

0108

BOX:

140

FOLDER:

1443

DESCRIPTION:

Simmons, John E.

DATE:

05/21/84



1443

POOR QUALITY
ORIGINAL

0109

97
Day of Trial *March 21*
Counsel *W. H. W.*
Filed *21* day of *March* 188 *2*
Pleads *Not guilty*
with answer to bill (22)

THE PEOPLE

John. E. Simmons

B

Selling & selling & selling

John. E. Simmons

W. H. W.

*denumer disallowed by
Court - June 21, 1882*

A TRUE BILL

John. E. Simmons

W. H. W.

Foreman.

at

0110

Fourth Count.

and the Grand Jury aforesaid by this indictment further accuse the said John E. Simmons

of the crime of selling and vending a paper in the nature of a bet upon the drawing of a private Lottery. Committed as follows.

The said John E. Simmons late of the Eighth ward of the City of New York in the County of New York aforesaid on the Eighteenth day of November in the year of our Lord one thousand eight hundred and Eighty one at the said City and County aforesaid with force and arms feloniously and unlawfully did sell and send to one Gustus P. Turner a certain paper in the nature of a bet upon the drawing of a certain private lottery a more particular description of which said Lottery is to the Grand Jury aforesaid unknown which said paper contains the words and figures following and is as follows ^{to wit}

Kentucky On 18th Nov
4-11-44 G. \$300
2-22-Cap \$200
1-2-3 G \$200

against the form of the Statute and 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

John E. Simmons

of the crime of selling and vending a paper in the nature of a bet. upon the drawing of a Public Lottery committed as follows. The said John E. Simmons late of the Eighth ward of the City of New York in the County of New York aforesaid on the eighteenth day of November in the year of our Lord one thousand eight hundred and eighty one at the ward City and County aforesaid with force and Arms feloniously and unlawfully did sell and vend to one Gustis P. Sumner a certain Paper in the nature of a bet. upon the drawing of a certain Public Lottery a more particular description of which said Lottery is to the Grand Jury aforesaid unknown which said paper contains the words and figures following and is as follows

Wit. Kentucky

N. 18th Nov.

4-11-44 G. \$ 300

2-22-Cap \$ 200

1-2-3 G \$ 200

Against the form of the Statute and such Case made and provided and against the peace of the people of the State of New York and their dignity

Sixth Count.

And the Grand Jury aforesaid by this indictment further accus the said

John E Simmons.

of the crime of selling and vending a writing in the nature of a bet upon the drawing of a private Lottery committed as follows
The said John E Simmons late of the Eighth ward of the City of New York in the County of New York aforesaid on the Eighteenth day of November in the Year of our Lord one thousand eight hundred and eighty one at the ward City and County aforesaid with force and arms feloniously and unlawfully did sell and vend to one Curtis P Sumner a certain writing in the nature of a bet upon the drawing of a certain Private Lottery a more particular description of which said Lottery is to the Grand Jury aforesaid unknown which said writing contains the words and figures following and is as follows to wit:

Kentucky

On 18th Nov.

24-11-44 G. \$300

2-22- Cap \$200

1-2-3 G. \$200

against the form of the Statute and such Case made and provided and against the peace of the people of the State of New York and their dignity

0113

Seventh Count
and the Grand Jury aforesaid by this
indictment further accuse the said
John E. Simmons
of the Crime of selling and vending a
writing in the nature of a bet upon the
drawing of a public Lottery committed
as follows. The said John E. Simmons late
of the eighth ward of the City of New York
in the County of New York aforesaid on the
Eighteenth day of November in the year
of our Lord one thousand eight hundred
and eighty one at the ward City & County
aforesaid with force and arms feloniously
and unlawfully did sell and vend to one
Custis P. Turner a certain writing in
the nature of a bet upon the drawing
of a certain Public Lottery a more
particular description of which said
Lottery is to the Grand Jury aforesaid known
which said writing contains the words and
figures following and is as follows
to wit: Kentucky W. 18th Nov.
4 - 11 - 44 G. \$300
2 - 22 Cap \$200
1 - 2 - 3 G \$200
against the form of the Statute and such
Case made and provided and against the
Peace of the people of the State and their
dignity

Eighth. Cont.

and the Grand Jury aforesaid by this indictment further accuse the said

John E. Simmons

of the crime of selling and vending a writing in the nature of a bet upon the drawing of a public Lottery committed as follows The said John E. Simmons late of the Eighth Ward of the City of New York in the County of New York aforesaid on the eighteenth day of November in the year of our Lord one thousand eight hundred and eighty One at the ward City and County aforesaid with force and arms feloniously and unlawfully did sell and vend to one Gustis P. Turner a certain writing in the nature of a bet upon the drawing of a certain Public Lottery known^{as} and commonly called the Kentucky Lottery which said writing contains the words and figures following and is as follows to wit: Kentucky N 18th Nov

4-11-44 G \$300

2-22 Pap \$200

1-2-3 G \$200

against the form of the Statute an such case made and provided and against the Peace of the People of the State and their dignity

Nineth Count.

and the Grand Jury aforesaid by this indictment further accuse the said
John E Simmons

of the crime of selling and vending a writing
in the nature of ^{any} Insurance upon the drawing
of a private Lottery committed as follows
The said John E Simmons late of the Eighth
ward of the City of New York in the County
New York aforesaid on the eighteenth day
of November in the year of our Lord one
thousand eight hundred and eighty one at
the ward City and County aforesaid with force
and arms feloniously and unlawfully
did sell and send to one Gustis J. Turner
a certain writing in the nature of an insurance
upon the drawing of a certain private
Lottery a more particular description of
which said Lottery is to the Grand Jury aforesaid
unknown which said writing contains the
words and figures following and is as follows
to wit: Kentucky N 18th Nov
4-11-44 G. \$300.
2-22 Cap. \$200
1-2-3 G. \$200.

against the form of the Statute and such
Case made and provided and against the
peace of the people of the State of
New York and their dignity

0116

Genl. Court.

and the Grand Jury aforesaid by this indictment further accuse the said John E. Simmons

of the crime of selling and sending a writing in the nature of an Insurance upon the drawing of a public Lottery committed as follows. The said

John E. Simmons late of the Eighth ward of the City of New York of the City of New York in the County of New York aforesaid on the eighteenth day of November in the year of Our Lord one thousand Eight hundred and Eighty one at the said City and County aforesaid with force and arms feloniously and unlawfully did sell and send to one Gustis P. Turner a certain writing in the nature of ^{an} insurance upon the drawing of a certain Public Lottery a more particular description of which said Lottery is to the Grand Jury aforesaid unknown which said writing contains the words and figures following and is as follows to wit: Kentucky Nov. 18th Nov

4 — 11 — 444 G. \$ 300
2 — 22 Cap \$ 200
1 — 2 — 3 — G \$ 200

Against the form of the Statute and such Case made and provided and against the Peace of the people of the State and their Obedience

Eleventh Count.

and the Grand Jury aforesaid by this indictment further accuse the said

John E Simmons
of the Crime of selling and vending a
writing in the nature of an insurance
upon the drawing of a public Lottery
committed as follows The said

John E Simmons late of the
Eighth Ward of the City of New York
in the County of New York aforesaid
on the eighteenth day of November in the
year of our Lord one thousand eight hundred
and eighty one at the ward City and County
aforesaid with force and arms feloniously
and unlawfully did sell and vend to one
Gustus P Turner a certain writing in
the nature of an Insurance upon
the drawing of a certain Public Lottery
known^{as} and commonly called the Kentucky
Lottery which said writing contains the
words and figures following and is as
follows to wit: Kentucky On 18th Nov
4-11-44 G \$300
2-22-Cap \$200.
1-2-3 G \$200

against the form of the Statute and such
Case made and provided and against the peace
of the People of the State and their dignity

0118

Twelfth Count:-

and the Grand Jury aforesaid by this indictment further accuse the said John E Simmons of the crime of selling and vending a writing in the nature of a wager upon the drawn numbers in a public Lottery committed as follows The said John E Simmons late of the Eighth Ward of the City of New York in the County of New York aforesaid on the eighteenth day of November in the year of our Lord one thousand Eight hundred and Eighty one at the said City and County aforesaid with force and arms feloniously and unlawfully did sell and vend to one Gustis P. Turner a certain writing in the nature of a wager upon the drawn numbers in a public Lottery known^{as} and commonly called the Kentucky Lottery which said writing contains the words and figures following and is as follows to wit:- Kentucky N. 18th Nov
 4-11-44 G. \$300
 2-22 Cap. \$200
 1-2-3 G \$200
 against the form of the statute an such Case made and provided and against the Peace of the People of the State and their dignity

0119

Eighteenth Count.

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

John E Simmons

of the crime of selling and sending a writing in the nature of an insurance upon the drawn numbers in a public Lottery committed as follows. The said John E Simmons late of the Eighth Ward of the City of New York in the County of New York aforesaid on the eighteenth day of November in the year of our Lord one thousand eight hundred and Eighty one at the said City and County aforesaid with force and arms feloniously and unlawfully did sell and send to one Custis P. Turner a certain writing in the nature of an insurance upon the drawn numbers in a public Lottery known as and commonly called the Kentucky Lottery which said writing contains the words and figures following and is as follows

to wit: Kentucky Nov. 18th Nov
 4-11-44 G. \$300
 2-22 Cap. \$200
 1-2-3 G. \$200

against the form of the Statute in Such Case made and provided and against the peace of the People of the State and their dignity

Fourteenth Count.

and the Grand Jury aforesaid by this indictment. further accuse the said John E Simmons for that, he the said John E Simmons on the eighteenth day of November in the year of our Lord one thousand Eight. hundred and Eighty one. aforesaid at the ward city and County aforesaid unlawfully did promise and agree with one Custis P. Sumner to pay to him the said Custis P. Sumner a Sum of Money to wit Three hundred dollars upon the event and contingency dependent on the drawing of certain Numbers to wit the number four Eleven and forty four. of a ticket in a Certain Lottery known as the Kentucky Lottery a more particular description of which is to the Grand Jury 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

Fifteenth Count.

And the Grand Jury aforesaid by this indictment further accuse the said John E. Simmons for that he the said John E. Simmons on the Eighteenth day of November in the year of our Lord one thousand eight hundred and eighty one aforesaid at the said City and County aforesaid unlawfully did receive a sum of money to wit: the sum of Two dollars and fifty four cents in money from one Curtis P. Turner in consideration of an agreement then and there made by him the said John E. Simmons with the said Curtis P. Turner to repay to him the said Curtis P. Turner certain sums of money to wit: a sum of three hundred dollars in money a sum of two hundred dollars in money and one other sum of two hundred dollars in money if certain tickets should be drawn on the said Eighteenth day of November in the year aforesaid in a certain Lottery known as the Kentucky Lottery a more particular description of which is to the Grand Jury aforesaid unknown and ~~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

Sixteenth Count-

and the Grand Jury aforesaid by this Indictment further accuse the said John E Simmons for that he the said John E Simmons on the eighteenth day of November in the year of our Lord one thousand eight hundred and eighty one aforesaid at the ward city and County aforesaid unlawfully did receive a sum of money to wit the sum of Two dollars and fifty four cents in money from one Curtis P. Turner in consideration of an agreement then and there made by him the said John E Simmons with the said Curtis P. Turner to repay to him the said Curtis P. Turner certain sums of money to wit a sum of Three hundred dollars in money a sum of Two hundred dollars in money and one other sum of two hundred dollars in money if certain tickets in a Lottery known as the Kentucky Lottery a more particular description is to the Grand Jury aforesaid unknown and cannot now be given Should be drawn on said day in a particular manner in the said Lottery to wit the sum of three hundred dollars if the ticket bearing the numbers four eleven forty four Should be drawn the sum of two

0123

hundred dollars if the ticket bearing
the numbers two-twenty-two be drawn
And the sum of two hundred dollars
if the ticket bearing the numbers, one
two-and three should be drawn a more
particular description of which said
tickets and numbers and of the particular
manner of the same being drawn is
to the Grand Jury aforesaid unknown
and cannot now be given

0124

Court of General Sessions

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

The said

John E. Simmons

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

Custis P. Turner

and did procure and cause to be procured for the said

Custis P. Turner

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

Kentucky W 18th Nov.

44 - 11 - 44 G. \$300

2 - 22 Cap \$200

1 - 2 - 3 G \$200

(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).

0125

SECOND COUNT—

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

John E. Simmons

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

The said

John E. Simmons

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in the 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

John E. Simmons

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 certain building, known as number

five hundred and Ninety Nine Broadway

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).

THIRD COUNT—

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

John E. Simmons

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

The said

John E. Simmons

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

John E. Simmons

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

five hundred and Ninety Nine Broadway

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

Curtis P. Turner

and did procure and cause to be procured for the said

Curtis P. Turner

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:

Kentucky N 18 Nov
4-11-44 C \$300
2-22 =Cap \$200
1-2-3 C \$200

(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).

0126

POOR QUALITY
ORIGINAL

0127

Fourth District Police Court.

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

Curtis W. Thorne
aged 38 occupation clerk born in New York
of No. 100 East 56th Street
Street,

being duly sworn, deposes and says, that

on the 14th day of December
1881 defendant entered the premises No. 599
Broadway said premises running to the rear
and having a frontage on No 174 Avenue
Street that then and there *John E
Serrano* did feloniously and unlawfully
buy and sell the lottery tickets which
were stamped, certain numbers as a bet and
have upon the enclosure of some number
to wit

4. 11. 44. *John E. Serrano*
2. 22. 44. *John E. Serrano*
1. 2. 3. 4. *John E. Serrano*

for the chance of a prize in a lottery
supposed to be drawn, and which said
lottery is publicly advertised, and
is prohibited by the Laws of the State
of New York, that on said date
defendant paid said *John E. Serrano*
the sum of \$100.00 and that
said *John E. Serrano* gave defendant
the sum of \$100.00 and that
defendant is further informed that *George
Coppinger* is one of the bankers for
said policy business in said East
Manhattan premises as above said, is
informed by *William H. Allen* the law
that *John E. Serrano* and *John E. Serrano*
were aware

Sworn to before me this

1887

Police Officer

0128

The day the and about
 high tide, a
 a few minutes

Contes P. 3

Sam Brown

[illegible]

0129

Harry Burdick

Counsel for Plaintiff Charles
a Boline District attorney
and Michael Kaufman
representing the defendant's
counsel Howe & Hughes
agreeing this case set for
Saturday Dec. 24 at 10
am, 16 Mo;

0130



New York, Dec. 29th, 1882.

Henry C. Allen Esq
Ass't District Att'y,
City.

Dear Sir:-

In the Brief of Testimony in the Lottery Policy cases the name of the writer with whom S. B. Diehl played at 66 Chatham street, is left blank, as he had not ascertained it. He now finds that the name is Thos. Lanigan. Please insert this in the Brief of Testimony, page 48, in the margin over the words "66 Chatham st."

Also insert this in the Brief of Exhibits at the conclusion of the description of exhibits 50 to 65.

For the same reason insert the name of Geo. Moore over the words "366 West 26th street," in the margin of the Brief of Testimony, page 49, and at the conclusion of the description of exhibits 66 to 72, in the Brief of Exhibits.

Yours Truly

Geo. H. Bangs

Gen. Supt.

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Herd, William, 14, 39, 45,
Hofer, Max, 1,
Howard, William, 8, 35, 39, 45,

Jones, William, 14, 19, 35, 39, 45,

Kay, Joseph W., 2, 31, 33,
Keeler, Eugene, 1, 2, 3, 4, 5, 6, 14, 19, 20, 31,
37, 39, 45,

Kent, William, 31,
Kershon, William, 11, 16, 34, 36, 39, 45,
King, Frank, 17, 18, 35, 37, 45, 46,

Lange, Gustave, 13, 22, 31, 35, 36, 39, 45, 50
Lee, Frederick, 38,
Levy, Aaron, 10, 34, 35, 37, 39, 45, 46,
Lindo, David, 15, 31,
Lohman, Edward, 15, 22, 35, 39, 45
Luthy, Fred'k E., 1, 2, 8, 18, 20, 21, 22, 23, 30,
31, 37,

Mathews, Joseph, 2,
McDermott, Henry, 31, 36,
McGarron, Alex., 31,
Merritt, William H., 9, 34, 45,
Myers, William, 14, 45,
Murray, Dennis, 50,

Nathan, Benjamin, 31, 33,
Nathan, Jacob, 12, 20, 21, 31, 39, 45,
Noeltke, Chas. D., 19, 36,

O'Neil, John S., 2, 3, 4, 5, 6, 8, 20, 21, 35, 38,
39, 45,

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Pinkerton, Robt. A., 39, 40,

Ramsay, 24,
Reiber, Gus., 13, 45,
Reynolds, Michael L., 9, 39, 45,
Riley, James, 9, 35, 39, 45,

Schmitt, Joseph, 13, 39, 45,
Schrieber, John, 11, 35, 39, 45,
Shipsey, Jacob, 15, 18, 31,
Simmons, Chester H., 36,
Simmons, John E., 12, 15, 16, 21, 39, 40, 45,
Simmons, Z. E., 4, 18, 19, 21, 22, 23, 24, 25, 28,
30, 34,
Simon, John, 7, 22, 34, 35, 37, 42, 43, 46, 52
Stanly, Marcus C., 18, 20, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 52
Sulzsum, Louis, 4, 14, 39, 45,

Taylor, T. J., 47, 51,
Theiss, 4, 23,
Thompson, Fred'k C., *Dr. J.* 17, 19, 20, 21, 24, 26, 28, 29, 30,
32, 36, 37, 41, 46,
Tully, Michael, 12, 45,
Tully, Thomas, 10, 20, 34, 43, 45, 46,

Uppington, George, 2, 3, 4, 32,

Wood, J. S., 43,
Wunder, 19,

Dennys, 38,
Dick, Myers' office-boy, 14, 45

0134

The People

vs

Zachariah E. Simmons et al.

TESTIMONY OF GUSTAVE FRANK.

Witness.
Gustave Frank,

Detective in the employ of Pinkerton's
National Detective Agency, states:

Tuesday, April 11, 1882.

Frederick E. Luthy
Geo. H. Bangs
Henry C. Allen

I was to-day introduced to Frederick
E. Luthy by Geo. H. Bangs, Genl. Supt. of
the Agency, at the residence of Henry C.
Allen, 171 McDougal St., with the view of
my becoming, ostensibly, a partner in the
Lottery Policy business of Luthy, through
whom I was to be introduced into the head-
quarters of the Lottery Policy business
of Simmons and Company, which was then at
599 Broadway. I assumed the name of Gus-
tave Schmidt.

Wednesday, April 12, 1882.

Frederick E. Luthy
Eugene Keeler
Max Hofer

I was introduced by Luthy into his
Lottery Policy office, at 230 Greenwich
St., as his partner. This introduction
was to Eugene Keeler and Max Hofer, Keel-
er only knowing my real position.

Monday, April 17, 1882.

With Luthy I visited Nash & Crook's

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Jacob Shipsey.

Joseph Ray

*Geo. Costigan,
Joe Matthews*

Defendant,
John O'Neil.

Eugene Keiser

John O'Neil

George Upington

John O'Neil

John O'Neil

restaurant, and there saw Jacob Shipsey and Joe Ray, policy dealers. Heard Luthy ask Shipsey how his places were running, and heard Shipsey reply, "Dull." Geo. Costigan, of policy office No. 9 Ann St., and Joe Matthews, Shipsey's partner, joined us while at the restaurant.

Tuesday, April 18, 1882.

John O'Neil, clerk for Simmons & Co. called at Luthy's office, 230 Greenwich St., and received from Eugene Keiser, in my presence, \$8.40 for risks on lottery-policy plays.

Thursday, April 20, 1882.

John O'Neil called at Luthy's office 230 Greenwich St., and I was introduced to him as Luthy's partner. Luthy told O'Neil in my presence that to-morrow I would give him a memorandum of offices, rents, &c., to hand to George Upington, manager of the Policy Headquarters, No. 599 Broadway, preparatory to Luthy's policy business being given over to those headquarters.

Friday, April 21, 1882.

At 11.45 a.m. John O'Neil came to 230 Greenwich St., and I gave him the list referred to, which O'Neil said he would hand to Upington. I also gave O'Neil \$10 for risk or play made at Luthy's office the day previous.

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Monday, April 24, 1882.

John O'Neil
John O'Neil called at Luthy's office 230 Greenwich St., and informed me that he had delivered the list of offices, rents, &c., to Upington.

Friday, April 28th, 1882.

George Upington
I delivered to John O'Neil at Luthy's office, 230 Greenwich St., some "blinds" and \$21.20 for previous play. I made an appointment with O'Neil to meet Upington at the Hoffman House at 7.30 p.m. This appointment was kept, and I was introduced to Upington by Eugene Keeler, who accompanied me. Upington said that they were ready to take our offices on the terms suggested. These terms were that the headquarters office was to receive one-half the net profits remaining after deducting from the gross receipts the rents and expenses of Luthy's offices, the expenses to equal 5 % of the gross receipts and an extra allowance of \$200; a list of which I had furnished, including \$6 per week for printing the slips of lottery drawings. Upington said that he had made arrangements to have the drawings telegraphed to him direct, and that he had or would have a telegraphic instrument in the office at 599 Broadway, and that all was agreeable, excepting the printing of the slips, which he desired to

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George Upington

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have done by himself. It was arranged between us that I should have desk room at 599 Broadway for myself, Keeler, Sulzum, and one boy.

Monday, May 1st, 1882.

I proceeded to 599 Broadway with Keeler and Tony Conrad, Luthy's office-boy, where Keeler introduced me to Daniel J. Bernstein, sub-manager of the office. Bernstein said that Upington had said nothing to him about Luthy having desk-room there, and that no writing could be done there for Luthy, as the matter at present stood. Subsequently, during the day, I saw Upington, who said that there was some difficulty, and he would have to make other arrangements.

Thursday, May 4th, 1882.

John O'Neil called at Luthy's office, 230 Greenwich St., and said that the headquarters had been moved from 599 Broadway to 263 Bowery.

Thursday, June 1st, 1882.

To-day I was introduced to Zachariah E. Simmons at Theiss's restaurant on Jerome avenue by Luthy. After Simmons and Luthy had some private conversation, Simmons said he would be glad to see me out there and have a ride. I replied that, from this remark, I presumed he and Luthy had come to an understanding. Simmons

Eugene H. Luthy

Conrad

Defendant,
Daniel J. Bernstein.

Upington

Defendant
John O'Neil.

Defendant,
Zachariah E. Simmons

Theiss

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0138

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Replied

replied: "Yes! this is settled; just as soon as I can see Bernstein, I will give him his instructions." Luthy remarked that Bernstein might not like it that he (Luthy) had been to see him (Simmons.) Simmons replied: "You have my word and everything will be done as I say."

Tuesday, June 6th, 1882.

Sept
John O'Neil

John O'Neil called at Luthy's office, 230 Greenwich St., as usual, to receive the risks or plays and money for the same transferred by Luthy to the headquarters office, No. 263 Bowery. These did not constitute all of Luthy's business but only such risks as Luthy did not care to back and known among policy dealers as "put-offs." During my stay at 230 Greenwich St., which was since my first introduction there, O'Neil had been regularly calling for these "put-offs."

I had had conversations with Luthy and Keeler, who had been in communication with O'Neil and through him with Bernstein in regard to the transfer of Luthy's business to the headquarters, No. 263 Bowery which it was desirable to effect as early as possible.

Wednesday, June 7, 1882.

En. Keeler

At 8.15 a.m. I proceeded with Eugene Keeler to the headquarters, No. 263 Bowery. The door was locked. Keeler knocked

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upon it. A small aperture was opened by a party inside, who admitted us after recognizing Eugene Keeler. (Witness can here give full description of the room and its contents.) At the various desks and tables were about fourteen parties busy at summing up policy books. At 9 a.m. Bernstein arrived and took a seat at his desk in the rear of the office, at the same time calling out to the party in charge of the door: "Let nobody in here who does not belong here, no agents, and nobody; you understand?" John O'Neil designated the desk to be occupied by Keeler and myself in the transaction of Luthy's business.

From this time forward I was in almost daily attendance at the headquarters, No. 263 Bowery, and became acquainted with the business, which was transacted there, and the parties by whom it was transacted, to wit:

(The numbers in red ink refer to like numbers on a diagram showing the desks as arranged in said office, which diagram is hereunto attached.)

Occupied desk No. / ; was manager of the office. Kept books of account with the different lottery-policy men whose business was brought to the headquarters, and made settlements with these men or their

Defendant,
Daniel J. Bernstein

Ex. 89, 90, 91.

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Exp. 128. 131-132
133.

Exp. 83.
135

Exp. 104.

Exp. 100

Exp. 108 & 113
114-115-116

Exp. 95-96.

Edward Lohman.

Cor.

Exp. 185-163-164-165

representatives, monthly. Had charge of all lottery-policy books brought to and backed by the headquarters. Kept personal charge of stamps, called check stamps, which were used for stamping the copies of lottery-policy books which were returned to the middlemen or backers. Personally kept charge of Agents' Tables or printed lists designating the different plays, as "horses," "gigs," &c., and the rates charged. Personally received by telephone ^{Linogram No. 5} the daily drawings of the Frankfort and Kentucky Lotteries, and sent a list of the numbers drawn at the noon drawing to the printer's on Houston St., John Simon & Co.. Personally received monies in settlements with middlemen or backers, and paid his own employees as clerks in the office, porters, and runners. Personally kept all "blind" plays or plays made in sealed envelopes. Received plays and the money for the same from persons in headquarters office (called Personal Plays.) Received daily the slips called Official Drawings.

Occupied Desk No. 2; was clerk for Dan'l J. Bernstein and was employed to sum up Lottery Policy books, and attended to the general duties of Bernstein in the absence of the latter, Made entries in

0141

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Ex.136

Bernstein's account book, but did not have settlements with the middlemen. Usually received the money brought to the office in Bernstein's absence. Carried keys to Bernstein's chest (Diagram No. 4) in which he kept his account books, stamp and other things relating to the lottery-policy business. Kept on file the official drawings.

Ex.164

Defendant,
Peter Conlin

Occupied Desk No. 5. Clerk for Bernstein. Collected lottery-policy books outside of the office, and received a portion of those brought into the office. Reckoned

Cor.
Ex.184,186

Ex.130

up the same and stamped them with the *Stamping Table-Diagram No. 5* daily stamp. Occasionally assisted Loh-

Ex.184

Cor.
Ex.117

man on the account books. In the absence of Bernstein received the evening drawings by telephone. Made a list of the numbers and sent them to the Houston St. printing office. Kept on file the small print drawings which were over.

Defendant,
John O'Neil

Cor.
Ex.185,161

Occupied Desk No. 7. Was a clerk for Bernstein. Had the summing up of lottery-policy books of some of the different middlemen, among whom was Frederick E Luthy. I do not positively know of any others.

William Howard

Occupied Desk No. 8. Was clerk for Bern-

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Cor.
Ex. 182, 183, 160, 167, 168
169

stein. Had the summing up of lottery-policy books, and the collection of books outside the headquarters; among the latter were the books of Frederick E. Luthy, 230 Greenwich St., 170 Greenwich St., and other offices.

Defendant,
William H. Merritt

Cor.
Ex. 182, 183, 186

Occupied Desk No. 7. Was clerk for Bernstein. Had the collection of lottery-policy books from certain offices that I do not know, and the summing up of the same, at which he was engaged at headquarters. Informed me that he owns an office at 156 Greenwich St. for policy playing.

Defendant,
George Connors

Cor.
Ex. 188, 122
181

Occupied Desk No. 11. Was clerk for Bernstein. His duty was that of collecting certain lottery-policy books outside of the headquarters, and of reckoning or summing them up.

Defendant,
Michael L. Reynolds

Cor.
Ex. 184, 162 - 159

Occupied Desk No. 12. Was clerk for Bernstein. His duties were those of collecting certain lottery-policy books, and reckoning or summing them up at the headquarters.

Defendant,
James Riley

Cor.
Ex. 181, 166

Occupied Desk No. 12. Was clerk for Bernstein. His duties were those of collecting lottery-policy books and reckoning

9

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-10-

or summing them up at the headquarters.

Defendant,
Aaron Levy.

Errand-boy for Bernstein. His duty was to receive the printed slips of numbers drawn from John Simon & Co's printing office, and take the same to the headquarters noon and evening, and give the same to those entitled to them in the office, the middlemen or representatives entitled to desk room there, and hand Conlin for file those remaining over. He also collected certain lottery-policy books, and he told me that he collected the books from 71 Ridge St., a lottery policy office kept by his father.

Defendant,
Thomas Tully.

Errand-man for Bernstein. His duties were to receive the written slip of the noon and evening drawings from Bernstein or Conlin, and to take the same to the printing office of John Simon & Co. He also collected lottery policy books for John E. Simmons, and was employed by him to stamp his lottery policy books. He informed me he received money from Dan'l J. Bernstein, John E. Simmons and John Gage, from the latter for assistance in getting the slips printed at John Simon & Co's.

Cor.
John S. Wood

Defendant
Jefferson D. Bernstein. No desk, Employee of Dan'l J. Bernstein

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(and brother). Was employed to collect lottery policy books and bring to headquarters daily a.m. and p.m.

Left
Richard Fox.
Ex 154.

No desk. Employee of Dan'l J. Bernstein. His duties were to bring in the books of Jacob Shipsey and the daily schedule of this lottery backer or middleman; have seen him paid salary by D. J. Bernstein, when the other employees received their salaries every Saturday.

Left
John Schrieber
Ex 156

The Pole. Occupied Desk No. 2. Was employed by D. J. Bernstein. Collected lottery-policy books and brought to headquarters a.m. and p.m. Did the general duties of a janitor.

Left
William Kershon.

Ex. 127. 128. 129. 130

Occupied Desk No. 3. Was employee of D. J. Bernstein. His duties were to collect and bring to headquarters a.m. and p.m., lottery-policy books and to stamp lottery policy books with the date, and to get from D. J. Bernstein the check stamp and stamp the duplicate of lottery-policy books which were retained by the middlemen or their representatives; also to do up and take charge of the duplicate lottery policy books retained at headquarters, and to attend to the duties of janitors.

//

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tor generally.

John E. Simmons.
John E. Simmons.

Ex. 79
138
140
141
142
143
187
188

Occupied Desk No. 4. Is a middleman or backer. Received daily lottery-policy books, which I have seen him reckon up. Kept an account book or ledger, in which he made entries, which book I can identify from my belief, from its general appearance. Have seen him receive lottery policy books from Jacob Fitzgerald, Thos. Tully, Michael Tully, who acted as clerks and runners for him.

Jacob Fitzgerald.
Jacob Fitzgerald.

Occupied Desk No. 5. Employee of John E. Simmons. Collected lottery-policy books and reckoned up figures on the same.

Michael Tully.
Michael Tully.

No desk. Employee of John E. Simmons. Collected lottery-policy books, and brought to John E. Simmons at headquarters daily, a.m. and p.m.

Jacob Nathan.
Jacob Nathan.

Ex. 144. to 152

Occupied Desk No. 16. He is a lottery-policy backer or middleman. Received lottery policy books, which were brought to him by runners whose names I do not know, which books he examined and reckoned up. He also made entries in small memorandum books which he kept.

George Dominick.
George Dominick.

Occupied desk No. 17. Collected or

12

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Ex. 139

Walt.
Gustave Lange

*Ex. 26. 27. 73 to 74
158.*

Walt.
Joseph Schmidt

Walt.
Samuel Emerson.

Walt.
William Dolson.

Walt.
Gus. Reiber

brought in a.m. and p.m. of each day lottery-policy books which he examined and reckoned up. Also received lottery-policy books from runners whose names I do not know.

Occupied Desk No. 2. Is a backer or middleman, and has lottery-policy offices one of which I have visited at 83 East Houston St. Has acknowledged to me that he was in the lottery-policy business. Received lottery-policy books by a boy whose name I do not know, and who occupied Desk No. 18.

Occupied Desk No. 2. (Same as Lange.) Is partner of Lange in the lottery policy business. Has acknowledged to me that he was interest with Lange in the business. Emerson and Lange alternately occupied desk referred to, and in doing the work there done.

Occupied Desk No. 18. Is a lottery policy backer or middleman. Brought in, himself, lottery policy books which he examined and reckoned up; also received books brought in by - who acted as runner for him (Dolson), and also collected and brought in lottery-policy books for John E. Simmons.

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Def.
William Myers,

Def.
Dick

Def.
William Jones

Ex. 155

Def.

William Herd alias Stein, Occupied Desk No. 20. Was assistant to William Jones. Brought in lottery-policy books for Jones, and assisted him in reckoning them up.

Def.
Patrick Farrington,

Occupied Desk No. 17. Was runner for Wm. Jones collected lottery policy books and delivered them to Jones.

Def.
Louis Sulzum
Def.
Eugene Keeler
Def. *Ex. 180*
Tony Conrad

Occupied Desk No. 30.

Occupied Desk No. 31.

Occupied Desk No. 27.

These were all representatives of Fredk E. Luthy in the lottery-policy business, and with myself, who occupied desk No. examined and reckoned up Luthy's lottery

14.

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policy books.

Friday, June 9, 1882.

I got Keeler to put up a "blind" play, which I gave to O'Neil.

Saturday, June 10, 1882.

At the headquarters to-day I saw John Gage, reputed to be managing man for Marcus Cicero Stanley.

The blind which I gave to O'Neil the day previous was returned through a boy by Bernstein, it not having struck a prize. I saw Bernstein make a memorandum at his desk at the time the "blind" was sent back.

Friday, June 16, 1882.

David Lindo, a backer or middleman, who has an office at No. 223 Bowery, and Jacob Shipsey, a backer or middleman, who has several lottery-policy offices, one being at No. 52 1-2 Bowery, came to headquarters and held consultation with Bernstein.

Monday, June 19, 1882.

I saw Edward Lohman and Peter Conlin writing in D. J. Bernstein's account book; the book was then deposited in a drawer of Bernstein's desk by Lohman. I saw John E. Simmons take a large book from a drawer in his desk, and make a number of entries in it.

Deft.
John Gage

David Lindo.

Jacob Shipsey

Deft.
Edward Lohman
Peter Conlin

Deft.
John E. Simmons

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Wednesday, June 22, 1882.

I saw William, the janitor, take from the office No. 263 Bowery an armful of lottery policy books done up, and unlock a padlock and put them in the front room on the same floor with the headquarters office.

Friday, June 23rd, 1882.

John Clute, who has a policy office at No 33 Park Row, called at the office No. 263 Bowery, and had a consultation with D.J. Bernstein and John E. Simmons.

Monday, June 26, 1882.

Bernstein remarked to Keeler: "Eugene and I told you we would have an alteration in the printing of our slips. We commence with that to-day, and we charge for each copy, allowing one copy for office, 75c. per week. You will not be able to procure, as in the past, the numbers ahead of the official by getting a copy of the running slip. There will be only one running slip, and that comes through Peter Conlin to me; after the slip is in nobody will be permitted to leave the office before the prints come, and these are supplied right from here." Keeler replied: "We cannot pay anything like that." Bernstein answered: "To get the numbers in any kind of time you will have to do it."

John Clute

*John Clute
D.J. Bernstein
John E. Simmons.*

*Keeler
Eugene Keeler*

Peter Conlin

*Keeler
Bernstein*

16.

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Deft. Peter Conlin

Deft. Peter Conlin

Deft. Frank King

Ex. 3.

Deft. Fred C. Thompson

Deft. Marcus Cicero Stanley

Deft. Jacob Tully

At 1.40 p.m. there were about 32 persons in the room, and Bernstein said: "I want that door guarded." Soon after Peter Conlin came in, and Bernstein ordered him to lock and bolt the door, and neither admit nor let anyone out until the printed slips come in. Conlin had brought in the slip in a sealed envelope. Bernstein opened the envelope and gave the slip to his clerks, who made copies, which were distributed to the middlemen or representatives who were in the room.

At 2 p.m. Frank King arrived with the official printed slips of the noon drawings in a small black satchel. King is runner for Fredk C. Thompson, printer, 35 Vesey St. (his duties being to bring the official slip to the headquarters, No. 263 Bowery.) He was subsequently discharged, and said to me that he was dismissed by Marcus Cicero Stanley.

I had a conversation with Jake Nathan in regard to Bernstein's new arrangement concerning the slips, during which Nathan remarked that he was making a of himself, and to the effect that it would tend to cause such a crowd to congregate about the entrance to headquarters, as to draw the attention of the police toward them. Thos. Tully, who was present, said that (Marcus Cicero) Stanley was per-

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sonally at the printer's and wanted to make a big percentage to pay his expenses in Europe. That he (Tully) was to have had the job, but Stanley sent word that he already had employment with Simmons, and he would give it to Frank King, who was an old timer.

Monday, June 27th, 1882.

In consequence of the demand of Bernstein that 75c. be paid for the slips, I called with Luthy upon Eph. Simmons to protest against this being done. We found Simmons at Swan's stables on Jerome avenue, and showed Simmons a paper on which I had made a calculation that said arrangement would cause Luthy a loss of about \$180. Eph Simmons, after looking over the paper said: "We have a large expense outside of the Captains to keep the business straight and, of course, it is not a large difference which the 5 o/o allowance leaves you short." Luthy said that the profits would be too small altogether to stand the rent, and I do not go to work like Shipsey to keep the largest part back." Simmons replied: "They don't run but deuced little but what we know of. How many offices have you on interest and shares?" Luthy answered: "Three, Orange book, Jersey, and 37th street. Now, you know also about the \$600 that we spoke

M. L. Stanley

*Deft.
Frank King*

*Deft.
Dan J. Bernstein*

*Deft.
Fred E. Luthy
Jacob and E. Simmons*

Jacob Shipsey

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of. (This was an amount due by Luthy to Simmons.) If I give you \$300 of that this month, I will be actually out of pocket." Simmons replied: "You and I will settle that; it has nothing to do with Bernstein." I remarked that Bernstein said to Eugene that he (Eugene) would settle that with him (Bernstein.) Simmons replied: "He has nothing to do with it, and will do as I order and direct."

Wednesday, June 28th, '82.

Bernstein gave notice in my hearing that all runners should go to Thompson's to get the prints, which would be distributed at Thompson's office. (Thus rescinding his previous order.)

Thursday, June 29, 1882.

At 9 a.m. I heard Bernstein say to Peter Conlin: "You tell Thompson to issue the prints to no one before 2 o'clock, and if Stanley is there you tell him, and if Thompson is there you tell him I said so."

About 10 a.m., in conversation with Keeler and William Jones, Jones said that Noeltke had 16 offices; that nothing referring to the policy business was being transacted at the Grand St. office (238 Grand), and that the sale of lottery tickets had been given to Wunder, who has

*Left
J. E. Simmons.*

*Left
L. R. Remick
Left
Eugene Keeler*

*Left
Fred L. Thompson*

*Left
Peter Conlin
Left
Fred L. Thompson*

*Left
William Jones*

Noeltke

Wunder

19

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Left.
Thomas Tully

Left.
Fred E. Thompson

Left.
Dan J. Bernstein
Left.
Emma Miller
John S. Weil

Left.
Dan J. Bernstein
Left.
Fred E. Luthy

Left.
Jacob Nathan

Left.
M. C. Stanley

Left.
Dan J. Bernstein

the perfumery and soap store on the Bow-
ery near 4th street.

Thomas Tully said that the prints were
not issued by Thompson to-day, but were
printed at an office on Houston street
near Broadway.

At 5.35 p.m. I gave O'Neil a play on the
Kentucky Lottery on numbers 8, 29, 47,
and handed him 50c., which, along with th
play, he placed on Bernstein's desk.

Keeler also gave O'Neil some small change

Monday, July 3, 1882.

I asked Bernstein for the amount which he
claimed was due him from Luthy. He took
from his wooden chest a book with Luthy's
account in it, which was headed 4 L, and
made the balance \$990.40. This included
over and above what he had entered on his
book as expenses 5 % of the gross re-
ceipts and \$200 extra. I finally suc-
ceeded in getting him to allow \$175 ad-
ditional allowance for expenses, and he
then figured up the balance due him to be
\$815; of this I paid him \$400 on account.

Wednesday, July 5, 1882.

In conversation with Nathan, he said he
would not pay anything to Bernstein next
week for the printed slips. That Stan-
ley was the cause of the charge of 75c.,
and that Bernstein should not have agreed
to any such arrangement; that the expen-

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*Deft.
John E. Simmons
Deft.
Dan Bernstein*

ses were too much for the business.
John E. Simmons told me to-day that Dan Bernstein was formerly a clerk with him, and that he used his influence with his brother Eph. in putting Dan in the position he now occupied. He further remarked: "This policy business does not pay any more. I have 16 offices, and what do you think the expenses are for this petty business a year. I have over \$12,000 expenses."

*Deft.
Jacob Nathan.*

*Deft.
Fred C. Thompson.*

A telephone was put in the headquarters office at 263 Bowery to-day. Nathan informed me that it is in direct communication with Thompson's printing office on Vesey St., and it is intended for telephoning the numbers of the drawings.

Friday, July 7th, 1882.

*Deft.
Dan Bernstein.*

At 9.30 a.m. Bernstein said to me that he would like the exact figures that formed the amount for our extra claim last month. He also asked: "How about the balance of \$600 for previous business. You know Luthy said he would pay \$300 of it this month." I replied that I had nothing to do with it, and that Luthy and Eph Simmons considered that debt a personal matter between themselves.

*Deft.
Frank Luthy.
Deft.
J. E. Simmons*

There was a play of \$8.75 on Luthy's Harlem book to-day which I requested O'Neil to ask Bernstein if he would accept as a

*Deft.
John P. O'Neil.*

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"put-off." O'Neil subsequently said "All right," and I then gave Bernstein the \$8.75 (which amount I obtained from Keeler), and he made an entry of it on a separate tablet, which he took from a book in which he keeps the regular account.

Saturday, July 8th, 1882.

To-day Gustave Lange, in my presence, requested Bernstein to order only 6 lottery-policy slips instead of 7 for him next week. Bernstein replied, "All right."

Monday, July 10th, 1882.

To-day I saw Bernstein make out two checks which he took from his check book and put in his pocket; they were on the Pacific Bank.

At 1.10 p.m. John Simon, the Houston St. printer, called on Bernstein and received from him two memorandums.

At 3 p.m. Bob Irving, a lottery-policy backer or middleman, called at headquarters, and had some conversation with Lohman.

The telephone instrument was used to-day by Bernstein, apparently in receiving the noon drawings.

Tuesday, July 11th, 1882.

To-day, in company with Luthy, I called upon Z. E. Simmons at Swan's stables on Jerome avenue, and he accompanied us to

Left
Gustave Lange

Left
John Simon

Left
John Simon

Bob Irving

Left
Edison Lohman

Left
John Bernstein

Left
Frank E. Luthy
Left
Z. E. Simmons

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Theiss's restaurant. Luthy said that he had but a trifle for himself out of last month's business, and that he could not pay Simmons the amount of indebtedness that he expected. Simmons replied: "Luthy, you can pay to me what you think right." Luthy then paid him \$100. I said that Bernstein had allowed us in the business what was right; that I had paid Bernstein \$400, leaving a balance of \$415 due, which I would be ready to pay in a few days. I made excuses for not paying the balance sooner, and remarked that I was willing to pay the money as far as I had it now providing he (Simmons) would tell Bernstein to let me have a loan of a \$100 or \$200 in case I was "over-hit." Simmons said: "I will see to that, and if you do owe a small balance he shall not bother you for it." I then asked if I should pay what I had to him or to Dan. (Bernstein), the amount being \$300. Simmons replied: "That makes no difference; you can give it to Dan. or me; it's all the same." I then paid him \$300, and he said: "I will see Dan to-night, and it will be all right." Luthy said to Simmons: "Has France an interest yet in the business?" Simmons replied: "He has and has not; of course, he is kept at work by Sam Dickerson; what these men have been,

Thess
Left
Frank B. Luthy

10.5.1935

Left
Frank B. Luthy

Frank B. Luthy

Sam Dickerson

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*Deft.
G. E. Simmons.
Deft.
M. C. Stanley.*

*Louis Davis
Ramsay*

*Deft.
Frank C. Thompson Jr.
Deft.
Frank C. Thompson Jr.*

Samuel Dickerson

*Deft.
M. C. Stanley.*

they will always remain in our lottery."

I asked Simmons: "How is it you allow Stanley to extort 75c. for the slips?"

Simmons replied: "He has not my consent; whatever rates are right, he ought to furnish the slips for." Simmons further said that he would see Stanley with me, and introduce me to him at 11 a.m. tomorrow at the Hoffman House.

During the conversation Simmons stated:

"I have two commissioners, Louis Davis and Ramsay, at Covington, Kentucky, who give me the drawings. Ramsay and Davis are both good, square, honest fellows; when the numbers are drawn, they are telephoned to the telegraph office at Cincinnati in cypher, and from there are telegraphed to New York. The dispatch invariably goes at once to Thompson's printing office in Vesey St. Thompson's son has the key to the cypher, and immediately the printing begins. To Samuel Dickerson I have given the management. Sam directs everything in regard to the drawings. Stanley has, by contract, exclusive right of publishing and giving out the prints. We collect from him a part of the expenses of running the charter, drawings, and telegraphing." Simmons made further statements in regard to the busi-

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ness which are of less importance.

Wednesday, July 12, 1882.

At 9.45 a.m. I called upon Z. E. Simmons at his residence, 366 West 23rd street. He was playing billiards with Jefferson Bernstein. He accompanied me to the Hoffman House. On the way he said: "I have sent word to Dan (Bernstein) in regard to having received from you the \$300 I also sent Dan a check for \$1,000 this morning, as he was short." At the Hoffman House we found Stanley in company with Howard Adams, to both of whom I received an introduction from Simmons. I said to Stanley: "I understand from Bernstein that you have taken the management of the slip business in hand personally." I mentioned that the backers were dissatisfied with the charge of 75c. per week for a slip for each office, and the charge of 25c. for any additional slip. I complained that the slips were held back by Bernstein from 10 to 15 minutes, and told him that Simmons says that the slips should be published by one o'clock at the latest and he saw no reason or excuse for the delays. Stanley jumped from his chair, and in an excited manner said: "Now, are you done? Now! I will tell you that what ever Eph Simmons has said in regard to the publication of the slips is a lie.

*Recd
J. E. Simmons*

*Recd
J. E. Simmons*

*Recd
M. C. Stanley*

*Recd
Marcus C. Stanley
Ex. 2.*

*Recd
Dan Bernstein*

*Recd
M. C. Stanley*

*Recd
J. E. Simmons*

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The publication of the slips is punctual to the very second, and anybody, I don't care who it is, could have the work done with more speed. It is an impossibility to have the prints out before 1.30 p.m. On the 27th of March I returned to this country, and found that during my absence the management had been charging one dollar for the slips. On April 1st I again assumed the reins, and not only reduced the rates from one dollar to seventy-five cents but crushed out all outside selling of my prints and all outside printing. I at once went to work and discharged all runners, and have established a direct line of telephone between the headquarters and Thompson's. I went to the Western Union Tel. Co. and interviewed the Sup't, to have him give us a direct wire from Cincinnati and Thompson's office in Vesey St. Before another month is elapsed I will have everything in shape again, and will have thrown out of the back door the leeches, and the men who have a business can have a respectable one. Now! tell me what you are willing to pay for the print?" I answered: "Not over 50c; that's more than a good profit for anyone?" Stanley replied: "What do they know about the profits? The charter costs, the Assemblymen, two of whom have to be paid,

*1945
Fred C. Thompson*

*Left
H. C. Stanley.*

26

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cost, the Commissioner costs, the telegraphing, telephoning and everything else has to be paid, but that has nothing to do with you. I will leave it to Dan.

(Bernstein) to agree with you in whatever terms he may, and am satisfied to have him arrange for 50c. per office." I said

that the detention of the numbers and of us in Bernstein's room was an outrage, and that I would like to have him (Stanley) come there and see how it was managed. Stanley replied: "My dear Mr

Schmidt! I have not been in a policy shop for the last 12 years. Now I! Oh! No.

I see to the printing, to the publication and management of that part, and I dare anyone to say I have committed myself. I defy, scorn and would spit at anybody accusing me of committing a crime. Now!

I cannot direct the inner management; that part is left to Bernstein." I said:

"You do not call our headquarters, 263 Bowery, a policy shop." Stanley replied:

"No; I do not; it is a counting room, and for that matter, of course, I could go there, but, as I before mentioned, I can only attend to what concerns me. I know

there is no one able to get out the slips a minute before I do. I have gone personally to the printing office of Thompson time and again, and have come to that

*See
Dan's room too*

*See
M. C. Stanley*

27

0 16 1

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*Left
Frank C. Thompson*

*Left
M. C. Stanley.
Left
H. B. Simmons
Howard Adams.*

conclusion. I will introduce you to Thompson and afford you an opportunity to see for yourself. From the time the dispatch arrives until 225 copies are struck off for both lotteries it takes fifteen minutes."

Stanley and myself then joined Eph. Simmons and Howard Adams, and Stanley continued: "18 minutes of 1 o'clock the wheel is turned. It takes five minutes for the drawings to come out, three minutes to telegraph Cincinnati, 8 minutes before the dispatch is forwarded from Cincinnati. 3 minutes to Pittsburgh. Here is another delay, the numbers from there being distributed all over the west. It takes four minutes before they are at the Western Union office in New York, so that it is at least 1 o'clock before the telegraph company send the dispatch to Thompson. Thompson or his son, on receipt of the cypher dispatch, translates it into numbers occupying 11 minutes, and to get the numbers into form and a proof struck off, 18 or 19 minutes more are consumed. The drawings of the Kentucky and State Lotteries come in separate and rarely so that a double form can be used to strike off both copies." "Now, then," addressing Simmons, "how can you or any other man say the print should be out at 1 p.m."

28.

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Simmons denied having said so, and remarked that the principal thing was to have the rates in proportion to what the people could pay. Stanley replied: "Those that cannot pay we don't want, and I will force the scum out."

Further conversation on the subject of less importance was held, and I appointed to meet Stanley at Thompson's office at 1 o'clock. Accordingly, at 1.20 p.m., I met Stanley at Thompson's, No. 35 Vesey St., and he introduced me to Fredk C. Thompson, Sr., and Jr. Stanley said that the numbers were in to-day just before 1 p.m., and the man over there (pointing to a man at a press, "is just getting the form ready, and in a few minutes will begin the printing." I asked to see the slip, and Thompson, Sr., replied: "That I cannot do." Stanley said: "Nobody can see a number here, and if I was not here you would not have been admitted." Thompson, Jr., then approached with the first copy of the Kentucky Lottery, which he handed his father. It was 1.27 p.m. by Stanley's watch and mine. Stanley said: "Now, let us see the slip." Thompson, Sr. replied: "One second till I proof it," saying which he stepped into a side room and in about half a minute returned and called to the man at the press, "All

*Wt.
M. C. Study*

*Wt.
Frederick C. Thompson
Ex. 3-3*

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Left -
Fred L. Thompson Sr.

Left -
M. E. Stanley

Left -
David J. Bernstein
Left -
W. E. Simmons
Left -
Fred E. Luthy

con.
Ex 134 to 136

Ex. 88.

Left -
David J. Bernstein
Left -
W. E. Simmons

Ex. 88.

30

right! Go ahead." Thompson, Sr., handed the slip to Stanley, who showed it to me. Thompson, Sr., then went to the press and soon returned with a slip from the Frankfurt Lottery and handed it to Stanley, who, folding both slips together, handed them to me, at the same time saying to "Thompson: "Mr. Schmidt can have these." Thompson replied: "Certainly."

Stanley then showed me the telephone and said that there were two wires, one to 599 Broadway and one to 263 Bowery.

I had further conversations with Stanley in regard to his arrangements, mainly a repitition.

Later I saw Bernstein at 263 Bowery, and told him about paying the \$300 to Z. E. Simmons last night and Luthy paying him \$100. Bernstein said that Simmons had sent him word of having received the \$400 and remarked to me: "You owe the business a balance of \$115." Bernstein then took from his chest a small account book in which he made an entry of the amount. I saw the figures "300." The remainder of the entry I could not make out; it was in pencil. He also made an entry in a long account book.

Bernstein also said to me that Eph (Z.E. Simmons) had sent him his check that morning for \$1,000.

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*Let.
Eugene Keeler.
J. E. Luthy
Fred E. Luthy.*

I received from Eugene Keeler a letter addressed to F. E. Luthy, as follows:

"New York, July 12th, '82.

"Dear Sir:

"Will you make it your business to be present at a meeting to be held at Military Hall, 193 Bowery, Friday evening, 14th inst., at 8 p.m., in mutual interests? Come prepared to talk.

"Yours, &c.,

"Joseph W. Kay."

I recognize this as being in the handwriting of Joseph W. Kay, a backer or middleman in the lottery-policy business.

Friday, July 14th, 1882.

This evening, I visited the meeting at Military Hall, 193 Bowery. I found there Marcus Cicero Stanley, Henry McDermott, David Lindo, William Kent, Alex. McGarron's head clerk, Ben Nathan, Jacob Shipsey, Gustave Lange, Joseph W. Kay, Al.

and Jacob Nathan.
Adams. Jos. W. Kay first addressed the meeting. He said that it had been called with a view of an understanding being arrived at as to why the price of the slips had been increased from 50c. to 75c. He characterized the increase as an outrage. Benjamin Nathan then said that the price of the slips should never have been changed from 50c. to 75c.; the business would not stand the increase, and he complained of

*Joseph W. Kay.
Ex. 4.*

*Let.
Marcus C. Stanley
Henry M. McDermott.
David Lindo
William Kent
Alex. McGarron
Ben Nathan
Jacob Shipsey.
Gustave Lange
Joseph W. Kay
Al. Adams.
Jacob Nathan.*

Benjamin Nathan.

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*Deft.
M. C. Stanley.*

Geo. Upington.

John Gage.

*Will
Geo. C. Thompson.*

Mr. C. France.

the delay in issuing the slips.
Stanley then said: "Gentlemen. From Oct. 1881 until the 29th day of March, 1882, I was not in this country. When in Europe I was surprised by a letter from Mr. Upington requesting me to give him the management of the print, showing me that somebody, during my absence, more closely connected with the manager than Gage, could disinterestedly benefit. I consented and on my return here the managers were charging \$1 for the prints."

Stanley then gave the same explanation in regard to necessary delays as he had given me at the Hoffman House and Thompson's office, and said, in addition: "I have taken Mr. Schmidt to the printing office, and I offer you all the same opportunity, where you can see that not a second is lost. I may be able to issue the slips fifteen minutes after one, ^{well} when what I contemplate is completed. Mr. Wm. C. France has gone West for the purpose of arranging for a direct wire from Covington to Thompson's printing office, and I am corresponding myself with the Sup't of the Western Union Telegraph office at Cincinnati, and I shall then have a direct line between Covington and 599 Broadway, and between Covington and Vesey St., and between Vesey St. and 263 Bowery. The

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-33-

expenditures for telegraphic communication, for the commissioners and license amount to \$153 daily, and it is necessary to have the price of the slips not less than 75c. I mean to have this slip business in a shape to meet my views first; as long as I control that part I shall extend no favor. The numbers will be made known as early as possible. I have nothing to do with the cost."

Joseph H. Kay.

Jos. W. Kay said: "You have something to do with the cost; my business that two years ago amounted to from \$23,000 to \$28,000 is now but from \$6,000 to \$7000."

Benjamin Nathan.

Benjamin Nathan said: "This is all the managers' fault," whereupon Stanley said: "I do not represent the managers' interest. I am willing only to listen to any suggestion that you can make in regard to slips."

*Debt.
M. C. Stanley*

There was considerable more said to the same effect, but Stanley, Kay, Nathan and myself were the only ones who spoke.

Saturday, July 15, 1882.

William Gammon

To-day I was introduced to William Gammon, backer or middleman, by Luthy. Gammon said that his business comprised but a few offices, and it made but little difference whether he paid 75c. for the slips or not, but that he would go with the rest of the men. This conversation was

Ex. 8414. 30649

33

0167

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at Gammon's jewelry store adjoining his policy office, No. 43 Chatham St.

Monday, July 17, 1882.

Aaron Levy told me that 10 minutes after Tully takes the numbers drawn to Simon the printer's on Houston St., he (Tully) goes to the printer's and brings the 1st batch containing about fifteen slips to headquarters, 263 Bowery. On his return to-day Aaron Levy gave me one of the slips. These are called the small slips.

Tuesday, July 18, 1882.

Wm. H. Merritt informed me that he had been connected with policy headquarters for twenty-two years. That he has one policy office at 156 Greenwich St., and is doing a pretty fair business.

Wednesday, July 19, 1882.

I paid Bernstein to-day the balance due on Luthy's lottery-policy business, \$115, and he made an entry of the same in the long account book, which he had previously used in entering the \$300 I had paid to Eph. Simmons, but did not make any entry in the small account book. Bernstein said he would furnish us the printed slips at 50c. for each office:

Saturday, July 22, 1882.

I received to-day from Aaron Levy a copy of the lottery-policy slip. He also gave copies to William Kershon, John

Deft.
Aaron Levy

Deft.
John Simmons
Deft.
Thomas Tully

Deft.
William H. Merritt

Deft.
Dan'l J. Bernstein

Deft.
E. Simmons

Deft.
Aaron Levy
Deft.
William Kershon

34.

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Left.
John Schrieber.
William Dolson.
Gustave Lange
George Dominick.
David J. Bernstein.
Frank King

Left.
James Riley

Left.
John Gage

Brennan.

Ex. 15 to 19 - 50 to 65

Left.
Aaron Levy
Left.
John Lincoln

Left.
Ed. Lohman

Left.
William Jones
John O'Neil
James Riley
George Connors

Peter Conlin
James Riley
Wm. Howard
Ed Lohman

35

Schrieber, Dolson, Lange and Dominick, and the remainder he had left he gave to Bernstein. This was for the noon drawing.

At 1.45 p.m. Frank King arrived at headquarters with the official prints. The numbers were read aloud by Riley and compared by those holding the numbers. At 1.55 p.m. John Gage arrived and received some money from Bernstein.

At 2.05 p.m. Brennan, backer or middleman of 66 Chatham St., called at headquarters, 263 Bowery, and had a conversation with Bernstein.

Wednesday, July 26, 1882.

To-day I received from Aaron Levy copies of the small slips printed by Simon; also a cypher card or slip giving the arbitrary names given for numbers in telegraphing.

Saturday, July 29, 1882.

Lohman took principal charge of Bernstein's business. I saw him receive lottery-policy books from Jones, O'Neil, Riley and Connors; also saw him receive money from Howard, which he took from envelopes containing the lottery-policy books. The books were then taken by Conlin, Riley, Howard and Lohman, who reckoned them up. Then Conlin stamped the books, I think about 140, with stamp

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Sept.
William Kershon.
Sept.
David J. Bernstein.

July 29th, p.m. I saw William Kershon take from Bernstein's large chest a flat cigar box, take from it a check stamp and take a die out of it and insert another. He then stamped a large lot of lottery-policy books with it.

Tuesday, August 1, 1882.

Chas. D. Noeltke

Chas. D. Noeltke called at headquarters, 263 Bowery, and had a conversation with Bernstein. Bernstein received money from Friedman, and pointed out to him a lot of figures entered on a schedule sheet; also the long account book was examined between them.

Friedman

Henry M. McDermott.
Chester H. Simmons

Henry McDermott, connected with Chester H. Simmons, called at headquarters, 263 Bowery, and had a conversation with Bernstein.

Thursday, August 3, 1882.

John Buchanan
Sept.
David J. Bernstein

At 12.15 p.m. John Buchanan called on Bernstein, and received some money from him, of which Bernstein apparently made an entry on a book which he took from his chest, and also on a schedule sheet which laid on his desk in front of him.

Friday, August 4, 1882.

Sept.
Gustave Lange

At 1 p.m. Gustave Lange paid money to Bernstein, who made the usual entries in his account book and on his schedule sheet.

Sept.
Ford E. Thompson.

At 6.12 p.m. I called at Thompson's print-

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*Deft-
Fred C. Thompson
Frank King
Eugene Keeler*

ing office, 35 Vesey St., where I found Fredk C. Thompson, Sr, and Jr; also Frank King. I conversed with Eugene Keeler at 263 Bowery through the telephone from 35 Vesey St.

Saturday, August 5, 1882.

*Deft-
Fred C. Thompson*

At 6.30 p.m. I communicated through the telephone with Fred. Thompson at 35 Vesey St. in regard to some cards I had ordered yesterday. He replied that they were not ready.

Monday, August 7th, 1882.

*Deft-
Sam J. Bernstein*

To-day I made a settlement with Bernstein for the July business. He took from his chest an account book marked at the top "4,L." Then from the left-hand drawer of his desk he took a schedule sheet. I gave him our expenses as \$1184.76, and he drew the balance of Luthy's account, making it \$11.32 to Luthy's credit.

*Ex 89 p 19
Deft-
Fred C. Thompson*

From July 22 up to this date, August 7th, I received daily the lotter-policy slips or prints, printed by Simon. They were brought to me by Aaron Levy.

*Deft-
Simon
Aaron Levy*

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0171

38

I have played policy at the lottery-policy offices, No. 263 Bowery, 264 Bowery, and Greenwich St., with the following parties:

Left
John O'Neil,
263 Bowery.

Ex. 96.

Date	Time	Play	Lottery	Paid
June 29	N.	8-25-47	Frankfort	.50
July 26		14-26-34	Both	
" "		13-52-65	"	.88

Left
Dan'l J. Bernstein,
263 Bowery.

Ex. 95

July 7	Ex.			8.75
Aug. 1	Ex.	9-18-40	Both	.88
" 5	Ex.	2-4-38	Both	
" "	Ex.	9-27-31	Both	3.94
" "	Ex.	10-18-62	Both	

Frederick Lee,
264 Bowery.

Aug. 1	Ex.	4-7-11	Both	.88
--------	-----	--------	------	-----

Dennis,
210 Greenwich St.

Aug. 9	N.	14-21-30	Both	1.00
" 10	N.	14-21-30	Both	.50

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0172

The People

vs

Zachariah E. Simmons et al,

TESTIMONY OF ROBT. A. PINKERTON.

Witness,
Robt. A. Pinkerton,

Sup't, Pinkerton's National Detective
Agency, states:

Tuesday, August 8, 1882.

Defendants,
Arrested and Searched:

Dan'l J. Bernstein,
John E. Simmons,
Gustave Lange,
George Dominick,
John O'Neil,
Jacob Nathan,
(Gustave Frank.)

Searched but not ar-
rested:

Peter Conlin,
James Riley,
Michael Reynolds,
William Howard,
George Connors,
Edward Lohman,
Jacob Fitzgerald,
Eugene Keeler,
Louis Sulzum,
William Jones,
Aaron Levy,
Robt. Fox,
W. Herd,
John Schrieber,
Joseph Schmidt,
Wm. Kershon.

Cor.
Gustave Frank.

About 1.30 p.m. I proceeded to 263 Bow-
ery, to the headquarters of the lottery-
policy business, and, in pursuance of
warrants of arrest and search issued by
Recorder Frederick Smyth, arrested the
following parties set forth in the margin
herewith, and searched their persons; al-
so, in pursuance of special search war-
rants issued by said Smyth, I searched
the premises, being the room occupied by
the parties arrested and a front room on
the same floor, and also searched the per-
sons of other parties, as follows, given
in the margin herewith. In making these
arrests and searches I acted under the
authority of a Special Deputy Sheriff,
and was assisted by a large number of em-
ployees of the Agency detailed for the
purpose. I found the lottery policy head
quarters to be a rear room on the third
floor of the building. I first demanded

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Cor.
Gustave Frank.

admittance through a small slide in the door which was opened, and on this not being complied with I burst open the door with a sledge. I found the room to be about 20 by 40 feet filled with desks (nearly all of which were occupied), as exhibited in the drawing hereto annexed. I completed the search of the persons found therein on August 8th, but did not complete the search of the room until August 9th, viz.,

Defendant,
Dan'l J. Bernstein.

The chest of Dan'l J. Bernstein, which was locked, the key being in my possession or under my seal. The chest of

Defendant,
John E. Simmons.

John E. Simmons, which was also locked, the key being under my seal. And a chest containing lottery-policy books and bags containing lottery-policy books in the front room, the door of which was locked and was burst in by me.

Mr. Pinkerton will generally describe the articles found and will particularly identify them by his marks placed upon them. They consist of exhibits 30 to 85, 87 to 188.

0174

The People

vs

Zachariah E. Simmons et al

TESTIMONY OF JOHN CORNISH.

Witness,
John Cornish.

Detective in the employ of Pinkerton's
National Detective Agency, states:

On Tuesday, August 8, 1882, acting by au-
thority of a Special Deputy Sheriff, and
upon warrants issued by Recorder Freder-
ick Smyth, about 1.30 p.m. I entered the
printing office of Frederick C. Thompson,

Defendant,
Fred'k C. Thompson, Sr.
Fred'k C. Thompson, Jr.

No. 35 Vesey St., and arrested Frederick
C. Thompson, Sr., and Frederick C. Thomp-
son, Jr., and made search and seized a

Cor
Ex. 194. 193. 195. 196.
197. 198. 199. 200
201. to 211.

form for printing what purports to be the
official drawing of the Kentucky State
Lottery of August 8, 1882; also other
books, papers, &c., as set forth in des-
cription of exhibits 193, 195 to 211.

Prior to the above, at 1.23 p.m., I en-
tered the office with an excuse to get an
estimate on printing, and saw that the
press, from which the form was taken by me,
was in operation printing the slips which
I could distinctly see.

After the arrest of the Thompsons, Fred.
C. Thompson, Sr., acknowledged to me that

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-2-

Ex. 207 to 211
Defendant,
Zachariah E. Simmons

he printed the slips, but claimed that his action was not illegal. He claimed that the large safe containing exhibits 207 to 211 was the property of Z. E. Simmons, which had been left there a year or so ago, and he had no knowledge of the contents.

I was assisted by other employees of the Agency detailed for that purpose.

0176

The People

vs

Zachariah E. Simmons et al,

TESTIMONY OF JOHN S. WOOD.

Witness,
John S. Wood,

Defendant,
Thomas Tully

Defendant,
John Simon

Cor.
Ex.190

Defendant,
Isaac Baer

Cor.
Ex.189,191:192

Defendant,
John Simon
Cor.
Ex.192

Detective in the employ of Pinkerton's National Detective Agency, states:
On Tuesday, August 8, 1882, I saw Thomas Tully come from down out of 263 Bowery and enter 21 West Houston St., the printing office of John Simon & Co. About 12 minutes after I entered the press-room of the printing establishment and found a press in operation printing lottery-policy slips of the morning drawings of the Frankfort & Kentucky Lottery of August 8, 1882. I stopped the press and took possession of the form (see exhibit 190) and also a quantity of the slips which were on a portion of the press. I also took from Isaac Baer a quantity of the slips which he had in his hand. (See exhibits 189 & 191.) Isaac Baer appeared to be foreman in the establishment and stated to me that he was a member of the firm. I then proceeded to the office and arrested John Simon and seized his account book.

In making this arrest and seizures I act-

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-2-

ed under the authority of a Special Deputy Sheriff and upon warrants issued by Recorder Frederick Smyth.

I was assisted by other employees of the Agency detailed for the purpose.

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0178

The People

vs

Zachariah E. Simmons et al.

TESTIMONY OF SAM'L B. DIEHL.

Samuel B. Diehl,

Detective in the employ of Pinkerton's
National Detective Agency, states:

Commencing July 1st, 1882.

Dan'l J. Bernstein,
John E. Simmons,
Jacob Nathan,
Wm. H. Merritt,
Peter Conlin,
Michael L. Reynolds,
Wm. Howard,
John O'Neil,
James Riley,
George Connors,
Edward Lohman,
Jacob Fitzgerald,
Louis Silzum,
Gustave Frank,
George Dominick,
Gustave Lange,
George Dolson,
Aaron Levy,
Robert Fox,
Eugene Keeler,
William Kershon,
John Schrieber,
William Jones,
Wm. Herd alias Stein,
Gus Reiber,
Jos. Schmidt.

I watched the entrance from the
street to the lottery-policy headquarters
263 Bowery, almost daily during the week
days until noon of August 8, 1882, at
which time I entered said headquarters
with Robt. A. Pinkerton and others. Dur-
ing the time of my watching I saw enter
the entrance to said headquarters, almost
daily, the following-named parties, giv-
en in the margin herewith, whom I found
sitting at desks and otherwise located in
said headquarters on my entering the same
on August 8th.

Samuel Emerson,
William Myers,
Anthony Conrad,
Jefferson D. Bernstein,
Michael Tully,
Thomas Tully,
Dick, clerk for Myers,
Gammon,
brother, Wm. Gammon,
Frank King.

During my watching I also saw enter the
entrance of said headquarters daily or al-
most daily the following-named parties
here given in the margin, who I did not
find in said headquarters when I entered.

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-2-

I watched 263 Bowery mainly from a room which I occupied in No. 268 Bowery.

Monday, July 24, 1882.

To-day at 1.20 p.m. Thomas Tully was seen by me to leave 263 Bowery and run to the office of J. Simon & Co., printers, 21 West Houston St. About ten minutes after his entrance Aaron Levy came from the direction of the Bowery and also entered Simon & Co's office. While watching the place I observed a great number of boys leave the printing office with the printed slips in their hands, going in different directions. Tully remained in Simon's printing office for about one-half an hour, and then returned to 263 Bowery.

Saturday, July 29th, 1882.

At 12.35 p.m. to-day I saw Frank King enter the office of Frederick C. Thompson, printer, No. 35 Vesey St. He remained there forty minutes, and then left.

Monday, July 31, 1882.

At 12.41 p.m. to-day I saw Frank King enter the office of Fredk C. Thompson, printer, 35 Vesey St. He left there at 1.42 p.m., walked to the Post Office, and boarded a 3rd avenue car.

*Left
Thomas Tully*

*Left
John Simon*

*Left
Aaron Levy*

*Left
Frank King*

*Left
Fredk C. Thompson*

0180

-3-

I have played policy at the lottery-policy offices, No. 43 Chatham St., 66 Chatham St., 83 East Houston St., and No. 366 West 26th St., with the following parties:

T. J. Taylor,
43 Chatham St.

Sept 49

Ex. 8-Ex. 31

Ex. 9

Ex. 35

Ex. 36

Ex. 38

Hit
Ex. 1-P. 6

Hit
Ex. 1-P. 8-Ex. 40

Ex. 41

Ex. 42

Ex. 10-Ex. 43

Date	Time	Play	Lottery Paid
1882			
July 14	Ex.	12-35-56	Both .25
" 15	Ex.	5-15-30	" .50
" "	Ex.	13-27-49	" .50
" 17	Ex.	20-50-70	" .50
" "	Ex.	43-56-74	" .50
" 18	Ex.	18-27-56	" .50
" "	Ex.	20-50-70	" .50
" 19	Ex.	5-15-30	" .50
" "	Ex.	16-44-72	" .50
" 20	Ex.	7-14-21	" .50
" "	Ex.	35-65-75	" .50
" 21	Ex.	22-43-58	" .50
" "	Ex.	11-25-41	" .50
" 22	Ex.	9-14-33	" .50
" "	Ex.	46-51-72	" .50
" 24	Ex.	5-6-11-15-26-34-49-58-60-65	" .60
" 25	Ex.	5-9-15-18-25-35-45-55-65-75	" .60
" 26	Ex.	5-19-21-22-29-32-36-40-44-47	" .60
" 28	Ex.	7-11-13-55	" .50
" 29	Ex.	26-50-56-78	" .50
" 31	Ex.	28	" .25
" "	Ex.	28-42-54-66	" .25

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	Date	Time	Play	Lottery Paid
Ex. 11-Ex. 44	Aug. 1	Ex.	4-24-32-70	Both .25
	" "	Ex.	9-19-45-51	" .25
Ex. 12-Ex. 45	" 2	N.	13-27-34-58	" .25
	" "	N.	22-39-48-66	" .25
	" "	N.	4-57-67-73	" .25
	" 3	Ex.	3-16-21-32	" .50
	" "	Ex.	38-44-58-73	" .50
Ex. 13-Ex. 47	" 4	Ex.	15-43-56-77	" .50
	" "	Ex.	4-16-29-34	" .50
	" "	Ex.	2-18-36-45	" .50
Ex. 14-Ex. 48	" 5	Ex.	14-25-30-60	" .50
	" "	Ex.	5-21-23-31	" .50
	" "	Ex.	14-36-60	" .50
	" "	Ex.	5-21-31	" .50
Ex. 49	" 7	Ex.	23-26-64	" .50
	" "	Ex.	13-16-21	" .50
	" "	Ex.	5-35-75	" .50
66 Chatham street. Ex. 50 to 65				
Ex. 50	July 13	Ex.	10-30-65	" .25
Ex. 51	" 14	Ex.	13-28-33	" .25
Ex. 52	" 15	Ex.	10-25-65	" .50
Ex. 53	" 17	Ex.	5-15-35	" .50
	" "	Ex.	16-40-55	" .50
Ex. 54	" 18	Ex.	7-9-12	" .50
	" "	Ex.	5-15-30	" .50
Ex. 55	" 19	Ex.	10-21-37	" .50
	" "	Ex.	19-29-39	" .50
	" 27	Ex.	9-25-32-78	" .50
	" 28	Ex.	17-42-58-78	" .50
	" 29	Ex.	5-55-65-73	" .75
Ex. 15	" 31	Ex.	30 to 39 inclusive	" 1.20
Ex. 16	Aug. 1	Ex.	5-10-40-70	" .25
	" "	Ex.	7-21-55-69	" .25
	" "	Ex.	11-32-47-58	" .25

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0182

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	Date	Time	Play	Lottery	Paid
Ex. 17	Aug. 2	Ex.	11-17-24-32	"	.25
	" "	Ex.	20-30-35-56	"	.25
	" "	Ex.	37-42-58-78	"	.25
	" 3	Ex.	6-7-55-70	"	.25
	" "	Ex.	2-12-19-58	"	.25
	" "	Ex.	11-13-28-34	"	.25
	" "	Ex.	7-55-70	"	.25
	" "	Ex.	12-19-58	"	.25
	" "	Ex.	11-13-28	"	.25
	" 4	Ex.	8-33-35-36	"	.50
Ex. 18	" "	Ex.	11-17-27-42	"	.50
	" "	Ex.	9-15-63-72	"	.50
	" "	Ex.	15-63-72	"	.50
	" "	N.	8	"	.25
	" "	N.	45	"	.25
Ex. 19-Ex. 64	" 5	Ex.	8-11-23-31	"	.50
Ex. 19-Ex. 64	" "	Ex.	10-18-19-25	"	.50
Ex. 19	Aug. 5	Ex.	30-70-75	"	.25
Ex. 19	" "	Ex.	29-37-50	"	.25
	" 7	Ex.	8-32-70	"	.50
Hit	" "	Ex.	9-17-29	"	.50
Ex. 1-P. 26	" "	Ex.	30-48-55	"	.50
<i>George Fendall</i>					
366 West 26th St.					
<i>Ex. 66 to 72.</i>					
Ex. 20	July 31	Ex	28-32-54-67	"	.50
	" "	Ex.	28-32-54	"	.50
Ex. 21-Ex. 67	Aug. 1	N.	2-32-54-70	"	.25
	" "	N.	2-32-54	"	.25
	" "	N.	11-43-57-72	"	.25
	" "	N.	11-43-57	"	.25
Ex. 22-Ex. 68	" 2	N.	23-43-63-73	"	.25
	" "	N.	17-27-37-42	"	.25
	" "	N.	9-18-22-26	"	.25
	" "	N.	31-32-54-57	"	.25
	" 3	N.	18-28-32-54	"	.25
	" "	N.	9-17-40-67	"	.25
	" "	N.	28-32-54	"	.25

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	Date	Time	Play	Lottery Paid
	Aug. 3	N.	17-40-67	" .25
Ex.1-P.22-Ex.23	"	4	Ex. 14-22-36-43	" .50
Ex.1-P.22-Ex.23	"	"	Ex. 20-45-65-75	" .50
Hit	"	"	Ex. 18-21-27	" .50
Ex.1-P.22-Ex.23-Ex.70	"	"	Ex. 2-8-12	" .50
Ex.1-P.22-Ex.23-Ex.70	"	"	Ex. 2-8-12	" .50
	Aug. 5	N.	2-8-18-21	" .50
Hit	"	"	Ex. 15-22-37-58	" .50
Ex.1-P.25-Ex.24	"	"	Ex. 5-21-39	" .25
	"	"	Ex. 10-45-65	" .25
	"	7	Ex. 7-21-34	" .50
	"	"	Ex. 17-27-56	" .50
Hit	"	"	Ex. 11-29-58	" .50
Ex.1-P.26	"	"	Ex. 16-8-32	" .50
Samuel Emerson, 83 East Houston St.				
	Aug. 3	Ex.	48	" .25
	"	"	Ex. 56	" .25
Dennis Murray, 83 East Houston St.				
	"	"	N. 2-32-54-70	" .25
	"	"	N. 32-54-70	" .25
	"	4	Ex. 11-31-32-38	" .25
	"	"	Ex. 2-10-70-73	" .25
Ex.26-Ex.75	"	"	Ex. 15-18-43-76	" .25
	"	"	Ex. 31-32-38	" .25
	"	5	Ex. 15-35-65	" .25
Ex.1-P.24-Ex.27-Ex.76	"	"	Ex. 13-18-27	" .25
	"	"	Ex. 55-61-73	" .25
	"	"	Ex. 30-33-37	" .25
Ex. 1-P.26-Ex.77	"	7	Ex. 7-63-75	" .50
Ex. 1-P.26-Ex.77	"	"	Ex. 14-34-22	" .50
Ex.1-P.26-Ex.77	"	"	Ex. 13-29-40	" .50

50

0184

-7-

I also bought the following lottery tickets from

T. J. Taylor,
43 Chatham St.

Ex.28	July 20 a.m. 13-21-69	K.S.L. 1.00
	" " p.m. 32-54-70	K.S.L. 1.00
Ex.29	" " a.m. 8-34-36	K.S.L. 1.00

On Aug. 2, 3, 4, 5 and 7 I received at
Ex.25-Ex.1-pp 19,22,24 No. 83 East Houston St. written slips,
giving the numbers drawn in the Frankfort
and Kentucky Lotteries.

0185

The People

vs

Zachariah E. Simmons et al,

TESTIMONY OF JOHN SIMON

Witness,
John Simon,

Printer, of No. 21 West Houston street,
states:

Defendant,
Marcus Cicero Stanly

Marcus Cicero Stanley came to me about 3
months ago and gave me an order to print

Defendant,
John Gage

policy slips with numbers for him. John
Gage gave the copy for slips to my com-
positor. Marcus Cicero Stanly agreed to
pay me \$20 per week. This money I received

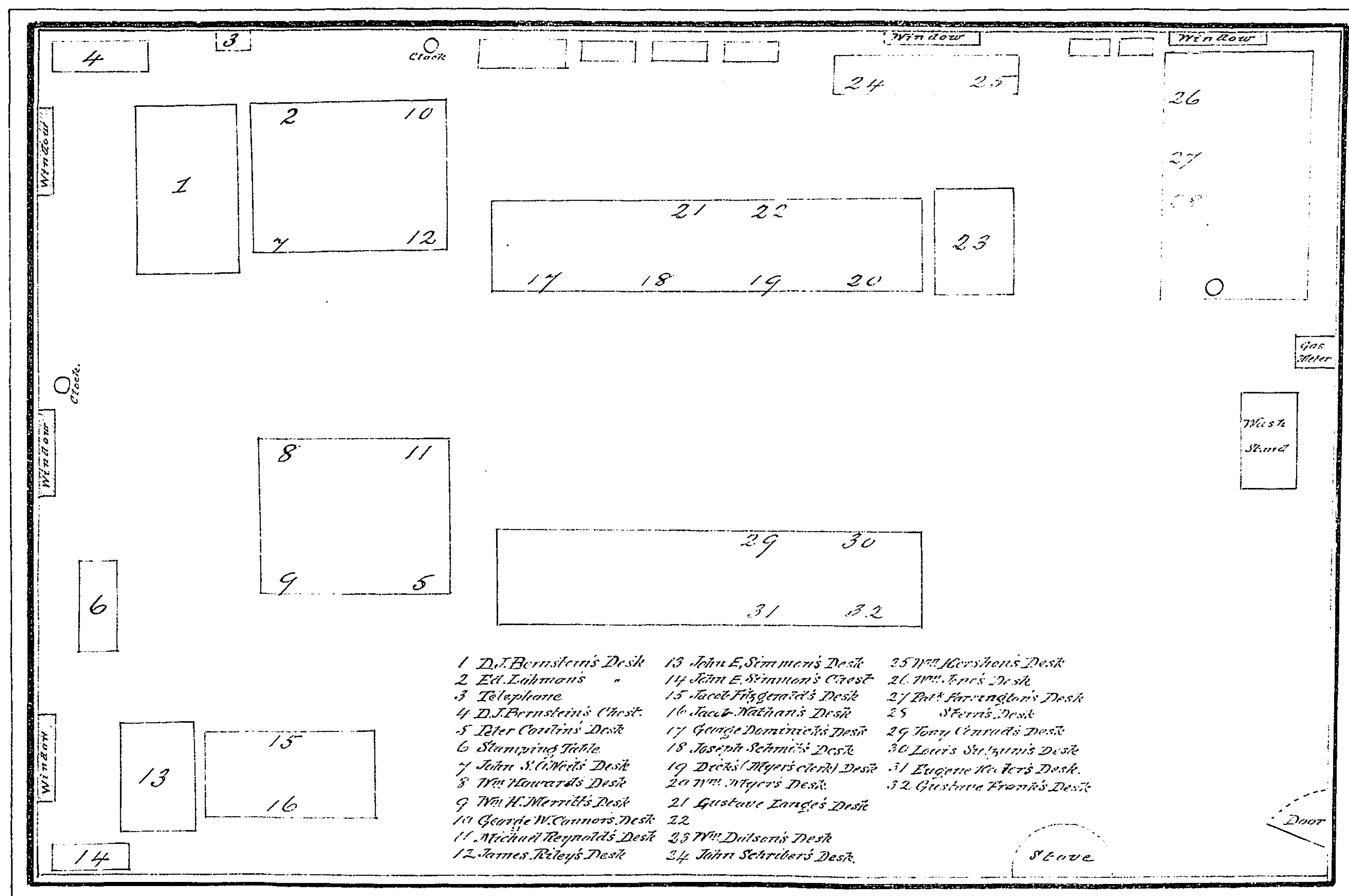
Defendant,
Dan'l J. Bernstein

part of the time by messenger and part of
the time from Daniel J. Bernstein at his
office, 263 Bowery, the headquarters of
the lottery-policy business. I was in-
troduced to Marcus Cicero Stanly by Geo.
Uppington at 599 Broadway. Marcus Cicero
Stanly informed me that I would receive
my pay from Dan'l J. Bernstein.

Cor.
Exhibits 189,190,191,192

Simon will probably make fuller statement
and identify exhibits found in his place
and his bills and printed slips found at
the lottery-policy head quarters, 263 Bow
ery.

0 186



POOR QUALITY
ORIGINAL

0187

People

vs.

Zachariah Simmons

et al.

Brief of Evidence

Witnesses

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John Coarush.	41 to 42
James S. Wood	43 to 44
J.B. Diehl	45 to 51
John Simon	52

0100

Fourth District
Police Court,
before
Justice Henry Murray.

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

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Curtis P. Turner, Cross et., 1-19

" " " , redirect , 19-23
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Frederick E. Luthy, direct, 38-54

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

Curtis P. Turner, being re-
called for cross-examination,
testified as follows:-

(By Mr. Howe)

Q. Mr. Turner, I don't understand
you to swear that you saw Mr.
Uppington on the 18th of Novem-
ber, 1881?

A. No, sir.

Q. And you don't know, of your
own knowledge, that Mr. Up-
pington was in the city on
that day?

A. No, sir.

Q. Now, you say you went into
a place in Broadway-599?

A. Yes, sir.

Q. And you saw John E. Sim-
mons there?

A. Yes, sir.

Q. And you handed him an envelope,
sealed?

A. Yes, sir.

Q. So that he could not see what
was inside of it?

A. Yes, sir.

Q. You gave it to him?

A. I gave it to him.

Q Did you give him any money with it?

A Yes, sir.

Q And was there anything on the outside of the envelope?

A Yes, sir.

Q And was there anything on the outside of the envelope?

A Yes, sir.

Q What did it say - what was it?

A Some policy numbers.

(Objected to, on the ground that the envelope was the best evidence as to the purport of the writing on it) (Objection sustained)

Q What was on the outside of the envelope?

A Some letters - policy numbers.

Q On the outside?

A Yes, sir.

Q You swear to that?

A Yes, sir.

Q That you are clear about?

A Yes, sir.

Q And that you are as positive about as anything you have said?

A Yes, sir.

0191

2. Would you recognize the envelope?

A. Yes, sir.

2. It was sealed with green sealing-wax; was it not?

A. Yes, sir.

2. And you swear that there were some lottery-policy numbers?

A. Certainly, - numbers - lottery numbers.

2. Have you said to-day, in this court-room, that there were some lottery numbers on the outside of the envelope?

A. Yes, sir.

2. Do you now say it?

A. Yes, sir.

2. And you swear it?

A. Of course. There were some numbers - some lottery numbers.

2. Do you undertake to swear that there were some lottery numbers on the outside of the envelope?

A. I undertook to play them for that. There was numbers. I played them.

0192

Q Then you are not prepared to say that your previous answer that they were lottery numbers is correct?

A I played them for lottery numbers.

Q Do you mean to say that the numbers on the outside of the envelope were those you played?

A No, sir.

Q Don't you know, as a fact, that there was nothing out-
side, excepting money figures,
\$200, \$200, \$300?

A It named what it was—a

Q gig?
Don't you know that there was nothing but \$300, \$200 and \$200?

A That was the amount the play came to.

Q There was no writing out-
side designating the num-
bers otherwise?

A No, sir.

Q Then the envelope which you handed to Simmons simply

0193

had on the outside of it some figures in money?

A. Yes, sir.

Q. Not any figures designating any lottery numbers?

A. No, sir.

Q. And the envelope which you gave him was sealed?

A. Yes, sir.

Q. Did you call for it again—did you get it back?

A. No, sir; I went the next day—I got it back, but not the next day; but the day after. I didn't get it from Mr. Simmons.

Q. Was it then unopened?

A. Yes sir; just as I left it.

Q. Then the envelope you gave to Mr. Simmons, on the 18th, was returned to you, two days afterward, or there; not by Mr. Simmons, but by some one in that place? By whom was it given to you?

A. By Andrew Butcher.

Q. Who is Andrew Butcher?

A. A friend of mine. He had

0194

a couple of plays over there, and he went over there, and they gave him mine, instead of his.

Q. On the 18th, you have told us, you gave an envelope sealed in the manner you have described, to Mr. Simmons. When did you get it back? We will get this straight on the record.

A. On the 20th.

Q. From a friend?

A. Yes, sir.

Q. Where did you get it back?

A. In the Bowery.

Q. Mr. Simmons was not present when you got it back, nor Mr. Uppington?

A. No, sir.

Q. Was it in the same condition as when you gave it to Mr. Simmons?

A. Not as much sealing-wax on it.

Q. But in other respects the same?

A. Yes, sir.

Q. When you gave Mr. Sim-

0195

mons the envelope, you have already told us, you did not say a word about lottery or policy.

A. I didn't say anything about policy.

Q. What did you say?

A. There is a sealed play in the Kentucky Lottery.

Q. And Mr. Simmons took it?

A. He said so much, and I gave him the money.

Q. Did you ever say that to any one, before to-day?

A. No, sir.

Q. Did you say at any time before this, to this Cohen, Judge Murray, that you said anything about a lottery?

A. I don't know that I did.

Q. You have already testified that you are positive you did not say anything about policy?

A. No, sir; I did not.

Q. And you say you may have said, "Here's a sealed lott-

0196

any play." Will you swear
~~to that?~~

A. I will not be positive as
to that.

Q. Do you remember appear-
ing as a witness in the divorce
case of John Alexander?

(Objected to) (Objection overruled)

A. No, sir.

Q. I ask you, sir, under your
oath, if you do not remem-
ber being before Mr. Durant,
as a referee in the case?

A. No, sir.

Q. In September, 1875, in the
Bennett Building?

A. No, sir.

Q. Did you ever give the name
of John Alexander?

A. No, sir.

Q. At no time or place?

A. No, sir.

Q. Or before any referee? Did
you ever swear your name
was John Alexander?

A. No, sir.

Q. In the Supreme Court, in
1873, in reference to natural

0197

ization papers, did you ever go by any other name?
(Objected to) (Objection Overruled)

A. No, sir.

Q. In 1876, in the Court of Common Pleas in this city, did you ever go under the name of James Smith in reference to naturalization papers?

A. No, sir.

Q. In 1875, with Frank Wilson, or, rather, Williams, were you arrested for grand larceny?

A. Arrested for grand larceny?

Q. Yes, sir.

A. I was arrested for fighting.

Q. For grand larceny?

A. I don't know what the charge was. It was for fighting with a man.

Q. Answer my question. Do you mean this Court to understand that you don't know whether it was for grand larceny or not?

A. I don't know what charge he

0198

did make).

2. Then You won't swear that You were not arrested for grand larceny?

A. I will not.

2. But You will tell the Court You don't know whether it was grand larceny, or not?

A. Yes, sir.

2. Is that answer as true as any other You have made?

A. I would like to explain.

The Court. You can explain afterward.

2. (Question repeated)

A. Yes, sir. We were playing cards at 269 Bowery. We were playing for a dollar or two dollars a game. I won \$10 from this man. Frank Williams was the stakeholder. After the money was won, he didn't want to pay. He was a policy man, and it was book money, and he said that I had cheated him. I claimed that I had won it. Frank Williams gave me the money, and he grabbed

my coat, and I struck him. He got an officer from the 10th Precinct, and had Frank Williams arrested; and I went down to the station with them; and there was a German sergeant, and they talked in German, and I was locked up.

Q. And you were taken before the magistrate the next morning?

A. Yes, sir.

Q. And a charge of larceny was made against you?

A. Yes, sir. You said grand larceny.

Q. You make a distinction then between grand and petty larceny? And you were arrested for petty larceny?

A. That must have been it.

Q. And you were arrested for petty larceny; yes, or no?

A. That must have been the time.

Q. In November, '77, did you

0200

give the name of John Wilson anywhere?

A. No, sir.

Q. Henry Jackson?

A. No, sir.

Q. William Curtis?

A. No, sir.

Q. Of James Jackson?

A. No, sir.

Q. Were you ever arrested in October, 1874, in the District of Columbia, in Washington, for desertion?

A. No, sir.

Q. Were you ever connected with the bounty jumping business?

A. No, sir.

Q. In June, '74, were you in 269 Bowry?

A. Yes, sir. That is the case where I was arrested.

Q. Do you remember the name of the Justice before whom you were arraigned?

A. The Judge who went crazy.

Q. Judge Kasmir?

A. Yes, sir.

Q. Who told you to go and

make this complaint?

A. Mr. Morton.

Q. Did Mr. Morton pay you any money?

A. Yes, ~~he~~ ^{he gave the money to pay for the} but not for our selves -

Q. How do you make your living?

A. As a process - record. I save papers for lawyers.

Q. And you were employed by Morton to make this so-called policy play?

A. Yes, sir.

Q. Who gave you the money?

A. Yes, sir.

Q. You were, then, the tool of Morton?

A. I did it for friendship.

Q. Did you understand that your friendship was of the character that you were expected to win for Morton?

A. No, sir.

Q. And did you understand that it was for the purpose of instituting a prosecution against Simmons?

A. Yes -

0202

Q. Yes, or no. Didn't you know at the time that you were to supply material for a prosecution?

A. I knew that some one would get into some trouble.

Q. Didn't you do it, at the instigation of Morton, for the purpose of having Simmons arrested? You are under oath.

A. Yes, sir.

Q. Now, who is Morton?

A. A business man - a real estate broker.

Q. That is what you know him to be; is it?

A. Yes, sir; at present.

Q. What real estate business is he in?

A. He buys and sells.

Q. When did you know him to buy and sell?

A. Inside of a year.

Q. When?

A. Inside of a year.

Q. Where was it?

A. In Mount Vernon, I believe.

0203

- Q. Did you know him to buy it, of your own knowledge?
- A. I heard that he bought it.
- Q. And you give the answer now, before Justice Murray, that he is a real-Estate dealer - that that is his business?
- A. Yes, sir; certainly.
- Q. Is that as true as anything else you have said?
- A. Yes, sir.
- Q. Don't you know that Morton is in the policy business?
- A. No, sir.
- Q. Did you ever know him to be in it?
- A. Oh, yes, sir.
- Q. Didn't you know that he was in it when you took the envelope?
- A. No, sir.
- Q. When did you know that he was in it?
- A. Along in the summer.
- Q. Not since the summer?
- A. No, sir.
- Q. What was the last month in which you knew of it?

A- I could not answer that question.

Q- What was the name of the lawyer for whom you last served a paper?

A- William H. Pemberton.

Q- Where does he live?

A- Westchester County - Mount Vernon.

Q- How long is it since you last served a paper for him?

A- Seven or eight months ago, perhaps longer.

Q- What paper was it?

A- I cannot recollect.

Q- How much did you get for it?

A- I cannot recollect.

Q- When, before that, did you serve a paper for a lawyer? You have told Judge Murray that is the source of your living.

A- I cannot recollect.

Q- Tell me one lawyer for whom you served a paper, besides Mr. Pemberton.

A- William Burke Cochran, of

- of Westchester.
- Q. How long since you served him?
- A. Two or three years ago.
- Q. Another lawyer that you have served a paper for, and where he lives.
- A. I cannot remember. I might have served a hundred between this and that.
- Q. Do you pretend to say that you have?
- A. I do not.
- Q. Why did you say that you may have?
- A. Well, I might have.
- Q. Do you pretend to say that you have served more than the two you have mentioned?
- A. Yes, sir; I think I have.
- Q. Where was the other in the past two years?
- A. I have got a memorandum where I have got it all down.
- Q. In the past two years you can only tell the Court of two instances in which you

0206

have served papers?

A. Yes, sir.

Q. Where do you live?

A. 130 East 50th Street.

Q. How long have you lived there?

A. My folks have lived there for four years.

Q. How long have you lived there?

A. My folks—

Q. Is that your home, I say?

A. When I haven't got any money, I go there.

Q. And you swear that you have not had any other living place, except that?

A. Oh, no—386 Grand Street.

Q. How long have you lived there?

A. I never had any track of it.

Q. Is that as true as anything else you have said?

A. Yes, sir.

Q. Where else have you lived in the last year?

A. That's the only place.

Q. Whether you have lived there a month, or three months, you don't know?

A. No, sir.

(Redirect examination)
(By Mr. Birnie)

Q. Is that the envelope?

A. Yes, sir (looking at an envelope) — that's my writing.

Q. Are there any marks on that envelope that were not on it when you delivered it to Mr. Simmons?

A. Yes, sir; that was not; and that (indicating a mark in lead pencil at the ^{left} hand, lower corner of the envelope, and a mark in blue pencil in the center of the envelope)

Q. Were those letters, J. S., there?

A. I think they were — I put them there.

Q. What was the condition of the sealing-wax when you got it back?

A. It was about half off.

Q. From the appearance of the

0208

seal, did you think it had been broken?

A- No, sir.

Q- Was that paper inside in the envelope when you delivered it?

A- Yes, sir; I put it in.

Q- And when you received it?

A- Yes, sir.

Q- What does this mark on the envelope signify?

A- The initials A. B. [unclear].

Q- State whether you made any memorandum in reference to the paper when you delivered it?

A- I have got a copy of it in my pocket.

Q- Where is that copy made?

A- At the same time that (pointing to a paper) was made.

Q- Where have you got the other with you?

A- Yes, sir.

Q- Was this piece of newspaper with it?

20

**POOR QUALITY
ORIGINAL**

0209

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... a ...

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[Faint handwritten notes at the bottom of the page]

Handwritten: 2nd - 6th

1. Chickadee 2. Titmouse

1. The first thing I noticed
 when I stepped out of the
 plane was the cold air. It
 felt like a giant hand
 reaching out to grab me.

2. $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$

[illegible]

Thank you for the book. I have not finished it yet.

the concept, and the changes.

2- Have you a clock?
How regulation you want with

— He signed it the 11th
 day of June the envelope?

— 9 —

POOR QUALITY
ORIGINAL

02 10

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you got that
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one that is the
Q. The seventy-fifth one - the
one that is the
A. The seventy-sixth one - the
one that is the
Q. The seventy-seventh one - the
one that is the
A. The seventy-eighth one - the
one that is the
Q. The seventy-ninth one - the
one that is the
A. The eightieth one - the
one that is the
Q. The eighty-first one - the
one that is the
A. The eighty-second one - the
one that is the
Q. The eighty-third one - the
one that is the
A. The eighty-fourth one - the
one that is the
Q. The eighty-fifth one - the
one that is the
A. The eighty-sixth one - the
one that is the
Q. The eighty-seventh one - the
one that is the
A. The eighty-eighth one - the
one that is the
Q. The eighty-ninth one - the
one that is the
A. The ninetieth one - the
one that is the
Q. The ninety-first one - the
one that is the
A. The ninety-second one - the
one that is the
Q. The ninety-third one - the
one that is the
A. The ninety-fourth one - the
one that is the
Q. The ninety-fifth one - the
one that is the
A. The ninety-sixth one - the
one that is the
Q. The ninety-seventh one - the
one that is the
A. The ninety-eighth one - the
one that is the
Q. The ninety-ninth one - the
one that is the
A. The hundredth one - the
one that is the

0211

Q- In the rear?

A- Yes, Sir.

Mr. Howe - I would like the stenographer to note, before any other evidence is given, that I move that the Complaint be dismissed.

I forbear to say anything at this stage as to the credibility of the Complainant, or the value of his testimony. But my motion is, upon his own testimony, to dismiss this Complaint. The Complaint charges that, on the 18th day of November, the defendant entered the premises at 544 Broadway, and that, "there and there, the said John E. Simmons did feloniously, unlawfully, vend and sell the lottery policy ticket hereto attached." On the 18th, viz., "On certain numbers, as a lot and rager on the said numbers, to wit." It is in evidence, as a ground of my motion, that

02 12

this witness has testified to it
 that, instead of John E. Sim-
 mons selling or vending to
 him the lottery-policy num-
 bers annexed to the Complaint,
 that he, this witness, took
 them there himself, and did not
 obtain them from Sim-
 mons. Nor did Simmons sell
 them to him; but he left a
 sealed envelope with Sim-
 mons, on the exterior of which
 is simply the words, "Aggs-
 Boo," and so forth. This he left
 with Simmons, and he never
 got back from Simmons.
 In other words, Simmons
 sold him nothing. Sim-
 mons does not send to him
 anything, as the Complainant
 charges. He never vendes
 anything to the Complainant,
 and we find that one An-
 drew Butcher gave back
 the sealed envelope to him, un-
 opened, several days later, at
 a distant place.
 I desire to submit, as addi-

0213

tional) ground, that there is
no proof before this Court
that tends to show that
the accused knew the Con-
tents of the envelope!

Q. As the District Attorney
any evidence, further than has
been produced, against Mr. Up-
ington, tending to connect
him with the other defendant
in this special charge?

- H. Birnie - I don't think I have. It can't ^{not} be traced to his hands in any way. We could prove that he was in partnership with this accused, or joint defendant.

The Court No, sir; that will not do.
He cannot try a man on

Mr. Birnie - We can produce experts to show a certain Oustom which has become almost universal among policy players. I would hold that it was competent evidenced to show that a certain thing was a play. I do not hold that it is

02 14

necessary, in this case to produce experts to show the manner of playing. I do not hold that it was necessary for the people to know that this was a policy play. The facts themselves are evidence of that. But it might be necessary, if there is any doubt in the mind of the Court as to whether or not, this was a play. For instance, it is not, I suppose, to be assumed that the Court, or I do not assume myself to be familiar enough with these things, so that, if certain facts were stated to us, that we would know at once that it was policy.

The Court

Let me say, that I do not know the mood. I am just as innocent as a child on the subject.

Mr. Birnie

For instance, as familiar a game as faro, yet I could not state the method of procedure of

02 15

the play; and, if a given state of facts were presented to me, and it was not stated to me that it was a game of fars, I would not like to state that it was.

The Court. We have either some play, or some sincere business here. The question here for you is, as the people's representative, would it be profitable here to the people to go on with the examination of experts in this transaction?

Mr. Binie. Yes, sir; it is. It would seem to be entirely competent.

The Court. That is your judgment?

Mr. Binie. Yes, sir. The only question is whether this is a play or not, whether it was a piece of tongue-foolery, or meant nothing; or whether Mr. Simmons took this money and received this play, and whether it was for a purpose, if he received that money. The testimony is uncontradicted that he received some

02 16

Q. \$2.50 at the time he received the envelope, with a gig or saddle on the envelope. But you have not proved by that witness what a gig or saddle means. You have not placed it on the record. You have let him off, without interrogating him as to that.

A. He has stated, in his direct examination, that it was a policy play.

Q. You are now arguing in the case. You had a witness on the stand, and you did not ask him a word about gigs. He stated that it was in his own handwriting. This is on the record. Now, it appears to me that he ought to have understood what he was doing. He ought to have been asked about it.

A. He has stated all about that in the original affidavit.

02 17

Q (But You Can Call that man
again, and ask him all
about a gig.)

A (Sir) It seems to me just as com-
petent to prove that by other
witnesses - by experts.

Overlaid D. Turner, recalled:-

(By Mr. Birnie)

Q - (You are familiar with the
methods of playing, policy?)

A - No, sir.

Q - You are not?

A - No, sir.

Q - Do you know what that
means - that first - one gig -
that \$300?

(Objected to) (Objection Overruled) (Exception)

A - Yes, sir.

Q - What does it mean?

A - A gig. If you get them out
on one side, that is a gig,
and you get your money.

Q - On this paper inside is
there a gig?

(Objected to, on the ground that
the inside paper has never
been brought to the knowledge)

POOR QUALITY
ORIGINAL

02 18

of the prisoner. Objected to, until
it is brought home to the
knowledge of the prisoner.
The Court. You have shown, Mr. Bir-
nie, that he handed that
letter, or envelope to Mr.
Simmons, and that it con-
tained that paper that
you now offer?

Mr. Howe. — Yes, sir. You do not mean
that.

Mr. Birnie. I moved — I mean, rather,
that that envelope contained
that paper, and was hand-
ed to Mr. Simmons.

The Court. You have shown that a
letter was handed by the
witness to Mr. Simmons;
and now you propose to
prove that the letter then
handed to Mr. Simmons
contained that slip of pa-
per which you now offer
to show to the witness?

Mr. Howe. And in the absence of proof
that Simmons ever saw
it, or had any knowledge
of it; and in the presence

I proof by their own witness that that letter had not been opened.

The Court. He has not proven that he saw Mr. Simmons open the letter. Now he proposes to prove that when that letter was handed to Mr. Simmons the paper in the hands of the District Attorney was in it.

Mr. How. It is precisely analogous to a witness testifying to a conversation in the absence of a prisoner, which, your Honor knows, would not be admissible.

The Court. I think, at this stage, that the District Attorney ought to be allowed to show that, to bring it home to Mr. Simmons's knowledge, with the understanding that it must be brought home.

(Exception, on the ground that Mr. Simmons never opened

the letter, or saw the letter
or paper it is proposed
to testify to)

Q- (By Mr. Birnie) There is one
gig - Boo. State what there
is on the paper.

A- There is one gig - Boo.

Q- Any other letters or figures
with the gig?

A- 4, 11, 4 4.

Q- What does that mean?

A- The Boo - that is a gig.

Q- What is a gig?

A- Three numbers.

Q- Tell us what are those
three numbers?

A- The gig.

Q- What is the effect of it?

A- Well -

Q- What could you gain?

A- If they came out on one
side in the Kentucky Lot-
tery I would get Boo.

Q- Do you know the num-
ber of numbers in the
Kentucky Lottery?

A- I believe they draw out
of 78.

Q Do you know?

A I do not.

Q Do you know whether there was over 100 numbers?

A No; I don't.

Q Explain that fully. You ought to be familiar with this thing.

A No; I am not. There is 4, 11, 44 - a gig - 300. If you get the numbers on one side, you get 300. I had to get those three numbers in the Kentucky Lottery before I could get the money.

Q What do you mean by that?

A Well, I had to get 4, 11, 44, and I would have a gig.

Q What do you mean by getting?

A If the numbers was there, on the drawing. If the numbers, 4, 11, 44 were on the drawing, you would get 300.

0222

- Q What does "one Cap." mean?
A A Capital saddle.
The Qnt A Capital sell?
A No, sir - a Capital saddle.
Q What do those numbers mean?
A 2 and 22.
Q What is it, carried out?
A \$200 - Capital saddle.
Q You mean, then, that, if you get 2 and 22, you have to get \$200?
A You have got to get them both together. I am not an expert at this business. I know what a gig is.
Q What is a gig?
A 3 numbers - Two gigs and one Capital saddle.
Q And then those numbers the paper inside contains the same as the envelope, except the numbers that are played?
A That is it. This merely names on the outside what it contains inside.

0223

Given before me
 this 31 day of December 1881
 J. B. [unclear]
 [unclear]

Q Have you played this game before?
 A Well; once in a while - very seldom. I don't think I have played it before in even or eight years.

Exhibit P. Turner

Q I can show, by other witnesses, more clearly than this witness is able to do what this means.

Q What this paper means?

A Yes, sir; I can show the whole method.

Q Confining it to this case?

A Yes, sir.

2. (By Mr. & Cove, to witness) Have you ever been to Kentucky?

A No, sir.

2. Never been there?

A No, sir.

2. And you don't know that there is a lottery there, of your own knowledge?

A No, sir; not of my own knowledge.

Mr. Cove - Even if they proved the existence of a lottery in

Kentucky, or a drawing
 on the Day named; or even
 in the place, in Broadway,
 they sold Drawings, there
 is in the Case no proof
 of the selling of a Lottery
 to this man by Simmons.
 On the Contrary, there is
 evidence that this man
 took to that place a sealed
 envelope, the Contents of which
 Mr. Simmons never saw.
 The mere indicia outside
 are nothing at all. You
 cannot say that Simmons
 could read through that
 paper what was inside if
 it had said, "This is a
 play depending upon
 a drawing of the Kentucky
 State Lottery, a lottery
 not authorized by the
 State of New York," would
 that have helped this
 Case? It is admitting it
 all, how does it affect
 the question that they
 have failed to show

that Simmons knew the contents of the envelope. They must do that before they can go any further to prove that he sold a lottery-policy ticket.

The Court

Right here I desire to say that the evidence shows that a letter was handed to Mr. Simmons, and, at the same time, \$2, in money. There must have been some object in it. So far as the powers we have here are concerned, the question is whether there is proof caused to hold a man. So far as it now goes, upon the question of the letter, that would, it seems to me, be a proper question for a jury to pass upon. That is the opinion of the Court.

Mr. How

No; it is a proper question for your Honor to pass upon. If we have destroyed, upon that record, when it is written out,

every atom of evidence in support of the Complaint; or if, when You shall have read that testimony, and shall say, that the Charge is made out, it will be time to pass upon it. I think, if Your Honor will look over it very carefully when it is transcribed, You will take a fair view.

Fredrick C. Luthy, being duly sworn, testified as follows:-

- Q- (By Mr. Binie) What is your name?
- A- Fredrick C. Luthy.
- Q- Where do You live?
- A- Astoria, Long Island.
- Q- Your residence in this city or place of business.
- A- 230 Greenwich Street.
- Q- Mr. Luthy, are You acquainted with the method of policy-playing?
- A- Yes, sir.

0227

Q Are you able to explain those figures on the envelope? (Objected to, as incompetent, immaterial and irrelevant)

The Court The paper handed to the witness is the envelope and contents.

Mr. Howe - Is it competent for a man to admit that he is a self-confessed felon - for a man who admits that he is a self-confessed felon to testify as a felon, too, felony? There is no such thing as an expert in felony (could a burglar be called, as an expert, to prove how an ordinary burglary is committed, on the trial of another burglar for breaking into a safe)? As soon as this witness opens his mouth, under our Statute, and confesses that he is an expert in policy, a policy player, he is a felon, and his testimony cannot

0228

be received. It is not competent in any Court-room. Then, again, he is asked to testify as to the evident meaning of some letters and figures outside of an envelope, figures which speak for themselves.

The Court. The bare fact that the witness would testify before he went on, that he was an expert on the subject would make it unreasonable for us to assume that he was a convict, or law-breaker.

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

The Court. I grant your request.
2. (By Mr. Howe) Mr. Rutby, have you not been conducting, in this city and other cities, a policy business, for five years?

0229

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 you among your friends.

The Witness- I decline to answer, because I might criminate myself- I would not degrade myself.

Q- Have you been indicted for selling lottery policies?

A- Yes, sir.

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

A- I never was arrested in my life for the offense.

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.

0230

(Witness objected, on the ground of incompetency) (Objection Overruled)
 2- (By Mr. Quinn) You state that you know the meaning of the terms used in the policy business—the meaning of the figures and characters on the outside of the envelope. I ask you if you understand what is a sealed playing the policy business?

The Court

(Objected to, as incompetent)
 He is here as an expert, and the record shows that he has sworn to it. Now, I think that when this envelope ^{was} handed to Mr. Simmons it contained those figures, and he has the right, as an expert, to say what those figures that Mr. Simmons did see mean.

Mr. Quinn

I object, on the ground that the outside of the envelope speaks for itself without the fancied meaning attributed to it by this hostile witness.

0231

2- (Objection Overruled) (Exception)
What does this mean, Mr.
Lutty?

A- When a man plays a sealed
policy, play, he makes his
play. Kentucky, 19th Nov.
one gig - for 300. That means,
if three numbers comes together
in the slip, the man
will get 300. The next is
a Capital saddle, which
costs in one lottery accord-
ing to the rates. Some of them
draw more numbers acc-
ording to the numbers they
draw.

(Objection to the latter part of
the answer, as irrelevant) (Objection
Sustained)

2- What means, Kentucky, 11,
18th Nov.?

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

2- What means, a gig?

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

Q. What does that mean?

A. One Capital saddle - two numbers that must come within the first three drawn. That is one Capital saddle. If they come scattered, that is not a Capital saddle.

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

A. Yes, sir.

The Court - That is not competent. Enter my solemn protest against that question and answer.

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

The Witness - It is a sealed policy play.

The Court - Is he to be Judge and jury? I never saw so absurd a proposition as that a witness should be called to testi-

0233

fy to exactly what you are
to pass upon - that this man,
who is inimical to us, should
take this stand, and testify
that this is a sealed poli-
cy play. I vehemently protest.

The Court - I would simply interrogating
him as to the figures on the
back of the envelope. I only
asked what a man, with
an ordinary knowledge of the
policy business, if the envel-
ope, with the figures and scri-
bling on it were presented
to him, with the - what he
would do.

(Objected to, as incompetent, im-
material and irrelevant) (Ob-
jection 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 any-
body. But what an ordi-
ary transaction of that kind
would be. If a man, with
an ordinary knowledge of
the policy business, were

hand this envelope, and \$2, what would he do?

A- He would look at the amount of money the man paid, and, if it was right, he would accept it as a sale & pay, and put it away.

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

(Motion denied) (Exception)

Q- (By Mr. Binnie) Will you look at that paper (this is a paper to the interest), and say what it is?

(Objected to) (Objection overruled) (Exception)

Q- State whether that paper makes a gift.

A- Yes, sir - that corresponds with this (Comparing the papers in evidence)

Q- Does it state what the gift is?

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

Q- State whether, or not, that paper shows the num-

0235

bars that are played as a gig.
 Q- The paper is written, and this corresponds. Right. This is correct, according to the outside.

Q- (Out) - What paper have you shown him?
 A- (By Mr. Binnie) That is the paper enclosed in the envelope that is attached to the Complainant's affidavit which is shown to the witness.

2- (By Mr. Binnie) Then state what the numbers opposite if those numbers state they play or not - whether, or not, they state the play.

(Objected to, as incompetent, irrelevant and immaterial) (Objection overruled) (Exception)

2- State what the numbers, 4, 11, 44, - G-, mean?

Q- ⁴⁴ ~~44~~ ¹⁶ ~~16~~ ^{for} ~~for~~ gig.

2- State whether that refers to any endorsement outside of the envelope - whether those numbers, 4, 11, 44, - G-, refer to an endorsement on the outside of the envelope.

Q- That is a gig.

0236

Q. I asked whether these three numbers refer to any endorsement on the outside of the envelope; and, if so, which one?

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

Q. Point to - show - have any connection with.

A. Now, suppose a man opens that envelope, and don't find that written inside, he would not pay anything. I am a foreigner, you know, and don't understand you perfectly.

Mr. How - I protest against the whole of this testimony as utterly illegal and unheard.

The Court - There is an envelope, with certain endorsements, and here is a paper that it is said to have contained. I want to know whether what relevancy the paper inside has to the outside endorsements.

0237

Mr. Howe - I admit that it is proper to do that. But I do not think it is proper for him to testify as to what others, besides the defendant, would do, if they received this envelope.

Q - (By Mr. Binio) Now, what does Albal Boor mean, as opposite the gig?

A - It is a sign the man has to pay so much for the gig.

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

A - The way they are put down they are a gig.

Mr. Howe - Now, Judge, he has no right to say that that top line on the outside means so and so inside. I protest.

The Court - He is testifying as a matter of fact to the relevancy of the top numbers outside to the top numbers inside.

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

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

Q - Now, in the second line,

0238

- the figures, 2 and 22; What do they refer to?
- A. Do this play for 200.
- Q. And state what those numbers are written for - 2, 22?
- A. The Capital stake for 200.
- 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 envelope refers to the letters inside?
- A. Yes, sir.
- Q. Now, what do the paper inside and the envelope constitute?
- (Objected to)
- Q. Now, taking the envelope and paper together, what are they known as in the policy business?

0239

the figures, 2 and 22; what do they refer to?

A Do this play for 200.

Q And state what those numbers are written for - 2, 22?

A The Capital is 200 for 200.

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

A Yes, sir.

Q 1, 2, 3?

A Yes, sir, 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 envelope refers to the letters inside?

A Yes, sir.

Q Now, what do the paper inside and the envelope constitute?

(Objected to)
Q Now, taking the envelope and paper together, what are they known as in the policy business?

A. A policy, policy - a scale of policy - a lottery policy to be decided by a drawing of the Kentucky Lottery.

(Mr. Howe moved that the latter part of the answer be stricken out) (Motion granted)

The Court. (To the Witness) Do you decline, Mr. Howe, I should ask first, to cross examine?

Mr. Howe. I do.

The Court. What is your business, Mr. Witness?

A. I have several kinds of business - a family business. I deal in real estate.

Mr. Dennis. I desire to have your Honor caution the witness that he is not bound to answer these questions.

The Court. No, sir; You are not bound, if they will tend by their answers to degrade or, I mean - criminate You. Are You in the policy business at present?

A. I decline to answer that question.

0241

- Q Do you know Mr. Simmons?
A Oh, certainly.
Q Can you point him out?
A That's 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 Yes.
Q 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 friendly with him?
A So far as I have friendship.

0242

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 more than I can tell you. I know him, if I ever see him.

Q Is he connected with you?

A No, sir.

Q With Mr. Simmons?

A That is more than I can tell you.

Q And you say - that you decline to answer whether you keep a policy office now, or kept one in the past five years, on the ground that it might incriminate you?

A It might incriminate 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 might tend to

0243

Criminate You, or Convict You?
On the ground that it might
tend to criminate T. E. Smith.

- This Court, I wish to say here,
does not intend to be used by
one policy man to crush
another.

I know well that that is the feeling of the Court, for whom I have the highest respect. This man Ruthy Norton and others have conspired for the purpose of entrapping Simmons, and I brand this, here, publicly, not a complaint of a white citizen, and I tell him, the District Attorney, to his face, not emanating from his office, but he was called in through Constable. It never emanated from the District Attorney's office. I will show you how three indictments against this expert for selling lottery-policies. This man does still sell, and I can prove it by the police-carries on

Thank you
for my letter
and for the
information
you have given me.
I am very glad
to hear from you.

0244

the lottery business, and has made
it his living for five years.
I know where he has attended
Police Courts to put in bail
for his dealers, who have
been arrested, and that I
can prove by old Police Officers,
and this is the man who
has been called here as an
expert. Mr. George Lyon
knows this man well.
Mr. Rollins knows this man
as well. That is the kind
of experts they have. I would
give you years receipts from
my business to him on
the stand, before a jury in
the General Sessions. The pub-
lic of New York don't want
such men coming into Court
to complain of another
man, for their own bene-
fit; and I know that
Judge Murray is the last
man on the bench to be
made the vehicle of pri-
vate malice. I know, honestly
and conscientiously, that

0245

if Mr. Birnie had known
 this man, he would not
 have put him on the stand.
 By Mr. John Sparks, of the
 General Sessions, I will prove
 his trial in the General Sessions.
 I will prove by the officers
 of the different Police Courts
 how often this man has
 been in Police Courts to
 bail his dealers. He does
 not attempt to deny it,
 under oath, before your
 Honor. But I will admit
 all that this so-called
 expert could prove as to
 this case, and all else that
 has been testified to, but
 I will still contend that the
 charge has not been brought
 home to the knowledge of
 Mr. Simmons.
 Your Honor having disch-
 arged Mr. Upington, I have
 no more to say; but, as to
 Mr. Simmons, I say that
 there is no proof that Mr.
 Simmons sold anything.

The sealed envelope, unopened, is given to the Complainant, two days afterward, by a man named B. L. C. and there is no proof that Simmons knew the contents. They assume, then, to infer that he did, by expert testimony, and that is entirely wrong.

Q. The giving of the Ph, and the back of the envelope may lead to something or another. It is only a question whether, in handing that envelope, with the money, a sale was made. Connected with this is the endorsement upon the envelope.

A. How - Who put this there?

Q. Put - Turner.

A. How - That is not our act. How can you make that a sale - by Mr. Simmons?

Q. Put - That is the question.

0247

Adjourned until
Saturday
Dec. 31st, 1881,
at 3 P. M.

POOR QUALITY
ORIGINAL

0248

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

5 DISTRICT POLICE COURT.

John E. Simmons 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 E. Simmons

Question. How old are you?

Answer.

54 years

Question. Where were you born?

Answer.

Maryland

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

Answer.

176 East 75 Street Resided there 6 months

Question. What is your business or profession?

Answer.

No 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

Taken before me, this

day of

188

John E. Simmons
Police Justice.

POOR QUALITY
ORIGINAL

0249

Kentucky CV 18 Nov

one Gig \$300

one Sep \$200

one Gig \$200

POOR QUALITY
ORIGINAL

0250

Court of
Oyer and Terminer.

People
vs.
Simmons.

Copy
Memorandum
of Proof.

Peter B. Olney,
Dist. Atty.

0251

COURT OF OVER AND TERMINER

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

-----x
The People of the State of New-York :

- Against - :

John E. Simmons. :

MEMORANDUM - Order of
Proof..

-----x
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, 1911.
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 produce, 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 entries in 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

POOR QUALITY
ORIGINAL

0252

"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 IO and II, the particular question set forth in the indictment, which may be found at the foot of page II.

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 70 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 notes of them at the time and produces his notes; ask him to state what the question was and what the answer of the witness was.

Court of
Oyer and Terminer.

People

vs.

Simmons.

Copy

Memorandum
of Proof.

Peter B. Olney,

Dist. Clk.

0253

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"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 343 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 witness's ~~was~~ 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 notes of them at the time and produces his notes; ask him to state what the question was and what the answer of the witness was.

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District Attorney's Office.

PEOPLE

vs.

Heardue Roosevelt
Chairman

Geo. Z. Erwin

Thos. V. Welch

Harold D. Nelson

May 25th —

POOR QUALITY
ORIGINAL

0257

Sumner
Miller
Jessiman
Ahl. 24/84
M. J.
Be...

RESOLUTION.

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 said commissioner in awarding contracts on misleading estimates, and unbalanced bids, and in giving out work and purchasing supplies under a system of orders for \$999, and less, and that excessive payments for professional services have been made from 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 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 in 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} in 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,

POOR QUALITY
ORIGINAL

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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 said 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.

By order of the Assembly,

C. A. CHICKERING, *Clerk.*

Summers

POOR QUALITY
ORIGINAL

0259

Mr. C. Summers
New York

1831

Wm. L. Garrison
New York
1831

0260

Meeting of the Committee at ten o'clock a. m.
Monday April 21st, 1884, at the Metropolitan
Hotel, New York City. -----

Present:-

The Chairman, Mr. Roosevelt and Mr. Nelson.

The Chairman:-

In the first place we will hold to-day but a very short session and then will not hold another for some little time as we will be obliged to take up the case of the sheriff. We will therefore stop investigating the police for the time being. We will take it up again just as soon as we have presented the charges against the sheriff to the Governor. It is therefore improbable that we will hold a session here next Saturday.

JOHN E. SIMMONS, re-called:-

Ex-Judge Geo. M. Curtis:-

On behalf of Mr. Simmons I desire to raise a preliminary question in regard to his further examination. As I am instructed the course of his examination heretofore has been in the direction of the establishment of two charges:-

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First: That he is or was a lottery dealer.

Second: That he was in alleged collusive dealings with the police authorities.

Now I need not say to a committee constituted as this is of law makers, of law-givers of the Commonwealth, that he is not compelled to answer questions of that description, because by the constitutional provision, the organic law, he is not compelled to criminate himself. I am aware that some of our brothers in the profession have contended that the late provision of the Code makes nugatory the provision of the organic law. It seems to me that it is impossible. Certainly no judicial construction to that effect has ever been had from any of the judicial tribunals. I have therefore instructed Mr. Simmons, with all respect to this committee, not to answer questions that tend to establish the fact that he has been a violator of the law in being a lottery dealer, and of course, as the questions in relation to his alleged transactions with the police relate to his alleged co-operation as a lottery dealer, they come under the same category. And I desire on his behalf to state, as I understand he has already stated to the committee, that at no time and no place and under no circumstances has he ever paid a dollar to the police authorities, and that so far as he is concerned that charge is an unjust aspersion.

The Chairman:-

Mr. Simmons, I believe, has already stated that.

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Mr. Curtis:-

I would respectfully call the attention of the committee to another matter. This committee is not so constituted by law that it can afford to even promise immunity to any witness, and therefore he stands in the same position as he would if called before the grand jury or before the petit jury to testify against himself. It is upon his legal rights that he stands and not upon any desire or intention to thwart the purpose of this committee.

The Chairman:-

Before going into this matter I would like to say something that I had forgotten, before we take this up. That when we take our next examination of the police department Mr. Russell, will at his request, be allowed to produce a number of witnesses in connection with certain charges or alleged charges that have been made by various witnesses that have appeared before the committee at some of the past sessions. That will be done before we go on with the rest of the police department, in all probability, although the committee may alter its plans.

Mr. Miller:-

Q. Mr. Simmons, I have already shown you this book, numbered 92 on the outside and also numbered "U. R. A. P. August 10, 1932", and you told me that you had never seen that book before. I ask you now whether you mean to say that that is so?

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Mr Curtis:-

If that is a question that relates to your alleged occupation as a lottery dealer I advise you not to answer.

The Witness:-

If I understand Mr Miller claims it to be a place where policy did exist or lottery did exist. Nevertheless I dont think I ever saw the book ~~before~~ Mr Miller,

Mr Miller:-

Q. Do you say now that you think you never saw the book?

A. I dont think I ever saw the book sir.

Q. I will ask you again whether, referring to this same book, you know in whose handwriting it is?

A. I do n t know the handwriting sir, that you have shown me.

Q. The handwriting in that book, any of it - it is all the same?

A. Well, then, I dont know whose handwriting it is.

Q. You know Mr Daniel Bernstein, dont you?

A. Yes.

Q. You have seen him quite frequently hav'nt you?

A. Yes sir.

Q. Very frequently?

A. Yes sir.

Q. You were in partnership with him?

A. Yes sir.

Q. Do you say that is not his handwriting?

A. I dont know that it is sir, and I dont know that it is not. I didn't when you first showed it to me. It looks

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to me like a better handwriting than Mr. Bernstein's. I don't think it is Mr. Bernstein's writing. I do not sir.

Q. Were you in Iraq and between April and August yourself backing certain officers?

Mr. Curtis:-

I advise you not to answer, because it will lay you liable to criminal prosecution.

A. Under advice of counsel I decline to answer that question sir.

The Chairman:-

I only want to say, to point out to you the course the committee will probably have to take - the same that was taken by the Senate Committee in the case of the witness MacDonald. Of course you are aware that your declining to answer the questions of the committee makes you considered in contempt, and you may be summoned before the Bar of the House and imprisoned for it. I may also explain that if necessary the House will instead of adjourning to take a recess to December 31st to allow prisoners to be confined.

Mr. Curtis:-

We will be compelled to assume that responsibility and I will state for the information of the committee at this time that when Mr. Simmons was here before he was not advised of his legal rights. He was unrepresented by counsel and had no instructions in the premises.

Mr. Miller:-

Possibly Judge Curtis does not know that when Mr. Simmons testified before he admitted all these things, so

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that it might make a difference when he went before the Legislature objecting to his answering on those same subjects. When he sees that Mr. Simmons has admitted all those things -

Mr. Curtis:-

Then upon the concession of the counsel it is not necessary to put this question, which is a mere repetition.

Mr. Miller:-

Oh no. Oh no.

Mr. Curtis:-

Of course I do not propose to argue here as to the right of the committee to commit for contempt. That was elaborately commented upon in the case of Mr. McDonald and the opinion of Judge Westbrook is fresh in the minds of the committee. But we do not come within the pale of the rule that applied to ~~it~~ ^{McDonald}, because McDonald did not stand as we stand upon a constitutional provision. There is no provision of law that can render nugatory that other provision of the constitution that declares that no man shall be compelled to criminate himself, and while I have no doubt that this committee, appointed under the circumstances that it was, and composed of the distinguished gentlemen that it is, desires to do everything in the line of reform, still it cannot be contended that they propose to strike at the public liberty or the rights of the citizen.

Now have you any power - you, the chairman, are an accomplished lawyer, of experience, have you any power - can you point to me a single precedent where in any parliamentary body in England or this country this right was ever

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exercised? Witnesses, time immemorial, have been excused from answering questions upon the ground that the answers might tend to subject them to a criminal prosecution and indictment.

The Chairman:-

There is not a full committee here. We are present to-day for the first time, acting merely as a sub committee to take testimony. Therefore the committee cannot of course decide now upon what action it will take.

Mr. Curtis:-

I should like if Mr. Miller would consent that the committee name a day, as I desire to present my argument in this matter.

Mr. Miller:-

I have nothing to say about it. I suppose Mr. Roosevelt will bring the matter before the Assembly after consulting with the committee. If it were not for the provision of the Code to which you have just called attention I should say the witness would be protected, but under the Code I think he is bound to answer.

Mr. Curtis:-

Mr. Miller will tell the committee that there never has been any judicial construction of that provision, and he will also tell you that no provision of the Code can override the provision of the organic law of the land, and in that sense it must be unconstitutional.

Mr. Miller:-

There is not any constitutional question that

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arises upon the question that I put at all.

Mr. Curtis:-

I will say here that I have not assumed to take this step upon my own responsibility alone. Although my view is very strong in the matter I have consulted with some of the most prominent lawyers in the city and as one man they have declared he is not in contempt when he throws himself upon his right.

The Chairman:-

Of course it is impossible for me to speak on behalf of the committee until I have had a chance of talking with them together. But the section of the Code, it seems to me, very explicitly provides that the witness shall be protected in just such ~~cases~~ ^{Cases} as these, that is, that the witness shall not be indicted for testimony given before an investigating committee of this kind. Now if that section means anything its meaning applies to just such a case as this, and it was designed to cover just such a case as this, to allow investigating committees to get at the truth without making them expose their witnesses to indictment.

Mr. Curtis:-

The government can make no covenant with crime.

The Chairman:-

And the section of the Code was doubtless put in after very careful consideration. It was doubtless drawn up by very distinguished lawyers. You say there has been no judicial decision upon it. If it is a nugatory provision I think it is a very good time that it should be known to be

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so and that we have a decision upon it. Either it means something or it means nothing. If it means anything, then the witness is in contempt if he refuses to testify. If it means nothing then it is simply a fact that the Legislature has failed in its effort to pass a law that would allow special committees to get at the truth without forcing them to make their witnesses criminate themselves. It had better be tested by the proper judicial authority and if found to be an improper section done away with.

Mr. Curtis:-

Judge Russell, who is present, I think will tell you, and he was for a long time one of the prosecuting officers of the county, that even the people cannot give immunity to a witness without assent from the court. As I said before the government can make no covenant with crime any more than an individual, and they cannot say to a man "if you will give evidence to the disparagement of another person you shall go free". It seems to me that that is the proposition.

(Question read by the stenographer)

Q. Were you in 1832, and between April and August, yourself backing certain officers?

Mr. Curtis:-

I advise you not to answer.

The Witness:-

I decline to answer.)

Mr. Curtis:-

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I would like to have it go on the record that he declines to answer upon the ground that it tends to criminate and degrade him.

Mr. Russell:-

Also put on the record that he has answered it about two hundred and fifty times.

Mr. Curtis:-

I had rather not put that on.

Mr. Russell:-

That is merely a suggestion to counsel.

Mr. Curtis:-

He declines to accept it, but is much obliged for the suggestion:

Mr. Miller:-

Q. Mr. Simmons, did you furnish the Headquarters a list of the offices backed by you?

Mr. Curtis:-

I advise him not to answer that upon the same ground.

A. I will have to decline to answer.

: It is understood that when the witness is directed not to answer by Mr. Curtis, the witness refuses to answer

Mr. Miller:-

Q. Do you know Mr. August Frank?

A. I don't know him by name sir.

Q. Do you know a Mr. Smith, who was a partner of Mr. Luthy's in 1932?

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II

A. I don't know Mr. Luthy or Mr. Smith as partners. I know a man called Smith.

Q. Who represented himself as a partner of Mr. Luthy?

A. I don't know who he represented sir.

Q. Do you know a man by the name of Smith, who in 1932, between June and August, transacted Mr. Luthy's business at headquarters?

A. I don't know what business he transacted. I know there was a Mr. Smith in that vicinity.

Q. Do you know a man by the name of Smith who used to be in daily attendance at the headquarters in the summer months of 1932?

A. Headquarters of what?

Q. Headquarters of the Kentucky Lottery at 263 Beverly?

Mr. Curtis:-

I advise you not to answer upon the same ground as before.

A. I decline to answer, sir, under advice of counsel.

Mr. Miller:-

That of course would not exonerate him in any sense.

Mr. Curtis:-

It is a part, perhaps, of the link. You can't tell. You have a very seductive way of examining a witness.

The Chairman:-

That question the witness declines to answer upon the same ground?

Mr. Curtis:-

Yes sir.

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Mr. Miller:-

X Q. You yourself had a desk at the headquarters, did you not
ans 1932?

Mr. Curtis:-

I advise you not to answer upon the same ground.

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

Mr. Miller:-

Q. You have testified, have you not, that you did have a
desk at headquarters and that you employed Mr. Fitzgerald
and Mr. Tully, as persons who assisted you?

Mr. Curtis:-

I advise you not to answer, as the record shows
for itself.

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

Q. Do you know the names of any of the writers in any of
the offices backed by you in June, 1930 and 1932?

Mr. Curtis:-

I advise you not to answer upon the same ground.

A. I decline to answer upon the same grounds, Mr. Miller.

Mr. Miller:-

Q. Did the persons in the different office backed by you
between 1930 and 1932, to whom upon your books, to which
your attention has already been called, certain allowances
were made for "pol" or "P. E." or other items of that kind -
did those persons use that money and appropriate it to their
own use?

Mr. Curtis:-

I advise you not to answer it upon the same ground.

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A. I decline to answer.)

Mr. Miller:-

Q. Will you tell me the names of any of the persons who were writers in the offices which you backed between 1930 and 1932?

Mr. Curtis:-

I advise you not to answer.

A. I decline to answer.

Mr. Miller:-

Q. Did you back the lottery policy office at 87 Fourth Ave. in August, 1932?

Mr. Curtis:-

I advise you not to answer.

A. I decline to answer sir.)

Mr. Miller:-

Q. This is the book which you identified at the last session as a book in which the record of your office was kept among others. It is numbered on the outside T40 and on the inside on the first page "R. A. P. No. 6". Does the record in that book at page 570 on the top of the page "Fourth Avenue" - Does the entry on top of the page "Fourth Avenue" represent the office 87 Fourth Avenue?

Mr. Curtis:-

I advise you not to answer. The record speaks for itself.

A. I decline to answer.)

Mr. Miller:-

The record does not speak for itself. It is not a

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record

Q. What was the name of the writer in that office?

Mr. Curtis:-

He declines to answer.

Mr. Miller:-

Q. Were you interested in and did you ~~have~~ back a lottery policy office at 25 Ann street?

A. I decline to answer, sir.

Q. Do you know the name of any writer in that office, 25 Ann street, in 1882?

A. I decline to answer.

Q. Did you back an office, 44 W. 30th St., up stairs, in August, 1882?

Mr. Curtis:

He declines to answer upon the same ground.

Q. Will you tell the name of the writer in that office if you know it?

Mr. Curtis:-

He declines to answer.

Q. There is no use going any further with these offices.

(Do the entries in this book, marked on the outside "T-0" and on the inside "R. A. P. No. 6" on the first page - do the entries in that book on pages 572, 573, 574, 575, 576, 577, 578, 579, 580, under the heads of "pol" or "P" or "Ps". --

Mr. Russell:-

Still harping on my police!

Mr. Miller:-

Yes and I will harp on it and get it out and dont you fret yourself about it; that is just as sure as you

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(I have got the proof Judge. If I can't bring it out of this way, I will bring it out of some one else. —

are born — Do those entries represent allowances to the writ as an certain officers for the money paid to the police?

Mr Curtis:—

He declines to answer upon the same ground and further that the record speaks for itself, and that the question is asked the witness to pass upon a question that it is for the committee to determine.

Q. Referring to this book, marked "T-6" on the outside and on the inside "C. A. P. No. 6", do you not know that the entries in that book at the pages to which I have just called your attention, mean?

Mr Curtis:—

He declines to answer because it tends to criminate and impede him as a lottery dealer or in reference to the charge of being a lottery dealer.

X
Q. Mr Simmons, do any of the entries on this book for the months of April, May, June, July and August, 1932, beginning at page 512 and running to page 597, inclusive, — do any of the entries in this book which appear upon the record as "pol. \$0.00" or "P. \$10.00" or whatever it may be, entries of a similar nature — do they refer to moneys allowed by you as backer to the officers backed by you?

Mr Curtis:—

He declines to answer upon the same grounds.

The Witness:—

I decline to answer.

Q. There is one more question that I want to ask right here. Do you remember when the raid which broke up the

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headquarters in the Bowery was made?

Mr. Curtis:-

He declines to answer upon the same ground.

A. I decline to answer.

Mr. Miller:-

That certainly would not criminate him.

Mr. Curtis:-

It might lead to it. You are very persevering.

Q. Do you remember on August, 9th, 10th, 11th and 12th, 1932 having interviews in the Metropolitan Hotel here with Messrs. Bernstein, Smith, Nathan, Lange, or Langer, I don't know which you call him, and one or two other persons?

A. I don't remember having those interviews here. It might have occurred, but I don't remember.

Q. Do you remember on any of those dates or about those times, meeting here by appointment any of the persons whom I have mentioned?

A. No sir, I don't remember.

Q. Do you say that you did not meet them here by appointment?

A. I say that I don't remember.

Q. Do you know Mr. Wingate or Wingate & Sullivan?

A. I know who he is sir, if you mean the lawyer, Mr. Wingate.

Q. Did you just after the raid in the Bowery, the headquarters there, and about the 11th or 12th of August, 1932, have an interview with Mr. Wingate in his office?

Mr. Curtis:-

Objected to upon the ground that as the question stands it calls for a violation of the confidential relations

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between counsel and client.

Mr. Miller:-

Not at all.

A. I decline to answer that question sir.

The Chairman:-

Q. You decline on what grounds?

Mr. Curtis:-

That is solely for the violation of the confidential relations between counsel and client.

The Chairman:-

Mr. Curtis. Yes, Sir.

Whether he had an interview with him or not. ^SYou can no more prove the physical fact than you can prove the details of the conversation.

Mr. Miller:-

Q. Were there present at an interview at Mr. Wingate's office in the latter part of about the 10th, 11th or 12th of August, 1938, a number of gentlemen including among others an August Bank or Mr. Smith as he was known?

A. I don't remember sir.

Mr. Curtis:-

Will the chairman permit me to ask the witness a question?

The Chairman:-

Certainly.

Q. Were any interviews that you had with Mr. Wingate, as a lawyer?

A. Yes sir.

Mr. Curtis:-

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I renew the objection.

Mr. Miller:-

Q. Then you did have interviews with Mr. Wingate as a lawyer?

A. Yes.

Q. Now were there present at any of those interviews other persons besides yourself and counsel?

Mr. Curtis:-

Objected to on the same ground as before - If you can give the persons who were there you can give the conversation.

The C. chairman:-

That objection is certainly not a good one. Either answer or decline.

Mr. Curtis:-

I advise him to decline to answer on the ground that it is a part and parcel circumstance that may tend to eliminate or defend him in any future charge against him as an alleged lottery dealer.

The Witness:-

I decline.

Q. Did you in the presence of Mr. Smith and Mr. Nathan and Mr. Bernstein, or in the presence of any of them, at an interview with Mr. Wingate, state that it didn't make any difference whether the District Attorney or Pinckerton had these books with these entries in them, that unless a man knew the inside of them no one could decipher them?

Mr. Curtis:-

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Now Your Honor see that the objection was good in the first instance. I expect so it upon the ground that it has already been shown that Mr. Wingate was acting in the capacity of counsel.

Mr. Miller:-

It is not suggested that Mr. Wingate has that privilege and that the client has not.

Mr. Curtis :-

The learned gentleman seems to know that took place between a lawyer and a client. Not only can the counsel say that he is privileged, but the client can say so also.

The Chairman:-

The committee do not think the objection will taken.

Mr. Curtis:-

Well, I advise him to decline to answer.

Mr. Williams:-

I decline to answer.

Q. Did you not on that occasion state in the presence of Mr. Smith, otherwise known as August Frank and of Mr. Nathan and of Mr. Barrett in or in the presence of any or all of them, that if a person did understand these so as it would be very to ascertain to whom the payments were made?

Mr. Curtis:-

I advise you to decline to answer.

A. I decline to answer.

2 / Q. Do you think it is possible for any one who knows about the lottery policy business and who understands the entries

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in the books - the books which we have produced here, and books which were kept at the headquarters by the different buyers - do you think it is possible for any one who understands the business to decipher what the entries in these books mean and to show by whom money was paid?

Mr. Curtis:-

Objected to on the ground that it is calling for the opinion of the witnesses upon matters that the committee are to decide.

A. I refuse to answer, sir.

Mr. Miller:-

He has admitted he is an expert.

Mr. Curtis:-

I have had some experience with it in times past and that certainly is not expert testimony.

The Chairman:-

The committee will be the judge of whether it is or is not expert evidence.

Q. Mr. Curtis:-

You will have to write a new chapter in the volume of evidence.

The Chairman:-

That I think we can escape doing. Is that the ground upon which you object to answering?

Mr. Curtis:

Yes sir, at the present time.

The Chairman:

You decline to answer that question now upon that ground?

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The Witness.

Yes sir.

Mr. Miller:-

Q. Where did you write up your books after the raid on the Bovey on August 8th, 1932?

Mr. Curtis:-

He declines to answer upon the ground that it may tend to criminate and degrade him in the alleged charge as a lottery dealer.

The Witness:-

I do so decline.

Mr. Nelson:-

Q. You make Mr. Curtis' objection yours in all these?

A. Yes sir.

Mr. Miller:-

Q. Did you know immediately after the raid on the Bovey in August, 1932, that officers which you had been backing prior to that time, went on selling policy within a few days afterward?

Mr. Curtis:-

Declines to answer upon the same grounds as before.

A. I decline to answer upon the same ground.

The Chairman:-

Just return in half an hour.

After recess.

The Chairman:-

We want need to recall Mr. Simmons.

Mr. Curtis:-

May I respectfully inquire of the committee whether

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He shall hold himself in attendance upon the committee?

The Chairman:-

No.

Mr. Curtis:-

I ask it particularly with the view that if the Sergeant-at-Arms is sent for him there will be no difficulty in finding him, because we want to make this question as *much* ~~clear~~ as anybody.

The Chairman:-

That must be done for some little time in any event. It cannot be done until the committee have time to decide upon the case.

Mr. Curtis:-

He shall be in attendance to answer. May I ask whether the committee will desire to hear Mr. Miller and myself upon the legal question?

The Chairman:-

I doubt if the committee think it necessary to do that, but if they do they will give you full notice.

POOR QUALITY
ORIGINAL

0282

New York Court of
Oyer and Terminer.

The People

vs.

John C. Lemmon.

Copy Corroborated.

0283

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.

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Meeting of the Committee, Friday, May 2nd,
1934, at ten thirty a. m. Metropolitan
Hotel, New York City:-

Present:-

The Chairman, and Messrs. Erwin, Weller,

and Nelson:-

The Chairman:-

The committee will come to order. We have requested 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 have stated to him Mr. Simmons answered 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 Jeanette investigation and cannot be in attendance there. That is correct and we have no objection to his being excused, though it would probably give an extension 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,

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saying he is detained in Washington and asking to have that done.. In view of the fact that that you propose will only take a very few minutes of time in Monday, does not that seem to you that it will be a very good thing to do it with that?

The Chairman:-

No, the committee has its own reasons for preferring to go to Tuesday, and there is really no reason why Judge Curtis should be here. He has already given the advice to Mr. Simmons and the question will be practically the same one as ~~asked~~ the other time.

JOHN E. SIMMONS, Counsel:-

Mr. Russell:-

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

The Chairman:-

Certainly.

Mr. Russell:-

Q. I take it you understand your position?

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

Q. You are not a party to the proceedings and you are not a witness?

A. I don't know what I am to do in this case.

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.

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Mr. Miller:-

Q. Mr. Simmons were you present on the 8th day of August, 1882 at 263 Bowery when a raid was made upon that place?

A. I decline to answer that question. Mr. Miller asks me to answer that it may tend to discredit or diminish the honor or office of a member.

Q. I call your attention to the fact that the Penal Code of this State, which you are a member of, contains and that there ^{are} two sections in 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, 263 Bowery, when the raid was made by Mr. Pinkerton?

A. I don't know sir, whether they were or not.

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

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A. I do not sir.

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

A. I don't know that I have sir.

Q. I ask you to look over that batch of papers and tell me whether there is any writing or marks 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 office in which you were in connection at that time, the battery room offices for the afternoon of August 5th, 1888?

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 when I show you books that went to the battery room offices of the office, which you were in for the afternoon of August 5th, 1888?

A. I decline to answer any question that intends to allege that I am a battery man, and to show that I had an interest in these 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 81, and I here state what these exhibit numbers on these papers

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re the exhibit numbers which Mr. Pinkerton put on and which I will when Mr. Pinkerton comes identify as the papers taken from 363 Battery.

Reaching that time the last of the papers, headed by "Library of Congress" exhibit 81, I ask you whether the first of them, the 30 is not the account of the letter of August 4th, 1892 at 44 W. 30th St.?

A. I decline to answer the question, sir, on the ground that it is not a fair question to be asked or admitted.

Q. I ask you whether the last page of this exhibit, exhibit 81, is not the account of the letter No. 87 Fifth Avenue, dated the 1st of August 1892 at page 570 of exhibit 140, and in this connection I call your attention especially to the figures \$15.66 of the letter book of August 5th in connection with the entries \$15.66 in the receipt account of the afternoon of the 5th of August, 1892 at page 570 of exhibit 140?

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

Q. I now call your attention to the last entry in exhibit 81. One of the books of this exhibit is page, which is dated at the top 30. I ask you whether that is not the entry book of the letter book of August 5th, and the entry is by you at 44 W. 30th St., up stairs?

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

Q. I now call your attention to page 572 of exhibit 140, Pinkertons exhibits, and I ask you whether the account at page 572 of that book is the account for the month of August

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1992, I went to the 7th, in the lobby policy of
 that is which you ~~are~~^{are} interested in how it is W. Oth.
 St. ... stairs?

A. That is ~~the~~ ^{the} question is is not?

Q. Now I have a question.

A. I believe that the answer is that the

Q. Referring to page 57, I ask you not to enter "11" in the column headed "P.S." in the next line.

A. Not to my knowledge. I think that I have not met
anyone that has been seen. I have not been out of the city
for some time.

Q. It is a great deal better, I understand. Yes, it is a
great deal better than it was?

THE CHAIRMAN:

Q. What are your qualifications to do this work?

A. Destination to answer the message.

Q. You would like to ask or because you feel it might originate
you?

A. Yes. 17.

Mr. Miller:-

Q. Now, I ask you whether that \$5. million price tag is
 57% paid by you? Or whether that was paid by *the*
~~writer~~ *the writer* of that fiction?

A. I don't know, whether the writer is anything or not: I don't know what it means at all.

Q. You say you don't know what that entry means?

A. No sir, I don't. It is an expense, I suppose.

POOR QUALITY
ORIGINAL

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Q. Were you searched by anyone on the day when Mr. Pinkerton made the raid at 263 Third Avenue, in August, 1882 - was your person searched?

A. I don't know whether it was or not sir.

Q. You don't know whether it was or not?

A. No sir, I don't. That is all the time I can remember. I don't know.

Q. You don't know?

A. No.

Q. I have shown you a list, consisting of a list of

names together with a list of names. That is a list of names. It is a list of names. I ask you if you can tell me where these names or papers came from?

A. No sir, I don't know. If it relates to lotteries it does not relate to the names of Mr. Miller, that I know of to that.

Q. Your answer is that you decline to answer?

A. Yes sir.

Q. Did that list of names marked 148 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 list of names entered is written, which I have shown you? The name is "rents" and which begins "85, \$45" and which ends "51, \$10." Do you know in whose handwriting this paper is?

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

Q. Is that paper, to which I have just called your attention and identified, a list of all lottery policy offices in which you were interested in August, 1882, with the rents

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2.

and how much you paid for each of those offices?

A. I decline to answer upon the same grounds.

Q. I had your attention to an exhibit marked "R. A. P. No. 1", which was found in your son's room at the time of the visit which you made here about 1960, which was found in your son's room at the time of the visit which I made there on the 17th of August, 1961, to the effect that

...and the other "white" "95, \$15." and the last letter
"I, \$0." ... I ...
you ...

A. I am able to answer the questions

Q. Assuming that that paper was taken from your person
I turn that paper over and I ask you whether you can ex-
plain the same.

A. I desire to answer the question, sir.

Q. I now turn this other paper over which you found on your desk, ~~the~~ one of the batch of 141, and I want you to give entries on the back of that, so I want you either you give evidence that contains

A. I would like to answer the question on the same man .
Mr. Millard.

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

Marked Ex. E. 1 and Ex. E. 2., May 2nd, 1931.

Q. I ask you whether on this paper Ex. E. 2, the second of

in all respects with the first of the papers - I ask you

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Whether the figures in the left hand column do not represent lot policy office 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, unless you can show me.

Q. I am going to ask you to read the receipt which I have in my possession, to which I have directed your attention, to wit: "R. A. P. No. 6" and to tell me whether or not it is a receipt for the rent of an office in the City of New York, and if so, for what office? "Received, New York, August 1st, 1882, from J. H. Smith, \$20.00, for the rent of office No. 263 Tenth Avenue, New York, for the month of August, 1882."

"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 the question, Sir.

Q. I ask you another question, to wit: "R. A. P. No. 6" and to tell me whether or not it is a receipt for the rent of an office in the City of New York, and if so, for what office?

Follows:-

"New York, August, 1882. Received from Mr. G. W. Galt, \$20.00, for the rent of one month's rent due for the month of August, 1882, for the store room in No. 263 Tenth Avenue, New York, for the month of August, 1882; terms of hire to end of 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

POOR QUALITY
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month of August?

A. I decline to answer, sir.

Q. I now call your attention to a book, which was taken from the drawer of your desk marked Y40 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 Tenth Ave.?

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

Q. I now turn to page 571 of this book, number 140, which is the drawer of your desk and I ask you what is the account for the month of August, 1888, of the business done by you for the month of August at the policy office 264 Tenth Ave., between the 1st and the 7th of August, 1888?

A. I decline to answer, sir.

Q. And I ask you whether the first entry on that page "R. \$40" does not refer to the rent which was paid Mr. Gurney for the ^{use} of that office 264 Tenth Ave.?

A. That is supposed to be a letter of inquiry - I decline to answer, sir.

Q. I now turn to the back of this paper marked "Ex. E. 1" May 2nd, 1888" and I ask you what the entries on that under the head of "P", this paper having been taken from your presence, means - "Kil. \$25." - "Wash. \$20."?

The Chairman:-

Q. Taken from Mr. Simmons' person?

Mr. Miller:-

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

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II

batch of papers found in his desk, exhibit I42 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; ~~Wm. S. 10.; Rm. 5.; C. 10.; M. G. I. 10.; B. 10.~~ ^{McClellan} \$10; M. 15." refer to? ^{McClellan}

A. I decline to answer the question. It, when taken together, first of all, is part and parcel of the evidence in Mr. Pinkerton's battery case.

Q. D. the entries in this book ^{Exhibit} I40, which is taken from the desk of Mr. Pinkerton or some of his associates, and the entries in the articles in testimony under the heads of "Kil." or "Wash." or "P" at pages 572, 573, 574, 575, 576, 577, 578, 579, 580. refer in any way to the police or to money or to police money?

A. I decline to answer whether they are part and parcel of the evidence.

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JACOB L. NATHAN, re-called:-

Mr. Miller:-

X X X X X X X

Q. I ask you whether that is in your handwriting: (Pinner
Exhibit No. 146, "Radio for May" known as such)

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

Q. I now advise you Mr. Nathan that there are two sections
in the Code relating 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
criminal prosecution, and testify in relation to a crime
or to a crime 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 relation to matters that you ask me and in
regard to that case in the Bakery, that I decline to answer
any of these questions.

Q. I call your attention to another page of this little
book, which I have shown you, marked "R. A. P. No. 40"
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 33a
present, Captain

is?

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

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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, \$10., April 21st"; can you explain that?

A. No sir.

Q. How did my reference to a police officer?

A. It was not there.

Q. Is that right?

A. No sir.

Q. Do you know who that Reilly is?

A. I know that it was a *reference to* ~~the~~ *same* ~~person~~ *person*.

Q. Do you know who that Reilly is?

A. I did at the time sir.

Q. Don't you know now, sir?

A. I remember the name; at that time I gave 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 incriminate myself.

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

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

Q. I have read from another page, which I have marked Ex. 1 and I ask you to explain this writing, "Captain Killilea 'my time I am here 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 money and they don't want to 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.

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People

vs.

Zachariah C. Simmons
et al.

Exhibits.

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The People

vs

Zachariah E. Simmons et al

EXHIBITS.

Witness. Gustave Frank.

John Simon	1	John Simon & Co.'s printed slips of daily drawings of the Frankfort and Kentucky lotteries received by Gustave Frank from Aaron Levy at the lottery-policy headquarters, 263 Bowery.
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Witness. G. Frank.

Fred'k C. Thompson	2	Frederick C. Thompson's official printed slips of the Kentucky and Frankfort Lotteries of the drawings of July 12, A.M., received by Gustave Frank from Marcus Cicero Stanly at Thompson's printing office, 35 Vesey St., who received them from Frederick C. Thompson immediately as they came from the press.
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Witness. G. F.

Fred. C. Thompson	3	Frederick C. Thompson's printed slips of the Frankfort and Kentucky lottery drawings of August 3, stamped with headquarters stamp "P. Aug. 3," found by Gustave Frank at Lottery-policy headquarters, where they are daily brought by Frank King from Thompson's printing office.
-------------------	---	---

Frank King.

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Whit. L. F.

Joseph W. Kay

4

Letter of Joseph W. Kay to F. E. Luthy, dated N. Y., July 12, 1882, requesting Luthy to attend a meeting at Military Hall, July 14th, which was responded to by Gustave Frank, who found the meeting to be one with M. C. Stanly and a number of lottery-policy middle-men or backers.

Marcus C. Stanly

Whit. L. F.

Aaron Levy

5

Printed slip of 78 words received by Gustave Frank from Aaron Levy July 26, '82, who stated that they were words used to represent numbers in telegraphing the lottery drawings.

Whit. L. F.

Slips

6

Slips of policy plays made by Gustave

&

7

Frank at No. 210 Greenwich St. Aug. 9th and 10th, received by him from Dennis

, policy writer at that place. In handwriting of Dennis.

Whit. S. B. Diehl

T. J. Taylor.

8

to

14

Slips of plays made by S. B. Diehl at 43 Chatham St. from July 15 to August 5, received by Diehl from T. J. Taylor, policy writer at that place, in whose handwriting they are.

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-3-

Whit. S.B.D.

15 Slips of plays made by S. B. Diehl at 66
to
19 Chatham St. from July 31 to August 5th.

Received by Diehl from

policy writer at that place, in whose
handwriting they are.

Whit. S.B.D.

20 Slips of plays made by S. B. Diehl at 366
to
24 West 26th St., from July 31 to August 5h.

Received by Diehl from

policy writer at that place, in whose
handwriting they are.

Whit. S.B.D.

Dennis Murray.

25 Written slips of numbers drawn in Frank-
fort and Kentucky lotteries. Received
by S. B. Diehl from Dennis Murray, policy
writer at 83 East Houston St.

Whit. S.B.D.

Dennis Murray.

26 Slips of plays made by S. B. Diehl at 83
&
27 East Houston St. August 4 and 5th. Re-
ceived from Dennis Murray, policy writer
at that place, whose handwriting they con-
tain.

Whit. S.B.D.

T. J. Taylor.

28 Tickets of the Kentucky State Lottery
&
29 bought by S.B. Diehl of T. J. Taylor, pol-
icy writer at 43 Chatham St.

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-4-

Witness. N.A. Pinkerton

T. J. Taylor.

30 Lottery-policy books containing record of
to
49 plays made by S. B. Diehl at 43 Chatham
St. These books were seized at the lot-
tery-policy headquarters, 263 Bowery, Aug.
8th, 1882. Are stamped with their res-
pective dates, A. or P., by the headquart-
ers stamp; each date being in sets marked
"Gam." on the back. They are in handwri-
ting of the "Writer," T. J. Taylor.

Cor.
Ex. 8 to 14.

Whit. R.A.P.

50 Lottery-policy books containing record of
to
65 plays made by S. B. Diehl at 66 Chatham
St. These books were seized at the lot-
tery-policy headquarters, 263 Bowery,
Aug. 8, 1882. Are stamped with their
respective dates, A. or P., by the head-
quarters stamp; each date being in sets
marked B. on the back. They are in the
handwriting of the "Writer,"

Cor.
Ex. 15 to 19

Whit. R.A.P.

66 Lottery-policy books containing record of
to
72 plays made by S. B. Diehl at 366 West 26th
St. These books were seized at the lot-
tery-policy headquarters, 263 Bowery, Aug.
8th, '82. Are stamped with their res-
pective dates A. or P., by the headquart-
ers stamp; each date being in sets marked
West 26th. They are in the handwriting

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-5-

Cor.
Ex.20 to 24.

of the "Writer,"

Dennis Murray

Wit. R.A.P.

73 Lottery-policy books containing record of
to
77 plays made by S. B. Diehl at 83 East
Houston St. These books were seized at
the lottery-policy headquarters, 263 Bow-
ery, Aug. 8, '82. Are stamped with their
respective dates, A. or P., by the head-
quarters stamp; each date being in sets
marked "83." They are in the handwriting
of the writer, Dennis Murray.

Cor.
Ex.26 & 27.

Wit. R.A.P.

Cor.
Ex.49

78 One set of 23 lottery-policy books marked
on back "J.E.S," stamped with headquart-
ers stamp "A.Jul.31" Seized at the lot-
tery-policy headquarters, 263 Bowery, by
R. A. Pinkerton. These books were in a
bag containing apparently about all the
lottery-policy books from various offices
which had accumulated during the month of
July.

Wit. R.A.P.

79 One set of 23 lottery-policy books, du-
plicates of Exhibit 78 but also stamped
with the figure of a barrel called the
"check stamp." Seized by R. A. Pinker-
ton at the lottery-policy headquarters,

Cor.
Ex 128.78

5

0306

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John E. Simmons

263 Bowery, Aug. 8, '82. These books were found in the chest of John E. Simmons ^{Diagram No} and is one set of what appears to be the books of the whole business of John E. Simmons for the month of July and other months there found.

Mt. R.A.P.

80 One set of lottery policy books marked on back "J.E.S," stamped with headquarters stamp, P.Aug.5. Seized at lottery-policy headquarters, 263 Bowery, by R.A. Pinkerton, where they were found in the chest of Dan'l J. Bernstein. ^{Diagram No} These books were in a package containing a large number of other books stamped the same, apparently the entire P.M. business of Aug. 5th.

*Cor.
Ex. 129*

Dan'l J. Bernstein.

Mt. R.A.P.

81 The same as Exhibit 79, excepting date stamp is P.Aug.5, and check stamp is running horse.

John E. Simmons

*Cor.
Ex. 128*

Mt. R.A.P.

82 Same as Exhibit 5. One of about 100 taken from Dan'l J. Bernstein's desk by R. A. Pinkerton.

Dan'l J. Bernstein.

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-7-

Wit. R.A.P.

Dan'l J. Bernstein 83 One of about 200 Agents' tables giving rates charged for different combinations in playing policy. *Found in chest of Daniel J. Bernstein.*

Wit. R.A.P.

Dan'l J. Bernstein 84 One of about 50 printed slips headed Frankfort-Kentucky, with numbers 1 to 13 under each name. *Found in chest of Dan'l J. Bernstein.*

Wit. R.A.P.

Dan'l J. Bernstein 85 Checks of Dan'l J. Bernstein on Pacific Bank found by R. A. Pinkerton in Bernstein's chest.

Dan'l J. Bernstein 86 Checks of Dan'l J. Bernstein on Pacific Bank received from Cashier of Pacific Bank by Henry C. Allen.

Wit. R.A.P.

Dan'l J. Bernstein 87 Check-book on Pacific Bank showing stubs of foregoing checks found by R. A. Pinkerton in Dan'l J. Bernstein's chest.

M. C. Stanly

The following checks are in favor of M.C. Stanly:

May 31, \$250.00
June 28, 250.00
July 25, 250.00

Z. E. Simmons

Check April 10, '82, \$2,500.00 This is in favor of Z. E. Simmons, but the

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margin in check-book gives it in favor of Boston.

Check June 9, '82, \$250.00, is in favor of Z. E. Simmons.

Check, June 5, '82, \$3,500.00, is in favor of J. D. Bernstein. The stub of the check-book shows this check to be in favor of Boston.

Check, June 9, '82, \$84.50, is in favor of George I. Tyson; stub reads, "George I. Tyson, for Boston."

Check, June 26, '82, \$350, is in favor of Isaac Bernstein; stub reads: "I. Bernstein order of Boston."

Check, June 29, '82, \$500, in favor of Z. E. Simmons; stub reads: "Boston, for deposit in Jersey Bank."

Check, July 8, '82, \$4000, in favor of Isaac Bernstein; stub reads: "I. Bernstein for Boston-B. Irving."

Check July 21, '82, \$63.40, in favor of A. F. Warburton & Co.; stub reads: "A. F. Warburton & Co., for Boston; stenographer in Colton case."

Check July 31, '82, \$500, is in favor of Cash or Bearer; stub reads: "Z.E.S. personal for Henry."

Wm. R. A. P.

88 Cash book of Dan'l J. Bernstein found in his chest by R. A. Pinkerton. Amongst

*Cor.
Ex. 88.*

*Cor.
Ex. 88.*

*Cor.
Ex. 88*

*Cor.
Ex. 88*

*Cor.
Ex. 88*

*Cor.
Ex.-102*

*Cor.
Ex. 88.*

Dan'l J. Bernstein

8

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other entries it contains the following:

1882			
May 26	Cash, Boston up at Theiss	\$20.00	
June 2	Boston House, 23rd St.	20.00	
" "	" up at Swan's	20.00	
June 3	" up at Swan's	20.00	
June 6	Order Jeff. Boston	10.00	
Cor. Ex 87	" 5 Boston	3500.00	
" "	" B. Irving, Boston	500.00	
" 7	Spencer order of Boston	50.00	
Cor. Ex 87	" 9 Dr. Sprague for Boston	50.00	
" "	" Tyson for Boston	84.50	
" 13	Boston, Cash, office	10.00	
" 17	" cash at stable	75.00	
" 20	" order from 599B way	100.00	
" 24	" to Louis wagon	75.00	
" "	" Order to Pap	60.00	
Cor. Ex 87	" 25 Cash up at Swan's	20.00	
" 26	" to pap, Boston's order	350.00	
Cor. Ex 87	" 29 Deposit Jersey Bank		
" "	Whitehead, 250.00	500.00	
Cor. Ex 87	July 5 Jeff for Boston to Tyson	8.00	
" "	" 8 B. Irving for Boston	4000.00	
" 10	B. Irving, personal-Boston	500.00	
" "	Boston, order on pap	50.00	
Cor. G. Frank.	" 12 Boston, Cash from Luthy		
" "	Whitehead 250.00	300.00	
" 15	Boston order Jeff. to Louis	60.00	
" "	Boston 1-2 Ches. Sim a/c	282.68	
" 21	A. F. Warburton for Boston,		
" "	Colton case	63.40	
" 23	Pap order Boston stable	25.00	
" 25	Boston order for Dan Reed	60.00	
Cor. Ex 87	" 27 Boston cash at home	130.00	
" 31	Boston cash Henry	500.00	

Against these payments is only one entry giving any name, viz., July 12, Cash Boston, loaned of him, 1,000.00, making an apparent payment to Z. E. Simmons of \$10,000.00

Mit. R.A.P.

Dan'l J. Bernstein, 89 Bernstein's July account with the lottery policy offices, found on his desk by R. A. Pinkerton; page 15 gives Bernstein's account for July with J. E. Simmons. Page

Cor.
Ex.-p.556

03 10

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Cor.
G. Frank

19 gives Bernstein's account for July with F. E. Luthy, headed 4,L, in which he credits Luthy with expenses \$1184.76, showing a loss of \$11.32

Whit. R.A.P.

Dan'l J. Bernstein 90

Cor.
Ex.p.542

Cor.
Gustave Frank

Bernstein's June account with the lottery-policy offices found in his chest by R. A. Pinkerton. Page 15 gives Bernstein's account for June with J. E. Simmons. Page 19 gives Bernstein's June account with F. E. Luthy, showing Luthy's expenses as \$907.47 and balance due by Luthy \$815.00 Page 62 credits Luthy with \$300 and \$400 and \$115.

Whit. R.A.P.

Dan'l J. Bernstein 91

Cor.
Ex.-p.569

Cor.
Ex.80 and accompanying books

Bernstein's August account with the lottery-policy offices found on his desk by R. A. Pinkerton. Page 15 gives Bernstein's August account with J.E.Simmons. This books contains an aggregate on Aug. 5th accounts with offices headed Dol., Bon. 27, Dave 17, Gam., etc.

Whit. R.A.P.

Dan'l J. Bernstein. 92

Memorandum. book containing a list of lottery-policy backers or middlemen and offices assigned to each. This may be to some extent verified or corroborated

0311

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Ex. 80, 89, 90, 91

by Bernstein's monthly account books, Exhibits 89, 90, 91, and by the lottery-policy books Exhibit 80. *Found in D. J. Bernstein's chest.*

Int. R.A.P.

Dan'l J. Bernstein 93

Geo. Upington.

Account in memorandum book of Dan'l J. Bernstein with George Upington, commencing Aug. 13, '81 and concluding April 29, '82, containing numerous receipts signed G.^{U.} to the amount of \$10,976.57. This book also contains a summary indicating a total indebtedness of Bernstein of \$51,424.58. *Found in Dan'l J. Bernstein's chest.*

Int. R.A.P.

Cor. 94
Ex. 85, 86, 87, 88
Zachariah E. Simmons

Four orders to D. J. Bernstein to pay money. Three signed "Z. E. Simmons" and one in the same handwriting signed Boston. *Found on the person of Dan'l J. Bernstein*

Int. R.A.P.

Dan'l J. Bernstein 95

P.P. slips, containing an account of a play made by Gustave Frank with Dan'l J. Bernstein August 5th. Reading on slip: "4, L., offe, \$3.94." These slips were found on Bernstein's desk.

Int. R.A.P.

Dan'l J. Bernstein 96

P.P. slips found in Dan'l J. Bernstein's chest, containing memorandum on June 29, "4 L.87," being the record of the play

0312

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John S. O'Neil

made by Gustave Frank and Eugene Keeler
with John S. O'Neil on that date.

Dan J. Bernstein

Int. R.A.P.

- 97 Six lottery tickets of the Louisiana State
lottery of August 8, 1882, found in Bern-
stein's chest.

Cor.
John Simon

Int. R.A.P.

98. Nine bills, receipted, of John Simon &
Co. against Cash for printing. Found in
Bernstein's chest and on his desk. Read-
ing variously:

Extra 500 slips	6.00
To printing K. & L.	20.00
To 500 Rates	3.00
&c, &c.	

Wm. H. Merritt.
Dan J. Bernstein

Int. R.A.P.

- 99 Bills of the N. Y. Mutual Gas Light Co.,
receipted, against W. Merritt and W. H.
Merritt, 263 Bowery. Found in Bern-
stein's chest and on his desk.

Cor.
Ex. 89-p. 23

Dan J. Bernstein

Int. R.A.P.

- 100 Salary List, etc., in handwriting of Danl
J. Bernstein containing record of 18 of
his employees. Found on Dan'l J. Bern-
stein's desk.

Dan J. Bernstein

Int. R.A.P.

- 101 Bill of George N. Veritzan, receipted,

0313

-13-

against Messrs. (torn off), 263 Bowery,
endorsed "Mr Shipsey, 262 Bowery." Found
on Bernstein's desk.

Whit. R.A.P.

Cor.
Ex. 87

W.E. Simmons.

- 102 Bill of A. F. Warburton, receipted,
against Z. E. Simmons per Mr. Whitehead
\$63.40. Found in Bernstein's chest.
(shows Boston and W.E.S. are same.)

Whit. R.A.P.

Dan'l J. Bernstein.

- 103 Bill of The Press against Frankfort and
Kentucky for advertising, receipted.
Found on Bernstein's desk.

Whit. R.A.P.

Dan'l J. Bernstein.

- 104 Bills of the Metropolitan Telephone & Tel-
egraph Co. against Dan'l D. Bernstein and
Dan'l Bernstein, and an agreement between
said Company and Dan'l Bernstein. Found
in Dan'l J. Bernstein's desk.

Whit. R.A.P.

John White,
Dan'l J. Bernstein

Cor.
Ex. 92-p.17

- 105 Letter from John White to Mr. B, reading:
"Enclosed find my a/c for month of May
xxxx. You will all my business this a.m.
xxxx" also the enclosure which appears to
be the rent of 3 offices; also the Par-
nell Fund and cost of slips. Found on
Dan'l J. Bernstein's desk.

0314

-14-

*J. Clute.
Dan'l J. Bernstein.*

Mt. R.A.P.

106 Letter of J. Clute, Aug. 1st, stating that he is unable to pay his rent, \$125, on account of the hitting on "tail end of the month." Found on Dan'l J. Bernstein's desk.

*Henry C. Perley
Dan'l J. Bernstein*

Mt. R.A.P.

107 Bill of Henry C. Perley, advertising agency for advertising in N. Y. STAR, month of July, \$74.40. Found on Dan'l J. Bernstein's desk.

Dan'l J. Bernstein

Mt. R.A.P.

108 Six blind plays or sealed plays enclosed
to
113 in envelopes marked John Cox. Taken from Bernstein's chest. These plays are marked as follows:

*Cor.
G. Frank.*

108	351-451	2	July M. 27
109	293-393	3	June 22
110	Both all day		July 6, \$4.38
111	315-415	3	July M. 6
112	471	10	Aug. M. 8
113	471	4	Aug. M. 8

Dan'l J. Bernstein.

Mt. R.A.P.

114 Two blind plays or sealed plays enclosed
to
115 in envelopes, one marked "N. June 22nd," and one "17 Ex. July 7th."

*Cor.
G. Frank*

114	317417	3	June M. 7
115	294394	20	Evy N. 22.

Found in Bernstein's chest.

Dan'l J. Bernstein.

Mt. R.A.P.

116 Blind or sealed play found in Bernstein's

14

0315

-15-

chest. Marked "Both August 1st all day,
\$2.36."

Int. R.A.P.

- 117 About 100 of the printed slips of the
drawings of the Frankfort and Kentucky
Lotteries, same as printed by Simon & Co,
dates from August 4th to August 7th.
Found in drawer of Peter Conlin, Desk No.

Cor. John Simon

Deft.
Peter Conlin

Int. R.A.P.

- 118 Memorandum Book found on person of John
O'Neil, containing account of the offices
given in the monthly account books of D.
J. Bernstein under head of 149. These
accounts are duplicates of each other.
(See Bernstein's July account book, Ex.
89-p.34, and O'Neil's memo. book under
date commencing July 1, 1882.

Cor.
Ex.89-p.34
John O'Neil

Dan J. Bernstein.

Int. R.A.P.

- 119 About 25 pencil copies of the daily draw-
ings of the Frankfort and Kentucky lot-
teries found in the desk of John S. O'Neil
These slips are written with the numbers
in numerical order as well as in the or-
der in which the numbers were drawn from
the wheel.

Cor.
Ex.1

Deft.
John S. O'Neil

0316

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Geo. W. Connor

Hit. R.A.P.
120 Sealed play marked 467 (12) Aug. M. 5,
found on the person of Geo. W. Connor.

Geo. W. Connor

Hit. R.A.P.
121 Sealed play marked 467 (2) Aug. M. 5,
found on the person of Geo. W. Connor.
Exhibits 121, 121 were in envelope ad-
dressed P. E. Knowlton, Esq.,

Geo. W. Connor

Hit. R.A.P.
122 Lottery-policy book found on desk No.
of George W. Connor.

Cor.
Ex.1

Hit. R.A.P.
123 Slips containing the daily drawings of
the Frankfort and Kentucky lotteries made
in lead pencil and stamped with the check
stamp used for stamping the lottery-poli-
cy books which are returned to the back-
ers or middlemen. These slips were found
in the drawer of Geo. W. Connor, desk No.

Geo. W. Connor

Cor.
Ex.2 & 3

Frederick C. Thompson.

Geo. W. Connor

Hit. R.A.P.
124 Official printed slips such as printed by
Frederick C. Thompson, of the drawings of
the Frankfort and Kentucky lotteries for
Aug. 7th. Found in drawer of Geo. W. Con-
nor, desk No.

03 17

-17-

Wt. R.A.P.

Fred. C. Thompson.

William Kershon

- 125 About 100 printed slips such as are printed by F. C. Thompson, of the drawings of the Frankfort & Kentucky lotteries, found on the desk No. of William Kershon.

Wt. R.A.P.

William Kershon

- 126 Samples taken from lot of about 200 printed rates for August, 1882, of the Frankfort and Kentucky lotteries morning and evening drawings. Found in Wm. Kershon's drawer. Taken Dec. 11, 1882.

Wt. R.A.P.

William Kershon

Cor.
Ex. 128

Cor.
G. Frank

- 127 Slip containing 16 cypher names apparently of lottery-policy books stamped with the check stamp of arm, skull and bones, angel and running horse (apparently a record kept by Wm. Kershon of the lottery policy books upon which he has placed these stamps. Found in the desk of Wm. Kershon.)

Wt. R.A.P.

Cor.
Gustave Frank

Dan'l J. Bernstein

- 128 Flat cigar box containing check stamp dies used in stamping lottery-policy books verified and returned to middlemen; also dies for day of month or figures and other articles used with stamps. Taken from Dan'l J. Bernstein's desk.

17

0318

-18-

Wt. R.A.P.

Wm. Kershon

- 129 One small box containing dies of month and day of month used in stamping the lottery-policy books retained at the headquarters; also one check stamp die representing an engine. Found on table at east end of room marked No. used by Wm. Kershon.

Cor.
G. Frank

Wt. R.A.P.

Wm. Kershon

- 130 One stamp containing in a circle "A. Aug. 8," used in stamping office copy of lottery-policy books. Found on table at east end of room marked No. 6 used by Wm. Kershon.

Cor.
G. Frank

Wt. R.A.P.

Dan'l J. Bernstein

- 131 One stamp containing a check stamp representation of a barrel, found in Bernstein's chest.

Wt. R.A.P.

- Dan'l J. Bernstein 132 Stamp containing die of a shirt, found in Bernstein's chest.

Wt. R.A.P.

- Dan'l J. Bernstein 133 Stamp like Exhibit 130 not containing any dies found in Bernstein's chest.

Cor.
Ex. 135, 136

Wt. R.A.P.

- 134 Two padlocks to Bernstein's chest, each

18

0319

-19-

having different combination.

Left-
Dan J. Bernstein
cor.
Ex. 134

Wit. R.A.P.

135 Two keys to the padlocks of Bernstein's chest, stamped 70 & 71, found on the person of Dan'l J. Bernstein.

Dan J. Bernstein
Cor.
G. Frank
cor.
Ex. 134

Wit. R.A.P.

136 Two keys to the padlocks of Bernstein's chest, stamped No. 70 & 71. Found on the person of Edward Lohman

Left-
Edward Lohman
cor.
Ex. 138
John E. Simmons

Wit. R.A.P.

137 Padlock to the chest of John E. Simmons.

Left-
John E. Simmons
cor.
Ex. 137

Wit. R.A.P.

138 Key to the padlock of the chest of John E. Simmons, found on the person of John E. Simmons.

Left-
George Dominick

Wit. R.A.P.

139 Slips found on the person of George Dominick, middleman, apparently containing an account of his aggregate business by offices. The slips are marked "Day and Night," and the day slips contain memorandum on the back which correspond to the entries in Bernstein's account book, (Exhibit 91, p. 18), said account being headed "G.D."

cor.
Ex. 91-p. 18

19

0320

-20-

Wit. R.A.P.

John E. Simmons

140 Account book of J. E. Simmons found in the drawer of his desk, No. . This book apparently contains account with various lottery-policy offices for each month with the aggregate carried forward to an account marked S.O. 263, which aggregate account has a corresponding account in Bernstein's account book. (See Exhibit 140, p. 569, and Exhibit 91, p. 15.

Cor.
Ex. 91-p. 15

140-p 569

Wit. R.A.P.

John E. Simmons

141 Slip showing account apparently of different lottery-policy offices headed N. Aug. 8th, duplicate entries of which will be found in John E. Simmons' account book opposite dates of Aug. 7th. Found in drawer of table of John E. Simmons.

Wit. R.A.P.

John E. Simmons

142 Printed slips containing lottery rates for July, 1882, and a printed slip of Agents' Table dated Jany 1, 1881. Found in drawer of John E. Simmons' table.

Wit. R.A.P.

John E. Simmons

143 Slips for a portion of July and August of the same character as Exhibit 141. Found in drawer of John E. Simmons' table.

Cor.
Ex. 141

0321

-21-

Cor.
Ex. 91-p. 16
Jacob Nathan.

- Wt. R.A.P.*
- 144 Memorandum book of Jacob Nathan found on his person, apparently his account with his different lottery-policy offices, a summary of which will be found on page 26; a duplicate of the account is in Bernstein's monthly account book for August, exhibit 91, page 16.

Cor.
Ex. 91-p. 16

Deft.
Jacob Nathan

- Wt. G.D. Bangs.*
- 145 Handwriting of Jacob Nathan written in presence of George D. Bangs.

Deft.
Jacob Nathan

- Wt. R.A.P.*
- 146 Slip headed "Rents for August," containing various memorandum, found on person of Jacob Nathan.

Deft.
Jacob Nathan

- Wt. R.A.P.*
- 147 Agents' tables taken from Jacob Nathan's drawer.

Deft.
Jacob Nathan

- Wt. R.A.P.*
- 148 Lottery-policy books, stamped d Aug. 7th, found in drawer adjoining one in which Nathan kept his money, and acknowledged to be his own. These books, numbering 12 or 13, were in an envelope marked "Ex. 8 7 Nat," and one of them is marked on the back "Nathan." In the same drawer were books in similar quantities, and hav-

0322

ing on them the stamps of Aug. 1, 2 and other days in August. All these books are stamped with check stamps.

Jacob Nathan
Ex. 148
C.P.W.
Ex. 144

Wit. R.A.P.
149 Memorandum book found in same place as Exhibit 148, and containing memorandums in all respect similar to Exhibit 144; also the following:

Police money,
Killilea \$70
Murphy 5
Washburn 5

Jacob Nathan

Cor.
Ex. 148

Wit. R.A.P.
150 Paper containing thirteen Nos. of numbers and streets, apparently a list of the policy shops backed by Nathan. This number agrees with the number of books, Ex. 148.

Jacob Nathan

Wit. R.A.P.
151 Lot of lottery-policy books marked Ex. 8th (inferentially Aug. 8th A.M.) and unstamped found in personal drawer of Jacob Nathan.

C.P.W.
Ex. 4
Joseph W. Kay.
Jacob Nathan

Wit. R.A.P.
152 Same as Exhibit 4. Letter from Jos. W. Kay to attend meeting, Military Hall. Found in Jacob Nathan's drawer of desk.
JP

Gustave Lange

Wit. John Peterson.
153 Memorandum book containing an account ap-

0323

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parently of the lottery-policy offices of
Gustave Lange taken from his person by
J. Peterson. A partial corroboration of
this book is found in the entries of Bern-
stein's monthly account book, Ex. 91, p. 12

Cor.
Ex. 91-p. 12

Richard Fox

Int. R.A.P.

- 154 Circular of drawing of Royal Havana Lot-
tery found on person of Richard Fox.

William Jones

Int. R.A.P.

- 155 Lottery-policy book found in the possess-
ion of William Jones, stamped A. Aug. 7.

John Schrieber

Int. R.A.P.

- 156 Set of lottery-policy books stamped P.
Aug. 7; also stamped with check stamp
representing female with wings, found in
the possession of John Schrieber.

Cor.
Ex. 127. 128

John Schrieber

Int. R.A.P.

- 157 Slip containing numbers apparently foot-
ings of the same amounts as appear in
lead pencil on Ex. 156.

Cor.
Ex. 156

Int. R.A.P.

- 158 Set of lottery-policy books of night Aug.
4, marked with blue pencil on back "J. A.
& Co.;" also slip marked "J. A. & Co.,"
giving, apparently, the footings of said

Cor.
Ex. 91-p. 20

0324

-24-

books. This slip contains an aggregate footing, 123, 61 and 74, 84, which will be found entered in Bernstein's account book for August, Exhibit 91-page 20.

Wit. H. G. Julian

Michael Reynolds 159 Lot of prints of Frankfort & Kentucky drawings same as printed by John Simon & Co., which operative H.G. Julian secured. The same being torn up by Michael Reynolds, who took them from his pocket.

Wit. R. A. P.

William Howard 160 Lottery-policy book found on the top of William Howard's desk, No. , dated Ex. Aug. 8.

Wit. R. A. P.

John S. O'Neil 161 Two sets of lottery-policy books of Ex. Aug. 8, found on the top of the desk of John S. O'Neil, No. .

Wit. R. A. P.

Michael Reynolds 162 One of 12 sets of lottery-policy books stamped A. Aug. 8, and marked respectively: "17-off - Gam. - 1019 - 1019 - Dolson Buck - White - K - Irving - Freidman, and one unmarked. Found in Michael Reynolds' desk No. .

0325

-25-

Int. R.A.P.

Ed. Lohman

163 One set of lottery-policy books found in Ed. Lohman's drawer, No. , dated Ex. Aug. 7.

Int. R.A.P.

Ed. Lohman

164 Quantity of printed slips of July and August of the drawings of the Kentucky and Frankfort Lotteries, same as printed by F. C. Thompson, stamped with their respective dates, A. & P., by the headquarters stamp of 263 Bowery. Found in Ed. Lohman's drawer, No. .

Ind. C. Thompson

Int. R.A.P.

Ed. Lohman

165 Slips made in lead pencil of the drawings of the Frankfort and Kentucky lotteries marked "nt 7, Ex. 7, nt. 5, ex. 5," etc., and stamped with the check stamps of headquarters, 263 Bowery. The numbers on these slips are verified from those on the printed slips of drawings for corresponding dates, and it is also shown from check stamps on these slips what date the respective check stamps refer to. Found in Ed. Lohman's drawer, No. .

Cor.
Ex. 164

Int. R.A.P.

James Riley

166 Set of lottery-policy books found in desk No. , of James Riley, stamped A. Aug. 8, and marked on back in blue pencil Rob-
-775077-

25

0326

-26-

William Howard

W.H. Howard
167 Two books of lottery-policy books found in drawer of William Howard's desk No. 16, stamped A. Aug. 8, and marked on back in blue pencil "27 & 83," respectively.

William Howard

James Fox

W.H. Howard
168 Letter from O. to James Fox regarding "ex book Aug. 4;" also two lottery-policy books stamped Aug. 5 on same. Found in William Howard's drawer ^{of desk} No. 16.

Cor.
Ex. 164
Cor.

G. Frank
William Howard

W.H. Howard
169 Lot of written slips of the drawings of the Kentucky and Frankfort Lottery. Found in William Howard's drawer No. 16.

Eugene Keeler

Cor.
G. Frank

Dan J. Bernstein

Cor.
Ex. 91, p. 19

W.H. Howard
179 Account book of F. E. Luthy with his lottery policy offices kept by Eugene Keeler. Can be identified by G. Frank. This book is for Aug. 1 to 7th inclusive, and contains entries the same as will be found in Bernstein's account book for Aug., Ex. 91, p. 19, headed 4 L. Found in tin box in charge of Gustave Frank and Eugene Keeler.

0327

-27-

Eugene Keeler

- Int. R.A.P.*
- 180 Two sets lottery-policy books stamped P. Aug. 7 and A. Aug. 7; also with the check stamp of a female with wings and skull and cross bones. Found in tin box in charge of Gustave Frank and Eugene Keeler

Cor.
G. Frank

James Riley
George Connors

- Int. R.A.P.*
- 181 One of three sets of lottery-policy books found on top of desk between desks of James Riley and George Connors, stamped Aug. 8 and marked with blue pencil, respectively, J.E.S., C.H.S., and Nathan.

W. H. Merritt
William Howard

- Int. R.A.P.*
- 182 Set of lottery-policy books found on top of centre of desk between Wm. H. Merritt and William Howard, stamped A. Aug. 8, and marked in blue pencil on back "Lindo"

Cor.
Ex.164

Wm. H. Merritt
William Howard

- Int. R.A.P.*
- 183 Written slips of drawings of Frankfort & Kentucky lotteries from July 29 to Aug. 7. Found on top of centre of desk between Wm. H. Merritt and William Howard.

Cor.
Ex.164

Michael Reynolds
Peter Conlin

- Int. R.A.P.*
- 184 Written slips of drawings of Frankfort & Kentucky lotteries. Found on top of centre of desk between Michael Reynolds and Peter Conlin.

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Wt. R.A.P.

John O'Neil

Ed. Lohman

- 185 Three lottery-policy books of Aug. 8, ex.
Found on top of centre of desk between
John O'Neil and Ed. Lohman.

Wt. R.A.P.

Wm. H. Merritt

Peter Conlin

- 186 One set lottery-policy books stamped A.
Aug. 8, found on top of centre of desk
between Wm. H. Merritt and Peter Conlin.

Wt. R.A.P.

John E. Simmons

- 187 One of package of about 100 Day No. rates
used as a guide in playing policy. Found
in chest of John E. Simmons.

Wt. R.A.P.

John E. Simmons

- 188 Package of Rates for August, 1882, for
the Frankfort and Kentucky Lotteries.
Found in chest of John E. Simmons.

Wt. John S. Wood.

John Simon

- 189 Lot of printed slips of the drawings of
the Frankfort and Kentucky lotteries for
the morning of Aug. 8, '82, taken from
the printing press in establishment of
John Simon & Co., 21 West Houston St.,
by John S. Wood.

Wt. J.S.W.

John Simon

- 190 Form on which exhibit No. 189 were print-
ed. Taken from the establishment of Jno.

0329

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Simon & Co., 21 West Houston St.

Wt. J. S. W.

John Simon

191 Package of 19 printed slips same as exhibit 189, marked in blue pencil "C. Simmons." Package of 15 Ditto, marked

Isaac Baer

"Noelke." Package of 18 Ditto marked "K" Taken from person of Isaac Baer at the establishment of John Simon & Co. by John S. Wood. Baer stated to Wood that he was one of the firm of J. Simon & Co.

Wt. J. S. W.

John Simon

192 Account book of John Simon & Co., containing entries of cash received from K. & L. Lott, G. Upington, and C. & L. See pages ^{155, 151, 149, 147, 145, 139} ges. Taken from the store of John

Isaac Baer.

Simon & Co., 21 West Houston St. by John S. Wood. *also payments to Isaac Baer. see pages - 154, 152, 148, 142 etc.*

Wt. John Cornish

Fred. C. Thompson, Sr. 193

Copy of printed slips of Kentucky State

Fred. C. Thompson, Jr.

Lottery of drawing for Aug. 8, 1882.

Found by operative John Cornish on the floor in the private office of Fred'k C. Thompson.

Wt. J. C.

Fred. C. Thompson, Sr.

194

Form on which exhibit No. 193 was printed.

Fred. C. Thompson, Jr.

Taken from the establishment of Fred C. Thompson, 35 Vesey St., by John Cornish.

29

0330

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W.H. J.B.

Fred. C. Thompson, Sr. 195 Set of cypher cards probably used in tel-
 Fred. C. Thompson, Jr. egraphing lottery drawings. Found in
 small desk outside private office of Fred
 C. Thompson, 35 Vesey St., by John Corn-
 ish.

W.H. J.B.

Fred. C. Thompson, Sr. 196 Set of cypher cards probably used in tel-
 Fred. C. Thompson, Jr. egraphing lottery drawings. Found in
 small desk outside private office of Fred
 C. Thompson, 35 Vesey St., by John Corn-
 ish.

W.H. J.B.

Fred. C. Thompson, Sr. 197 Printed slip containing 78 words apparent-
 Fred. C. Thompson, Jr. ly used for the purpose of writing out
 cypher dispatches of lottery drawings.
 Found in small desk outside F. C. Thomp-
 son's private office, 35 Vesey St.

W.H. J.B.

Fred. C. Thompson, Sr. 198 Border rules containing the engraving
 Fred. C. Thompson, Jr. "Simmons & Dickinson, Managers & success-
 Simmons & Dickinson ors to Simmons, Dickinson & Co." Found
 on small desk outside F.C. Thompson's pri-
 vate office, No. 35 Vesey St.

W.H. J.B.

Fred. C. Thompson, Sr. 199 Envelope headed "Adams Ex. Co's office,
 Fred. C. Thompson, Jr. Washington, D. C.," and having the print-
 Simmons & Dickinson ed signature of Simmons & Dickinson, New

0331

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York, N. Y., and the printed signature of S. & D. to a notice regarding the use of the package. Found on small desk outside of F. C. Thompson's private office, 35 Vesey street.

Fred. C. Thompson, Sr. 200
Fred. C. Thompson, Jr.
Simmons & Dickinson

Dan'l Bernstein
Z. E. Simmons
Simmons & Upington

George Upington

Fred. C. Thompson, Sr.
Fred. C. Thompson, Jr.

W.H. J.B.
"Ledger J.C.B." in which is account of S.D. & Co. closed Octo., 1876, page 95, and account of S. & D. opened Nov. 1876, page 133, which is still open in July, 1882, page 206. Also account with Z. E. Simmonds closed Dec., 1881 with entry: "to balance S. & U., page 225, \$30.00, which amount appears in the account of Dan'l Bernstein "S. & U." in entry "Z.E.S. a/c L. 225," page 209. The account of Bernstein is open in July, 1882.

There is also an account of Geo. Upington page 207, the last debtor entry being March, To Mdse, \$18.00, and March, 1881, is the date on which Dan Bernstein, S. & U., is opened. Found in F.C. Thompson's safe.

Fred. C. Thompson, Sr. 201
Fred. C. Thompson, Jr.

W.H. J.B.
"Order Book J.C.B." Gives the orders which are charged to S. & D., and which are charged to Dan Bernstein (and Ledger a c S. & U.) up to and including July,

0332

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1882. Samples:

Simmons & Dickinson

"S. & D."

July 14	500 env. & pr.	3.00
" 19	Book keys & memos Aug.	3.50
" 25	Schemes (Aug.)	7.50
" "	500 Wrappers Reno	2.50
" "	300 envelopes & ptg,	
	F.J.Nagle	2.00
" 31	To Rent, &c.	25.00
	To printing for July, '82	230.00

Dan. J. Bernstein

Dan Bernstein

July 31	To pr &c., July	10.00
June 30	" pr &c., for June	30.00
May 31	" Rent &c., May	10.00
Apl 8	" Printing to & includ-	
	ing 8"	35.00

Simmons & Upington

"S. & M."

Feb. 28	To printing	210.00
Jan. 31	Officials for Jan.	210.00

Found in F. C. Thompson's safe.

F.C. Thompson Sr.
F.C. Thompson Jr.

Wat. J.C.

202 (Journal J.C.B. & Co., found in F. C. Thompson's safe.)

F.C. Thompson Sr.
F.C. Thompson Jr.

Wat. J.C.

203 (Day-book J.C.B. & Co., found in F. C. Thompson's safe.)

F.C. Thompson Sr.
F.C. Thompson Jr.

Wat. J.C.

204 (P.C.B.) (Petty cash book) Found in F.C. Thompson's safe.)

F.C. Thompson, Sr.

F.C. Thompson, Jr.

Wat. J.C.

205 Book labeled "75 - seventy-five," containing 167 pages of printed figures, be-

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ing an arrangement of the numbers from 1 to 75 in the various combinations into which they can be made by including 3 numbers in a combination as "1, 2, 3-10-11-12, &c." Also having an arbitrary number set opposite each combination, thus: 1, 2, 3 has arbitrary number 807; 10, 11, 12 has arbitrary number 1012. (This book is entitled in the lottery business as the package number book.)

F. C. Thompson, Sr.

F. C. Thompson, Jr.

Att. J.B.
206 Set cypher books containing numbers from 1 to 100 and words set opposite each number, having 10 different combinations to each book. Found in small desk outside of F. C. Thompson's private office, 35 Vesey street.

F. C. Thompson, Sr.

F. C. Thompson, Jr.

Z. E. Simmojs

Att. J.B.
207 Fac-simile of exhibit 206 with cover on it marked "W," which is marked inside "Georgia C K; book found in large safe in Thompson's office claimed by Fred. C. Thompson to be that of Zachariah E. Simmons.

F. C. Thompson, Sr.

F. C. Thompson Jr.

Att. J.B.
208 Book similar to exhibits 195 & 196 with cover on it marked C and notice inside reading "Those using this book will please

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make a memorandum of any of the words causing error in transmission," etc.

Found in large safe in Thompson's and claimed by Thompson to be that of Zachariah E. Simmons.

Zachariah E. Simmons

W.H.

F.C. Thompson, Sr. 209 Book fac-simile of exhibit 208 having
F.C. Thompson, Jr. pasted on the inside of cover the printed
slip giving the days of the month and the
Zachariah E. Simmons page of the book to be used for each date
A.M. and P.M. Found in same place as 208

W.H.

F.C. Thompson, Sr. 210 Book similar to exhibit 207 with cover
F.C. Thompson, Jr. marked No. 1, inside of which is written
"Kent." Found in large safe in Thompson's
Zachariah E. Simmons printing office and claimed by him-
to belong to Z. E. Simmons.

W.H.

F.C. Thompson, Sr. 211 Book similar to exhibits 208 and 209 and
F.C. Thompson, Jr. 195 and 196 with cover stamped in gilt
"K. & G." Found in large safe in Thompson's
Z.E. Simmons printing office and claimed by him
to belong to Z. E. Simmons.