

0531

BOX:

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FOLDER:

735

DESCRIPTION:

Nelson, John

DATE:

04/26/82



735

0532

No 191. 4th

Day of Trial

Counsel, John L. Judson

Filed

26 day of

April 188

Pleads

Whitely 27

THE PEOPLE

vs.

John Nelson

JOHN McKEON,

District Attorney.

A True Bill.

James E. Loebe

Foreman.

May 1st

Read 2nd Jury 3 day  
Sentence & Disposition.

W. H. L.

0533

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

THE PEOPLE OF THE STATE OF  
NEW YORK,

*John Nelson*  
*against*

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

*John Nelson*

of the crime of Burglary in the third degree,

committed as follows:

The said

*John Nelson*

late of the *Eighteenth* Ward of the City of New York, in the County of New York,  
aforesaid, on the *twentieth* day of *April* in the year of our  
Lord one thousand eight hundred and eighty *two*, with force and arms, at the Ward,  
City and County aforesaid, the *Restaurant* of *Julius Krisch*

there situate, feloniously and  
burglariously, did break into and enter, the same being a building in which divers goods,  
merchandise and valuable things were then and there kept for use, sale and deposit, to  
wit: the goods, chattels and personal property hereinafter described, with intent the said  
goods, chattels and personal property of the said *Julius Krisch*

then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and

*Fifty Regars of the Value of five  
Cents Each*

of the goods, chattels and personal property of the said

*Julius Krisch*

so kept as aforesaid in the said *Restaurant* then and there being, then and  
there feloniously did steal, take and carry away, against the form of the Statute in  
such case made and provided, and against the peace of the People of the State of New  
York and their dignity.

*John McKeon*  
*District Attorney*



0534

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

of the crime of Receiving Stolen Goods

committed as follows:

The said

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

of the goods, chattels and personal property of

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

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

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.



0535

Sec. 208, 209, 210 & 212.

Police Court-2<sup>d</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John T. Hendon*  
*720 E 200*  
*John Melan*

Offence, *Burglary*

Dated

*April 25* 1882

*Robertson* Magistrate.

*Thomas Hall* Officer.

*29th Precinct* Clerk.

Witnesses

No.

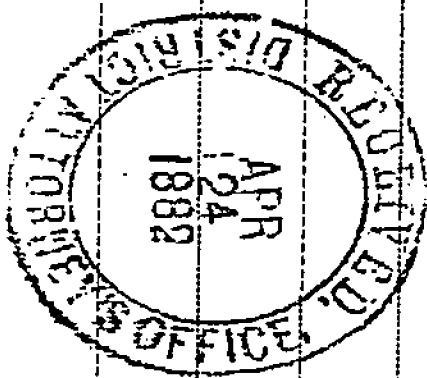
Street.

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Street.



*John A. G. S.*

*Conrad*

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

guilty thereof, I order that he <sup>*held to answer the same and*</sup> be admitted to bail in the sum of *Ten* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *April 25* 1882

*J. M. Patterson* Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

0536

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

2 DISTRICT POLICE COURT.

John Nelson 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 Nelson

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York City

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

Answer. 135 East 125th Street, 2 months

Question. What is your business or profession?

Answer. Work in dry goods stores, now unemployed

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 have nothing to say. I waive further examination

Taken before me, this 20

day of April 1887

John Nelson

J. M. Dawson Police Justice.



0537

Police Court—Second District.

City and County  
of New York.

*Julius L. Krusch, 38 years old, hotel keeper*  
 of No. *220 East 20th* Street, being duly sworn,  
 deposes and says, that the premises No. *903 Broadway*  
 Street, *1st* Ward, in the City and County aforesaid, the said being a *Residence Building*  
 and which was occupied by deponent as a *restaurant*

were **BURGLARIOUSLY**  
 entered by means of *forcing open the shutter on*  
*the door leading from said premises into*  
*Broadway.*

on the *morning* of the *20th* day of *April* 188*2*  
 and the following property feloniously taken, stolen, and carried away, viz: *fifty*  
*cigars of the value \$5.00 dollars and*  
*fifty cents*

the property of *deponent*  
 and deponent further says, that he has great cause to believe, and does believe, that  
 the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen  
 and carried away by *John Nelson, now here,*

for the reasons following, to wit: *deponent is informed*  
*by Officer Thomas Hill of the 129th*  
*Precinct Police that at about half*  
*past four o'clock on said morning he*  
*noticed that said shutter was open, he*  
*having found it closed a short time*  
*previously. Said officer thereupon entered*  
*said premises and found said John*  
*Nelson therein having on his person*  
*said cigars. Deponent further says*  
*that shortly after midnight on said*



0538

day he closed up said premises and  
securely fastened the shutters on said  
door. Dependent further says that he  
has seen said John Nelson since his  
arrest and identified him as the same  
person who last night visited dependent's  
restaurant as a guest and who left  
there before midnight and that said  
John Nelson had no business in said  
premises after they were closed for the  
night.

Sworn to before me this  
20 day of April 1852

*J. M. Patterson*  
Police Justice

City and County of New York:

Thomas Hill of the 29<sup>th</sup> Precinct  
Police, being duly sworn, says that he  
has heard read the foregoing affidavit  
of Julius L. Krusch and that the  
same is true in so far as it relates  
to this dependent

Sworn to before me this  
20 day of April 1852

*J. M. Patterson*  
Police Justice

Thomas Hill

0539

BOX:

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DESCRIPTION:

Noelke, Charles DJ.

DATE:

04/11/82



735



0540

BOX:

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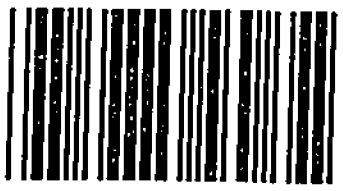
735

DESCRIPTION:

Marks, Jacob

DATE:

04/11/82



735



No. 114. Rev. 1870

20-Per

1100 June

Bailed on appeal to Ct. of App.

No. 1 By Solomon, Mehrbach,

94 / E. 54<sup>th</sup> Street, New York

NO. 11 By <sup>4</sup>Ministry of Campbell

14 Columbus St. N.Y.

Day of Trial,

Counsel, *Stathouray*

Filed // day of *April* 188*8*

Pleads, *Proquity* - (13)

# THE PEOPLE

112

Charles H. Moeller B

*an Haecker B*

Sept 1888

John W. Kear

*P. 2. May 22, 1882.*

Booth tried to assassinate

True Bill. Decos Index, acc

James

*Foren*

*For Letter find my HO*

Dec 22 1883

68

19. *Chrysomelidae*

Wm Lloyd Garrison

10

WITNESSES.

# THE PEOPLE

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Sept 1888

John W. Kear

*P. 2. May 22, 1882.*

Booth tried to assassinate

True Bill. Dec 18 1878



James

Foren

*For Letter find my HO*

Dec 22 1883

68

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Wm Lloyd Garrison

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

The People of the State of New York

against

Charles D. Staelke

Jacob Marks

The Grand Jury of the City and County  
of New York by this indictment, accuse  
Charles D. Staelke and Jacob Marks  
of the crime of Selling Lottery tickets  
committed as follows:— The said  
Charles D. Staelke and Jacob Marks  
each, late of the First Ward of the  
City of New York, in the County of  
New York aforesaid on the seventeenth  
day of March in the year one thousand  
eight hundred and eighty-two, with  
force and arms at the Ward City and  
County aforesaid, unlawfully did sell  
and vend to one Joseph Mattocks a  
part of a ticket in a certain lottery not  
expressly authorized by law, commonly  
called the "Saratoga State Lottery"  
a more particular description of which  
said Lottery is to the Grand Jury  
aforesaid, well known and known

now be given, which said part of a ticket  
in said lottery is as follows that is to  
say:

*will draw at New Orleans*  
**The Louisiana State Lottery Co.**

*incorporated August 17, 1868*  
Tuesday, April 11, 1880.

*of age 16 or more*  
The monthly two dollar drawing

This half ticket entitles the holder thereof to one half  
of any prize or prizes which may be drawn by the number in the  
presently-mailed drawing, if presented for payment  
before the expiration of sixty months from the date of said drawing.

one, five, eight, three, six

4 8 3 6

M. A. Dauphin  
President

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

Second Count

And the Grand Jury <sup>of record</sup> further accuse  
the said Charles D. J. Stelke and Jacob  
Marks of the crime of selling and vending  
a paper purporting to be part of a ticket  
in a lottery <sup>of record</sup> as follows  
The said Charles D. J. Stelke and Jacob  
Marks each <sup>First Ward</sup> of the City of  
New York, in the County of New



Took aforesaid, on the nineteenth day of March in the year one thousand eight hundred and eighty two, with force and arms at the Ward, City and County aforesaid, unlawfully did sell and vend to one Joseph Matthews a paper purporting to be part of a ticket in a certain lottery not expressly authorized by law commonly called The Louisiana State Lottery, a more particular description of which said lottery is to the Grand Jury aforesaid unknown and cannot now be given which said paper purporting to be part of a ticket in said lottery is as follows: that is to say:

The Louisiana State Lottery Co

Tuesday April 11 1882

The Monthly Two dollar Drawing

The Ball paper entitled the Monthly Drawing to one half of such prize as may be awarded by the number in the drawing is presented for payment before the expiration of the month from the date of said drawing.

14836

M. A. Daugherty  
President

Against the form of the Statute in such case made and provided, and

W. H. C. 9349  
Clausen

will draw at  
New Orleans

incorporated  
August 17th 1868

one for eight thousand 800

0545

against the peace of the people  
of the State of New York and  
their dignity

John W. Kear  
Respect Attorney



0546

Given to me March 17/82 4.20 p.m.  
by the party who sold me the Little Harms  
1/2 ticket, and also today sold me a  
half ticket in the Louisiana for  
the drawing of April 11/82

Joseph M. Hacks



7450

Sec. 208, 209, 210 & 212.

Police Court - 1st District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Matlock  
156 W. Nassau St.  
Charles D. Moore  
Jacob Marks  
Office, Court House  
Court House

BAILED,

No. 1, by Mrs. Mohrback

Residence 433 Grand Street,

No. 2, by Moses Mendall

Residence 232 E. Broadway Street,

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street,

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street,

Dated March 29 1882

Smith Magistrate.

Officer \_\_\_\_\_

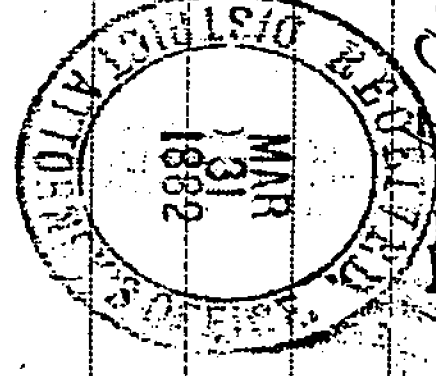
Clerk \_\_\_\_\_

Witnesses \_\_\_\_\_

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

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

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



No. 1. 1000 to Ans

No. 2. 500 to Ans

Bailed

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_ guilty thereof, I order that he be admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars \_\_\_\_\_ and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated \_\_\_\_\_ 1882

Police Justice.

I have admitted the above named \_\_\_\_\_

to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 1882

Police Justice.

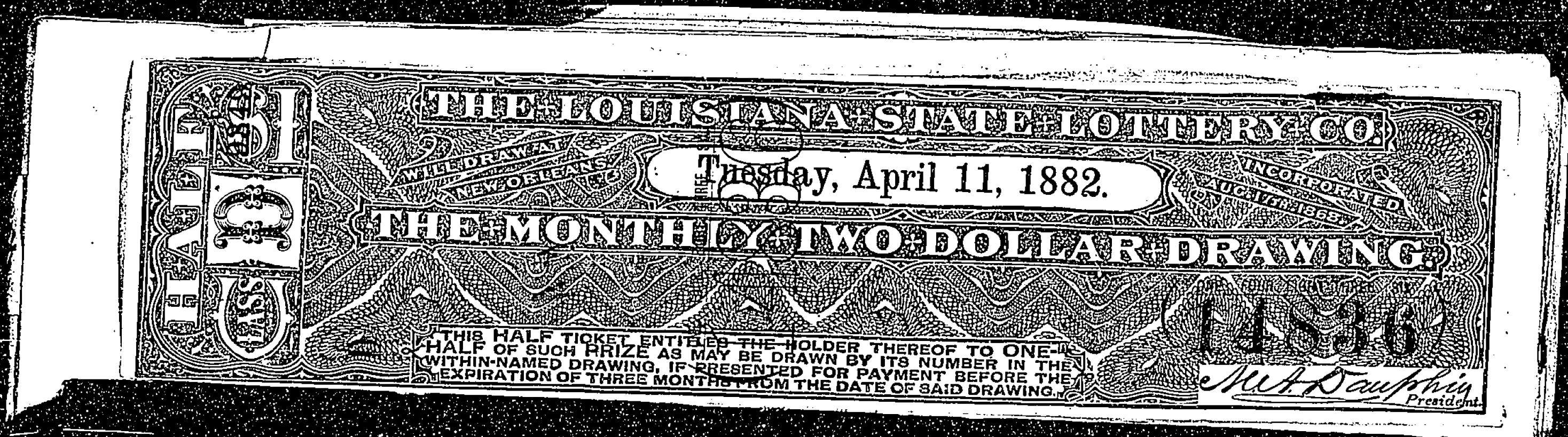
There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 1882

Police Justice.



0548





0549

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

Joseph Mattocks of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that ~~John Doe and Richard Roe~~ Charles D. J. Norlke and Jacob Marks did, on or about the 17th day of March, 1882, at number 238 Grand

street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery tickets, and further that the said, ~~John Doe and Richard Roe~~ Charles D. J. Norlke and Jacob Marks

has in their possession, within and upon certain premises, occupied by them and situated and known as number 238 Grand street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in his possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided, with intent to use the same as a means to commit a public offense, and to maintain and promote a common and public nuisance.

Subscribed and sworn to before me,

this 17th day of March, 1882.

Solon B. Smith Joseph Mattocks  
Police Justice.

City, County and State of New York. ss. Joseph Mattocks being duly sworn further deposes and says, that on the 17th day of March 1882 he called at the office and place of business of the said ~~John Doe~~ Charles D. J. Norlke & ~~Richard Roe~~ Jacob Marks aforesaid at the said 238 Grand Street aforesaid, and there purchased the said paper and ticket commonly called a lottery ticket annexed to the foregoing affidavit under the following circumstances to wit: - Dependent there saw the said ~~John Doe~~ Charles D. J. Norlke and ~~Richard Roe~~ Jacob Marks and had conversation with them in substance as follows - Dependent said, I guess I had not made a hit in the little Havana, referring to a

13 bought 1st prize  
128 2nd prize  
118 3rd prize  
108 4th prize  
98 5th prize  
88 6th prize  
78 7th prize  
68 8th prize  
58 9th prize  
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1 998th prize  
1 999th prize  
1 1000th prize

SCHEME.  
TWO DOLLAR DRAWING.  
Class D - April 11, 1882.  
100,000 Tickets at \$2.00 Each.  
LIST OF PRIZES.  
1 Prize of \$30,000 is \$30,000  
1 Prize of 10,000 is 10,000  
1 Prize of 5,000 is 5,000  
2 Prizes of 2,500 are 5,000  
5 Prizes of 1,000 are 5,000  
20 Prizes of 500 are 10,000  
100 Prizes of 100 are 10,000  
200 Prizes of 50 are 10,000  
500 Prizes of 20 are 10,000  
1,000 Prizes of 10 are 10,000  
Approximation Prizes.  
9 Approx. Prizes of \$500 are \$2,700  
9 Approx. Prizes of 200 are 1,800  
9 Approx. Prizes of 100 are 900  
1,897 Prizes, amounting to \$110,400

4-20 NOTICE.  
Pieces of Tickets, or  
Tickets made up of pieces, or  
Altered Numbers, or without  
the President's Signature, or  
in any manner having been  
Canceled, will not be held  
good by this Company.

Exhibit A.



The following Numbers having drawn Prizes in the regular Havana Lottery have also drawn Prizes in the "Little Havana" or "Supplement."

**Next Ordinary drawing takes place March 28th. Tickets \$2.00. Halves \$1.00**

No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.	No.	PRICE.
DOLLARS		DOLLARS.		DOLLARS		DOLLARS.		DOLLARS		DOLLARS		DOLLARS		DOLLARS		DOLLARS	
12	10.00	2494	10.00	5365	10.00	8358	10.00	11041	10.00	14248	10.00	17579	10.00	20487	10.00	24878	10.00
64	10.00	2495	10.00	5378	10.00	8478	10.00	11048	10.00	14346	10.00	17590	10.00	20569	10.00	24879	10.00
88	40.00	2499	10.00	5392	10.00	8479	10.00	11202	40.00	14368	40.00	17602	10.00	20582	10.00	24901	10.00
171	10.00	2575	40.00	5406	10.00	8495	10.00	11249	10.00	14420	10.00	17610	10.00	20583	40.00	24902	10.00
187	10.00	2585	10.00	5458	10.00	8536	10.00	11262	10.00	14467	10.00	17629	10.00	20585	10.00	24903	10.00
188	10.00	2605	10.00	5494	10.00	8557	10.00	11292	10.00	14501	10.00	17630	10.00	20605	10.00	24904	10.00
212	10.00	2611	10.00	5497	10.00	8592	10.00	11310	10.00	14596	10.00	17646	10.00	20714	10.00	24905	10.00
235	10.00	2640	10.00	5625	10.00	8602	10.00	11382	10.00	14757	10.00	17653	10.00	20733	10.00	24906	10.00
280	40.00	2673	10.00	5657	10.00	8631	10.00	11394	10.00	14786	10.00	17673	10.00	20739	10.00	24907	10.00
288	40.00	2707	10.00	5693	10.00	8638	10.00	11496	10.00	14834	40.00	17687	10.00	20776	10.00	24908	10.00
337	10.00	2710	10.00	5770	10.00	8641	10.00	11514	10.00	14847	10.00	17719	10.00	20826	10.00	24909	10.00
373	10.00	2736	10.00	5781	10.00	8646	10.00	11540	10.00	14917	10.00	17732	10.00	20863	10.00	24910	10.00
424	40.00	2803	40.00	5796	10.00	8678	10.00	11545	10.00	14952	40.00	17755	10.00	20904	40.00	24911	10.00
444	10.00	2832	10.00	5810	10.00	8694	10.00	11631	10.00			17760	10.00	20937	40.00	24912	10.00
445	10.00	2854	10.00	5822	10.00	8746	10.00	11662	10.00	15030	10.00	17804	10.00	20962	10.00		
470	10.00	2892	10.00	5857	10.00	8751	10.00	11736	10.00	15131	10.00	17859	10.00				
471	10.00	2899	10.00	5895	10.00	8793	10.00	11791	10.00	15189	10.00	17869	10.00	21006	40.00		
472	10.00	2913	10.00	5906	10.00	8904	10.00	11800	10.00	15206	10.00	17891	10.00	21143	10.00		
488	10.00	2945	10.00	5922	10.00	8964	10.00	11812	10.00	15247	10.00			21210	10.00		
499	40.00	2948	10.00	5937	10.00			11839	10.00	15286	10.00			21287	40.00		
525	40.00			5946	10.00	9075	10.00	11862	10.00	15297	10.00	18043	40.00	21320	10.00		
528	10.00	3008	40.00	5972	10.00	9083	10.00	11948	40.00	15379	10.00	18066	10.00	21397	10.00		
559	10.00	3070	40.00	5979	10.00	9099	10.00			15380	10.00	18116	10.00	21464	10.00		
582	10.00	3072	10.00			9139	10.00	12011	10.00	15396	10.00	18170	10.00	21565	10.00		
585	10.00	3155	10.00	6029	10.00	9164	10.00	12092	10.00	15454	10.00	18180	10.00	21593	10.00		
599	10.00	3167	10.00	6066	10.00	9167	10.00	12200	10.00	15499	10.00	18220	40.00	21700	10.00		
633	10.00	3193	10.00	6072	10.00	9175	10.00	12201	10.00	15571	10.00	18226	10.00	21730	10.00		
697	10.00	3345	10.00	6171	10.00	9211	10.00	12290	10.00	15584	10.00	18293	10.00	21736	10.00		
710	10.00	3376	10.00	6228	10.00	9274	10.00	12291	10.00	15630	10.00	18299	10.00	21852	10.00		
740	10.00	3381	40.00	6262	10.00	9331	10.00	12360	10.00	15633	10.00	18356	10.00	21859	10.00		
800	10.00	3423	10.00	6282	10.00	9349	10.00	12422	10.00	15700	10.00	18449	10.00	21868	10.00		
975	10.00	3452	10.00	6312	10.00	9426	10.00	12436	10.00	15711	10.00	18475	10.00	21873	10.00		
984	10.00	3459	40.00	6329	10.00	9432	40.00	12451	10.00	15728	40.00	18493	10.00	21912	10.00		
		3461	10.00	6339	10.00	9460	10.00	12460	10.00	15829	10.00	18530	10.00	21948	10.00		
		3474	10.00	6346	10.00	9545	10.00	12490	10.00	15856	10.00	18539	10.00	21986	10.00		
		3479	10.00	6354	10.00	9555	10.00	12533	10.00	15876	10.00	18552	10.00				
		3540	10.00	6427	10.00	9560	10.00	12538	40.00	15889	40.00	18559	10.00	22046	10.00		
		3571	10.00	6446	10.00	9565	10.00	12544	300	15898	40.00	18583	10.00	22056	10.00		
		3602	10.00	6452	10.00	9581	10.00	12567	10.00			18633	10.00	22077	10.00		
		3619	10.00	6461	10.00	9628	10.00	12573	10.00	16002	10.00	18647	10.00	22183	10.00		
		3655	10.00	6523	10.00	9713	10.00	12599	10.00	16029	10.00	1656	10.00	22203	40.00		
		3659	10.00	6527	10.00	9738	40.00	12608	10.00	16034	10.00	18675	200	22216	10.00		
		3693	10.00	6620	40.00	9754	10.00	12629	10.00	16040	10.00	18702	10.00	22219	10.00		
		3719	10.00	6643	10.00	9769	10.00	12749	10.00	16096	10.00	18763	10.00	22225	10.00		
		3739	10.00	6647	40.00	9804	10.00	12753	10.00	16177	10.00	18786	10.00	22258	10.00		
		3777	40.00	6688	10.00	9843	10.00	12757	10.00	16197	10.00	18859	10.00	22269	10.00		
		3791	10.00	6699	10.00	9873	10.00	12843	10.00	16205	10.00	18917	10.00	22359	10.00		
		3792	10.00	6767	40.00	9902	10.00	12854	10.00	16236	10.00	18919	10.00	22363	10.00		
		3804	10.00	6930	10.00	9983	10.00	12936	10.00	16244	40.00	18952	10.00	22390	10.00		
		3856	10.00	6960	10.00	9984	10.00	12937	10.00	16261	10.00	18957	10.00	22431	10.00		
		3857	40.00	6980	10.00			12972	10.00	16276	10.00			22434	40.00		
		3876	10.00	6999	10.00			12992	10.00	16289	10.00			22435	10.00		
		3903	10.00			10036	10.00			16296	40.00	19055	10.00	22460	10.00		
		3907	10.00			10094	10.00	13018	10.00	16315	10.00	19094	10.00	22462	10.00		
		3938	10.00	7005	10.00	10170	10.00	13020	40.00	16356	10.00	19108	10.00	22478	10.00		
		3950	10.00	7045	10.00	10185	10.00	13033	10.00	16364	40.00	19134	10.00	22481	10.00		
				7067	10.00	10249	40.00	13044	10.00	16401	10.00	19198	10.00	22574	10.00		
				7068	10.00	10259	10.00	13068	200	16403	10.00	19243	10.00	22612	300		
		4020	10.00	7083	10.00	10315	10.00	13076	10.00	16408	10.00	19287	10.00	22651	10.00		
		4101	10.00	7132	10.00	10320	10.00	13086	10.00	16460	10.00	19324	10.00	22654	10.00		
		4134	10.00	7134	10.00	10329	10.00	13156	10.00	16476	10.00	19400	40.00	22664	10.00		
		4182	10.00	7203	10.00	10342	10.00	13182	10.00	16601	10.00	19410	10.00	22692	10.00		
		4232	10.00	7223	10.00	10412	10.00	13189	10.00	16607	10.00	19511	10.00	22713	10.00		
		4269	10.00	7235	10.00	10427	40.00	13200	10.00	16630	10.00	19586	10.00	22772	10.00		
		4329	10.00	7253	10.00	10460	10.00	13208	10.00	16670	10.00	19669	10.00	22807	10.00		
		4333	10.00	7303	10.00	10517	10.00	13241	10.00	16841	10.00	19706	10.00	22830	10.00		
		4548	40.00	7380	10.00	10535	200	13247	10.00	16844	10.00	19719	10.00	22839	40.00		
		4559	40.00	7390	10.00	10550	10.00	13295	10.00	16848	10.00	19732	10.00	22900	10.00		
		4560	10.00	7392	10.00	10554	10.00	13316	10.00	16868	40.00	19739	10.00	22970	10.00		
		4575	10.00	7524	10.00	10558	10.00	13333	10.00	16899	10.00	19739	10.00				
		4581	10.00	7556	10.00	10608	10.00	13373	40.00	16904	10.00	19785	10.00				
		4675	10.00	7590	10.00	10612	10.00	13381	10.00	16934	10.00	19801	10.00				
		4684	10.00	7681	10.00	10647	40.00	13417	10.00	16937	10.00	19820	10.00				
		4714	10.00	7687	10.00	10655	10.00	13459	10.00	16939	800	19869	10.00				
		4742	10.00	7693	40.00	10667	10.00	13560	10.00	17021	10.00	19895	10.00				
		4743	10.00	7727	10.00			13566	10.00	17024	10.00			20008	10.00		
		4818	10.00	7835	10.00	108											

**Next Ordinary drawing takes place March 28th. Tickets \$2.00. Halves \$1.00**

Approximation Numbers to the Capital Prizes.

To the \$,500.			To the 2,000,	
16931...40.00	16934...40.00	16937...40.00	17337.....	25.00
16932...40.00	16935...40.00	16938...40.00	17339.....	25.00
16933...40.00	16936...40.00	16940...40.00		

230 tickets ending with 39 being the terminal units of the number drawing the Capital Prize of \$ 8500 are each entitled to \$5.

Venders are particularly cautioned to cash only those tickets sold by them.



Ticket which the said deponent  
 had previously purchased in  
 this same place for the little  
 Havana drawing March 11th  
 1882. The said ~~John Doe~~  
 Charles D. J. Norlke said, have you  
 looked over the list. deponent  
 replied, so far as I have looked  
 I have not seen anything  
 like a hit. The said ~~John Doe~~  
 Charles D. J. Norlke said, well you  
 have only looked over the list  
 of the grand prizes, and handed  
 deponent a drawing and paper  
 hereto annexed, and marked  
 exhibit "B" - The said ~~John Doe~~  
 Charles D. J. Norlke as he  
 handed out said exhibit "B"  
 to deponent said, take this  
 it may be among them, you  
 may have won a small prize.  
 deponent took the paper and  
 glanced over it, and then  
 said, I will try again, have  
 you any half tickets of the  
 Louisiana Lottery. The  
 said ~~John Doe~~ Charles D. J. Norlke  
 replied oh yes, two dollars

0552

for whole or one dollar for  
 half, the same as the other.  
 Depoent said, I will take  
 a half, and said ~~John Doe~~  
 Charles D. J. nolke said to <sup>Jacob</sup> ~~any~~  
~~marks~~ in the office beside  
 him, give him a half ticket.  
 Depoent then handed the  
 said ~~John Doe~~ Charles D. J. nolke  
 one dollar in lawful money  
 of the United States of America  
 and received in return therefore  
 the said paper ticket and  
 instrument annexed to the  
 foregoing affidavit and  
 marked exhibit "A"

Subscribed and sworn to before me this }  
 20<sup>th</sup> day of March 1882 }  
 Solon D. Smith  
 Public Justice.

Joseph Mattocks



0553

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.157  
DISTRICT POLICE COURT.

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

Question. What is your name?

Answer. *Charles D. D. Noelle*

Question. How old are you?

Answer. *Fifty One Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Jersey City, 6 months*

Question. What is your business or profession?

Answer. *Broker*

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 have nothing to say*

Taken before me, this

day of

*29*  
*March* 188*8**Charles D. Noelle**Seaton Smith*

Police Justice.

0554

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

DISTRICT POLICE COURT

*Jacob Marks*

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

Question. What is your name?

Answer. *Jacob Marks*

Question. How old are you?

Answer. *Twenty two years*

Question. Where were you born?

Answer. *New York*

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

Answer. *502 East 17 St - 18 Years*

Question. What is your business or profession?

Answer. *Clerk*

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 have nothing to say*

Taken before me, this

day of

*29*  
*March* 188*2**Jacob Marks**Solon B Smith*

Police Justice.



0555

Sec. 210.

151 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

It appearing to me by the within depositions and statement that the crime therein mentioned

has been committed, and that there is sufficient cause to believe the within named

Charles D. J. Hoelke

guilty thereof, I order that he be held to answer the same, and the said crime being bailable by me, I have admitted him to bail in the sum of Ten Hundred Dollars to answer by the undertaking hereto annexed.

Dated at the City of New York, March 29 1882

Solon B. Smith Police Justice.



0556

Sec. 210.

157

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

It appearing to me by the within depositions and statement that the crime therein mentioned

has been committed, and that there is sufficient cause to believe the within named

Jacob M. Harris

guilty thereof, I order that he be held to answer the same, and the said crime being bailable by me, I have admitted him to bail in the sum of five Hundred Dollars to answer by the undertaking hereto annexed.

Dated at the City of New York

March 29 1882

Solon O. Smith Police Justice.



0557

Search Warrant, Sec. 791 to 813 C. of C. P.

DISTRICT POLICE COURT.

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

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK: To the Sheriff, or any Deputy Sheriff, or Peace Officer in the County of New York or to any Marshal, Constable, or Policeman of said City of New York -

Proof by affidavit having been this day made before me Salom B. Smith Esquire, Police Justice of said City, by Joseph Mattocks of No. 150 Nassau Street, in the said City, that the following property, to wit: ~~divers obscene books, pamphlets, papers, writings, advertisements circulars, prints, pictures, drawings, and other representations, figures and images on and of paper, and other materials, and other casts, instruments and other articles of an indecent and immoral nature and use, and articles for the prevention of conception, and procuring of abortion, and also raw materials, tools, machinery, implements, instruments and personal property used and intended to be used in the manufacture of the aforesaid books, pictures, papers, articles and things, and at, within, and upon said premises~~ manufactures, draws, prints, and has in possession the aforesaid articles in violation of an Act of the Legislature of the State of New York, entitled "An Act for the Suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for procuring abortion, and to repeal chapter four hundred and thirty of the laws of 1868, passed May 16, 1872, and the Acts amendatory thereof, and with the intent to use the same as the means of committing a public offense;

certains, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, advertisements, circulars, notices offering prizes and stating price of tickets and when and where same may be had, documents, personal property, tables, devices and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets; and at, within and upon said premises ~~John Doe and Richard Roe who are identified~~ Charles D. J. Norlke and Jacob Marks sells, vends, furnishes and procures, and has in their possession the aforesaid articles in violation of the laws of the State of New York, with the intent to use the same as the means of committing a public offense, and to promote, maintain, and carry on a common and public nuisance; and that he has a probable cause to suspect and believe, and does suspect and believe that the said articles and things aforesaid, or part thereof are now concealed in the building or premises of John Doe and Richard Roe Charles D. J. Norlke and Jacob Marks situate on a lot of ground fronting on No. two hundred and thirty eight Street, in the twelfth Ward of said City.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to command and authorize you, with proper assistance, in the day time, to enter into the house or premises of the said John Doe and Richard Roe Charles D. J. Norlke and Jacob Marks situate as aforesaid, and there make immediate search for the said articles and things aforesaid, and if the same, or any part thereof, shall be found, then you are likewise commanded to bring the same so found, together with the said John Doe and Richard Roe Charles D. J. Norlke and Jacob Marks, or the person in whose custody the same shall be so found, before me or some other Police Justice in and for the said City and County, to be dealt with as the law directs. This Warrant unless executed within five days after its date is void.

Given at the City of New York aforesaid, under my hand and seal, this 29th day of March one thousand eight hundred and eighty two -

Salom B. Smith

Police Justice

Inventory of property taken by A. Conit the Peace Officer by whom this warrant was executed :

32 1/2 La. tickets for April 11<sup>th</sup> drawing -  
4 1/2 " " old scheme.  
and 1 package containing lot of manifold policy  
books and lottery circulars.

(A more complete inventory was waived by  
Chas D. J. Norlke the defendant in whose pos-  
session the same was seized)

City of New York and County of New York ss:

I, A. Causstock the Officer by whom this warrant was executed,

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

Sworn to before me, this 29<sup>th</sup>

day of March 188 2

A. Comstock.

Colonel Smith  
Police Justice.

District.

# Police Court--

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Search Warrant.

119.

*Dated*

30

1.88

*Justice.*

Officer.



0559

BAILED

No. 1, by Moses Mendell  
Residence 433 Grand Street,  
No. 2, by Moses Mendell  
Residence 232 Eldridge Street,  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Sec. 208, 209, 210 & 212.

Police Court, 1st District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Matthews  
vs. Moses Mendell  
Charles D. Moore  
James M. Mares

Offence, Violation  
of the Laws

Dated March 29 1882

Smith Magistrate.

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

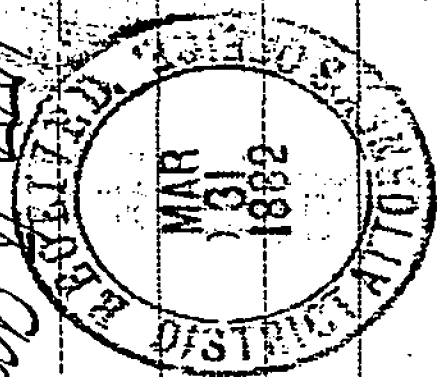
\_\_\_\_\_  
Clerk.

Witnesses

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

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

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



No. 1. 1500 78 Ans  
No. 2. 500 75 Ans  
Doiled

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Charles D. Moore guilty thereof, I order that he be admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0560

County of Gr. James of the

City of County of New York

In the Matter of

Jacob Marks

Testator



Honorable Judge Smith  
 Records of the City & County of  
 New York  
 Forward Sir

We the undersigned, actuated by feelings of sympathy for a lady for whom we have the greatest respect, by their presents petition your mercy in sentencing each Mark who will appear before your Honor's day. He was arrested a lady aged for selling Clotting tickets. We know him and have Mark him from childhood to be a young gentleman of good moral character and one whom we would trust in any position that he might fill for honesty industry and integrity.

J. H. Southworth Attorney  
 J. B. Wanchan City Clerk  
 Thomas G. Eggar  
 W. M. Mahan

Henry George Langford Owner 182 Ave A  
 2nd Floor New York 500 E. 17 St.

Alexander Howard 12 Ave B  
 Ch. Brundage 126 Grand St.

Langford 152 4 Street

Paul Nagel 152 - 4 St

Ernst Hocherwald 180 Ave C

Thomas Meacham 502 E. 17 St

Robert Horner 270 W. 2nd Ave

Stephen Livingston 262 Ave D

John H. Rode 287 Ave A



0562

C. G.B.

STATE OF NEW YORK,  
EXECUTIVE CHAMBER,  
ALBANY.

*Answered*  
*April 15/86*  
*" 16<sup>th</sup>/86*

April 14, 1886.

Sir:

I am directed by the Governor to inform you that he has this day extended clemency to Jacob Marks, who was convicted in the county of New York of the crime of selling and vending of a halfboof a ticket in a lottery, to wit: the Louisiana State Lottery, in the Court of General Sessions, and sentenced May 29, 1882 to imprisonment in the New York Penitentiary for the term of sixty days, and to pay a fine of ten dollars, and stand committed until such fine be paid.

The sentence of this convict is now commuted to the payment of the fine imposed at the date of sentence.

Herewith find enclosed the Governor's commutation for the said Jacob Marks, which you are instructed to deliver to him upon the payment to you of the said fine.

An acknowledgment of the receipt of the commutation is respectfully requested.

I am,

Very respectfully yours,

Hon. Randolph B. Martine,

District Attorney of New York Co.

*William Grace*  
Private Secretary.



0563



THE  
New York Society for the Suppression of Vice,  
150 NASSAU STREET,

(Dictated.)

Room 9.

New York, April-2- 1886

Hon. Randolph B. Martine,  
District-Attorney, N. Y. City.

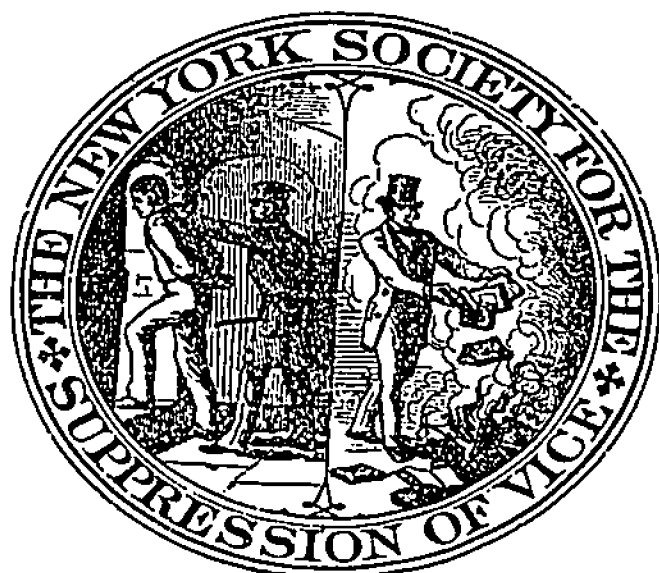
Dear sir: -

In response to your request concerning the facts in reference to the case of *The People vs C.D. J. Noelke*, I have the honor to report, that November 11th, 1879, I caused his arrest in the United States court for sending circulars concerning lotteries through the mail. He was indicted in December of the same year; and February 2, 1880, was tried, convicted and sentenced to pay a fine of \$500. and \$75.80 costs--total \$575.80.

March-29, 1882, I again arrested him in the State court. He was tried the following May before Recorder Smyth, in General Sessions Court, and was convicted and sentenced to one years imprisonment, and, I think, \$1.000. fine. At the time of this last arrest we seized 788 lottery tickets, 500 lottery circulars, 2.000 policy drawings and 20 manifold books for recording lottery-policy.

The same day we arrested parties at 206 Allen Street, and there found the head-quarters for some eight or ten different policy

0564



THE  
New York Society for the Suppression of Vice,  
150 NASSAU STREET,  
Room 9.

2

New York, ..... 188

shops, the said Noelke and his father being the reputed backer of this place. After conviction, I am informed, Mr. Noelke continued to do <sup>business</sup> this down to the time of the General Terms decision, when, I am informed, after that decision, he discontinued the business. He was constantly in the business from 1879 till 1883; and it was quite a boast for him, that 'they couldn't do anything with him.'

So far as his business since 1883 is concerned, I am not able to state what it has been, but I have no evidence that he was in any unlawful business. About a year ago I met him one day in the Post Office building, when he assured me he was not in any unlawful business, and had not been since his case had been decided against him, referring either to the General Term or the Court of Appeals decision-- I believe to the former.

I have the honor to be,

Very respectfully sir,

Your obedient servant,

Anthony Bourne

Secretary.

P.S. His place was 228 Grand st. He run a policy shop, in that place and sold all kinds of lottery tickets besides. He was a most persistent offender.



0565

*West Shore Rail Road.*  
*N.Y.C. & H.R.R.R. Co. Lessee.*

*Henry Monett, Genl. Pass. Agent.*

*No. 280 Broadway.*

*New York,* MARCH 22<sup>nd</sup> 1886

TO HIS EXCELLENCY, GOVERNOR HILL,

EXECUTIVE CHAMBER, ALBANY, N.Y.

SIR:

MR. C.D.J. NOELKE, HAS BEEN OUR TICKET AGENT AT 153  
1-2 BOWERY- THIS CITY FOR PAST THREE YEARS. PRIOR TO THAT  
TIME HE WAS ENGAGED IN A BROKERAGE BUSINESS, AND AT THAT  
TIME ENGAGED IN THE SALE OF LOTTERY TICKETS, FOR WHICH OF-  
FENCE HE WAS INDICTED ABOUT FOUR YEARS AGO AND CONVICTED.  
HE WAS INDUCED BY HIS LAWYERS TO CARRY THE CASE FROM COURT  
TO COURT UNTIL A DECISION OF THE SUPREME COURT OF THE UN-  
ITED STATES DECIDED ON SATURDAY LAST THAT THE ACT OF THE  
LEGISLATURE UNDER WHICH HE WAS CONVICTED WAS CONSTITUTIONAL.  
THE OFFICERS HAD NO RECOURSE BUT TO ARREST MR. NOELKE UNDER  
THE OLD INDICTMENT, AND HE STANDS CONVICTED TO SERVE IN  
STATE PRISON FOR ONE YEAR.

MR. NOELKE HAS OCCUPIED A POSITION OF  
TRUST WITH THIS COMPANY FOR THE PAST THREE YEARS, AND HAS  
PROVED IN EVERY WAY FAITHFUL, AND, PENDING, THE DECISION  
OF THE SUPREME COURT, HAS NOT BEEN GUILTY OF ANY VIOLATION  
OF THE STATE REGARDING THE SALE OF LOTTERY TICKETS.

0566

*West Shore Rail Road,  
N.Y.C. & H.R.R.R. Co. Lessee.*

*Henry Monett, Genl. Pass. Agent.*

2

*No. 280 Broadway,*

*New York,*

*188*

HE IS MARRIED AND HAS A FAMILY OF CHILDREN, WHOSE INTERESTS, SO FAR AS I HAVE BEEN ABLE TO DISCOVER, HAVE BEEN CAREFULLY LOOKED AFTER BY HIM.

FOR THESE REASONS I WRITE TO YOU IN BEHALF OF MR. NOELKE BEGGING EXECUTIVE CLEMENCY.

I THINK UPON INVESTIGATION YOU WILL FIND THAT THE ENDS OF JUSTICE WILL NOT SUFFER BY THE GRANTING OF AN IMMEDIATE PARDON TO A RESPECTABLE CITIZEN, WHOSE FAMILY AND BUSINESS WILL BE RUINED AND DISGRACED.

IN ORDER TO DEMONSTRATE MY CONFIDENCE IN MR. NOELKE'S DESIRE TO DO RIGHT AND PURSUE REPUTABLE AVOCATIONS, I BEG TO ADD THAT, IN THE EVENT OF HIS IMMEDIATE RELEASE, THIS COMPANY WILL BE GLAD TO RETAIN HIM IN THE POSITION OF TRUST WHICH HE HAS OCCUPIED UP TO DATE.

YOURS RESPECTFULLY,

*Henry Monett*  
G.P. AGENT.



0567

*West Shore Rail Road.*  
*N. Y. & H. P. R. R. Co. Lessee.*

*Henry Monett, Genl. Pass. Agent.*

*No. 280 Broadway.*

*New York.*

MARCH 30TH

1886

HON. R. V. MARTINE,

DISTRICT ATTORNEY, NEW YORK,

DEAR SIR:

I BEG TO ENCLOSE HERewith FOR YOUR INFORMATION  
COPY OF LETTER ADDRESSED TO GOV. HILL PRAYING FOR EXECUTIVE  
CLEMENCY IN BEHALF OF MR. NOELKE, WHO WAS RECENTLY CON-  
VICTED FOR THE SALE OF LOTTERY TICKETS ABOUT THREE OR FOUR  
YEARS AGO.

MR. E. V. SKINNER, OUR GEN'L EASTERN AGENT  
INFORMS ME THAT GOVERNOR HILL WILL COMMUNICATE WITH YOU  
BEFORE TAKING ACTION UPON THE APPLICATION OF THE BUSINESS  
ASSOCIATES AND FRIENDS OF MR. NOELKE.

IN YOUR REPLY TO THE INQUIRIES OF GOV.  
HILL I WOULD BE GLAD TO HAVE YOU TAKE AS LENIENT A VIEW OF  
THE CASE AS MAY BE CONSISTENT WITH YOUR DUTY.

YOURS RESPECTFULLY,

*Henry Monett*  
G. P. AGENT.

0568

John Wells  
Jacob Marks



Supreme Court of the United States

Charles D. J. Noelle  
vs Jacob Marks  
Affirm Error

The People of the State  
of New York

It is hereby stipulated that the plaintiffs in Error' time to file the Writ of Error, Bond and other papers necessary and in accordance with the practice to be filed in the office of the Clerk of the Court of Appeals be extended to December 1<sup>st</sup> 1883.

And it is further stipulated that the filing of such papers upon the said 1<sup>st</sup> day of December 1883 shall have the same force and effect as if they were <sup>actually</sup> filed within the ten days succeeding the granting of such Writ of Error and such extension is granted herein for such purpose.  
Dated New York December 10<sup>th</sup> 1883.

0570

John Wells  
Jacob Marks



The People vs

v

Charles D. F. Murrell  
vs Jacob G. Murrell

Request to Discharge

W. H. Haverly vs Haverly  
Attys for Defs

Charles W. Haverly  
of Counsel

The People

<sup>vs</sup>  
Charles D. Moeke  
and Jacob Marks

"Requests to Charge"

The defendants hereby request the Court to Charge the jury as follows.

- 1<sup>st</sup> The jury must find from the evidence, that the purpose of the lottery set forth in the indictment was the obtaining of money or property by lot, device or chance - and cannot in the absence of proof affirmatively presented of such fact. infer such purpose from the mere use in the indictment of the term "lottery"
- 2<sup>nd</sup> There having been no evidence presented that the purpose of the lottery defined in the indictment was of the character described in the foregoing request. the prosecution must fail for want of such evidence, and the defendant be acquitted
- 3<sup>rd</sup> The jury must find from the evidence that the lottery referred to was in fact opened and drawn. and that money, property or other valuable thing was in reality subjected to lot, device or chance. or in the absence of such evidence they should acquit the defendants.



4<sup>th</sup> The jury must find from the evidence that the ticket or part of a ticket or paper purporting to be a ticket charged in the indictment was purchased by the witness Mutton with the object and purpose of obtaining money, property or other valuable thing as described in the Statute - by lot, device or chance in the lottery referred to therein -

5<sup>th</sup> The object of the Statute being the Suppression of the Species of Gaming by Lottery - if the purchase of the ticket was not intended by the purchaser to be availed of in the Hazard, Game or device of the Lottery for the chance of obtaining money, property or valuable thing - the Sale contemplated by the Statute does not exist, and the defendants should be acquitted -

6<sup>th</sup> Before the jury can convict the defendants, it must affirmatively appear by the evidence in the cause -

1<sup>st</sup> That the lottery was intended for the purpose of putting up by Game, hazard or device money, property, or other valuable thing as described by the Statute to be drawn by lot or chance

2<sup>nd</sup> That the purchase of the particular ticket, part of a ticket or paper purporting to be a ticket was on the part of the purchaser with the intent of availing himself of such Game hazard or chance, within the purpose of the lottery -

3<sup>rd</sup> That the defendants sold with such intent the particular ticket, part of a ticket or paper purporting to be a ticket to the Complainant.

If the prosecution fails to establish any one of such positions beyond a reasonable doubt the defendants should be acquitted.

7<sup>th</sup> If the jury believe that the obtaining of the ticket was the result of a conspiracy to induce the defendant to part therewith for the purpose of enabling the Complainant to get possession thereof in order that he might subject the defendants to a prosecution, and for no other purpose or object the sale contemplated by the Statute does not exist, and the defendants should be acquitted,

8<sup>th</sup> The jury cannot convict the defendants upon the unsupported evidence of an accomplice.

9<sup>th</sup> The complaining witness Malloy with full knowledge that the sale of a lottery ticket was a violation of the Statute having induced the defendants according to his evidence to sell to him the ticket part of a ticket or paper purporting to be a ticket charged in the indictment was in law an accomplice - and his evidence as to the fact of the sale of the ticket must be fully corroborated before the jury can convict thereupon.



13<sup>th</sup>

Inasmuch as the Indictment simply charges that the defendants "unlawfully did sell and send to one Joseph Mattocks" the particular ticket, fruit of a ticket, or paper purporting to be a ticket therein described, even if the jury should be satisfied that such ticket was sold or send to the defendant Hoelke's place of business - they cannot convict the defendants unless they should also find from the evidence that the defendant Hoelke personally sold or send the same. And inasmuch as the evidence on that matter is solely confined to the testimony of Mattocks - who is an accomplice - there being no corroboration of such evidence the jury should acquit.

14<sup>th</sup>

The jury in order to convict the defendants must implicitly believe the testimony of Mattocks - if they do not so implicitly believe him - or have a reasonable doubt of the truth of his evidence the defendant must be acquitted.