

0298

BOX:

120

FOLDER:

1262

DESCRIPTION:

Lewis, Elizabeth

DATE:

11/21/83



1262

0299

BOX:

120

FOLDER:

1262

DESCRIPTION:

Poscale, Gerando

DATE:

11/21/83



1262

1241- returned  
#1241

Day of Trial,

**Counsel,**

Filed, 2/ day of Nov 1883

## Pleads

~~THE PEOPLE~~

275.

f

Elizabeth Lewis

and N.A.

Gerardo Poscale

JOHN MCKEON,

*Ph M District Attorney.*

$I_{2h} = \frac{1}{2} \sqrt{\frac{2}{\pi}}$

Not tried & acquitted.

A TRUE BILL.

H. K. Camp Foreman.

Foreman.

Assault in the First Degree. etc

0301

Police Court 2 District.

CITY AND COUNTY OF NEW YORK, ss.

of No.

Augustine Levere 154<sup>th</sup>  
5 1/2 Dominican Street,

on Tuesday the 13 being duly sworn, deposes and says, that  
day of November

in the year 1883 at the City of New York, in the County of New York.

he was violently and feloniously ASSAULTED and BEATEN by Elizabeth Lewis

(now here) who did feloniously  
assault deponent by stabbing and  
cutting deponent on the right  
breast with a Shoemaker's Knife  
then and there held in her hand  
causing a painful wound

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

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

Sworn to before me, this

of

November 1883

day

Augustine Levere

P. H. Rugg  
POLICE JUSTICE.



0302

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer.

*Elizabeth Lewis*

Question. How old are you?

Answer.

*20 Years*

Question. Where were you born?

Answer.

*Washington D.C.*

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

Answer.

*178 Thompson Street one year*

Question. What is your business or profession?

Answer.

*Domestic*

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 guilty the Shoemaker gave me the Knife*

*Elizabeth Lewis*

Taken before me this

day of

1888

Police Justice.

0303

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 Elizabeth Lewis

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

Dated November 14 188 } W. H. H. H. H. Police Justice.

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

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

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

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

0304

Police Court

288 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Augustine Levere  
512 Dominick St.  
Elizabeth Lewis

Felony and Battery  
Offence

Dated November 14 1883

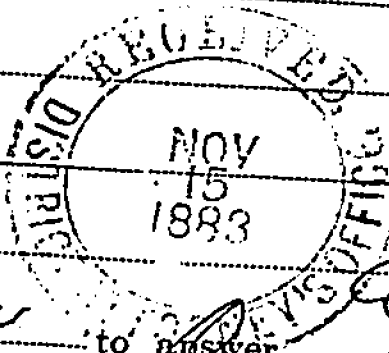
Duffy Magistrate.  
James Moore Officer.  
15 Clerk.

Witnesses,  
No. Street,

No. Street,

No. Street,

\$ 1000 to answer



BAILED,

No. 1, by  
Residence Street,

No. 2, by  
Residence Street,

No. 3, by  
Residence Street,

No. 4, by  
Residence Street.



0305

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

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Elizabeth Lewis*  
and  
*Gerardo Porcote*

The Grand Jury of the City and County of New York, by this indictment, accuse *Elizabeth Lewis and Gerardo Porcote* of the CRIME OF *Assault in the first degree*, committed as follows:

The said *Elizabeth Lewis and Gerardo Porcote*

late of the City of New York, in the County of New York, aforesaid, on the ~~thirteenth~~ day of ~~November~~ in the year of our Lord one thousand eight hundred and eighty ~~three~~ with force of arms, at the City and County aforesaid, in and upon the body of *Augustine Severe* in the peace of the said people then and there being feloniously did make an assault and ~~in~~ the said *Augustine Severe* with a certain ~~knife~~ which the said *Elizabeth Severe and Gerardo Porcote*

in ~~their~~ right hands then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent ~~in~~ the said *Augustine Severe* then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *Elizabeth Lewis and Gerardo Porcote* of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Elizabeth Lewis and Gerardo Porcote*, late of the City and County aforesaid afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Augustine Severe* then and there being, feloniously did, willfully and wrongfully, make an assault and ~~in~~ the said *Augustine Severe* with a certain ~~knife~~ which the said *Elizabeth Lewis and Gerardo Porcote*

in ~~their~~ right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN McKEON, District Attorney.



0306

BOX:

120

FOLDER:

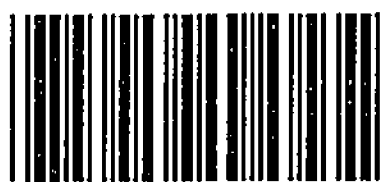
1262

DESCRIPTION:

Lightfoot, Emma

DATE:

11/20/83



1262

0307

#121.  
*J. W. Darling*  
Counsel,  
Filed 20 day of Nov 1882  
Pleads *Not guilty (2)*

THE PEOPLE  
vs.  
*Emma*  
*Sightfoot*  
Grand Larceny, Second Degree, and  
Receiving Stolen Goods.  
[528531-550]

*Ordered to sit at Court of Quin  
and Commence for trial Nov 27/83*  
JOHN McKEON,  
District Attorney

A True Bill.

*H. K. Crane*  
Foreman.

*W. H. C. C.*  
Nov 27/83

0308

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 1382 Pacific St. Brooklyn 35 years Broker

being duly sworn, deposes and says, that on the 9th day of November 1883

at the Premises 39 West 18th St. In the daytime City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent With intent to deprive the true and lawful owner thereof

the following property, viz :

One Overcoat, one memorandum book  
one pair of Gloves, one silk handkerchief  
being together of the value of  
Seventy five Dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Emma Lightfoot (now Bee)

from the fact that said Boat containing  
said property was hanging on the coat  
rack in said premises when deponent  
entered said premises, and when deponent  
was ready to leave said premises he found  
the said coat gone; Deponent is informed by  
James H. Price a detective of the 29th  
Precinct that he arrested  
said Emma; and at the time of the

Sworn before me this

day of

1883

Police Justice

0309

said arrest, found said Emma throwing  
away a memorandum book, which  
she took from her dress pocket, and  
which said Price afterwards found.  
and which deponent fully identifies  
as being a portion of the property being  
in his coat at said time, and  
as belonging to him and as having  
been taken from & carried away  
from him.

Given before me

Charles C. Shively

this 20th day of November 1883

*[Signature]*

Justice

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFIDAVIT—Larceny.

ss.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION



03 10

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 36 years, occupation Detective of No. James K. Rice

29th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Charles B. Sweeney

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

Sworn to before me, this 20th day of November 1883 } James K. Rice.

[Signature]  
Police Justice.

0311

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer. Emma Lightfoot

Question. How old are you?

Answer. 22 years.

Question. Where were you born?

Answer. United States.

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

Answer. 144 West 26<sup>th</sup> Street, about 6 months.

Question. What is your business or profession?

Answer. I keep a lodging house.

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 of the Charge

Emma Lightfoot

Taken before me this 20<sup>th</sup>

day of November

1888

[Signature]  
Police Justice.

03 12

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 Anna Lightfoot

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 November 20 1883.

W. D. Dwyer Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

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

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

\_\_\_\_\_  
Police Justice.



0313

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles E. Trevilly  
1332 Pacific St.  
Brooklyn L.I.  
Green Light Foot

Offence Grand Juror

BAILED,

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

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

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

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

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

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

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

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

Dated November 20th 1883

Signed by \_\_\_\_\_ Magistrate.

(P. M. C.) \_\_\_\_\_ Officer.

\_\_\_\_\_ 39 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 500 to answer \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



03 14

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

Emma Lightfoot

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

Emma Lightfoot  
of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:  
The said Emma Lightfoot

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

one overcoat of the value of  
fifty dollars, one black-book  
of the value of one dollar,  
one pair of gloves, of the  
value of two dollars and  
one handkerchief of  
the value of five dollars

of the goods, chattels and personal property of one Charles E.  
Sweeney then and there being found, then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

03 15

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

\_\_\_\_\_ Emma Siglerfoot \_\_\_\_\_

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

The said Emma Siglerfoot \_\_\_\_\_

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

one Blank Book  
of the value of one dollar

of the goods, chattels and personal property of Charles E.

Sneydy \_\_\_\_\_

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

E. Sneydy \_\_\_\_\_

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

Siglerfoot \_\_\_\_\_

then and there well knowing the said goods, chattels and personal property to have  
been feloniously stolen, taken and carried away, against the form of the Statute in  
such case made and provided, and against the peace of the People of the State of  
New York, and their dignity.

**JOHN McKEON, District Attorney.**

03 16

BOX:

120

FOLDER:

1262

DESCRIPTION:

Lightfoot, Walter

DATE:

11/21/83



1262

03 17

BOX:

120

FOLDER:

1262

DESCRIPTION:

Hardy, Henry

DATE:

11/21/83



1262



0318

#128.

Counsel,

Filed 21 day of Nov 1883

Pleads

*Not guilty*

THE PEOPLE

vs.

*Walter Engelfoot*  
*[4 cases]*

*and*  
*Henry Standy*  
*[4 cases]*

Grand Larceny, Receiving Stolen Goods, First degree, and

Ordered to N. H. Court 12 Over and  
commence for trial Nov. 27, 1883.

JOHN McKEON,

Nov. 27, 1882 District Attorney

No. 1. Tried and convicted R. 1/4.

A True Bill. Dec 3/83

*W. H. Cane*  
Nov. 27, 1883 Foreman.

No. 2 Pleads *Not guilty*.  
Dec 3/83

0319

2<sup>nd</sup> District Police Court. Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 27 West 25<sup>th</sup> Street, Morgan Dix  
being duly sworn, deposes and says, that on the 11<sup>th</sup> day of November 1883

at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent in the night time from his dwelling  
the following property, viz :

One Overcoat value of \$50.00.  
One pair Kid Gloves value of 75

And in the aggregate  
of said property of the value  
of Fifty Dollars and Seventy  
five cents

the property of deponent.

and that this deponent

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

Walter Lightfoot and Henry  
Hardy (both now here.) facts are as  
follows viz. that at said date said  
property was in deponents possession  
at his residence and he is informed  
by James H. Price an officer of 29<sup>th</sup>  
Precinct that Subsequently thereto  
he arrested said Lightfoot and Hardy  
and in possession of Lightfoot that is to  
say in his trunk he found said gloves

Sworn before me this

day of

Police Justice

1883

0320

(which were subsequently identified  
by deponent) and in the possession  
of Andy he found a pawn ticket  
which represented said Overcoat,  
and which said pawned overcoat  
deponent subsequently identified  
as his property, taken stolen and  
carried away from his possession  
Sworn to this 15<sup>th</sup> day of

November 1883 before me  
Police Justice

My Comm. Exr.

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

ss.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION



0321

CITY AND COUNTY }  
OF NEW YORK, } ss.

James H. Price  
aged 36 years, occupation Officer 29<sup>th</sup> Precinct No.

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

Sworn to before me, this

15<sup>th</sup>  
day of November 1883

James H. Price

Police Justice



0322

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Henry Hardy

Question. How old are you?

Answer.

24 Years

Question. Where were you born?

Answer.

N.Y. State

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

Answer.

205 West Houston 9 years

Question. What is your business or profession?

Answer.

Barber & Waiter

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

Answer.

I am not Guilty

Henry Hardy

Taken before me this

day of August 1915

Police Justice.

0323

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

Walter Lightfoot 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 is; that the statement is designed to  
enable h is if h is see fit to answer the charge and explain the facts alleged against h is  
that he is at liberty to waive making a statement, and that h is waiver cannot be used  
against h is on the trial.

Question. What is your name?

Answer.

Walter Lightfoot

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

North Carolina

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

Answer.

144 West 26<sup>th</sup> St 6 months

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

Walter Lightfoot

Taken before me this

day of

1908

Police Justice.

0324

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 Walther Lightfoot and

Henry Hardy

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

Dated Nov 15<sup>th</sup> 1883

[Signature] Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

0325

#128 w<sup>o</sup> 868  
Police Court District.

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

Morgan King

Walter Lightfoot  
Stewart Hardin

Offence *Disobeying  
in the night time*

BAILED,

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

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

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

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

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

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

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

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

Dated Nov 15 1893

*Deputy*  
J. K. Price

Magistrate

Officer

Precinct.

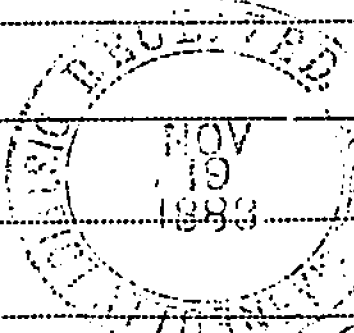
Witnesses

J. K. Price  
29 Precinct

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

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

\$ 1000 to answer



*G. S. Enck*



0326

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Walter Lightfoot  
and  
Henry Brady

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

Walter Lightfoot and Henry Brady  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Walter Lightfoot and Henry Brady*

~~late of the First Ward of the City of New York, in the County of New York, aforesaid, on the~~  
~~eleventh~~ ~~on the day of November~~ in the year of our Lord one thousand eight hundred and  
eighty- *three*, at the Ward, City and County aforesaid, with force and arms  
~~and~~ *at the night time of said*  
*day, one overcoat of the*  
*value of fifty dollars, and*  
*one pair of gloves of the*  
*value of seventy-five cents*

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

0327

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

Walter Lightfoot and Henry Hardy

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

The said Walter Lightfoot and Henry  
Hardy \_\_\_\_\_

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

one overcoat of the  
value of fifty dollars and  
one pair of gloves of the  
value of seventy five cents

of the goods, chattels and personal property of Morgan Dix

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

unlawfully and unjustly, did feloniously receive and have, ~~the~~ the said Walter  
Lightfoot and Henry Hardy—  
then and there well knowing the said goods, chattels and personal property to have  
been feloniously stolen, taken and carried away, against the form of the Statute in  
such case made and provided, and against the peace of the People of the State of  
New York, and their dignity.

**JOHN McKEON, District Attorney.**

0328

BOX:

120

FOLDER:

1262

DESCRIPTION:

Livingston, Lizzie

DATE:

11/30/83



1262

0329

#191-

Counsel, *[Signature]*  
Filed *30* day of *Nov* 188*3*  
Pleads *Guilty*

THE PEOPLE  
vs.  
*Lizzie Livingston*  
*[Signature]*  
Grand Larceny, *Robbery, and*  
*Receiving Stolen Goods*  
*445284553*

*John Vincent,*  
*District Attorney*  
*Per Dec 5/83.*  
*Ind. & acquitted.*  
**A True Bill.**

*[Signature]* Foreman.  
on appen. Sept  
Dec. 5/83.  
*[Signature]*



0330

2d.

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

Margaretta Casartelli

of No. 34 3<sup>d</sup> Avenue Street, (aged 21, Housekeeper  
being duly sworn, deposes and says, that on the 18<sup>th</sup> day of November 1883  
at the Premises 34 3<sup>d</sup> Ave. in the City of New York,  
in the County of New York) was feloniously taken, stolen and carried away from the possession  
of deponent ~~with intent to deprive the true & lawful owner~~  
thereof  
the following property, viz :

One pair of Diamond Earrings  
One Diamond Breast pin  
Three Eased Rings  
being of the value of  
Two hundred and fifty dollars

Sworn before me this

day of

the property of Deponent

and that this deponent

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

from the fact, that on the day above  
named, deponent had the said property  
in a trunk in a room of the said  
premises; and that said Lizzie was in  
the habit of frequently entering the  
said room where said property was  
and that on the day above named  
there was no other person in said  
room in said premises excepting said

POLICE JUDGE.

188



0332

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer. Lizzie Livingston

Question. How old are you?

Answer. 40 years.

Question. Where were you born?

Answer. United States

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

Answer. 159 East 28th Street, about 1 week.

Question. What is your business or profession?

Answer. Housekeeper

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 of the  
Charge Lizzie Livingston

Taken before me this 24th

day of May

1903

Police Justice



0333

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 Fizzie Livingston

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 November 24 1888 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 1888 . \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1888 . \_\_\_\_\_ Police Justice.



0334

BAILED,  
No 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ 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

*Margaretta Casarrelli*  
*34<sup>th</sup> 3<sup>d</sup> St.*  
*Lizzie Livingston*

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

Offense *placed*

Dated *November 24* 188*3*

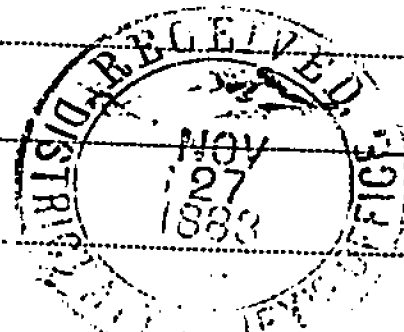
*Shufby* Magistrate.  
*W. Adams & Crowley* Officer.  
*C. O.* Precinct.

Witnesses *Joe Parsons*  
No. *26 West 13<sup>th</sup>* Street.

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

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

\$ *5.00* to answer *EP*



0335

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

Lizzie Livingston

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

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

The said

Lizzie Livingston

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
18<sup>th</sup> ~~on the~~ day of November in the year of our Lord one thousand eight hundred and  
eighty-three, at the Ward, City and County aforesaid, with force and arms

two earrings of the value of  
seventy five dollars each  
one bracelet of the value of  
seventy five dollars, and  
three rings of the value of  
ten dollars each

of the goods, chattels and personal property of one Margaretta  
Caraccioli — then and there being found, then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

John Vincent

District Attorney

0336

BOX:

120

FOLDER:

1262

DESCRIPTION:

Loryea, Abram

DATE:

11/30/83



1262

0338

## Counsel,

Filed 20 day of June 2011

# Pleads

# THE PEOPLE

1971 4th

2

Wm. B. Brown

Mr. Zorua

John Vincent

*District Attorney*

Pr Dec 5/83

*pleads guilty*  
**A TIME**

# A True Bill.

budget-funded.

W. H. Crane

**Foreman.**

100

7



0339

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 Three Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Nov 22 3 188 Andrew J. White Police Justice.

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

Dated Nov 22 3 188 Andrew J. White Police Justice.

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

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

0340

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

872 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph A. Britton  
150 73 1/2  
Abram M. Loryea

1

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street.

\$

to answer

Sessions.

Bailed

0341

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK

188 District Police Court.

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

day of

188

Taken before me this  
day of  
188  
Police Justice.



0342

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

Joseph A. Britton  
being duly sworn, deposes and says that he is an agent of  
THE NEW YORK SOCIETY FOR THE SUPPRESSION OF VICE, and has been duly designated by the Sheriff  
of the County of New York pursuant to the provisions of Section One of an Act, entitled  
"An Act for the better suppression of Vice and Obscene Literature," passed April 29, 1875,

That deponent has just and reasonable cause to suspect, and does suspect and verily believes,  
that on the 5<sup>th</sup> day of November 1889, at the city of New York  
in the county New York

A. M. Lorgee did unlawfully  
show and have in his possession for the purposes  
of showing the same, a certain obscene and indecent  
picture, which said picture is a representation of a man  
and woman in an obscene and indecent posture, and  
exposing their private parts or sexual organs to view, a more  
particular description of which said picture would be  
offensive to the court, and improper to spread upon the records  
of the court, wherefore the further description is not given.

Deponent further says, that he is informed and verily  
believes that the said A. M. Lorgee now has in his possession  
the certain obscene and indecent picture, above described  
at in and upon certain premises situate and known as  
numbers 5, 7, and 9 East forty-sixth street in the city of  
New York aforesaid, occupied by him, and with intent to  
use the same to commit a public offense, and to further  
exhibit and show, against the peace and dignity of the People  
of the State of New York, and against the form of the Statutes  
in such case made and provided -

Wherefore the Complainant prays that the said A. M. Lorgee  
may be arrested, and dealt with according to law, and more especially  
according to the following law made and provided, to wit:

AN ACT To amend an act for the suppression of the traffic in and circulation of  
obscene literature, being chapter seven hundred and forty-seven of the Laws of eighteen  
hundred and seventy-two.

Sworn to before me, this 16<sup>th</sup>  
6<sup>th</sup> day of November 1889.

Anthony Constock

Charles F. Smith  
Police Justice.



0343

N. DISTRICT  
POLICE COURT

THE PEOPLE, ETC.,  
ON THE COMPLAINT OF

Joseph A. Britton

VS.

A. M. Longue

Dated Nov. 16<sup>th</sup> 1883.

Magistrate.

Clerk.

Officer.

WITNESSES:

Joseph A. Britton

George E. Crump

Charles J. ...

Edw. M. ...

Bailed, \$

to answer

By

Sessions.

Street.

0344

City and County of New York, ss:

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

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

Proof by affidavit having been this day made before me, by Joseph A. Britton  
of 150 Nassau Street, New York  
City, that there is probable cause for believing that A. M. Lorgee

has in his possession, at, in and upon certain premises occupied by him and situated and known number 57 & 9 East 46th street in said City of New York certain and divers obscene and indecent pictures device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, blackboards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night  
time to make immediate search on the person of the said A. M. Lorgee

and in the building situate and known as number 57 & 9 East 46th street aforesaid,  
for the following property, to wit: five obscene and indecent pictures and  
papers Faro layouts, Roulette Wheels and layouts,  
Rouge et Noir, or Red and Black layouts, gaming tables, chips, packs  
of cards, dice, deal boxes, lottery policies,  
lottery tickets, circulars, writings, papers,  
documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, books  
documents for the purpose of enabling others to gamble or sell lottery policies, blackboards,  
ships or drawn numbers of a lottery, money to gamble with, and all device,  
establishment, apparatus and articles suitable for gambling purposes. and all papers and pictures of an  
obscene character

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

Dated at the City of New York, the  
16th day of November 1883.

Anthony Bonstock

Burton J. White

POLICE JUSTICE.

SEAL.

0345

Inventory of property taken by Joseph A. Britton the Peace Officer by whom this warrant was executed :

one bone picture

Faro layouts,

Roulette Wheels,

Roulette layouts,

Rouge et Noir lay-

outs,

gaming tables,

chips,

packs of cards,

dice,

deal

boxes,

deal trays for holding chips,

cue boxes,

markers, or tally cards,

ivory balls,

lottery policies,

lottery tickets,

circulars,

writings,

papers,

black boards,

slips or drawn numbers in policy,

money,

manifold books,

slates,

City of New York and County of New York ss:

I, Joseph A. Britton

the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this

day of

November 19th 1883

Joseph A. Britton

Andrew White Police Justice.

Police Court--- First District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph A. Britton

vs.

A. W. Longee

Search Warrant.

Dated Nov 17 " 1883

A. J. White Justice.

Officer.



0346

Sec. 151.

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

Police Court, \_\_\_\_\_ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Joseph A. Britton of No. 150 Nassau Street, charging that on the 5<sup>th</sup> day of November, 1883 at the City of New York, in the County of New York - that the crime of showing an obscene and indecent picture

has been committed, and accusing A. M. Lorgee thereof.

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

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

Dated at the City of New York, this 16<sup>th</sup> day of November, 1883.

Joseph A. Britton POLICE JUSTICE.



0347

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph A. Britton

vs.

A. W. Longee.

Warrant-General.

Dated Nov. 16<sup>th</sup> 1883

Magistrate.

Officer.

The Defendant

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

Officer.

Dated Nov. 16<sup>th</sup> 1883

This Warrant may be executed on Sunday or at  
night.

*Andrew White*  
Police Justice.

## REMARKS.

Time of Arrest, \_\_\_\_\_

Native of \_\_\_\_\_

Age, \_\_\_\_\_

Sex, \_\_\_\_\_

Complexion, \_\_\_\_\_

Color \_\_\_\_\_

Profession, \_\_\_\_\_

Married, \_\_\_\_\_

Single, \_\_\_\_\_

Read, \_\_\_\_\_

Write, \_\_\_\_\_

0348

Lomb

Nov. 29<sup>th</sup> 1883,

The People

vs.  
Abraham M. Longee

et al.

Brief for the People.

The showing of an obscene picture in a room,  
is a publication.

"A picture tends to excite lust as strongly as a  
writing; and the showing of a picture is as much a publica-  
tion as the selling of a book."

"It is true the indictment charges the act to have  
been done in a public shop, but that can make no dif-  
ference. The mischief was no greater than if he had  
taken the purchaser into a private room, and sold  
him the book there. The law is not to be evaded by an  
artifice of that kind.

If the privacy of a room was a protection,  
all the youth of the city might be corrupted by taking  
them one by one into a chamber, and there inflaming  
their passions by the exhibition of lascivious pictures."

2 Archibald Crain. R. v. G. p. 218.

"Any offense which in its nature and by its  
example, tends to the corruption of morals, as the exhibition  
of an obscene picture, &c, is indictable at Common law."

Commonwealth vs Sharpley, 2 Serg. & Rawl. 2 Penn R. p. 91

The Queen vs Saunders et al. The Law Reports, Queen's Bench Part 1 1856  
415

0349

### Police Court

"Every public show and exhibition which outrages decency, shocks humanity, or is contra bonas mores is punishable at common law."

Knowles vs. State of Conn. 3 Day. Reports p. 103.

"An indictment at common law may be maintained for any offense which is against public morals or decency."

Under this head may be comprehended every species of representation, whether by writing, by printing, or by any manner of sign or substitute which is indecent and contrary to public order."

2 Archibald Cr. Cr. & Pl. p. 217.

"The law was in Curl's case (King vs Curl, 2 Str. p. 788) established upon true principles."

What tends to corrupt society, was held to be a breach of the peace, and punishable by indictment.

The Courts are guardians of the public morals, and, therefore, have jurisdiction in such cases. Hence it follows, that an offense may be punishable, if, in its nature and by its example it tends to the corruption of morals, although it be not committed in public."

2 Archibald Cr. Cr. & Pl. p. 218.

The showing of any obscene or indecent picture is a violation of the Statutes of the State of New York  
Penal Code § 117.



0350

2

## Intent

or shows the intent and motive of a prisoner, ~~who~~ sells an obscene book or picture is immaterial, if the matter be obscene.

"A mistaken view of the prisoner as to the character and tendency of the publication, if the latter be itself obscene, will not excuse his violation of the law."

Cum. vs. Landis & Phila., Reports p. 453.

Says the Court, in the celebrated case of the Queen vs. Hicklin, 3 English Law Reports p. B p 375,

"I take the rule of law to be as stated by Lord Ellenborough in 'Rex vs. Dixon' 3 M & S. p 15) in the shortest and clearest manner. It is a universal principle that when a man is charged with doing an act of which the probable consequence may be highly injurious, the intention is an inference of law resulting from the doing the act, And although the appellant may have another object in view, he must be taken to have intended that which is the natural consequence of the act."

Says the Chief Justice in the above case of the Queen vs. Hicklin page 373 of above report,

"I hold that when a man publishes a work manifestly obscene, he must be taken to have had the intention which is implied from the act; and that as soon as you have an illegal act thus established 'guilt the intention, & proved the act' it does not lie in the mouth of the man who does it to say: 'well I was breaking the



law, but it was breaking it for some wholesome and salutary purpose. The law does not allow that; you must abide by the law, and if you would accomplish your object, you must do it in a legal manner or let it alone, you must not do it in a manner which is illegal." x x x x x x x x

"I take it, therefore, that apart from the ulterior object which the publisher of this work had in view, the work itself is in every sense of the term, an obscene publication, and that, consequently, as the law of England does not allow of any obscene publication, such publication is indictable. We have it, therefore, that the publication itself is a breach of the law. But then it is said for the appellant: 'Yes, but his purpose was not to defraud the public mind; his purpose was to expose the errors of the Roman Catholic religion, especially in the matter of the confessional! Be it so. The question then presents itself in this simple form; may you commit an offense against the law, in order that thereby you may effect some ulterior object which you have in view; which may be an honest and even a laudible one? My answer is emphatically, no! The law says you shall not publish an obscene work.'"

The Queen v. Hicklin 3 Eng. Law Reports Q. B. 1. p. 371 & 372.

In "Steel v. Bramm" (3 L. R. 7 C. P. 1. 261

Boyle's Chief Justice) it was contended (by defendant) that the book treated of a matter which might properly be the subject of discussion and controversy, and that the

0352

object of those who put it forward was not only innocent but praiseworthy, inasmuch as they intended solely to advance the interests of religion and <sup>of the</sup> public, and that therefore the book was not obscene.

The Court held ~~otherwise~~ and approved its ruling in the case of *The Queen vs. Hicklin*, above cited.

In charging the jury in the U.S. Circuit Court in & for the District of Massachusetts, in the Case of the U.S. vs. Heywood Judge Clarke said:

"An argument has been made here to show you that Mr. Heywood was a moral man, a well-behaved man, and that his design in publishing this work was a good one, and that he really believed the doctrines which he taught.

But the Court says to you that such an argument cannot be received and considered by you, and cannot make any difference in the question of guilt or innocence."

The above language was quoted by the U.S. Circuit Court in the City of New York in the Case of the U.S. vs. D. M. Bennett, Judge Benedict charging in substance the same. This case went before the full bench, and in reviewing it, Judge Blatchford, now a member of the U.S. Supreme Court said,

"We are of the opinion, that there was no error in what was charged by the Court."

0353

Test

"I think the test of obscenity is this: whether the tendency of the matter charged as obscenity, is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall. Now with regard to this work, it is quite certain that it would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character"

As says Chief Justice Cockburn in *Queen vs Hickin*. 3 Eng. Law Reports, p 360

this case is supported by an unbroken chain of decisions down to the present day. to wit:

2 (Morgan) Law of Literature p 79

11 Cox Crown Cases p 192 B.

37 L & E 168-33

3 Serp. & Rawls p 91

2 Bishop's Crim. law p 727

2 Starkie, p. 155

2 Stra. p 790. "King vs Earl"

4 Burr p 2527 King vs Wilkes.

Townsend Nat. Trials King vs Foxon.

Steel vs Brannow, 3 L. R. 7 C. P. p 261.

The W. S. vs. E. H. Heywood. Miss. charge of Judge Clarke

The W. S. vs. D. M. Bennett. Blotched R. p.

Says Judge Gildersleeve, in General Sessions Court Sept. Term Part II (1876) in the case of

The People vs Hicks, indicted <sup>in charging the jury</sup> for selling obscene pictures

"Look at that picture, and say if it should come



0354

Test

into the hands of your children, - into the hands of your sons or your daughters if the impressions it would be likely to create would be pure and moral ones, or whether they would be likely to create lewd, ~~impure~~ lascivious and immoral impressions. That is the test you are to apply, and if you answer that affirmatively in the discharge of the solemn duty which you have assumed in taking your oaths as jurors - if the picture in your judgment has a tendency to create lewd and corrupt ideas and deprave and corrupt the minds of persons likely to get possession of it, (or see it) then your verdict - if you are satisfied beyond a fair and reasonable doubt must be guilty."

Apply the above test to the picture in this case, and it is manifestly an obscene and indecent picture.

The foul language used by the defendant, as testified to by Joseph A. Britton, and George E. Oran and Anthony Bourstock, <sup>see written statements</sup> when he described the obscene picture to them evidences a foul and evil intent on the part of the defendant.

The evidence that the picture was in a public place, is found in the testimony before the Court, that it was publicly exposed on the wall of a room near the entrance to the door opening from the street into the public baths and that youth were in attendance and <sup>in this place.</sup> visited.

The Penal Code makes no exceptions, but the language is unmistakable plain and emphatic, and forbids any person showing or having in his possession to show any obscene or indecent picture. Penal Code § ~~17~~ 317.



0355

"The question of obscenity of publication is  
for the Jury"

*Conn vs Landis* 8 Phil & Reports p 453

*Queen vs Hicklin* 3 Eng. Law & S. p 373, 375.

*Red. vs Dixon* 3 Tru & S. p 15

*The U.S. vs D.M. Bennett*. Blatchford's R.p.p.

In the latter case in charging the jury, the  
Judge said,

"Your duty in this case, under your oaths, can  
only be discharged by rendering a verdict  
according to the facts proven. The facts belong  
to you; the questions of law belong to the Court."

The Magistrate who seizes a picture or  
other obscene matter must immediately send  
the same to the District Attorney -

Penal Code Chap VIII § 320.

The showing of the picture clearly establishes  
the crime. As the defendant admits the  
showing of the picture, and as three  
witnesses prove the obscene and foul  
manner in which he described the same,  
when he showed it, it is not within the  
power of the Magistrate to discharge him,  
but he must hold him for trial.

Code of Criminal Procedure § 208

0356

## Duty of Magistrate

This is an examination, before a committing magistrate, for the purpose of determining, if a crime has been committed, and if there is sufficient cause to believe the defendant guilty thereof.

The only real questions before the Court then are: -

- (1) Has a crime been committed.
- (2) Is there sufficient cause to believe the defendant guilty thereof.

Says Blackstone

"If it manifestly appears either that no "such crime has been committed, or that the "suspicion entertained of the prisoner was "wholly groundless, in such case only, is it "lawful totally to discharge him. otherwise "he must be held to answer the charge against him"

Vol 4. p 296. Wendells Ed.

Chief Justice Marshall says in *Burns Trial* Vol 1 p 11.

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

0357

"xxxx I understand probable cause to be a  
"case made out by proof furnishing good reason  
"to believe that the crime alleged has been  
"committed by the person charged with having  
"committed it."

"The Magistrate cannot discharge the  
"prisoner unless he perfectly satisfied that there  
"is no sufficient ground for judicial inquiry."  
Bar. Crim. Law p. 565.

Lord Denman, Chief Justice says in the  
examination before a Magistrate:-

"If witnesses for the defense contradict those  
"for the prosecution in material points, then  
"the case would be properly sent to a jury to  
"ascertain the truth of their statement of each  
"party."

In 2 Carrington v. Kiraon p 845. it says  
"If witnesses contradict the case must be sent  
"to a jury."

See also Code of Criminal Procedure § 208.

It is made the positive duty of a Magistrate to hold  
a defendant if a crime has been committed  
and that there is sufficient cause to believe the  
defendant guilty.

Code Criminal Procedure § 208.



0358

It is impossible for anyone to look at the picture in question here & say that it is not obscene and indecent.

The evidence is uncontradicted that the defendant exhibited the picture invited young men to come in and see it -

As is already shown defendant's intent has nothing to do with the question of his guilt -

Under Sec 208 Civil Code of Procedure the magistrate must hear the defendant -

And under Sec 320 Penal Code "The magistrate must immediately ~~send~~ transmit" the indecent picture to the district attorney -

Geo McKim  
Dist Atty -

W. Beecher  
of Counsel.



0359

People's Police Court

The People  
— vs —  
Abraham M. Longea

Deed

0360

The People  
vs  
Abraham M. Loryea }

City, County and State of New York, ss:  
Joseph A. Britton of 150 Nassau  
Street, New York City, being duly sworn deposes  
and says, that on or about the 4th day  
of November 1883 in company with George  
E. Oram he visited the Turkish Bath at  
numbers 5, 7 and 9 East 46th Street, and  
had a bath; after which, while leaving the  
establishment their attention was called  
to an obscene picture hanging upon the  
wall near the entrance to premises number  
7 East 46th Street. This picture was hanging  
upon the wall and had not been observed  
by either of us until Abraham M. Loryea  
called our attention to it by saying, come  
up, I want to show you a picture. The  
said Loryea then pointed to the different  
figures in the picture and described them  
in substance and manner as follows; He  
said, see that woman on the man's back,  
pointing to a figure of a woman on a  
man's back, she is so frightened at the  
idea of taking a turkish bath that she is  
shitting <sup>all</sup> over the man. Do you see

0361

that woman there? she is pissing, and  
the fellow wants to save some of it, and he  
is catching it in a pan. He said, you  
notice above here, there is a man diddling  
a woman; you see the man there at  
the post, he sees them do it, and as he  
has nobody to diddle, and has got a hard  
on, he is bugging the post. He said, you  
notice below there, there is a woman in  
heat; she wants that man to do it to her,  
but he is ashamed, and is turning his head  
aside. He said, you see the fellow there  
up in the balcony, well that fellow there  
is shooting a stream up his ass. He  
said, you notice here is a bon-fire of  
cutches. He said, they dont want any  
cutches after they come in the bath and  
get what you see they are getting here.

Subscribed and sworn to before  
this 21<sup>st</sup> day of November 1883

Andrew Whitford  
Police Justice

} Joseph A. V. Britton

0362

City, County and }  
State of New York } ss

George E. Oran of 150 Nassau Street being duly sworn deposes and says, that he was present with the Joseph A. Button on the 4th day of November 1883 at numbers 5, 7 and 9 East 46th Street, and there was present at the interview described in the foregoing affidavit, and knows of his own knowledge, that the statements made by the said Button, giving the substance and manner of description made by the said A. M. Longea, are true. And the said George E. Oran there saw, and heard the said Longea describe the picture now before the Court in this case, as aforesaid.

Subscribed and sworn to before  
me this 20<sup>th</sup> day of November 1883 } George E. Oran,  
Sunderland  
Notary Public.



0363

People

vs

Abraham M. Lopez

Applicant of

for a Bitter and

Geo. E. Brown

0364

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Abram M. Soryea

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

\_\_\_\_\_ Abram M. Soryea \_\_\_\_\_  
of the CRIME OF Showing an indecent and obscene  
picture \_\_\_\_\_  
committed as follows:

The said Abram M. Soryea \_\_\_\_\_

late of the City and County of New York, on the \_\_\_\_\_ fourth \_\_\_\_\_ day of \_\_\_\_\_  
~~November~~ in the year of our Lord one thousand eight hundred and eighty-three  
with force and arms, at the City and County aforesaid, \_\_\_\_\_

\_\_\_\_\_ did  
show to Joseph A. Brickton, George E. Oram, and  
certain other persons whose names are to  
the Grand Jury aforesaid unknown, a certain  
indecent and obscene picture, representing  
sundry nude figures of males as well as  
of females in divers lewd, lascivious, scan-  
dalous, abominable, indecent and obscene  
attitudes and postures, a more particular  
description of which said indecent and obscene  
picture is to the Grand Jury aforesaid unknown  
and can not 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.

John Vincent  
District Attorney

0365

BOX:

120

FOLDER:

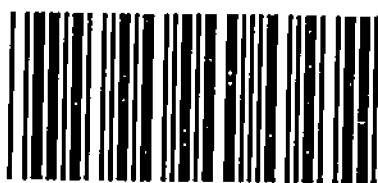
1262

DESCRIPTION:

Lynch, John

DATE:

11/09/83



1262



0366

#9-

Counsel,  
Filed  
Pleads

Day of  
1883

THE PEOPLE

vs.

John  
Anchor

Grand Larceny,  
Second degree, and  
Hawking stolen goods.

[55299 and 531]

JOHN McKEON,  
District Attorney

A True Bill.

M. H. C. C. C.  
Foreman.  
J. H. C. C. C.  
J. H. C. C. C.  
J. H. C. C. C.

0367

Just

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, ss.

of No. 185 Greenwich Street, 32 Years old, Salesman

being duly sworn, deposes and says, that on the 27<sup>th</sup> day of Oct 1883

at the day time at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent with intent to deprive the true owner thereof

the following property, viz:

One Overcoat—And one  
Sacque Coat—all of the value  
of twenty six dollars

the property of

being at the time in deponent's

Custody & charge as a Salesman

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by John Lynch who present

from the fact that deponent saw  
him so take steal and carry away  
the coats from a stand in front  
of said premises & following time  
found the property in his possession

Isaac Goodman

Sworn before me this

day of

1883

Police Justice,

0368

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, ss.

1st District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I admit stealing the coats but  
they are not as valuable as the  
Complainant states them to be

John Lynch  
made

Taken before me this

day of

Police Justice.



0369

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

*John Lynch*

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

*Oct 27 3*

188

*Audrey Smith*  
Police Justice.

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

Dated

188

Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order h to be discharged.

Dated

188

Police Justice.

0370

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Bill ordered

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Isaac Goodman  
John Rynce

1

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street.

\$

to answer

Sessions.

Offence  
Grand

General  
Camp

0371

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

John Lynch

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

John Lynch

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

The said John Lynch

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
27<sup>th</sup> ~~on the day of October~~ in the year of our Lord one thousand eight hundred and  
eighty- ~~three~~, at the Ward, City and County aforesaid, with force and arms  
one overcoat of the value of  
twenty dollars, and one  
coat of the value of ten  
dollars

of the goods, chattels and personal property of one Elias Sater  
then and there being found, then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

John McKeon

District Attorney