

0496

BOX:

426

FOLDER:

3933

DESCRIPTION:

Chapoutot, Louis

DATE:

02/13/91



3933

0497

720 148

Counsel,
Filed 13
of [Signature] 1891
Pleas,

[Section 408, (C) 6, 5, 3, 5, 2, 2, 5, 50]
Brought in the Third degree.
and receiving
of

THE PEOPLE
vs.
Louis Chapoutot

DE LANCEY NICOLL
JOHN R. FELLOWS
District Attorney.

A True Bill.

[Signature] Foreman.
[Signature] 13/91
[Signature] Foreman.
S.P. 2 1/2

Witnesses:
[Signature]
[Signature]

0498

Police Court— / District.

City and County } ss.:
of New York, }of No. 143 West 28 Street, aged 26 years,
occupation Porter being duly sworndeposes and says, that the premises No. 143 West 28 Street, 20 Ward
in the City and County aforesaid the said being a Three Story Brick
Building
and which was occupied by deponent as a Tenement
and in which there was at the time ^{no} human being, by namewere BURGLARIOUSLY entered by means of forcibly Pushing and
shoving in a window leading from the
hall into a room on the first floor
of said Buildingon the 2 day of February 188 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A Waiters Coat of the value of One dollar and fifty cents
Two Linen Shirts of the value of One dollar
Three Silk Handkerchiefs of the value of Fifty Cents
A seal Skin Cap of the value of Twenty five cents
Two Wollen Blankets of the value of Three dollars
All of the amount and value of Six dollars and twenty five cents $(6 \frac{25}{100})$
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

Louis Chapoutot (now here)

for the reasons following, to wit: That deponent closed and
fastened the aforesaid window about the
hour of 6.30 o'clock P.M., when he locked
the door and left said room, and that
at that time said Blankets was on a
bed in the room, and said other property
was in a Trunk in the said room, and
that deponent returned to said room about
the hour of 12 Midnight and discovered

0499

Said blankets missing, and said trunk broken open, and said property missing -

And deponent further says that he is informed by Alexander Reinert of No 281 - 7th Avenue that the defendant came into said store on the 3rd day of February 1891 between the hours of 3 and 4 o'clock P.M. and placed part of said property (viz Cap^{ts} Handkerchiefs) in the closet behind the Bar in said store.

Deponent therefore charges the defendant with having committed a Burglary and asks that he be held in default until as the Law may direct.

Sworn to before me John Murray.

This 7th day of February 1891

Police Justice

Dated _____ 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

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

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

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 _____

Police Court, _____ District.

THE PEOPLE, etc.,
on the complaint of _____ vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Date _____ 1888

Magistrate. _____
Officer. _____
Clerk. _____

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

\$ _____ to answer General Sessions.

0500

CITY AND COUNTY }
OF NEW YORK, } ss.

Alexander Reinert
Cleaner

aged 47 years, occupation _____ of No. _____

281-7-Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John Murray*

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

Sworn to before me, this 14 day of February 1888 *A. Reinert*

J. Hagan
Police Justice.

0501

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Louis Chapoutot

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. *Louis Chapoutot*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *1st Avenue #23 Flat - 3 Months*

Question. What is your business or profession?

Answer. *Driver*

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

Louis Chapoutot

Taken before me this

day of *May* 188*7*

Police Justice.

[Signature]

0502

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

guilty ~~thereof~~, For that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail

Dated May 7 1891 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0503

Police Court--- District. 180

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Murray
1443 W. 2nd St
Louis Chapoutot

Offence: Burglary

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated *February 7* 189*9*

Hogan Magistrate.

Grady Officer.

C.O. Precinct.

Witnesses *Isaac J. Charles*

No. *342 East 23* Street.

Alexander Reinert

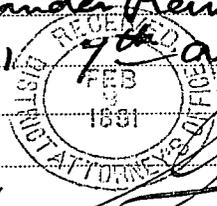
No. *281* Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer.

Corn



3574
Realty

0504

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, DISTRICT,

Dennis Grady

of No. *Central Office* Street, aged _____ years,

occupation *Detective* being duly sworn deposes and says

that on the *4th* day of *February* 18*88*

at the City of New York, in the County of New York, *deponent arrested*
Louis Chapoutot (nowhere) upon
a charge of ~~being~~ deponent
found some property in said Chapoutot
possession which has been fully
identified as the proceeds of a
~~lottery~~ by one John Murray. That
deponent advised the said Murray
to be at this Court at 2 o'clock PM
this date that said Murray has
failed to appear and deponent
asks that said Chapoutot be held

Subscribed and sworn to before me this _____ day of _____ 1888

Notary Public

0505

Police Court-- District.

THE PEOPLE, &
ON THE COMPLAINT OF

Louis Chabouff

Dated Feb 7 1891

Angus McQuade

Grady Officer

Witness

Disposition, By Gaby 7-10 AM

until deponent is able to bring
Gard John Murray to court,
Sworn to before me
this 7th day February 1891 Dennis Grady
Police Justice

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Chapoutot

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

Louis Chapoutot

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

The said *Louis Chapoutot*

late of the *Twentieth* Ward of the City of New York, in the County of New York aforesaid, on the *second* day of *February* in the year of our Lord one thousand eight hundred and *ninety - one*, with force and arms, in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

John Murray

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

John Murray in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Louis Chapoutot

of the CRIME OF Petit LARCENY, committed as follows:

The said Louis Chapoutot,

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

one coat of the value of one dollar and fifty cents, two shirts of the value of fifty cents each, three handkerchiefs of the value of fifteen cents each, one cap of the value of twenty-five cents, and two blankets of the value of one dollar and fifty cents each,

of the goods, chattels and personal property of one

John Murray
John Murray

in the dwelling house of the said

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT—

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

Louis Chapoutot

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

The said

Louis Chapoutot

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

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

of the goods, chattels and personal property of

John Murray

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

John Murray

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

Louis Chapoutot

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.

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~
District Attorney.

0509

BOX:

426

FOLDER:

3933

DESCRIPTION:

Cheska, Tony

DATE:

02/10/91



3933

Seby

Witnesses:

And [Signature]

[Signature]
[Signature]

* 7080 J. S. Kelly

Counsel,
Filed *[Signature]* 1891
Pleads, *[Signature]*

THE PEOPLE
vs.
[Signature]
vs.
[Signature]
vs.
Tony Cheska

Grand Larceny
Second Degree.
[Sections 528, 537, Penal Code.]

DELANEY NICOLL,
DELANEY NICOLL,
District Attorney.

Feb. 16/91

A True Bill.

[Signature]
Subd 2 - Feb. 16, 1891. Foreman.
Fred and [Signature] of
Petit Larceny
1/14/91 [Signature] 50 fine
Feb. 20

0511

Police Court—3— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 5 Essex Augustus Zagrosky Street, aged 42 years,
occupation Speculator being duly sworn
deposes and says, that on the 26th day of January 1899 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

One silver watch. Watch
Chain. and gold finger ring
all of the value of forty six
dollars. (\$46.00)

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Tony Cheska (now here)
from the fact—that at about the
hour of 11 o'clock A.M. said
date deponent went with this
deponent to the Photograph gallery
at no 122 Park Row for the
purpose of having deponent's
picture taken, and after deponent
had finished having his picture taken
this deponent requested deponent to
let him the deponent have the
aforesaid property, so that he the
deponent could look "vice" and
have his picture taken. Deponent
then handed the deponent said property.

Subscribed and sworn to before me this 18th day of January 1899 at New York City

Dariusz Truszkowski

0512

and as soon as he the defendant
got said property in his possession
he the defendant disappeared
with said property and defendant
did not see him again until
February 4 1891 when defendant
met him in Essex street and caused
his arrest.

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

Sworn to before me } August 14th 1891
this 4th day of Feb 1891) August 14th 1891

C. W. Meade
Police Justice

0513

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Jany Cheska 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

Jany Cheska

Question How old are you?

Answer

26 years old

Question. Where were you born?

Answer.

Russia

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

Answer.

No home

Question What is your business or profession?

Answer

Labourer

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
this man gave me this
property
Jany Cheska*

Taken before me this

day of

188

Police Justice

05 14

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.....

Alfred Smith

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

Dated *July 4* 18 *91* *Alfred Smith* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

0515

150

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Augustin Zagorsky
5 E. 1st St.
Smy Chaska

officer
Laracey

2
3
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Feb 4 1891

Meade Magistrate.

W. C. Hartney Officer.

11 Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ 5.00 to answer

Cam 4/21



05 16

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Tony Cheska

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Tony Cheska*

of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said *Tony Cheska*

late of the City of New York, in the County of New York aforesaid, on the *twenty sixth*
day of *January* in the year of our Lord one thousand eight hundred and
ninety one at the City and County aforesaid, with force and arms,

*one watch of the value of twenty five
dollars, one chain of the value of
fifteen dollars and one finger-ring
of the value of ten dollars*

of the goods, chattels and personal property of one *Augustyn Zakowsky*

then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

*Wm Lancy Nicoll,
District Attorney.*

0517

BOX:

426

FOLDER:

3933

DESCRIPTION:

Cirnminiello, Domenico

DATE:

02/13/91



3933

No 144
County &

Counsel,
Filed
Plads,
13
day of July
1891

Grand Larceny, ~~Fourth Degree~~,
[Sections 528, 530, — Pennl Code]

THE PEOPLE
vs.

Domenico Cymminello

DE LANCEY NICOLL,
~~JOHN R. PHILLIPS~~

District Attorney.

July 26/91

A TRUE BILL.

Charles B. Boudin

Foreman.
Sept 2 - March 4, 1891
Scried and Acquired

Witness:

Margherita Cymminello

Angela Manno

49 Mulberry St

Gerardo Tortorella

49 Mulberry St

0519

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Attalia Mauro.

of No. 49 Mulberry Street, aged 36 years,

occupation Keep of House being duly sworn,

deposes and says, that on the 6th day of February 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

Good and lawful money
of the united states to the
amount of eighty dollars

\$ 80.00 / 100

the property of Depnent.

and that this deponent has a probable cause to suspect, and does suspect that the said property was feloniously taken, stolen and carried away by Domenico Amminello. (proven)

from the fact that said property was sewed in to deponents corsets that

at about 10 o'clock P.M. February 5th

deponent retired for the night and

placed the said corsets containing said

property under a pillow in the bed

in which deponent sleeps, deponent

Sworn to before me this 13th day of February 1891
Police Officer

is informed by her daughter, Angelina
 Mauro of No 49 Mulberry Street, that
 at about the hour of 3 o'clock a m. afore-
 said date, she saw the said defendant
 enter defendant's room and take said
 corsets from under defendant's pillow, and
 cut the said property therefrom, and then
 place said corsets under the said pillow
 again and then leave the room.

Wherefore defendant charges the
 said defendant with feloniously taking
 stealing and carrying away the said
 property and prays that he may be held
 and dealt with as the law directs

Sworn to before me
 this 6th day of February, 1891

her
 Attalia J. Mauro
 mark

[Signature]

Police Justice

0521

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Dominico Ceminello 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.

Dominico Ceminello

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

Italy

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

Answer.

East 113 Street 19th

Question. What is your business or profession?

Answer.

Sailor

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
Dominico Ceminello

Taken before me this
day of

1889

Police Justice.

[Signature]

0522

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

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

Dated Feb 6th 1891 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0523

177

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Attalia Manno
49 Mulberry St
Tommaso Cominello

Offence *Sammy*

2.....
3.....
4.....

BAILABLE,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Feb 6th* 18*91*

Hogan Magistrate.

Burns Officer.

6th Precinct.

Witnesses *Giovanni Tartaglia*

No. *49 Mulberry* Street.

Angelina Manno

No. *49 Mulberry St* Street.



No. Street.

\$ *500* to answer *G. S. H.*

Com *177*

0524

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 1st DISTRICT.

Giovanni Tortaglia

of No. *49 Mulberry* Street, aged *30* years,

occupation *Lawyer* being duly sworn deposes and says,

that on the *6th* day of *February* 188*8*

at the City of New York, in the County of New York, *deponent saw*

one Dominick Cennello (now known) leave the premises no 49 Mulberry Street at about the hour of 7 o'clock A.M. with ~~to~~ four bills in his hands the same being of the issue of the United States, deponent further says that said Cennello who is charged with a larceny in the said premises denies that he had any money on him or in his possession and when arrested had none.
Giovanni Tortaglia

Sworn to before me, this

[Signature]

1888

day

[Signature]
Police Justice

0525

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 10[#] years, occupation Angelina Mawro of No. None

49 Mulberry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Attalia Mawro

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

Sworn to before me, this

day of Feb 1887

6th } Angelina Mawro
Police Justice. } her
mark

0526

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

THE PEOPLE OF THE STATE OF NEW YORK, against

Domenico Cirminello

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Domenico Cirminello of the CRIME OF GRAND LARCENY IN THE first DEGREE, committed as follows:

The said Domenico Cirminello, Sixth Ward of the late of the City of New York, in the County of New York aforesaid, on the sixth day of February in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, with force and arms, in the night time of the same day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of forty

\$80.00
100

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of forty dollars; divers United States Silver Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of forty

dollars; divers United States Gold Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of forty

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of forty dollars

of the goods, chattels and personal property of one Attalia Mauro, in the dwelling house of the said Attalia Mauro, there situate, then and there being found, from the dwelling-house aforesaid then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL
JOHN R. FELLOWS District Attorney.

0527

BOX:

426

FOLDER:

3933

DESCRIPTION:

Clark, Harry

DATE:

02/25/91



3933

0529

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Edward J. Mahan

of No. 914 Sixth Avenue Street, aged 36 years,
occupation Liquor Store being duly sworn,

deposes and says, that on the 20 day of December 1897 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the Day time, the following property, viz:

One diamond ring and one
diamond stud together of the value
of three hundred dollars.

\$300.00
1100

the property of Deponent.

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

from the fact, that deponent is informed
by Charles Cochran of No 168 Sullivan
Street that at about the hour of 5
O'clock a.m. said date, that said deponent
in company of the said Clarke got into
Cochran's Cab on Sixth Avenue near 30
Street, that said stud was then attached
to a racket that he deponent was then and
there wearing upon his person and the said Ring
was in the small finger of deponent's left hand
that he Cochran drove said cab to in
front of premises No 108 West 52 Street and when
deponent and said Clarke retired from the said
cab in front of the said premises, No 108 West 52 Street.

Subscribed and sworn to before me this 21st day of December 1897
Police Justice.

0530

believe left that he Cochraster discovered the
said property missing from defendant's person
Therefore defendant charges the said
defendant with feloniously taking, stealing and
carrying away the said property from the
possession and person of defendant, and prays
that he may be apprehended

29
J. J. [unclear]
John Ryan

Edward J. Monahan

0531

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Cochran

aged 26 years, occupation Barman of No.

162 Sullivan

Street, being duly sworn deposes and
Edward J. Mahan

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this 20 day of Dec 1888 Charles Cochran

John J. Ryan
Police Justice.

0532

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Harry Glus 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. *Harry Glus*

Question. How old are you?

Answer. *31 Years.*

Question. Where were you born?

Answer. *Philadelphia Penn.*

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

Answer. *109 West 60 St. 3 Months.*

Question. What is your business or profession?

Answer. *Carpenter.*

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.*

H. W. Clark

Taken before me this 10
day of February 1889
M. J. ...
Police Justice.

0533

Sec. 151.

Police Court 2 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, for any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Edward J. Moughan
of No. 914 South Ave Street, that on the 20 day of December
1889 at the City of New York, in the County of New York, the following article to wit:

One Diamond Ring & One Diamond Stud
of the value of Three hundred Dollars,
the property of Edward Moughan
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Harry Clarke

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant
and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this 29 day of Dec 1889
John J. Ryan POLICE JUSTICE.

0534

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Officer.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

John J. Ryan Police Justice.

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

Dated 188

Police Justice.

The within named

0535

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 dejeunuch

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

Dated July 1 1891 H. W. M. Alon Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0536

Police Court--- District. 198

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward J. Manahan
914 South Avenue
Harry Clarke

James H. Gandy
Precinct

2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated February 10 1891

John _____ Magistrate.

Ernest _____ Officer.

Witnesses _____ Precinct.

No. 162. Sullivan Street.

Francis W. Frankhol _____

Century _____

No. 1500 _____ Street.



1500 brie 24 Feb 12 3 PM

0537

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, 2^d. DISTRICT.

Frank M. Evans
of *The Squad Office* Police, aged *38* years,
occupation *Police Officer*, being duly sworn, deposes and says
that on the *9th* day of *February* 189*1*
at the City of New York, in the County of New York *he arrested*

Harry Clarke (now here) defendant,
in the Annexed Complaint and that the
said Clarke admitted and confessed
to deposit that he Clarke did take
steal and carry away said property
mentioned in the Annexed Complaint
from the possession and person of
Edward J. Minahan

Frank N. Lankoe

Sworn to before me, this *10th*
of *February* 189*1*

John M. Adams
Police Justice

0538

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Harry Clark

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

Harry Clark

of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said *Harry Clark*

late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *December* in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

one finger-ring of the value of one hundred and fifty dollars and one stud of the value of one hundred and fifty dollars

of the goods, chattels and personal property of one *Edward J. Monahan* on the person of the said *Edward J. Monahan* then and there being found, from the person of the said *Edward J. Monahan* 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.

Edward J. Monahan
Edward J. Monahan
Edward J. Monahan
De Lancey Nicoll,
District Attorney.

0539

BOX:

426

FOLDER:

3933

DESCRIPTION:

Clark, Thomas

DATE:

02/05/91



3933

0540

No 27 Deane

Counsel,
Filed
Plenars
1894

THE PEOPLE
vs.
Thomas Clark
Grand Larceny, 4th Degree,
(From the Person)
[Sections 528, 530, 550 Penal Code]

DE LANCEY-NICOLL,
JOHN R. FELLOWS,
District Attorney.

Henry L. Zoley
Clerk
A TRUE BILL

Charles B. Robertson

Foreman
Secretary

Walter J. ...
...

Witnesses;
Edw. C. ...
John ...
...

0541

Police Court— 5 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 565 West Avenue Street, aged 26 years,
occupation Contractor being duly sworn

deposes and says, that on the 28 day of January 1889, at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the night time, the following property viz :

One silver watch valued
at three dollars
\$3.00
3.00

the property of Reponant

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

for the reasons following to wit:
on the said date deponent having
missed the said watch from
the pocket of the vest which
he was wearing whilst at a
ball being held in Sully's
Harlem River Park, he is
informed by Officer Casper
Platte (heretofore) that he
Platte saw the defendant drop
a watch on the ground as he
defendant was about to leave
said Park. Reponant has since
seen the said watch and identifies
it as being the watch which was feloniously
taken and carried away
by Thomas Cross and Edenbrecher.

Sworn to before me, this 29 day

of January 1889
[Signature]
Police Justice.

0542

CITY AND COUNTY }
OF NEW YORK, } ss.

Casper Platte
aged 33 years occupation Police Officer of No.

29 Wheeler Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edward Crampton

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

Sworn to before me, this 29 } Casper Platte
day of January 1887 }

Wm. H. H. H.
Police Justice.

0543

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }
OR NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas Clark*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *157 - E - 119th St 9 months*

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 am not guilty*

Thomas Clark

Taken before me this *29*
day of *September* 1930
W. J. [Signature]

Police Justice

0544

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.....

Referred over
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *700* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated, *January 29* 189*1* *M. J. [Signature]* Police Justice.

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

Dated,..... 189..... Police Justice.

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

Dated,..... 189..... Police Justice.

0545

133

Police Court, 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Raymond Erdembach
365 Matt Ave
Thomas Clark

Officer
James P. ...

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

2
3
4

Dated, *Jan 29* 1891

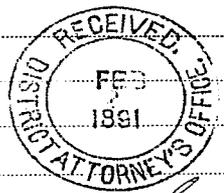
W. H. ... Magistrate.
Platte Officer.

Witnesses *officer* Precinct.
No Street.

No. Street.

No. Street.

\$ *500* to answer *ls.*



Ans
921
Neuron

0546

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Clark

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

Thomas Clark

of the CRIME OF GRAND LARCENY in the *first* degree committed as follows:

The said *Thomas Clark*

late of the City of New York, in the County of New York aforesaid, on the *28th* day of *January* in the year of our Lord one thousand eight hundred and *ninety-one*, in the *night* - time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of three dollars

of the goods, chattels and personal property of one *Edward Erdenbrecher* on the person of the said *Edward Erdenbrecher* then and there being found, from the person of the said *Edward Erdenbrecher* 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.

0547

SECOND COUNT—

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

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

The said *Thomas Clark*;

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

*one watch of the value of
three dollars*

of the goods, chattels and personal property of one *Edward Erdenbrecher*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Edward Erdenbrecher

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

Thomas Clark

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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.

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~
District Attorney.

0548

BOX:

426

FOLDER:

3933

DESCRIPTION:

Cleary, John

DATE:

02/16/91



3933

0549

W 1/3.

Witnesses:

Counsel,
Filed
Pleids, *16*
189

THE PEOPLE

29
17
John Cleary

Grand Larceny Second Degree.

[Sections 528, 587 — Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A True Bill.

Chas. B. Bobach
Part III February 20th 1911 Foreman.
Pleady. Attempt 9. L. 2. deg.
S. R. 2 yrs R. B. M.

0550

Police Court

1st District.

Affidavit—Larceny.

City and County of New York, ss:

Charles Bretz

of No. 105 Centre Street, aged 25 years, occupation cloth examiner, being duly sworn,

deposes and says, that on the 6 day of February 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One roll of cloth of the value of ninety five dollars.

95 / 100

the property of Harris Cohen & Brothers of No 1 Baxter Street and in deponent's care and custody

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by John Cleary (now here)

from the fact that deponent missed the said property from aforesaid premises and that deponent caught the said defendant in the act of feloniously taking, stealing and carrying away the said property in Centre Street. Char Bretz

Sworn to before me this 13th day of February 1897

Police Justice

0551

Sec. 108-200.

CITY AND COUNTY OF NEW YORK

District Police Court.

John Cleary

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 Cleary*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *171 Elizabeth St.*

Question. What is your business or profession?

Answer. *Truck Driver*

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
John Cleary*

Taken before me this
day of *July*

189*9*

Police Justice

[Signature]

0552

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 Alfred David

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

Dated Feb 6th 1891 [Signature] Police Justice.

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

Dated.....18 Police Justice.

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

Dated.....18 Police Justice.

0553

Police Court--- / District. 177

THE PEOPLE, &c.
ON THE COMPLAINT OF

Charles Street
100 Centre St
John Cleary

James
Offence

2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *Feb 6* 18*91*
Wagon Magistrate.
Orange Officer.
6th Precinct.

Witnesses *Card Officer* Street.

No. *Henry Goldberg* Street.
No. *60 Bannan* Street.

No. _____ Street.
\$ *1000* to answer *G. J. J.*



Com

0554

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Cleary

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *John Cleary*

of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said

John Cleary

late of the City of New York, in the County of New York aforesaid, on the *sixth*
day of *February* in the year of our Lord one thousand eight hundred and
ninety - *one* at the City and County aforesaid, with force and arms, .

*one roll of cloth of the value
of ninety five dollars, and forty seven
yards of cloth of the value of two
dollars each yard*

of the goods, chattels and personal property of one

Harvie Cohen

then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

*De Ramsey Nicoll,
District Attorney.*

0555

BOX:

426

FOLDER:

3933

DESCRIPTION:

Cline, Sidney B.

DATE:

02/05/91



3933

0556

BOX:

426

FOLDER:

3933

DESCRIPTION:

Gallagher, Patrick

DATE:

02/05/91



3933

0557

BOX:

426

FOLDER:

3933

DESCRIPTION:

Doe, Henry

DATE:

02/05/91



3933

0558

Cline
 Council Assigned
 Sex *Male*
 Age *47 N.B.*
 Nativity
 Residence *56 E 106*
 Occupation *Mr*
 Married *Widower*
 Education *Reared W. into*
 Religion *None*
 Political
 Trade

Doc
 Male
 40
 N. H. Conn
 67 1/2 S. Av.
 Janitor.
 Married
 Reared W. into
 Methodist
 Gen
 Temperate
 W

Gallagher
 Male
 40
 Ireland
 Occupation
 Married
 Reared W. into
 Catholic
 Gen
 Temperate
 W

Doc -
 Plaintiff
 J. Connell

W. H. [unclear]
 Counsel
 Filed
 Pleas
 1895

THE PEOPLE
 vs.
Isidore Cline
Patrick Gallagher
Matthew Doe

DELANCEY NICOLL
 JOHN R. FELLOWS
 District Attorney
John [unclear] 1895
W. H. [unclear]
 A True Bill.
 Each fined \$50.
Chas. B. [unclear]

Foreman.
Part II
March 2 - Jerry
March 3 -
J. S. B.

Witnesses:
A. Comstock

TORN PAGE

0559

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Gallagher 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. *Patrick Gallagher*

Question. How old are you?

Answer. *59 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *41 East 100th*

Question. What is your business or profession?

Answer. *Speculator.*

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*

Patrick Gallagher

Taken before me this
day of _____ 19____
[Signature]
Police Justice.

TORN PAGE

0560

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Doe

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. *Henry Doe*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *N.Y.*

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

Answer. *174 B. Ave*

Question. What is your business or profession?

Answer. *Steward*

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*

Henry Doe

Taken before me this _____ day of _____ 1888

Police Justice.

0561

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Sidney B. Cline

Question. How old are you?

Answer.

47 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

179-E-110th St. 3 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 am not guilty

Sidney B. Cline

Taken before me this

10

Police Justice

0562

POOR QUALITY ORIGINAL

-----X
 P E O P L E :
 versus : Brief for the Prosecution.
 PATRICK GALLAGHER, Et Al :
 -----X

This is an examination to ascertain

1. If a crime has been committed, and
11. If there is "probable cause" to believe the defendants guilty.

The defendants are charged with violating Sections 343 & 351 of the Penal Code.

"If it appears from the examination that a crime
 "has been committed, and there is sufficient cause to
 "believe the defendants guilty thereof, the Magistrate
 "must hold them for the action of the Grand Jury."

Section 208 Code of Crim. Pro.

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

Section 31 P. C.

Peo. vs. Irvin, 4 Den. 126.

Lowenstein vs. Peo., 54 Burr, 229.

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

Section 29, P. C.

0563

POOR QUALITY ORIGINAL

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

Section 51 P. C.

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

Section 682 P. C.

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

U. S. vs. Wilson & Porter, 1 Martin R. 108.

"Among the principles of common law, one of which is, that all those who are present aiding and abetting when a felony is committed are principals. This has never been questioned there." (England.) "The principle has been adopted here, and had become one of universal application."

U. S. vs. Wilson & Porter, Vol. 1, R. R., 104.

4 Burr, pp 2073 & 2083.

12 Wheat, pp 4608 & 460.

0564

POOR QUALITY
ORIGINAL

13.

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

U. S. vs. Fleming, 13 Fed. R.

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

Com. vs. Harrison et al, 13 Allen 330.

Com. vs. Eaton, 18 Pick 278.

Com. vs. Hutchell, 4 Cush. 74.

"If two or more keep premises for illegal purposes, or do any illegal act in any case, the whole party may indict the joint wrong-doers together."

Peo. vs. James E. Kelly et al, 3 N.Y.Crim.R. 272.

Peo. vs. Bauer, 37 Hun.

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

1 Russell's Crimes 9th. Ed. p 60 (Note 1.)

"When the doing of any one of several things constitutes an indictable offense, an indictment may in a single count group them together, and charge the accused with having committed all, and the conviction may be had on proof of the commission of any one of the acts charged without proof as to the others."

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

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

0565

POOR QUALITY
ORIGINAL

4.

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

For any individual to

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

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

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

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

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

0566

POOR QUALITY
ORIGINAL

5.

"Book-making is only another name for gambling."

Raley vs. Bridge, Daily Reg., Mich. 11th., 1889.

Thos. Murphy vs. Board of Police, 16 Id.

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

Chase vs. Peo. 2. Will 508.

State vs. Mills, 8 Blatch. 502.

"Gambling need not be shown by direct evidence.

"It may be inferred from circumstances."

Com. vs. Brannan, 3 Bush.

Com. vs. Frane, 5 Bush, 325.

McAlpin vs. State. 3 Ind. 507.

State vs. Lewis, 12 Wis. 434.

Bishop's Stat. Crimes 396.

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

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

Stevens vs. Peo. 67 Ills. 587.

0567

POOR QUALITY ORIGINAL

26.

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

Owen vs. State, 61 Ala. 213.

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

Peo. vs. Berger, 8 Abbott. Pr. C. N. Y. 180.

Wickett vs. Peo., 3 Ann. 33 & 34, also 67 N. Y. 609.

The evidence indicates the fact that these defendants were found on the upper floor with seven (7) lay-outs of different banking or gambling games; that the rooms were occupied with no other evidence of any business except that of gambling; that there was no furniture or device other than what was suitable for gambling purposes in said room, *or to be used in connection therewith.*

There was also found in addition to the banking games in the said premises, the sheets, tables and black-boards for receiving and recording bets in the lower part of the building.

The upper part and the lower part of the building were fitted up with barred doors and guarded with lock-outs.

The records, sheets, and tickets found there are shown to be the records, sheets and tickets for recording bets upon horse-races.

The matters seized show conclusively that the rooms were kept for gambling purposes.

In the words of the learned Recorder of this City in charging the Jury in the case of Peo. vs. Robert Dunn, who was charged with keeping a room for gambling:

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POOR QUALITY ORIGINAL

7.

"These are circumstances, which if true, and are
"found to be so by you on the evidence in this case,
"are to be taken into consideration by you for the pur-
"pose of enabling you to determine what the business
"was which was conducted by the prisoner in that place,
"and whether that room in which this person was found
"with these books and papers, was a room kept and oc-
"cupied for the purpose of gambling."

Appeal Papers to the Supreme Court, Jan. 17, 1861.

(This case was afterwards affirmed by the Court of Ap-
peals of this State.)

Again says the supreme court of the State:

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

Peo. vs. Folke et al, 20 Jun 55.

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

Defendant kept a public saloon, to which persons resort-
ed for the purpose of playing games known as "Pool" and
"Bagatelle." Sometimes these games were played upon the
terms that the loser should pay for the use of the gaming

0569

POOR QUALITY ORIGINAL

8.

apparatus, but at other times the players played for drinks.

HOLD: "Such a house is a public nuisance and the persons who resort there are gamblers within the definition of Section 334 of Code of Crim. Proc. *****

"Such a house is a public nuisance at common law. (Turner v. Trustees of Albion, 8 Will 141), and persons who resort there are gamblers, within the definition of the Code of Criminal Procedure.

"In State and v. ... 1930, the Court of Appeals held that playing games for beer or cigars, was gambling within the meaning of Chapter 30 of the laws of 1931, which prohibited the keeping of a room, etc., to be used for gambling.

"That case was in accordance with general principles for the promotion of the public welfare, and is decisive in this case."

Conviction and judgment affirmed.
Peo. vs. Cutler, 1 N. Y. L. R. 179.

CIRCUMSTANTIAL EVIDENCE.

Circumstantial evidence is always admissible where direct cannot be secured.

Says the Supreme Court of the United States:

"Experience shows that positive proof of fraudulent acts is not generally to be expected, and for that reason among others, the Law allows a resort to circumstances as the means of ascertaining the truth. 'Great latitude' says Mr. Starkie, 'is justly allowed

POOR QUALITY
ORIGINAL

0570

9.

"by the laws to the reception of indirect or circum-
stantial evidence, the aid of which is constantly
required, not merely for the purpose of remedying the
want of direct evidence, but of supplying an invaluable
protection against imposition.' Whenever the
necessity arises for a resort to circumstantial evi-
dence, either from the nature of the inquiry or the
failure of direct proof, objections to testimony on
the ground of irrelevancy are not favored, for the
reason that the force and effect of circumstantial
facts usually and almost necessarily depend upon their
connection with each other. Circumstances altogether
inclusive if separately considered, may by their number
and just operation, especially when corroborated by
moral coincidences be sufficient to constitute conclu-
sive proof."

Cartle vs. Bullard, 23 How. 187

Lincoln vs. Clifflin, 7 Wall. 158.

The evidence discloses that a valuable property is
occupied by the defendants. It is within the personal ob-
servation of the Court that the rental for such a property
as this must amount to a considerable sum of money during
the year, which one of the defendants is proven to have
paid.

The evidence discloses that this building is fitted up
with heavy doors doubly barred with peep-holes cut through
them, and all arranged with electric bells in the manner in
which gambling houses are usually fitted up.

POOR QUALITY
ORIGINAL

0571

10.

It further discloses that door-keepers are stationed at these doors to guard them, and to prevent strangers from entering.

A thorough search in the premises discloses that there is no business carried on except the business of gambling.

The upper part is fitted up with gaming tables, lock-out chairs, and lay-outs of gambling games, with cards and chips.

The lower part of the premises is occupied with books, papers, black-boards, apparatus and paraphernalia for recording bets. Positive evidences of gambling are shown to have taken place in the lower part of the premises, extending over a period of three months.

This being established, it does not lie within the province of the Court to discharge these defendants.

"If it manifestly appears either that no such
"crime has been committed, or that the suspicion enter-
"tained of the prisoner are wholly groundless, in such
"case only is it lawful totally to discharge him; oth-
"erwise he must be held answerable to the charge against
"him."

Blackstone, vol.4, p.288, Kemell's Ed.

Says Chief Justice Marshall in Burr's trials:

"I should not require that proof which should be
"necessary to convict, nor should I require that which
"should absolutely convince my own mind of the guilt
"of the accused. * * * * *

"I understand 'probable cause' to be a case made

POOR QUALITY
ORIGINAL

0572

11.

"out by proof furnishing good reason to believe that
"the crime alleged has been committed by the person
"charged with having committed it."

I Burr's trials, p 11.

"This examination is not a judicial inquiry in
"which the guilt or innocence of the party accused is to
"be finally decided upon; therefore, the same degree
"of evidence is not required as would be necessary to
"convict. It is the duty of the Magistrate to see,

"1. If the crime has been committed.

"11. If there is reasonable cause to believe that
"the party accused committed it.

"The Magistrate cannot discharge the prisoner un-
"less he is perfectly satisfied that there is no suf-
"ficient ground for judicial inquiry."

Bishop's Criminal Law, p 588.

"If the witnesses called for the defense contra-
"dict those for the prosecution in the material points,
"then the case would be properly sent to a jury to as-
"certain the truth of the statements of each party."

2 Carrington & Kirwan, p. 345.

"If the witnesses contradict, then case must be
"sent to a jury."

Section 233, Bishop's Criminal Procedure.

The Defendants should be held for the action of the
Grand Jury.

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POOR QUALITY
ORIGINAL

*Exec
Pemb. vs.
Patrick Gallagher,
et al.*

0574

CITY AND COUNTY }
OF NEW YORK, } ss.

Raymond Piccolo

aged *60* years, occupation *Mason* of No.

2125 First Av

Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Salvatore Bente

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

knowledge.

Sworn to before me, this

27

day of

December

19*38*

His
Raymond Piccolo
mark

W. E. Murray

Police Justice.

Beyondo

0575

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

Antonio Simon

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

Dated December 14 1890 *Wm. Lawrence* Police Justice.

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

Dated Dec 23 1890 _____ Police Justice.

There being no sufficient cause to believe the within named

_____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0576

Police Court--- 6th District. 1895

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Salvatore Benta
2131 - 23. 1st Ave
Chicago

Officer
Blair
Gelone

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

2.....
3.....
4.....

Date *December 27 1895*

Murray Magistrate.

Letford Officer.

33 Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ *1000* - to answer *G. S.*

Committed
Jan 1



0577

Police Court 6th District

CITY AND COUNTY OF NEW YORK, } ss.

of No. 2131 First Av Street,

being duly sworn, deposes and says, that on Sunday the 24th day of March

in the year 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Antonio

Simone now here who stabbed deponent on the breast and back with a knife then and there held in his right hand, necessitating his removal to the Humber Hospital, causing intense sufferings

Ricardo Salvatore

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 27 day of December 1888

M. J. Murray POLICE JUSTICE.

0578

Sec. 199-200.

CITY AND COUNTY OF NEW YORK } ss.

6th District Police Court.

Antonio Simon

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 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. *Antonio Simon*

Question. How old are you?

Answer. *63.*

Question. Where were you born?

Answer. *Italy*

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

Answer. *339 E 113 St. One year.*

Question. What is your business or profession?

Answer. *Laborer.*

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

Answer. *I am not guilty.*

Antonio Simon
Mark

Taken before me this

day of

at

Police Justice.

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District Attorney's Office.

PEOPLE

vs.

William

Gambler

Please report

on this case

to me before

Sunday 4 Grand

Jury

John

John
John

0580

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

vs.

Sidney B. Chines

Patrick Gallagher

Henry D. ...

Paul Sellers

Perth ...

in Part to be

Wednesday March

11th 1/2 for legal

a District Attorney.

Argument - ...

with ...

citizens

March 9th 1897
J. W. ...
R. J. ...

0581

Sec. 568.

H District Police Court.

[Signature]
Undertaking to Answer.

CITY AND COUNTY }
OF NEW YORK, } ss.

An order having been made on the 5th day of January 1897 by
Adams J. White Police Justice of the City of New York, that
Henry B. Clune be held to answer upon a charge of
Gambling

upon which he has been duly admitted to bail in the sum of _____ Hundred Dollars.

WE, Sidney B. Clune Defendant of No. _____

179 E 11th Street, Occupation Bank; and
Raymond Jerome of No. 56 E 61st Street,

Occupation Real Estate Surety, hereby undertake jointly and severally
that the above-named Sidney B. Clune shall appear and answer the charge
above-mentioned, in whatever Court it may be prosecuted; and shall at all times render himself amenable
to the orders and process of the Court; and if convicted, shall appear for judgment, and render himself in
execution thereof; or if he fail to perform either of these conditions, that we will pay to the People of
the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me this 5th
day of January 1897

[Signature]
[Signature]
Police Justice.

0582

City and County of New York, ss:

Sworn to before me this 26 day of June 1891
Police Justice

Requard. Levine

the within-named Bail and Surety, being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Three* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *House and lot*

576 East 67th Street of the full value of Three thousand dollars

Requard Levine

Undertaking to Answer.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Taken the day of 189

Justice.

Filed day of 189

0583

Sec. 568.

H District Police Court.

ES
Undertaking to Answer.

CITY AND COUNTY } ss:
OF NEW YORK,

An order having been made on the 23 day of January 1891 by
Andrew J. White Police Justice of the City of New York, that
Henry Roe be held to answer upon a charge of
Assembling

upon which he has been duly admitted to bail in the sum of Five Hundred Dollars.
WE, Henry Roe Defendant of No. 174 3rd
Reginaid Colonne Street, Occupation New York; and
of No. 56 E 61 Street,
Occupation Real Estate Surety, hereby undertake jointly and severally
that the above-named Henry Roe shall appear and answer the charge
above-mentioned, in whatever Court it may be prosecuted; and shall at all times render him self amenable
to the orders and process of the Court; and if convicted, shall appear for judgment, and render him self in
execution thereof; or if he fail to perform either of these conditions, that we will pay to the People of
the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me this 23 day of January 1891
Andrew J. White Police Justice.
Henry Roe
Reginaid Colonne

0584

City and County of New York, ss:

Sworn to before me this
1st day of
1890
Police Justice

Requard C. Levine

the within-named Bail and Surety, being duly sworn, says, that he is resident and holder within the said County and State, and is worth Thirty per Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities.

and that his property consists of House and lot
576 East 67th St. of
the full value of Three
thousand dollars

Requard C. Levine

Underwriting to Answer.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Taken the day of 1890

Justice.

Filed day of 1890

0585

Sec. 568.

14 District Police Court.

[Signature]
Undertaking to Answer.

CITY AND COUNTY }
OF NEW YORK, }

An order having been made on the 23 day of January 1899 by
William J. White Police Justice of the City of New York, that
Patrick Gallagher be held to answer upon a charge of
Gambling

upon which he has been duly admitted to bail in the sum of Five Hundred Dollars.
WE, Patrick Gallagher Defendant of No. St Clair
Hotel Street, Occupation Speculator; and
Reginald C. Lewis of No. 56 E 61 Street,
Occupation Real Estate Surety, hereby undertake jointly and severally
that the above-named Patrick Gallagher shall appear and answer the charge
above-mentioned, in whatever Court it may be prosecuted; and shall at all times render himself self amenable
to the orders and process of the Court; and if convicted, shall appear for judgment, and render himself self in
execution thereof; or if he fail to perform either of these conditions, that we will pay to the People of
the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me this 23 day of January 1899
William J. White Police Justice.
Patrick Gallagher
Reginald C. Lewis

0586

City and County of New York, ss :

Sworn to before me this
day of *Sept* 1891
Requard Levine
Justice

the within-named Bail and Surety, being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth *Twenty* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities.

and that his property consists of *House and lot*
56 East 61st Street of
the full value of Three
Thousand Dollars

Requard Levine

Undertaking to Answer.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

Taken the day of 1891
Justice.
Filed day of 1891

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

R. B. McCully

and says, that Sidney B. Blino being duly sworn, deposes

here present, is the one known as Robert Ho

in annexed complaint.

Subscribed and sworn to before me, this

10 day to December 1970

Robert B. McCully

John B. Smith
Police Justice.

0588

City and County of New York, ss:

In the name of the People of the State of New York:

To any Peace Officer in the City and County of New York:

Proof by affidavit having been this day made before me, by Anthony Bonaiuto vs R. B. McCully of 43 Park Row Street, New York City, that there is probable cause for believing that Henry Hor and Robert Hor whose real names are unknown, but who can be identified by said McCully -

has in their possession, at, in and upon certain premises occupied by them and situated and known number 3 Barclay street, third floor in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, blackboards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said Henry Hor and Robert Hor

and in the building situate and known as number 3 Barclay street onto 3rd, 4th & 5th floors aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books all documents for the purpose of enabling others to gamble or sell lottery policies, all blackboards, all slips or drawn numbers of a lottery, all money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the Third District Police Court at the Fourth in Centre street in the City of New York.

Dated at the City of New York, the 9th day of December, 1890

Solon Belmont

POLICE JUSTICE.



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Inventory of property taken by Wm O Toole the Peace Officer, by whom this warrant was executed :

3 Faro layouts, ~~Roulette Wheels,~~ ~~Roulette layouts,~~ one Rouge et Noir layouts, 2 gaming tables, 1 bag chips, 124 packs of cards, 1 dice, ~~deal~~ boxes, 5 deal trays for holding chips, 2 deal boards, 3 packages said to contain 1500 ~~deal~~ markers, or tally cards, 1 Haggard layout, 1 cloth do. 2 lookout chairs, 1 lot estimated at 2500 combination pool blank tickets, 50 sheets regarding bets lottery policies, ~~lottery tickets,~~ ~~circulans,~~ ~~writings,~~ ~~papers,~~ ~~black boards,~~ ~~slips, or drawn numbers in policy,~~ ~~money,~~ manifold books, ~~slates,~~ 1 haggard bowl, 2 acct. Books.

City of New York and County of New York ss:

1. Wm O Toole

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 10th day of December 1890

Mulvan O Toole

Solomon B. Smith Police Justice.

Joseph C. Adams

Police Court --- 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Cornuto
Henry Hor.
Robert Hor.

Dated Dec. 9th 1890.

Justice.
Officer.

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Sec. 151.

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

Police Court, 12 District.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York. GREETING:

Whereas, Complaint in writing and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anthony Bonitta R. B. McCully of No. 43 Park Row Street, charging that on the about 9th day of December 1890 at the City of New York, in the County of New York that the crime of keeping and leasing a room and paraphernalia for gambling purposes

has been committed, and accusing Henry Horloe and Robert Hor whose real names are unknown but who can be identified by R. B. McCully and Patrick Gallagher thereof.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendants and bring them forthwith before me, at the 15 DISTRICT POLICE COURT, in the said City or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 9th day of December 1890
Edmond Smith POLICE JUSTICE.

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POLICE COURT, 13 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anton Forrester

vs.
Patrick Gallagher

Henry Ha

Robert Ha Henry B. White

Warrant-General.

Dated Dec. 9 1890

Magistrate.

Officer.

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

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex, _____

Complexion, _____

Color, _____

Profession, _____

Married, _____

Single, _____

Read, _____

Write, _____

0592

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

Anthony Bourtoch

of 150 Nassau Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that Henry Hor ^{these} and Robert Hor

whose real names are unknown, but who can be identified by R. B. McCully & deponent, ^{and Patrick Callagher} did, at the city of County of and State of New York, on or about the 9th day of December 1890.

~~unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game keeper in a gambling or banking game, where money or property was dependent upon the result and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.~~

Deponent further says, he has just ^{cause} ~~cause~~ to believe, is informed and verily does believe from personal observation and from statements made by R. B. McCully

 to deponent that the said Henry Hor and Robert Hor and Patrick Callagher aforesaid, now have in their possession, at in and upon certain premises occupied by them and situate and known as number 3 Barclay street, upon the second, third & fourth floors, in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

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public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this }
9th day of December 1890. }

Anthony Bonitock

Olson R. [Signature] Police Justice.

CITY OF New York AND COUNTY OF New York ss.

R. B. McCully, of 43 Park Row

being further sworn deposes and says that on the 7th day of December 1890, deponent visited the said premises, named aforesaid, and there saw the said Henry Hor, aforesaid, and had dealings and conversation with him as follows:

Deponent went up stairs, and assayed to go into the premises aforesaid, when Henry Hor stopped him and inquired deponents business in said place. Deponent told him he wanted to go in to play at the game. The said Henry Hor, informed deponent that they did not allow strangers in, and that he would not admit him unless he should bring some one who knew him. The said James Doe, referred to in deponents affidavit of December 2nd then came up stairs and deponent appealed to him. The said Henry Hor, said we can't admit strangers. The said James Doe said "I have seen this man (meaning deponent) down stairs but I don't know him". The said Henry Hor then allowed

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the said James Dor, to go in but would not allow
deponent to enter. Deponent is informed that the game
of Faro is conducted in said place, and has been so
informed by several persons whom deponent has
met in the Saloon and basement where deponent
has frequently been since the 9th of October 1890.
securing evidence of violations of law in said
premises. -

Deponent further says that he is informed, has
just cause to believe, his information being based
upon personal observation, statements made to
this deponent by Henry Hoe, a man known to this
deponent as Larry, another known as James Dor
and Thomas Dor, and another party,
whom deponent met in the lower parts of said building
and whose names are unknown to deponent, but
whom deponent, complains against ^{except Larry} for violating
Section 351. of the Penal Code of the State of ~~West~~
York, ^{in said building} that at ⁱⁿ and upon certain premises situated
and known as Number 3 Barclay street, in the city of
New York aforesaid, and occupied by Henry Hoe and
Robert Hoe, the said Henry Hoe, and Robert Hoe

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now have in their possession, with intent to use
the same as a means to commit a public
offense, dice and sundry cards, apparatus, device
paraphernalia, layout, chips and instruments for
use for gambling purposes, and in violation of the
provisions of chapter IX of the penal code of the
State of New York -

Subscribed

Subscribed and sworn to before me this

10th day of December 1890.

Robert B. McCreedy

Solon Blunt
Police Justice.

Violation Sec. 844, P. C.
Gambling and Policy.

THE PEOPLE	
ON COMPLAINT OF	
Anthony Lombardi et al.	
AGAINST	
Henry Horv,	
Robert Horv,	
Patrick Gallagher.	

Affidavit of Complaint.

WITNESSES:

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

Defendants
Sidney B. Belme and Patrick Gallagher

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

Dated *Jan 9 3 1891* *A. J. White* Police Justice.

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

Dated *Jan 23 1891* *A. J. White* Police Justice.

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

Dated _____ 18 _____ Police Justice.

One Hundred Dollars

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Sec. 341. Code of C.P.

W 131
Police Court--- 1 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Comstock

Sidney B. Clive
Patrick Gallagher
Henry Roe

Officer *Grubbing*

BAILED,

No. 1, by *R. C. Levine*

Residence *57 E 61 St* Street.

No. 2, by *1*

Residence *4* Street.

No. 3, by *1*

Residence *4* Street.

No. 4, by

Residence Street.

Dated *Dec 27 1890*

White Magistrate.

Officer.

Precinct.

Witnesses.

No. Street.

No. Street.

No. Street.

\$ *100* to answer

No 3 Bailed



0598

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Sidney C. Rhine, Catinda Gallagher, Henry Doe

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

Sidney C. Rhine, Catinda Gallagher, Henry Doe

of a Misdemeanor, committed as follows:

The said *Sidney C. Rhine, Catinda Gallagher and Henry Doe, all —*

late of the *Third* Ward of the City of New York, in the County of New York aforesaid, on the *ninth* day of *December*, in the year of our Lord one thousand eight hundred and *ninety*, at the Ward, City and County aforesaid, did unlawfully keep a certain *room* in a certain *building* there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Second Count, And the Grand Jury aforesaid, by this indictment, further accuse the

said *Sidney C. Rhine, Catinda Gallagher and Henry Doe —*

of a Misdemeanor, committed as follows:

The said *Sidney C. Rhine, Catinda Gallagher and Henry Doe, all —*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the ~~occupants~~ of certain room in a certain Building there situate, with force and arms did unlawfully and knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Third Count, And the Grand Jury aforesaid, by this indictment, further accuse the said Sidney B. Price, Linda Fitzgerald and James Doe

of a Misdemeanor, committed as follows:

The said Sidney B. Price, Linda Fitzgerald and James Doe, all

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the ~~occupants~~ of a certain room in a certain Building, there situate, with force and arms, did unlawfully therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

~~District Attorney.~~

~~First~~ **Second Count**, And the Grand Jury aforesaid, by this indictment, further accuse the

said *Sidney B. Elise, Patricia Gallagher*
and Henry Doe —

of a Misdemeanor, committed as follows :

The said *Sidney B. Elise, Patricia*
Gallagher and Henry Doe, all

late of the *Tenth* Ward of the City of New York, in the County of New York
aforesaid, on the *ninth* day of *December*, in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety* and on divers other days and times
as well before as after, to the day of the taking of this inquisition, at the Ward, City and
County aforesaid, with force and arms, unlawfully did keep a certain room in a certain
building there situate, to be used for gambling, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

~~First~~ **SECOND COUNT.** (Sec. 344, Penal Code.)

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

Sidney B. Elise, Patricia Gallagher and Henry Doe

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND
APPARATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows :

The said *Sidney B. Elise, Patricia*
Gallagher and Henry Doe, all —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, and on said other days and times, at the Ward, City and County aforesaid,

a certain room in a certain building there situate, and a certain gambling-table, and establishment, and diver cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
District Attorney

~~THIRD COUNT. (Sec. 335, Penal Code.)~~

~~And the Grand Jury aforesaid, by this indictment, further accuse the said of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:~~

~~The said~~

~~late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house there situate, for lucre and gain, unlawfully and injuriously did keep and maintain; and in said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said~~

~~there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of New York.~~

JOHN R. FELLOWS,
District Attorney.