0009

BOX:
140
FOLDER:
1442
DESCRIPTION:
Sagarese, Giovanni

DATE:
05/21/84

1442

Michael Volpa
10 Jersey St.

It appearing by the within affidavits that it is impossible to secure the attendance of Michael Volpa *a material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein* Giovanni Sagarese *be discharged on his own recognizance.*
his bail released from further liability
N. Y., September 7, 1887.

Verum M. Davis,
District Attorney.

137

Day of Trial, Prey
Counsel,
Filed, 21 day of May 1884
Pleads Not guilty (2d)

THE PEOPLE

vs.

B

Giovanni Sagarese

Assault in the First Degree.

PETER B. OLNEY,
~~JOHN McKEON,~~
District Attorney.

Michael Volpa, 10 Jersey St.
June 15 1884

A TRUE BILL.

A. M. Kirby
Foreman.

Not Guilty
Bail Discharged

0011

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Giovanni Saganese

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said Giovanni Saganese

late of the City of New York, in the County of New York, aforesaid, on the twenty fourth day of February in the year of our Lord one thousand eight hundred and eighty four, with force of arms, at the City and County aforesaid, in and upon the body of Michele Volpa in the peace of the said people then and there being, feloniously did make an assault and him the said Michele Volpa with a certain knife which the said Giovanni Saganese

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said Michele Volpa 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 Giovanni Saganese

of the CRIME OF Assault in the Second Degree, committed as follows:

The said Giovanni Saganese

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 Michele Volpa then and there being, feloniously did, willfully and wrongfully, make an assault and him the said Michele Volpa with a certain knife which the said Giovanni Saganese in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut 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.

PETER B. OLNEY,
~~JOHN McKEON,~~ **District Attorney.**

Court of General Sessions.

THE PEOPLE, *on the Complaint of*
Michael Volpa

vs.

Giovanni Sagarese

Offense:

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of
Cornelius Leary
Subpœna Server.

Failure to Find Witness.

2188

GLUED PAGE

0013

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

C

To Michael Volpa

of No. 10 Jersey Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 17 day of instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Giovanni Sagaresser.

in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH. Recorder of our said City, at the City Hall in our said City, the first Monday of in the year of our Lord 1887

RANDOLPH B. MARTINE, *District Attorney.*

Street, in the City of New York. I am a subpœna server in the office of the District Attorney of the City and County of New York. On the 15 day of August 1887, I called at No. 10 Jersey ~~Street~~ the alleged residence of Michael Volpa the complainant herein, to serve him with the annexed subpœna, and was informed by the elevator man that no such person resides in that house and is not employed there, the said building has been lately erected and is used for factory purposes. I also inquired in the adjoining houses of the several tenants, but could not find any one who knows the said Michael Volpa, or where he now resides. I also called at the ~~Italian~~ Liquor Store kept by an Italian, who has kept there for several years, and was informed by the proprietor that he knows no one by the name of Michael Volpa or where he can be found.

Sworn to before me, this 16 day of August 1887

Rudolph L. Schanf

COMMISSIONER OF DEEDS, N. Y. CITY & COUNTY.

Cornelius Leary

Subpœna Server.

GLUED PAGE

0014

ourt of General Sessions.

ed on for trial, and no reason
uire in the District Attorney's
save time.
and you prefer another day,
t Attorney, in the Court.
send timely word to the District
mony than was produced before
which you think material, was
3.

EOPLE

Giovanni Sagaresen

City and County of New York, ss.: Cornelius Leary being duly sworn, deposes and says: I reside at No. 27 North Moore Street, in the City of New York. I am a subpœna server in the office of the District Attorney of the City and County of New York. On the 15 day of August 1887, I called at No. 10 Jersey Street the alleged residence of Michael Volpa the complainant herein, to serve him with the annexed subpœna, and was informed by the elevator man that no such person resides in that house and is not employed there, the said building has been lately erected and is used for factory purposes. I also inquired in the adjoining houses of the several tenants, but could not find any one who knows the said Michael Volpa, or where he now resides. I also called at the ~~Italian~~ Liquor Store kept by an Italian, who has kept there for several years, and was informed by the proprietor that he knows no one by the name of Michael Volpa or where he can be found.

Sworn to before me, this 16 day of August 1887

Rudolph L. Schanf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

Cornelius Leary
Subpœna Server.

0015

PART III.

THE COURT ROOM IS IN THE THIRD STORY.

☞ If this Subpœna is disobeyed, an attachment will immediately issue
☞ Bring this Subpœna with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Charles Isoldi

of No. 10 Jersey Street,

No number 10 Jersey

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the 16th day of June instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against Giovanni Sagarese in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of , in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney.*

0016

PART III.

THE COURT ROOM IS IN THE THIRD STORY.

☞ If this Subpœna is disobeyed, an attachment will immediately issue

☞ Bring this Subpœna with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Michael Volpe

of No. 10 Jersey Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the 16th day of June instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against Giovanni Sagarese in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of , in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney.*

0017

137 Pel 1337

Police Court ... **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Valpar
10 Jersey St.

1 Giovanni Sagarese

2
3
4

Offence Assault

BAILED,

No. 1, by Michael Grado
Residence 174 Mulberry Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Dated May 16 188 4

Magistrate. Officer. Precinct.

Witnesses Charles Seddi
No. 10 Jersey Street.

No. ..... Street,

No. ..... Street.

$ 500 to answer General Sessions.

Michael

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 Giovanni Sagarese 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 May 16 188 4 ..... *Police Justice.*

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

Dated May 16 188 4 ..... *Police Justice.*

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

Dated ..... 188 ..... *Police Justice.*

0018

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Giovanni Sagarese 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 Giovanni Sagarese

Question. How old are you?

Answer 38 Years

Question. Where were you born?

Answer. Italy

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

Answer. No. 9 Jersey Street about 7 years

Question What is your business or profession?

Answer Laborer

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

his + mark
Giovanni Sagarese

Taken before me this 16 *day of* May 188 9

Police Justice.

Police Court — First District.

THE PEOPLE, Etc.,

ON THE COMPLAINT OF

Michele Valpa

vs.

Adjourned to give bond at the Tombs on Monday at 12 m. Feb 11 Corrainn Sajarrd

AFFIDAVIT — A. & B. FELONIOUS.

Dated May 26 188

Ford Magistrate.

Officer.

Precinct.

Witnesses, March 15. 2 PM

Because I will be absent on the Jury in the interim during the present assignment I hereby authorize the presiding Justice here to proceed with the hearing of this case

M. J. Power

March 15/84 Justice

$1000 to answer at Essex. Friday Feb 29. 3 PM

Complaint sent to ~~the Hospital Detention~~ ~~in lieu of a bond~~ ~~#~~ ~~3~~ the C. of C & C ~~#~~ to be ret. here.

9 AM. Feb 29 Mch 1.

Adjourned till Saturday the 8th at 10 o'clock A.M.

March 24, 2 PM

Adjourned to the 19th at 2 o'clock P.M.

Apr 7 P.M. Duffy

Adjourned to April 24, and at 2 o'clock P.M.

P.M. Duffy

adjourned to Tuesday April 29th 1884 at ~~2 o'clock P.M.~~ 9 AM.

Adjourned to Monday May 5th 1884 at 2:30 P.M.

0020

Police Court First District.

CITY AND COUNTY OF NEW YORK, } ss.

Michele Volpa

of No. 10 Jersey Street,

aged 20 years Laborer being duly sworn, deposes and says, that

on Sunday the 24 day of February

in the year 1884 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Giovanni Sagarese who willfully and maliciously did and stabbed deponent three on the left shoulder and on the left arm with a knife he held in his hand. Deponent charges that said Giovanni did and stabbed him as aforesaid

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 26 *day of* February 1884.

Michele his Volpa X mark

J. Henry Orr POLICE JUSTICE.

0021

Sec. 151.

Tum District Police Court.

CITY AND COUNTY OF NEW YORK, } ss *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York,* 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 Michele Volpa of No. 10 Jersey Street, that on the 24 day of February 188 4 at the City of New York, in the County of New York,

and feloniously he was violently **Assaulted** and **Beaten** by Giovanni Sagarese who did cut and stabbed complainant with a knife

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 Tum 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 26 *day of* February 188 4

J. Henry Fox POLICE JUSTICE.

POLICE COURT, Tum **DISTRICT.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant—A. & B.

Dated February 26th 1884

Magistrate.

Tum *Officer.*

The Defendant Giovanni Sagarese taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Michael Tum *Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice

REMARKS.

Time of Arrest, 11:35 AM Oct. 26th 84

Native of Italy

Age, 38

Sex

Complexion,

Color W

Profession, Laborer

Married Married

Single,

Read, Yes

Write, Yes

H. Reilly Detect

0022

Sec. 192.

1st District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Maurice Power a Police Justice of the City of New York, charging Giovanni Sagame Defendant with the offence of assault 2d Degree

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

We, Giovanni Sagame Defendant of No. 10 Jersey Street; by occupation a Laborer and Giovanni Girardo of No. 10 Jersey Street, by occupation a Store Keeper Surety, hereby jointly and severally undertake that the above named Giovanni Sagame Defendant shall personally appear before the said Justice at the 1st District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York, the sum of Ten Hundred Dollars.

Giovanni Sagame
Mark

~~Michael~~ Li C.
Giovanni Girardo
Mark

Taken and acknowledged before me, this 26 *day of* February 188 4

Maurice Power POLICE JUSTICE.

0023

CITY AND COUNTY OF NEW YORK, } ss,

Michael Girrardo

the within named Bail and Surety being duly sworn, says, that he is a resident and Police holder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of Stock and fixtures of a Store situated at No 271 Mott Street and three Horses and Wagons at said No and street said property being of the value of three thousand dollars

Michael + Girrardo
Mark

Sworn to before me this 1st day of January 188

Gray
Police Justice.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs,

District Police Court.

Undertaking to appear during the Examination.

Taken the day of 188

Justice,

City & County of Newyork.

Charles Isolda being duly sworn deposes and says. I live at 10 Jersey Street. I know the defendant and complainant both. I recollect Sunday Febry 24th. I was at No 10 Jersey Street at the time the complainant was hurt. It was between 9 & 10 oclock at night. I saw Volpa commence to quarrel with everybody in the house, there were about 15 or 20 people there. Everyone was drunk. I was not because I was playing the accordion. Volpa went out first. I don't know whether Saveresa went out of the house or not. I don't know when Volpa was cut. Everybody went out of the room. There was fighting in the room. There was a general fight in the room. I did not see Volpa get cut in the room. I did not see any cutting at all there. I saw Saveresa there, he did not have a knife in his hand. I don't know what took place in the yard.

+ Examination

I found out about 12 O'clock at night that Volpa had been cut, that was first

I heard of it. I will swear Volpa went out before Saveresa did. A room about 3/4 as large as this, about 18 feet square. There were 18 to 20 people in the room & all fighting and yet will swear Volpa was first to leave the room. They all went out then by name & couldn't know who it was. Volpa and Saveresa lived across the street from one another

Sworn to before me this
24th day of April 1884

C. Tabor
Police Justice

City & County of New York.
Carmine Laurena being duly sworn deposes and says.

0026

1

The People ex
rel the complaint of
Michele Valpa
vs
Giovanni Sagarese

Complaint
Assault & Degree

Aha ~~[illegible]~~ hearing held on the
15 day of March 1884 before
Patrick G Duffy Police Justice
Michele Valpa the complainant
being duly sworn and examined
in the presence of the defendant
Giovanni Sagarese says my
name is Michele Valpa
I reside at N° 10 Jersey Street
I am the complainant in this
case I was assaulted on the
24 day of February about
10 o'clock P.M. It was on Sunday
when I was stabbed I was in
the yard of premises N° 8
Jersey Street. ~~[illegible]~~ There were present
at the time Nagro Rocco Petrillo
and Domenico Parella were holding
the defendant I know the defendants
name it is Giovanni Sagarese
I was in the yard with Nagro and Petrillo
when Sagarese came in the yard

2

Dominico Parella came into the yard with Sagarese. Then Sagarese came in and saying "Hush the man to make disturbance and I paid what have I done to you." Sagarese held a dagger in his hand when he came into the yard Dominico Parella was holding the defendant after a little while Sagarese broke away from him and then stabbed me twice near the shoulder and the other time on the left arm. The coat I wear now was the same that I had on when I was stabbed I had no weapon of any kind in my hands at the time

Cross Examined

I don't live in No 8 Jersey Street I live in No 10 Jersey Street. I was going to very good factory have transacted business in the night in question There was no light in the yard of premises No 8 Jersey Street at the time, for two hours previous to the time I was stabbed I was in a house of my

0028

(3)

friend Felix I don't remember
his last name he lives at No
10 Tricey Street I had three or
four glasses of beer with my
friend Felix and these were
the only drinks I had during
the day. I swear that these were
the only drinks I had during
the day. I was not black
beer. I had no trouble with
Sagarese. I cut the face
of Sagarese in the fourth at
the time he stabbed me. At
the time I was stabbed I was
going into the yard. When
I reached going the yard Sagarese
came behind me. I hit him
not the first time I saw him
I had seen him all day.
Immediately before he came
behind me, Sagarese had
been in Felix's house. I
don't know how long Sagarese
had been in Felix's house.
Sagarese was there when I came

Sworn to before
me this 27 April 1894

Michael [illegible]
mark

[illegible]
Police Justice

0029

BOX:
140
FOLDER:
1442
DESCRIPTION:
Schneider, Emil
DATE:
05/26/84

1442

Witnesses:
Chas. Schenermann
58 Centre St.
Serd. for
Robt Schenck
287 Bleecker
St.
Degraff & Taylor
14th St. Fourth
Ave for office -
FS
Eug Robert Schenck
Stats Factor Serd
& Serd. of Mrs
for Larceny

168

Counsel,

Filed 26 day of May 1884

Pleads

THE PEOPLE

vs.

Emil Schneider

INDICTMENT.

Grand Larceny in the second degree.

(MONEY.)

Sec. 528 & 529

PETER B. OLNEY,

~~JOHN McKEON,~~

District Attorney.

A True Bill.

Foreman

Plead Guilty

24m Comm SP

May 28 1884 FS

28.

0031

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Emil Schneider

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

Emil Schneider

of the crime of GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said Emil Schneider

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

four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each; five promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; four promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each; five promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar, and one written instrument and evidence of debt, to wit: an order for the payment of money of the kind known as Bank Checks, the same being then and there unsatisfied, and for the payment of and of the value of Fifty one dollars and thirty six cents

of the goods, chattels, and personal property of ~~one~~ the Weimar Manufacturing Company then and there being found, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

0032

No. 168 Final 1356

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Schneemann
of 8 Centre St.

vs.

Emil Schneider

Offence Grand Larceny

BAILED,

No. 1, by _____ Street.
Residence _____

No. 2, by _____ Street.
Residence _____

No. 3, by _____ Street.
Residence _____

No. 4, by _____ Street.
Residence _____

Witnesses August Werner
No. 25 Broadway Street.

Dated 21 May 1884

Chas. Scheide Magistrate.
Thos. Crystal Officer.
Precinct.

No. _____ Street,
_____

No. _____ Street.
_____

No. _____ to answer _____ Sessions.
_____

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 Emil Schneider

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

Dated 21 May 188 4 Chas. Scheide *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0033

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Emil Schneider

Question. How old are you?

Answer 21 years

Question. Where were you born?

Answer. Germany

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

Answer. 287 Bleecker St 6 years

Question What is your business or profession?

Answer Upholster

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

Emil Schneider

Taken before me this 21 *day of* [illegible] 188[illegible]

[illegible]

Police Justice.

CITY AND COUNTY
OF NEW YORK, } ss.

August Klopper

aged 28 years, occupation Bookkeeper of No.
325 Broadway Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Charles Schenermann
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 21st
day of May 1884

August Klopper

Police Justice.

0035

Police Court— First District. Affidavit—Larceny.

City and County of New York, } ss.:

Charles Scheuermann

of No. 58 Centre Street, aged 33 years, occupation Bookkeeper being duly sworn deposes and says, that on the 17 day of May 188 4 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United states to the amount and of the value of One hundred and fifty dollars and a check on the German National Bank of the value of fifty one dollars and thirty six cents in all of the two hundred and one dollars and thirty six cents the property of a company known as and doing business under the name of Weimar manufacturing company and in care and charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Emil Schneider (now here) from the fact that deponent sent said defendant who was employed by deponent to the main office No 325 Broadway to get the aforesaid property and as deponent was informed by August Klopper ~~on~~ of No 325 Broadway that on said day the said Klopper gave said defendant the aforesaid property and said defendant failed to return to deponent with the aforesaid property and appropriated the same to his own use.

Wherefore deponent charges said defendant with taking stealing and carrying away the aforesaid property.

Chas Scheuermann.

Sworn to before me, this 21 day of May 188 4

Police Justice.

0036

BOX:
140
FOLDER:
1442
DESCRIPTION:
Schonauer, John

DATE:
05/27/84

1442

Peter Owens
226 E 109 St
Officer Draught
22 Prect

188

Day of Trial, C Kneeas
Counsel,
Filed, 29 day of May 1884
Pleads Not guilty (28)

THE PEOPLE

vs.

P

John Schonauer

42

Judgt

Assault in the First Degree.

PETER B. OLNEY,
~~JOHN McKEON,~~
District Attorney.

A TRUE BILL.

A W Kirby
Foreman.

Plead Assault 3 deg

Pen: one year.

0038

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Schomaker

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said John Schomaker

late of the City of New York, in the County of New York, aforesaid, on the [illegible] day of [illegible] in the year of our Lord one thousand eight hundred and eighty [illegible], with force of arms, at the City and County aforesaid, in and upon the body of [illegible], in the peace of the said people then and there being, feloniously did make an assault and [illegible] the said [illegible], with a certain [illegible] which the said [illegible]

in [illegible] right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent [illegible] the said [illegible] 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 [illegible]

of the CRIME OF Assault in the Second Degree, committed as follows:

The said [illegible]

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 [illegible] then and there being, feloniously did, willfully and wrongfully, make an assault and [illegible] the said [illegible] with a certain [illegible] which the said [illegible] in [illegible] right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut 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.

PETER B. OLNEY,
~~JOHN McKEON,~~ **District Attorney.**

POOR QUALITY ORIGINAL

0039

188 Ind 1357

Police Court— 2nd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Peter Quinn
226 East 109th
John Schumann

1 2 3 4

Offence, Assault 2d Degree

BAILED,

No. 1, by ..... Residence ..... Street,

No. 2, by ..... Residence ..... Street,

No. 3, by ..... Residence ..... Street,

No. 4, by ..... Residence ..... Street.

Dated May 22d 188 4

M. Power
Magistrate.

Drought
Officer.

23d Precinct
Clerk.

Witnesses,

No. ..... Street,

No. ..... Street,

No. ..... Street,

No. ..... Street,

$ 500 to answer GS

Bail

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 John Schumann

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, or be legally discharged

Dated May 22d 188 4 M. J. Power *Police Justice.*

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

Dated ..... 188 ..... *Police Justice.*

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

Dated ..... 188 ..... *Police Justice.*

0040

Sec. 198—200.

5th DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

John Schonauer 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. John Schonauer

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. Germany

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

Answer. 335 East 114th Street, 7 months

Question. What is your business or profession?

Answer. Bricklayer

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 The complainant put one out of his place and I cut him

Taken before me, this 22d *day of* May 188 } John Schonauer

[illegible] *Police Justice*

0041

Police Court— 5th District.

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

Peter Owens, aged 28 years, barkeeper of No. 226 East 109 Street, being duly sworn, deposes and says, that on Thursday the 22d day of May in the year 1884 at the City of New York, in the County of New York, he was violently and feloniously ASSAULTED and BEATEN by John Schumacher (now here) who wilfully maliciously and feloniously cut and stabbed deponent with a knife (of the value of) of said defendant held in his hand at about 5 o'clock P.M. of the same in premises 1981 3d avenue in said city. Deponent further say that said assault so committed was done

with the felonious intent to take the life of deponent, or to do him 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 22d *day of* May 188 4

Peter Owens

Geo Ireny POLICE JUSTICE.

0042

BOX:
140
FOLDER:
1442
DESCRIPTION:
Secor, Frederick

DATE:
05/02/84

1442

297

Witnesses:

Mm. G. Smart

102 E. 22

Soc. P.C. to Animals

Counsel,

Filed 2 day of May 1884

Pleads Not Guilty

THE PEOPLE

38, 43 Mulberry St.

vs.

Frederick Secor

P

Cruelty to animals

[Sections ... Penal Code].

PETER B. OLNEY,

District Attorney.

P 2 May 9/84

Tried & convicted with recom.

A True Bill. to mercy

Pen 6 months (1)

one

John Nolan

Foreman.

May 9 ... 1884

0044

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frederick Sacor

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

Frederick Sacor

of the CRIME OF Cruelty to Animals

committed as follows:

The said Frederick Sacor

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Ninth day of January in the year of our Lord one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid, unlawfully and knowingly did cruelly beat, torture, wound and disable a certain horse, lame and disabled animal, to wit: a horse, with force and arms, wrongfully did torture the said horse, by then and there attaching the said horse, first so lame and disabled as aforesaid, to a certain vehicle of the kind called wagon, and by then and there compelling the said horse, first so attached to the said wagon, and first so lame and disabled as aforesaid to pull and draw the said wagon for a great distance; whereby unnecessary painful injury was

suffering to the said horse was caused and permitted, to the great damage of the said horse, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Peter B. Olney,
District Attorney

0046

Police Court— First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William J. Smart
100 E. 22 St

1 Frederick Decore
2
3
4

Offence Cruelty to Animals

Dated 1 May 1884

M. Podmer
Magistrate.

Smart
Officer.

SBC 4
Precinct.

Witnesses Henry Birch
No. 18 East 77 Street.

No. Street,

No. Street,

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

MAY 1 1884
CITY COURT

No. 60 Street,
$ 500 to answer Gen Sess

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 Frederick Decore

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail. Not legally discharged

Dated 1 May 188 4 M. Oma *Police Justice.*

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

Dated 188 *Police Justice.*

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

Dated 188 *Police Justice.*

0047

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Frederick Secore

Question. How old are you?

Answer 38 years

Question. Where were you born?

Answer. Germany

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

Answer. 43 Tompkins St. 25 years

Question What is your business or profession?

Answer Vender

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
Fred Secor

Taken before me this [illegible]
day of [illegible] 188[illegible]

Police Justice.

0048

STATE OF NEW YORK,
City and County of New York. }

1884 District Police Court.

William G Smart aged 42 years. Officer Society Prevention Cruelty to Animals. 100 East 22 Street being duly sworn, deposes and says, that on the First day of May 1884, at the City of New York, in the County of New York, Frederick Secore (now here) did wilfully unlawfully torture and torment a certain living Creature to wit a horse by then and there compelling said horse to pull and drag a certain Vehical called a wagon to which it was attached by Harness upon through and over divers streets and public highways in said city while it the said horse was lame sore and suffering in its body and limbs and did cause thereby to the said living Creature unjustifiable physical pain and suffering in violation of the statute in such case made and provided

Wherefore the complainant prays that the said Frederick Secore

may ~~be arrested, and~~ dealt with according to law, and more especially according to the following laws made and provided, to wit:

"An Act to prevent prize fights and fights among game animals," passed April 4, 1856; and "An Act to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and sixty-two, entitled 'An Act to prevent the traffic in impure and unwholesome milk,'" passed May 2, 1864; and "An Act for the preservation of the health of animals for human food," passed April 13, 1866; and "An Act better to prevent cruelty to animals," passed April 19, 1866; and "An Act for the more effectual prevention of cruelty to animals," passed April 12, 1867; and "An Act relating to animals," passed February 11, 1874; and "An Act to amend chapter ninety-seven of the law of 1875," entitled "An Act providing for the forfeiture of property in certain cases," passed May 4, 1875; and "An Act to prevent injury to animals in the City of New York," passed February 8, 1876; and "An Act relating to diseased animals," passed February 23, 1878; and Title XVI of the Penal Code of the State of New York, and the ordinances and regulations of the Sanitary Code of the Board of Health Department of the City of New York.

Sworn to before me this 8th *day of* May 1884

[illegible]
Police Justice.

William G Smart

Police Court—_____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Henry Bergh
against
Richard Schaefer

CRUELTY TO ANIMALS.

BAILED,

No. 1, *by*.....

Residence.....*Street.*

No. 2, *by*.....

Residence.....*Street.*

No. 3, *by*.....

Residence.....*Street.*

No. 4, *by*.....

Residence.....*Street.*

Dated.....188

.....Magistrate.

.....Officer.

A. S. P. C. A.

Witnesses, HENRY BERGH,
No. 100 East 22d Street.

.....

No.....Street.

.....

No.....Street.

.....

No.....Street.

.....

No.....Street.

$.....to answer.....

.....

.....

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

.....

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

Dated.....188 . .....*Police Justice.*

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

Dated.....188 . .....*Police Justice.*

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

Dated.....188 . .....*Police Justice.*

We, the Jury in the case of Frederick Secor, defendant, hereby ask your Honor to reconsider his sentence. We most respectfully appeal for a much lighter punishment.

Charles Noël Rentish (Foreman) 74 west 50th St
Philip Dazian 26 Union Square
George Fennrich. Beach & Greenwich St.
Herman F. Bundzil 1214 Broadway
John H. Phillips 141 – 5th Av.
Max Studinski 337 W. 50 St.
Rosier F. Carey 75 Wall St
G. Rapaport 141 Attorney Street
Henry W. Mason 105 Waverly Place
Philip Goldsmith 21 Cliff Street

W. T. Fischer

0051

BOX:
140
FOLDER:
1442
DESCRIPTION:
Sharkey, James

DATE:
05/19/84

1442

No 8

Witnesses:

Michael Mayer
336 E. 48 St City
Chas P. Walker
Officer, 28 Precct

From statement made to me by Complainant I do not think a conviction in this case can be obtained and I recommend that deft. be discharged.

N.Y. June 19, 1884

Jno. Vincent
Asst. Dist. Atty

Counsel,

Filed 19 day of May 1884

Pleads Not guilty (?)

THE PEOPLE

vs.

James Sharkey

Grand Larceny 2nd degree
(From the person.)
[Sections 528, 53[illegible], [illegible] Penal Code].

PETER B. OLNEY,
District Attorney.

A True Bill.

A. W. Kirby *Foreman.*

(Off Term Jones)

POOR QUALITY ORIGINAL

2508

0053

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 Sharkey

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

The said James Sharkey

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty eighth day of April in the year of our Lord one thousand eight hundred and eighty-four, in the day time of the said day, at the Ward, City and County aforesaid, with force and arms, one watch of the value of twenty three dollars

of the goods, chattels and personal property of one Michael Maher on the person of the said Michael Maher then and there being found, from the person of the said Michael Maher then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. Olney
District Attorney.

0054

Case 13/0

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1. Michael Mahoney 326 E 46th
2. John Mahoney
3. James Thornley
4.

Offence Larceny from person

Dated April 29 1884

Magistrate. Charles O'Connor Officer. 25th Precinct.

Witnesses

No. 1, by John G. McCullagh Street.
Residence 327 E 46th Street.

No. 2, by Michael Mahoney Street.
Residence 321-10 Ave Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

No. Street,

No. Street,

No. Street.

No. Street,

$ 1000 — to answer Sessions.

Bailed

Discharged

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 Thornley

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

Dated April 29 188 4 H. Ommen *Police Justice.*

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

Dated April 29 188 4 H. Ommen *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0055

Sec. 198—200

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Sharkey 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 Sharkey

Question. How old are you?

Answer. 24 Years

Question. Where were you born?

Answer. This City

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

Answer. 1175 Second avenue & about 3 Weeks

Question. What is your business or profession?

Answer. Stonecutter

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

Answer. I am not guilty of the charge

James Sharkey

Taken before me this 29 *day of* April 1884

Thomas Mackellar

Police Justice.

0056

District Police Court. Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

Michael Maher

of No. 336 East 48 Street, 28 years old. Conductor

being duly sworn, deposes and says, that on the 28th day of April 1884

at the day time of the City of New York,

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

the following property, viz: a Silver Watch of the value of about thirty three 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 James Sharkey now present from the fact that he was in deponents company and familiarly took hold of deponents chain which was attached to the watch & while pretending to adjust the chain & put the watch in a safer place he pulled the watch from a pocket of deponents vest & placed the chain inside thereof & when in about a half hour afterwards deponent sought his watch he found that it had been taken stolen & carried away that no person other than the defendant was near deponent or had their hand on the watch that day—

Michl. Maher

Sworn before me this 29 day of April 1884

Police Justice.

Michael Maher
vs
James Shackey

1589

0058

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS
James Shackey Grand Larceny 2nd degree

As complainant in the above case, I beg to recommend the defendent to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

Michl. Maher.

0059

BOX:
140
FOLDER:
1442
DESCRIPTION:
Simmons, John E

DATE:
05/07/84

1442

Witnesses:

Charles P. Miller

Bailed by
William Gallery
84 Gansevoort St.

Court of Oyer & Terminer.

G. W. Curtis
Counsel,

Filed 7th day of May 1884

Pleads Not Guilty. Dec 12/84
Waive trial by jury

THE PEOPLE

vs.

John E. Simmons

Misdemeanor
[Sections 9 Penal Code].

Cont by court
May 8/84

PETER B. OLNEY,

District Attorney.

A True Bill.

Merritt Trimble

Foreman.

May 7/84

Bail $1000

GOP

POOR QUALITY ORIGINAL

0966

COURT OF OYER AND TERMINER

In and for the City and County of New-York.

The People of the State of New-York

- against -

John E. Simmons.

The GRAND JURY of the City and County of New-York, by this indictment, accuse John E. Simmons of the Crime of WILFULLY REFUSING TO ANSWER A PROPER QUESTION, being present as a witness before a Committee of the Assembly of the State of New-York authorized to summon witnesses, committed as follows:

On the Fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty-four, the Assembly of the State of New-York, being one of the branches of the Legislature of the State of New-York, and one of the houses thereof, duly adopted certain preambles and a certain resolution as follows:

Whereas, the official reports of the transactions of the Department of Public Works of the City of New-York, under the management of Commissioner Hubert O. Thompson, show an increase of sixty-five per cent. in its annual expenditures, which amounted to $4,982,370.77 for the second year of his administration; and,

Whereas, It has been charged by the Union League Club, and by the public press of New-York that there has been gross neglect of duty and apparent violations of law on the part of the said Commissioner in awarding contracts on misleading estimates, and unbalanced bids, and in giving out work and purchasing sup-

plies under a system of orders for $999, and less, and that excessive payments for professional services have been made for the Croton Water Fund, and that there has been unnecessary increase of cost and delay in furnishing an additional supply of water to said City through the Bronx river conduit, and that said Commissioner in other ways has been neglectful of the public interests; and,

Whereas, The tax levy of the City and County of New-York for the year 1884 has been increased $3,360,380.00 over that for the year 1883, and that this increase has followed the exposures of fraud and defalcations in the Public Works, Finance, Law and Dock Departments, and in the office of the Commissioner of Jurors; and serious charges have been made affecting the administration of the Tax and other Departments; and,

Whereas, Public sentiment demands a thorough investigation of the local government of that City and County to the end, not only that any and all abuses that are found to exist may be speedily corrected, but that their repetition may be prevented; therefore,

RESOLVED, That a select committee of five, consisting of Messrs. Roosevelt of New-York, O'Neil, of Franklin, Erwin, of St. Lawrence, Welch, of Niagara, Nelson, of Otsego, be directed to make such investigation, and that said committee be empowered to send for books, papers and persons, and incur such other expense as it may deem necessary, and that for the further purpose of facilitating such investigation, the speaker be authorized to employ counsel and to appoint a stenographer and expert accountant for the use of that committee during this investigation, such committee to report the result of such investigation and its

recommendations concerning the same to the House on or before March 15, 1884. And afterwards the said Assembly from time to time by resolutions duly continued the Committee created by the resolution aforesaid to and including the last Monday after mentioned

And thereupon upon the passage of the said resolution, and by virtue thereof, Theodore Roosevelt, William T. O'Neil, George Z. Erwin, Thomas V. Welch and Hatfield D. Nelson, being members of the said house of Assembly and of the Legislature of the State of New-York, became and were duly constituted members of the committee created by the said resolution, and then and there and at the times hereinafter mentioned constituted and were such committee so created and appointed by the said resolution, and at the time hereinafter mentioned the said committee was one of the committees of the said Assembly of the State of New-York, being one of the houses of the Legislature of the State of New-York, and a committee thereof duly authorized to summon witnesses.

And on the second day of May, in the year of our Lord one thousand eight hundred and eighty-four, the said John E. Simmons, late of the Fourteenth Ward of the City of New-York, in the County of New-York aforesaid, was present as a witness before the said committee at a session thereof then and there duly held under and by virtue of the resolution aforesaid; and a certain material and proper question was then and there duly propounded by the said committee to the said John E. Simmons as follows: "Q. Do the entries in this book, Exhibit 140, which was taken from a drawer in your desk by Mr. Pinkerton or some of his men, when the raid was made - do the entries in that book under the heads of "pol" or "po" or "p" at pages 572, 573, 574, 575, 576, 577, 578, 579, 580, refer in any manner to the police or to moneys known as police moneys"?

And the said John E. Simmons being present before the said committee as aforesaid as a witness, and the said material

said committee as aforesaid as a witness, and the said material and proper question having been then and there duly propounded to him by the said committee as aforesaid, unlawfully, at the Ward, City and County aforesaid, did then and there wilfully refuse to answer the same; against the form of the statute in such case made and provided, and against the peace of the People of the State of New-York and their dignity.

Peter B. Olney,

District Attorney.

The People,
on the
Complaint
of
Curtis P. Turner,
against
John E. Simmons
and
George Uppington.

Fourth District
Police Court,
before
Justice Henry Murray.

Chas. A. Birnie, for the People; Wm. F. Howe, for the Defendants.
Dec. 24th, 1881.

Index :—

Frank S. Beard, Stenographer,
47 and 49 Centre Street.

Frederick E. Kelly, being duly sworn, testified as follows:-

Q- (By Mr. Bivins) Where do you live?

A- Astoria, Long Island.

Q- Your residence in this city, or place of business?

A- 230 Greenwich Street.

Q- Mr. Kelly, are you acquainted with the method of forging?

A- Yes, sir.

Q- Are you able to explain those figures on the envelope?

(Objected to, as incompetent, immaterial and irrelevant)

Mr. Howe- I ask the right to put to preliminary questions to the witness, on the voir dire, in the view to showing that he is incompetent.

The Court- I grant your request.

Q- (By Mr. Howe) Mr. Kelly, have you not been conducting, in this city and other cities, a foreign business for five years.

A- I—

The Court- You can decline to answer

for certain reasons. If the answer would tend to criminate you in a court of justice, or scandalize your among your friends.

The Witness— I decline to answer because I might criminate myself; I would not degrade myself.

Q— (By Mr. Howe) Have you been indicted for selling lottery policies?

A— Yes, sir.

Q— How many times, in Brooklyn, have you been arrested for the offence of selling lottery policies?

A— I never was arrested in my life for the offence.

Q— Have you not been in the lottery policy business for five years?

A— I decline to answer.

Q— On the ground that it would criminate you?

A— It might.

Q— Not that it would degrade you?

A— No, sir.

(Witness objected to, on the grounds of incompetency) (Objection overruled.) (Exception)

Q. (By Mr. Bonin) Can you state that you know the meaning of the terms used in the following questions — the meaning of the figures and characters on the outside of the envelope? I want you if you understand what is dealer's play in the policy business.

(Objected to, as incompetent) (Objection overruled) (Exception)

Q. What does this mean, Mr. Lathy?

A. When a man plays a dealer's policy play, he makes his play. Kentucky, 19th, 100, on gig for $300. That means, if three numbers comes to pether in the slip, the man will get $300. The next is a capital dabble, which counts in one bottom according to the rates. Some of them draw more numbers; according to the numbers they draw.

(Motion to strike out the latter part of the answer) (Granted)

Q- What was, Kentucky, N., 18 Nov.?

A- That means the evening drawing of the 18th.

Q- What means a zero?

A- Three numbers together, when the slip of the drawing comes in.

Q- What does that mean?

A- One capital prize. Numbers that must come together within ~~the~~ first three days. It is one capital prize. If they come separated, it is not a capital prize.

The Court- If that envelope was handed to you, as you say you are an expert, and you looked at the figures, did you know exactly what they were at?

A- Yes, Sir.

(Objected to) (Objection overruled) (Exception)

The Court- Q- I want to know exactly what a man of ordinary knowledge of the policy business would do, if that envelope and its contents were handed to him.

A-

A- It is a sealed policy-policy. (Objected to, as incompetent, immaterial and irrelevant) (Objection overruled) (Exception)

The Witness- I want to understand you.

The Court- I don't want to know what you would do, if you had any prejudice against anybody, but what an ordinary transaction of the kind would be. A man with an ordinary business of the policy business or handed this envelope, and he, what would he do?

A- He would look at the amount of money, the mere point; and, if it was right, he would accept it as a sealed policy, and put it away.

(Motion to strike out the answer as immaterial, irrelevant and incompetent) (Motion overruled) (Exception)

Q- (By Mr. Bimie) Will you look at that paper and say what it is (Handing the paper to the witness)

(Objected to) (Objection overruled) (Exception)

Q- State whether that paper ma-

tes a jig.

A- Yes, sir - that corresponds with this (Compl. jig papers admitted in evidence)

Q- Does it state what the jig is?

A- That outside shows what this is. That is not necessary.

Q- State whether, or not, the paper shows the numbers that are plays on the jig.

A- The paper is written, and this corresponds. (Right. This is correct, according to the outside.

The Court- What paper have you shown him?

Mr Birnie- That is the paper enclosed in the envelope that is attached to the complainant's affidavit which is shown to the witness. Then, state what the numbers opposite - if those numbers state the plays or not - whether, or not they state the plays. (Objected to, as incompetent, immaterial and irrelevant) (Objection overruled) (Exception)

Q- State what the numbers, if,

11, 4 1 - G -, mean?

A - G -, stands for gig.

Q - State whether that refers to any endorsement outside of the envelope - whether these numbers, 4, 11, 11 11, - G -, refer to an endorsement on the envelope.

A - That is a gig.

Q - I asked whether these, these numbers refer to any endorsement on the outside of the envelope; and, if so, what is it.

A - What does refer mean? You must excuse me. I am a foreigner.

Q - Point to, or show - have a connection with.

A - Now, suppose a man opens that envelope, and doesn't find what writing inside, he would not find anything. I am a foreigner, you know; and don't understand you perfectly.

(Objected to) (Objection sustained) (Exception)

Q - Now, what does that 1300 mean, as opposite the gig?

A - It is a sign the man has

to play so much for the gig?

Q- What are those numbers, 4, 11, 44, on the top line?

A- The way they came out down, they used a gig.

Q- (Objected to) (Objection sustained) (Exception)

Q- What do those numbers, 4, 11, 44, point there, mean?

A- So, when the drawing comes in, the man can decide.

Q- Now, on the second line, the figures, 2 and 22; what do they refer to?

A- To this play for $2.00.

Q- And those numbers must be drawn to make that a success?

A- Yes, sir.

Q- 1, 2, 3?

A- A gig refers to that play.

Q- And those numbers must be drawn to make that play successful?

A- Yes, sir.

Q- And the last (endorsement) (on the whole) refers to the letters inside?

A- Yes, sir.

Q- Now, what do the papers

insir, and the envelope con-
stitute?
(Objected to)
Q- Now, taking the envelope and
tape together what are they
known as in the policy business?
A- A policy play - a make & lay -
a lottery play, to be decided
by a drawing of the Kentucky
Lottery.
(Motion to strike out the latter part
of the answer) (Motion granted)
The Court- Do you decline, Mr. Howe, to
cross-examine the witness.
Mr. Howe- I do.
Q- (By the Court) What is your busi-
ness, Mr. Witness?
A- I have several kinds of busi-
ness - a jewelry business. I do a
in real estate.
(The Court, at the request of Mr.
Bivins, informed the witness of his
right to decline to answer, upon
the statutory grounds)
Q- Are you in the policy busi-
ness?
A- I decline to answer that qu.

Q- Do you know Mr. Simmons?
A- Oh, certainly.
Q- Point him out.
A- That is him (Pointing to Mr. Simmons).
Q- How long have you known Mr. Simmons?
A- I am not acquainted with him. I know him by sight.
Q- How do you know him?
A- He sent for me once.
Q- Are your relations friendly?
A- Yes, sir.
Q- Did you ever have any difficulty with him?
A- No, sir.
Q- No business relations with him?
A- No, sir.
Q- Not directly or indirectly?
A- Not that I know of.
Q- Are your relations with him, personal or business, friendly?
A- Perfectly.
Q- Are you friends with him?
A- So far as I have friendship for any man.
Q- Do you know a man named Morton?

A- Yes, sir. There is one Morton here, I believe, in this case.
Q- Who is Morton?
A- That is ? or ~~than I can tell~~ (you). I know him, if I see him.
Q- He has connected with (you)?
A- No, sir.
Q- With Mr. Simmons?
A- That is more ~~than~~ I can tell.
Q- And you say that (you) decline to answer whether (you) keep a policy office now, or kept one in ~~the~~ last five (years, on the ground that it might criminate you?
A- It might criminate me.
Q- I ask (you) now, in relation to your business, whether (you) keep or kept, or are interested in a policy business, and whether (you) decline to answer, on the ground that it tends to criminate (you), or convict you.
A- On the ground it might tend to criminate me.

New York Court of
Appeals Terminer.

The People

vs.

John E. Simmons.

Consent.

0078

Court of Oyer and Terminer.

The People
vs.
John E. Simmons.

It is hereby stipulated on the part of the defendant that the People may prove on the trial herein the passage of the resolution by the Assembly, the contents of the same, and the appointment and membership of the Investigating Committee, by reading the same from the printed copy of Assembly Journal or from the allegations in the indictment.

Dated New York, Dec. 15th 1884.

Court of
Oyer and Terminer.

People
vs.
Simmons.

Memorandum
of Proof.

Peter B. Olney,
Dist. Atty.

COURT OF OYER AND TERMINER

in and for the City and County of New-York.

The People of the State of New-York - against - John E. Simmons.	MEMORANDUM - Order of Proof..

Prove the resolution from the Assembly Journal, the appointment and names of the committeemen, and the extension of the time of the committee to and including the 2nd. day of May, 1934.

Call Charles P. Miller. Prove that he was selected and appointed counsel to the committee and acted as such; that the committee made an investigation into the administration of the Police Department. That previous to the 2nd. of May it was proved before such committee that the book called Exhibit No. 140, which witnesses produces, was seized on the premises of John E. Simmons, at 263 Bowery. That Simmons had previously admitted, on a previous day of the examination before the committee that the book in question belonged to him and pertained to the lottery business, and some entriesin it were made by him. And that it was also proved by the testimony of that witness and by the testimony of his partner that these entries related to the lottery policy business. That the subject of investigation and inquiry at that time was as to whether moneys which appeared in this book under the heads of "P", "Pol" or "Police" were moneys which had been paid by the lottery policy dealers to the police for protection in their business. It was also proved by Bernstein that "P", "Pol" and

"Police" stood for police, and that these moneys were known as police moneys.

(MEM.) Endeavor to prove in the course of the examination, on pages 10 and 11, the particular question set forth in the indictment, which may be found at the foot of page 11.

Prove also that the witness Miller was present during all this examination and asked this question by direction and request of the committee, and that the witness refused to answer; that his attention was called to section 342 of the Penal Code; that he was not excused on an investigation of that kind from testifying; also section 79 of the Penal Code as to bribery.

Prove by Miller the question as near as he can give it, propounded to witness, and the witnesses's xxx answer, and then have him prove the exact words, refreshing his memory by referring to the copy of the stenographer's minutes.

Prove by Mc'Monaghan that he was the stenographer and took down the words of the witness, that he made notesof them at the time and produces his notes; ask him to state what the question was and what the answer of the witness was.

Testimony of
John Simmons
and Nathan

Hockley, Miss.
Lowndes

2800

Pltff's Exhibit for Identification
No 2 Dec 16 1914
W. H. Dempsey Reporter

Meeting of the Committee, Friday, May 2nd, 1884, at ten thirty a. m. Metropolitan Hotel, New York City:-

Present:-

The Chairman, and Messrs. Erwin, Welch and Nelson:-

The Chairman:-

The committee will come to order. We have re-called Mr. Simmons so as to give him an opportunity of answering or declining to answer before a full committee and not before two members only. Last time we had merely a sub committee for the purpose of taking testimony. We put certain questions, which Mr. Simmons under the advice of counsel declined to answer. As the committee may take steps to make Mr. Simmons answer we wish to give him the chance of declining before a full committee.

I have received a telegram from Judge Curtis, the counsel of Mr. Simmons, asking that his case be adjourned until Monday, as he is interested in the Jeannette investigation and cannot be in attendace to-day. That of course we are unable to do. Our time is very limited, though we shall probably get an extension to report to the next legislature. Still we want to proceed as rapidly as possible, and while we regret Judge Curtis' absence, yet we cannot possibly defer the hearing.

Hon. Horace Russell:-

Mr. Curtis has telegraphed me to the same effect,

saying he is detained in Washington and asking to have that done.. In view of the fact that what you propose will only take a very few minutes of time on Monday, does not the committee think it will be fair to counsel to postpone it until then?

The Chairman:-

No, the committee has its own reasons for preferring to do it to-day, and there is really no reason why Judge Curtis should be here. He has already given the advice to Mr Simmons and the questions will be practically the same ones as asked the other time.

JOHN E. SIMMONS, re-called:-

Mr Russell:

Q. As Judge Curtis has sent me this telegram may I say a word to Mr Simmons?

The Chairman:

Certainly.

Mr Russell:-

Q. I take it you understand your position?

A. I am acting under the advice of Judge Curtis.

Q. You understand without his being present here what your rights are?

A. I dont know that I do to the full extent.

Q You understand if questions similar to those that were put the other day are put to you, what your counsel's advice is as to what you should do?

A. Yes sir.

Mr Miller:-

Q. Mr Simmons were you present on the 8th day of August, 1933 at 203 Bowery when a raid was made upon that place?

A. I decline to answer that question Mr Miller for the reason that it may tend to degrade or criminate me and by advice of counsel.

Q. I call your attention to the fact that the Penal Code specifically provides for cases of just this kind and that there are two sections of that code, one with reference to bribery and under the chapter on bribery, and the other under the chapter on gambling and that in those sections there is specific provision made to this effect, that where a person is duly called and appears before a committee of either branch of the legislature, and is asked to testify concerning either of these matters, or such matters as you are asked to testify concerning to here, that he must answer them and that the evidence so taken cannot be used against him in a criminal proceeding. Do you still refuse to answer?

A. Yes sir.

Q. I show you this batch of papers tied together with red tape and sealed. On the tag upon which is the seal and which is attached to these papers by red tape are the letters "R. A. P. No. 4". I ask you whether that batch of papers was taken from your chest at the headquarters, 203 Bowery, when the raid was made by Mr Pinkerton?

A. I dont know sir, whether they were or not.

Q. You do not know whether they were or not?

A. I do not sir.

Q. I ask you whether you ever saw that batch of papers before?

A. I dont know that I have sir.

Q. I ask you to look over that batch of papers and tell me whether there is any writing of yours on any of them, or any figuring? (Witness looks)

A. That question I decline to answer for the same reason that I declined to answer the other, Mr Miller.

Q. I now ask you whether you cannot tell by looking at that batch of papers whether they are not the books from the offices in which you were interested at that time, the lottery policy offices for the afternoon of August 5th, 1892?

A. I have no way of telling that sir.

Q. Do you mean to say you cannot tell?

A. I am not familiar with the writing sir.

Q. Do you mean to say you cannot tell whether that batch of papers which I show you does not contain the lottery policy books of the offices, which you controlled for the afternoon play of August 5th, 1892?

A. I decline to answer any question that intends to allege me as a lottery dealer, and to show that I had an interest in those books.

Q. I desire to call the attention of the stenographer further to the fact so as to identify these papers, that this batch of papers concerning which I have just been asking questions, is marked as Pinkerton's Exhibit SI, and I here state that these exhibit numbers on these papers

are the exhibit numbers which Mr. Pinkerton put on and which I will when Mr. Pinkerton comes identify as the papers taken by him from 265 Bowery.

Referring to this same batch of papers, sealed up as already stated, and marked exhibit 8I, I ask you whether the first book there, marked 32 is not the book for the afternoon of August 5th of your office at 25 Ann street?

A. I decline to answer upon the same grounds sir, that it pertains to lottery and it may tend to degrade or criminate me.

Q. I ask you whether the last book, the last paper of this batch of papers, exhibit 8I, is or is not the book of the office No. 37 Fourth Avenue, entries concerning which office are found at page 570 of exhibit I40, and in this connection I call your attention specifically to the figures $15.66 on this afternoon book of August 5th in connection with the entries $15.66 in the receipt column for the afternoon of the 5th of August, 1882 at page 570 of exhibit I40?

A. I decline to answer that question upon the same ground.

Q. I now call your attention to the last policy book in exhibit 8I. One of the books of this batch of papers, which is marked at the top 30, and I ask you whether that is not the policy book of the afternoon of August 5th of an office controlled by you at 44 W. 30th St., up stairs?

A. I decline to answer the question sir, upon the same ground and for the same reason.

Q. I now call your attention to page 572 of exhibit I40, Pinkertons exhibits, and I ask you whether the account at page 572 of that book is the account for the month of August

1332, from the first to the 7th, of a lottery policy office in which you were interested which was at W. 30th St., up stairs?

A. That is the same question is it not?

Q. No, a different question.

A. I decline to answer that question.

Q. Referring to page 572 I ask you whether the entry "pol" at the top of that page "$5." in the last column had anything to do with the police?

A. Not to my knowledge. Nothing that I know of. I dont know what the entry means. I decline to answer the question upon the same ground.

Q. That is a great deal better, I assure you. You want the answer to stand that way?

The Chairman:-

Q. What do you decide to answer now?

A. Declination to answer the question.

Q. Yo decline to answer because you fear it might criminate you?

A. Yes sir.

Mr Miller:-

Q. Now, I ask you whether that $5. which appears there at page 572 was paid by you? or whether that was paid by writer of that office?

A. I dont know sir, whether the writer paid anything or not; I dont know what it means at all.

Q. You say you dont know what that entry means?

A. No sir, I dont. It is an expense, I suppose.

Q. Were you searched by anyone on the 14, when Mr Pinkerton made the raid at 266 Third Avenue, in August, 1913 - was your person searched?

A. I dont know whether it was or not sir.

Q. You dont know whether it was or not?

A. No sir, I dont. That part of the question I can answer. I cant remember.

Q. You dont remember?

A. No.

Q. I now show you an exhibit, consisting of a batch of papers tied together with a red tape. The tag is marked I-43, one of Pinkerton's exhibits, and I ask you if you can tell me where that batch of papers came from?

A. No sir, I dont know. If it relates to lotteries I decline to answer upon the same ground, Mr Miller, that is my answer to that.

Q. Your answer is that you decline to answer?

A. Yes sir.

Q. Did that batch of papers marked I-43 come from your desk?

A. I decline to answer upon the same ground, sir.

Q. Do you know in whose handwriting this one of the batch of papers which I show you, exhibit I-43, which has a heading quote "rents" and which begins "85, $25" and which ends "51, $30." - do you know in whose handwriting that paper is?

A. I decline to answer sir upon the same grounds.

Q. Is that paper, to which I have just called your attention and identified, a list of the lottery policy offices in which you were interested in August, 1913, and the rents

which you paid for each of those offices?

A. I decline to answer upon the same grounds.

Q. I now call your attention to an exhibit marked "R. A. P. No. 3", which was found on your person and which is identical with the exhibit showed you a moment ago, which was found in your desk at the headquarters in the Bowery and I ask you whether you know what this last paper I have shown you, headed at the top rents, and also the first entry under the word "rents" "35, $20." and the last entry "31, $20." making a total of 574 - I ask you whether you can tell me what that paper is?

A. I decline to answer on the same grounds.

Q. Assuming that that paper was taken from your person I turn that paper over and I ask you whether you can explain the back?

A. I decline to answer the question, sir.

Q. I now turn this other paper over which was found on your desk, ~~the~~ one of the batch of 1-3, and I show you the same entries on the back of that, and I ask you whether you can explain what that is?

A. I decline to answer the question sir on the same grounds.

Mr Miller:-

'These two papers which the witness has just been shown I wish to have marked by the stenographer.

Marked Ex. E. I and Ex. E. 2., say 2nd, 1.54.

Q. I ask you whether on this paper Ex. E. 2, the second of those papers which I have shown you and which is identical in all respects with the first of the papers - I ask you

Whether the figures and letters in the left hand column do not represent lottery policy offices in which you were interested, and whether the figures in the right hand column do not represent the rents which you paid for those offices?

A. I decline to answer the question sir, upon the same ground.

Q. I now show you certain receipts which were found in your desk and I call your attention to one marked "R. A. P. No. 6" This was found in the drawer of your desk and it reads as follows:- "Received, New York, April 1st, 1882, from John "E. Simmons, Esquire, fifty dollars for as rent for store "37 Fourth Avenue, New York for the month of April.

"Charles Arnold"

I ask you whether that was not one of the lottery policy offices in which you were interested at that time?

A. I decline to answer upon the same ground, sir.

Q. I show you another paper marked "R. A. P. No. 6" which was taken from the drawer of your desk, and which reads as follows:-

"New York, August, 1882. Received from Mr. G. W. Gaffeny "twenty dollars in full of one month's rent due in advance "for north store rooms in No. 263 Tenth Avenue, commencing "August 1st, 1882; terms of hiring to end on the first day "of September, 1882.

"$20. W. H. Hildeberger, Agent"

I ask you whether that is not a receipt for the rent of a lottery policy office in which you were interested for the

month of August?

A. I decline to answer sir.

Q. I now call your attention to a book, which was also taken from the drawer of your desk, marked I40 and I ask you whether at page 570 the account on that page is not the account of the business done by you for the month of August from the 1st to the 7th at 87 4th Ave.?

A. I decline to answer the question, Mr Miller.

Q. I refer to page 57½ of this book, number I40, which was found in the drawer of your desk and I ask you whether the account on that page, 57½, is not the account of the business done by you or your agents in the policy office 263 ~~Bowery between~~ Tenth Ave., between the first and the 8th of August, 1932?

A. I decline to answer, sir.

Q. And I ask you whether the first entry on that page "2. 320" was not refer to the rent which you paid Mr Caffrey for the rent of that office 263 Tenth Ave.?

A. That is supposed to be a lottery office - I decline to answer sir.

Q. I now turn to the back of this paper marked "Ex. E. 2 Wy 2nd, 1934" and I ask you what the entries on that under the head of "P", that paper having been taken from your presence, means - "Kil. 325." - "Wash. 320."?

The Chairman:-

Q. Taken from Mr Simmons' person?

Mr Miller:-

Yes, which is identified with the others and attached to a

batch of papers found in his desk, exhibit I43 of Pinkerton's exhibits. I ask you under the head of "p" on the back of that paper what the entries "Kil. 25; Wash. 20; W. M. S. $10.; Ross $5.; Cor $20: M. & T. Ins. $5: Bergh. $10; H. $25;", making a total of $125. - What those entries refer to?

A. I decline to answer the question, sir, upon the same ground, that it is a part and parcel of the seizure by Mr. Pinkerton of lottery papers.

Q. Do the entries in this book, I40, which was taken from a drawer in your desk by Mr Pinkerton or some of his men, when the raid was made - do the entries in that book under the heads of "pol" or "po" or "p" at pages 572, 573, 574, 575, 576, 577, 578, 579, 580, refer in any way to the police or to moneys known as police moneys?

A. I decline to answer as they are part and parcel of the same business.

JACOB L. NATHAN, re-called:-

Mr. Miller:-

x x x x x x x

Q. I ask you whether that is in your handwriting; Pinkerton's exhibit No. I-2, "Pants for Mr." shown witness?

A. I decline to answer, Mr. Chairman, that question as it may tend to degrade or criminate myself.

Q. I now notify you Mr. Nathan that there are two sections in the penal code referring specifically to testimony of this nature taken before either committee of either House of the Legislature, either the House or the Senate, and that those sections of the code protect witnesses from any criminal prosecution, who testify in relation to gambling or to bribery before a committee of either branch of the Legislature. Do you still decline to answer?

A. Mr. Miller, I am unable to give you any explanation of these matters as I am here without counsel and I take it in this light, that before I proceed any further in giving testimony in regard to matters that you ask here and in regard to that raid in the Bowery, that I decline to answer any of those questions.

Q. I call your attention to another page of this little book, which I have shown you, marked "N. A. P. No. 28" and which you have admitted was a book of yours, and I ask you what is the meaning of the entry on the page here, which I will mark with an X. - of the entry there 3rd Precinct, Captain is?

A. I decline to answer for the same reason sir.

Q. I call your attention in this same book to an entry on one of these pages, which I will mark Ex. 1. "Paul Reilly, $20., April 27st"; can you explain that?

A. No sir.

Q. Was that any reference to a police officer?

A. It has not sir.

Q. It has not?

A. No sir.

Q. Do you know who that Reilly is?

A. I know that it has no ~~reference to the~~ reference to police matters.

Q. Do you know who that Reilly is?

A. I did at the time sir.

Q. Dont you know now, sir?

A. I remember the name; at that time I owed a man named Reilly ten dollars.

Q. What for?

A. For a debt that I owed him; a legitimate debt. I owed this man ten dollars and paid him back $10.

Q. I call your attention to another page, which I will mark Ex. 2, the next page but one to that, and I ask you what the entry there "Detective Reilly" means?

A. I decline to answer, sir.

The Chairman:-

Q. You decline to answer on what grounds?

A. On the same grounds sir; that it may degrade or criminate myself.

Q. You did not decline to answer the first question as to a man named Reilly?

A. I am here without counsel and with the advice of counsel I will readily answer you all questions.

Q. I now read from another page, which I have marked Ex. 5 and I ask you to explain this writing, "Captain Killilea "any time I can see you and you want to see me I would like "to fix things with you, for you are the only one that "does not want to take any chances, yet all the rest of "the captains take the sugar and why dont you take it. "Please let me know"; what is the meaning of that?

A. I decline to answer.

The Chairman:-

Q. Do you decline to answer about that?

A. I do sir, upon the same grounds.

Mr. Miller:- I asked you what you meant in this memorandum by the words "you are the only one that doesn't want to take any chances"?

A. I decline to answer.

Q. Did you mean by that that Capt. Killilea was the only one of the captains who himself would not receive the money personally, but did it through others?

A. I decline to answer.

Q. And did you mean by the rest of this memorandum to say that the other captains were willing to take the chances and receive the money personally, and that you wanted to fix it up with Capt. Killilea so that he would take the money?

A. I decline to answer that question, sir.

0097

N. Y. ~~General Sessions of the Peace~~ Oyer and Terminer

THE PEOPLE

OF THE STATE OF NEW YORK,

against

John E. Simmons

Bench Warrant for Misdemeanor.

Issued May 7 188 4

☞ The defendant is to be admitted to be bail in the sum of $1000 dollars. and to be committed in default of bail

Recommended

May 8 1884

John J. Brady is hereby deputized to execute the within warrant.

May 7. 1884

C. T. Davidson

Sheriff

0098

COUNTY OF NEW YORK, ss.

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

An indictment having been found on the 7th day of May 1884, in the Court of ~~General Sessions of the Peace~~ Oyer and Terminer, of the County of New York, charging Thos. B. Simmons with the crime of Misdemeanor (See Pen. Code)

You are therefore Commanded forthwith to arrest the above named defendant and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 7th *day of* May 1884.

By order of the Court,

Shuspark *Clerk.*

0099

GEO. M. CURTIS.
COUNSELOR AT LAW,
239 BROADWAY,
ASCEND BY ELEVATOR.

New York, Dec 1st 1884.

Hon. Peter B Olney -
Dist. Atty. -

Dear Sir. -

In the case of People v. John Simmons - I have just received the notice to plead and fix the day of trial.

I understand that Mr. S is at present in Kentucky on business - It is barely possible that he may be en route home.

I have instructed his brother to telegraph him at once I hope if he should not be here in time that you will consent to adjourn the day for pleading that he may be enabled to get here.

I have not yet seen the indictment and it is possible that I may submit a preliminary motion in regard to it. There are

some very important legal questions involved in this case and our only desire is to have them fully passed upon —

Respectfully &c
Your obedient servant —
Geo. M. Curtis
Jr.

Hon. Dennis A.
Mc Eyrick
Comm. Internal
Revenue

0101

District Attorney's Office.

Oyer & Terminer

PEOPLE

vs.

John E. Simmons

Tuesday Dec. 16 84

Bail notified

N. Y. Court of General Sessions.

The People, etc.,

agst.

John C. Simmons

Authority to appear with waiver.

HOWE & HUMMEL,

Attornies for

Saml John C. Simmons

89 CENTRE STREET, N. Y.

0103

Court of General Sessions.

CITY AND COUNTY OF NEW YORK.

The People of the State of New York,

against

John E Simmons

I, the undersigned John E Simmons the above-named Defendant hereby retain, employ and authorize WILLIAM F. HOWE and ABRAHAM H. HUMMEL, Attornies and Counselors at Law, to appear for me on my behalf and in my place and stead, in the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, in the above entitled action, and the matter of the indictment now pending against me in said Court of General Sessions for Violation Lottery Laws

I do hereby expressly authorize my said attornies to appear for me in said Court of ..... Sessions, as my duly authorized Attornies for that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial thereof in said Court of General Sessions, and to proceed with the trial thereof in said Court of General Sessions, in my place and stead, and in my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally present at said trial.

Dated this 7 day of October 188 2 × John E Simmons

Court of General Sessions of the Peace of the City and County of New York

The People &c.,

against

John E. Simmons

SYNOPSIS OF INDICTMENT.

FIRST COUNT.

Ofence: Vending and selling Lottery Policies

Date: Nov. 18th, 1881

To whom: Curtis P. Turner

Description: Kentucky- N. 18th, Nov.

4-11-44. G. $300.

2-22-Cap. $200.

1-2-3. G. $200.

Statute: Sec. 41. Part 1. Chap. 20. Vol. 2. R. S. page 920.

SECOND COUNT.

Offence: Vending and selling Lottery Policies and being a common gambler.

Date: Between Nov. 18th, 1881, and finding of indictment (March, 21st, 1882. At divers times during that time).

THIRD COUNT.

Same as Second except as follows:

Description: Kentucky N. 18 Nov.

4-11-44 G. $300.

2-22-Cap. $200

1-2-3 G. $200.

FOURTH COUNT.

Offence: Selling and vending a paper in the nature of a bet, upon the drawing of a private lottery. (unknown description)

Ward: Eighth

Description of paper:

Kentucky-N.18th,Nov.

4-1144 G.$300.

2-22-Cap.$200.

1-2-3-G.$200.

Statute: same as Cited.

FIFTH COUNT.

Same as 4th, Count excepting charging "a public lottery".

SIXTH COUNT.

Same as 4th, Count excepting he is charged with selling "a writing in the nature of a bet &c.,"

SEVENTH COUNT.

Same as 5th, Count exceptingthat he is charged with selling "a writing &C.,"

EIGHTH COUNT.

Same as 7th, count excepting the lottery is called the "Kentucky Lottery".

NINTH COUNT.

Same as 4th, count excepting the writing is charged to be "in the nature of an insurance upon the drawing &c.,"

TENTH COUNT.

Same as 9th, count except lottery is called public"

ELEVENTH COUNT.

Same as 10th, excepting lottery is described as "The Kentucky Lottery.

TWELFTH COUNT.

Same as 11th, count excepting writing is stated to be in the nature of "a wager" upon the drawn numbers.

THIRTEENTH COUNT:

Sameas 12th, countexcept the paper is charged to be an insurance upon drawn numbers.

FOURTEENTH COUNT

Offence: Violation Sec.61.Part 1.Chap 20.Vol.2 R.S.page 924. "Promise and agree to pay $300 upon the event and contingency dependent on the drawing of certain numbers of a ticket of the Kentucky Lottery".

FIFTEENTH COUNT.

Offence: Same as last count excepting "Receiving the sum of $2.54 in consideration of an agreement to repay certain sums of money if certain tickets should be drawn on the 17th, of November1891 in the Kentucky Lottery"

SIXTEENTH COUNT.

Same as 15th, count excepting that it alleges that the tickets should be drawn on said day in a particular manner.