

0280

BOX:

479

FOLDER:

4383

DESCRIPTION:

Burns, William

DATE:

05/25/92



4383

0201

POOR QUALITY ORIGINAL

Witnesses:

Wm. Schuman
Wm. DeLooney
Otto Kopp

*After conference
the report of Mr.
DeLooney & after
conference with
him I accompanied
him this indictment
to be read.*

*DeLooney, M.D.
DeLooney*

June 6, 1892

838
Wm. DeLooney
Counsel,
Filed *25* day of *May* 1892
Pleads, *Not guilty*

THE PEOPLE
vs.
William DeLooney

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Julius Catlin

Foreman.

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

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

of No. 60 Baiter Street, in the City of New York,

and 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 Five Hundred Dollars;

and the said Antonio Curcio

the sum of Five 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 Special 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 Burns

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 Curcio

W. J. M. M. M.
POLICE JUSTICE.

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POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK, ss.

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

Antonio Curcio

Six

Hundred Dollars,

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

Antonio Curcio

Antonio Curcio
Police Justice,
1892

New York Sessions.

RECOGNIZANCE TO TESTIFY

THE PEOPLE, &c.,

vs.

POLICE JUSTICE.

Filed day of 18

0284

POOR QUALITY
ORIGINAL

Louis Cardinals

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

Otto Liffler

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 grasp-
 ed with Walker and they
 both fell on the floor
 and when Walker was picked
 up he was dead.

0285

POOR QUALITY ORIGINAL

Guest-Walker

When I first saw Walker he was on the floor and as soon as he got up he attempted to strike Burns and Burns threw him down upon the floor and and as that 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.

Henry Duesch

When I first saw John Walker he was lying on the floor and when he got up he attempted to strike Burns ^{and did 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 reached out Burns again and attempted to strike Burns and struggled together and fell on the floor. Burns endeavored 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 the
Louisiana
the

0288

POOR QUALITY ORIGINAL

Police Court, / District.

(1869)

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
Jacob Unhase proper name being
John Walters. And that Vincenzo
Garnio, James Fontano, Stewart diving
William J. Fluger, Jacob Walter
and Otto Gaepfel (all now here)
are necessary and material witnesses
and the part of the people, and deponent
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. ... Police Justice.

Joseph Schirmer

0289

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 an 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 repayment 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 threw him
down.

Joseph Schinner

Sworn to before me this 12th day of
April 1892
W. 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 Jaen
fighting and I saw said Burns throw
the said English Jaen down on the
floor, and as he fell he struck his
head on the iron rail outside
of the bar, then English Jaen got
up again and took hold of said
Burns again, and again began to
fight when said Burns again
threw the said English Jaen down
and again said English Jaen got
up and caught hold of said
Burns, who again threw him down

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POOR QUALITY ORIGINAL

and some persons in the place
opened English Jack up and placed
him in a chair and he was dead
and that is all I know about it.

Sworn to before me, this 12th day }
of April 1892 }
W. W. [Signature] Police Justice.

W. W. [Signature]

0292

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
Jaen fighting with each other
and I saw said Burns throw
said English Jaen down on the
ground, and said English Jaen
then got up and caught hold of 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 Jaen
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
Jacob Walter
Deponent

Police Justice.

0293

POOR QUALITY ORIGINAL

3

William Pfluger being duly sworn deposes & says,

I reside at 9 Mulberry Street, between the hours of 9^{am} to 10 o'clock am on the morning of the 15th day of April 1892 I was in the saloon 23 Mulberry Street and 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 hold of 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 held a good and true as I know

Sworn to before me, this 12th day of April 1892
W. Pfluger
Police Justice

0294

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.

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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 twanty 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~~ ^{to the} ~~men~~ 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 commeneed 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:-----

0302

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.

-----oO-----

9-

0303

POOR QUALITY
ORIGINAL

WILLIAM PHLUEGER, 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. 3

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 ^{Mullerry} ~~Baxter~~ Street, April 12th, 1892, at 9.30 A. M.

-----oOo-----

0305

POOR QUALITY
ORIGINAL

Dr Albert T. Weston

States that he made the
autopsy on the body of John Walker
the accident. 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
execution.

Albert T. Weston M.D.

0306

POOR QUALITY ORIGINAL

Statement of Asst. Secy

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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

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POOR QUALITY ORIGINAL

No. 40

THE PEOPLE OF THE STATE OF
NEW YORK

against

William Burns

Report

DE LANCEY NICOLL,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

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 Chaulius 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~~

Amel Upon the Oaths and Affirmations of
Amel 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
Gurns at the saloon no. 23 Marshall
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 Wall 44 9th
Leon Perliss 84 Eldridge Wm. Maccoy 127 Fossyth
Wm. B. B. 798 Fossyth J. Cutler 141 Park Row
Fred Schweder 94 Fossyth Ab. Gysman 296th Grand
Julius Bonawit 113 & 101

Ferdinand Levy
Coroner. D.S.

0311

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 Brownland from such autopsy

and history of the case, as per testimony, I am of opinion the cause of
death is Hypertrophy & dilatation

of heart
of over exertion during a
fight at 43 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 ~~normal~~ 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 13th day of April 1892

CORONER.

0312

POOR QUALITY ORIGINAL

MEMORANDA.

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

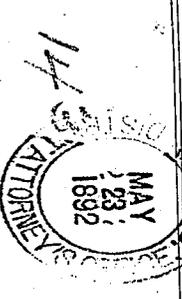
was knocked down in a fight with William Burns at 9:30 AM, Mulberry St April 12th above
 Police 6th Precinct
 presence witnesses
 Bro. Geo Walker
 283 Broadway St

John W. Walker
 283 Broadway St

F. I. No. 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
 of May 1892
 J. M. [Signature]
 Coroner



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 and 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 then said that is
all I know.

Sworn to before me, this 12th day
of April 1892
W. T. [Signature] Police Justice.

Herriick Irving

0314

POOR QUALITY ORIGINAL

Louis Fontaine being duly sworn
deposes and says

I reside at 10 Pasteur
Street between the hours of 9th & 10th
October 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
dead) and a person called English
Joen fighting with each ^{and I saw}
said Burns throw said English
Joen down on the ground and then
said English Joen got up and
took hold of said Burns and
said Burns again threw him down
and some persons in the place
picked up English Joen 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
Police Justice.

0315

POOR QUALITY ORIGINAL

6

Vincenzo Gavino being duly sworn deposes and says

I reside at 61 Baxter 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 ten days or 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. D. ... Police Justice.

Vincenzo Gavino

0316

POOR QUALITY ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Purus 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. *William Purus*

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. *30 Patavia 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*
William Purus

Taken before me this *12* day of *April* 189*7*
Wm. J. Justice
Police Justice.

0317

POOR QUALITY ORIGINAL

BALIED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

No. 5, by _____
Residence _____
Street _____

No. 6, by _____
Residence _____
Street _____

No. 7, by _____
Residence _____
Street _____

3 Bailor by *Caroline's*
28 Barclay Street

Police Court... District-
1892

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph M. Williams
vs.
William Purvis

HOUSE OF DETENTION CASE.

Offense *Murder*

Dated *April 9 1892*

John W. Schumert
Magistrate.
Precinct *6*

Witnesses:
John W. Schumert
No. *6* Street *6*



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, ~~and he give such bail.~~

Dated, *April 12 1892* *John W. Schumert* 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.

416

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

0319

POOR QUALITY
ORIGINAL

said John Walker, with the hands of feet
of him the said William Burns, then and
there wilfully and feloniously did strike,
beat, pinch 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, pinching 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

De Lancey Miall,

~~District Attorney~~

0321

BOX:

479

FOLDER:

4383

DESCRIPTION:

Byrnes, Frank

DATE:

05/27/92



4383

0322

POOR QUALITY ORIGINAL

1018
M. J. [Signature]

Counsel,
Filed, 17th day of May 1897
Reads M. J. [Signature]

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

THE PEOPLE
vs.
B
Frank Byrne
(2 Co-defs)
March 27/98

Henry [Signature]
District Attorney
DE LANCEY NICOLL,
District Attorney
George M. [Signature], indict.
Sergeant [Signature] suspended
A TRUE BILL.

John [Signature]
Foreman.
F. March 27/98

Witnesses:

0323

POOR QUALITY ORIGINAL

STATE 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.

Deponent 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. Deponent said to defendant "I want to make a bet" Defendant said "Make out a blank." Deponent filled out a blank that was lying on the desk there, and deponent wrote in that blank the name of the horse "Little Sandy" and deponent named the first race, and the amount two dollars which was the amount of deponent'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 advertised 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." Deponent 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 19th day of May 1897

W. J. Maloney
 Police Justice.

Wm O Ryan

POLICE COURT - DISTRICT.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

Dated _____ 188

Magistrate.

Officer.

Witness.

Disposition

0325

POOR QUALITY ORIGINAL

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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 City of New York

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 19 day of May 1937
[Signature]
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

Wm. D. Ryan

Thomas Ryan

Offence *Viol. of the Pool Law*

Dated

May 19 1891

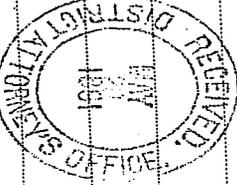
Wm. D. Ryan Magistrate

Wm. D. Ryan Officer

19 Precinct

Witnesses

No. _____ Street



No. _____ Street

No. _____ Street

No. _____ Street

Wm. D. Ryan to answer *W. D. Ryan*

Bailed

671

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* *Wm. D. Ryan* Police Justice.

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

Dated *May 19 1891* *Wm. D. Ryan* 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
240th 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 } Frank Byrnes
day of May } John H. Allen
D. McMahon POLICE JUSTICE.

0328

POOR QUALITY ORIGINAL

CITY AND COUNTY } ss.
OF NEW YORK, }

1681
Justice
of the Peace
of the County of
New York

Sworn to before me, this 26th day of May 1881

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

the Household furniture, pictures, etc. in premises 177 West 47th Street worth \$500. some all in encumbrance.

John H. Allen

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 18

Justice.

0329

POOR QUALITY ORIGINAL

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

POLICE COURT, 2 DISTRICT.

Matthew Mc Small

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 par, there of 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, or depository for here, of money wagered upon such result. That the defendant did record and register a bet, or wagers, upon such result, in violation, in Section 301 of the Penal Code

Deponent 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, Deponent 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; Deponent 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 for received.

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 McCounell
This 20th of May 1891 }

W. W. Wadsworth
Police Justice

POLICE COURT - DISTRICT.

AFFIDAVIT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Dated _____ 188

Magistrate.

Officer.

Witness.

Disposition

0331

POOR QUALITY ORIGINAL

2 District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

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. *28 years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *311 East 40 St.*

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 on *May 28* day of *May* 188*9*
H. M. ...
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. M. ...
Police Justice.

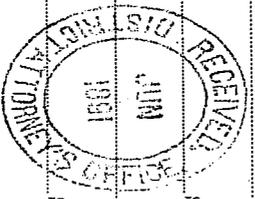
BAILED,
No. 1, by *John Muller*
Residence *15 King Street*
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
William McDaniel
Frank Rogers
Offence *NW Pool Law*

Dated *May 29 1891*
Magistrate

McDaniel
Officer.
25-19
Precinct.



Witnesses
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
to answer *John S. ...*
John S. ...
June 27 29th
for June 3rd 29th
White

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 S. Kelly* Police Justice.

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

Dated *June 3 1891* *John S. 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. 10001
 MAY 18 1891

A 166

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

Horse

| | |
|-----------|--|
| 1st | |
| 1st or 2d | |

 (A)

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.

HARRISON 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 | Maywood |
| 1st or 2d | |

 H.B.

at track quotations, if such can there be obtained.
 I now pay ten cents, your charge for executing this commission.
 McConnell

0334

POOR QUALITY ORIGINAL

B ^{ONE THREE THREE} **133** **COMMISSION OFFICE**
 15 West 28th Street
 BETTING DONE OR PERMITTED HERE.
 New York, N.Y. 10011

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

| | | |
|-------|-----------|-------|
| Horse | 1st | _____ |
| | 1st or 2d | 97 a |

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.

HARRISON BANK NOTE CO.

0335

POOR QUALITY ORIGINAL

W. Coates

0336

POOR QUALITY ORIGINAL

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 *Attles 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.

0330

POOR QUALITY ORIGINAL

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 _____ 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 *Richmond* 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.