

**BOX:**

**1**

**FOLDER:**

**3**

**DESCRIPTION:**

**Porter, David**

**DATE:**

**10/21/79**



**3**

107 3 Cases

BW  
Oct 23

Day of Trial,

Counsel,

Filed

day of

Pleads

THE PEOPLE

vs.

E. B.

David Porter

Violation of Gambling Laws.

BENJ. K. PHELPS,

*District Attorney.*

**A True Bill.**

Geo. Starr

Foreman.

F. Oct. 23. 1879

Police Court-- 4<sup>th</sup> District.

Charles S. Kimball

of 43 West 4<sup>th</sup>

upon his oath complains that the person nowhere who gave his name as David Porter at premises ~~is~~ Second floor No. 1 East Street, in the City

and County of New York, unlawfully keeps and maintains a Gambling House, and knowingly permits divers idle, disorderly and evil disposed persons to resort there, to gamble and play at cards and 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 24<sup>th</sup> day of July 1879 said David Porter did unlawfully and feloniously deal the game called Faro, and did then and there ~~within the space~~ of twenty four hours win from deponent

at said game, and that within said premises ~~are~~ <sup>were</sup> exhibited, kept and used by

said David Porter

faro and ~~other~~ gambling tables, checks, cards, devices and apparatus, for the purpose of gambling, the discovery of which would tend to establish the truth of the charge herein made.

Sworn to before me this

day of

25<sup>th</sup> July 1879.

Charles S. Kimball

J. Kilbuck

POLICE JUSTICE.

City of New York: Charles S. Kimball the complainant being further sworn says that Patrick Nolan now here was present on the 24<sup>th</sup> day of July 1879 at the premises above alluded to and witnessed the act of dealing Faro by said David Porter above alluded to



and that said Patrick Nolan was at the  
time employed in and about said premises,  
and that he is a material witness for the  
prosecution in this case.

Sworn before me  
this 27 day of July 1879

J. Kilbuck  
Police Justice

Patrick Nolan called as a witness  
for the prosecution and declines to be  
sworn.

COUNSEL FOR DEFENDANT.

Name,

Address,

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

1

2

3

4

5

6

Office.

Dated

18

Magistrate.

Officer

Clerk.

Witnesses.

to answer

Sessions,

Received in Dist. Atty's Office,

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,

**Police Court, Fourth District.**

CITY AND COUNTY }  
OF NEW YORK, } ss.

*David Porter* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer. *David Porter*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *Brooklyn*

Question. What is your occupation?

Answer. *Horse dealer*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer.

*I am not guilty of the charge preferred against me*

*David Porter*

Taken before me this

*27*

day of *July*

1879

*W. H. Smith*  
Police Justice.



Police Court—Fourth District.

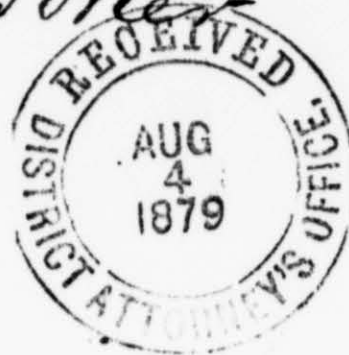
THE PEOPLE &c.

ON THE COMPLAINT OF

*Charles D. Kimball*  
*43 W 44 St*

vs.

1 *David Porter*  
2  
3  
4  
5  
6



*Office, Keeping Gambling House*

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,

Dated

*July 27<sup>th</sup>*

1879

*Wells* Magistrate.

*Serg. Geo. S. Butte* Officer.

*2<sup>nd</sup> Inspection* Clerk.

*\$2000. and*

*com*

Witnesses,

*Patrick Nolan*

*House of detention*

*\$1000. to testify*

*Bailed*

*com*

Received in District Atty's Office,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the the body of the City and County of New York, upon  
their Oath, present :*

That *David Porter* —

late of the *Seventeenth* Ward of the City of New York in the County of New  
York aforesaid, on the *Twentyfourth* day of *July* — ,  
in the year of our Lord one thousand eight hundred and seventy*nine* , at the Ward, City, and  
County aforesaid, with force and arms, feloniously and unlawfully did keep a certain room in a  
certain building, known as number *One First Street* —

§ 40,  
2 Banks, 920.

in said Ward, City, and County, to be used and occupied for gambling, and did knowingly permit  
the said room to be used and occupied for gambling.

**Second Count.** AND the Jurors aforesaid, upon their oath aforesaid, do further  
present :

THAT the said *David Porter* —

late of the Ward, City, and County aforesaid, afterwards, to wit : On the day and in the year aforesaid,  
at the Ward, City, and County aforesaid, being then and there the owner of a certain room in a certain  
building, known as number *One First Street* —

§ 40,  
2 Banks, 920.

, in said Ward, City, and County, did rent the same  
to some person or persons to the jurors aforesaid unknown, to be used and occupied for gambling.

**Third Count.** AND the Jurors aforesaid, upon their oath aforesaid, do further  
present :

THAT the said *David Porter* —

late of the Ward, City, and County aforesaid, afterwards, to wit : On the day and in the year afore-  
said, at the Ward, City, and County aforesaid, being then and there agent for the renting of a certain  
room in a certain building, known as number *One First Street* —

§ 40,  
2 Banks, 920.

in said Ward, City, and County, did rent the same to some person or persons to the jurors aforesaid  
unknown, to be used and occupied for gambling.

**Fourth Count.** AND the Jurors aforesaid, upon their oath aforesaid, do further  
present :

THAT the said *David Porter* —

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

*David Porter*  
at the Ward, City, and County aforesaid, with force and arms, feloniously and unlawfully did keep  
and exhibit in a certain building known as number

§ 41,  
2 Banks, 921.

*One First Street* —  
in said Ward, City, and County, a certain gambling table, and certain cards, chips, devices, and  
appartus, a more particular description of which is to the jurors aforesaid unknown, and cannot now  
be given, the same being suitable for gambling purposes, and which were then and there intended to  
be used for gambling purposes.

**Fifth Count.**

AND the Jurors aforesaid, upon their oath aforesaid, do further present :

THAT the said

*David Porter*

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

*David Porter*

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

*one First Street*

in said Ward, City, and County, wilfully and feloniously did deal and did act as dealer for a certain banking game commonly known as

*Faro*

whereof the name and a more particular description is to the Jurors aforesaid unknown, and cannot now be given, the same being a banking game upon the result whereof money was then and there dependent.

**Sixth Count.**

AND the Jurors aforesaid, upon their oath aforesaid, do further present :

THAT the said

*David Porter*

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

*David Porter*

on the day and in the year aforesaid, with force and arms, at and in a certain room in a certain building, known as number

*one First Street*

in said Ward, City, and County, wilfully and feloniously did act as "look-out" for a certain banking game commonly known as

*Faro*

, whereof the name and a more particular description is to the Jurors aforesaid unknown, and cannot now be given, the same being a banking game, upon the result whereof money was then and there dependent.

**Seventh Count.**

AND the Jurors aforesaid, upon their oath aforesaid, do further present :

THAT the said

*David Porter*

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

*David Porter*

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

*one First Street*

in said Ward, City, and County, wilfully and feloniously did act as game-keeper for a certain banking game commonly known as

*Faro*

whereof the name and a more particular description is to the Jurors aforesaid unknown, and cannot now be given, the same being a banking game upon the result whereof money was then and there dependent.



**Eighth Count.** AND the Jurors aforesaid, upon their oath aforesaid, do further present:

THAT the said

*David Porter*

late of the Ward, City, and County aforesaid, afterwards, to wit: On the day and year aforesaid, at the Ward, City, and County aforesaid, knowingly and feloniously did persuade and prevail on one

*Charles S. Kimball*

§ 44,  
2 Banks, 921.

through invitation and through device, to visit a certain room in a certain building, known as number

*One First Street*

in said Ward, City, and County, the same being a room in the aforesaid building then and there kept for the purpose of gambling therein; and that the said

*Charles S. Kimball*

then and there whilst so visiting the said room, in the aforesaid building, after being persuaded and prevailed upon so as aforesaid, did gamble therein, and did lose by gambling therein a certain sum of

money to wit: the sum of

*One Hundred dollars*

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.

BENJ. K. PHELPS,

*District Attorney.*