand Jury of the City and County of New York, by this indictment, accuse
----- William F. Rice -----
of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:

The said William F. Rice -----

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Eighth ----- day of August ----- in the year of our Lord one thousand
eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms,

one hundred boxes of cigars
of the value of two dollars
and forty cents each box, and
ten thousand cigars of the
value of two cents each -----

of the goods, chattels and personal property of The Delaware
Baltimore and Western
Rail Road Company -----

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

0739

SECOND COUNT—

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

— William E. Rice —
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said William E. Rice —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Eight — day of August in the year of our Lord one thousand
eight hundred and eighty-three at the Ward, City and County aforesaid, with force and arms,

one hundred boxes of cigars
of the value of two dollars
and forty cents each box
and ten thousand cigars
of the value of two cents
each —

of the goods, chattels and personal property of the Delaware
Sachamama and Western
Railroad Company —
by a certain persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said Delaware
Sachamama and Western
Railroad Company —
unlawfully and unjustly, did feloniously receive and have; the said William
E. Rice —

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

PETER B. OLNEY,

District Attorney.

0740

BOX:

132

FOLDER:

1376

DESCRIPTION:

Hillmeyer, William

DATE:

03/26/84



1376

Witness:
George Martin
off Alex Remy,

2d Jm. H. Halliday
Counsel,
Filed 26th day of March 1884
Pleads Not guilty 1st 2d

THE PEOPLE
vs.
B
William Stillmeyer
F
Assault in the Second Degree.
(Section 218, Penal Code).

PETER B. OLNEY,
JOHN MCKEON,
District Attorney.

A True Bill.
Robert S. Turner
Foreman.

7 April 30. 1884.

0741

0742

Police Court 4 District 1

CITY AND COUNTY
OF NEW YORK, } ss.

of No

240 St East 71

Street,

being duly sworn, deposes and says, that
on Monday the 17 day of March

in the year 1887 at the City of New York, in the County of New York

he was violently and feloniously ASSAULTED and BEATEN by

William Killmeyer

(nowhere) who willfully and
Maliciously and feloniously

aimed pointed and
discharged a Pistol loaded

With powder and ball
at this Deponent

with the felonious intent to ~~take the life of the deponent, or to~~ do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

day

of

March

1887

George Martin

Wm. Harrison

POLICE JUSTICE.

0743

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *William Helmes*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1829-10th Avenue*

Question. What is your business or profession?

Answer. *Oyster Business*

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

Answer. *I am not guilty of the charge*

Wilhelm Helmes

Taken before me this

day of

March 1884

Police Justice.

0744

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

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

Dated March 18 1881 Henry Murray Police Justice.

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

Dated March 22 1884 Wm J. Murray Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0745

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Martin
402 East 71st
William Killmeyer

2

3

4

Dated

March 18

188

Henry Murray

Magistrate.

Red Rudge

Officer.

28

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

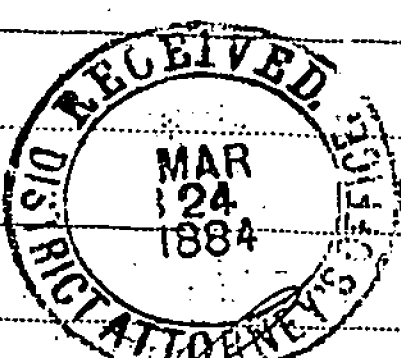
to answer

Sessions.

No. and no

3 to 16

(Com) Guarded & Bailed



Officer Henry Murray

0746

COUNTY OF NEW YORK, ss.

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

An indictment having been found on the 26 day of March
188 4 in the Court of General Sessions of the Peace, of the County of
New York, charging William Hillmeyer

with the crime of Assault & Second degree

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

New York City, the 29 day of April 188 6

By order of the Court,

J. M. [Signature]
Clerk of Court.

0747

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

William H. Meyer
1329 First St

Bench Warrant for Felony.

Issued

Apr 29 1886

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

Surety

George A. Brown

1329 First St
owned the house at
that time but has
sold the house and
moved to California
George A. Brown
Defendant does not
live there and
cannot be found.

Complainant does
not live at the
address given,
and no body knows
anything of him.

Philip Reilly
Detective Sergeant

0748

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Diekmeyer

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

William Diekmeyer

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

The said William Diekmeyer

late of the City and County of New York, on the ~~Seventeenth~~ day of March, in the year of our Lord one thousand eight hundred and eighty-four with force and arms, at the City and County aforesaid, in and upon one

George Martin in the peace of the people of the said State then and there being, feloniously did willfully and wrongfully make an assault: and the said William Diekmeyer, do, at and against him the said George Martin a certain pistol then and there loaded and charged with gunpowder and lead, which the said William Diekmeyer then and there held in his right hand then and there had and held, the same being then and there an instrument likely to produce grievous bodily harm

then and there feloniously did willfully and wrongfully ~~shoot off and discharge~~ against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. Olney,
District Attorney.

0749

BOX:

132

FOLDER:

1376

DESCRIPTION:

Hogland, Louise

DATE:

03/05/84



1376

Wm. H. H. H.

17

Counsel,
Filed 5th day of March 1884
Pleads *Not guilty*

THE PEOPLE
vs.
P
Swiss England
[2 cases]

(Sections 528, 529.)

PETER B. OLNEY,
WHEELER H. PECKHAM,

District Attorney.

A True Bill.
Charles W. B. K.

Foreman.
March 20/84
Heads P.P.P.
Swiss? & friends and others
Commission -

0750

0751

3rd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.of No. 30 East 23rd Street,Minie J. Rittman aged 24being duly sworn, deposes and says, that on the 6th day of February 1884
at the _____ City of New York,in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent and with the intent to deprive the true owner thereof
in the day time
the following property, viz :

9 Gentlemen Shirts of the value of twenty five dollars
one Silk undershirt of the value of ten dollars
a quantity of mens undergarments and handkerchiefs
collars & cuffs of the value of twenty five dollars,
said property being in all of the value
of sixty dollars

Seems to be in this

day of

the property of William W. Scott, Ezra E. Gerio and
Thomas W. Cruikshank and in care and
charge of deponent

and that this deponent

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

from the fact that on said day deponent gave
said property to said Louise to wash,
that she promised to ^{return} bring said property to
deponent on the following Saturday,
said Louise did not return said property
to deponent, and deponent discovered that
she the defendant does not and never did
reside at 49 Stanton Street, as she has
represented to deponent she did

Power Justice,

188

0752

Deponent is informed by officer John J. Creca
of the 10th Precinct Police, that he found Rosa
deponent residing at No 14 Stanton Street,
and that he found a portion of deponent's
property in her possession,

Sworn to before me this 7th day of March 1884
James D. Rutledge
Police Justice

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0753

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation Police officer of No. 10th Precinct Street, being duly sworn deposes and

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

Sworn to before me, this 9th
day of March 1888

John J. Creed

Andrew M. White
Police Justice.

0754

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Louise Haglund*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *14 Livingston Street 1 week*

Question. What is your business or profession?

Answer. *Washing*

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

Answer. *I am not guilty of stealing. I got the clothes to wash. I washed half of them and send them to the complainant with a man named Brooks. The man has not turned up since the other half of the wash. I have them in a bag. The officer found them in my room.*

Louise Haglund
(mailed)

Taken before me this

day of *January* 1908

Police Justice.

0755

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated March 1 188 4 Andrew J. Phelps Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0756

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court 3 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Minna J. Rottman
30 East 23rd St.

Louisa Hogland

2 _____

3 _____

4 _____

Grand Juror
Office

Dated *March 1* 188 *✓*

White Magistrate.

Creed Officer.

10 Precinct.

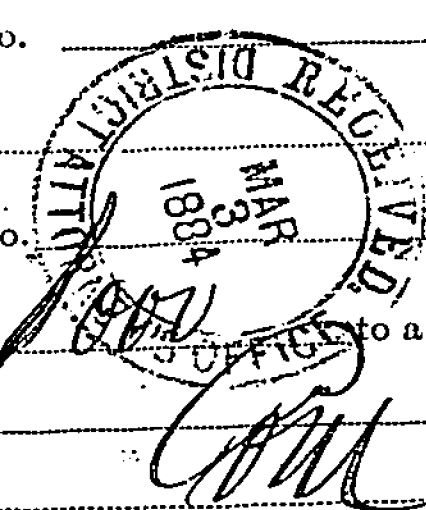
Witnesses *Said affiant*

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ _____ to answer



0757

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Samuel Croftland

The Grand Jury of the City and County of New York, by this indictment, accuse
Samuel Croftland
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Samuel Croftland

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Sixth day of February in the year of our Lord one thousand
eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms,
nine shirts of the value of three
dollars each, one undershirt
of the value of ten dollars, twenty
collars of the value of twenty five
cents each, twenty cuffs of the
value of twenty cents each, twenty
handkerchiefs of the value of
thirty cents each, and other
articles of male underwear of
a number and description to the
Grand Jury aforesaid unknown of
the value of fifteen dollars
of the goods, chattels and personal property of one

Minna G. Croftland

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

0758

Second COUNT.

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

of the CRIME OF Rape and Sodomy in the Second Degree
committed as follows:

The said Louise Rogers - - -

late of the Third Ward of the City of New York, in the County of New York, on the
Six day of February in the year of our Lord one thousand

eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms,

nine shirts of the value of three dollars
 each, one undershirt of the value of ten dol-
 lars, twenty collars of the value of twenty
 five cents each, twenty cuffs of the value of
 twenty cents each, twenty handkerchiefs of the
 value of thirty cents each, and divers articles
 of male underwear, of a number and de-
 scription to the Grand Jury aforesaid un-
 known of the value of fifteen dollars, of the
 goods, chattels and personal property of one
 William H. Scott, then and there being
 found, then and there feloniously did
 steal, take and carry away: against the
 form of the Statute in such case made
 and provided, and against the peace and
 dignity of the People of the State of New York.

0759

Seneca COUNTY.

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

Samuel Haggard
of the CRIME OF Grand Larceny in the Second Degree
committed as follows:

The said Samuel Haggard
late of the First Ward of the City of New York, in the County of New York, on the
Sixth day of February in the year of our Lord one thousand
eight hundred and eighty-~~four~~ at the Ward, City and County aforesaid, with force and arms,

namely shirts of the value of three dollars each,
one undershirt of the value of ten dollars, twenty
collars of the value of twenty-five cents each, twenty
cuffs of the value of twenty cents each, twenty
handkerchiefs of the value of thirty cents each,
and divers articles of male underwear, of
a number and description to the Grand
Jury aforesaid unknown, of the value of fifteen
dollars, of the goods, chattels and personal
property of one Frederick H. Lewis, then and there
being found then and there feloniously did
steal, take and carry away: against the
form of the Statute in such case made and pro-
vided and against the peace of the People of
the State of New York and their dignity.

0760

Fourth COUNT.

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

Bonnie McGraw
of the CRIME OF Larceny in the Second Degree
committed as follows:

The said Bonnie McGraw

late of the Third Ward of the City of New York, in the County of New York, on the

Third day of February in the year of our Lord one thousand

eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms,

namely shirts of the value of three dollars each,
one undershirt of the value of ten dollars,
twenty collars of the value of twenty five
cents each, twenty cuffs of the value of
twenty cents each, twenty handkerchiefs
of the value of thirty cents each, and divers
articles of male underwear of a number
and description to the Grand Jury aforesaid
unknown of the value of fifteen dollars, of
the goods, chattels and personal property
of one Thomas McKindell, then and there
being found, then and there feloniously
did steal, take and carry away: against
the form of the Statute in such case made
and provided, and against the peace and
dignity of the People of the State of New
York.

Peter B. Ormery
District Attorney

0761

Witnesses:

Counsel,

Filed 5 day of March 1884

Pleads City and County

THE PEOPLE

vs.

T

Louise Hogland

[2 cases]

Grand Larceny 2nd degree
[Sections 529, 53, Penal Code.]

PETER B. OLNEY,

District Attorney.

A True Bill.

Charles H. King

Foreman.

March 20/84

Heads of L

Pen: One year.

0762

3rd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.824th St a servant Agnes M^cDonald aged
of No. 136 West 36th Street,

being duly sworn, deposes and says, that on the 29 day of February 1884

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent *and with the intent to deprive the true owner thereof at any time*
the following property, viz :*one Brass Shovel of the Value of two
dollars and*the property of *deponent*

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by *Louise Hagler, (now here)**from the fact that said Louise on
said day was in the Kitchen of the
deponent's premises, and at the time
said Shovel was lying upon a chair
in said Kitchen. That immediately
after said Louise left said premises
deponent missed said property
and from the further fact that deponent
is informed by officer John J. Creed*

Sworn before me this

day of

Police Justice,

188

0763

of the ~~10th~~ deponent found said property
in her possession

Sworn to before me this 1st day of March 1884
James M. McDonald
Police Justice

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFRIDAVALT-Largeny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0764

Sec. 198-200

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Louise Haglana*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *14 Livingston Street, New York*

Question. What is your business or profession?

Answer. *Machining*

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

Answer. *I am guilty*

Louise Haglana
Machining

Taken before me this

day of

March

1884

Police Justice.

0765

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

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

Dated March 1 188 4 Andrew J. M. P. Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0766

BAILED,

No 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court 3 District. 1148

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Agnes M. Donald
136 W 36 St

Louise Douglas

2 _____

3 _____

4 _____

Offence Pen Larceny

Dated March 1 188 ✓

White Magistrate.

Creed Officer.

10 Precinct.

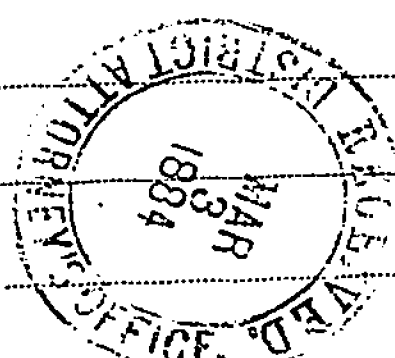
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 200 to answer G.B.



0767

Tomb City Prison

March 19th 1881

To Hon. Judge Aldersleeve,

Dear Sir

Do not cast this aside unread
but look upon me as one
who is in here innocent. I am
in here for seven shirts and
two night-shirts. Your own
good judgement can tell
that no shirt of that amount

could value 60 Dollars. They
would not listen to my
counsel yesterday. it is my
first trouble I have ever
had in my life. never was
in a court before. Dear Sir
I sent the shirts home with

0768

a man I had working for me
and now I am arrested for
his doings. I am and have
offered to make restitution for
them. I earnestly beseech you
to do what is just in my
Case. And you will

Confer a blessing of a
Widow and Orphans.

Yours Respectly

Louisa Hoagland

0769

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Louise Dragland

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

Louise Dragland

of the CRIME OF PETIT LARCENY, committed as follows:

The said *Louise Dragland*

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the *29th* day of *February* in the year of our Lord one
thousand eight hundred and eighty*four*, at the Ward, City and County aforesaid,
with force and arms,

one shirt of the

value of two dollars

of the goods, chattels and personal property of one *Agnes*
McDonald then and there being found, then and there
unlawfully did steal, take and carry away, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York, and
their dignity.

Peter B. O'Shea

District Attorney

0770

BOX:

132

FOLDER:

1376

DESCRIPTION:

Huber, Frederick

DATE:

03/05/84



1376

Witnesses:

30 D. Talmaage
Counsel,
Filed 5 day of March 1884
Pleads Property -

THE PEOPLE
vs.
P
Frederick Huber

W. J. M. Huber
vs. Frederick Huber

PETER B. OLNEY,
JOHN McKEON,
District Attorney

A True Bill.
C. A. B. K. R. L.
Foreman.
Feb 7/84
J. H. G. G. G. G.
S. P. Two years

BLACKMAIL.
[Section 558]

0771

0772

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

POLICE COURT—

DISTRICT.

of No.

191 Christopher Street, being duly sworn, deposes and

says that on the

12th

day of

February

1884

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

Fredrick Huber, now here, did unlawfully make, send and caused to be delivered to deponent the annexed writing or letter threatening to accuse deponent of a crime, to wit: Selling Lottery Policies, he, said deponent, well knowing the contents of said letter and making and sending the same with the intent thereby to extort money from deponent, in violation of Section 558 of the Penal Code of the State of New York.

That deponent received the said annexed letter (marked Exhibit A.) on the day aforesaid, and on the day thereafter deponent went and saw said Huber in relation to said letter. That said Huber then and there admitted to deponent sending said letter, and stated that he, Huber, was in the employment of Inspector Ogden and that if deponent would pay him, Huber, ten dollars he, Huber, would not complain against

0773

deponent otherwise he, Huber,
would accuse deponent of
selling Lottery Policies. That
deponent told Huber in reply
that he was poor but would
give him five dollars, and
deponent thereupon gave said
Huber five dollars and said
Huber received said money and
put it in his pocket.

Sworn to before me this
first day of March 1884

Geederick Corlies

J. M. Patterson Police Justice

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFRIDA VIT.

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

0774

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Frederick Huber*

Question. How old are you?

Answer. *28 years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *445 Washington St. For 3 months*

Question. What is your business or profession?

Answer. *Barber*

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

Answer. *I sent a woman in to buy the policy at 121 Christopher Street. The Complainant took the money from the woman and became the evidence was so strong against him he came down with the money to me and he gave me five dollars. I wrote the Complainant the letter attached to his Complaint.*

Fred Huber

Taken before me this

day of

March 1888

W. J. Hutchinson Police Justice.

0775

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

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

Dated *March 1st* 188 *J. M. Patterson* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0776

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nederick Cordes
121 Christopher St.
Frederick Huber

2 _____
3 _____
4 _____

Office Blackman

Dated March 1st 1884

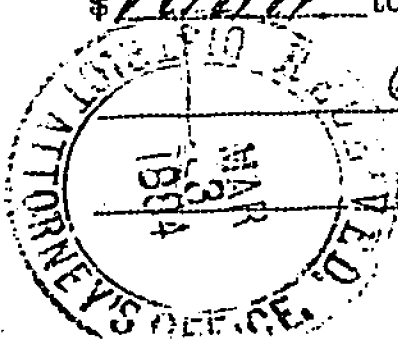
Patterson Magistrate.
Kush & Dooten Officers
300 Mulberry St. Precinct.

Witnesses Officers Kush &
Dooten, Central Office Street.
William Murray
223 West 18th Street,

Frank Jennings
354 West 44th Street.

\$ 1000 to answer Gen. Sessions.

Committed



0777

New York Feb 11/1889

Dick

on Feb 4 at 11 O'clock
Numbers 25-34-64-for 5 P
will have you arrested you took
the money from a woman this
day week ago. at your door i
seen you take the money i
sent her to play them for me
if you want me to keep still
Come and see me at my House
445 Washington st look on the
Book see if i aint Right
if you cant come send me a
Postal Card i will call to
see you 7.50 Squares it
Fred Huber
445 Washington st
City

Inspector Rogers
Policy Office

0778

Exhibit A

0779

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frederick Dunder

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

Frederick Dunder
of the CRIME OF Blackmail

committed as follows:

The said Frederick Dunder

late of the City and County of New York, on the Eleventh day of February in the year of our Lord one thousand eight hundred and eighty-four with force and arms, at the City and County aforesaid,

feloniously did send to one Diederich Cordes, and did cause to be forwarded to and received by the said Diederich Cordes, a certain letter and writing threatening to accuse him the said Diederich Cordes, of a crime, which said letter and writing is as follows, that is to say:

New York Feb 11/1884

Dick

on Feb 4 at 11. O'clock Numbers 25-34-64- for 5¢ Will have you arrested you took the money from a woman this day week ago at your door I seen you take the money I sent her to play them for me if you want me to keep still come and see me at my house 445 Washington St look on the back See if is airtight if you cant come Send me a Postal card I will call to see you. 7⁵⁰ Squares it

Amosson - Conductor
Railroad Station

0780

Fred Oulter
445 Washington st
City

he, the said Frederick Oulter then and there well knowing the contents thereof and with intent, by means thereof, to extort and gain from the said Frederick Cordes a sum of money, to wit: the sum of seven dollars and fifty cents in money, lawful money of the United States and of the value of ~~seven dollars and~~ fifty cents: against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Peter B. Olney,
District Attorney.

0781

BOX:

132

FOLDER:

1376

DESCRIPTION:

Hutchings, William

DATE:

03/10/84



1376

Witnesses :

Counsel,

Filed 10 day of March 1884

Pleads

Not guilty - 13.

THE PEOPLE

vs.

William

Hutchings

Grand Larceny 2nd degree
[Sections 528, 534, — Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

Foreman.

March 12/84

John C. J. J.

See Jan 1884

March 12/84

14

0782

TORN PAGE

0783

7th District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 56 Broadway Street, 51. Minier

being duly sworn, deposes and says, that on the 3 day of Mar 1888

at the above City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent with intent to deprive the true owner of the

the following property, viz:

one draft or check of the value of
Fifty dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,

stolen, and carried away by William Hutchings

Now here under the following circumstances
to wit: I started from near No 56 Broadway
and the first thing I knew some man met me
on the street and says "how do you do Captain Wright"
a man whose name is unknown to me, then he says oh
I am mistaken it is Mr so and so and I said my
name is Blackman from Colorado. Then I went on my
way and in a very short time after I had gone four
or five blocks another gentleman stepped up and says
to me "how do you do Mr Blackman, when did you
come on to New York? I said a few days ago and

Sworn before me this

day of

Police Justice,

188

TORN PAGE

0784

This man then said "he was very glad to see me" and said "don't you remember me, I was with Mr. Tucker in the Georgetown Bank, I used to be there" and I then thought I did recognize the man and he says "by the way I am going to Colorado in a day or two and I was up to Boston and while there I was induced to buy a ticket in a certain lottery which cost me \$2.50 and said he was informed that he had drawn a couple of books of the life of some one (that this deponent does not now remember) and he says I don't care for two books and that I could take one of them home with me and if I would stop down to his office where he was going he would get me the book; well I went along with him to the office and another gentleman in there says he was informed that the books would not be there until then he wanted to know my address and said that he would send the book to me, then after that was settled this other gentleman went on to state to him that after the drawing there was some \$2000.00 left which was to be divided amongst the lucky drawers and that this man's portion was \$250.00 which he threw out to him on the table, then on the end of that there came another ticket for another chance that he could decide at once right there and that was done by scattering around three or four tickets and a bunch of cards and being allowed to draw out here and there and if he drew certain numbers why he drew a prize. The capper then said "now please draw out one for me" and he then says I don't have very good luck so to accommodate him I drew out and the ticket drew a prize, that is it drew a conditional prize; the conditions were a prize of \$1000.00 but the conditions required drawing two or three times more and he said there was no loss in what I had got and by paying a certain amount there was a chance to draw more. I then gave him what money I had and drew a blank next time and I then gave him a draft for \$500.00 and he gave me a draft for \$500.00 and I then gave him a draft for \$500.00 and he gave me a draft for \$500.00. I then went out to hunt up somebody and immediately went to Mr. Constable's office and came back with Mr. Constable. After paying draft of \$500.00 I also drew a blank then the said Butchings then told me the next drawing would require \$1000.00 as I had no money I then went out extremely to get more the said Butchings keeping the draft for \$500.00 and said draft being of the value of \$500.00 being made through Komitze Bros of New York, Bankers, in the Bank of Clear Creek County, Georgetown, Colorado.

Subscribed and sworn to before me this 1st day of March 1884 -
J. J. [Signature]
District Police Commr.
Georgetown, Colorado

THE PEOPLE & CO.

ON THE COMPLAINT OF

ATTEST - J. J. [Signature]

ATTEST - J. J. [Signature]

ATTEST - J. J. [Signature]

ATTEST - J. J. [Signature]

ATTEST - J. J. [Signature]

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ATTEST - J. J. [Signature]

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Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

William Hutchings

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

New York

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

Answer.

xx Runicat (resided there 32 yrs)

Question. What is your business or profession?

Answer.

clerk

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

Answer.

I am not guilty

Wm Hutchings

Taken before me this

day of

March 1908

Police Justice.

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Stenographers Minutes

First District Police Court

The People vs on the
complaint of Augustus
Blackman

vs.
William Butchings

Before

Hon. P. G. Duffy
Police Justice

Appearances

For the People - Mr Anthony Comstock

For the defence - Col. Chas. Spencer

March 3^d & 4th 1884.

Witnesses

	Direct	Cross	Redirect	ReCross
Augustus Blackman	1	5	21	
Anthony Comstock	23	26		

Jas. D. Taylor.

Stenographer

14 Bay St. New York

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First District Police Court

The People vs on the
complaint of Augustus
Blackman } Monday
_____ agt _____ } March 3rd
William Hutchings } 1884

Before Hon. Patrick G. Duffy.
Police Justice

Appearances - J. W. Anthony, Comstock for Compl.
Mr Charles Spencer for Def.

Jas. D. Taylor. Stenographer - sworn.

Augustus Blackman being duly sworn testified
as follows:

Direct examination by J. W. Comstock

- Q What is your full name
A. Augustus Blackman
Q Do you know the defendant
A. I recognize him
Q You have met him before to-day
A. Yes sir.
Q State all that occurred when you went

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into this man's place.

A. I went in there to get a book and the gentleman in there says to the gentleman I went in with "that your books won't be here until Thursday and that my book would be shipped to me to Colorado, and asked me for my address, and gave me a blank for me to sign my name and address on —

2 Then what occurred.

A. Mr Hutchings informed the gentleman I went in with that there was about \$2000⁰⁰ to be divided up amongst those that had drawn prizes and that his share was \$250⁰⁰ or about that, and gave the money to him, put it on the table, he then says (meaning defendant) there is still another chance, here is two more tickets, and handed the man out two more tickets and said there was a chance to draw on those tickets and then threw out 8 cards and told him to draw and if it amounted to 23 he had lost and if he drew 43 it would be \$200⁰⁰ then he drew out of the cards and drew a blank.

2 Where were these cards.

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A. I cannot tell unless I see the m
(Mr Comstock then unfolded a
package containing among other
things a square piece of black
silk or cloth on which were
stamped a number of gilt-letters,
figures, stars &c)
on this, (witness referring to above
mentioned piece of cloth) the man then
drew out again what was said to be
a blank; Mr Hutchings then told him
he had one more chance, and the
man turned round to me and said
Mr Blackman "I am unlucky" and says
"you draw out" (meaning witness) and I
drew out to accommodate him. The
8 cards were spread around on this
(witness again refers to cloth above mentioned)
and I think it came up 27 which the
gentleman said was a conditional prize
and that I was very lucky and also
said it drew what he said was \$1,000⁰⁰
and threw out \$1,000⁰⁰ on a bench which
he said was all drawn under conditions
that we should have to draw again
and would have to give him \$20⁰⁰
each, the other man then threw out
\$20⁰⁰ and I gave him \$20⁰⁰ then we

drew I believe one of these stars (witness refers again to cloth before mentioned) which was also a blank, then the gentleman said the next drawing will require \$30⁰⁰, I didn't have the money, but had a draft in my pocket for \$50⁰⁰ and I gave him that and he gave me back \$20⁰⁰. m.

Q Is this the draft.

(Mr Comstock here produced a draft for \$50⁰⁰)

A. Yes sir ; m.

Draft put in evidence and marked Exhibit A. for identification
March 3rd 1884.

then the gentleman stated that the \$1000⁰⁰ was absolutely drawn and would not be lost and that there was another chance and we were likely to draw a good deal more and that the next drawing would require us to pay \$100⁰⁰, so I didn't have the money and told him I would go and get it.

Q What became of the draft.

A. He (meaning Hutchings) kept the draft.

At this stage of the proceedings, Mr Spencer Counsel for

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the defendant upon examining & reading the affidavit of this witness asked that the case be adjourned until Tuesday March 4th 1884 at 2 O'clock P.M. and also moved that the defendant be admitted to bail which motion was denied by the Court and bail refused.

Adjourned to Tuesday March 4th 1884 at 2 O'clock P.M.

Tuesday March 4th 1884 2 O'clock P.M.

Continued.

Present. The Court and Counsel as before.

Augustus Blackman, recalled and cross examined by Mr Spencer.

Q Did you part with this draft marked

Exhibit A.

A. Yes sir.

Q To whom did you give it-

A. To the gentleman sitting there; to the defendant.

Q Was it endorsed at the time you gave it to him

A. No sir; I endorsed it right there.

Q In your real name.

A. Yes sir

Q Is your name Augustus Blackman

A. Yes sir

Q And this draft is a good genuine draft.

A. Yes sir.

Q On Komtze Brothers.

A. Yes sir

Q At the time you parted with it, did you intend to risk it in a gambling transaction

A. No sir; I didn't know I was in a gambling transaction.

Q And you didn't intend to risk it in any gambling transaction

A. No sir; the man who was with me had introduced himself as a relative of Hoffat in Denver, and referred me to parties in Georgetown that I knew and really made me think I had seen him in Georgetown; that he had really been in

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Georgetown and was partially acquainted with me ~~~

2 At the time you parted with this draft-did you intend it should be used by your friend in a gambling transaction.

A. I didn't know it was a gambling transaction.

2 You didn't intend it should be used in a gambling transaction; you didn't know it was a gambling transaction.

A. No sir; this gentleman explained —

2 What was the check to be put up for; was it to get more money; wasn't you aware when you parted with that draft—that it was to be used in a gambling transaction.

A. I didn't have any idea it was a gambling transaction.

2 Then the only reason on earth you parted with that draft was, not that you supposed it was to be used in a gambling transaction, but merely to oblige a friend.

A. That is what I done it for.

2 What did you suppose he was going to use it for.

A. It was explained to me that it was to be used for a lottery drawing.

2 Don't you call that a gambling transaction; can't you tell whether a lottery is a

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gambling transaction or not; don't you know as much as that out in Colorado.

A. We suppose lottery institutions are allowed by law.

Q Are they allowed by law in Colorado.

A. Yes.

Q Then you supposed it was a lottery and under and according to the laws of Colorado it was all right; is that your idea

A. Well, I suppose you can call that my idea.

Q Do you live in Georgetown, Colorado.

A. Yes sir.

Q And are you in business there.

A. Yes sir.

Q And by what name are you in business there.

A. Meebe + Blackman.

Q Where is your business located in Georgetown; what street and number.

A. It is located on the main street there.

Q Any number to it.

A. Well they have numbered them recently.

Q It is a small town is it; how many are there in the village.

A. Five or Four thousand.

Q Put no numbers in the streets.

A. No sir.

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Q What is your business there.

A. Carrying on the Machinist-business and Mining

Q You came to New York when.

A. Last Thursday.

Q How long have you lived in Georgetown.

A. Five years.

Q And been in this business all the while.

A. Yes sir.

Q Where did you live before you went to Georgetown.

A. All over Colorado, different parts, one place and another.

Q As a Miner.

A. Yes sir.

Q How long have you been in Colorado.

A. Twenty three years.

Q Were you ever in any trouble before this.

A. No sir.

Q This is the first difficulty you have met with.

A. Yes sir.

Q And your age is what; 51.

A. Yes sir.

Q And Mr Blackman when did you say you arrived in this city.

A. Last Thursday morning

Q And had you previously had any acquaintance

with Mr Comstock.

A. No sir.

2 This acquaintance with him has been sudden and unexpected.

A. Yes sir.

2 Where did you stop when you got here.

A. at the Astor House.

2 Are you stopping there yet.

A. No sir.

2 Where are you stopping now.

A. With a friend of mine at No 3. E. 63rd Street.

2 What is your friends name.

A. Brightman; he is my brother-in-law.

2 Has he got a store or place of business here.

A. He is not in any particular business now.

2 And that is where you are stopping yet.

A. Yes sir.

2 When was the first time you saw this defendant Hutchings.

A. When I went into his room.

2 He wasn't the man who accosted you on the street.

A. No sir.

2 How many men accosted you on the street.

A. Two.

2 And this gentleman is neither of the two.

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A. No sir.

Q. Then as far as your own knowledge goes, you can't tell me anything against this man as to your being enticed there, or brought there.

A. No sir.

Q. When you got there was there anybody in the room except Mr. Hutchings.

A. No sir; not that I saw.

Q. There was nobody there but this Mr. Hutchings and your friend Moffatt and yourself.

A. No sir.

Q. Are you prepared to swear that man wasn't the Mr. Moffatt he represented himself to be.

A. No sir.

Q. What was the first thing Mr. Hutchings said or did.

A. Mr. Moffatt said we came in after the books and Mr. Hutchings said the books would not be there until Thursday.

Q. And these were books that your friend Moffatt asked about.

A. Yes sir and he told ~~that~~ gentleman to send me to my address.

Q. You gave your address.

A. Yes sir.

Q. Do you remember the name of the books.

A. Yes sir; Bancroft's History of the

United States.

2 He said the books would not come until Thursday; what was the next thing this young gentleman said or did.

A. I think we was just about getting ready to part as this gentleman said this was not the end of this lottery; that he was entitled to another chance.

2 Then what was the next thing this young man said or did.

A. The gentleman said there was some \$2000⁰⁰ remaining to be divided of that lottery among the lucky holders of tickets on this drawing.

2 What was the next thing.

A. He immediately handed him out a prize which was \$250⁰⁰.

2 He handed him \$250⁰⁰ in bank bills.

A. Yes sir.

2 Where is that money.

A. He handed it to this Mr Moffatt; I suppose Mr Moffatt has got it.

2 He handed him \$250⁰⁰

A. About that

2 or thereabouts

A. Yes sir.

2 What was the next thing our friend Hutchings said or did

A. He then said he had other chances

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state belonging to this lottery.

- 2 What was the next thing he said or did
 A. He said I state got other chances and spread out this cloth (meaning cloth before referred to) (showing witness cloth referred to) Is this the cloth.

A. It looks like it.

- 2 Will you be kind enough to examine it and explain to me the numbers, what they mean.

A. He had some cards and these cards were spread out on this cloth; the idea was that these cards had numbers on them and figures which corresponded with the numbers and figures on the cloth and they drew out a certain number and if the

numbers figured up when it was drawn to correspond with a figure with a star on, it meant he had won without the figure being gold signified, ~~winning~~ but conditionally. The conditions were they were to draw 1 time, and if they drew 4, 5 or 12 they drew three times more, if they hit a prize. Again, and if they drew 9, or something of that kind, that would be entitled to \$5,000.00.

- 2 How much would it require to get \$5,000.00

A. I don't know exactly.

- 2 That is the best explanation you can give of this cloth.

A. Yes sir

- 2 When this cloth was produced and when the cloth was produced, what did Mr Hutchings

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say or do.

A. He said this gentleman had a couple more chances.

2 What next did he say or do.

A. He spread out some cards on this cloth and told him to draw out 8; he drew out 8 cards and drew a star which I believe was a blank.

2 Was you doing anything all this while

A. Nothing, except stood at one corner of the table looking at them.

2 What next did the young man say or do.

A. He said he had another chance.

2 Mr Mulchings didn't say anything until after this game had gone through.

A. Mr Mulchings said nothing until after the game was finished.

2 Then what did he say or do after the game was over.

A. After it was through he said there was still another chance to be taken.

2 Then after the game was through he said there was another chance to be taken.

A. Yes sir; and said to this gentleman that had been spreading the cards to hand me one of the tickets and he said it would require \$20.00 cash.

2 Who said so, this man.

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A. Yes sir.

2 When he said it required \$20⁰⁰ you took a chance.

A. Mr Moffatt handed down \$20⁰⁰ and I asked him if it would be necessary for me to hand down —

2 Weren't you in with him trying to make something.

A. No sir.

2 You had an idea there was something to be made, didn't you.

A. I wasn't in it for making anything; of course I knew there was a chance to make something for I believed that gentleman.

2 You put down \$20⁰⁰ didn't you.

A. Yes sir.

2 At the time you put down that \$20⁰⁰ didn't you expect to make something by it.

A. I expected to make or lose of course.

2 You never had gambled before had you.

A. No sir.

2 You have been in Colorado 23 years and never gambled.

A. No sir.

2 You never played Cards for money in Colorado

A. No sir.

2 Never gambled in any way.

A. No sir.

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Q You never sold out one of these fried clams;
doctored minis.

A Yes. (Witness says, he did not understand its word, ^{doctored & denies it outright.}

Q Now sir, after you laid down \$20⁰⁰ what
happened then.

A This Mr Moffatt asked me to draw out
the next time which I did.

Q You at that time drew out what.

A 8 cards I believe here and then all
over the pack.

Q What did you draw out of, a lot of these
cards.

A Yes.

Q What happened next.

A Mr Neulchings counted them up and said
I had drawn a conditional prize amounting
to \$1,000⁰⁰ or \$2,000⁰⁰, I have forgotten which.

Q Did you believe it.

A I hadn't got far enough then to think
very much about it - one way or the other
but I believed it - at the time.

Q And what happened next.

A Next there were two more of these
drawings to be made, or three, before the
conditions were complied with and the next
time required \$30⁰⁰ ~~each~~.

Q Well what happened next.

A As I didn't have any more change in

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- my pocket - I handed out this draft for \$50⁰⁰.
- Q What did he do when you handed out this \$50⁰⁰ draft.
- A. He handed me back \$20⁰⁰.
- Q Where is that \$20⁰⁰ now.
- A. That is supposed to be in my pocket.
- Q Have you got that \$20⁰⁰ yet.
- A. Yes sir.
- Q The \$50⁰⁰ is independent of the cash is it.
- A. No sir.
- Q It was produced before the Court yesterday wasn't it.
- A. Yes sir.
- Q And you are keeping this man's \$20⁰⁰ yet.
- A. I am keeping my \$20⁰⁰.
- Q How do you make it out - it is your \$20⁰⁰.
- A. I handed him \$20⁰⁰ ~~again~~.
- Q You gave your draft for \$50⁰⁰.
- A. Yes sir.
- Q And you got his \$20⁰⁰ that makes \$70⁰⁰ don't it.
- A. I don't know how it makes \$70⁰⁰.
- Q Do you intend to keep that \$20⁰⁰ and get your draft back too.
- A. Yes sir.
- Q Have you sold any of these claims or mines since you have been here.
- A. No sir; I am not in that business now.

Q What business are you in now.

A. I belong in Colorado, I am not in business here at all, I was in the Mining and Machinery business.

Q What kind of machines.

A. Steam Engines and machinery of all kinds.

Q For what purpose.

A. For hoisting ore.

Q Where are your mines.

A. In various parts of Colorado.

Q Name one or two of them.

A. I don't see any necessity for naming any of the mines.

(The witness was here instructed by Mr. Cornstock to answer the question and to state the location.)

Q Where is your mine located.

A. I have a mine located in Clear Creek County, on the Red Elephant Mountain, and I have no interest in a mine called —

Q Has that ever been a paying mine.

A. I have no interest in any mines that are working now, just simply some mines that are lying idle there.

Q Are they what are called prospect holes

A. I haven't any interest in any mine that is developed.

Q Then you haven't got any mines that are all prospect holes.

A. I am not doing that business

Q Are you willing to deposit that \$20⁰⁰ that you got from this young man with the Court, or into Mr Comstock along with this draft here.

A. Certainly.

(Defendants Counsel here, asked him to do it before the witness went away)

Q Did you put into their hands a draft of \$50⁰⁰ and \$20⁰⁰ in cash besides.

A. \$20⁰⁰ first and the defendant afterwards —

Q Did you pay \$20⁰⁰ cash and then the draft of \$50⁰⁰.

A. Yes sir.

Q That makes \$70⁰⁰ you paid in don't it.

A. He gave me back \$20⁰⁰.

Q Are you to-day \$50⁰⁰ out.

A. Yes sir.

Q Counting the draft.

A. Yes sir.

Q Then after that what next happened; after you had put in your draft of \$50⁰⁰ and got your \$20⁰⁰ change.

A. We was to draw again and we drew a blank.

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Q What next happened.

A. He said the next drawing required \$100⁰⁰.

Q And did they ask you for the \$100⁰⁰.

A. Yes sir.

Q Then what happened.

A. I said I hadn't any more money with me, but would step out and get some.

Q Then what happened.

A. I went out and while I was gone I made up my mind it had gone far enough.

Q Then what happened.

A. I went to Mr Comstock.

Q How did you come to go to Mr Comstock; had you read about him.

A. No sir; I asked a gentleman in the street where I could find an officer.

Q Have you seen the gentleman that you inquired of for an officer here since this examination has been going on.

A. I have not noticed.

Q You haven't seen him to your knowledge

A. No sir.

Q Isn't it a fact that a man went up to you in the street and asked you what you had been doing in there.

A. A man saw me looking around and

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asked me what I wanted, and asked me if I had lost any money.

2 A man came up to you in the street and this man asked you if you had lost any money, and that was the man that took you to Mr Cornstock.

A. Yes sir.

2 Up to that time Mr Cornstock was not in there; any of the time this game was going on.

A. No sir.

2 You went back and had him arrested.

A. Yes sir.

2 And saw some of these things here.

A. Yes sir.

Re direct-examination by Mr Cornstock.

2 You were asked by Colonel Spencer if you had ever sold "doctored mines" and he made an explanation to you about what he meant by doctored mines and you attempted to make an explanation that you had not understood his question and to make an answer and he stopped you.

A. I don't remember hearing anything about doctored mines.

2 Have you ever engaged in any fraudulent

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scheme of any kind or character.

Objected to.

2 Did you ever sell doctored prospect holes.

A. No sir.

2 Do you to-day own a single genuine paying mine that is working.

A. At the present time I am not interested in any mine that is working. I have a mine leased to a party out West.

2 Have you a man in New York that you have leased or sold to.

A. I have not.

(Mr Comstock here introduced a book marked on the cover as follows "Havana Lottery Association" book not put in evidence)

2 Did you see that book.

A. I didn't notice any book.

Sworn to before me this
6th day of March 1884

[Signature]
Police Justice

Clay Blackman

Mr Comstock at his own request was then sworn as a witness for the prosecution and was about to proceed to make his statement which was objected to by Colonel Spencer, Counsel for the defendant on the ground that he should be regularly examined by Counsel; no Counsel other than Mr Comstock having appeared on the part of the prosecution he thereupon put questions to himself and made answers thereto, as follows.

- Q What is your name
A. Anthony Comstock.
- Q Where is your office.
A. 150 Nassau Street.
- Q What is your occupation.
A. Chief special Agent and Secretary for the Institution known as the "Society for the Suppression of Vice"
- Q Do you know the defendant.
A. I do.
- Q Where did you first see him.
A. at No 27 Centre Street, & know him the first time.

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2 When did you see him

A. March 3^d. 1884.

2 What time of the day.

A. about one o'clock in the afternoon

2 State what occurred in your presence and what was said by the defendant if anything.

A. I first went into No 2nd Centre Street and I saw Mr Blackman trying the door on the second floor of that building; the door was fast; Mr Blackman came down, I remained in the hall and in a moment afterwards the defendant came out and went to the rear of the hall to a watercloset; at first when he came out Mr Blackman identified him and said "this is one of the men" this was said in the defendant's presence and hearing; he then came inside the room he came out of and said what is the matter; I said "hello! here is a Prince lay out, complete. This cloth (referring to the cloth already mentioned herein) lay upon the table and these cards (referring to some cards which were afterwards put in evidence) lay upon the table and Mr Blackman said "that is what they used, this was said in the hearing and

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presence of the defendant. I then said "Where is the check that you robbed this man of" and he says "all right I don't want any trouble, you can have it" and handed it to me. I then asked him where the caper was, and he said it was no one looking for him, that he would not be back there again and he again said I don't want any trouble, you can take all these things. I then asked him how they worked this game; no, I first asked Mr Blackman how they worked it and Mr Blackman said "when he came in there that this man said to the other man who came in with him" that the books have not come in and won't be here until either Wednesday or Thursday and after he had said that he hand some cards out to the other gentleman with the faces of the cards downwards and told him he had a chance to draw out 8 of these cards and after the first man had drawn the cards he then threw the cards to me and wanted me to draw and I did then this man said I drew \$1000⁰⁰ but it was conditional, the conditions were I should draw 3 more times, the first was \$20⁰⁰ and the second \$30⁰⁰ and I said well I don't exactly understand how this is

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and with that Mr Britton said "let this man show you he can tell you how this is done" so then the defendant says well "am I under arrest" ~~~

Cross examination by Mr Spencer

Q You say Mr Britton was there -

A. Yes sir; then I found some of these papers (size of dollar bills) ~~papers~~ on the desk, and I asked if he had any more, then he took out some money packages, some were marked \$500⁰⁰ and some \$1000⁰⁰ with a band around them, he took some more also out of the desk, these papers he took out in my presence; at the time we went into the Seargeants office with all these papers... ~~~

Q Did you get hold of any of the money.

A. No sir; these cards were also there one marked "Royal Havana Tickets bought & sold" another "Prizes Cash in all legalized lotteries" another "Special drawing for non-residents only." another "Grand drawing on the 25th of next month".

Q Were any of these in sight.

A. No they were not in sight; these it were ^{I think} on the floor in the little room.

Q They were not posted up for folks to read

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A. They were on the floor in the room and the door was open.

2 Didn't you take them out of a drawer.

A. Some of them I cannot tell which possibly they were in the drawer but there were some that were on the floor in the little room. This cloth was spread out on the table and the green cards were on it and there were others of these cards which read as follows

" one dollar. This ticket entitles the holder to one share in special drawing " there were also on the table under and about these blank checks and drafts from different parts of the country which are produced and marked Exhibit "D". There was upon the table and upon the cloth 58 green cards, the cards contained numbers on one side only and are numbered from one to six which are produced and marked Exhibit "E" for identification. We also found on the table a certain quantity of lottery tickets and these tickets are produced and pinned together and marked Exhibit "F" for identification.

Defendants Combel here interposed an objection to the Exhibits being

put in evidence.

Q You have been a witness about how many times.

A At least 800 times in 10 or 11 years.

Q You will acknowledge this; that you didn't see or hear any of the details of this alleged offence.

A No sir.

Q Whatever was done between Mr Blackman and my client you don't know anything about.

Q I know nothing except what he said one of your specialties is lottery trans actions.

A Yes sir.

Q Your specialties are lotteries and obscene literature.

Adulterating and any offence against the Postal Laws of the United States.

Q Did you ever see one of these cloths before.

A No sir.

Q This is the first time you saw a cloth like that.

A Yes sir.

Q Are not these things that you call "lottery tickets" and that you have spoken of in your examination a part

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of them 4 years old and worthless and a part of them 2 years old, most of them 4 years old, one or two 3 years old and the youngest 2 years old; are they not things of the past and do you know whether they ever drew a prize.

A. I don't know sir.

Q These green cards are perfectly blank except as to the numbers you have spoken of.

A. Yes sir; when I found these I asked this man where these were that they bought people with.

Counsel for the defendant objected to the latter part of the answer. and if admitted to be subject to his objection

Mr Comstock then offered in evidence all the papers found in the defendants possession at the time the arrest was made and that were there when the transaction was committed and also the draft which he found and received from the defendant and said that all the other matters above referred to were

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put in evidence and directed
that an exception be given
to the defendant.

Counsel for the defendant then
moved that the defendant be
bailed to which the court
then consented; the case
was then adjourned.

Adjourned to Thursday March
6th 1884 at 2 O'clock P. M.

Adjourned to Friday March
7th 1884 at 9³⁰ A. M.

08 17

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on the table and these things
(meaning the lottery tickets,
Blank checks &c) were on the
desk and in the drawer.

The following being what were
put in evidence and marked
as follows; _____

Exhibit "P."

"Chart of Special drawing
marked Exhibit P"

Exhibit "A."

"Draft for \$50⁰⁰ marked Exhibit
"A" for identification

Exhibit "C"

"Card reading as follows" one
dollar. This ticket entitles the
holder to one share in special
drawing" marked Exhibit "C"

Exhibit "D"

"Lot of Blank checks and drafts
in an envelope" marked Exhibit-
"D"

Exhibit "E"

58 Green Cards numbered from
1 to 6. marked Exhibit "E"

Exhibit "F"

Lot of lottery tickets" marked
Exhibit "F."

Counsel for the defendant again
objected to all of the above exhibits
being put in evidence, whereupon
the Court decided that they be

08 18

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

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

Dated March 7 1888 J. H. Duffy Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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65
Police Court

1101
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Augustus Blackman

vs.

William Hutchings

1
2
3
4

Offence

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated March 3 1884

Drury Magistrate.

Pratt Officer.

Society Prevention Crime

Practising.

Witnesses

No. Street.

No. Street,

No. Street.

\$ 1500 - to answer Sessions.



Bill or dare

Sum

0820

William Lintner

MARTIN B. BROWN, Law Printer and Stationer, 201, 203 & 205 William Street.

Court of Appeals.

GEORGE W. LOOMIS and THOMAS
LEWIS,

Plaintiffs in Error,

agst.

THE PEOPLE,
Defendants in Error.

WM. F. KINTZING, for Plaintiffs in Error.

BENJ. K. PHELPS, Dist. Att'y, for Def'ts in Error.

MILLER, J.

The prosecutor was induced to place his money upon a game of hazard, upon the assurance of Lewis, one of the prisoners, that he was to win, and he would have his money back, or, that in case of loss, other money would be procured, upon a check which he claimed to have in his possession, and paid in place of that lost.

It is evident that the prisoner, Lewis, and his confederate, Loomis, conspired fraudulently and feloniously to procure the money of the prosecutor, and by means of a trick and device, succeeded in converting it to their own use. Upon the facts proven, the question to be determined is, whether a case of larceny is established. The jury have found that it was the intention of the prisoners

to convert the money, without the consent and against the will of the prosecutor, and that he did not intend to part with his property. I think that the conclusion at which they arrived was abundantly warranted by the evidence, and the conviction of the prisoners can be upheld upon well-established legal grounds.

It is contended that the conviction was erroneous, because the prosecutor voluntarily parted with his money, not expecting to receive back the same bills, but others in their place, and hence the crime was not made out. It must be conceded that in order to establish the offense of larceny, there must be a trespass, and without this element the offense is not complete. 1 Hawk. Pl. Cr., § 1, p. 108; 2 Russ. on Crimes, 5th Am. Ed., 95; McDonald *vs.* the People, 43 N. Y., 61; Hildebrand *vs.* People, 56 N. Y., 396. Even although the owner is induced to part with his property by fraudulent means, yet if he actually intends to part with it, and delivers up possession absolutely, it is not larceny. People *vs.* Smith, 53 N. Y., 111.

In this case, considering the circumstances, it cannot be deemed, we think, that the prosecutor intended to part with the possession or the ownership of the money. It was handed over for a particular purpose with no intention to loan it, or absolutely to surrender the title, and it was only in case of its loss that other money was to be procured upon the check, which the prisoner Lewis claimed to have in his possession. The prosecutor then had parted with no absolute right to the same, nor transferred any title to the bills before the contingency of the loss occurred, and the use of the money was but temporary and for a specified object. Certainly, when it appeared that no loss had happened, the temporary possession was at an end, and to all intents and purposes the money reverted to the prosecutor. The alleged loss, brought about by the criminal and fraudulent conduct of the prisoners, could not change the title, or in any way transfer the ownership to them. They did not thereby acquire any right, and it cannot seriously be questioned that at this

time, if not before, the prosecutor would have been justified in taking the money forcibly, or could have maintained an action for the recovery of the same identical bills. It was his money, and the conversion of it by the prisoners before it was won, was without a semblance of lawful authority, and, as the jury have found, with a felonious intent.

It was a clear case of larceny, as marked and significant in its general features as if the prisoners had wrongfully seized and appropriated it when first produced. The form of throwing the dice was only a cover; a device and contrivance to conceal the original design, and so long as there was no consent to part with the money, does not change the real character of the crime. While the element of trespass is wanting, and the offense is not larceny where consent is given, and the owner intended to part with his property absolutely, and not merely with a temporary possession of the same, even although such consent was procured by fraud, and the person obtaining it had an *animus furandi*, yet, as is well said by a writer upon criminal law:

"It is different where, with the *animus furandi*, a person obtains consent to his temporary possession of property, and then converts it to his own use. The act goes further than the consent, and may be fairly said to be against it. Consent to deliver the temporary possession is not consent to deliver the property in a thing, and if a person, *animus furandi*, avail himself of a temporary possession for a specific purpose, obtained by consent to convert the property in the thing to himself and defraud the owner thereof, he certainly has not the consent of the owner. He is therefore acting against the will of the owner, and is a trespasser, because a trespasser upon the property of another is only doing some act upon that property against the will of the owner."

In the case at bar there was no valid agreement to part with the money absolutely, and no consent to divest th.

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owner of his title. It was passed over for a mere temporary use at most, and the legal title remaining in the owner, the conversion of it by the prisoners within the rule cited was larceny.

The reports are full of familiar illustrations of this rule, as a reference to some of the leading cases will show.

In *Hildebrand vs. The People, supra*, a fifty dollar bill, delivered to the prisoner to pay ten cents and return the change, was kept by him, and it was held to be larceny. It was intended that after taking out the ten cents, other money should be exchanged, and to this extent and for this purpose the prisoner had lawful possession of the money.

In that case, as here, the money was not absolutely parted with, but surrendered for a specific purpose, and the custody temporarily transferred. It is true that in the case last cited the delivery was held not to be complete until the change was returned, but that does not alter the principle when there was but a temporary possession, as there was no transfer of the ownership. See also *McDonald vs. The People, supra*. Nor does it change the aspect of the case, when, by trick or device, the owner is induced to part with the custody or naked possession of property, for a special purpose, to one who receives it *animus furandi*, and still means to retain a right of property. *Smith vs. The People*, 53 N. Y., 111. In *Rex vs. Homer*, 1 Leach, 305, where the prosecutor was decoyed into a public house and money obtained from him for the purpose of playing at cards, and appropriated by the prisoner, it was held that if there was a preconcerted plan to obtain the money, and an *animus furandi*, it was felonious. This case is analogous and directly in point, and it is difficult to draw any distinction between the case cited and the case at bar, as there was quite as strong ground for finding the felonious intent in the latter case as in that cited. In *Rex vs. Robson*, Russ. & Ry. C. C., 413, where there was a plan to cheat the prosecutor out of his property,

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under color of a bet, and he parted with the possession only to deposit it as a stake with one of the confederates, the taking was held to be felonious.

This case is directly in point, and, as a decision by the twelve judges, is entitled to great weight. The cases referred to, without citing others which bear in the same direction, are sufficient to sustain the conviction, and the cases which have been cited, as upholding the principle, that there was no such parting with the property as to constitute larceny, do not, I think, go to the extent which is claimed.

After a careful examination, without considering them in detail, suffice it to say, that perhaps, with a single exception, *Reg. vs. Thomas* (9 C. & P., 741), which was a *nisi prius* decision, and is criticised in the opinion in *Hildebrand vs. The People*, they are all clearly distinguishable from the case now considered, and the weight of authority is decidedly in an opposite direction.

There is, to be sure, a narrow margin between a case of larceny and one where the property has been obtained by false pretenses. The distinction is a very nice one, but still very important. The character of the crime depends upon the intention of the parties, and that intention determines the nature of the offense. In the former case, where by fraud, conspiracy or artifice, the possession is obtained with a felonious design, and the title still remains in the owner, larceny is established. While, in the latter, where title, as well as possession, is absolutely parted with, the crime is false pretenses.

It will be observed that the *intention* of the owner to part with his property, is the gist and essence of the offense of larceny, and the vital point upon which the crime hinges and is to be determined.

Although the present case is on the boarder line, yet it is quite clear that it was, as the evidence stood, a fair

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question for the jury to decide as to the intent of the prisoners feloniously to take the money, and as to the intention of the prosecutor to part with the ownership of the same.

These questions were fairly submitted by the judge to their consideration, and as there was no error in the charge, or in any other respect on the trial, the conviction must be affirmed.

"All concur."

[A copy.]

H. E. SICKELS,

Reporter, per C.

0024



THE

New York Society for the Suppression of Vice,

150 NASSAU STREET.

ROOM 9.

New York, ~~March~~ 19, 1884

Hon Peter B. Olney
District Attorney
N. Y. City

Dear Sir:—

I am just in receipt of the enclosed telegram from the Banking House of H. L. Norton & Co. Mr. Brighton, the Brother in Law of A. Blackman, the man who was robbed by the burce gambler (Hutchings), being a member of this firm.

I take the liberty of sending this personally to you for two reasons. I know that a most determined effort is being made to secure the release of this man Hutchings, with a very favorable outcome.

I am informed by Mr. Priggett, who is a very successful gentleman in this City, that friends of H. H. King's ~~came to his~~ house and offered \$1000 to have Mr. Clarkson sent away before his case should come to trial, on the same plan.

I am not ~~not~~ that

0825



THE
New York Society for the Suppression of Vice,

150 NASSAU STREET.

ROOM 9.

New York, 188

you will interest yourself in this matter
sufficient to see that the full extent of
the law be imposed upon this man and
his plea to a minor offence of petty larceny.
And I respectfully submit, that whenever
accepted a plea to this minor offence, that
that it was extending to this thief, all the
consideration that he could possibly expect
from the people.

Knowing your interest in the
proper administration of justice, I take
the liberty of calling your attention especially
to this matter, as this man is to come up
for sentence before Judge Fildersleeve
tomorrow morning.

I have the honor to be, very
respectfully Sir,

Yours Obedt Servant
Anthony Comstock
See Recd

0026

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Hutchings

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

William Hutchings
of the CRIME OF GRAND LARCENY in the *Second* degree, committed as follows:

The said *William Hutchings*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Third day of *March* in the year of our Lord one thousand
eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms,

*one written instrument and evidence of debt, to wit: an
order for the payment of money of the kind
commonly called drafts, drawn by the Assistant
cashier of the Bank of Clear Creek County, of
Georgetown, in the State of Colorado, upon
Mountz Brothers of the City of New York, direct-
ing the said Mountz Brothers to pay to the order
of A. Blackman the sum of fifty dollars, the
said draft bearing date the twenty first day
of February, eighteen hundred and eighty four
and being numbered eighteen thousand three
hundred and twenty three, upon the back of
which said draft there was then endorsed as fol-
lows: Aug Blackman, the same being then and
there unsatisfied, and being when so endorsed
of great value, to wit: of the value of fifty
dollars*

of the goods, chattels and personal property of one

Augustus Blackman

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

Peter B. Olney
District Attorney.