

1105

BOX:

528

FOLDER:

4819

DESCRIPTION:

Zippan, Stephen

DATE:

07/21/93



4819

POOR QUALITY ORIGINAL

1106

fol's 30
159
Counsel
Filed
Pleads

Grand Larceny, second Degree,
[Sections 525, 527
Penal Code.]

THE PEOPLE
vs
Charles W.
189
Tanner

Stephen Giffen

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Lawrence McKeever

Foreman,
Court Aug. 10, 1893
tried and convicted

S.P. 2 yrs - P.S.A.

fol's 30
159
Witnesses:
John Michael Giffen

POOR QUALITY ORIGINAL

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folio 20
159.

7500
Counsel,
Filed *3*
day of *July*
188*3*
Pleads, *Not guilty*

Grand Larceny, *second* Degree,
(Sections 528, 529 Penal Code.)

THE PEOPLE
vs.
Stephen Giffan

Stephen Giffan

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Frederic McKeever

Foreman,
Sept 2 - Aug. 10, 1893
tried and convicted

S.P. 2 yrs - 1893

folio 20
159.

Witnesses:

John Michael Giffan

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V.M.D.

Police Court 3 District.

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Affidavit—Larceny.

City and County of New York, ss.

~~187~~
187

of No. 187 Chrystie Street, aged 28 years,
occupation Tailor

deposes and says, that on the 17th day of July 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

A watch, and chain and locket of the value of One hundred and twenty five dollars

Sworn to before me this _____ day of _____ 1893

[Signature]
Police Justice.

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Stephen Zaesserman

for the reasons that deponent missed said watch from his apartment and the defendant was a visitor in deponent's household and deponent suspected him of stealing said property. Deponent is informed by John Miller (now here) that he has since seen the defendant and he stated to him that he had taken said property and had given it to some woman

Jan Mihalowsky

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3 District Police Court.

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Stephen Zippau

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Russia

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

Answer.

187 Chrystie Street; 1 month

Question. What is your business or profession?

Answer.

Sewing machine operator

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

Answer.

I am not guilty
Stephen Zippau

Taken before me this

day of *July* 188*3*

John P. Ryan

Police Justice.

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Sec. 151.

Police Court 3 District.

CITY AND COUNTY }
OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John Michaelofsky of No. 137 Chrystie Street, that on the 12 day of July 1893, at the City of New York, in the County of New York, the following article, to wit:

a watch chain and locket

of the value of One hundred and twenty five Dollars, the property of Michaelofsky w. as taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Stephen Zaessseman

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the bod. 7 of the said Defendant and forthwith bring him before me, at the 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 13 day of July 1893

John Ryan POLICE JUSTICE.

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Police Court..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant-Larceny.

July 14/93
28
20
Russia
188 Chryati St

Dated July 13 1893

Ryan Magistrate.

Hagan Officer.

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

..... Officer.

Dated..... 189

This Warrant may be executed on Sunday or at night.

..... Police Justice.

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John Michael...
Stephen...

PAID

No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court...
District...
#3

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Michael...
Stephen...

1 _____
2 _____
3 _____
4 _____
Offense _____

Dated, July 14 1893
Magistrate

Officer

Witnesses
to charge
Who Complainant

No. _____
Street _____

No. _____
Street _____
to answer

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

defendant

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

Dated, July 13 1893
Police Justice.

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

Dated, _____ 1893
Police Justice.

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

Dated, _____ 1893
Police Justice.

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

John Michaelofsky
of No. *157 Chrystie* Street, being duly sworn, deposes and says,
that *Stephen Zippau* (now present) is the person of the name of
Stephen Zippau mentioned in deponent's affidavit of the *13*
day of *July* 189*3*, hereunto annexed.

Sworn to before me, this *14* } *Jan Michalowsky*
day of *July* 189*3* }
Tom Ryan POLICE JUSTICE.

Court of General Sessions, Part II.

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The People	:	Before
	:	
vs .	:	Hon. Randolph B. Martine
	:	
Stephen Zippan	:	and a jury.
	:	
	:	

-----*

New York, , August 10th, 1893 .

A P P E A R A N C E S.

Assistant District Attorney Davis for the People
 Mr. for the defence .

Indicted for grand larceny in the second degree.

Indictment filed July 21, 1893.

J O H N M I C H A L O W S K I being called on the part
of the people and duly sworn testified that he was the
complainant and lived at 187 Christie street since the
12th of July, and that he was a tailor. He occupied
the first floor above the basement and had three rooms.
The defendant and a woman, whether wife or not complain
ant does not know, lived there with him. Complainant's
wife also lived there but at the time in question she

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was sick at the hospital. There was only three of them in those rooms. Defendant and his woman lived in the first room looking into the street, and complainant occupied the middle room. On the 12th of July they had been living in the apartments one month, and at that time complainant had a gold watch, chain and locket. Complainant missed this jewelry sometime in July, can't say whether the 12th or not at 7 o'clock in the morning. When complainant missed the things defendant was not in the house nor was the woman, both having disappeared. Complainant had to go to the water closet in the yard in the morning and he left defendant and the woman in the apartments. When he returned from the water closet they were gone. Before complainant went to the water closet he saw his watch, chain and locket in his vest under the pillow of his bed. The pillow was in the room behind the room this defendant occupied; the doors between the rooms being open. He stayed in the water closet about 8 or 10 minutes and then returned, but there was nobody there, and complainant got scared, and looking around saw that the pillow was turned over, the vest was on top of the pillow, and the jewelry in question

was gone. The watch, chain and locket were worth \$125. Complainant commenced to holler, and the house keeper and his wife came and said the best thing he could do was to go to the station house. Complainant immediately went to the station house and reported his loss, and they gave him a ticket, and then he ran around among his friends and acquaintances thinking defendant and the woman might turn up, but he didn't find them. He informed a friend of his about it, and the friend had the defendant arrested in the evening of the same day about 10 o'clock. Complainant went afterwards to see him in Brooklyn where he was arrested. Complainant said to defendant "Is that nice what you have done to me after the good I have done you?" He said "Well, my wife urged me to do it, and I didn't want to do it." He said "I gave it to my wife, and if you can find my wife you will get the watch. Look for my wife." Complainant thereupon looked for the woman but she could not be found nor the watch. He also said, "Don't have me punished for that; I will go to work and pay you off in installments." He sent me word afterwards to come to the Tombs to see him. He wrote to complainant ..

Defendant repeated the same thing to-day, that we would agree together how much he would have to pay for the whole thing, and then he would pay complainant off in instalments. Defendant hired a room at \$6 a month and he paid \$3 and has not paid the other \$3. Didn't suggest anything about his not paying any board; there was nothing said in particular about it. He said "As long as you live here I may live with you." Defendant brought his own bed and trunk and chair, that is all. The woman hadn't anything except what she had on her back or body. When they left the trunk was there but it was empty, and also the chair and the bed remained ..

CROSS EXAMINED. Complainant's wife at the time was in the hospital.

J O H N M I L L E R being called on the part of the people and duly sworn testified as follows:- He lived at 40 Christie street and knew the complainant, and had seen the defendant twice before he was arrested. Had known defendant about one year. Complainant informed witness that he was robbed of a gold watch, chain and locket. Complainant invited witness to go over to Brooklyn, and

witness went and was present at a conversation between complainant and defendant in Brooklyn. Complainant said "What did you do to me? It is a shame after the good I have done you to treat me in that way; you stole the watch and chain from me." Defendant, ^{said} "Excuse me, I had no intention to do it but my woman urged me to do it. She has the watch and chain; if you find her you will get your watch and chain back."

CROSS EXAMINED:

Complainant is no relative to witness, knew him about one year; have not worked for him; saw each other from time to time. Sometimes don't go to complainant's house for a whole month. Am friendly with complainant as well as with others; he is not a particular friend, just an acquaintance.

E D W A R D H O G A N being called on the part of the people and duly sworn, testified as follows:

Am an officer connected with the Third ~~xxx~~ District Court. Defendant was arrested by an officer in Brooklyn attached to the 5th precinct. Defendant was committed by Judge Gaetling to enable complainant to go to

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New York to obtain a warrant. On that warrant witness brought defendant to New York from Raymond street jail. Didn't talk to defendant, as he could not understand his language; searched him but found nothing .

S T E P H E N Z I P P A N being called on behalf of the defence, and duly sworn, testified as follows:

He resided at present at the Tombs but lived with complainant the last place at 187 Christie street; that he is the defendant . Defendant did not take from complainant at any time the gold watch, chain and locket as alleged . Defendant saw complainant in Brooklyn after his arrest, and John Miller was with complainant. Did not say in their presence that he had stolen the property in question. At the time that complainant says defendant lived with a woman not his wife, but is not living with her now, and has not seen her since the day he left complainant's house; that he lived with her one or two months .. If anybody stole the watch, chain and locket don't know who did it and didn't have anything to do with it. Before defendant was arrested didn't know that complainant was robbed. Complainant told

defendant afterwards about it . Defendant did not occupy the first room but the second room in complainant's house with the woman. Defendant is not married. Complainant slept in the third or last room, and defendant's room was next to complainant's room. Left complainant's house on the morning defendant was arrested at 8 o'clock A. M. The complainant being in the yard defendant went first out and the woman came after . Then both went to the Chinaman's to get some linen. Defendant was dressed that morning and the woman was dressing herself at the time. That day defendant was without work, and had been without work for about a week. When defendant left the house that morning he had \$20 in his pocket. The woman had \$5 or \$6 also of defendant's money; was arrested about 9 o'clock in the evening in Brooklyn at the house of the sister of the woman he had lived with. When he was arrested he had \$20 in his pocket. Defendant was then brought to New York, where he gave \$10 to complainant in the cell. Don't recollect being searched by the police in New York. Defendant has now left in his possession \$3.58. (Shows it to the Court). The first place defendant and the woman went

to on leaving the house was to a store to buy her a wrapper for which he paid \$2; don't know the number but it was not far from Christie street in Grand street . They went to Brooklyn, she to her sister and he to a machine place. Got to Brooklyn about 6 o'clock in the evening. In the meantime they had gone to Central Park. After buying the wrapper went to the park, she keeping the package under her arm. Walked from Grand street to Central Park. Defendant had \$20 remaining when he bought the wrapper. Don't know how much the fare is from Grand street to the Park; got to the park about 10 o'clock. The only place defendant stopped on the way to the park was at a saloon to get some whiskey not ^{far} from the park. Didn't go into a pawn shop. Didn't pawn the watch, chain and locket and didn't get the \$20 by doing so. Defendant wandered around the park about two hours with the woman. They walked up to the park for pasttime, and defendant didn't want to spend money. He however took whiskey every day. He says he would almost rather take whiskey than let the woman ride in the cars . He bought victuals when he had the whiskey, and both of them ate it in the park.

From Central Park they both went to Brooklyn, and walked from the park to the Bowery, and then took Grand street cars for Grand street ferry. The nearest way to Brooklyn was by Grand street and not by the bridge, and that is why they took the Grand street ferry to the place they wanted to go in Brooklyn. They separated at Cherry street in Brooklyn; she went to her sister and he went to sell a table for a machine standing in the place he worked at. Don't know the street where the machine is but it is 25 blocks from the ferry and the third block from Grand street in Brooklyn. After that defendant came back to the woman's sister but the woman was not there. When they left in the morning complainant's place. they didn't carry away anything with them. The woman had carried the things out of the trunk two days before they left to her sister. The reason why she carried them away was that they were going to move to another city. Defendant had the intention to go back to complainant's place in the evening but was arrested about 9 o'clock. Defendant ate his meals at home and intended to go home that evening

RE-DIRECT EXAMINATION. They had their meals at com-

plainant's house, and the woman done the cooking. In the morning when they left the complainant's house defendant didn't know that the woman wanted to leave him, and his intention was to come back as usual in the evening. When defendant had a conversation with complainant in Brooklyn he said "Why did you do that to me for?" Defendant said he didn't do anything to him. Complainant said "Why did you steal my watch?" Defendant said "I don't know anything about it." Complainant said "Where is the woman; may be she took it?" Defendant said "I don't know where she is; just look for her; may be she has it." Defendant gave \$10 to complainant as a loan. Defendant paid for the wrapper on the way to Central Park. Since he has been in the Tombs defendant has bought cigarettes and other little things but nothing to eat. He was cheated by a prisoner in the Tombs out of \$6. The prisoner said he would get him a lawyer, and defendant gave him \$7, one for himself and the other six dollars for the lawyer.. Defendant never walked with the woman to Central Park before the day in question, and didn't take a walk with the woman very often, only sometimes took a walk together.

When defendant gave the \$10 to the complainant he knew he had had him arrested for stealing the watch, and defendant at the time was in a cell. While defendant lived with complainant he saw the gold watch, chain and locket referred to. He saw the complainant wear the jewelry all the time as they lived together. He did not know where the complainant kept the jewelry at night. He got up at 7 o'clock in the morning and went out at 8 o'clock, and complainant was not there. His intention was to buy a wrapper for the woman and to get his and her linen from the Cinaman's. Defendant knew that she would come out, and so walked out slowly. She came about two minutes after he was in the street. Defendant was not in any hurry when he went out; he had no work that day.

J O H N M I C H A L O W S K I, the complainant, being recalled on the part of the people testified as follows: Defendant did not loan \$10 to him after his arrest. Defendant said "Have pity on me, and look to see if you can find that woman." Complainant said "I lost that much time in looking around for you, and I don't

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want to lose any more time and money in looking for that woman." Then defendant said "Here is \$10; if you don't want to do it just pray or beg some of your friends to do it, and pay the expenses by the \$10, and try to find her." Complainant took the \$10 and looked two days for the woman in Jersey city and elsewhere but couldn't find her. Complainant had intended to go to another city, and defendant was willing to go with him. The woman was not to go at first; but if the place suited them they intended to send for the woman there. Complainant intended to send for the woman to whom he was married and defendant to send for his woman. Complainant's wife was in the hospital at the time. They got married in the City hall. The watch in question was gold. Defendant in Brooklyn admitted he took the watch but didn't intend to take it. The woman insisted and urged him all the time to do it and he took it at last, and he gave it to her.

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Stephen Zippan

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

Stephen Zippan
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Stephen Zippan

late of the City of New York, in the County of New York aforesaid, on the *twelfth*
day of *July* in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, with force and arms,

*one watch of the value of seventy
dollars, one chain of the value of
thirty dollars, and one pocket of the
value of twenty five dollars*

of the goods, chattels and personal property of one

Jan Mihalowsky

then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

*Wm. Lancy Nicoll
District Attorney.*

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**END OF
BOX**