

0297

BOX:

420

FOLDER:

3882

DESCRIPTION:

Leland, Thomas F.

DATE:

12/03/90



3882

0298

BOX:

420

FOLDER:

3882

DESCRIPTION:

O'Rourke, Francis

DATE:

12/03/90



3882

0300

Court of General Sessions

The People

J. Spt

Francis Rowe

City and County of New York ss:

John Triggatt being
duly sworn says that he resides
at 17 West 100th Street in said
City. That the above named
defendant is deponent's son
and was 16 years of age in July
1890. That the reason the defend-
ant gave a wrong ~~name~~ at
the time of his arrest was to
save his father's name from
disgrace. That deponent is
a widower, his wife being
dead about 11 years and
his house is kept by his
daughter Mrs J. Reilly
who could not exercise the
control over the defendant
that his mother could if
alive. That deponent being
engaged in his occupation
during the day and sometimes

0301

at night could not watch
his son as closely as possible
and defendant believes that
he was misled by other
boys. That defendant was
always a good boy to
defendants knowledge and
was never arrested for or
charged with any offense
or crime until this arrest.
That the right name of
defendant is Francis P.
Liggatt.

Sworn to before me
this 8th day of Dec. 1890 } John Agnew
William Doll
Commr. of Deeds
N.Y. City

0302

Court of General Sessions

The People
agst
Francis O'Rourke

city and county of new York.

Ana T. Reilly being
duly sworn says she is a
widow and resides with her
father, John Piggott, whose
affidavit is hereto annexed,
and keeps house for him.
That she is a sister of the
above named defendant,
whose real name is Francis
P. Piggott. That defendant
always was a good boy
and was never arrested
for or charged with any
crime or offense ^{until} this
charge was made against
him. That said defendant
was always at work for the
last two and one half years,
and has always given his
earnings to defendant to use
in the household. That

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defendant is working at
learning a trade.

Sworn to before me
this 8th day of Dec. 1890

Amos T. Piley

William D. Roll

Comms of Deeds
City.

General Sessions

The People

Agst

Francis A. Rowke

Affidavit as
to character

Robert H. Racy

Deft. atty.

25 Chambers St

City.

0304

New York Dec. 8, 1900
To Whom it may Concern
This is to Certify that
Mr Frank Pigott, was in
my employ for six months
as Cashier and I can
vouch for him as being
honest, industrious, and
very upright in all
-duties that were assigned
to him

Respectfully yours

Frank. Gunn
No 1482 2nd or 8th St.
City

0305



MANUFACTURERS OF
Tin Foil & Bottle Caps

WORKS: 33-37 BLEECKER STREET,
 * BETWEEN BROADWAY & BOWERY.

New York, December 8, 1890

This is to certify that Frank Pigott has been employed in our factory since June of the present year and that he performed the work assigned to him satisfactorily. His conduct during this time has been entirely correct and unobjectionable.

Lehman Schwartz & Co.

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*Stern Brothers,
Dry Goods.*

PARIS

54 Rue d'Hauteville

CABLE ADDRESS "PAROLE, NEW YORK"

32, 34 & 36 West 23^d Street.

Dictated.

New York, Dec. 10th., 1890.

Hon. John R. Fellows,

District Attorney, New York County.

Dear Sir;-

In reference to the young man, Thomas Leland, whose case comes up to-morrow before Judge Cowing, we beg to say that he has been in our employ, as a clerk in the accountant's office, from April 24th, 1888 to the time of his arrest. We never had any cause to complain of his conduct; during that period we found him attentive to his duties, honest, sober and punctual.

His sister is now, and has been for the past nine years, in our employ; and we understand, is, with her brother, the only support of the family, the father being an invalid.

In consequence of this being the boy's first offence, and in consideration of his previous good character, we think that the needs of justice will not suffer if sentence in the case is suspended.

Yours very respectfully

Sam. Brothers

0307

THE OAKLAND CHEMICAL CO.,
GREENPOINT, L. I.

OFFICES: { EARLE & CO.,
69 SOUTH 5TH AVE., N. Y.
66 PURCHASE ST., BOSTON.

NEW YORK

Dec 8

1890

To whom it may concern
The owner of this, Frank
Pigott has worked for us for
a considerable time, & he has
proved himself honest, intelligent
and willing.

We recommend him
heartily, & he has our best
wishes in all he undertakes
Earle & Co.

Court of General Sessions

The People vs
 }
 against
 Thomas F. Leland.

City and County of New York. } ss. -
 Elizabeth Hill,
 being duly sworn deposes and
 says: that she resides at 1227
 Lexington Avenue, and carries
 on business with her sister
 at number 1452 Third Avenue
 in the City of New York - that the
 business there conducted is
 a general Dry and Fancy Goods
 business; that she has known
 the defendant for nearly five
 years; that about the month of
 January 1886, she employed the
 defendant as errand boy and
 to attend in the store; that he
 remained in her employ for
 about a year and a half, and
 then was obliged to leave ^{me} on
 account of illness; that during
 the whole time that defendant was
 in her employ, he was most

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industrious, and careful in his work; that he frequently had the handling of money, received both from sales of goods and collections, but that he never took a single cent and every cent was promptly turned into the store; that defendant was always obedient, truthful, and conscientious, and was frequently sent to the Bank to draw and deposit monies, and was always faithful to his trust; - that deponent sincerely believes that defendant is a good boy, and is really deserving of the utmost leniency from this Court; that deponent verily believes that if defendant is discharged under a suspension of sentence, that he will in future entirely mend his ways and become what he always seemed to be a good boy;

Sworn to before me

December 10th 1890.

Elizabeth Hill

Elizabeth Hill

Notary Public

Kings County

Court of General Sessions

----- x
 The People, etc. :
 against :
 Thomas F. Leland & ano. :
 ----- x

State of New York, :
 :ss:-
 City and County of New York :

Thomas F. Leland being duly sworn deposes and says:

I am one of the defendants herein, and was born in New York City of the 6th day of February, 1872, and have lived here continuously ever since. I reside with my parents at No. 1626 2nd Avenue in this City. I was educated in a Public School until I was about 14 years of age. From school I went to work at the Dry Goods Store kept by E. & S. Hills at No. 1452 3rd Avenue. I remained there for about eighteen months and left because I was compelled to work until 9 o'clock in the evening. From there I went to T. O'Donoghue of No. 4 W. 14th Street and remained there one year and two months. I left Mr. O'Donoghues to take a better position at Stearn Bros. where I was employed at the time of my arrest. My position at Stearn Bros., who transact business at Nos. 32-36 W. 23rd Street, is in the accountant's office. I have never been arrested for any crime or offense whatever, except once about a year ago when I was arrested for intoxication and was fined \$5.00

0311

by Justice Duffy. I never stole anything before, and never intentionally committed any crime whatever. The facts that led up to my arrest are truthfully set forth as follows:

On the Saturday evening on which I was arrested, I went with O'Rourke and one Phillip Acken to the latter's home in 142d Street near Willis Avenue, to attend the Wake of Acken's brother. I remained there for a while, and then left with O'Rourke and one Charles McGrath, and together we walked to 125th street and 3rd Avenue, stopping on the way to have one or two drinks together. We then took a 3rd Avenue surface car and started down town. McGrath left us to get some oysters. O'Rourke and I continued together down to 80th street and 3rd Avenue, where we got out and walked up 3rd Avenue to 82d Street. I wanted a light for a cigar, and together we walked over to O'Connor's saloon at the South East corner of 82d street and 3rd Avenue and tried the door on 3rd Avenue but found it locked. We noticed that the fan light over the door was open, and O'Rourke asked me to climb up and enter the store by way of the fan light. I refused to do this. Then O'Rourke climbed up, but said he would not go into the store until I climbed up also, which I did, and together we dropped in to the store.

I did not realize what I was doing at the time, nor do I believe that O'Rourke did. We had both had quite a number of drinks at the Wake, and after leaving the Wake,

and certainly as far as I am concerned, I never intended nor thought of stealing anything. The things we took were taken by us and carried off; but the next day I had very little recollection of what I had done the night before. I cannot explain how it happened that I followed O'Rourke into the store, and the whole proceeding was something entirely foreign to my general way of acting. Ever since I was 14 years of age I have worked almost continuously in Dry Goods stores where many articles of value were constantly within my reach, and never have I in all these years taken a single penny's worth of any body. I am very sorry for what has happened and feel keenly my position. I am sure no such thing will ever happen again, nor will I ever transgress any law.

My father and mother are respectable people; my father being employed in Mc Creery's Dry Goods store at 11th street and Broadway. He is now sick, confined to his bed by a stroke of Paralysis, and this trouble of mine greatly preys upon his mind and retards his recovery. I am sure that I can say that I am thoroughly and heartily repentant for my acts, and that what I did was by reason of my having been sufficiently intoxicated not to realize exactly what was going on. I am a young man only a little over 18 years of age, and I ask this Court not to blight my life by sending me to prison, and feel confident that the mercies shown me will not be mis-placed, and that I will, if I live, turn out to be a useful and honest citizen in the community.

0313

My late employers have signified their intention
and desire to appear before this Court and give their evi-
dence as to my integrity honesty and truthfulness while
in their employ.

Sworn to before me this :
9th day of December, 1890.:

Thomas J. Geland

Fredrick B. Haus

Courier of Reed

N.Y. City & Co

Court of General Sessions.

The People, etc.

against

Thomas F. Leland, & ano.

Affidavit of Thomas F. Leland.

Morgan & Walker,
Defendant's attorneys,
140 Nassau Street, N.Y.

0315

Police Court - 5 - District.

City and County } ss.:
of New York,

of No. 1457 3rd Avenue Street, aged 55 years,
occupation Legion dealer being duly sworn

deposes and says, that the premises No. 1457 3rd Avenue Street Ward
in the City and County aforesaid the said being a three story brick
building built by Legion Saloon
and which was occupied by deponent as
and in which there was at the time a human being, by

were BURGLARIOSLY entered by means of forcibly raising the
fan light over the front door
then opening the side door from
the inside.

on the 20th day of November 1890 on the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Five bottles of liquor. fifty
Cigars. ten dollars in gold and
careful money of the United States.
three liquor glasses all of the
value of twenty dollars

\$20.00

the property of Josephine

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

Thomas Leland and Francis Morke
(both now here)

for the reasons following, to wit: that at the hour of
midnight. November 20th deponent
locked the doors of his saloon and
closed the saloon for the night.
During the above described property
theft. and at about the hour
of three o'clock. a Mr November 20th
deponent was aroused, and informed
that his saloon had been entered in

0317

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation Joseph A Lewis
Police Officer No. _____

27th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of William Cannon

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

Sworn to before me, this 30
day of Nov 1890

Joseph A Lewis

M. W. [Signature]

Police Justice.

0318

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas L. Leland

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.

Thomas L. Leland

Question. How old are you?

Answer.

19 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

1626 - 2nd Ave 9 yrs

Question. What is your business or profession?

Answer.

Accountant.

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

T. Leland

Taken before me this

25

day of

May

189*7*
Police Justice.

0319

Sec. 198-200.

51 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Francis Roche 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.

Francis Roche

Question. How old are you?

Answer.

18 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

148 E. 3rd av 1 1/2 yrs

Question. What is your business or profession?

Answer.

Assistant bookkeeper

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
Francis Roche,

Taken before me this *20*
day of *May* 189*0*

[Signature]
Police Justice.

0320

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 James P. Leland and Francis Monte guilty thereof, I order that (he) be held to answer the same, and (he) be admitted to bail in the sum of Twenty 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 70 189 11 M. W. Volpe Police Justice.

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

Dated,.....189 Police Justice.

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

Dated,.....189 Police Justice.

0321

Police Court,

5-1783 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm O'Connor
1451 - 3rd Avenue
Geo H. Leland
Francis H. ...

Margery
Offense

3
4

Dated, *Nov 30* 1890

W. L. ... Magistrate.

Joe H. Lewis Officer.

Witnesses *Said Officer* Precinct.

No. Street.

No. Street.

No. Street.



\$ *2500* to answer

Am ...

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0322

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas F. Leland
and
Francis O'Rourke

The Grand Jury of the City and County of New York, by this indictment, accuse *Thomas F. Leland and Francis O'Rourke*

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

The said *Thomas F. Leland and Francis O'Rourke, both*

late of the *Twelfth* Ward of the City of New York, in the County of New York aforesaid, on the *30th* day of *November* 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 saloon of one William O'Connor

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 *William O'Connor, in the said saloon* ~~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.

0323

SECOND COUNT—

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

Thomas F. Leland and Francis O'Rourke

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

The said *Thomas F. Leland and Francis O'Rourke, both*

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 bottles of liquor of the value of one dollar each bottle, fifty cigars of the value of ten cents each, the sum of ten dollars in money, lawful money of the United States of America and of the value of ten dollars and three glasses of the value of twenty-five cents each

of the goods, chattels, and personal property of one *William O'Connor*

in the ~~dwelling house~~ *saloon* of the said *William O'Connor*—

in the saloon

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.

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THIRD COUNT.

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

Thomas F. Leland and Francis O'Rourke

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

The said *Thomas F. Leland and Francis O'Rourke, both*

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,

the same goods, chattels and personal property described in the second count of this indictment

of the goods, chattels and personal property of *William O'Connor*

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

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

Thomas F. Leland and Francis O'Rourke

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.

0325

BOX:

420

FOLDER:

3882

DESCRIPTION:

Levi, Abraham

DATE:

12/22/90



3882

0326

John R. Fellows
Counsel,
Filed *22* day of *Dec* 18 *90*
Pleads,

POLICY.
[§§ 843 and 844, Penal Code.]

THE PEOPLE

vs.

Abraham Levi

JOHN R. FELLOWS,
District Attorney.

A True Bill.

John R. Fellows
Foreman.

John R. Fellows
John R. Fellows
John R. Fellows
Sends suspended
find man's verdict.

Witnesses:

John R. Fellows

0327

11/21/77

11/21/77

0328

51 Camera Dec 11/90
200 R. B. M. et

SEARCHED INDEXED

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County

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GLUED PAGE

0329

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

43 Park Row
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, ~~and~~ and charge that Abraham Levi her

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

_____ did, at the City of _____ County of _____ and State of New York, on or about the 17th day of December 1892.

unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as ~~a dealer or game keeper~~ 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~~ ^{cause} to believe, is informed and verily does believe from personal observation and from statements made by _____

_____ A. H. McCaughey to deponent

and charge that the said Abraham Levi

_____ aforesaid, ~~now~~ ^{did} have in his possession, at in and upon certain premises occupied by him and situate and known as number

51 Cannon 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

P. B. m. c.

0330

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 }
12th day of December 1890. }

Anthony Comstock

[Signature]
Police Justice.

CITY OF New York AND COUNTY OF New York ss.

Robert B. McCully of 43 Park Row

being further sworn deposes and says that on the 11th day of December 1890,
deponent visited the said premises, named aforesaid, and there saw the said
Abraham Levi aforesaid, and
had dealings and conversation with him as follows:

Deponent purchased of the said Levi, and the said Levi sold the paper, annexed to the affidavit of Anthony Comstock foregone, for the sum of 20 cents which this deponent paid the said Levi for the same. The said Levi did sell other similar papers to other persons, and did write and record the same in deponent's presence. The said play was for all day & Deponent saw the said Levi, record the same upon a Manifest

0331

book or sheets kept and used by him
for the said purpose.

Subscribed & sworn to before me

this 12th day of December 1890

A. J. Whigg
(Public Justice)

Robert D. McCully

0332

Subscribed and sworn to before me this }
_____ day of _____ 188_____ }

.....
Police Justice.

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

THE PEOPLE
ON COMPLAINT OF
Anthony Scudato et al
AGAINST
Abraham Levi

Affidavit of Complaint.

WITNESSES:

0333

Sec. 198-800

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Abraham Levi 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.

Abraham Levi

Question. How old are you?

Answer.

52 years

Question. Where were you born?

Answer.

Poland.

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

Answer.

57 Cannon St. 6 months

Question. What is your business or profession?

Answer.

Shoemaker

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
211 3p 2/11

Taken before me this
day of *December*
188*0*

Police Justice.

0334

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.....

See find out
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 *Dec 12* 18 *90* *A. J. White* Police Justice.

I have admitted the above-named *See find out*
to bail to answer by the undertaking hereto annexed.

Dated *Dec 12* 18 *90* *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.

0335

Police Court--- 1857 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Comstock
Abraham Lincoln
2
3
4
Offense *Patent*

BAILED.

No. 1, by *Heyman Rubenstein*
Residence *107 William* Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *Nov 25* 1857
White Magistrate.
Margaret Hoop Officer.
Precinct.

Witnesses
No. Street.

No. Street.
No. Street.



No. *500* to answer *sd.*

Beuler

0336

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Abraham Levi

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

Abraham Levi

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Abraham Levi*

late of the *Thirtieth* Ward of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *December* in the year of our Lord one thousand eight hundred and *ninety*, 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 the dignity.

SECOND COUNT.—

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

Abraham Levi

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said *Abraham Levi*

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.

0337

THIRD COUNT.—

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

— *Abraham Levi* —

of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A LOTTERY POLICY, committed as follows:

The said

Abraham Levi

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 *Robert B. McCully* —

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:

all D 11 B
4 12 48
7/10

(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

— *Abraham Levi* —

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

Abraham Levi

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 *Robert B. McCully* —

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-

0338

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 :

all D 11 B

4 12 48

J/10

(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

Abraham Levi

of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said *Abraham Levi*

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

Robert B. McCully

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 :

all D 11 B

4 12 48

J/10

(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. FELLOWS,

District Attorney.

0339

BOX:

420

FOLDER:

3882

DESCRIPTION:

Levi, Abraham

DATE:

12/23/90



3882

0340

BOX:

420

FOLDER:

3882

DESCRIPTION:

McGuire, Matthew

DATE:

12/23/90



3882

0341

Witnesses:

William [unclear]

27th
John J. [unclear]

Counsel,
Filed *23* day of *Dec* 189*0*
Heads

THE PEOPLE
vs.
Abraham Levi
and
Matthew McLine

[§§ 843 and 844, Penal Code.]

POLICY.

JOHN R. FELLOWS,
District Attorney.

A True Bill.

John R. [unclear]

Dec 27 1890
Foreman.

Wm. [unclear]
M. J. [unclear]
"2-Sentence suspended"
P.B.M.

0343

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 }
11th day of December 1892. }

Anthony J. ...

[Signature]
Police Justice.

CITY OF New York AND COUNTY OF New York ss.

Robert R. McCully, 43 Park Row

being further sworn deposes and says that on the 2nd day of December 1892, deponent visited the said premises, named aforesaid, and there saw the said Richard Roe and Robert Roe aforesaid, and had dealings and conversation with them as follows:

Deponent entered said premises on the 2nd. day of December, found ROBERT ROE and RICHARD ROE busy selling what are commonly called "Lottery Policies". On the counter were files of the printed numbers, which Deponent looked at, and then wrote the following numbers on a piece of paper, to wit:

" 5 12 60
16 24 32
54 62 70
28 40 52"

The said ROBERT ROE in the presence of RICHARD ROE took the said paper from Deponent, copied off said numbers upon a manifold-book, and then took from underneath the manifold-sheet a paper, upon which he placed some pencil marks at the top, and handed the same to this Deponent, and Deponent paid the sum of twenty cents for the same.

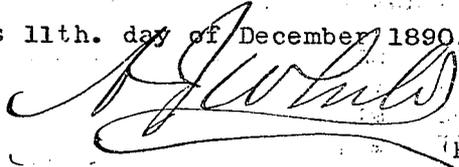
The said RICHARD ROE was present selling what are commonly

0344

called "Lottery Policies" to other persons, and recording the same upon manifold-books, which were recorded in Deponent's presence, and Deponent saw the said RICHARD ROE receive money for the same.

Subscribed, and sworn to before me :

this 11th. day of December 1890.



(Police Justice.)

0345

Subscribed and sworn to before me this }
_____ day of _____ 188_____ }

Police Justice.

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

THE PEOPLE

ON COMPLAINT OF

Richard Forrester et al.

AGAINST

Richard For

Robert For

Affidavit of Complaint.

WITNESSES:

W

0346

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Matthew McGuire 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.

Matthew McGuire

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

168 - 2nd St. West Broadway, New York

Question. What is your business or profession?

Answer.

Printer

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

M. McGuire

Taken before me this

day of *September* 188*8*

[Signature]
Police Justice.

0347

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Abraham Levi

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. *Abraham Levi*

Question. How old are you?

Answer. *59 years.*

Question. Where were you born?

Answer. *Poland.*

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

Answer. *57 Ramm St. 6 months*

Question. What is your business or profession?

Answer. *Shoemaker.*

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 over guilty*

211 342 P

Taken before me this day of *Sept* 189*8* at *St Paul*
Police Justice.

0348

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 Anthony Brantini, Robert B. McCully of 43 Park Row Street, New York City, that there is probable cause for believing that Richard Roe, & Robert Roe, whose real names are unknown, but each of whom can be identified

has in their possession, at, in and upon certain premises occupied by them and situated and known number 51 Cannon street 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 and other writings, papers and documents, blackboards 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 Richard Roe & Robert Roe

and in the building situate and known as number 51 Cannon street aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books all documents for the purpose of enabling others to gamble or sell lottery policies, all blackboards, all slips or drawn numbers of a lottery, 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 1st District Police Court at the Tombs & Centre St in the City of New York.

Dated at the City of New York, the 11th day of December 1890

[Handwritten signature]

POLICE JUSTICE.



0349

Inventory of property taken by William O'Neil 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,~~
~~ivory balls, lottery policies, lottery tickets, circulars, writings,~~
~~papers, black boards, 3 plus slips, or drawn numbers in policy, money, 150 sheets~~
~~manifold books, slates, 6 manifold books & 3 drawn books~~

City of New York and County of New York ss:
 I, William O'Neil 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 12th day of Dec 1890 }
William O'Neil
Sept C. C. O'Connell
A. J. White Police Justice.

Police Court--- 10 District.

Search Warrant.
 THE PEOPLE, &c.,
 ON THE COMPLAINT OF
Arthur J. Bennett
 vs.
Richard Ror
Robert Ror.

Dated 188

Justice.

Officer.

0350

Sec. 151.

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

Police Court, 1st District.

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 Ambrose L. McCully of No. 43 Park Row Street, charging that on the 2nd day of December 1890 at the City of New York, in the County of New York that the crime of selling what is commonly called a lottery policy

has been committed, and accusing Richard Roe & Robert Roe whose real names are unknown but who can be identified by R. B. McCully thereof.

Wherefore, the said Complainant has prayed that the said Defendants 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 Defendants and bring them forthwith before me, at the 1st 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 11th day of December 1890
[Signature] POLICE JUSTICE.

0351

POLICE COURT, 1st DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony J. Conitt et al

vs.

Richard Ros

Robert Ros

Warrant-General.

Dated Dec 11 1880

Magistrate.

Officer.

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

Officer.

Dated _____ 188

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.....

0352

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

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

Dated *Dec 2* 18 *90* *AJ White* Police Justice.

I have admitted the above-named.....

Defendant

to bail to answer by the undertaking hereto annexed.

Dated *Dec 12* 18 *90* *AJ 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.

0353

\$200
Police Court--- 1857 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Constantino
Abraham...
Matthew...
Officer

BAILABLE

No. 1, by *Rayman Rubenstein*
Residence *107 William Street.*

No. 2, by *ll* *ll*
Residence *ll* *ll* Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *Dec 12 90*

White Magistrate.
August O'Gale Officer.
Co Precinct.

Witnesses

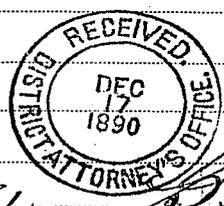
No. Street.

No. Street.

No. Street.

\$ *500* to answer *ll*

Bailed



0354

City, County, and State of New York, ss.

and says, that Anthony Fauntleroy being duly sworn, deposes
here present, Abraham Levi & Matthew McQuire
the one known as Richard Ros & Robert Ros
in annexed complaint.

Subscribed and sworn to before me, this

12 day to

[Signature]

Police Justice.

Anthony Fauntleroy

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against
*Abraham Levi and
Mathew McGuire*

The Grand Jury of the City and County of New York, by this indictment, accuse
Abraham Levi and Mathew McGuire
of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES,
committed as follows:

The said *Abraham Levi and Mathew McGuire, both*

late of the Ward of the City of New York, in the County of New York aforesaid, on the *second* day of *December* in the year of our Lord one thousand eight hundred and *ninety*, 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 the dignity.

SECOND COUNT.—

And the Grand Jury aforesaid, by this indictment further accuse the said
Abraham Levi and Mathew McGuire
of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING
LOTTERY POLICIES THEREIN, committed as follows:

The said *Abraham Levi and Mathew McGuire, 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.

THIRD COUNT.—

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

Abraham Levi and Mathew McGuire
of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A
LOTTERY POLICY, committed as follows:

The said *Abraham Levi and Mathew McGuire, 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 *Robert D. McCully* _____

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:

BTH 2 m
-5-12-60
16-24-32
54-62-70
28-40-52 } 5-20

(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

Abraham Levi and Mathew McGuire
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 *Abraham Levi and Mathew McGuire, 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 *Robert D. McCully* _____

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-

0357

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. H. Z. m
-5-12-60
16-24-32
54-62-70
28-40-52 } Jg 5-20

(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

Abraham Levi and Mathew Mc Guire

of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said *Abraham Levi and Mathew Mc Guire, 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

Robert B. McCully

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. H. Z. m
-5-12-60
16-24-32
54-62-70
28-40-52 } Jg 5-20

(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. FELLOWS,
District Attorney.

0358

BOX:

420

FOLDER:

3882

DESCRIPTION:

Levine, Reginald G.

DATE:

12/23/90



3882

0359

BOX:

420

FOLDER:

3882

DESCRIPTION:

Branch, Oliver O.

DATE:

12/23/90



3882

0360

BOX:

420

FOLDER:

3882

DESCRIPTION:

Kenny, John

DATE:

12/23/90



3882

0361

BOX:

420

FOLDER:

3882

DESCRIPTION:

Flynn, Frank M.

DATE:

12/23/90



3882

0362

BOX:

420

FOLDER:

3882

DESCRIPTION:

Levison, Francis

DATE:

12/23/90



3882

0363

BOX:

420

FOLDER:

3882

DESCRIPTION:

James, Walter

DATE:

12/23/90



3882

0364

BOX:

420

FOLDER:

3882

DESCRIPTION:

Doe, John

DATE:

12/23/90



3882

0365

BOX:

420

FOLDER:

3882

DESCRIPTION:

Hagen, Thomas

DATE:

12/23/90



3882

0366

BOX:

420

FOLDER:

3882

DESCRIPTION:

Smith, Patrick

DATE:

12/23/90



3882

0367

POOR QUALITY ORIGINAL

Bail fixed at \$500.

Witnesses:

André Comstock
Robt B McCully

No. 1 & 2 Bailed
by Matthew Baird
807 Lexington Ave.

Flannery & Fagan Bailors
by Henry St. de la...
145 E 53

No. 3 & 6 Bailed by
Henry St. de la...
145 E 53

No. 9 Bailed by
Thos. Bennett
318 West 87th St
New York

229.

Counsel,

Filed

day of

Pleads,

THE PEOPLE

vs.

- 1 Reginald G. Levine, B
- 2 O. D. Branch, B lead
- 3 John Kenny, B seat
- 4 Frank M. Lyman, B
- 5 Francis Swinson, N.A.
- 6 Walter James, B
- 7 John Ross, N.A.
- 8 Thomas Hagen, B
- 9 Patrick Smith

JOHN R. FELLOWS,

District Attorney.

Part I 26th July '91.

A True Bill.

[Signature]
Foreman.

1, 4, 6, 8 & 9.

Guilty
no. 1 \$1000 fine
the others \$500 each

POOL SELLING INC.
145 E 53

0368

CITY, COUNTY & STATE of NEW YORK, ss:

ANTHONY COMSTOCK of 43 Park Row, New York City, being duly sworn, deposes and says that he is the Chief Special Agent for the New York Society for the Suppression of Vice; that he is informed, has just cause to believe, and verily does believe, ^{and charge} his information being based upon personal observation and examination of premises No. 3 Barclay Street under a search warrant, and the statements of ROBERT B. McCULLY of 43 Park Row; that on, or about, the 9th. day of December 1890, and between that date and the 9th. day of October 1890 inclusive, at No. 3 Barclay Street in the City and County of New York as aforesaid, REGINALD G. LEVINE, O.O. BRANCE, JOHN KENNY, FRANK M. FLYNN, FRANCIS LEVISON, WALTER JAMES, THOMAS HAGEN, and PATRICK SMITH, did unlawfully keep, let, and permit, a certain room, building or part thereof, to be used for gambling and for purpose forbidden by Chapter IX of the Penal Code of the State of New York, and for making wagers or bets made to depend upon chance, casualty, unknown or contingent event, and for making contract or contracts on account of money, property or thing in action, bet or wagered, to wit: For the receiving of money bet upon the trial or contest of speed, or power of endurance between horses, about to be run upon a certain race-course or race-courses in the State of New Jersey, to wit: the Clifton Race-Course at Clifton, New Jersey, and also upon the Guttenburg Races at Guttenburg, New Jersey, and Morris Park Races in the State of New York, in violation of Chapter IX of

0369

2.

the Penal Code of the State of New York, and particularly
Section 343 as amended.

Subscribed, and sworn to before me :
this 22nd day of December 1890. :

Anthony Lovvitch

*Foreman Grand Jury.
William W. Kunkler*

0370

CITY, COUNTY & STATE of NEW YORK, ss:

ROBERT B. McCULLY of 43 Park Row being duly sworn, deposes and says that during the months of October, November and December he frequently visited the first floor and basement of No. 3 Barclay Street in the City of New York, and there frequently saw O. O. BRANCH, REYNALD G. LEVINE, JACK KENNY, FRANK M. FLYNN, FRANCIS LEVISON, WALTER JAMES, THOMAS HAGEN, PATRICK SMITH and JOHN DOE, whose real name is unknown but who can be identified.

October 9th., Deponent visited premises No. 3 Barclay Street. After being instructed by a man named "Larry" as to the method of making bets upon horse races, Deponent wrote on a piece of paper the name of a horse "Autocrat", about to run in the sixth race at Morris Park Races. Deponent discovered that the method of doing business was to write the amount of money persons desired to bet, then the name of the horse, and then it was required that the initials of the party betting should be added under the name of the horse bet upon, upon a slip of paper, and this slip of paper was to be handed with the money to JOHN DOE, who was in the front end of the Liquor Saloon by the bar, receiving slips of paper and money from persons making bets. Deponent asked O. O. BRANCH if JOHN DOE was the party who took bets. The said BRANCH replied that he was. Deponent went to the said JOHN DOE and said that he wanted to make a bet on the last race at Morris Park. The said JOHN DOE replied: "We can't take your bet, we don't know you." Deponent told the said JOHN DOE that he was a stranger. The said JOHN DOE asked: "Are you the fellow who has been playing fool here for three

V. 90 2

V. 1. 4

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1-

0371

2.

or four days?" Deponent said he was. The said JOHN DOE then said: "Get the young fellow you have been playing with to make your bet for you." Deponent said: "I do not care who makes my bet as long as I get my money if I win." Deponent went into the back room and spoke to the party referred to, but as he was busy, "Larry" stepped up and said he would make bet for Deponent. Deponent gave the said "Larry" a five dollar bill and slip, and went out with him into the front room, where the said BRANCH and JOHN DOE were, and the said LARRY gave the said JOHN DOE a five dollar bill and the slip. The said JOHN DOE handed the money to BRANCH who changed the same, and then JOHN DOE handed Deponent three dollars in change, but kept the slip containing the name of horse "Autocrat" upon which this Deponent had bet, and also two dollars out of the five dollars which Deponent bet with him.

3-
 2x
 1x
 1-

Deponent further says that he visited the said premises No. 3 Barclay Street again on the 10th. of October 1890, and there saw the said JOHN DOE. Deponent said to him: "I understand the horse I bet on didn't start." The said JOHN DOE said: "What horse did you bet on?" Deponent said "Autocrat". The said JOHN DOE then took from his vest pocket a slip of colored paper that contained some names and writing, looked at it, and then handed Deponent \$2.00. This occurred in the bar-room in the presence of BRANCH, who was behind the bar. Deponent then went to another part of the room and examined a newspaper, and then took one of the slips such as are kept and used in said premises for such purposes,

1-
 1-
 2
 10+

0372

3.

and wrote as follows:

\$2.⁰⁰

Rosette,
R. B.

handed the said slip with \$2.00 to the said JOHN DOE, who took the money and slip and placed them in his vest-pocket. This bet was a bet of \$2.00 on horse "Rosette" then and there about to run in a race at Morris Park. Deponent saw other persons hand the said JOHN DOE money in the presence of the said BRANCH, and in the premises occupied by the said O. O. BRANCH and JOHN DOE.

Deponent further says that on the 11th. day of October he again visited the premises No. 3 Barclay Street, and there saw the said JOHN DOE receiving bets and money bet from different persons. Deponent saw the said JOHN DOE in the bar-room, and said BRANCH behind the bar. Deponent said to the said JOHN DOE: "I bet on Rosette yesterday." The said JOHN DOE took from his vest-pocket a slip of colored paper containing names and figures, on which were records of bets. He drew his pencil across the page through some matter written thereon, and then handed Deponent a \$10.00 bill. This was done in front of the bar where the said BRANCH was. Deponent saw REGINALD G. LEVINE with a number of persons about him. He also saw the said REGINALD G. LEVINE playing billiards with a man, who lost \$7.00 on the game. Deponent saw the said man take from his pocket the money and pay it over to the said REGINALD G. LEVINE.

While this was going on, Deponent saw persons going on down-stairs through a door at the rear end of the billiard-

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room. While persons were thus going down-stairs, ^{4.} the said REGINALD G. LEVINE and another person commenced another game of billiards for the same amount, to wit: \$7.00. About 3 P. M., a person unknown to Deponent came and whispered something to the said REGINALD G. LEVINE. The said LEVINE thereupon went to the door leading down-stairs, and said in a loud voice: "What in Hell are you doing down there, why don't you close them races before the last minute?" The said LEVINE then returned to the game and said: "This don't pay, win \$7 up here, and lose \$65 down there." He thereupon resumed his game and won \$7 more. Deponent then went down-stairs after seeing the said second game of billiards completed, and found at the bottom of the stairs two doors; an iron door and a wooden door. The said JOHN JOE was attending to the iron door, and allowed Deponent to pass through. After Deponent had passed through the iron door, the said JOHN JOE opened the wooden door, and allowed Deponent to pass through that also. Upon entering this room, Deponent found about two dozen persons present looking at a paste-board card, or printed form containing the names of the horses in the six races then and there about to be run at Morris Park, and the odds opposite the names of the horses. Deponent saw a number of pads about two inches and one-half long by two inches wide, kept there for the purpose of persons to use to put the amount of money and name of the horse, and their initials upon which they desired to bet. Deponent took one of these pads, and wrote on

\$2.⁰⁰

Tournament

R. B.

0374

and handed it with \$2 to FRANCIS LEVISON, who was in a small enclosure towards the front end of the room. The said LEVISON handed the money back to Deponent and said: "You will have to put \$5.00 to win \$2.00 on that horse." Deponent took the money and slip, and then prepared another paper upon the pads kept ~~and used~~ for that purpose, and wrote \$2.⁰⁰

Salvina

H. A.

While Deponent was doing this, the said RICHARD G. LEVINE came into the room, took a card containing the names of horses and odds, and hung it on a gas fixture in the room and lighted another gas jet. He then came and asked Deponent if he had ever been down there before. Deponent replied "I have not". The said LEVINE said: "We can't take bets from strangers." Deponent informed him that he had bet the day before on Rosette and had won. The said LEVINE said: "Oh, yes, I know you now." He then went to FRANCIS LEVISON who was receiving similar slips, bets and money from persons present, and pointing to Deponent said: "That man's all right." Deponent then handed the said LEVISON \$2.00 and the slip described aforesaid, which the said LEVISON received, putting the money upon a pile in front of him and the slip of paper upon a spindle, or wire peg kept in use for that purpose. While Deponent was present, as described aforesaid the said LEVINE took the odd-card out of the enclosure where the said LEVISON was. Two men handed the said LEVISON slips and money while Deponent stood there. The said LEVINE came up to the said LEVISON and said: "What are you doing?" The said LEVISON replied: "Making

change. The said LEVINE asked: "Where are your slips?" 6.

The said LEVISON handed him two that he had in his hand and took others from his pocket, and handed them to the said LEVINE. The said LEVINE said to the said LEVISON in Deponent's presence: "When you take a bet, put them on here like this." and then placed the papers or slips containing the names of the horses upon a wire spindle kept and used for such purposes.

Deponent further says that on the 13th. day of October he again visited premises No. 3 Barclay Street and inquired of O. O. BRANCH where the party was ^{who} Deponent had played with before. The said BRANCH replied: "He has gone out, but will be back in a few minutes." Deponent went down-stairs and saw a stranger standing between the iron and the wooden door at the foot of the stairs, who refused to allow Deponent to go through. Deponent went up-stairs into the saloon on the floor above and found JOHN DOE, and the said JOHN DOE went down-stairs and passed Deponent through ^{the door.} Deponent found about 20 persons present. Francis Levison was in the room walking about, while REEFINALD G. LEVINE was in the enclosure at the front end of the room paying bets.

JACK KENNY was in a large enclosure at the left hand side of the room as you enter, behind a desk. Cards with the names of horses and odds upon them were also hanging up. Deponent saw several persons go up to the said KENNY and make bets with him by passing in their slips and their money. Deponent wrote on a paper as was the custom for those desiring to

bet

\$2. ^{on}

Early Blossom

R. B.

0376

7.
meaning thereby that Deponent desired to bet \$2.00 on the horse "Early Blossom" then and there about to run in the third race at Morris Park Races, and handed the slip and money to JACK KENNY who was receiving similar slips and money from other persons. The said JACK KENNY said: "I can't take your bet." Deponent then went to FRANCIS LEVISON and said: "That fellow wont take my bet." referring to JACK KENNY. The said FRANCIS LEVISON then looked at Deponent's paper and said: "Put the odds on". Deponent asked the said LEVISON what the odds were, and the said LEVISON replied: "six to two". Deponent then placed on the paper, the figures "6/2". The said LEVISON said: "That's all right" then went with Deponent to the said JACK KENNY and said it was all right, whereupon the said JACK KENNY took Deponent's money and slip, placing the slip upon a wire spindle kept and used for that purpose.

Deponent saw a number of persons coming and going, leaving their money, bets and slips with the said JACK KENNY.

Deponent further says that on the 14th. day of October he again visited No. 3 Barclay Street and saw the said O. O. BRANCH up-stairs; then went down-stairs and found a number of persons down there gathered around the odd-card looking at the names of horses and the odds. After examining the odd-card and odds, Deponent wrote on a card

\$2.⁰⁰

Gertie D

4/1

R. B.

placing his initials upon the same. Deponent handed the same with \$2.00 bill to the said JACK KENNY, and asked the

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8.
said JACK KENNY if Deponent had made it out right. The said JACK KENNY replied: "No, you have not got the race on" then took his pencil and put on "2nd" Deponent made copy of said slip, as the said JACK KENNY had placed the original file or record on the spindle. Shortly afterwards JOHN DOE came down and called out: "Gentlemen, you must not stay down here, after you have made your bets please go up-stairs if you are through." Deponent went up-stairs, and after remaining awhile again went down-stairs and found REGINALD G. LEVINE paying off bets in an enclosure near where JACK KENNY was receiving bets. Deponent went to the said LEVINE, told him "I bet yesterday on Early Blossom", and gave him the initials and named the amount of Deponent's bet. The said LEVINE stepped through the open door, returned in a minute, and handed Deponent \$2.00, as the horse "Early Blossom" did not run in the race.

Deponent afterwards learned that the horse "Gertie D" had not run in the 2nd, race. Deponent then went down-stairs and called upon the said LEVINE and said, that the horse he had just bet on in the 2nd. race had not run. The said LEVINE informed Deponent "We are not paying any scratches to-day, will pay them to-morrow", whereupon Deponent left.

Deponent further says that on the 15th. day of October he again visited said premises, went down-stairs, found JOHN DOE attending the door, who allowed Deponent to pass through. Deponent then went through a door behind which REGINALD G. LEVINE aforesaid was sitting, and rapped at the door. The said LEVINE came to the door and said: "What is it?"

9.

Deponent said: "I have a drawback on Gertie D", and gave the said LEVINE Deponent's initials as "R. B.", whereupon the said LEVINE examined a paper or writing which he had, and then paid Deponent back \$2.00. Deponent then examined the odd-card containing the names of the horses then and there posted as about to run in the race at Morris Park, whereupon JOHN DOE called out: "Come, gentlemen, make your bets and get up-stairs -- we can't have a crowd down here." There were about 20 persons present, part of whom went up-stairs. Deponent continued to look at the odd-cards and a newspaper, and again the said JOHN DOE called: "Make your bets please, and go up-stairs", whereupon Deponent took one of the pads, such as are kept in use for this purpose and wrote upon it:

\$2. ⁰⁰	Rosette	2/1
3rd. Race.		R. B.

and handed the same to JACK KENNY with \$2.00. The said JACK KENNY received the slip and the money, examined the slip, crossed off the "2/1" and wrote instead "4/2" saying: "that should be 4/2 instead of 2/1". The said JACK KENNY then placed the slip upon a peg or spindle, the same as he had been doing in Deponent's presence with other persons, who handed in money bet on horses in said race.

Deponent further says that on the 20th. day of October he again visited the said premises, went down into the basement where JOHN DOE and REGINAED G. LEVINE were receiving bets. One "Larry" came to Deponent and told him he had been over to Elizabeth the Saturday before and got a "tip" on the 4th. Race that day, and advised Deponent to bet on horse

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"Latina." He borrowed Deponent's pencil and wrote a card: 10.

\$2.⁰⁰

P. O.

4th. Race Latina R. B.

and advised Deponent to bet on that horse. Deponent handed the said slip so made by "Larry" to the said LEVINE with a five dollar bill. The said LEVINE took the said money and paper and handed Deponent back a two dollar bill and a one dollar bill, and put the slip in his vest-pocket. This transaction was done in the billiard-room in the rear part of the first floor.

In the mean time, Deponent saw JOHN DOE receive three bets from different persons. Deponent also saw the said JACK KENNY in and about said premises while said business was going on.

Deponent further says that on the 22nd. day of October he again visited said premises No. 3 Barclay Street, and saw about 30 persons present, 4 of whom were playing Pool at fifty cents a game. JOHN DOE and REGINALD LEVINE were each present in said room, and Deponent saw them each receive bets and money, and put the money and slips in their vest-pockets. JACK KENNY came in and went down-stairs. The said LEVINE remained up-stairs with the key to the door in his hand at the head of the stairs in the rear of the billiard-room, which said stairs led down into the basement where said JACK KENNY was. When persons desired to go down-stairs, the said LEVINE would unlock the door and allow them to pass down. A strange man was at the lower door guarding the two doors below. The said LEVINE opened the door, and al-

11.

lowed this Deponent to pass down. Deponent found seven(7) persons standing in front of the wire netting, behind which JACK KENNY was receiving bets. Deponent prepared a paper copied from one which "Larry" had made, as follows:

6th. Race.	Post ods
\$2.00 to win	
Carnegie	R. B.

and handed the said paper to JACK KENNY, who took the money and placed the slip upon the peg or spindle as is usual.

Deponent further says that on the 23th. day of October he again visited premises No. 3 Barclay Street, and saw THOMAS HAGEN receive money and slips bet by persons present. Deponent saw no one go down-stairs, but saw all the business transacted up-stairs. When the said THOMAS HAGEN received the bet, he looked at the money and slip, and after examining the same put both in his vest pocket.

December 24th. Deponent visited said premises and there saw THOMAS HAGEN, who was guarding the door leading down-stairs. Deponent assayed to go down, when the said THOMAS HAGEN replied: "I do not know you, I can't let anyone down I don't know -- wait till someone comes that knows you."

Deponent said: "All right, I am not in any hurry." In about fifteen minutes REGINALD G. LEVINE came up from down-stairs. Deponent went to him and said: "This man don't know me, and wont let me down." The said LEVINE looked at me x min Deponent a minute and then opened the door, and said: "Don't stay down there -- make your bet and come up." Deponent counted twenty-three (23) persons down-stairs.

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JACK KENNY was ^{12.} behind the wire partition taking and receiving bets, slips and money, and placing the slips upon a wire peg or spindle.

Shortly afterwards, the said LEVINE came down, went behind the partition where JACK KENNY was, took the card containing names of horses and the odds from the gas fixture where it was hanging, and took his pencil and wrote something upon it, and then hung it back upon the gas fixture. He then came out of the enclosure and said: "Gentlemen, this is no place for you if you have made your bets; if you are not going to make any, we can't have a crowd down here."

On the black-board or cloth upon the wall behind the partition was written with chalk as follows:

"Consolidation Book open on Clifton and Guttenburg Races every morning at 9.30 A. M."

Deponent further says that on the 25th. day of November 1890 he again visited premises No. 3 Barclay Street, and saw the said FRANCIS LEVISON guarding the door in the rear of the billiard-room. He would open and close the same, and let persons go down. After Deponent went down-stairs, he counted thirty-three (33) persons. JOHN DOE, JACK KENNY, and THOMAS HAGEN were behind enclosure receiving bets.

Deponent heard JOHN DOE say: "Close that 1st. Race."

THOMAS HAGEN took the card containing the names of the horses from the gas fixture, and wrote the word "Closed" under the 1st. Race.

Afterwards, Deponent took a card such as are used for the purpose of writing bets, and wrote upon it

0382

\$2.⁰⁰

Landsear

6th. Race

13.

R. B.

and handed it to THOMAS HAGEN with a silver dollar and four
twenty-five cent pieces. As the said THOMAS HAGEN took the
money and paper, he said to Deponent: "What do you want,
Post Odds?" Deponent said: "Yes". The said THOMAS HAGEN
then handed the slip back to Deponent and said to Deponent:
"Put it on then". Deponent put "P. O." on one end, and hand-
ed it back to the said THOMAS HAGEN, and the said THOMAS
HAGEN put the slip on the peg or spindle kept and used for
that purpose, and placed the money upon a shelf. The said
bet thus made by Deponent was made upon horse "Landsear"
6th. Race at Guttenburg.

Deponent further says that on the 26th. day of November
1890 he did further visit the said premises No. 3 Barclay
Street, and found a large number of persons in the basement.
Persons kept coming in and going out, and Deponent saw a
large number of bets made. REGINALD G. LEVINE in Depo-
nent's presence paid four (4) different persons money for
slips which were handed to him. Deponent also saw the said
LEVINE, JOHN DOE and THOMAS HAGEN all receive money handed
to them with slips similar to those already described in the
foregoing Affidavit, and saw each of the said LEVINE, JOHN
DOE and THOMAS HAGEN receive money, ^{this bet} and place the slips on
their pegs or spindles.

Deponent took one of the pieces of paper or pads, such
as are kept and used for such purposes in said premises,
wrote upon it

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\$2.⁰⁰

14.

6/2

Grimaldi

6th. Race

R. B.

a and handed the same to REGINALD G. LEVINE with a one dollar bill and a silver dollar, thus making a bet with the said LEVINE upon horse "Grimaldi" about to run in the 6th. Race at Clifton, New Jersey. The said LEVINE took the said paper, looked at it and said: "What have you got here, six to two?" Deponent said: "Yes, isn't that right?" The said LEVINE looked at the card containing the names of horses and odds, and then looked at Deponent's slip and said: "That's right, that's right," then placed the slip upon a peg or spindle containing other similar slips, and placed the money upon a shelf.

b Deponent further says, that on the 1st. day of December 1890 he again visited said premises and saw a number of persons present. FRANCIS LEVISON was tending the upper door and had the key, and would allow persons to pass in and out. Down-stairs REGINALD G. LEVINE and JACK KENNY were receiving money, slips of paper, and bets upon horses. WALTER JAMES was also present. Deponent wrote upon a paper or pad there kept and used for such purposes, placing names of three (3) horses

BADGE 1/2
FERNWOOD 1/2
KEMPLAND 1/2

b /
b upon the piece of paper, making a combination bet upon those three horses in the Clifton Races. Deponent handed the same to WALTER JAMES and asked him what odds they would give on that combination. The said WALTER JAMES took the said

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15.
paper to JACK KENNY, and asked the said JACK KENNY in Deponent's presence what odds to give on that combination. The said JACK KENNY replied: "two to one". The said WALTER JAMES then marked the said paper in blue pencil "2" and handed the same to Deponent. Deponent then made a copy of the said paper and placed upon it "\$2.00" and the words "R. B.", and then handed the said copy to the said WALTER JAMES with a five dollar bill. The said WALTER JAMES took the five dollar bill and handed Deponent two one dollar bills and a silver dollar in change, keeping the balance as the money that Deponent bet. The said WALTER JAMES also took the slip containing the names of the horses and the odds, and placed them upon a spindle, thereby making and keeping a record of the same. Deponent went up-stairs, and again saw the said FRANCIS LEVISON tending the door, and saw persons going in and out as he permitted them to. Deponent saw a number of persons in said room below, and saw the said REGINALD G. LEVINE and JACK KENNY receiving money from different ones while Deponent was present.

Deponent further says that on the 5th. day of December 1890 he again visited the said premises, and there saw the said THOMAS HAGEN and FRANCIS LEVISON. FRANK M. FLYNN was guarding the upper door and had the key to the same. As Deponent went to go down-stairs, the said FLYNN said: "One at a time - wait a minute." He allowed certain persons to go down-stairs ahead of Deponent, and when the said FLYNN told Deponent to wait a minute, Deponent walked towards the other end of the room. After waiting a minute or two, Deponent again went towards the door, when the said FLYNN

0386

17.
said JACK KENNY took the said paper from Deponent and placed upon it the odds "9/1", and handed it back to Deponent. Deponent then took another blank slip and made a copy of the said paper so handed back, placed "\$2.⁰⁰" at the top, and placed "R. B." at the bottom, and handed the same to the said JACK KENNY with two one dollar bills.

The said JACK KENNY took the bet ^{and money} so bet by Deponent upon said combination upon horse then and there about to run in the Clifton Races of New Jersey, put the slip, as is customary, upon the spindle. The said JACK KENNY crossed off the figures "9/1" which Deponent had placed upon said paper and placed "18/2" instead on said paper, and put the said paper upon said spindle. These horses named in said combination were about to run in the 3rd., 4th., and 5th. Races at Clifton. While Deponent was thus making a bet with the said JACK KENNY, REGINALD G. LEVINE aforesaid was near the center of the room, and called out in a loud voice: "Come, men, don't stay here -- make your bets and come out here." He then went to the front end of the room where there was a wooden door and an iron door, of which the said LEVINE had the keys, and Deponent saw the said LEVINE unfasten and open the door for others to pass out. When Deponent went to pass out, the said LEVINE unlocked the door, looked out, then said to Deponent: "Wait half a minute." In just about that length of time, the said LEVINE again opened the door, looked out, then opened it and allowed Deponent to pass through.

Deponent further says that on the 4th. day of

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13.

December he also visited said premises, and again saw the
said JOHN DOE and REGINALD G. LEVINE on the upper floor.
JACK KENNY stood at the door of a small closet at the left
hand side of the billiard-room, and Deponent saw the said
JACK KENNY receive bets and money bet upon horse-races. The
said JACK KENNY afterwards went into this small closet, and
FRANCIS LEVISON stood at the door at the outside, and al-
lowed persons to enter one at a time to where the said JACK
KENNY was. While Deponent was present, several persons came
in and attempted to go down-stairs, when the said FRANCIS
LEVISON called out: "There's nothing down there."

Deponent further says that on the 8th. day of December
1880 about noon Deponent again visited the premises No. 3
Barclay Street aforesaid, and there saw FRANK M. FLYNN at the
upper floor, having the key to said door in his possession,
and the said FLYNN did unlock said door and ~~lock out~~ in
Deponent's presence, and did allow persons to go down into
the room below by unlocking and opening the door for them to
pass, and after they had passed, locked the door again.

Deponent went down-stairs, and at the foot of the stairs
found PATRICK SMITH who was guarding said door. The said
PATRICK SMITH permitted this Deponent to pass through the
said door by unfastening the door and permitting Deponent to
pass through. Deponent counted twenty-three (23) men down-
stairs, and saw REGINALD G. LEVINE, JACK KENNY, and WALTER
JAMES behind the desk or screen. Deponent took a slip of
paper such as is kept and used for the purpose of writing the
names of horses which persons desired to bet upon, and wrote

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19.
upon said slip, the names of three horses then and there
about to run at the Guttenburg Races at Guttenburg, New Jer-
sey, as follows:

Iago 1/2
Salisbury 1/2
Macgregor 1/2

Deponent handed said paper containing the names of horses
for combination bet to the said JACK KENNY, and asked the
said JACK KENNY what odds he would give on that combination.
The said JACK KENNY replied: "Get your odds at the other
end." Deponent then went to the other end of the desk
where WALTER JAMES was, and handed him the said paper, to
the said WALTER JAMES, and asked him the odds on that com-
bination. The said WALTER JAMES looked at the odds upon
the card which was behind the desk, containing the names of
the horses and the odds upon the horses about to run in the
Guttenburg Races, and marked upon said card

25
1

and handed it back to Deponent. Deponent then took the
said paper, made a copy, and handed the copy with a silver
dollar to JACK KENNY to bet, and bet upon the said combinatin
one dollar against twenty-five dollars odds thus offered.
The said JACK KENNY took said slip and money, looked at the
slip, placed the same on the spindle or wire kept and used
for the purpose of holding the slips containing the names of
horses and odds, and the amount of money bet upon them, and
kept the money.

Deponent further says that he also took another piece of

0389

20.

paper or pad there kept and used for the purpose of writing the names of horses and the amount of money bet upon said horses in said race, and wrote upon it as follows:

Capulin 1/2
Meriden 1/2
Nephtunus 1/2

the same being the names of horses then and there about to run in the 4th., 5th., and 6th. race at Cuffenburg, and handed the said slip so written to REGINALD G. LEVINE, and asked him what odds on that combination, the said REGINALD G. LEVINE looked at it and said: "I guess I will have to give you ten to one on that, you have been around here a good while." He then marked on the back of said slip the figures

$\frac{10}{1}$

and handed the same back to Deponent with the odds thus recorded upon it. He also placed upon the said card to the left of the name, the figures "3/5" against "Capulin," "4/5" against "Meriden" and the figure "1" against "Nephtunus". After putting these figures thus upon the front of the paper, he turned the said paper over and marked the odds ¹⁰as aforesaid upon the back. Deponent then made a copy of the said paper and handed the copy to the said LEVINE with a one dollar bill. The said LEVINE in Deponent's presence took the paper and money, kept the money, and placed the paper upon a spindle, or wire, then and there kept and used for the purpose of holding and recording said bets.

Deponent further says that after making the said bet

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with the said JACK KENNY and WALTER JAMES and LEVINE, that
he took another piece of paper, and marked upon it

\$2.⁰⁰ 4th. Race
Kerwood R. B.

Deponent took another slip or pad, such as is kept and used
for the purpose of writing the names of the horses, and the
amount of money persons desire to bet, and wrote upon it

\$2.⁰⁰ 4th. Race
Kerwood R. B.

and handed the same with a two dollar bill to THOMAS HAGEN
who took the slip and money, looked at them, and then put the
slip upon a wire, or spindle, kept and used for such pur-
poses, and the money on a shelf. The said REGINALD G.
LEVINE was in the main room, and Deponent heard him him
call out: "Come, gentlemen, make your bets and get up-
stairs."

Deponent further says that from personal observation
and dealings had with the aforesaid REGINALD G. LEVINE,
JOHN DOE, JACK KENNY, FRANK M. FLYNN, FRANCIS LEVISON,
WALTER JAMES, THOMAS HAGEN, PATRECK SMITH, and O. O. BRANCH,
that the method of doing business is to have small pads
which persons desire to bet fill out, as Deponent has detail-
ed in the foregoing Affidavit, and the said pads containing
the names of the horses, the race, the amount of money bet,
with the initials of the bettor, are kept on file as the
record in said office of said bets, and further, that on the
various days and dates when Deponent has been in said prem-
ises there have been displayed from the chandelier and other-

0391

22.
wise, cards containing the names of the horse with the odds,
while back of the desk on the left hand side of the room
as you go in from the rear, there were large spaces on the
wall painted black with lines across which they used as a
black-board, and from the 9th. day of October 1890 down to
the 9th. day of December 1890, Deponent visited said prem-
ises, and became thoroughly familiar with the method of
doing business, and saw large numbers of persons visit said
premises, and deposit their money with the persons named
aforesaid upon bets made with said persons occupying and
keeping said premises upon the various races known and
described as the Clifton and the Guttenburg Races, and the
Morris Park Races.

Subscribed, and sworn to :
before me this 23rd day
of December 1890.

: Robert B. McCully

William Van Buren
Foreman Grand Jury

People

N

Reginald G. Levine

O O Branch

John Keating

Frank M. Flynn

Francis Levinson

Walter James

John Doe

Thomas Hagen &

Patrick Smith

Witnesses

Anthony Consoletto

Robert B. McCully

43 Park Street

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19 H-1894

NEW YORK, Feb. 15, 1895

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK STATE OF NEW YORK CITY OF NEW YORK

CERTIFICATE AND RECORD OF DEATH No. of Certificate, 25640

George Stewart

I hereby certify that I attended deceased from June, 1892, to July 14, 1892, that I last saw him alive on the 14 day of July, 1892, that he died on the 14 day of July, 1892, about 5 o'clock A.M. or P.M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, Phthisis Pulmonalis Duration of Disease,
Contributing Cause,

Sanitary Observations,

Witness my hand this 14 day of July, 1892

Place of Burial, Covergreens (SIGNATURE), R. S. Morris, M. D.

Date of Burial, July 17, 1892

Undertaker, Edw. J. Lewis RESIDENCE, 146 E. 71.

Residence, 201 E. 101

Burial permits issued at Criminal Court Building, Centre, White, Elm and Franklin Streets, { Week days, 7 A. M.-5 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Record	Indirect cause of Death	Direct cause of Death	Class of Death (Cases in which a house occupied by more than two families)	Last place of Residence	Place of Death	Mother's Birthplace	Mother's Name	Father's Birthplace	Father's Name	How long resident in New York City	How long in U.S. if foreign born	Birthplace	Occupation	Single, Married or Widowed	Color	Age, in years, mos. and days	Full Name	Date of Death
July 16, 1892.		Phthisis	Decomposition	"	1216 3rd Ave	Ireland	Jennie	Ireland	Geo. E. Stewart	10 yrs	20 yrs	W. N. York	Marine	W	W	28 yrs, 8 mos	George Stewart	July 14, 1892

A True Copy.

C. Erdman

Chief Clerk.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed, The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

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Dec

Court of General Sessions of the Peace
in and for the City & County of New York.

-----x
THE PEOPLE OF THE STATE OF NEW YORK x

-against-

John or George Kenney. x

-----x
City and County of New York, ss:

John Conrad being duly sworn, deposes and says:

That I reside at No. 202 William Street in the City
of New York; that I am forty-eight years of age and at the
present time I am engaged as a door-keeper.

That I knew the defendant George Kenney in his life-
time; that George Kenney is an assumed name; that the real
name of the said George Kenney is George Stewart and that I
have known the said Kenney or Stewart for over fifteen years
last past.

That the said Kenney or Stewart was a newsboy having
a stand on Centre Street near the Bridge.

I recall the time when the said Kenney or Stewart
was indicted and arrested for a violation of the pool law
and know that he gave bail. He so told me during his life-
time. That the said George Kenney died at the City of New
York on the ~~14th~~ ^{14th} day of ~~August~~ ^{July} 1892. He was buried on the
following Monday. That the said Kenney or Stewart was about
27 years of age. That I had known the said Kenney for a
great number of years as I have heretofore stated, having
worked with him side by side on the race tracks in the vicin-
ity of New York.

Sworn to before me this
18th day of February 1895

John Conrad

Reynald Duman
Commissioner of the Court

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State of New York,
City and County of New York. } ss.

sworn, says that he resides at No. _____ being duly
New York; that he is _____ years of age; that on the _____ Street, in the City of
189 , at Number _____ day of _____
New York, he served the within _____ in the City of
the _____ on _____
_____ by leaving a copy thereof with _____

Sworn to before me this
day of _____ 189 }

No 47
M. D. General Services

The People vs

Plaintiff,
Against
James J. Newey
Defendant.

Affidavit of
deaths of defendant

Howe & Hummel,
Attorneys for
87 & 89 Centre St., New York City.

Due and timely service of copy of the
within hereby admitted
this day of _____ 189
Attorney.
To _____

To _____ Esq.,
Attorney.
Please take notice that the within is a copy of a
duly made and
entered in the within entitled action, and filed in the office
of the Clerk of the within named Court, at his office in the
Court House in the City Hall of the City of New
York, the
day of _____ 189 .
Dated _____
Yours, &c.,
HOWE & HUMMEL,
Attorneys,
87 & 89 Centre St.,
New York City.

To _____ Esq.,
Attorney.
Please take notice that the within
will be presented for settlement to
one of the Justices of the within named Court, at the
Court House in the City Hall of the City of New York, on
the
day of _____ 189 , at
o'clock in the forenoon, or as soon thereafter as
counsel can be heard.
Dated _____
Yours, &c.,
HOWE & HUMMEL,
Attorneys,
87 & 89 Centre St.,
N. Y. City.

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10.
"It is not necessary that any game should ever have
"been played, on a table kept for gambling, if it was
"kept and exhibited for that purpose."

Owen vs. State, 52 Ala. 213.

"A single act is sufficient to establish the
"crime."

Peo. vs. Berger, 6 Abbott Prac. R. p. 136.

Pickett vs. Peo., 8 Hun 83 & 84, also 67 N.Y. 609.

It is claimed by Counsel for the defense that evidence of transactions other than of the one particular date set out in the complaint cannot be admitted. As a full answer to this, says Mr. Justice Lawrence in a motion for a stay of the execution of the judgment, upon an indictment under section 343 Penal Code, for "keeping a room for gambling." The Defendant had been tried and convicted in General Session Court, before the Recorder and a Jury:

HELD: "It is claimed in the first place, that the Court
"erred in receiving evidence as to transactions on days
"other than the day named in the indictment. In the
"indictment the offense charged was stated to have been
"committed on the 18th. of September 1888, and evidence
"was received tending to show transactions extending
"over a period from the 1st. of January of that year to
"that date. I do not think that in receiving such
"evidence the Court erred. (see Code of Crim. Pro. Sec.
280.)" Cowley vs. Peo. 83 N. Y. 464, and particularly the
"language of Folger, C. J. at pp 470 & 471; Regina vs.

11.
 "Firth, 11 Cox. Crim. Cases, p 234; and 1 Bishop on
 "Criminal Procedure 3rd. Ed. Sec. 397."

Pro. vs. Emerson, XXXIV Daily Reg. No. 143 Dec. 13 '88

Pro. vs. Emerson, 53 Hun. 437.

The room occupied by the Defendants was a room kept and used for gambling, to wit: receiving and recording bets on horse-racing ~~and~~ ^{and for receiving money bet} and the using of papers and slips of paper for persons who desired to bet, to write their bets upon, and then to take those papers and place them in a pile and preserve them, is a palpable violation of the Law. It is not even an evasion. But if it is designed by these Defendants to make the use of these papers and slips a means of evading the Law, then are their acts an aggravation of the offense under these two sections, and should be so regarded by the Courts.

"All these artifices to evade and cheat the Law, and entrap the uxary, are but aggravations of the offense."

Belle vs. State, 5 Sneed 509.

"But the Law regards not mere semblances, but the substance of things, and consequently these device however ingenious, cannot be successful."

State vs. Short, 3 Vroom 401.

12.

"It brings the utmost contempt upon the law, to
"suffer its justice to be eluded."

U. S. vs. Kilby, 3 Sawyer 358.

"It has been said, that the office of the judge is to
"make such constructions as will suppress the mischief,
and advance the equity, and to suppress all evasions of
"the construction of the mischief."

Wilkinson vs. Mill, 74 N. B. p. 63 10 Mar. 1807
30 Am. D. p. 290.

"But Courts are not established to seek out some
"loop-hole through which criminals may escape. If the lan-
"guage used by the Legislature fairly includes the evil
"complained of, it should be so construed."

U. S. vs. Gaylord, 17 Fed. Rep. p. 245.

"It is true, the indictment charges the act to have
"been in a public shop, but that can make no difference.
"The mischief was no greater than if he had taken the
"purchaser into a private room and sold him the book
"there. The law is not to be evaded by any artifice
"of that kind."

Com. vs. Sharpless, 2 Ser. & Rawl 91.

"The Courts have uniformly looked beyond the mere
"form or device of the transaction, and sought out and
"suppressed the substance." Citing Magdaline College
case, 6 Coke pp 125 & 134; also citing, Gov'r of

13.
 Almshouse, vs. Art Union 7 N. Y. 228, also Hull vs.
 Ruggles, 56 N. Y. 444."

Wilkinson vs. Gill, 74 N. Y. 67.

"He" (Defendant) "may choose to call his business a
 "Gift-sale", but it is none the less a Lottery, and we
 "cannot permit him to evade the penalties of the Law by
 "so transparent a device as a mere change of name."

Dunn vs. Peo. 40 Ills. p 469.

"It cannot be claimed, however, that if by an act
 "of the Legislature, an attempt is made to reach an
 "evil then existing, and language is used in such act
 "more comprehensive than necessary to reach the evil as
 "then practiced, that such act cannot be made to apply
 "to a new development of the evil although within the
 "letter of the Statute, merely because the evil is
 "practiced in a different form from which it was at the
 "time of the passing of the Act."

Jerome Park vs. Board of Police, XXII Daily Reg.
 No. 95 October 20, 82.

11 Abbott's New Cases 342.

"If you should find that it was a lottery, or a
 "device of a like kind, then it should be properly named
 "a Lottery, and properly so charged in the indictment,
 "if the game assimilated a Lottery, and was practiced to
 "evade the laws prohibiting Lotteries.

Cavanagh vs. State, 49 Ala. p. 397.

0400

14.

"The name given to the process and the form of the
"machinery used to accomplish the object, is not mater-
"ial evidence, provided the substance of the trans-
"action is a distribution of property by lot. *****

"In construing the Statute, we must be guided chief-
"ly by the meaning of the term as is ordinarily used in
"a popular sense, and by reference to the mischief in-
"tended to be remedied."

Stat. vs. Clark, 33 U. V. 534.

Says Judge Holden of the Supreme Court of Cal. in the
so-called Williard Lottery case, Judge Spencer concurring

"At last a better appreciation of the subject ob-
"tained in the Courts, and the spirit which characterizd
"the action of the Legislature, found its reflection
"in the language of the judges.

"The trammels of the earlier adjudications were
"cast aside, and the Courts declared that laws were to
"be construed according to their meaning, and enforced
"according to their spirit; that Courts were not to be
"hood-winked by palpable subterfuges and fraudulent
"evasions; that acts and facts to which the common
"sense of the community gave one universal meaning, de-
"duced but one conclusion, ought to, and should receive
"the same interpretation from all intelligent men,
"whether on or off the Bench.

"This is the spirit, in many instances the lan-
"guage, of approved decisions of Courts of the highest
"standing. Dunn vs. People 40 Ills 465; Thomas vs.

0401

This is an examination to ascertain

1. If a crime has been committed.
2. If there is "probable cause" to believe the accused is guilty.

The above articles are covered by Sections 845 & 846 of the Penal Code.

"If it appears from the examination that a crime has been committed, and there is sufficient cause to believe the defendant is guilty thereof, the magistrate shall hold him for the action of the Grand Jury."
Section 845 of Crim. Proc.

"All those who aid or abet in the commission of a misdemeanor are principal offenders.

Section 31 P. C.

Peo. vs. Irwin, 4 Den. 129.

Lowenstien vs. Peo. 54 Burr, 229.

"A person concerned in the commission of a crime, whether he directs the act constituting the offense, or aids and abets in its commission, is a principal."

Section 29, P. C.

2.

"A person who commits or participates in an act
"which would make him an accessory if the crime commit-
"ted were a felony is a principal, and may be indicted
"and punished as such, if the crime be a misdemeanor."

Section 51 P. C.

"When an act or omission is declared by Statute to
"be a misdemeanor, and no punishment for aiding and
"abetting in the doing thereof is expressly prescribed,
"every person who aids or abets another in such act or
"omission is also guilty of the same offense."

Section 52 P. C.

"A crime may consist of many acts, which must all
"be committed in order to complete the offense; but
"each person present consenting to the commission of the
"offense and doing any one act which is either an in-
"cident to the crime, or immediately connected with,
"or leading to its commission is deemed a principal as
"if he had with his own hand committed the whole offense"

U. S. vs. Wilson & Porter, 1 Bal. & F. 103.

"Rules and principles of common law, one of which
"is, that all those who are present aiding and abetting
"when a felony is committed are principals. This has
"never been questioned there. (England.) "The princi-
"pal has been adopted here, and has become one of uni-
"versal application.

U. S. vs. Wilson & Porter, Vol 1, B. R., 104.
4 Burr, pp 2073 & 2083,
12 Wheat pp 4608 & 467.

POOR QUALITY
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3.
"A clerk who knowingly assists in the fraudulent
"practices of his principal, is as much a party to the
"fraud as the principal himself."

U. S. vs. Fleming 18 Fed. R.

"If the defendants are shown to have participated
"in any particular in the operation of the enterprise,
"they are guilty of the whole."

Com. vs. Harrison et al, 13 Allen 333.

Com. vs. Eaton, 18 Pick 275.

Com. vs. White et al, 4 Conn. 74.

"If two or more keep practices for illegal purposes,
"as to any illegal act in any case, the Grand Jury may
"indict the joint wrong-doers together."

Reg. vs. James E. Kelly et al, 13 N. Y. Crim. R. 272

Reg. vs. Bauer, 37 Min.

"And it is well settled that all who aid, abet,
"procure or advise the commission of a misdemeanor, are
"guilty as principals."

1 Russell's Crimes 5th. Ed. p 60 (Note 1.)

"When the doing of any one of several things con-
"stitutes an indictable offense, an indictment may in
"a single count group them together, and charge the ac-
"cused with having committed all, and the conviction
"may be had on proof of the commission of any one of the

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"acts charged without proof as to the others." 4.

Rork vs. Peo. 91 N. Y. p 5

Peo. vs. Kelly et al, 3 N. Y. C. R. 272.

Section 343 of the Penal Code, makes certain things a misdemeanor, to wit:

For any individual to

- I. Keep or occupy a room for gambling of any kind.
- II. To keep, occupy or permit, a room to be used for gambling
- III. To keep, occupy or permit, a room to be used for any purpose in violation of Chapter IX Penal Code.
- IV. To make bets or wagers, or allow bets or wagers to be made upon events in the future uncertain; or to keep, use, or allow a room to be used for making of bets or wagers upon future events.

Says the Honorable Term of the Supreme Court of the State of New York, Chief Justice Barnard writing the opinion, to wit:

"Section 351 of the Penal Code makes either of
"three things criminal:

- "I. If a person keep or occupy a place with the
"requisite things to record bets.
- II. If a person in fact do record bets.
- III. If an owner or occupant of premises knowingly
"permits the same to be used for such purpose, such acts
"are made misdemeanors."

Peo. vs. Kelly & Eleven Others. 3 N.Y.C.R. p 272.

5.
"It is a misdemeanor to receive or become the custodian
"or depository of money bet or wagered."

Section 351 P. C.

"Book-making, as it is commonly called, is merely
"the making of a memorandum upon his own book or paper
"by any person, of his own bet or wager, upon any issue
"or event then unknown or undecided. This is simply an
"aid to the carrying of a transaction or transactions for
"the individual who makes the memorandum."

Jerome Park vs. Board of Police, 22 Daily Register
No. 18, October 20th., 1902. Jan Court Court.

11 Abbott's Law Cases 542.

State vs. Lovell, 33 Vroom 538.

Harris vs. White 481 N. Y., 537.

"A bet is an agreement between two or more to risk
"money upon a contest or chance of any kind, where one
"must be loser and the other winner."

Belle vs. State, 5 Breda. 507.

"A bet is a wager, and the bet is completed when
"the offer to bet is completed. The placing of money
"upon a gaming table is an offer to bet, and if no ob-
"jection be offered by the player or owner of the table
"or bank, it is an acceptance of the offer, and the of-
"fense of betting is completed, although the game be
"never finished, and the stake be neither lost or won.

Watermann's Crim. Digest 237.
State vs. Welch, 7 Post. 453.

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POOR QUALITY
ORIGINAL

2.

"A bet or wager is ordinarily an agreement between
"two or more persons that a sum of money, or some valu-
"able thing in contributing which all agree that part
"shall become the property of one or some of them, on
"the happening in the future of an event at the present
"uncertain; and the stake is the money or thing thus
"put upon the chances. Each party gets a chance of
"gain from others, and takes a risk of loss of his own."

Harris vs. Wata, 81 S. 7. 539.

Citing the following:

"Illegal gaming implies gain and loss between
"parties by betting, such as would excite a spirit of
"curiosity."

Pop. vs. Perment, 8 Cow. p 159.

"In order to constitute a wager, both parties must
"incur a risk."

Charles vs. State, 5 Wm. p 501.

Says the Court of Appeals in reference to the intention
of the Legislature in enacting the laws against book-making
and pool-selling:

"The intention of the Legislature was to discourage
"and repress gambling in all its forms; including bets
"and wagers, and every species of wager, contracts of
"hazard as a great public mischief, calling for effectiv
"measures of prevention and remedy.

"It was manifestly the intention of the Legislature

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ORIGINAL

7.
"to suppress and prohibit every species of wager and
"bet either upon the racing of animals, or upon any
"contingent or unknown event whatsoever, other than the
"contracts expressly excepted, and to abolish all dis-
"tinction between lawful and unlawful wagers, and to
"make them all invalid and void.

Ruckman vs. Pitcher, Vol. 1, N. Y., 405.

"The evident intent of the Legislature by the pas-
"sage of the Act of 1877 was to suppress such unlawful
"business or occupation if possible, and for that pur-
"pose they used the most general and comprehensive
"terms so that its provisions could not be escaped even
"if new plans and devices were resorted to in order to
"avoid the legislative enactments. They mention,
"therefore, the means then used by persons following the
"unlawful business, and prohibited the use of such means;
"and then so on and so forth in the most general and positive
"language prohibit the doing of the one thing which is
"necessary to be done in order to carry on the business
"of gambling in any form, viz; the recording or regis-
"tering of bets and wagers. The Legislature, it may
"well be argued, had in view the fact that bets and
"wagers to any extent could not be made unless the rec-
"ord was kept in some way or other, and, as they intend-
"ed to suppress gambling in any and every form, they
"prohibited the making of the record as the most ready
"way of reaching the evil."

Jerome Park vs. Board of Police, 11 Abbott's N.C. 342.

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POOR QUALITY
ORIGINAL

3.
"The words bets or wagers, are not similar in
"meaning to the words prizes, premiums, or purses. Each
"party to the former," says the Court of Appeals in that
"case, "gets a chance of gain from others, and takes the
"risk of loss of his own to them.

"The Court upon this distinction cites with approval
"al People vs. Sergeant, holding that illegal gaming
"implies gain and loss between the parties by betting,
"such as would excite a spirit of cupidity. *Richardson vs*
"Fitcher.

"The tables, books, cards, and blank-boards may
"fairly be classed as apparatus and paraphernalia, and
"the books as books for the purpose of recording and
"registering bets and wagers."

Thos. Murphy vs. Board of Police, 21 Daily Register,
No. 21, March 27th., ~~1882~~ ¹⁸⁸².

"Bookmaking is only another name for gambling."

Maly vs. Cridge, Daily Reg., March 11th., 1880.

Thos. Murphy vs. Board of Police, *Id Id*

"It is sufficient if one occupied a room for
"gambling, and it is not necessary that gaming actually
"took place."

Chase vs. Peo. 2 Kullb 509

State vs. Mills, 5 Blatch 502.

"Gambling need not be shown by direct evidence.

"It may be inferred from circumstances."

Com. vs. Branham, 3 Bush.
Com. vs. Frazee, 5 Bush, 325.
McAlpin vs. State, 3 Ind. 567.
State vs. Lewis, 12 Wis. 434.
Bishop's Stat. Crimes 886.

Upon an indictment for keeping a gambling house, the following was held to be proper:

"If the Jury believes from the evidence beyond a reasonable doubt that the room in question was a common gaming house as charged in the indictment, and if the Defendant was present in any way or manner ^{and} aided or assisted in keeping, operating, and running such gambling room as charged in the indictment, then the Jury shall find the Defendants guilty, although he was not the actual owner or proprietor thereof."

Stevens vs. Peo. 67 Ills. 587.

"A Statute forbade the keeping of a room to be used or occupied for gambling, or the permitting of the same to be used or occupied. The proof shows that on several occasions that the accused had permitted property to be gambled for in his room.

HELD: "That to bring the Defendant within the Statute the room need not have been principally for gambling, but that it was sufficient that he had occasionally permitted gambling therein."

Watermann's Crim. Digest 237.

Hutchins vs. Peo. 39 N. Y. 454.

15.

"Thomas vs. Peo. 59 Ills. 160; Hull vs. Ruggles, 56 N.Y
"425; Bell vs. State, 5 Sneed. 507; Bishop Cr.2, 945,
"946.

"Thus interpreted the Statutes, always ample, were
"made efficient, and gambling devices which masquerading
"under high-sounding names, proposed for their patrons
"anything from the extinguishment of the National Debt
"to the distribution of prize packages of candy, were
"relegated to their true position, that of plain viola-
"tions of Criminal Law."

Peo. vs. Willard (Cal S. C.)

Judge Belden says further:

"As was said by the Supreme Court of this State;
"This is the view that would strike anyone off the
"Bench. We know of no reason why we should not enjoy
"the privilege of exercising a little common sense and
"take the same view of it. Peo. vs. Cowell, 60 Cal.R402

In reference to the admission of matters seized in the
possession of the Defendants as evidence, I have but to quote
the words of Recorder Smythe in charging the Jury in the case
of Peo. vs. Robert Dunn, who was charged with keeping a room
for gambling; and with selling Lottery ~~xxxxx~~ Policy. The
learned Recorder says concerning articles seized at the time
of the arrest:

"These are circumstances, which if true, and are
"found to be so by you on the evidence in this case, are

15.

"to be taken into consideration by you for the purpose
"of enabling you to determine what the business was
"which was conducted by the prisoners in that place,
"and whether that room in which this person was found
"with these books and papers, was a room kept and oc-
"cupied for the purpose of gambling."

Appeal Papers ~~to~~ the Supreme Court, Jan. 17, 1831.

(This case was afterwards affirmed by the Court of Appeal
of this State.)

Again says the Supreme Court of New York:

"The examination of the premises was germane to
"the subject of the indictment, to wit: "the finding
"Lottery Tickets, which was the charge against the
"Defendant, and it might be established in part by
"evidence found upon the premises affecting the business
"of selling Lottery Tickets there."

Peo. vs. Nolke et al 29 Hun 35.

(This case afterwards went to the Court of Appeals
and was there affirmed.)

The evidence discloses that the two Defendants were
present with the paraphernalia suitable for recording bets
upon horse-races. It shows conclusively that the room was
kept for gambling, and for the purpose of receiving bets and
wagers upon contingent events in the future.

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ORIGINAL

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16.

These offenses are misdemeanors. These men were in charge of the room when it was raided. The sheets for recording bets with the bets recorded were found in their possession. They were directly in front of them, while they were counting up their accounts, when the Officer entered.

It is the duty of the Magistrate to hold these Defendants for trial, as a prima facie case has been brought made out under Section 343 as well as under Section 351.

0413

People

by
R. G. Levin et al

Brief for People

filed 1/24/70

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Rooms 198 and 199, 41 Park Row, New York City.
(TIMES BUILDING.)

TELEPHONE
2429 CORTLANDT.

New York, February 20th, 1901.

Honorable Eugene A. Philbin,
District Attorney,
New York City, N. Y.

Honorable—and dear sir:—

It has occurred to me that possibly it may be interesting to you to know something of the record of Reginald Lewten.

On August 25th, 1887, he was arrested at No. 3 Barclay St. and pleaded Guilty Oct. 27th, 1887, in Special Sessions Court, where he was fined \$50.

At that time, he was running an extensive establishment at this place.

Two of his employes were also arrested at this same place, July 19th, to wit:— Charles Brandt and Michael Finn.

They also pleaded Guilty at the same time, in the same Court, and were each fined \$50.

At that time there was several thousand record sheets for recording bets; pool tickets; black boards; 3 Faro tables and layouts; one Roulette table and lay out; two Poker tables, besides a large amount of other gambling paraphernalia seized.

Lewten was again arrested Oct. 9th, 1888, at No. 3 Barclay St., together with five other men. He pleaded Guilty in general Sessions Court to an Indictment Dec. 21st, 1888, and was sentenced

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Dist. Atty. Philbin. -2-

to \$50 fine.

John Lewien, James Couvert, John J. Williams, Thomas Wilson and Charles Brandt were arrested at the same time, and on the same day. Each of them pleaded Guilty.

Charles Brandt was fined \$200 on one Indictment, and sentence suspended on another.

Each of the others were sentenced as follows:-

John Lewien, - \$50 on one Indictment; Sentence suspended on another.

John J. Williams, - \$50 on one Indictment; Sentence suspended on another.

James Couvert, - \$50.

On October 9th, Reginald Lewien was also arrested upon a complaint for running a Gambling establishment at No. 160 Fulton St., where he and four of his employes were arrested.

At the same time we arrested Lewien, we arrested the following parties, to wit:-

James Jackson,
John Williams,
James Peterson,
Charles Miller.

Each of these men, except Miller, who was the telegraph operator, pleaded Guilty Dec. 21st, to two Indictments; with the exception of Williams, who pleaded Guilty to one Indictment. Each were fined \$50.

On ~~one~~ Indictment, in case of Lewien, Jackson and Petersons sentence was suspended. I presume that is still pending as a suspended sentence.

0416

Dist . Atty. Philbin. -3-

On Dec. 9th, 1890, Reginald G. Levien was again arrested at No. 3 Barclay Street, and Indicted same month by the Grand Jury in General Sessions Court.

So far as the records of my office show, that case is still pending.

At the time of the arrest, Oct. 9th, 1888, we seized at No. 3 Barclay Street, the following:-

11,302 pool tickets and a large quantity of sheets, books and pads for recording bets and wagers.

On the same day at No. 160 Fulton street, we seized the following:-

1,512 pool tickets and a large number of sheets, books and pads for recording bets.

In the last arrest in 1890, we seized over -

235,000 pool tickets;
16,00 sheets, and a large quantity of paraphernalia for carrying on bookmaking and pool selling business.

It has occurred to me to suggest to your Honor, that Mr. Reginald Levien should be adjudged an Habitual Criminal, under Section 690 of the Penal Code.

Pardon my intruding upon you, but as I am familiar with these facts, having convicted him in all these different cases, I thought the information might be of value to you.

Very respectfully yours,

Edward J. [unclear]

Secretary.

0417

19 H-1894

NEW YORK, *Feb 15* 1895

2005

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate, *286*

Oliver O Branch

I hereby certify that I attended deceased from *Jan 17* 1895 to *Jan 19* 1895 that I last saw *him* (alive on the *19* day of *Jan* 1895, about *11* o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of *his* death was as hereunder written:

Chief Cause, *Spleen Fever*
Contributing Cause, *Central Effusion*
Duration of Disease, *12 hours*

Sanitary Observations, *Witness my hand this*

Place of Burial, *St. Paul's* (SIGNATURE), *M. D.*

Date of Burial, *Jan 19* 1895

Undertaker, *C. C. Rogers*

Residence, *413 E 57 St* RESIDENCE, *656 Madison St*

Burial permits issued at Criminal Court Building, Centre, White, Elm and Franklin Streets, Week days, 7 A. M. - 5 P. M. Sundays and Holidays, 9 A. M. - 5 P. M.

Date of Record	Indirect cause of Death	Direct cause of Death	Class of Dwelling (A house occupied by more than two families)	Last place of Residence	Place of Death	Mother's Birthplace	Mother's Name	Father's Birthplace	Father's Name	How long resident in New York City	How long in U.S. If foreign born	Birthplace	Occupation	Single, Married or Widowed	Color	Age, in years, mos. and days	Full Name	Date of Death
	<i>As above</i>	<i>As above</i>		<i>413 East 57 St</i>	<i>413 East 57 St</i>	<i>Phy. State</i>	<i>Frank Branch</i>	<i>Phy. State</i>	<i>Joe Branch</i>	<i>3 years</i>	<i>Phy. State</i>	<i>Phy. State</i>	<i>Married</i>	<i>White</i>	<i>62</i>	<i>7 days</i>	<i>Oliver O Branch</i>	<i>Jan 19 1895</i>

A True Copy.

C. G. Herman
Chief Clerk.

NOTICE.-In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed, and no inquiry as to the facts reported has been provided for by law.

04 18

New York General Sessions.

-----X
PEOPLE

vs

Oliver O. Branch.
-----X

City and County of New York, ss:

John L. Levien, being duly sworn, deposes and says:

I reside at No. 166 Sixth Avenue, in the City of
Brooklyn.

I have known the above-named defendant for about
fifteen years before his death. The said defendant died in
58th Street in this City on the 9th day of January 1895, and
was buried from his home in 58th Street two days later. I
attended his funeral.

I know the man who died as aforesaid to be Oliver
O. Branch the defendant above-named.

Sworn to before me this

19th day of February 1895.

John D. Levien
Joseph Andrews
Notary Public
N.Y.C.

0419

State of New York,
City and County of New York. } ss.

..... being duly sworn, says that he resides at No. Street, in the City of New York; that he is years of age; that on the Day of 189 , at Number in the City of New York, he served the within on the by leaving a copy thereof with

Sworn to before me this
day of 189 }

No 47

A. D. Loomis
Esq.,
Attorney.

The People
Plaintiff,

against

Oliver D. Branch
Defendant.

Defendant.

Applicant of
death of defendant

Howe & Hummel,

Attorneys for

87 & 89 Centre St., New York City.

Due and timely service of copy of the within hereby admitted this day of 189

Attorney.

To

To
Esq.,
Attorney.

Please take notice that the within is a copy of a duly made and entered in the within entitled action, and filed in the office of the Clerk of the within named Court, at his office in the Court House in the City Hall of the City of New York, the day of 189

Dated 189

Yours, &c.,

HOWE & HUMMEL,

Attorneys,

87 & 89 Centre St.,

New York City.

To
Esq.,
Attorney.

Please take notice that the within will be presented for settlement to

Hon.

one of the Justices of the within named Court, at the Court House in the City Hall of the City of New York, on the day of 189 , at o'clock in the forenoon, or as soon thereafter as counsel can be heard.

Dated

189

Yours, &c.,

HOWE & HUMMEL,

Attorneys,

87 & 89 Centre St.,

N. Y. City.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Reginald F. Devine, O.O. Brandt, John Henry, Frank M. Flynn, Francis Devron, Walter James, John Doe, Thomas Hoag and Calista Smith

The Grand Jury of the City and County of New York, by this indictment, accuse Reginald F. Devine, O.O. Brandt, John Henry, Frank M. Flynn, Francis Devron, Walter James, John Doe, (whose real name is to the Grand Jury aforesaid unknown), Thomas Hoag and Calista Smith of a Misdemeanor, committed as follows:

The said Reginald F. Devine, O.O. Brandt, John Henry, Frank M. Flynn, Francis Devron, Walter James, John Doe, Thomas Hoag and Calista Smith, all

late of the Third Ward of the City of New York, in the County of New York aforesaid, on the ninth day of December, in the year of our Lord one thousand eight hundred and ninety, at the Ward, City and County aforesaid, did unlawfully keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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 O.O. Brandt

of a Misdemeanor, committed as follows:

The said O.O. Brandt.

0421

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, being then and there the *occupant* of certain *room* in a certain *building* there situate, with force and arms did unlawfully and knowingly permit the said *room* to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; 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 *O. O. Brandt*

of a Misdemeanor, committed as follows:

The said *O. O. Brandt*

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, being then and there the *occupant* of a certain *room* in a certain *building* there situate, with force and arms, did unlawfully therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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~~

0422

Fourth COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further

accuse the said *Reginald P. Devine, O. O. Branch, John Henry, Frank M. Ryan, Francis Devision, Walter James, John Doe, Thomas Hagen and Patrick Smith* —

(Sec. 343, of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed Penal Code.) as follows:

The said *Reginald P. Devine, O. O. Branch, John Henry, Frank M. Ryan, Francis Devision, Walter James, John Doe, Thomas Hagen, and Patrick Smith*, all late of the *Third* Ward of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *December* in the year of our Lord one thousand eight hundred and eighty *twenty*, and on divers other days and times as well before as after, to the day of the taking of this inquisition, 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, 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. (Sec. 344, Penal Code.)

And the Grand Jury aforesaid, by this indictment, further accuse the said *Reginald P. Devine, O. O. Branch, John Henry, Frank M. Ryan, Francis Devision, Walter James, John Doe, Thomas Hagen and Patrick Smith* — of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPARATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Reginald P. Devine, O. O. Branch, John Henry, Frank M. Ryan, Francis Devision, Walter James, John Doe, Thomas Hagen and Patrick Smith*, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid,

0423

a certain room in a certain building there situate, and a certain gambling-table, and establishment, and diver cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, 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. (Sec. 385, Penal Code.)

And the Grand Jury aforesaid, by this indictment, further accuse the said ~~Reginald G. Service, O.O. Brand, John Kerry, Frank M. Kelly, Francis Serrin, Walter James, John Doe, Thomas Hagen and Patrick Smith~~ of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said ~~Reginald G. Service, O.O. Brand, John Kerry, Frank M. Kelly, Francis Serrin, Walter James, John Doe, Thomas Hagen and Patrick Smith~~, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house there situate, for ~~his~~ lucre and gain, unlawfully and injuriously did keep and maintain; and in ~~his~~ said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called _____, in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said ~~Reginald G. Service, O.O. Brand, John Kerry, Frank M. Kelly, Francis Serrin, Walter James, John Doe, Thomas Hagen and Patrick Smith~~, there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, 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.

JOHN R. FELLOWS,
District Attorney.

0424

BOX:

420

FOLDER:

3882

DESCRIPTION:

Love, William

DATE:

12/12/90



3882

0425

Witnesses:

Mrs. Dampney

1110

Counsel,

[Signature]

Filed

day of

1880

Pleads,

Henry B.

THE PEOPLE

vs.

*21
Order made
53 y 21.79*

William Love

JOHN R. FELLOWS,

District Attorney.

A True Bill.

[Signature]

Foreman.

Part 2 - Dec. 17, 1890.

Pleads att. Dampney 3rd day.

2 y 20 / 2000 ST.

[Signature]

*Sworn to by the THIRD DEGREE
this 21st day of December 1890.*

0427

and the said Duke Kerwin has
pleaded guilty to said burglary
and is now awaiting sentence,
I request that the said
Duke be arrested and dealt
with as the law directs.

Sworn to before me this 28th day of October 1888
Wm S. Dempsey

[Signature]
Justice of the Peace

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree. _____
Burglary _____
vs. _____

Dated _____ 1888

Magistrate. _____

Officer. _____

Clerk. _____

Witnesses: _____

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0428

CITY AND COUNTY }
OF NEW YORK, } ss.

Owen Ward Jr

aged _____ years, occupation Drumman of No. _____

525-10th Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Wm S. Seufrey

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

Sworn to before me, this 25 day of October 1890 } Owen Ward Jr

[Signature]
Police Justice.

0429

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Love 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. *William Love*

Question. How old are you?

Answer. *21 years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *537 West 49 St.*

Question. What is your business or profession?

Answer. *Boiler maker*

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

Answer. *I am not guilty*
William Love

Taken before me this
day of *Sept* 188*7*
P. A. Mackay
Police Justice

0430

Sec. 151.

Police Court..... District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by William D. Kempsey

of No. 517 11th Avenue Street, that on the 16 day of October 1890 at the City of New York, in the County of New York,

one William Lone was guilty of the crime of Burglary by entering the premises No 517 11th Avenue NY on Oct 17 in the night time and stealing therefrom the sum of metal of the value of two dollars

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 2 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 28 day of October 1890

W. D. Kempsey POLICE

0431

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William A. Dempsey
vs.

William Lome

Warrant-General.

Dated *October 28* 188*9*

O'Rielly Magistrate.

Bell Officer.

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

James Bell Officer.

Dated *Dec. 9* 188*9*

This Warrant may be executed on Sunday or at
night.

W. A. H. [Signature] Police Justice.

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

Dated 188

Police Justice.

William Lome 21 W 44 Barlow Street NY 102918

The within named

0432

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William A. Dempsey
v.s.

William Lane

Warrant-General.

Dated October 22 1890

Orlly Magistrate.

Belle Officer.

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

James Belle Officer.

Dated Dec. 9 1890

This Warrant may be executed on Sunday or at
night.

J. C. H. [Signature] Police Justice.

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

Dated 188

Police Justice.

William Lane 21 W 44 Barlow Street 137 W 29 St

The within named

0433

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 Joseph L. Sullivan

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 Dec 7 1887 John C. Bussey 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 he to be discharged.

Dated 188 Police Justice.

0434

Police Court---

2

1831 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm S. Dempsey
577 - 11th Ave

1. Wm Love

2.
3.
4.

Brayley
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Dec 9 1880

O Rully Magistrate.

Ball Officer.

Court Precinct.

Wm N.

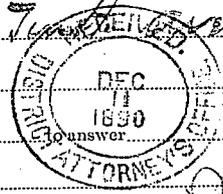
\$1000 & Dec 10th 1880

Wm N. 11th Ave

Wm N. 528 7th Ave

No. Street.

\$1500 answer



.....

0435

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 Love

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

William Love

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

The said

William Love

late of the *Twenty second* Ward of the City of New York, in the County of New York
aforesaid, on the *sixteenth* day of *October* 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 store of one William J Dempsey

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 *William J Dempsey in the*
said store ~~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.

0436

SECOND COUNT—

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

William Love

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

The said *William Love*

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 pounds of brass of the value of forty cents each found

of the goods, chattels, and personal property of one *William S. Dempsey*

in the ~~dwelling house~~ *store* of the said *William S. Dempsey*

there situate, then and there being found, ~~from the dwelling house aforesaid~~ *in the store*, 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. Stollow,
District Attorney.

0437

BOX:

420

FOLDER:

3882

DESCRIPTION:

Lynch, James

DATE:

12/02/90



3882

0438

Witnesses:

Mr. [unclear]
Mr. Crowley

#51

Kane

Counsel, *[Signature]*
Filed *Dec 18 90*
Pleas *[Signature]*

THE PEOPLE
[Signature]
James Lynch

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

JOHN R. FELLOWS,
Part 2 - Jan 11 1901 District Attorney
trial had promised
Assault 2nd Degree
S.P. 3 yrs.
A True Bill.

[Signature]
Foreman.

Part 3 Dec 17
Off. Dec Term
WJH
WJH

0439

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Nov 5th 1890

To whom it may concern -
John Fiala is under
treatment at this hospital for abs-
cesses of head & throat and will
be unable to appear in court -

Frederic L. Wells M.D.
House Surgeon -

0440

Bellevue Hospital
700-10

Fido's condition is
serious. He has a
lung complication
along with stab
wounds.

W. J. Brink
House Surgeon

0441

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,
OFFICE OF HOUSE SURG.

New York, *Nov 8* 1890

THIS IS TO CERTIFY, *That John Deane*

is still a patient in this hospital

is in good condition and today

is able to walk - Dr. Smith,

0442

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,
OFFICE OF HOUSE SURG.

New York, *Mar 8* 1890

THIS IS TO CERTIFY, *That John D. ...*
is a well known patient in this Hospital
is in good condition and today
has the pleasure to report - probably
of recovery - good.

W. H. ... M.D.
House Surg.

0443

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

of Jeremiah Griffen
of No. 47th Street, aged 35 years,
occupation Detective being daily sworn deposes and says,
that on the 5th day of February 1889

at the City of New York, in the County of New York, he arrested James Lynch (now known for cutting and stabbing one John Fiala and inflicting such injuries to said Fiala as caused him to be confined to the Chamber Street Hospital. The said Fiala in the presence of deponent identified the defendants as being the one who inflicted said injuries. Deponent prays the defendants be held to answer the result of said injuries. Jeremiah Griffen

Sworn to before me this

of

1889

day

Police Justice

0444

Police Court, _____ District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

James Lynch

AFFIDAVIT.

W. J. Smith

Dated *April 10* 188

John Magistrate.

Officer.

Witness, _____

Disposition, *Case to await
result of inquiry*

0445

Police Court— District.

City and County } ss.:
of New York, }

of No. 62 Rutgers Street, aged 21 years,
occupation Printer being duly sworn

deposes and says, that on the 5 day of September 1880 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Spick
(now here) who cut and stabbed
deponent with some sharp instrument
they and there held in the hands
of said Spick, on deponents
back, thereby inflicting dangerous
wounds.

(Large handwritten flourish or signature)

with the felonious intent to take the life of 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 21 day
of September 1880 John Fiore
A. J. White Police Justice.

0446

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Lynch

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.

James Lynch

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

W.

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

Answer.

57 Clinton

Question. What is your business or profession?

Answer.

Printer

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
James Lynch.*

Taken before me this *27*
day of *November* 188*9*

Police Justice.

0447

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 Agardant

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

Dated Nov 24 1890 [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.

0448

Police Court---

1759 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Johy Hildg
James Buch

62 - vs. *Hutgers*

George
Alvaros Belmont

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated *November 21* 18*90*

White Magistrate.

Giffin Officer.

4 Precinct.

Witness *Wm Connolly*

No. *52 State* Street.

62 - Hutgers

No. *William* Cross Street.

No. *500* Street.

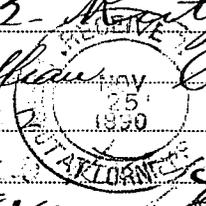
\$ *500* to answer

Ex. Nov 27. 10. 30

" " 24. 2. 30

Committed

The presiding Justice will hear and determine the within case in my absence
A. W. White
Police Justice



0449

COURT OF GENERAL SESSIONS OF THE PEACE,

In and for the City and County of New York.

The People,

vs.

JAMES LYNCH.

)
)
)
)
)
)
)

Before

HON. RUFUS B. COWING,

and a Jury.

Tried January 6th, 1891.

Indicted for Assault in the First Degree.

Indictment filed December 2nd, 1890.

APPEARANCES:

Assistant District Attorney Davis, for The People.

Frank Oliver and Oliver K. Keane, for The Defense.

JOHN FIALLA, of 82 Rutgers Street, the complainant, testified that on November 5th, he went to his father-in-law's house to borrow a few dollars to pay his rent. He was out of work, and was short of money. He saw the defendant at the door of 54 Oliver Street. It was then between 7 and 8 o'clock in the evening. As he, the complainant, was going out, the defendant called him many bad names. When he first went in to his father-in-law's house, the defendant was standing at the door, and it was on his return

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that the defendant called him the bad names. He, the complainant, told Lynch to stop using bad language, and then Lynch challenged him to fight. He, the complainant, said that he did not want to fight, and Lynch then told him to take off his coat, and, as he was taking off his coat, Lynch struck at him several times, and then he, the complainant, saw that he was stabbed. A man named Connolly, and another man named James Crane were present. Lynch first stabbed him in the right side of the neck, just behind the ear. A second blow of the knife cut through his, the complainant's hat and the knife wounded him, the complainant, over his eye. He made another cut upon his, the complainant's head. He, the complainant, did not strike the defendant, and did not display a weapon of any kind. As he, the complainant, was stabbed the third time, he fell, crying out, "I am stabbed; he has a knife. Catch him!" Then Officer Griffin ran over and caught the defendant. He, the complainant, was taken into a distillery, and a doctor and a priest were called. The priest, Father Keefe, anointed him. Officer Griffin brought the defendant before him, the complainant, and the complainant identified the defendant as the man who had stabbed him. He, the complainant, had known the defendant three or four months before that. He, the complainant, had got work for the defendant, and the defendant was discharged. He, the complainant, was taken in an ambulance to the Chambers Street Hospital. He was attended to there, and then transferred

0451

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to Bellevue Hospital. He was confined to Bellevue Hospital for three weeks, being under treatment all the time.

UNDER CROSS-EXAMINATION the complainant testified that he was 22 years of age, and was employed in the Morning Journal office. His Foreman was John C. Flannigan. He, the complainant, had been out of employment about two weeks before he was stabbed. He had worked in the Journal office four or five years. He, the complainant, had got work in the Morning Journal office for the defendant. He, the complainant, was not discharged from the Morning Journal office for stealing papers on the complaint of the defendant. He had been discharged for taking two papers out of the office one Sunday morning when he should have taken only one. He was discharged on account of the information given by the defendant as to that matter. He, the complainant, had never been convicted of a crime, and had never been arrested. He did not have any trouble with the defendant several months before the stabbing. He did not swear in the police court, that he had had a fight with the defendant before the stabbing took place. He was taking off his coat at the defendant's request, to fight, when the defendant stabbed him. When the defendant was arraigned in the police court, the defendant had his, the complainant's, hat, and he had the defendant's hat, and he got his hat back from the defendant in the police court.

0452

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WILLIAM CONNOLLY, testified that he lived at 30 Rutgers Street, and was a laborer. On the evening of the 5th of November, he saw the complainant and the defendant at 54 Oliver Street, where he lived at that time. He was going to a cigar store at the corner to buy a package of cigarettes. As he came down the stoop, he saw Lynch and Fialla fighting in the middle of the street. He stopped and waited until they separated, and then he went on and bought the cigarettes, and when he got back he heard Lynch calling Fialla bad names, and Fialla told him to stop using that language, and then Lynch held the knife in his hand and cut the complainant in the neck behind the ear, and through his hat, wounding him over the eye. Fialla at the time that he was cut was taking off his coat to fight Lynch. He, the witness, followed Lynch for a few steps, after the cutting, and then Lynch told him to stand back or he would give him the same, too. Fialla told Lynch, when he called him the bad names, that he did not wish to fight. He, the witness, saw the knife in Lynch's hand, and saw him stab the complainant.

UNDER CROSS-EXAMINATION, the witness testified that he had never been convicted of any crime. He was not a friend of the complainant, nor of the defendant. He had been out of work about 6(six) weeks before the stabbing. He had worked for William T. Brown, a house mover, and Brown had retired from business about six(6)weeks before the stabbing.

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WILLIAM CRANE, of 52 Oliver Street, testified in corroboration of the previous witness.

JAMES DOYLE, of 140 Cherry Street, testified that he was standing opposite 54 Oliver Street, and, with several others, was kicking a can. They took the can between the back of their heels, and threw it up into the air, to see how far they could throw it. He saw Fialla, the complainant, who was standing in the door way at 54 Oliver Street, throw a condensed milk can at the defendant; then the defendant picked it up and threw it back at Fialla, then Fialla went over to Lynch and they had some words. Fialla told Lynch that he owed him \$3., and asked him to pay it, and Lynch said he would pay it when he got ready, and no sooner. Then the two men got a-hold of each other, and wrestled out to the middle of the car track, then Fialla said, "I am cut! I am cut!" After he was cut, Fialla broke away from Lynch, and Lynch went up the alley where he lived, and Fialla went into the liquor store or distillery. Connolly helped him inside. Then he, the witness, saw Officer Griffin coming down the street having the defendant in custody. Fialla identified the defendant as the man who cut him. Before Lynch cut Fialla, he, the witness, saw Lynch put his hand into his pocket.

OFFICER JEREMIAH J. GRIFFIN, testified that he was attached to the Fourth Precinct. He arrested the defendant on the evening of

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the 5th of November, at about half past 7 o'clock. He arrested him at Roosevelt and Oak Streets. A complaint was made at the Station House by a citizen that some one had been stabbed. He, the witness, asked the defendant if he had had any trouble in Oliver Street, and if he had stabbed anybody, and he said that he had not. He, the witness, then asked the defendant if he had had any muss in Oliver Street, and the defendant said, no. When they got to the liquor store at 54 Oliver Street, the complainant was sitting in a chair, and he was covered with blood. He asked Fialla, the complainant, if Lynch was the man who had stabbed him, and he said, yes. So, he took Lynch to the police station, and on the way to the station he asked Lynch where the knife was, and Lynch said that he had no knife. Lynch was locked up in the station, and then he, the witness, searched the alley in which Lynch lived, and Lynch's home, and also in the street, but could not find any knife. On the following morning, on the way to the police court, Lynch said that he had no knife, but that it was a piece of stone that he picked up, and that was all that he had. Lynch also said that everywhere Fialla met him, he annoyed him, and that Fialla blamed him, Lynch, for losing his place in the Morning Journal office.

WILLIAM FLANNIGAN, called by the defense, testified that he had charge of the subscription mail of the Morning Journal. He had

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known the defendant for about a year; he had also known the complainant for some time. The complainant was formerly employed by the Morning Journal, and was discharged for taking papers out of a man's pocket that were rolled up in paper. The defendant had nothing at all to do with the complainant's discharge. Another person altogether told the Superintendent of this act of the complainant's. The Superintendent was his, the witness's, brother. He had perfect confidence in the defendant. He, the witness, had gone to sleep, leaving hundreds of dollars in the charge of the defendant, and with the keys within the reach of the defendant, and he had never missed a penny. There had been a great deal of trouble between the complainant and the defendant, because the defendant had left the complainant's home. The defendant had given Fialla's wife \$3. to keep for him, and he did not get it back. He, the witness, told Lynch to complain to the Superintendent about this, and to leave Fialla's house and go back to his own relations. The defendant's character for peace and quietness was very good.

JAMES LYNCH, the defendant, testified that he was standing in his own door in Oliver Street, and the complainant threw a can at him. He, the defendant, was not interfering with the defendant at all. Then the complainant came over to him, Lynch, and said, "What's the matter with you? Are you looking for fight?" Then Fialla began to take off his coat. He, the defendant, had

no knife or any other weapon. Fialla struck him three or four times, and then he, the defendant, struck at Fialla. Fialla threw him down on the car track, and a man who had been in Sing Sing or the Penitentiary jumped in, too. He was a Jew. This Jew and the complainant kicked him, the defendant, all around the street. Connolly also kicked him, the defendant. Connolly was drunk. When Fialla had him, Lynch, on the car track kicking him, he, Lynch, picked up a piece of slate and struck Fialla on the back of the neck and over the eye. The complainant was on top of him, the defendant, at the time that he, the defendant, struck him with the slate. The complainant was then kicking and bounding him, the defendant.

UNDER CROSS-EXAMINATION, the complainant testified that he was kicked twice in the back of the leg, but it left no bruise, though it only made him kind of lame. He was struck in the face with a can, but it did not bring any blood. The complainant struck him in the face with his fist several times, but it did not cut his face. His nose bled, but he stopped the bleeding. The Jewish man who had helped the complainant to assault him, the defendant, was up in the Penitentiary again. He had been sent there for highway robbery, he, the defendant, believed. He, the defendant, did not call the complainant any bad names, and did not dare him to fight. He was afraid of the complainant, and had kept out of his way, though the complainant had frequently annoyed

0457

9

him on other occasions.

JAMES COSTELLO, testified that he worked in the press room of the Morning Journal. He, the witness, had been employed there for about seven years. The defendant had worked there for about a year. He, the witness, had had occasion to see the defendant home on one Sunday mornin. This was done because the complainant had a gang with him, and had threatened to assault the defendant.

0458

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Lynch

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

James Lynch
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *James Lynch*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *November* in the year of our Lord one thousand eight hundred and *ninety*, with force and arms, at the City and County aforesaid, in and upon the body of one *John Feala* in the Peace of the said People then and there being, feloniously did make an assault and *him* the said *John Feala* with a certain *sharp instrument to the Grand Jury aforesaid unknown,* which the said *James Lynch* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

3 with intent *him* the said *John Feala* thereby then and there feloniously and wilfully to kill, 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

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

The said *James Lynch*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *John Feala* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

John Feala
with a certain *sharp instrument to the Grand Jury aforesaid unknown,* which the said *James Lynch*

in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, 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.

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THIRD COUNT—

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

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

The said *James Lynch*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *John Trala* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and

him the said *John Trala* with a certain *sharp instrument to the Grand Jury aforesaid unknown,* which *he* the said *James Lynch* in *his* right hand then and there had and held, in and upon the *neck* of *him* the said *John Trala*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *John Trala*

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.

0460

BOX:

420

FOLDER:

3882

DESCRIPTION:

Lynch, Joseph

DATE:

12/12/90



3882

0461

#137
AGL#

Counsel,
Filed,
Pleads,

[Signature]
day of *Dec* 188*9*

Witnesses:

[Signature]
Officer Van Dyke

THE PEOPLE
vs.
Joseph Lynch
[Signature]
Burglary in the THIRD DEGREE
[Signature]
(Section 498)

JOHN R. FELLOWS,
District Attorney.

A True Bill.

[Signature]
Foreman.

Dec 15/90

[Signature]
S. P. 12 yrs. RBM

0462

Police Court—2 District.

City and County }
of New York. } ss.:

of No. 726 Broadway Street, aged 35 years,
occupation Manager being duly sworn

deposes and says, that the premises No 726 Broadway Street,
in the City and County aforesaid, the said being a Five story Brick
and stone building,
and which was occupied by deponent as a Cafe and Saloon
and in which there was at the time ^{no} human being, by name

^{attempted to be} were **BURGLARIOUSLY** entered by means of forcibly
removing and breaking a pane of glass
in the door, of the basement of the
said premises, said door leading from the
said Cafe into the street
on the Tenth day of December 1890 in the night time, and the
following property feloniously ^{attempted to be} taken, stolen, and carried away, viz:

A quantity of Opium and Liquors
of the value of Five Hundred
(\$ 500 ⁰⁰ / 100)

the property of Henry A. Bolton in deponent's care and Custody
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY ^{attempted to be} and the aforesaid property taken, stolen, and carried away by
Joseph Lynch (now here)

for the reasons following, to wit:

That the aforesaid property
was situated in the Cafe or Saloon of
the aforesaid premises, said Cafe being
situated in the basement of the aforesaid
premises.

And that deponent is informed
by Officer Andrew Van Delft of the
18th Precinct Police, that he heard

0463

the crash of broken glass, on the afore-
-said date about the hour of 5.30 A.M.
and immediately discovered the said
Defendant coming from the said
Basement where the said Cafe was
situated, and discovered the said
pane of glass in the door of said
Cafe broken.

Deponent therefore charges
said Defendant with having attempted
to commit a Burglary and asks that
he may be held and dealt with
as the Law may direct

10
December 190

E. J. Babcock

D. J. [unclear]

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Burglary
Degree.

Dated _____ 188
Magistrate.
Officer.
Clerk.

Witnesses:

Committed in default of \$ _____ Bail.
Bailed by _____
No. _____ Street.

0464

CITY AND COUNTY }
OF NEW YORK, } ss.

Andrew Van Delft

aged _____ years, occupation *Police Officer* of No. _____

15 Precinct Police

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Edwin H. Babcock

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

Sworn to before me, this _____ day of _____ 1890

10
December

Andrew Van Delft

George C. Buckley
Police Justice.

0465

Sec. 198-200

2

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Lynch

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. Joseph Lynch

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Scotland

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

Answer. 143 Bowery - 2 weeks

Question. What is your business or profession?

Answer. Waiter

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

Answer.

I was drunk, and do not know anything about it

Joe Lynch

Taken before me this

day of December 1889

10

J. J. McLaughlin

Police Justice.

0466

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 10 1890 Ed. 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.

0467

Police Court--- 2 1831 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edwin H. Butler
vs.
Joseph Lynch

Offence Attempt at
Burglary

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Date December 10 1890
Magistrate
Officer
Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 10.00 to _____



30

0468

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph Lynch

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

Joseph Lynch
Attempting to commit the crime of
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Joseph Lynch*

late of the *Fifteenth* Ward of the City of New York, in the County of New York
aforesaid, on the *Tenth* 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 saloon of one Henry A. Hilton

there situate, feloniously and burglariously did ^{*attempt to*} break into and enter, with intent to
commit some crime therein, to wit: with intent, the goods, chattels and personal property
of the said *Henry A. Hilton in the*
said Saloon 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.

John R. Fellows,
District Attorney.

0469

BOX:

420

FOLDER:

3882

DESCRIPTION:

Lynch, Thomas

DATE:

12/23/90



3882

0470

BOX:

420

FOLDER:

3882

DESCRIPTION:

McCauley, James

DATE:

12/23/90



3882

0471

BOX:

420

FOLDER:

3882

DESCRIPTION:

Fredericks, William

DATE:

12/23/90



3882

0472

POOR QUALITY ORIGINAL

*Thomas Lynch not for evidence
Subpoena affid + compt*

Witnesses:

*James Lynch
James McCauley
James McCaffrey
Thomas McQuinn
v. Mc Donalt*

*The debt Frederick is dead - they & Lynch has pleaded guilty - then examined complainant & office and am of opinion that the evidence against debt Mc Cauley is insufficient to justify his conviction. Therefore recommend that indictment be against him be dismissed with discharge.
McHenry found Feb 12 1891*

#111 v. Hooper a

Counsel,

Filed *23* day of *Dec* 18*90*

Plea(s) *Guilty*

THE PEOPLE

vs.

Thomas Lynch

James McCauley

and

William Frederick

vs. John R. Fellows

John R. Fellows

*Grand Larceny 3rd Degree
(From the Person)
Sections 539, 537, Penal Code*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows

Foreman.

Feb 18

0473

Police Court — 3 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

James McCaffrey
of No. 299 East 107th Street, aged 39 years,
occupation Rigwore being duly sworn

deposes and says, that on the 16th day of December 18 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession

and person of deponent, in the day time, the following property, viz:

A silver watch (gold plated) of the value of
Ten Dollars

the property of deponent

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

Thomas Synch, James McCauley and William Medicines (all now here) who acted in concert with each other, for the reasons following, to wit:

Deponent says — at about 3:30 P.M. of said date he was in the saloon of Albert Sherman 196 Ave C, and while there, the defendants entered said saloon, and were asked to the bar by deponent.

Deponent further says — he had said watch in the lower left pocket of the vest then worn by deponent.

Deponent further says — while he was standing in front of the counter or bar in said saloon, together with

Sworn to before me, this 18th day of December 1891
Police Justice

Said defendant, said William Medericks
 staggered in front of and past deponent.
 Deponent further says - he is informed
 by Albert Brennan, of 196 Avenue C,
 said saloon-keeper, that he saw said
 William Medericks, drop something into
 the hand of said Thomas Bynch, who
 immediately left said saloon, and went to
 the yard, in the rear of said saloon.

Deponent further says - as soon as
 said Thomas Bynch left said saloon, he
 missed said watch, and caused the
 arrest of defendants James M. Conley
 and Thomas Bynch, about five minutes
 after the missing of said watch, and sub-
 sequently caused the arrest of defendant
 William Medericks, by officers M. Guire
 and M. Dermott of the 13th Precinct.

Deponent further says - he is in-
 formed by said Albert Brennan of 196
 Avenue C, that after said arrest, he went
~~to the yard, and found said watch concealed~~
 beneath a barrel in said yard, which watch
 deponent identifies as being his property, and
 as being the watch he had worn on his person
 as aforesaid.

Wherefore, deponent charges defendants,
 with acting in concert with each other,
 and taking, stealing and carrying away
 said property from his person and possession.
 Sworn to before me
 this 18th day of Dec 1893

James M. Conley

[Signature]

Police Justice.

0475

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert Freeman

aged *30* years, occupation *Salvagee* of No.

196 Avenue C Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *James McCaffrey*

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

Sworn to before me, this

18th

day of

December 18*98*

Albert Freeman

[Signature]

Police Justice.

0476

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Thomas Lynch 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:

Thomas Lynch

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

United States

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

Answer.

168 Avenue C - 7 years

Question. What is your business or profession?

Answer.

Keoghsholeman

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.

*All I am not guilty.
Thomas Lynch*

Taken before me this

[Signature]

Police Justice

0477

Sec. 198-200.

B

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

James M'Cauley

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. *James M'Cauley*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *359 East 10th St - 1 week*

Question. What is your business or profession?

Answer. *Congressman*

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 James M'Cauley*

Taken before me this day of

[Signature]
Police Justice

0478

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Medeiros

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.

William Medeiros

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

United States

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

Answer.

340 East 107th 2 mos

Question. What is your business or profession?

Answer.

Boys' workman

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 Medeiros
man

Taken before me this
day of

[Signature]

Police Justice

0479

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

George M. Dermott

of No. 13th Ave Street, aged _____ years,
occupation of painter being duly sworn deposes and says,
that on the 14 day of Dec 1888

at the City of New York, in the County of New York, the arrested
Thomas Bynch, James M. Cully and
William Frederick (all known) on
Complaint of one James McCaffrey
for harboring from prison.

Deponent says - complainant
is not now in Court to prosecute
and wishes that defendants be held
so as to enable deponent to
produce ^{and} complainant in Court.

George M. Dermott

Sworn to before me, this

day

Police Justice

0480

Police Court, 3 District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

AFFIDAVIT.

Thomas Lynch ^{vs.}
James Mc Caulley
William McTrienks

Dated Dec 17 1880

Duffy Magistrate.

McGuire & McTrienks Officers

Witness,

1009 barbeach
ex Dec 189 am
Duffy

Disposition,

0481

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

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

Dated *Dec 8* 18..... *J. P. Duffly* 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.

0483

POLICE COURT—
CITY AND COUNTY }
OF NEW YORK, } ss.

DISTRICT.

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on

the 1st day of Dec in the year of our Lord 1890

of No. 299 East 10th Street, in the City of New York,

and William Hierichs of No. 421 East 12th Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

James M. Coffey the sum of one Hundred Dollars,

and the said William Hierichs the sum of one Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally appear at the next COURT OF General SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there *Testify* and give such evidence, in behalf of the People of the State of New York, as he may know concerning an Offence or Lawless Thomas Kynch, said to have been lately committed in the City of New York aforesaid by James M. Cauley and William Hierichs

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the
day and year first above written.

James M. Coffey
William Hierichs
Police Justice.

0484

CITY AND COUNTY }
OF NEW YORK, } ss.

William Tiericks

the within-named Bail, being duly sworn, says that he is a free holder in
said City, and is worth two Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of A
house and lot of land situate
at 421 East 12th Street, and
worth near thousand dollars
above all encumbrances.

William Tiericks

[Handwritten signature]
Sworn before me, this
11th day of
1881
Public Justice

Recognizance to Testify.

New York
THE PEOPLE, &c.

Magistrate

Filed 188
day of

0485

Department of
PUBLIC CHARITIES AND CORRECTION,

Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. PORTER, Pres't.,
CHARLES E. SIMMONS, M. D., } Commissioners,
EDWARD G. SHEEHY.

CHARLES OSBORNE, Warden.

New York,

Jan'y 31st 1891

Hon DeLaury Nicoll
District Attorney

Dear Sir

I beg leave to report that William Fredricks who was committed Dec 18th 1890, charged with Larceny from the Prison, died in the Hospital Room of this institution at 4th, last evening.

He died from natural causes

Very respectfully
Chas Osborne
Warden

0486

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Subscribed before me this 13th day of 1880

George S. McDermott
of No. 13th Place Street, aged _____ years,
occupation Officer, being duly sworn deposes and says,
that on the 16th day of Decr 1880

at the City of New York, in the County of New York, he arrested Thomas Lynch, James M'Cauley and William Medeiros (all now here) on complaint of one James M' Coffey for carrying from person.

Deponent says - he had considerable trouble in finding said James M' Coffey, and further says that said James M' Coffey has no permanent residence, and further says that said James M' Coffey has been intimidated not to prosecute said action.

Deponent further says - he fears he will be unable to produce said

Police Justice

0487

James McLaughry arrested, and pray
 that he be committed to the House of Detention
 in default of \$100 bail to testify.
 Sworn to before me } George Shi Dermott
 this 18th day of Dec 1870 }

Police Justice

Police Court, _____ District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated _____ 188

Magistrate.

Officer.

Witness,

Disposition,

0488

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Lynch, James
Mc Cauley and William Frederick*

The Grand Jury of the City and County of New York, by this indictment, accuse
Thomas Lynch, James Mc Cauley and William Frederick
of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said *Thomas Lynch, James Mc
Cauley and William Frederick*, all
late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
day of *December* in the year of our Lord one thousand eight hundred and
ninety, in the *day* time of the said day, at the City and County
aforesaid, with force and arms,

*one watch of the
value of two dollars*

of the goods, chattels and personal property of one *James Mc Caffrey*
on the person of the said *James Mc Caffrey*
then and there being found, from the person of the said *James Mc Caffrey*
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.*