

1050

**BOX:**

420

**FOLDER:**

3886

**DESCRIPTION:**

Nathan, Benjamin

**DATE:**

12/15/90



3886

134.

*[Signature]* *kok*

Witnesses  
*[Signature]*

Counsel,

Filed 15 day of Dec 1890

Pleads, *[Signature]* 16

THE PEOPLE vs.

*[Signature]* *[Sec. 325, Criminals]*

B

Benjamin Nathan

*[B care]*

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

*[Signature]*

Foreman.

P2 Nov. 2, 1891

Plea do Guilty

Sentence suspended

PSM

City, County and State of New York. ss.

Anthony Bantock of 41 Park Row, New York City, being duly sworn deposes and says, he is Chief Special Agent, of the New York Society for the Suppression of Vice, that Benjamin Nathan here present, did at the City, County and State of New York, aforesaid, on or about the 16<sup>th</sup> day of September 1890 unlawfully contrive, propose and carry on, or assist in contriving, proposing and carrying on a lottery, where said lottery was set on foot for the purpose of disposing of <sup>money or</sup> property by lot or chance, in violation of Chapter VIII of the Penal Code of the State of New York, and particularly Section 325 of said Chapter of said Code.

Defendant further says, that the said Nathan, aforesaid, did in assisting in the Contriving, proposing and carrying on of said lottery aforesaid, which said lottery was then and there known and called the Louisiana State Lottery, drawn at New Orleans, Louisiana, unlawfully advertise by circular and publish an account of said lottery stating when, and where said lottery was drawn and what the prizes are, and further did keep an office or room for the sale of tickets in said lottery; and further did keep a large quantity of tickets in said lottery for sale, and did sell the same.

1053

*Antony J. Boudry*

*agent of  
the  
lottery is not*



THE LOUISIANA STATE LOTTERY CO.

Will Draw at New Orleans, on Tuesday, Oct. 14th, 1890. G

ONE HUNDRED TWENTY DOLLAR DRAWING

THIS TWENTIETH TICKET ENTITLES THE HOLDER THEREOF TO ONE TWENTIETH OF SUCH PRIZE AS MAY BE DRAWN IN THE WITHIN-NAMED DRAWING PRESENTED FOR PAYMENT BEFORE THE EXPIRATION OF THREE MONTHS FROM THE DATE OF SAID DRAWING.

TWO SIX NINE FIVE FOUR  
(26954)

*McDonagh*

Defendant further says, that the said Nathan aforesaid, did further violate the provisions of said Penal Code aforesaid, and particularly Section 325 of the Penal Code of the state of New York, at the said time and place, to wit on or about the 16<sup>th</sup> day of September 1890, at 838 Broadway New York City, by further contriving, proposing, or assisting in the contriving and proposing and carrying on of a lottery, to wit a lottery to be drawn without the state, called and known as the "Grand Lottery of Quarez", the monthly drawings of which said lottery, the said Nathan did by Circular advertise and publish to take place at "City of Quarez, Mexico". which said lottery was set on foot for the purpose of disposing of money or property by lot or chance; and further the said Nathan, did assist in the contriving, proposing, carrying on and drawing of said lottery by, advertising the same by Circular, and by keeping an office or room, for the sale of tickets, and the keeping of tickets in said office in his possession for the purpose of selling the same, all against the peace and dignity of the People of the State of New York, and against the form of the Statutes of the state of New York in such case made & provided.

Subscribed & sworn to before me  
 this 16<sup>th</sup> day of September 1890  
 [Signature]  
 Police Justice

Auctioneer

Control the Drawing, and all  
 this ticket, which appears  
 honestly, fairly, and  
 on this ticket.

It Entails  
 all pay such Prize as may  
 counters.

Bank.  
 Orleans National Bank.  
 L. KOHN, Pres. Union National Bank.

POOR QUALITY  
ORIGINAL

1055

# Mexican International Banking Co.,

(SOCIEDAD ANONIMA.)

Capital Stock, - - - \$1,000,000

CONCESSIONARY OF THE

## GRAND LOTTERY JUAREZ.

AT CITY OF JUAREZ, (formerly Paso del Norte,) MEXICO.

The ordinary monthly drawings have a Capital Prize of

**\$60,000 WITH BUT 60,000 TICKETS!**

### PRICES OF TICKETS

Wholes, \$4.00      Halves, \$2.00      Quarters, \$1.00.  
Club Rates, \$50 worth of Tickets for \$45.

Attention!

Attention!

CERTIFICATE:—We, the undersigned, hereby certify that the Banco Nacional de Mexico, in Chihuahua, has on deposit, from the above company the necessary funds to guarantee the payment of all prizes drawn.

We further certify that we supervise the arrangements and in person manage and control all the drawings, and that the same are conducted with honesty, fairness and in good faith towards all parties.

CAMILO ARGUELLES, Gov't Supervisor  
JOHN S. MOSBY, Commissioner.

### CAUTION.

In buying your ticket see that it is dated Ciudad Juarez, formerly Paso del Norte, Mexico, signed by F. A. Gonzales and endorsed on its back with the signature of Camilo Arguelles and John S. Mosby.

# GRAND LOTTERY JUAREZ

THE MONTHLY DRAWINGS TAKE PLACE AT

CITY OF JUAREZ, MEXICO.

(Formerly Paso del Norte, Mexico.)

ON THE FOLLOWING DATES:

1890.	CAPITAL PRIZE.
APRIL 23d.	\$60,000
MAY 21st.	60,000
JUNE 25th.	60,000
JULY 23d.	60,000
AUGUST 20th.	60,000
SEPTEMBER 24th.	60,000
OCTOBER 22d.	60,000
NOVEMBER 19th.	60,000
DECEMBER 24th.	60,000

Under the personal supervision and management of

General John S. Mosby,  
Commissioner.

Remit Bank Exchange on New York or Express Money Order,  
draft or Postal Note on El Paso, Texas.

No Postage Stamps will be accepted as payment for the Tickets.

### IMPORTANT.

To OUR PATRONS.—All English Printed Tickets drawing prizes are payable in

**UNITED STATES CURRENCY**  
In Full Without Discount.

Address all Letters to Mexican International Banking Co., C. Juarez, Mexico. Your handwriting must be distinct and signature plain. Enclose envelope with full address.

1056

**N. B.**—The City of Juarez, formerly Paso del Norte, virtually brand one town with El Paso, Texas, being only divided by the Rio Grande river over which two international street railways convey passengers to and from within five minutes.

APPROXIMATION PRIZES.

## 1,914 Prizes

AMOUNTING TO \$123,970

The numbers from one to 60,000 corresponding with those numbers on the tickets, printed on separate slips of paper, are encircled with small rubber tubes and placed in one wheel. The prizes similarly printed and encircled are placed in another wheel. The wheels are then revolved and a number is drawn from the wheel of numbers, and at the same time a prize is drawn from the other wheel. The number and prize drawn out are opened and exhibited to the audience and registered by the Commissioners, the prize being placed against the number drawn. This operation is repeated until all the prizes are drawn out.

EXPLANATION OF APPROXIMATION PRIZES.

The series of 50 numbers on each side of the number drawing the three first prizes in each drawing will be entitled to the 300 approximation prizes. For example: If ticket No. 31,436 draws the \$60,000 prize, those tickets from 31,386 to 31,486 inclusive, 100 in all, will each be entitled to \$50; so on for the other two capital prizes.

**NOTES.** The 1,198 terminal prizes of \$50 and \$10 each will be determined by the terminal figures of the numbers drawing the two first capital prizes. For instance: If the numbers drawing the \$50,000 and \$10,000 prizes end with 48, then all the other tickets where the numbers end with 48 will be entitled to \$20 and \$10 respectively.



L. GARDNER & SON, 99, 101, 103 GRAVER ST., N. O.



any circumstances  
able to continue  
two-thirds  
Majority  
CONTINUANCE  
196

GEORGE E. ORAM of 41 Pa

and says, that he is an agent of the New York  
the Suppression of Vice and more than twenty-one years of  
age; that on the 16th. day of September 1890, he personally  
visited premises 838 Broadway occupied by Benjamin Nathan,  
and there had conversation with the said NATHAN in substance  
as follows:

Deponent asked said NATHAN for the last list of the drawing on the Louisiana Lottery, whereupon the said NATHAN went into a back room of two connecting rooms and handed Deponent paper hereto annexed, and marked "Exhibit A." The said NATHAN did also hand Deponent paper annexed marked "Exhibit B.", saying to Deponent, "Here is one of the Mexican Lottery Circulars, of which there has been so much talk about in the papers; you have a chance to make Sixty Thousand Dollars for One Dollar; the drawing takes place every two weeks." Deponent then asked the said NATHAN for one-twentieth of a ticket for the Louisiana Lottery for the next drawing. The said NATHAN did hand Deponent said Ticket, for which the said Deponent paid the said NATHAN the sum of One Dollar, which said paper is hereto annexed, marked, "Exhibit C.", and bearing the number 26, 954.

Deponent further says that he was present later in the day to wit:

A few moments after this interview when premises were searched by Police Officer English of the Tombs Squad, and saw a large number of Lottery Tickets, Lottery Circulars, Books and Papers for conducting Lottery Business, seized,

Police Justice.

1059

in the possession of the said BENJAMIN NATHAN aforesaid.

Subscribed, and sworn to before me :

this 16th. day of September 1890.

George E. Oran

*Ag. 10/10/10*

Police Justice.

First National Bank, Exchange Place, New York, N. Y.	2,600	First National Bank, Jackson, Tenn.	15,000	McCormick, Frederick, Md.
First National Bank, Galveston, Texas.	2,500	Farmers and Traders' Bank, Owensboro, Ky.	18,000	J. L. Nowland, Raleigh, N. C.
First National Bank, Canton, Ohio.	2,500	John Kliggthon, 301 Fifth St., Philadelphia, Pa.	18,000	Richard Curtis, Wallingford, Vt.
First National Bank, Montgomery, 437 N. Gay street, Baltimore, Md.	2,500	Mrs. Ellen C. Kliggthon, Farmers' & Merchants' Bank, Lewis & Clark, Baltimore, Md.	18,000	W. A. Babbcock, New Haven, Conn.
First National Bank, Vicksburg, Miss.	2,500	Kiddie, Parley & Co., Madison, Wis.	2,500	Anglo-Gallio Bank, San Francisco, Cal.
First National Bank, New Orleans, La.	2,500	Meister, Gaston and Gaston, Dallas, Tex.	2,500	

1060

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Albert Cobb, Boston  
First National Bank  
William Waldorf, Jr.  
M.D.  
W. H. Schuchel, 520 Jefferson Street, Pittsburgh, Pa.  
National Bank of Commerce, Kansas City, Mo.  
John Bybee, Topeka, Kan.  
F. Lind, 51 Exchange Place, New York, N. Y.  
R. L. Long, Box 610, West Chester, Pa.  
Arthur S. Plisker, Engine House, No. 1,  
Chester, Pa.

Taken before me this

88

Police Justice.

1061

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Benjamin Nathan* 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. *Benjamin Nathan*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *England*

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

Answer. *338 May*

Question. What is your business or profession?

Answer. *Coal*

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*  
*Benjamin Nathan*

Taken before me this *14* day of *Sept* 18*98*  
*J. J. [Signature]*  
Police Justice

1062

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 Two 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 Sept 26 1890 Police Justice.

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

Dated Sept 30 1890 A. J. White Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

1063

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#134 250/ 10-10  
Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Constantino  
vs.  
Benjamin Nathan

1  
2 2 indictments  
3 on his complaint  
4

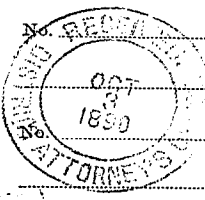
Officer

Dated Sept 29 1889  
White Magistrate

Officer

Precinct

Witnesses



No. Street

No. Street

No. Street

1000 to answer

24 Sept 19, 2 PM

" " 26, 10 am

BAILED

No. 1, by William Goulds  
Residence 78 Maiden St

No. 2, by  
Residence Street

No. 3, by  
Residence Street

No. 4, by  
Residence Street

1064

Sec. 151.

Police Court, 1<sup>st</sup> District.

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK,

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anthony Santolucito & Mrs. E. Aram of No. 41 Park Row Street, charging that on the 1<sup>st</sup> day of September 1890 at the City of New York, in the County of New York that the crime of selling, uttering and furnishing a lottery ticket in a lottery where money is dependant upon the result of chance

has been committed, and accusing Benjamin Nathan whose real name unknown but who can be identified by thereof.

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, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 1<sup>st</sup> 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 1<sup>st</sup> day of September 1890  
[Signature] POLICE JUSTICE.



1065

POLICE COURT, <sup>12</sup> DISTRICT.THE PEOPLE, &c.,  
ON THE COMPLAINT OFAnthony Santolucchi et al  
vs.

Benj. Nathan.

Warrant-General.

Dated Sept 16 <sup>4</sup> 1880

Magistrate.

English Officer.

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

Patrick English Officer.

Dated Sept 16 1880

This Warrant may be executed on Sunday or at  
night.

Police Justice.

## REMARKS.

Time of Arrest.

Native of

Age.

Sex.

Complexion.

Color.

Profession.

Married.

Single.

Read.

Write.

Benjamin Nathan

English

67

White

Coal Dealer

Yes

Yes

Yes

838 Broadway

1066

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

*Benjamin Nathan* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h*-right to  
make a statement in relation to the charge against *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 *h*-waiver cannot be used  
against *him* on the trial.

Question. What is your name?

Answer. *Benjamin Nathan*

Question. How old are you?

Answer. *By year*

Question. Where were you born?

Answer. *England*

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

Answer. *338 Broadway*

Question. What is your business or profession?

Answer. *Coal*

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*  
*Benjamin Nathan*

Taken before me this

day of

188

Police Justice

1067

City and County of New York, ss:

In the name of the People of the State of New York:

To any Peace Officer in the City and County of New York:

Proof by affidavit having been this day made before me, by Anton J. Jankowski  
 & George E. Crane of 41 Park Row Street, New York  
 City, that there is probable cause for believing that Benjamin Nathan

has in his possession, at, in and upon certain premises occupied by him and situated and known number  
838 Broadway in said City of New York certain and divers  
 device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings,  
 papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and  
 other documents for the purpose of enabling others to sell lottery policies <sup>or tickets</sup> and other writings, papers and documents, black-  
 boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night  
 time to make immediate search on the person of the said Benjamin Nathan

and in the building situate and known as number 838 Broadway aforesaid,  
 for the following property, to wit: all Faro layouts,                      Roulette Wheels and layouts,                       
 Rouge et Noir, or Red and Black layouts,                      gaming tables,                      chips,                      packs  
 of cards,                      dice,                      deal boxes,                      lottery policies,                       
 lottery tickets,                      circulars,                      writings,                      papers,                       
 documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery,                      books  
                     documents for the purpose of enabling others to gamble or sell lottery policies, or lottery tickets black-  
 boards, and all slips or drawn numbers of a lottery, and all money to gamble with, and all device,  
 establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the 1<sup>st</sup> District  
 Police Court at The Fours in Centre street in the City of New York.

Dated at the City of New York, the

18<sup>th</sup> day of September 1890.

[Signature]  
 POLICE JUSTICE E.

1068

Inventory of property taken by Patrick English the Peace Officer by whom this warrant was executed :

~~Faro layouts,~~ ~~Roulette Wheels,~~ ~~Roulette layouts,~~ ~~Rouge et Noir lay-~~  
~~outs,~~ ~~gaming tables,~~ ~~chips,~~ ~~packs of cards,~~ ~~dice,~~ ~~deal~~  
~~boxes,~~ ~~deal trays for holding chips,~~ ~~cue boxes,~~ ~~markers, or tally cards,~~ 76

ivory balls, 1 lot of lottery policies, 711 lottery tickets, 260 circulars, 42 writings, or return slips

~~papers,~~ ~~black boards,~~ 1 book slips, or drawn numbers in policy, ~~money,~~

2 manifold books, & some loose sheets, 1 quic, 2 dream books, 2 stamps  
 & 2 pads, 1 Keno Cup, 1 account book of numbers.

City of New York and County of New York ss:

I, Patrick English the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this

day of September, 1886

Patrick English

A. J. White

Police Justice.

Police Court--- District. 1<sup>st</sup>

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

Anthony Cantor et al.

vs.  
Benjamin Nathan

Search Warrant.

Dated

188

Justice.

Officer.

1069

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 Ayendaur

Free 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 Sept 26 90 18 90 H. White Police Justice.

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

Dated Sept 30 90 18 90 H. White Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

1070

BAILED.

No. 1, by William Mundy  
Residence 78 Municipal St.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

~~Not Guilty~~  
Police Court---

38  
District  
1694

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Anthony Comstock  
vs.  
Benj Nathan

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

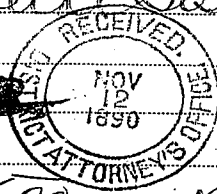
Dated Sept 15 1890  
Magistrate.

\_\_\_\_\_  
Officer.  
Precinct.

Witnesses Nov 11  
No. Transferred to Street.  
Genevieve Sessions

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

\$ 5.00 to answer.  
Sept 17, 1890  
Parrot  
" " 25. 1890



1071

**THE LOUISIANA STATE LOTTERY CO.**  
Will Draw at New Orleans on **Tuesday, Sept. 9th, 1890.** G  
**WEDNESDAY MORNING DRAWING**

**TWENTIETH CLASS**  
8728

THIS TWENTIETH TICKET ENTITLES THE HOLDER THEREOF TO ONE TWENTIETH OF SUCH PRIZE AS MAY BE DRAWN BY THE NUMBER IN THE WITHIN NAMED DRAWING. TO BE PAID FOR PAYMENT BEFORE THE EXPIRATION OF THREE MONTHS FROM THE DATE OF SAID DRAWING.

(ONE TWO TWO CIPHER FOUR)  
**12204**  
*McDonagh*



1072

STATE OF NEW YORK,  
AND  
CITY OF NEW YORK.

*Anthony Lomutoch* of *41 Park Row* Street, New York, being duly sworn,  
deposes and says that he has just cause to believe <sup>is informed</sup> and does believe that

*Benjamin Nathan*

did, on the *1<sup>st</sup>* day of *September*, 18*90*, at number

*838 Broadway*

Street, in the City of New York and County of New York,  
unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and  
procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a  
lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or  
instrument hereto annexed is what is commonly known as, or are called lottery <sup>tickets</sup> policies;  
and further that the said *Benjamin Nathan*

has in *his* possession, within and upon certain premises, occupied by *him* and

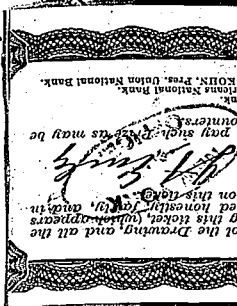
situated and known as number *838 Broadway* Street,  
in the City of New York and County of New York aforesaid, certain others, what are  
commonly known as, or are called lottery policies or lottery tickets, and also certain  
writings, cards, books, documents, personal property, tables, devices, and apparatus, for  
the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at,  
within and upon said premises, sells, vends, furnishes and procures, and has in *his*  
possession, the aforesaid articles in violation of the laws of the State of New York, in such  
case made and provided, and with intent to use the same as a means to commit a  
public offence, and to promote, maintain and carry on a common and public nuisance.  
*Defendant's information and belief is based upon the statements and report of*  
*George E. Quinn.*

Subscribed and sworn to before me,

this *16<sup>th</sup>* day of *September* 18*90*

*[Signature]*  
Police Justice.

*Anthony Lomutoch*



1073

THE PEOPLE, ETC.,  
ON THE COMPLAINT OF

*Anthony Bontade*  
VS.  
*Benjamin Nathan*

Dated *Sept 16* 189*0*.

Magistrate.

Clerk.

Officer.

WITNESSES:  
*A. Bontade, 41 Paul Row*  
*Geo. E. Crane*

Bailed, \$

to answer Sessions.

By

Street.

City, County and State of New York, SS:

GEORGE E. ORAM of 41 Park Row, New York City, being duly sworn, deposes and says, that he is more than twenty-one years of age, and is employed as an agent for the New York Suppression of Vice, and that on the first day of September 1890, he personally visited premises 838 Broadway, and there saw BENJAMIN NATHAN, and saw in his possession a number of Lottery Tickets, and deponent purchased of the said NATHAN the Ticket annexed to the foregoing affidavit of ANTHONY COMSTOCK, paying the said NATHAN One Dollar for the same. Deponent saw the said NATHAN have a package of other Tickets in his possession from which he selected two and sold to this deponent; the said Ticket hereby annexed, was one of the two for which deponent paid One Dollar to the said NATHAN. This deponent <sup>from personal observation, conversation and dealing had with said Nathan</sup> was informed, and fully believes, that at, in, and upon certain premises situate and known as 838 Broadway in the City and County of New York aforesaid, the said NATHAN now has in his possession with intent to use the same as a means to commit a public offense, and in violation of Chapter <sup>VIII of the</sup> 8th., Penal Code of the State of New York, divers and sundry Lottery Tickets, <sup>or</sup> Parts of Tickets, also certain Writings, Cards, Books, Documents, Personal Property, <sup>for the</sup> Devices and Apparatus, with purpose of vending, selling, and furnishing Lottery Tickets, and divers Papers, Advertisements, Circulars, and Drawings of said Lottery, against the peace and dignity of the people of the State of New York, against the form of the Statute of the said State of New



1076

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against.

*Benjamin Nathan*

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

*Benjamin Nathan*

of a Misdemeanor, committed as follows:

The said *Benjamin Nathan*

late of the City of New York in the County of New York aforesaid on the *first* day of ~~September~~ *September* in the year of our Lord one thousand eight hundred and eighty ~~and eighty~~ *and eighty* at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

*George E Oran*

a certain ticket in and dependent upon the event of a certain lottery called

*The Louisiana State Lottery*

thereafter, to wit: on the *ninth* day of *September* in the year aforesaid, to be drawn, at *New Orleans* in the

*said State of Louisiana*

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, which said ticket is as follows, that is to say:

*Twentieth The Louisiana State Lottery Co.*

*Class* will draw at *New Orleans*, on *Tuesday, Sept. 9th, 1890.* *G.*

*One* *she Monthly Twenty Dollar Drawing*

*One* *This Twentieth ticket entitles the holder thereof to one Twentieth of such Prize as may be drawn by its number in the within named drawing, if presented for payment before the expiration of three months from the date of said drawing*

*(One Two Two Four)*

*W Dauphin*  
*President*

(a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT.

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

*Benjamin Nathan*

of a MISDEMEANOR, committed as follows:

The said *Benjamin Nathan*

late of the City and County aforesaid, afterwards, to wit: on the said *first* day of *September* in the year of our Lord, one thousand eight hundred and eighty *nine* at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

*George E. Oram*

a certain paper, certificate, and instrument purporting to be and to represent a ticket in and dependent upon the event of a certain lottery called *The Louisiana State Lottery*

thereafter, to wit: on the *ninth* day of *September* in the year aforesaid, to be drawn *at New Orleans in the* said *State of Louisiana*

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper, certificate and instrument is as follows, that is to say:

*The Louisiana State Lottery Co.*

*Twentieth* Will draw at New Orleans on Tuesday, Sept. 9th, 1890. *Class* *The monthly Twenty Dollar Drawing*

*One*

*One*

*This Twentieth ticket entitles the holder thereof to one twentieth of such Prize as may be drawn by its number in the within-named drawing, if presented for payment before the expiration of three months from the date of said drawing.*

*(One Two Two Cipher Four)*  
*12204*  
*W. Dauphin*  
*President*

(a more particular description of which said lottery, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## THIRD COUNT.

*John A. Fellows*  
*District Attorney*

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

of a MISDEMEANOR committed as follows:

1078

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper, certificate and instrument is as follows, that is to say :

(a more particular description of which said lottery, and of the said chance, share and interest is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**JOHN R. FELLOWS, District Attorney.**

Witnessed  
Clerk of Court  
1890  
Filed 22 day of Dec  
Pleads Not guilty is

SELLING LOTTERY TICKETS, ETC.  
(Section 326, Penal Code.)

THE PEOPLE

vs.

Benjamin Frachon  
(Defendant)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows  
Foreman.

P 2 Nov 2 1891

Pleas Guilty

1st Count  
Fine \$100. P.M.



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Benjamin Nathan*

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

Indictment accuse

*Benjamin Nathan* of a  
~~Misdemeanor,~~

of the crime of

committed as follows:

The said

*Benjamin Nathan*

<sup>15th Ward of the</sup>  
late of the City of New York, in the County of New York, aforesaid, on the

~~sixteenth~~ day of ~~September~~, in the year of our Lord one thousand  
eight hundred and eighty — ~~ninty~~ — <sup>Ward</sup>, at the City and County aforesaid,

did unlawfully, feloniously, by himself, an officer  
and of the State, procure, for registering, the  
numbers of tickets in Swiss Lottery without  
this State, amongst others, a certain lottery  
called the Grand Lottery of Geneva, thereafter  
to be drawn at the City of Geneva in the  
Republic of Geneva, and also a certain other  
lottery called the Louisiana State Lottery,  
thereafter to be drawn at the City of New  
Orleans, in the State of Louisiana, and for  
making, receiving and registering tickets and  
stakes for the drawing and results of the

said lotteries, (a more particular description  
of which said lottery is to be found among  
of said laws) 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.

John R. Tallant,

~~Attorney~~

Witnesses:

Counsel,

Filed

day of

Dec 15

1890

Pleas,

of Guilty

THE PEOPLE

vs.

B

Benjamin Nathan

(3 care)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

William H. Pennington

F 2 Apr 2 / 1891 Foreman.

Pleas Guilty

June 1000, P.M.

Keeping history office at  
[See 229 Grand Code]

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Benjamin Nathan*

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

Indictment accuse *Benjamin Nathan* of the crime  
of *continuing and proposing and assisting*  
of the crime of *in continuing and proposing*  
*a lottery.* —

committed as follows:

The said *Benjamin Nathan*. —

late of the City of New York, in the County of New York, aforesaid, on the  
*sixteenth* day of *September*, in the year of our Lord one thousand  
eight hundred and eighty *ninety* —, at the City and County aforesaid,  
*did feloniously continue and propose, and*  
*assist in continuing and proposing, a certain*  
*lottery called the Grand Lottery of Mexico,*  
*whereafter, to wit: on the twentieth day*  
*of September in the year aforesaid, to be*  
*drawn at the City of Mexico, in the Republic*  
*of Mexico, the same being a scheme for*  
*the distribution of property by chance,*  
*among persons who had paid a valuable*  
*consideration for such chance, (a more*  
*particular description of which said*  
*lottery is to be found in the*

unknown, and cannot now be given)  
against the form of the Statute in such  
case made and provided, and against  
the peace of the People of the State of  
New York, and their dignity.

John R. Fellows,

Attorney

1084

**BOX:**

420

**FOLDER:**

3886

**DESCRIPTION:**

Nelson, Frank

**DATE:**

12/03/90



3886

Witnesses: John McHenry  
John McHenry

Filed

Day

## Pleads

Pleads, / Pleads 4

# THE PEOPLE

215.

Frank Nelson

JOHN R. FELLOWS,

*District Attorney.*

# A True Bill

*Foreman.*

London N.Y. 3 Dec

Si P. 18 v. 15

23

2005/90

Bygging in the THIRD DEGREE

JOHN R. FELLOWS,

*District Attorney.*

# A True Bill

*Foreman.*

London N.Y. 3 Dec

Si P. 18 v. 15

23

2005/90

Bygging in the THIRD DEGREE



Police Court— 3 District.City and County { ss.:  
of New York,of No. 157 Avenue C Street, aged 35 years,  
occupation Truckman being duly sworndeposes and says, that the premises No. 157 Avenue C Street, 11 Ward  
in the City and County aforesaid the said being a four story brick  
tenement house the Hall room on the first floor  
and which was occupied by deponent as a furnished room  
and in which there was at the time a human being, by namewere **BURGLARIOUSLY** entered by means of forcibly opening the  
door of said rooms by means of false  
Keyson the 26<sup>th</sup> day of March 1887 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:One Coat and two pairs  
of pants valued at Ten  
dollars\$10 <sup>00</sup>/<sub>100</sub>the property of Deponentand deponent further says that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away byFrank Nelson (nowhere)for the reasons following, to wit: Deponent recently locked  
and bolted the doors of said room  
at the hour of 6 A.M. on said date.  
When deponent returned home at  
the hour of 8 P.M. he was informed  
by James H. Rice that he saw the defendant  
in deponent's room at the hour of 3  
P.M. on said date and that witness  
and Nicholas Hershough caught the

1087

defendant in the hallway of  
said premises with said property  
in his possession.

Defendant therefor  
charges the defendant with having  
taken carried away and unlawfully  
stolen said property and prays  
that he be held to answer.  
John McHenry

Given before me  
this 27<sup>th</sup> day of March  
1890  
John McHenry  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1888  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
vs.	
1.	2.
3.	4.
Offence—BURGLARY.	
Dated	1888
Magistrate.	
Officer.	
Clerk.	
Witness.	
No.	Street,
No.	Street,
No.	Street,
No.	to answer General Sessions.

1088

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Nicholas Herzburgher*  
aged *25* years, occupation *Steam fitter* of No. *152*-

*Arme C* Street, being duly sworn deposes and

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

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

Sworn to before me, this

day of

*27*  
188*7*

*Nicholas Herzburgh*

*A. H. Gan*  
Police Justice.

1089

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 34 years, occupation James H. Rice

of No. 157

Arman C Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of John Maroney  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

27

day of

Nov

1887

James H. Rice

A. H. Hagan  
Police Justice.

1090

Sec. 198—200.

CITY AND COUNTY  
OF NEW YORK, ss.

3 District Police Court

*Frank Nelson* 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 *is*; that the statement is designed to  
enable h *is* if he see fit to answer the charge and explain the facts alleged against h *is*  
that he is at liberty to waive making a statement, and that h *is* waiver cannot be used  
against h *is* on the trial.

Question. What is your name?

Answer. *Frank Nelson*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *296 Chrysler Street 2 weeks*

Question. What is your business or profession?

Answer. *Bar tender*

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*  
*Frank Nelson*

Taken before me this *27*  
day of *March* 188*8*

*[Signature]*  
Notary Public

1091

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

Dated *Nov 27* 18 *90* *W. H. Shaw* Police Justice.

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

Dated.....18.....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.....18.....Police Justice.

1092

Police Court---

3

1786 District.

THE PEOPLE, &c  
ON THE COMPLAINT OF

John Mahoney  
157 vs. Que. C.  
Frank Nelson

1  
2  
3  
4

Offence *Burglary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Nov 27* 18*90*

*Hogan* Magistrate.

*Prigul* Officer.

*13* Precinct.

Witnesses *James H. Rice*

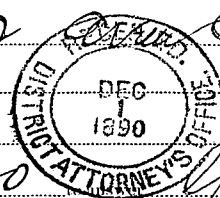
No. *157 Ave C* Street.

*Nicholas Westbrook*

No. *152 Ave C* Street.

No. .... Street.

\$ *2000*



*Chm* *Print* *3* *pt* *Recd*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Frank Nelson*

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

*Frank Nelson*

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

The said

*Frank Nelson*

late of the *Eleventh* Ward of the City of New York, in the County of New York  
aforesaid, on the *26th* day of *November* in the year of our Lord one  
thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, in the  
*day* - time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one

*John Mahoney*

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

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



## SECOND COUNT—

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

*Frank Nelson*

of the CRIME OF *Petit* LARCENY, committed as follows:

The said

*Frank Nelson*

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

*one coat of the value of five dollars and two pair of trousers of the value of two dollars and fifty cents each pair*

of the goods, chattels, and personal property of one *John Mahoney*

in the dwelling house of the said

*John Mahoney*

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

## THIRD COUNT.

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

*Frank Nelson*

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

The said

*Frank Nelson*

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

*one coat of the value of five dollars and two pair of trousers of the value of two dollars and fifty cents each pair*

of the goods, chattels and personal property of

*John Mahoney*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

*John Mahoney*

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

*Frank Nelson*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen), 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.

JOHN R. FELLOWS,  
District Attorney.

1096

**BOX:**

420

**FOLDER:**

3886

**DESCRIPTION:**

Neubert, Charles

**DATE:**

12/11/90



3886

1097

**BOX:**

420

**FOLDER:**

3886

**DESCRIPTION:**

Shanks, John R.

**DATE:**

12/11/90



3886

1098

Witnesses:

Anthony Cusack

Counsel,

Filed day of

1890

Pleas

THE PEOPLE

POLICY.  
[§§ 843 and 844, Penal Code].

Charles Neubert  
and  
John R. Shanker

RANDOLPH B. MARTINE,

District Attorney,

No. 1. Fine \$100.00  
" 2. Sentence suspended.  
RBM

A True Bill.

William Van Buren

Foreman.

Edw. J. G. Head Juror.

1099

BEH

4-175052

4/27  
12-4044-15

526773-15

16-3473-15

3-841-15

13-2550-15

all day

1101

285 Machine at  
90 cts for all day  
Sept 17/90  
J.R.B.  
*[Signature]*

1102

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

90  
17/1900  
J. J. J.  
385 Madison Street

Anthony Countock

of 150 Nassau Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as chief agent of the New York Society for the Suppression of Vice, that ~~he has just cause to believe, is informed and verily does believe, that~~ Charles Neubert and John Shanks are present

~~whose real name~~ unknown, but who can be identified by

did, at the city of New York County of New York and State of New York, on or about the 17<sup>th</sup> day of September 1890, unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or ~~game keeper~~ writer in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, ~~he has just come to believe is informed and verily does believe~~ from personal observation and from statements made by Charles Neubert John Shanks, and others in their presence

to deponent that the said Charles Neubert and John Shanks aforesaid, ~~now~~ <sup>did</sup> have in their possession, at in and upon certain premises occupied by them and situate and known as Number 385 Madison Street in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a



public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this  
17<sup>th</sup> day of September 1890.

*Anthony J. Santock*

*[Signature]*

Police Justice.

CITY OF New York AND COUNTY OF New York ss.

*John R. Collard of 41 Park Row*

being further sworn deposes and says that on the 16 & 17<sup>th</sup> days of September 1890, deponent visited the said premises, named aforesaid, and there saw the said Charles Neubert and John Shanks aforesaid, and had dealings and conversation with them as follows:

Deponent purchased a what is called a lottery policy of said Shanks upon each occasion, the said ~~Neubert~~ being present upon both times. The first day deponent paid said Shanks a one dollar bill, and said Shanks paid it over to said Neubert, who handed back 30 cents ~~change~~, keeping the bill. Deponent heard said Shanks declare to his Courtbook Sept 17/90 in its presence and hearing of said Neubert that he was employed by said Neubert & said Neubert made no reply. Deponent saw said Neubert sell and write what are con-

money called lottery policies to others after  
 both date when deponent was present  
 deponent paid said share in Neuberts presence the sum of  
 70 cents for annexed play, or paper.  
 Subscribed and sworn to before

this 17<sup>th</sup> day of September 1890

*R. J. White*  
 Police Justice

J. R. Colford

THE PEOPLE

ON COMPLAINT OF

AGAINST

*Violation Sec. 344, P. C.  
Gambling and Policy.*

Subscribed and sworn to before me this

day of 188.

*Police Justice.*

Affidavit of Complaint.

WITNESSES :

*A. Comstock*  
*J. R. Collard.*

1106

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*John Shank* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this  
day of *Sept* 19*17*  
*John W. Shank*  
Police Justice

1107

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question.. What is your name?

Answer.. *Charles Neubert*

Question.. How old are you?

Answer.. *39 years*

Question.. Where were you born?

Answer.. *Germany*

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

Answer.. *31 Scammel St*

Question.. What is your business or profession?

Answer.. *Cigar maker*

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

Answer.. *I am not guilty -*

*Charles Neubert*

Taken before me this

day of

*Sept 1906*

Police Justice.

1108

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

Two each 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 Sept 30 1890 A. J. Smith Police Justice.

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

Dated Sept 30 1890 A. J. Smith Police Justice.

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

Dated Sept 30 1890 A. J. Smith Police Justice.

1109

*M. A. Cunningham*

BAILED,

No. 1, by *Charles Maellisen*  
Residence *139 Rindlow* Street.

No. 2, by *Same*  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

#103 *1070*  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anthony Constock*  
vs.  
*Charles Maellisen*  
*John Hawks*  
Offense *Robbery*

Dated *Sept 17* 18*90*  
Magistrate.  
*English* Officer.  
Precinct.

Witnesses \_\_\_\_\_

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

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

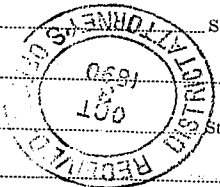
No. \_\_\_\_\_ Street.

\$ *500* to answer.

*4 Sept 23/1890*

*26. 500*

*Bailed*



1110

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before James J. White a Police Justice  
of the City of New York, charging Charles Neubert Defendant with  
the offence of Selling Lottery Tickets

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

We, Charles Neubert Defendant of No. \_\_\_\_\_

Joannuel Street; by occupation a Clerk  
and Martin Koehler of No. 134 Rialto

Street, by occupation a Living Surety, hereby jointly and severally undertake that  
the above named Charles Neubert Defendant

shall personally appear before the said Justice, at the 1 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Ten  
Hundred Dollars.

Taken and acknowledged before me, this 17 Charles Neubert  
day of July 1888 Robert H. Sullivan  
[Signature] POLICE JUSTICE.



CITY AND COUNTY }  
OF NEW YORK, } ss.

*Sworn to before me this 18th day of May 1881*  
*John J. [Signature] Justice*

*Martin Hoellerer*

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Twenty* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his liabilities, and that his property consists of *House and lot number 146 Forsyth Street*

*of the full value of Three Thousand Dollars*  
*Martin Hoellerer*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Undertaking to appear during the Examination.*

vs.

Taken the ..... day of ..... 188

Justice.

1112

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before May J. White a Police Justice  
of the City of New York, charging John R. Shank Defendant with  
the offence of Selling Lottery Tickets

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

We, John R. Shank Defendant of No. 54

Street: by occupation a Checker  
and Christian H. Hellerer of No. 139

Street, by occupation a Sign Surety, hereby jointly and severally undertake that

the above named John R. Shank Defendant

shall personally appear before the said Justice, at the District Police Court in the City of New York,

during the said examination, or that we will pay to the People of the State of New York the sum of Ten

Hundred Dollars.

Taken and acknowledged before me, this 17

day of Sept

1888

John R. Shank  
Christian Hellerer

[Signature]  
POLICE JUSTICE.

1113

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Sworn to before me this 19th day of March 1881*  
*[Signature]*  
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Thirty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of

146 Hayes and lot  
Forsythe Street of the  
full value of Ten thousand  
Dollars

*Martin Sweller*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

*Underlying to appear during the Examination.*

Taken the ..... day of ..... 188

Justice.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Neubert and  
John R. Shanks*

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

*Charles Neubert and John R. Shanks*  
of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES,  
committed as follows:

The said

*Charles Neubert and John R. Shanks, both*

late of the *Seventh* Ward of the City of New York in the County of New York aforesaid, on the *seventeenth* day of *September* in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ *eighty-nine*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "policy," where money and property was dependent upon the result, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT.

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

*Charles Neubert and John R. Shanks*  
of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING  
LOTTERY POLICIES THEREIN, committed as follows:

The said

*Charles Neubert and John R. Shanks, both*

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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.

1115

THIRD COUNT.

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

*Charles Neubert and John R. Shanker*  
of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A  
LOTTERY POLICY, committed as follows:

The said *Charles Neubert and John R. Shanker, both*

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to  
one

*John R. Ballard*

a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper,  
instrument and writing, called a Lottery Policy, is as follows, that is to say:

*Ex 17*  
*4-17505-2*  
*4/207*  
*12404475*  
*57677875*  
*16347875*  
*3-8-4175*  
*13-25-8875*  
*all day*

(a more particular description of which said instrument and writing so commonly called a  
Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the  
form of the Statute in such case made and provided, and against the peace of the People of the  
State of New York and their dignity.

FOURTH COUNT.

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

*Charles Neubert and John R. Shanker*  
of the CRIME OF SELLING A PAPER AND WRITING, IN THE NATURE OF A BET  
AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said *Charles Neubert and John R. Shanker, both*

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to  
one

*John R. Ballard*

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a  
certain lottery, the same being a scheme for the distribution of property by chance among  
persons who had paid or agreed to pay a valuable consideration for such chance (a more par-

*Ex 17*  
*4-17505-2*  
*4/207*  
*12404475*

particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:

*B ex-17*  
4-17-50-52  
4/20  
12-40-44-50  
57 67 73 85  
16 34 73 85  
-3-8-40-55  
13-25-50-55  
all day

(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity,

FIFTH COUNT.

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

*Charles Neubert and John R. Shanks*  
of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said *Charles Neubert and John R. Shanks*

late of the Ward, City and County aforesaid, afterward, to wit: On the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*John R. Ballard*

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

*B ex-17*  
4-17-50-52  
4/20  
12 40 44 50  
57 67 73 85  
16 34 73 85  
-3-8-40-55  
13-25-50-55  
all day

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*John R. Bellows,*  
**RANDOLPH B. MARTINE,**

District Attorney.

1117

**BOX:**

420

**FOLDER:**

3886

**DESCRIPTION:**

Newman, Max

**DATE:**

12/16/90



3886

1118

Witnesses:

*David Wilson*

Counsel,

Filed

16

day of

Dec

1890

Pleads,

THE PEOPLE

vs.

*Max Newman*

*Entered in the Third Degree  
Grand Jurors, 2nd degree  
(Section 498, 496, 495, 494, 493, 492, 491, 490, 489, 488, 487, 486, 485, 484, 483, 482, 481, 480, 479, 478, 477, 476, 475, 474, 473, 472, 471, 470, 469, 468, 467, 466, 465, 464, 463, 462, 461, 460, 459, 458, 457, 456, 455, 454, 453, 452, 451, 450, 449, 448, 447, 446, 445, 444, 443, 442, 441, 440, 439, 438, 437, 436, 435, 434, 433, 432, 431, 430, 429, 428, 427, 426, 425, 424, 423, 422, 421, 420, 419, 418, 417, 416, 415, 414, 413, 412, 411, 410, 409, 408, 407, 406, 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, 392, 391, 390, 389, 388, 387, 386, 385, 384, 383, 382, 381, 380, 379, 378, 377, 376, 375, 374, 373, 372, 371, 370, 369, 368, 367, 366, 365, 364, 363, 362, 361, 360, 359, 358, 357, 356, 355, 354, 353, 352, 351, 350, 349, 348, 347, 346, 345, 344, 343, 342, 341, 340, 339, 338, 337, 336, 335, 334, 333, 332, 331, 330, 329, 328, 327, 326, 325, 324, 323, 322, 321, 320, 319, 318, 317, 316, 315, 314, 313, 312, 311, 310, 309, 308, 307, 306, 305, 304, 303, 302, 301, 300, 299, 298, 297, 296, 295, 294, 293, 292, 291, 290, 289, 288, 287, 286, 285, 284, 283, 282, 281, 280, 279, 278, 277, 276, 275, 274, 273, 272, 271, 270, 269, 268, 267, 266, 265, 264, 263, 262, 261, 260, 259, 258, 257, 256, 255, 254, 253, 252, 251, 250, 249, 248, 247, 246, 245, 244, 243, 242, 241, 240, 239, 238, 237, 236, 235, 234, 233, 232, 231, 230, 229, 228, 227, 226, 225, 224, 223, 222, 221, 220, 219, 218, 217, 216, 215, 214, 213, 212, 211, 210, 209, 208, 207, 206, 205, 204, 203, 202, 201, 200, 199, 198, 197, 196, 195, 194, 193, 192, 191, 190, 189, 188, 187, 186, 185, 184, 183, 182, 181, 180, 179, 178, 177, 176, 175, 174, 173, 172, 171, 170, 169, 168, 167, 166, 165, 164, 163, 162, 161, 160, 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, 149, 148, 147, 146, 145, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1)*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*John Van Lennep*  
Foreman.

*Dec 17/90*

*Henry Dwyer*  
*Elmira Ref. B.M.*



1119

Police Court— 3 District.City and County } ss.:  
of New York,

of No.

occupation

deposes and says, that the premises No.

in the City and County aforesaid the said being a

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

were BURGLARIOUSLY entered by means of forcibly

breaking a lock from the door leading into said premises

on the 12 day of December 1886 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Five overcoats of the aggregate value of Fifty dollars

\$50.—

the property of one Haskell in the care and custody of deponent as an manufacturer

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Max Newman (now here)

for the reasons following, to wit:

The deponent saw the defendant coming out of the said premises with the said coats in his possession and after chasing him for several blocks overtook him and took him to the station house. Said premises had previously been securely locked and fastened and



1121

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY  
OF NEW YORK,

*Max Newman* 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.

*Max Newman*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*47 Norfolk St 6 months*

Question. What is your business or profession?

Answer.

*Sailor*

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*

*Max Newman*

Taken before me this

day of

*Sept 1911*  
Police Justice

1122

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 *December 13<sup>th</sup>* 18*98* *Alfred J. [Signature]* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

1123

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

*David Vinton*  
*37 Pitt vs. St.*

1 *Max Newman*

2 .....

3 .....

4 .....

*Longman*  
Offence

Dated *December 13* 1890

*Duffy* Magistrate.

*Shelby and Sullivan* Officer.

*12* Precinct.

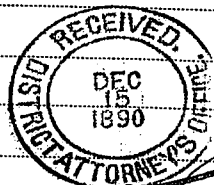
Witnesses .....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *500* to answer



*Can*

*Butler*  
*9/2*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Max Newman*

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

*Max Newman*

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

The said

*Max Newman*

late of the *Thirteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twelfth* day of *December* in the year of our Lord one  
thousand eight hundred and ~~eighty~~ *ninety* —, with force and arms, in the  
*night* — time of the same day, at the Ward, City and County aforesaid, the  
~~dwelling house of one~~ *a certain building, to wit:*  
*the factory of one David Vibsen*

there situate, feloniously and burglariously did break into and enter, with intent to  
commit some crime therein, to wit: with intent, the goods, chattels and personal property  
of the said *David Vibsen in the said*  
*factory* ~~in the said dwelling house~~ then and there being, then and  
there feloniously and burglariously to steal, take and carry away, against the form of  
the Statute in such case made and provided, and against the peace of the People of the  
State of New York, and their dignity.

## SECOND COUNT—

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

Max Newman

of the CRIME OF *Grand* LARCENY in the second degree committed as follows:

The said

Max Newman

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

*five overcoats of the value of ten dollars each*

of the goods, chattels, and personal property of one David Vibsen

*factory*  
in the dwelling house of the said David Vibsen

*in the factory*  
there situate, then and there being found, ~~from the dwelling house~~ aforesaid, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

*John R. Fellows,*  
*District Attorney*

1126

**END OF  
BOX**