

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA FOR THE WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff,

v.

CHARLES V. CAROLLO, alias Charles V. Carrollo, alias Charles V. Carrola, Defendants.

No. 14581

INDICTMENT

The grand jurors of the United States of America duly and legally chosen, selected, summoned and drawn from the body of the Western District of Missouri, and duly and legally empanelled, sworn and charged to inquire of and concerning crimes and offenses against the United States of America in the Western District of Missouri, upon their oaths present and charge that on a day between the 20th day of March, 1938 and the 10th day of April, 1938, the exact day being to the grand jurors unknown, one CHARLES V. CAROLLO, alias Charles V. Carollo, alias Charles V. Carrola, at Kansas City, Jackson County, Missouri, within the Western Division of the Western District of Missouri, and within the jurisdiction of this court, then and there being, then and there wilfully, knowingly, unlawfully and feloniously did knowingly deposit and cause to be deposited in the Post Office of the United States of America at said City of Kansas City, Missouri, to be sent and delivered by the Post Office establishment of the United States, one certain letter concerning a certain gift enterprise and scheme, similar to a lottery, offering prizes dependent in part upon lot or chance, namely, a Fortune Skill-Ball game, hereinafter referred to and with particularity described, at the time being conducted and operated at 2 West 39th Street, Kansas City, Missouri, and which said letter then and there consisted of and was a certain addressed, stamped and sealed envelope then and there containing a certain unsigned bill of sale, hereinafter with particularity described, and which said addressed, stamped and sealed envelope then and there was addressed and directed, in all material substance, as follows:

Mr. Joseph Zemansky,

Reno, Nevada,

and which said unsigned bill of sale, the exact verbiage of the same being to the grand jurors unknown, then and there was, in all material substance, as follows:

An unsigned bill of sale then and there intended by Charles V. Carollo, alias Charles V. Carrollo, alias Charles V. Carrola, aforesaid to be signed and executed by Joseph Zemansky aforesaid, and written for his signature, wherein the aforesaid Joseph Zemansky, for and in consideration of \$1 and other valuable considerations, the receipt of which by such unsigned bill of sale would be acknowledged, would profess to bargain and sell unto a person, the exact person being to the grand jurors unknown, but known to the grand jurors to have been either Louis Rabinowitz, alias Lewis Rabinowitz, alias Big Louie or Looie Rabinowitz, late of Kansas City, Jackson County, Missouri, or Thomas L. Lacoco, alias Tana Lococo or Tano Lacoco, late of Kansas City, Jackson County, Missouri, and no other person or persons, goods and chattels, rights and interests, namely, his, Joseph Zemansky aforesaid, one-fourth right, interest and share of the whole ownership of the Fortune Skill-Ball game, hereinafter referred to and with particularity described, and then being conducted and operated at 2 West 39th Street, Kansas City, Missouri, and by which unsigned bill of sale the aforesaid unknown person was to have and to hold the aforesaid one-fourth right, interest and share unto himself, his heirs and assigns forever, and

wherein and in witness of such unsigned bill of sale it then was intended by Charles V. Carollo, alias Charles V. Carollo, alias Charles V. Carolla, aforesaid that the aforesaid Joseph Zemansky should set his hand and seal on a day between the 20th day of March, 1938, and the 10th day of April, 1938, the exact day being to the grand jurors unknown.

And the grand jurors aforesaid, upon their oaths aforesaid, further do present and charge that the aforesaid so-called fortune Skill-Ball game, which the aforesaid letter concerned, then and there was a gift enterprise and scheme, similar to a lottery, offering prizes dependent in part upon lot and chance, and that the equipment and paraphernalia employed and involved in playing the aforesaid so-called Fortune Skill-Ball game was in all material respects and particulars, as follows:

First, a counter 34 inches high and 22 inches wide and of sufficient length and space for seating approximately 153 players along and parallel with and in front of the same; Second, approximately 153 stools situated on the outside of and in front of the counter aforesaid, and along and parallel with the same, for seating the aforesaid players, the seats of which stools were 26 inches above the floor and which stools were placed one from the other 21 inches apart: Third, approximately 153 open boxes, denominated skill boxes, the same being boxes each 23 inches long and 14 inches wide, and at least 12 inches deep, and being boxes consisting and formed of a bottom, two sides and two ends, and each of which boxes entirely and wholly open at the top, and each of which boxes was mounted behind the counter aforesaid, and mounted with the bottom of each box approximately 24 inches above the floor and approximately parallel with the floor and with the top of each box approximately at least 36 inches above the floor and approximately parallel with the floor, and each of which boxes was situated directly in line with one of the stools aforesaid, and each of which boxes was so situated with one of its ends directly facing one of the stools aforesaid, and each of which boxes was so situated with the end aforesaid approximately 26 inches from the inside of the counter aforesaid, and each of which boxes was so situated with its other end at a distance of approximately 8 feet from the stool with which it was directly in line as aforesaid, and each of which boxes was so situated with its other end at a distance of approximately feet from the reach of the average player sitting on one of the stools aforesaid, as all players were required to do while playing the aforesaid so-called Fortune Skill-Ball game, and each of which boxes was entirely out of the reach of the seated players while playing the aforesaid so-called Fortune Skill-Ball game, and each of which boxes had the bottom of its interior completely partitioned into 77 square containers, all of equal length, width and depth, namely, $1\frac{3}{4}$ inches in length, $1\frac{3}{4}$ inches in width and $1\frac{1}{8}$ inches in depth, all of which square containers were square containers open at the top, except the 77th, which were completely covered, closed and unopen square containers, and all of which square containers bore a number so that the aforesaid 75 open square containers in each of said boxes were numbered from 1 to 75 consecutively; Fourth, a single rubber ball, denominated call-ball, approximately $1\frac{5}{8}$ inches in diameter; Fifth, a plurality of rubber balls, one for each player, denominated skill-balls, each approximately $1\frac{5}{8}$ inches in diameter; Sixth, a deck of approximately 1200 or 1500 cards, similar to Keno or Lotto cards, each bearing five adjacent rows of squares, five squares in each row, each of the squares in the first, second, fourth and fifth rows bearing a number, and each of the squares in the third or middle row bearing a number, except the third or middle square in the aforesaid row which bore no number, and bore instead the word "free," and the

combination of numbered squares on each of such cards being different from the combination of numbered squares on all other cards in the deck aforesaid; Seventh, at least five times as many discs as the aforesaid cards in the aforesaid deck, all of identical size, and each of sufficient diameter to cover one of the numbers which was borne as aforesaid in the squares which were borne as aforesaid on each of the cards aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, further do present and charge that the aforesaid so-called Fortune Skill-Ball game, which the aforesaid letter concerned, then and there was a gift enterprise and scheme, similar to a lottery, offering prizes dependent in part upon lot and chance as aforesaid in that it was and is a game conducted and played, in all material respects and particulars, as follows:

After the players of the aforesaid so-called Fortune Skill-Ball game have seated themselves on the stools aforesaid in front of the counter aforesaid, each player facing one of the aforesaid so-called skill-boxes, as the players do seat themselves, each buys from an attendant or keeper of the game one or more of the aforesaid cards in the aforesaid deck, and each player pays for each card a stipulated sum of money, and each player receives with each of the aforesaid cards at least five of the aforesaid discs, and each player receives one of the aforesaid skill-balls, and no more of the aforesaid skill-balls, regardless of the number of cards which he buys, and thereupon each of the aforesaid players places before him on the counter aforesaid the aforesaid card or cards which he has bought, and each player, using the discs aforesaid, covers the third or middle square bearing, instead of a number, the word "free," which is in the aforesaid third row on the cards in the deck aforesaid, and covers such square on each card which he himself has bought as aforesaid, and covers the aforesaid square on the cards aforesaid as a gratuity from the keeper of the game, and with the same effect as, according to the rules and procedure hereinafter fully described, he covers the numbered squares borne on the cards in the deck aforesaid in the exercise of his right to do so as a result of the throwing by himself of his own individual so-called skill-ball and the throwing by himself or other players of the so-called call-ball, all as hereinafter fully described, and an attendant or keeper announces the beginning of a so-called Fortune Skill-Ball game, and the first so-called Fortune Skill-Ball game of a series of so-called Fortune Skill-Ball games thereupon commences and progresses to its ending and to the beginning of another so-called Fortune Skill-Ball game, in all material respects and particulars, as follows:

At any time during the so-called Fortune Skill-Ball game aforesaid any player, if he voluntarily so elects, may throw his own individual so-called skill-ball into the so-called skill-box which from the stool aforesaid on which he is seated as aforesaid he faces as aforesaid, attempting by such throwing to throw his own individual so-called skill-ball aforesaid into any one of the 75 numbered open square containers aforesaid into which the bottom of the interior of the so-called skill-box aforesaid is partitioned as aforesaid, as he may elect, and when such so-called skill-ball, as a result of such throwing, has been thrown, or comes to rest, in one of the 75 numbered open square containers aforesaid, whether such one of the aforesaid 75 numbered open square containers be the one aimed at by such player or not, such player himself, and he alone, using the discs aforesaid, covers any numbered square, and no other numbered square, on his card or cards aforesaid whose number corresponds with the number borne by the numbered open square container aforesaid into which, his own individual so-called skill-ball aforesaid, as the result of such throwing, has been thrown, or in which it has

come to rest, if any such numbered square there be on his card or cards aforesaid, and no player of the so-called Fortune Skill-Ball game aforesaid may cover any numbered square whatsoever on his own card or cards on account of such throwing by any other player than himself, and no player of such so-called Fortune Skill-Ball game aforesaid may throw his own individual so-called skill- ball as aforesaid more than a single time in any one so-called Fortune Skill-Ball game aforesaid, and no player of the so-called skill-ball game aforesaid at any time is under any duty or in any wise required during the so-called Fortune Skill- Ball game aforesaid, or at any time, to throw his own individual so-called skill-ball aforesaid as aforesaid, or at all, unless he voluntarily so elects.

After an attendant or keeper of the so-called skill-ball game aforesaid announces as aforesaid the beginning of the first so-called Fortune Skill-Ball game of a series of so- called Fortune Skill-Ball games, such attendant or keeper proceeds to one end of the counter aforesaid and delivers to the player there seated the aforesaid call-ball which such player throws into the so-called skill-box which from the stool aforesaid on which he is seated as aforesaid he faces as aforesaid, attempting by such throwing to throw the call- ball aforesaid into any one of the 75 numbered open square containers aforesaid into which the bottom of the interior of the so-called skill-box aforesaid is partitioned as aforesaid, as ho may elect, and when such so-called call-ball, as a result of such throwing, has been thrown, or has come to rest, in one of the 75 numbered open square containers aforesaid, whether such one of the aforesaid 75 numbered open square containers be the one aimed at by such player or not, all players, using the discs aforesaid, cover on their own card or cards aforesaid any numbered square, and no other numbered square, whose number corresponds with the number borne by the numbered open square container aforesaid into which the call-ball aforesaid, as the result of such throwing, has been thrown, or in which it has come to rest, if any such numbered square there be on their own card or cards aforesaid, and thereupon the attendant or keeper proceeds to the next adjacent player and allows such player to throw the call-ball as aforesaid into the so-called skill-box, which from the stool aforesaid on which such player is seated as aforesaid he faces as aforesaid, and all players, using the discs aforesaid, cover as aforesaid on their own card or cards aforesaid, any numbered square and no other numbered square, whose number corresponds with the number borne by the numbered open square container into which the call-ball aforesaid, as the result of such throwing by such player, has been thrown, or in which it has come to rest, if any such numbered square there may be on their own card or cards aforesaid, and thus such so-called skill-ball game aforesaid progresses, from such end of the counter aforesaid and consecutively and in successive order from player to player towards the opposite end of the counter aforesaid, each such player during such consecutive and successive progression, in his own turn, throwing the call-ball as aforesaid into the so-called skill- box as aforesaid, and all players as aforesaid, using as aforesaid the discs aforesaid, covering as aforesaid, on their own card or cards aforesaid, any numbered square, and no other numbered square, whose number corresponds as aforesaid with the number borne by the numbered open square container aforesaid into which the call-ball aforesaid, as the result of such throwing as aforesaid, has been thrown, or in which it has come to rest, if any such numbered square there may be on their own card or cards aforesaid, and such so-called skill- ball game continues and progresses in such manner until some one of the players aforesaid, following as aforesaid the rules and procedure aforesaid of the so-called Fortune Skill-Ball

game aforesaid, is entitled to and does cover, with the discs aforesaid, any vertical, horizontal or diagonal row of five squares on one of the cards aforesaid, which he has bought as by aforesaid, as a result and by virtue of the concatenation some one of the six combinations of activities, occurrences and circumstances following:

(1) The allowance to such player by the keeper of the game of the gratuitous right to cover as aforesaid the third or middle square which bears, instead of a number, the word "free," and which is in the aforesaid third row on the cards in the deck aforesaid, and the allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares because of the throwing of the call-ball aforesaid by such player and other players and because of his own throwing of his own so-called skill-ball, or

(2) The allowance to such player by the keeper of the game of the gratuitous right to cover as aforesaid the third or middle square in the third row which bears, instead of a number, the word "free" as aforesaid, and the allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares because of the throwing of the call- ball by such player and other players, or

(3) The allowance to such player by the keeper of the game of the gratuitous right to cover as aforesaid the third square in the third row which bears, instead of a number, the word "free" as aforesaid, and the allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares by virtue of the throwing of the call-ball by other players, or

(4) The allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares by virtue of the throwing of the call-ball by such player and other players and by virtue of his own throwing of his own so-called skill-ball, or

(5) The allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares by virtue of the throwing of the call-ball by such player and other players, or

(6) The allowance to such player by the keeper of the game of the right to cover as aforesaid numbered squares by virtue of the throwing of the call-ball by other players, at which time such player announces to the attendant or keeper aforesaid that he has done so, and the so-called Fortune Skill- Ball game ends, and thereupon such player is declared to be the winner of such so-called Fortune Skill-Ball game, and, in consequence, of being so declared to be the winner as aforesaid, is entitled to receive and is paid by the keeper of such so-called Fortune Skill-Ball game a prize which is a stipulated sum of money many times the value of the stipulated sum of money theretofore paid by such player for the card or cards aforesaid which he has bought from the aforesaid attendant or keeper of the so-called Fortune Skill-Ball game, and, thereupon, the cards and the so-called skill-balls used by the players in the aforesaid Fortune Skill-Ball game are returned to the attendant or keeper, and such players purchase from the attendant or keeper such number of new cards from the deck aforesaid as they may desire, and each player receives a single so-called skill-ball as aforesaid, and each player places before him on the counter aforesaid as aforesaid the aforesaid card or cards which he has bought as aforesaid, and the attendant or keeper aforesaid announces as aforesaid the beginning of a new so-called Fortune Skill-Ball game of the series of so-called Fortune Skill-Ball game aforesaid, and the player beyond and next adjacent to the player who last threw the call-ball aforesaid in the preceding game throws the call- ball aforesaid as aforesaid, and such new

so-called Fortune Skill-Ball game progresses from such player toward the opposite end of the counter aforesaid, and from beginning to end, in all respects and particulars and identically as the preceding so-called Fortune Skill-Ball game;

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

Sam C. Blair

Assistant United States Attorney

A TRUE BILL:

Max B Schrier

Foreman of the grand jury

Form No. 195

UNITED STATES DISTRICT COURT Western District of Missouri Western Division

THE UNITED STATES OF AMERICA

vs.

CHARLES V. CAROLLO, alias Charles V. Carrollo , alias Charles V. Carrollo.

INDICTMENT

Vio: Sec. 336, T. 18

A true bill, Max B Schrier Foreman.

Filed in open court this day of, A.D. 19

Clerk.

Bail, \$

FILED JUN 9 1939

A. L. ARNOLD, Clerk

By W.W. Caster, Deputy