

0189

BOX:

145

FOLDER:

1491

DESCRIPTION:

Nuttall, William

DATE:

07/16/84



1491

POOR QUALITY ORIGINALS

0190

Day of Trial, Counsel, Filed, Pleads

July 1884

McMurry 17

THE PEOPLE

R

William McMurry

vs. Peab.

419

PETER B. OLNEY,

JOHN WILKINSON

District Attorney.

Aug 17/84

Filed & Entered Ass't by

A TRUE BILL.

S.P.B. years

Foreman.

Assault in the First Degree

McMurry

0191

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 Russell

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

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

The said *William Russell*

late of the City of New York, in the County of New York, aforesaid, on the *Twenty* day of *July* in the year of our Lord one thousand eight hundred and eighty *four* with force of arms, at the City and County aforesaid, in and upon the body of *Ju. Doe* in the peace of the said people then and there being, feloniously did make an assault and *beat* the said *Ju. Doe* with a certain *knife* which the said *William Russell*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *to kill* the said *Ju. Doe* 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

William Russell

of the CRIME OF *Assault in the Second Degree*, committed as follows:

The said *William Russell*

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 *Ju. Doe* then and there being, feloniously did, willfully and wrongfully, make an assault and *beat* the said *Ju. Doe* with a certain *knife* which the said *William*

Russell in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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

PETER B. OLNEY,

~~JOHN McKEON~~ District Attorney.

0192

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

St. Lhe

William Nuttall
Offence *felony assault*

1
2
3
4

Dated *July 13* 188*9*

Stuck Magistrate.
Cooley Officer.
6 Precinct.

Witnesses *Stu 150*
No. *176* Street *Knicker*

No. *616* Street *Prick*

No. *1008* Street *Stee*
to answer Sessions.

Down

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 *William Nuttall*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *ten* 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* 188*9* *Solou Smith* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0193

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Nuttall 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. William Nuttall

Question. How old are you?

Answer. 44 years

Question. Where were you born?

Answer. England

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

Answer. 419 Pearl St. one week

Question. What is your business or profession?

Answer. Mechanic

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
William Nuttall

Taken before me this 13
Stewart
Justice.

0 194

Police Court— 1 District.

CITY AND COUNTY OF NEW YORK, } ss.

of No. 5 1/2 Duane Street,
Mott

30 yrs Clerk being duly sworn, deposes and says, that
on Saturday the 13 day of July
in the year 1884 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by William
Nuttall (now here) who
cut and stabbed deponent
in the head and hand
with a knife then and
there held in the hand
of said William

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 :

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

Sworn to before me, this 13 day
of July 1884

Oliver B. Smith
POLICE JUSTICE.

0195

Testimony in the
case of
Mr. Nuttall

filed July
1884.

0196

212
The People
William Nuttall } Court of General Sessions, Part I
 } Before Judge Cowing. August 12, 1884
Indictment for assault in the first degree.

Ju. Cohe, sworn and examined through a Chinese interpreter, testified: I live 5-1/2 North St. I was working there six months ago; on the 12th of July I saw the prisoner Nuttall; he stabbed me on that day Saturday; he stabbed me only once; he cut me on the side of the head; it was not with a pocket knife, but with a knife that comes to a point. My witness, a Chinaman, came up North St. with me; the complainant went first and the prisoner saw him. Somebody held the complainant back while the prisoner stabbed him. The prisoner and another man tried to take a diamond ring off my finger. The prisoner went to rob me and the other fellow was holding me and then afterward the other fellow ran away and the prisoner struck me with the knife. Cross Examined. The officer came up and arrested the prisoner while the other man ran away. I remember being in the Police Court, I had a lawyer there and I told the lawyer what I have said here today. I said there that two men ran away and the prisoner struck me.

0197

Ju Ho, sworn and examined through the Interpreter testified as follows: Did you see the prisoner stab Ju Che? Yes sir. Talk to these gentlemen and tell them all that the prisoner did, all that you saw about it? Had been in Greenwich St. 196 and Ju Che sent some clothes down to me. I waited for him to come down from Mott St. When coming by West St. three fellows were standing on the corner. It rained Saturday night, the complainant walked first, the witness walked behind. What did the three men do? Three men came right over and saw the complainant have a diamond ring. What did they do? Two men were holding him back. What did the other one do? He struck with a knife. Is he here, do you see him, the prisoner here? Yes sir. He struck your friend with a knife while the other two held him? Yes sir, the two ran away. Cross Examined. Which man had the knife, did he have the knife? This man, the prisoner. He two held your friend sure? He two sure. And he came along and struck him with a knife? Yes sir, he struck.

William Nuttall, sworn and examined, in his own behalf testified: Where did you live before you were arrested? I lived in 419 Pearl St. How long did you live there? Four

0198

or five days. Had been living in Brooklyn
in York Street. What was your business
before you were arrested? Polishing steel for
engraving. For whom? George B. Sharp, No 13
Baxter St. Since you have been arrested in the
Tombs did you send to Mr Sharp for a recom-
mend? Yes sir. Is this the recommend that
you got from him? Yes sir. Look at it now,
is that the recommend you got? (Paper
shown) Yes sir. How long did you work for
Mr. Sharp? Over two years. Were you working
at the time of your arrest? Yes sir, up to
half past four. That day I was arrested. Now
Nuttall did you see this Chinaman? No sir,
I am as innocent as a child of this.
Did you attempt to rob him of a diamond
ring? No sir, I did not. Cross Examined.
What were you following that Chinaman for
that night? I was not following him at all.
Were you not running after this Chinaman
for Che? No sir, I was running out
of the wet. Was he not running in front
of you? No sir, if he was I did not see
him. Didnt he turn around and strike
you with an umbrella? No sir. When were
you arrested? It was a month last Saturday
night. The night of the stabbing? No sir. Did
you see either of those Chinamen? No sir

0199

Counsel

I know nothing at all about them. Did you see either of the Chinamen? No sir.

I offer to read with the permission of the Court the affidavit made by Ju Che on the 13th day of July in the First District Police Court. [Rebutting Testimony]

James Early, sworn and examined, testified: What precinct do you belong to? Sixth precinct. Did you see the prisoner who is now at the bar on the 17th of July? Yes sir. I saw Ju Ho, the witness. I was on post in Chatham St. that night. I came down about five minutes

of 12 to the corner of Elliott St. I saw three Chinamen running; the prisoner was following the complainant and he (the complainant) had an umbrella in his hand and he struck the prisoner in the mouth. The Chinaman told me his friend was cut around in North St. I took the prisoner back and found the other Chinaman corner of North St. staggering around blind bleeding. It was raining hard at that time. The jury rendered a verdict of guilty of assault in the second degree.

The Court sentenced the prisoner to the State prison for the period of three years.