

0653

**BOX:**

343

**FOLDER:**

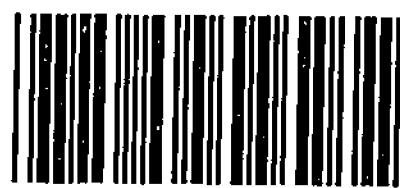
3240

**DESCRIPTION:**

Sisto, Nicholas

**DATE:**

02/21/89



3240

Bail fixed at \$2000

Witnesses:  
Wm Miller  
James McCusky

Wm Calahan  
S. P. ...

Bail reduced  
to \$1000 #  
P132

Bailed incl. 28/89  
by - Donato Trovato  
37 mulberry st

Counsel, R. H. Reay  
Filed 21 day of July 1889  
Pleads, vs. Emily (27)

THE PEOPLE  
vs.  
B  
Nicholas Sisto

JOHN R. FELLOWS,  
District Attorney.  
Committed July 27/89.  
P2 Apr 10. 1889.  
Bridal acquittal  
A TRUE BILL.  
Edwin Emeline  
Foreman.

Part 2 ...  
weight + mark 11 - Phil ...  
April 10 Part 2

Court of General Sessions of the Peace  
New York County

The People of the  
State of New York  
against  
Nicholas Sisto

City and County of New York ss  
Michael Quillan being  
 duly sworn says that he resides  
at Number 140 Sullivan Street  
New York City and that on the  
16<sup>th</sup> day of December 1888 at about  
11 o'clock in the evening of that  
day while peacefully and lawfully  
crossing <sup>said</sup> Sullivan Street near  
opposite to deponent's home he  
was violently and unlawfully  
assaulted by one Nicholas Sisto;  
was knocked down by a weapon  
in the hands of said Sisto, and  
beaten and kicked by said Sisto,  
to such an extent that deponent  
was confined for over two weeks  
to his bed and lost the  
entire sight of one of his eyes  
in consequence of said beating  
and kicking received by him

0656

from said disto. Deponent  
further says that the said  
assault was committed by  
said disto without any cause  
justification or reason whatever  
Shown to before me  
this July 16<sup>th</sup> 1889 } Michael <sup>his</sup> Quillen  
M. J. Sharkey } Mark  
Notary Public  
N.Y. Co.



0657

DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael Sullivan*  
340 Sullivan St.  
P.S.

*Nicholas Sisto*

Offence *Arson in*  
*second degree*

Dated *Feb 18* 188*9*

Witnesses: *John McLaughlin*

No. *156 Sullivan* Street,

*Officer Callahan*

*8th Precinct.*

No. *156 Sullivan* Street, *District*

*43 - W - 18th Street*

No. *156 Sullivan* Street, *the Doctors*

*Charles St. West*

0658

Court of General Sessions

The People  
vs.  
Nicholas Pisto

Indictment:

Assault 2<sup>d</sup> degree  
§ 218 P.C.

is having on the 16th of December, 1888, with a weapon unknown to the Grand Jury assaulted Michael Dullam, the complainant, and afterward destroyed his left eye with his fist.

Michael Dullam, 140 Sullivan Street, Freeman. On the 16th of December, 1888, after having been to church until ten o'clock P.M., I went across the street into a saloon to get a glass of beer. I live a few doors from the said church. I was in my shirt sleeves at the time. I ~~took~~ <sup>drank</sup> one glass of beer and went out again through the hallway. The defendant was in the saloon, where I was in there. He followed me out into the street and from behind he attacked me with a weapon.

0659

on, the nature of which I do not know. He ~~struck~~<sup>thrust</sup> me therewith just above my right eye, and caused a flesh wound, the scar of which is still visible. In consequence of said assault I fell to the ground, and while lying there, between the gutter and the car track, he kicked me with his feet all over my body and thereby injured my left eye to such an extent that it is perfectly blind now. I am also in danger of losing the sight of my right eye. I have been unable to work ever since. To the best of my recollection, I had never seen the defendant previous to said night. I saw him for the first time in the said saloon, but did not speak with him, nor had I ever any quarrel with him. When the defendant attacked me, I could not see him, and but for Mr. John McCloskey, I could not identify him.

John McCloskey, 156 Pullman  
Street, Umbrella maker. On the 16th

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of December, 1888, at about eleven  
o'clock P. M., I stood in front  
of 145 Sullivan Street, and <sup>there</sup> saw  
the complainant come out of No.  
143. He was followed by the de-  
fendant <sup>who</sup> ~~and~~ on the side walk  
struck him over the right eye  
and fell him to the ground.  
The complainant fell between  
the gutter and the car track  
and while on his hands and  
knees, the defendant kicked him  
with his feet into the eye. When  
the doctor was called, the <sup>injured</sup> eye  
ran out. On seeing this <sup>attack</sup> I ran  
for the defendant and caught  
him at the corner of Broadway  
and Broadway. I positively  
identify the defendant as the  
man who struck the complain-  
ant. ~~In~~ The Police ~~Case~~ officer to  
whom I delivered the defendant,  
brought him immediately to com-  
plainant's house, and there in  
my presence he admitted ~~that~~  
the assault.

Officer Callahan 8th precinct

0661

corroborates witness Mr. Clorkey  
in regard to defendant's ad-  
mission of his guilt



0662

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs,

Nicholas J. Ito

BRIEF OF FACTS.

For the District Attorney.

Dated.

1889

March 20  
Edward Grose

Deputy Assistant.

143 Sullivan St.



0663

New York March 27<sup>th</sup> 1889.

The case of Quillan, 140 Sullivan  
I was called Sunday night (Dec 16<sup>th</sup> 1888)  
to see the above, he claimed to have been  
assaulted. He was slightly under the  
influence of liquor; was suffering from  
several bruises and cuts about the head  
and face, the most serious lesion was  
a lacerated wound below the left eye.  
the lids of the eye were greatly swollen  
so that it was not possible to see the  
ball of the eye. I treated him for a few  
days, when he passed the time the case  
of a oculist at first-aid.

Chas. W. Merriam M.D.

This is to certify that I attended  
Mr. Quillan of 140 Sullivan St, from  
Dec. 19<sup>th</sup> 1888 to Jan. 9<sup>th</sup> 1889 that when  
first seen he was suffering from a  
rupture of the left globe which permitted  
part of its contents to escape and resulted  
in complete loss of vision and great  
shrinkage of the globe.

Respectfully submitted

John E. Weeks, M.D.

42 W. 1<sup>st</sup> St.

0664

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 21<sup>st</sup> day of Febry  
1889, in the Court of General Sessions of the Peace, of the County of  
New York, charging Nicholas Sisto

with the crime of Assault second degree

You are therefore Commanded forthwith to arrest the above named Nicholas Sisto  
and bring him before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the  
City Prison of the City of New York.

New York City, the 21<sup>st</sup> day of Febry 1889

By order of the Court,

[Signature]  
Clerk of Court.

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N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,  
against

Nicholas Sisto

Bench Warrant for Felony.

Issued

Feb'y 21

1889

The officer executing this process will make his  
return to the Court forthwith.

Feb'y 26<sup>th</sup> 1889  
The within named  
defendant was  
arrested this p.m.  
and lodged at C.C.  
Feb'y 27<sup>th</sup> 1889.

Nicholas Sisto  
was brought to the  
District Atty Office  
by Vonknechten & Keenan

0666

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Nicholas Sisto

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

Nicholas Sisto

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Nicholas Sisto,

late of the City and County of New York, on the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the City and County aforesaid, in and upon one

Michael Sullivan.

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said Nicholas Sisto,

with a certain instrument and weapon to the Grand Jury aforesaid unknown, with a certain which the said

Nicholas Sisto

in his right hand then and there had and held, the same being then and there a weapon and an instrument and weapon likely to produce grievous bodily harm, him, the said Michael Sullivan, then and there feloniously did wilfully and wrongfully strike, beat bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

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SECOND COUNT—

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

Nicholas Sixto.

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Nicholas Sixto,

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

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault; and the said Nicholas Sixto,

the said Michael Sullivan with both the hands and  
feet of him the said Nicholas Sixto, and also  
with a certain instrument and weapon to the  
said Michael Sullivan which the said Nicholas Sixto,

in his right hand then and there had held, in and upon the  
head and body of him the said Michael Sullivan,

then and there feloniously did wilfully and wrongfully strike, beat, scold,

bruise and wound, and did then and there and by the means aforesaid, feloniously,  
wilfully and wrongfully inflict grievous bodily harm upon the said Michael

Sullivan, to the great damage of the said Michael Sullivan,  
against the form of the statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

*District Attorney.*



0668

**BOX:**

343

**FOLDER:**

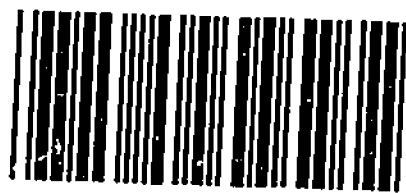
3240

**DESCRIPTION:**

Skehan, Michael

**DATE:**

02/19/89



3240



~~W. H. H.~~ P. M. H. H.

After confirming with  
the Superintendent of  
the H. & O. R.R., I  
learned that the  
passage would be made  
by the fastest passenger  
train enroute. It  
was found that a  
passenger train was  
enroute to a police officer.  
I learned that the  
passenger train was

Anthony Brown  
Bethune Nelson

Arthur M. M. M.

# THE PEOPLE

**SA**

Michael Skelton

JOHN R. FELLOWS

*District Attorney.*

any time after May 7 1967

# A True Bill

Feb 17/91

J. P. Webster

*Foreman.*

7<sup>th</sup> April 29<sup>th</sup> 92  
in rem of Brit. atty  
indict dis the R.R. Co  
Dec 19/92

on recd of Port atty  
indict dis. Dec 19/92

Feb 19/92

**Counsel,**

**Filed**

## Pleads,

[Section 635a-3, Penal Code.]

any time after May 7 1967

# A True Bill

Feb 17/91

J. P. Webster

*Foreman.*

7<sup>th</sup> April 29<sup>th</sup> 92  
in rem of Brit. atty  
indict dis the R.R. Co  
Dec 19/92

on recd of Port atty  
indict dis. Dec 19/92

Feb 19/92

0670

Sec. 198—200.

H District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Michael Sheehan

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

No 574-2 Ave. 14 years

Question. What is your business or profession?

Answer.

Machinist

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

Answer.

I am not guilty  
Michael Sheehan

Taken before me this

day of

1889

J. J. McNeill

Police Justice.

0671

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

*guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* 250 *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

*Dated* January 31 *188* 9 J. H. M. P. D. *Police Justice.*

*I have admitted the above-named* defendant

*to bail to answer by the undertaking hereto annexed.*

*Dated* July 1 *188* 9 J. H. M. P. D. *Police Justice.*

*There being no sufficient cause to believe the within named* \_\_\_\_\_

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

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

0672

BAILLED.

No. 1, by Patrick Connor  
Residence 332 W 40 Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

229 191 +  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Phillip G. Mahony  
vs.  
Nicholas Kehan

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated Jan 27 1889  
John J. Ford Magistrate.  
Phillip G. Mahony Officer.  
Precinct.

Subpoena duces tecum.  
Witnesses Secretary of N.Y. & N.H. R.R.  
R.P.O. to bring certified copy  
No. \_\_\_\_\_ Street.  
of articles of incorporation of Co.  
under which it operates.  
horse railway 543 4th ave. N.Y.  
No. V.M. 251 1889 Street.  
address Alfred Skiff  
4 ave 52nd St

No. 1006 Street.  
\$ 1000 to answer.

W. M. Powers

Office Deputy to  
Railroad Trust  
43 Ave 63rd



0673

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

Philip F. Mahony  
of No. 441 1/2 Avenue C Street, aged 37 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 31 day of January 1889

at the City of New York, in the County of New York,  
Michael Kehan (now here)  
did willfully and unlawfully  
Cast or throw a stone he  
then and there held in his hand  
at a 4th Avenue Railroad  
Car at about 9 O'clock A.M.  
while said Car was between 31st  
and 32nd streets in its down town  
trip, breaking a window in said  
Car and endangering the safety of any  
person in said Car. Index 635 Duell  
Philip F. Mahony

Sworn to before me, this

of January 1889

day

Police Justice,

0674

1080  
District Attorney's Office.

PEOPLE

vs.

*Now all  
that who  
do not care to  
prosecute  
DN*



0675

No. 2.

409

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.

*Heath v. The State*  
*State v. 1st*  
*Case*

*A. M. Hall*

District Attorney.

0676

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Stachan

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

Indictment accuse

Michael Stachan

of the crime of

intentionally throwing a stone  
at a car moving upon a railway

committed as follows:

The said

Michael Stachan,

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

thirtieth day of January in the year of our Lord one thousand  
eight hundred and eighty-nine, at the City and County aforesaid,

did intentionally and feloniously throw  
a certain stone at a certain car of  
the corporation called the New York  
and Hudson Railroad Company then  
moving upon the railway of the  
said corporation there, (the same being  
a railway operated by horses) whereby  
the safety of divers persons whose  
names are to the Grand Jury aforesaid  
unknown, then riding and travelling  
in the said car, was then and there  
endangered; against the form of

0677

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

John R. Bellows,

~~District Attorney~~

0678

**BOX:**

343

**FOLDER:**

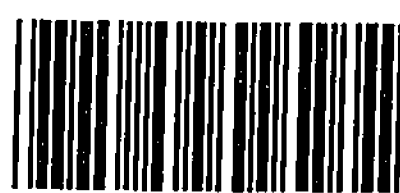
3240

**DESCRIPTION:**

Smith, James

**DATE:**

02/21/89



3240

Witnesses:

*[Signature]*

*[Signature]*

*[Signature]* 7.11.19

Counsel,

Filed 21 day of

1889

Pleads

*[Signature]*

THE PEOPLE

vs.

*[Signature]*

(2 cases)

POLICY.

[S 844, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

*[Signature]*

Part II February 20 1900

Pleads guilty.

Now suspended

ined or another to be

0679

0680

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

8/89 Price 1500.  
has Smith  
124 Cedar  
J. J. -

Antony Countock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that ~~James Smith~~ *James Smith*

did, on or about the ~~8<sup>th</sup>~~ *8<sup>th</sup>* day of *January*, 1889, at number *124 Cedar* 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 which said paper or instrument hereto annexed is what is commonly known as, or are called lottery *policies* and further that the said,

~~James Smith~~ *James Smith* has in his possession, within and upon certain premises, occupied by *him* and situated and known as number *124 Cedar* street, in the City of *New York* 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, with intent to use the same as a means to *commit a public offense*.

Subscribed and sworn to before me,  
this *17<sup>th</sup>* day of *February*, 1889  
*H. A. Wells*  
Police Justice.

*Antony Countock,*

CITY OF New York COUNTY OF New York } ss.

*W. J. Sherman*, of 150 Nassau Street New York City — being duly sworn further deposes and says, that on the ~~8<sup>th</sup>~~ *8<sup>th</sup>* day of *January*, 1889, aforesaid, he called at the place of business of ~~James Smith~~ *James Smith* aforesaid, at the said premises No. *124 Cedar Street* and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery *policies* as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said *Charles Smith* and had conversation with *him* in substance as follows.

Deponent said, to said *Smith*, who was at a desk, give me two gigs ten on one and five on the other. He said *Smith* said I don't know you we have to be very careful, I had a blackboard up here with the numbers on, and I was notified by the Police this morning, to be very careful. Deponent said, well you know I am all right, give me two sixteen twenty three, for ten cents, and



0681

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

8/89 Price 15¢  
has Smith  
124 Cedar  
J. J.

Antony Bountock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that ~~James Smith~~ *James Smith*

did, on or about the *8<sup>th</sup>* day of *January*, 1889, at number *124 Cedar* 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 which said paper or instrument hereto annexed is what is commonly known as, or are called lottery *policy* and further that the said,

*James Smith* has in *his* possession, within and upon certain premises, occupied by *him* and situated and known as number *124 Cedar* street, in the City of *New York* 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, with intent to use the same as a means to commit a public offense.

Subscribed and sworn to before me,  
this *7<sup>th</sup>* day of *February*, 1889

*W. J. Sherman*  
Police Justice.

*Antony Bountock*

CITY OF New York COUNTY OF New York } ss.

*W. J. Sherman*, of 150 Nassau street New York City — being duly sworn further deposes and says, that on the *8<sup>th</sup>* day of *January*, 1889, aforesaid, he called at the place of business of the said ~~James Smith~~ *James Smith* aforesaid, at the said premises *No. 124 Cedar street* and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery *policy* as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said *Charles Smith* and had conversation with *him* in substance as follows.

Deponent said, to said *Smith*, who was at a desk, give me two gigs ten on one and five on the other. The said *Smith* said I don't know you we have to be very careful, I had a blackboard up here with the numbers on, and I was notified by the Police this morning, to be very careful. Deponent said, well you know I am all right. Give me two sixteen twenty three, for ten cents, and

0682

two twelve, eighteen for five cents, wherefor the said Smith wrote the same upon the paper hereto annexed, and handed to defendant and defendant paid said Smith the sum of fifteen cents for the same.

Defendant further says, that from personal observation he is informed and verily believes that the said, James Smith now has in his possession with intent to commit a public offense, ~~divers~~ at, in and upon certain premises situate and known as 124 Cedar St. aforesaid, divers & sundry papers, books, paraphernalia and for gambling purposes, violation of Article IX of its Penal Code of its State of New York subscribed and sworn to before me this 7th day of February 1888

William J. Sherman

POLICE COURT — New District.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Anthony Bonetto

VS.

James Smith

LOTTERY AND POLICY.

Dated Jan 1889

Magistrate

Clerk

Officer

WITNESSES:

Anthony Bonetto

W. J. Sherman

Bailed, \$

to answer Sessions.

By

Sheriff

0683

Sec. 151.

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

Police Court, Twelfth District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anthony Bontock and W. J. Sherman of No. 150 Nassau Street, charging that on the 8<sup>th</sup> day of January 1889 at the City of New York, in the County of New York that the crime of selling what is commonly called lottery policy,

has been committed, and accusing James Smith whose real name unknown but who can be identified by W. J. Sherman thereof.

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

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

Dated at the City of New York, this 14<sup>th</sup> day of February 1889.  
W. J. Sherman POLICE JUSTICE.

0684

POLICE COURT,.....DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anthony J. Smith et al.*  
vs.

*Charles Smith*

Warrant-General.

*124*  
Dated *Jan Feb 7* 188*9*

*Wilde* Magistrate.

*Sergt O'Loe* Officer.

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

.....Officer.

Dated.....188

This Warrant may be executed on Sunday or at  
night.

.....Police Justice.

REMARKS.

Time of Arrest,.....

Native of.....

Age,.....

Sex,.....

Complexion,.....

Color,.....

Profession,.....

Married,.....

Single,.....

Read,.....

Write,.....



0685

City and County of New York, ss:

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

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

Proof by affidavit having been this day made before me, by Anthony Bontrot and W. J. Sherman of 150 Nassau Street, New York City, that there is probable cause for believing that James Smith

has in his possession, at, in and upon certain premises occupied by him and situated and known number 124 Cedar street in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said James Smith

and in the building situate and known as number 124 Cedar street aforesaid, for the following property, to wit: all Faro layouts,                      Roulette Wheels and layouts,                      Rouge et Noir, or Red and Black layouts,                      gaming tables,                      chips,                      packs of cards,                      dice,                      deal boxes,                      lottery policies,                      lottery tickets,                      circulars,                      writings,                      papers,                      documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery,                      books                      documents for the purpose of enabling others to gamble or sell lottery policies,                      black-boards,                      slips or drawn numbers of a lottery,                      money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

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

Dated at the City of New York, the 7th day of February 1889

Ma. V. Smith

POLICE JUSTICE.





0686

Inventory of property taken by Wm O Toole the Peace Officer by whom this warrant was executed :

~~Paro layouts, Roulette Wheels, Roulette layouts, Rouge et Noir lay-~~  
~~outs, gaming tables, chips, packs of cards, dice, deal,~~  
~~boxes, deal trays for holding chips, cue boxes, markers, or tally cards,~~  
~~ivory balls, 13 lottery policies, lottery tickets, circulars, wrappings,~~  
~~papers, black boards. Six slips, or drawn numbers in policy, money, one~~  
manifold books, slates, one agate pencil

City of New York and County of New York ss :

I, Wm O Toole the Officer by whom this warrant was executed,

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

Sworn to before me, this 8<sup>th</sup>  
day of February 1889

Police Justice.

Police Court--- Twelfth District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Anthony Bonaiuto et al

James Bonaiuto

124

@

Dated Jan 7 1889

Wilde Justice.

Sgt O Toole Officer.

Search Warrant.

0687

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*James Smith*

Taken before me this

day of *March* 1888

*John A. Smith*  
Police Justice.

0688

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

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

Dated July 8 188 9 A. J. White Police Justice.

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

Dated July 8 188 9 A. J. White Police Justice.

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

Dated..... 188..... Police Justice.

0689

BAILED,

No. 1, by Stephen Kent  
Residence 2324 - 2<sup>d</sup> Ave. Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court---

230 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William J. Sherman  
vs.  
James Smith

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

Offence Grand Larceny

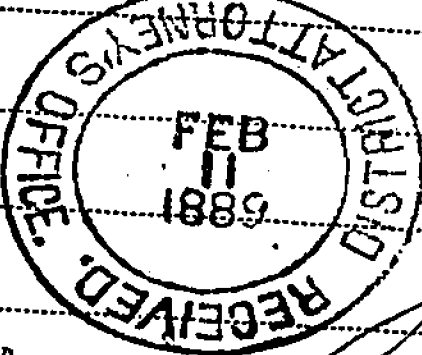
Dated February 11 1889  
W. J. Smith Magistrate.  
Anthony C. Smith Officer.  
150 Nassau Precinct.

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

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

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

\$ 500 to answer W. J. Smith  
Barber  
Sally Poling





0690

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Smith

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

James Smith  
of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said

James Smith

late of the City of New York in the County of New York aforesaid, on the eighth day of January in the year of our Lord one thousand eight hundred and eighty nine, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

BN 8th  
- 2-16-23 29437  
- 2-12-18 29437

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

James Smith

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

James Smith

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one



0691

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say :

*BN 8th*  
~~2-16-23~~ 2/4 37  
~~2-12-18~~ 2/4 37

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

### THIRD COUNT.

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

*James Smith*

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said

*James Smith*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say :

*BN 8th*  
~~2-16-23~~ 2/4 37  
~~2-12-18~~ 2/4 37

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

### FOURTH COUNT.

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

*James Smith*

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows :

0692

The said

*James Smith*

late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid,  
at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers  
of a certain lottery, the same being a scheme for the distribution of property by chance among  
persons who had paid or agreed to pay a valuable consideration for such chance (a more particular  
description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be  
given), which said paper, writing and document is as follows, that is to say :

*BN sch*  
- 2 - 16 - 23 2/ 4 37  
- 2 - 12 - 18 2/ 4 37

(a more particular description of which said paper, writing and document is to the Grand Jury  
aforesaid unknown, and cannot now be given), against the form of the Statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

*James Smith*

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE  
OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

*James Smith*

late of the City and County aforesaid, afterwards, to wit : On the day and in the year aforesaid,  
at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of  
a certain lottery, the same being a scheme for the distribution of property by chance among certain  
persons who had paid or agreed to pay a valuable consideration for such chance (a more particular  
description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be  
given), which said paper, writing and document is as follows, that is to say :

*BN sch*  
- 2 - 16 - 23 2/ 4 37  
- 2 - 12 - 18 2/ 4 37

(a more particular description of which said paper, writing and document is to the Grand Jury  
aforesaid unknown, and cannot now be given), against the form of the Statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

District Attorney.

Witness:  
A. Gustaf

W. J. H. H. H.

2121  
L. J. H. H.

Counsel,  
Filed 21 day of Feb 1889  
Pleads Guilty to

THE PEOPLE

39 . vs.  
in Henry  
29, H. H. H.

James Smith

(2 cases)

POLICY.  
[S 344, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.

Edmund Crislen

Part III February 20/90-  
Foreman.  
W. J. H. H. H. Pleads guilty.

Fined \$100

0693

0694

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

B Ex Jan 23  
16, 23-61  
10 cts

Anthony Bountock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that James Smith here present

did, on or about the 23<sup>rd</sup> day of January, 1889, at number 124 Cedar 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 which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said,

James Smith had in his possession, within and upon certain premises, occupied by him and situated and known as number 124 Cedar street street, in the City of New York 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 had in their 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 8<sup>th</sup> day of February, 1889

A. J. White  
Police Justice.

Anthony Bountock.

CITY OF New York COUNTY OF New York } ss.

Nassau st.

23<sup>rd</sup> day of January, 1889, being duly sworn further deposes and says, that on the the said James Smith aforesaid, he called at the place of business of aforesaid, at the said premises 124 Cedar street and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said James Smith and had conversation with him in substance as follows.

Deponent met the said James Smith on its street and asked him for a fig. The said Smith said Come on in, you write out your paper, and deponent wrote "16. 23-61" The said Smith took its same 10 cts. put on the top "B Ex Jan 23" and handed same to deponent and deponent paid its sum of ten cents to the said James Smith for its same.

Subscribed and sworn to before me

this 8<sup>th</sup> day of February, 1889

A. J. White  
Police Justice

William J. Sherman

POLICE COURT— DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

*Anthony Conaswick & Co*  
*W. J. Sherman*

VS.

*James Smith*

LOTTERY AND POLICY.

Dated.....188

Magistrate.

Clerk.

Officer.

WITNESSES:

Bailed, \$

to answer.....Sessions.

By.....

Street.

0695



0696

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

188

Police Justice.

0697

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

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

Dated July 8 1889 A. J. White Police Justice.

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

Dated July 8 1889 A. J. White Police Justice.

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

Dated.....188.....Police Justice.

0698

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

230 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William J. Sherman  
vs.  
James Smith

1

2

3

4

Dated

188

Magistrate.

Anthony Cusack  
150 Nassau  
Precinct

Witnesses

No.

Street.

No.

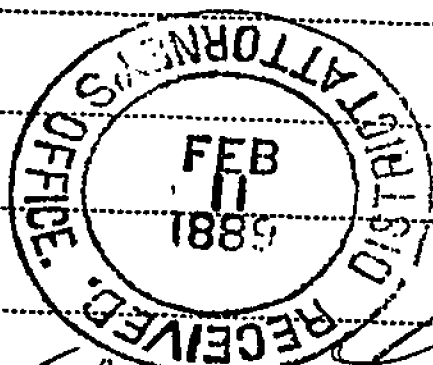
Street.

No.

Street.

\$

to answer



Seely & Co.

0699

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Smith

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

James Smith  
of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, com-  
mitted as follows:

The said

James Smith,

late of the City of New York in the County of New York aforesaid, on the *twenty third*  
day of *January* in the year of our Lord one thousand eight hundred and eighty  
*nine*, at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*  
what is commonly called a Lottery Policy, the same being a certain paper, and writing,  
as follows, that is to say:

*B Ex Jan 23*

*16. 23 - 61*

*10 cts*

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

James Smith

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE  
OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

James Smith

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the City and County aforesaid, feloniously did sell to one *William J. Sherman*

0700

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say :

B Ex Jan 23  
16. 23 - 61  
10 cts

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

James Smith

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said

James Smith

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say :

B Ex Jan 23  
16. 23 - 61  
10 cts

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

James Smith

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows :



0701

The said

*James Smith*

late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say :

*B Ex Jan 23*  
*16, 23-61*  
*10 cts*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

*James Smith*

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

*James Smith*

late of the City and County aforesaid, afterwards, to wit : On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

*William J. Sherman*

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say :

*B Ex Jan 23*  
*16, 23-61*  
*10 cts*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

District Attorney.

0702

**BOX:**

343

**FOLDER:**

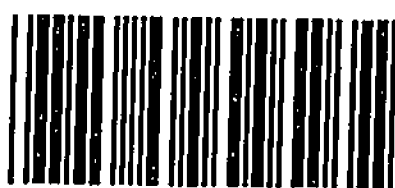
3240

**DESCRIPTION:**

Smith, John

**DATE:**

02/07/89



3240

0703

**BOX:**

343

**FOLDER:**

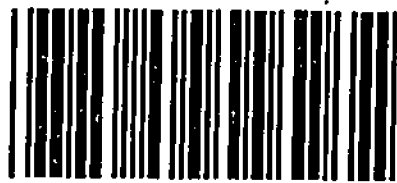
3240

**DESCRIPTION:**

Ainsworth, William

**DATE:**

02/07/89



3240

0704

**BOX:**

343

**FOLDER:**

3240

**DESCRIPTION:**

Neilus, Benton

**DATE:**

02/07/89



3240

Witnesses:  
Anthony Comstock  
Geo. H. Mosher

34 Foreman

Counsel,  
Filed 7 day of Feb 1889  
Pleads in Acquittal.

THE PEOPLE  
vs.  
John Smith  
William Ainsworth  
Benton Heilner

GAMING HOUSE, &c.  
[Sections 343, 344 and 385, Penal Code]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Adm. Foreman  
Feb 13/89.  
Foreman.  
Geo. H. Mosher  
Each \$100. Paid



0706

City, County, and State of New York, ss.

Anthony Bonetto being duly sworn, deposes  
and says, that John Smith, William Anderson & Gordon Heiler  
here present, ~~are~~ the ones known as James Black, John Smith and James Smith  
in annexed complaint, sworn to

Subscribed and sworn to before me, this

4<sup>th</sup> day to Jan 1889 }

John Smith

Police Justice.

Anthony Bonetto

believe that James Black and John Smith

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

Anthony Courtois

of 150 Nassau Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that James Black, John Smith, and Joseph Smith

whose real names are unknown, but who can be identified by Fred. McMaster did, at the City of        County of        and State of New York, on or about the 4<sup>th</sup> day of December 1888,

unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did <sup>aid, assist and abet in the same</sup> ~~sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery,~~ against the form of the statute of the State of New York in such case made and provided.

Deponent further says, he has just <sup>cause</sup> ~~come~~ to believe, is informed and verily does believe from personal observation and from statements made by Fred McMaster

to deponent that the said James Black, John Smith and Joseph Smith aforesaid, now have in their possession, at in and upon certain premises occupied by them and situate and known as number 100 west 32<sup>nd</sup> street in the City of New York—and within the County and State aforesaid, for the purpose of using the same as a means to commit a

0708

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this

2<sup>nd</sup> day of January 1889.

*Anthony Buntock*

*J. M. Ford*

Police Justice.

CITY OF New York AND COUNTY OF New York ss.

*Frederick H. McMaster*

being further sworn deposes and says that on the 4<sup>th</sup> day of December 1888,

deponent visited the said premises, named aforesaid, and there saw the said

James Black, John Smith and James Smith aforesaid, and

had dealings and conversation with them as follows:

Deponent found the door of said premises locked. Deponent rang a bell, where James Black who was attending the door came to an opening and looking out, looked at deponent then unfastened the door and allowed deponent to enter. Upon entering into the room where John Smith and James Smith was, deponent found the layouts for Roulette and Faro, John Smith was dealing the gambling game of Faro, and James Smith was aiding, abetting and assisting as a <sup>gamekeeper</sup> ~~lookout~~ for said gambling game, at which several persons were playing. Deponent purchased a stack of twenty white chips for the sum of two dollars, and played on

bet the same in said game of Hars and lost the same; while said gambling game was in vogue two or three persons kept the tally rack or cue box among whom was the said James Smith, aforesaid. Deponent further says, from personal observation and dealings had with them, deponent is informed has just cause to believe and verily does believe that James Block, John Smith and James Smith - now have in their possession, at, in and upon certain premises, occupied by them and situate and known as the South West Corner of Sixth Avenue and thirty-second street, also known as number 100 West of 32<sup>nd</sup> street, ~~chairs~~ and sundry, tables, layouts, devices, cards, chips, papers and apparatus, suitable for gambling purposes, with intent to use the same as a means to commit a public offense, and particularly <sup>in violation of</sup> Section 344 Penal Code of the State of New York.

Subscribed and sworn to before me } J. H. Mac Master  
 this 3<sup>rd</sup> day of January 1889 }  
 J. H. Mac Master  
 Police Justice

07 10

THE PEOPLE

ON COMPLAINT OF

*Audrey Cornstock et al*

AGAINST

*James Black*

*John Smith*

*James Smith*

*Violation Sec. 344, P. C.  
Gambling and Policy.*

Affidavit of Complaint.

WITNESSES :

*Audrey Cornstock*

*Fred McHarter*

*Police Justice.*

Subscribed and sworn to before me this }  
day of \_\_\_\_\_ 188\_\_.



0711

POLICE COURT 1st DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

For

*Anthony Brustock*  
*Gambling*

*John Smith*

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

1889

*Jan 10*

*his*  
*John + Smith*  
*mark*

*William J. Smith*

Police Justice.

0712

POLICE COURT / DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

For

William Ainsworth

Anthony Constock  
James H. King

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

188

Jan 10  
W Ainsworth  
J. M. [Signature] Police Justice.

0713

POLICE COURT 15<sup>th</sup> DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Benton Keilus

On Complaint of

Anthony Constock

For

Gambling

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

Jan 10 1889

Benton Keilus

G. M. [Signature]

Police Justice.

0714

Sec. 193-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

*Benton Neilus*

Question. How old are you?

Answer.

*47 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*Adelphi Hotel 6th Ave 28th St. 3 months*

Question. What is your business or profession?

Answer.

*Broker*

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

Answer.

*I am not guilty.*  
*Benton Neilus*

Taken before me this

day of *January* 189*5*

*J. W. [Signature]*

Police Justice.

0715

Sec. 193-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of *January* 188*8*

*John Smith*  
Police Justice.



0716

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

*William Ainsworth*

Question. How old are you?

Answer.

*62 years*

Question. Where were you born?

Answer.

*Maryland.*

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

Answer.

*160 West 31<sup>st</sup> / month.*

Question. What is your business or profession?

Answer.

*Author*

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

Answer.

*I am not guilty*  
*W Ainsworth*

Taken before me this

day of *January* 188*9*

*John A. [Signature]*  
Police Justice.

0717

City and County of New York, ss:

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

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

Proof by affidavit having been this day made before me, by Anthony Bourne and Fred. McMaster of 150 Nassau Street, New York City, that there is probable cause for believing that James Black, John Smith and James Smith, whose full names are unknown but all of whom can be identified by Fred. McMaster have in their possession, at, in and upon certain premises occupied by them and situated and known number 100 West 32<sup>nd</sup> Street, being the Southwest corner of 6<sup>th</sup> Avenue and 32<sup>nd</sup> Street in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said James Black, John Smith and James Smith and in the building situate and known as number 100 West 32<sup>nd</sup> Street, being on the Southwest corner of 6<sup>th</sup> Avenue and 32<sup>nd</sup> Street aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books all documents for the purpose of enabling others to gamble or sell lottery policies, all black-boards, all slips or drawn numbers of a lottery, all money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

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

Dated at the City, of New York, the 9<sup>th</sup> day of January 1889.

John Smith

POLICE JUSTICE.

0718

Inventory of property taken by Willie O'Loole the Peace Officer by whom this warrant was executed :

one Faro layouts, one Roulette Wheels, one Roulette layouts, one Rouge et Noir lay-  
outs, two gaming tables, 2026 chips, 4 packs of cards, two deal boxes, 1 deal  
boxes, two deal trays for holding chips, one cue boxes, 12 markers, or tally cards, 3  
ivory balls, lottery policies, lottery tickets, circulars, writings,  
papers, black boards, clips, or drawn numbers in policy, money,  
manifold books, slates, one Card Press, 14 chairs & 5 stools

City of New York and County of New York ss:

I. Willie O'Loole the Officer by whom this warrant was executed,

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

Sworn to before me, this 4  
day of Jan 1889

Police Justice.

Police Court--- Third District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Anthony Courtovich et al  
vs.  
James Black - John Smith  
John Smith, et al - arrested  
James Smith - Boston Herald

Search Warrant.

Dated Jan 2nd 1889

Justice.

Officer.

0719

Sec. 151.

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

Police Court, Third District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anthony Courtot and Fred McMaster of No. 150 Nassau Street, charging that on the 4th day of December 1888 at the City of New York, in the County of New York that the crime of unlawfully using a room table device and establishment for gambling purpose

has been committed, and accusing James Block, John Smith and James Smith whose real names are unknown but who can be identified by Fred McMaster thereof.

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

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

Dated at the City of New York, this 2nd day of January 1889

J. Thompson POLICE JUSTICE.



0720

POLICE COURT,.....DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Antony J. Smith et al

James M. Smith<sup>28</sup> John Smith -  
John Smith W. Smith -

James Smith, Benton Neilus -

Warrant-General.

Dated Jan 2nd 1889

Magistrate.

Officer.

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

Officer.

Dated ..... 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest,.....

Native of.....

Age,.....

Sex,.....

Complexion,.....

Color,.....

Profession,.....

Married,.....

Single,.....

Read,.....

Write,.....



0721

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

John Smith  
William Finworth and Benton Hillis

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

Dated Jan 10th 1889 G. Murphy Police Justice.

I have admitted the above-named

Defendants  
to bail to answer by the undertaking hereto annexed.

Dated Jan 10th 1889 G. Murphy Police Justice.

There being no sufficient cause to believe the within named

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

Dated..... 188..... Police Justice.

0722

\$500. bail each Jan  
10<sup>th</sup> 9, 30 A.M.

Police Court

174 52  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Comstock  
vs.  
Joseph Smith  
William H. Harrison  
Benton Neilus  
Office of Jan 10<sup>th</sup> 1889

BAILED,

No. 1, by

Residence

Erastus Crawford  
220 West 28<sup>th</sup> Street.

No. 2, by

Residence

Erastus Crawford  
220 W 28<sup>th</sup> Street.

No. 3, by

Residence

Erastus Crawford  
220 W 28<sup>th</sup> Street.

No. 4, by

Residence

Erastus Crawford  
220 W 28<sup>th</sup> Street.

Dated

Jan 10 1889

J. Ford Magistrate.

Joseph M. Apple Officer.

Cd. Precinct.

Witnesses

No.

George E. Oram  
150 Nassau Street.

No.

John M. Oram 3 & 4<sup>th</sup> W 2<sup>nd</sup>  
Broadway Street.

No.

Comptroller of the City  
for the 1<sup>st</sup> District Complaint  
\$500 each to answer

\$

Charged the complainant  
with the same

Bailed

0723

Sec. 192.

152  
District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before  
of the City of New York, charging  
the offence of

Henry Ford Co.  
John Smith  
flumbling  
a Police Justice  
Defendant with

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

We John Smith Defendant of No.

129 West 27 Street; by occupation a waiter  
and Erastus Crawford of No. 220 West 2nd

Street, by occupation a carpenter Surety, hereby jointly and severally undertake that  
the above named John Smith, Jr. Defendant  
shall personally appear before the said Justice, at the 1st District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this

day of

Jan  
1889

James  
Police Justice

John Smith  
Erastus Crawford

0724

CITY AND COUNTY } ss.  
OF NEW YORK, }

day of *May*  
*1889*  
Police Justice.

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Ten* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *a house and lot*

*of land situated at 220 West 27th Street in said City, valued at Ten Thousand Dollars clear*

*Erastus Crawford*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

ss.

Taken the day of 188

Justice.



0725

Sec. 192.

152  
District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Henry Ford Esq a Police Justice  
of the City of New York, charging William Amisworth Defendant with  
the offence of Gambling

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

We, William Amisworth Defendant of No. 160 West 31  
Erastus Crawford of No. 220 West 28th  
Street, by occupation a Printer Surety, hereby jointly and severally undertake that  
the above named William Amisworth Defendant  
shall personally appear before the said Justice. at the 152 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this

day of January

1889

G. M. Crawford  
POLICE JUSTICE.



0726

CITY AND COUNTY } ss.  
OF NEW YORK,

Sworn to before me, this  
day of  
January  
1889  
Police Justice

Erastus Crawford Free  
the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth Ten Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of a horse and lot

of land situated at no 220 West  
of 1<sup>st</sup> Street in said City valued  
at Ten Thousand Dollars clear

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 188

Justice.

Erastus Crawford

Witness  
a Constable  
J. J. McMaster

Edmund Emerson  
Foreman

(35)

0727

Sec. 192.

1st

District Police Court.

Undertaking to appear during the examination.

CITY AND COUNTY OF NEW YORK, ss.

An information having been laid before a Police Justice

of the City of New York, charging Defendant with

the offence of

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

*John C. Wilson* Defendant of No. *220 West 2nd St*

Street; by occupation a

and *Caroline Cora Smith* of No. *220 West 2nd St*

Street, by occupation a

the above named

shall personally appear before the said Justice, at the

District Police Court in the City of New York,

during the said examination, or that we will pay to the People of the State of New York the sum of

Hundred Dollars.

Taken and acknowledged before me, this

day of *January* 188*9*

Police Justice.

*9 months before*

*John C. Wilson*

0728

CITY AND COUNTY } ss.  
OF NEW YORK,

*John J. [Signature]*  
Police Justice.

Sworn to before me, this

1889

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

of land situated at no 220 West  
27<sup>th</sup> Street in said city valued at  
Ten Thousand Dollars clear

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear  
during the Examination.

Taken the day of 188

Justice.

*Erastus Crawford*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Smith, William  
Dinsworth and Benton  
Vickers*

The Grand Jury of the City and County of New York, by this indictment, accuse *John Smith, William  
Dinsworth and Benton Vickers*

(Sec. 343, Penal Code.) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed as follows:

The said

*John Smith, William Dinsworth  
and Benton Vickers, all*

late of the *Twenty-fifth* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*eight*, and on divers other days and times as well before as after, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building there situate, to be used for gambling, 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. (Sec. 344, Penal Code.)

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

*John Smith, William Dinsworth and Benton Vickers*

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPARATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said

*John Smith, William Dinsworth  
and Benton Vickers, all*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, having the care, custody and supervision of, and authority over the use of a certain room in a certain building there situate, and a certain gambling-table, and establishment, and divers cards, chips, dice, implements and paraphernalia and sundry devices and apparatus,



0730

a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow the same to be used for gambling purposes, 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. (Sec. 344, Penal Code.)

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

*John Smith, William Ainsworth*  
*and Benton Vickers*

of the CRIME OF ENGAGING AS DEALER IN A *gambling* GAME, where money and property were dependent upon the result, committed as follows:

The said

*John Smith, William Ainsworth*  
*and Benton Vickers, all*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, ~~was~~ <sup>were</sup> and yet ~~is~~ <sup>are</sup> common gamblers and on the day and in the year aforesaid, the said *John Smith, William Ainsworth*

*and Benton Vickers*

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as dealer in a certain *gambling* game commonly known as *game*

where money and property were dependent upon the result, a more particular description of which said *gambling* game is to the Grand Jury aforesaid unknown; and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT. (Sec. 344, Penal Code.)

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

*John Smith, William Ainsworth*  
*and Benton Vickers*

of the CRIME OF ENGAGING AS GAME-KEEPER IN A *gambling* GAME, where money and property were dependent upon the result, committed as follows:

The said

*John Smith, William Ainsworth*  
*and Benton Vickers, all*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, ~~was~~ <sup>were</sup> and yet ~~is~~ <sup>are</sup> common gamblers and on the day and in the year aforesaid, the said *John Smith, William Ainsworth*

*and Benton Vickers*

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as game-keeper, in a certain *gambling* game commonly known as *roulette*,

where money and property were dependent upon the result, a more particular description of which said *gambling* game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.



## FIFTH COUNT. (Sec. 344, Penal Code.)

And the Grand Jury aforesaid, by this indictment, further accuse the said *John Smith, William Ainsworth and Benton Redus* of the CRIME OF ENGAGING AS PLAYER IN A *gambling* GAME, where money and property were dependent upon the result, committed as follows:

The said

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, was, and yet is a common gambler; and on the day and in the year aforesaid, the said *John Smith, William Ainsworth and Benton Redus*

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as player in a certain *gambling* game commonly known as *" Faro "*

where money and property, were dependent upon the result, a more particular description of which said *gambling* game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SIXTH COUNT. (Sec. 385, Penal Code.)

And the Grand Jury aforesaid, by this indictment, further accuse the said *John Smith, William Ainsworth and Benton Redus* of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

*John Smith, William Ainsworth and Benton Redus*,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house there situate, for *their* lucre and gain, unlawfully and injuriously did keep and maintain; and in *their* said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game *of cards* called *" roulette " and " Faro "* in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said *John Smith, William Ainsworth and Benton Redus*,

there did game together and play at said unlawful game *of cards*, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

**JOHN R. FELLOWS,**

District Attorney.

0732

**BOX:**

343

**FOLDER:**

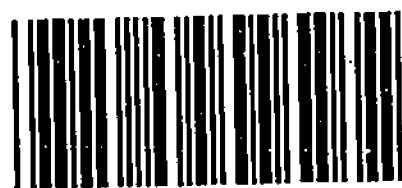
3240

**DESCRIPTION:**

Smith, Joseph

**DATE:**

02/14/89



3240

Witnesses;

Henry C. Stocking,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

96

Counsel,

Filed

14 day of July 1889

Pleads,

THE PEOPLE

vs.

R

Joseph Smith

18  
1st  
1st

R A P H.  
(Sections 278 and 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

John Roberson

Foreman.

July 14/89.

Clenden, Guilty

S. P. 154 no.

0733

0734

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

*Joseph Smith*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*Halifax*

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

Answer.

*129 W 25 St 4 years*

Question. What is your business or profession?

Answer.

*I work in premises no 155 W 26th St*

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

Answer.

*I placed my Penis between her legs. and that is all I done to the child*

*Joseph Smith*

Taken before me this  
day of *Feb* 1889

1889

*Conrad Muller*  
Police Justice.

0735

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of (2500) ~~Three~~ Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated 10 Feby 188 9 La J. C. King Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.



0736

Police Court--- 2

212

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Margaret Traus  
1855 West 26 St  
Joseph Smith

Offence Rape

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

February 10

1889

Daniel O'Reilly

Magistrate.

Thos T Hayes

Officer.

Edward F Brett

Precinct.

Witness

Thomas T Hayes

19 Precinct

Street.

Emanuel Burlando

No. 100

East

Street.

No. 41

East

Street.

Mary Hayes

155 West 26 St

\$2500 G. S

Committee

0737

RECEIVED

FEB 12 1889



41 East 28 St  
Feb. 10th 89

Hon. E. J. Gerry  
Pres. S. P. C. C.

Dear Sir

I have this day examined  
Joseph Smith confined in Jefferson  
Market Prison. I find that he is  
afflicted with gonorrhoea.

Yours Respectfully  
Walter H. Brown M.D.

0738

*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *Feb 13<sup>th</sup> 1889*

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

*The People  
against  
Joseph Smith*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1875, Chapter 130, Section 3), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,  
President, &c.*

0739

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN.

*Rape*

**NOTICE OF PROSECUTION**

**BY THE SOCIETY.**

**ELBRIDGE T. GERRY,**

*President, &c.*



0740

CITY AND COUNTY } ss.  
OF NEW YORK, }

POLICE COURT, 2 DISTRICT.

Margaret Law

of No. 155 W 26

Street, aged 28 years,

occupation Cook

being duly sworn deposes and says

that on the Second

day of

February

1889

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

Joseph Smith

(now here) did violently make an assault upon the body Mary Hauck aged 5 years and against her will did then and there ravish and carnally know. Deponent says that said Mary Hauck informed her that said defendant carried her down stairs in the cellar of premises No 155 West 26th Street and placed her anus on a wooden box and thereafter raised her clothes and placed his said defendant's ~~penis~~ Penis against the private parts of said Mary and did then and

Subscribed before me, this

1889

day

Police Justice.



0741

Here penetrate the private parts of said Mary Hauck  
and she <sup>said Mary</sup> has contracted a loathsome disease therefrom  
Deponent further says that she is informed by Emanuel Burland  
Thomas F Hayes that William H. Snow M. D.  
informed them that he examined the said Mary  
Hauck and said defendant and found that they  
both were suffering from said loathsome disease  
a certificate is hereto attached and made  
part of this affidavit and complaint -

Margaret C. Hayes

Police Court--

District.

THE PEOPLE,  
ON THE COMPLAINT OF  
vs.  
AFFIDAVIT.

10  
Jury 1889  
Dated

Magistrate.

Officer.

Witness,

Disposition,

0742

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT,

DISTRICT,

of No. 19<sup>th</sup> Precinct Police Office, aged years,

occupation Police Officer being duly sworn deposes and says

that on the 8<sup>th</sup> day of February 1889

at the City of New York, in the County of New York he arrested

Joseph Smith. (Harold)

on suspicion of having ravished and had carnal knowledge of the person of one Mary Harck aged 57 years.

Depment prays the said Joseph Smith may be held a reasonable time to give depment a chance to have the said Mary Harck examined by a physician.

Thomas J. Hayes

Sworn to before me, this

of

Feb 9

1889

day

James C. Smith Police Justice.

0743

Police Court-- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.  
Joseph Smith

AFFIDAVIT.

*Paper*

Dated Feb 9 188 9

O'Reilly

Magistrate.

Brent A Hayes Officer.

Witness,

Committed to await the  
result of injuries

The Justice presiding in this  
Court will hear and  
Disposition,  
determine this case by  
reason of my absence

Don't O'Reilly  
Police Justice

0744

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Emanuel Burland*  
aged 36 years, occupation Officer of S.P.C.C. of No.  
100 East 23<sup>rd</sup> Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Margaret Shaw*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 10 day of February 1889 *Emanuel Burland*  
*David C. Smith*  
Police Justice.



0745

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas F Hayes*  
aged 32 years, occupation Police officer of No  
19th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Margaret Nau  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

188

*Thomas F Hayes*

*James C. Smith*  
Police Justice.



0746

41 EAST 28TH STREET.

Feb. 9th

Hon C. J. Gerry  
Presid A.P.C.C.

Dear Sir,

I have examined  
Mary Housh aet. 5 years.  
I find the external genitals  
greatly inflamed - and  
the entrance to vagina excoriated.  
The child has been tampered  
with - the injury being  
inflicted with some  
blunt instrument. A  
copious discharge is present  
the result of the inflammation  
present.  
Yours respectfully  
W. H. Snow

0747

COURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY  
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*Joseph Smith*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Joseph Smith*  
of the CRIME OF RAPE, committed as follows:

The said *Joseph Smith*,  
late of the City of New York, in the County of New York aforesaid, on the  
~~second~~ day of ~~February~~ *March*, in the year of our Lord one thousand  
eight hundred and eighty- ~~nine~~ *nine*, at the City and County aforesaid, with  
force and arms, in and upon a certain female not his wife, to wit: one *Mary*  
*Wanda*, then and there being, wilfully and,  
feloniously did make an assault, and her the said *Mary Wanda*,  
then and there, by force and with violence to her the said *Mary*  
*Wanda*, against her will and without her consent, did wilfully  
and feloniously ravish and carnally know, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Joseph Smith*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Joseph Smith*,  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Mary Wanda*, then  
and there being, wilfully and feloniously did make another assault, with intent her the  
said *Mary Wanda*, against her will and without her consent, by  
force and violence, to then and there wilfully and feloniously ravish and carnally know,  
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.

0748

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said *Joseph Smith* —

of the CRIME OF RAPE, committed as follows:

The said *Joseph Smith* —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain female not his wife, to wit: her the said *Mary Standa*, then and there being, wilfully and feloniously did make another assault, and an act of sexual intercourse with her the said *Mary Standa* —

then and there wilfully and feloniously did commit and perpetrate, against the will of the said *Mary Standa*, and without her consent; 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 GRAND JURY AFORESAID, by this indictment, further

accuse the said *Joseph Smith* —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Joseph Smith* —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain female not his wife, to wit: her the said *Mary Standa*, then and there being, wilfully and feloniously did make another assault, with intent, an act of sexual intercourse with her the said *Mary Standa*, against her will and without her consent then and there wilfully and feloniously to commit and perpetrate, against the form of the Statute, in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS, District Attorney

0749

*Eight* COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said

*Joseph Smith*

of the CRIME OF RAPE, committed as follows:

The said

*Joseph Smith*,

late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her, the said *Mary Shanda*  
then and there being, wilfully and feloniously did make another assault, she, the said  
*Mary Shanda*, being then and there a female under the  
age of sixteen years, to wit: of the age of *five* years; and the said  
*Joseph Smith* then and there  
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said  
*Mary Shanda*, against the form of the  
Statute in such case made and provided, and against the peace of the people of the  
State of New York and their dignity.

JOHN R. FELLOWS, *District Attorney.*

0750

**BOX:**

343

**FOLDER:**

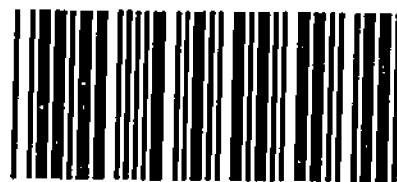
3240

**DESCRIPTION:**

Smith, Joseph

**DATE:**

02/19/89



3240



Witnesses

*John Watt*

*Em. O'Brien*

*off - out*

Counsel,

Filed

19 day of July 1889

Pleads,

*not guilty*

THE PEOPLE

vs.

*23 W 35*

*Joseph Smith*

Robbery, [Sections 224 and 228, Penal Code].  
degree.

JOHN R. FELLOWS,

District Attorney.

*Filed 28/July*

A True Bill...

*John R. Fellows*

Foreman.

*Part IV February 28/89.*

*Pleads - Robbery 2nd deg.*

*S.P. 10 years.*

*R.B.H.*

0751

0752

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT—FOURTH DISTRICT.

Samuel Pratt  
of No. 306 West 129 Street, aged 32 years  
being duly sworn, deposes and saith, that on the 24 day of January  
1879 at the 19th Ward of the City of New York, in the  
County of New York, was feloniously taken, stolen, and carried away, from the person of deponent,  
by force and violence, without his consent and against his will, the following property, viz:

One gold watch and gold chain  
One gold fob  
One Diamond Stud and  
One Silver watch Box  
all together

of the value of Two hundred Dollars,

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
was feloniously taken, stolen, and carried away, by force and violence as aforesaid, by

Joseph Smith (now here)  
from the deponent and  
Edward H. Slocomb of No 208  
East 36th Street got into a  
Carriage at about 12 o'clock  
on the above date at 6th  
Avenue and 28 Street and  
deponent is informed by said  
Slocomb while in said Carriage  
and while between 6th and 5th  
Avenues two persons together  
with deponent got into said  
Carriage pushed said Slocomb  
out of the driver of said Car-  
riage down on with deponent in-  
side of said Carriage together with  
said two persons who have since  
been indicted and deponent  
now here. Deponent further says  
that when said Carriage reached  
112d Street and 6th Avenue he was  
pushed out by said two persons

day of

Suborn to before me, this

1879

Police Justice.

0753

And defendant nowhere, and  
then and thus defendant missing  
the above described property.

Sworn to before me  
this 15th day of Feb 1889  
J. W. Brown Samuel Pratt  
Police Justice

Police Court—Fourth District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Robbery.

Dated

187

Magistrate.

Officer.

WITNESSES:

0754

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 42 years, occupation Advertising Agt of No. 60  
206 38th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Pratt

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

Sworn to before me, this

day of

15 July 1889 C. M. Slucomb

John Herman  
Police Justice.



0755

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*

*Joseph Smith*

Taken before me this

day of *July* 188*9*

*John J. McManis* Police Justice



0756

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

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

Dated Feb 13 1889 John Homan Police Justice.

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

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

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

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

0757

~~757~~ 255  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Samuel Pratt*  
306 E. 129

*Joseph Shuier*

2  
3  
4

Offence

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Dated *Feb 15* 1889

*Gorman* Magistrate.

*Cuff* Officer.

*20 23* Precinct.

Witnesses *Edward M. Shoen*

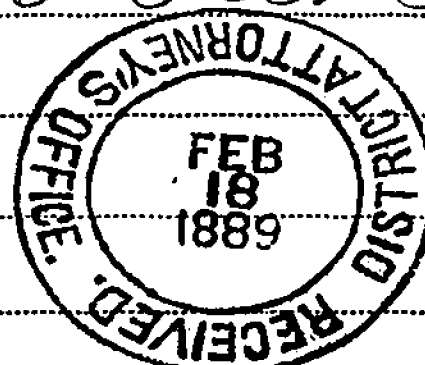
No. *206 East 36* Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer *G.S.*

*Can*



0758

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Joseph Smith*

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

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said

*Joseph Smith*,

late of the City of New York, in the County of New York aforesaid, on the *twenty* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Samuel Pratt*, in the peace of the said People, then and there being, feloniously did make an assault, and

*one watch of the value of seventy five dollars, one chain of the value of thirty five dollars, one pocket of the value of twenty dollars, one stud of the value of sixty five dollars, and one watch box of the value of ten dollars,*

of the goods, chattels and personal property of the said *Samuel Pratt*, from the person of the said *Samuel Pratt*, against the will, and by violence to the person of the said *Samuel Pratt*, — then and there violently and feloniously did rob, steal, take and carry away, *the said Joseph Smith* being then and there aided by accomplices *actually present*, to wit: *by John Dee, James O'Connor, Patrick Shea, and others to the said jury aforesaid as yet unknown;*

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

*John H. Kellogg,*  
*District Attorney*

0759

**BOX:**

343

**FOLDER:**

3240

**DESCRIPTION:**

Smith, Minnie

**DATE:**

02/11/89



3240

0760

**BOX:**

343

**FOLDER:**

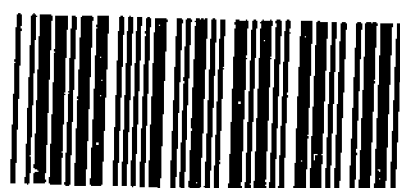
3240

**DESCRIPTION:**

Reinner, Martin

**DATE:**

02/11/89



3240



Witnesses:

*John S. Sullivan*  
*Wm. H. C. C. C.*  
*Auto Duns*  
*Minnie Farrell*

Counsel,

Filed

day of

188

Pleads,

*Chitgully*

THE PEOPLE

vs.

*Shinnie Smith*

and *P*

*Martin Renner*

*Burglary in the THIRD DEGREE*  
*(Section 498, 506, 523, 524 & 545)*

*March 12/89 JOHN R. FELLOWS,*

*Attorney at Law, District Attorney.*

*March 12/89, Chitgully 13/89.*

*March 12/89, Chitgully 13/89.*

**A TRUE BILL**

*For empan.*  
*March 12/89.*

*Chitgully*

*Deed & Key withed*

*Part - Fall*

*Sealed & Recorded*  
*at Chitgully 13/89*

0762

Police Court 2 District.

City and County of New York, ss.:

of No. 11 2nd Kate Rymers Street, aged 20 years,occupation Cord Cutter being duly sworndeposes and says, that the premises No 46 West 4th Street,in the City and County aforesaid, the said being a two story and atticbrick building and which was occupied by deponent as a dwelling houseand in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly unlocking  
the door leading from the hallway on the  
1st floor, into the front room on the first  
floor of said premises by means of a false  
or skeleton key  
 on the 23rd day of January 1889 in the night time, and the  
 following property feloniously taken, stolen, and carried away, viz:

One black Cashmere dress, two black Jersey  
Jackets, one pair of gold bracelets, two skirts  
one beaded wrap, one plush coat,  
one dozen plated knives & forks and six plush  
Albino together of the value of one hundred and  
ten dollars.

( \$ 110.00 )

the property of Deponent and Marie Purcell and in  
deponents care and custody  
 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

Minnie Schmidt and Martin Rymers

for the reasons following, to wit:

that at about the hour of 8 o'clock  
PM said date deponent locked and securely  
fastened the door of deponents room which  
is the front room on the 1st floor of said premises  
and went out leaving said room unoccupied and  
all of the aforesaid property in said room, and when  
deponent returned at about the hour of 11:20 o'clock  
PM same date, deponent found the door of said  
room unlocked, and discovered that all of said

0763

Property was missing. And at about the hour of 7.20 o'clock P. M. February 2<sup>nd</sup> 1889 deponent met the said Minnie Schmidt, who had formerly been employed in said premises as a domestic on 2<sup>nd</sup> Avenue. near 9<sup>th</sup> Street. And at that time she had a black dress and a beaded wrap on her person which deponent fully identified as her property and as a portion of the property aforesaid.

Deponent is informed by Officer John S. Sullivan of the 15<sup>th</sup> Precinct Police, that after he had arrested the said Minnie she the said Minnie took him the Officer to her room in the premises no 137 Waverly Place where she had all of the aforesaid property with the exception of the bracelets and the knives and forks. and that she the said Minnie then told him the officer that she had got said property from the said Martin Rymer, who is employed in the premises no 46 West 4<sup>th</sup> St as a bartender, and who occupies a room adjoining the room which was occupied by deponent and which was burglarized on said 23<sup>rd</sup> day of January 1889.

Wherefore deponent charges the said defendants with being together and acting in concert with each other. and burglariously entering said premises as aforesaid, and feloniously taking stealing and carrying away said property.

Sworn to before me  
the 2<sup>nd</sup> day of Feb<sup>y</sup> 1889

Keatie Byrne's

Police Court — District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James C. Sullivan  
Police Justice

Dated

Clerk.

Witnesses:

Committed in default of \$

Bailed by

No.

Street.



0764

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged \_\_\_\_\_ years, occupation John S. Sullivan of No. Police Officer

15th Precinct Police

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Kate Burns

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

Sworn to before me, this

day of

July 1889

John S. Sullivan

Police Justice.

0765

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Minnie Schmidt*

Question. How old are you?

Answer. *19 years old*

Question. Where were you born?

Answer. *Germany*

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

Answer. *120. Waverly Place. 1 week*

Question. What is your business or profession?

Answer. *Domestic*

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

Answer. *I am not guilty, the*  
*proof was given me by*  
*Martin Rymer who is the bartender*  
*in the saloon at No 46 W 4th St.*  
*and who was intimate with me.*  
*while I worked in 46 West St.*

*Minnie Smith.*

Taken before me this  
day of *Feb* 188*9*

188

*Sam'l C. Kelly*  
Police Justice.



0766

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK ss.

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

Question. What is your name?

Answer.

*Martin Reimer*

Question. How old are you?

Answer.

*22 years old*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*46 West 4th St. 2 years*

Question. What is your business or profession?

Answer.

*Butcher.*

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

Answer.

*I am not guilty*  
*Martin Reimer.*

Taken before me this

day of *Feb* 188*9*

*John J. McQuinn* Police Justice.

0767

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

Schmidt. and Minnie

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

Dated Feb 2 1889 Samuel J. Kelly Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named

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

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

0768

Police Court---2185 District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Kate Rynnes  
Minnie Schmidt  
Martin Rynnes

Office, *Longway*

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated *July 3* 188*9*

*Neill* Magistrate.  
*John S. Sullivan* Officer.  
*15* Precinct.

Witnesses *John S. Sullivan*  
No. *15* Precinct Police Street.

*15* Mary Turcell  
No. *22 to 23* Street.

No. \_\_\_\_\_ Street.  
\$ *1500* to answer

*Comm Heu*



0769

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Minnie Smith  
and  
Martin Reimer

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

Minnie Smith and Martin Reimer

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

Minnie Smith and  
Martin Reimer, both

late of the ~~Fifteenth~~ <sup>Twenty-third</sup> Ward of the City of New York, in the County of New York  
aforesaid, on the ~~day of~~ <sup>day of</sup> ~~January~~ <sup>January</sup> in the year of our Lord one  
thousand eight hundred and eighty-~~nine~~ <sup>nine</sup>, with force and arms, in the  
~~night~~ <sup>time</sup> of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one

Kate Byrnes

there situate, feloniously and burglariously did break into and; enter, with intent to  
commit some crime therein, to wit: with intent, the goods, chattels and personal property  
of the said

Kate Byrnes

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.



## SECOND COUNT—

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

*Minnie Smith and Martin Reimer*  
of the CRIME OF *Grand* LARCENY *in the first degree* committed as follows:

The said *Minnie Smith and Martin Reimer*, both

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

*one dress of the value of thirty dollars, two jackets of the value of five dollars each, two bracelets of the value of five dollars each two shirts of the value of five dollars each, one wrap of the value of ten dollars, one coat of the value of twenty dollars, twelve knives of the value of fifty cents each, twelve forks of the value of fifty cents each, and one album of the value of five dollars*  
of the goods, chattels, and personal property of one *Kate Byrnes*

in the dwelling house of the said

*Kate Byrnes*

there situate, then and there being found, from 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.



0771

THIRD COUNT.

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Minnie Smith and Martin Reimer*

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

The said

*Minnie Smith and Martin Reimer, both*

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 dress of the value of thirty dollars, two jackets of the value of five dollars each, two bracelets of the value of five dollars each, two skirts of the value of five dollars each, one wrap of the value of ten dollars, one coat of the value of twenty dollars, twelve knives of the value of fifty cents each, twelve forks of the value of fifty cents each, and one album of the value of five dollars*

of the goods, chattels and personal property of

*Kate Byrnes*

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

*Kate Byrnes*

unlawfully and unjustly, did feloniously receive and have ; (the said

*Minnie Smith and Martin Reimer*

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, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.