

0747

BOX:

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FOLDER:

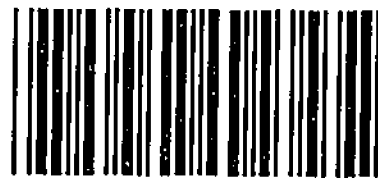
2061

DESCRIPTION:

Elliott, James

DATE:

02/16/86



2061

Witnesses:

No 122

Counsel,

Filed

day of

1886

Pleas

Guilty 17

THE PEOPLE

vs.

James Elliott

ASSAULT IN THE FIRST DEGREE, ETC.
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,
District Attorney.

Fred & Connolly
S. P. 5-2-18
A True Bill

Foreman.

James Elliott

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The People
vs.
James Elliott.

Court of General Sessions, Part I.
Before Judge Cowing.

February 19, 1886.

Indictment for assault in the first degree.

Albert Freeze sworn. I live at 207 Seventh Avenue, I was in my store on the 17th of February, the defendant came in there Saturday night about half past ten; the boy who is engaged in our store called me and said that this prisoner and two other fellows were beating a Chinaman who wanted to come into our store; we had canned goods in front of the store and boxes and these fellows were upsetting those things, I told them to please, you had better move away and leave our things alone; then they called me bad names and I was going to go inside again, I told our clerk that as soon as those fellows commenced to upset things that he shall go for an officer. I guess they heard that I was going to get an officer and this prisoner jumped at me and stabbed me with a knife right here in the neck. They fetched me in an ambulance to the hospital but I did not like to stay there and went home, I was under the doctor's care since last night, I can eat nothing nothing except milk and extract of beef, I cannot swallow anything, I spat blood Monday and Tuesday a whole day. The prisoner is the man who stabbed me, I swear positively to that, I saw him hang around the store since eight o'clock the same night, the clerk told me that those fellows wanted to break in the cellar. There is an electric light in front of the store and I could see his face very well.

Cross Examined. I am positive that this boy is one of the three boys, he had his hat far back on his head and

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saw his black hair, I was standing about half a minute right in front of him, looking at him, I saw the knife, I have a witness who ran after him.

William J. O'Donnell sworn. I was in New York on the 11th of February, I was on the corner of 20th Street and I heard three boys talking, one of whom was the prisoner, they said they laid a Dutchman out on Second Avenue and 22nd Street, I asked the three, who was it and neither one would tell, so I notified Officer Shannon about the stabbing affair, he brought me up to see whether it was true, he found out it was true and he brought me down to the house where these Elliotts live, I did not see the complainant and the prisoner together at any time. Then we went upstairs and two of them were in bed and I was locked up as a witness. When they talked of laying out the Dutchman they said ~~to~~ it was up at Loomis's, 22nd Street and 2nd Avenue; that was the place where this complainant was.

John J. Shannon sworn. I am an officer of the 29th precinct and arrested the prisoner on the night of the 11th of February, it was about twenty-five minutes to twelve when I went into his house after him, I had him in the Station House ten minutes to twelve, I did not see the man who was stabbed that night, he was removed to the hospital in an ambulance, I was present when the complainant and the prisoner were at Essex Market before Justice Powers on Sunday morning, the complainant picked the prisoner right out of three without any hesitation. I asked the prisoner going up to the Station House what he

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stabbed the man for? He denied it and said he knew nothing about it, he was not there at all and when I got to the court in the morning he said he was around there for about eight minutes.

James Elliott sworn and examined in his own behalf, testified: I was on 31st Street and my brother came over and said he stabbed a Dutchman and O'Donnell the witness, was there at that time, I did not stab the man.

Cross Examined. I was not at the grocery store, I was on the opposite corner, I did not say to the officer that I was there for eight minutes, I work at plumbing but for the last two months I have been working at a peddling wagon, I am seventeen years old and my brother is eighteen, we are about the same size and both look alike, I have been taken for my brother before, I did not throw any cans around the grocery store, I was not one of the boys who said, we have laid out a Dutchman, but my brother was.

John J. Shannon recalled. I know William Elliott who is indicted for a distinct assault with Cornelius O'Neill, he is the brother of this defendant; they resemble each other but the big one is not as dark complexioned as this one and his hair is not quite as dark, you could tell the difference between them.

Albert Vreeze recalled. Both the brothers were there but William Elliott has light hair and James has black, I cannot be mistaken, the prisoner is the one who stabbed me.

The Jury rendered a verdict of guilty.

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Testimony in the case
of James Elliott
filed Feb. 1/10
1886.

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Police Court— 2 District.

City and County } ss.:
of New York,

Albert F. Jones
of No. 207 7th Avenue Street, aged 22 years,
occupation Grocery Clerk being duly sworn

deposes and says, that on 13th day of February, 1888 (at the City of New
York, in the County of New York, in front of No. 207 7th Avenue

he was violently and feloniously ASSAULTED and BEATEN by James Elliott
(nowhere) who wilfully and maliciously
cut and stabbed deponent in the
neck with a knife which he the
said James Elliott then and there
held in his hand inflicting a painful
wound.

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 dealt with according to law.

Sworn before me, this 14th day
of February, 1888.

Albert F. Jones
my Commissioner
Police Justice.

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Sec. 198-200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

James Elliott

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

Question. What is your name?

Answer. James Elliott

Question. How old are you?

Answer. 17 years old

Question. Where were you born?

Answer. New York City

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

Answer. 208 West 20th St. N.Y.C.

Question. What is your business or profession?

Answer. Learning the plumbing business

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 I did
not have a knife and I did
not strike this man

James Elliott

Taken before me this

day of July 1888

Police Justice.

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The people se
These
Elliott. } Klamm Assault.

William O'Donnell, sworn, wife
165. W. 24' the ~~man~~ working
in Paper Machine - not
employed now at Trade - aged
26 years: at 7' Av. + 25
feet last night at about
1/2 past 11. in conversation with
this defendant, and Wm Elliott
and Cornelius O'Neil, here present
they were talking about stabbing
a Dutchman in 7' av a little
while before I met them - They
said we laid out a Dutchman
with a knife - I then saw
Officer Shannon here
at 7' av + 25 feet and
informed him.

William J O'Donnell

Officer Shannon, 29' Present from
saw - this night O'Donnell
came to me last night at
about 11²⁰ and said "I have a case
for you. The two Elliotts are
over there in bed - They have

Sworn before me this
16th day of February 1886.

At Justice

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Stabbed a man i 22nd Street
and 7th av. The man who
was stabbed had gone to
The Station House in
company with Officer
Lawless and O'Neil -
- arrested for the Crime then
I then arrested the ~~Elliot~~ - they were in
bed at 200 W. 20th Street

John J. Hammond

Officer Lawless, Iron, says
The Complainant said to
me he was cut, and that one
of these men was now standing
on the Cor. 21. & 7th Ave -
I went and arrested O'Neil -
& the Complainant said he was
one of the men - further on
when ~~Elliot~~ he was confronted
with Elliot, this defendant, here
this morning in the Court Room
he identified him as the person
who stabbed him.

Peter Lawless

Several times before me
this 14th day of February 1886
and O'Neil
Peter Lawless

TORN PAGE

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Police Court 2 164 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Albert Freese
207-7th Ave
vs.
James Elliott

Offense felonious
assault

Dated February 14 1886

M. J. Power Magistrate.
John J. Shannon Officer.
29 Precinct.

Witnesses Wm O'Donnell
165 N. 3rd St
Hand of detention \$300
Wapianus a witness

No. 7000 to answer Gen Sec
CMU

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 Albert Freese

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 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 February 14 1886

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

Dated

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

Dated

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Police Justice.

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Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Elliott

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

James Elliott —

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *James Elliott*,

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *February*, in the year of our Lord one thousand eight hundred and eighty. *five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Albert Greese*, — in the peace of the said People then and there being, feloniously did make an assault and *in* the said *Albert Greese*, — with a certain *knife* —

which the said *James Elliott* — 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 *in* the said *Albert Greese*, — 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

James Elliott —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *James Elliott*,

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 one *Albert Greese* — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *Albert Greese*,

with a certain *knife* —

which *he* the said *James Elliott* — in *his* — right hand then and there had and held, the same being an *instrument* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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.

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THIRD COUNT--

And the Grand Jury aforesaid, by this indictment, further accuse the said
James Elliott
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said James Elliott,
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 one Albert Freese,

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and him the said Albert Freese,

in and upon the neck of him the
said Albert Freese, did then and there
feloniously, wilfully and wrongfully strike, beat, kick, cut, bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon him the said Albert Freese,
grievous bodily harm, to the great damage of the said Albert Freese,
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.