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THE
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SECRETARY OF THE
NAVY
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NEW JERSEY SUPREME COURT

June Term, 1916

The State,

vs.

Albert Jackson.

Error to Atlantic Quarter Sessions.

Argued before Gummere, Chief Justice, and
Justices Trenchard and Black.

For Plaintiffs-in-Error, Garrison & Voorhees.

For the State, Charles S. Moore, Prosecutor of
the Pleas.

10

Per Curiam :

The defendant was indicted for, and convicted of, the crime of keeping a disorderly house, the gravamen of the charge being the assisting in carrying on a gambling establishment at Chalfonte Avenue, in the City of Atlantic City. A similar indictment was found against one Albert Stanford, and a conviction was had in his case also. The cases were tried together in the Quarter Sessions, and were argued together before this Court.

20

Numerous errors were assigned by each defendant, but all of them were abandoned on the argument, except three. These three are each of them directed at an alleged error of the trial court in permitting the official stenographer to read the entire testimony given by Stanford, and also that given by Jackson, on a trial theretofore had on an indictment presented against one Andrew Terry, who was the proprietor of the gambling establishment at which the present defendants acted as assistants. The pith of the contention is that the prior testimony given by each of them, and permitted to be read to the jury, was evidential only against himself, and not against his co-defendant, and that its admission was improper for this reason. It is conceded that Jackson's previous testimony if voluntarily given was properly admitted as evidential against himself, and that Stanford's also was admissible against himself. It follows, therefore, that an application to exclude this evidence *in toto* was properly refused. The protection which each defendant was entitled to have against the previous testimony of his co-defendant, was an instruction that it should not be considered by the

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jury in passing upon his guilt or innocence. *Perry vs. Levy*, 87, N. J. L. 670. But as no request for such an instruction was proffered, and as the testimony was admissible to the extent indicated, the defendants cannot now complain of the failure of the trial court to thus limit the effect of the evidence. Moreover, the objection to the admission of this testimony was not based upon its lack of evidential value, but upon the sole ground that it could not be introduced until it was first shown that the admissions contained in it were voluntary, and that the party making them was cautioned that what he said might be used against him on some other occasion; and, further, that the State had no right to make a defendant testify against himself. These grounds of objection were, under the circumstances, entirely without merit and have not been urged before us. It is proper to say, however, that the previous testimony of these defendants on the trial of the Terry indictment had been elicited, not by the State, but by Terry's counsel; and, under these conditions, there was, of course, no obligation on the part of the Prosecutor of the Pleas to warn the witnesses that what they might say could be used against them, if it indicated criminality on their part. The suggestion that the State, by submitting the previous admissions of the defendants, was compelling them to testify against themselves, is, of course, entirely without substance.

The judgment under review will be affirmed.

NEW JERSEY SUPREME COURT

June Term, 1916

THE STATE,

vs.

ALBERT STANFORD.

SAME IN TWO CASES.

10

ERROR TO ATLANTIC QUARTER SESSIONS

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Per Curiam.

The writ of error in this case presents the same questions which were considered and determined by us in No. 17 of the present term (State vs. Jackson), and for the reasons set forth in our opinion in that case the judgment under review will be affirmed.

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NEW JERSEY, SS.

The State of New Jersey to the Chief Justice and other Justices of our Supreme Court of Judicature, Greeting:

(Seal)

Because in the record and proceedings and also in the giving of judgment in a plaint, which was in our Supreme Court before you, on a writ of Error issued out of our said Supreme Court to review a judgment upon a certain indictment against Albert Stanford, late of the City of Atlantic City and County of Atlantic, for keeping a disorderly house at No. 1139 Baltic Avenue, in the City of Atlantic City, from the First day of November, 1913, and on divers days subsequent thereto, as more fully set out in the writ of error so issued in said cause, manifest error hath intervened to the great damage of the said defendant, Albert Stanford.

10

We being willing that the error, if any there be, should, in due manner, be corrected, and full and speedy justice be done to the parties aforesaid in this behalf, do command you, that if judgment be thereupon given and affirmed, then you distinctly and openly send, under your seal, the record and proceedings and plaint aforesaid, with all things touching and concerning the same, to our Court of Errors and Appeals in the last resort in all causes, at Trenton, on the Eleventh day of January, next, together with this writ, that the record and proceedings aforesaid being inspected, we may cause to be done thereupon, for correcting that error what of right and according to the law and custom of the State of New Jersey ought to be done.

20

Witness our Chancellor and President Judge of our said Court of Errors and Appeals, at Trenton aforesaid, this Twenty-third day of December, nineteen hundred and sixteen.

THOMAS F. MARTIN,

Clerk.

ISAAC H. NUTTER,
GARRISON & VOORHEES,

Attorneys.

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NEW JERSEY SUPREME COURT

STATE OF NEW JERSEY,

Defendant-in-Error

vs.

ALBERT STANFORD,

Plaintiff-in-Error.

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This cause having been duly argued at the June Term, A. D. 1916, of this Court, by Charles S. Moore, Prosecutor of the Pleas of the County of Atlantic, Counsel for the Defendant-in-Error, and Garrison & Voorhees, Counsel for the Plaintiff-in-Error, and this Court having considered the same, and having examined the record and proceedings of the Atlantic Quarter Sessions and finding no error therein, it is hereby ordered and adjudged that the judgment of the Atlantic Quarter Sessions in the above entitled cause, be, and the same is, hereby affirmed with costs.

20

Entered November 24, 1916.

On motion of

CHARLES S. MOORE, Prosecutor of the
Pleas of the County of Atlantic, Attorney
for the State of New Jersey, Defendant-in-Error.

I, William C. Gebhardt, Clerk of the Supreme Court of the State of New Jersey, do certify that the foregoing is a true copy of a rule entered in the minutes of the Court in the above stated cause.

30

In testimony whereof, I have set my hand and the seal of said Court at Trenton, this tenth day of January, A. D. 1917.

WILLIAM C. GEBHARDT,
Clerk.

The answer of the Justices of the Supreme Court of the State of New Jersey within named. The record and proceedings whereof mention is within made, with all things touching and concerning the same, we do certify to the Court of Errors and Appeals of said State, in a certain schedule to this writ annexed, as within we are commanded.

WILLIAM G. GUMMERE,
C. J.

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NEW JERSEY, SS.

The State of New Jersey to the Chief Justice and other Justices of our Supreme Court of Judicature, Greeting:

(Seal)

Because in the record and proceedings and also in the giving of judgment in a plaint, which was in our Supreme Court before you, on a writ of Error issued out of our said Supreme Court to review a judgment upon a certain indictment against Albert Stanford, late of the City of Atlantic City and County of Atlantic, for keeping a disorderly house at No. 202 North Chalfonte Avenue, in the City of Atlantic City, from the First day of November, 1913, and on divers days subsequent thereto, as more fully set out in the writ of error so issued in said cause, manifest error hath intervened to the great damage of the said defendant, Albert Stanford.

10

We being willing that the error, if any there be, should, in due manner, be corrected, and full and speedy justice be done to the parties aforesaid in this behalf, do command you, that if judgment be thereupon given and affirmed, then you distinctly and openly send, under your seal, the record and proceedings and plaint aforesaid, with all things touching and concerning the same, to our Court of Errors and Appeals in the last resort in all causes, at Trenton, on the Eleventh day of January, next, together with this writ, that the record and proceedings aforesaid being inspected, we may cause to be done thereupon, for correcting that error what of right and according to the law and custom of the State of New Jersey ought to be done.

20

Witness our Chancellor and President Judge of our said Court of Errors and Appeals, at Trenton aforesaid, this Twenty-third day of December, nineteen hundred and sixteen.

THOMAS F. MARTIN,
Clerk.

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attorneys.

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Judgment of affirmance — clerk's certificate, and Supreme Court's certificate to return identical with that to preceding writ.

NEW JERSEY SUPREME COURT

STATE,	}	ERROR TO ATLANTIC COUNTY QUARTER SESSIONS.	10
Defendant-in-Error,			
vs,			
ALBERT JACKSON,			
Plaintiff-in-Error.			
STATE,	}		
Defendant-in-Error,			
vs,			
ALBERT STANFORD,			
Plaintiff-in-Error.			

20

RETURNABLE APRIL 15, 1916.

(4 cases.)

ISAAC H. NUTTER, Attorney for, and
GARRISON & VOORHEES, of counsel
with Plaintiffs-in-Error.

CHARLES S. MOORE, Prosecutor of
the Pleas of Atlantic County, of coun-
sel with State.

NEW JERSEY, SS:

The State of New Jersey to Clifton C. Shinn, Esquire, Judge of the Court of Quarter Sessions in and for the County of
(Seal.) Atlantic, of the Term of January, in the
year of our Lord one thousand nine hun-
dred and sixteen.

Because in the indictment, record, process and
proceedings and also in the giving of judgment upon
a certain indictment against Albert Jackson of the

City of Atlantic City, and County of Atlantic for keeping a disorderly house at No. 202 N. Chalfonte Avenue in the City of Atlantic City, from the first day of November, 1913, and on divers days subsequent thereto, whereof before you he has been indicted and thereof convicted by a certain jury of the County of Atlantic, taken between the State of New Jersey and said Albert Jackson, as is said; manifest error hath intervened to the great damage of the said Albert Jackson as from his complaint we have received information, we being willing, in his behalf, to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said Albert Jackson, command you that if judgment be thereon given, then that you distinctly and openly send, under your seal, the record and proceedings aforesaid, with all things touching the same, to our Supreme Court to be held at Trenton, on the 15th day of April, 1916, and this writ, that the record and proceedings aforesaid being inspected, we may further cause to be done thereupon, for correcting that error, what of right and according to the laws and customs of New Jersey ought to be done.

10
20 WITNESS, William S. Gummere, Esquire, Chief Justice of our Supreme Court, this 28th day of March, in the year of our Lord, one thousand nine hundred and sixteen.

WM. C. GEBHARDT, Clerk.

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys.

30 The answer of C. C. SHINN, Esquire, Judge of the Court of Quarter Sessions of the County of Atlantic within named, the record and proceedings whereof mention is within made, with all things touching the same, I certify to the Justices of our Supreme Court of the State of New Jersey at the day and year within contained in a certain schedule to this writ annexed, as I am commanded.

C. C. SHINN,
Judge.

ATLANTIC COUNTY, to wit:

BE IT REMEMBERED that a Court of Quarter Sessions holden at May's Landing in and for the

County of Atlantic on the eleventh day of October in the year of our Lord one thousand nine hundred and fifteen, before the Honorable Clifton C. Shinn, a Judge of the said Court, and of the Court of Common Pleas, in and for the said County, no Justice of the Supreme Court of the State of New Jersey being present in the Court House and the Grand Jury being desirous of making presentment of sundry bills of indictment according to the form of the statute in such case made and provided by the oath of Walter W. Clark, Thomas J. Giberson, Wm. A. Hammel, George Pennock, H. L. McIntyre, J. M. Fitzpatrick, Wm. J. Morgenweck, John L. Kelley, Harry L. Ostrander, Samuel P. Morris, Albert L. Jackson, Theo. B. Dare, C. D. Makepeace, H. E. Doughty, Wm. H. Gardner, E. N. Manning, George H. Bew, Robert Wood, W. R. Seely, George Ripley, Sr., Thos. P. Endicott, Richard McAllister and Horace M. Leeds, good and lawful men of the said County of Atlantic, duly summoned and then and there sworn and charged to inquire for the State of New Jersey, in and for the body of the County of Atlantic.

10

It is presented, in the manner and form following, that is to say:

State of New Jersey vs. Charles Greathouse, Murder.
State of New Jersey vs. Major Brown, Assault and Battery.

20

State of New Jersey vs. John Howell, Larceny.
State of New Jersey vs. Harold M. Leech, Desertion.
State of New Jersey vs. Walter H. Noble, Embezzlement.

State of New Jersey vs. Mildred Creole, Larceny.
State of New Jersey vs. Raymond Woodson, Larceny.
State of New Jersey vs. Martin L. Newton, Larceny.
State of New Jersey vs. Antonette Cardamore and Nicholas Cardamore, Atrocious Assault and Battery.

State of New Jersey vs. Carl W. Toboldt, Unlawful Conversion.

30

State of New Jersey vs. Clarence Somers, Larceny.
State of New Jersey vs. Joseph La Rossa and Steve La Rossa, Assault and Battery.
State of New Jersey vs. Henry and Max Yunkers, Assault and Battery.

- State of New Jersey vs. Frank Mitchell, Breaking
with intent, etc.
- State of New Jersey vs. Frank Mitchell, Breaking
with intent, etc.
- State of New Jersey vs. Frank Mitchell, Breaking
with intent, etc.
- State of New Jersey vs. Carl W. Toboldt, False Pre-
tenses.
- State of New Jersey vs. Al. Stanford, Disorderly
House.
- State of New Jersey vs. Al. Stanford, Disorderly
House.
- 10 State of New Jersey vs. Lester Bancroft Lewis, Dis-
orderly House.
- State of New Jersey vs. Lester Bancroft Lewis, Dis-
orderly House.
- State of New Jersey vs. Piggy Jackson, Disorderly
House.
- State of New Jersey vs. Piggy Jackson, Disorderly
House.
- State of New Jersey vs. John M. Johnson, Alias John
Islesworth, Disorderly House.
- State of New Jersey vs. William Brown, alias Mutts,
Disorderly House.
- 20 State of New Jersey vs. Sunny Barnes, Disorderly
House.
- State of New Jersey vs. Pete Dale and Charles
Thomas, Disorderly House.
- State of New Jersey vs. Pete Dale, Disorderly House.
- State of New Jersey vs. Andrew Terry, Disorderly
House.
- State of New Jersey vs. Andrew Terry, Disorderly
House.
- State of New Jersey vs. Andrew Terry, Disorderly
House.
- State of New Jersey vs. John Broden, Disorderly
House.
- State of New Jersey vs. Robert Connie, Disorderly
House.
- 30 State of New Jersey vs. Daniel Braxton, Disorderly
House.
- State of New Jersey vs. William Sumner Wardell,
Disorderly House.
- State of New Jersey vs. Prince Baltimore, Disorder-
ly House.

State of New Jersey vs. Jackson Faulks, Disorderly House.
 State of New Jersey vs. Charles Thomas, Disorderly House.
 State of New Jersey vs. Charles Thomas, Disorderly House.
 State of New Jersey vs. James Kelly, Disorderly House.
 State of New Jersey vs. Milton Weaver, Disorderly House.
 State of New Jersey vs. Charles Murphy, Disorderly House.
 State of New Jersey vs. Harry Jones, Disorderly House. 10
 State of New Jersey vs. Harry Jones, Disorderly House.
 State of New Jersey vs. John Broden, Disorderly House.

The bills herewith presented are true bills.

WALTER W. CLARK,
 Foreman.

(Endorsed)

County of Atlantic, N. J.

Filed Oct. 11, 1915.

Edwin A. Parker, Clerk.

In the Court of Oyer and Terminer of Atlantic County, May Term, in the Year of Our Lord One Thousand Nine Hundred and Fifteen. 20

ATLANTIC COUNTY, to wit:

The Grand Inquest of the State of New Jersey for the body of the County of Atlantic, upon their respective oaths

PRESENT that James Albert Jackson late of the City of Atlantic City, county of Atlantic aforesaid, on the first day of November, nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, a certain, common, ill-governed, and disorderly house unlawfully did keep and maintain; and in said house, for his own gain and lucre, certain evil disposed persons then and on the said other days and times, unlawfully and willingly did cause and procure to come together; and the said persons in the said house, at unlawful times, 30

on the days and times aforesaid, there to be and remain drinking, tippling, gambling, playing for money and other valuable things at and with cards and dice and other devices, and otherwise misbehaving themselves, unlawfully did permit and suffer; to the great damage and common nuisance of all the peaceable citizens of the State there residing, inhabiting and passing; to the evil example of all others in the like case offending, and against the peace of this State, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER
10 PRESENT that James Albert Jackson, late of the said City of Atlantic City, county aforesaid, on the first day of November, nineteen hundred and thirteen and on divers other days between that day and the day of the taking of this inquest, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with intent that said persons might resort thither for gambling by playing for money at
20 and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this state, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that James Albert Jackson, late of the said City of Atlantic City, on the first day of November, nineteen hundred and thirteen, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with the
30 intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

And the Grand Inquest aforesaid, DO FURTHER PRESENT, that James Albert Jackson, late of the said City of Atlantic City, County aforesaid, on the first day of November nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said James Albert Jackson did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same. 80

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that James Albert Jackson late of the said City of Atlantic City, on the twenty sixth day of June nineteen hundred and fifteen at house number two hundred two No. Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist, one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said James Albert Jackson did then and there receive and pay out the moneys used by players and did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same. 20 30

CHARLES S. MOORE,
Prosecutor of the Pleas.

ATLANTIC COURT OF OYER AND TERMINER.

May Term, 1915

INDICTMENT

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FOR
DISORDERLY HOUSE
THE STATE

VS.

JAMES ALBERT JACKSON

Charles S. Moore,
Prosecutor of the Pleas

20

A True Bill,
Walter W. Clark,
Foreman
Plea Not Guilty
Trial
Bail
\$

County of Atlantic, N. J.
Filed Oct. 11, 1915
Edwin A. Parker, Clerk.

This indictment amended to read 202 North
Chalfonte Avenue instead of 204 North Chal-
fonte Avenue. Also amended to read James
Albert Jackson instead of Piggy Jackson.
Mar. 20-1916

30

EDWIN A. PARKER,
Clerk.

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

January Term, 1916.

March 20th, 1916.

State

vs.

James Albert Jackson.

3032

colored.

10

Hon. C. C. Shinn, Presiding.

Charles S. Moore, Prosecutor, and W. E.

Brown, Jr., Asst. Prosecutor for the State.

Wm. I. Garrison and Isaac H. Nutter for
the defendant.

Charge Disorderly House.

Plea Not Guilty.

The above named defendant James Albert Jackson being brought into Court charged pleaded not guilty of the crime as laid to his charge and by agreement of counsel this indictment (No. 3032) was tried jointly with indictments Nos. 3019, 3020 and 3031.

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WHEREUPON on motion of Charles S. Moore, Prosecutor on the part of the State it was ordered that the Sheriff return a panel of the jury to try the issue joined in the aforesaid plea.

WHEREUPON the Sheriff returned the following named persons to serve as jurors who were sworn as follows, to wit:

- | | |
|---------------------|------------------------|
| 1. Thomas J. Irish | 7. Edwin Robinson |
| 2. William Sharrick | 8. Warren Burroughs |
| 3. George Karrer | 9. George W. Channells |
| 4. Henry Lake | 10. Frederick Albrecht |
| 5. Robert H. Poole | 11. Clarence W. Baier |
| 6. George Lee | 12. Frank B. Gandy |

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The following witnesses who were sworn, George Batten, A. K. Littlefield, Burton A. Gaskill, W. E. Brown, Jr., Lester Lewis, Harold S. Williams, John Wormley, Le Roy Sands, Alexander Lewis, John Gee, Ernest Washington, Samuel Goodlaw, Eugene Warfield, Jesse Logan, John Garrett, Walter John-

son, Isiah Barnes and Harry Lewis having been called for the State, the prosecutor elected to proceed on the first count of the indictment, and the following witnesses who were sworn, Andrew Terry, Albert Stanford, and James Albert Jackson, having been called for the defendant, and the evidence being closed and the counsel having summed up the case and the court having charged the jury they retired at 2.58 P. M. with Constable Benjamin Nusbaum sworn to attend them and being absent until 3.39 P. M. they returned again into Court and being called upon a verdict and being asked say they have agreed
10 they find the defendant James Albert Jackson guilty with recommendation of mercy and so say they all.

WHEREUPON it is on this 29th day of March, A. D. 1916, ordered that the defendant James Albert Jackson be placed at the bar and he being accordingly set at the bar the Court doth order and adjudge that the defendant James Albert Jackson be committed to the County Jail for a period of six months and pay a fine of Two Hundred and fifty dollars.
(Quarter Sessions Judgment Book No. 8 page 261.)

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NEW JERSEY, SS:

The State of New Jersey to Clifton C. Shinn, Esquire, Judge of the Court of Quarter Sessions in and for the County of (Seal.) Atlantic, of the Term of January, in the year of our Lord one thousand nine hundred and sixteen.

Because in the indictment, record, process and proceedings and also in the giving of judgment upon a certain indictment against Albert Stanford of the City of Atlantic City, and County of Atlantic for keeping a disorderly house at No. 202 N. Chalfonte Avenue in the City of Atlantic City, from the first day of November, 1913, and on divers days subsequent thereto, whereof before you he has been indicted and thereof convicted by a certain jury of the County of Atlantic, taken between the State of New Jersey and said Albert Stanford, as is said; manifest error hath intervened to the great damage of the said Albert Stanford as from his complaint we have received information, we being willing, in his behalf, to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said Albert Stanford, command you that if judgment be thereon given, then that you distinctly and openly send, under your seal, the record and proceedings aforesaid, with all things touching the same, to our Supreme Court to be held at Trenton, on the 15th day of April, 1916, and this writ, that the record and proceedings aforesaid being inspected, we may further cause to be done thereupon, for correcting that error, what of right and according to the laws and customs of New Jersey ought to be done.

WITNESS, William S. Gummere, Esquire, Chief Justice of our Supreme Court, this 28th day of March, in the year of our Lord, one thousand nine hundred and sixteen.

WM. C. GEBHARDT, Clerk. 30

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys.

The answer of C. C. SHINN, Esquire, Judge of the Court of Quarter Sessions of the County of Atlantic within named, the record and proceedings

whereof mention is within made, with all things touching the same, I certify to the Justices of our Supreme Court of the State of New Jersey at the day and year within contained in a certain schedule to this writ annexed, as I am commanded.

C. C. SHINN,
Judge.

ATLANTIC COUNTY, to wit:

10 BE IT REMEMBERED that a Court of Quarter Sessions holden at May's Landing in and for the County of Atlantic on the eleventh day of October in the year of our Lord one thousand nine hundred and fifteen, before the Honorable Clifton C. Shinn, a Judge of the said Court, and of the Court of Common Pleas, in and for the said County, no Justice of the Supreme Court of the State of New Jersey being present in the Court House and the Grand Jury being desirous of making presentment of sundry bills of indictment according to the form of the statute in such case made and provided by the oath of Walter W. Clark, Thomas J. Giberson, Wm. A. Hammel, George Pennock, H. L. McIntyre, J. M. Fitzpatrick, Wm. J. Morgenweck, John L. Kelley, Harry L. Ostrander, Samuel P. Morris, Albert L. Jackson, Theo. 20 B. Dare, C. D. Makepeace, H. E. Doughty, Wm. H. Gardner, E. N. Manning, George H. Bew, Robert Wood, W. R. Seely, George Ripley, Sr., Thos. P. Endicott, Richard McAllister and Horace M. Leeds, good and lawful men of the said County of Atlantic, duly summoned and then and there sworn and charged to inquire for the State of New Jersey, in and for the body of the County of Atlantic.

It is presented, in the manner and form following, that is to say:

30 State of New Jersey vs. Charles Greathouse, Murder.
State of New Jersey vs. Major Brown, Assault and Battery.
State of New Jersey vs. John Howell, Larceny.
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State of New Jersey vs. Walter H. Noble, Embezzlement.
State of New Jersey vs. Mildred Creole, Larceny.
State of New Jersey vs. Raymond Woodson, Larceny.

State of New Jersey vs. Martin L. Newton, Larceny.	
State of New Jersey vs. Antonette Cardamore and Nicholas Cardamore, Atrocious Assault and Battery.	
State of New Jersey vs. Carl W. Toboldt, Unlawful Conversion.	
State of New Jersey vs. Clarence Somers, Larceny.	
State of New Jersey vs. Joseph La Rossa and Steve La Rossa, Assault and Battery.	
State of New Jersey vs. Henry and Max Yunkers, Assault and Battery.	
State of New Jersey vs. Frank Mitchell, Breaking with intent, etc.	10
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State of New Jersey vs. Frank Mitchell, Breaking with intent, etc.	
State of New Jersey vs. Carl W. Toboldt, False Pre- tenses.	
State of New Jersey vs. Al. Stanford, Disorderly House.	
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State of New Jersey vs. Lester Bancroft Lewis, Dis- orderly House.	20
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State of New Jersey vs. Piggy Jackson, Disorderly House.	
State of New Jersey vs. Piggy Jackson, Disorderly House.	
State of New Jersey vs. John M. Johnson, Alias John Islesworth, Disorderly House.	
State of New Jersey vs. William Brown, alias Mutts, Disorderly House.	
State of New Jersey vs. Sunny Barnes, Disorderly House.	
State of New Jersey vs. Pete Dale and Charles Thomas, Disorderly House.	30
State of New Jersey vs. Pete Dale, Disorderly House.	
State of New Jersey vs. Andrew Terry, Disorderly House.	
State of New Jersey vs. Andrew Terry, Disorderly House.	

- State of New Jersey vs. Andrew Terry, Disorderly House.
- State of New Jersey vs. John Broden, Disorderly House.
- State of New Jersey vs. Robert Connie, Disorderly House.
- State of New Jersey vs. Daniel Braxton, Disorderly House.
- State of New Jersey vs. William Sumner Wardell, Disorderly House.
- State of New Jersey vs. Prince Baltimore, Disorderly House.
- 10 State of New Jersey vs. Jackson Faulks, Disorderly House.
- State of New Jersey vs. Charles Thomas, Disorderly House.
- State of New Jersey vs. Charles Thomas, Disorderly House.
- State of New Jersey vs. James Kelly, Disorderly House.
- State of New Jersey vs. Milton Weaver, Disorderly House.
- State of New Jersey vs. Charles Murphy, Disorderly House.
- 20 State of New Jersey vs. Harry Jones, Disorderly House.
- State of New Jersey vs. Harry Jones, Disorderly House.
- State of New Jersey vs. John Broden, Disorderly House.

The bills herewith presented are true bills.

WALTER W. CLARK,
Foreman.

(Endorsed)

County of Atlantic, N. J.

Filed Oct. 11, 1915.

Edwin A. Parker, Clerk.

- 30 *In the Court of Oyer and Terminer of Atlantic County, May Term, in the Year of Our Lord One Thousand Nine Hundred and Fifteen.*

ATLANTIC COUNTY, to wit:

The Grand Inquest of the State of New Jersey for the body of the County of Atlantic, upon their respective oaths

PRESENT that Albert Stanford late of the City of Atlantic City, county of Atlantic aforesaid,

on the first day of November, nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, a certain, common, ill-governed, and disorderly house unlawfully did keep and maintain; and in said house, for his own gain and lucre, certain evil disposed persons then and on the said other days and times, unlawfully and willingly did cause and procure to come together; and the said persons in the said house, at unlawful times, on the days and times aforesaid, there to be and remain drinking, tippling, gambling, playing for money and other valuable things at and with cards and dice and other devices, and otherwise misbehaving themselves, unlawfully did permit and suffer; to the great damage and common nuisance of all the peaceable citizens of the State there residing, inhabiting and passing; to the evil example of all others in the like case offending, and against the peace of this State, the government and dignity of the same.

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And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that Albert Stanford, late of the said City of Atlantic City, county aforesaid, on the first day of November, nineteen hundred and thirteen and on divers other days between that day and the day of the taking of this inquest, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this state, the government and dignity of the same.

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And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that Albert Stanford, late of the said City of Atlantic City, on the first day of November, nine-

10 teen hundred and thirteen, at house number two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

20 And the Grand Inquest aforesaid, DO FURTHER PRESENT, that Albert Stanford, late of the said City of Atlantic City, County aforesaid, on the first day of November nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house two hundred two North Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said Albert Stanford did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

30 And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that Albert Stanford late of the said City of Atlantic City, on the twenty sixth day of June nineteen hundred and fifteen at house number two hundred two No. Chalfonte Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist, one Andrew Terry in keeping a place to which persons might and did resort for gambling by play-

ing for money at and with cards and dice, in that the said Albert Stanford did then and there receive and pay out the moneys used by players and did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

CHARLES S. MOORE,
Prosecutor of the Pleas.

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3020

ATLANTIC COURT OF OYER AND TERMINER.

May Term, 1915

INDICTMENT

FOR
DISORDERLY HOUSE
THE STATE
VS.

ALBERT STANFORD

20

Charles S. Moore,
Prosecutor of the Pleas

A True Bill,
Walter W. Clark,
Foreman

Plea Not Guilty

Trial

Bail

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County of Atlantic, N. J.

Filed Oct. 11, 1915

Edwin A. Parker, Clerk.

This indictment amended to read 202 North Chalfonte Avenue instead of 204 North Chalfonte Avenue. Also amended to read Albert Stanford instead of Al. Stanford.

30

Mar. 20-1916

EDWIN A. PARKER,
Clerk.

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

January Term, 1916.
March 20th, 1916.

State
vs.
Albert Stanford.
3020
colored.

10 Hon. C. C. Shinn, Presiding.
Charles S. Moore, Prosecutor, and W. E.
Brown, Jr., Asst. Prosecutor for the State.
Wm. I. Garrison and Isaac H. Nutter for
the defendant.
Charge Disorderly House.
Plea Not Guilty.

The above named defendant Albert Stanford
being brought into Court charged pleaded not
guilty of the crime as laid to his charge and by
agreement of counsel this indictment (No. 3020)
was tried jointly with indictments Nos. 3019, 3031
and 3032.

20 WHEREUPON on motion of Charles S. Moore,
Prosecutor on the part of the State it was ordered
that the Sheriff return a panel of the jury to try the
issue joined in the aforesaid plea.

WHEREUPON the Sheriff returned the following
named persons to serve as jurors who were sworn
as follows, to wit:

- | | |
|---------------------|------------------------|
| 1. Thomas J. Irish | 7. Edwin Robinson |
| 2. William Sharrick | 8. Warren Burroughs |
| 3. George Karrer | 9. George W. Channells |
| 4. Henry Lake | 10. Frederick Albrecht |
| 5. Robert H. Poole | 11. Clarence W. Baier |
| 6. George Lee | 12. Frank B. Gandy |

30 The following witnesses who were sworn, George
Batten, A. K. Littlefield, Burton A. Gaskill, W. E.
Brown, Jr., Lester Lewis, Harold S. Williams, John
Wormley, Le Roy Sands, Alexander Lewis, John
Gee, Ernest Washington, Samuel Goodlaw, Eugene
Warfield, Jesse Logan, John Garrett, Walter John-
son, Isiah Barnes and Harry Lewis having been call-
ed for the State, the prosecutor elected to proceed on

the first count of the indictment, and the following witnesses who were sworn, Andrew Terry, Albert Stanford, and James Albert Jackson, having been called for the defendant, and the evidence being closed and the counsel having summed up the case and the court having charged the jury they retired at 2.58 P. M. with Constable Benjamin Nusbaum sworn to attend them and being absent until 3.39 P. M. they returned again into Court and being called all appear and being asked say they have agreed upon a verdict and by their foreman further say that they find the defendant Albert Stanford guilty with recommendation of mercy and so say they all.

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WHEREUPON it is on this 29th day of March, A. D. 1916, ordered that the defendant Albert Stanford be placed at the bar and he being accordingly set at the bar the Court doth order and adjudge that the defendant Albert Stanford be committed to the County Jail for a period of six months and pay a fine of Two Hundred and fifty dollars. (Quarter Sessions Judgment Book No. 8 page 264.)

NEW JERSEY, SS:

The State of New Jersey to Clifton C. Shinn, Esquire, Judge of the Court of Quarter Sessions in and for the County of Atlantic, of the Term of January, in the year of our Lord one thousand nine hundred and sixteen.

20

Because in the indictment, record, process and proceedings and also in the giving of judgment upon a certain indictment against Albert Jackson of the City of Atlantic City, and County of Atlantic for keeping a disorderly house at No. 1139 Baltic Avenue in the City of Atlantic City, from the first day of November, 1913, and on divers days subsequent thereto, whereof before you he has been indicted and thereof convicted by a certain jury of the County of Atlantic, taken between the State of New Jersey and said Albert Jackson, as is said; manifest error hath intervened to the great damage of the said Albert Jackson as from his complaint we have received information, we being willing, in his behalf, to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the

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said Albert Jackson, command you that if judgment be thereon given, then that you distinctly and openly send, under your seal, the record and proceedings aforesaid, with all things touching the same, to our Supreme Court to be held at Trenton, on the 15th day of April, 1916, and this writ, that the record and proceedings aforesaid being inspected, we may further cause to be done thereupon, for correcting that error, what of right and according to the laws and customs of New Jersey ought to be done.

10 WITNESS, William S. Gummere, Esquire, Chief Justice of our Supreme Court, this 28th day of March, in the year of our Lord, one thousand nine hundred and sixteen.

WM. C. GEBHARDT, Clerk.

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys.

20 The answer of C. C. SHINN, Esquire, Judge of the Court of Quarter Sessions of the County of Atlantic within named, the record and proceedings whereof mention is within made, with all things touching the same, I certify to the Justices of our Supreme Court of the State of New Jersey at the day and year within contained in a certain schedule to this writ annexed, as I am commanded.

C. C. SHINN,
Judge.

ATLANTIC COUNTY, to wit:

30 BE IT REMEMBERED that a Court of Quarter Sessions holden at May's Landing in and for the County of Atlantic on the eleventh day of October in the year of our Lord one thousand nine hundred and fifteen, before the Honorable Clifton C. Shinn, a Judge of the said Court, and of the Court of Common Pleas, in and for the said County, no Justice of the Supreme Court of the State of New Jersey being present in the Court House and the Grand Jury being desirous of making presentment of sundry bills of indictment according to the form of the statute in such case made and provided by the oath of Walter W. Clark, Thomas J. Giberson, Wm. A. Hammel, George Pennock, H. L. McIntyre, J. M. Fitzpatrick,

Wm. J. Morgenweck, John L. Kelley, Harry L. Ostrander, Samuel P. Morris, Albert L. Jackson, Theo. B. Dare, C. D. Makepeace, H. E. Doughty, Wm. H. Gardner, E. N. Manning, George H. Bew, Robert Wood, W. R. Seely, George Ripley, Sr., Thos. P. Endicott, Richard McAllister and Horace M. Leeds, good and lawful men of the said County of Atlantic, duly summoned and then and there sworn and charged to inquire for the State of New Jersey, in and for the body of the County of Atlantic.

It is presented, in the manner and form following, that is to say:

10

State of New Jersey vs. Charles Greathouse, Murder.
State of New Jersey vs. Major Brown, Assault and Battery.

State of New Jersey vs. John Howell, Larceny.
State of New Jersey vs. Harold M. Leech, Desertion.
State of New Jersey vs. Walter H. Noble, Embezzlement.

State of New Jersey vs. Mildred Creole, Larceny.
State of New Jersey vs. Raymond Woodson, Larceny.
State of New Jersey vs. Martin L. Newton, Larceny.
State of New Jersey vs. Antonette Cardamore and Nicholas Cardamore, Atrocious Assault and Battery.

20

State of New Jersey vs. Carl W. Toboldt, Unlawful Conversion.

State of New Jersey vs. Clarence Somers, Larceny.
State of New Jersey vs. Joseph La Rossa and Steve La Rossa, Assault and Battery.

State of New Jersey vs. Henry and Max Yunkers, Assault and Battery.

State of New Jersey vs. Frank Mitchell, Breaking with intent, etc.

State of New Jersey vs. Frank Mitchell, Breaking with intent, etc.

State of New Jersey vs. Frank Mitchell, Breaking with intent, etc.

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State of New Jersey vs. Carl W. Toboldt, False Pretenses.

State of New Jersey vs. Al. Stanford, Disorderly House.

State of New Jersey vs. Al. Stanford, Disorderly House.

- State of New Jersey vs. Lester Bancroft Lewis, Disorderly House.
- State of New Jersey vs. Lester Bancroft Lewis, Disorderly House.
- State of New Jersey vs. Piggy Jackson, Disorderly House.
- State of New Jersey vs. Piggy Jackson, Disorderly House.
- State of New Jersey vs. John M. Johnson, Alias John Islesworth, Disorderly House.
- State of New Jersey vs. William Brown, alias Mutts, Disorderly House.
- 10 State of New Jersey vs. Sunny Barnes, Disorderly House.
- State of New Jersey vs. Pete Dale and Charles Thomas, Disorderly House.
- State of New Jersey vs. Pete Dale, Disorderly House.
- State of New Jersey vs. Andrew Terry, Disorderly House.
- State of New Jersey vs. Andrew Terry, Disorderly House.
- State of New Jersey vs. Andrew Terry, Disorderly House.
- State of New Jersey vs. John Broden, Disorderly House.
- 20 State of New Jersey vs. Robert Connie, Disorderly House.
- State of New Jersey vs. Daniel Braxton, Disorderly House.
- State of New Jersey vs. William Sumner Wardell, Disorderly House.
- State of New Jersey vs. Prince Baltimore, Disorderly House.
- State of New Jersey vs. Jackson Faulks, Disorderly House.
- State of New Jersey vs. Charles Thomas, Disorderly House.
- 30 State of New Jersey vs. Charles Thomas, Disorderly House.
- State of New Jersey vs. James Kelly, Disorderly House.
- State of New Jersey vs. Milton Weaver, Disorderly House.
- State of New Jersey vs. Charles Murphy, Disorderly House.

State of New Jersey vs. Harry Jones, Disorderly House.

State of New Jersey vs. Harry Jones, Disorderly House.

State of New Jersey vs. John Broden, Disorderly House.

The bills herewith presented are true bills.

WALTER W. CLARK,

(Endorsed)

Foreman.

County of Atlantic, N. J.

Filed Oct. 11, 1915.

Edwin A. Parker, Clerk.

10

In the Court of Oyer and Terminer of Atlantic County, May Term, in the Year of Our Lord One Thousand Nine Hundred and Fifteen.

ATLANTIC COUNTY, to wit:

The Grand Inquest of the State of New Jersey for the body of the County of Atlantic, upon their respective oaths

PRESENT that James Albert Jackson late of the City of Atlantic City, county of Atlantic aforesaid, on the first day of November, nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, a certain, common, ill-governed, and disorderly house unlawfully did keep and maintain; and in said house, for his own gain and lucre, certain evil disposed persons then and on the said other days and times, unlawfully and willingly did cause and procure to come together; and the said persons in the said house, at unlawful times, on the days and times aforesaid, there to be and remain drinking, tippling, gambling, playing for money and other valuable things at and with cards and dice and other devices, and otherwise misbehaving themselves, unlawfully did permit and suffer; to the great damage and common nuisance of all the peaceable citizens of the State there residing, inhabiting and passing; to the evil example of all others in the like case offending, and against the peace of this State, the government and dignity of the same.

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And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that James Albert Jackson, late of the said City of Atlantic City, county aforesaid, on the first day of November, nineteen hundred and thirteen and on divers other days between that day and the day of the taking of this inquest, at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this state, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that James Albert Jackson, late of the said City of Atlantic City, on the first day of November, nineteen hundred and thirteen, at house number eleven hundred thirty-nine Baltic in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

And the Grand Inquest aforesaid, DO FURTHER PRESENT, that James Albert Jackson, late of the said City of Atlantic City, County aforesaid, on the first day of November nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist one Andrew Terry in keep-

ing a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said James Albert Jackson did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT 10
that James Albert Jackson late of the said City of Atlantic City, on the fifth day of June nineteen hundred and fifteen at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist, one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said James Albert Jackson did then and there receive and pay out the moneys used by players and did then and there have charge of the cards and dice 20
used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

CHARLES S. MOORE,
Prosecutor of the Pleas.

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3031
ATLANTIC COURT OF OYER AND TERMINER.
May Term, 1915

INDICTMENT

FOR
DISORDERLY HOUSE
THE STATE
VS.

JAMES ALBERT JACKSON

10 Charles S. Moore,
Prosecutor of the Pleas

A True Bill,
Walter W. Clark,
Foreman

Plea Not Guilty

Trial

Bail

\$

County of Atlantic, N. J.

Filed Oct. 11, 1915

Edwin A. Parker, Clerk.

20 This indictment amended to read James
Albert Jackson instead of Piggy Jackson.
Mar. 20-1916

EDWIN A. PARKER,
Clerk.

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

January Term, 1916.
March 20th, 1916.

State

vs.

James Albert Jackson.

3031

30 colored.

Hon. C. C. Shinn, Presiding.

Charles S. Moore, Prosecutor, and W. E.

Brown, Jr., Asst. Prosecutor for the State.

Wm. I. Garrison and Isaac H. Nutter for
the defendant.

Charge Disorderly House.

Plea Not Guilty.

The above named defendant James Albert Jackson being brought into Court charged pleaded not guilty of the crime as laid to his charge and by agreement of counsel this indictment (No. 3031) was tried jointly with indictments Nos. 3019, 3020 and 3032.

WHEREUPON on motion of Charles S. Moore, Prosecutor on the part of the State it was ordered that the Sheriff return a panel of the jury to try the issue joined in the aforesaid plea.

WHEREUPON the Sheriff returned the following named persons to serve as jurors who were sworn as follows, to wit: 10

- | | |
|---------------------|------------------------|
| 1. Thomas J. Irish | 7. Edwin Robinson |
| 2. William Sharrick | 8. Warren Burroughs |
| 3. George Karrer | 9. George W. Channells |
| 4. Henry Lake | 10. Frederick Albrecht |
| 5. Robert H. Poole | 11. Clarence W. Baier |
| 6. George Lee | 12. Frank B. Gandy |

The following witnesses who were sworn, George Batten, A. K. Littlefield, Burton A. Gaskill, W. E. Brown, Jr., Lester Lewis, Harold S. Williams, John Wormley, Le Roy Sands, Alexander Lewis, John Gee, Ernest Washington, Samuel Goodlaw, Eugene Warfield, Jesse Logan, John Garrett, Walter John- 20

son, Isiah Barnes and Harry Lewis having been called for the State, the prosecutor elected to proceed on the first count of the indictment, and the following witnesses who were sworn, Andrew Terry, Albert Stanford, and James Albert Jackson, having been called for the defendant, and the evidence being closed and the counsel having summed up the case and the court having charged the jury they retired at 2.58 P. M. with Constable Benjamin Nusbaum sworn to attend them and being absent until 3.39 P. M. they returned again into Court and being called all appear and being asked say they have agreed upon a verdict and by their foreman further say that they find the defendant James Albert Jackson guilty with recommendation of mercy and so say they all. 30

WHEREUPON it is on this 29th day of March, A. D. 1916, ordered that the defendant James Albert Jackson be placed at the bar and he being accordingly set at the bar the Court doth order and adjudge

that the defendant James Albert Jackson be committed to the County Jail for a period of six months and pay a fine of Two Hundred and fifty dollars, to run consecutively and not concurrently with previous sentence of same date.

(Quarter Sessions Judgment Book No. 8 page 262.)

NEW JERSEY, SS:

10 The State of New Jersey to Clifton C. Shinn, Esquire, Judge of the Court of Quarter Sessions in and for the County of Atlantic, of the Term of January, in the year of our Lord one thousand nine hundred and sixteen.

20 Because in the indictment, record, process and proceedings and also in the giving of judgment upon a certain indictment against Albert Stanford of the City of Atlantic City, and County of Atlantic for keeping a disorderly house at No. 1139 Baltic Avenue in the City of Atlantic City, from the first day of November, 1913, and on divers days subsequent thereto, whereof before you he has been indicted and thereof convicted by a certain jury of the County of Atlantic, taken between the State of New Jersey and said Albert Stanford, as is said; manifest error hath intervened to the great damage of the said Albert Stanford as from his complaint we have received information, we being willing, in his behalf, to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said Albert Stanford, command you that if judgment be thereon given, then that you distinctly and openly send, under your seal, the record and proceedings aforesaid, with all things touching the same, to our Supreme Court to be held at Trenton, on the 15th day of April, 1916, and this writ, that the record and proceedings aforesaid being inspected, we may
30 further cause to be done thereupon, for correcting that error, what of right and according to the laws and customs of New Jersey ought to be done.

WITNESS, William S. Gummere, Esquire, Chief Justice of our Supreme Court, this 28th day of March, in the year of our Lord, one thousand nine hundred and sixteen.

WM. C. GEBHARDT, Clerk.

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys.

The answer of C. C. SHINN, Esquire, Judge of the Court of Quarter Sessions of the County of Atlantic within named, the record and proceedings whereof mention is within made, with all things touching the same, I certify to the Justices of our Supreme Court of the State of New Jersey at the day and year within contained in a certain schedule to this writ annexed, as I am commanded.

C. C. SHINN, 10
Judge.

ATLANTIC COUNTY, to wit:

BE IT REMEMBERED that a Court of Quarter Sessions holden at May's Landing in and for the County of Atlantic on the eleventh day of October in the year of our Lord one thousand nine hundred and fifteen, before the Honorable Clifton C. Shinn, a Judge of the said Court, and of the Court of Common Pleas, in and for the said County, no Justice of the Supreme Court of the State of New Jersey being present in the Court House and the Grand Jury being desirous of making presentment of sundry bills of indictment according to the form of the statute in such case made and provided by the oath of Walter W. Clark, Thomas J. Giberson, Wm. A. Hammel, George Pennock, H. L. McIntyre, J. M. Fitzpatrick, Wm. J. Morgenweck, John L. Kelley, Harry L. Ostrander, Samuel P. Morris, Albert L. Jackson, Theo. B. Dare, C. D. Makepeace, H. E. Doughty, Wm. H. Gardner, E. N. Manning, George H. Bew, Robert Wood, W. R. Seely, George Ripley, Sr., Thos. P. Endicott, Richard McAllister and Horace M. Leeds, good and lawful men of the said County of Atlantic, duly summoned and then and there sworn and charged to inquire for the State of New Jersey, in and for the body of the County of Atlantic. 20 30

It is presented, in the manner and form following, that is to say:

State of New Jersey vs. Charles Greathouse, Murder.
State of New Jersey vs. Major Brown, Assault and Battery.

- State of New Jersey vs. John Howell, Larceny.
 State of New Jersey vs. Harold M. Leech, Desertion.
 State of New Jersey vs. Walter H. Noble, Embezzlement.
 State of New Jersey vs. Mildred Creole, Larceny.
 State of New Jersey vs. Raymond Woodson, Larceny.
 State of New Jersey vs. Martin L. Newton, Larceny.
 State of New Jersey vs. Antonette Cardamore and
 Nicholas Cardamore, Atrocious Assault and
 Battery.
 State of New Jersey vs. Carl W. Toboldt, Unlawful
 Conversion.
- 10 State of New Jersey vs. Clarence Somers, Larceny.
 State of New Jersey vs. Joseph La Rossa and Steve
 La Rossa, Assault and Battery.
 State of New Jersey vs. Henry and Max Yunkers,
 Assault and Battery.
 State of New Jersey vs. Frank Mitchell, Breaking
 with intent, etc.
 State of New Jersey vs. Frank Mitchell, Breaking
 with intent, etc.
 State of New Jersey vs. Frank Mitchell, Breaking
 with intent, etc.
 State of New Jersey vs. Carl W. Toboldt, False Pre-
 tensions.
- 20 State of New Jersey vs. Al. Stanford, Disorderly
 House.
 State of New Jersey vs. Al. Stanford, Disorderly
 House.
 State of New Jersey vs. Lester Bancroft Lewis, Dis-
 orderly House.
 State of New Jersey vs. Lester Bancroft Lewis, Dis-
 orderly House.
 State of New Jersey vs. Piggy Jackson, Disorderly
 House.
 State of New Jersey vs. Piggy Jackson, Disorderly
 House.
 State of New Jersey vs. John M. Johnson, Alias John
 Islesworth, Disorderly House.
- 30 State of New Jersey vs. William Brown, alias Mutts,
 Disorderly House.
 State of New Jersey vs. Sunny Barnes, Disorderly
 House.
 State of New Jersey vs. Pete Dale and Charles
 Thomas, Disorderly House.

State of New Jersey vs. Pete Dale, Disorderly House.
 State of New Jersey vs. Andrew Terry, Disorderly House.
 State of New Jersey vs. Andrew Terry, Disorderly House.
 State of New Jersey vs. Andrew Terry, Disorderly House.
 State of New Jersey vs. John Broden, Disorderly House.
 State of New Jersey vs. Robert Connie, Disorderly House.
 State of New Jersey vs. Daniel Braxton, Disorderly House. 10
 State of New Jersey vs. William Sumner Wardell, Disorderly House.
 State of New Jersey vs. Prince Baltimore, Disorderly House.
 State of New Jersey vs. Jackson Faulks, Disorderly House.
 State of New Jersey vs. Charles Thomas, Disorderly House.
 State of New Jersey vs. Charles Thomas, Disorderly House.
 State of New Jersey vs. James Kelly, Disorderly House.
 State of New Jersey vs. Milton Weaver, Disorderly House. 20
 State of New Jersey vs. Charles Murphy, Disorderly House.
 State of New Jersey vs. Harry Jones, Disorderly House.
 State of New Jersey vs. Harry Jones, Disorderly House.
 State of New Jersey vs. John Broden, Disorderly House.

The bills herewith presented are true bills.

WALTER W. CLARK,

(Endorsed)

Foreman.

30

County of Atlantic, N. J.

Filed Oct. 11, 1915.

Edwin A. Parker, Clerk.

In the Court of Oyer and Terminer of Atlantic County, May Term, in the Year of Our Lord One Thousand Nine Hundred and Fifteen.

ATLANTIC COUNTY, to wit:

The Grand Inquest of the State of New Jersey for the body of the County of Atlantic, upon their respective oaths

10 PRESENT that Albert Stanford late of the City of Atlantic City, county of Atlantic aforesaid, on the first day of November, nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, a certain, common, ill-governed, and disorderly house unlawfully did keep and maintain; and in said house, for his own gain and lucre, certain evil disposed persons then and on the said other days and times, unlawfully and willingly did cause and procure to come together; and the said persons in the said house, at unlawful times, on the days and times aforesaid, there to be and remain drinking, tippling, gambling, playing for money and other valuable things at and with cards and dice and other devices, and otherwise misbehaving themselves, unlawfully did permit and suffer; to
20 the great damage and common nuisance of all the peaceable citizens of the State there residing, inhabiting and passing; to the evil example of all others in the like case offending, and against the peace of this State, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER
30 PRESENT that Albert Stanford, late of the said City of Atlantic City, county aforesaid, on the first day of November, nineteen hundred and thirteen and on divers other days between that day and the day of the taking of this inquest, at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of

the statute in such case made and provided and against the peace of this state, the government and dignity of the same.

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that Albert Stanford, late of the said City of Atlantic City, on the first day of November, nineteen hundred and thirteen, at house number eleven hundred thirty-nine Baltic in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully keep a place to which persons might and did resort for gambling by playing for money at and with cards and dice, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

10

And the Grand Inquest aforesaid, DO FURTHER PRESENT, that Albert Stanford, late of the said City of Atlantic City, County aforesaid, on the first day of November nineteen hundred and thirteen, and on divers other days and times between that day and the day of the taking of this inquisition, at house eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said Albert Stanford did then and there have charge of the cards and dice used by said players, and did provide the place where said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

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30

And the Grand Inquest aforesaid, upon their respective oaths aforesaid, DO FURTHER PRESENT that Albert Stanford late of the said City of

Atlantic City, on the fifth day of June nineteen hundred and fifteen at house number eleven hundred thirty-nine Baltic Avenue in the said City of Atlantic City and within the jurisdiction of this Court, did unlawfully and habitually aid, abet and assist, one Andrew Terry in keeping a place to which persons might and did resort for gambling by playing for money at and with cards and dice, in that the said Albert Stanford did then and there receive and pay out the moneys used by players and did then and there have charge of the cards and dice used by said players, and did provide the place where
10 said playing was carried on, with the intent that said persons might resort thither for gambling by playing for money at and with cards and dice, to the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided and against the peace of this State, the government and dignity of the same.

CHARLES S. MOORE,
Prosecutor of the Pleas.

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3019
ATLANTIC COURT OF OYER AND TERMINER.
May Term, 1915

INDICTMENT
FOR
DISORDERLY HOUSE
THE STATE
VS.

ALBERT STANFORD

Charles S. Moore,
Prosecutor of the Pleas

A True Bill,
Walter W. Clark,
Foreman

10

Plea Not Guilty

Trial

Bail

\$

County of Atlantic, N. J.

Filed Oct. 11, 1915

Edwin A. Parker, Clerk.

This indictment amended to read Al-
bert Stanford instead of Al. Stanford.

Mar. 20-1916

EDWIN A. PARKER,
Clerk.

20

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

January Term, 1916.

March 20th, 1916.

State

vs.

Albert Stanford.

3019

colored.

Hon. C. C. Shinn, Presiding.

Charles S. Moore, Prosecutor, and W. E.

Brown, Jr., Asst. Prosecutor for the State.

Wm. I. Garrison and Isaac H. Nutter for
the defendant.

30

Charge Disorderly House.

Plea Not Guilty.

The above named defendant Albert Stanford
being brought into Court charged pleaded not
guilty of the crime as laid to his charge and by
agreement of counsel this indictment (No. 3019)

was tried jointly with indictments Nos. 3020, 3031 and 3032.

WHEREUPON on motion of Charles S. Moore, Prosecutor on the part of the State it was ordered that the Sheriff return a panel of the jury to try the issue joined in the aforesaid plea.

WHEREUPON the Sheriff returned the following named persons to serve as jurors who were sworn as follows, to wit:

- | | |
|---------------------|------------------------|
| 1. Thomas J. Irish | 7. Edwin Robinson |
| 2. William Sharrick | 8. Warren Burroughs |
| 3. George Karrer | 9. George W. Channells |
| 10 4. Henry Lake | 10. Frederick Albrecht |
| 5. Robert H. Poole | 11. Clarence W. Baier |
| 6. George Lee | 12. Frank B. Gandy |

The following witnesses who were sworn, George Batten, A. K. Littlefield, Burton A. Gaskill, W. E. Brown, Jr., Lester Lewis, Harold S. Williams, John Wormley, Le Roy Sands, Alexander Lewis, John Gee, Ernest Washington, Samuel Goodlaw, Eugene Warfield, Jesse Logan, John Garrett, Walter Johnson, Isiah Barnes and Harry Lewis having been called for the State, the prosecutor elected to proceed on the first count of the indictment, and the following witnesses who were sworn, Andrew Terry, Albert Stanford, and James Albert Jackson, having been called for the defendant, and the evidence being closed and the counsel having summed up the case and the court having charged the jury they retired at 2.58 P. M. with Constable Benjamin Nusbaum sworn to attend them and being absent until 3.39 P. M. they returned again into Court and being called all appear and being asked say they have agreed upon a verdict and by their foreman further say that they find the defendant Albert Stanford guilty with recommendation of mercy and so say they all.

WHEREUPON it is on this 29th day of March, A. D. 1916, ordered that the defendant Albert Stanford be placed at the bar and he being accordingly set at the bar the Court doth order and adjudge that the defendant Albert Stanford be committed to the County Jail for a period of six months and pay a fine of Two Hundred and fifty dollars, to run consecutively and not concurrently with previous sentence of same date.

(Quarter Sessions Judgment Book No. 8 page 265.)

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

STATE

VS.

ALBERT STANFORD AND
JAMES ALBERT JACKSON.
ON INDICTMENT FOR
DISORDERLY HOUSE.
Indictments Nos. 3019,

3020, 3031, 3032.

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Mays Landing, N. J., March 20th, 1916.

TESTIMONY

Before Hon. Clifton C. Shinn, Judge and Jury.

APPEARANCES:

For the State: Charles S. Moore, Esq., Prosecutor
and W. Elmer Brown, Jr., Esq., Assistant
Prosecutor.

For the Defendants: Isaac H. Nutter, Esq., and
William I. Garrison, Esq.

The PROSECUTOR: The State moves the trial
of the indictments against Al Stanford and Piggy
Jackson, Clerk's files Nos. 3019 and 3020 against
Stanford, and 3031 and 3032 against Piggy Jackson,
3031 for 1139 Baltic Avenue, Atlantic City, and 3032
for 204 North Chalfonte Avenue.

20

I desire here to amend to 202 North Chalfonte
Avenue.

MR. NUTTER: We object to the amendment.

THE COURT: The motion for the amendment
will be granted and the proceedings will be amended
accordingly and the defense may have an exception.

(Whereupon the defendants by their counsel pray
a bill of exceptions which is hereby allowed and seal-
ed accordingly.)

C. C. SHINN (Seal).

THE PROSECUTOR: 3032 amended to read 202
North Chalfonte Avenue, and as against Stanford
3019 is 1139 Baltic Avenue and 3020 is 204 North
Chalfonte Avenue amended to 202 North Chalfonte
Avenue.

30

THE COURT: You make a similar motion?

THE PROSECUTOR: Yes.

THE COURT: You make a similar objection?

MR. NUTTER: I make a similar objection?

THE COURT: The proceedings will be amended accordingly and exception given to the defendants.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

THE PROSECUTOR: All four indictments being tried together by consent of the defendants.

10 MR. NUTTER: The jurors serving on the other cases, won't they be excused for cause, jurors serving on the Andrew Terry case?

THE COURT: You may interrogate them and if they say they can't render a verdict according to the evidence they will be excused. Otherwise they will be permitted to serve.

The Sheriff then proceeded to call a panel of thirty-two jurors as follows:

- | | |
|------------------------|-------------------------|
| 1. B. Frank Headley, | 17. Henry Pfeiffer, |
| 2. Thomas J. Irish, | 18. Rufus Hurley, |
| 3. G. A. Kessler, | 19. George Lee, |
| 4. William Sharrock, | 20. William Freidhofer, |
| 5. George Karrer, | 21. W. S. Higbee, |
| 20 6. Joseph Bauer, | 22. George Filling, |
| 7. Lewis Schwab, | 23. Edwin Robinson, |
| 8. Jacob Dey, | 24. George M. Bates, |
| 9. Harry J. Turner, | 25. Harry Newcomb, |
| 10. Henry Lake, | 26. Warren Burroughs, |
| 11. Robert H. Poole, | 27. Stephen Kelly, |
| 12. Lewis Hess, | 28. George W. Channell, |
| 13. Lewis T. Doughty, | 29. Frederick Albrecht, |
| 14. Doughty Turner, | 30. Pierson Harris, |
| 15. George C. Baldwin, | 31. Clarence Baier, |
| 16. Robert H. Abbott, | 32. Frank B. Gandy. |

MR. GARRISON: Mr. Moore, these two defendants are to be tried as aiders and abettors of the same place for which Andrew Terry was convicted?

30 THE PROSECUTOR: Yes, sir.

MR. GARRISON: Mr. Robinson, were you one of the jurors which sat in the Andrew Terry case wherein he was convicted?

MR. ROBINSON: Yes.

MR. GARRISON: And your conclusion would be the same, would it?

MR. ROBINSON: That is on his case?

MR. GARRISON: Your conclusion would be the same if the evidence was the same which affected these aiders and abettors?

MR. ROBINSON: Yes, sir.

MR. GARRISON: We ask, your Honor please, that Mr. —

THE COURT: No, you put a hypothetical question to him, Mr. Garrison. The question it seems to me to be propounded to all of these jurors is whether or not they feel that they can return a verdict in this case according to the evidence. Now, if they can do that it seems to me that they qualify as jurors. Of course, Mr. Robinson, if the evidence was as conclusive in this case as in the former case, he naturally would return a verdict of guilty.

10

MR. GARRISON: If your Honor please, I hate to take exceptions to those remarks, but I must do it. I ask that Mr. Robinson be excused for cause.

THE COURT: Mr. Robinson, do you feel that you could render a just and fair verdict against these two defendants in accordance with what evidence may be adduced here?

MR. ROBINSON: I think I could.

THE COURT: That qualifies him clearly.

20

MR. GARRISON: You overrule the challenge then, challenge is overruled for cause?

THE COURT: Yes.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Lee, were you a juror recently in this court wherein Andrew Terry was tried and convicted for keeping a disorderly house at 202 Chalfonte Avenue and 1139 Baltic Avenue?

MR. LEE: I was.

MR. GARRISON: We ask that Mr. Lee be excused for cause because of the fact that he has once sat in a case where the principal was tried and convicted of this same offense.

30

THE COURT: Mr. Lee, do you feel that you could return a verdict in accordance with the evidence which is adduced here, which may be adduced in the

trial of these two indictments, notwithstanding what you have heard here before?

MR. LEE: I think I could, yes, sir.

THE COURT: Motion will be overruled, Mr. Garrison.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Gandy, did you sit as a juror recently in this court in a case where Andrew Terry was tried and convicted of keeping a disorderly house 202 and 1139 Baltic Avenue?

MR. GANDY: Yes.

MR. GARRISON: I ask that Mr. Gandy be excused for cause.

THE COURT: Mr. Gandy, could you, in view of what you have heard in the former trial, or in the trial of Andrew Terry, return a verdict according to the evidence which may be adduced in the trial of this cause?

MR. GANDY: I could.

THE COURT: The motion will be overruled, Mr. Garrison.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Headley, did you recently sit as a juror in a case in this court wherein Andrew Terry was convicted of keeping a disorderly house 1139 Baltic and 202 Chalfonte Avenue?

MR. HEADLEY: I did.

MR. GARRISON: We ask that Mr. Headley be excused for cause.

THE COURT: Could you render a verdict according to the testimony notwithstanding anything that has gone heretofore, which may be adduced in the trial of these two indictments?

MR. HEADLEY: My judgment leads me to believe I could.

THE COURT: Motion will be overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Baier, were you recently called as a juror and served on a jury wherein Andrew Terry was convicted of keeping a disorderly house 1139 Baltic and 202 Chalfonte Avenue?

MR. BAIER: I did.

MR. GARRISON: I ask Mr. Baier——

THE COURT: Notwithstanding that fact, Mr. Baier, do you feel that you could render a just verdict in the trial of these indictments?

MR. BAIER: I do.

THE COURT: Motion will be overruled.

(Whereupon the defendans by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.) 10

C. C. SHINN (Seal).

MR. GARRISON: Are there any other jurors here that sat on either of the Andrew Terry cases?

(Juror Thomas J. Irish holds up his hand.)

MR. GARRISON: Mr. Irish, you recently sat as a juror in the case wherein Andrew Terry was convicted of keeping a disorderly house at 1139 Baltic Avenue and 202 Chalfonte Avenue?

MR. IRISH: Yes, sir.

MR. GARRISON: I ask that Mr. Irish be excused.

THE COURT: Notwithstanding that fact, Mr. Irish, could you return a just verdict in respect to these two defendants? 20

MR. IRISH: Yes, your Honor.

THE COURT: Motion overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Sharrock, you recently sat in a case in this court wherein Andrew Terry was tried and convicted of keeping a disorderly house 202 Chalfonte Avenue and 1139 Baltic Avenue.

MR. SHARROCK: I was.

MR. GARRISON: I ask that Mr. Sharrock be excused. 30

THE COURT: Mr. Sharrock, notwithstanding that fact do you feel that you could render a just verdict in the trial of these two indictments?

MR. SHARROCK: I could.

THE COURT: Motion overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Mr. Karrer, you heard the question that I propounded to Mr. Sharrock, and you like Mr. Sharrock did serve on such a jury?

MR. KARRER: I did.

MR. GARRISON: I ask to have him excused.

THE COURT: The fact that you served on that jury influence you in making up a verdict or returning a verdict against these two defendants?

10 MR. KARRER: Would it influence me?

THE COURT: Yes.

MR. KARRER: No.

THE COURT: Motion overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Now, Mr. Borroughs, you likewise served as a juror in the case wherein Andrew Terry was convicted of keeping a disorderly house 1139 Baltic and 202 Chalfonte?

20 MR. BORROUGHS: Yes, sir.

MR. GARRISON: I ask Mr. Borroughs be excused.

THE COURT: Mr. Borroughs, do you feel, notwithstanding the fact that you served on that jury you could and would return a just verdict against these two defendants?

MR. BORROUGHS: I surely could and would, yes.

THE COURT: Don't feel that you would be unduly influenced by anything you have heard heretofore?

MR. BORROUGHS: No, sir.

THE COURT: Motion overruled.

30 (Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. GARRISON: Are there any others here that served on either of those cases?

(No response.)

THE PROSECUTOR: Mr. Freidhofer, what is your business?

MR. FREIDHOFER: Farmer.

After challenging the jury was impaneled as follows:

- | | |
|----------------------|-------------------------|
| 1. Thomas J. Irish, | 7. Edwin Robinson, |
| 2. William Sharrock, | 8. Warren Borroughs, |
| 3. George Karrer, | 9. George W. Channell, |
| 4. Henry Lake, | 10. Frederick Albrecht, |
| 5. Robert H. Poole, | 11. Clarence Baier, |
| 6. George Lée, | 12. Frank B. Gandy. |

MR. GARRISON: With your permission, Mr. Prosecutor, I would like to ask a general question instead of asking each individual the same question. I might ask it to the Foreman, Mr. Karrer. Mr. Karrer, did you hear any evidence in either of the Andrew Terry cases touching the keeping of an alleged disorderly house at 202 Chalfonte Avenue and 1139 Baltic Avenue which would in any wise prejudice your mind or influence you in such a manner that you could not render a verdict in this case against Piggy Jackson and Al Stanford according to the evidence?

10

MR. KARRER: It would not.

MR. GARRISON: Now, I want to ask that same question to each of you jurors, if any evidence, any testimony that you have heard in these other two cases would influence you, we would expect you to answer yes.

20

THE COURT: And the Court instructs the jurors that if any of them, by reason of anything that they have heretofore heard, would be so prejudiced that they could not render a fair and just verdict to so state now.

MR. IRISH: I have none.

THE COURT: It is the duty of every juror to give these defendants a fair trial and if there is any prejudice in the minds of any of you it is your plain duty to so state at this time.

30

(No response.)

MR. NUTTER: May it please the Court, I want to make a motion to quash each indictment on the ground that neither indictment shows when it was found, that is the date. It only shows the term of the Court on which it was found, and I want to

move for the quashing of indictment 3032 on that ground, indictment 3031, indictment 3020, and indictment 3019, that none of these indictments show the date on which they were found, and that the defendant is entitled, in going to trial, to know how far the indictment covers, because the indictment alleges from the first day of November, 1913, up to the time of the finding of this inquisition, and it doesn't show what time it was found. The only thing, the indictment shows that it was filed on a certain date, and the indictments having been impounded it was naturally not filed on the date that it was found, so that we have no way of telling on what date, whether it was in the month of May or some other month of the May term as to when these indictments were found to which the defendant is entitled in going to trial in order that he might properly defend the case.

THE COURT: If an indictment is impounded it is not only impounded but filed on the very date that it is returned to the court. I understand the indictment is found as of that date when it is returned to the court.

MR. NUTTER: That is the general presumption, but the defendant is entitled to know and is entitled to know by the date of the finding being upon the indictment.

THE COURT: I think the filing is sufficient, the date of filing is sufficient evidence of the date of the finding of the indictment, that is when it is presented to the court, and you say these indictments were impounded so that they must have been filed and impounded the very date they were returned to the Court, and your motion will be overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

JURY SWORN

THE PROSECUTOR: I move to amend the name in the case of Piggy Jackson in these two indictments to Albert Jackson.

THE COURT: Any objection to that, Mr. Nutter?

MR. NUTTER: Yes, we object and ask for an exception.

THE COURT: The proceedings will be amended accordingly and you may have your exception.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

THE PROSECUTOR: I also move to amend the name in the Al Stanford indictments to Albert Stanford.

MR. NUTTER: Objected to.

THE COURT: The proceedings will be amended accordingly. 10

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

MR. NUTTER: May I call the Court's attention to one thing here I have forgotten, so I can get it on record.

THE PROSECUTOR: I have no objections.

MR. NUTTER: This indictment is as of the May term and it is filed as of October, October the eleventh.

THE COURT: That is the day before the—when did the October term convene? 20

MR. GASKILL (Deputy Clerk): Actually convened on the thirteenth of October.

THE COURT: So it was within the May term, Mr. Nutter.

MR. NUTTER: I just wanted to get the date in your mind so you could find as to whether it was found before the October term.

(Prosecutor then opens the case to the jury.)

GEORGE BATTEN, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. You are sometimes called Kid Batten? 30

A. Yes, sir.

Q. How long have you lived in Atlantic City?

A. About twenty-two years.

Q. And do you know Albert Jackson called Piggy here, one of the defendants?

A. Yes, sir.

- Q. How long have you known him?
A. Since about 1899.
Q. Do you know Albert Stanford the other of these defendants?
A. Yes, sir.
Q. How long have you known him?
A. All his life.
Q. Now, were you ever in the gambling place of Andrew Terry at 1139 Baltic Avenue last year?
A. Yes, sir.
Q. Did you ever see Piggy Jackson and this defendant and Al Stanford the other defendant in there last year when crap was being played?
10 A. Yes, sir.
Q. Do you recall—well, first describe how crap is played?
A. Played with two dice.
Q. The dice are numbered how?
A. From one to six on each.
Q. On each side?
A. Yes.
Q. Is it played for money?
A. Yes, sir.
Q. What are the duties of the cut man in a crap game?
20 A. To take the cuts and put them in a box.
Q. What do you mean by the cut?
A. Take five cents from each man's bet around the table, averaging a quarter and over and five cents from the principal bet, that is the man puts the money up to shoot the dice.
Q. Well, is the principal bet the fellow who throws the dice?
A. Who shoots the dice.
Q. And he makes the bet as to what he will throw?
A. He makes his bet to any amount he wants and what he throws, if it is seven or eleven at first he wins, if it is two or three, or twelve or ten he loses, any other point, four, five, six, eight, nine or ten, he has to make that before he makes a seven, and seven would be a winning and losing point.
30 Q. That is two dice that are thrown?
A. If they average that.

Q. The two together amount to seven then he wins?

A. He wins if he throws that first, four, trey, five, deuce, six, eight.

Q. You said outside bets up to twenty-five cents they take the cut?

A. Twenty-five cents or more take five cents from each.

Q. Well, what would those outside bets be, against that fellow that was throwing the dice?

A. For and against, some be that one throwing the dice would win, other be that he lose.

Q. Either way. Now, does the cut man have any other duties other than to take the five cents cut as you say? 10

A. Yes, he has other duties. He has duties when the proprietor is not around to keep the order in the place.

Q. And what about the betting of the players?

A. What about the betting of the players?

Q. Does he have any control?

A. Only to take the cuts from them, they bet according to their amount they have got up, to suit themselves, for or against.

Q. That is their privilege?

A. That is their privilege. 20

Q. Now, what are the duties of a stick man in a crap game?

A. Only to get the dice when they are thrown and pass them to the man that is throwing, have to look out for the outside bets at times.

Q. What goes with this cut that you say, the five cents that the cut man takes from each play, what is done with that?

A. Put in the box.

Q. And what becomes of that money that is in that box?

A. Given to the proprietor of the game.

Q. Now, did you ever see this defendant—which of these two was the cut man and which was the stick man, if either, at that place 1139 Baltic? 30

A. Piggy was the cut man.

Q. Who?

A. Piggy.

Q. That is you mean by that Piggy Jackson?

A. Yes, sir.

- Q. And what was Stanford?
 A. Stick man.
 Q. Did they work together there?
 A. Yes, sir.
 Q. You ever been in there when—oh, yes, you have said that—when a crap game was being played? You ever been in there when you saw Jackson cutting the game?
 A. Yes, sir.
 Q. Did you ever play yourself when he cut the game?
 A. Yes, sir.
 10 Q. How about Stanford, did you ever play when he was stick man there?
 A. I have played when Stanford was stick man there.
 Q. Now, what time last year was this?
 A. I have played there from the latter part of May up until about the beginning of the second week in June.
 Q. Of last year?
 A. About three weeks, I guess, I was around there, working there.
 Q. You were also a cut man there at the same time?
 20 A. I was.
 Q. Did you ever see either of these defendants play anything other than crap for money in 1139 Baltic Avenue during this time?
 MR. NUTTER: I object. He hasn't said he saw them playing. He only said the one was stick man and the other was cut man.
 THE COURT: Yes, there is no proof of that.
 Q. Did you ever see either of these two defendants conduct any other games other than crap for money last year—
 A. Yes, sir.
 30 Q. —during the time you were there? What was it?
 A. Monte.
 Q. Is that all?
 A. Seen Piggy have what we call a vantoan, the original vantoan, but got a name for it, black-jack now.
 Q. Vantoan, called black-jack you say?
 A. Call it black-jack.

Q. How is monte played?

A. Monte is played with forty cards, you take the eights, nines and tens out of the decks, you take them from the bottom, two from the bottom and two from the top, as long as they are not numbered, not two of a kind, man bets on either one he wants, and the bank bets against him, or he bets against the bank, you might term it.

Q. That is played for money?

A. Then you turn your hand, if they play like that, if his card shows first he wins, yours shows first he loses, the bank's.

Q. Was Piggy Jackson running this with money, 10
that is, playing money with it?

A. Sure.

Q. Betting with the players?

A. Sure.

Q. Was there any cut from that, the monte?

A. Yes, sir, five cents per deal.

Q. And where does that cut go?

A. In the cut box.

Q. What did he do with it when you were there?

A. Put it in there at times, sometimes he bet them.

Q. Now, this black-jack you speak of how is that played? 20

A. Twenty-one is the limit.

Q. How many?

A. Twenty-one. Aces count one or ten all parties get ten they are beat, cards count as they come up, if you get over twenty-one you lose.

Q. That is played with cards, is it?

A. Yes, sir.

Q. Like monte?

A. No, not exactly like monte, no.

Q. Is that sometimes called twenty-one?

A. Yes, sir.

Q. During this time that you were there did you see Piggy Jackson playing this black-jack, if you know? 30

A. Yes, sir.

Q. And running this game?

A. Yes.

THE COURT: Suppose the natural throws, what is that called?

A. Natural? Throw your money in, you are beat at once, that is an ace and a pink, King, green or jack.

Q. Now, did you ever see Piggy Jackson and Al Stanford in 202 North Chalfonte Avenue last year?

A. Yes, sir.

Q. When was that, if you recall?

A. I seen him in there in the early part of July.

Q. Did you see him working in there?

A. Yes, sir.

Q. What year was this?

A. 1915.

10 Q. What was he doing in there?

A. Piggy cutting and Al on the stick.

Q. In what kind of a game?

A. Crap.

Q. Did you ever see him in 202 North Chalfonte Avenue more than once cutting a game, either of them?

20 MR. NUTTER: I want to offer an objection. My ground for objecting to all this testimony and asking that it be struck out is that it alleges that it happened in the month of July, and the indictment reads from the first day of November, 1913, up to the time of the finding of this inquisition, and the inquisition in our judgment does not show what date the indictment is found.

THE COURT: Objection overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

Q. Did you ever see him in 202 North Chalfonte Avenue more than once cutting the game, either of them, that is, Jackson, Piggy Jackson?

A. Yes.

30 Q. How about Al Stanford, did you ever see him working on the stick in a crap game more than once last year?

A. Yes.

Q. Now, did you ever see Piggy Jackson settle with any one for this money out of the cut box that he took in from his game?

A. No.

Q. Did you see—I think you testified that you

played in their crap game when Piggy Jackson and this defendant was on the cut box 1139 Baltic Avenue?

A. Yes, sir.

Q. How about 202 North Chalfonte Avenue?

A. Yes, sir.

Q. Was Stanford on the stick this time with Piggy?

A. Yes, sir.

BY THE COURT:

Q. Were you employed at both of these places?

A. Yes, sir.

Q. By whom?

A. Andrew Terry.

10

MR. NUTTER: One minute. I object to asking by whom this witness was employed. This witness is here accused of aiding and abetting a certain individual, and the witness, if allowed to testify at all, may only state as to whether or not these two individuals were working for that individual and to ask the witness as to whom he worked for should not bind these defendants, and if it has gone before the jury, if these defendants worked for some one else, it would go to influence the jury as to whom these men were working, and for that reason I offer the objection.

20

(Objection overruled.)

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

Q. Do you know who employed these defendants?

A. Do I know who employed them? They carried their box to, Piggy carried the boxes over to Andrew's house in the morning.

MR. GARRISON: That is not the question your Honor asked.

A. I have seen Piggy, I have seen him take the boxes over to Andrew's house under his coat.

30

MR. GARRISON: Your Honor please, I said that was not the question your Honor asked him. You asked a question which was unanswered.

THE COURT: I will allow the answer to remain.

(Whereupon the defendants by their counsel pray

a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

BY THE PROSECUTOR:

Q. Did you ever see Andrew Terry in there when Piggy Jackson and Al Stanford were working in the crap game?

A. Yes.

MR. NUTTER: I object.

THE COURT: Just let him get his question out and don't answer until it is settled.

10 MR. NUTTER: My only reason for it, because he answered before I can make my objection. The question is leading, and that is the reason why I object.

(Question repeated.)

THE COURT: How is that leading?

MR. NUTTER: That is the objection that I offer, for the same reason I objected before.

THE COURT: Objection overruled.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

A. Is it answerable?

20 THE COURT: Yes.

A. Yes.

Q. Who hired you to work in these two places, 1139 and 202?

THE COURT: Already answered that question.

THE PROSECUTOR: Oh, has he already answered?

THE COURT: Yes.

A. Andrew Terry I told you.

Q. Have you ever been convicted of crime?

A. Yes, sir.

Q. Where?

A. Here in this court.

30 *Cross Examination.*

BY MR. NUTTER:

Q. How many times?

A. Twice by a jury.

Q. For what?

A. Once for a fight that occurred in John Donnelly's and once for selling whiskey, for disorderly

house, under the disorderly house act.

Q. Well, weren't you indicted another time and are you under—

A. I plead guilty to selling whiskey without a license when you was my counsel.

Q. That is the third time?

A. That is when I convicted myself for it.

Q. That is the one I want to know, that is three times that you have been convicted?

A. Yes, once by assisting myself to conviction.

ANDREW K. LITTLEFIELD, Sworn.

Direct Examination.

10

BY THE PROSECUTOR:

Q. You are the Court Stenographer of this court, Mr. Littlefield?

A. I am.

Q. Have you your stenographic notes there of the first trial of Andrew Terry that took place in this court house on February, I think, second, last?

A. I have.

Q. Will you produce them please and turn to the testimony of Albert Jackson and Albert Stanford?

A. Yes, sir.

Q. Just read Albert Stanford first.

20

MR. NUTTER: May it please the court, we object to the offering of the record into evidence.

THE COURT: What is the purpose of the offer?

THE PROSECUTOR: The purpose of the offer is to have the witness testify as to what these defendants testified to at the Andrew Terry trial showing—

THE COURT: By way of a confession on the part of these?

THE PROSECUTOR: Where they admitted at least their complicity in these matters?

THE COURT: What is the objection?

MR. NUTTER: My objection is, first, that a record cannot be introduced in evidence unless the defendant is upon the stand and denies having made those statements, then the record could be introduced, just the same as if the defendant is on the stand and you asked if he has been convicted of crime, the only time he can produce the record is in case he denies being convicted of crime, and for the further

30

reason, if it is a question of confession, he is not presenting it properly. He has got the preliminary proof that what he said was voluntary, that he was cautioned that it might be used against him in some former trial, and the third reason is that the law is specific that you cannot make a defendant testify against himself, and to introduce this record would be only another method of forcing the defendant upon the stand, and we will not—

10 THE COURT: What have you to say about this, Mr. Nutter? Suppose these two defendants were voluntary witnesses and were not called by the State?

MR. NUTTER: Doesn't make any difference whether they were called by the State or not. They have got to be cautioned, and you cannot use the testimony of the defendant upon the stand in another trial against himself, and particularly when he has not been placed upon the stand and does not deny to what he testified.

THE COURT: No, but these witnesses come here voluntarily, so far as the Court knows.

MR. NUTTER: No, they came here under subpoena and so testified, I believe on the stand.

20 THE COURT: I will overrule your objection.
(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

Q. Refreshing your recollection from your notes, please relate to the jury what Albert Stanford testified to?

A. Do you want the whole testimony read?

Q. Yes.

30 MR. NUTTER: I further object, may it please the Court. I have not heard the Stenographer verify, as near as I can remember, that that record was correct, only said that he took it.

THE COURT: Is that a true record, record of the testimony, Mr. Littlefield?

A. Yes, sir.

THE PROSECUTOR: May it please the Court, I am not offering his notes. I am asking him to

testify from his notes as to what was testified to by Albert Jackson.

Q. These are your official notes of that trial, are they?

A. Yes, sir.

THE COURT: How long have you been a court stenographer, Mr. Littlefield?

A. About nine years and a half off and on.

THE COURT: Is it admitted, Mr. Nutter, is it admitted that Mr. Littlefield is an expert stenographer?

MR. NUTTER: Yes, sir.

THE PROSECUTOR: May it please the Court, I think I better put the clerk on the stand and prove the record of these two trials, as long as the objections have been made. 10

BURTON A. GASKILL, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. You haven't your records here of these two trials, have you?

A. No.

Q. Send and get them. 20

A. What do you mean, the minutes?

Q. The court minutes of these two trials.

A. Yes.

THE PROSECUTOR: You have no objection of this going in evidence, have you, the records of the former trials?

MR. NUTTER: For what purpose?

MR. GARRISON: We surely do object to the former trial going into evidence where a party disinterested in the former trial is now on the stand charged with being an aider and abettor.

THE COURT: I suppose the purpose of the offer is to show that they testified at the former trial. 30

THE PROSECUTOR: That is all, that they testified for the defense.

THE COURT: Can we assume these records are here without introducing them?

MR. GARRISON: We will assume they are here. We will admit that they testified at the former trial.

THE PROSECUTOR: For the defense?

MR. GARRISON: For the defense.

THE PROSECUTOR: Also admit, Mr. Nutter, that they had both pleaded not guilty to these indictments prior to these two trials?

MR. NUTTER: You will have to prove everything, Mr. Prosecutor, we won't admit anything.

Q. Are you the deputy clerk of this court?

A. I am.

Q. Have you there the four indictments against these two defendants that are now on trial?

A. I have.

10 Q. And what does the record show as to pleas?

A. The record shows that in such case the defendant's plea was not guilty.

Q. Now will you send to the office as to the dates when those pleas were entered, please?

A. Yes.

THE PROSECUTOR: You won't admit the dates?

MR. NUTTER: No, sir. He doesn't know and we couldn't admit it.

MR. GARRISON: And we don't know.

Q. Were those pleas entered before or since the first trial of Andrew Terry?

20 A. They were entered before the first trial of Andrew Terry.

Cross Examination.

BY MR. NUTTER:

Q. Mr. Gaskill, how do you know that they were entered before?

A. Because I was present in Court when the pleas were received and I made the notation of not guilty on the indictment.

30 Q. Anything on that indictment to show you when that plea was taken?

A. No, there is not, only my recollection.

Q. As an official of this court you keep records as to when pleas are entered, do you not?

A. Not necessarily.

Q. Then you are only going from what you remember as near as you can?

A. Well, I remember distinctly in this case.

Q. You remember distinctly in each one of those four cases?

A. Each one of these cases, yes, sir.

Q. Can you give us any idea of the months that they entered the pleas?

A. No.

Q. To no one?

A. No.

Q. Then of course you can't the day?

A. Beg pardon?

Q. The day?

A. No.

THE PROSECUTOR: Will you admit that you were counsel for these two defendants when they pleaded not guilty? 10

MR. NUTTER: You better prove that too, because I don't know what your idea is. Well, we will admit it to save time.

WILLIAM ELMER BROWN, Junior, Sworn.

THE PROSECUTOR: Never mind, Mr. Brown. It is admitted by Mr. Nutter, one of the counsel for the defendants, that he appeared in court and represented these two defendants now on trial at the time they pleaded not guilty to these four indictments.

Will you also admit that you were counsel for Andrew Terry in both of his trials? 20

MR. NUTTER: Yes, but I ask all that evidence be struck out as irrelevant and immaterial. We can't see the purpose of it. It has no relevancy here.

THE COURT: It will be permitted to stand of record.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

THE PROSECUTOR: It is admitted, Mr. Nutter was also counsel for Andrew Terry in both of his two trials. 30

ANDREW K. LITTLEFIELD, Recalled.

Direct Examination.

BY THE PROSECUTOR:

Q. These are your notes of the first trial of An-

drew Terry?

A. Yes, sir.

Q. And when was that had, that trial?

A. February second and third.

Q. What year?

A. 1916.

ALBERT STANFORD, Sworn.

Direct Examination.

BY MR. NUTTER:

10 Q. Stanford, did you during last year work at
1139 Baltic Avenue?

A. Yes, sir.

Q. What did you do there?

A. Well, I was supposed to be stick man.

Q. By whom were you employed?

A. John Wormley.

Q. What kind of games went on there?

A. Dice games.

THE COURT: This is 1139?

A. Yes, sir.

Q. Who paid you, Al?

A. Well, what I got John Bull paid me.

20 Q. Who had the key, who had the possession of
the cut box?

A. John.

Q. Who had the keys to the cut box?

A. Well, I have seen John open them tin cut
boxes when they first came.

Q. Did you ever see Andrew have charge of a
game or cut box in there?

30 A. I never seen him in there. In the first place
I and Andrew Terry were not speaking, and my first
going in that pool room John Wormley went to him
and asked could I come in and he told him yes, and I
had been in there about three days before they start-
ed to shooting dice in there, and then John asked me
to stay around there and hustle with him.

Q. Well, when they started to shoot crap in there
did Andrew know anything about it?

A. Not to my knowledge, no, sir.

Q. When you went there to be employed what
did you go there for?

A. To help John Bull to hustle.

Q. Did Andrew have—did you have—or Andrew ever come in there while there was gambling going on?

A. I never seen him.

Q. Did you ever have any conversation with John Bull about Andrews knowledge of that game?

A. I may have. I don't remember.

Q. Did you have any relation about that place in any shape or form with Andrew Terry?

A. No, sir.

Q. Were you an employee of 202 Chalfonte Avenue?

A. Yes, sir.

10

Q. Who hired you?

A. John.

Q. Did you have any relation whatever with Andrew Terry?

A. No, sir.

Q. Who had charge of the cut box?

A. John.

Q. Speak so the jury can hear you.

A. John Wormley.

Q. That is the same as John Bull?

A. Yes, sir.

Q. Who had the keys for the cut box?

20

A. Wasn't no locks on them.

Q. At 202?

A. I don't know when the locks was put on. For two weeks they didn't have no locks on.

Q. Did you ever see Andrew come in 202?

A. No, sir.

Q. Did you ever see him participate in a game at 202?

A. No, sir. Only in the street before they started gambling in 1139.

Cross Examination.

BY THE PROSECUTOR:

30

Q. How long have you known Andrew Terry?

A. Eighteen years.

Q. How long have you known John Wormley?

A. Four or five.

Q. How long have you lived in Atlantic City?

A. Nineteen years.

Q. Is it the custom for the stick man to be paid by the cut man in these gambling games?

A. If they choose to pay you, yes, sir, they pay you according to what they make, if they lose you didn't get nothing.

Q. Isn't it the custom of the cut men to pay the stick men in these gambling games?

A. I don't know. John Bull paid me.

Q. Well, now, don't you know?

A. Not positive, no, sir, Mr. Moore, I don't; I only know what was given to me.

10 Q. Don't you know anything about the custom of conducting these crap games?

A. Never worked in a gambling place in my life until last year.

Q. What is your business?

A. Musician.

Q. Have any other business?

A. Waiter.

Q. Is that all?

A. Chair pusher.

Q. Is that all?

A. Yes, sir. I have done laboring work here.

Q. Anything else?

20 A. No, sir.

Q. Nothing else?

A. No, sir.

Q. You have never been in any trouble, have you?

A. No, sir; never was convicted in my life of any crime.

Q. Are you married?

A. Yes, sir.

Q. Living with your wife?

A. Yes, sir.

THE WITNESS: Do you want the objections, Mr. Moore?

30 Q. I want the whole record, yes.

MR. GARRISON: I object to that. What has that got to do with this, going to try his matrimonial difficulties now?

THE COURT: No.

A. I live with my wife number two Chalfonte Place.

MR. GARRISON: I am glad you do, but I don't think it is any of the Court's affairs in this case.

Q. Al—

A. Yes, sir.

Q. —about those keys; did you ever see Andrew with those keys?

A. I never saw Andrew Terry in there, in the first place I and Andrew Terry didn't change three words until three days or four days before that raid was, and that was about a boat, that boat that he has out there at the Inlet.

Q. And you don't know anything about the keys?

A. No, sir.

10

BY MR. NUTTER:

Q. One other question, Al, you never made any report or had anything to do with Stanford at all, at this place?

A. Stanford?

Q. I mean Andrew.

A. No, no.

Q. Now take your same notes, same trial, testimony of Albert Jackson, Piggy Jackson.

MR. NUTTER: May it please the Court, I make the same objection as to the reading of the testimony of Albert Jackson.

THE COURT: Objection overruled.

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(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

A. I have the witness' name as James A. Jackson.

MR. GARRISON: I think that is the same one, that is all right.

THE PROSECUTOR: Is that your name, Piggy?

MR. GARRISON: Name is James Albert.

THE COURT: I think the Indictment had better be amended, hadn't it?

THE PROSECUTOR: I think we better amend the indictment to James Albert.

30

THE COURT: Proceedings will be so amended.

(Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

JAMES A. JACKSON, Sworn.

Direct Examination.

BY MR. NUTTER:

Q. Piggy, you worked at 1139 Baltic Avenue during last year?

A. I did.

Q. At what work were you employed?

A. Cutting the game.

Q. Cutting the game?

A. Cutting the game.

THE COURT: Speak louder.

10 A. Cutting the game.

Q. Who hired you?

A. John Wormley.

Q. Who paid you?

A. John paid me.

Q. What kind of a game was it?

A. Crap game.

Q. Who had charge of the cut box?

A. John had charge of the cut box.

Q. Did you ever see Andrew Terry in there participating in the game?

A. No nights that I were on.

20 Q. You were also employed at Chalfonte Avenue?

A. I am.

Q. 202?

A. 202, I think that is the number.

Q. Who hired you?

A. I still working for John Bull.

Q. Who paid you?

A. John Bull.

Q. Who was in charge?

A. John Bull.

Q. Who had charge of the cut box?

A. John Bull.

30 Q. Did you ever see Andrew in there?

A. No nights that I were on have I seen Andrew around.

THE COURT: Speak loudly.

A. No nights that I were on I have never seen Andrew around.

Q. Have you ever been convicted of crime Piggy?

A. No, sir.

Cross Examination.

BY THE PROSECUTOR:

- Q. Were you cut man or stick man?
A. Cut man I was supposed to be.
Q. Cut man?
A. Yes, sir.
Q. Who was your stick man?
A. Al Stanford.
Q. Al Stanford?
A. Stanford. 10
Q. You worked together, did you?
A. Yes, sir.
Q. You didn't pay him then?
A. Pay who, Al?
Q. Yes.
A. If I had anything I paid him.
Q. And you paid him when he worked on the stick with you?
A. When I went to work there he went to work with me and if I made anything I paid him. Before I went there he was working with John Bull, I think.
Q. And after you went there he worked with you? 20
A. Yes, sir.
Q. And then you paid him when he worked with you?
A. If I had anything to pay him with.
Q. Well, when did you go to work at 1139 Baltic?
A. I think it was either the first or third Friday in June.
Q. In June?
A. Yes, sir.
Q. First or third Friday in June?
A. In June. I went in there on the first or the third Friday and went to work on a Saturday. John called me out of the bar into the pool room, was the first time I had ever been in there and he told me to come to work Saturday night. 30
Q. Did you work there all the month of June?
A. No, sir.
Q. When did you stop working there?
A. I worked there about a week, I guess, and I fell down the steps and knocked my shoulder out of

place and I could not work any more.

Q. Well, when did you begin working around 202 North Chalfonte?

A. I worked there about four or five days, I guess, or a week.

Q. Were you there the night of the raid?

A. No, sir.

Q. Did you cut, run a game in the daytime or the night time?

A. I run around there, I think was two nights.

Q. Two nights?

10 A. No, sir, before the raid.

Q. How long before the raid was that?

A. Two nights before the raid, I worked on Sunday night, and I worked, I think it was Wednesday night, either Wednesday or Thursday night.

Q. You are not friendly with Terry, are you, the defendant?

A. I am friendly with all of them.

Q. Friendly with John Bull?

A. Yes, sir, he never did anything to me.

Q. Very intimate with him, aren't you?

A. Just the same with him as I am with Andrew, or any of the rest of the boys.

20 Q. Well, you were particularly intimate with John Bull, weren't you?

A. Sir?

Q. Well, you were particularly intimate with John Bull, weren't you?

A. How do you mean?

Q. Very intimate friend of his, weren't you?

A. Just the same with one as I am with the other.

Q. No more intimate with him than you are with Andrew?

A. No.

30 Q. Have you ever talked with anybody about this case?

A. No, sir, I had no talk with nobody.

Q. Never discussed it with anybody?

A. No, sir.

Q. How did you happen to get over here today?

A. I told you I was subpoenaed to be over here, I guess.

Q. Is that all you know about it?

A. I worked there, subpoenaed over here, I guess. I don't know.

THE COURT: Don't you know whether you were subpoenaed or not?

A. They told me I was subpoenaed and I came on over.

Q. Who told you?

A. Mr. Lawyer told me to be over here today.

Q. Didn't you talk with him about this case?

A. No, sir, I had no talk with nobody.

Q. Didn't you tell him what you knew about this case?

A. I haven't had any talk with anybody concerning this case, brother. Most talk I have had is right here today. 10

Q. Never mentioned about the case to the lawyer?

A. I haven't mentioned it to anybody.

Q. Didn't you tell Mr. Nutter what you knew about this case before you came over here?

A. I told Mr. Nutter nothing. All I have said I have said here today. I haven't had any talk with anybody concerning this case.

Q. Now take your notes of the second Andrew Terry trial. When did that occur, when were they taken? 20

A. March first and second, 1916.

Q. Now refer to your notes of the testimony of Albert Stanford and James Albert Jackson, that is the two defendants at that trial.

MR. NUTTER: I impose an objection with a little additional reason, the first reason is that this is not the proper way of introducing the record in the evidence, second it can only be introduced for the purpose of contradiction, and third if it is introduced as a confession, that the witness has not properly been qualified, or, in other words, it has not been shown that the evidence given is voluntary evidence. The proper foundation has not been laid, and for the further reason that introducing the records of the second trial would only be for the purpose of contradiction of the evidence introduced by the State on the first trial, and that the State is not allowed to contradict its own evidence. 30

THE COURT: What is the purpose of the testi-

mony, introducing the testimony in both of these trials, Mr. Moore?

THE PROSECUTOR: Merely to pile up all that their statements offer, that is all. It adds a little more I think to what has already been established. It was a little more volume to it, I mean to say a little more conclusive in some of the questions and answers than the first trial as to the part these defendants played in the games there, and in the management.

THE COURT: I will admit it.

10 (Whereupon the defendants by their counsel pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal).

Q. Referring to these notes please relate to the jury what was testified to by these two defendants.

ALBERT STANFORD, Sworn.

Direct Examination.

BY MR. NUTTER:

THE COURT: Your name Stafford or Stanford?

A. Stanford.

20 Q. Now, where were you working during last year during the months of April, May, June and July?

(Question withdrawn.)

A. I think I went to work the middle part of April in the pool room with John Bull.

Q. Where was that located?

A. 1139 Baltic.

Q. Was there any gambling going on there?

A. When I first went in there, yes, sir.

Q. What position did you hold there?

A. Stick man, to help John out.

30 Q. Who employed you?

A. John.

Q. Speak louder.

A. John Bull.

Q. Who paid you?

A. John Bull.

Q. Did Andrew Terry have anything to do with that place?

A. Not to my knowledge. Him and I wasn't speaking.

Q. Did you ever see Andrew officiating around there in any way?

A. No, sir.

Q. Did you ever see Andrew handle the cut box in that place?

A. No, sir.

Q. Who did handle the cut box?

A. John always when I was there.

Q. Were you also employed at 202 Chalfonte Avenue too?

A. Yes, sir.

10

Q. Who was in charge of that place?

A. John Wormley.

Q. What was your position there?

A. Stick man.

Q. Who took charge of the cut box?

A. John Wormley when I was there.

Q. Is that the same as John Bull?

A. I made a mistake. John Bull was in charge of the place, but I worked with Piggy around there.

Q. Did you ever see Andrew exercising any authority around there?"

A. I never seen him, no, sir.

Q. Did you ever see him there?

20

A. No, sir.

Q. What is your business, Al?

A. Musician.

Q. After this raid were you approached by any one about this case?

A. I don't know whether you might call it approached. Kid Batten told me if I wasn't so damn smart he might tell me how I could get away from going to jail, but he told me I had too damn much mouth and talked too much.

Cross Examination.

30

BY THE PROSECUTOR:

Q. Didn't you work with Piggy Jackson, he on the cut box and you on the stick around at 1139 Baltic Avenue?

A. Yes, sir.

- Q. You worked with Piggy most of the time you were there, didn't you?
- A. No, sir, not at 1139.
- Q. You only worked with John Wormley at 1139 a little while, didn't you?
- A. Oh, I worked with John Wormley over two weeks.
- Q. Most of the time then at 1139 you worked with Piggy yourself?
- A. I can't get that. I say I worked longer with John Wormley than I did with Piggy.
- Q. You say you went to work there in April?
- 10 A. I think it was middle part of April. I am not sure.
- Q. And you worked two weeks with John?
- A. I said perhaps two or three weeks, three weeks. I know I worked three weeks with him.
- Q. After that you worked with Piggy, didn't you?
- A. Yes, sir.
- Q. When was the place moved from 1139 Baltic to 202 North Chalfonte?
- A. I don't know that.
- Q. About when?
- 20 A. Well, I couldn't say.
- Q. What month?
- A. I don't know. It must have been in July, for the raid was in July.
- Q. It was moved a little before that time, wasn't it?
- A. I don't know. I know Piggy had a broken collar bone or something and he wasn't working.
- Q. He wasn't working at 202 North Chalfonte?
- A. Wasn't working at 202, or he wasn't working 1139.
- Q. At any time?
- A. Oh, he had worked there, yes, previous to
- 30 that, but he had fell down stairs and broke his collar bone or something.
- Q. Didn't you say a while ago he worked with you 202 North Chalfonte?
- A. He did, only one night.
- Q. Only one night?
- A. One night.

Q. Who paid you when Piggy worked with you?
A. Piggy.
Q. You never saw Andrew around either of these places, did you?
A. I never saw him, no, sir.
Q. Never saw him in either of the places?
A. Him and I wasn't on good terms. I never looked for him, and I never had anything to say to him.
Q. Never saw him in either of the places?
A. No, sir.
Q. No time?
A. No time. 10
Q. And you thought that was John Bull's place, didn't you?
A. I didn't know no different. I knew he was hiring me and employed me.
Q. Well, you thought it, didn't you?
A. Yes, sir.
Q. That Andrew had nothing to do with it?
A. I don't think he did. I didn't see him have nothing to say when I was there.
Q. Nothing to say when you were there?
A. Well, if he had anything to do, he sure would have come in there when I was there.
Q. What did you mean a while ago when you said he never had anything to say? 20
A. He sure couldn't have had nothing to do with it. He never was in there when I was there.
Q. That is what you mean?
A. That is exactly what I mean.
Q. You meant when you said he had nothing to say you never saw him in there?
A. I mean I never saw him in either place.
Q. That was a slip of the tongue then?
A. No, I am telling you the positive truth.
Q. You know Constable Tyson?
A. Yes, sir.
Q. Ever had any talk with him about this case? 30
A. No, sir.
Q. Never?
A. I have had a talk with him, yes.
Q. Wasn't it about this case?
A. About this case, only I didn't know what you wanted to know.

Q. Did you talk with John Bull about this case since the last trial?

A. Oh, yes, me and him had a conversation, me and him and Banks in the presence of the proprietor, Mr. Rounds back there.

Q. What did you say to Tyson about this case?

A. Sir.

Q. What did you say to Tyson about this case?

MR. NUTTER: I object. That is not cross examination.

THE COURT: It may be cross examination. We can't anticipate his answer. I don't know what is
10 in his mind.

(Question withdrawn.)

BY MR. NUTTER:

Q. Have you ever been convicted of crime?

A. No, sir.

A. That is all of Stanford's.

Q. Proceed with Albert Jackson.

MR. NUTTER: Same objection is raised.

(Objection overruled.)

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

20

ALBERT JACKSON, Sworn.

Direct Examination.

BY MR. NUTTER:

Q. Piggy, during the last year were you employed at 1139 Baltic Avenue?

A. I were.

Q. And also at 202 Chalfonte Avenue?

A. Yes.

Q. By whom were you employed?

30 A. John Bull put me to work.

Q. Who paid you?

A. John Bull.

Q. Did you ever see Andrew Terry coming in there exercising any authority?

A. No, sir, at no time.

Q. Did you ever see him in there playing any game?

A. No.
 THE COURT: Where was this, 1139?
 MR. NUTTER: Yes, sir.
 THE COURT: He was stick man?
 MR. NUTTER: No.
 Q. What were you?
 A. Box man.
 THE COURT: Cut man?
 A. Yes.
 Q. At 202, Piggy, how long did you work there?
 A. Two nights, I think it was.
 Q. Who hired you there?
 A. Same man, John Bull. 10
 Q. Speak a little louder.
 A. John Bull.
 Q. Who paid you?
 A. John Bull.
 Q. Did you ever see Andrew Terry there?
 A. No, sir.
 Q. Who did you understand was the owner and boss of that place?
 A. John Bull was the only one I knew, could take to be the boss. He put me to work and he paid me off.
 Q. From whom did you receive all of your orders? 20
 A. John Bull.
 Q. Have you ever been convicted of crime, Piggy?
 A. No, sir.

Cross Examination.

BY THE PROSECUTOR:

Q. How long have you known Andrew Terry?
 A. Fifteen years.
 Q. Fifteen years?
 A. Yes. 30
 Q. Know him very well?
 A. What do you mean know him very well?
 A. Well, are you intimate with him?
 A. Intimate, how do you mean?
 Q. Friend?
 A. I am no more friend to him than I am to any one else treats me right.

- Q. Aren't you a pretty good friend of his?
A. No more so than I am any other man who treats me right.
Q. Did you ever talk to anybody about this case?
A. I was talking, I think it was Monday night.
Q. How much would your cut run in these games?
A. Oh, some nights didn't take in nothing, some nights take in a dollar, some nights took in a dollar and a half.
Q. What is the biggest you ever took in at one time?
10 A. I don't know, took in about twenty dollars, I guess.
Q. You never saw Andrew around there at all, did you?
A. No, sir.
Q. Never was in the place, was he?
A. No, sir.
Q. Either place?
A. Not when I was there.
Q. Who paid Al Stanford when he worked with you on the stick there?
A. If I made anything I paid him something, if I didn't make anything, he didn't get nothing.
20 Q. Who paid him when you made anything?
A. What I had I divided up with him.
Q. Fifty fifty?
A. Don't say fifty fifty, if I got fifty cents I give him a quarter.
Q. You didn't give him half of what you made?
A. If I took in a dollar I give him fifty cents, sometimes, sometimes I give him a quarter, sometimes I wouldn't give him nothing.
Q. What is your business?
A. I am a laborer.
Q. Working now?
A. Not now.
30 A. That is all.

No cross examination.

THE COURT: You want to cross examine Mr. Littlefield?

MR. NUTTER: No, sir. I think we are deprived of cross examining the witnesses, that is the evi-

dence introduced as to Stanford and Jackson makes them a witness against themselves and we, under the circumstances, are denied the right of cross examining them.

THE COURT: Are denied the right to cross examine him?

MR. NUTTER: No, the witnesses, no way possible of the introduction of that evidence for us to cross examine Al Stanford and Piggy Jackson.

THE COURT: My question was did you desire to cross examine Mr. Littlefield?

MR. NUTTER: I understood your question. I am only now making objection on the ground I have not the privilege of cross examination. 10

THE PROSECUTOR: They are your own defendants.

MR. NUTTER: Don't make any difference.

LESTER LEWIS, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. How long have you lived in Atlantic City?

A. Oh, I have been coming here about seven years, lived here now about three years right straight. 20

Q. Do you know James Albert Jackson, sometimes called Piggy Jackson, the defendant there?

A. Yes.

Q. Do you know Albert Stanford, the other defendant?

A. Yes, sir.

Q. How long have you known them?

A. Oh, ever since I have been here, ever since I have been coming here.

Q. Did you work last year in these two gambling places of Andrew Terry at 1139 Baltic Avenue and 202 North Chalfonte Avenue? 30

A. Yes, sir.

Q. What did you do in there, in those places?

A. Stick man.

Q. Did you ever see these two defendants in there when crap games were going on in those two places?

A. Yes, sir.

- Q. Both places?
A. Yes, sir.
- Q. Last year—did you ever see this defendant Jackson doing anything in there with regard to any crap game?
A. Yes, sir.
- Q. Either place?
A. Yes, sir.
- Q. Both places?
A. Yes, sir.
- Q. What was he doing?
A. Cut man, on the cut box.
- 10 Q. What are the duties of a cut man?
A. Well, the cut man takes the nickel from each bet and a nickel from the pot, each bet over a quarter, and nickel from the pot.
- Q. That is in crap?
A. Yes, sir.
- Q. Did you ever see Al Stanford last year do anything in there with respect to a crap game in either of these places?
A. Yes, sir.
- Q. Both places?
A. Yes, sir.
- 20 Q. What was he doing?
A. Stick man.
- Q. Did you ever see Piggy Jackson do anything with the cut money, I mean the money that he took from the bets, when he was conducting the crap games? What did he do with the money?
A. Seen him put it in a box, seen him give it to Andrew Terry and Andrew Terry opened the box and paid him off.
- Q. Out of this cut box?
A. Yes, sir.
- Q. Where was that done?
A. 1139.
- 30 Q. 1139 Baltic?
A. Yes.
- Q. Did you ever see Andrew Terry in either of these places when these two defendants were conducting a crap game in there last year?
A. Yes, sir.

Q. Who hired you to work as stick man in these places?

A. Andrew Terry.

MR. NUTTER: I object, and ask that that be struck out.

(Objection overruled.)

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

Q. Did you ever play crap yourself in a crap game in either of these places when these two defendants were running that particular game?

10

A. Yes, sir.

Q. Did you play crap for money?

A. Yes, sir.

Q. Anybody else play for money with you at that time?

A. Yes, sir.

Q. On this occasion when you say you saw Andrew Terry paying Piggy Jackson off out of the cut box, was the box opened in your presence?

A. Yes, sir.

Q. By whom?

A. Andrew Terry.

Q. Do you know how much he paid Jackson at that time?

20

A. I do not.

Q. Have you ever been convicted of crime?

A. Yes, sir.

Cross Examination.

BY MR. NUTTER:

Q. You testified in one of the former trials of Andrew Terry, did you not?

A. Yes, sir.

Q. And in those former trials did you not state that the only time you saw the cut box opened was when it was opened by Andrew Terry, either paying you off or John Bull off?

30

A. I don't understand you.

(Question repeated.)

A. I don't remember.

Q. Will you deny it?

A. I say I don't remember the question being asked me before.

Q. Well, you didn't say at either of the former trials that you saw either Piggy Jackson or Al Stanford open the box or Andrew Terry open the box in their presence and pay them off, did you?

A. I said I didn't remember the question being asked me.

Q. Let me read you the question and answer:

"Q. Were you ever present when the cut box was opened? A. Yes, sir. Q. Who opened it? A.

Andrew Terry. Q. Who had the keys to these cut boxes? A. Andrew Terry. Q. Who counted the

10

money when it was opened in your presence? A. Andrew Terry. Q. How many times did you see that done? A. Every morning I worked, nearly; sometimes they wouldn't be there, sometimes I would work and John Bull would carry it over to Andrew Terry's house, and I wouldn't go over with him, some mornings I did go over with him." Do you remember testifying to that?

A. Yes.

Q. Well, did Al Stanford or Piggy Jackson ever work on the same turn with you?

A. No, but I have been there nights when I didn't work.

20

Q. When you opened the box where did you open it?

A. I open it—I didn't never open the box, not the way I open—you mean where did Terry open it?

Q. I mean where did John Bull open the box?

A. John Bull never opened the box, not to my knowledge.

Q. Where did Terry usually open the box?

A. Well, I have seen him open the box in his house, and I have seen him open it also in the crap game, right around the crap game.

Q. Now, did you ever see him open the box in either of these defendants' presence in his house?

30

A. In either of which defendants?

Q. Jackson or Stanford?

A. Not in his house, no.

Q. Now, what time did you ever see Andrew Terry open the cut box in either of those places?

A. What time?

Q. Yes.

A. Well, various times.

Q. Well, can't you give me some date?

A. Well, in the mornings after the crap game was over, that was the usual time to open it.

Q. That would be when you were on?

A. Well, when I was on and when I was not on. I was in the crap game every night, nearly, regular visitor.

Q. Well, did the proprietor of the place usually open the cut box before all the players?

A. No, not before the players.

Q. Well, where would he be standing or located when he would open the box in the place?

A. Where would he be standing?

10

Q. Yes.

A. You want me to tell you where he used to count the money out at?

Q. That is what I want, yes.

A. Right on the table, pool table, used to count the money on the last pool table.

Q. Well, would any playing be going on while he was counting the money?

A. No, used to run all the players out, so us fellows worked there, we could stay in, that was it.

Q. Well, why was it he run all the players out and you were not on and you would stay to see him count money in which you were not concerned?

20

A. I was an employee, I guess that is why he let me stay in there.

Q. Now can you recall any date or any day of the week or any particular month when you saw Andrew Terry pay off either one of these men?

A. I can't call no particular date, no, sir. I can call the place.

Q. You don't know then of any date that you can tell us wherein you saw Andrew Terry pay off the defendant?

A. I can tell you the place, not the date. I didn't make a memorandum of it.

BY THE PROSECUTOR:

30

Q. You saw this when the crap games were running there in these two places last year, did you?

A. What do you mean?

Q. You saw these occurrences—

MR. NUTTER: I object.

THE COURT: Your question is very leading, Mr.

Moore, on re-direct examination.

Q. You testified on cross examination of Mr. Nutter that you could not remember the date. Was this when the crap games were going on there last year?

MR. NUTTER: I object.

THE COURT: That is the same question, Mr. Moore. What year was it when you saw this that you have testified to?

A. Last year.

Q. Last year?

A. 1915.

10 Q. And did you see it before or after the raid took place there.

MR. NUTTER: I object. That question is leading and it is putting words in the witness' mouth.

THE COURT: No, that question is permissible.

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

Q. Did you see it before or after the raid took place at 202 North Chalfonte Avenue last year?

A. Saw it before the raid.

20 Q. Do you recall when the raid was?

A. In July sometime. I don't recall the date.

HAROLD S. WILLIAMS, Sworn.

MR. NUTTER: May I ask the Court, in order to save time, that I may make objection to all the evidence that is introduced as to any gambling taking place after the month of May?

THE COURT: Yes.

MR. NUTTER: To save time, allow me to enter a general objection.

30 THE COURT: General objection entered on the record that Mr. Nutter objects to any testimony which tends to show that any gambling took place in either of these establishments, 1139 Baltic Avenue or 202 North Chalfonte Avenue, after the month of May, which objection will be overruled and exception granted.

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

Direct Examination.

BY THE PROSECUTOR:

Q. Mr. Williams, do you recall when it was you made that raid at 202 North Chalfonte Avenue?

A. July tenth last year, 1915.

No Cross Examination.

LESTER LEWIS, Recalled

Cross Examination.

BY MR. NUTTER:

10

Q. Leslie, did you talk to the Prosecutor or anybody from this office since you have been here this morning?

A. Since I have been here this morning?

Q. Yes.

A. What do you mean? I don't know who is connected with the Prosecutor's office.

Q. Well, Mr. Moore, Mr. Brown, or Mr. Williams, have you talked with either of them this morning since you have been here?

A. Good morning.

Q. Nothing more than that?

A. No.

Q. You are sure?

A. Sure.

20

JOHN WORMLEY, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. You are sometimes called John Bull?

A. Yes, sir.

Q. How long—do you know Albert Jackson, Piggy Jackson, and Al Stanford, here, these two defendants?

30

A. Yes, sir.

Q. How long have you known them?

A. Nearly ever since I have been here.

Q. How long have you been coming to Atlantic City?

A. In the neighborhood of ten or eleven years.

- Q. Let's see, when was it you went to work there in Terry's place last year?
- A. Just before Easter, I don't know the date.
- Q. Which place was that?
- A. 1139 Baltic.
- Q. Now, do you recall about when the gambling stopped there and the other place, 202 North Chalfonte Avenue was opened up?
- A. When it stopped?
- Q. About when?
- A. Stopped in June sometime.
- 10 Q. And was it opened up right away, as soon as you stopped 1139 Baltic at 202 North Chalfonte?
- A. No, sir.
- Q. How long was it closed down, do you think, if you remember?
- A. Say within a couple of weeks.
- Q. How long had 202 North Chalfonte Avenue been running a gambling place before that raid was made?
- A. Not quite a month.
- Q. Did you work in both places, these gambling places?
- A. Yes, sir.
- 20 Q. What position did you work there?
- A. Cut man.
- Q. Were you ever in there when this defendant, Piggy Jackson and this defendant, Al Stanford, were in there when a crap game was going on?
- A. Yes, sir.
- Q. Did you ever see them conducting a crap game in there?
- A. Yes, sir.
- Q. What did you see Piggy doing in that crap game?
- A. Cutting the game.
- 30 Q. How about Al?
- A. Seen him on the stick.
- Q. Al worked with you on the stick in there when you were cut man?
- A. When he first went to work he did.
- Q. How long do you think he worked with you on the stick?
- A. Oh, I don't know, not long.

Q. Who did he next work with—
 A. Piggy Jackson.
 Q. —in the crap game?
 A. Piggy Jackson.
 Q. That was 1139 Baltic?
 A. Yes, sir.
 Q. After he began working on the stick with Piggy, did you ever see him work on the stick with anyone else other than Piggy at either place?
 A. No, sir.
 Q. At either place?
 A. No.
 Q. Did you ever see Andrew Terry in there when these two defendants were running a crap game in either of these places? 10
 A. Yes, sir.
 Q. Which place?
 A. Both places.
 Q. Both places?
 A. Yes, sir.
 Q. Did you ever see Piggy Jackson paid by anyone in there?
 A. Yes, sir.
 Q. Where was the money taken from?
 A. Out of the box. 20
 Q. What do you mean by the box?
 A. Out of the cut box.
 Q. Who paid him?
 A. Andrew.
 Q. Which place?
 A. 1139.
 Q. 1139 Baltic?
 A. Yes.
 Q. Who opened the box on that occasion?
 A. Andrew.
 Q. Did you ever play crap yourself for money in a crap game in these games you were running, in either of these places last year when these two defendants were running the crap game? 30
 A. Yes, sir.
 Q. Do you recall whether you won or lost on those occasions?
 A. I won sometimes and I lost sometimes. I played every night.

- Q. These two men work in the night time or the day time?
A. They work in the night, finish up in the morning.
Q. Did you work in the night time or day time?
A. In the night.
Q. How many tables were there in 1139 Baltic Avenue?
A. Three.
Q. How many of them were used for playing crap at one time, if you recall?
A. Sometimes two.
10 Q. How about 202 North Chalfonte?
A. Wasn't but one table.
Q. So that only one game could run there at any time?
A. Two could run, but one monte and one crap, but never had over one game there.
Q. Did you alternate with Piggy Jackson on the game or did you run the game the same time he did in these places?
A. I worked one night and he worked the next, every other night.
Q. You alternated then, you say?
A. He worked one night and I worked the next.
20 Q. Have you ever been convicted of crime, John.
A. Yes, sir.

Cross Examination.

BY MR. NUTTER:

- Q. John, when you said that Stafford or Stanford and Jackson and Lewis worked with you at the beginning—
A. What?
Q. Did Jackson, Stanford and Lewis work with you in the beginning?
30 A. No, Al Stanford, not in the beginning, no.
Q. Well, he worked with you at some time?
A. Yes.
Q. And you paid him?
A. Sure.
Q. Now, on the former trial, John, in your testifying that Andrew opened the cut box, did you not testify that each time that you saw him open it that

it was opened in your presence and while you were on duty?

A. The question was asked about my own cut box.

Q. I am asking you if you didn't say the only time that you saw Andrew open the box was when you were on duty at the former trial?

A. Yes.

Q. Well, that was true, wasn't it?

A. My own cut box, yes. They never asked me about Piggy's box.

Q. Was the question not asked you if you saw him open those particular boxes, and the boxes designated and pointed out to you, and you says the only time that you saw them opened was when you were on duty? 10

A. Those wooden boxes?

Q. Yes.

A. Those wooden boxes wasn't around to 1139.

Q. Well, wasn't the other box?

A. Tin boxes, yes.

Q. Pointed out to you?

A. Well, yes.

Q. And didn't you say there that the only time that they had been opened was when you were on duty? 20

A. Yes.

Q. And that is correct, isn't it?

A. Yes, about my box it is.

BY THE PROSECUTOR:

Q. Were the tin boxes in Court?

A. No, sir.

Q. They were not pointed out to you, the tin boxes?

A. No, sir, they were not in court.

Q. When you were testifying that you saw Terry open the cut box and pay Piggy Jackson out of it, it was with respect to 1139 Baltic Avenue? 30

A. Out of the tin boxes, yes, sir.

Q. And the wooden boxes were never used in 1139 Baltic?

A. No, sir.

Q. They were only used in 202 Chalfonte?

A. That is all.

Q. And these you never saw him open and pay the defendant?

A. No, sir.

Q. But with respect to the other place you did?

A. Tin boxes I have.

BY MR. NUTTER:

Q. You remember my question a while ago, don't you, about the tin boxes being designated or mentioned to you at the former trial?

A. Tin boxes wasn't in court.

10 Q. I know, but you remember my question of asking you if they had not been mentioned to you at the former trial?

A. You tell me what boxes you speaking about wooden boxes or the tin ones and I will answer.

Q. I am speaking of the tin boxes and ask you if the tin boxes were not mentioned to you at the former trial.

A. I don't remember.

Q. You don't remember?

A. No.

20 Q. I ask you further if you did not say at the former trial that no boxes, either at 1139 or 202 were ever opened by Andrew except when you were on duty? Did you not so testify?

A. Wasn't opened except I were on duty?

Q. You never saw them opened except when you were on duty?

A. I saw them opened when I was on and off.

Q. I am asking you as to what you said at the former trial.

A. I said yes, about my boxes. I told you that before.

Q. Didn't you say yes about the tin boxes at the former trial?

A. You asked me, listen—

30 Q. Just answer my question, did you or did you not?

A. Well, you must explain yourself to me. Explain yourself to me and then I will answer.

(Question repeated.)

A. About tin boxes? No, I was not asked no question about no tin boxes.

Q. Wasn't asked any questions at all about any tin boxes?

A. Yes, he asked what kind of boxes were there first and I told him was tin.

Q. And that is all you answered at the county trial?

A. He never asked if Andrew opened them in front of me.

Recess taken until 1.30 o'clock p. m.

Afternoon Session

Hearing resumed at 1.30 p. m.

JOHN WORMLEY, Recalled.

10

Cross Examination resumed.

BY MR. NUTTER:

Q. Mr. Wormley, I want to read you your questions and answers in the former trial and see if you admit those answers as being correct: "Q. Did you ever see this defendant Andrew Terry in either of these places? A. Yes, sir. Q. Well, what was he doing there? A. He walked in every day and every night and sometimes would relieve some of us from working and sit down a while. Q. Working what? A. Standing at the cut box a while, and relieve me, like I was on it all night, he come in and relieve me for a few minutes. Q. Handle it himself, you mean? A. Yes, sir. Q. Ever seen him do anything else in either of the places? A. No more than play or gamble." Are those answers correct?

20

A. I answered that, yes.

Q. And they were perfectly correct?

A. Yes, but the question about the box wasn't asked of me.

Q. Just answer my question.

A. Yes.

Q. And you did say that was all you saw him do, what you answered there at the former trial?

30

A. Yes.

BY THE PROSECUTOR:

Q. As a matter of fact was that all that you did see him do in there?

A. No, sir.

Q. Well then, what you have testified here today

about seeing him open the box and pay Piggy, why is that true or false?

A. That is true, it was not asked of me, Mr. Moore.

Q. You mean you were not asked that at the former trial?

A. Yes, sir.

LEROY SANDS, Sworn.

Direct Examination.

BY THE PROSECUTOR:

10 Q. LeRoy, when you were there working at Andrew Terry's place, 1139 Baltic Avenue last year, when these crap games were going on, did you ever see these two men there?

A. Yes, sir.

Q. What did you see Piggy doing?

A. Cut box.

Q. How about Al?

A. On the stick.

Q. And did they work together on the same game, crap game?

A. Yes, sir.

20 Q. Let's see, what were your duties there?

A. Outside; watchman.

Q. Watchman outside?

A. Yes, sir.

Q. These two men work every night?

A. No, sir, every other night.

Q. You never worked at 202 North Chalfonte Avenue?

A. No, sir.

Q. Do you remember when you began to work there at the crap game 1139 Baltic Avenue, about when it was?

A. No, I just can't remember the date of it, no, sir.

30 Q. What month?

A. I think it was in May, if I am not mistaken.

Q. Did you—you never worked around at 202?

A. No, sir.

Q. Let's see, you never played in either place, did you?

A. No, sir.

Cross Examination.

BY MR. NUTTER:

Q. LeRoy, Al Stanford or Piggy Jackson did not work there in the month of May, did they?

A. I couldn't say exactly what month they were, but when I worked there they were there.

Q. I know, but they were not working there when you first went there, were they?

A. Wasn't working there when I first went there?

Q. Yes.

A. When I first went there?

10

Q. Yes.

A. When I first went there—no, I didn't see Piggy, but I seen Al.

Q. I know, you might have seen him, but I am asking you—

A. Al worked there.

Q. When did you go there?

A. Well, I was, I think it was in May.

Q. But you are not sure?

A. I am not sure exactly what month it was or what date it was.

Q. Then you don't know then whether he, Al, worked there in the month of May or not, do you?

20

A. When I went to work there they are working.

Q. If you don't know when you went to work there then you can't say when you worked there?

A. I exactly don't know the date of it, no, sir.

Q. Then you don't know what month Al worked there in?

A. Don't know what month he worked there in?

Q. In other words you don't know whether he worked there in the month of May or not?

A. I don't know whether he worked there in May?

Q. Yes.

A. He was there working there in May.

30

Q. Didn't you say a while ago you didn't know whether he was there in May or not?

A. I don't know the month of it. I mean I didn't know the date of it, couldn't tell you the date.

Q. Now you say you know the month?

A. It was in May when I started work there.

Q. What time in May?

A. I couldn't tell you the date.

Q. When you first went there was there any gambling there at all?

A. When I first went there?

Q. Yes.

A. When I first started working there was gambling there, yes, sir.

BY THE PROSECUTOR:

Q. You mean that you didn't know the—

A. I didn't know the date, didn't know the dates.

MR. NUTTER: I object.

10 THE COURT: He has already testified.

Q. It was in the month of May last year?

A. Yes, sir.

Q. And what month was it last year you saw Piggy working there, cutting there?

A. It was in May, too, but it wasn't the first time I started work in May, before that month was out.

Q. He began working there?

A. Yes, sir.

Q. Was he working there when you quit last year?

A. When I quit?

20 Q. Yes.

A. Yes.

Q. Still working there?

A. Yes, sir.

Q. You ever been convicted of crime?

A. No, sir.

Q. How old are you?

A. Nineteen.

BY THE COURT:

Q. Who employed you?

A. Sir?

Q. Who employed you?

A. Andrew.

30 Q. Andrew whom?

A. Terry.

MR. NUTTER: I object and ask for an exception.

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

BY THE PROSECUTOR:

Q. Who paid you?

A. Andrew Terry.

(Objected to. Objection overruled.)

(Whereupon the defendants, by their counsel, pray a bill of exceptions which is hereby allowed and sealed accordingly.)

C. C. SHINN (Seal)

JOHN WORMLEY, Recalled.

Direct Examination.

BY THE PROSECUTOR:

10

Q. Did I understand you that you paid, why did you pay Al Stanford? You said when he worked with you in the cut—

MR. NUTTER: I object.

A. Why did I pay him?

Q. Yes.

MR. NUTTER: I object. It calls for a conclusion.

Q. Was there any custom regarding the paying of the stick men?

A. All cut men paid their own stick men.

Q. Cut men paid their own stick men?

20

A. Yes.

ALEXANDER LEWIS, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. How long have you lived in Atlantic City, Alec?

A. About twenty-seven years.

Q. Do you know Piggy Jackson, the defendant there?

A. Yes, sir.

Q. Al Stanford?

30

A. Yes, sir.

Q. Were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue last year when crap games were going on there when the two defendants were there?

A. Yes, sir.

Q. Did you ever see them running a crap game at either of those places?

A. Yes, sir, once or twice 1139.

Q. How about 202?

A. I never seen Piggy working there. I have seen him in there one night, but he wasn't working.

Q. This was 1139 Baltic you saw him running the game?

A. Yes, sir.

Q. Did you play in the game at that time?

A. Yes, sir.

10 Q. Anybody else playing crap for money while you were there?

A. Oh, yes, plenty of boys.

Q. Did you ever see Andrew Terry there at any time when these men were running a crap game?

A. Yes, sir.

Q. Were you there when John Hoyle borrowed some money from Terry one night?

MR. NUTTER: I object. Terry is not being tried and the question—the Prosecutor seems to be trying Terry,—the question as to any transaction between Hoyle and Terry, is certainly not binding upon these defendants.

20 THE COURT: The allegation in the indictment, as I understand, is that these two men were aiding and abetting Andrew Terry in conducting the gambling establishment, or establishments.

THE PROSECUTOR: I think I can show Mr. Nutter that this is permissible.

Q. Were these two defendants there that night, these two men, when this money was borrowed by Hoyle from Terry?

A. Yes, sir.

Q. What were they doing at that occasion?

A. Al was on the stick and Piggy was cutting the game.

30 Q. When Andrew got the money out of the box?

A. Yes, sir.

Q. And Piggy was cutting the game?

A. Yes, sir.

Q. Who got the money out of the box for Hoyle?

A. Andrew Terry.

Q. Who opened the box?

A. Andrew Terry.

Q. With what did he open it?

A. He reached over Piggy's shoulder and took the box and opened it. I didn't go around the table. I was standing there beside the table.

Cross Examination.

BY MR. NUTTER:

Q. You didn't testify at the former trial that Piggy and Al Stanford were in charge of that, did you?

A. No, sir.

Q. Since then you have been called to the Prosecutor's office?

A. No, sir.

Q. You have consulted with somebody connected with the Prosecutor's office?

A. Yes, sir.

Q. Who?

A. Mr. Brown.

Q. And the question was put up to you then?

A. They asked me who was on that night.

Q. Didn't they first ask you if Piggy Jackson and Al Stanford was not on that box that night?

A. No, sir.

Q. When were you called to the Prosecutor's office and asked that question?

A. I was not called there.

Q. When you—you went there voluntarily?

A. Never went there on that question.

Q. Where did you see Mr. Brown on that question?

A. Just now.

Q. Just right now?

A. Just right there, he asked me?

Q. He just went to you just a while ago?

A. And asked me.

Q. And prior to that time you didn't know who was on the box, did you, Alec?

A. I know them, yes, sir.

Q. Well, when the evidence was gone over with you in the Prosecutor's office on the previous trial in his office, it never, you never told them then that these two men were on the box, did you?

A. No, didn't ask me that.

Q. And you have never been asked, you say, now, until today, who was on the box?

A. Just about five minutes ago.

Q. Did Mr. Brown ask anybody else in your presence back there who was on the box?

A. Not as I know of. I was sitting alone there.

Q. Did you see him talk with any other witnesses besides you about that fact?

A. I don't know what he was talking about.

Q. Well, he was talking with them?

10 A. Yes.

Q. Who else was he talking to?

A. I don't know. I didn't turn around.

Q. You mean to say you don't know to whom he was talking?

A. He was talking right in that row back of me. I didn't turn around to look.

Q. He was talking to the witnesses, was he not?

A. I suppose he was.

Q. Did you see him talk to John Bull too, today?

A. John Bull?

Q. Yes.

20 A. I never paid no attention, Mr. Nutter.

BY THE PROSECUTOR:

Q. What did Mr. Brown ask you when he came down there?

A. He asked me who was on that night.

Q. On the cut box?

A. On the cut box.

Q. And you told him as you have told here?

A. Yes, sir.

BY MR. NUTTER:

Q. That is all he said?

30 A. That is all he asked me, yes, sir.

Q. How many times have you been convicted of crime?

A. Never.

Q. Are you under indictment now for the same offense?

A. No, sir.

JOHN W. GEE, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. Jack, do you know Piggy Jackson and Al Stanford, these two defendants?

A. Yes, sir.

Q. How long have you known them?

A. Been seeing them to know them about three years, I guess.

Q. Were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue when these two defendants were there and a crap game was going on? 10

A. Yes, sir.

Q. Were you ever in there when they were conducting a crap game in either of these places?

A. Yes, sir.

Q. Both places?

A. Yes, sir.

Q. When was that, about when?

A. I think it was in the month of June, on Baltic Avenue.

Q. What year?

A. 1915.

Q. And when 202 North Chalfonte? 20

A. Somewhere around July, I think it was.

Q. What year?

A. 1915.

Q. Now, were you ever in there when a crap game was going on and they were running a crap game when Andrew Terry was in there?

A. Yes, sir.

Q. Were you there when this matter came up about Hoyle borrowing some money on his watch?

A. I was.

Q. Were these two defendants there?

A. Yes, sir.

Q. What were they doing at that time when that money was borrowed? 30

A. Piggy Jackson was on the stick, I mean Piggy Jackson on the cut box and Al on the stick.

Q. And who got the money out of the cut box for Hoyle?

A. Andrew Terry.

Cross Examination.

BY MR. NUTTER:

Q. Gee, Mr. Brown came back and spoke to you about this too, didn't he?

A. When?

Q. Just this afternoon or sometime today?

A. Yes, he asked me.

Q. That is all. Just answer my questions. Gee, when was this that you saw Hoyle borrow this money from Terry?

A. How is that?

10 Q. When was this you saw Hoyle borrow the money from Terry?

A. When it was?

Q. Yes.

A. Sometime in June, in the crap house, when I seen him borrow it.

Q. Sometime in June?

A. Yes.

Q. Have you any idea what time in June?

A. No, I didn't have no calendar with me to tell you what date.

Q. Can you tell me whether it was the latter part of June or whether it was the first of June?

20 A. I don't know whether it was the latter part, middle part, or the last part. I know it was sometime in June.

Q. And you don't know whether it was the thirty-first day of June or not, do you?

A. How is that?

Q. And you don't know whether it was the thirty-first day of June or not, do you?

A. I don't know whether the thirty-first or the first, sometime in June.

Q. It might have been the thirty-first, eh?

A. I don't know, sometime in June I say it was.

30 Q. I say it might have been on the thirty-first?

A. I don't know, it might have been on the thirty-first or the thirty-ninth, sometime in June.

BY THE PROSECUTOR:

Q. Why is it that you can recall this borrowing of this money by Hoyle from Andrew Terry? Anything happen there that night?

A. They had an argument there that night.

MR. NUTTER: I object. This is not direct examination or is not rebuttal. It is not redirect examination.

THE COURT: It may be redirect. However the Prosecutor does not insist on it.

THE PROSECUTOR: I don't think it is of any importance.

(Question withdrawn).

BY MR. NUTTER:

Q. Gee, you have been convicted of crime, haven't you?

A. No, sir, not yet.

10

ERNEST WASHINGTON, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. Ernest, you know these two defendants, Piggy Jackson and Al Stanford?

A. Yes, sir.

Q. How long have you known them?

A. Three or four years.

Q. Were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue, last year, when a crap game was going on and either of these two defendants were there?

20

A. I worked there, yes, sir.

Q. I say were you in there when they were there when a crap game was going on?

A. Yes, sir.

Q. Did you ever see them working in there?

A. Yes, sir.

Q. Last year? What were they doing?

A. One was on the stick and the other was on the box.

Q. Which was which?

A. Piggy was on the box and Al was on the stick.

30

Q. Which place?

A. 202 North Chalfonte and 139 Baltic—1139 Baltic.

Q. Both places?

A. Yes, sir.

Q. They work there every night?

A. No, sir.

Q. You worked day time or night time?

A. Day time.

Cross Examination.

BY MR. NUTTER:

Q. You are an ex-convict, aren't you?

A. Ex-convict?

Q. You have been convicted of crime?

A. Sure.

Q. How many times?

A. I don't know, about three or four times.

DANIEL GOODLOW, Sworn.

10

Direct Examination.

BY THE PROSECUTOR:

Q. Last year were you in either 1139 Baltic Avenue or 202 North Chalfonte Avenue when a crap game was going on there and these two defendants were there?

A. Yes, sir.

Q. Did you ever see them doing anything there in a game?

A. Did I ever see them do anything?

20 Q. Yes, in the game, crap game?

A. Saw one cut the game and the other was on the stick.

Q. Which one was cutting?

A. Piggy was cutting the game, Albert was stick man.

Q. Which place did you see them doing that in?

A. Both places.

Q. Both places?

A. Yes.

Q. Was this before or after 202 Chalfonte Avenue was raided?

A. Before it was raided.

30 Q. How many times do you suppose you saw these two fellows running the crap game there at 1139 Baltic?

A. Well, I guess I was there about four or five times, I guess.

Q. Did you play yourself?

A. Yes, sir, I have shot crap, yes, sir.

Q. In there when these fellows were running the game?

A. Yes.

Q. Anybody else play for money with you in the crap game at that time?

A. I don't know how many was playing, more than me play.

Cross Examination.

BY MR. NUTTER:

Q. When you were in there you say you saw these two boys, you saw John Bull with the key to the cut box, didn't you? 10

A. I didn't see him with the key, I seen John Bull in there, yes, sir.

Q. Did you see him open the cut box?

A. No, sir.

Q. Didn't you tell the Prosecutor you saw him with the key to the cut box at his office?

A. No, sir.

Q. You don't remember now seeing him with the key to the cut box?

A. No, sir. I remember him being in there. He was acting as the boss.

Q. Acting as the boss? 20

A. Yes, sir.

Q. What do you mean, he was giving orders and so forth?

A. Boss and bossing.

EUGENE WARFIELD, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. Eugene, were you ever in 1139 Baltic Avenue last year when a crap game was going on and either of these two defendants, Stanford or Jackson were in there? 30

A. Yes, sir.

Q. Were you ever in there when they were running the crap game last year?

A. Yes, sir.

Q. Cut box?

A. Cut box.

- Q. And how about Al?
A. On the stick.
Q. Did you play while they were running the game?
A. Yes, sir.
Q. Did others play for money with you in the crap game at that time?
A. Yes, sir.

No Cross Examination.

JESSE LOGAN, Sworn.

10

Direct Examination.

BY THE PROSECUTOR:

Q. Jesse, were you ever in 1139 Baltic Avenue last year when a crap game was going on in there when these two defendants Jackson and Stanford were in there?

A. Not in 1139.

Q. How about 202 North Chalfonte Avenue?

A. One night in 202 North Chalfonte.

Q. What was Piggy doing that night?

A. He was on the box.

20

Q. And what was Al doing?

A. On the stick.

Cross Examination.

BY MR. NUTTER:

Q. You been convicted of crime, Jesse?

A. Yes, sir.

Q. How many times?

A. Once.

WALTER JOHNSON, Sworn.

30

Direct Examination.

BY THE PROSECUTOR:

Q. Walter, were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue last year when any crap games were going on in there and these two defendants, Jackson and Stanford were there?

A. Yes, sir.

Q. Did you ever see them there taking part in the game?

A. Yes, sir.

Q. What was Piggy doing?

A. On the cut box.

Q. What was Al doing?

A. On the stick.

Q. Which place did you see this?

A. Both places.

Q. Both places? Was this before or after that raid was made there at 202 North Chalfonte Avenue?

A. Before.

10

Cross Examination.

BY MR. NUTTER:

Q. How many times have you been convicted?

A. None.

Q. Weren't you convicted of stealing here?

A. Sir?

Q. Weren't you convicted of stealing?

A. No, sir.

Q. Positive about that?

A. Yes, sir.

Q. You played in these places?

20

A. Sir?

Q. You gambled yourself?

A. Yes, sir.

BY THE PROSECUTOR:

Q. Did you gamble in there when these two men were running the game?

A. Yes, sir.

Q. Other men play crap for money with you at that time?

A. Yes, sir.

ISAIAH BARNES, Sworn.

Direct Examination.

30

BY THE PROSECUTOR:

Q. Isaiah Barnes, were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue last year when crap games were going on and these two defendants were there?

A. Yes, sir.

Q. Did you ever see them doing anything in the crap games in these two places?

A. Yes, sir.

Q. What was it?

A. Why Piggy was cut man and Al Stanford stick man.

Q. Which place?

A. Both.

Q. Did you see that before or after the raid was made there last year?

A. Before the raid.

10

Cross Examination.

BY MR. NUTTER:

Q. What is your business, Isaiah?

A. I do laboring work.

Q. Where are you laboring now?

A. I was working down on the end of Atlantic Avenue helping the concrete, completing the foundation for an apartment house.

Q. Working there now?

A. All excepting today. I went to work this morning but I had to come over here.

20

JOHN GARRETT, Sworn.

Direct Examination.

BY THE PROSECUTOR:

Q. Were you ever in 1139 Baltic Avenue or 202 North Chalfonte Avenue last year when crap games were going on and these two defendants were there?

A. Yes, sir.

Q. Did you ever see either of them doing anything in those crap games there last year?

A. One cutting and one stick man.

30

Q. Which was which?

A. Piggy cut and John on the stick.

Q. Did you play crap for money in there yourself when they were running the game?

A. Lots of times.

Q. Which place?

A. Both of them.

Cross Examination.

BY MR. NUTTER:

Q. Garrett how do you know that was 1139?

A. Oh, that is a saloon there, I think it is 1139.

Q. But you don't know what the number is, do you?

A. Not exactly, I guess it is 1139.

Q. Garrett, you have been convicted of crime, haven't you?

A. No, sir.

HENRY LEWIS, Sworn.

10

Direct Examination.

BY THE PROSECUTOR:

Q. Henry, were you ever in 202 North Chalfonte Avenue last year when a crap game was going on and these two defendants were there?

A. Yes, sir.

Q. Did you see them doing anything in that crap game?

A. No more than cutting the game and one on the stick.

Q. Which was which?

A. Piggy was cutting the game and Al on the stick. 20

Q. Did you play yourself?

A. I don't play myself much.

Q. You have been convicted of crime?

A. Yes.

Cross Examination.

BY MR. NUTTER:

Q. How many times, Henry?

A. I guess about three or four.

Q. Three or four?

A. Yes.

Q. What were they for, Henry?

A. One was a charge of house breaking.

Q. House breaking?

A. And fighting.

Q. What else?

A. Fighting couple of times and train ride once.

THE PROSECUTOR: May it Please the Court,

30

the State is about to rest and in doing so I think the time has arrived when the State should elect whether it will go to the jury on the first count of these indictments, or whether on the fourth count, and deeming it to be my duty to make that election, the State now elects to go to the jury on the first count of these indictments.

MR. NUTTER: Is that aiding and abetting?

THE PROSECUTOR: No, sir, that is disorderly house.

THE COURT: Then you abandon the second, third and fourth?

10 THE PROSECUTOR: And fifth, there are five counts, we abandon the other counts.

MR. NUTTER: That is not the 65th section?

THE PROSECUTOR: No, sir.

MR. GARRISON: What are you doing? Let me see that.

MR. NUTTER: That applies to all the indictments?

THE PROSECUTOR: All the indictments and both defendants.

MR. GARRISON: I understand this, then, Mr. Moore—

20 THE PROSECUTOR: This is a common law offense of disorderly house.

DEFENDANTS' TESTIMONY.

ANDREW TERRY, Sworn.

Direct Examination.

BY MR. NUTTER:

Q. Andrew, did you ever employ Piggy Jackson and Al Stanford to work in any gambling house for you?

A. No, sir.

30 Q. Did they ever work for you in any gambling house?

A. No, sir, never had a gambling house for them to work in.

Q. What is that?

A. I never had a gambling house for them to work in.

Cross Examination.

BY THE PROSECUTOR:

Q. You have been convicted of running this 1139 Baltic Avenue and 202 Chalfonte Avenue, haven't you?

A. That don't go to show that I have had a gambling house yet.

(Question repeated.)

A. Yes, sir.

ALBERT STANFORD, Sworn.

Direct Examination.

10

BY MR. NUTTER:

Q. Stanford, did Terry ever hire you?

A. No, sir.

Q. Did he ever hire you in a gambling house?

A. No, sir.

Q. Did he ever pay you any money from a gambling house?

A. No, sir.

Q. Were you proprietor of a gambling house?

A. No, sir.

Q. Were you ever proprietor of a gambling house?

A. No, sir.

20

Cross Examination.

BY THE PROSECUTOR:

Q. Did you ever work in any—

MR. NUTTER: I object. That is not cross examination.

THE COURT: I don't think that is cross examination, Mr. Moore.

JAMES ALBERT JACKSON, Sworn.

Direct Examination.

30

BY MR. NUTTER:

Q. Piggy, were you ever hired by Andrew Terry in a gambling house?

A. No, sir.

Q. Did you ever receive any money from Andrew Terry from a gambling house of any kind?

A. No, sir.

Q. Were you ever proprietor of a gambling house?

A. No, sir.

Cross Examination.

BY THE PROSECUTOR:

Q. You cut the game in 1139 Baltic last year, didn't you?

MR. NUTTER: I object. Don't answer that question. For the same reason that I offered the other objection.

10 THE PROSECUTOR: Now, may it please the Court, I don't know that it is worth while for the State to pursue this, but I must respectfully urge that the evidence is admissible on the theory that under the law in misdemeanors all who aid, assist and abet are principals and when he asked him the question as to whether he was ever the proprietor why under the law if he aided, abetted and assisted he is a principal and therefore—

20 THE COURT: No, but the difficulty is the questions are not directed to this witness as to whether he is principal in the sense that he may or may not have aided, abetted or assisted. The question is "Were you proprietor of the game?"

THE PROSECUTOR: I don't think it is necessary to pursue it anyhow.

DEFENDANTS REST.

TESTIMONY CLOSED.

CHARGE OF THE COURT.

30 SHINN, J.: Gentlemen, the State has elected to rely on the first count in each of these four indictments, two against each of these defendants, and they abandon numbers two, three, four and five. The first count reads as follows: "The Grand Inquest of the State of New Jersey for the body of the County of Atlantic, upon their respective oaths present, that Piggy Jackson"—which has been amended to read James Albert Jackson, I think—"late of the City of Atlantic City, County of Atlantic aforesaid, on the first day of November, 1913, and on divers other days and times between that day and the day

of the taking of this inquisition, at house number 204 North Chalfonte Avenue"—which has been amended to read 202 North Chalfonte Avenue—"in the said City of Atlantic City, and within the jurisdiction of this Court, a certain common, illgoverned and disorderly house unlawfully did keep and maintain, and in said house for his own gain and lucre, certain evil disposed persons then and on the said other days and times, unlawfully and wilfully did cause and procure to come together, the said persons in said house at unlawful times, on the days and times aforesaid, there to be and remain drinking, tippling, gambling, playing for money and other valuable things at and with cards and dice and other devices, and otherwise misbehaving themselves, wilfully did permit and suffer, to the great damage and common nuisance of all the peaceable citizens of the State there residing, keeping and passing; to the evil example of all others in like case offending, against the peace of this State, the government and dignity of the same."

10

Now, as I say, there are four indictments, in each of which there is a count similar to what I have just read, except in two of them the alleged disorderly house is described as 1139 Baltic Avenue, and in the other two at 202 North Chalfonte Avenue. Two of the indictments allege that James Albert Jackson, alias Piggy Jackson, was a principal in keeping these two houses, and in the other two indictments the defendant named is Alfred or Albert Stanford—I have forgotten just what his name is.

20

This is a common law offense, and there has no statute been passed in this State which would govern the matter. A disorderly house is one where gambling or drinking or other offenses, which are against the peace and good order of the neighborhood, are conducted, and the Supreme Court has this to say about it: "After the disorderly character of a house has been established, it must be established that the accused had some connection with, or management or control of the place. It is not necessary that it appear that he had the power to suppress the mischief, but if he participated with others in conducting the place in such an obnoxious manner, and lent his aid to maintaining it, the law

30

charges him with guilt as a principal offender," and in those offenses there are no accessories, so that if these two defendants, you believe that these two defendants actually participated in the conduct of a gambling game which has been described to you as that of crap, and also of monte and blackjack, then they would be equally guilty with the actual proprietor.

10 Now, you have heard the testimony of a great number of witnesses, some of whom say that they were employees, as they charge that these two defendants were. Other witnesses were simply men who went in there for the purpose of playing. The employees claim that Andrew Terry was the actual proprietor of both of these establishments. The witnesses who were players say that, or have nothing whatever to say about Andrew Terry one way or the other, all of the witnesses claiming, however, that these two men were actually employed, and that Jackson cut the game and that Stanford was the stick man at both places.

20 You will also recall that the stenographer, Mr. Littlefield, read to you the testimony of these two defendants, which was given at the trial of Andrew Terry, two trials of Andrew Terry, one on the second and third of February, I think, and the other on the first and second of March, or thereabouts of this year, in which the defendants admitted that they were employees, and that they were employed by John Bull and not Andrew Terry.

30 Andrew Terry comes on the stand, in behalf of the defendants, and says that he did not conduct the place, either of the places, and each of the defendants go on the stand and say that they never were employed by Andrew Terry, that they themselves were never proprietors of any gambling game.

Now, the evidence is, the testimony of these witnesses is uncontradicted that these two defendants were, as a matter of fact, employed at these two places. Some of the witnesses on the part of the defense undertake to contradict that, no denial of that on their part.

Some of the witnesses have confessedly been convicted of crime. That of itself does not make their testimony worthless. You should take that into consideration in arriving at your verdict, but you must regard their testimony with more care and caution than you would other testimony of the witnesses, the testimony of other witnesses who have not been convicted of crime. You may believe or disbelieve it just as you see fit.

If any of the witnesses have impressed you as telling an untruth as to part of their testimony, you may disregard all of their testimony, or you may believe such part of it as you deem worthy of belief. 10

Both defendants, at the outset of the trial, of course, under our law are presumed to be innocent, and they must be proven guilty beyond any reasonable doubt. The burden of such proof is on the State and never shifts. If you feel that there is any reasonable doubt about their guilt, then, of course, you must acquit. If, on the other hand, you do not feel that there is any such doubt, then, of course, you must convict.

The defendants have asked me to make these charges:

“In weighing the evidence the jury should take into consideration the interest a witness may have.” I will charge you that to be the law. If you feel that any witness has any interest, no matter how slight or great, which would have him come here and give false testimony, to so color his testimony as to either shield himself or shield others, you must take that into consideration. If you find that any of the witnesses have so colored their testimony or have testified falsely, of course, you are to throw that testimony aside. 20

The other charge reads: “Before the jury can convict the defendants they must find that he was a principal and not merely an employee.” I decline to charge you that that is the law. An employee under the law which I have just read to you, and which is supported by a decision, in fact taken from a decision of the Supreme Court, is that any one who aids in the management of a gambling es- 30

tablishment, or other disorderly house, is equally guilty with the actual proprietor of the establishment.

10 Of course, gentlemen, you are to take my comments on the testimony as being merely as they strike me. You are not to be guided by what I have to say about the testimony. You are the sole judges of the facts. My duty is to charge you as to the law, and when I do so charge you, you are to accept my version of the law as being correct, but so far as the evidence and the facts go you are the sole judges.

Now, is there any other matter upon which you would like me to instruct you? If not you may retire and consider your verdict.

DEFENDANTS' EXCEPTIONS.

MR. NUTTER: I want exception to the charge of the Court upon the ground that he stated certain things as being facts uncontradicted, as to the defendants being employees or working in these two places, and under the law the Court cannot state to the jury what is a fact.

20 (Which exception is hereby allowed and sealed accordingly).

C. C. SHINN (Seal).

MR. GARRISON: The Court said if either of these two defendants actually participated they would be equally guilty with the actual proprietor.

(Which exception is hereby allowed and sealed accordingly).

C. C. SHINN (Seal).

MR. GARRISON: And for the refusal of the Court to charge request number two.

30 (Which exception is hereby allowed and sealed accordingly).

C. C. SHINN (Seal).

DEFENDANTS' REQUESTS.

1. In weighing evidence the jury should take into consideration the interest a witness may have

2. Before the jury can convict the defendants they must find that he was a principal and not merely an employee.

ATLANTIC COUNTY COURT OF QUARTER
SESSIONS.

STATE,	}	ON INDICTMENT	10
vs.		FOR KEEPING	
ALBERT JACKSON		DISORDERLY HOUSE.	
and			
ALBERT STANFORD.			

I, Clifton C. Shinn, Judge of the Atlantic County Court of Quarter Sessions, do hereby certify that the foregoing transcript of testimony with the exceptions therein signed and sealed, together with the return made by me to the Writ or Error in this cause and transmitted by me to the Supreme Court of the State of New Jersey, comprises the entire record of the proceedings had in the trial of the State vs. Albert Jackson and Albert Stanford. 20

C. C. SHINN,
Judge of the Atlantic County Court
of Quarter Sessions.

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NEW JERSEY SUPREME COURT.

State,	}	ASSIGNMENTS OF ERROR. (4 cases) 2 cases against Albert Jackson and 2 against Albert Stanford.
Defendant-in-Error,		
vs.		
Albert Jackson and Albert Stanford,		
10	Plaintiffs-in-Error.	

Afterwards, that is to say, on the 15th day of April, 1916, in the Supreme Court of Judicature of the State of New Jersey, come the said Albert Jackson and Albert Stanford by Garrison & Voorhees and Isaac H. Nutter, their attorneys, and say that in the record and proceedings aforesaid, and also in the matters recited and contained in the Bill of Exceptions, and also in giving the verdict and judgment aforesaid, there is manifest error in this, to wit:

- 20 1. Because the Court permitted the amending of the indictment which charged the keeping of a disorderly house to each of the defendants at 204 N. Chalfonte Avenue, Atlantic City, N. J., so that the same read at the trial, "202 N. Chalfonte Avenue", thereby charging the defendants with the keeping of a disorderly house at a place separate and apart from that for which they were indicted.
- 30 2. Because the Court refused to permit jurors Robison, Lee, Gandy, Headley, Baier, Irish, Sharrock, Karrer and Burroughs, to be excused for cause on the challenge of the defendants. These jurors had served in the trial of Andrew Terry who had been indicted and convicted of keeping disorderly houses at the places charged in the indictment returned in these cases and in which the defendants in these cases had testified, and it was apparent they could not avoid being prejudiced against the defendants from this fact.

3. Because the Court refused to quash the indictments on motion of defendant's attorneys because there was no date on same showing when they were found and returned into court and it could not be determined from an inspection of the indictments whether the Statute of Limitations had not barred the prosecution of the defendants.

4. Because the Court, over objection of the defence, permitted the amendment of the indictments charging "Piggy Jackson" with committing the offences therein set forth, to read, Albert Jackson.

5. Because the Court, over objection of the defence, permitted the amendment of the indictments charging "Al. Stanford" with committing the offences therein set forth, to read, Albert Stanford.

6. Because the Court, over the objection of the defence, permitted the Prosecutor to have the Court Stenographer read into the record the entire testimony of witnesses, Albert Stanford and Albert Jackson, given by them in the former trials of Andrew Terry. These witnesses had been subpoenaed in the cases of Andrew Terry, indicted, tried and convicted for maintaining disorderly houses at the same places and during the same times charged in the indictments concerned in these cases, and without laying any ground therefor or placing the said Albert Jackson and Albert Stanford on the stand to examine them as to what they had previously testified to, and thereby preventing any cross-examination of these witnesses or inquiry as to the truth of their testimony, the State was permitted to read their entire testimony into the record to convict themselves.

7. Because the Court, over objection, permitted the State to have read into the record the testimony of Albert Jackson given at the first and second trials of Andrew Terry who was indicted and convicted for keeping disorderly houses at the places designated in the indictments concerned in these cases, he having been subpoenaed as a witness in the Terry cases and his testimony being used by the Prosecutor as a confession of guilt in being concerned in running the said houses, no opportunity being given the defence to show as to whether these were voluntary state-

ments made by the said Albert Jackson, and no opportunity being given them to examine as to its truth.

10 8. Because the Court, over objection, permitted the State to have read into the record the testimony of Albert Stanford given at the first and second trials of Andrew Terry who was indicted and convicted for keeping disorderly houses at the places designated in the indictments concerned in these cases, he having been subpoenaed as a witness in the Terry cases and his testimony being used by the Prosecutor as a confession of guilt in being concerned in running the said houses, no opportunity being given the defence to show as to whether these were voluntary statements made by the said Albert Stanford, and no opportunity being given to examine as to its truth.

20 9. Because the Court permitted evidence to be introduced as to gambling being carried on at the two places charged in the indictments after the month of May, 1915. The indictments were returned as of the May Term 1915, did not show when they were found, and the defendants were thereby not called upon to meet any charge after the month of May 1915.

10. Because the Court permitted irrelevant, immaterial and leading questions to be asked witnesses, Lester Lewis and LeRoy Sands.

11. Because the Court stated as a fact in his charge that, "the defendants were employees or working in these two places."

30 12. Because the Court charged, "If you believe that these two defendants actually participated in the conducting of a gambling game which has been described to you as that of crap, and also that of Monte and Black Jack, then they would be equally guilty with the actual proprietor."

13. Because the Court refused to charge defendants' second request as follows: "Before the jury can convict the defendants, they must find that they are principals and not merely employees."

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys. of Plaintiffs-in-Error.

NEW JERSEY SUPREME COURT.

State,	}	ON INDICTMENT IN	
Defendant-in-Error,		QUARTER SESSIONS	
vs.		COURT OF	
		ATLANTIC COUNTY.	
Albert Jackson and	}	CAUSES FOR	
		REVERSAL.	
Albert Stanford,		(Same in 4 cases)	
Plaintiffs-in-Error.		2 cases against Albert	10
		Stanford and 2 against	
		Albert Jackson.	

Plaintiff-in-Error assigns the following causes why the conviction and judgment rendered against him in the above cause should be set aside.

1. Because the Court permitted the amending of the indictment which charged the keeping of a disorderly house to the above named defendant at 204 N. Chalfonte Avenue, Atlantic City, N. J., so that the same read at the trial, "202 N. Chalfonte Avenue", thereby charging the defendant with the keeping of a disorderly house at a place separate and apart from that for which he was indicted. 20

2. Because the Court refused to permit jurors, Robinson, Lee, Gandy, Headley, Baier, Irish, Sharrock, Karrer and Burroughs, to be excused for cause on the challenge of the defendants. These jurors had served in the trial of Andrew Terry who had been indicted and convicted of keeping disorderly houses at the places charged in the indictment returned in this case and in which the defendant in this case had testified, and it was apparent they could not avoid being prejudiced against the defendant from this fact. 30

3. Because the Court refused to quash the indictment on motion of defendant's attorneys because there was no date on same showing when it was found and returned into court and it could not be determined from an inspection of the indictment whe-

ther the Statute of Limitations had not barred the prosecution of the defendant.

4. Because the Court, over objection of the defence, permitted the amendment of the indictment charging "Piggy Jackson" with committing the offences therein set forth to read, Albert Jackson.

10 5. Because the Court, over the objection of the defence, permitted the Prosecutor to have the Court Stenographer read into the record the entire testimony of witnesses, Albert Jackson and Albert Stanford given by them in the former trials of Andrew Terry. These witnesses had been subpoenaed in the cases of Andrew Terry, indicted, tried and convicted for maintaining disorderly houses at the same places and during the same times charged in the indictments concerned in these cases, and without laying any ground therefor or placing the said Albert Jackson and Albert Stanford on the stand to examine them as to what they had previously testified to, and thereby preventing any cross-examination of these witnesses or inquiry as to the truth of their testimony, the State was permitted to read their entire testimony into the record to convict themselves.

20 6. Because the Court, over objection, permitted the State to have read into the record the testimony of Albert Jackson given at the first and second trials of Andrew Terry who was indicted and convicted for keeping disorderly houses at the places designated in the indictment concerned in this case, he having been subpoenaed as a witness in the Terry cases and his testimony being used by the Prosecutor as a confession of guilt in being concerned in running the said houses, no opportunity being given the defence to show as to whether these were voluntary statements made by the said Albert Jackson, and no opportunity being given them to examine as to its truth.

30 7. Because the Court permitted evidence to be introduced as to gambling being carried on at the two places charged in the indictments after the month of May, 1915. The indictments were returned as of the May Term 1915, did not show when they were found, and the defendant was thereby not call-

ed upon to meet any charge after the month of May, 1915.

8. Because the Court permitted irrelevant, immaterial and leading questions to be asked witnesses, Lester Lewis and LeRoy Sands.

9. Because the Court stated as a fact in his charge that, "the defendants were employees or working in these two places."

10. Because the Court charged, "If you believe that these two defendants actually participated in the conducting of a gambling game which has been described to you as crap, and also that of Monte and Black Jack, then they would be equally guilty with the actual proprietor." 10

11. Because the Court refused to charge defendant's second request as follows: "Before the jury can convict the defendants, they must find that they are principals and not merely employees."

12. Because the Court admitted irrelevant and incompetent testimony on behalf of the State to the injury of the defendant, and excluded competent evidence offered on behalf of the defendant. 20

ISAAC H. NUTTER,
GARRISON & VOORHEES,
Attys. of Plaintiffs-in-Error.

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NEW JERSEY SUPREME COURT.

State of New Jersey,
Defendant-in-Error,

vs.

James Albert Jackson,
alias Albert Jackson,
alias Piggy Jackson,
Plaintiff-in-Error.

IN ERROR.

JOINDER IN ERROR.

2 cases.

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And hereupon, the State of New Jersey, by Charles S. Moore, Prosecutor of the Pleas of Atlantic County, comes into Court and says that there is no error either in the record and proceedings aforesaid, or in giving the judgment aforesaid, and he prays that the Court here may proceed to examine as well the record and proceedings aforesaid, and the matters assigned for error, and that judgment aforesaid, in manner aforesaid, may in all things be affirmed.

CHAS. S. MOORE,
Prosecutor of the Pleas of the
County of Atlantic.

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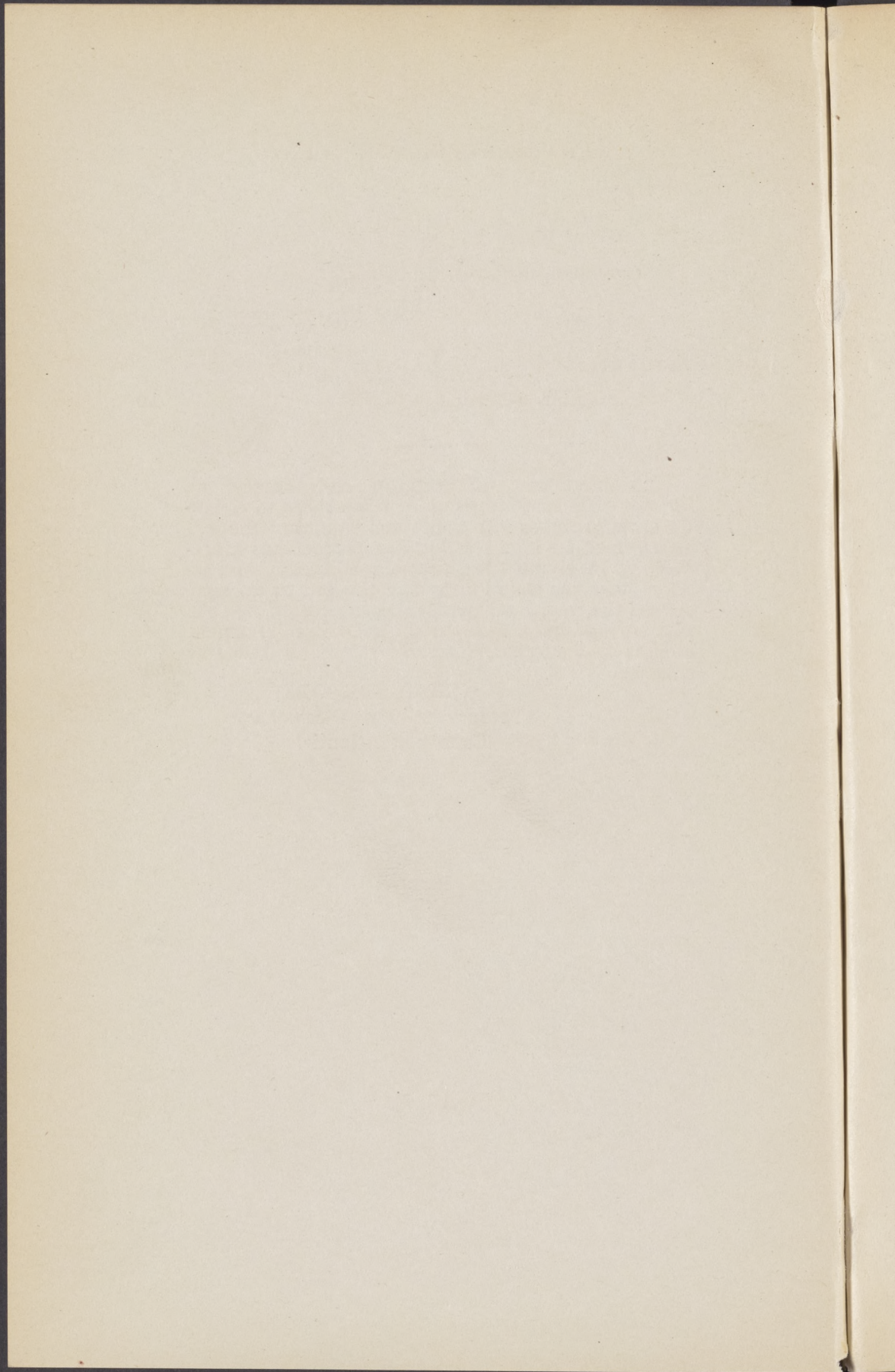
NEW JERSEY SUPREME COURT.

State of New Jersey,	}		
Defendant-in-Error,		IN ERROR.	
vs.		JOINDER IN ERROR.	
Albert Stanford,		2 cases.	
Plaintiff-in-Error.			10

And hereupon, the State of New Jersey, by Charles S. Moore, Prosecutor of the Pleas of Atlantic County, comes into Court and says that there is no error either in the record and proceedings aforesaid, or in giving the judgment aforesaid, and he prays that the Court here may proceed to examine as well the record and proceedings aforesaid, and the matters assigned for error, and that judgment aforesaid, in manner aforesaid, may in all things be affirmed.

CHAS. S. MOORE,
Prosecutor of the Pleas of the
County of Atlantic.

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NEW JERSEY COURT OF ERRORS AND APPEALS

STATE,

Defendant-in-Error,

vs.

ALBERT STANFORD,

Plaintiff-in-Error.

ERROR TO NEW JERSEY
SUPREME COURT.
ASSIGNMENT OF ERRORS
TWO CASES.

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Now comes plaintiff-in-error and assigns the following causes of error :

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1. Because the Supreme Court affirmed the decision of the Court below and overruled the errors set forth in in the record reviewed by it.

2. Because the Supreme Court found that the Court below did not err in permitting the State to cause the evidence of Albert Stanford, given at a trial of one Andrew Terry to be read into the record against defendant, over the defendant's objection.

3. Because the Supreme Court found no error by the Court below permitting the court stenographer to read into the record at the trial of plaintiff-in-error the evidence of Albert Stanford and Albert Jackson, two witnesses in the trial of one Andrew Terry, and who had been subpoenaed by him to testify.

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4. Because, with the record of the conviction of the plaintiff-in-error being brought up to the Supreme Court under the 136th Section of the Criminal Procedure Act the Supreme Court found that the plaintiff-in-error had not "suffered manifest wrong or injury in the admission

of testimony, whether objection was made thereto or not;" and further, because the Supreme Court held in its opinion because objection was not made to the testimony based upon its lack of evidential value plaintiff was precluded from urging this ground as error in the Supreme Court.

5. Because the Supreme Court determined there was no error at the trial of plaintiff-in-error in permitting the testimony of a witness given at the trial of the indictment found against another party to be read into the record for the purpose of convicting plaintiff-in-error.

10 6. Because the Supreme Court determined that the plaintiff-in-error was not prejudiced or injured at his trial by the State being permitted to read testimony into the record given on the trial of another indicted person.

7. Because the Supreme Court erred in refusing to set aside the conviction of plaintiff-in-error for the causes assigned on the record as carried into the Supreme Court.

Dated January 19th, 1917.

GARRISON & VOORHEES,
ISAAC H. NUTTER, Attorneys of Plaintiff-
in-Error.

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NEW JERSEY COURT OF ERRORS AND APPEALS.

STATE,

Defendant-in-Error,

vs.

ALBERT STANFORD,

Plaintiff-in-Error.

*On Error to Supreme
Court.*

BRIEF OF PLAINTIFF-IN-ERROR.

(2 cases)

Albert Stanford and Albert Jackson were convicted at the January Term, 1916, of the Atlantic County Quarter Sessions Court, each under two separate indictments of the common law crime of keeping disorderly houses at two separate places in Atlantic City. The four indictments were tried together, verdicts of guilty found, and from separate sentences in each case writs of error were taken to the Supreme Court. The cases were argued together and the convictions affirmed by the Supreme Court. From the judgment of affirmance entered in the Supreme Court Albert Stanford took two writs of error which are before the court in this case. The testimony and assignments being identical the cases are presented and argued together by consent of the Prosecutor of the Pleas representing the State.

The main opinion in the four cases in the Supreme Court was rendered on one of the Jackson cases and will be found on Page 1-A of printed book, the other cases being affirmed for the reasons set forth in this opinion as appears in the per curiam opinion found on Page 3-A of printed book.

ARGUMENT.

The case was taken to the Supreme Court both on assignments of errors on Bills of exceptions, also under the 136th Section of the Criminal Procedure Act, entire record being taken up and causes for reversal assigned.

A number of causes for reversal and assignments of error were set forth in the case below, but as only three of them were argued the Supreme Court held that the assignments were waived.

The assignments, therefore, in this Court all relate to the alleged error of the trial court in permitting the official stenographer to read the entire testimony given by Albert Jackson on a trial theretofore had on an indictment presented against one Andrew Terry, formerly tried at the Atlantic County Quarter Sessions Court, into the record on the trial of Albert Stanford, and also to the reading by the official stenographer of the testimony given by Albert Stanford himself at the trial of said Terry into the record of the trial against himself.

It will be noticed that from pages 62 to 72 Court Stenographer read into the record the testimony of James A. Jackson (Albert Jackson), and also from pages 57 to 61 he read into the record testimony of Albert Stanford given at the Terry trial. An exception was taken to this testimony being read both on the ground that it was irrelevant and immaterial (page 57); because the witnesses under subpoena at the Terry trial were not cautioned as to the effect of the testimony on themselves (page 53), and because it was admitted, as the Court said, "by way of a confession." (page 53).

The Supreme Court was in error in stating in its opinion (line 7-9, page 2-A) that "objections to the admission of this testimony was not based upon its lack of evidential value, etc." The objection (page 57) was that it was irrelevant and immaterial. That certainly raised the question as to its evidential value and the effect in the Court below was to have the Plaintiff-in-Error in this case sit in the Court below and have the testimony of Albert Jackson, to which the same exceptions went, read into the record as evidence against him, and this testimony was to the effect that Stanford had been an em-

ployee, had taken part in the operation of a gambling house or houses run by Terry, and, if believed by the jury, made Stanford, under the common law, guilty as a principal, and high evidential value was evidently placed on same by the jury. So that Stanford had the testimony of a witness in a case in which he was not a party and where he had no opportunity to cross-examine the witness read in whole into the record against him.

As to his own testimony given in the Court below it seems to us that this was not admissible as it was used as a confession on the part of Stanford in a case where he had been subpoenaed to testify in another's trial, he was not cautioned as to its effect against himself, and thereby the testimony was not admissible as a confession, on which ground the Court seems to have admitted it.

This same Terry case referred to in the book had been argued in the Supreme Court immediately preceding the Stanford-Jackson cases. In the Terry case in which Jackson's and Stanford's testimony was given, which was later read into this record, the Court below had designated Raymond Jefferson, one of the State's witnesses, as a perjurer, had caused him to be arrested in front of the jury, said he was not telling the truth and directed an officer in open court to take him to jail. *State vs. Terry*, 99 Atl. Rep. 129. The effect of this action by the Court on Jackson and Stanford, who followed almost immediately as witnesses, would make them, in the absence as to caution regarding the effect of their testimony on themselves, afraid to refrain from answering questions and, thereby, they would be deprived of their constitutional right of refraining from testifying against themselves, so that their testimony when later used to convict each of them could not be said to be in the nature of a voluntary confession.

It cannot, therefore, be said that Stanford did not suffer manifest wrong and injury by permitting Jackson's testimony, especially, to be read into the record against him, and while objections in specific form need not be made under the 136th section to allow the plaintiff-in-error to take advantage of same, yet there was objection made below to the same, both as to its relevancy and to the fact that it was not admissible as a confession under the limitations placed about confessions. Nor was the jury cautioned as to the probative effect of the Jackson testimony against Stanford, and it was not necessary to

especially request this under the section under which the case was brought before the Court.

It is, therefore, urged that the case of *Terry vs. Levy*, 87 N. J. L. 670, is not controlling in this case, nor does it cover the reasons that make the admission of this testimony erroneous.

The State did not call either Stanford or Jackson and ask them if they testified as set forth in the Questions and Answers read into this record, nor did it lay any ground for receiving this. Had it first called the witnesses it might have used the testimony to refute their statements if they had denied so testifying, but in the absence of this their evidence was secondary and was not admissible when the witnesses themselves were in Court. *Berney vs. Mitchell*, 34 N. J. L. 337; 47 N. J. L. Top 139.

The admission of Jackson's testimony as read by the stenographer violates Article I, Section 8, of the State Constitution.

In order that evidence used on a former trial may be used in a subsequent one, the following requirements must be satisfied:

1. That the party against whom the evidence is offered or his privy was a party at a former trial;
2. That the issue is substantially the same in each two cases.
3. That the witness who purposes to testify to the former evidence is able to state it with satisfactory correctness.
4. That a sufficient reason is shown why the original witness is not produced.

The first three of these conditions render (in some cases) the reported evidence relevant; the fourth is necessary to justify the court in receiving it.

16 CYC 1088 and cases quoted in support of these rules.

It is doubtful at that whether evidence is admissible in a criminal case that satisfies all these rules.

In the case of Stanford and Jackson, they were neither one parties to the former case in which the evidence was given which was the case of the indictment against Andrew Terry alone. Nor is the issue the same in the two cases. The evidence wholly fails to satisfy the fourth requirement, which is, that the testimony cannot be used unless the original witness could not be produced. In the case of Jackson, Albert Stanford was present and

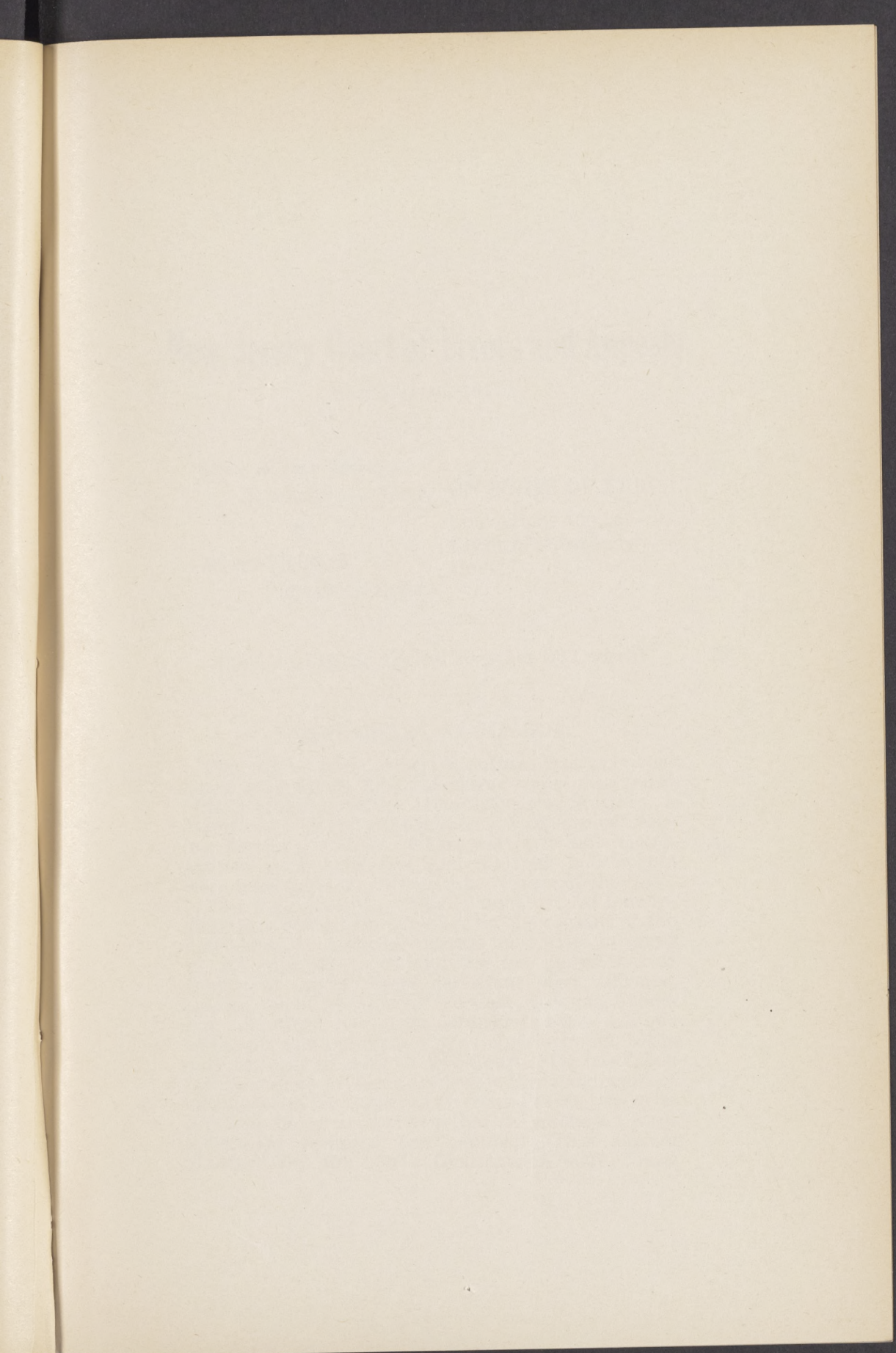
could be used as a witness. In the case of Stanford, Albert Jackson was present and could be used as a witness, yet with both these parties present, the court permitted their former evidence given in the Andrew Terry trial to be read verbatim.

Respectfully submitted,

ISAAC H. NUTTER,

Attorney for, and

GARRISON & VOORHEES,
of Counsel for Plaintiff-in-Error.



New Jersey Court of Errors and Appeals

March Term, 1917.

State of New Jersey,	10
Defendant in Error,	ON WRITS OF ERROR.
vs.	Convictions for the
Albert Stanford,	Crime of Disorderly
Plaintiff in Error.	House.

Two Cases Being Argued Together By Consent. 20

PRELIMINARY STATEMENT.

Plaintiff in error, Albert Stanford, was convicted along with James Albert Jackson, sometimes called "Piggy" Jackson, in the Atlantic Quarter Sessions on March 20, 1916, of the common law offense of keeping disorderly houses. There were two indictments against each defendant and all four indictments were tried together by consent. (State of the Case, p. 38 l. 9, as follows: "The Prosecutor: All four indictments being tried together by the consent of the defendants." Both defendants took writs of error to the Supreme Court and the two judgments of conviction against each defendant were affirmed, opinion found in State of the Case, 1-A and following. Stanford, one of the defendants below and one of the plaintiffs in error in the Supreme Court, is the only plaintiff in error in this Court. He has taken out two writs of error to review the judgments of affirmance in the Supreme Court and these two writs are here being argued together by consent. Each indictment contains five counts. That against Stanford for 202 North Chalfonte Avenue, found

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State of the Case p. 14 and for 1139 Baltic Avenue, p. 32. Both Jackson and Stanford were employees in the gambling houses of one Andrew Terry. They were first employed at 1139 Baltic Avenue, Atlantic City, and afterwards at 202 North Chalfonte Avenue, Atlantic City. Jackson was what was called the "cut man" in a crap game, which is a gambling game played with dice for money. The duties of the cut man, it seems, were to take the money out of the crap game that belonged to the proprietor and place it in a cut box, which was kept locked on the table. He likewise settled all disputes that arose concerning bets and was charged with the general conduct of the game. Stanford was stickman in the two places and worked with Jackson. His duties were to handle the dice and keep tabs on the outside bets.

The first count in each indictment is the common law offence of keeping a disorderly house. The second count charged them with habitually maintaining places to which persons might and did resort for gambling by playing for money at and with cards and dice, contrary to Section 65 of the Crimes Act. The third count charged them with maintaining such places contrary to said Section on a single day. The fourth count charged them with habitually aiding, abetting and assisting one Andrew Terry in keeping said places, contrary to another portion of said Section 65 of the Crimes Act. The fifth count charged them with aiding, abetting and assisting said Terry on a single day in keeping said places, contrary to said Section 65 of said Crimes Act.

Andrew Terry, the proprietor of these places was tried previously, he having had two trials, a new trial having been granted him after his first conviction in the Court below. At both trials of Terry, Jackson and Stanford appeared as witnesses for the defense. They testified in substance that they were cut men and stick men respectively in both of these alleged places of Terry, but that one John Wormley, alias John Bull, had hired and paid them for the work they had done in running gambling games in these two places. They denied that Terry had any connection with their gambling work in either of these places. In other respects their testimony was

a frank admission of their part in the conduct of these games.

At the trial of Stanford and Jackson below, the State introduced witnesses to prove their connection with running the games and likewise through the Court stenographer proved what they had testified to at the two trials of Terry. At the close of the State's case, the State elected to stand upon the first count of each indictment charging them with the common law offense of keeping a disorderly house at the places named. The defense proceeded on the theory that the State was required to prove under this first count that they had aided, abetted and assisted Terry in the conduct of these disorderly houses.

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PITH OF THE CASE.

There is but a single point presented for decision in the case at bar. The question is whether the trial Court erred in permitting the witness Andrew Littlefield, the court stenographer, to testify as to what the defendants, Jackson and Stanford, had said at the time of the two trials of Andrew Terry. (State of the Case p. 53 to 55 inclusive and 57 to 73 inclusive). Their objection to this testimony was based upon two grounds, first, that this evidence being in the nature of admissions or, as the defense claim, confessions, it must appear that Jackson and Stanford were warned by the State before they testified in the two Terry trials in order to make this evidence admissible against them when they were on trial themselves. Secondly, That Jackson's testimony was not admissible as against Stanford and that Stanford's testimony, vice versa, was not admissible against Jackson.

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ARGUMENT.

A great deal of confusion arose in the minds of counsel for defendants below at the time of the trial of these cases because of their misapprehension of the rule of law that in a disorderly house charge all are principals and all are equally guilty. Engeman vs. State, 54 N. J. L. 257. Those who aid, abet or participate or in any way lend their aid to maintain the disorderly house are guilty as principal offend-

ers the same as the proprietor of the disorderly house would be. Andrew Terry, who was the proprietor of the two disorderly houses in question had been twice convicted prior to the trial of the defendant in the case at bar, but he was not convicted of the crime of keeping disorderly houses. He was convicted under Section 65 of the Crimes Act. Stanford, the plaintiff in error, now seeks a reversal on the single ground that Littlefield, the court stenographer, should not have been permitted to testify as to what Jackson had said at the two former trials of Terry. It will be seen at the outset of this testimony, which begins at l. 10 on p. 53 of the State of the Case, that counsel for defendant entirely misconceived the character of this testimony. Mr. Nutter, one of counsel for defense, l. 21, stated as follows: "Mr. Nutter: May it please the Court we object to the offering of the record into the evidence." Now, Mr. Nutter entirely misconceived the nature of this testimony. Mr. Littlefield, the court stenographer, was not called for the purpose of identifying a record and putting that into the evidence. He was called for the purpose of showing what Stanford and Jackson had said in the way of admissions against themselves at the two trials of Terry. He was merely using his stenographic notes for the purpose of refreshing his recollection as to what they had said. The Clerk or any one else who may have sat in the Court room at the time and heard what Stanford and Jackson said at the two Terry trials would be just as competent a witness as the court stenographer. The court stenographer, however, would probably be the best witness for with his stenographic notes to refresh his recollection, he could give the most accurate testimony as to what they had said.

It is first contended that this evidence was not admissible because, as already stated, the admissions or statements made by Jackson and Stanford at the two Terry trials were made without their previously having been warned by the State that their admissions might subsequently be used against them by the State. This question is dealt with very effectively by the per curiam opinion in the Supreme

Court already referred to. Counsel for defendants below at the time of the trial objected to the admission of this testimony on the ground that it did not appear that these statements or admissions were voluntary. The mere fact that they did this in open court in the course of a trial does not make the evidence inadmissible against them. But the facts show that these statements or admissions were evidently quite voluntary on the part of these defendants. These are the facts: Jackson and Stanford were indicted along with Terry and others in a general clean-up of the gambling situation in Atlantic City, put in motion by the Prosecutor's office. Their indictments were returned in the very same caption in which Terry's were, as appears from page 4, State of the Case. Mr. Garrison and Mr. Nutter, who are representing Stanford in the cases at bar, represented all of these colored gamblers, with a few exceptions, and particularly did they represent Stanford, Jackson and Terry from the institution of the proceedings by the Prosecutor's office. Mr. Nutter, one of the counsel for defendants, was finally forced to admit, on page 57 State of the Case, that he was present in Court when Jackson and Stanford pleaded to the four indictments in question and represented them on that occasion; that they entered pleas of not guilty to these four indictments prior to the date of the first Terry trial, State of the Case, page 56, line 20. Now, Mr. Nutter and Mr. Garrison represented Andrew Terry at both of these trials, and as a part of their case in opening both trials, they claimed to the jury that they would produce two witnesses who had worked in these places as cut and stick men, respectively, namely, Jackson and Stanford, who would testify voluntarily that they had so worked and would say that Andrew Terry had nothing to do with hiring them or paying them, and so far as they knew, had nothing to do with the gambling in these places, and that Jackson and Stanford were hired, paid and in every way dealt with, so far as the gambling was concerned, by a man named John Wormley. They did call both Jackson and Stanford at each of the Terry trials and both witnesses testified as counsel for Terry said they would

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do in opening the case to the jury. In the summing up to the jury, one of their strongest arguments was that Terry must be innocent because Jackson and Stanford, these two witnesses, would not have appeared and testified as they did, admitting their guilt and thereby rendering themselves liable and answerable in Court for their criminal conduct, which they had freely and voluntarily admitted, unless they were telling the truth. One of counsel for defendants flatly said in summing up that there was no help for them, namely, Jackson and Stanford, and that he intended to appeal to the Court to protect them, because of the fact that they had freely, openly and voluntarily admitted their guilt in order to help save Terry. It would certainly be a monstrous proposition for Stanford now to escape the reach of the criminal law after such a showing as that. Mr. Nutter, one of learned counsel for defendants, at the trial below (State of the Case, p. 54, line 11) undertook to argue that Jackson and Stanford should have been cautioned when they testified for the defense at the two Terry trials that what they said might afterwards be used against them. We challenge him to show any proposition of law to support this. Think of it. Here are two men, members of the bar of this Court, who took their own clients, Jackson and Stanford, into Court in the trial of a case in which they represented a third defendant, Terry. They put Jackson and Stanford on the witness stand as two of their chief witnesses in Terry's defense, and made one of their chief arguments to the jury in support of the innocence of their client, Terry, the fact that their clients, Jackson and Stanford, had freely, voluntarily and frankly admitted their criminal conduct in the running of these games, and after doing all that and getting the benefit of it at the time of the two trials for their client Terry, they came along afterwards and undertook to say that the State was at fault because through its prosecuting officer it did not arise when they offered Jackson and Stanford as witnesses for the defense in the two Terry trials and solemnly warn Jackson and Stanford that anything they said might be used against them. They

knew that Jackson and Stanford were indicted, they knew that they represented them and they knew they represented Terry and they ought not dare to presume to arise in this Court and complain that they ought to have a new trial because their clients, whom they voluntarily put on the stand in defense of another client, were not warned by the State. This reasoning is supported by authority. In *People vs. Gallagher*, 75 Mich. 512, on page 525, the Court said: "The testimony of respondent in the recorder's court in another trial—the trial of Preston for the same offense as the one charged against Gallagher in the case at bar—was properly admitted, not as impeachable testimony, but as his admissions." In *Miller vs. People*, 216 Ill. 309, 74 N. E., 743, it was held that in a prosecution for homicide, the State could prove by a court reporter parts of defendant's testimony given on a former trial, as admissions. To the same effect was *Trodgon vs. Comm.* 31 Grat. (Va.) 862. Likewise *Commonwealth vs. Desmond*, 71 Mass. 80.

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It is next urged that even if the admissions made by Jackson and Stanford in the two Terry trials were entirely voluntary on their part still the evidence should not have been admitted because Jackson's admissions as to his criminal conduct in the premises injured Stanford and Stanford's admissions similarly injured Jackson. Bear in mind that both defendants were being tried together by their consent. It is conceded, of course, that Jackson's admissions were clearly admissible against himself if he had been on trial alone, and that, likewise, Stanford's admissions were clearly admissible against Stanford if Stanford were on trial alone. That being so clearly the admissions of both were admissible against each one upon a joint trial of both. As the per curiam opinion in the Supreme Court properly says, "The protection which each defendant was entitled to have against the previous testimony of his co-defendant was an instruction that it should not be considered by the jury in passing upon his guilt or innocence. *Perry vs. Levy*, 87 L. 670. The Court further said, "But as no request for such an instruction was proffered and as the testimony was

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admissible to the extent indicated, the defense cannot now complain of the failure of the trial Court to thus limit the effect of the evidence."

Plaintiff in error is absolutely without merit so far as these two writs are concerned and the judgments below should be promptly affirmed.

Respectfully submitted,

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CHARLES S. MOORE,

Prosecutor of the Pleas.

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