

0196

BOX:

33

FOLDER:

393

DESCRIPTION:

Brown, Andrew

DATE:

03/16/81



393

0197

175

Day of Trial,

Counsel,

Filed 16 day of March 1881

Pleads

THE PEOPLE

vs.
30. 9 26.
344
Gardner

Andrew Brown

Daniel S. Bellus
DANIEL S. BELLUS

District Attorney.
Part. M. March 17, 1881
Pleads against Garry &

A TRUE BILL.

William H. Hays

Foreman.

S.P. 1.4.6 mms
FS

BURGLARY-THIRD DEGREE.
NOTHING STOLEN.

0 198

Police Court—Second District.

City and County } ss:
of New York.

of No. 855, 10th Avenue Street, being duly sworn,
deposes and says that the premises No. 261, 263, West 27th Street,
20th Ward, in the City and County aforesaid, the said being a brick building
and which was occupied, by deponent as a liquor store

were **BURGLARIOUSLY**
entered by means of ^{the wire screen and breaking of}
a pane of glass

on the night of the ^{13th} ~~morning~~ of the 14th day of March 1881
and the following property feloniously ^{stolen} taken, and carried away, viz: a quantity
of liquor and cigars of the value of three hundred
and fifty dollars

the property of this deponent and Joseph Best deponent's brother
and deponent further says, that he has great cause to believe, and does believe that
the aforesaid **BURGLARY** was committed and the aforesaid property ^{stolen} taken, stolen
and carried away by Andrew Brown (now here)

for the reasons following, to wit: that deponent finally closed
and fastened the said premises at or about nine o'clock
p.m. of the 13th inst. that deponent was informed by
Mary Stappers that she was the accused in the act
of entering the said premises
John W. Greene
State and County of New York
City of New York 355
Mary Stappers of No. 261, 263, W. 27th St
over

0199

being duly sworn depon and say that she saw
the accused at or about three o'clock a.m. of the
14th inst in the act of attempting to forcibly
break into the premises 261 West 27th Street.
That the accused was accompanied by one
other person to this deponent unknown.
Sworn to before me this Mrs. Stappers
14th day of March 1881
J. M. H. Attorney
Police Justice

0200

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK. } ss.

Andrew Brown being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*Andrew Brown*

QUESTION.—How old are you?

ANSWER.—*Thirt, Years.*

QUESTION.—Where were you born?

ANSWER.—*Ireland.*

QUESTION.—Where do you live?

ANSWER.—*344 West 96th Street*

QUESTION.—What is your occupation?

ANSWER.—*Butcher*

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

ANSWER.—*I deny the charge.*

Andrew Brown
James

Taken before me, this
Wm. J. ...
day of *March* 188*7*
Police Justice.

0201

Police Court—Second District.

THE PEOPLE, &c. *vs.*
ON THE COMPLAINT OF
Charles W. Green
855 10th Ave
Andrew Brown

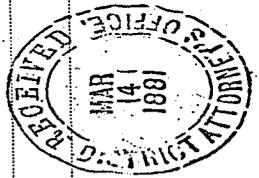
Dated *March 14th 1881*
Arthur W. [Signature] Magistrate.

Edward [Signature] Officer.
Clerk.

Witness
Mary Stephens
26th to 27th Ave

Committed in default of \$ *1.50* Bail.

Bailed by _____
No. _____ Street.



0202

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

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

That

Andrew Brown

late of the *twentieth* Ward of the City of New York, in the County of
New York, aforesaid,
on the *fourteenth* day of *March* in the year of our Lord
one thousand eight hundred and ~~seventy eight~~ *one* with force and arms,
at the Ward, City and County aforesaid, the *store* of

Charles W. Greene
there situate, feloniously and burglariously did break into and enter, the said *store*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of

Charles W. Greene

goods, merchandise and valuable things in the said *store* with intent the said
being then and there feloniously and burglariously to steal, take, and carry away
then and there

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.

Samuel S. Rollins
~~BENJ. R. PHELPS~~, District Attorney.

0203

BOX:

33

FOLDER:

393

DESCRIPTION:

Brown, James

DATE:

03/08/81



393

0204

33

Day of Trial,

Counsel,

Filed

Pleads

day of March 1887.

THE PEOPLE

vs.

J. Madison Carpenter

James Brown

BURGLARY-THIRD DEGREE.
NOTHING STOLEN.

David S. Collins
~~BENJ. H. PHIBBS~~

District Attorney.

Part Am. March 9, 1887
pleads guilty.

A True Bill.

William H. Kelly

Foreman.

Schless and

discharged on his parole
New York Mar 11, 1887.

0205

Police Office. Third District.

City and County
of New York,

ss.: Theodore Lax

No. of 162 Division

Street, being duly sworn,

deposes and says, that the premises No. 162 Division

Street, 10 Ward, in the City and County aforesaid, the said being a dwelling
house upstairs & liquor store on the 1st floor
and which was occupied by deponent as a liquor store for the sale
of liquors.

were **BURGLARIOUSLY** attempted
to be entered by means of breaking and forcibly
of the wall separating the store from the
hall & ~~was~~ forcibly removing the door
in said wall

on the night of the 28th day of February 1881

and the following property, feloniously taken, stolen and carried away, viz. with intent
to steal

Two cigars & a quantity of
Liquor of the value say of
one hundred dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed ~~and the aforesaid property taken, stolen and carried away by~~

with intent to take and carry
away said property from said store
by James Brown (now here),

for the reasons following, to-wit: That deponent heard a
noise of some person working at
the wall aforesaid when deponent
went when he heard the noise to see
that it had been cut through &
plaster removed & on making further
search Brown was found in the
cellar with said premises with
his clothing covered with plaster.

Deponent believes that he concealed
himself in said premises during the
Evening

Theodore Lax.

Returned to before me this
1st day of March 1881
J. J. Murphy
Police Justice

0206

Police Court—Third District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question.—What is your name?

Answer.—*James Brown*

Question.—How old are you?

Answer.—*41 years*

Question.—Where were you born?

Answer.—*New York*

Question.—Where do you live?

Answer.—*176 Madison St.*

Question.—What is your occupation?

Answer.—*Carpenter*

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

Answer.—*nothing*

James Brown

Taken before me, this

R. V. Murphy

day of *March* 1881

Police Justice

0207

Form 115.

POLICE COURT - THIRD DISTRICT, N.Y.

THE PEOPLE, &c.,

THE COMPLAINT OF

Headme Car

162 Division St

Louis Brown

Offence, BURGLARY.

Dated March 1 1881

W. B. B. B. Magistrate.

George Z Officer.

7 Clerk.

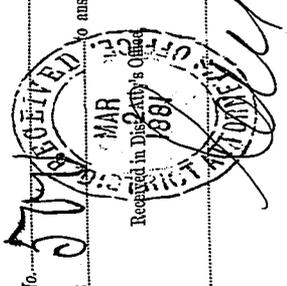
Witnesses

No. Street.

No. Street.

No. Street.

§ to answer committed.



Address unknown

Says that says
Character good with
reputation of habit
of drinking.

There is reason to
believe that the deft

got into Combes Hall
Residence
which is located at

Assistant any agent
to permit any means.

No. 3, by F. B.

Residence Street.

No. 4, by

Residence Street.

0208

CITY AND COUNTY } ss. :
OF NEW YORK,

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

That

James Brown

late of the *twelfth* Ward of the City of New York, in the County of
New York, aforesaid,
on the *twenty eighth* day of *February* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *eighty one* with force and arms,
at the Ward, City and County aforesaid, the *store* of

Theodore Lax
there situate, feloniously and burglariously did break into and enter, the said *store*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of

Theodore Lax

with intent the said
goods, merchandise and valuable things in the said *store* then and there
being then and there feloniously and burglariously to 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.

Daniel S. Rollins
~~BENJ. K. PHELPS~~, District Attorney.

0209

BOX:

33

FOLDER:

393

DESCRIPTION:

Bryson, John

DATE:

03/30/81



393

0210

BOX:

33

FOLDER:

393

DESCRIPTION:

Bryson, George

DATE:

03/30/81



393

0211

BOX:

33

FOLDER:

393

DESCRIPTION:

Thompson, William

DATE:

03/30/81



393

0212

200

Day of Trial
Counsel, *W. H. Johnson*
Filed *30* day of *March* 188*4*
Pleads *not guilty* *April*

BURGLARY—Third Degree, and
[Receiving Stolen Goods.]

THE PEOPLE
vs.
John Bryan
George Bryan
William Thompson

D. C. [unclear]
of New York
DANIEL C. ROLLINS,
Attorney at Law
NEW YORK

Chas. J. [unclear] District Attorney.
James C. [unclear]
Edward [unclear]
Attorney at Law
A TRUE BILL

William H. [unclear]
Charles W. [unclear] Foreman

Wm. H. [unclear]
John W. [unclear]
Each J.P. 2 1/2 y. [unclear]

0213

Police Court—Second District.

City and County } ss:
of New York. }

E. Elley Anderson

of No. *48 West 38th* Street, being duly sworn,

deposes and says, that the premises No. *57 3rd Greenwich*

Street, *8th* Ward, in the City and County aforesaid, the said being a *brick building*

and which was occupied by ~~deponent~~ as a *unoccupied*

were **BURGLARIOUSLY**

entered by means of *forcibly breaking and removing a window in the cellar of said premises, with intent to commit a crime therein*

on the *afternoon* of the *17th* day of *March* 1881.

and the following property feloniously taken, stolen, and carried away, viz:

A quantity of Lead Pipe consisting of about one hundred pounds and of about the value of Forty Dollars

the estate of Edward H. Anderson and in the property of deponent for and charge

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen

and carried away by *John Bryan and George Bryan and William Thompson* (all now dead)

for the reasons following, to wit:

That deponent is informed by officer John Finnerty of the 8th Police Precinct that the said window was closed in the forenoon of the said day and that as he, said officer was in Greenwich Street at about the hour of 2 o'clock in the afternoon of said day he saw said John Bryan carry away from the platform in front of said premises a quantity of lead pipe and that deponent started in pursuit of said John Bryan and caught him at the corner of Houston and Greenwich Streets with said

0214

lead pipe in his possession, and said officer
 also informed deponent that as he was
 in pursuit of said John Bryson as
 aforesaid he saw said William Thompson
 climb out of the front area-way of said
 premises No. 573 Greenwich Street, and
 run away, and said officer further informed deponent that
 when he arrested said John Bryson as
 aforesaid the said George Bryson was
 walking ten feet ahead of said John
~~with a quantity of~~
 lead pipe in his possession and going
 away from the premises mentioned
 sworn to before me this }
 20th day of March 1881 }

Wm. H. Blum Police Justice
 E. Henry Anderson

City and County of New York, N.Y. -
 John Finnerty an
 officer attached to the 8th Police
 Precinct being duly sworn deposes
 and says that he has heard read
 the foregoing affidavit of E. Henry
 Anderson, the complainant herein
 named, and so much of said
 affidavit as relates to deponent
 is true of his own knowledge.
 Deponent further says that after he
 arrested John Bryson, one of the
 prisoners named herein, deponent
 examined the area-way of premises
 No. 573 Greenwich Street and found
 the collar window broken and
 removed.
 John Finnerty

known to before me this }
 20th day of March 1881 }
 Wm. H. Blum
 Police Justice

0215

Police Court—Second District.

CITY AND COUNTY
OF NEW YORK.

John Bryson being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*John Bryson*

QUESTION.—How old are you?

ANSWER.—*Twenty three years.*

QUESTION.—Where were you born?

ANSWER.—*New York City*

QUESTION.—Where do you live?

ANSWER.—*571 Greenwich Street*

QUESTION.—What is your occupation?

ANSWER.—*Blacksmith*

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

ANSWER.—*I own the lead that they claim was stolen I wanted to make weights for decay ducks. It is next door to the premises*

John Bryson

Taken before me, this

20th day of *March* 1881

Charles M. Blum
Police Justice.

0216

Police Court—Second District.

CITY AND COUNTY OF NEW YORK, ss.

George Bryson being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*George Bryson*

QUESTION.—How old are you?

ANSWER.—*Twenty-One Years.*

QUESTION.—Where were you born?

ANSWER.—*New York City*

QUESTION.—Where do you live?

ANSWER.—*571 Greenwich Street*

QUESTION.—What is your occupation?

ANSWER.—*Cinematist*

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

ANSWER.—*I am not guilty of the charge I did not have any lead pipe*

George Bryson

Taken before me, this

20

day of *March* 1881

Police Justice.

John W. Brown

0217

Police Court—Second District.

CITY AND COUNTY)
OF NEW YORK. } ss.

William Thompson being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*William Thompson*

QUESTION.—How old are you?

ANSWER.—*Nearly One Year.*

QUESTION.—Where were you born?

ANSWER.—*New York City*

QUESTION.—Where do you live?

ANSWER.—*135 Perry Street*

QUESTION.—What is your occupation?

ANSWER.—*Truck Driver*

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

ANSWER.—*I had nothing to do with the lead*

William Thompson

Taken before me, this

20th day of *March* 1881

Wm. C. [Signature]
Police Justice

0218

Police Court—Second District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

C. O'Leary & Anderson
48 W 38 St
54 place
John Taylor
George Tyson
William Thompson

Dated *March 20* 18*91*

E. A. Hammer Magistrate.

Prinity Officer.

..... Clerk.

Witnesses

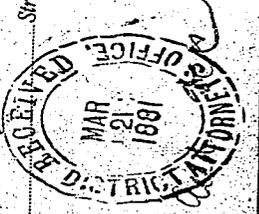
John Prinity
John Prinity

Patrick Beeman
Car. Gordon & Dilworth
5 E. Cor. King Street

Geo. T. Murray
325 E. 37 St
Committed in default of \$ *500* Bail.

Bailed by

No. Street.



Burglar

The People
 vs. Byron
 and
 George Byron
 third degree, grand larceny and receiving stolen
 goods, jointly indicted with William Thompson.
 Court of General Sessions. Part First
 Before Judge Lewis. April 6. 1882
 Indictment for burglary in the
 John Finnerty, sworn and examined. I am
 an officer attached to the 8th precinct; on
 the 17th of March I was on duty in Greenwich St
 I know the premises 543 Greenwich St; the
 premises were occupied as a preserve factory
 On the 17th of March the premises were not
 occupied. I examined the premises at six o'clock
~~in the morning of that day.~~ I looked at the
 slats that were on this platform, but they
 were moved at that time, but the window was
 secure; this window was secured with boards,
 the window under the area - boards were
 nailed across it. At two o'clock in the after-
 noon when I was going back on post I
 was coming down from this factory and I
 looked back and saw John Byron stoop
 down on this platform and pick up this
 lead pipe and walk up the street with it.
 the platform in front of 543. I ran after him
 in pursuit of him, and as I was going
 in that direction I saw Mr Thompson elevate
 his two hands on the platform and
 jump out of the area way and run away

0220

He ran into an alleyway. I followed John Bryson and arrested him on the corner of Houston and Greenwich Sts. which is about half a block from 573; he had a quantity of lead pipe under his arm going along. As I arrested John Bryson, George Bryson stood within eight or ten feet of him with a quantity of pipe on his shoulder. I told him to come back; he told me to go to hell and walked away and disposed of the pipe to his own advantage. I conveyed John Bryson to the station house. I next saw the prisoner George about 8 o'clock in the evening. I found him in an alley in Greenwich St. next door to this preserve factory. In the mean ~~time John Bryson had been locked up.~~ I did not find the pipe that George Bryson had. I returned to the premises after locking up John Bryson. I found the window under this platform in the areaway; there was not a board nor a sash in it; it had been all cleared away; the slats had been torn off; the window was open into the premises, so that a person could pass in and out of the cellar. I have a portion of the lead pipe here which was taken from John Bryson. Cross Examined. I saw the prisoner Thompson coming up out of this area through the platform. I pursued Bryson and

0221

Thompson. George Bayson was ahead of his brother I did not see George coming out of the place and I found no property on him at the time I arrested him, but at the time I first saw him he had a roll of lead pipe. I was about ten feet from him. I should judge that the lead pipe which John had was about an inch in diameter, it was about fifty pounds. I told him he should come back to Mr. Dilworth with me; he threw the pipe down on the sidewalk and said he would not. I said, "you will have to come with me to the station house. I said, "you had better take up that pipe and carry it back to Mr. Gordon." I picked up the lead myself and took it back. Mr. Gordon told me that John Bayson had nothing more to do with the premises. I then took John to the station house. He said there that he bought the pipe off small boys. E. Ellery Anderson sworn. I am the executor of the estate of Edward W. Anderson, the building 573 Greenwich St. belongs to that estate; on the 17th or 18th of March it was not occupied; it had been occupied as a preserve factory by Gordon and Dilworth; they had vacated the premises about the 1st of the month. The building was an old fashioned three story brick front and had been altered, so as to have access by folding doors which were

0222

above the sidewalk and a window on the side of the
doors. Then I presume for convenience of access
in regard to the removal of freight the occupiers
had constructed a wooden platform which afforded
a sort of dock landing on a level with the
main floor. Under the platform is a place where
there was a window leading into the cellar. I
can give no evidence as to the breaking of the
window. I am not prepared to say that anything
was taken from the premises. Mr. Brennan, who
is in Court, can testify upon that point.
Patrick Brennan, sworn and examined. I was
employed as an engineer in Gordon and Dilant's
factory, 573 and 575 Greenwich St. I was familiar
with the pipes in that building. I took some iron
and leaden pipe out of that building and sent it
to the new factory; there was some pipe left in the
building. I cut some pipe from the wall. I have
been in the building since there was a piece
of the floor ripped up and some pipe taken out.
I don't know who took it and I don't know how
much was taken. I have seen this pipe here, but
I cannot identify it as the same pipe that was
taken out of the building; it is similar to it; it
was cast iron lead pipe. Cross Examined. John
Bryson used to be in the employ of Mr. Gordon. I
never heard anything against his character
before; he has not been in trouble to my knowledge.

0223

James B. Hackett, sworn and examined for the defence testified: I am a harness maker and I carry on business at 571 Greenwich St. for the last eleven years. My place is next door to the house from which it is charged this lead was taken. I saw the condition of the premises on the morning spoken of by the officer and for two or three days prior to that. There were four slats taken from this platform that covered up the areaway, so that a boy or a man could get in there. They had nothing to do but to jump off the sidewalk right under the platform and then these old fashioned basement windows were right in from that. I saw the window open for three or four days, probably more. I looked, stooped down and saw where the boys were getting in. I saw them going in and out with old bottles and coal morning after morning. I spoke to an officer that very day ^{Mr.} Ginnerty arrested them. I don't know whether he was the officer or not - and said to him that Mr. Dilworth gave them leave to take the coal out; they were taking it out in bagfuls before 5 o'clock that morning that these boys were arrested. I saw this window was opened three or four days previous to that; there were no boards up there; they could drop down about four feet and the window was open. I have known John Rippon to know who he was the length of time I am there. I have seen him around there.

every room

0224

only when he was with Robert Gordon at the South for three or four months. As far as I know his character is good for honesty, I would trust him with anything. Cross Examined. I must have seen this window three or four times a day. The morning of the day upon which the prisoners were arrested the window was open and I saw the boys coming out as early as six o'clock. I spoke to the police about this window three or four different times, they said they spoke to Mr. Gordon about it. Had a conversation once with Officer Finnerly about it. I did not tell him that the window was broken, but I told him the boys were going in and out. I did not see these prisoners since the day they were arrested until today. I do not know where the lead pipe came from; the prisoners live in the rear of my shop; my relations to them are just the same as to any other neighbor, passing by and saluting them. I never visited at their house.

John Bryson, sworn and examined testified I live 57 Greenwich St. I have never been arrested before for anything. I worked for Reed, Gordon and Dilworth, preserve factory. I did not enter the premises of Mr. Anderson on the 17th or the 18th of March. I did not break in there. On the day in question I had lead pipe. I bought that piece of lead pipe or something similar bit off a

0225

junkman about one or two days before I was arrested. I was working and I could not take it to melt it down for what I wanted to use it for. I took it into the house. This day I was knocked off work at one o'clock and I was taking it to the blacksmith's shop to have it melted. Officer Kennedy accosted me on the corner of Houston and Greenwich Sts. He says, "I want you to go to Gordon and Dilworth's with me." I say, "What for?" He says, "For stealing lead." I say, "I did not steal any lead, I will go to Gordon and Dilworth's, but you walk either ahead or behind me." I did not want anybody to think I was a thief. The officer did not want to do that; he wanted to grab me before everybody. He carried the lead pipe and went inside and left me outside with this lead. If I was stealing it I could have taken it then. Boys wanted to steal it and I would not let them. He said he wanted me to go to the station house. About ten minutes after Mr. Gordon called me in and I went in. I had nothing to do with committing a burglary or a larceny in this place. Cross Examined. I guess I was not out of Gordon and Dilworth's employ more than ten days before I was arrested. I now work at pulling up coal in a yard for \$1.75 per day. I knew Mr. Thompson about five or six years from seeing him work around there. I did not

0226

see him the day I was arrested until he was brought into the station house. I was working up to one o'clock. I bought the lead of a junk man who goes up and down the street two or three times a week. I bought it on the corner of Greenwich and King St. There were a good many standing around and they wanted to know what I bought it for. I cannot remember any of them now and do not know where they live. I described the junk man to my friends, but I do not know whether they looked for him or not. He was known by the name of "Jimmy Rag". The afternoon I bought it I threw it in the woodhouse and the day the officer arrested me I was taking it to get it melted into molds. I gave the junk man \$1.75 for the lead; he said there was 60 pounds in it. I wanted to melt it to make decoy ducks or anchors for decoy ducks. There was a lot of decoys I was going to sell those anchors for down at Newark, Md. with a Mr. Harman. I go down there with Mr. Gordon. George Bryson testified that he was arrested once for disorderly conduct, but never was arrested before for larceny or burglary. He did not go into the premises in question on this day and took no lead from there; the officer is mistaken when he says he saw me. The jury rendered a verdict of guilty of grand larceny.

0227

Testimony in the case
of John and George
Bygones

filed March
1987

0228

CITY AND COUNTY } ss.
OF NEW YORK, }

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

That

John Bryson, George Bryson and William Thompson each

late of the *eight* Ward of the City of New York, in the County of New York,
aforesaid, on the *seventeenth* day of *March* in the year of our Lord one
thousand eight hundred and eighty *one* with force and arms, at the Ward,
City and County aforesaid, the *house and building* of

Edward H. Anderson there situate, feloniously and
burglariously, did break into and enter, the same being a building in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said

Edward H. Anderson then and there being, then and there
feloniously and burglariously to steal, take and carry away, and

*One hundred pounds of lead of the value
of forty cents each pound
One hundred feet of pipe of the value
of forty cents each foot.*

of the goods, chattels, and personal property of the said

Edward H. Anderson

so kept as aforesaid in the said *house and building* then and there being, 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.

0229

And the Jurors aforesaid, upon their oath aforesaid, do further present

THAT the said

John Bryson, George Bryson and William Thompson each.

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

One hundred pounds of lead of the value of forty cents each pound.

One hundred feet of pipe of the value of forty cents each foot.

of the goods, chattels and personal property of *Edward H. Anderson*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen ~~of the said~~ *taken and carried away* from the said *Edward H. Anderson*

unlawfully, unjustly, and ~~for the sake of wicked gain,~~ did feloniously receive and have (the said

John Bryson, George Bryson and William Thompson.

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,~~ *People of the State of New York,* and their dignity.

~~BENJAMIN C. ROLLINS,~~
~~BENJAMIN C. ROLLINS,~~ District Attorney.

0230

Paul

703

Jos McMillan

135 Perry St

4500 Real County of

King Nov 24/87

280

Day of Trial
Counsel
Filed
Pleads

March 1881
23 day of
Ex

BURGALARY—Third Degree, and
Receiving [Stolen Goods.]

THE PEOPLE

vs.

John Dwyer I.
George Budro I.
William Thompson

DANIEL C ROLLINS,
ATTORNEY AT LAW

District Attorney.

A True Bill.

William H. Phelps

Foreman

Approved by a
Court in
King Nov 24/87

0231

CITY AND COUNTY } ss.
OF NEW YORK,

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

That

*John Bryson, George Bryson and
William Thompson each*

late of the *eighth* Ward of the City of New York, in the County of New York,
aforesaid, on the *seventeenth* day of *March* in the year of our Lord one
thousand eight hundred and eighty *one* with force and arms, at the Ward,
City and County aforesaid, the *house and building of*
E. Ellety Anderson as executor of Edward N. Anderson, and of the last
will and Testament of the aforesaid Edward N. Anderson there situate, feloniously and
burglariously, did break into and enter, the same being a building in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said *E. Ellety Anderson*
as Executor of Edward N. Anderson and of the last will and Testament
of the aforesaid Edward N. Anderson then and there being, then and there
feloniously and burglariously to steal, take and carry away, and

*One hundred pounds of lead of the value of
forty cents each pound*

*One hundred feet of pipe of the value of forty
cents each foot*

of the goods, chattels, and personal property of the said *E. Ellety Anderson*
as Executor of Edward N. Anderson of the last
will and Testament of the aforesaid Edward N. Anderson

so kept as aforesaid in the said *house and building* then and there being, 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.

0232

And the Jurors aforesaid, upon their oath aforesaid, do further present

THAT the said

*John Bryson, George Bryson and
William Thompson each*

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

*One hundred pounds of lead of the value of
forty cents each pound*

*One hundred feet of pipe of the value of
forty cents each foot*

of the goods, chattels and personal property of *E. Elley Anderson as
Executor of Edward H. Anderson and of the last will
and testament of the aforesaid Edward H. Anderson*
by a certain person or persons to the Jurors aforesaid unknown, then lately before
feloniously stolen ~~of the said~~ *taken and carried away from the said
E. Elley Anderson as Executor of the last will and
testament of the aforesaid Edward H. Anderson*

unlawfully, unjustly, ~~and for the sake of wicked gain,~~ did feloniously receive and have
(the said

*John Bryson, George Bryson and
William Thompson*

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 pro-
vided, and against the peace of the ~~People~~ *People* of the State of New York, and their dignity.

~~BENJAMIN C. ROLLINS,~~
BENJAMIN C. ROLLINS, District Attorney.

0233

BOX:

33

FOLDER:

393

DESCRIPTION:

Burns, Thomas

DATE:

03/08/81



393

0234

BOX:

33

FOLDER:

393

DESCRIPTION:

Walsh, Patrick

DATE:

03/08/81



393

0235

23rd Feb. 1887

Filed day of Feb 1887

Pleas *Am. Ex. 19*

THE PEOPLE

vs.

James Burns
Patrick Walsh

Defendants

DANIEL C. ROLLINS,
ATTORNEY AT LAW

District Attorney.

A True Bill.

William Walsh

Foreman.

Jan. 10. 1887.

Chal.

James J. Egan

Chas. Smith

No. 1, S.P. One year & 6 mos
22 April, 1887.

Return City in Boston and New York State

0236

Police Court—Second District.

City and County } ss:
of New York. }

of No. 325 Spring John Pittman Street, being duly sworn,

deposes and says, that the premises No. 325 Spring Street, 5th Ward, in the City and County aforesaid, the said being a brick building

and which was occupied by deponent as a Grocery Store and dwelling house were **BURGLARIOUSLY** broken

And entered by means of forcibly breaking open the front door of said grocery store, at about the hour of 12 o'clock 20 minutes

on the Morning of the 28th day of February 1880

and the following property feloniously taken, stolen, and carried away, viz:

Gold and silver money of the United States, consisting of a number of Silver, Nickel and Copper Coins, in all of the amount and value of Three dollars and thirty-five cents and a pocket knife of the value of fifty cents

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen

and carried away by Thomas Burns and Patrick Welsh

for the reasons following, to wit: That about the hour of 11 1/2 o'clock on the night previous to said morning deponent saw that said door was closed and secured and said property was therein in the money drawers in the counter of said store. That about the hour of 12 1/2 o'clock on the morning of said 28th day of February instant deponent saw that said door had been broken open and said money burglariously stolen and carried away

as aforesaid. That thereafter department
 was informed by officer McLoe, then
 present, that he, said officer, detected
 said defendants in the act of carrying
 out of said store at about the time
 of 20 minutes after 12 o'clock on
 said morning, the defendant Burns
 carrying said money in his possession
 and the defendant Walsh carrying
 said knife in his possession.
 That department identifies a portion of
 said money and said knife as being
 the property so stolen and carried away
 as aforesaid.

Sworn to before me this } John Britton
 28 day of February 1881

John A. Hannon - Justice

City and County of New York, Ct.

John McLoe, an officer of the
 104th Precinct Police, being duly
 sworn deposes and says that he has
 heard and seen the foregoing affidavit of
 John Britton and that so much of
 the same as relates to department is
 true of deponent on knowledge.

Sworn to before me this } John McLoe
 28 day of February 1881

John A. Hannon - Justice

0238

City and County of New York, Ss.
John Ryan, of the Eighth Precinct
Police, being duly sworn deposes and
says - That about the hour of 11 o'clock
50 minutes on the night of the 27th
day of February 1881 defendant saw the
Prisoners Thomas Burns and Patrick
Walsh, now here, in Company and
Consorting together on the corner of
Spring and Washington Streets, which is
about 100 feet from the premises
of John Patton the Complainant in
the foregoing affidavit.
Sworn to before me this }
2nd day of March 1881 } John Ryan
John W. W. }
Police Justice

City and County of New York, Ss.
John Apple, of the Eighth Precinct
Police, being duly sworn says - That when
defendant arrested Patrick Walsh, one
of the defendants named in the fore-
going Complaint of John Patton, he
found upon his person a pocket knife which
was thereafter identified by said

0239

Complainant as a possessor of the
property which had been wrongfully
stolen and carried away from his
possession as stated in this said
Complaint.

Done to before me this } John Apple
2^d day of February 1881

John W. Apple
Justice

0240

Police Court—Second District.

CITY AND COUNTY)
OF NEW YORK. ss.

Thomas Burns being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*Thomas Burns*

QUESTION.—How old are you?

ANSWER.—*Twenty—five years & over*

QUESTION.—Where were you born?

ANSWER.—*New York City*

QUESTION.—Where do you live?

ANSWER.—*33 Spring Street*

QUESTION.—What is your occupation?

ANSWER.—*Laborer*

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

ANSWER.—*I am not guilty of the charge.*

Thos Burns

Taken before me, this

John A. Murray
Police Justice.

1881

0241

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK. } ss.

Patrick Walsh being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*Patrick Walsh*

QUESTION.—How old are you?

ANSWER.—*Twenty-two years of age*

QUESTION.—Where were you born?

ANSWER.—*New York City*

QUESTION.—Where do you live?

ANSWER.—*No. 526 Greenwich St.*

QUESTION.—What is your occupation?

ANSWER.—*Labourer*

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

ANSWER.—*I am not guilty of the charge. I was about two days from the place when the officer says he saw me coming out as I passed him. I turned around and saw a man go by and again a the other officer on his way to be arrested and*
Patrick Walsh

Taken before me, this

John C. Miller
Police Justice
1887

0242

Police Court—Second District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John A. Pittman
325 Spring St
vs
Thomas Owens
2 Patrick Walsh

Dated *February 26* 1881

Hammond Magistrate.

McLure Officer.

McG Clerk.

Witnesses *John McLure*

S. Paul Polici

John J. Blanton

325 Spring Street

John Reynolds & Mead

John Apple Police

Committed in default of \$ *1000* Bail *cash*

Bailed by _____ Street _____

No. _____



Det. March 1/81 G. A. Mc

0243

EUROPE AND
CALIFORNIA

J. J. SHANAHAN,
10 BROAD STREET,

PASSAGE AND
EXCHANGE OFFICE.

Boston, Me. 17 1884

To Whom it may Concern
The holder Thomas
Barnes has been with me
off and on for the last year.
I have found him honest &
a faithful worker, whether on
my farm or in my counting-
room as clerk.
J. J. Shanahan

I hereby certify that I am
personally acquainted with J. J.
Shanahan and that he is a
reputable man and worthy of credit.
John H. Manning
Clerk Superior Court
Suffolk County
J. H. Manning

0244

TO THE CHIEF CLERK!

SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

Thomas Burns.

A handwritten signature in cursive script, appearing to be "T. Burns", written on a dotted line.

0245

No. 16 Form 2

THE AMERICAN RAPID TELEGRAPH COMPANY.

EXPRESS MESSAGE

BRANCH OFFICE

BRANISVILLE, ILL.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.

This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above. GERRIT SMITH, Engineer-in-Chief. I. A. SHEPHERD, Genl Sup't. EDWIN REED, President.

CHECK NUMBER TIME
38pd 7 117 3:10 P.M.

To Warden Finn
Jumbo Prison
Boston 3 1888

If you are acquainted with
Dist Attorney Rollins speak a
kind word for Thomas Turner
who is now awaiting sentence
from Judge Alderislee he is
well connected here but unfortunately
try and have sentence light
James McLaughlin
Repealty Prison

Read the Notice at the Top.

Please pay no Charges on this Message, unless the amount is denoted hereon by the Company's Stamp.

0246

DEPARTMENT OF
Public Charities and Correction.

(TOMBS) CITY PRISON,

JAMES FINN,
Warden.

New York:

April 6 1881

Hon. Daniel J. Rollins
District Attorney
New York

Dear Sir
On February 28 Thomas Dums and Patrick Walsh were committed to this prison charged with Burglary. Walsh was tried and a verdict March 15 and Dums pleaded guilty about three weeks ago and is now awaiting sentence. I enclose Telegram received from the Keeper of the City Prison, Boston, which will explain the object of my writing to you. I can say nothing about Dums but that he has been well behaved since coming here.

James Finn
Warden

0247

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That *Thomas Burns and Patrick Walsh* each late of the *eight* Ward of the City of New York, in the County of New York, aforesaid, on the *twenty eighth* day of *February* in the year of our Lord one thousand eight hundred and eighty *one* with force and arms, about the hour of *twelve* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of

John Britton there situate, feloniously and burglariously did break into and enter, by means of *forcibly breaking open an outer door of said dwelling house* whilst there was then and there some human being to wit, one *John Britton* within the said dwelling house, the said *Thomas Burns and Patrick Walsh* then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of *John Britton* in the said dwelling house then and there being, then and there feloniously and burglariously to 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.

And the jurors aforesaid, upon their oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, about the hour of *twelve* o'clock in the *night* time of said day the said *Thomas Burns and Patrick Walsh* each late of the Ward, City and County aforesaid,

Gives coin of a number kind and denomination to the jurors aforesaid unknown, and a more accurate description of which cannot now be given of the value of two dollars and thirty six cents of the goods, chattels, and personal property of *John Britton*

John Britton in the said dwelling house of one *John Britton*, then and there being found in the dwelling house aforesaid, 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.

~~BENJ. R. PHELPS, District Attorney~~

0248

And the Jurors aforesaid, upon their oath aforesaid, do further present

THAT the said

Thomas Burns and Patrick Walsh each

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

Gave evidence of a number kind and denomination to the jurors aforesaid unknown and a more accurate description of which cannot now be given of the value of two dollars and thirty six cents

of the goods, chattels and personal property of the said

John Britton

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen ~~of the said~~ *taken and carried away from the said*

John Britton

unlawfully, unjustly, ~~and for the sake of wicked gain,~~ did feloniously receive and have (the said *Thomas Burns and Patrick Walsh*

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

DANIEL C ROLLINS,

~~Attorney at Law~~ District Attorney.

0249

BOX:

33

FOLDER:

393

DESCRIPTION:

Butler, John

DATE:

03/21/81



393

0250

214

Pantalone

Filed 21 day of March 1881

Pleas *to County (2)*

THE PEOPLE

vs.

P

John Butler

Daniel G. Phelps
DANIEL G. PHELPS

Assault and Battery - Felonious.

District Attorney.
Filed by *Amos P. 1887*
Mrs. Facquette
A True Bill.

William Staley
Evenden

11.2. Apr 14

in the words & figures as follows, viz:

"Whereas, sometime in or about the year 1839, Solomon Rundle departed this life leaving a will in which, besides providing for his son Henry A. and his two daughters Ann & Hannah, he gave and bequeath to his son Charles A, the one half of the rents, issues & profits of certain lots of land and premises in Peekskill, therein described, directing them to be taken charge of by his executors for his, and his familys support and benefit, and not for the benefit of his creditors or for the payment of debts and after the death of said Charles, and his wife, to be equally shared by his children, to be theirs, and their heirs and assigns forever, and giving to his wife Hannah, the half of the rents of the lands devised in said will, for the benefit of said Charles & Henry and declaring in said will that after his wifes death, that each of his heirs should have the whole benefit of the rents and income, of the several lots as described, to them, the moneys arising therefrom to be in charge of by his executors for the uses of them and their families as aforesaid, and subsequently in said will giving to his executors or a majority of them, or the survivors of them, the power to sell and convey the whole or any part of the lands, given to his sons the money to be kept at interest for their benefit,

And whereas at the making of the will, and at the death of Solomon Rundle the family of Charles

A. Roundle consisted of his wife Amelia, who has since died, and three children, a son (since deceased) and two daughters.

And whereas said Charles A. Roundle died sometime in or about the year 1875.

And whereas during the life time of said Charles A. all the lands given in the will for his benefit were sold by the executors of Solomon Roundle with the exception of a few acres in the mountains or hill, north of the upper dock in Peekskill.

And whereas the undersigned Mary E. wife of John Butler claiming to be a daughter of said Charles A. Roundle, by her mother Frances E. now the wife of Henry Green, but whose maiden name was Frances E. Holder, insists that as such child, she is entitled to a share in the property referred to in the will of Solomon Roundle, as aforesaid, or in its proceeds.

And whereas certain questions have arisen in respect to the rights and interests of the parties therein and the said Mary is desirous of disposing of her interest in the same.

Now in consideration of the premises and of six hundred and fifty dollars to her in hand paid by Victor W. Macfarlane, the receipt ^{of policy} ~~thereof~~ is hereby acknowledged, the said Mary E. Butler and her husband John Butler have granted assigned and made over, and by these presents do grant assign and make over to said Victor W. Macfarlane, all right, title and interest in and to any and all property or the proceeds thereof in cases

0254

where any of it has been sold, in whatever form it may be, to which she the said Mary may be entitled as a daughter of Charles A. Rounde, or descendant of Solomon Rounde dead, and which formerly belonged to said Solomon Rounde deceased.

And the said Mary E. and John Butler jointly and severally authorize the said Macfarlane to take all lawful ways and means to collect and recover the same, and to make and execute all proper instruments acquittances, or discharges in their or either of their names, in relation to said matter but at his costs and charges, as fully and as effectual as the said Mary E. and John Butler or either of them could make or execute in person.

In witness whereof the said Mary E. Butler and John Butler have hereto set their hands and seals, this Thirteenth day of August in the year 1879.

Sealed & delivered in the presence of.

erasure in line 27. of 2^d page
& insertion of words "and fifty"
interlined ^{done} before execution

W. H. Salter.

Mary E. Butler L.S.
John Butler L.S.

City and County of New York ss.

On this Thirteenth day of August in the year 1879. personally appeared before me the above named Mary E. Butler and John Butler

her husband to me known to be the persons described in, and who ^{and duly} executed the foregoing instrument and severally acknowledged, the execution of the same, and the said Mary E. Butler on a private examination separate and apart from her husband, acknowledged that she executed the same freely and without any fear or compulsion of her husband."

Wm H. Salter.

Book of Deeds.

Plaintiffs further show,

That the said assignment ^{each of said parties} was executed by ^{them} in the belief that the said sum of \$600 ^{received by} them was the full fair and reasonable value, of the interest which the plaintiff Mary E. Butler was entitled to receive of the estate of her said Grandfather, & that belief was occasioned by the representations & statements of one Thomas Nelson, an attorney and counsellor at law ^{of the City of St. Louis} who was fully cognizant of the value and extent of said estate from having acted as counsel for said Rundle or for the said ^{said} Executors and as counsel for ^{said} ~~the~~ ^{above named} defendant, being the son-in-law of said Thomas Nelson.

That these plaintiffs were not acquainted with the defendant herein, that all the negotiations, relative to said assignment by these plaintiffs, were made with said Thomas Nelson who personally conducted the negotiations which resulted in the assignment by these plaintiffs

That in order to induce these plaintiff to sell, and assign the interest which the said Mary E. Butler had ^{said} in the estate of her Grandfather, she represented to her, ^{Thomas Nelson acting in his own behalf, or as the agent and attorney for the defendant}

^{said Solomon Rundle} that ^{he} had left little or nothing, that ^{her father} the said Charles A. Rundle had died in extreme poverty, that if he ever had anything he said Rundle had gone through it years before, and that there was nothing left for said plaintiff Mary E. Butler from the estate of her grandfather; that it was a complicated case but would give the plaintiffs four or five hundred dollars for what interest they had in the estate of said Solomon Rundle deceased, which amount was far more than the interest was worth, and these plaintiffs, ^{particularly the said} ~~that~~ ^{Mary E. Butler believing} ~~the~~ ^{knowledge of said Rundle} statements of said Nelson were true & relying on his ^{position as the former attorney and} counsel for said estate, ^{and the helpfulness of his affidavits} & for said estate, believing that ~~from~~ ^{from} his personal knowledge of all the facts, ^{and that he had failed to represent the true condition of said estate} that his statements were true, did agree to execute an assignment to him for the sum of \$650. That when in pursuance of the agreement, plaintiffs executed the assignment, instead of ^{executing} ~~executing~~ the same ^{in the name of} ~~to~~ said Nelson, he, ^{the} said Nelson, who plaintiffs allege was acting ^{either} for and ^{or} his own behalf, ~~and~~ ⁱⁿ behalf of his son in law, said defendant, ^{or both} had the name of Victor W. Macfarlane, ^{the defendant herein said} inserted in the assignment instead of his own name. ^{as given by plaintiff} ~~as the appearance of~~ ^{as given by plaintiff} ~~in~~ ⁱⁿ ~~interest~~ ^{interest}

Fourth, Plaintiffs further show and allege.

That the statements and representations made by said Thomas Nelson in order to induce these ^{especially the said Mary E. Butler} plaintiffs to assign such interest as the said Mary E.

Butler had in the estate of her grandfather said Solomon Rundle were untrue and false in every particular and that such false and fraudulent statements were ^{knowingly and the real & actual value of said estate were concealed} made, in order to obtain from the plaintiff Mary E. Butler, an assignment of her interest in said estate, for a sum far below the real value of said interest, and in support of this allegation the plaintiffs set forth the following facts, which facts were all ~~at the time~~ within the personal knowledge of said Thomas Nelson and were fully known to him, at the date of the said assignment but were unknown to the plaintiffs who were ignorant of the facts, concerning, and the value of the Estate of said Solomon Rundle deceased, or the extent of the interest which belonged to the plaintiff Mary E. Butler, as a grandchild and heir at law of said Solomon Rundle deceased.

1st That the said Solomon Rundle, then a resident of Peekskill Westchester Co. N. Y. died in or about the year 1839. leaving a last Will and Testament which was duly proved and admitted to probate by the Surrogate of the County of Westchester July 16. 1839. and is recorded in said Register Surrogates office in Liber V. of Wills page 633. that by said Will the said testator appointed Eli Luncey, George S. Allison, and his wife Hannah Rundle, the executors & executrix of his estate, that the said executors & executrix duly qualified and entered upon the duties of their office.

That in & by the 4th clause of said last will & testament he gave devised and bequeath, a part and

0258

portion of his said estate, in the words and figures following viz:-

"Smith I give and bequeath to my son Charles A. Re under the one half of the rents issues & profits of all the lots and premises herein described, to him, to be taken charge of by my Executors for his and for his families support and benefit, not for the benefit of his creditors or for the payment of debts that he has contracted or may hereafter contract, Situated and bounded as follows viz:- Beginning on the North side of the lot of Perry Minner thence running an easterly course, the same as the North line of said Minners land to the West line of the land of James B. Travice, thence Northerly along said Travices' west line until it comes to a stone wall on my land, thence westerly along said stone wall to my dirt cellar, thence Southerly as the Stone Wall stands until it comes to the Stone Wall leading to the kitchen occupied by William Denike thence west in range of said ~~kitchen~~ to the Northwest corner of said Dock thence west & southerly as the Dock now runs to the Dock of Ward Hunter thence Easterly, along the North line of Ward Hunters land to the highway thence along the east line of said highway, southerly to the place of beginning containing twenty acres more or less, Also the use and income as before of eight acres of wood, it being a part of a lot by

0259

"me purchased of Delavan, the eight acres to be adjoining the land of John McLooy. I give devise and bequeath the before described Lots of Land, after the death of my said son Charles and his wife, to be equally shared by his children to be theirs, and to their heirs and assigns forever: the last named Lot to be laid out with a parallel line to the south line of said McLooy's land, and to extend to the Hudson River with an equal width ~~on~~ ^{at} each at each end."

That by virtue of the power and authority given said Executors in and by said last Will and Testament, to sell or convey any portion of said real estate, The said executors did, as is shown by Record of deeds on file in the Registers office of Westchester County on or about March 3^d 1841, sell and convey to one William Denike a small portion (consisting of about two acres) of the real Estate, described in and devised by the ^{said} 4th clause of said Will for the price or sum of \$4921⁷⁵/₁₀₀, which amount was received by said executors as the consideration for said sale, the deed being recorded in said Registers office in Liber 92 of deeds p 516. Reference being here made to said deed or the record thereof and to be taken as a part of this complaint the same as if fully set forth herein.

That thereafter & about October 30th 1848 the said Executors sold an additional small portion of the lands described in said fourth clause of said will

consisting of about one acre to one Isaac Seymore for the price or sum of One thousand dollars, which sum was received by them as the consideration for said sale, the deed being recorded in said Registers office in Liber 134 of deeds page 124, Reference being here made to said deed or the record thereof and to be taken as a part of this complaint the same as if fully set forth herein.

That according to the provisions and directions of said testator as set forth in said 4th clause, of his will, Charles A. Roundle, the father of the plaintiff Mary E. Butler was entitled to, and did receive the one half part of the income of the moneys received by said Executors from the sales aforesaid until his death which occurred in or about the year 1874, his wife Amelia having also died, previous to the year 1874.

That at the time of the death of said Charles A. Roundle, he left his ^{his one heirs at law} surviving three children, the plaintiff Mary E. Roundle now the wife of John Butler, Anna A. Roundle afterwards the wife of Seth Bennett, and Sarah V. ~~Roundle~~ ^{Roundle}, afterwards the wife of Albert Harrison.

That on the death of the said Charles A. Roundle, ^{Samuel Roundle having previously died} the plaintiff Mary E. Butler, her sisters Anna A. Bennett & Sarah V. Harrison, became entitled to receive under the fourth clause of the will of said Solomon Roundle deceased, each, the equal one third part of said sum of \$59,217⁵⁰/₁₀₀ received by said executors by the sales

of real estate as aforesaid and an equal undivided one third interest in the remainder of the lands devised by said 4th clause of said will, amounting to about twenty four acres more or less.

That two of the executors of said Estate are now dead, viz: Hannah Peundle and Eli Lunnec; That no accounting has ever been made by said executors, or by the surviving executor, and the moneys received from said sales of said parcels, and the interest on the same since the year 1874, has never been accounted for or paid and said sum is still in the hands of the representatives of the deceased executors, or in the hands of the surviving executor.

Plaintiff further shows,

That the amount of money which the said Mary E. Butler was entitled to at the date of the assignment to said defendant, was the one third of \$3921 $\frac{7}{10}$ viz the sum of \$1973 $\frac{92}{100}$ and the interest thereon from the date of the death of her said Father, which occurred in the year 1874, being a period of about five years, which interest ~~and amounting~~ to about the sum of \$690, making the total amount to which she was ^{for principal and interest} entitled, at that date, the sum of about \$2663 #

Plaintiff further shows,

That said sum of money can be easily collected, that the surviving Executor, Geo. S. Allison is a very wealthy man, and that Eli Lunnec, one of the other executors died leaving a large estate of which estate, George S. Allison is also the executor.

Wherefore plaintiffs demand judgment,

That by reason of the false and fraudulent misrepresentation and concealment practiced on these plaintiffs by said defendant through his attorney and agent as aforesaid; that the said assignment given as aforesaid by these plaintiffs be declared null, void and of no force or effect, that the said plaintiff Mary E. Butler, be fully reinstated into all her rights as an heir at law, and legatee under the Will of Solomon Rundle deceased, and that they have judgment, and that said defendant deliver up, ^{cancel} said assignment ^{cancel the same by declared null void} upon receiving from the plaintiff \$600 paid by him to them, with lawful interest; And that the plaintiffs have such other or further order, relief or judgment in the premises as may be just and proper, with her costs and disbursements.

Atty at Law of New York for

Mary E. Butler and John

Butler being each duly and severally sworn say each for himself & herself that ~~the~~ the foregoing complaint

0263

as true of his ~~and~~ their own knowledge except as to
those matters therein alleged to be stated in
information and belief and as to those matters
they believe it to be true

Given before me
March. 4. 1881

0264

N.Y. Supreme Court
County of Westchester

Mary C. Butler
et al.
Plaintiffs
against

Victor W. Macfarlane
Defendant

Draft
Complaint

JAMES M. FISK,
Plaintiffs' Attorney,
No. 206 BROADWAY,
Evening Post Building,
New York.

To _____
Attorney for _____

Due service of a copy of the within
is hereby admitted.

Dated _____ 1881

James M. Fisk
206 Broadway

The within is the
Draft Complaint
with action form
which the original
was copied by clerk
I expect that account
and a clean copy
but the within reads
the same as the original
Complaint that has
been served, the action
is now pending
James M. Fisk
Pepp Alley
206 Broadway

April 11, 1881
The facts in regard to the
case forwarded to you through
an within my personal
knowledge J.M.F.

0265

AFFIDAVIT—FELONIOUS ASSAULT, &c.

Second District Police Court.

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

Victor H. MacFarlane of No. 322.

111th Street, being duly sworn, deposes and says
that on the 15th day of March in the year
1881, at the City of New York, he was violently and feloniously assaulted and beaten by

John Butler (nowhere) who came
up to deponent, and said I want to
talk to you. Deponent then said I
want nothing to do with you meaning
said (Butler) said Butler then said
you will have to listen to me (meaning
this deponent) When deponent again said
I will not talk to you (meaning said Butler)
whereupon said Butler put his hand
into his pocket and took therefrom
a loaded Revolving pistol which said
Butler pointed aimed and discharged
at deponent's person.

with the felonious intent to take the life of deponent, ^{and} or to do him 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~~ dealt
with according to law.

Sworn to before me this 16 day
of March 1881

J. M. [Signature]

MacFarlane

Police Justice.

0266

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Victor W. MacFarland
322 W 14th St

vs.

John Butler
Dated *March 16th 1881*

Magistrate.

Patterson

Officer.

Moody

Clerk.

John W. Smith

Witnesses,

Wm. Argueason
504 West 16th St.

Thomas Wilson Jr

22 No 10th St

C. Cowen

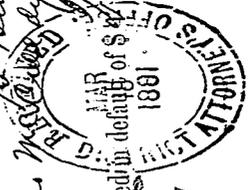
Can for

Committed in default of \$ *1000*, bail.

Bailed by

No.

Street.



0267

Police Court—Second District.

CITY AND COUNTY OF NEW YORK, ss.

John Butler being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—

John Butler

QUESTION.—How old are you?

ANSWER.—

Thirty four years.

QUESTION.—Where were you born?

ANSWER.—

Ireland

QUESTION.—Where do you live?

ANSWER.—

1604. 2^d Avenue

QUESTION.—What is your occupation?

ANSWER.—

Brickman

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

ANSWER.—

I am not guilty of the charge.

John Butler

Taken before me, this

16th

day of *March* 188*7*

Wm. J. ...
Police Justice.

8920

April the 12th 1851.

George Eldersleeve.

Dear Friend, I write
you a note yesterday, about my husband
who will be tried before to-morrow.

He so the victim of a conspiracy, of which
I related some of the facts yesterday.
The participants are Dr. M. MacFarlane,
and his attorney, Thomas Nelson.

We have a suit against them in the
Superior Court: and for this reason
they have conspired to destroy my husband
I have brought a copy of the suit so that
you can see the matters the committed
upon me. A fair woman with the fair
little children.

Dear Oldest Friend

Mary E. Butler

0269

April the 12th 1881.

Judge Geldersleeve.

Your Honor, I wrote you a note yesterday, about my husband who will be tried before to-morrow. He is the victim of a conspiracy, of which I related some of the facts yesterday. His prosecutors are J. P. W. Macfarlane, and his attorney Thomas Nelson. We have a suit against them in the Supreme Court: and for this reason they have conspired to destroy my husband. I have brought a copy of the suit - so that you can see the robbery they committed upon me - a poor woman with four little children.

Your Obedient Servant

Mary E. Butler

0270

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

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

That *John Butler*

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

on the *fifteenth* day of *March* in the year of our Lord
one thousand eight hundred and eighty *one* with force and arms, at the City and
County aforesaid, in and upon the body of *Victor W. Macfarlane*
in the peace of the said People then and there being feloniously did make an assault
and to, at and against *him* the said *Victor W. Macfarlane*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *John Butler*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *Victor W. Macfarlane*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *John Butler*

with force and arms, in and upon the body of the said *Victor W. Macfarlane*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *Victor W. Macfarlane*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *John Butler*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,
with intent *him* the said *Victor W. Macfarlane*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said John Butler

with force and arms, in and upon the body of the said Victor W. Macfarlane then and there being, wilfully and feloniously did make an assault and to, at and against him the said Victor W. Macfarlane a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said John Butler

in his right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby him the said Victor W. Macfarlane

wilfully and feloniously then and there to injure, 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said John Butler

with force and arms, in and upon the body of the said Victor W. Macfarlane then and there being, wilfully and feloniously, did make an assault and to, at and against him the said Victor W. Macfarlane a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said John Butler

in his right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby him the said Victor W. Macfarlane

wilfully and feloniously then and there to injure, 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.

Daniel G. Rollins
BENJ. K. PHELPS, District Attorney.

0272

BOX:

33

FOLDER:

393

DESCRIPTION:

Butler, Samuel

DATE:

03/28/81



393

0273

368

Sept in receipt
since Samy last
F.S.

Day of Trial, *J. M. P.*
Counsel, *J. M. P.*
Filed *20* day of *March* 188*1*
Pleads *not guilty* *Quob.*

Selling Lottery Policies.

THE PEOPLE

63 *Commiss* vs. *B*
1572 *##*

Samuel Butley
(2 Cases)

DANIEL G. ROLLINS,
District Attorney.

A True Bill.

William H. P. [Signature]

Part Jury June 22-1881

Pleads Guilty - 1. Crime.

J. M. P. M. O. P. 100 fms
Reduced by Court F.S.
to 150 fms - F.S.
Sept 29/81

0274

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

George F. Smith.

~~ANTHONY COMSTOCK~~, of 150 Nassau street, New York

New York March
5 21/2 hours at 2 1/2 - 1881
8-15-8 PM
21 2-8

0275

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



George H. Smith.

~~ANTHONY COMSTOCK~~, of 150 Nassau street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that

Samuel Bullis
did, on or about the 21 day of March, 1881, at number 52 1/2 Carmine St
~~street~~ in the City of New York, and County of New York, unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and further, that the said *Samuel Bullis*

had in *his* possession, within and upon certain premises, occupied by *him* and situated and known as number 52 1/2 Carmine street, in the City and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell, or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in *his* possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me,
this 25 day of March 1881

George H. Smith

Police Justice.

0276

B. B. 21
8-13-42
1920

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

George F. Smith.

~~ANTHONY COMSTOCK~~, of 150 Nassau street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that

Samuel Bullis
did, on or about the 21 day of March, 1881, at number 52 1/2 Carmine St

~~street~~ in the City of New York, and County of New York, unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and further, that the said

Samuel Bullis
had in *his* possession, within and upon certain premises, occupied by *him* and situated and known as number 52 1/2 Carmine street, in the City and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell, or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in *his* possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me,
this 25 day of March 1881

George F. Smith

Police Justice.

0277

POLICE COURT DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

368
1/2

LOTTERY AND POLICY.

VS.

Samuel Britly

g

Dated.....188

Magistrate,

Clerk

Officer.

WITNESSES:

Bailed, \$

to answer Sessions.

John O. Hart

Street.

0278

B. Ex 19
27-64-54
420

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

George F. Smith

~~Anthony Comstock~~, of 150 Nassau street, New York, being duly sworn, deposes and says that he ~~has just cause to believe and does believe~~ that

Samuel Butler, here present
did, on or about the *19th* day of *March*, 1881, at number *52 1/2 Carmine*
Street

in the City of New York, and County of New York, unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and further, that the said

Samuel Butler

has in *his* possession, within and upon certain premises, occupied by *him* and situated and known as number *52 1/2 Carmine* street, in the City and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in *his* possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me,
this *21st* day of *March*, 1881

J. M. [Signature]
Police Justice.

George F. Smith

0279

148
POLICE COURT - 2 DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Geo. F. Smith
150 Nassau St.
327

VS.

Amund Butler
9 W. 11th St.

LOTTERY AND POLICY.

Dated March 21 188 8

Paterson Magistrate.

Green Officer.

WITNESSES:
Anthony Conforte
150 Nassau St.

Bailed to THOMAS
to appear Amund Sessions.
by Robert Crook
John D. Topher Street.
Witness John O. Hart

0280

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

The People of the State
of New York -

against
Samuel Butler

To
Hon. J. G. Rollins
District Attorney } Sir - Please take
notice that upon the annexed Affidavit
of the defendant I shall apply to this
Court Part 2, held by Hon. Frederick
Smyth Recorder on Wednesday Septem-
ber 21st 1881 at the opening of the
Court on that day, or as soon thereafter
as counsel can be heard for an order
remitting the fine of \$100. heretofore
and on the 22^d day of June 1881 imposed
upon the defendant or for such other
or further order as the Court may think
proper to grant -

Yours &c
John V. Mott
Attorney for defendant

0281

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

The People of the State
of New York.

against
Samuel Butler

City and County of New York fo:

Samuel Butler being
duly sworn hath deposed and says
that he is the defendant above named
that he was convicted upon his plea
of Guilty, on the 22^d day of June
1881 of the Crime of Selling a Lottery
Ticket, in this Court, Wm. Frederick
Lynch Recorder of said City presiding
and deponent was thereupon and
by said Court sentenced to Imprison-
ment in the Penitentiary for the
term of three Months and pay a fine
of One hundred Dollars, and in
default of such payment to stand
committed until said fine
should be paid at the rate of One
dollar for each day this deponent
should be confined in said Penitentiary

0282

after the expiration of the said three months.

That the said term of three months imprisonment will expire on the 22nd day of September instant.

That deponent is now confined in the Penitentiary on Blackwells Island on said judgment.

That this deponent is wholly unable to pay said fine of one hundred dollars or any part thereof ^{being entirely destitute of any property of any kind.} that deponent has a family depending upon his labor for their support and unless said fine shall be remitted and deponent discharged this deponent's said family will be obliged to apply to the authorities for assistance.

And deponent further says that if he shall be discharged now from further imprisonment he has a chance to obtain employment at once, which he cannot get if he shall be kept longer in prison as the parties who will now give him employment cannot wait until that the discharge of deponent after serving out

0283

the number of days necessary to pay
the fine imposed.

And deponent further says that
he will not under any circumstances
again engage in the business of
selling lottery tickets or lottery
policies either directly or indirectly.

Sworn before me

September 20th 1881

Wm. S. Hooper (48)

Notary Public

W.S.H.

Samuel Butler

Notion granted.
As far as to
produce the fine
to reply do you
in all other respect
No been.

Sept. 29. 1871

Court of General Sessions
The People

vs

Samuel Butler

Affidavit and Notice
Application for writ
of Habeas Corpus

John A. Mott
Samuel M. S. P.
140 Nassau Street

In answer of Notice
of Writ Application
is hereby admitted -
J. S. Phelps
District Attorney

Court of General Sessions
of the City of New York

The People
vs
Samuel Butler

City & County of New York

Hermon B. Kessel
being duly sworn says that he
is the keeper of a Restaurant at
No. 226 Bleecker Street in the City of
New York: that he knows the above
named defendant and has known
him for two years and upwards and
knows the pecuniary circumstances
of the defendant: That said defendant
has been a boarder at deponent's
place during the aforesaid period.

And deponent further says that
he knows that the defendant is very
poor not having any property of
any kind, and wholly unable to
pay any part or portion of the fine
of One Hundred dollars imposed in
this case.

H. B. Kessel.

Sworn before me
Sept 22-1881
Abraham H. Wood
Notary Public in New York

0286

W. Samuel Spavin

The People

vs

Samuel Butler

Affidavit of
Amnon B. Russell
as to inability of
defendant to pay
fine -

John A. Wood
Counsel for deft

0287

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That

Samuel Butler

late of the *Ninth* Ward, in the City and County aforesaid,
on the *nineteenth* day of *March* in the year of our
Lord one thousand eight hundred and eighty *one* at the Ward, City and
County aforesaid, with force and arms, did unlawfully and knowingly vend, sell, barter,
furnish and supply, to one

George J. Smith

and did procure and cause to be procured for the said

George J. Smith

a certain paper, instrument, and writing, commonly called a lottery policy, which said
paper, instrument, and writing, commonly called a lottery policy, is as follows, that is
to say:

B. Ex 19

27 - 64 - 54

420

(a more particular description of which said instrument and writing so commonly
called a lottery policy, is to the jurors aforesaid unknown, and cannot now be given)

0288

SECOND COUNT—

And the jurors aforesaid, upon their oath aforesaid, do further present:

That the said *Samuel Butler*
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler: and that he the said

Samuel Butler
on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a certain building, known as number

fifty two and one half Carmine Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to divers persons, (whose names are to the jurors aforesaid unknown and cannot now be given), and did procure, and caused to be procured, for the said divers persons, (whose names are to the jurors aforesaid unknown), certain instruments and writings, commonly known as and called lottery policies (a more particular description of which is to the jurors aforesaid unknown and cannot now be given).

THIRD COUNT—

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

That the said *Samuel Butler*
late of the Ward, City and County aforesaid, on the day and in the year aforesaid, and on divers other days, was and yet is a common gambler:

And that he the said *Samuel Butler*

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

fifty two and one half Carmine Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one

George J. Smith
and did procure and cause to be procured for the said

George J. Smith
a certain instrument and writing, commonly known as and called a lottery policy, which said instrument and writing commonly called a lottery policy, is as follows, that is to say:

B. Ex 19

2) - 64 - 54

420

(a more particular description of which said instrument and writing so commonly called a lottery policy, is to the jurors aforesaid unknown, and cannot now be given).

0289

FOURTH COUNT—

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

That the said *Samuel Butte,*
late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, feloniously and unlawfully did keep a certain room in a certain building known as number

fifty two and one half Carmine Street

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

FIFTH COUNT—

And the jurors aforesaid, upon their oath aforesaid, do further present :

That the said *Samuel Butte,*
late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, feloniously and unlawfully did keep a certain room in a certain building, known as number

fifty two and one half Carmine Street

in said Ward, City and County, to be used and occupied for gambling, and did knowingly permit the said room to be used and occupied for gambling, to wit: for selling and vending and disposing of certain instruments and writings, commonly known as and called lottery policies, (a more particular description whereof is to the jurors aforesaid unknown, and cannot now be given).

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

DANIEL G. ROLLINS,
District Attorney.

0290

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*Off his Courtbook
returned from my*

Day of Trial,

Counsel,

Filed *day of March 1881*

Pleads *not guilty April 6*

THE PEOPLE

vs.

19. B

*Samuel Butler
(2 Cases)*

Selling Lottery Policies.

DANIEL G. ROLLINS,

District Attorney.

A True Bill.

*William A. Healy
District Attorney*

0291

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That

Samuel Butler

late of the *Wards* Ward, in the City and County aforesaid,
on the *twenty first* day of *March* in the year of our
Lord one thousand eight hundred and eighty *one* at the Ward, City and
County aforesaid, with force and arms, did unlawfully and knowingly vend, sell, barter,
furnish and supply, to one

George J. Smith

and did procure and cause to be procured for the said

George J. Smith

a certain paper, instrument, and writing, commonly called a lottery policy, which said
paper, instrument, and writing, commonly called a lottery policy, is as follows, that is
to say:

B. N 21

P - 13 - 42

G 20

(a more particular description of which said instrument and writing so commonly
called a lottery policy, is to the jurors aforesaid unknown, and cannot now be given)

0292

SECOND COUNT—

And the jurors aforesaid, upon their oath aforesaid, do further present:

That the said *Samuel Butler*
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days and times between that day, and the day of the taking of this inquisition, was and yet is a common gambler: and that he the said

Samuel Butler
on the day and in the year aforesaid, and on said other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, at and in a certain room in a certain building, known as number

fifty two and one half Carmine Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to divers persons, (whose names are to the jurors aforesaid unknown and cannot now be given), and did procure, and caused to be procured, for the said divers persons, (whose names are to the jurors aforesaid unknown), certain instruments and writings, commonly known as and called lottery policies (a more particular description of which is to the jurors aforesaid unknown and cannot now be given).

THIRD COUNT—

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

That the said *Samuel Butler*
late of the Ward, City and County aforesaid, on the day and in the year aforesaid, and on divers other days, was and yet is a common gambler:

And that he the said *Samuel Butler*

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

fifty two and one half Carmine Street

in said Ward, City and County, with force and arms, did unlawfully and knowingly vend, sell, barter, furnish and supply to one

George J. Smith
and did procure and cause to be procured for the said

George J. Smith
a certain instrument and writing, commonly known as and called a lottery policy, which said instrument and writing commonly called a lottery policy, is as follows, that is to say:

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(a more particular description of which said instrument and writing so commonly called a lottery policy, is to the jurors aforesaid unknown, and cannot now be given).

0293

FOURTH COUNT—

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

That the said

Samuel Butler

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, feloniously and unlawfully did keep a certain room in a certain building known as number

fifty two and one half Carmine Street

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

FIFTH COUNT—

And the jurors aforesaid, upon their oath aforesaid, do further present :

That the said

Samuel Butler

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, feloniously and unlawfully did keep a certain room in a certain building, known as number

fifty two and one half Carmine Street

in said Ward, City and County, to be used and occupied for gambling, and did knowingly permit the said room to be used and occupied for gambling, to wit: for selling and vending and disposing of certain instruments and writings, commonly known as and called lottery policies, (a more particular description whereof is to the jurors aforesaid unknown, and cannot now be given).

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

DANIEL G. ROLLINS,
District Attorney.