0505

BOX:
199
FOLDER:
1996
DESCRIPTION:
Eberhardt, Gustan

DATE:
12/14/85

1996

Witnesses:

Officer Simon Martin

No 108 A.

Counsel, [illegible]

Filed 14 day of Dec 1899

Pleads Not guilty (W)

THE PEOPLE

vs.

Gustav Eberhardt

Violation of Excise Law (Sunday).

[111 Rev. Stat., (Thirteenth Edition), page 1989 Sec. 21, and page 1980, Sec. 5].

RANDOLPH B. MARTINE,

District Attorney.

SUPREME COURT PART 1,

December 22 1899

A True Bill.

INDICTMENT DISMISSED.

[illegible]

Foreman.

0507

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Augustus Eisenbrandt

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

— Augustus Eisenbrandt —

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said Augustus Eisenbrandt,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Seventh day of January, in the year of our Lord one thousand eight hundred and eighty-Seven, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating 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 whisky, 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

certain ———— persons whose names are 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.

SECOND COUNT:

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

— Augustus Eisenbrandt —

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said Augustus Eisenbrandt,

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week,

0508

commonly called and known as Sunday, with force and arms, certain intoxicating 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 whisky, 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

certain ——— persons whose names are 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.

THIRD COUNT:

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

Gustave Schwendt

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Gustave Schwendt

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

1884 Bowery

in the City and County aforesaid, which said place 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, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, 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.

RANDOLPH B. MARTINE,
District Attorney.

0509

BOX:
199
FOLDER:
1996
DESCRIPTION:
Evan, George

DATE:
12/24/85

1996

Witnesses
Officer Thos J. Adams
Andrew Williams
Jno C Strange
Officer Henry A Livingston

For the reasons within stated I recommend and consent that deft. be discharged upon his own recognizance.
Randolph B Martine
Jan 8. 1887 Dist. Atty

No 254

Day of Trial,
Counsel,
Filed 24 day of Dec 1885
Pleads, Not guilty / Jany 4th

THE PEOPLE

vs.

George W. Evans

Homicide of the Degree of Murder, First Degree.

Randolph B Martine
District Attorney.

Sentenced to state prison 15 years

A True Bill.

Foreman.

Ordered to N.Y. Court of Oyer and Terminer for trial January 8. 1886

Tried and convicted
the 22nd day of January 1886.
Manslaughter 1st degree
with recommendation to mercy
Nov. 10

0511

---------- X

The People

vs

Evans

---------- X

STATEMENT:

Andrew E. Wetherson.

I live at 260 West 126th St.- I know the defendant George W. Evans, and have known him for some time. On the night of the 30, of January 1885, Evans came to my house about half-past seven or eight o'clock- he came to my house about that time and informed me that his wife had left him, and had proof that she had gone away with a man named Augustus White; that is she had gone as far as the railroad station with him, he was there packing her things up with her- he detained him at the office 409 Broadway, until after the hour of six o'clock; then told him to go back to the house again. I saw he was in a rather dazed condition- he informed me that the night previous, january 29, that he had taken several doses of laudanum and walked the street most of the night, and could not sleep- He told me that the following day he was going to leave; that Mr. White the agent had notified him that his time would then expire; that he did not require his services any longer; that he was going down the next day for his money; and that he would send what furniture his wife left remaining in the basement of 345 to my house, for me to hold as storage.

(II

I had my wife prepare some black coffee for him,-I thought that he was in a condition that required it- he said he had eaten nothing- she prepared him some coffee and cakes&c- he eat sparingly,but drank the coffee-I walked as far as the 125th,St. station and bid him good night- he said he would go right home, and get his money and come and se me;- that is the last I saw of him until I saw him in Jefferson Market.

The People
vs.
Evans.

STATEMENT:-

William C. Strange:

I live at 124 West 20th St. On the 30th, of January I lived at 345 West 21st, St., known as the Collegian flats- the defendant George Evans had prior to that time been the janitor of that flat. On the night of the 30th, day of January Evans came to my room, rang the door bell and asked me if I wanted milk, while he stood there I told him that the water pipes in my bath room were frozen, he stepped inside and said there was a man down stairs that claimed to be his successor, see what he has got to say about it. I called the janitor through the speaking tube, Evans being present, told him that the water pipes were frozen, and asked him to have them seen to in the morning, he replied (through the air shaft) that he would- it was loud enough for Evans to hear. Either before or after I had whistled down to the new man, Evans told me then that White did not inform him of this man's coming; that he, Evans, had not been paid for time, which did not expire until the following day at noon; that the man claimed to be his successor, but that he had received no notification from Mr. White, nor neither had he been paid.- The whistle in my kitchen blew I answered it through the air shaft- there was a voice said for someone to go down stairs there was a man trying to shoot him. I recognized the voice as George Evans, the old janitor. I told him to go and get an officer. About five minutes elapsed from that time until I heard a groaning noise in the hall; - I opened the

door and lighted the gas on the landings on the way down. I met the deceased, Curray, who told me he was shot. I told him to sit down on the stairs; I told him I would go and get an officer or doctor, I don't know which, or both- I then went and got an officer, and while we stood with the officer in the hall way, Detective Wilson of the 16th Precinct, then went down to the basement where the shooting was done- he came up stairs with a revolver with chambers all full, and hammer up- full cock- I asked Curray if the revolver was his he said it was.

In re Evans

0517

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, SS.

AN ANTE-MORTEM INQUISITION,

Taken at the New York Hospital *No.* 7523 W. 16th *Street, in the* 19th *Ward of the City of New York, in the County of New York, this* 1st *day of* February *in the year of our Lord one thousand eight hundred and* 85 *before* Michael J. B. Messemer M.D. Coroner, *of the City and County aforesaid, on view of the Body of* Thomas Carne *at* the New York Hospital

Upon the Oaths and Affirmations of Seven *good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said* Thomas Carne *was injured, do upon their Oaths and Affirmations, say: That the said* Thomas Carne *died* of his injuries on Friday January 30th 1885 at 345 W. 21st St. by a pistol shot wound of the head from a pistol in the hands of George Evans

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER**, *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

James Duffy	210 Hurst Ave
Edward J. Stare	350 Eastern th St
John P. Barrett	173 First Ave.
J. F. Cole	311 East 14th St
William A. Page	155 First Ave.
J. D. VanArsdale	148 2nd Ave
Wm. E. Schloss	198 Broadway

Michael J. B. Messemer M.D. CORONER, L. S.

0518

City and County of New York, ss.

Statement of Thomas Currie *now lying dangerously wounded at* the New York Hospital ~~343 W. 21st St.~~ *in the* 18th *Ward of said City and County, on the* First *day of* February 1885

Question—What is your name?

Answer— Thomas Currie

Question—Where do you live?

Answer— I reside at 23 Bond St. New York City

Question—Do you now believe that you are about to die?

Answer— Yes

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer— It is hard for me to say

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer— Yes

On Friday January 30th /85 I was hired by Mr. White the agent of the flat No. 343 or ~~No. 345 W. 21st St.~~ as watchman and temporary janitor. I took charge of the building at exactly six o'clock in the evening. I did not see the man that shot me until half past nine o'clock that evening. I had never seen him before that time. He was employed by Mr. White as janitor before I was. He was at the foot of the cellar stairs. I was sweeping up before the furnace. He said I am janitor here and I have orders not to allow any one in here and said for me to get out. I said I had been employed to stay there

0519

and I proposed to do so. He then ordered me out a second time. The other man drew a pistol out of his pocket then drew my pistol. The other man drew his pistol first. I do not think I fired. The policeman said I did not fire. My pistol was not discharged by me. The other man fired and I fell back on the stairs. I did not know the man at all. I saw him off and on that evening before he shot me. I had no words with him but those I stated above. I had never seen the man that shot me before that evening. He must have shot me out of revenge on account of my taking his place as janitor. I am a colored man ~~and by nature of~~ Jamaica West Indies. I used no abusive language towards the other man. He did towards me. He said he would blow my black head off. He said this just before he shot me. He also called me a son of a bitch. After he shot me I remember nothing further. When I again became conscious I was here in the New York Hospital

his
Thomas X Currie
mark

Sworn to before me
this first day of February 1895
Michael J. B. Messemer Jr.
Coroner

0520

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.
46 Years. 6 Months. 1 Days.	Jamaica W.I.	New York Hospital

Inq. No. 334

1885

AN ANTE-MORTEM INQUISITION

On the VIEW of the BODY of

Thomas Fearne

whereby it is found that he was

empleied by

Thomas Carey

Carman

Taken on the 1st day of February 1885 before Michael J. McDonough Coroner.

Committed

Bailed

Discharged

No 1.

Pl 3

334

1st Div 1885

AN ANTE-MORTEM INQUISITION

On the **VIEW** *of the* **BODY** *of*

Thomas Evans

whereby it is found that he *was injured by*

George Evans

on

January 30/~~84~~

at

343 & 345 W. 21st St

Taken on the 1st *day*

of February 1885

before Michael J.B. Messemer, M.D.

Coroner.

Committed
Bailed
Discharged

No. 1.

R13

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.
46 Years. 6 Months. – Days. –	Jamaica W.I.	New York Hospital

0522

LAW OFFICES OF

Howe & Hummel

87 & 89 Centre and 136, 138 & 140 Leonard Sts.

NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

New York October 12th 1886

The People &c agst George Evans.
Homicide.

Randolph B. Martine Esq.

Dear Sir:

Inasmuch as you are well aware that you can do nothing in the above case, will you kindly consent to allow the defendant George Evans go on his own recognizance?

Yours Respectfully

William F. Howe

The People
vs
George Evans

Indictment
filed Dec 24/80

0524

10, 367

New York Hospital.

West Fifteenth St., New York.

Application for Admission.

Date Jan 30/93

Name Thomas Currie (Colu)

Age 36

Nativity West Indies

~~Single~~ Married ~~Widower~~ ~~Widow~~

Occupation Janitor

Residence 23 Bond St

How long resident in U. S.

How long resident in this city 16 yrs

Father's Birthplace West Indies

Mother's Birthplace

Diagnosis Pistol Shot-Wound of Head

Examined by Dr. Morton

Brought in Ambulance from 23 West 21st St at 11-45 PM. Said he was shot by a man named George Evans, a former janitor of the building, with whom he had an altercation. Wife lives at above address —

Died Feby 4/93 at 7-40 PM

Supreme Court. - Cityand County of New York.

x-x-x-x-x-x-x-x-x-x-x-x-x:

The People &c., :

against :

G EO R G E E V A N S. :

x-x-x-x-x-x-x-x-x-x-x-x-x:

Dear Sir:-

Please take notice that the abovenamed defendant will be brought before Hon. John R. Brady, one of the Justices of the Supreme Court, at a Court of Oyer and Terminer, to be held at the New Court House, in the City Hall, of the City of New York, on the 8th day of November 1886 at 10 1-2 o'clock in the forenoon of said day, on a Writ of Habeas Corpus allowed herein, and that we shall then and there before said Justice, move that said defendant be discharged from custody on the ground that more than two terms of the Court have elapsed since the reversal of the judgment con victing said defendant, and that he has not been brought to trial since that time, and that said defendant have such other and further relief as to the Court may seem just and proper.

Dated November 5th, 1886.

Yours &c.,

Howe & Hummel,

Defendant's Attorneys,

To R. B Martine Esq.,

District Attorney.

0526

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.:

.....being duly sworn, says that he resides at No. .....Street, in the City of New York; that he is.....years of age; that on the ..... day of ..... 18....., at Number..... in the City of New York, he served the within ..... on ..... the ..... by leaving a copy thereof with .....

Sworn to before me, this
day of 18 }

N. Y. Supreme Court

The People

Plaintiff,

against

George Ottman

Defendant.

Notice of Motion

HOWE & HUMMEL,
Attorneys for Deft.
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within
hereby admitted
this day of 18

Attorney.

To H. A. Martine Esq.
District Attorney.

George W. Evans, deft, sworn, testifies as follows:

Q What is your age?
A. Either 20 or 21 this February coming.
Q You were janitor at these flats?
A. Yes.
Q And at the time stated? A. Yes.
Q When were you employed by Mr. White?
A. September 16th I believe.
Q Mr. White has told us that he informed you that after the first of the month that you would be discharged? A. Yes, but there was a clause in that, "provided that he could get nobody else at the time would I have any objection to remaining there until he could get some one"
Q That is the way you understood it?
A. Yes,- that is the way it was understood.
Q You did not understand you were to leave the premises until Mr. White had notified you? A. No, sir.
Q Or notify you in some authoritative way?
A. Yes, sir.
Q I want you to tell us on the night of the shooting when you saw first this colored man Thomas Currie?

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On this evening I came in about ten oclock having been up to see Mr. Weatherson; coming in the cellar I saw this man Currie; I spoke to him; he was sweeping up. I said "what are you doing here". He says "I am the janitor". I said "yes". I did not ask him any more questions but went up stairs and saw Mr. Strange and asked him about him. He said he saw some man prowling around down stairs. I said "he says that he is the janitor". He said "I do not know anything about it". He then called down to Currie and said the water pipes are burst. He said "I have not anything to do with that" — I did not hear him myself. Going down stairs again I put out my gas throughout the house; coming down into the cellar I went into my rooms and saw everything was all right and I lit the gas on both sides.

2 Are your rooms in the cellar?
A. Yes, sir. I said to Currie "it is

ten oclock now and I will have
to close up." I asked him before
that who sent him there. He
said he did not know. I asked
him was it Mr. White himself. He
said he did not know. I asked
him was it Mr. Gribble, his clerk.
He said he did not know. I said
"have you got a note." He said
"no", and he said it in a
saucy way. On the way down
stairs I said "it is ten oclock
and I will have to close up".
He says "I do not give a God
damn whether you have or not".
I said "you will have to get out".
He began blustering around and
cursing and I went to call an
alarm. I said "I will have a
policeman here in two minutes"
He sprung to the stairs and
pulled out a revolver and held
it in his hand and I took
out mine and I then said "put
your pistol up or I will blow
your whole head off". He put it
in his pocket, or vest pocket. There
I determined not to go to the call

0530

I thought I would go up through the hall to the front door, and as soon as I turned around he said "God damn you I will kill you". I was turning around and heard the click and I pulled out my revolver, out of my overcoat pocket and fired. I then called Mr. Stranger and said "this man has been trying to shoot me". I did not know what to do; I ran in my rooms — I had my hat on and I picked up a little valise and ran out. I was frightened. I had no money. My first intention was to give myself up. I had no money to employ counsel and I thought the best thing was to evade justice and run away.

2 And hide yourself? A. Yes; I remained in the city.

2 Then where did you go — you heard of this man's death? A. Yes, sir.

2 And still hid yourself? A. Yes, sir.

2 Where did you go? A. I went west to Cincinnati and worked at different things and I got a position with the Hall Safe & Lock Company.

2 Where is that? A. They have a factory in Cincinnatti and one in New York here. That is the last employment I had. I came back to New York and made no effort to conceal myself. I tried to get some legitimate work in New York and then I was arrested.

2 Mr. Adams says that when he arrested you and found this knife that he told you that you had trouble enough already &c? A. I was going to pawn that knife that day. I had only three or four cents in my pocket. The knife I found when I was in the employ of Mr. White down in the building. I found it near the elevator one morning. I suppose that it was dropped by some of the bakers or butchers.

2 Tell the jury what you did with it? A. I kept it in my own room for a while. Nobody claimed it and I brought it up to my aunt's house and it lay there ever since.

2 Where does your aunt live? A. 312

East 105th. Street.

Q And it was from that place you took it that day? A. Yes, sir.

Q To pawn it? A. Yes, sir.

Q You did tell Adams you took it to scare somebody? A. Yes, I said something like that.

Q You mean Mr. Adams has not misstated it? A. No; to the best of my recollection, no.

Q At the time you fired your pistol you say the deceased was pointing at you a pistol which he then held in his hand? A. Yes.

Q Did you believe that there was a design on his part to do you a great personal injury? A. Yes, sir — he acknowledged that — his words.

Q He had previously said he would kill you? A. Yes, sir.

Q At the time you fired at him did you believe from what he was doing and from what he had said that he was then and there about to do you a great personal injury? A. Yes, sir; I did.

Q Did you believe your life was in danger? A. Yes, sir.

Q And so believing you fired? A. Yes, to prevent his taking my life.

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N.Y. Dec 26th 1886

Col. John R. Fellows.
Assistant District Attorney
Re Geo. W. Evans
Homicide —

Dear Sir

Received from Messrs Howe & Hummel a copy of a letter relative to my case sent to you by them upon the 22nd inst. Up to date of present writing I have heard nothing further in regard to the case

Several of my freinds evinced a desire to go to Mr Ferrigan the alderman in my district & request him to present the case to you I believe in writing to you direct & knowing your reputation for justice & mercy I am sure I will be listened to

My aged aunt & uncle who are the only parents I remember, they having reared me from childhood in comfort are now old & infirm The expenses incidental to my trial & appeal have been heavy & has nearly beggared them. At present my Uncle is sick & incapacitated for his daily work & if his illness continues I fear things will go hard with them this Winter

I have a splendid situation awaiting me & if I were at liberty could be in a position to partly ~~repay~~ repay them the money they so freely sacrificed in my behalf.

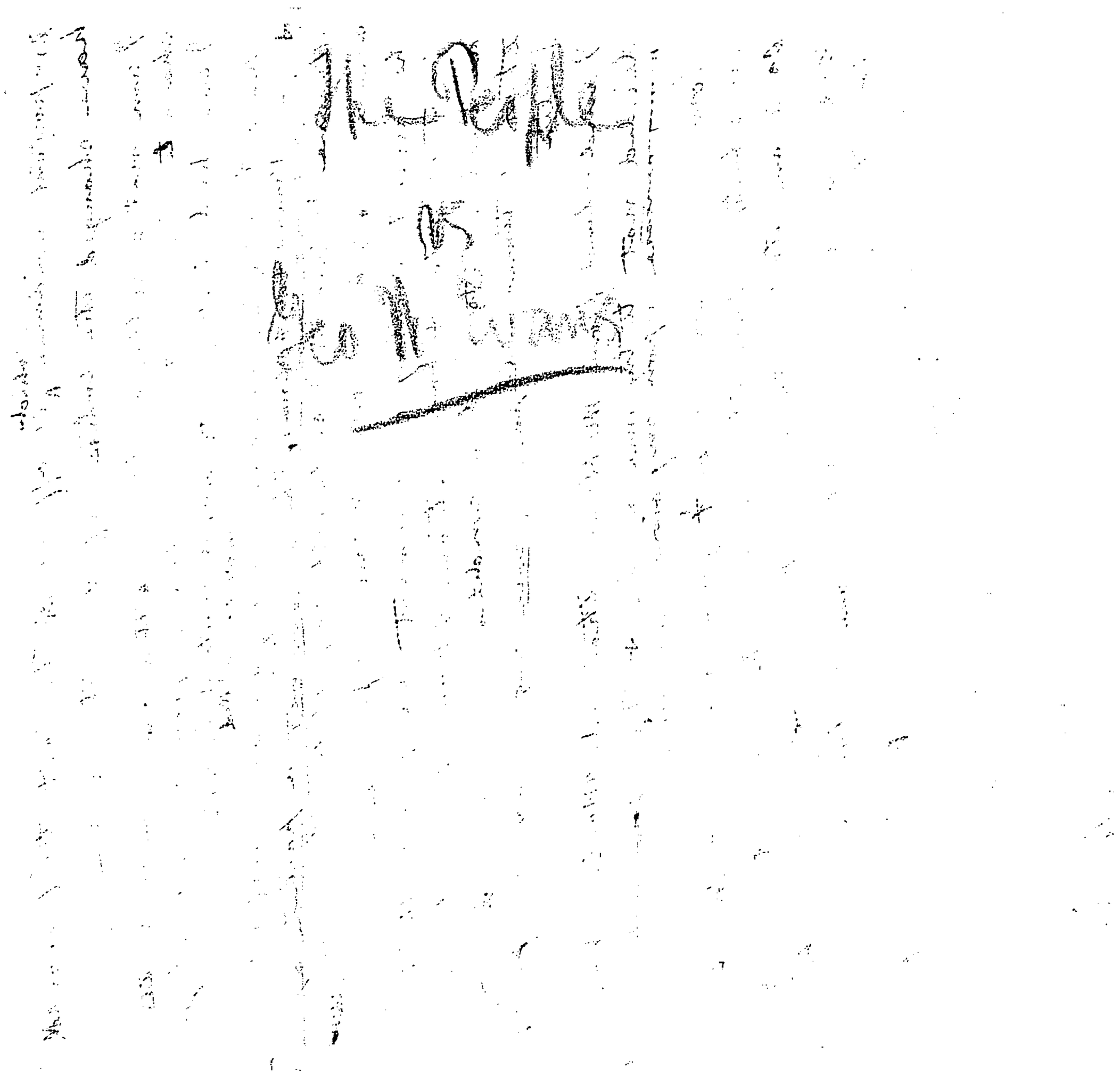
Col Fellows I am positive there can never be a conviction secured in my case since the last trial I have come into possession of very

0534

important evidence which if offered at the last trial would have changed the entire aspect of the case
I am not a robber or thief neither am I a desperate character I can get recomendations from every employer I ever had testifying to my sobriety + industry
The act which placed me here was solely in self defence + you know Col Fellows, there was not a particle of genuine testimony to controvert my statements as to the accurence. I have been incarcerated for over a year and the almost solitary confinement coupled with the great mental + bodily strain I have suffered has reduced me to such a condition of general debility that at times I despair of ever regaining my perfect health
I understand from Mr Howe that Mr Martine has decided not to try me again + that you will consent + ... upon my own recognizance
Now Col Fellows won't you please let me have my liberty before the close of the present year? so I can start in to my work the ~~fst~~ first of the year
Col I wish you would please do this - if not for me for the sake of my aged guardians. Believe me to be
Yours most Respty

George W. Evans

Tombs
N.Y. City



0536

LAW OFFICES OF
Howe & Hummel
87 & 89 Centre and 136, 138 & 140 Leonard Sts.
NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

New York September 24th, 1886. 188

Hon. R. B. MARTINE:

Dear Sir:-

PEOPLE vs. EVANS.

When I applied to Judge Barrett to fix bail in Evans' case, it was agreed that unless the Court of Appeals differed from the General Term of the Supreme Court on the question of the admission of the dying declarations of the deceased, Evans would have to be discharged, and on your statement to Judge Barrett of your intention to carry the case to the Court of Appeals, Judge Barrett fixed bail at $2,500.

Evans was unable to furnish so large an amount of bail, and I subsequently applied to Judge Potter for a reduction.

That motion was met by Mr. Purdy of your office giving a solemn assurance to Judge Potter in open Court, that it had been determined not to go to the Court of Appeals with the case, but to place Evans again on trial without the dying declarations.

Judge Potter denied the application to reduce the bail, giving as his sole reason, Mr. Purdy's statement of your intention not to go to the Court of Appeals. (See Daily Register August 23 '86)

I am now informed by Mr. Douras, that notwithstanding Mr. Purdy's statement to Judge Potter, you propose to appeal to the

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Court of Appeals, and therefore I write to be informed which course is to be pursued by you in order that I may be enabled to prepare my course in the premises.

Your early and kindly attention to this will be duly appreciated by,

Yours truly,

William F. Howe

The People vs Evans

0538

N.Y. Supreme Court
First Department

The People of the State
of New York
against
George W Evans
Respondent

Please take notice that the respondent hereby appeals to the Court of Appeals from the judgment and order of the General Term of the Supreme Court entered herein on the 1st day of June 1886, and from each and every part of said judgment and order.

Yours &c
Randolph B Martine
District Attorney
for Appellant

To
Howe & Hummel Esq
Of Counsel for Respondents.

N.Y. Supreme Court

The People of the State
of New York
— against —
George W Evans

Notice of Appeal
to Court of Appeals

R.B. Martine
Dist. Atty

Due and timely service
of a copy of the within
hereby admitted
Dated N.Y. January 10th 1897

U.

The prisoner at the bar, George W. Evans, is charged with the crime of murder in the first degree in the killing of Thomas Curry on the 30th day of January, at about 11 o'clock in the night of that day.

It will appear by the evidence that the prisoner was, prior to the said 30th day of January, the janitor of the premises 345 West 21st Street, known as the "Collegian Flats". That on this day, owing to some difficulty that Evans had had with the agent of the premises, the deceased was placed in his stead as janitor, and Evans was notified that his services would be no longer required after the next day.

We shall show by witness that on the night of this homicide, the prisoner called on Mr. Andrew E. Wetherson, who had known the prisoner for a long time and was a friend of his, and that he informed Wetherson that his, the prisoner's wife, had left him and had gone away with a man named Augustus White who was then the agent of the Collegian Flats; and the prisoner ~~notified~~ told Mr. Wetherson that he had been notified by White that his time would expire the next day, and that his services were no longer required. He seemed to be very much agitated, and, as the witness says, acted as if he was under the influence of laudanum. He seemed to be very much excited about his wife's going way and about his losing his position as janitor of the Flats.

Shortly after this conversation, the prisoner appeared at the scene of the homicide in the Collegian Flats. We shall show by witness, one of the occupants of these

Flats, that he met the prisoner and told him that the water-pipes in his (the tenant's) bath-room were frozen; that the prisoner stepped inside of the flat and told the witness there was a man down-stairs that came to be his successor, and that the best way for the witness to do about the frozen pipe was to telephone down and ask the new janitor about it. In the presence of the prisoner, the witness William C. Strange, did speak down through the speaking-tube to the new janitor, the deaceased, and the deceased answered back through the air-shaft that he would attend to the frozen pipes in the morning. This conversation was over-heard by the prisoner.

Shortly after this Evans went down-stairs, and shortly after that, the witness heard a shot, and some one whistled up-stairs that he was being shot.

The witness went down and found the deceased who had been shot with a pistol and who was suffering from a pistol shot wound. The police were sent for, but the prisoner escaped, and from that time, up to within a very recent period he has been a fugitive from justice.

What is known as the ante-mortem statement was taken by the Coroner at the bed-side of the deceased, but its contents I will not now state to you until it shall have been read in evidence; but we think we can prove from the circumstances in this case that the prisoner, believing that the witness White had taken his wife away, and having lost his place and been discharged by White, and another man put in his place, out of hatred and malice and revenge, wreaked

his vengeance on his unfortunate successor.

We think that we can prove from the evidence that Evans, the prisoner, went down-stairs that night and that he ordered the colored man out of the place, and that the colored man refused to go out, and that thereupon Evans pulled his revolver and shot him. It is true that the colored man had a revolver too, but he did not use it for it was found with the chambers all unfired.

We think we can prove these facts, and, under the instructions of the Court, we fear we shall be compelled to ask at your hands a verdict of murder in the first degree.

0543

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, *ss.*

AN INQUISITION,

Taken at the Coroner's Office No. 13 & 15 Chatham Street in the 11th Ward of the City of New York, in the County of New York, this 12 day of February in the year of our Lord one thousand eight hundred and 85 before

MICHAEL J. B. MESSEMER, Coroner,

of the City and County aforesaid, on view of the Body of Thomas Connil now lying dead at

Upon the Oaths and Affirmations of good and lawful men of the State of New York, duly chosen and sworn and affirmed and charged to inquire, on behalf of said people, how and in what manner the said Thomas Connil came to his death, do upon their Oaths and Affirmations, say: That the said Thomas Connil came to his death by a pistol shot wound of the head from a pistol in the hands of George Dunn at the Gallagher Club House, 77 Hudson St. on Jan. 31st 1885.

In Witness Whereof, We, the said Jurors as well as the **CORONER,** have to this Inquisition set our hands and seals on the day and place aforesaid.

JURORS.

James Kearney	81 Hudson St
Henry Hennings	99 Hudson St
Joseph Connin	121 Hudson St
Albert Eitel	118 Hudson St
Jacob Sauer	79 Hudson St
Patrick McGough	163 Hudson St
Patrick McConville	165 Hudson St

Michael J. B. Messemer CORONER, L. S.

0544

TESTIMONY.

Dr. E. J. Messemer being sworne says: On Thursday, February 5th, 1885 at the New York Hospital I made an autopsy on the body of deceased, Thomas Currie. He was a mulatto, with straight hair and small side whiskers and a moustache. He was about five feet seven inches tall. He was somewhat emaciated. About half an inch above the outer half of the upper margin of the left eye there was a pistol shot wound which penetrated the muscles of the forehead, the frontal bone of the skull and lacerated the brain matter immediately beneath. Upon removing the coverings of the brain and the brain showed signs of inflammation [illegible] where pus had been [illegible] had formed on the left cerebral hemisphere of the brain. The lungs were both congested and oedematous. The heart, liver, kidneys, spleen, pancreas, stomach, intestines [illegible] bladder [illegible].

Death in my opinion was due to Exhaustion from a Homicidal Pistol Shot Wound of the left forehead lacerating the brain and causing Traumatic Meningitis.

Edward J. Messemer MD

Sworn to before me
this 5th day of February 1885
Michael J. O'Mahoney, M.D. CORONER.

0545

CORONER'S OFFICE. TESTIMONY.

Officer Henry A. Lancaster 16th Precinct being sworn says. I knew the deceased Thomas Boyle who died at 345 West 25th St. I was informed that he had been reported at the Station House on Jan 31st about 11.30 P.M. I was found in the case about 11.30 P.M. and in Co with 2 detectives of the Precinct went to Jefferson St. ferry and searched the premises the following morning at 8 o'clock. Nothing was found there that did not belong to the premises.

Henry A. Lancaster

Sworn to before me this 22 day of Dec 1885
John J. O'Neill Police Justice

Officer William Mahoney 16th Precinct being sworn says. On Jan 31st about 11.30 P.M. I was summoned to the 345 West 26th St and on arriving there found Thomas Gilling on a settee in the hall very badly he had been shot by some person. I assisted in the removal

Taken before me
this day of 188
Michael C. Macken CORONER.

0546

CORONER'S OFFICE. TESTIMONY. 3

which came from Mr Hopkins
dwelling left the house during
the afternoon [illegible]

William Mahoney

Wm C. Stuge being sworn says
I resided at 315 H. 21st in
the 10th Hall College rooms in this
the dwelling house since Jan 30th
about 1 P.M. I knew the deceased
~~Thos. Cusse~~ when was two under
the influence, when I heard a
scuffle upstairs I came down stairs
and left the house, when I
got to the middle hall I met
Cusse at that time he was off
[illegible]
I did not see Edward [illegible]
the fright that the Gas fixture
was all [illegible]
the [illegible] left [illegible]
house and the fright was [illegible]
[illegible]

Taken before me
this 12 day of February 188[illegible]
[illegible] CORONER.

0547

CORONER'S OFFICE. **TESTIMONY.**

as Coton as an Officer, I went out and met an Officer who came with me to the house the Officer asked me about their being Coons in the house and I told him I was in the kitchen at about ~~10.45 P.M.~~ ~~the Effect~~ 15 minutes before the shooting Coons came at my door and rang the bell I went to get the milk pail I left him the critter mister Jones went first began to upbraid my character and I told him to go on and he kept on and I told him to go the first thing in the morning and Coons said he would be revenged on me. [illegible]

Taken before me
this 12 day of February 1885
Richard [illegible] CORONER.

0548

CORONER'S OFFICE. TESTIMONY.

[illegible] about five minutes after the shooting Barrows called up for some one to come down stairs that the man had just shot himself. I did not hear the letter [illegible] I did not hear any other [illegible]

Wm G. Stange

Edward Coon being sworn says I reside at 945 N. 27th St and have lived around Jesse Grimes Price Nov. 27 '84. I saw Carrol in the first line on the night of July 25/85. I never saw the accused Jesse Grimes under the influence of liquor about 11 P.M. from 9 to [illegible]

Taken before me
this 12 day of February 1885
[illegible] CORONER.

Sworn to Gyrum 1/12
22 Jan 1885
Stanley Chappedelaine Foreman

0549

CORONER'S OFFICE. TESTIMONY.

I floor and heard the sound of voices coming from the cellar. I then heard a crash. I got up and went to the top of the stairs and about 3 or 4 minutes after I heard groans. I then spoke and said that if you must I feel to defend myself. I opened a door. Before at front room bed and then I heard groans. I then [illegible]

[illegible]

Andrew C. Hetherington Sworn says I reside at No 1260 St. 126th st and keep a lodging house at 701 Avenue A. I knew Jorge Brown since [illegible] he came to my house [illegible] he was a shoemaker. I last saw Jorge Brown on

Taken before me
this 1st day of February 1885
William O'Mechen Jr
CORONER.

0550

CORONER'S OFFICE. TESTIMONY. 6.

Jan 31st for about 7.20 P.M. he came to my house at 261 West 126 St. he seemed ~~nervous~~ flurried and alarmed. He a letter from his wife that morning that seemed to be causing him trouble. This, he told me that he was to be discharged on the 17 Feb. and that the authorities to pay for his board ceased. He left my house about 11 P.M. for New York on the Sunrise to Syracuse this 9th day of Dec 1885

Sworn to before me
22 day of Dec 1885
Daniel C. Neville Police Justice

Andrew E. Patterson

Josephine Carrie Irving being duly sworn says. I reside at 30 Thorne St Long City Heights N.J. and am the widow of deceased. He had been a night watchman at 32 Pearl St. and a salary had taken place there some time in January due on the 1st. He carried a pistol. I have [illegible]

Taken before me
this 12 day of Feb. 1885
Richard C. Mellissen M.D., CORONER.

0551

CORONER'S OFFICE. TESTIMONY. 3

When this alleged [illegible] before he died, he had only been employed as [illegible] on the evening of the 3rd [illegible] at the building

Mrs Josephine O'Connor

Taken before me
this 12 day of February 1880
[illegible] CORONER.

0552

Coroner's Office. **TESTIMONY.**

This is to certify that Thomas Currie (colored) was brought in ambulance to the New York Hospital at 11.45 P.M. Jan 30th 1885. with the history of having been shot in the head. Pt. on admission was conscious and presented no cerebral symptoms.
There was a circular opening through the skin & the outer table of the skull about ½ inch above the outer half of the upper margin of the left orbit. The bullet was seen at the bottom of the wound at about the plane of the inner table of the skull
The bullet was removed and the fragments of bone also & the edges of the bony opening rounded off. The dura mater was perforated and the brain lacerated to a slight extent. Patient developed meningitis and died at 7.40 P.M. Feb. 4. 1885

Edwin N. Orton

House Surgeon

N.Y.H.

Taken before me

this 4 day of February 188

Michael C. McMahon M.D. CORONER.

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
36 Years. — Months. — Days.	Jamaica West Indies	Near York Hospital	Feb. 5th 1885

Brought in Ambulance from 3rd & W. 21st St at 11.45 P.M. Claim he was shot by a man named George Evans a former painter of the building, whose place he took temporarily —

Bullet entered over the ~~left~~ eye two inches from the median line — Laceration of the Brain — Lungs Congested & Oedematous Traumatic Meningitis

M. **M. J. B. M.**

No. 370

1 Quar. 1885

AN INQUISITION

On the VIEW of the BODY of

Thomas Currie

whereby it is found that he came to his Death by (Homicide) Exhaustion from Homicidal Pistol Shot Wound of the left fore head, Lacerating the Brain and causing Traumatic Meningitis

Inquest taken on the 12 day of February 1885 before

MICHAEL J. B. MESSEMER, Coroner.

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
36 Years. — Months. — Days.	Jamaica West Indies	Sergt Mott's Hospital	Feb 5th 1885

Brought in Ambulance from 3rd & N. 21st at 11.45 P.M. Said he was shot by a man named George Evans a former janitor of the building, whom place he took temporarily —

Bullet entered over the left eye two inches from the median line — Laceration of the Brain — Lungs Congested & Oedematous Traumatic Meningitis

M. J. B. M.

M. No. 370

1 Quar. 1885

AN INQUISITION

On the VIEW of the BODY of

Thomas Currie

whereby it is found that he came to his Death by (Homicide) Exhaustion from Homicidal Pistol Shot Wound of the left forehead, Lacerating the Brain and causing Traumatic Meningitis

Inquest taken on the 12 day of February 1885 before

MICHAEL J. B. MESSEMER, Coroner.

0555

Received, New York, December 21 1885, from Coroner M. L. B. Messemer Inquest No 334 and 370: of the 1st Jan 1885 being the Intermortem and Homicide of Thomas Currie taken on the 1st and 12th days of February 1885. verdict against George Evans Pistol shot wound at 243. 5. M 21st St. January 30-1885

0556

Sec. 198—200.

3d District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

George W Evans 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. George W Evans

Question. How old are you?

Answer 21 years

Question. Where were you born?

Answer. New York

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

Answer. 312 E 105th St 2 mos

Question What is your business or profession?

Answer. Salesman

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

George W Evans

Taken before me this 22 *day of* Dec 188[illegible]

[illegible] *Police Justice.*

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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 defendants

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 he*~~ *committed to the Warden and Keeper of the City Prison of the City of New York,* ~~*until he give such bail.*~~

Dated DEC 22 188 5

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 he to be discharged.

Dated 188

Police Justice.

0558

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

~~14 56~~

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

~~Off. Rogers~~ & ~~Adams~~

vs.

George W Evans

2

3

4

Offence Homicide

Dated Dec 22 1885

D O Reilly Magistrate

Rogers & Adams Officer.

Detective Serg Precinct.

Off Livingston 16 "

" Maloney 16 "

Witnesses

Wm C. Strange

No. 345 W. 21 Street.

Edward Coon 166 Reade St.

~~345 W. 21~~

No. Street.

Andrew Watterson

760 W. 126

Josephine Currie

No. 30 Thorn St. N.J. Street.

Jersey City Heights

$ Comm to answer

Dr. Ed. H. Norton

New York Hosp.

Dr. Harald

Dr. E. J. Messemer 144 - 2 ave

Coroners Office

0559

TELEPHONE, 531 LAW.

MEMORANDUM

FROM

HOWE & HUMMEL,

Counsellors at Law,

WM. F. HOWE.
A. H. HUMMEL.
BENJ. STEINHARDT.
JOS. F. MOSS.

87 & 89 CENTRE STREET
AND
136, 138 & 140 LEONARD STREET.

TO Hon: Randolph B. Martine.

New York, Jan'y 5th 1887.

My dear Sir.

Evans – with some cause – is finding much fault with me – for the delay in his case.

I know you are very-wearied with business or dislike to importune you, or to impose on your too good nature – Let you see my position which

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Compels me to again urge that you let Evans out on his own recognizance.

He can get instant employment in this City.

So, I beg you, consult Mr. Nicol - if Col. Fellows is still absent & I know that justice now says grant my supplication.

Very truly yours

William F. Evans

05611

N.Y. Supreme Court
First Department

The People of the State of New York
Appellants
against
George W Evans
Respondent

Please take notice that the respondent hereby appeals to the Court of Appeals from the judgment and order of the General Term of the Supreme Court entered herein on the 1st day of June 1886, and from each and every part of said ~~order and~~ judgment and order.

Yours &c

Randolph B. Martine
District Attorney
for Appellant

To
Howe & Hummel Esqs.
Of Counsel for Respondents

N.Y. Supreme Court

The People of the State
of New York
against
George W Evans

Notice of Appeal
to Court of Appeals

R. B. Martine
Dist. Atty

To
Messrs Howe & Hummel
Counsel for Respondents

0563

LAW OFFICES OF
Howe & Hummel
87 & 89 Centre and 136, 138 & 140 Leonard St.
NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

New York October 12th 1886

The People vs. agst. George Evans.
Homicide.

Randolph B. Martine Esq.

Dear Sir:

Inasmuch as you are well aware that you can do nothing in the above case, will you kindly consent to allow the defendant George Evans go on his own recognizance?

Yours Respectfully

William F. Howe

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----------X

The People &c.

v

George Evans

----------X

On the 30th of January 1885, in the City of New York Thomas Curry was killed by a pistol shot wound inflicted by the defendant, George W. Evans. On the 19th of December 1885, Evans was arrested charged with the murder of Curry. He was subsequently indicted and placed on trial in the Court of Oyer & Terminer before Justice Barrett and a jury and was convicted of manslaughter in the first degree. An appeal was taken to the General Term and the conviction was reversed and a new trial ordered, on the ground that the court below erred in admitting an alleged ante-mortum statement made by the deceased Curry.

The facts in the case were briefly, that Evans had been employed as janitor in the Collegian Flats, 345 West 45th Street; that about the time of the homicide, Curry, the deceased, had been sent to the flats to take Evans place. On Evans coming there, there was some dispute and growing out of it was the homicide.

The main evidence and in fact, almost the only evidence against Evans was the alleged ante-mortum statement given by Curry. Both men had drawn their pistols, but it appeared that Evans fired first. Evans in his own behalf as a witness stated that he committed the deed in self-defense.

From a careful examination of the case I am of the opinion that a conviction of Evans of any offense, without the use of the alleged ante-mortum statement, would be improbable if not impossible. The defendant has now been confined in prison for a period of over one year and is pressing for a trial or discharge. In view of these facts I am of opinion that it is not worth while to put the County to the expense of another trial of this case.

I, therefore recommend that the defendant be discharged upon his own recognizance.

January 8. 1887

Randolph B. Martine
District Attorney

I think that before consenting to ~~[illegible]~~ Evans' discharge the opinion of the Court of Appeals should be taken upon the question of the admissibility of the dying declaration. This is the only way in which a final opinion can be obtained as the General Term opinion would of course be binding upon a simple

(over)

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judge in any future case and might cause an acquittal which could not be received at all, thus the administration of justice in some flagrant case might be frustrated without an opportunity of taking the sense of the Court of last resort. No harm can be done to the prisoner by a review of the order granting the new trial and the public good may be greatly promoted thereby. Upon the whole I think that recorder should be heard before the prisoner is discharged.

Yours truly

[illegible]

[illegible]

0566

Court of General Sessions of the Peace of the City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK,
against
George W. Evans

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

George W. Evans, of the crime of murder in the first degree, committed as follows:

The said George W. Evans, late of the Sixteenth Ward of the City of New York, in the County of New York, aforesaid, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and eighty-five, — at the Ward, City and County aforesaid, with force and arms, in and upon one — Thomas Currie, — in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of him the said Thomas Currie, did make an assault, and the said George W. Evans, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol, the said George W. Evans, in his right hand then and there had and held, to, at, against, and upon the said Thomas Currie, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Thomas Currie, did shoot off and discharge, and the said George W. Evans, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said Thomas Currie, in and upon the head — of the said Thomas Currie, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of him the said Thomas Currie, did strike, penetrate, and wound, giving to him the said Thomas Currie, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said George W. Evans, in and upon the head of him the said Thomas Currie, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound — he — the said Thomas Currie, at the Ward, City and County aforesaid, from the said thirtieth day of January — in the year aforesaid, until the fourth day of February in the same year aforesaid, did languish, and languishing did live, and on which said fourth day of February — in the year aforesaid, the said Thomas Currie, at the Ward, City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say, that the said Egonog W. Evans, the said Thomas Currie, in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of him the said Thomas Currie, did kill, and murder, 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 Egonog W. Evans,

of the Crime of murder in the first degree, committed as follows:

The said Egonog W. Evans, — late of the Sixteenth Ward of the City of New York in the County of New York, aforesaid, afterwards, to wit: on the thirtieth day of January, in the year of our Lord one thousand eight hundred and eighty-five, — at the Ward, City and County aforesaid, with force and arms, in and upon one — Thomas Currie, —

in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and of his malice aforethought, did make an assault, and ~~that~~ the said Egonog W. Evans, a certain pistol, — then and there charged and loaded with gunpowder and one leaden bullet, which said — pistol — the said Egonog W. Evans, in his right hand then and there had and held to, at, against, and upon the said Thomas Currie, then and there feloniously, wilfully, and of — his malice aforethought, did shoot off and discharge, and the said Egonog W. Evans, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said Thomas Currie, in and upon the — head of him the said Thomas Currie, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound, giving to him the said Thomas Currie, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Egonog W. Evans, in and upon the head of him the said Thomas Currie, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound he the said Thomas Currie, at the Ward, City, and County aforesaid, from the said thirtieth day of January,

in the year aforesaid, until the fourth day of February,

in the same year aforesaid, did languish, and languishing did live, and on which said fourth day of February, — in the year aforesaid, the said Thomas Currie, at the Ward, City and County aforesaid, of the said mortal wound did die.

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And so the Grand Jury aforesaid, do say, that he the said Edward Evans, Jr. —

the said Thomas Curnin, in the manner and form, and by the means aforesaid, at the Ward, City and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and of his malice aforethought, did kill, and murder, 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.

Randolph [illegible]

District Attorney.