

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.
34th 9 26.
Indict.
P
Andrew Brown
BURGLARY-THIRD DEGREE.
NOTHING STOLEN.

Daniel S. Bellus
RENT. K. PHILLIPS

District Attorney.
Part in: March 17, 1881
pleads attache- / Perry &
A True Bill.

William H. Hays
Foreman.

J.P. 14.6 mms
48

Police Court—Second District.

City and County } ss:
of New York.

City and County of New York. } ss: *Charly. W. Greene*
of No. *855, 10th Avenue* Street, being duly sworn,

deposes and says that the premises No. 261, 263, West 27th
Street, 28th 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 breaking ~~to the wire screen and breaking at~~
a pane of glass

on the night of the Morning of the 14 day of March 1881
and the following property feloniously ^{abstracted} taken, stolen, 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 Bent deponents fractured
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 Andrew Brown (purloine)

for the reasons following, to wit: that defendant fired
and fastened the said premises at or about nine o'clock
p.m. of the 13th inst. that defendant was informed by
Mary Stappers that she was the accused in the sex
of ~~entering~~ ^{the} premises

Donation from
 State and County of New York
 City of New York
 Mary Stappers of No 261, 526 B. W. 27th St
 over

0199

being duly sworn deposes and says 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. Shappers
14th day of March 1881
J. M. Patterson
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
Mark

Taken before me, this

St. M. J. 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

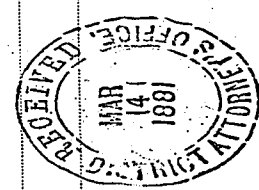
Dated *March 14th* 188*1*
William W. Patterson Magistrate.

Edward J. [Signature] Officer.
Clerk.

Witness
Mary Stappus
267 10th St.

Committed in default of \$ *15.00* 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~~ *eighty 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.

Daniel C. 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.

41.
176 Madison
Carpenter

James Brown

BURGLARY-THIRD DEGREE.
NOTHING STOLEN.

David S. Collins
~~BRADY K. PHILLIPS~~

District Attorney.

Part Am. March 9. 1887
pleads guilty.
A True Bill.

William H. Hilly

Foreman.

Discharged and

discharged on his parole
Marquand Mar 11. 1887.

0205

Police Office. Third District.

City and County } ss.: Theodore Lax
of New York, }

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 liquor.

On the night of the 28th day of February 1884
were BURGLARIOUSLY attempted
to be entered by means of breaking and forcibly
of the wall separating the store from the
hall & forcibly removing the door
in said wall.

on the night of the 28th day of February 1884
and the following property, feloniously taken, stolen and carried away, viz. with intent
to steal

2000 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 steal and carry
away said property from said store
by James Brown (nowhere),
for the reasons following, to-wit: That deponent heard a
noise of some person working at
the wall aforesaid when deponent
went where he heard the noise to see
what it had been out looking &
plaster removed & on making further
search Brown was found in the
cellar with of said premises with
his clothing covered with plaster.
Deponent believes that he concealed
himself in said premises during the
Evening.

Theodore Lax.

Subscribed to before me this
1st day of March 1884
J. J. Murphy
Notary Public

0206

Police Court—Third District.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

day of *March* 1881

Police Justice.

0207

Form 115.

POLICE COURT--THIRD DISTRICT, N.Y.

THE PEOPLE, &c.,

vs. THE COMPLAINANT OF

Headline Case

162 Division St.

Jessie Brown

Offence, BURGLARY.

Dated *March 1* 188*1*

PP. B. B. B. Magistrate.

Judge Officer.

7 Clerk.

Witnesses, _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

§ _____



Received in District Attorney's Office

1881

to answer committed.

whereas
Says that Sept
Character good with
reputation of habit
of drinking

There is reason to
believe that the deft
got into Combses Hall
while intoxicated &
without any intent
to commit any crime.

No. 3, by *F.D.*

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 *stone* of

Theodore Lax
there situate, feloniously and burglariously did break into and enter, the said *stone*
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

goods, merchandise and valuable things in the said *stone* 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.

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, *Hobbsman*
Filed *30* day of *March* 188*1*
Pleads *not guilty* *Apr. 1*

THE PEOPLE
by *James H. Thompson*
vs.
John Bryan
George Bryan
Wm. Thompson
Wm. Thompson

For *and* *att.*
DANIEL C. ROLLINS,
BANKERS

Chas. J. G. District Attorney.
James H. Thompson
Chas. J. G.
A True Bill

William H. Tracy
Apr. 16, 1881. Foreman
Mrs. H. H.
Tracy *Commissary*
Each *2 1/2 y* *law*

BURGLARY—Third Degree, and
Receiving Stolen Goods.

0213

Police Court—Second District.

City and County
of New York. } ss:

E. Elley Anderson
of No. *48 West 38th* Street, being duly sworn,
deposes and says, that the premises No. *57 3 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 B. Anderson and in
the property of *deponent 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 ~~in~~ ⁱⁿ feet ahead of said John
~~a short distance~~ ^{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 }

Charles 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 cellar window broken and
 removed. John Finnerty

known to before me this
 20th day of March 1881
 Charles Blum
 Police Justice

02 15

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.—

QUESTION.—How old are you?

ANSWER.—

QUESTION.—Where were you born?

ANSWER.—

QUESTION.—Where do you live?

ANSWER.—

QUESTION.—What is your occupation?

ANSWER.—

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 decoy ducks. It is next door to the premises.

John Bryson

Taken before me, this

20th day of March 1881

Charles H. Brown Police Justice.

02 16

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.—

Nearly One Year.

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

20th

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

70th day of March 1881

John W. Brown
Police Justice.

0218

Police Court—Second District

THE PEOPLE, &c.
ON THE COMPLAINT OF

O. Callery & Anderson
148 W 38 St
54 place
John England
George Bryson
William Thompson

Dated *March 20* 18*91*

E. A. Hammer
Magistrate.

Primsy
Officer.

Clerk.

Witnesses

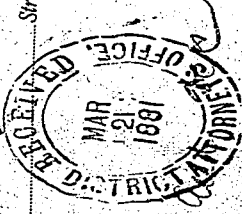
John Primsy
John P. Primsy

Patrick Brennan
Car. Gordon & Dillworth
S. E. Car. King & Greenmarch

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

Bailed by

No. _____ Street.



Burglar

The People
 vs. Bryson
 George and Bryson
 third degree, grand larceny and receiving stolen
 goods, jointly indicted with William Thompson.
 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 Bryson 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. Gilworth 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 Gilworth; 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 afford-
ed 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 Dilanti
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 Croton lead pipe. Cross Examined. John
Byron 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 bed 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 Finnelly 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 Ripon to know who he was the length of time I am there. I have seen him around there

seeing him around there

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. I 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 571 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

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 kno-
 cked 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

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 dis-
 orderly 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

John and George

Bryson

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, and their dignity.

~~DANIEL C. ROLLINS,~~
~~BENJ. R. PHILLIPS,~~ District Attorney.

Bail

703

Jos McMillan

135 Perry St

4500 Real County of

King March 24/87

280

Day of Trial
Counsel
Filed
Pleads

23 day of March 1887

Reads

THE PEOPLE

vs.

John Dwyer

George Dwyer

William Thompson

DANIEL C. ROLLINS,

~~Attorney at Law~~

District Attorney

A True Bill.

William H. Phillips

Foreman

Approved by a

Grand Jury

W.H.P.

BURGALARY—Third Degree, and
Receiving Stolen Goods.

0230

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 *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*
E. Ellery Anderson as executor of Edward H. Anderson, and of the last
will and testament of the aforesaid 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 *E. Ellery Anderson*
as executor of Edward H. Anderson and of the last will and testament
of the aforesaid 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 *E. Ellery Anderson*
as executor of Edward H. Anderson of the last
will and testament of the aforesaid 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.

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 pound 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. Ellety 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. Ellety 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 provided, and against the peace of the 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. 1881

Filed day of Feb 1881

Pleeds *Am. Ex. 19*

THE PEOPLE

vs.

Francis Burns
Patrick Walsh

Sec. 100, 50

DANIEL C. ROLLINS,

~~ATTORNEY AT LAW~~

District Attorney.

A True Bill.

William H. Kelly

Foreman.

Jan. 15. 1881.

Chal.

Henry J. Egan

Chas. D. Kelly

No. 1, S. P. One year & 6 mos
Pr. April 7, 1881.

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

And entered by means of forcing (breaking open) the front door of said grocery store, at about the hour of 12 o'clock 20 minutes were **BURGLARIOUSLY** (broke

on the Morning of the 28th day of February 1881 and the following property feloniously taken, stolen, and carried away, viz:

Gold and large money of the United States, consisting of a number of Silver, Nickel and Copper Coins, in all of the amount and value of \$10 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 store was closed

and secured and said property was then

in the money drawer 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 (burglariouly) stolen and carried away

0237

as aforesaid. That thereafter deponent
was informed of Officer McEneaney, here
present, that he, said Officer, detected
said defendants in the act of coming
out of said store at about the hour
of 20 minutes after 12 o'clock on
said morning; the defendant Burns
having said money on his possession
and the defendant Walsh having
said knife on his possession.
That deponent 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, C.D.

John McEneaney, an Officer of the
Eastern Precinct Police, being duly
sworn deposes and says that he has
heard from the foregoing affiant of
John Britton and that so much of
the same as relates to deponent is
true of deponent's own knowledge.

Sworn to before me this { John McEneaney
28 day of February 1881

John A. Hannon Justice

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 }
 1st day of March 1881 } John Ryan
 John W. Munn 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 patient of the
Property which had been (unlawfully)
stolen and carried away from his
possession as stated in this said
Complaint.

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

John W. Hurst
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 & 9 mos*

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. Sullivan
day of February 1881
Police Justice.

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 where the officer says he saw me coming out as I passed him. I met him again when I was going to the Broomfield Street Jail, and I turned around and saw him again. I was going to the Broomfield Street Jail, and I turned around and saw him again. I was going to the Broomfield Street Jail, and I turned around and saw him again.*
Patrick Walsh

Taken before me, this

John C. Sullivan
1887
day of *March*
Police Justice.

Police Court—Second District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John Dutton
325 Spring St.
vs
1 Thomas Owens
2 Patrick Walsh

Dated February 26 1881

Hammer Magistrate.

McQuinn Officer.

McQuinn Clerk.

Witnesses *John McQuinn*

S. J. Pack Police

John J. Dutton

325 Spring St.

John Owens & Pack

John Apple Police

Committed in default of \$ 1000 Bail *cash*

Bailed by

No. Street



Det. March 1/81 G. A. M.

0242

0243

EUROPE AND
CALIFORNIA

J. J. SHANAHAN,
10 BROAD STREET,

PASSAGE AND
EXCHANGE OFFICE.

Boston, Dec 12 1881

To Whom it may Concern
The holder Thomas
Byrnes has been with me
off and on for twelve years.
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.



0245

No. 16 Form 2.

THE AMERICAN RAPID TELEGRAPH COMPANY.

EXPRESS MESSAGE

BRANCH OFFICE

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.

GERRITT SMITH, Engineer-in-Chief.

I. A. SHERMAN, Gen'l Sup't.

EDWIN REED, President.

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

To Warden Linn

Lomb Prison

If you are acquainted with Dist Attorney Rollins please a kind word for Thomas Burns who is now awaiting sentence from Judge Seldersleepe he is well connected here but unfortunately try and have sentence light

James McLaughlin
Reformatory 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
Dear Sir

On February 28 Thomas Dums and Patrick Walsh were committed to this prison charged with Burglary. Walsh was tried and acquitted March 15. And Dums pleaded guilty about three weeks ago, and is now awaiting sentence. I enclose Telegram recd 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 } 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 *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
, 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 each 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 the form of the Statute in such case made and provided,~~ *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

Paradise

Filed 21 day of March 1881

Pleas to County (22)

THE PEOPLE

28.

P

John Butler

Daniel G. Rollins
BENJ. K. PHELPS

District Attorney.
Part No. 10. 1887
Mrs. L. C. Rollins
A True Bill.

William H. Rollins
Foreman.

11.2. Apr 14

Assault and Battery. Felonious.
F. & W. M.

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. Holden, 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 which} ~~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 effectually 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.

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

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

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 executed the foregoing instrument and ^{and duly} 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.

Is on 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 \$650 ^{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 or statements of one Thomas Nelson, an attorney and counsellor at law ^{of the City of New York} 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} estate ^{the} defendant, ^{above named} 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 deft}

^{said Solomon Rundle} that ^{he} had left little or nothing, that ^{his 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 Mary E. Butler believing} that the statements of said Nelson were true ^{knowledge of and opinion} relying on his position as the former attorney and counsel for said estate, ^{and the helpfulness of his affidavits} and for said co-executors, believing that ^{from his personal knowledge of all the facts, and that he had fairly represented the true condition and value of said estate} 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 ^{meaning} executing the same ^{name of} to said Nelson, he, ^{the} said Nelson, who plaintiffs allege was acting, for and ^{either} on his own behalf, ^{or both} in behalf of his son in law, said defendant, 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 ^{his} square 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 Roundle were untrue and false in every particular and that such false and fraudulent statements ^{knowingly and the real & actual value of said estate were concealed} were so 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 that 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 Roundle 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 Roundle deceased.

1st That the said Solomon Roundle, 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 Lunce, George S. Allison, and his wife Hannah Roundle, 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 bequeathed, 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

"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 each~~ ^{at} 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 one, then 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, ^{the said Sarah V. 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 Reindle 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 \$921⁷⁵/₁₀₀ viz the sum of \$1973⁹²/₁₀₀ 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 \$2663⁸⁷/₁₀₀.

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 ^{that the same be declared null and 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 ~~that~~ the foregoing complaint

0263

is true of him ~~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

The within is the
Draft Complaint
in the action for
which the original
was copied by clerk
I suspect that I cannot
send a clear copy
but the within reads
the same as the verified
Complaint that has
been served. The action
is now pending

James L. Fisk
Pepp Alley
206 Broadway

April 11, 1881

The facts in regard to the
deed from said person the
are within my personal
knowledge

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. 208 BROADWAY,
Evening Post Building,
New York.

To
Attorney for

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

Dated 187

James L. Fisk
206 Broadway

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*
West 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} 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* 18*81* }

J. M. P. Quinn

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. *9th*

Clerk.

Jack no bond

Witnesses,

of *Mr. Argueon*

504 West 16th St.

Thomas. Mendenhall

22 40th St.

C. Carver 45 Bond St.

Can for witness by order

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.—

QUESTION.—How old are you?

ANSWER.—

QUESTION.—Where were you born?

ANSWER.—

QUESTION.—Where do you live?

ANSWER.—

QUESTION.—What is your occupation?

ANSWER.—

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

ANSWER.—

John Butler

Taken before me, this

John J. Sullivan

day of *March* 188*1*

Police Justice.

0268

April the 12th 1881.

George Eldersleeve.

Dear Son, I write
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 associates are J. 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 robbery the committed
upon me. A paper woman with four
little children.

Yours Obedient Servant

Henry 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
leadен 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
leadен 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 29 Dec 29
Saml. Samy last
F. J.

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

63 THE PEOPLE
vs. *B*
Atty
Samuel Butler
(2 Cases)

Selling Lottery Policies.

DANIEL G. ROLLINS,
District Attorney.

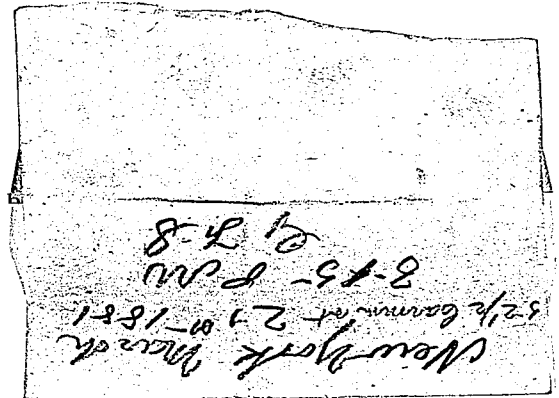
A True Bill.
William H. Mott
Part *Drop* June 22-1881
Pleads *Guilty* - *L. Crime*.
J. W. Mott \$100 fine
Reduced by Court - *F. J.*
to \$50 fine - *F. J.*
Sep 29/81

0274

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

George F. Smith.

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



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 Buller
did, on or about the 21 day of March, 1881, at number 52 1/2 Carmine st

Samuel Buller
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 Buller
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

Police Justice.

George H. Smith

0276

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

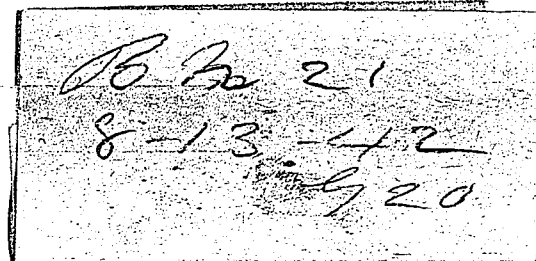
~~street~~ in the City of New York, and County of New York, unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed,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

Police Justice.

George H. Smith



0277

368
POLICE COURT DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

LOTTERY AND POLICY.

VS.

Samuel Butler

g

Dated 188

Magistrate,

Clerk

Officer.

WITNESSES:

Bailed, \$

to answer Sessions.

by John O. Hart

Street.

0278

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

Samuel Butler
Police Justice.

George F. Smith

B. Ex 19
27-64-54
420

0279

148
POLICE COURT—2 DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Sw. J. Smith
150 Nassau St.

VS.

Samuel Butler
9 E. Ward

LOTTERY AND POLICY.

Dated March 21 188 9

Matthew Magistrate.

James Officer.

WITNESSES:
William Connelley
150 Nassau St.

Filed & 148 to counsel Sessions.
Samuel Butler
by Robert Crook
John Crook Street.
Notary J. O. M. C.

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. L. Rollins

District Attorney } Sir - Please take
notice that upon the annexed Affidavit
of the defendant I shall apply to ~~the~~ 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

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, ss:

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, Hon. Frederick
 Smyth 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 } Daniel Butler
Oliver C. Meagher (48)
Notary Public
Ry. C.

Motion granted.

So far as to
produce the fine

to reply docket
in all other respects

Mo. deen.

41

Sept. 29. 187

Court of General Sessions

The People

vs

Samuel Butler

Affidavit and Notice
Application for writ
of writ of

John A. Mott
Samuel Butler
140 Madison Street

Due service of Notice
of Writ Application
is hereby Admitted.

J. S. Phelps
District Attorney

0284

0285

Court of General Sessions
of the City of New York

The People
vs
Samuel Butler

City & County of New York

Herman B. Kessel
being duly sworn says that he
is the keeper of a Restaurant at
No. 226 Bleeker 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
September 22-1881
Abraham H. Wood
Notary Public in New York

0286

Attest
Notary Public

The People

vs

Samuel Butler

Affidavit of
Armon B. Russell
as to insolvency 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 I. Smith

and did procure and cause to be procured for the said

George I. 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

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).

0289

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 per-
mit 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.

0290

348

*Copy of
Officer's Complaint
attached for day*

Day of Trial,

Counsel,

Filed day of *March* 188*1*

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. McLean

0291

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

Samuel Butler

late of the *Ward* 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:

B. N. 21

P - 13 - 42

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).

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.