

0108

BOX:

259

FOLDER:

2501

DESCRIPTION:

Barnum, William J.

DATE:

05/17/87



2501

0109

356

Witnesses:

*W. Higgins*

Counsel, *W. Higgins*  
Filed *17* day of *May* 188*7*  
Pleads *Not Guilty*

THE PEOPLE

vs.

*Wm. J. Barrum*  
*118*

Violation of Excise Law.

(Sunday).  
[III Rev. Stat., 6th Edition, page 1983 Sec. 21, and  
page 1989, Sec. 5].

RANDOLPH B. MARTINE,

District Attorney.

*Part III June 6 '87*  
**A TRUE BILL.**

*Compliments sent to Special  
Agent*  
*G. J. Harn*

Foreman.



0110

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William J. Barman*

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

*— William J. Barman —*

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE  
ON SUNDAY, committed as follows :

The said

*William J. Barman,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
~~nineteenth~~ day of ~~April~~, in the year of our Lord one thousand  
eight hundred and eighty-~~seven~~, at the Ward, City and County aforesaid, the same  
being the first day of the week, commonly called and known as Sunday, with force and arms,  
certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one  
gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill  
of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain  
intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

*Peter Higgins, and to* —

certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, 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

*— William J. Barman —*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY,  
committed as follows :

The said

*William J. Barman,*

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, the same being the first day of the week

0-1111

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

certain — persons whose names are to the Grand Jury aforesaid unknown, 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

— William J. Barman —

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

William J. Barman.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

131 Eighth Street, —

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

RANDOLPH B. MARTINE,  
District Attorney.

0112

BOX:

259

FOLDER:

2501

DESCRIPTION:

Barry, John

DATE:

05/24/87



2501

WITNESSES:

*Off. Sumner*

The evidence in this case will not warrant a conviction as the element of criminal intent is wholly lacking and considering that that was but an agent in the employment of another and with his assistance to violate the law I recommend that this indictment be dismissed

*Wardhope Jun  
A. W. May*

*April 29/92*

492

Counsel, *John B. Martine*  
Filed *21st day of May*  
Pleads

188

THE PEOPLE,  
vs.

*John Barry*

MISDEMEANOR.  
(Salt on Railroad Track.)  
[§ 1938, Consolidation Act, and § 316, Revised Ordinances of 1880.]

RANDOLPH B. MARTINE,

*621 W. 11th St. St. Paul, Minn.*  
District Attorney.

A True Bill.

*W. Wardhope Jun*  
*April 28/92*  
*Indictment*  
*Dismissed*

0113



0114

STATE OF NEW YORK: }

New York: }

7<sup>th</sup> District Police Court.

*Freeman S. Snowden* being duly sworn,  
deposes and says, that on the 6 day of Jan 1887, at the City  
of New York, in the County of New York, Joseph Barry  
did, in violation of the form of the Statute in such case made and provided, unlawfully and  
wilfully throw, expose, and place in and upon a certain street, highway and public place in  
said city, open for the passage of animals, and situate in the 10<sup>th</sup>  
Ward, in said city, and known as Bowry therein, a certain salt  
and substance known as common salt, for the purpose of dissolving certain snow which had  
theretofore fallen and then was deposited thereon; which said salt and substance was not by  
him, the said Joseph Barry thrown, exposed, or placed upon a curve, or  
crossing, or switch of a railroad track then and there being.

Wherefore the Complainant prays that the said Joseph Barry  
may be arrested, and dealt with according to law, and more especially according to the follow-  
ing law made and provided, to wit: "An Act to prevent injury to animals in the City of  
New York;" passed February 8, 1876.

Sworn to, this  
before me

6 day of Jan 1887

*Freeman S. Snowden*

*John H. Bond*  
Police Justice.



0115

POLICE COURT, District.

**THE PEOPLE, &c.,**  
ON THE COMPLAINT OF

LAWS OF 1876, CHAP. 16.

**AN ACT**

TO PREVENT INJURY TO ANIMALS IN THE CITY OF  
NEW YORK.

Passed February 8, 1876, three-fifths being present.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:*

**Section 1.** Every person who shall wilfully throw, expose or place, or who shall wilfully cause or procure to be thrown, exposed or placed, in or upon any street, highway or public place in the City of New York, open for the passage of animals, any nails, pieces of metal, glass, or other substance or thing which might maim, wound, lame, cut or otherwise injure any animal, shall be guilty of a misdemeanor.

**Sec. 2.** Every person who shall throw, expose or place, or who shall cause or procure to be thrown, exposed or placed in or upon any such street, highway or public place, except upon the curves, crossings or switches of railroad tracks, any salt, saltpetre or other substance for the purpose of dissolving any snow or ice which may have fallen or been deposited thereon, shall be guilty of a misdemeanor.

**Sec. 3.** This Act shall take effect at the expiration of ten days after its passage.



CRUELTY TO ANIMALS.  
SALTING STREET.

*Joseph Barry*  
DATED, *Jan 6<sup>th</sup>* 1887  
*Ford* Magistrate.

*Seaman* Clerk.  
*Seaman* Officer.

WITNESSES:

*Henry Bergh, 100 East 22d St.*

BAILED \$ to ans. Sess.

By STREET.

0116

Sec. 198-200.

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss

*Joseph Barry* 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.

*Joseph Barry*

Question. How old are you?

Answer.

*45 years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*406 East 66<sup>th</sup> Street*

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 and demand a trial by Jury*

*John Barry*

Taken before me this

day of *Dec.*

188

Police Justice.

*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* .....

And I do hereby order that he be held to answer the same and he be admitted to bail in the sum of One 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 Dec. 6 1887 John W. Ford Police Justice.

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

Dated May 6 1887 John H. Smith Police Justice.

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

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



0118

BAILED.

No. 1, by John H. Robertson  
Residence 307 E. 65<sup>th</sup> Street.

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

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

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

Police Court-- 3d 39 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William J. Lumsden  
vs. John H. Robertson  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Officer Lumsden

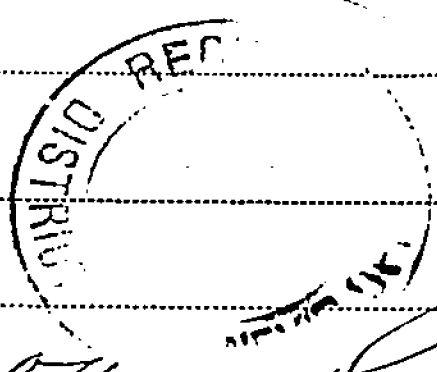
Dated Mar. 6<sup>th</sup> 1887  
Ford Magistrate.

Lumsden Officer.  
S.P.C. Precinct.

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

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

No. \_\_\_\_\_ Street.  
\$ 100 to answer E. L.  
Bailed



0119

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

The People of the State of New York

against

John Barry

} Summons

The above named  
defendant, demurs to the indictment presented  
by the Grand Jury on the 24<sup>th</sup> day of May, 1887,  
charging him with the crime of Misde-  
meanor, on the ground that the facts  
stated in the said indictment do not  
constitute a crime.

Wherefore this defendant asks judg-  
ment of the Court that he be dismissed and  
discharged from said premises speci-  
fied in the said Indictment.

Dated May 25<sup>th</sup> 1887,

John O. Mott  
Attorney for defendant



0120

U. S. General Sessions Court.

The People of the State  
of New York

Plaintiff,

against

John Barry

Defendant.

*Demurrer*

JOHN O. MOTT,

Attorney for *defendant*

140 Nassau Street,

MORSE BUILDING, NEW YORK.

To *filed May 27* Esq.,  
Attorney for *14*

Due service of *is hereby admitted.*

Dated, New York, 18

Attorney for

0121

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
*against*

*[Signature]*

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

*[Signature]*

(§ 1938 Consolidation of a MISDEMEANOR, committed as follows:  
Act.)


The said *[Signature]*

late of the *South* Ward of the City of New York, in the County of New York aforesaid, on the *sixth* day of *January*, in the year of our Lord one thousand eight hundred and eighty*seven*, at the Ward, City and County aforesaid, did unlawfully throw, expose and place, and cause and procure to be thrown, exposed and placed, in and upon a certain street and highway there situate, known as *De Rome*,  
(otherwise than upon the curves, crossings, or switches of certain railroad tracks then and there being), a quantity of saltpeter, and a quantity of a certain other substance to the Grand Jury aforesaid unknown, for the purpose of dissolving certain snow and ice which had fallen and been deposited, and was then and there upon the street and highway aforesaid; 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,

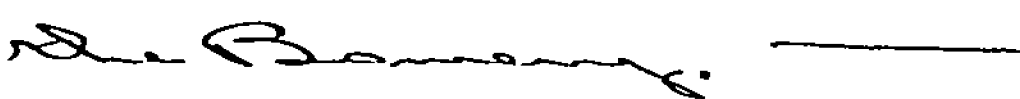
0122

SECOND COUNT, (§ 316, Revised Ordinances of 1880.)

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

  
of the CRIME OF VIOLATING AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
New York, committed as follows:

The said 

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, did unlawfully cast, throw and  
sprinkle, and cause to be cast, thrown and sprinkle, in and upon a certain ~~street~~,  
and highway there, known as ,  
and in and upon a certain railroad track, there, otherwise than upon any switches or  
turnouts of the same, a quantity of salt, and a quantity of a certain other substance to  
the Grand Jury aforesaid unknown, for the purpose of melting certain snow and ice  
which had fallen, accumulated and been deposited, and was then and there upon and in  
the ~~street~~, highway and railroad track aforesaid, and did then and there and  
thereby offend against a certain ordinance therefore duly passed by the Common Council  
of the City of New York, and then and there in full force and operation, which said  
ordinance is as follows, that is to say:

"It shall not be lawful for any person or persons, company or corporation, to  
cast, throw, or sprinkle, or cause to be cast, thrown or sprinkled, salt, or any other  
substance, in or upon any avenue, street, railroad track, except upon switches and  
turnouts, lane, alley, highway or public place in the City of New York, for the  
purpose of melting any snow or ice which may have fallen, accumulated or been  
deposited upon or in any such avenue, street, railroad track lane, alley, highway  
or public place in the said city, under a penalty of not less than five hundred  
dollars, nor more than one thousand dollars for each and every violation of an  
against the provisions of this section; provided that permission to throw salt on switches  
and turnouts on railway tracks be first obtained from his honor the Mayor."

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.

RANDOLPH B. MARTINE,

*District Attorney.*

0123

BOX:

259

FOLDER:

2501

DESCRIPTION:

Barry, Michael

DATE:

05/23/87



2501



Witnesses:

Thos Gorman

Deafes Offea  
Offera. 2  
Reck.

Counsel,

Filed

Pleads,

1887

THE PEOPLE

vs.

Robbery, Second degree.  
[Sections 224 and 229, Penal Code.]

Michael Barry

H D

RANDOLPH B. MARTINE,

June 22/87 District Attorney.

Wash. Assn. 34

A True Bill.

W. H. H. H. H. Foreman.

W. H. H. H. H.

W. H. H. H. H.

0124



0125

Police Court—1st District.CITY AND COUNTY }  
OF NEW YORK, } ssof No. 3 James Thomas Gorman Street, Aged 72 YearsOccupation, 1st day of May 1887, being duly sworn, deposes and says, that on the

in the County of New York, was feloniously taken, stolen, and carried away from the possession of deponent by force and violence, without his consent and against his will, the following property, viz:

Good and Lawful Money of the United States of the Amount andof the value of Two 45/100 DOLLARS,the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Michael Barry from the fact that at about the hour of nine o'clock P.M. on said date the said defendant came into deponent's room where deponent sleeps and struck deponent a violent blow on the mouth with his fist knocking deponent down and while deponent lay prostrate on the floor the said defendant seized hold of deponent by the throat with his defendant's left hand and did take the vest containing said money from the bed post in said room and abstracted said money from the vest.

Subscribed and sworn to before me this

Police Justice

0126

hand side pocket of deponent vest  
and threw the vest at deponent striking  
deponent with the vest and left the  
room deponent prays a warrant may be  
issued for the arrest of said defendant  
sworn to before me

this 2nd day of May 1883

Thos. Lawrence

J. H. Wilbur  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1883 Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1883 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 1883 Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—ROBBERY.

1  
2  
3  
4

Dated 1883

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

POOR QUALITY  
ORIGINAL

0127

Sec. 198—200.

CITY AND COUNTY  
OF NEW YORK, ss

52 District Police Court.

Michael Barry 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

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Michael Barry  
Barry

Taken before me this

day of May 188

Police Justice.



0128

Sec. 151.

Police Court 1st 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, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by Thomas Gorman  
of No. 3 Thaine Street, that on the 1st day of May

188 8 in the City of New York, in the County of New York,

*Michael Barry did unlawfully Rob -  
Complainant, by taking hold of Complainant  
and taking & stealing gold of Complainant away from  
and lawful hand of the United States of America  
and of the value of Two Dollars - forty five  
Cents by force & violence without his consent and  
against his will*

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him  
forthwith before me, at the 1st 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 2nd day of May 188 8

[Signature] POLICE JUSTICE.

0129

Police Court First District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas Gorman  
vs

Michael Barry

Warrant-General.

Dated May 3<sup>d</sup> 1887

Kilbreth Magistrate.

Savary Officer.

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

Jas Savary Officer.

Dated May 3<sup>d</sup> 1887

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest, May 3-87

Michael Barry

26 Thomas St

Native of Ireland

23 yrs

Age, 23 yrs

Sex, M

Complexion, Fair

Color, W

Profession, laborer

Married,

Single, S

Read, Y

Write, Y



0130

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 .....

*R. J. Anderson*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 1 188 *J. H. Smith* Police Justice.

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

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

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

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

0131

(W) 1st 650  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

26 Washington St  
Thomas Loman  
~~241 East 1st St~~  
Michael Barry

2  
3  
4

Offence

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Dated May 3 188

Hilbreth

Magistrate

Barry

Officer.

Court

Precinct.

Witnesses

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

No. 24 for May 4 Street.

at 9 o'clock

No. 24 to May 4 Street.

\$ 10.00 to answer

com

0132

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Barry

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

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

The said Michael Barry,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the first day of May, in the year of our Lord one thousand eight hundred and eighty-seven, in the night time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one Thomas Fierman, in the peace of the said People, then and there being, feloniously did make an assault, and one United States Treasury Note of the denomination and value of two dollars, one United States Silver Certificate of the denomination and value of two dollars, one United States Treasury Note of the denomination and value of one dollar, one United States Silver Certificate of the denomination and value of one dollar, and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of two dollars and forty-five cents,

of the goods, chattels and personal property of the said Thomas Fierman, in the presence of the person of the said Thomas Fierman, against the will, and by violence to the person of the said Thomas Fierman. — then and there violently and feloniously did rob, 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.

0133

SECOND COUNT—

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

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

The said

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

of the goods, chattels and personal property of

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

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

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

**RANDOLPH B. MARTINE,**  
**District Attorney.**



0134

BOX:

259

FOLDER:

2501

DESCRIPTION:

Beatty, Edward

DATE:

05/18/87



2501

Witnesses:

*Off Janssard*

402

Counsel,  
*Off Hines*

Filed, *18* day of *May* 188*7*

Pleads, *Not guilty, vs*

THE PEOPLE,

vs.

*B*

*Edward Beatty*

*vs. M. M. M.*

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
(III Rev. Stat, 7th Edition), page 1889, Sec. 51

RANDOLPH B. MARTINE,

*District Attorney.*

A True Bill.

*G. H. Hines*

*Part of case of Foreman.*

*complaint and appeal*

*version.*

0135

0136

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*Plaintiffs*

*against*

*Edward Beatty*

*Defendant.*

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant late of the City of New York, in the County of New York, aforesaid, on the *eight* day of *May*, in the year of our Lord one thousand eight hundred and eighty ~~seven~~, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and permit, to be open, and to remain open ; 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.

RANDOLPH B. MARTINE, District Attorney.

0137

BOX:

259

FOLDER:

2501

DESCRIPTION:

Beck, Louis

DATE:

05/27/87



2501



0138

Grand Jury Room.

PEOPLE

Louis Peck

of Cambridge

0139

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

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

*against*

*Sains Bede*

*Defendant.*

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said defendant late of the City of New York, in the County of New York, aforesaid, on the *first* day of *May*, in the year of our Lord one thousand eight hundred and eighty-~~seven~~, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and permit, to be open, and to remain open; 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.

RANDOLPH B. MARTINE, District Attorney.

0140

BOX:

259

FOLDER:

2501

DESCRIPTION:

Becker, Charles

DATE:

05/10/87



2501

0141

Witnesses:

Officer Miller

Appears by  
the undersigned  
petitioner is  
dead.  
R. H. Lawrence  
D. Lawrence  
Apr. 22nd 1887.

152 J. H. Stuer  
Selling on Sunday.  
Counsel, ~~J. H. Stuer~~  
Filed day of May 1887  
Pleads Not Guilty 1st

THE PEOPLE  
vs.  
Charles Becker  
Violation of Excise Law.  
(Sunday).  
[11 Rev. Stat., (7th Edition), page 1089 Sec. 21, and  
Page 1089, Sec. 5].

RANDOLPH H. MARTINE,  
District Attorney.  
A TRUE BILL.  
J. H. Stuer  
Foreman.

Apr. 22nd 1887



0142

Excise Violation—Selling on Sunday.

POLICE COURT—2 DISTRICT.

City and County } ss.  
of New York, }

of the 3d Precinct Theodore Miller Street,  
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 24 day  
of April 1887, in the City of New York, in the County of New York, at  
premises No. 182 Christopher Street,  
Charles Becker (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Becker  
may be arrested and dealt with according to law.

Sworn to before me, this 25 day } Theodore Miller  
of Apr 1887 }  
Sam'l C. Miller Police Justice.

0143

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

Charles Becker 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. Charles Becker

Question. How old are you?

Answer. 33 years

Question. Where were you born?

Answer. New York

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

Answer. 182 Christopher St- 13 years

Question. What is your business or profession?

Answer. Bartender

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 and demand a trial by jury

Charles Becker

Taken before me this

25

day of April 1888

James J. McQuinn Police Justice.

0144

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 One 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 Apr 25 1887 Sam'l C. Merrill Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed

Dated Apr 25 1887 Sam'l C. Merrill 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 \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0145

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court-- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Theodore Muller

vs.

Charles Becker

2

3

4

Office of the District Attorney

Dated

Apr 25

1887

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

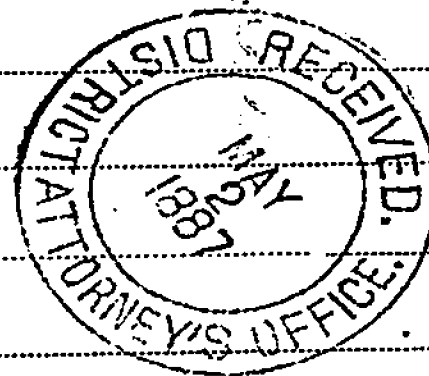
\$

100

to answer

g s

Bailey





New York January 19th 1888.

Augustus Becker

Being Born

before & says that the defendant

in the case of the People vs

Charles Becker was a partner

of his and that he Charles Becker

was at the Riverdale Hotel the 5th

New York City on the 5th

day January 1888 from

Wanda had from the route

of an accident at Williams

part in the City of New York

on the 29th day December 1887

again to before me } Augustus Becker

The 19th day of Jan 1888 }

Wm. H. S. S. S.

History Books (47)

History Books (47)

0147

Notice; In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inference is to be drawn therefrom as to the facts reported, has been, retained for by law.

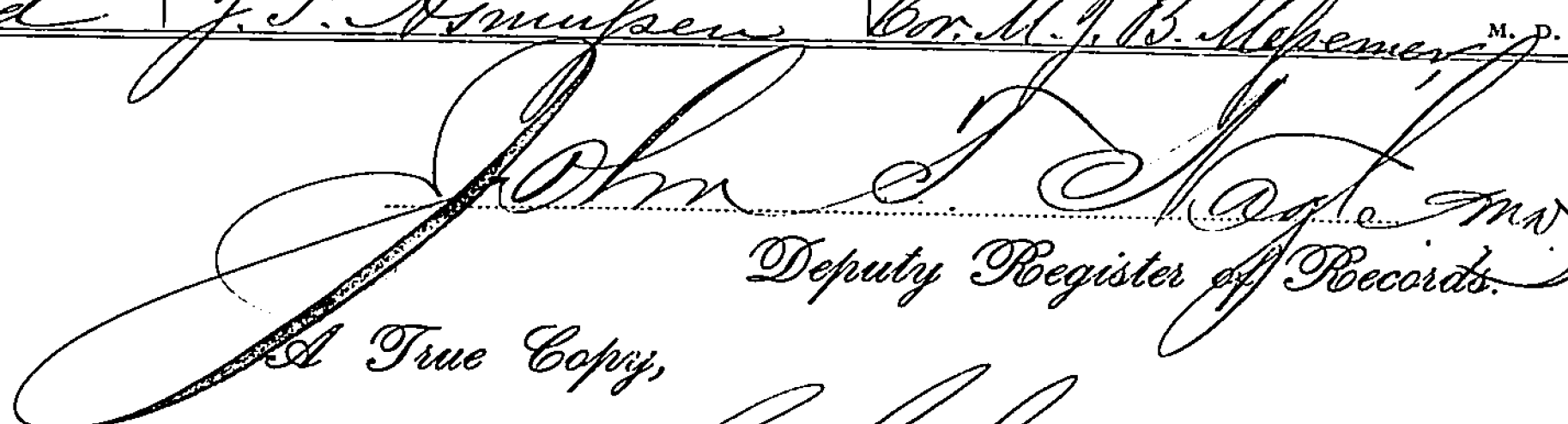
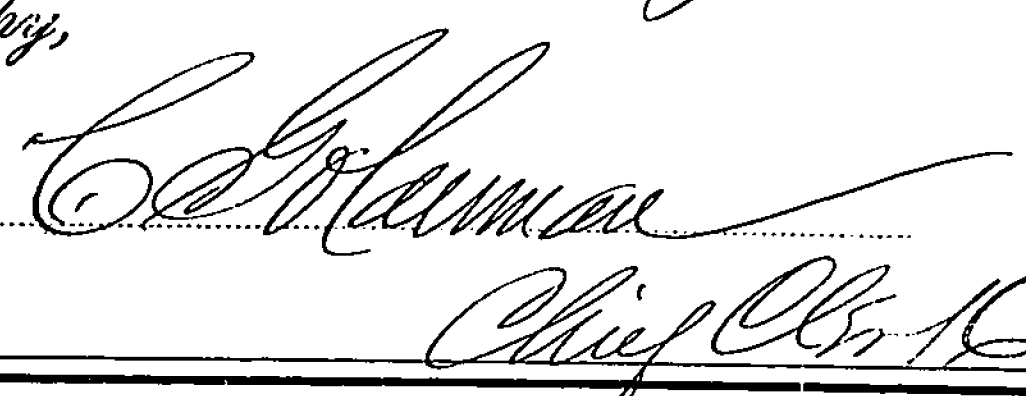
HEALTH DEPARTMENT OF THE CITY OF NEW YORK  
Sanitary Bureau, Vital Statistics.  
Office, 301 MOTT STREET.

Liber.....1

No. 594

New York, Jan'y 19, 1888.

A TRANSCRIPT FROM THE RECORD OF DEATHS  
IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH			AGE OF DECEASED		
			MONTH	DAY	YEAR	YEARS	MONTHS	DAYS
Charles Becker			Jan'y	5	1888	35		
COLOR	CONDITION	OCCUPATION	BIRTHPLACE			HOW LONG RESIDENT IN CITY		
						YEARS	MONTHS	DAYS
W	Single	Bartender	New York City			Lifetime		
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE		
Roosevelt Hospital St.								
22 WARD.			Germany			Germany		
CAUSE OF DEATH						TIME FROM ATTACK TILL DEATH		
Pneumonia						YEARS	MONTHS	DAYS
Fracture of arm while tobogganing								
PLACE OF BURIAL			UNDERTAKER			MEDICAL ATTENDANT		
Greenwood			J. S. Asmussen			Dr. M. J. B. McPherson M. D.		
 Deputy Register of Records.						 Chief Clerk		

0148

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Charles Becker*

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

*Charles Becker*

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE  
ON SUNDAY, committed as follows :

The said

*Charles Becker,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*24<sup>th</sup>* day of *April*, in the year of our Lord one thousand  
eight hundred and eighty-*seven*, at the Ward, City and County aforesaid, the same  
being the first day of the week, commonly called and known as Sunday, with force and arms,  
certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one  
gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill  
of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain  
intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

*Theodore Miller, and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, 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

*Charles Becker*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY,  
committed as follows :

The said

*Charles Becker,*

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, the same being the first day of the week,

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

certain — persons whose names are to the Grand Jury aforesaid unknown, 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

*Charles Becker*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Charles Becker*.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

*182 Christopher Street*

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

RANDOLPH B. MARTINE,  
District Attorney.



0150

BOX:

259

FOLDER:

2501

DESCRIPTION:

Beheim, Nathan

DATE:

05/23/87



2501

0151

BOX:

259

FOLDER:

2501

DESCRIPTION:

Berens, George

DATE:

05/23/87



2501

Witnesses:

J O'Leary

Off Kevich

450

BW 28<sup>th</sup>  
24th

Counsel, J. Blum  
Filed 23 day of May 1887  
Pleads, Not Guilty vs.

THE PEOPLE

vs.

Nathan Behm

vs. N.A.

George Berens

ASSAULT IN THE THIRD DEGREE

(Section 219, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

12th June 67 peremptory,  
June 6/87

A True Bill.

Glyfawn

No. 1. Part III June 13/87 Foreman

Off Fried & Kevitch

Off. Kevich  
AHP

0152

0153

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK ss

Nathan Beaman 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

Nathan Beaman

Question. How old are you?

Answer

21 years

Question. Where were you born?

Answer.

MS

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

Answer.

175 North 4th St. Brooklyn 3 years

Question What is your business or profession?

Answer

Shoemaker

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 and if held demand a trial by jury  
Nathan Beaman

Taken before me this

13

day of

May 1883

Police Justice.



0154

Sec. 151.

*1st* District Police Court.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by *James O'Seary*  
of No. *13 Forty Second* Street, that on the *30* day of *April*  
188*7* at the City of New York, in the County of New York,

he was violently Assaulted and Beaten by

*Nathan Braun and George Berens*

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant *them* and bring  
forthwith before me, at the *1st* 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 *1st* day of *May* 188*7*

*J. J. Smith* POLICE JUSTICE.

0155

POLICE COURT, 1st DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James O'Sean  
Nathan Beam

vs.

Nathan Beam

George Berens

Dated May 25 1887

Kilbreth Magistrate.

Herrick Officer.

The Defendant

Nathan Beam

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

John J. Herrick Officer

Dated May 13 1887

This Warrant may be executed on Sunday or at  
night.

Police Justice.

State of New York,

County of Kings

83.

City of Brooklyn

John J. Herrick  
of New York City

being duly sworn, says he is acquainted with the hand-  
writing of Clark D. Reinhart, the Justice, who  
issued the annexed Warrant, and that the signature to this  
Warrant is in the handwriting of said Clark D. Reinhart

John J. Herrick  
Sworn to before me this 13th day of

May 1887  
Clark D. Reinhart  
Justice.

This Warrant may be executed in the County of

Kings  
Clark D. Reinhart  
Justice.

May 13 1887

Single,

21 yrs. - w. U.S.  
Reat. Shoemaker 5 yrs - 175 N 74  
Bklyn

Write,

0156

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 Lamb

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 13 188 A. J. White Police Justice.

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

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

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

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



0157

Nathan Behrm -  
deposited \$300 with  
Co Treas - in lieu of bail  
lives 175 North 7<sup>th</sup> Brooklyn

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court

729 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James O'Leary  
of 13<sup>th</sup> St. Brooklyn  
Nathan Behrm

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated May 13 188

J. White Magistrate

Herriet Officer.

W. P. C. Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 200 to answer \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



0158

Police Court—1<sup>st</sup> District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

of No. 134 1/2 Second James O'Leary  
occupation Shoemaker Smith Street aged 20 years,  
on the 30<sup>th</sup> day of April 1887 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by Nathan Beau & George Perus  
each of who struck deponent with their clenched  
hands

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 the above assault, &c. and be dealt with according to law.

Sworn to before me, this 2<sup>d</sup>  
day of May 1887 } James O'Leary  
Police Justice.

0159

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Nathan Bedheim*  
and  
*Figoras Bedheim*

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

*Nathan Bedheim and Figoras Bedheim*

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

The said *Nathan Bedheim and Figoras*  
*Bedheim, both* —

late of the First Ward of the City of New York, in the County of New York  
aforesaid, on the *30th* day of *April*, in the year of our Lord  
one thousand eight hundred and eighty-*seven*, at the Ward, City and County  
aforesaid, in and upon the body of one *James O'Searney*  
in the peace of the said people then and there being, with force and arms, unlawfully  
did make an assault and *in* the said *James O'Searney*  
did then and there unlawfully beat, wound and illtreat, to the great damage of the  
said *James O'Searney*, 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0160

BOX:

259

FOLDER:

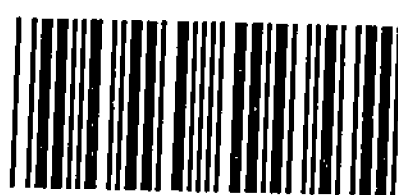
2501

DESCRIPTION:

Behncke, Lottie

DATE:

05/11/87



2501

0161

188.

Witnesses:

Mary Connor

Counsel, *A. C. Chapman*  
Filed, *11* day of *May* 188*7*  
Pleads, *Not Guilty*

THE PEOPLE  
vs.  
*R*  
*Lottie Behncke*  
Grand Larceny, *second* degree  
[Sections 528, 531 Penal Code]

RANDOLPH B. MARTINE,  
*Pr May 20/87*  
*Prima facie*

A True Bill.  
*G. H. Kern*  
Foreman.

*May 20 1887*



0162

Police Court—4 District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Margaret Connor  
of No. 245 East 39<sup>th</sup> Street, aged 29 years,  
occupation married being duly sworn  
deposes and says, that on the 3<sup>rd</sup> day of May 1887 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 pocket book of the value of seventy cents  
which contained good and lawful money of the United  
States, amounting to two dollars and ~~2~~ two  
diamond ear-rings of the value of sixty  
dollars. And one gold finger ring of the  
value of ten dollars; altogether of the  
value and amounting to Seventy two  
dollars and Seventy Cents (\$72.70<sup>00</sup>)

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 Lettie Parker (now here) for the  
following reasons, to wit: On the above  
mentioned date, about the hour of 2 o'clock  
in the afternoon, deponent missed two diamond ear-  
rings, as having been stolen her pocket book  
which was in her bed between the tick and  
the springs, in deponent's bedroom in said  
premises. Deponent thereafter placed her pocket  
book on the sitting room Table. About one  
half hour thereafter deponent missed her  
pocket book as having <sup>been</sup> stolen from said  
Table. That subsequently deponent  
caused the arrest of said Lettie on  
suspicion by ~~police~~ officer Dennis McCarty  
of 21<sup>st</sup> precinct, who informs deponent that

0163

he found in the possession of said Lottie  
one pocket book containing two dollars in  
money - That defendant has now seen  
said pocket book so found in the  
possession of said defendant and  
fully identifies the same as a portion  
of said property stolen from her  
possession. Defendant further says that  
the person had access to said property, outside  
of defendant, except defendant.

Sworn to before me  
this 17th day of May 1887

Wm. J. Dwyer  
Police Justice

Dated 1887 Police Justice.

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

Dated 1887 Police Justice.

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

Dated 1887 Police Justice.

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

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

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Offence—LARCENY.

THE PEOPLE, &c.,  
on the complaint of

1 2 3 4

Dated 1887

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

Police Court, District,

0164

CITY AND COUNTY }  
OF NEW YORK, } ss.

Dennis McCarthy  
aged 42 years, occupation Police officer of No.

21st Recruit Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Margaret Connor  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 7  
day of May 1887

} Dennis McCarthy  
} P. G. Duffy  
} Police Justice.



0-165

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK. } ss

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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 admit having stolen the pocket book and money, but I have not stolen the earrings or finger ring.

Lottie Behneke

Taken before me this

day of

1888  
Police Justice.



0 166

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 Spencer

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

Dated May 7 188

St. J. Duffy Police Justice.

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

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

Police Justice.

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

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

Police Justice.

0167

248  
Police Court-- 4 District. 664

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Margaret Connor.  
vs. 245 839  
John Parker

2  
3  
4

Offence Larceny  
felony

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated May 7 1887

Wiffy Magistrate.

Denis McCarthy Officer.

21 Precinct.

Witnesses

Denis McCarthy  
John Parker  
839 Street

No. Street.

No. Street.

\$ 500 to answer

Am

0168

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Sottie Schmidt*

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

*- Sottie Schmidt -*

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed  
as follows:

The said *Sottie Schmidt,*

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

*value of seventy cents, the sum of*  
*two dollars in money, of the value*  
*of two dollars; two earrings of the*  
*value of thirty dollars each, and*  
*one finger ring of the value*  
*of ten dollars,*

of the goods, chattels and personal property of one

*Margaret Roman.*

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.

*Randolph B. Smith*

District Attorney.

0169

BOX:

259

FOLDER:

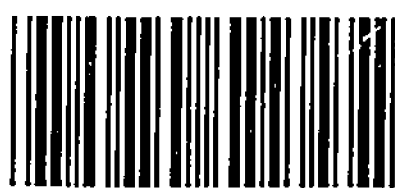
2501

DESCRIPTION:

Belasco, Abraham

DATE:

05/27/87



2501



WITNESSES:  
J. L. Cooper

Strep-

1622

# A True Bill

Attest: June 6

Part ☒ May 24/1888  
Cumberland ~~sub~~ <sup>West</sup> Virginia

0170

0171

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs

against

*Abraham Belasco*

Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty-~~seven~~, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one *James F. Roover*

*the manager.*

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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 defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said defendant, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

**RANDOLPH B. MARTINE,**

District Attorney.

0172

BOX:

259

FOLDER:

2501

DESCRIPTION:

Benedik, Michael

DATE:

05/17/87



2501

Witnesses:

*Off. [Signature]*

317  
J. Chulox  
76 2nd  
Counsel,  
Filed, 17 day of May 1887  
Pleads, 19

THE PEOPLE

vs.

*Michael Benedik*  
*196 Street*

VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday.)  
[III Rev. Stat. (7th Edition), page 1089, Sec. 51.]

RANDOLPH B. MARTINE,  
District Attorney.  
Part IV June 6/87  
Pleads Guilty  
A True Bill Filed & 30.  
*G. H. [Signature]* Foreman.

0173



0174

Sec. 108-200.

CITY AND COUNTY  
OF NEW YORK, { ss9<sup>th</sup> District Police Court.

*Michael Benedik* 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

*Michael Benedik*

Question. How old are you?

Answer

*38 years*

Question. Where were you born?

Answer.

*Urgania*

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

Answer.

*196 Second Street 8 months*

Question. What is your business or profession?

Answer

*Saloon Keeper*

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 and demand a trial by Jury*

*Michael Benedik*

I taken before me this

day of *October* 1887

*James J. Kelly* Police Justice.

0175

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.....

..... *Joseph A. Cant* .....  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 Apr 21 1887 *Sam'l C. Kelly* Police Justice.

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

Dated Apr 11 1887 *Sam'l C. Kelly* 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..... 188..... Police Justice.

0176

BAILED,

No. 1, by a J Glasten

Residence 354 Grand Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court, 3<sup>rd</sup> District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Michael Bussey

vs.

Michael Bussey

2

3

4

Dated April 11 1887

Michael Bussey Magistrate.

Michael Bussey Officer.

14 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 10.00 to answer g s

Bailed

EXCISE

Office 1001 4<sup>th</sup> St.

0177

Grand Jury Room.

PEOPLE

vs.

Mr. Benedict

Off. Bissert



0178

Excise Violation-Keeping Open on Sunday.

POLICE COURT- 3d DISTRICT.

City and County } ss.  
of New York, }

Michael Bissert

of the 14<sup>th</sup> Precinct Police ~~Street,~~

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 10 day  
of April 1887 in the City of New York, in the County of New York,

Michael Benedict (now here)  
being then and there in lawful charge of the premises No. 196 Second

Street, a place duly license<sup>d</sup> for the sale of strong and spirituous liquors, wines, ale and beer, to be  
drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of  
the statute in such case made and provided.

WHEREFORE, deponent prays that said Michael Benedict  
may be arrested and dealt with according to law.

Sworn to before me, this 11 day } Michael Bissert  
of April 1887

Sam'l C. Bull Police Justice.

0179

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Michael Benedida*

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

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND  
SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Michael Benedida,*

late of the City of New York, in the County of New York aforesaid, on the *fourth*  
day of *August*, in the year of our Lord one thousand eight hundred and  
eighty-~~seven~~, the same being the first day of the week, commonly called and known as  
Sunday, being then and there in charge of, and having the control of a certain place there  
situate which was then duly licensed as a place for the sale of strong and spirituous liquors,  
wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so  
licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said  
place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and  
permit, to be open, and to remain open; 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.

**RANDOLPH B. MARTINE, District Attorney.**

0180

BOX:

259

FOLDER:

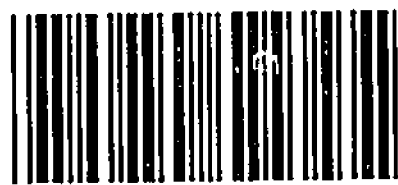
2501

DESCRIPTION:

Bennett, Ann

DATE:

05/25/87



2501

0181

BOX:

259

FOLDER:

2501

DESCRIPTION:

Andresser, Mary

DATE:

05/25/87



2501



0182

Witnesses:

*Miss Charles*

*Chas. O'Brien*

530

2 Rotor

Counsel,

Filed 25 day of May 188

*Wm. W. W. W.*  
Pleads

THE PEOPLE

vs.

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

*R*  
Ann Bennett

*and*

*R*  
Mary Andresser

RANDOLPH B. MARTINE,

District Attorney.

*June 11/07*

*Robert J. Freely & Co. Solicitors*

A True Bill.

*Glynn*

Foreman.

*June 11/07*

*9.5.11*

0183

Police Court— District.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No.

Street,

on

being duly sworn, deposes and says, that

on

day of

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

he was violently and feloniously ASSAULTED and BEATEN by

*Alice Maher*  
*135 Crosby*  
*Married*  
*Sunday* the *8th* day of *May*  
*and* *Ann Bennett*  
*Mary Addesser* (both now free)  
 from the fact that said  
 deponent while deponent  
 was in premises *135 Crosby*  
 Street on said date did approach  
 her while she was at a sink  
 in said premises, that said  
 Bennett did then and then have  
 a hatchet in her possession  
 and did strike deponent one  
 blow with the same upon deponent's  
 arm and one blow on deponent's head,  
 thereby cutting the same, and that  
 said Addesser did have a horn  
 stick in her possession and did  
 strike deponent several blows  
 with the same and did then  
 and then assist said Bennett  
 in said assault and that said  
 assault was committed.

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

day

of

1884

*Alice Maher*  
*A. J. White*  
 POLICE JUSTICE.

0184

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

*Lawrence J. O'Brien*  
of No. *The York Precinct* Street, aged *34* years,  
occupation *Police Officer* being duly sworn deposes and says,  
that on the *8th* day of *May* 188*7*  
at the City of New York, in the County of New York, *Lee Bennett*  
arrested. *Ann Bennett* and *Mary*  
*Adams* (now *dead*) on the com-  
plaint of *Alice Baker*, for  
the reason that said *Ann Bennett*  
struck said *Alice* about the head  
and face with a hatchet, while said  
*Mary Adams* struck her about  
the face and head with a broom  
stick cutting her face and head  
from the effects of which she is  
unable to appear in Court. and is

Subscribed and sworn to before me this

188

day

Police Justice



0185

now confined at St Vincent's hospital  
wherefore deponent prays that said  
defendants may be committed to  
await the result of the injuries  
so inflicted on the said Alice  
Maker.

Sworn to before me  
this 9<sup>th</sup> day of May 1887 } Lawrence T. O'Brien.  
R. J. White

Police Court, District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Lawrence T. O'Brien

vs.

Ann O'Brien

May Address

Dated May 9 1887

White Magistrate.

O'Brien

Witness,

Disposition,

Said to be  
The result of injuries



0 186

St Vincent's Hosp  
May 8/87

To whom it may concern:

This is to certify  
that Alice Walker is not yet  
out of danger—

Jas Reilly  
House Physician & Surgeon

0187

St Vincent Hosp.  
May 15/87.

To whom it may concern:

This is to certify

that Alice Maker is now out of  
danger

Jas. Reilly -  
House Surgeon -

0188

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

*Mary Anderson* being duly examined before the undersigned, 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 *h* see fit to answer the charge and explain the facts alleged against *h* that *h* 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.

*Mary Anderson*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer,

*MS*

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

Answer.

*135 Barclay Street. 2 mos*

Question. What is your business or profession?

Answer,

*Married*

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*

*Mary Anderson*

Taken before me this

day of

*March*

188

*19*

*at New York*

*City*

*Police Justice.*

*Police Justice.*

0189

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Sam Bennett*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *MS.*

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

Answer. *185 Cusby*

Question. What is your business or profession?

Answer. *Washer & General*

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*

*Sam Bennett*  
*mark*

Taken before me this

day of

188

Police Justice.



0190

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 Aguedant

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

Dated May 19 188 A. J. White Police Justice.

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

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

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

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

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

0192

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF STATE OF NEW YORK,

against

*Ann Bennett and*  
*Mary Anderson*

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

*Ann Bennett and Mary Anderson*

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows :

The said *Ann Bennett and Mary Anderson, both* —

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *May*, in the year of our Lord

one thousand eight hundred and eighty ~~seven~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Alice Maher*,

in the peace of the said People then and there being, feloniously did make an assault, and *then* the said *Alice Maher*, —

with a certain *knife and also a certain stick* — which the said *Ann Bennett and Mary Anderson*

in *their* right hands then and there had and held, ~~the same being a deadly and dangerous weapon~~ then and there wilfully and feloniously did ~~cut, stab and wound,~~

~~the same being a deadly and dangerous weapon~~ *as were likely to produce the death of the said Alice Maher* —

with intent *then* the said *Alice Maher*, —

thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT;

And the Grand Jury aforesaid, by this indictment, further accuse the said *Ann Bennett and Mary Anderson* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows :

The said *Ann Bennett and Mary Anderson, both* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Alice Maher*, —

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *then* — the said

*Alice Maher*, —

with a certain *knife and also a certain stick* which the said *Ann Bennett and Mary Anderson* —

in *their* right hands then and there had and held, the same being ~~an~~ instruments and weapons ~~likely to produce grievous bodily harm~~, then and there feloniously did wilfully and wrongfully ~~cut, stab and wound,~~ *strike* 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

*Sam Bennett and Mary Anderson*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows;

The said

*Sam Bennett and Mary Anderson, both —*

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

*Alice Mahan*, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and the said *Sam Bennett and Mary Anderson*, with a certain *intention and did a certain*

*strike —*

which

*they* the said *Sam Bennett & Mary Anderson* in *their* right hands and there had and held, in and upon the

*head and arms of her* the said *Alice Mahan, —*

then and there feloniously did wilfully and wrongfully strike, beat, ~~stab~~, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Alice Mahan, —*

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.

**RANDOLPH B. MARTINE,**

District Attorney.



0194

BOX:

259

FOLDER:

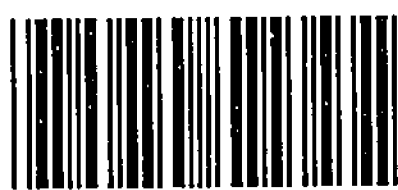
2501

DESCRIPTION:

Bernstein, Daniel J.

DATE:

05/23/87



2501

0195

BOX:

259

FOLDER:

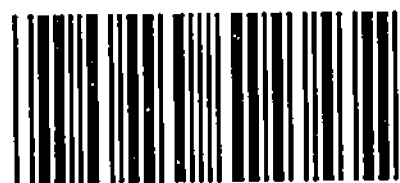
2501

DESCRIPTION:

Upington, George

DATE:

05/23/87



2501

*L. R. Victor*

There have been two trials of this indictment & each time there has been a disagreement. I am well satisfied that the business engaged in by the defendants has been entirely broken up by these trials. The place where they carried on their operations is now out of their control & no business of the kind complained of has been carried on there since their arrest. I am satisfied that defendants will never again enter New York - June 28/87 into this or any similar business. I therefore recommend that \$1000 be forfeited by the defendants, particularly as I believe no emendation can be had in any future trial.

July 12, 1887

*Wm. M. Davis*  
Acting Dist. Atty.  
& acting Dist. Atty.

458

*Wm. M. Davis*

Counsel, *W. M. Davis*  
Filed *23* day of *May* 1887  
Pleadg. *Mich. Ind. & C.*

[Section 325, 329, 343, 344, Penal Code]

THE PEOPLE

vs.

*Daniel J. Bernstein*

*George Wington*

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman.

*Ind. & C. jury disagree 10 for conviction 2 for acquittal*  
*W. M. Davis*

0196



0197

No. 158

margin:

—OFFICES OF—  
**THE INDICATOR STOCK EXCHANGE,**  
60 Broad Street, New York.

Washington, D. C.: 1333 E St., N. W. Baltimore: No. 1 S. Charles, Cor. Baltimore St.

APR 23 1887

New York,

To

Time

we have **SOLD** for your account and risk

Shares of

at

Exhaust

Deposit

THE INDICATOR STOCK EXCHANGE.

Per

All contracts subject to clerical errors.

TO  
INDICATOR STOCK EXCHANGE:

Close this Contract

At Time

Paid in full.

No. 146

Remargin:

—OFFICES OF—  
**THE INDICATOR STOCK EXCHANGE,**  
60 Broad Street, New York.

Washington, D. C.: 1333 E St., N. W. Baltimore: No. 1 S. Charles, Cor. Baltimore St.

APR 23 1887

New York,

To

Time

we have **BOUGHT** for your account and risk

Shares of

at

Exhaust

Deposit

THE INDICATOR STOCK EXCHANGE.

Per

All contracts subject to clerical errors.

TO  
INDICATOR STOCK EXCHANGE:

Close this Contract

At Time

Paid in full.

No. 149

Remargin:

—OFFICES OF—  
**THE INDICATOR STOCK EXCHANGE,**  
60 Broad Street, New York.

Washington, D. C.: 1333 E St., N. W. Baltimore: No. 1 S. Charles, Cor. Baltimore St.

APR 23 1887

New York,

To

Time

we have **SOLD** for your account and risk

Shares of

at

Exhaust

Deposit

THE INDICATOR STOCK EXCHANGE.

Per

All contracts subject to clerical errors.

TO  
INDICATOR STOCK EXCHANGE:

Close this Contract

At Time

Paid in full.



0198

No. 143

Remargin:

—OFFICES—  
**THE INDICATOR STOCK EXCHANGE,**  
60 Broad Street, New York.

Washington, D. C.: 1333 E St., N. W. Baltimore: No. 1 S. Charles, Cor. Baltimore St.

New York, APR 23 1887 188

To \_\_\_\_\_ Time \_\_\_\_\_  
we have **BOUGHT** for your account and risk  
Shares of \_\_\_\_\_  
at \_\_\_\_\_ Exhaust \_\_\_\_\_  
Deposit \_\_\_\_\_ THE INDICATOR STOCK EXCHANGE.  
Per \_\_\_\_\_

All contracts subject to clerical errors.

TO  
INDICATOR STOCK EXCHANGE:

Close this Contract

At \_\_\_\_\_ Time \_\_\_\_\_

Paid in full.

No. 130

Remargin:

—OFFICES OF—  
**THE INDICATOR STOCK EXCHANGE,**  
60 Broad Street, New York.

Washington, D. C.: 1333 E St., N. W. Baltimore: No. 1 S. Charles, Cor. Baltimore St.

New York, APR 23 1887 188

To \_\_\_\_\_ Time \_\_\_\_\_  
we have **BOUGHT** for your account and risk  
Shares of \_\_\_\_\_  
at \_\_\_\_\_ Exhaust \_\_\_\_\_  
Deposit \_\_\_\_\_ THE INDICATOR STOCK EXCHANGE.  
Per \_\_\_\_\_

All contracts subject to clerical errors.

TO  
INDICATOR STOCK EXCHANGE:

Close this Contract

At \_\_\_\_\_ Time \_\_\_\_\_

Paid in full.

0199

*Just*  
POLICE COURT, ~~FOURTH~~ DISTRICT.

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

of No. *108 West 39<sup>th</sup>* Street, being duly sworn, deposes and says.

that *Samuel Bernstein* (now present) is the person of ~~that name~~ *the*

*John Dor* mentioned in deponent's affidavit of the *25<sup>th</sup>* day of *April* 18*87*

hereunto annexed.

Sworn to before me, this *25<sup>th</sup>*

day of *April* 18*87*

*Joseph R. Viator*  
*Solomon Smith* POLICE JUSTICE.

0200

Police Court--

1<sup>st</sup> District.

Joseph R. Viator  
108 West 39<sup>th</sup>

of  
upon his oath complains that  
at premises No

John Doe whose proper name is well known  
but who can be identified by denitament  
60 Broad Street, in the City

and County of New York, unlawfully keeps and maintains a Gambling House, and knowingly  
permits divers idle, ~~and~~ <sup>and</sup> evil disposed persons to resort there, to gamble and play at  
~~card and~~ <sup>to wit: a chess, the said defendant wagering</sup> games of chance for money, in violation of the law, and to the common nuisance of the  
People of the State of New York.

Deponent further says that in said premises on the 23<sup>rd</sup> day of  
April 1887 said John Doe  
did unlawfully and feloniously deal the game called ~~chess~~ <sup>stars gambling</sup> and did then and there within the space  
of twenty-four hours win from deponent One Hundred and fifty dollars  
at said game, and that within said premises are exhibited, kept and used by

said John Doe

~~face and other~~ gambling tables, ~~chess~~ <sup>chess</sup>, cards, devices and apparatus, for the purpose of gambling,

the discovery of which would tend to establish the truth of the charge herein made.

which is in violation of section 344 of the Penal Code of the State of New York.

Sworn to before me this

day of

25<sup>th</sup> April 1887. Joseph R. Viator

Solon B. Smith

POLICE JUSTICE.



0201

Police Court District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Joseph Diator*

vs.

*John R. Orr*

BAILED.

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

COUNSEL FOR DEFENDANT.

Name,

Address,

is,

Dated

*Smith* Magistrate.

*O'Malley* Officer

Clerk.

Witnesses.

to answer

Sessions,

Received in Dist. Atty's Office,



0202

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 14<sup>th</sup> DISTRICT.

of No. 121<sup>st</sup> Avenue Street, aged 38 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 23<sup>rd</sup> day of April 188

at the City of New York, in the County of New York, (signed P. J. Iod  
now her), is a material witness  
for the People against Daniel P. Bond,  
charged with [illegible] and  
deponents believing that [illegible]  
Various will not appear at  
the trial of said [illegible]  
prays he may be committed to  
the House of Detention for Prison  
to appear at the trial of said  
complainant. Michael O'Malley

Sworn to before me, this

day

Police Justice.

0203

Police Court--*First* District.

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

To the Officers of Police, and Patrolmen, of the Police Department of said City, and to each of them:

Whereas, complaint on oath has been made before me one of the Police Justices in the City of New York, by *Joseph P. Viator* of No. *108* *West 39<sup>th</sup>* Street, that the premises known as No. *60* *Broadway* in said City, are kept and maintained by

*John Doe*  
as a Gambling House and a place of resort for idle and disorderly persons, to gamble and play at ~~card and~~ <sup>a</sup> game of chance for money in violation of the law, and to the common nuisance of the People of the State of New York, and that in said premises on or about the *23<sup>rd</sup>* day of *April* 18*87* said *John Doe* did feloniously win and receive from complainant *One hundred and fifty* dollars in money, at, and by means of dealing and playing the game called ~~even~~ *even gambling*, and that upon and within said premises may be found ~~and other~~ gambling tables, ~~checks~~ cards, devices and apparatus used solely for the purpose of gambling, and the discovery of which might tend to establish the truth of said complaint.

These are therefore, in the name of the People of the State of New York, to Command you, the said Officers and Patrolmen, and each of you, to enter the said premises and therein make diligent search for such gambling tools, devices and apparatus, and if such be found to bring the same forthwith before me, or some other Police Justice for said City together with the said *John Doe* and all other idle and disorderly persons who may be found and arrested upon and within said premises, to answer the said charge, and to be dealt with according to law.

Given under my hand and seal this *25<sup>th</sup>* day of *April* 18*87* at the City of New York.

*Salomon R. Sunk*

POLICE JUSTICE.



0204

Inventary of property taken by Officer Michael  
Mallory by whom this warrant was executed

One large marble slab, one large  
indicator, one iron pedestal,  
a box containing a number of cards

City and County of New York

I Michael Mallory 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 } Michael Mallory  
this 20<sup>th</sup> day of April 1887

Soloist D. Smith

Notary Public

REMARKS.

Time of Arrest

Native of

Age

Color

Police Court / District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

WARRANT-GAMBLING.

vs.

Dated,

18

Magistrate.

Officer.

Deputy taken under

this warrant sent

to property clerk

Albion D. Smith

Police Justice

April 20/87

Disposition



0205

*First* DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*Joseph R. Water* Examination had *April 25* 1887  
*agst.*  
*Daniel J. Bonister* Before *Hon. John B. Smith* Police Justice.  
*George Uppington*

I *David C. Altman* Stenographer of the *First* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Joseph R. Water*

*Daniel O'Malley* *George Uppington* and *Daniel Bonister*  
as taken by me on the above examination before said Justice.

Dated *April 26* 1887.

*John B. Smith*  
Police Justice.

*David C. Altman*  
Stenographer.



0206

This District  
Peace Court

The People vs  
Joseph R Viator  
ago  
David J Bernstein  
George Upington

(Charged with  
Larceny of Money  
Before Hon  
John Smith  
Police Justice  
April 25th 1887.

All parties present the examining  
proceedings.

Joseph R Viator being duly  
sworn deposes and says.  
Examined by the Court.

Q Tell me how you came in this place  
, and all about it.

A I went in there and looked at the  
clock and I bought some fruit, for  
shoes at a time.

Q These shoes of what. Tell me what  
you bought. I cannot assume to know  
what you bought.

A I got one hundred dollars at first.

Q What did you say you say you  
went in there and bought. I want  
you to tell me what you bought  
and tell me the exact conversation  
you had with the defendant who  
he said and what you said. I want  
you to tell me the conversation  
you had with him.

0207

Q And what did he say? Did he say that  
he had lost money?  
A I am not sure to tell me what  
conversation you had with him  
when you entered the place? Did he  
say to him? Did he say to you?  
A All the conversation I had with him  
was this: that I had lost my fifty  
dollars. Did he say anything else?  
A Fifty dollars.

Q Fifty dollars of what?  
A Fifty dollars of the 100.

Q What is it?

A I don't know what it is.

Q Tell me what conversation you  
had with this man from the time  
you went into this place until you  
left. Tell me what he said and  
what you said to him.

A I don't know what he said.

Q If you have not told me yet, I want  
to know what you said to him when  
you entered the place, well you  
came in the place. Now what  
was the first thing that was said  
by you or him after you got in?

A He bowed to him.

Q What did you say to him after  
you bowed to him?

A I asked him what kind of a <sup>game</sup> ~~black~~  
it was.

0208

3

What did he say?

He said it was a stock arrangement.

What did you do?

Adopted it to buy.

What did you buy? What did you pay?

A loan for Mr. M.H. and some stock.

How did you get the money and letters?

He had some on the blackboard.

What part of a blackboard was it? A long one.

What was the operation of the blackboard?

He had Mr. M.H. and I was on it.

And he had the figures up.

What did you mean by a blackboard? This also on and it would ring and then numbers are moved about.

How did you come to pick out Mr. M.H.

Well, I thought one was as good as the other.

What did you say to him?

I made up my mind to buy.

I want to know what you said to him when you made up your mind?

I didn't say anything I handed him the money.

Did you give it to the defendant? At this time.

0209

Q Was it accepted?  
A Yes sir.

Q Did you give it to him without  
paying a word?  
A Yes sir.

Q How long was it before you said to him  
at the time you gave him this  
money?

A I said so many phrases of Mr. Mc. Mc.  
Q What did you say?

A I said I want to buy Mr. Mc. Mc.

Q How many phrases?

A I got the tickets in my pocket.

Q Can you pick out the first transac-  
tion you speak of?

A They got all the first transactions.  
These are the last ones.

Q How did you come to give them up?  
A I had no more money.

Q You say you handed them fifty  
dollars?

A The last fifty went on this ticket.

Q I am talking about the first one.

A I didn't have fifty first of money  
with five dollars.

Q You gave him five dollars for what  
this ticket?

A Yes, that's what happened.

Q How did you lose it?  
I lost it?

Q How did you lose it?



0210

A does it.  
Q Did he give you any explanation of  
how you lost it?

A No sir.

Q How did you know you did?

A He took away so.

Q Did the indicator work at that  
time?

A It worked me.

Q And that showed you lost?

A Yes sir.

Q Did you understand how the indi-  
cator worked?

A It went up and down all the time  
and so.

Q Did they tell you anything about it  
whether it was connected with any  
photographic communication or was it  
purposed to represent any quantities  
of the stock exchange?

A Yes sir.

Q What was this ticket supposed to repre-  
sent?

A Something to Mr. W. I thought Mr. W. W.  
Mr. W. W.

Q How much did you pay for this  
ticket?

A Fifty dollars.

Q Who gave you this (referring to a paper)?

A The person who.

Q Who?

0211

At his scene.

Q Did you have any conversation with him at this time?

A Yes sir.

Q What conversation did you have with him at the time of buying the shoes?

A Well I don't understand you.

Q Did you have a conversation with him before that, the time you entered the store?

A I don't know what kind of an arrangement it was. He said it was a check.

Q What then?

A He said it manufactured quotations that didn't belong to the stock exchange, it was own quotation and that is certain letter No 9470. represents certain stocks.

Q And you got this thing what conversation did you have with him about that?

A I got this gentleman the money and it went up two points against me. It went up as you mean on the clock that they have in this court.

A Yes sir. And then it went down again to 53 and 60 and then I got it closed out even. I wanted it closed out so I would be even.

02 12

7

Q Did he leave it out?

A Yes sir

Q What did he say?

A He would not leave it out. \$100 for  
now.

Q And you have not received any of  
your money since?

A I have not received any since. No sir

Q Have you made any demand for  
it?

A Yes sir

Q What did he say?

A I said I want my fifty dollars.

Q What did he say?

A He would not give it to me; he  
said to me you get out and make  
a case of it.

Q Do not all that he said?

A Yes sir

Q How much did you lose?

A One hundred and fifty dollars.

Q Now examined

Q Can you tell which one of those  
was the first you received (referring  
to two papers)?

A I have not got the first papers.

Q For instance where that was given  
to you did that represent the  
purchase of stock?

A I don't know what it represents.

That is all that it represents M M N

0213

8

Q Did you not before you received this  
(showing witness) sign an order  
for the purchase of this stock?  
A Yes Sir

Q Was there made in this room a  
blackboard showing what those  
initials represented?

A Only J. M. C.

Q What did it mean?

A I cannot tell you

Q Did you not see the initials J. M. C.  
anywhere?

Q Did not the blackboard tell you  
what that represented?

A I did not see it

Q Did you buy any J. M. C.?

A Yes Sir that was the last one that  
I had then.

Q Did you not know that J. M. C. stood  
for this old company?  
A Yes Sir

Q Was there not a blackboard in  
that room telling what those repre-  
sented?

A I did not see it

Q Did you not see what J. M. C. represented  
anywhere?

Q Have you made any investigation as  
to what it represented?

A Yes Sir

By the Court.



0214

9

Q Did you sign any paper at any time  
A I drew a paper and did someone you  
you that paper in with the money  
you could not get any stock?  
Q Did you sign any paper?  
A No sir

Q What was the purpose of it?

A It was to get the G.M.C.

Q Did you give it to the clerk or the  
defendants?

A Yes sir.

Recess Examination

Q Was not that paper that you signed  
a contract to buy G.M.C.?

A Yes unless I paid for it it was. And  
the other was to sell it

Q And it was to buy G.M.C. in this particular  
trade?

A Yes sir

Q Were you not informed when you came  
to buy it, were you not offered the  
stock?

A No sir

Q Were you not told that you could have  
the stock if you wanted it?

A No sir

Q Was that not upon the order  
that you had the option to take the  
stock?

A No sir

Q Did you use for the stock?

0215

10

Answer

Q Did you read the memo though?

Answer

Q Did you read all the memo though?

A They were all the same.

Q On your first trade as you saw it  
unless you meant to sell and bought  
this stock did you not see it and  
immediately went off it? on the  
first trade?

A I was never ahead. I was I went  
into the pool, I was not all the  
time and I tried to get even.

Q You bought and sold?

Answer

Q You bought according to the quotation  
that was indicated?

Answer

Q And that quotation was put on the  
blackboard?

Answer

Q So that you knew at what price  
you bought?

Q Yes Sir

Q Unless it was said it went up on the  
blackboard again?

Answer

Q Do you know what it brought?

A From the blackboard I did.

Q You just told me it was the same  
that appeared in the indicator

0216

Q Yes it would decline the advance.

Q You said did you not that there was  
a large portion of paper that you handed  
to him?

A Yes Sir

Q Were they not receipts?

A I was not sure.

Q Were they not signed by you?

A I didn't look at it.

Q You signed it?

A I signed it but I didn't look at it. Nor  
did I know what it meant.

Q What is your business?

A I am in no business at present.

Q How old are you?

A In the summer time I sell selections  
on the road track.

Q You were informed by a gentleman  
that this was stock?

A Yes Sir.

Q Did he say it was stock?

A I don't remember what he told  
me.

Q He might have said it was stock  
A I don't remember.

Q Is this the gentleman that had this  
to do with you (meaning the robbery)?

A Yes Sir

Q Was he the man that you turned  
out?

A Yes Sir

0217

12

Q Did he explain this to you?  
A Yes.

Q What did he tell you about it?  
A He told me it was a good game.  
Q Did he say anything about stock?  
A Yes.

Q Did you ever crossed country in this  
room?

A I just looked in when the clock  
Q Did you look around the room?  
A Yes. I only stood in one place  
Q If you didn't see what you were doing  
A Yes.

Q You went right up blindly and  
looked in your money? without know-  
ing anything about it?

A Yes.

Q Without knowing if this stock  
was worth anything or not?

A Yes.

Q You didn't read what you signed?  
A No. I only asked for my m.  
Q Understood you to say that you  
had some talk with me after  
class?

A Yes. I had no talk with the clerk  
at all. He only took the last money  
and reorganized the ticket for me  
putting so much more on it  
Q How much did you pay him on  
that?



0218

13

Q Fifty dollars. It was him to close out  
the room.

Q And did you give him the fifty dollars  
Q I paid him 10 dollars for it and then  
50 dollars and then 50 dollars.

Q What did you pay it for?

Q I don't remember

Q 153 It what does that mean?

Q I don't know I don't know. You what  
the amount I got it from the board.

Q How many different times did you  
visit this place that afternoon?  
Q Once and I stayed there until it  
was closed all the time and I never  
went out.

Q Did you have this in your possession  
until you went out?  
Q Yes. I gave it back to him and I said  
you saw it and you saw it, and give  
it back to me. And I will make  
a complaint against you. And I gave  
it back to me.

Q How long was that before you  
delivered it to him?

Q A few minutes

Q Did you not go out of the room?  
Q Yes.

Q When you delivered it to him what  
did you say?

Q I told him to close it out and he  
would not close it out.

0219

14

Q Did he give you any excuse?  
A He said it works up quick.

Q How much was the quotation on the indicator?

A 53 what is that?

Q Are you sure?

A I am sure to it

Q What did that 53 mean?

A I don't know I cannot tell you.

Q How many times did you see 53 at this time?

A The boy yelled out 53.

Q And you saw it up on the clock-board?

A I didn't see it up on the clock-board  
my back was turned to the board

Q And you don't know what it meant?  
A Yes

Q You heard the boy yell and you didn't know what it meant?

A Yes it is 53.

Q I think you said this was J.M.C.  
A 53 J.M.C.

Q If we produce here the contracts signed by you don't you mean to say that you didn't sign them and you didn't represent what is on that contract?

A I didn't represent anything

Q If we bring here the contracts signed by you representing these different

0220

15

stock do you mean to say that you  
didn't sign them?

A Dad

Yalthough your signature is on it?

Answer Sir

If you knew the paper you gave us was  
an order for us to buy those stocks?

Answer Sir

Will you order that you only dealt  
with us in two of those stocks?

Answer Sir

And at the time you gave the order  
to buy did you know whether or  
not it was bought?

A I don't know he took my money and  
gave me many tickets

And didn't you know that those tickets  
announced that you could have  
the stock that you asked for?

A Yes Sir I didn't know it was any  
stock.

Did you or did you not receive money  
at the time you surrendered the  
tickets and you received a receipt  
for it and gave it back to us?

Answer Sir

And was it not because the price  
on the indication being in your  
favor that you received back the  
money?

A I don't know.

Q Did you threaten them with a complaint  
 unless you left them their rights?  
 A I said if they didn't give me money  
 money, I would make a complaint  
 against them.

Q Did you tell him that he could stop  
 it up?

A Well, he seemed like he said  
 he could stop it, but then I wanted  
 it back. He gave it to me.

Q If you had delivered it to him?  
 A Yes, it was not wiped out yet  
 if they say it was not wiped  
 out?

A Because it was 57

Q What does it mean?

A I don't know

Q He says mean to say you don't mean  
 what it means.

A He told me

Q What did he tell you?

A He told me if it goes up I'm in and if  
 it goes down I lose.

97



0222

19

Michael O'Malley being duly sworn deposes and says.

By the Court

Q You are an officer attached to what precinct?

A First precinct

Q You executed this warrant to my address?

A And what did you find in the premises of ~~Barney~~ <sup>Styggell</sup>?

A I found this clock this indicator and a large marble slab on which this rests and a shuttle that goes on it and they put the cords in this shuttle and every thirty seconds the clock rings and a figure shows up. I don't understand that. These cords are placed in the shuttle and every thirty seconds the bell rings and cord shows up in front of it <sup>and then</sup> has advanced or fallen.

Q Yes sir

Q Show me these cords put in there?

A By the engineer? If he please

Q Has it a connection in any way with the stock exchange?

A Yes sir

Q Does it in any way connect with the stock exchange?

A Yes sir

Q Did you find the ~~consignment~~ <sup>deposits</sup> there?

0223

18

Agassi

Q Did you have any conversation with him?

A And more than I told him I had a warrant for his arrest. And he put on his hat and went away along with me. (How describe how this is done,).

The apparatus being in court the notices explained those <sup>minutes</sup> ~~minutes~~ are put on the table and board. And then it depends on the showing of the cards that comes through this shute if the person investing his money wins or loses.

Q Does not upon the wheel also on board showing you what I mean?

Agassi

Q What is it?

A A small winning company. I understand it too.

Q And does so annexed to this board?

Agassi

Q When you made your purchase of the stock on this exchange you were offered it were you not if you wanted it?

Agassi

Q And when you signed that order you knew you were either buying

0224

19

or selling that stock?

Answer

If you knew it was stock?

Answer

If you wanted to take it away with  
you you could have done so?

Answer

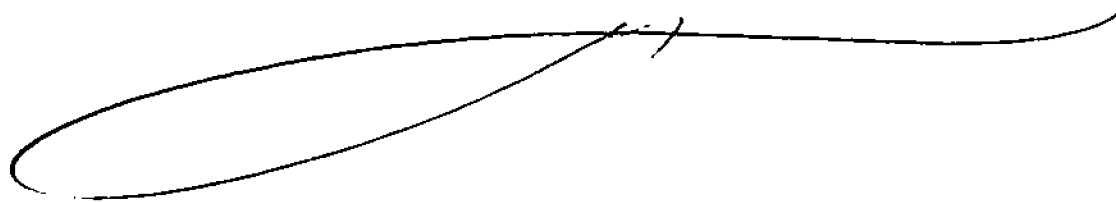
If it was offered to you?

Answer

Dependants joined

Memo to discuss the Complaint

Motion Denied



0225

20

George Clappington being duly  
sworn deposes and says  
Where do you reside?  
A 91 1/2 19th Street

Where do you reside? is your business  
A Stock broker

Do you know the defendant?  
Yes Sir

Do you know where he is employed  
at 60 Broad Street?

Yes Sir

Whose employ is he?  
The mine

And you are connected with this  
concern?

Yes Sir the indicator stock company  
do it incorporated under the laws  
of the State of New York?

Yes Sir

Have you seen the indicator in  
operation?

Yes Sir

State how what you know about  
it?

A These quotations I place in there  
myself every morning and  
there is a record kept of them  
and these quotations as shown  
on the indicator (describing)  
are announced on the blackboard  
and this indicator represents the



0226

stock as it appears on the indicator  
the blackboard. And for what prices  
we sell the stock.

Q. Have we been and you receive the  
stock?

A. I have several stocks. I have a great  
many stocks to sell. I have five  
stocks special stocks that I have  
sold. A man named Burrows  
who is connected with the  
Western Union Telegraph Company  
gave me these stocks to sell.

Q. And what kind of stocks are they?  
A. Mining stocks.

Q. Have you also a description of the  
mining property?

A. I have a map of it and I have it in  
my mind to be in the Colorado  
mining Boulder City and its a part  
of the Kansas City group of mines  
there is the Prince Mattie Smith  
mine. We have a few others there. Those  
and these people named most  
across their names to be used.  
unless the stock was good. And  
I have an opinion from John  
R. DePassos who is the counsel  
to the Stock Exchange that this  
is legitimate. And if anybody comes  
in there and wants the stock  
he can have it and take it away with

0227

Ami?

By the turn.

If you regulate the cords?  
and place them in the chute?  
At the same way I regulate my motor  
in measuring up my motor like  
this (showing and describing) I have  
a record for since I commenced.

If you put them up according to  
your own ideas?

Ayesii

And they are not controlled by any  
body?

Ayesii

If those cords are placed in this  
instrument?

Ayesii

And they are moved around by  
machinery?

Ayesii

And then they are placed on the  
board?

Ayesii it's like this (explaining  
how)

And they come out as you place  
them in then request order?

Ayesii And then every six to eight  
it changes it requires  $\frac{1}{4}$   $\frac{1}{8}$  or  $\frac{1}{16}$   
a whatever this. And then that is

moved up on the blackboard

If a person comes in there and

0228

23

invests his money in a certain stock  
at 99, it will get up to 99 1/2 or 100.  
He runs so much?

At the same or losses, however according  
as he buys.

What is your connection with the  
place?

A large one of the owners I am vice  
president

Is the defendant in your employ?  
Yes Sir

How much do you pay him?  
A good amount

Is the man that comes in and invests  
his money doesn't know anything  
about how you arrange this invest-  
ment?

And Sir he merely knows he has  
invested in a certain stock and  
he can see how he stands.

By Direct Examination  
Did it make a rule of your corporation  
to offer the stock to every purchaser  
in season?

And this stock was offered to this  
defendant at the time he purchased  
it?

Yes Sir I offered it to him



0229

24

Daniel J Bernstein defendant  
being duly sworn deposes & says  
Wherein do you reside?  
A 45 W 21 St New York  
What is your age?  
A 34 years.  
What is your business?  
A Clerk  
If you heard the testimony of the complainant  
Chesler?

If you heard him testify that on his  
purchase of your place each  
Saturday he lost every time did  
you?

Ans: Yes

If I advised you to look at these papers  
and tell me if they bore any thing  
to do in regard to your transactions  
with the complainant?  
A They are contracts yes Sir he has  
to sign that himself. He traded that  
and he made one point and  
closed his transaction he made  
\$45 by that that was 8 shares  
another transaction 10 shares he  
got 14.50 another 13.75. <sup>for</sup> there  
is another 20. 15¢ and the  
stock went up to 149 and closed  
it he made money right along  
there is 10 shares in it at 28  
and he made 17.50. (referring to



0230

25

papers and handing them to his counsel  
of how much can be received altogether  
as represented by these tickets?  
A. 100 75/100. probably the full value.

for all be insisted  
if you know selection is not during  
business hours anywhere, earnest  
and that during any business hours,  
to do or to make the quotations  
or references with the indication?  
in any form or shape?

Answer

if in place of handing out what the  
store is the same as they do in  
the store exchange you do it by  
way of this indication?

Answer

if you know how business is carried  
on there?

Answer

if we met the ruling prices annexed  
to the beaver board?

Answer

if we met what they will take?

Answer

St

Joseph R. Guter Roared.

Q was anything said to you about  
giving stone?

A no sir

Q any after afternoon?

A no sir

Q anything said to you about perjury?

A no sir

Q Is that your writing?

A I don't think its mine, mine is  
in blue pencil.

Q Is that yours?

A yes sir

Q and that? yes sir

Q and that one? yes sir

Q and that?

A no sir

Q and that?

A that is not mine.

Q and that?

A not mine

Q you just swore that was your  
writing?

A I do not mine, mine is blue and  
undecipherable with those are the  
only two pencils those

Q Is that?

A I won't swear to it.

Q Did you hear the man speak of  
perjury back of you? A no sir

0232

24

Q What means you say suddenly you  
meant not mean to it?

A I don't swear, there may have been  
a pencil there but I may have used  
it, I don't swear to any of them.

Q Did Mr. Bernstein take all the money  
that you paid in?

A He took nothing but the cash.

Q How much?

A Either 10 or 20

Q Did you not say that you gave him  
50 dollars?

A No sir



0233

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

*Daniel J. Bernstein* 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

*Daniel J. Bernstein*

Question. How old are you?

Answer

*37 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*45 M 24<sup>th</sup> 1 year*

Question What is your business or profession?

Answer

*Class*

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*  
*Dan J. Bernstein*

Taken before me this

*25*

*day of March 1887*

*John D. Smith*  
Police Justice.



0234

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss/

1st District Police Court.

George Upington 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

George Upington

Question How old are you?

Answer

36 years

Question Where were you born?

Answer

New York City

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

Answer

21 Met 9th Street, 3 months

Question What is your business or profession?

Answer

Stock Broker

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

Answer

I am not guilty.

George Upington

Taken before me this

20th

of the  
City of New York  
1887  
with  
Justice

0235

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 Daniel A

Bernstein, and George Upington 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, Each and be committed to the Warden and Keeper of

the City Prison of the City of New York, until he give such bail.

Dated April 25 188

7 Solon B. Smith Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated April 25 188

7 Solon B. Smith 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 188

Police Justice.



0236

POOR QUALITY  
ORIGINAL

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Complainant bailed by  
Rose Harriganer,  
143 East 93rd St

Police Court-- 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph R. Viator  
vs. 108 W. 39

David D. Bernsten  
George Wington

8

4

Dated April 25 1887

Smith Magistrate

O'Malley Officer.

Witnesses

The complainant

to the House of Deten-

tion in default of

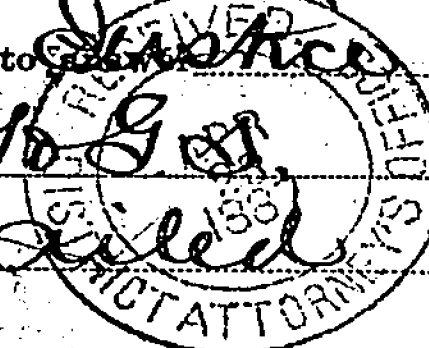
\$500-surety

No. Solon B. Smith Street.

Police to Justice

1000 to Get

Bailed



0237

STENOGRAPHERS' MINUTES.

*Court of General Session - Part III -*

BEFORE

*The People vs*

*vs*

*Daniel J. Bernstein and George  
M. Pingleton.*

*Hon. Rufus B. Loring*

*and a Jury.*

*New York, June 15<sup>th</sup> 1887*

WITNESSES.

DIRECT.

CROSS.

RE-DIRECT.

RE-CROSS.

*Daniel J. Burrill*

*1*

*5*

*12*

*Daniel J. Bernstein,*

*14*

*23*

*44*



0238

COURT OF GENERAL SESSIONS

Part III.

The People of the State of New York  
against

Daniel J. Bernstein and George Upington.

Before, Hon. Rufus B. Cowing, and  
a Jury.

New York, June 15th 1887.

APPEARANCES: For the People, Assistant District Attorney Vernon M. Davis.

For the Defendants, Messrs Atchison and Hunt.

Mr. Hunt opens the case for the defendant.

SAMUEL J. BURRILL, a witness called on behalf of the defendants, being duly sworn, testified as follows:-

Direct Examination by Mr. Hunt:-

Q Where do you reside ? A. No. 100 Pierpont Street, Brooklyn.

Q Where do you do business ? A. No. 54 Broad Street.

0239

2

Q How long have you done business in the City of New York?

A Thirty years .

Q What is your business ? A. I am a dealer in electrical and mining properties and stocks .

Q You have been present during the progress of this trial ?

A Part of the time .

Q You have heard mentioned the stock of the Merchant's Manufacturing and Construction Company? A. Yes sir .

Q What, if anything, do you know about the Merchant's Manufacturing and Construction Company ? A. I know as much perhaps, or more than any one else .

Q Please tell the jury so that they may hear you ?

A I was one of the parties in the organization of the Merchant's Manufacturing and Construction Company in 1872. The purpose of the organization was the manufacture of telegraph instruments and the construction of telegraph lines. Since then the company have conducted its business principally under my superintendence and is in business yet .

Q And are doing business now ? A. Yes sir .

Q Please look at the paper I show you, and tell me whether or not it is a certificate of stock in the Merchants Manufacturing and Construction Company? A. It is.

Q Tell the jury whether or not you placed any of this stock with Campbell and Company to sell for you at auction?

0240

3

A I did .

Q Do you remember how many shares ? A. Not exactly . I think three or four thousand dollars.

Q Did you at the time you gave Campbell and Company this option tell them that at any time they could secure transfers of certificates dividing up into smaller certificates than five shares, if necessary ? A. Yes sir .

Q Upon the surrender of a certificate ? A. The usual custom .

Mr. Davis: I suggest that this witness tell the terms and not have the Counsel put these leading questions .

Q Was it not, Mr. Burrill, within the power of Campbell & Co. or Mr. Campbell, or Mr. Bernstein or Mr. Uppington, as the partners of Campbell & Co., to secure certificates for one share or from that up to ten or twenty shares of this stock upon the delivery of the certificates they held ?

A That was what any man could do .

Q And it was so in their power ? A. Yes sir .

Q Now Mr. Burrill, so then, if these gentlemen should sell any shares of stock, was it in their power to deliver a certificate representing just the number sold?

A It was .

By the Court:

Q That is up to the number of shares that you authorized

0241

4

them to sell, 4,000? A About three or four thousand, yes sir .

Q You are doing business in the city of New York ?

A Yes sir .

Q This Company is regularly organized pursuant to the laws of the State of New York ? A. Yes sir .

By Mr. Hunt, resuming:-

Q Now Mr. Burrill, will you tell the jury what, if anything, you know about the Fenella Mining Company ? A. Yes sir. The Fenella Mining Company was organized last fall, the fall of 1886, as a corporation under the laws of the State of New York. It was organized on some mining property belonging to my brother in Magnolia County Colorado. The property was part of a gulch , called the Kansas City gulch which he owned . There was a little bit of a mining boom last fall in the street here, and it was considered a desirable time to dispose of some of the stock of the property . A company was organized called the Fenella Mining Company on a portion of the Kansas City gulch.

Q And it is an existing corporation to-day ? A. Yes sir.

Q Are you acquainted with its stock ? A. Yes sir, I am the President of the Company .

Q President of the Fenella Mining Company ? A. Yes sir .

Q Is that a certificate of the stock of the Fenella Mining Company ? A. Yes sir .



0242

5

Q Have you placed in the hands of Campbell & Co. stock of the Fenella Mining Company as you have testified about the Merchant's Manufacturing and Construction Company ?

A I did .

Q In the company ? A. Yes sir .

Q Was it in their power to deliver shares of that stock ?

A It was .

Cross Examination by Mr. Davis:-

Q How long have you know Mr. Bernstein ? A. Four or five years, I think .

Q And Mr. Upington ? A. Perhaps the same time .

Q Were you ever in partnership with them in any business ?

A No sir .

Q Had you any interest in this Indicator Stock Exchange ?

A None whatever .

Q You have been in the place ? A. I have .

Q And with whom did you have your transactions when you went into that place ? A. Mr. Campbell.

Q Did you see Mr. Bernstein in there ? A. Yes sir, I saw him .

Q And Mr. Upington ? A. Not until later .

Q You knew that they were interested in that Company did you not ? A. No sir .

0243

6

- Q You did not know it ? A. No sir .
- Q To whom did you give these options ? A. Campbell & Co.
- Q To Campbell & Co.? A. Yes sir .
- Q Do you know who Mr. Campbell was ? A. Yes sir .
- Q And who was the Company ? A. I dont know; I suppo sed  
some one in Washington .
- Q You mean to say that you did not know that Mr. Bernstein  
was interested in that company ? A. I do .
- Q And Mr. Upington ? A. I do .
- Q You have known them for five years ? A. Yes sir .
- Q How often have you seen them there at that place,- Mr.  
Bernstein for instance ? A. Probably twenty five or  
thirty times .
- Q How many times have you been in their place ? A. Perhaps  
15 or 20 times .
- Q 15 or 20 times ? A. Yes sir .
- Q Did you ever have any conversation with Mr. Upington or  
Mr. Bernstein about these options ? A. Yes sir .
- Q When ? A. I cannot fix the date, but it was sometime  
later than my contract with Mr. Campbell--sometime later  
than that .
- Q Sometime later than that ? A. Yes sir .
- Q What was the conversation that you had ? A. They asked  
me,--either Bernstein or Upington or both, if I had given  
Campbell & Co. such an option.

0244

7

Q Where did that take place ? A. I think it was in my office, No. 54 Broad Street .

Q Now this mining stock or this Merchant's Manufacturing and Construction Company stock--these shares were worth how much, what is the par value ? A. There had been no market for that .

Q What is the par value ? A. \$25. a share .

Q \$25. a share ? A. Yes sir .

Q Now what was the market value at the time you gave the option ? A. There was no market value; there had been none whatever for some time .

Q It was listed on the stock exchange ? A. No sir, it had never been either on the listed or unlisted stock .

By the Court:-

Q. It never sold at any place except at this Indicator Stock Exchange ? A . Oh, it is sold at private sale amongst friends of mine .

Q None at public sale ? A. It never was offered at public sale .

By Mr. Davis, resuming:-

Q What did you consider the value of that stock ?

Objected to .

0245

8

By the Court:-

Q Did that Merchant's Manufacturing and Construction Company ever transfer a single share of stock to any purchaser through this corporation--this Indicator Stock Exchange?

A No sir, not that I know of; I was never called upon to make any transfer .

Q There never was a single share of stock of this corporation transferred to any purchaser through the Indicator Stock Exchange ? A. No sir .

By Mr. Davis, resuming

Q Can you say the same of the Fenella Mining Company?

A Yes sir .

Q Now how many shares did you give that option upon in the Merchant's Manufacturing and Construction Company?

A I have just testified that I don't recollect; I can refresh myself from my books .

Q Have you got you book here ? A. No sir; but I think three or four thousand dollars .

Q Was it \$3,000 worth ? A. I think it was more .

Q Was it between three and four thousand ?

A That is my recollection ?

Q Not more than four ? A. I should think not; Possibly more .



0246

9

Q Now how many shares would that be, suppose it were 3,500 ,--  
--how many shares would that be ? A. A thousand dollars  
would be forty shares .

Q One thousand dollars would be forty shares ? A . Yes  
sir .

Q And three thousand would be 120 ? A. Yes sir .

Q And you say five hundred more dollars would be twenty  
more shares ? A. Yes sir .

Q That would be about 140 shares ? A. Yes sir .

Q You gave them an option of about 140 shares we will say ?

A Yes sir .

Q Of the Merchants Manufacturing and Construction Company?

A Yes sir .

Q About how many of the Fenella Mining Company ? A . I  
think about 140 or 150; my memory is that it was exactly  
140 .

Q Now up to the time of their arrest how long a time did  
they hold this option upon these two stocks from you ?

A The option was given in the early part of December 1886.

Q December 1886 ? A. Yes sir .

Q Have you ever bought or sold or had any transaction in the  
Indicator Stock Exchange ? A. No sir .

Q You have seen this machine here ? A. I have .

Q Have you seen it in working order ? A. I have .

0247

10

Q Did you ever examine it when it was in working order there ? A. No sir .

Q You never did . ? A. No sir .

By the Court:-

Q Do you know, as a matter of fact, what use that machine was put to in this Indicator Stock Exchange company ?

A I supposed it was to indicate the advance and decline of stocks that were dealt in .

Q What made that decline or rise in the stocks ? A. I don't know .

By Mr. Davis

Q Don't you know this: that the rise and decline of these stocks depended entirely upon the machine. Don't you know that as a matter of fact ? A. I don't know it .

Q What is your best knowledge of it ?

Objected to .

Q How many times have you seen this machine at work, Mr. Burrill? A. Perhaps half a dozen.

Q And did you ever see a machine similar to that in any stock exchange ? A. I saw a machine similar to it in New Street.

Q When you saw this machine for the first time, didn't it arrest your attention as an intricate piece of mechanism?

A It did not .

0248

11

Q And didn't you look at it or examine it at all ? A. No .  
sir .

Q Did you ever have any conversation with Mr. Upington about  
the machine ? A. Very little .

Q Tell us what it was ? A. I think Mr. ~~WEINGTON~~, in his  
interview with me in reference to whether I had given Camp  
bell & Co. an option, said to me that there was a case in  
Court with reference to the machine, an arrest had been  
made, and that he wanted my testimony as to the validity  
of the stock . He then said that the machine--that per-  
haps I knew what the machine was. I told him I had just  
looked at it just casually, and I supposed they used  
it as an indicator for the price of the stock, and that  
is the substance of the conversation.

Q Did you ever have a conversation with Mr. Bernstein about  
the machine? A. I dont think they did .

By the Court:-

Q This is an automatic machine, is it not ? A. I dont  
know .

Q Did you observe whether it worked itself or whether it was  
worked by human agency ? A. I could not tell; there  
were telegraph instruments going in there .

Q Was there anybody around the machine at all when it was  
working ? A. Two or three .

0249

12

- Q Did you observe whether they in any way assisted the machine ? A. The two or three that I refer to were taking the tickets as they dropped out.
- Q Did they assist the machine to work at all, or did it work itself ? A. Well, I cannot answer that; there were so many people there .
- Q From your observation? A. I took so little notice of the matter; I went in there on my own business; I was not speculating .
- Q You dont know whether it worked itself, or whether it worked through human agency ? A. I do not .
- Q Can you say whether Fenella Mining Company stock referred to was worth 153.

No answer .

By Mr. Atchison:-

- Q Look at that paper and see if that is your signature?(handing witness paper) ? A. It is .

The letter referred to , being a letter from the witness Burrill to Messrs Campbell & Co. each enclosing 340 shares of stock of the Fenella Hattie, Terra and Pidge Mining Cos and 140 shares of stock of the Merchant's Manufacturing and Construction Co. was then offered in evidence and marked Ex. A of this date .



0250

13

Mr. Atchison then read the letter to the Jury.

Mr. Davis: I desire to say that I offer the machine which is here in evidence.

Mr. Atchison: Defendant's counsel objects to the introduction of the machine in evidence.

Objection overruled . Exception.

Q Is this contract(referring to Ex. A-) now in full force and effect? A. Yes sir .

Q And has been since December 24th 1886? A. Yes sir .

Q I want to ask you if all these stocks mentioned in Ex. A, were not bona fide securities ? A. They are .

The Court: 340 shares each of Fenella, Hattie, Terra and Pledge Mining stocks, makes 1360 shares, and 140 shares of Merchant's Manufacturing and Construction Company, makes about 1500 shares in all .

0251

14

DANIEL J. BERNSTEIN, one of the defendants, called in his own behalf, testified as follows:-

Direct Examination by Mr. Atchison:-

Q Mr. Bernstein, you are one of the defendants here ?

A Yes sir .

Q You were also a director and stock-holder in the Indicator Stock Exchange, are you not ? A. Yes sir .

Q I will ask you if the Indicator Stock Exchange is a corporation duly organized under the laws of the State of New York? A. Yes sir .

Q I will ask you if that is a copy of the articles of incorporation?(handing witness paper) A. Yes sir .

Articles of incorporation offered in evidence and marked Exhibit "B" of this date .

Q In conducting the business of this Indicator Stock Exchange Mr. Bernstein, did letters patent of one Charles Campbell the patentee of this instrument, come into the possession of this Indicator Company ? A. Yes sir .

Letters patent issued by the U. S. Patent Office, to Charles L. Campbell, of Washington D. C. for an improvement in a machine for manipulating tickets or margins on stocks, bonds, &c. were then offered in evidence and marked Exhibit C. of this date.

0252

15

- Q Now, Mr. Bernstein, I will ask you if the business of this Indicator Stock Exchange was to list and trade in mining stocks and other securities ? A. It was .
- Q How long had the business been in operation before the arrest was made ? A. Close to three months; it was just about getting established on a firm basis .
- Q As soon as the arrest was made did you close your business?
- A Immediately .
- Q And you have not run it since ? A. No sir .
- Q How long has it been closed ? A. Since the day the Captain came in and told me to go to the station house.
- Q How long a time is that ? A. The 25th day of March or April .
- Q The 25th day of March ? A. Yes sir .
- Q So you were in actual operation --the business of this company for about three months ? A. Yes sir .
- Q Now at the time you were arrested, Mr. Bernstein, I will ask you if the Fenella, the Hattie , the Terra and the Pidge, Mining Companies, and the Merchant's Manufacturing and Construction Company stocks, were the only stocks listed and dealt in upon your exchange ? A. They were the only stocks listed in our exchange and dealt in :
- Q These five securities ? A. Yes sir .
- Q I will ask you Mr. Bernstein, if, as an officer of this

0253

16

Company, and assisting in the conducting of its business-- you were not prepared and willing upon any transaction had in either one of these securities, to deliver the stock upon payment being made ? A. Yes sir, it was a strict rule of the company, that the clerk who took the order would first ask the question of the customer: Will you have the stock. Will you take the stocks, or do you desire to trade upon a margin ; that was a rule of the exchange particularly .

Q Did you ever have a customer say he would take the stock?

A Yes sir .

Q Did he take them ? A. He did not because it made five or six points raise before he brought the amount of money in full .

Q Just state what the transaction was ? A. I have looked for him the last three or four days. I believe he is out of town. He came in and asked for Merchant's and Manufacturing Stock; he looked on the blackboard to see how the prices were . He took that Merchant's and Manufacturers stock--I think his name was Rosenstein . The stock was selling at 73 or 74, and that day in particular one of the brokers of the exchange was out around , and made the remark: "I will give or take 73 for Merchant's and Manufacturers. This gentleman, Rosenstein, came up and he had



0254

17

\$290. he said "I want to buy five shares of Manufacturers and Merchant's, and I want to pay you in full. I says "Give me \$365." He gave me \$290. accompanied with his order; he said "I am going down the street, I will bring you the balance"; the balance was \$75.

Q Now he bought that stock outright ? A. Yes sir .

Q And he paid you two hundred and some odd dollars, and said he would come back and take the stock ? A. Yes sir .

Q That was not a marginal transaction ? A. No sir .

Q How did it happen that he did not take it ? A. He came back in about three quarters of an hour with the \$75., and the stock that he had bought for 73 was then selling -- we were offering to buy or sell it at 77. He says: "That is pretty good interest" He says "Dont deliver me that stock. I wont take it . Close out my transaction". Instead of giving me \$75. he said "I do not want to make more than four points; that is a very good days speculation". He took his original money and also took the four points, that he was trading on a margin.

Q Then you paid the amount of purchase money back with the advance ? A. Yes sir .

Q In other words, he came back again and sold you that stock back again at the price on your blackboard ? A. Yes sir,

0255

18

and he was very sorry he did it, because the stock rose three or four more points before the close of the day .

Q I will ask you, if, upon every individual transaction had in these securities, you were not prepared and able to deliver the stock, and if it was not a rule of your exchange, to let every customer who came in to deal with you know that the stock was in your possession and would be delivered upon the payment of the price asked ?

A Yes sir, that was the rule of the exchange--to tell everybody.

Q We heard from Mr. Britton that he was informed that he could have his stock and that it would be delivered to him and he said that was said to him because he was known, that he was picked out because he was an officer of the Society for the Suppression of Vice, was he the only gentleman told, or was it the universal custom to let every one know of this ? A . There never was a customer made a trade in our exchange, at his first trade, but what the first question asked him was : " Will you have the stocks ? " ; it was a rule passed under one of the by laws, because we were a young exchange ; our business was increasing and we gained the confidence of every customer we ever had in there . The first question asked of a new customer was, would he have the stocks. If he said he

0256

19

only wanted to trade on margins, we told him he could either take the stock or re-margin if it went against him that our commission was only one-eighth. .

Q Now Mr. Bernstein, I will ask you what the Indicator Stock Exchange relied upon for its profit and for its support: was it not commissions you received for buying or selling these stocks for your customers ? A. That solely--that was the only revenue .

Q Just state to the Court and jury what the commissions were ? A. We charged one-eighth commission, one eighth of one per cent and if the transaction was closed the same day, we would charge one eighth added, making a quarter. But if a person sold ten shares of stock to-day and did not want it closed, if it was in his favor, and wanted it closed to-morrow we would carry that stock over and close it at any time afterwards and we would charge one-eighth ; we never charged more than one eighth.

Q Now, we have had a good deal of talk about this machine. I wish you would explain to the jury what the operation of this machine was; what it was kept in there for, and what its relation was to this business ? A. Well, I think I can. I will try to make it as explicit as possible . This machine has no more to do with the price of stocks that is, as regards customers, than if we had no machine at all. Of course, we were guided by the quotations that

0257

20

came out of that machine. <sup>Our customers</sup> We paid no attention to that machine. Our prices were on the blackboard, what we would give or take for certain stocks. Some of the brokers used to stand on the floor when we first organized in order to facilitate customers, in order to make it easier to understand what the machine was for. It was called a clock here, we had no such thing as a clock; it is not a clock, never heard of as a clock.

Q Did you ever conduct the business of this exchange without this instrument? A. Yes sir.

Q Wasn't it kept there for the purpose of economy in labor, so that a boy could transfer the prices from this to the blackboard and save the hire of a caller, as you have had before? A. Yes sir.

Q You made your prices from time to time, what you were willing to take for these securities during the day?

A During the day.

Q That was the custom of the exchange?

A Yes sir.

Q Now when you intended to buy this instrument or come into the possession of it through Mr. Campbell, I will ask you if you did not take legal advice as to whether this was legal or illegal business, and if you were not advised that it was thoroughly within the law?



0258

21

A Yes sir . I dont know whether it is proper to say it here or not, but before I went into the exchange at all, I was working at a salary. I wanted to be sure that it was perfectly legal and right; I was advised entirely by my counsel, Mr. Hunt, --we were advised by him, if I am at liberty to state it, before we went into the business at all that it was legal; and Mr. John R. Dospassos, counsel for the New York Stock Exchange, told me, through my counsel: "Mr. Bernstein you have a perfect right to organize and open your exchange and nobody in the world can accuse you in any manner, shape or form of dealing wrongly provided you have the bonds and stocks which you trade in".

Q He advised you that you must have the securities and that they must be bona fide ? A. Yes sir , and told us to go on ?

Mr. Davis: I object to this line of testimony.

Q Therefore, Mr. Bernstein, it was never your intention or the intention of Mr. Uppington or the others engaged in that business with you to have any evasion of the law, you wanted to do and have done a perfectly legitimate business ? A. No sir .

Q Then, if I understand you, Mr. Bernstein, this machine was a mere matter of convenience in expediting business, also a labor saving, economical machine ?

0259

22

A Yes sir .

Q Now, the night before, Mr. Bernstein, from information that you had received and otherwise, you made up your mind what you were willing to take at certain times during the day for these securities? A. Yes sir .

Q Then you put the fractional prices, these cards, in this machine and as the machine dropped them out the next day, it told what you were willing to take for these securities?

A Yes sir .

Q From that they were transferred to the blackboard ?

A Yes sir .

Q The customers dealing with you were governed by the blackboard ? A. Yes sir .

Q If a man was dissatisfied with the quotations made, could he not either re-margin or put up the whole amount of the purchase money and take the stock ? A. Yes sir .

Q Is not that the way the business was transacted ?

A Yes sir . Once the price was made there was no deviation; the prices came and had to come just as they were put in that machine by the brokers .

Q I want to ask you if you could not operate that same business by employing a man to holler out the prices; could you operate this same business without this machine at all ? A. Yes sir .

0260

23

Q I will ask you if it had anything to do with the merits of your business ? A. Nothing in the world .

Cross Examination by Mr. Davis:-

Q Mr. Bernstein, these cards were placed by you or somebody under your direction into this slot here, were they not ? A. Never placed under my direction .

Q Do you know whether they were placed in there ? A. Yes sir .

Q By whom ? A. By the brokers; by the officers .

Q Have you ever seen them placed in there ? A. Well, when I would get down in the mornings, yes sir .

Q Now suppose all of the cards had dropped out at the end of a day and you were about to begin another days business, what is first done in regard to this machine ?

A There is nothing done at all as regards the machine. We know exactly what the stock is worth to-day .

Q I will come to that later . I want you to answer one question. I want to know at what period of the day these cards are put in there ? A. Before the exchange opens .

Q By one of the persons connected with the exchange, or by a person acting under his direction ? A. By the brokers themselves .

Q Are not they connected with the exchange ?

0261

24

A Yes sir .

Q Then I am right ? A. Yes sir .

Q And now, these cards are put in there in any order ?

A No sir .

Q Are they just taken up in any way and put in here ?

A No sir .

Q Now will you tell us exactly how that is . Confine yourself to the cards ? A. The brokers of the exchange-- and of course it being only open a short time, Mr. Upington made that his business ---determined what he would give or take for stocks during the day. Knowing exactly what his price would be at any time during the day he placed them in there in the morning himself .

Q I want to understand you perfectly: Mr. Upington would know just what he would take for stocks at any stated time during the day? A. Yes sir.

Q And then these cards were put in here according to an order ? A. No sir .

Q When were the cards put in ? A. Before the exchange opened he would say what he would give or take for those stocks on that day; instead of saying "at five minutes ~~to~~ past twelve, I will take 99" these quotations would show that he would buy or sell that stock at 99.



0262

25

- Q He makes up his mind at the beginning of the day, with these cards before him, what he will take for that stock at certain hours of the day ? A. No sir he dont; he simply makes up his mind. I suppose the officers of the exchange govern the prices of the stock, looking at the way they closed, how the stock stand, or what they are worth to-day in the market. In the morning, or it can be done at night, he makes up his mind what he will give or take for the stocks the next day. As a general thing these things are put in by the brokers at half past nine or a quarter to ten o'clock, always before ten o'clock; these prices are the prices at which the Indicator Stock Exchange will buy or sell these stocks at any time .
- Q Suppose you have two cards to place in that shute, how does he determine which will come first or second?
- A Well, I could not tell you how he determines .
- Q Are they put into that shute in any order or arrangement whatever ? A. Yes sir .
- Q And what determines that order or arrangement ?
- A The brokers .
- Q What ? A. According to how he puts his quotations .
- Q What ? A. The broker's judgment of what they will give or take for these stocks .
- Q Then there is a certain fixed rate used at the beginning of the day ?

0263

26

A No sir .

Q And then the prices are determined with reference to that fixed rate ? A. No sir .

Q Do you know how many cards there were ? A. I do not .

Q Are not the prices for which the brokers will sell or at which they will buy, written down upon anything at the beginning of the day ? A. Yes sir .

Q Then the first thing they had to do was to write down upon a paper what they will take for a certain stock ?

A No sir .

Q During the day ? A. Certainly that is written down, the time and everything .

Q For instance, if you begin at 10 o'clock then you will say what you will take at thirty seconds after ten?

A That was the way the quotations were made, two quotations a minute .

Q Then at ten o'clock and thirty seconds you put down that stock for so much ? A. No sir; if we take the Manufacturer's and Merchants stock for example; when we opened the exchange that stock was placed at par, we give or take - we will either buy or sell that stock at par. Then we close at four o'clock, the exchange closes at four o'clock and Merchant's and Manufacturers Stock closes to -day say at 95, to-morrow morning at 10 o'clock when we open the

0264

27

exchange that Manufacturer's and Merchant's Stock would sell still at 95--we would still get 95 for it, until the first quotation is made for it .

Q That is, until the first quotation comes out here ? (indicating the face of the machine) A. Whether it advances or declines, according to the way the brokers will take for that stock .

Q I want to find out how that card gets there in that state?

A It is placed there by the brokers .

Q Placed there by the brokers ? A. Yes sir .

Q Why is that placed there ? A. So as to enable, or to facilitate the broker from standing in the middle of the room and saying: "This morning, I will take one eighth less" .

Q At that hour ? A. Yes sir .

Q How do they determine which card shall go next or just immediately in front of that one ? A. Why simply take the quotations; they arrange the prices what they will give or take for a given stock the same as they would stand on the floor and holler; that indicator simply indicated the prices .

Q Are these cards put in there at one time ? A. Yes sir .

Q The order in which they are put in is determined beforehand ? A. Yes sir.

0265

28

Q By the brokers ? A. Yes sir .

Q And that arrangement is based upon what ? A. Based upon their own judgment of the previous days business .

Q That is, as to what they will take or give for certain stocks ? A. Yes sir, what they will give or take for certain stocks .

Q And they control the arrangement of these cards, do they not ? A. No sir, they control the prices of stocks of course .

Q But did not the persons who put the cards in there, or arranged them, control the arrangement of the cards in the shute ? A. Yes sir, certainly; no one can touch them after they are once put in --the quotations for the day .

Q Then before any cards come out here (indicating the face of the machine) they know what the arrangement is, of the cards, do they not ? A. That I cannot answer you sir .

Q They arrange the cards according to different order, based upon their judgment ? A. Yes sir, the brokers .

Q Before any cards come out here they knew all day long just what they were going to be ? A. Yes sir .

By the Court:-

Q That is, it is a game of chance as to the purchaser, and a game of certainty as to the game-keeper ?



0266

29

A No sir, that I dont say .

Q Well the party who is dealing with you dont know exactly what is going to turn up or down ? A. Well, I dont know .

Q Is it all a certainty or does it depend on the machine as to whether a party shall make or lose? A. Not exactly .

Q Well, as I understand your e xplanation the brokers, whoever they are, put in the cards, and they knew to an absolutely certainty every minute of the time just what that stock would be ? A. Yes sir, they knew .

Q People who came in there and bought and sold, had to depend or be governed by what that automatic machine spit out, didn't they ? A. Not exactly .

Q How else ? A. They watched the blackboard .

Q The blackboard was regulated by the machine; it was stated that a boy stood up there and put the prices on the black board ? A . Yes sir .

Q It came after all from the machine ? A. Yes sir .

Q The blackboard quotations ? A. Yes sir .

Q And the parties who were dealing there, they were dealing on chance altogether, they had not any certainty about it?

A No sir .

Q But the parties that were buying or selling, the machine if you please, they knew exactly how the thing stood?

A The brokers knew .

By MR

0267

30

Q Now Mr. Bernstein, if the controllers of the machine should put these cards in, we will say in any order, just as you would shuffle a pack of cards, and not determine any order whatever, the machine would still work, wouldn't it ?

A Yes sir.

Q And these cards would drop out here (indicating) just as you had arranged them ?

A Yes sir, I guess they would.

Q If you and I should stand in front of the machine, and I should say to you; "Bernstein, I will bet you Ten Dollars that the next time T. M. C. comes out it will be over an eighth" and you bet that it would not ?

A How is that ?

Q If I should stand before the machine and say "Bernstein, I will bet you Ten Dollars that the next time the card with T. M. C. on it comes out it will have a number on it which will amount to more than an eighth." and you bet Ten Dollars it would not amount to more than an eighth; that would be a fair bet wouldn't it ?

A I don't know, I never was in the betting business.

Q You never had anything to do with lotteries ?

A Well, some several years ago .

Q That is a sort of betting business isn't it ?

0268

31

A No sir; I was a clerk.

Q With Uptington. Weren't you one time in the lottery business with Uptington ?

A Indirectly.

Q In what way ?

A As a clerk.

Q Didn't you back a policy game once ?

A I don't know what you call backing.

Q I don't know much about it either, but I have had experience enough to know this, that you control it; if anybody reaps anything from controlling the game why you are the one that controls it, you pay the losses, and you also take in the money that is made in the game. Now that is what I mean by backing ? A. I was connected with the policy business.

Q Now you know what a bet is, don't you ? A. Yes sir.

Q Now, I want to know whether such a bet as that would not be considered a real, genuine, fair bet in which my chances were just as good as yours ? A. Well, I suppose so.

Q The same thing as if you threw up a penny ? A. Yes sir.

Q Suppose that you knew just the order of these cards, having arranged them yourself, and stood before that machine, and I went up to you and said "I will bet you that the next time the card T. M. C. comes out it will be more than an eighth", and you bet that it won't, and you know that the

0269

32

next one will be for a half. Would you consider that a real, fair bet ? A. If I understand your question --

Q BY THE COURT: Was a bet fair when one man bets on a certainty and another bets on an uncertainty? A. No sir, not when a man bets on a certainty.

BY MR. DAVIS:

Q Now have you heard the term "skin" applied to a game ?

A Yes sir.

Q Wouldn't that latter game that I spoke of here, betting on a certainty, be what they call a skin game ? A. I don't know; I could not very well answer that question.

Q You know what a skin game is in vulgar parlance ?

A Yes sir.

Q Where you were betting all day long on a certainty and I am betting all day long on an uncertainty, wouldn't you call that a skin game on the part of somebody ? A. Yes sir.

Q Now, you understand what policy is, don't you ? A. Yes sir.

Q Isn't policy substantially betting that certain numbers will be drawn at a certain time ? A. At a certain time, yes sir, certain numbers drawn.

Q I knew what it was, but I wanted to get from you; it is betting that certain numbers will be drawn at a certain time ? A. Yes sir, certain numbers will be in a certain drawing, drawn at a certain time.



0270

33

Q Now, in order to have these cards come out, Mr. Bernstein, there has to be some force propelling them forward ?

A Yes sir.

Q And in this machine there was some force from behind which propelled these cards forward to the opening, isn't that so ? A. Yes sir.

Q Was it that little thing there, if you know ? (indicating)

A I don't know, I never saw the machine work.

Q Look at this and see ? A. I think that is it.

Q Now, these cards being placed in here, this bunch, what means in the slot would propel them forward, would it not be from behind ? A. Yes sir.

Q The machine was regulated, was it not, so that it would go a certain distance within a certain time ?

A The working of the machine, I could not tell you at all, because I don't know. Yes, sir, I think that was the way it was worked.

Q You have stated, I think, that this card changed here every thirty seconds, isn't that so ? A. Yes sir.

Q And another one took it place ? A. Yes sir.

Q If that is so, wouldn't you say that this thing went forward at regular times so as to push out a card every thirty seconds ? A. I think there was a continual pressure.

Q There was a continual pressure so as to bring that card

0271

34

forward and cause it to drop ? A. Yes sir, it was worked by a weight.

Q Do you know how these cards were shoved out of these advance and decline holes, -- shoved out from where they were put in ? A. Yes sir.

Q There was a shute here, was there not, controlled by a lever which shoved it out into the top hole ? A. Yes sir, it fell through.

Q Now do you know how this machine determines whether these cards shall go into the upper or the lower holes ?

A That I don't know.

Q That you don't understand ? A. No sir.

Q But you know that sometimes a card went into the upper and sometimes into the lower holes ? A. They had to go the same way, whether the first went into the lower or upper, I could not tell you.

Q Isn't it a fact that this thing here, which is two bars affixed to a piece of iron or metal running down, covering one of these holes, isn't that what made the cards go into the upper or go into the lower hole ? A. I couldn't tell, I never saw the working of the machine.

Q You never examined the working of the machine ?

A No sir.

Q What was the motive power of this machine, inside the machine ? A. A weight.

0272

35

Q A weight attached to this wheel here ? A. There was a rope attached to that.

Q A rope and a wheel? A. Yes sir.

Q And the weight at the other end ? A. Yes sir.

Q How was it regulated ? A. Simply wound up.

Q These figures or cards had no reference whatever, in their arrangement or in the way in which they fell, to the prices as you find them in the New York Stock Exchange ?

A There was not different stocks than those listed on the Exchange.

Q I mean the order in which they came out, the order in which these cards dropped out was not determined by the New York Stock Exchange prices ? A. No sir.

Q The Stock exchange had nothing to do with it ?

A No sir.

Q No exchange excepting your own had anything to do with it ?

A No sir.

Q No person excepting those who controlled the Exchange controlled the cards ? A. That is all sir.

BY THE COURT:

Q Suppose the District Attorney had gone down to your place of business, and put up Ten Dollars as a margin on the purchase or sale of some stock, would not the question as to whether he was to lose that money or to make additional money depend altogether upon what card came out of

0273

36

this automatic machine ? A. No sir.

Q What other question would determine that ? A. The blackboard.

Q The blackboard was only the indicator of the automatic machine. As I understand this automatic machine it indicated the prices at which the Stock Exchange were willing to buy or sell stock at certain periods during the day ? A. It indicated the difference in fluctuations.

Q And that difference in fluctuations was from time to time put on the blackboard ? A. Yes sir.

Q So it really comes from the machine, the rise and fall?

A Yes sir, and it is transferred to the blackboard .

Q Therefore, would not the question of whether a person made or lost depend altogether upon the working of this machine ? A. Of course I couldn't answer you that question. The price of the stock --

Q The prices came from the machine, and were put on the blackboard ? A. Yes sir.

Q Therefore, the machine was used in the first instance to indicate the rise and fall, and would not, therefore, the question of whether a person won or lost depend altogether upon the working of this automatic machine ?

A It would depend on the machine.

Q Of course, as far as he was concerned, a party that came down there had no idea of what numbers would come out of the



0274

machine ?

37

A No sir.

Q He could not have ? A. No sir.

Q So far as he was concerned it was purely a game of chance ?

A No more than a speculation.

Q As much as a speculation ? A. He could use judgment and watch the market for a week .

Q What would he predicate his judgment on ? A. On the way the market had been going.

Q Well if a man watched the market right along he could not tell exactly at some minute of the day to a certainty how the market was going ? A. No sir.

Q Then it was n't any advantage to him ? A. No sir.

Q You were in operation for three months; how many shares of stock did that company sell a day in the aggregate ?

A Some days 200 or 300. We were doing a small business.

Q How many did you buy or sell altogether, taking the average ? A. I guess the most would be five or six hundred.

Q What should you think it would average, your best recollection ? A. I don't know, we did a very poor business there .

Q Give your best judgment, ? A. Buying and selling, maybe five or seven hundred.

Q Would it average five hundred ?

Q It would average four hundred a day .

Q And I suppose you operated six days in the week ?

0275

38

A Yes sir.

Q That would be 2400 shares a week ? A. Yes sir.

Q And that would be, of course, 9600 shares a month, and about Thirty thousand shares in round numbers in three months . Of these thirty thousand shares, which your company operated in in three months, how many were actually delivered to any purchaser ? A. We never delivered any.

Q How many of the thirty thousand shares were actually delivered to purchasers, the stock certificates ? A. None to my knowledge; we were willing to deliver .

Q How many were delivered ? Never a single share delivered to a purchaser to your knowledge ? A. No sir, nobody wanted them, nobody bought them and paid for them.

BY MR. DAVIS:

Q A customer would come in there, wouldn't he, and go up to your counter ? A. Yes sir.

Q And you had certain blanks upon the counter as testified to by Mr. Viator, isn't that so ? A. Yes sir.

Q And whatever you wanted to buy or sell, or whatever he wanted to enter into, he would indicate upon one or the other of the slips that you had there ? A. Yes sir.

Q And sign his name to it ? A. Yes sir.

Q And hand that over the counter to your clerk ?

A He would fill in his order, how many shares he wanted to buy or sell.

0276

39

Q Then he would pay down a certain amount of money ?

A He would indicate how many points he would carry , one two or five.

Q Suppose a customer came in there, as Mr. Viator has testified he did and says: "Sell Ten shares of Fenella Mining Company Stock", he would fill out such a blank as I have indicated and hand it to your clerk with some money, would he not ? A. Yes sir.

Q For ten shares he would hand how much ?

A According to how he would margin.

Q Well, ten shares at \$1.53 we will say, now, how much money must he pay down for that transaction ? A. Well for every point it would be \$10.

Q Then you have a set up price and then an exhaust ?

A No sir,

Q There is no exhaust provided he would re-margin ?

A If he don't re-margin or take the stock .

Q Suppose he wanted you to sell at 1.53, he would put up \$10. ? A Yes sir.

Q You would take the \$10. ? A. The Cashier took it.

Q And then he would watch the market, or might watch it as he pleased ? A Yes sir.

Q Now suppose that at the time he does that, there is price under Fenella Mining Company Stock \$1.53 ?

A Yes sir.

Q And that is the trade mentioned in his blank ?

0277

39

Q Then he would pay down a certain amount of money ?

A He would indicate how many points he would carry , one two or five.

Q Suppose a customer came in there, as Mr. Viator has testified he did and says: "Sell Ten shares of Fenella Mining Company Stock", he would fill out such a blank as I have indicated and hand it to your clerk with some money, would he not ? A. Yes sir.

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Q You would take the \$10. ? A. The Cashier took it.

Q And then he would watch the market, or might watch it as he pleased ? A Yes sir.

Q Now suppose that at the time he does that, there is a price under Fenella Mining Company Stock \$1.53 ?

A Yes sir.

Q And that is the trade mentioned in his blank ?



0278

40

A Yes sir.

Q And he comes to the machine and the next that happens is that Fenella Mining Company, or F. M. C. comes out here on a card in the decline hole one, and he has not up to that time put any more money up with you ? A. If he sold it he would make one point profit on the decline ?

Q Now, he has a sold contract ? A. Yes sir.

Q At \$1.53 ? A. Yes sir.

Q For which he has paid you \$10. ? A. He has margined the stock one point.

Q Now at the time he pays that there is \$1.53 on the black-board ? A. Yes sir.

Q Now, at the <sup>next</sup> interview with you, we will say that F. M. C. comes out with the figure "1" under it -- comes out here in the advance hole ? A. That means that the stock rises ?

Q The stock rises. I merely put it as it appears here, that card with F. M. C. and one under it comes put in the upper or advance hole ? A. Yes sir.

Q And he does not put up any more money, what becomes of the \$10., is it yours or his, do you take it or does he take it ? A. He is exhausted.

Q What I mean is, what becomes of the \$10. who takes it ?

0279

41

A That goes to the brokers .

Q And who are the brokers ? A. Well at that time we had no regular brokers .

Q Don't you share in that Ten Dollars ? A. No sir, in no manner, shape or form; I was working for Twenty-five Dollars a week.

Q It goes to the concern, the Indicator Stock Exchange ?

A It goes to the company, to the working brokers ?

Q To the persons in control of that machine ? A. Yes sir.

Q But it doesn't go to the man who puts it up ? A. No sir.

Q Now suppose that same transaction took place but F. M. C. went down, and came out in the decline hole ? A. Yes sir.

Q Then he comes up to you and says: " Close out," doesn't he ? A. Yes sir.

Q He then makes \$10., doesn't he ? A. Yes sir.

Q If he wants to close out the transaction he makes \$10. ?

A Yes sir, he makes as many points as he has.

Q If it declines two he makes \$20. ? A. Yes sir, just as many points.

Q Do you remember hearing of a committee called the Roosevelt Investigation Committee ? A. Yes sir.

Q Did you testify before that committee ? A. Yes sir.

MR. ATCHISON: I object to this testimony.

Q Did you testify in the City of New York before the Roosevelt Committee in 1884 ?

0280

42

A Mr. ATCHISON: I object to this: It was before this business was ever begun.

Question withdrawn.

Q Were you ever engaged in business at 599 Broadway in this City ? A Yes sir.

Q And from <sup>there</sup> did you go to 163 Bowery ? A. 263 Bowery.

Q What was the nature of the business you carried on at No. 599 Broadway ?

Objected to.

Mr. DAVIS: I want to show that this defendant has been a violator of the law against gambling for a long time: His character is in issue here.

Q Were you ever connected in any way with the Kentucky State Lottery ?

Mr. DAVIS: I want to show that he has been engaged in this business for the last five years.

THE COURT: Under some circumstances I would allow impeaching testimony, for instance where there is a question as to the credit to be given the testimony of a witness. Now he has stated before this Jury all that he knows about this case, he has explained that machine and explained their business. Suppose you could show that he was the worst man in the world, would that affect

0281

43

this case. I will rule that question out.

Q Was Upington ever engaged in the lottery business with you?

Objected to.

Objection sustained.

Q Did you ever hear of George Upington being convicted in the United States Court.

Objected to.

Question sustained.

WITNESS: I don't believe I was ever arrested for crime except some lottery business -- I don't <sup>know</sup> whether I was every indicted in my life or not,; I won't be sure of that . I don't think I was brought to the District Attorney Office. Of course I appeared before the Investigating Committee. I never conducted an illegal business after I was told I was in an illegal business. <sup>never</sup> I conducted one for one moment afterwards. As to the last four or five years -- for the last three years I had charge of Wallack's Theatrical Company travelling over the country with it. Within the last four or five months I had a chance to go into this business and stay in New York. I was never in an illegal business in my life -- as soon as I found out it was illegal to be in a business I got out of it. I have been in this Theatrical Company and then I have been connected with this Exchange receiving a salary at \$25. a week. I have never suffered for a crime in my life.



0282

44

RE-DIRECT EXAMINATION BY MR. ATCHISON:

Q What does T. M. C. stand for ? A. Terra Mining Company.

Q What does F. M. C. stand for ? A. Fenella Mining Company.

Q What does P. M. C. stand for ? A. Pidge Mining Company.

Q What does M. M. C. stand for ? A. Merchants and Manufacturers Construction Company.

Q What does H. M. C. stand for ? A. Hattie Mining Company.

Q Now these tickets, with these letters printed on them representing the different securities in which you dealt in that exchange, were pre-arranged, fixed and put in here in this slot by an officer of the company, were they not ?

A Yes sir.

Q They knew exactly how these quotations were coming out ?

A Yes sir, I was under the impression that they did know.

Q I will ask you if they did not put these quotations in there knowing exactly how they would come out, and if they did not represent what they were willing to take for these stocks at a particular time upon the following day ?

A Yes sir.

Q I want to ask you whether any customer of that exchange was dependent upon this machine as to whether he would make a profit or sustain a loss, and if he did not have the privilege of re-margining or buying the stock out right and taking it ? A. At all times the stock would be delivered or could be re-margined.

0283

45

Q Now the District Attorney said something about a skin game with cards, was not it utterly impossible to change these cards ? A. Absolutely .

Q No one could change them ? A. No sir .

Q I will ask you if, at any time, during the transaction you would not give the market price as indicated upon the blackboard of that exchange for any of these stocks that were bought or sold at the same prices indicated ?

A Yes sir .

Q You would buy or sell ? A. Yes sir .

Q You did not make any difference whether the stocks were bought or sold ? A. No sir .

Q If a man did not like these figures, couldn't he at any time put up a margin or take the rest of the stock ? A

A Yes sir .

Q You couldn't close anybody out because a card happened to appear in that machine? A. No sir, the transaction

wasn't closed out unless the blackboard signified the price

Q Did you ever see one of these stock exchange tickers ?

A Yes sir .

Q When a man goes into a brokers office, where there is a ticker, and he buys stock that they deal in, he doesn't know what is coming out of that ticker, does he ? A. No sir.

Q If the quotations in that ticker come out adverse to him and he doesn't put up more margin his money is gone, the broke

0284

46

gets it ? A. Yes sir, he is exhausted.

Q If the quotations in the ticker come out adverse to him he can put up another margin or put up the whole amount of then purchase money ? A. Yes sir.

Q Couldn't he do the same thing in your exchange ? A. Yes sir, exactly.

Q So far as quotations of stock are concerned on the stock exchange, nobody but Gould or somebody else who control the stocks know the prices that are going to be asked for them ? A. No sir.

0285

Court of General Sessions

The People vs

vs

Daniel J. Bernstein and  
James Livingston.

STENOGRAPHERS' TRANSCRIPT.

June 10, 1907.

Testimony of Daniel  
J. Burrill and Daniel  
J. Bernstein.



Opening = Council advised that meeting to postpone.

Opening = Current value of the stock is not known.  
 v.g. Black exchange methods  
 As compared with this = Wiring

instead of having the buyers  
standing in the pit the prices  
they will set, they have an  
advantage.

13 Britton  
~~13 Britton~~ / long conversation to him =  
seems like there is some =

As will.

140 54 Broad St. Works in the morning 10:15  
10:30 a.m. to 12:30 p.m. at the  
manufacturing plant. Time =

750 Truella organized the Fall 1886  
of many Co.

~~Confidential~~

24 BO ~~2000~~ 3000 shares none cash  
delivered

60

120

217

24/0

0287

Sec. 568.

1<sup>st</sup> District Police Court.

UNDERTAKING TO ANSWER

General Sessions.

CITY AND COUNTY OF NEW YORK, ss.

An order having been made on the 25<sup>th</sup> day of April 1887 by

Solon Smith a Police Justice of the City of New York That

George Upington be held to answer upon a charge of

Violation of the Gambling Laws in keeping and maintaining a gambling House at No 100 Broadway in the City of New York

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

We, George Upington Defendant of No. 21 West 9<sup>th</sup>

Thomas Madinch Street; Occupation, Stock Broker and

No. of 99 Nassau Street;

Occupation Hotel Keeper Surety, hereby undertake jointly and severally

that the above named George Upington 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 ten Hundred Dollars.

Taken and acknowledged before me this 25<sup>th</sup>

day of April 1887

Solon Smith POLICE JUSTICE.

George Upington  
T. Madinch

0288

CITY AND COUNTY } ss.  
OF NEW YORK, }

Police Justice.

New York Sessions.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*George Thompson*

Taken the day of 188

Justice,

Filed day of 188

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 fifty Hundred Dollars, exclusive of property exempt from execution and over and above the amount of all his debts and liabilities, and that his property consists of stock and fixtures of a store

situated in the Bennett Building at No. 99  
Nassau Street in the city of New York said property  
being of the value of twenty five thousand dollars over  
all debts.

*T. M. Lynch*

*Thomas M Lynch*  
*House*



POOR QUALITY  
ORIGINAL

0289

1. The first part of the report is a general  
description of the area. It is a small  
area, about 100 acres, and is located  
in the north-east corner of the  
county.

2. The second part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

3. The third part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

4. The fourth part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

5. The fifth part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

6. The sixth part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

7. The seventh part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.

8. The eighth part of the report is a  
description of the land. It is a  
small area, about 100 acres, and is  
located in the north-east corner of  
the county.



0290

Court of General Sessions, Part *1171-1*

THE PEOPLE

INDICTMENT

For

*James Wright*

To

*Christian Zangen*

No.

*267*

*William* Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Fine* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *Monday* the *28* day of *May* instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

JOHN McKEON,

*District Attorney.*

0291

Never used these  
Christian Zangen  
267 Williams

N. Chamber & Pearl

N. S. D. Smith  
Dead Line. These  
could be used for

JK

0292

1007600

1007600

0293

**LIST OF PRIZES:**

1 Prize of \$15,000 is.....	\$15,000
1 Prize of 5,000 is.....	5,000
1 Prize of 2,500 is.....	2,500
1 Prize of 2,000 is.....	2,000
5 Prizes of 1,000 are .....	5,000
10 Prizes of 500 are .....	5,000
10 Prizes of 250 are .....	2,500
20 Prizes of 100 are .....	2,000
100 Prizes of 50 are .....	5,000
200 Prizes of 20 are .....	4,000
500 Prizes of 10 are .....	5,000
1,000 Prizes of 5 are .....	5,000

**APPROXIMATION PRIZES.**

9 Approx. of \$150 each, are .....	\$1,350
9 Approx. of 100 each, are .....	900
9 Approx. of 50 each, are .....	450
1,870 Prizes, amounting to.....	\$60,700



POLICE COURT—SECOND DISTRICT.

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

STATE OF NEW YORK,  
D COUNTY OF NEW YORK. } ss.  
William H. Thomas  
of the Stambert Squad, Police Detective Street, being duly sworn, deposes  
and says, that on the 29th day of December 1880  
at the City of New York, in the County of New York, G. Wington

did unlawfully send and sell to this defendant the certain lottery policy tickets here shown. The same being in the nature of an insurance upon the drawing of the Kentucky State Lottery Company to be drawn at Covington Ky. Friday December 31 '80. That this defendant asked for a lottery ticket and was told by the defendant to write his name and address upon a slip of paper that the said ticket might be sent to him, that following the defendants directions defendant wrote the name of William H. Reynolds 412 E. 118th St New York City. That on the day following defendant received by mail the tickets here shown; That defendant on the 29th day of December in consideration of the said lottery ticket ~~did pay to the~~ and following the direction of the defendant did place one bill of the denomination and value of one dollar gold and lawful money currency of the United States Government, into an envelope and dropped the same by direction into an aperture in the counter in said premises. That defendant received the said bill from the defendant as part of the change for a bill of the denomination of five dollars provided the defendant ~~by this violation of the Statute he could cause some person~~ ~~to~~ Therefore defendant prays that the case of ~~this~~ <sup>the</sup> may be held against the above complaint,

Brought before me this  
 16<sup>th</sup> day of January 1881  
 [Signature]  
 Police Justice

William W Thomas

0295

City and County of New York, ss:  
William H. Thomas  
the Complainant named herein being duly  
sworn deposes and says that since the  
time that he made the foregoing affidavit  
he has arrested the person whom he  
charged with the offence herein and that  
said defendant says that his name is  
Samuel Wright and that defendant identifies  
said Wright as the man who sold him  
the lottery ticket herein described.

Sworn to before me this  
14<sup>th</sup> day of January 1881 } Wm H Thomas  
Attorney General

W 752  
46  
Police Court — Second District  
Violation of Offences

THE PEOPLE, &c.

ON THE COMPLAINT OF

William H. Thomas  
Steamboat Company

RECEIVED  
JAN 11 1881  
CL. Wright  
Clerk of Court

Dated, January 11<sup>th</sup> 1881

Flamant Justice

Thomas Officer.  
Special

Witnesses,

Let official see one witness  
going in to board jury  
They get

Committed in default of \$ 500 surety.

Bailed by Christian Hansen  
No 267 Miller Street

0296

78-

12 Morning  
13 Night

1<sup>st</sup> 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13.  
15 22 16 70 49 61 74 33 45 56 67 28 14.

B. N. 20

15-14 f 10

B. N. 20

16.67 f 10

B. N. 20

22. 61. 28 f 10

B. N. 20

14-49-74-67 f 10

1001

1001

1001



0297

\* If Patents were granted, then the  
\* machine is legal because the U.S. Law  
prevails over the state law  
~~Legal~~ =

Cards =

Dynamite =

Knives =

\* If no granting took place, then we must  
be careful of keeping a record =  
①.

11 May, 205

Bugelov & Benedict =  
This case has a legitimate store  
transaction.

Intention to deliver the stocks, Yes  
out of 30,000 near one share was  
delivered.

Story W. 11 May, 190 = 1/2 of 1/2 of 1/2  
the stock.

Re-Margui is making another bet -



0298

N. Y. GENERAL SESSIONS.

-----X

The People

vs.

Keeping Gambling House  
& Lottery Office &c.

Daniel J. Bernstein and

George Upington

-----X

Hon. Randolph B. Martine,

District Attorney.

Sir:

I have the honor to report in the above entitled matter as follows:

The defendants are charged with the offense above specified by one Joseph R. Viator, who gave to them at their establishment at No. 60 Broad Street, certain orders for the purchase and sale of certain alleged mining stocks, the rise or fall in the prices of which were indicated by a mechanical device in the office of said defendants. The said variations of which seem to have been entirely under the control of defendants and their associates, and to have depended entirely upon their will and prearrangement.

From the description which has been given to me of this indicator by the attorney for the defendants, Mr. James M. Hunt, it appears to me that the transactions in the office of the defendants entirely satisfy the terms descriptive of a lottery in the Code.

I think the scheme was one for the distribution of

0299

property by chance, valuable consideration for those chances being paid by the people visiting said office. The testimony of the complainant, it is true, is weak; but from all the information that I have been able to gather and from my understanding of the instrument in use, I consider it advisable that the matter should go to the Grand Jury for their action.

Yours respectfully,

0300

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

*Samuel J. Bernstein*  
*Junr*

*George W. Applington*

*Report*

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,  
NEW YORK CITY.

0301

ROBERT S. RUDD.  
JAMES M. HUNT.{ The People vs.  
vs  
Bernstein  
et alLAW OFFICES OF  
RUDD & HUNT,  
31 & 33 PINE STREET,NEW YORK, April 27<sup>th</sup> 1887.Hon. Randolph B. Martin,  
District Attorney.

Dear Sir:-

Permit me to call your attention to the above entitled case, the papers in which I believe were transmitted to your office this morning.

I doubt very much whether you would advise an indictment upon the testimony of the complainant, although some of his testimony savors of his profession, viz: that of tipster on the race courses (page 11 of testimony).

He testified that he went into No. 60 Broad Street and gave a written order for the purchase of that stock (page 8) and this was necessary (page 9), that he then paid in his margin. After this purchase he did not ask for the stock (pages 9 & 10). The result of his purchases and sales (page 10) was that he lost.

This is the substance of his testimony, and if this shows gambling I do not understand the line of authority represented by Graham vs Smith 81 N.Y. 25 and Bigelow vs Benedict 70 N.Y. 202.

No attempt was made to cast any suspicion upon the stock in question (page 19). This would have utterly failed for I know the stock to be genuine.

If you wish further information I can show you that the business carried on at 60 Broad is that of a duly organized corporation, as I am



ROBERT S. RUDD.  
JAMES M. HUNT.

R.B.M. 2.

LAW OFFICES OF  
RUDD & HUNT,  
31 & 33 PINE STREET,

NEW YORK.

188

its counsel and attended to its incorporation. It is incorporated under Chap. 228 of the Laws of 1877, as an Exchange. The securities there bought and sold are mainly mining stocks, the other stocks are dealt in, some registered or listed at other exchanges and some not. Those purchased by the complainant are not listed by any other exchange, and this exchange is the only public place where a number of mining stocks, <sup>besides those in question</sup> can be purchased or sold.

The peculiar feature of this exchange is the manner in which the prices and the fluctuations of prices are announced. In other exchanges, notably the Stock Exchange, the "give" or "take" price is bawled out by the brokers in the pit to one another. Instead of this, in our exchange the fluctuations of prices are announced by a mechanical device, patented for this very purpose - the letters patent of which I have in my possession. But the manner of the announcement of the prices of stocks cannot make an actual sale of bona-fide stock indictable.

It seems to me the only question in this case is as to the intention of the parties to the transaction and no attempt was made to show the intent of the defendant to be otherwise

0303

ROBERT S. RUDD,  
JAMES M. HUNT.

R.B.M. 3.

LAW OFFICES OF  
RUDD & HUNT,  
31 & 33 PINE STREET,

NEW YORK,

188

than legal, while the Officer swore that the stock purchased was offered. (Page 19)

If you wish to see me in the matter I <sup>will</sup> meet any appointment you may make and will bring with me such documents as you may indicate.

Before organizing this company I advised these people interested in this exchange, that this method of doing business was perfectly legal, and upon the strength of my advice they have invested their money, and are now under heavy expense, and must continue so to be until the <sup>legality or</sup> illegality is decided. For this reason I hope that if your duty as District Attorney require you to have an indictment found, you will give us the privilege of having the trial on the earliest day possible.

May I hear from you in this matter.

Very respectfully Yours

James M. Hunt

0304

District Attorney's Office.

PEOPLE

vs.

10 758 44 37 0. 15

6 Bush 149 32 6  
5 Jones 507 3  
4 do 644 3  
7 Port 453  
3 Ind 123 2  
3 Heisk 488 14  
2 Blackf 251 2

14 Gray 390  
80 26 4 J. J. Marshall 641 7

3 cr. y. br 272 7



5030

POLICE COURT—SECOND DISTRICT.

RECOGNIZANCE TO ANSWER.

CITY AND COUNTY }  
OF NEW YORK, } ss.

BE IT REMEMBERED, That on the

15<sup>th</sup> day of January, in the year of our Lord 1881

of No. 379 Broadway, Street, in the City of New York,

and of No. 207 Broadway, Street, in the said City,

personally came before the undersigned, one of the Police Justices of the City of New York, and acknowledged

themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

the sum of Five Hundred Dollars;

and the sum of Five Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective

goods and chattels, lands, and tenements, to the use of said People, if default shall be made in the condition

following, viz: James Wright was charged, before the

undersigned Police Justice as aforesaid, on the oath of

with James Wright for having, on the

in the City and County of New York aforesaid, James Wright

AND WHEREAS, he has been brought before said Justice to answer said charge, and upon the examination of the

whole matter in regard to the statute, it appearing to said Justice that the said Offence has been committed,

and that there is probable cause to believe said defendant to be guilty thereof; and the said offence being

batable by said Justice, he did thereupon order the said defendant to find Sufficient Bail in the sum of

Hundred Dollars, for his appearance at the next Court or General Sessions of the Peace,

to be held in said City and County, to answer to any indictment to be preferred against him for said offence.

Now, therefore, the condition of this Recognizance is such, That if the above named

shall personally appear

at the next Court of General Sessions of the Peace, to be held in said City and County, on the

First Monday of January, to answer to any indictment that may be preferred

against him for said offence, and abide the order of the said Court, and not depart therefrom without leave, then

this Recognizance to be void; otherwise to remain in full force.

Taken and acknowledged before me, the

day and year aforesaid.

John J. Lawrence Justice.

James Wright

James Wright

James Wright

James Wright

James Wright

James Wright



0306

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of January 1881  
Wm. M. Sullivan Police Justice.

the within named Bail, being duly sworn, says, that he is a free holder in  
said City, and is worth Ten (\$1000) Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of Twenty eight  
lots of land situate on the corner Bedford Avenue  
and Broadway Streets in the 24 Ward in said  
City and being of the value of fifteen thousand  
dollars and free and clear of all  
incumbrance

Christian J. Grogan

N. Y. General Sessions.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Recognition to Answer.

Charles J. W. Wright  
otherwise Samuel Wright

Taken the 15 day of Jan 1881

Justice.

Filed 18 day of Jan 1881

0307

At a Court of General Sessions of the Peace,

Held in and for the City and County of New York,  
at the City Hall of the said City, on *Friday*  
the *Twenty-ninth* day of *June* in the year of  
our Lord one thousand eight hundred and ~~seventy~~ *eighty three*

Present

The Honorable

*Frederick Smith* } Justice  
Recorder of the City of New York. } of the  
Sessions.

THE PEOPLE OF THE  
STATE OF NEW YORK,

*vs.*  
*George Upington*  
*alias*  
*Charles S. Wright*

} On Indictment for Violation of Lottery Laws  
(filed January 27, 1881)

The Defendant not appearing, and *Christian Zanger*  
his surety not bringing him forth to answer to this Indictment, pursuant to  
the condition of their recognizance: On motion of the District Attorney,  
It is Ordered by the Court, that the said Recognizance be and the  
same is hereby forfeited: And it is further Ordered, that the said  
Recognizance, together with a certified copy of this Order, be filed in the  
office of the Clerk of the City and County of New York, and that  
Judgment be entered thereon, according to law, against the said  
*George Upington* *alias* *Charles S. Wright* the  
Defendant above named, and the said  
*Christian Zanger* his surety, for the several sums set forth in  
said Recognizance.

At true Extract from the Minutes.

*John Sparks* CLERK.

N. Y. General Sessions of the Peace.

THE PEOPLE OF THE STATE OF  
NEW YORK

*George Winglor*  
*alias Charles G. Wright*  
Principal in the sum of \$500.<sup>+</sup>  
and Christian Jagger  
Surety in the sum of \$500.<sup>+</sup>

Dated June 29<sup>th</sup> 1883

Recognizance to answer, and copy order forfeit-  
ing the same.

*John Jackson*  
*Recorder*

*WJ*

Filed 6 day of July 1883.  
*Z. H. H. H.*

0309

S. R. & J. C. MOTT,  
CIDER AND VINEGAR MAKERS,  
111 Warren St., New York.

*M*

*111 Warren St.*

*There is*

*no*

*indictment*

*Grand* COUNT.

*with an  
FY*

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

*David G. Stein and Figeaz Winton*  
of the CRIME of *so having, on or at and*  
*drawn a lottery*

committed as follows:

The said *David G. Stein and*  
*Figeaz Winton, both*

*wards,*  
late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,  
*wards,*  
at the City and County aforesaid, *did* ~~do~~ *continue,*  
*propose and draw, and assist in*  
*continuing, proposing and drawing*  
*a lottery, the same being a scheme*  
*for the distribution of property, to*  
*wit: divers large sums of money*  
*by chance, among persons who*  
*had paid or agreed to pay a*  
*valuable consideration for such*  
*chance, (a more particular*  
*description of which said lottery*  
*is to the Grand Jury aforesaid*  
*unknown, and cannot now be*  
*given,) to the common and public*  
*nuisance of all the good citizens*  
*of this State, against the laws*



0310

of the Statute in such case  
made and provided, and against  
the peace of the People of the  
State of New York, and their  
descendants.

0311

.....COUNT.

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

David J. Brewster and Hugo of Kingston  
of the CRIME of "Keeping an Office and place  
for money" receiving and registering  
lots and stores for the same of "Brewster & Co. Boston"  
committed as follows:

The said

[illegible]

03 12

To the common and public nuisance  
of all the good citizens of this  
State, 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.

Handy Johnstone

District Attorney.