

0148

**BOX:**

395

**FOLDER:**

3676

**DESCRIPTION:**

Grippentrog, William

**DATE:**

05/19/90



3676

POOR QUALITY  
ORIGINAL

0149

#181

Counsel,

Filed

Pleads,

day of

1890

THE PEOPLE

vs.

VIIATION OF EXCISE LAW.  
(Selling without License.)  
III, R. S. (7th Ed.) page 1981, § 13, and  
of 1888, Chap. 340, § 51.

William Sippert

JOHN R. FELLOWS,

District Attorney.

L. P. Pineda 20. 1890.

A True Bill.

Chas. D. Roberts

Foreman.

for Pleading on  
May 30<sup>th</sup> 1890.

Witnesses:

Off. Geo. H. Smith 6 47

POOR QUALITY  
ORIGINAL

0150

#181

Counsel,  
Filed  
Pleads,  
19 May 1990

VIOLATION OF EXCISE LAW.  
(Selling without License.)  
[III, R. S. (7th Ed), page 1981, § 13, and  
of 1883, Chap. 340, § 6].

THE PEOPLE

vs.

William Snippen

JOHN R. FELLOWS,

District Attorney.

L. C. Dunsen 20. 1890.

A True Bill.

Chas. D. Dunsen

Foreman.

for Pleading. on  
May 30 1890.

Witnesses;

Off Geo. H. Dunsen 6 Dec

POOR QUALITY  
ORIGINAL

0151

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Grippentrog* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h s right to  
make a statement in relation to the charge against h <sup>u</sup> that the statement is designed to  
enable h <sup>u</sup> if he see fit to answer the charge and explain the facts alleged against h <sup>u</sup>  
that he is at liberty to waive making a statement, and that h s waiver cannot be used  
against h <sup>u</sup> on the trial.

Question. What is your name?

Answer

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty of the crime of murder  
as charged by the Grand Jury  
by jury*

*William Grippentrog*

Taken before me this

188

188

Police Justice.



POOR QUALITY  
ORIGINAL

0152

BAILED,  
No. 1, by George D. Anderson  
Residence 118 East 11th St.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
Witnesses \_\_\_\_\_  
Dated July 8 1888  
Magistrate James B. Smith  
Officer James B. Smith  
Precinct 6  
Police Court 1 District 1043  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
William J. Smith  
Offence Violation  
Exhibit A  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
to answer James B. Smith  
100  
James B. Smith

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 One Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.  
Dated July 8 1888 Solon Blum Police Justice.

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

Dated July 8th 1888 Solon Blum Police Justice.

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

Dated \_\_\_\_\_ 1888 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0 153

Excise Violation—Selling Without License.

POLICE COURT— / DISTRICT.

City and County } ss.  
of New York,

of No. 100th Precinct George Smith Street,  
of the City of New York, being duly sworn, deposes and says, that on the 7th day  
of July 1888, in the City of New York, in the County of New York, at  
No. 26 Duane St Street,

William Grippentoy (now here)  
did then and THERE SELL, CAUSE, suffer and permit to be sold, under his direction and authority,  
strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than  
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A  
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made  
and provided.

That said deponent paid the  
deponent a glass of beer and  
received five cents therefor.

WHEREFORE, deponent prays that said William Grippentoy  
may be arrested and dealt with according to law.

Sworn to before me, this 7th day

of July 1888 George W. Smith  
Oliver B. Smith  
Police Justice.

POOR QUALITY  
ORIGINAL

0154

# Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*William Grippentrog*

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

*William Grippentrog*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

(III. Revised  
Statutes, [7th  
edition] p. 1061  
Section 12).

The said

*William Grippentrog*  
late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *July* in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one  
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong  
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in  
quantity less than five gallons at a time, to *George W. Smith and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the Statute in such case  
made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,  
chapter 340 sec-  
tion 5)

## SECOND COUNT—

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

*William Grippentrog*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND  
BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*William Grippentrog*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number *twenty-six Duane Street*

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell to *George W. Smith and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

*John R. Feltows,*  
*District Attorney.*



0155

**BOX:**

395

**FOLDER:**

3676

**DESCRIPTION:**

Grossman, Abraham C.

**DATE:**

05/22/90



3676



POOR QUALITY  
ORIGINAL

0156

# 226. P.A. Sept 14, 1890

Counsel,

Filed day of May 1890

Pleads, *Abraham C. Grossman*

THE PEOPLE

vs.

*B.*

*Abraham C. Grossman*

*F*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Robert S. Edwards*

Foreman.

*Nov 7 1893*

*Columbian*

Witnesses:

*Officer Henry*

*James Lewis*  
*55 West St*

POOR QUALITY  
ORIGINAL

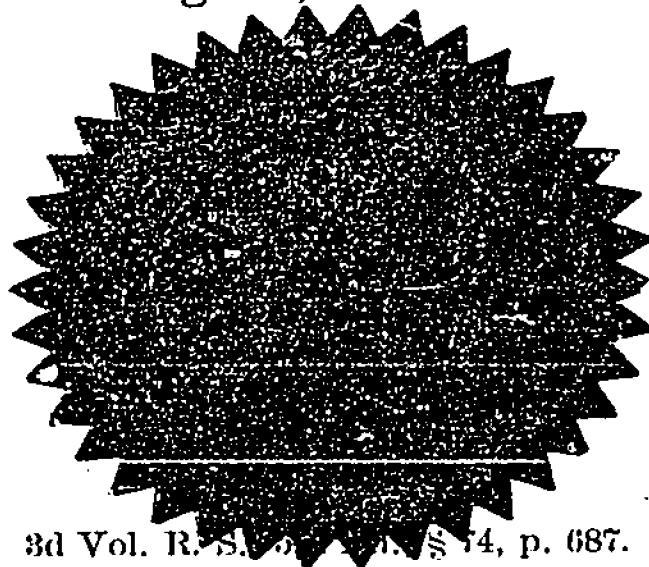
0157

(1116)

I, JOHN SPARKS, Clerk of the Court of General Sessions of the Peace and Clerk of the Court of Oyer and Terminer in and for the City and County of New York (each being a Court of Record, having a common seal), do certify that the annexed is a copy of *an order of the Court*

*forfeiting the recognizance of Abraham C. Grossman as entered in the records,*

now on file in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom, and of the whole of such original.



3d Vol. R.S. of N.Y. § 14, p. 687.

GIVEN UNDER my hand and attested by the seal of the said Court, this *fifteenth* day of *April* in the year of our Lord one thousand eight hundred and ninety *one*,

*John Sparks*

POOR QUALITY

0158

Holden in and for the City and County of New York,  
at the City Hall of the said City, on  
the 1<sup>st</sup> day of September in the year of  
our Lord one thousand eight hundred and ninety

Present

The Honorable

Rufus B. Cowing

City Judge

of the City of New York.

Justice  
of the  
Sessions.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Abraham C. Grossman

On Indictment for

Violation of License  
law - filed 23 May 1890

The Defendant not appearing, and Morris Block  
his surety not bringing him forth to answer to this Indictment, pursuant  
to the condition of their recognizance: On motion of the District Attorney,  
It is Ordered by the Court, that the said Recognizance be and the same  
is hereby forfeited: And it is further Ordered, that the said Recogni-  
zance, together with a certified copy of this Order, be filed in the office  
of the Clerk of the City and County of New York, and that Judg-  
ment be entered thereon, according to law, against the said

Abraham C. Grossman the  
Defendant above named, and the said Morris Block  
his surety, for the several sums set forth in  
said Recognizance.

A true Extract from the Minutes.

CLERK OF COURT.



POOR QUALITY  
ORIGINAL

0159

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

An indictment having been found on the 23 day of  
May 1890, in the Court of General Sessions of the Peace,  
of the City and County of New York, charging Abraham C  
Grossman with the crime of Violation of the Law  
and he having been duly  
admitted to bail in the sum of One  
hundred dollars:

We Abraham C Grossman defendant,  
residing at No. 85 West Street,  
and Morris Block residing at  
No. 270 Delancey Street,  
surety, hereby jointly and severally  
undertake that the above-named Abraham C Grossman  
shall appear and answer the indictment above mentioned, in whatever Court it may be  
prosecuted, and shall at all times render himself amenable to the orders and process  
of the Court; and, if convicted, shall appear for judgment, and render himself in  
execution thereof; or if he fail to perform either of these conditions, that we will pay to  
the people of the State of New York the sum of One  
hundred dollars.

Taken and acknowledged before me,

this 9 day of June 1890,

Abraham C Grossman Principal.

Morris Block Surety.

Randolph B. Martine

Judge General Sessions



POOR QUALITY  
ORIGINAL

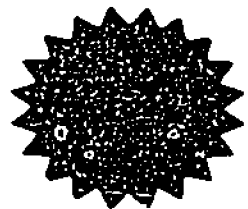
0 160

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

I, Morris Black the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or any detective,  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said Abraham Goldstein, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my exoneration as surety therein.

Dated April 15 1891

Morris Black Surety.



*Certified Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.,  
ON THE COMPLAINT OF

RecoGNIZance to Answer.

vs.

Abraham Goldstein

Taken the 23 day of May 1890

Approved as to Form and Sufficiency.

Dated 23 day 1890.

W. H. Hall  
District Attorney.

Identified by \_\_\_\_\_

Filed 7 day of June 1890.

Wm. H. Hall  
District Attorney

POOR QUALITY  
ORIGINAL

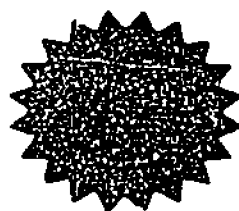
0161

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

I, Marin R. R. R. the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or any detective,  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said Abraham C. Spalding, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my exoneration as surety therein.

Dated April 15, 1891

Marin R. R. R. Surety.



*Revised Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

vs.

Abraham C. Spalding

RecoGNIZance to Answer.

Taken the 22 day of May 1890

Approved as to Form and Sufficiency.

Dated 22 day of May 1890.

W. H. Bell

District Attorney.

Identified by

Filed 7 day of June 1890.

Wm. H. Bell  
Wm. H. Bell

POOR QUALITY  
ORIGINAL

0 162

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Abraham C. Grossman*

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

*Abraham C. Grossman*

of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING, a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed as follows:

The said

*Abraham C. Grossman*  
late of the City of New York, in the County of New York aforesaid, on the *twenty-eighth* day of *April* in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed between the hours of one and five o'clock in the morning of the said day, and between the said hours of the said day, to wit: at the hour of *two* o'clock in the morning of the said day, the said place so licensed as aforesaid unlawfully did then and there open and cause and procure, and suffer and permit, at the time aforesaid to be open and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0163

**BOX:**

395

**FOLDER:**

3676

**DESCRIPTION:**

Gruber, Philip

**DATE:**

05/21/90



3676



0164

**BOX:**

395

**FOLDER:**

3676

**DESCRIPTION:**

Witte, Harriet

**DATE:**

05/21/90



3676

POOR QUALITY  
ORIGINAL

0165

Witnesses:

Frank Wille

Counsel,

Filed

1890

Pleads,

Copy

Assault in the First Degree, Etc.  
(Firearms.)  
(Sections 217 and 218, Penal Code).

THE PEOPLE

vs.

Philip Sauer

and

Harriet Witter

May 22, 1890

JOHN R. FELLOWS,

District Attorney.

Part 2 - June 1890

Part 3 - June 1890

Part 1 - Criminal Assault 2nd Degree  
with weapon & Energy

A True Bill.

Part 2 - Acquitted

Foreman.

Part 3

Part 2 of 17 June 1890

Part III June 9/90-

Part 1 and 2 and 3 for cases  
4 for acquittal

POOR QUALITY  
ORIGINAL

0166

*People  
vs  
Gurber  
&  
Gitto*

THE PEOPLE OF THE STATE OF  
NEW YORK

*Defenses of*  
against

*Philip Gurber*

*et al.*

*Dr. Berman*  
*Deposition*

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.



Court of General Sessions.

The People  
vs.  
Philip Gruber and  
Harriet Witte

It is hereby stipulated that  
the testimony of Dr. Royal W.  
Perry be taken before trial  
and that his deposition may  
be read at the trial of the  
within indictment with the  
same effect, as if the said Dr.  
Perry were examined in  
the presence of the defendants  
and the jury.

Dated New York, June 5, 1890.

Henry L. Coleman  
Counsel for Def.  
John H. Fellows  
District Attorney

City and County of New York, ss.  
Royal W. Perry, being duly  
sworn, says, he is a practicing  
physician and holds at the  
present time and did hold  
on the 15th of April, 1890, the  
position of House Surgeon at



Pellegrine Hospital in New York city. That shortly after dinner on said 15th of April, Frank Witte, the complainant herein, was brought to said Hospital. At said time the said Witte had lost a considerable amount of blood, and his face, neck and his clothes were covered all over with blood. That on examination of his body deponent found a bullet wound in his neck <sup>on the right side</sup> at the posterior triangle, just anterior to the trapezoid ~~muscle~~ muscle. That he probed the said wound inward, upward and forward for a about two inches. That the said wound penetrated into the mouth of said Witte, opening there just to the right of the uvular muscle. That in deponent's opinion the bullet was fired through the neck, as aforesaid, into the mouth and must have passed out of the mouth. That he applied ~~an~~ antiseptic

dressing to the wound in the  
said neck and an antiseptic  
wash to the wound in the  
mouth. That the said Witte vo-  
mitted blood two or three times  
during the afternoon of the  
said 15th of April. That the  
said patient recovered rapidly  
from the effects of the said  
bullet wound and was dis-  
charged as cured from the said  
Hospital on or about the 1st

of May 1899. <sup>1899</sup> Dependent on Campbell's question

That deponent has had ~~more~~  
~~some~~ experience in bullet  
wounds and knows that  
bullets take a deflected course,  
when striking resistance,  
and that such resistance  
may be very slight. That in  
deponent's opinion, it is possible

<sup>about improbable</sup> that the said patient Frank  
Witte has fired the said shot  
himself, ~~but~~ That deponent  
has discussed this question with  
several of his colleagues at the  
said Hospital, and that the said  
colleagues concurred in deponent's

POOR QUALITY  
ORIGINAL

0170

after said opinion. That de-  
ponent saw around the said  
neck wound blue spots, which  
~~seemed~~ looked like powder  
marks. That the nature of the  
~~said wound indicated that~~  
~~the revolver was fired off~~  
~~side ways, namely, that~~  
~~if the revolver was fired by~~  
~~a person other than the said~~  
~~patient, the said person~~  
~~must have stood at the right~~  
~~side, a little back of the said~~  
~~patient.~~

Sworn to before me  
this 5th of June, 1890

Royal Watson Princey M.D.  
Edward Grose  
Notary Public  
City and County of New York



POOR QUALITY ORIGINAL

0171

10 May 1 - 10 am  
10, am

PAID,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court--- 3 by District.

THE PEOPLE, vs.,

OFFICE COMPLAINT OF  
MURDER

1. ~~William Miller~~  
2. ~~Harriet White~~

Offense assault  
felonious

Dated April 16<sup>th</sup> 1890

Magistrate Patterson

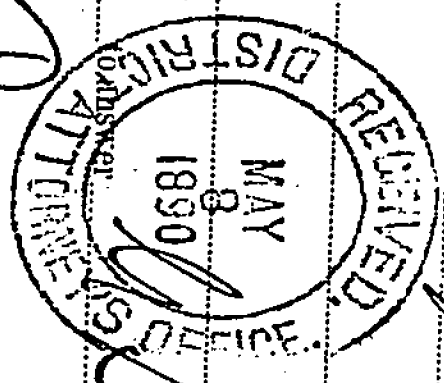
Officer Brooklyn  
W. J. Green  
Precinct \_\_\_\_\_

Witnesses \_\_\_\_\_

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

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

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



Wm

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 Harriet White

Harriet White Defendant  
guilty thereof, I order that he be held to answer the same and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he is legally discharged

Dated May 2<sup>nd</sup> 1890 J. M. Patterson Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.



POOR QUALITY  
ORIGINAL

0172

STENOGRAPHER'S MINUTES.

*Third* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

*Frank Witte*  
vs.  
*Philip Gruber*  
*Hanner Witte*

BEFORE HON.

*J. M. Patterson*  
POLICE JUSTICE,

188

APPEARANCES:

For the People,

For the Defence,

*Reform*  
*Moay*

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*Frank Witte*  
*Officer Fraser*  
*Philip Gruber*

*1 14*  
*15 20*  
*21 28*

*M. J. Keary*  
Official Stenographer.

POOR QUALITY  
ORIGINAL

0173

D.C.

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

Frank Wille  
Harriet Wille  
Philip Gruber

Examination had

May 1

1890

Before

Jacob M. Patterson Police Justice.

I, M. J. Treacy

Stenographer of the

Third

District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of Frank Wille

and all herein

as taken by me on the above examination before said Justice.

Dated

May 7th

1890

M. J. Treacy

Stenographer.

M. Patterson

Police Justice.



Jeff Gork May 1<sup>st</sup> 1890  
Third District Police  
Court  
Hon Jacob M. Patterson  
Presiding.

Frank Witte  
Philip Gruber } Deponents  
Harriet Witte } Answer.

Frank Witte being  
duly sworn deposes and  
says

Q. How old are you?  
A. 30 years.

Q. How long have you  
been married?

A. Not quite, 37  
five years, I had  
two children, and  
I buried one, I  
have one living about

Q

Q. 20 months old  
Have you lived  
with your wife since  
you were married?

A. Yes Sir,  
Q. How long do you  
know Gruber?

A. Two or three  
Q. years. Intimate with  
him?

A. No specially  
Q. Was he visiting your  
house?

A. Yes Sir,  
Q. How long did he  
board there?

A. About two (2)  
Q. months.

Q. Never board  
there before that?

A. No Sir  
Q. You said yesterday



3

that you had your  
senses?

Q. Yes Sir,  
You did not lose  
your senses?

A. Yes Sir,  
Q. You say there are (3)  
three rooms there?

A. Yes Sir,  
Q. And you were in  
the front room?

A. Yes Sir,  
Q. And you had a con-  
versation with Gruber  
a few moments before  
that?

A. Yes Sir,  
Q. You told him to leave  
the house?

A. Yes Sir,  
Q. He told you he  
would go?

A. Yes Sir  
(3)

H

Q. This conversation occurred in the front room?

A. Yes Sir, he came to the window.

Q. He left Groen?

A. Yes Sir,

Q. Where did he go?

A. In the kitchen my wife was sitting at the breakfast table, I drank coffee.

Q. You all eat breakfast together?

A. No, he (Gurber) eat first, I drank my coffee alone.

Q. Where did (he) (Gurber) sleep?

A. Q. With my Wife  
Q. Did you see him sleep with Groen wife?

5

Q

Yes Sir, I

was on the chair

while he slept with my

Wife—

Q

You felt a sting  
in your neck?

A

Yes Sir, I saw

my Wife and Grubbs

go out

Q

Did you say

you did not know

where your wife

was?

A

I saw my

Wife going out, he

was the last man

out

Q

You saw him

going out the door?

A

Yes Sir, after

they went out I laid

down

Q

Was it not



6

Your wife who, told him (Gruber) he must go?

A. Yes, I told him, Q. Did you say yesterday, and is it not true now that you told your wife she must tell him (Gruber) to go?

A. I told her, but she did not tell him, she was too thick with him

Q. Did he (Gruber) go to you and say your wife told him, he must go, and you said, he could go at night?

A. Yes, I told him to go, I wanted him to leave the room,  
76



4

Q. He did not tell me  
he was going away

Q. Did you ever have  
any trouble in Jersey

A. Yes Sir, property  
matter

Q. Do you go to  
Jersey now?

A. I can go there  
at any time

Q. When did  
you see there when

A. You were there last  
My brother in

law

Q. Were you charg-  
ed with perjury?

A. No Sir,

Q. Did you ever try to  
commit suicide?

A. No Sir,

Q. Were you in the water  
at Central Park?

4

L

Q I was with one foot  
Did the Police take  
you out?

A. The Police did  
not take me out

Q Did you try to  
shoot yourself?

A. I did  
not try to shoot myself  
Your Wife  
took a pistol away  
from you?

A. No Sir,  
Q Did you ever try to  
shoot your Wife?

A. No Sir,  
Q Did you threaten to  
kill her?

A. No Sir,  
Q Did she ever take a  
weapon from you?

A. No Sir,  
Q You never attempted  
to take your own



9

life?  
Q. Will you swear you  
did not fire this  
shot into your own  
head?

A. No, I did not  
have any pistol in  
my hand.

Q. Do you know  
who shot you?

A. I do not know.  
Q. Do you believe your  
wife had anything to  
do with the shooting  
of you?

A. I think there  
was a plan laid to  
get away with me,  
or get me out of the  
way.

Q. How long were  
you on the floor?

9

10

before the Policeman  
came?

A. I had my senses  
I did not see the  
pistol

Q. Was anyone in  
the room after you  
were shot?

A. No, I was  
alone till the Officer  
came

Q. The moment  
you were shot, Gruber  
went out?

A. My wife went  
out first and he  
(Gruber) followed  
after her

Q. Who went  
out first?

A. They <sup>two</sup> ran out  
together, I saw him  
(Gruber) he was the  
11



11

Q. last man out.  
Did you say that  
you saw him (Gruber)  
going out the door?

A. I saw her  
dress as she was go-  
ing out, she had  
the baby and a white  
wrapper

Q. Did you see  
Gruber go out?

A. Yes Sir,  
Q. They you were stand-  
ing?

A. Yes Sir,  
Q. Then you laid  
down?

A. Yes Sir,  
Q. In what part of the  
room?

A. In the middle  
of the room

Q. Did you look  
11

12

- Q. Look around the room  
I did
- Q. Did you get a pillow  
There was no pillow  
I did not see any  
pistol. When the Officer  
came in I was on my  
hands and knees, I went  
into the kitchen. I  
handed him (Officer)  
the bullet, I caught  
it from my mouth  
after I laid down,  
while I was on my  
hands and knees. The  
bullet came <sup>out</sup> of my  
mouth. I never saw  
the pistol till I  
saw it in Court  
yesterday.
- Q. You are cer-  
-tain of that?
- Q. Yes Sir

12



12

Q. Did you ever live  
at No 109 - 4<sup>th</sup> St?  
and did you ever  
have a pistol there?

A. Yes Sir,  
Q. Did you fire two (2)  
shots at yourself there?

A. Never, I never  
had a revolver in  
my pocket, I never  
fired one off, or used  
a knife; never did  
any one any harm,

Q. Did you ever  
live in Norfolk St?

A. Yes Sir, my  
Aunt is housekeeper  
there

Q. Did you ever  
try to shoot yourself  
there?

A. Yes Sir,  
Q. Where in Norfolk St  
13



14

Q. 2 118,  
Q. Was your wife and  
Aunt present when  
the wife was taken  
from you?

A. No Sir,  
Q. Was she not the  
wife now, that she  
took away from  
you?

A. No, I never  
attempted to commit  
suicide, Why should I,  
I stood before me  
this <sup>poor</sup> day of May 1890

Police Justice

14

15

Q. Officer Fraser of the  
14<sup>th</sup> Precinct, being a  
duly sworn depositor

Q. Do you remember  
the date of this shooting  
Yes Sir, my atten-  
-tion was called by  
an Officer who came  
from the Stationhouse  
(Officer Pieman)

Q. Do you know  
where he got his in-  
-formation, Did you  
see the Wife (Mrs. Little)  
in the Stationhouse?

Q. No, it was on  
my post

Q. Had that  
Officer been up stairs  
in the house?

Q. No, I was the  
first one in, I came to  
the door of No 255

15

16

on the first floor,  
and asked if anything  
occurred there, and  
the Housekeeper said  
there was shooting up  
stairs, I looked in the  
door

Q. What door?

A. The door that lead  
into the kitchen of White  
apartments and Dan  
White on the floor

Q. Where?

A. In the rear back  
room, supposed to be  
a front room, it was  
not in the kitchen,  
I saw him lying and  
his head turned, I  
said to a citizen hold  
this door, then I ran  
and met Officer  
Kiernan and told

16



POOR QUALITY  
ORIGINAL

0190

14

him to send for an  
Ambulance. I went  
back to the house and  
Brecken had hold of  
the door, and Whitte  
was on the inside, <sup>and</sup>  
he said don't go <sup>and</sup>  
go in, I went in  
and Whitte standing  
up, all blood, and he  
handed me the bullet,  
I sat him on a chair,  
I saw him getting  
weak I got two (2)  
pillows and put his  
head on them, I  
said what is the matter  
and he said "Phil  
Gurber hit me on the  
head with a hammer",  
I laid him, I laid  
him on the pillows,  
I went in the front

14

18

room and picked up  
a revolver. He laid  
about four feet from  
the wall and between  
him and the wall laid  
the revolver.

Q.

That was  
was when you first  
went in?

A.

That was  
when I came back,  
he was standing up  
in the kitchen and  
then laid him down  
after questioning him  
two or three times.

Q.

When  
you went in the front  
room, how far was the  
pistol from the door  
leading to the backroom?

A.

About ten feet.  
It was about twelve  
18



Q. feet square the picture  
was pretty near the  
window?

A. Not two feet  
from the window, I took  
the revolver and then  
I wrestled the wife  
next door, across the  
hall, and took her  
to the Station house  
with her baby, she  
gave the baby up to  
her Aunt, the Captain  
told me to put on my  
citizens clothes, I did  
so, and went to No.  
114 - 4<sup>th</sup> St. at his  
mother's residence  
got him in the rear  
house, he Grouber was  
sitting on a lounge,

Q. And he Hunter



Q

Q. go towards you?  
No, he said "I  
was going to the Station  
house," the wife was  
then in the Station  
house, I took him to  
the Station house and  
Officer Dissert met me  
It was his wife who  
went to the Station  
house and reported  
the shooting.

Q. That is  
all you know?

A. That is all.

Subscribed before me  
this 1<sup>st</sup> day of May 1890

Police Justice

Priscilla Gruber, being  
fully sworn deposes Aug  
says, I live at No 114  
4<sup>th</sup> St, I used to  
live with Whitte, I  
boarded with him  
since he moved there  
not quite a month.

Q. How many rooms

did they have?

A. Three, I  
sometimes occupied  
the front room and  
sometimes the kitchen,  
I had a blanket Aug  
pillow to cover myself,  
He (Whitte) sometimes  
slept on a chair and  
then he would go to  
bed with his wife, I  
never slept with his  
wife, I took her for  
a respectable woman

Q.



2.2

Q. Do you remember the shooting?

A. I remember that, Q. What was the first conversation you had with Witte,

A. That morning he did not go to work. I asked why, he said, I do not feel good. Then he read the Sunday World and sent his wife down for Tuesday World, When he read that he got up, I do not know whether he told her (Mrs Witte) to tell me to leave or not. His wife said I should leave as Frank said so, I went up and

22



23

B told him that his wife said I should leave the house, he would not say any thing. I said I am going, then he said do not go there, go this evening, he sat on his trunk and he scratched his trunk. He put his name on a towel, then he must have got his trunk open, he had his trunk locked.

Q Tell what happened that day?

A. When his wife would go into the front room he would too, so when he told me that morning as I went in the kitchen

23

24

and getting the paper  
to read he went to  
the window, I turned  
my back, and then  
I heard a bang, I  
saw him drop and then  
I went down stairs and  
reported to the House-  
keeper then Mrs. Little  
and myself walked  
down

Q. She did not go  
into in to see her  
husband?

A. No Sir, I was  
dumbfounded, I did  
not know where I  
was,

Q. She did not go  
back in the room?

A. No, she went  
with me to the Station  
house, she said "go

24



25

tell my Aunt that  
Frank has shot him-  
-self" I went to his  
Aunt and to his  
Brother in law, then I  
went to my Mother and  
told my friends, When  
the Officer came I  
was in the rear house,  
I asked the Officer to  
come in, he said is  
your name Gruber, I  
said yes, and Captain  
McCallough said, "What  
did you want to shoot  
that man for" I said  
I did not.

Q. Did you shoot  
that man (Witte)?

A. No sir,

Q. Did you ever carry  
a Pistol?

A. Never

25



26

Q. Do you know of your own knowledge whether he ever attempted to shoot himself?

A. Yes Sir, when he went in the yard of 109 ~ 14<sup>th</sup> St where he used to live and fired three shots.

Q. How long ago was that?

A. I cannot tell. He was working for his brother in law.

Q. You cannot tell how long ago that was?

A. I think it was one year and a half ago.

Q. Was he living there then?

A. I cannot tell

26

Q. 4

Q. Any of his relatives there?

A. No Sir  
Q. What were you doing there?

A. I was with the boss  
Q. Do you mean

~~to say~~, you saw him trying to shoot himself  
Q. I looked around and saw in the yard

Q. How far was he back from the street or alley? When you saw him?

A. I saw him, I saw the pistol in his hand I thought he would try to kill one of us

Q. Do you know of any other time he

Q. 4

Q. & A.

Q. Shot himself?  
A. Yes Sir  
Q. Did you ever see him  
have a knife?

A. He always  
carried one

Q. What kind?

A. He showed me one  
time a dagger and  
he said he got it  
in Texas, his mother  
in law has it

Q. Have you a  
mother living?

A. Yes Sir, and  
brother and sister, I  
agree with my  
brother. I never had  
anything to do with  
him (Witte) His wife  
hid away the knives, I  
heard this. His wife told  
me



POOR QUALITY  
ORIGINAL

0202

Police Court District.

City and County  
of New York, { ss.:

of No. *255 East 10<sup>th</sup> Street*, aged *30* years,  
occupation *Carter*

deposes and says, that on *15* day of *April* 18*98* at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and beaten~~ by

*Philip Guber and Harriet Witte*  
*Gotta now here, who did*  
*feloniously shoot, and*  
*wound*  
*deponent in the neck and*  
*mouth on said date, in a*  
*room on the fourth floor*  
*of premises at 255 East 10<sup>th</sup>*  
*Street New York City, and*  
*deponent believes that*  
*said wound was caused by*  
*a shot from a revolver,*  
*exploded by, and held in the*  
*hand of said Philip Guber,*  
*while the said Harriet Witte*  
*was in said apartment*  
*deponent charges said*  
*deendants with acting in*  
*collusion and concert, in*  
*the commission of said*  
*felonious Assault deponent*

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
any justification on the part of the said assailant S

Wherefore this deponent prays that the said assailant S may be apprehended and bound to answer  
for the above assault, etc., and dealt with according to law.

Sworn to before me, this *20<sup>th</sup>* day  
of *April* 18*98*

*Frank Witte*

*M. R. Patterson* Police Justice.

POOR QUALITY  
ORIGINAL

0203

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

*Michael Dissert*  
of No. *14 Greener* Street, aged *47* years,  
occupation *olce man* being duly sworn deposes and says  
that on the *15* day of *April* 188*90*  
at the City of New York, in the County of New York.

Sworn to before me, this

188

day

Police Justice.

*Philip Truber and Harriet*  
*Witte* (both now here) were  
arrested by Depewent for  
feloniously assaulting,  
beating and maiming  
one *Frank Witte*, at No. 1255  
East 10<sup>th</sup> Street on said  
date, and as said *Frank*  
*Witte* is now in Hospital  
because of said assault.  
Depewent asks that the



POOR QUALITY  
ORIGINAL

0204

Dana Gruber & Harriet Witte be  
held to await the result of  
said assault  
Sworn to before me } Michael Binsch  
this 16<sup>th</sup> day of April 1890 }

John Beaman, Police Justice

Police Court-- District.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

AFFIDAVIT.

vs.  
Dana Gruber  
and  
Harriet Witte

Date April 16 1890

Cattermole Magistrate.

Sworn to before me  
on my solemn oath I will please hear  
and determine the within case.

Witness,  
John Beaman.

Police Justice.

Writings of Pat. Counsel

Disposition, Cox April 19

10. a.m.

April 21

2 1/2 P.M.

April 23 - 2 1/2 P.M.



POOR QUALITY  
ORIGINAL

0205

Sullivan Hospital

April 22-1880

This is to certify that Frank  
Mittles injuries are improving  
every day but he will not be  
out of danger for a week at  
least

Wm. Royal & Paving  
Horn Surgeon

POOR QUALITY  
ORIGINAL

0206

April 24 - 1920  
This certifies that Frank Miller  
wounds are doing nicely and his  
general condition is about the  
same

Dr. Royal W. Pringle  
Bellevue Hospital

POOR QUALITY  
ORIGINAL

0207

Pellum Hospital

April 18-1890

This certifies that Frank Gittel's  
injuries of neck are steadily  
improving but that he is still  
in a dangerous condition

Dr Royal W. Quincy



POOR QUALITY  
ORIGINAL

0208

Bellevue Hospital

April 16-1898

This certifies that Frank Wite  
is in a dangerous condition this  
morning. The wound goes from the  
right side of his neck through  
into the mouth. He has lost also a  
large amount of blood.

Dr. J. W. Penning

POOR QUALITY  
ORIGINAL

0209

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *Philip Gruber*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *255 East 10 Street 1 month*

Question. What is your business or profession?

Answer.  *Clerk*

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*

*Philip Gruber*

Taken before me this

*2*

day of *August*

*1892*

Police Just

POOR QUALITY  
ORIGINAL

02 10

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

*Harriet Witte*

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

Question. What is your name?

Answer. *Harriet Witte*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *255 East 10 Street 1 month*

Question. What is your business or profession?

Answer. *Keep House*

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*

*Mrs. Harriet Witte*

Taken before me this

day of

*May*

1887

*Wm. O'Brien*

Police Jus



POOR QUALITY  
ORIGINAL

0211

COURT OF GENERAL SESSIONS.

-----x  
The People :  
against : Before  
Philip Gruber and Harriet Witte. : Hon. James Fitzgerald  
: and a Jury.  
-----x

Indictment filed May 21, 1890.

Indicted for assault in the first degree.

Tried June 18 & 19, 1890

APPEARANCES.

Assistant District Attorney Bedford, for the People.

Messrs. Coleman and Osborne, for the Defense.

F R A N K W I T T E, the complainant, testified that he was a married man and that the woman defendant, Harriet Witte, was his wife. He had been married to her about five years, and had had two children. On the 15th of April, 1890, he was living with his wife at 255 East 10th Street, on the fourth floor. Gruber, the male defendant, took his meals there, but did not sleep there. He, the complainant, never gave Gruber permission to sleep there. On the 15th of April, at about half past six o'clock in the morning he, the complainant, left his home, reaching his place of

**POOR QUALITY  
ORIGINAL**

0212

2

business at about seven o'clock. He left his wife at the breakfast table. Gruber was not there then. He, the complainant, had ordered him out of the house on the Sunday before. He, the complainant, returned to his home at about 10 o'clock, on the morning of April 15th. He opened the door leading from the hallway into the kitchen with his latch key. When he entered the room, he saw his wife and Gruber in a compromising situation. His wife then sat down at the kitchen table, and Gruber sat on the other side of the table. He, the complainant, upbraided his wife and asked his wife what had become of her wedding rings and she replied that they were all right. He, the complainant, then walked into the front room of the apartment, which was the sitting room. He left his wife and Gruber in the kitchen. He, the complainant, walked up and down the sitting room several times, and then returned to the kitchen and ordered Gruber out. Gruber made no reply. He and Mrs. Witte conversed in an undertone, and he, the complainant, did not hear what they said. Then he, the complainant, returned to the sitting room and Gruber followed him to that room and said that he would make it all right with him, the complainant. He, the complainant, said that he did not want Gruber to make anything right -- that he only wanted peace with his wife. He, the complainant, then went to

**POOR QUALITY  
ORIGINAL**

0213

3

the window of the sitting room, resting his head against the window pane, and looked out. Suddenly he felt a stinging pain in his neck -- in the back of his neck. The bullet broke the bones in his neck and came out of his mouth. He, the complainant, picked up the bullet and handed it to the police officer when he came in, several minutes later. As soon as he felt the stinging pain, he turned right around and saw Mrs. Witte and Gruber running out of the kitchen door. As he was going out, Gruber stopped and fixed the latch of the door so that no one could open it from the outside. He, the complainant, despite his wounds, never lost consciousness. He bled profusely from his mouth, and crept on his hands and knees into the kitchen, trying to reach the kitchen door. As he reached the door the police officer entered. He spat the bullet out into his hand, after he was wounded. The police officer took him, the complainant, back into the sitting room and laid him down on the floor again, an ambulance came, and he was taken to Bellevue Hospital. He was under treatment there for 15 days.

Under cross-examination, the complainant testified that when he felt the sting upon his neck, he heard the report of a pistol. He did not see his wife catch up the baby from the cradle, and wrap it up in a blanket and run.



**POOR QUALITY  
ORIGINAL**

0214

4

O He, the complainant, had been in the far West, and had carried the Government mails. He had also carried the mails in Jersey. He was not engaged in cattle herding in the West. He had worked on the Gulf, Colorado, and Santa Fe Railroad as a spiker. He was not then married to his present wife. He had not carried a pistol in the West or at any other time of his life. He was employed in a wine and liquor store -- Frank & Co., at 1127 Broadway. He worked down stairs in the wholesale department, filling, corking, and packing bottles. He received \$10.50 a week. He did not work on that morning, but he turned back before he got to his place of business and went home again, because he believed there was something wrong going on at home.

I Officer Michael Bissert testified that he was attached to the 14th precinct. He arrested the male defendant, Gruber, at 117 East 4th Street, in the rear house, at about half past one on the afternoon of April 15th. He took the defendant, Gruber, to Bellevue Hospital and asked the complainant if he could identify him. The complainant said, "Yes, that is Gruber." He, the witness, asked the complainant, "Is he the one that shot you?" The complainant replied, "I don't know whether it is him. It is either he or my wife." Then the complainant said that there was no one in his rooms, at the time he was shot, except Gruber,

**POOR QUALITY  
ORIGINAL**

0215

5

Mrs. Witte and himself. The complainant also said that he suspected that there was something wrong between Gruber and his wife. He had asked his wife every morning for a week before disputing to send Gruber away, and she promised to do so. When he returned to his home from his work, evenings, he noticed that Gruber was still there, and he did not go to work on the morning of April 15th, and returned to his home, because he wished to find out what was going on. He, the witness, asked the complainant if he shot himself and he said no. He also asked the complainant if he ever carried a pistol, and he said that he had never done so. Gruber and Officer Fraser were present at this conversation. Officer Fraser arrested Mrs. Witte.

Officer William S. Fraser testified that he belonged to the 14th Precinct. He testified also that he arrested Mrs. Witte in the rooms across the hallway from Witte's rooms, on the fourth floor of No. 255 East 10th Street, on April 15th, about fifteen minutes past 12 in the afternoon. She was in the rooms of a Mrs. Murphy. He, the witness, was standing in front of the public school near Witte's house when he was informed of the shooting. He went up to Witte's rooms, and saw him lying on his back in his sitting room. His face and the body of his white shirt were covered with

**POOR QUALITY  
ORIGINAL**

02 16

6

blood. He, the witness, sent for an ambulance and returned to the room. Witte was then standing up, and handed him, the witness, the bullet with which he was shot. He, the witness, laid the complainant on the floor, pending the arrival of the ambulance, and went into the front room -- the sitting room -- and found the revolver with which the complainant was shot, about 18 inches from the door of the bedroom opening into the sitting room. After the complainant was taken away in the ambulance, he, the witness, arrested Mrs. Witte and took her to the station house.

Under cross-examination, the witness testified that when he found the revolver there were four loaded cartridges in the cylinder and one that had been discharged. The hammer of the pistol was resting upon the empty cartridge shell. He found powder marks on the neck of the complainant.

For the defense, William Shepherd testified that he lived at Bridgeport, Connecticut, and that he was in business at 93 East 4th Street. Gruber, the defendant, had been in his employ for about a year and a half, and he had known Gruber for about four or five years. Gruber had worked for his, the witness's, uncle before he worked for him, the witness. Gruber's character, according to the witness's knowledge, was good.



POOR QUALITY  
ORIGINAL

0217

7

Under cross-examination witness testified that he had a lithographing establishment.

Reuben Shepherd testified that he lived at 101 East 4th Street, and was a japanner and decorator. He had known Gruber six or seven years, and knew that his reputation for peace and quietness was good.

Carl Werner testified that he lived at 127 East 4th Street, and was a shoemaker. He had known the defendant Gruber from boyhood, and knew that his character was good.

Conrad Miller, of 96 East 4th Street, testified that he kept a cigar and candy store. The defendant Gruber was a customer of his, that he knew nothing more about him.

Charles Meyers, of 111 East 4th Street, testified that he had known the defendant Gruber, for about ten years, and had associated with him intimately. He, the witness, was a candy maker. He was in the habit of going out once or twice a week with Gruber. He had never seen Gruber have a pistol.

Louis Gruber testified that he was a brother of the defendant. The witness had occupied the same bed with his brother, at their home, until recently. He had never seen

**POOR QUALITY  
ORIGINAL**

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O a revolver in his brother's possession.

Under cross-examination the witness testified that his brother had lived at home from his birth until a short time before the shooting, when he, the witness, and the defendant Gruber had a quarrel and the defendant Gruber left the house and went to board with the Witte's.

Jacob Richle testified that he was a builder. He had known Mrs. Witte, the female defendant, for about twelve years, and was her uncle. Her character for peace and quiet was good. She was a working girl before her marriage, and had made a good wife, to his knowledge.

Under cross-examination the witness testified that he had not lived with the Witte's, and was not living with them at the time of the shooting.

Frederick Landenberger, of 211 East 78th Street, testified that he was in the silk trimming business, at 19 Bond Street. He had known Mrs. Witte for about twelve years and she had been in his employ for seven or eight years. She was one of the best work-women that he had ever had in his employ, and was peaceable and quiet.

Louisa Frank, of 300 Broome Street, testified that she had known the defendant Mrs. Witte, for about twelve

**POOR QUALITY  
ORIGINAL**

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years, and her character for peace and quietness was good. She, the witness, remembered when Mr. and Mrs. Witte lived in a house in Norfolk Street of which, the witness, was the janitress. They had some trouble there which she, the witness, heard was due to the ill temper of the husband.

Philip Gruber, the defendant, testified that he had boarded at 255 East 10th Street, with the Witte's, for about fifteen days before April 15th, the day of the shooting. He had both slept and eat there. Witte knew perfectly well that he slept there. On the morning of the 15th of April he, the defendant, went into the kitchen, at about six o'clock, to get his breakfast. Witte was in bed at the time and his wife asked him why he did not go to work, and he replied that it was none of her business. Then he, the defendant, asked Witte why he did not go to work and Witte replied that he did not feel well. After awhile, Witte got up and went into the kitchen and began to read the Sunday World. Then Witte told his wife that he, Gruber, must leave the house, and she told him, Gruber, that Frank, Witte, the complainant, said that he must leave. Then he, the defendant, got up and said to the complainant that he was going away. The complainant made no reply. He, the defendant,



**POOR QUALITY  
ORIGINAL**

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then started to pack up his clothes and the complainant said, "Don't go now. Go to-night. Let's play cards to pass away the time." Then the complainant went into the sitting room and sat down on his trunk, and pulled out his pocket knife and began to scratch his trunk with it. There was a little turtle in the room, and the complainant scratched his name on the turtle's back and he, the defendant, laughed at the complainant, and went back to the kitchen, and began to read the morning paper. Suddenly he, the defendant, heard the report of a pistol. He turned and saw the complainant fall upon his back. He said to him, "Frank, Frank, what did you do?" Then he, the defendant, went out to find the housekeeper, and told her what had happened. The housekeeper told him to report it to the police station. As he, the defendant, was about to leave the house, Mrs. Witte came down stairs and asked where he was going. He told her that he was going to the station house to report what had happened. She said that she would go with him, and they started off together, Mrs. Witte carrying the baby in her arms. The baby was partly dressed, and was wrapped up in a blanket. On the way to the station house Mrs. Witte said, "Gruber, you go down and get my aunt. Tell her, and bring her up right away." Instead of going down to the station house, he, Gruber, went down to Mrs. Witte's aunt, Mrs. Frank, who lived

**POOR QUALITY  
ORIGINAL**

0221

11

in Broome Street. They took a car and rode up to 10th St. and he, Gruber, told Mrs. Frank to go and attend to the complainant, while he, Gruber, went to tell the complainant's brother-in-law about what had happened. Then he, Gruber, went over to his mother's house, which was on the opposite side of 4th Street from the complainant's brother-in-law's house. Five minutes afterwards two police officers came and arrested him, Gruber. After his, Gruber's arrest, Captain McCullagh asked him why he shot the complainant. He, Gruber, said that he did not shoot the complainant. Then Captain McCullagh said that the complainant's wife charged him with shooting her husband. He, Gruber, said that she could not have said anything of the kind. Then Captain McCullagh brought out Mrs. Witte and asked her why she had said that he, the defendant, had shot her husband. Mrs. Witte replied, "No, sir, I didn't say that." He, Gruber, was a member of the 12th Regiment, N. G. S. N. Y. He, Gruber, had taken Mrs. Witte and her aunt, Mrs. Frank, to a reception of the Regiment, but it was with the consent of the complainant. The defendant then denied that the complainant had caught Mrs. Witte and himself in a compromising situation on the morning of April 15th, and he also denied that he had shot the complainant, or that he had seen Mrs. Witte shoot him. He had never carried a pistol in his life.

**POOR QUALITY  
ORIGINAL**

0222

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Harriet Witte, the co-defendant, testified that she was twenty-four years of age and had been married to the complainant, Witte, for about five years. She had one child living. She had never been charged before with any offense. She then denied all of her husband's testimony as to the occurrences of the morning of April 15th, and corroborated the co-defendant, Gruber's version of what occurred on that morning. She added that her husband was a very jealous man, and they had had frequent quarrels on that account. Nothing improper had ever occurred between Gruber and herself. In Norfolk Street, about five years before the shooting, where they then lived, after a quarrel, Witte went into the back room behind the grocery that they then kept, and attempted to kill himself with a dagger. She took the dagger away from him before he could carry out his purpose. He was in the habit of drinking, and was under the influence of liquor on the morning of April 15th. He kept whiskey in the house all the time.



POOR QUALITY  
ORIGINAL

0223

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Philip Gruber  
and  
Harriet Witte

The Grand Jury of the City and County of New York, by this indictment, accuse  
Philip Gruber and Harriet Witte  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Philip Gruber and Harriet Witte, both

late of the City of New York, in the County of New York aforesaid, on the  
fifteenth day of April, in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and County  
aforesaid, in and upon the body of one Frank Witte  
in the peace of the said People then and there being, feloniously did make an assault and  
to, at and against him the said Frank Witte  
a certain pistol then and there loaded and charged with gunpowder and one leaden  
bullet, which the said Philip Gruber and Harriet Witte  
in their right hands then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,  
with intent him the said Frank Witte  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
Philip Gruber and Harriet Witte  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Philip Gruber and Harriet Witte, both

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said Frank Witte in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and to, at and against him the said

Frank Witte  
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,  
which the said Philip Gruber and Harriet Witte

in their right hands then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

JOHN R. FELLOWS,

District Attorney.

0224

**BOX:**

395

**FOLDER:**

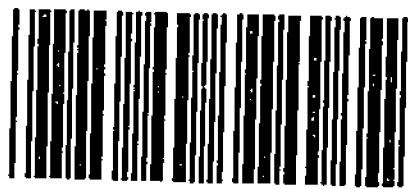
3676

**DESCRIPTION:**

Gunyon, Caleb

**DATE:**

05/27/90



3676

POOR QUALITY  
ORIGINAL

0225

#281.  
Jm. Gallagher  
Counsel,  
261 Bldg  
Filed day of May 1890  
Pleads, C. H. H. H.

THE PEOPLE  
vs.  
Caleb Gungor  
[Sec. 503, Court Code]

JOHN R. FELLOWS,  
District Attorney.  
June 12/90 Part 3  
A TRUE BILL.

Chas. S. Boardman  
Part III June 12/90 Foreman.  
Pleads Guilty - Misdeameor  
[illegible]  
Pen 6 mo.

Witnesses:  
Officer Lyman

I recommend that a  
plea of misdeameor  
be accepted under \$500  
Penal Code - eliminating  
from the plea of guilty the  
former direction for  
the indictment  
June 12/90 J. H. H. H.  
Court Clerk City



POOR QUALITY  
ORIGINAL

0226

State of New York  
County of Kings 3d.

The Jurors of the People the State  
of New York in and for the body of  
the County of Kings upon their oath,  
Present.

That John E. Melton and  
Charles Jones late of the City of Brook-  
lyn in the County of Kings aforesaid,  
on the fourteenth day of November in  
the year of our Lord one thousand  
eight hundred and seventy seven with  
force and arms, by means of forcibly  
bursting and breaking an outer door  
about the hour of seven o'clock in the  
night time of the same day, at the City  
and County aforesaid, the dwelling  
house of George Morrell then situate  
feloniously ~~and~~ <sup>burglariously</sup> did break  
into and enter, whilst there was then  
there some human being to wit: one  
Fannie Morrell within the said dwelling  
house, by the said John E. Melton and  
Charles Jones then and there intending  
to commit some crime <sup>therein</sup> to wit: the goods,  
and chattels and personal property  
of George Morrell in the said dwelling

house then and there being, then and there,  
feloniously, and burglariously, to steal,  
take and carry away, against the  
form of the Statute in such case made  
and provided, and against the peace  
of the People of the State of New York  
and her dignity;

And the Jurors aforesaid upon their  
oaths aforesaid do further present:  
That afterwards to wit; on the day and  
in the year aforesaid at the City and  
County aforesaid the said John E.  
Mellon and Charles Jones late of the  
City and County aforesaid, thirteen  
spoons of the value of two dollars  
each, one Knife of the value of two  
dollars - of the goods, Chattels and  
personal property of one Elizabeth  
Morrell, thirteen spoons of the value  
of two dollars each, one Knife of  
the value of two dollars, one watch  
of the value of ten dollars, one watch  
Chain of the value of ten dollars of  
the goods Chattels and personal property  
of the said George Morrell in the said  
dwelling house, then and there being,  
then and there feloniously did steal,  
take and carry away, against the

0220

Worcester, Boston  
District Attorney

Indorsed - 2883 - E. Melton withdraws  
plea of not guilty and pleads guilty to  
Grand Larceny from dwelling house  
Dec. 10/77. Filed 28<sup>th</sup> day of Nov. 1877  
Plead not guilty Dec. 3/77 - Winchester  
Dillon District Attorney - Attribile  
W. M. Funks Foreman - Jones sentenced  
to Penitentiary for eight years,  
Melton to Penitentiary for five years



POOR QUALITY  
ORIGINAL

0229

# At a Court of Sessions.

holden in and for the County of Kings, in the Court House in the City of Brooklyn,  
on the Tenth day of December in the year of  
our Lord one thousand eight hundred and ~~eighty nine~~ seventy seven

PRESENT:

The Honorable HENRY A. MOORE, County Judge of the County of Kings.  
~~Andrew M. Kibben, Esq.~~  
~~JOHN McMAHON, Esq.~~  
~~CHARLES A. CONRADY, Esq.~~  
Gilbert H. Wickham, Esq.

Justices of the Sessions  
of the County of Kings.

INDICTED FOR

The People of the State of  
New York.

vs.

Charles Jones  
impld. &c

AND CONVICTED

Burglary first degree and  
Grand Larceny from Dwelling House  
of Grand Larceny  
from Dwelling House  
by the Verdict of a Jury.

Whereupon it is ORDERED and ADJUDGED by the Court, that the said

- Charles Jones -

for the offence aforesaid, whereof he is convicted, be imprisoned in the Penitentiary and Work  
House of the County of Kings, for the term of - Eight Years -

A True Extract from the Minutes.

Benjamin F. York Clerk.

POOR QUALITY  
ORIGINAL

0230

Kings County Court of Sessions.

Copy of Judgment  
THE PEOPLE  
OF THE STATE OF NEW YORK,  
AGAINST  
*Charles Jones.*

Dated *December 10<sup>th</sup>* 18*97*

PENITENTIARY.

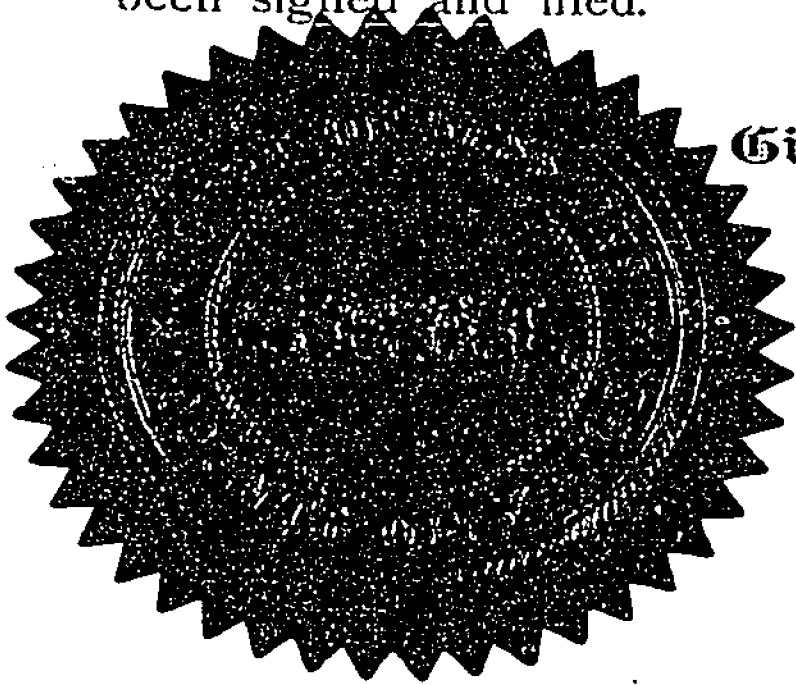
*8* YEARS — MONTHS

POOR QUALITY  
ORIGINAL

0231

State of New York, }  
County of Kings, } ss.:

I, BERNARD J. YORK, Clerk of the Court of Sessions in and for the County of Kings (said Court being a Court of Record having common law jurisdiction, a clerk and seal), do hereby certify that the annexed is a copy of the minutes of conviction of Charles Jones with the sentence of the Court thereon as entered in the minutes of the said Court of Sessions, kept by me, and now in my custody as Clerk, and the same has been compared by me with the original and is a correct transcript therefrom, and of the whole of such original, and that the annexed copy of the indictment, on which such conviction has been had, has been compared by me with the original, and that the same is a correct transcript therefrom, and of the whole of such original; and I do further certify that no record of the Judgment on such conviction has been signed and filed.



Given under my hand and attested by the seal of the said Court this Eleventh day of June in the year of our Lord one thousand eight hundred and eighty-ninth.

Bernard J. York,  
Clerk.



POOR QUALITY  
ORIGINAL

0232

Recent pictures  
Courtney & King  
The Lopez & c  
god  
Charles Jones  
Copy of the card

POOR QUALITY  
ORIGINAL

0233

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, DISTRICT.

*Michael J. Lyman*  
of No. *the Central Office Police* Street, aged *24* years,  
occupation *Police Officer* being duly sworn deposes and says  
that on the *9th* day of *May* 18*90*  
at the City of New York, in the County of New York.

Sworn to before me, this  
of *May* 18*90* day  
*John J. Anderson*  
Police Justice.

*Officer J. Cunningham (nowhere) and*  
*John J. Lyman in his possession*  
*a certain Burglars instrument*  
*commonly called a jimmy. From*  
*the fact that dependent arrest the said*  
*Cunningham in Mott Street having in his*  
*possession said jimmy. Dependent*  
*Lyman says that the said Cunningham has*  
*been twice convicted for the crime of*  
*Burglary. Dependent. Therefore Lyman*  
*that the said Cunningham may be held in violation*  
*Section 108 of the Penal Code* *Michael J. Lyman*

POOR QUALITY  
ORIGINAL

0234

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Caleb Gunning*

Question. How old are you?

Answer. *37 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *772. Essex St. N. Y. 3 Years*

Question. What is your business or profession?

Answer. *Laborer*

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*  
*Caleb Gunning*

Taken before me this

day of

*May* 188*7*

at

*179 Madison St.*

Police Justice.



POOR QUALITY ORIGINAL

0235

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... 1744  
District...

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael J. Murphy*  
*James J. Murphy*  
*James J. Murphy*

Dated *May 12* 18*90*

*Michael J. Murphy*  
Magistrate,  
Officer.

Witnesses *Det. J. J. Murphy*  
*Det. J. J. Murphy*  
No. *Central Office*  
Street

No. *1000*  
Street  
RECEIVED  
MAY 15 1890  
DISTRICT ATTORNEY

*Goodbye 4 May 13 1890*

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 *James J. Murphy*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* 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 *May 12* 18*90* *James J. Murphy* Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0236

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK,

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Roderic Symington*

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

Indictment accuse *Roderic Symington* of a Felony,

of the crime of

as a SECOND OFFENSE, committed as follows:

Heretofore, to wit: at a court of General Sessions of the Peace, holden in and  
for the City and County of New York, at the City Hall, in the said City of New York,

on the *seventh* day of *February*, in

the year of our Lord, one thousand eight hundred and *seventy one*,

before the Honorable *John W. Macdonald, Recorder of*

*the City of New York,*

and Justice of the said Court, the said *Roderic Symington*

by the name and description of *Roderic Symington*

was in due form of law convicted of *a Felony*

to wit: *Grand Larceny*

upon a certain indictment then and there in the said Court depending against *him*

the said *Roderic Symington* by the

name and description of *Roderic Symington*

as aforesaid,

for that *he*

then *late of the* *City of New York*

POOR QUALITY  
ORIGINAL

0237

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

Twentieth day of December, 1879, in the  
year aforesaid, at the

County aforesaid, with force and arms,

one cameo stone of the  
value of ten dollars, one mosaic stone of  
the value of fifteen dollars, one chain  
of the value of twenty five dollars, one  
spoon of the value of five dollars, of the  
goods, chattels, and personal property of  
one Richard Labor Banker, then and there  
found, 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



POOR QUALITY  
ORIGINAL

0238

And Thereupon, upon the conviction aforesaid, it was considered  
by the said Court of General Sessions of the Peace, and ordered and adjudged that  
the said Robert Symon  
by the name and description of Robert Symon  
as aforesaid,  
for the felony and grand larceny whereof  
he was so convicted as aforesaid, be imprisoned in the State  
Prison at hard labor for  
the term of two years  
as by the record thereof doth more fully and at large appear.

And the said Robert Symon,  
late of the  
City of New York, in the  
County of New York aforesaid, having been so as aforesaid convicted of the  
said felony and grand larceny in  
manner aforesaid, afterwards, to wit: on the ninth day of  
May, in the year of our Lord one thousand eight hundred  
and ninty, at the City and County aforesaid, with force  
and arms, did unlawfully have in his possession,  
a certain tool and implement adapted, de-  
signed and commonly used for the commission  
of burglary and larceny, and called a  
"jimmie", under circumstances evincing an  
intent to use and employ the same in the  
commission of some crime to the grand  
jury aforesaid unknown, against the form of  
the Statute in such case made and provided,  
and against the peace of the People of the State  
of New York, and their dignity.

John D. Hellows,

Attorney