

0043

BOX:

104

FOLDER:

1107

DESCRIPTION:

O'Brien, Margaret

DATE:

05/28/83



1107

0044

Counsel,  
Filed *W. J. McKeon* 1883  
day of *July*  
Pleads *Not guilty*

INDICTMENT.  
Grand Larceny in the Second degree.  
(See 528 & 529)  
THE PEOPLE  
vs.  
*R*  
*Margaret O'Sullivan*  
*H.P.*

JOHN McKEON,  
District Attorney.

A True Bill.  
*W. J. McKeon*

*May 27/83.*  
Foreman  
*Frederick J. ...*  
Pen 3 years.

0045

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*Margaret O'Brien*

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

*Margaret O'Brien*  
of the crime of GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said *Margaret O'Brien*

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

*one* promissory note 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  
          ; *two* 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*; *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 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*; *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 one dollar, and of the value of one dollar *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 twenty dollars           ; *two* 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 ten dollars *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 five dollars *each*; ~~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~~; ~~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~~

of the goods, chattels, and personal property of one *Peter Phillips*  
on the person of the said *Peter Phillips* then and there being found,  
from the person of the said *Peter Phillips* 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 McKEON, District Attorney.

0046

Testimony in the  
Case of  
Margaret O'Brien  
filed May 1983.

*[Faint, illegible handwritten text]*

POOR QUALITY  
ORIGINAL

0047

The People  
vs  
Margaret O'Brien

Court of General Sessions Part I.  
Before Judge Cowing May 29, 1883

Indictment for larceny in the second degree.

Peter Phillips, sworn and examined, testified. Did you lose any money on the 18th of this month? Yes. How much? Forty four dollars and 65 cents; it was my money; it was all five dollar bills and four one dollar bills. I had it in the inside vest pocket. I missed the money about ten minutes after she left me; it was between the hours of ten and eleven o'clock in the morning. How soon before that time had you seen it? I saw it a quarter of an hour previous to that. Where were you when you last saw your money? I was up in Baxter st. Where did you go from there? I went down into another place. I do not know exactly the place, I would know the house if I saw it again; it was not in Mulberry st. but near Baxter st.; one of the places I went to was a house of prostitution; they sent out for drink; there were girls there, I drank a glass of wine. I did not fall asleep there. I went to another place and treated the ladies. I laid my head down on the table and dozed off asleep. I slept about ten minutes, and

POOR QUALITY  
ORIGINAL

0048

when I awoke I found them gone. I put my hand in my pocket and followed them out and caught them. Then I fell asleep there were in the room two women and the woman who kept the house; the prisoner was one of them. The woman that kept the house was there when I awoke. I followed them out on the street and they were walking up the street. I did not do anything to the defendant but take hold of her; I believe the other woman got the officer, who came and took the defendant to the Elizabeth St. station house. I was outside when they searched her; they found sixteen dollars on her; they kept the money there and did not show it to me. Cross Examined. There was a lot of women in Mulberry St. and I picked her out of the crowd; she asked me to go with her; she met the other lady and we three went along together. I was not intoxicated. I went into a room and went to bed with the defendant and the other woman remained outside. I had the money when I came out of the room with her and then we all went to another liquor store. I asked the defendant a couple of times for the money. I did not see

POOR QUALITY  
ORIGINAL

0049

the defendant take the money. I guess I gave her twenty five cents or so. I paid 15 cents for the room. I did not give her \$5. Margaret Collins sworn. I saw the defendant take the money from the complainant; he had been treating us to wine previous to this. They met me in Mulberry St. and asked me to go along; he treated us and he took her to another place. I waited for them and they came back and he treated us again; he leaned his head upon her shoulder and fell asleep; she went through his pockets. I said, "O don't do so, the man treated you too good." She got up and went out and he followed her; she took the money from his inside vest pocket. Cross Examined. The complainant caught her going out of a hallway in the Five Points Mission House. I had the defendant arrested and I made the complaint. I was never arrested in my life. I did not see the money taken from her person in the police station, but the sergeant told me he had found some in her mouth. Did they search you? No sir, they did not. You were not arrested? No sir, I was not. They did not search you? No sir. This was the case for the people.

POOR QUALITY  
ORIGINAL

0050

Margaret O'Brien sworn and examined in her own behalf testified. I stay now in No. 23 Bowery. I was in a place in Mulberry St. and the complainant came in and he asked me to have a glass of beer. He asked me if I knew a house of disrepute. I said, No, I had been only two or three weeks out of a place." He said, "Come on, I will find one." On the way down I met Margaret Collins, whom I saw in prison. She was very nice to me. I asked her if she knew where there was such a place, and she took me to a place three or four blocks from Mulberry St. We went into one room and she stayed in the outer room till we returned. He went and had more drink; the complainant laid his head on my shoulder and went asleep. That is when she said I took the money. I did not see the money and did not take it, only the dollar he gave me. The \$16 I had was the proceeds of prostitution. I did not see any money with the complainant only the dollar that he gave me and three or four quarters. I was arrested three times in my life for intoxication. I saw Maggie Collins up in the Workhouse.

POOR QUALITY  
ORIGINAL

0051

Patrick English sworn for the people.  
I was an officer of the Sixth precinct.  
Officer Tunney made the arrest. I  
was in the station house after she  
was searched. I understood the  
money was found in her hand.

The jury rendered a verdict of  
guilty.

0052

BAILED,

No. 1, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 Street \_\_\_\_\_

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

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

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

Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Walter D. ...*  
prosecutor

*Margaret ...*  
defendant

Offence *Carrying*  
*gun*

Dated *May 19* 188*3*

*Arnold ...*  
Magistrate

*...*  
Precinct

Witnesses  
*...*  
Street

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

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

\$ *100* to answer  
*...*  
Street

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 *Margaret ...*

guilty thereof, I order that she be held to answer the same and she 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 she give such bail.

Dated *May 19* 188*3* *...* 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.

0053

Sec. 188-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Margaret O'Brien* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h<sup>er</sup> right to  
make a statement in relation to the charge against h<sup>er</sup>; that the statement is designed to  
enable h<sup>er</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>er</sup>  
that he is at liberty to waive making a statement, and that h<sup>er</sup> waiver cannot be used  
against h<sup>er</sup> on the trial.

Question. What is your name?

Answer.

*Margaret O'Brien*

Question. How old are you?

Answer.

*37 Years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*I have no home at present*

Question. What is your business or profession?

Answer.

*Servant*

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*

*Margaret O'Brien*

Taken before me this

day of

188

*James J. [Signature]*  
Police Justice.

0054

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK ss.

of No. 107th Street Philip Phillips 18 years old. Laborer

being duly sworn, deposes and says, that on the 18th day of May 1883

at the \_\_\_\_\_ City of New York,

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

of deponent from his person on the day time

the following property, viz: forty four dollars  
in bills lawful money  
of the United States

the property of deponent who at  
the time of the larceny was  
asleep

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 Marion P. Pien (now

present) that deponent was  
about ten o'clock A.M. on  
said day in a room of a  
certain house in Mulberry  
Street in which was the defendant  
and one Margaret Collins that  
deponent fell asleep on a chair  
and while so asleep the defendant  
stole & carried away said property from  
the inside pocket of a vest which  
deponent then wore as said Margaret  
Collins now informs deponent who believes  
the same to be true Det. Phillips

Sworn before me this

day of

1883

Subscribed and sworn to before me  
Police Justice,

0055

City and County  
 of New York  
 Margaret Collins of W 9<sup>th</sup>  
 Catherine Street being sworn says  
 that on the day in question she was  
 in the room referred to in the  
 within Complaint & while there she  
 saw the defendant take the money  
 from an inside pocket of the  
 Complainant's vest while he was  
 asleep on a chair in said room.

Margaret Collins  
Subscribed

Sworn to before me this  
 19<sup>th</sup> day of May 1883  
 Arthur J. [Signature]  
 Police Justice

District Police Court.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

ss.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0056

BOX:

104

FOLDER:

1107

DESCRIPTION:

O'Brien, Theresa

DATE:

05/14/83



1107

0057

86  
86 *[Signature]*  
Day of Trial  
Counsel,  
Filed, 14 day of May 1883  
Pleads *Not Guilty*

Assault in the First Degree, etc  
[See 217 & 218]

THE PEOPLE

vs.

*R*  
*Theresa O'Brien*

*John McKeeon*  
*Attorney*

JOHN MCKEON,  
District Attorney.

A TRUE BILL.

*[Signature]*

Foreman.

May 23/83.

*Theresa O'Brien*  
*Second Bank*

Pen 2 year.

0058

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Theresa O'Brien

The Grand Jury of the City and County of New York, by this indictment, accuse Theresa O'Brien

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

The said Theresa O'Brien

late of the City of New York, in the County of New York, aforesaid, on the eighth day of May in the year of our Lord one thousand eight hundred and eighty three with force of arms, at the City and County aforesaid, in and upon the body of Bridget Tracy in the peace of the said people then and there being, feloniously did make an assault and then the said Bridget Tracy with a certain knife which the said Theresa O'Brien

in her 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 her the said Bridget Tracy 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

Theresa O'Brien

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

The said Theresa O'Brien, 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 Bridget Tracy then and there being, feloniously did, wilfully and wrongfully, make an assault and then the said Bridget Tracy with a certain knife which the said

Theresa O'Brien

in her right hand then and there had and held, the same being a deadly and dangerous weapon, feloniously did, wilfully and wrongfully then and there beat, strike, stab, cut and wound thereby then and there inflicting grievous bodily harm upon the said Bridget Tracy, to wit: thereby then and there cutting the head off the said Bridget Tracy 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 McKEON, District Attorney.

0059

BAILED.

No. 1, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street.

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

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

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

Police Court District 2

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Bridge of Mary*  
*98 Chr Church St*  
*Greenwich*

Dated *May 9* 188*8*

*W. D. Kelly* Magistrate  
*W. D. Kelly* Officer

Witnesses  
*John J. Sullivan*  
 No. *1* Street *Parick* Street,  
*1888*

No. \_\_\_\_\_ Street,  
 \$ *500* 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 \_\_\_\_\_

*Teresa O'Brien*  
 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 9* 188*8* *W. D. Kelly* 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.

0060

Sec. 198-200

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Teresa O'Brien*

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. *Teresa O'Brien*

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. *38 Macdougall St (resided there 4 mos)*

Question. What is your business or profession?

Answer. *Housekeeper*

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*

*Teresa O'Brien*

Taken before me this

day of

Police Justice.

0061

AFFIDAVIT—FELONIOUS ASSAULT, &c.

Second District Police Court.

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

*Bridget Tracy*

*aged 40*

of No. *98*

*Charlin* Street, being duly sworn, deposes and says

that on the *8* day of *May* in the year *1883*, at the City of New York, he was violently and feloniously assaulted and beaten by

*Teresa O'Brien (now present) did cut and stab deponent with a knife on the head and face inflicting severe injuries*

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 dealt with according to law.

Sworn to before me this *9* day of *May* 18*83*

*Bridget Tracy*  
*ma*

*[Signature]*  
Police Justice.

0062

BOX:

104

FOLDER:

1107

DESCRIPTION:

Otto, Augustus

DATE:

05/01/83



1107

POOR QUALITY ORIGINAL

0063

and did procure and cause to be procured for the said \_\_\_\_\_

\_\_\_\_\_ *Louis Rothstein* \_\_\_\_\_

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain Lottery wherein divers monies were set up to be distributed by lot and 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 : \_\_\_\_\_

17-21-47-  
5c

(\*) 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 McKEON,  
District Attorney

*Northway*

Day of Trial,

Counsel,

Filed *1* day of *May* 1883

Pleads *Not Guilty (May 3)*

THE PEOPLE

vs.

*B*

*Augustus Octo*

*Case*

*(Section 514)  
Selling Lottery Policies.*

JOHN McKEON,

District Attorney.

A True Bill.

*W. J. ...*

Foreman.

*Part 2 May 29/83*

*Pleads Guilty*

*Fined \$100*

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

POOR QUALITY ORIGINAL

0064

COURT OF GENERAL SESSIONS OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK against

Augustus Otto

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

Augustus Otto

of the CRIME OF "Vending and Selling to another what are commonly known as and called Lottery Policies," committed as follows:

The said Augustus Otto

late of the Thirteenth Ward, in the City and County aforesaid, on the seventh day of April in the year of our Lord one thousand eight hundred and eighty-three at the Ward, City and County aforesaid, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply, to one

Louis Rothstein

and did procure and cause to be procured for the said

Louis Rothstein

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:

17-21-47-

5 e

(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.

POOR QUALITY ORIGINAL

0065

SECOND COUNT—

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

Augustus Otto  
of the CRIME OF "Vending and Selling to another what is commonly known as and called Lottery Policies," committed as follows:

The said Augustus Otto

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler; and ~~that~~ — he — the said

Augustus Otto  
on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a building, known as number Three Attorney Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to divers persons (whose names are to the jurors aforesaid unknown and cannot now be given), and did procure, and caused to be procured, for the said divers persons (whose names are to the jurors aforesaid unknown), certain instruments and writings, commonly known as and called lottery policies (a more particular description of which is to the Grand Jury aforesaid unknown and cannot now be given), against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

THIRD COUNT—

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

Augustus Otto  
of the CRIME OF "Vending and Selling to another, what are commonly known as and called Lottery Policies," committed as follows:

The said Augustus Otto

late of the Ward, City and County aforesaid, on the day and in the year aforesaid, and on divers other days, was and yet is a common gambler:

And ~~that~~ — he — the said Augustus Otto

afterwards on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a certain building, known as number Three

Attorney Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one Louis Roxenstein

and did procure and cause to be procured for the said

Louis Roxenstein

a certain instrument and writing, commonly known as and called a lottery policy, which said instrument and writing commonly called a lottery policy, is as follows, that is to say:

17-21-47 -  
5 c

(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.

POOR QUALITY  
ORIGINAL

0066

FOURTH COUNT—

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

Augustus Otto  
of the CRIME of "Selling and Vending a paper and writing, in the nature of a bet and wager upon the drawn numbers of a Lottery," committed as follows:

The said Augustus Otto

late of the Seventeenth Ward, in the City and County aforesaid, on the seventh day of April in the year of our Lord one thousand eight hundred and eighty three at the Ward, City and County aforesaid, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply, to one

Sonir Rodstein  
and did procure and cause to be procured for the said Sonir Rodstein

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain Lottery, wherein certain monies were set up for distribution by lot or chance, a more particular description of which said lottery is to Grand Jury aforesaid unknown, and cannot now be given, which said paper and writing, is as follows, that is to say:

17-21-47-

5 c

(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

Augustus Otto  
of the CRIME of "Vending and Selling a writing, paper and document in the nature of an insurance upon the drawing of a Lottery, committed as follows:

The said Augustus Otto

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler; and ~~that~~ he the said

Augustus Otto

on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a building, known as number three Attorney Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one Sonir Rodstein

POOR QUALITY ORIGINAL

0067

and did procure and cause to be procured for the said \_\_\_\_\_

\_\_\_\_\_ *Louis Rothstein* \_\_\_\_\_

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain Lottery wherein divers monies were set up to be distributed by lot and 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 : \_\_\_\_\_

17-21-47-  
5c

(\*) 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 McKEON,  
District Attorney

*Northway*

Day of Trial,

Counsel,

Filed *1* day of *May* 188*3*

Pleads *Not Guilty (May 3)*

THE PEOPLE

v.s.

*B*

*Augustus Oster*

*Case*

*(Section 544)*  
Selling Lottery Policies.

JOHN McKEON,

District Attorney.

A True Bill.

*W. J. M. M. M.*

Foreman.

*Part 2 May 29/83*

*Pleads Guilty*

*Fined \$100*

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

0068

17-21-47-

se

0069

otto

0070

DIRECTIONS.

The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park. When you arrive at the witness-room, hand this Subpena to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To *Louis Rothstein never lived here*

of No. *118 Mulberry* Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the *19* day of *April* inst, at the hour of *10 1/2* in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

*Augustus Otto*  
And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall in our said City, the first Monday of *April* in the year of our Lord 188 *3*

JOHN McKEON, District Attorney.

DIRECTIONS.

The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park. When you arrive at the witness-room, hand this Subpena to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To *Louis Rothstein*

of No. *118 Mulberry* Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the *19* day of *April* inst, at the hour of *10 1/2* in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

*John Hughes*  
And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall in our said City, the first Monday of *April* in the year of our Lord 188 *3*

JOHN McKEON, District Attorney.

0071

BAILED

No. 1, by May White  
 Residence 429 East 118 Street,

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

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

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

371 Police Court District.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

James P. Hutton  
Quinn  
William J. ...

Offence, Pro Lottery Law

Dated April 8 1883

George ... Magistrate.  
Michael ... Officer.  
P.O. Clerk.

Witnesses, \_\_\_\_\_ Street,  
 No. \_\_\_\_\_ Street,  
 No. \_\_\_\_\_ Street,

No. 371 Street,  
 \$ 1883 to answer

James P. Hutton  
 Attorney at Law

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 Anthony Pto

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 April 8 1883 Augustus Otto Police Justice.

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

Dated April 9 1883 Augustus Otto 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.

0072

Sec. 198-200

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Augustus #  
Anthony Otto*

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. *Augustus #  
Anthony Otto*

Question. How old are you?

Answer. *forty three years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *10 Stanton Street, 3 months.*

Question. What is your business or profession?

Answer. *legar business*

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

Answer. *I am not guilty*

*Augustus Otto*

Taken before me this

day of

*April*

188

*Augustus #  
Anthony Otto*  
Police Justice.

POOR QUALITY ORIGINAL

0073

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

Louis Rothstein

of No. 118 Mulberry Street.

being duly sworn, deposes and says, that on the

day of April 1883, at No. 3 Attorney

Street, in the City and County of New York,

Augustus  
Rothstein

did unlawfully and feloniously sell and vend to

deponent for the sum of five cents.

a certain paper and document, the same being what is commonly

known as, and is called a Lottery Policy, and which said Lottery

Policy, writing, paper, and document is as follows, that is to say:

17 21 4 <sup>purporting</sup> <sup>to be</sup> <sup>drawing of numbers</sup> ~~and~~ chance in a lottery  
unauthorized by the state,

Wherefore deponent prays that the said  
may be dealt with according to law.

Louis Rothstein

Sworn to before me, this 8  
day of April 1883 }

Aug. Gurnea

Police Justice.