

0280

BOX:

479

FOLDER:

4383

DESCRIPTION:

Burns, William

DATE:

05/25/92



4383

0201

POOR QUALITY
ORIGINAL

Witnesses:

Off. Schuman

Attest
Otto Kopp

*After concerning
the report of 2nd
Adm. Dist. City
Adm. & after
conference with
him, I accompanied
him to his indictment
& dismissed.*

*De Lancey Nicoll
Dist. Atty.*

June 6, 1892

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

William Brown

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Julius C. Smith

Foreman.

*Part 3. June 7, 1892.
Indictment dismissed*

0282

POOR QUALITY ORIGINAL

FIRST DISTRICT POLICE COURT.
CITY AND COUNTY }
OF NEW YORK. } SS.

Recognizance to Testify.

BE IT REMEMBERED, That on the

12 day of April in the year of our Lord 18 92

Vincenzo Scaino
of No. 601 Baiter Street, in the City of New York,

and Antonio Curio
of No. 28 Mulberry Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for 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

Vincenzo Scaino

the sum of Three Hundred Dollars;

and the said Antonio Curio

the sum of Three Hundred Dollars,

seperately, 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:

The Condition of this Recognizance is such, That if the person, first above recognized, shall personally appear, at the next COURT OF Small SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an OFFENCE or MISDEMEANOR, said to have been lately committed in the City of New York aforesaid by

William Burris

And do not Depart thence, without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the }
day and year first above written.

Vincenzo Scaino
Antonio Curio

W. J. Mulvaney
POLICE JUSTICE.

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POOR QUALITY
ORIGINAL

Indication
Police Justice,

day of

Storn before

18

92

CITY AND COUNTY } ss.
OF NEW YORK,

the within-named Bail, being duly sworn, says, that he is a *free* holder in
said City, and is worth *Six* Hundred Dollars,
over and above the amount of all his debts and liabilities; and that his property consists of

*House and lot number
28 Mulberry street of the
full value of Six
Hundred Dollars*

antonio curcio

Sessions.

New York

RECOGNIZANCE TO TESTIFY

THE PEOPLE, &c.,

vs.

POLICE JUSTICE.

18

day of

Filed

James Candiano

James Walker commenced
the fight ^{attempting to strike Burns and Burns}
by grabbing Burns ^{by John} and they struggled together
and fell together and when
they got up ~~that~~ John Walker
a ~~second time~~ ^{attempted to strike Burns} they grappled
a ~~second time~~ ^{a second time} and they fell again
and when they picked Walker
up he was dead. James
knew what was in the water.
Burns did not wish to fight
because he only grappled with the
man and did not strike or beat him.

Otto Liffert

John Walker attempted to
fight with Burns attempted
to strike him and Burns grappled
with Walker & threw him down
and when Walker got up he at-
tempted to strike Burns a second
time & Burns threw him down and
a third time Walker attempted
to strike Burns & Burns grappled
with Walker and they
both fell on the floor
and when Walker was picked
up he was dead.

Jesse- Walters

When I first saw Walker
he was on the floor and I got
as soon as he got up he attempted
to strike Burns and Burns threw
him down upon the floor and
and a short time when he got up
again he attempted to strike Burns
and Burns grappled with
Walker and they fell upon the
floor and when Walker was picked
up he was dead.

Harry Duesch

When I first saw John Walker
he was lying on the floor and when
he got up he attempted to strike
^{and a strike} Burns & Burns grappled with
John Walker & threw him on the
floor both fell on the floor
and threw him down, and when
Walker got up he rushed at Burns
again and attempted to strike
Burns and struggled together and
fell on the floor. Burns en-
deavored to avoid the fight
and tried to keep away

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POOR QUALITY
ORIGINAL

Wilhelm Plöper.

When Pfist. Walker he
and Burns were striking each
other they climbed & Burns
threw Walker on the floor. Walker
immediately got up and went
at Burns again and they con-
tinued to hit each other with their
fists. Burns grappled and threw
Walker down and Walker got up
again & immediately went at
Burns and Burns threw him
down ^{spelled with his} when they got Walker
up he was dead.
Burns attempted to avoid
the fight & retreated.

0207

POOR QUALITY
ORIGINAL

History of War Plozes
Louis Cardinals
Other addresses

0288

POOR QUALITY
ORIGINAL

Police Court, / District.

(1353)

City and County } ss.
of New York,

of No. 12th Avenue Police Street, aged _____ years,
 occupation Police Officer being duly sworn, deposes and says,
 that on the 12th day of April 1892, at the City of New
 York, in the County of New York

He arrested William Burns (now
 here) charged with Homicide, in
 having taken the life of one English
 Jack, whose proper name being
 John Walters. And that Vincenzo
 Gammis, Louis Contino, Heinrich diving
 Wilhelm Gfluger, Jacob Walter
 and Otto Gaepfer (all now here)
 are necessary and material witnesses
 on the part of the people, And deposes
 says he has good and sufficient
 reasons to believe that said witnesses
 will not appear at the trial at the
 Court of General Sessions to give
 their testimony And he asks that
 they be committed to the house of
 detention

Sworn to before me, this 12th day

of April 1892

W. D. Schirmer Police Justice.

Joseph Schirmer

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POOR QUALITY
ORIGINAL

Joseph Schinner a police officer
 of the 6th precinct police being
 duly sworn deposes & says That
 on the morning of the 12th day of
 April 1892 on information that he
 received he arrested William
 Burns (nowhere) charged with
 Homicide in taking the life of
 John Walters otherwise known
 as English Jack, and that said
 Burns then took deponent that
 said English Jack asked him
 said Burns to treat him and that he
 refused and said Burns then struck
 English Jack in the face and knocked him
 down.

Joseph Schinner

Sworn to before me, this 12th day
 of April 1892
 Wm. M. ... Justice.

0290

POOR QUALITY
ORIGINAL

Otto Jaeppler being duly sworn
deposes & says

I reside at 6 Chatham
Square, that on the morning of the
15th day of April 1892 between the
hours of 9³⁰ and 10 am on the morning
of said day I was in the saloon of
Antonio Canino at 23 Mulberry
Street and was drinking a glass of
beer, and standing at the store.
I saw William Burns (male) and a person called English Jack
fighting and I saw said Burns throw
the said English Jack down on the
floor, and as he fell he struck his
head on the iron rail outside
of the bar, then English Jack got
up again and took hold of said
Burns again, and again began to
fight when said Burns again
threw the said English Jack down
and again said English Jack got
up and caught hold of said
Burns, who again threw him down

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POOR QUALITY
ORIGINAL

3

Jacob Walter being duly sworn
deposes and says

I reside at 6 Chatham
Square, that on the morning after the
15th day of April 1892 between the
hours of 9th & 10 o'clock am on said
day I was in the saloon 23 Mulberry
Street, and had a glass of liquor, and
I saw William Burns (nowhere)
and another person called English
Jack fighting with each other
and I saw said Burns throw
said English Jack down on the
ground, and said English Jack
then got up and caught said
Burns and began again to fight
with him and said Burns again
threw him down on the ground
Then some persons in the saloon
picked up said English Jack
and placed him in a chair and
he was dead, and that is all I know

Sworn to before me, this

12th day

of April

1892

Police Justice.

Jacob his Walter
mon

0293

POOR QUALITY
ORIGINAL

3

William Pfluger being duly
sworn deposes ^{and says,}

I reside at 9 Mulberry
Street, between the hours of 9 ^{to} 10
o'clock am on the morning of the
15th day of April 1892 I was in the
saloon 23 Mulberry Street and I saw
William Burns (nowhere) ^{and} a person
called English Jack in said place
fighting ^{and} I saw said Burns throw
the said English Jack down on
the ground ^{and} said English Jack
got up ^{and} caught said said
Burns again began to fight with
him ^{and} said Burns again threw
said English Jack down on the
ground ^{and} English Jack again got
up ^{and} again fought with said
Burns ^{and} said Burns again threw
him down ^{and} some persons in
said place then picked up said
English Jack ^{and} placed him in a chair
and he was dead and that is all I know

Sworn to before me, this 12th day

of April 1892

W. J. Madenhor Police Justice,

Wilhelm Pfluger

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POOR QUALITY
ORIGINAL

B. 196. 2. C.

Coroner's Office, New York County.

In the Matter of the Inquest
into the Death

- of -

JOHN WALKER.

Before
HON. FERDINARD LEVY,
and a Jury.

New York, May 16th, 1892.

-----:o:-----

OFFICER GEORGE WILLET, duly sworn:

By the Coroner:-

Q To what Precinct are you attached? A. 6th Precinct.

Q Tell the Jury what you know about this case? A. I saw this man Byrnes, start out of the saloon No. 23 Mulberry Street, he was on a run through Mulberry Street, it was about ten o'clock in the morning - I pursued him through Mulberry Street, and brought him back and found the man John Walker in the saloon dead. I was told by the witnesses present that this was the man who had knocked him down and his head struck the rail of the bar and he died there; it was a bar-room fight they told me; I have five witnesses here; they said this man came in to get a drink and Walker asked him to treat him - he said he would make him treat - and this man knocked him down, and Walker went back again and finally Walker said "Let me up, I got enough." And then Walker struck him again when he got up; the third time he struck him he knocked him down and his head struck the railing.

(1)

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POOR QUALITY
ORIGINAL

Q Did you have any conversation with this man Byrnes when you arrested him? A. He was partially intoxicated - he knew what occurred - he told me the same story himself.

Q Did he know this man too? A. Yes, sir; he knew him, I knew them personally myself, they were both lodging-house men - they hung out in this saloon there.

-----:o:-----

FRANK S. PRICE, duly sworn:

At the time of this occurrence, I was Ward Detective in the 6th Precinct; I met the officer coming up with the defendant. He told me he had three or four witnesses, and this man was slightly intoxicated, and he said he did it in self defence.

-----:o:-----

VINCENZO CANNINA, duly sworn:

By the Coroner:-

Q Where do you live? A. No. 64 Baxter Street.

Q Were you the bar-keeper on the 12th of April in that saloon? A. Yes, sir.

Q Who keeps that saloon? A. Tony Cannina.

Q Is he the boss? A. Yes, sir.

Q You are the bar-tender? A. Yes, sir.

Q Did you see this fight? A. No, sir; I didn't see any fight.

Q Where were you? A. Behind the bar.

Q What time? A. I opened five o'clock in the morning.

Q When did this happen - do you know anything about the fight that morning? A. Yes, sir.

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POOR QUALITY
ORIGINAL

Q Were you there? A. Yes, sir.

Q You saw no fight? A. I see no fight.

Q What time did you go home that morning- what time did you go to bed? A. Eight o'clock in the night.

Q You came back in the morning what time? A. Five o'clock.

Q You were in the saloon from five o'clock in the morning until what time - the whole day? A. Yes, sir.

Q And you saw no fight? A. No, sir.

Q Did you see this man there? A. Yes, sir.

Q Was he in your saloon that morning? A. Yes, sir.

Q What is his name? A. I don't know his name.

Q You saw Walker, the dead man? A. I don't understand what you say.

Q You saw that man there in that saloon? A. Yes, sir.

By Mr. MacDonna:-

Q Did you see him strike the other man? A. No, I didn't see that.

Q You did not see that man knock Walker down? A. No, sir.

Q You did not see Walker get up? A. No, sir.

Q You did not see the man get up three times and Byrnes knock him down three times? A. No, sir.

Q How high is that bar? A. I got plenty of customers.

Q How many people were in that saloon? A. I don't know I never count them.

Q Count them for me? A. Well, I don't know.

Q Twenty-five or a hundred? A. About twenty.

Q How big is that bar-room - is it as big as that Jury-box there? A. Yes, sir.

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POOR QUALITY
ORIGINAL

Q There were twenty men in there? A. Yes, sir.

Q Did you know any of them? A. No, sir.

Q None of them at all? A. No, sir.

Q Did you ever see that man in your place before that morning? A. I never saw that man,

Q Never saw Walker either? A. No, sir,

Q Nor any of the other twenty men standing up there - did you ever see any of these people before? (Indicating to some witnesses.) A. Yes, sir; that man there.

Q What is the name of that man there with the black hair? A. Luitz.

Q What is that man's name? A. Henry.

Q And the other man? A. Louis.

Q And the other man? A. Jack.

Q And the other man? A. I don't know his name.

Q What is that man's name standing there - the prisoner? A. I don't know.

Q You don't know him? A. No, sir.

Q Never saw Walker before - the dead man? A. No, sir.

Q You are quite sure of that? A. Yes, sir.

Q You saw those man there? A. Yes, sir.

Q They were there? A. Yes, sir.

-----:o:-----

LOUIS CANTIANO, duly sworn:

By the Coroner:-

Q Where do you live? No. 16 Baxter Street.

Q What is your business? A. Tailor.

Q Where do you work? A. In East Broadway for Mr. Stein.

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POOR QUALITY
ORIGINAL

Q What number? A. 69 East Broadway.

Q Were you in that saloon on the morning of April 12?

A. I went in to drink a glass of beer.

Q Did you see any fight? A. No, sir; when I went in there the man was dead.

Q This man Walker? A. Yes, sir.

Q Did you know Walker the dead man? A. The dead man wanted to fight with him- with Byrnes, and he pushed and knocked him down and he knocked him down, and he wanted to fight again - the dead man wanted to fight with Byrnes - and Byrnes knocked him down again, he knocked him down twice - and then he sat on the chair, and then they said he's dead - they said the man is dead - he is dead.

Q What was this man doing while they were picking the other man up off the floor? A. Somebody else picked him up.

Q What was this man doing - the prisoner? A. Standing near the bar.

Q And when ~~he~~ they said he is dead, this prisoner ran out?

A. Yes, sir.

Q Are you married? A. My wife is dead.

-----:o:-----

HENRY DRESCH, duly sworn:

By the Coroner:-

Q Where do you live? A. No. 18 Bell Street; I am a butcher by occupation I work for Mr. Harnishfeger in Harlem. I was in that saloon that morning I went in for one glass of beer- and when I was at the bar I saw the two men fighting together - I saw those two men fighting with each

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POOR QUALITY
ORIGINAL

other, Walker and Byrnes; and when Walker fell down he always got up again and wanted to fight.

Q What did Byrnes do? A. When Walker commenced to fight Byrnes defended himself again.

Q Was Walker intoxicated? A. I cannot tell.

Q Was Byrnes drunk? A. I don't know that either - the third time he tackled him again they clinched, they both *fell* ~~out from~~ and Walker was underneath.

Q What did they do next? A. They put him on the chair and afterwards the Police came.

Q What became of Byrnes? A. I don't know.

Q How many people were in the saloon, about? A. About ten men.

Q Did you see that man there? (Indicating to the former witness.) A. Yes, sir; he was the bar-tender.

Q Was he there when the fight took place? A. He was behind the bar.

Q He was there behind the bar? A. Yes, sir; during this fight the bar-keeper was there.

Q Did you know Walker? A. No, sir.

Q Did you know Byrnes? A. No, sir.

Q Did you ever see the two people before that? A. No.

Q Walker or Byrnes? A. No, sir.

Q When you came in Byrnes and Walker were in the saloon?
A. I was there first.

Q Did they come in together? A. I don't know.

Q How long after you were in the saloon did the fight commence? A. Perhaps about a half an hour I was in there.

Q You don't know those two people? A. No, sir.

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POOR QUALITY
ORIGINAL

Q Have you a family? A. No, sir; I am single.

Q Where did you last work? A. No. 35 Rivington Street
with an expressman, his name was Scatzberger.

-----:o:-----

OTTO LOEFFLER, duly sworn:

By the Coroner:-

Q What is your business? A. Brick layer.

Q When did you last work at it? A. About two years and
a half ago - I work now on an express-wagon at Eldridge
Street.

Q Where did you live when you were arrested? A. No. 6
Park Row.

Q In a Lodging-house? A. No, sir.

Q Are you a married man? A. No, sir.

Q Were you in the saloon when this happened? A. Yes,
sir; I came in about nine o'clock.

Q Where is that saloon? A. No. 23 Mulberry Street, near
Worth.

Q When you came in there how many people were in there?
A. About fifteen people.

Q Was the bar-keeper there? A. Yes, sir.

Q He was there? A. Yes, sir.

Q When did you see Walker there - did you see him there?
A. Yes, sir.

Q And this man Byrnes? A. I seen Walker first and then
the other man came in - Walker was in there before I came
in Byrnes came in about a quarter past nine or nine o'clock.

Q Did you know Walker? A. Yes, sir; I knew him.

Q What was he - what did he do for a living? A. I only

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POOR QUALITY
ORIGINAL

seen him a couple of times.

Q In the saloon? A. In the saloon.

Q Was he sober that morning? A. I don't know - I cannot say that, I did not talk to him ; I came in and I drank one glass of beer , and I seen that Walker and the other fellow they fought together - I drank my glass of beer out, and stood up on the stove in the middle of the bar-room.

Q Who commenced the fight? A. I don't know - I seen him throw him down.

Q Who, Byrnes? A. Yes, sir; and the fellow stands up again and he wanted to get satisfaction from him - he threw him down again, and I seen two other people were on the bar and I didn't see any more; and the third time they were fighting again and they fell together - and I seen that fellow leave him alone, and the other fellow picked up Walker and he was sitting on the chair and he was dead. That is all I know about it- he got up the first time and the second time and the third time the two clinched and the two fell together.

Q Was he dead at the time he was struck by the railing?

Mr. MacDona: He died of a ruptured heart he did not die from the fall on the railing.

-----:o:-----

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POOR QUALITY
ORIGINAL

1

JACOB WALTER, duly sworn:-

By the Coroner:-

Q Where do you live? A. I live No. 6 Chatham Square.

Q What is your occupation? A. I am peddling. I was in that saloon that morning. I was in that morning and was taking a glass of liquor at the time it happened. I seen Burns. I didn't see the start of the fight; I seen Burns knocking Walker down with his head on the rail; Walker got up again and went for Burns again to revenge; I don't know whether he knocked him down the second time, but he fell on the floor, and the third time they grabbed each other again and then there were fifteen people there, and Walker fell and Burns on top of him and they separated, and he got up and he heard the word that he was dead and he ran out, and they picked Walker up and put him on a chair and he was dead; that is all.

Q Did you pick him up? A. No, sir; I did not lay a hand on him; there was some other fellows --

By Mr. MacDonna:-

Q Did you hear any conversation during the time this fight was going on? A. No, sir.

Q What was their condition, sober or drunk? A. I couldn't answer that.

Q It only took a few moments? A. It didn't take long; I didn't take my glass of whiskey out -- he was longside of me.

Q Were there many people there at this time? A. About fifteen; of course, I didn't count them exactly.

-----oOo-----

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POOR QUALITY
ORIGINAL

WILLIAM PHILUEGER, duly sworn:-

By the Coroner:-

Q Where do you live? A. No. 9 Mulberry Street, in a lodging house.

Q Did you see this fight? A. Yes, sir; I saw those two men Burns and Walker fighting. I seen the two people have a fight and this man knocked the other man down. Then the deceased got up again and went towards Burns again and they continued to fight, and Walker fell down again, and the third time he threw him down again and then he was dead.

-----o^o-----

JAMES WALKER, duly sworn:-

I live No. 283 Broome Street; I am a painter by occupation; the deceased was my brother; he was about 29 years of age.

By the Coroner:-

Q Were you in that bar room that morning? A. No, sir.

Q When did you first hear of it? A. The Roundsman of the 6th Precinct, when I was reading the paper, he was killed in the morning, and the Roundsman of the 6th Precinct told me about it.

Q Did you make any inquiry about it? A. I went down on the 7th of May, last Saturday a week, to make inquiries; how this matter was coming off; and the only answer I got was three stab wounds -- in the eye, in the leg and in the breast by a friend of Burns.

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POOR QUALITY
ORIGINAL

Q Do you know Burns? A. I do not.

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Q Do you know whether your brother knew him before that day? A. I couldn't say, sir.

Q Did you make inquiries prior to that? A. I went down on the seventh to inquire from this proprietors brother, the bar tender found out when this trial was coming off -- my sister sent me down; when I went down there I got in an argument with a party supposed to be a friend of Burns and I got three stab wounds; one here, and one in the leg and one in the eye; the man pleaded guilty and he got two years and five months.

-----oOo-----

The Coroner cautions the prisoner that inasmuch as he is not represented by counsel he had better not make any statement at this time.

The prisoner does not take the stand.

-----oOo-----

VERDICT: We find that JOHN WALKER came to his death during a fight with one William Burns at the saloon No. 23 ^{Mulberry} ~~Baxter~~ Street, April 12th, 1892, at 9.30 A. M.

-----oOo-----

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POOR QUALITY
ORIGINAL

Dr Albert T. Weston

States that he made the
autopsy on the body of John Walker
the accident. He found no evidence
whatever of external violence and
that the cause of death was
natural, being enlargement
of heart. The accident was
unable to die at moment from
exertion.

Albert T. Weston M.D.

0306

**POOR QUALITY
ORIGINAL**

Statement of Dr. H. H. H.

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POOR QUALITY
ORIGINAL

COURT OF GENERAL SESSIONS.

-----X

The People

v.

William Burns

Indictment filed May
25, 1892.
Manslaughter 2nd Deg.

-----X

I have examined all the witnesses for the People in this case who saw the fight hereinafter mentioned except one Henreich Diving. His testimony was taken before the Coroner and the Police Magistrate who heard the case, and is substantially the same as that of the other witnesses.

I find the following to be the facts of the case:

The defendant William Burns, and the decedent John Walker, were, on the 12th day of April 1892, in the bar-room of Tony Cannina, at 23 Mulberry Street, and when first observed, John Walker was endeavoring to strike William Burns. Burns grappled with Walker and threw him down. Walker got up immediately and endeavored again to strike Burns. Burns grappled a second time with Walker and threw him down, whereupon Walker got up and for the third time attempted to strike Burns who grappled with Walker and both fell to the floor. Walker upon being picked up was found to be in a dying condition, and died a few minutes thereafter.

All the witnesses--and I have examined five disinterested eye-witnesses--concur in the fact that Burns endeavored to avoid the fight, and each time retreated before being attacked by Walker, and that Walker persisted in his attacks on Burns.

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POOR QUALITY
ORIGINAL

(2)

The autopsy was made of the body of John Walker by Deputy Coroner Dr. Albert T. Weston who reports that Walker was a muscular man but had an enlarged heart; that there were no marks of violence whatever upon his body; that he died from natural causes, and that the cause of death was enlargement of the heart; that the decedent was liable to die at any moment from exertion.

I therefore recommend a dismissal of the indictment.

June 3rd, 1892.

Geo W Osborne
Dep. Asst

THE PEOPLE OF THE STATE OF
NEW YORK

against

William Burns

Report

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

0309

POOR QUALITY
ORIGINAL

0310

POOR QUALITY
ORIGINAL

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the *Coroner's Office*
No. 77 Chambers Street, in the *6th* Ward of the City of
 New York, in the County of New York, this *16th* day of *May*
 in the year of our Lord one thousand eight hundred and ninety-two before

FERDINAND LEVY, Coroner,

of the City and County aforesaid, on view of the body of *John Walker*
~~now lying dead at~~

Upon the Oaths and Affirmations of
Three good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the
 said *John Walker* came to his death, do upon
 their Oaths and Affirmations, say: That the said *John Walker*
 came to his death by

during a fight with one *William*
Burns at the saloon no. 23 *Madison*
Street, April 12th 1892, at 9.30 am.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

Samuel Virginia 26 Jefferson *Jeffrey Kraft 94 9th*
Leon Perlman 84 Eldridge *Harry Moscovitz 127 Forsyth*
Harry B. B. 798 Forsyth *I. Cutler 141 Park Row*
Fred Schneider 94 Forsyth *Ab. Gifman 296th Grand*
Julius Bonawit 113 & 101

Ferdinand Levy
 Coroner. I. S.

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POOR QUALITY
ORIGINAL

TESTIMONY.

Albark Weston M. D., being duly sworn, says:
I have made an autopsy of the body of
John Wacker now lying dead at
583 Brown and from such autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is Hypertrophy & dilatation

of heart over exertion during a
fight at 23 Mulberry
St April 17th 92

Albark Weston M. D.

Autopsy
Body that of a muscular man,
there are no visible marks
of violence.
The Brain normal.
The Lungs congested.
The Heart much enlarged, the
walls thickened & soft and the
left Ventricle cavity very
much dilated & containing a
soft dark clot.
The liver fatty
The Kidneys ~~enlarged~~ are
the seat of chronic inflam-
matory changes.
The Stomach congested
The Intestines normal,
The cause of death
Hypertrophy & dilatation
of heart Albark Weston M. D.

Sworn to before me,

this

13

day of

April 1892

CORONER.

0312

POOR QUALITY
ORIGINAL

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
29	Years	Months	Days	Eng. 283 Brunswick St.	April 12/92
				from 23 Mulberry St.	

was knocked down in a fight
with William Burns at
Mulberry St April 12th above
9³⁰ AM.
John Walker
63 1st Ave
presence witnesses
Bro. Geo Walker
283 Brunswick St

John Walker
283 Brunswick St

F. L.

143

1892

AN INQUISITION

On the VIEW of the BODY of

John Walker

whereby it is found that he came to
his death by ~~other~~ during
a fight with
William Burns

Original taken on the 16 day

1892

RECEIVED
JULY 1 1892



0313

POOR QUALITY
ORIGINAL

4

Herriick Irving being duly sworn
deposes and says

I reside at 18 Fall Street
That on the morning of the 12th day
of April 1892 between the hours of
9:30 ^{AM} & 10 AM on said day I was
in the saloon 25 Mulberry Street
and I saw William Burns (nowhere)
and another person called English
Joan fighting, and I saw said Burns
throw down on the floor said English
Joan and said English Joan then
got up again and took hold of said
Burns again and said Burns again
threw said English Joan on the
ground and then some persons
in said place picked up said
English Joan and placed him in
a chair and he was dead and that is
all I saw.

Sworn to before me, this

12th

of April

1892

W. T. Nichols

Police Justice.

Herriick Irving

0314

POOR QUALITY
ORIGINAL

Louis Fontaine being duly sworn
deposes and says

I reside at 16 Baxter
Street between the hours of 9th & 10th
o'clock AM on the morning of
the 12th day of April 1892 I was
in the saloon 23 Mulberry Street
drinking a glass of beer, and
I saw William Burns (now
here) and a person called English
Jasen fighting with each other I saw
said Burns throw said English
Jasen down on the ground and then
said English Jasen got up and
took hold of said Burns and
said Burns again threw him down
and some persons in the place
picked up English Jasen and said
he was dead and said Burns ^{ran} away
and the police officers came
and arrested us and that is all I know

Sworn to before me, this

12th day
of April 1892

Louis Fontaine

R. W. McMahon

Police Justice.

0315

POOR QUALITY
ORIGINAL

6

Vincenzo Gaudio being duly
sworn deposes and says

I reside at 61 Barton
Street, I saw the barkeeper at the
premises 23 Mulberry Street, and
was in the saloon between the
hours of 9th & 10 o'clock am on the
12th day of April 1892 and I did not see
any fight or anything else take
place there, while I was there then
driving bar I was behind the bar
all that morning until I was taken
to the station house

Sworn to before me, this 12th day

of April 1892

W. W. W. Police Justice.

Vincenzo Gaudio

0316

POOR QUALITY
ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Burns*

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. *20 Putavia Street 2 days*

Question. What is your business or profession?

Answer. *Seaman*

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*
Murray Burns
His
mark

Taken before me this *12*
day of *April* 188*9*
W. H. Jackson
Police Justice.

0317

POOR QUALITY ORIGINAL

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

3 Bailed by Andrew's Cino
2-8-1892

Police Court--- District-

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph M. Williams

HOUSE OF DETENTION CASE.

Offense *Murder*

Dated

April 12

1892

John M. Williams Magistrate.

Shumner Officer.

6 Precinct.

Witness *Joseph M. Williams*

No. *6* Street.

William M. Williams

John M. Williams

John M. Williams

John M. Williams

John M. Williams

John M. Williams

John M. Williams



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~~ *and by committed to the Warden and Keeper of the City Prison of the City of New York, and he give such bail.*

Dated, *April 12* 1892 *P. M. Williams* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0318

POOR QUALITY
ORIGINAL

(522)

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 Burns

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *William Burns* —

of the crime of *manslaughter in the*
second degree, —

committed as follows:

The said *William Burns*,

late of the City of New York, in the County of New York aforesaid, on the

Twelfth day of *April*, in the year of our Lord one thousand
eight hundred and ninety-*two*, — at the City and County aforesaid,

in and upon one John Walker, wifeless
and feloniously did make an assault,
and upon the said John Walker, in and
upon the head and body of him the

0319

POOR QUALITY
ORIGINAL

said John Walker, with the hands of, yet
of him the said William Burns, then and
there wilfully and feloniously did strike,
beat, strike and wound, and did then
and there wilfully and feloniously push
cast and throw him the said John Walker
with great force and violence down into
and upon the ground there, by reason
and by means of which said striking,
beating, striking and wounding, and
also of which said pushing, casting
and throwing of him the said John Walker
down into and upon the ground as
aforesaid, he the said John Walker
then and there became and was
mortally sick and distressed in his
body, and of the said mortal sickness
and distress so as aforesaid occasioned,
then and there died.

And so the Grand Jury aforesaid
do say, that the said William Burns,

0320

POOR QUALITY
ORIGINAL

In the said John Walker, in the
manner and form and by the
means aforesaid, willfully and
feloniously did kill and slay;
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

Deaneys Mill,

~~District Attorney~~

0321

BOX:

479

FOLDER:

4383

DESCRIPTION:

Byrnes, Frank

DATE:

05/27/92



4383

0322

POOR QUALITY
ORIGINAL

1018
March 7

Counsel,
Filed, 189
Ready, Magguly, Chyrd

POOL SELLING.
(Section 861, Penal Code, and Chap. 478, Laws of 1887, §§ 4 and 7.)

THE PEOPLE
vs.
B
Frank Barnes
(2 Copies)

March 27/93
Hendry
DE LANCEY NICOLL,
District Attorney

through M. and, indistinct,
somehow suspended

A TRUE BILL.

Lucius Catlin
Foreman.

F. March 31/93

Witnesses:

0323

POOR QUALITY
ORIGINALSTATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss: "

POLICE COURT, 2 DISTRICT.

William A. Ryan

of No. 19th Precinct Police Street, being duly sworn, deposes and says,

that on the 19 day of May 1891

at the City of New York, in the County of New York, Frank Byrnes

(now being) did keep at No 15 West 28th, at a place other than an authorized race track, a place for the recording and registering of bets on horse races, and did record and register a bet on a horse race in violation of section 351 of the Penal Code of the State of New York, and did in violation of said section become the custodian for him, at said place, in violation of the of the sum of two dollars bet on a horse race.

Defendant went to said place on said date and there saw the defendant selling tickets similar to the one annexed to this affidavit marked A. numbered 166. and dated May 18 1891. Defendant said to defendant "I want to make a bet" Defendant said "Make out a blank." Defendant filled out a blank that was lying on the desk there, and defendant wrote in that blank the name of the horse "Little Sandy" and defendant named the first race, and the amount two dollars which was the amount of defendant's bet, and at that

0324

POOR QUALITY
ORIGINAL

time there was a blackboard in
said place with the names of horses
written thereon, and among said names
was that of "Little Sandy" which was
advertized to run in a race at Gravesend
Kings County on that day, and the
defendant then gave to deponent
the annexed ticket marked "A" and
then said to deponent "We take no
bets here; you will have to pay ten
cents to transfer your message." De-
ponent gave defendant ten cents
and deponent charges that the
said ticket marked "A" was the
unlawful record of a bet then
and there registered and recorded
by the defendant.

Subscribed and sworn to before me this 19 day

May 1897
W. J. McMahon
Police Justice.

Wm O Ryan

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated _____ 188

Magistrate.

Officer.

Witness.

Disposition

0325

POOR QUALITY
ORIGINAL

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Frank Byrnes 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.

Frank Byrnes

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

311 East 40th Street 8 months

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

I am not guilty

Frank Byrnes

Taken before me this

day

May

1911

Police Justice.

0326

POOR QUALITY
ORIGINAL

BAILED,
No. 1, by John F. Kelly
Residence 232 East 121st Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

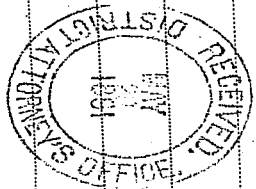
Amel D. Hagan
Thomas Rogers

Offence Viol. of the
Pool Law

Dated May 19 1891

Wm. J. McNamee Magistrate.

Alphonse Officer.
19 Precinct.



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

No. 872 Street 9-8
to answer Bailed

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

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

Dated May 19 1891 W. J. McNamee Police Justice.

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

Dated May 19 1891 W. J. McNamee Police Justice.

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

Dated _____ 18 _____ Police Justice.

0327

POOR QUALITY
ORIGINAL

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel F. McMahon a Police Justice
of the City of New York, charging Frank Byrnes Defendant with
the offence of Viol. of Pool Law

and he having been brought before said Justice for an examination of said charge, and it having been made
to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and
the hearing thereof having been adjourned,

We, Frank Byrnes Defendant of No. 311 East
40th Street Street; by occupation a Clerk
and John H. Allen of No. 177 West 47th
Street, by occupation a Broker Surety, hereby jointly and severally undertake
that the above named Frank Byrnes Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 20
day of May 1891.

D. McMahon

POLICE JUSTICE.

Frank Byrnes
John H. Allen

**POOR QUALITY
ORIGINAL**

Wm
Date of 1891
H. M. M. L. Justice.

Sworn to before me, this 2^d.....

exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities,
and that his property consists of the Household furniture, personal
furniture &c in premises 177 West 47th
Street worth \$5000. some all in compliance

John H Allen

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

719.

Taken the..... day of..... 18.....

Justice.

82

0329

POOR QUALITY
ORIGINALSTATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

POLICE COURT, 2 DISTRICT.

Matthew Mc Connell
of No 19 Precinct Police Street, being duly sworn, deposes and says,
that on the 20 day of May, 1891
at the City of New York, in the County of New York, Frank Byrnes.

(nowhere) did at the premises, number 15 West 28 Street, on the first floor, and not upon lawful grounds, or an authorized race track keep a room, or a part thereof, with apparatus, or paraphernalia for the purpose of recording or registering bets or wagers upon the result of a trial or contest of speed, between beasts, that the defendant did knowingly permit said premises, to be occupied for such purpose, and did employ e. apparatus, or paraphernalia, for recording, or registering bets or wagers, or did become the custodian of a depository for horse, of money wagered upon such result. That the defendant did record and register a bet or wager, upon such result, in violation in Section 351 of the Penal Code

Depositor further that he visited said premises on said day, and saw blackboards on the wall in the said premises room, with the names of horses, and the figures of odds, marked thereon, Depositor filled out a commission blank authorizing the said defendant, to bet \$2, for him, at the Gravesend Race Track, on a horse called Maywood, said horse being advertised, to run in the first race at the Gravesend Race Track, on the said 20th day of May, 1891; Depositor then handed the said Commission blank and two Dollars, to defendant

0330

POOR QUALITY
ORIGINAL

and defendant said ten cents for Commission.
for commission to send this money to the Race
Track, Defendant then handed the defendant
ten cents, and defendant the annexed ticket.
marked Exhibit A, as a receipt to receive
of said bet or wager. That the two dollars
was the amount of defendant's bet or wager.

That the odds marked upon the black board
in said room against the said horse (Maywood)
was the figures 10. and 3.

Wherefore Defendant charges the
defendant with violating Section 35-1
of the Penal Code aforesaid.

Sworn to before me } Matthew W. Connel
This 20th of May 1891 }

W. W. Connel

Police Justice

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

0331

POOR QUALITY
ORIGINAL

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

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
Frank Byrnes

Taken before me

day of

1891

Police Justice.

0332

POOR QUALITY
ORIGINAL

The presiding magistrate
is authorized to hear and
determine this case in my
absence, and to accept bail.
W. J. McDaniel
Police Justice.

BAILED,
No. 1, by *John Miller*
Residence *15 King* Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William McDaniel

Paul Rogers

Offence *N.Y. Pool Law*

Date

May 29 1891
McDaniel Magistrate.

McDaniel Officer.

25-49 Precinct.

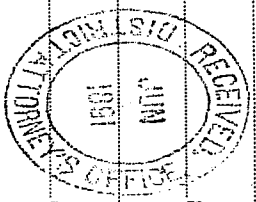
Witnesses

No.

Street.

No.

Street.



No.

Street.

\$ *500*

to answer

W. J. McDaniel

John Miller June 27 1891

John Miller June 3 1891

McDaniel

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

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

Dated *June 3 1891* *John E. Kelly* Police Justice.

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

Dated *June 3 1891* *John E. 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 _____ 18 _____ Police Justice.

0333

POOR QUALITY
ORIGINAL

ONE SIX SIX COMMISSION OFFICE
15 West 28th Street
NEW YORK, N. Y.
MAY 18 1891

RECEIVED, _____ dollars, to be sent on Commission Co.
to Race Track at BROOKLYN JOCKEY CLUB, and there placed on

Horse _____ 1st _____
1st or 2d _____

at track quotations if such can there be obtained.
It is understood and agreed, that the undersigned act in the premises as Common Carriers only,
for the purpose of transferring the money above mentioned to the place designated.

CHARGE FOR COMMISSION, TEN CENTS
Notice—Amount of Order returned, less commission, where a
failure to execute is due to a clerical or other unavoidable
delays in transmission.

HAMILTON BANK NOTE CO.

COMMISSION OFFICE.

As Commission Agents, I ask you to send for me to Race Track
at Brooklyn Jockey Club, _____ Dollars, to be there placed on the

Horse _____ 1st _____
1st or 2d _____

at track quotations, if such can there be obtained.

I now pay ten cents, your charge for executing this commission.

_____ H. B. _____
McConnell

0334

POOR QUALITY
ORIGINAL

B 133 ONE THREE THREE **COMMISSION OFFICE**
15 West 28th Street
New York, N.Y. 10001
BETTING DONE OR PERMITTED HERE.

RECEIVED, _____ dollars, to be sent on Commission
to Race Track at **BROOKLYN JOCKEY CLUB**, and there placed on

Horse _____ 1st _____
1st or 2d _____

at track quotations if such can there be obtained.
It is understood and agreed, that the undersigned act in the premises as Common Carriers only,
for the purpose of transferring the money above mentioned to the place designated.

CHARGE FOR COMMISSION, TEN CENTS

Notice--Amount of Order returned, less commission, where a
failure to execute is due to a accidental or other unavoidable
delays in transmission.

ILLUSTRATION BANK NOTE CO.

0335

POOR QUALITY
ORIGINAL

W. L. L. L.

0336

POOR QUALITY
ORIGINAL

512

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST*Frank Byrnes*The Grand Jury of the City and County of New York, by this indictment
accuse*Frank Byrnes*

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said

Frank Byrnes

late of the City of New York in the County of New York aforesaid, on the *nineteenth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety- *one* at the City and County aforesaid, and not upon any grounds or race track
owned, leased or conducted by any association incorporated under the laws of this State, for the pur-
pose of improving the breed of horses, where racing was lawfully had, with force and arms, did
unlawfully and feloniously record and register, and cause to be recorded and registered, a certain
bet and wager, then and there made by and between one

William A. Ryan

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and
contest of speed and power of endurance of and between a certain horse called *Little Sandy*
and divers other horses (a more particular description whereof, and of each of them, is to the Grand
Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid,
at a certain place and race track situated at *the town of Gravesend*
in the County of *Kings* in the State of *New York*
and commonly called the *Brooklyn Jockey Club* Race Track, and which
said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and
race track aforesaid (a more particular description of which said trial and contest, and of the said
bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid
unknown, and cannot now be given), against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

0337

POOR QUALITY
ORIGINAL

SECOND COUNT:

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

_____ *Frank Byrnes* _____

of the CRIME OF POOL SELLING, committed as follows:

The said

_____ *Frank Byrnes* _____

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one _____

_____ *William A. Ryan* and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Little Sandy* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* in the County of *Stuyvesant* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0338

POOR QUALITY
ORIGINAL

512

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Frank Byrnes

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

Frank Byrnes

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said *Frank Byrnes*

late of the City of New York in the County of New York aforesaid, on the *twentieth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety-*one*, at the City and County aforesaid, and not upon any grounds or race track
owned, leased or conducted by any association incorporated under the laws of this State, for the pur-
pose of improving the breed of horses, where racing was lawfully had, with force and arms, did
unlawfully and feloniously record and register, and cause to be recorded and registered, a certain
bet and wager, then and there made by and between one

Matthew Mc Connell

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and
contest of speed and power of endurance of and between a certain horse called *Maywood*
and divers other horses (a more particular description whereof, and of each of them, is to the Grand
Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid,
at a certain place and race track situated at *the town of Gravesend*
in the County of *Kings* in the State of *New York*
and commonly called the *Brooklyn Jockey Club* Race Track, and which
said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and
race track aforesaid (a more particular description of which said trial and contest, and of the said
bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid
unknown, and cannot now be given), against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

0339

POOR QUALITY
ORIGINAL

SECOND COUNT:

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

Frank Byrnes —

of the CRIME OF POOL SELLING, committed as follows:

The said

Frank Byrnes —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one *Matthew Mc Connell* — and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Maywood* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* — in the County of *Kings* — in the State of *New York* — and commonly called the *Brooklyn Jockey Club* — Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.