

0752

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gardner, Eva

DATE:

06/12/93



4774

0753

POOR QUALITY ORIGINAL

Witnesses

Off. W. C. ...

22

Bail of \$1000

Bailed Nov 29/97
by
Samuel W. Martin,
1437 Broadway
\$1000.

The following comment
from the office shows
that he fails to
appear upon
and that he
departs leaving
upon his own recognizance
of the court
at New York
Aug 11/98

all charges ...

Counsel,
Filed: *12* day of *June* 189*3*
Pleads: *Not Guilty*

ENTERED
T.J.W.

THE PEOPLE

vs.

AD B

Eva Gardner.

*no bail given
Nov 29/97.*

DE LANCEY NICOLL,
District Attorney

*arr com
Nov. 26/97.* Aug 11/98.
Bail as to Samuel W.
Martin, surety discharged
A TRUE BILL.

Henry S. ...
Foreman.

F. ... 1906

KEEPING A HOUSE OF WILLES
(Sections 322 and 385, F. and C. C.)

0754

POOR QUALITY ORIGINAL

Witnesses:

W. McConville

52

Bail \$2,000
10/12

Bailed Nov 29/97.
by
Samuel W. Martin,
1437 Broadway.
\$1000.—

The enclosed Certificate
from the Officer shows
that he fails to
I certify
I therefore received
deposition
upon the same

W. I. Clark
Aug 16-98.

✓ all charges
Counsel, *W. McConville*
Filed, *12* day of *June* 189*3*
Pleads, *Not Guilty*

ENTERED
T. J. W.
THE PEOPLE
vs.
W. B

Ev. J. Martin

F
new bail given
Nov 29/97.

DE LANCEY NICOLL,
District Attorney.

arr & com
Nov. 26/97. Aug 11/98.
Bail as to Samuel W.
Martin. Surety discharged
A TRUE BILL.

Henry S. Harris
Foreman.

F. C. [Signature]
196

KEEPING A HOUSE OF
(Sections 822 and 385, I. Cal. Code.)

0755

Sec. 198-200.

4^{1/2}

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Eva Gardner

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

Question. What is your name?

Answer.

Eva Gardner

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer

N.Y.

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

Answer.

No 147 West 53rd Street and about 3 years

Question. What is your business or profession?

Answer.

Furnished Rooms

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 and demand a trial by jury
E. Gardner*

Taken before me this

day

189

Police Justice.

0756

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 Five 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 21 1893 W. M. Mahon Police Justice.

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

Dated May 25 1893 W. M. Mahon 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.

595

Police Court--- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Matthew McConnell
vs 22 Prs.

1 Anna Gardner
2
3
4

offence
Tearing a
garment

Dated May 21 1893

W. Malou Magistrate.

McConnell Officer.

22 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.



Bailed

500 to answer L.S.
300 bail & pay 23. 2 PM
by May 25 2 PM

BAILED,

No. 1, by Joseph Wallace

Residence 306 East 119 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0758

Sec. 192.

4 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel F. McMahon a Police Justice
of the City of New York, charging Eva Gardner Defendant with
the offence of Keeping a disorderly house

and she having been brought before said Justice for an examination of said charge, and it having been made
to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and
the hearing thereof having been adjourned,

We, Joseph W. Wallach Eva Gardner Defendant of No. _____
147 W 53 Street; by occupation a Furnished Rooms
and Joseph Wallach of No. 306 E 119
Street, by occupation a Real Estate Surety, hereby jointly and severally undertake
that the above named Eva Gardner Defendant
shall personally appear before the said Justice, at the 4th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 21
day of May 1893
D. McMahon POLICE JUSTICE.

E. Gardner
J. Wallach

0759

CITY AND COUNTY OF NEW YORK, ss.

Sworn to before me, this 18th day of May 1893
At the District Police Justice.

Joseph Wallace

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of a house and lot

located at 4050 8 Avenue
It and worth Five thousand
two dollars five cents

[Signature]

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the day of 18

Justice.

0760

Sec. 322, Penal Code.

4¹ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Matthew McConnell
of the 22nd Precinct Police Street, in said City, being duly sworn, says
that at the premises known as Number 147, West 53rd Street,
in the City and County of New York, on the 7th day of May 1893, and on
other days and times between that day and the day of making this complaint

James Dove
did unlawfully keep and maintain and yet continues to keep and maintain a
Prostitution and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and willfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing, is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said James Dove
and all vile, disorderly and improper persons found upon the premises occupied by said
James Dove
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 20th day of May 1893 } Matthew McConnell
Thomas Police Justice.

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

Matthew McCormell

of No. the 97th Recruit Police Street, being duly sworn, deposes and says,
that Eva Gardner (now present) is the person of the name of
Jane Doe mentioned in deponent's affidavit of the 20th
day of May 1893, hereunto annexed.

Sworn to before me, this 21 day of May 1893 } Matthew McCormell

[Signature] POLICE JUSTICE.

0762

Sec. 151.

Police Court 4th District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Matthew McKeownell of No. the 22nd Recured Place Street, that on the 1st day of May 1893, at the City of New York, in the County of New York, James Dow did keep and maintain at the premises known as No 47 West 53rd Street, in said City, a House of Prostitution and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, ~~dancing, fighting~~ disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

James Dow and all vile, Disorderly and improper persons found upon the premises occupied by said James Dow and forthwith bring them before me, at the 4th DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 20th day of May 1893
Amelia POLICE JUSTICE.

0763

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated _____ 188

Magistrate.

Officer.

Precinct.

The Defendant _____
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or
at night.

A. M. ...
Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated _____ 188

Police Justice.

The within named

My dear Sir
 I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the purchase of the land in the town of New York, and in reply to inform you that the same has been referred to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours,
 J. M. Smith

Mr Byrnes

Dear Sir

I wish

to state that in regard to
 that case of Eva Gardner
 of 147 W 53rd St I will
 do my best to remember the case and if
 I cannot do so I will
 do my best to do so I do not
 remember his looks or any
 thing of his and I fear very
 much that I will not
 be able to appear at the
 trial as my health is very
 poor

0766

Officer Matthew McConnell
14 Aug 1971

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Eva Gardner

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

Eva Gardner

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Eva Gardner

late of the *22nd* Ward of the City of New York, in the County of New York aforesaid, on the *11th* day of *Nov* in the year of our Lord one thousand eight hundred and ninety-*1901*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Eva Gardner

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Eva Gardner

(Sec. 385, Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Eva Gardner

late of the Ward, City and County aforesaid, afterwards, to wit: on the *11th* day of *Nov* in the year of our Lord one thousand eight hundred and

ninety- *three*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *the* said house for *the* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

James A. ...

(Sec. 323, Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

James A. ...

late of the Ward, City and County aforesaid, afterwards, to wit: on the *second day* of *the* in the year of our Lord one thousand eight hundred and ninety- *three* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *the* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *the* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, 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.

DE LANCEY NICOLL,

District Attorney.

0769

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gaw, William

DATE:

06/26/93



4774

Witnesses:

W. J. Timney

Counsel,

Filed,

De Rame
1893

Pleads,

THE PEOPLE

vs.

B

William Saw,

VIOLATION OF THE EXCISE LAW,
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL, 1893 93

May S. Lamm
Foreman.

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 Gaw

The Grand Jury of the City and County of New York, by this indictment, accuse
William Gaw
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *William Gaw*
late of the City of New York, in the County of New York aforesaid, on the *twenty eighth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong
and spirituous liquors, wines, ale 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 spiritu-
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

~~and~~ to certain ~~other~~ 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
New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
William Gaw
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,
WINES, ALE AND BEER, committed as follows:

The said *William Gaw*
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the
same being Sunday, certain strong and spirituous liquors, wines, ale 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 offer and
expose for sale to one

John H. Tierney
and to certain other 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.

DE LANCEY NICOLL,
District Attorney.

0772

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gearity, William

DATE:

06/05/93



4774

Witness:

Ed. Blat

14

Counsel,

Filed

the day of

1903

Plead,

THE PEOPLE

vs.

William Gearty,

David Kennedy

DE LANCEY NICOLL,

District Attorney.

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

File 23-1693

A TRUE BILL.

Ray S. Harney
Foreman

Part 2. July 6/93
P leads assault 34 day

Ed. Blat

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

William Gearty

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

My desire for asking for the acquittal of the above named, is that on a calm and deliberate consideration of this whole occurrence, that I am of the opinion, that it was more of an accident than an intention, as we had always been fast friends since childhood, and as we had been drinking & may have furnished some provocation; another reason for this, is that he is the main support of his aged Mother, and has been for some time. We had been wrestling, and skylarking previous to the affair.

Shown to before me }
 19th
 this day of June 1893 }

John Clarke

Thos. Angerri
 Comptroller
 N.Y.C.

0775

Police Court— District.

1931

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

of No. 133 West 10th Street, aged 31 years,
occupation Press-feeder being duly sworn,
deposes and says, that on the 21 day of May 1897 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by William Greedy
who cut and stabbed appellant in
his neck three times thereby
inflicting severe and dangerous
wounds and that said assault
was inflicted with a knife

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 22 day of May 1897, John Clarke

[Signature]
Police Justice.

0776

City and County of New York, ss:

William Greight 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 a 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 Greight*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *98 Beach St*

Question. What is your business or profession?

Answer. *Clk*

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
Wm Greight*

Taken before me this
Wm Greight
1893

Police Justice.

0777

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

Alfred East guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five 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 23 1893 Samuel Martin Police Justice.

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

Dated, May 23 1893 Samuel Martin Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0778

157 Police Court--- District. 1577

THE PEOPLE, &c.,
BY THE COMPLAINT OF

John Clark
vs
William Berghy

Offense: Assault
J. S. [Signature]

2
3
4
Dated, May 27 189
[Signature] Magistrate.
[Signature] Officer.
5 Precinct.

BAILED,

No. 1, by [Signature]
Residence 28 Beach Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Witnesses
No. Street.
No. Street.
No. Street.

No. 500 to answer

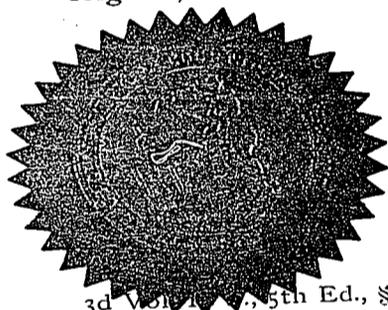
[Signature] Bailed
[Signature]

I, JOHN F. CARROLL, Clerk of the Court of General Sessions of the Peace, and Clerk of the Court of Oyer and Terminer held in and for the City and County of New York (each being a Court of Record and having a Common Seal), do hereby certify that the annexed is a copy of

An undertaking to answer

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.

GIVEN UNDER my hand and attested by the seal of the said Court this *7th* day of *June* in the year of our Lord one thousand eight hundred and *ninety*



John F. Carroll

0780

UNDERTAKING TO ANSWER.

1 District Police Court.
CITY AND COUNTY }
OF NEW YORK, } ss.

An order having been made on the 27 day of May 1893 by
Edward H. Martineau Police Justice of the City of New York. That
William Garity
Petitioner - Assault
be held to answer upon a charge of

upon which he has been duly admitted to bail in the sum of Five Hundred Dollars.
We, William Garity Defendant of No. 28 Beach
Street; Occupation Laborer and
Hugh McElroy of No. 48 Beach Street;
Occupation Laborer
Surety, hereby undertake jointly and severally
that the above-named William Garity shall appear and answer the charge above-
mentioned, in whatever Court it may be prosecuted; and shall at all times render h
self amenable to the orders
and process of the Court; and if convicted, shall appear for judgment, and render h
self 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 Five Hundred Dollars.

Taken and acknowledged before me this 28
day of May 1893
Edward H. Martineau POLICE JUSTICE.

W. Garity
Hugh McElroy

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

I, Hugh M. Kelly the surety mentioned in
the annexed undertaking to answer, do hereby authorize and empower any
Policeman of the City of New York, or
or either of them, in my name, place and stead, to take, seize and
surrender the said William Scavily (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 June 7th 1893

Hugh M. Kelly Surety 

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 Beatty

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

William Beatty

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

The said William Beatty

late of the City of New York, in the County of New York aforesaid, on the twenty first day of May in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one John Clarke in the peace of the said People then and there being, feloniously did make an assault, and him the said John Clarke with a certain knife

which the said William Beatty in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent him the said John Clarke 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

William Beatty

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

The said William Beatty

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 John Clarke in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said John Clarke with a certain knife

which the said William Beatty in his right hand 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 strike, beat, cut, stab 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

William Hearst

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

The said

William Hearst

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 said *John Clarke* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *have* the said

with a certain *knife*

John Clarke

which

he

the said

William Hearst

in *his* right hand then and there had and held, in and upon the

neck

of

him

the said

John Clarke

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

John Clarke

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.

DE LANCEY NICOLL,

District Attorney.

0784

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gerlach, Leonard

DATE:

06/19/93



4774

Witnesses

Meyer Marks

And
Counsel,
Filed *19* day of *June* 189*3*
Pleads *Not guilty - 20*

THE PEOPLE

vs.

P.

Leonard Gerlach

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

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Ray S. Lerman
Foreman.

Sub 2 - June 29, 1893
Tried and Acquitted

Police Court— 3rd District.

1931

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

of No. 119, East 4th Street, aged 34 years,
occupation pedler being duly sworn,
deposes and says, that on the 8th day of June 1893 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Leonard Gerlach (crowder)

who feloniously cut and
stabbed deponent in the
head with a pocket
knife he then and
there held in his hands

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 8 day }
of June 1893 } Meyer Marks

Charles N. Jantzen Police Justice.

0787

City and County of New York, ss:

Leonard Gerlach 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 a 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. *Leonard Gerlach*

Question. How old are you?

Answer. *25 years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *191 Allen St*

Question. What is your business or profession?

Answer. *Capeu Hanger*

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. *Saw not guilty*
Leonard Gerlach.

Taken before me this *11th* day of *April* 189*9*
Charles J. Smith
Police Justice.

0788

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 Charles N. Lainta

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five 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 15 1899 Charles N. Lainta Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Gunkel
119 East 4th St
Edward Gunkel

William J. [unclear]
Offense

2 _____

3 _____

4 _____

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, *June 8* 189*3*

Sam'l [unclear] Magistrate.
John J. McCarthy Officer.

Witnesses *Officer McCarthy*

No. *11th Precinct* Street.

Michael Frank

No. *101 E. 3rd* Street.

No. *500* Street.

\$ *500* to answer.

[Signature]

0790

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Leonard Gerlach

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

The said Leonard Gerlach
late of the City of New York, in the County of New York aforesaid, on the eight
day of June in the year of our Lord one thousand eight hundred and
ninety-three, with force and arms, at the City and County aforesaid, in and upon
the body of one Meyer Marks in the peace of the said People
then and there being, feloniously did make an assault, and him the said
Meyer Marks with a certain knife

which the said Leonard Gerlach
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,
with intent him the said Meyer Marks
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
Leonard Gerlach
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Leonard Gerlach
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
Meyer Marks in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and him the said Meyer Marks
with a certain knife
which the said Leonard Gerlach
in his right hand 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 strike, beat, cut, stab 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Leonard Searock

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

The said *Leonard Searock*

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 said *James J. Searock* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife*

which *he* the said *Leonard Searock*

in *his* right hand then and there had and held in and upon the *head* of *him* the said *James J. Searock*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *James J. Searock*

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.

DE LANCEY NICOLL,
District Attorney.

0792

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gibbons, James

DATE:

06/13/93



4774

0793

Witness

W. H. Moore

(21)

Counsel,

13 June 1893

Filed

day of

Pleads,

Monday 14

THE PEOPLE

vs.

James Gibbons

Burglary in the Third Degree.
[Section 498, 126, 128, 137]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Ray S. Harman
Foreman.

Part 3. June 19 1893

*Pleas Attempted Burglary
S.P. 3 yrs & 6 mo
1893*

0794

Police Court— 4 District.

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

of No. 617 3rd Avenue Michael May
occupation Bartender Street, aged 31 years,
being duly sworn

deposes and says, that the premises No. 617 3rd Avenue Street, 2nd Ward
in the City and County aforesaid the said being a four story brick
dwelling house the ground floor of
and which was occupied by deponent as a saloon
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
lock and removing an iron bar from the door leading to said store from the hall way
of said premises

on the 7 day of June 1893 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

good and lawful money of the United States
Thirteen dollars

the property of Andrew Romney and in defendant's care and charge
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
Michael May James Gibbons

for the reasons following, to wit: that defendant securely locked, barred
and fastened the said door on the said day of
June 1893. Deponent is informed by Charles C. Snyder
of the 2nd Precinct that he found the defendant in
said premises and that the defendant had the said
money in his possession and admitted to the said
Snyder that he had taken the said property in the
said saloon. Wherefore deponent charges
the defendant with burglary and prays

that he be held to answer

before me this
5th day of June 1892

Michael May

Police Justice

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

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 1892 Police Justice.

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

Dated 1892 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 1892 Police Justice.

Police Court, District,

THE PEOPLE, etc.,
on the complaint of

vs.

1. _____
2. _____
3. _____
4. _____

Offence—BURGLARY.

Dated 1892 Magistrate.

Officer.

Clerk.

Witness, _____
No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer General Sessions.

0796

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

Charles E. Snyder
aged *30* years, occupation *Blue man in the*
71 Queen Street Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Michael May*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this
of *June* 189*3*

Charles E. Snyder

[Signature]
Police Justice.

0797

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

James Gibbons 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 and that the statement is designed to enable him if he sees 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.

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 not guilty
James Gibbons

Taken before me this

189

Police Justice.

0798

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.....

Robert [unclear]
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *250* 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 *Jan 10* 188..... *J. P. [unclear]* 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.

0799

634

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jack May
vs
Gas Emboss

2
3
4

Amplian

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Jan 8 1890*

Meade Magistrate.

Myder Officer.

Patric Moran Precinct.

Witnesses
21 One Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *A.P.*

[Signature]

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 Gibbons

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

James Gibbons

of the CRIME OF BURGLARY IN THE THIRD-DEGREE, committed as follows :

The said

James Gibbons

late of the 2^{1st} Ward of the City of New York, in the County of New York, aforesaid, on the *seventh* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three* in the *eight* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *saloon* of one *Andrew Rooney*

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said

Andrew Rooney in the said *saloon* 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 their dignity.

SECOND COUNT—

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

James Gibbons

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

James Gibbons

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, in the *right* time of said day, with force and arms,

the sum of thirteen dollars in money, lawful money of the United States of America, and of the value of thirteen dollars.

of the goods, chattels and personal property of one

Andrew Rooney

in the

saloon

of the said

Andrew Rooney

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

De Lancey Nicoll
District Attorney

0802

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gillette, Henry

DATE:

06/27/93



4774

0803

BOX:

524

FOLDER:

4774

DESCRIPTION:

Burt, Charles C.

DATE:

06/27/93



4774

POOR QUALITY ORIGINAL

Sp. 1 - Convic June 12, 1893
under name of Harry Johnson
S.P. 445 -

Witnesses

Melvin Jackson
Off Dowling
Dgt in a balance
Account. has
been a been in
J.P. P.

Defendant Gillette

is in on his own
by consent of
dist atty - R.R.
July 17/94

Subscribed
28th

Filed 27 day of June 1893
Counsel ~~Edward Galloway~~
6 Berry

Pleads, Not guilty of

THE PEOPLE
vs. C. Lapille
Grand Jurors

Henry Gillette

Charles C. Burt

DE LANCEY NICHOLS
District Attorney

Part 2 - Nov. 16, 1893 District Attorney

Mr. 2 Pleads att. by L. 2nd Deg

A TRUE BILL

Sept 19th

Sept 19th

Sept 19th

Sept 19th

Sept 19th

Grand Jurors
Section 63, 59
Penal Code

POOR QUALITY ORIGINAL

No. 1 - Com'd June 12, 1893 of G.L. 2.
under name of Harry Johnson
S.P. 443 - B.M.

Witnesses:
Melina Jackson
O.P. Dowling
Sgt. is a witness
General. hees
serves a term in
J.P. - P.T.

Defendant Gillette
is in on his own
by consent of
dist. atty.
July 17/94 RBE
J.

28

~~Legal~~
Counsel, ~~Joseph C. Bellow~~ 6 Berry Hill
Filed, 27 day of 1893
Plends, 11

THE PEOPLE
vs. ~~Harry Gillette~~
Grand Jurors
Charles C. Bunt
Grand Jurors
[Sections 525, 531 Penal Code]

No. 2 - El. Ref. - B.M.
Nov. 28/93
DE LANCEY NICOLL
District Attorney.

No. 2 Pleads att. G.L. 2. 2nd
A TRUE BILL
July 17/94

Harry Gillette
Forfeiture
No. 1. Trial and convicted
July 17/93
21

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK.

.....

T H E P E O P L E,

-against-

HENRY GILLETTE.

.....

)
) Before
)
) HON. FREDERICK SMYTH,
)
) and a Jury.
)

TRIED, NEW YORK, JULY 17TH, 1893.

INDICTED FOR GRAND LARCENY IN THE 2ND DEGREE.

INDICTMENT FILED JUNE 27TH, 1893.

APPEARANCES:

BARTOW S. WEEKS, ESQ.,

For THE PEOPLE.

ALFRED PAGELOW, ESQ.,

For THE DEFENSE.

//////

0807

FLORENCE ADELINA REYNOLDS, testified that on May 28th, 1893, she was employed by the Charity Organization Society, at 105 E. 22nd Street. On that day she saw the defendant, a few minutes after 3 o'clock, with a man named Charles C. Burt. The Society is on the third floor and the entrance is in the centre of the building. There was jewelry in the end of the building,---at the rear. The defendant and Burt entered the room and asked to see the collection of antique jewelry that was on exhibition. The witness directed them to the back room, and they went there and remained 7 or 8 minutes, and then left the building in a peculiar, hurried manner, that attracted her attention. The witness remained on duty that day until 5 o'clock. While the defendants were there other people came in and out. People are always passing backwards and forwards there, but the witness could not say how many:

In

C r o s s - E x a m i n a t i o n ,

0000

the witness testified that she was a clerk for the Society, and that the building in which it is located is on the corner of 4th Avenue and 22nd Street. Gillette was the first to speak to the witness as he and Burt entered the room. He said he had seen a little notice in a window on the ground floor downstairs, saying that there was some antique jewelry on view, or something to that effect, and there was such a notice downstairs. The exhibition consisted of vases and jewelry, but the jewelry constituted the smallest part of the exhibition, Gillette and Burt went out as though they were trying to see who could get out first. They were tumbling over each other. The defendant and Burt entered the room a few minutes after 3 o'clock in the afternoon, and left in about 5 or 7 minutes.

In

Re - Direct Examination
the witness testified that she first learned of the larceny of the ring and bracelet next morning.

ADALINA MARY JACKSON testified that on May 30th, 1893, she was employed by the Charity organization Society to take charge of the jewelry and pottery for a certain time, in the Society's building, at 105 East 22nd Street. The exhibit was in the last room in the library. The witness had entire charge of the room, there being no other person there. The defendant and Burt came into the room between 3 and half-past 3, and there was no one else there at the time: Gillette said to the witness that he wanted to look at the crockery. The witness testified, "Then I said to him, 'We have a lovely lot of jewels here. Wouldn't you like to look at them?' And he came up to the case, and he noticed some in the case, and then he took the trays out of the case and showed them to him. The ring was in a tray with others. There was also a case holding a bracelet. The witness took out the bracelet first and laid it on the show case, and then took out the tray containing the ring and other small pieces of jewelry, and laid

it on the show case. The witness held the bracelet up to the light so that the defendant could get a good view of it. It was set with jewels. After showing the bracelet, she showed them some rings, including the one that was afterwards missed. The witness also gave them a glass to use in looking at the bracelet. After they had looked at the bracelet she put it on the top of the case and took out the tray with the rings. She showed them the particular ring in question, which was an onyx ring, with a diamond set in it. There was a man's face on the ring and the diamond, the witness thought, was in the mouth. She said, "That is a very handsome ring, and it is worth \$100." And she said that the bracelet was worth \$350 and Gillette said it was a very beautiful thing; and he made a remark about one of the figures that was cut on it, and called the attention of Burt to the bracelet. Then Gillette walked away to a table of crockery, and he called the witness's attention to a jardiniere. At that time Burt

was at the jewelry case. The jardiniere was about half a dozen yards from the jewelry case. He said he would tell his brother. He had mentioned that his brother was find of antiquities. He said he would call to-morrow and the witness said "Good Afternoon," and they went out. The witness noticed something peculiar about Burt's manner but not Gillette's. The next person who came into the room was a Miss Smith but she, did not look at the jewels; she came on other business. The witness put the tray back again, but not the case containing the bracelet. She did not notice that it was gone. From the time that the witness left the case, with Burt standing near it, when she went over to the jardiniere, she never saw the case again. When she returned from the pottery table she put back the tray but did not notice that the case was missing: Miss Smith was in about half an hour, but did not look at the jewels. She was an artist and looked at the models and crockery and that kind of goods. The witness

was with Miss Smith all the time she was in there, and Miss Smith did not go near the jewelry case. There was no one else in the room at that time. Another lady came in afterwards but she came in on the same errand as Miss Smith. The witness did not take the jewels out again that afternoon after she had shown them to Gillette and Burt. The witness's sister came in about 20 minutes to 4 and then the witness left the room in charge of her sister. Another gentleman came in on railroad business, but did not go near the case.

In

Cross - Examination

the witness testified that Burt when she said "We have some lovely things here," was on the opposite side of the room, and was looking at some models. He was further from the witness than Gillette. Gillette did all the talking. While Gillette was examining the jewel with a glass, Burt was standing about 2 yards from Gillette.

0013

After Mr Gillette handed the bracelet back to the witness she put it in the bracelet case and then proceeded to show them the rings. She did not put the bracelet back in the show case; it was on the top while she showed the rings. There were two or three trays and about 80 rings. The witness would take a ring out of the tray and call their attention to it, and hand it ~~han~~ to both of them, and after they examined it she returned it to its place in the tray. This she did with a number of rings,---about half a dozen. Gillette and Burt were together at this time. After looking at the rings, Gillette went to the crockery table, leaving Burt standing. Before going over to the crockery table, the witness did not put the trays back in the show case. The table was about 8 yards from the show case. and Burt remained at the show case while Gillette went to the crockery table. While standing at the crockery table Burt and the show case were in the witness's line of vision.

She remained at the table about a minute and a half, and then returned to the showcase, but Burt was not there at that time, but had joined Gillette and they had left the room by that time. Gillette said, "Good afternoon," and as he said that, Burt went towards him and the witness went towards the case. During the conversation Gillette stood at the end of the showcase, which was about 4 or 5 feet long, and Burt stood in the middle. The jewelry was on the case between Gillette and Burt. They were occupied in examining the jewelry about 5 or 10 minutes in all. After they left the witness went to put the jewelry in its place. She put back all that she found on the counter but she does not remember having put back the bracelet. She remembered putting the trays back. The witness's sister told her, the witness, about 8 or 9 o'clock that evening, of the loss of the bracelet. The witness went home and the witness's sister was downtown. The witness went home about 4 o'clock, after being relieved by her sister. There were painters at work in that room during the day. The painters were there at 12 o'clock, when the witness came there, and they went away

for lunch and returned about an hour afterwards to finish their work, but they left before Gillette and Furt left. There were no other people besides the painters, working in that room. Miss Smith came in very shortly after the defendants left. The stolen property belonged to the Holly Collection, and was presented to the Charity Organization Society, and the witness was there for the purpose of selling the property for the benefit of that organization. Gillette said he was an artist.

LOUISA K. JACKSON, testified that she is a sister of Miss Adelina Jackson, who just testified. On May 23th, 1893 the witness was employed by the Charity Organization Society, and had been employed by that Society for two months. The witness had charge of the Holly Collection of antiquities in the library, and, on that day her sister came there to relieve her. The witness got through her work that afternoon between 10 minutes to 4 and 4 o'clock. The witness first discovered the loss

of the bracelet and ring when she came to put them in the safe, at half-past 6 o'clock. In the afternoon between a little before 4 and half-past 6, the witness was not absent from the showcase; and no one was near it; and the glass of the showcase was not broken, and the cases were closed. The witness got home that evening about 8 o'clock. The witness's sister was out when she returned home, and did not return until about a quarter past 9 o'clock, and then she told her, as soon as she came in. The next morning she made a complaint to the police, after she went to the office. She also informed the Secretary of the Society of the loss. The price of the bracelet was \$350. In

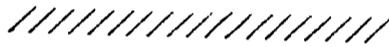
C r o s s - E x a m i n a t i o n ,

the witness testified that she remembered putting the ~~same~~ stolen property in the case that day. The witness's sister said that she had shown the jewelry to two men; who were coming in the next day. There was no sale of the property. Nobody saw the jewelry outside of the case, that day, except the witness, the witness's sister and Gillette and Burt. The day after the loss the

jewelry was not taken out again. Gillette or his brother or no one else came there to see the jewels the next day.

EDWARD ARMSTRONG, testified that he is a detective attached to the Central office. He learned of the loss of the bracelet and ring on June 4th. From a description given to him, he, the witness, arrested Gillette, and the witness's partner, Dowling, arrested Burt. When the witness arrested Gillette, Gillette wanted to know what it was for. Gillette said he did not know anything about the Charity organization, and did not know the people who came from the Charity organization to identify him. The witness was present when Miss Reynolds and Miss Jackson identified the defendant at police Headquarters, and that was prior to the time when he said he did not know the people from the organization. The defendants were put with ten different men, and the ladies picked the defendants out correctly. While Gillette and Burt were in

the photograph gallery, in charge of the witness, and being photographed, Gillette attempted to escape, by jumping down the stairs leading to the street, but Dowling was at the foot of the stairs and caught Gillette.



0819

Department of
PUBLIC CHARITIES AND CORRECTION,

Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. PORTER, Pres't,
CHARLES E. SIMMONS, M. D., } Commissioners.
EDWARD C. SHEEHY,

JOHN FALLON,
Warden.

New York, Oct 6th 1893

Mr Francis H. Weeks

Dear Sir

In the course
of my duty here as
miserable Chaplain I
have met Charles
Gillette, and learned
much of his history.

I believe in the
present instance he
has been unfortunate
rather than guilty.

The one point I
desire to bring to your
notice now, is his
artistic character.

I have become acquainted
with this, having
seen some of his works

~~My dear Mr. [unclear]~~
~~I have just received your letter~~
~~of the 14th inst. and am glad~~
~~to hear that you are well and~~
~~that you are still in the~~
~~country. I am sure you will~~
~~continue to give us all the~~
~~best news. I am, dear Sir,~~
~~Very truly yours,~~
~~[Signature]~~

and having engaged
 him to do some
 for me and make draw-
 ings for me of a
 high order of excellence
 I will be happy
 to show them to you
 if you desire; but
 cannot do so for some
 weeks, or perhaps to be
 out of town. In the
 mean time he is
 doing other work, and
 would be able, I think,
 to give you some more
 instruction, as well as
 the benefit of the kind
 of work he has been doing

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Adeline M Jackson
of No. 409 St Nicholas Avenue Street, aged 32 years.
occupation None being duly sworn,

deposes and says, that on the 20 day of May 1895 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in day time, the following property, viz:

One bracelet and one ring together of the value of four hundred dollars

the property of Charity Organization Society but in deponent's charge

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

Henry Gillett and Charles C. Kurt from the fact that on said date the defendants entered premises 105 East 27th Street of New York City where said property was for sale that deponent exhibited the property to said defendants who departed without making a purchase that thereafter deponent delivered the keys containing other property and which had contained the above property to her sister, Josephine St Jackson who thereafter returned

Sworn to before me, this 1895

Police Justice

deponent that when she examined
 the trays the above mentioned
 property was missing.
 Deponent further says that from
 the time she exhibited the
 jewels to the defendants and the
 time she delivered the trays to
 her sister no person had access
 to the trays and that no person
 could have taken the jewels
 but the defendants.

Deponent to before you
 the 23rd day of June 1893

William B. Jackson
 Deputy Sheriff
 Police Justice

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

-----:;
The People of the State of New York :;
Respondent :;
-vs- :;
Harry Gillette :;
Appellant :;
-----:;

*In open Court
March 28, 1894*

The Judgment of conviction in this action, as appears by the annexed certified copy of an order of the General Term of the Supreme Court of New York, having been reversed by said General Term, and a new trial ordered and the proceedings remitted to this Court,

It is now on motion of Alfred Pagelow of counsel for said Harry Gillette, and John R. Fellows, the District Attorney consenting hereto

ORDERED that the warden of the State Prison at Sing Sing be and he hereby is directed to produce and have the said Harry Gillette before this Court forthwith to the end that he may be re-committed to the custody of the warden of the City prison in the City of New York pending the said new trial and until the further order of this Court.
Dated, New York, March 25, 1894.

Centw P. J.

*I come to the
of the people side
John R. Fellows
privately.*

IN SENATE
COMMISSIONERS OF GENERAL SESSIONS OF THE PEACE

At a General Term of the Supreme Court of the State of New York, hold in and for the First Judicial department at the County Court House in the City of New York on the 16th day of March, 1894.

Present:

- Hon. Charles H. Van Brunt, P. J.
- Hon. Morgan J. O'Brien
- Hon. David L. Follett, J.J.

-----:

The People of the State of New York:

 Respondent

 against

 Harry Gillette

 Appellant

-----:

The above named appellant having been at a Court of General Sessions of the Peace held in and for the City and County of New York, at the City Hall in said City on the 17th day of July, 1893 and in due form of law convicted by the verdict of the jury of a felony, to wit; grand larceny in the second degree, and thereupon and on the 24th day of November, 1893, it was considered by the Court of General Sessions of the Peace and ordered and adjudged that the said appellant for the the felony aforesaid whercof he was so convicted as aforesaid, be imprisoned in the State prison at hard labor for the term of four years and nine months, and the appellant aforesaid having thereafter duly appealed from said judgment to this Court and said appeal coming on to be heard in due form of law,

NOW THEREFORE, after hearing Alfred Pagelow of counsel for the appellant, and John D. Lindsay, assistant District

IN SENATE
COMMISSIONERS OF THE COURTS

At a General Term of the Supreme Court of the State of New York, held in and for the First Judicial department at the County Court House in the City of New York on the 16th day of March, 1894.

Present:
Hon. Charles H. Van Brunt, P. J.
Hon. Morgan J. O'Brien
Hon. David L. Follett, J.J.

-----:
:
The People of the State of New York:
Respondent
against
:
Harry Gillette
Appellant
:
:
-----:

The above named appellant having been at a Court of General Sessions of the Peace held in and for the City and County of New York, at the City Hall in said City on the 17th day of July, 1893 and in due form of law convicted by the verdict of the jury of a felony, to wit; grand larceny in the second degree, and thereupon and on the 24th day of November, 1893, it was considered by the Court of General Sessions of the Peace and ordered and adjudged that the said appellant for the the felony aforesaid whereof he was so convicted as aforesaid, be imprisoned in the State prison at hard labor for the term of four years and nine months, and the appellant aforesaid having thereafter duly appealed from said judgment to this Court and said appeal coming on to be heard in due form of law,

NOW THEREFORE, after hearing Alfred Pagelow of counsel for the appellant, and John D. Lindsay, assistant District

Attorney for the respondent and due deliberation being had thereon, it is

ORDERED and ADJUDGED that the judgment of conviction in the above entitled action be and the same hereby is reversed and that said defendant, Harry Gillette have a new trial which is hereby ordered, and it is

FURTHER ORDERED that the proceedings herein and the same hereby are remitted to the Court of General Sessions of the Peace.

(Seal)

A COPY.

W.L., Jr.

Henry D. Purroy,

Clerk.

W.L., Jr.

*A copy
Henry D. Purroy
Clerk*

0027

Supreme Court, New York County.

The People of the State of New York.

Respondent.

-vs-

Harry Gillette

Appellant.

Copy.

Order Reversing Judgment and Granting New Trial.

Mason & Pargelow,
Attys. for Appellant,
206 Broadway,
New York, N. Y.

*Rec'd by ch
Approved by*

0828

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 36 years, occupation Clk of No. Louisa K Jackson

409 St Nicholas Ave Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Adelui M. Jackson and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 23 day of June 1898 Louisa K Jackson

Samuel M. [Signature]
Police Justice.

COURT OF GENERAL SESSIONS OF THE PEACE.

IN AND FOR THE COUNTY OF NEW YORK.

 The People of the State of New York. :
 :
 -against- :
 :
 Harry Gillette. :

PLEASE TAKE NOTICE that upon the foregoing affidavit of Alfred Pagelow and upon all the proceedings in this case, the undersigned will move this Court at Part *one* thereof before the Hon. Rufus Cowing, City Judge, on the *13th* day of July, 1894, at the opening of the Court on that day or as soon thereafter as Counsel can be heard, for an order that the defendant be discharged on account of the failure of the People to prosecute him and re-try him on the indictment found against him on the 27th day of June 1893, and for such other and further relief ^{order and} ~~relief~~ as to the Court may seem just.

Dated New York, July 11th, 1894.

Yours etc.

Alfred Pagelow,

Attorney for the defendant.

To

Hon. John R. Fellows,

District Attorney.

F61.1. COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE COUNTY OF NEW YORK.

The People of the State of New York. :

-against- :

Harry Gillette. :

City and County of New York) ss.

Alfred Pagelow being duly sworn says , that
he is the Attorney and Counselor of the defendant and has
been from the beginning of his indictment herein.

That the defendant was indicted on the 27th
day of June 1893 for the crime of grand larceny in the
second degree and duly pleaded not guilty to the same.
That on the 17th day of July 1893 the defendant was tried
before the Hon. Frederick Smyth and a Jury, which trial re-
sulted in his conviction adjudging him guilty of larceny in
the second degree, and under which conviction he was sen-
tenced to imprisonment in State prison for four years and
nine months. That thereafter an appeal was taken from the
said judgment by the defendant to the General Term of the
Supreme Court, which said General Term reversed the said
conviction on the facts, holding that the evidence was in-
sufficient to justify a conviction, and directing that un-
less other incriminating facts can be shown upon a new trial
defendant should be discharged. That such reversal was at
the February General Term last past, and ever since that
time the defendant , who was brought down from State Prison
and recommitted to the Tombs pending his new trial, has been

2

3

incarcerated in the said Tombs being unable to give bail, and no attempt whatever has been made, notwithstanding upwards of three terms of this Court have gone by to retry the said defendant on the said indictment.

That on the first Monday of June a motion, which had theretofore been made for an order discharging the defendant for lack of prosecution, came up for argument before the Hon. Recorder, and on said motion the Recorder ordered that the defendant should be retried during the June Term absolutely and positively, and in default thereof the motion to discharge him should be renewed. That during the June Term the case of the defendant was on the Calendar once before Judge Cowing, but the District Attorney Mr. Townsend, on deponent's moving the case for trial, gave the excuse that he was not ready for the trial, and the case was thereupon by his Honor Judge Cowing set down for the 20th of June and that the defendant should then be tried or discharged. That the case did not appear on the calendar before Judge Cowing on the 20th of June, but did appear on the Calendar before Judge Fitzgerald, and upon the deponent's moving the said case for trial, Mr. O. Hare the District Attorney gave as an excuse that he was not ready to try the case. The case did not again appear on the Calendar thereafter and since that time no effort whatever, and in fact during all the time since the reversal of the conviction no effort has been made whatever on the part of the prosecution to move ^{the} ~~for~~ a new trial ~~of~~ the defendant.

That the said defendant has been subjected to the unjust imprisonment during all this time. In the face of the reversal of the judgment ~~and~~ upon the facts, deponent

respectfully submits that this case is eminently one in
which this Court should order the discharge of the defendant
for the neglect to retry him as aforesaid, for the order to
which effect this deponent ~~appears~~ prays.

Sworn to before me this
16th day of July 1894 .

Y Alfred Caplan
B. F. Schmuckefer
Notary Public
N.Y. Co

Sir :

Please take notice that an order of which the within is a copy, was this day entered in the within entitled _____ and filed in the office of the Clerk of _____

Dated, _____ 189

Yours &c.,

Burr & DeLacy,

Att'ys for _____

To _____

Att'y for _____

Court of General Sessions of the Peace in and for the County of New York Court.

The People of the State of New York

against Harry Gillette

Affidavit and notice of Motion (Copy) Alfred Pagelow

BURR & DELACY

Attorneys for Defendant.

206 BROADWAY,

"Evening Post" Building, NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted.

this _____ day of _____ 189

Attorney.

To John R. Tallman Esq.,

Attorney for _____

Fol.1. COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

People of the State of New York.	"
	"
-against-	"
	"
Harry Gillette.	"
	"
	"

Sir:-

YOU WILL PLEASE TAKE NOTICE that upon the annexed af-
 fidavit, and upon all the pleadings and proceedings had
 herein, the undersigned attorney for the above named defen-
 dant will move before the Hon. James E. Fitzgerald, one of
 the Justices of the Court of General Sessions, at Part 1 of
 said Court at 11 o'clock in the forenoon of ~~Friday~~ *Tuesday 22nd* May ~~6th~~,
 1894, or as soon thereafter as counsel can be heard for the
 discharge of the defendant for want of prosecution, and for
 such other and further relief as to the Court may seem just
 and proper.

Dated New York, May 16th, 1894.

Yours Respectfully,

Alfred Pagelow.
 Att'y for defendant,
 P. O. and Office Address
 #206 Broadway, New York city
 N. Y.

To
 Hon. John R. Fellows,
 District Attorney.

Fol.1. COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----"

"

People of the State of New York. "

"

-against- "

"

Harry Gillette. "

"

-----"

"

"

City and County of New York) ss.

Alfred Pagelow being duly sworn says; that he is the attorney and counsel for the defendant above named; that on the 24th day of June 1893, the Grand Jury of the City and County of New York found an indictment against this defendant, wherein he was charged with the crime of grand larceny, under which indictment the defendant pleaded not guilty.

That thereafter and on the 17th day of July 1893, the said defendant was tried before the Honorable Frederick Smyth and a jury, and was convicted of the crime of grand larceny; that thereafter and on the 24th of November 1893, ^{the defendant was} sentenced by the Recorder to imprisonment in State Prison at hard labor for four years and nine months; that thereafter and on the 21st of December 1893 an appeal from the aforesaid judgment of conviction was taken by the defendant to the General Term of the Supreme Court. Said appeal was argued at the February Term of the said Court and said judgment of conviction was in all things reversed on the ground that the evidence upon which the said defendant was convicted was insufficient to sustain the conviction, and the Court in its unanimous opinion stated, that unless further incriminating facts could be shown on a new trial the defendant should

2
3

be discharged. That since February, ^{and} since the reversal of said judgment, the defendant, who was brought down from State Prison and re-committed to the Tombs pending his new trial, has been incarcerated in the Tombs being unable to give bail.

That no attempt whatever has been made to re-try this defendant, nor has any attempt been made to move him for trial, although request has been made to do so at the District Attorney's Office. That more than two terms of this Court have ~~been~~ passed, since the finding of said indictment, and since the reversal of said judgment, but the same has not been tried or disposed of, although this defendant is now and always has been ready for trial.

Deponent further says that on the previous trial of the defendant, the People exhausted all the evidence in their possession at that time, and in fact all the evidence from the nature of the case in existence touching the crime of which the defendant stands charged, and deponent verily believes that no other evidence is in existence, and no new evidence can be produced at a new trial and that the defendant is unjustly and unfairly deprived of his liberty and detained as aforesaid.

No postponement, nor request for delay has ever been made or had on behalf of the defendant.

WHEREFORE defendant prays that the defendant, for the reasons above set out, be discharged and for such other and further relief as may be just.

Sworn to before me this
17 day of May 1894.

Alfred Pagelow
B. H. Schmuckbefer
Notary Public, N.Y.C.

0837

22

Sir :
Please take notice that an order of which the within is a copy, was this day entered in the within entitled _____ and filed in the office of the Clerk of _____

Dated, _____ 189

Yours &c.,
Burr & DeLacy,
Att'ys for _____

To _____
Att'y for _____

*Within motion ordered by Court to be heard before the Hon. Just. Smyth Recorder & adj. for that purpose to Monday May 28/94 at opening of Court
MAY 22/94 Stephen J. O'Hara
Att. at lty*

COURT OF GENERAL SESSIONS
OF THE PEACE, IN AND FOR THE CITY AND COUNTY OF

People of the State of New York.

-against-
Harry Gillette.

NOTICE AND AFFIDAVIT.

~~BURR & DeLACY,~~
ALFRED PAGELOW.
Attorneys for DEFENDANT.
206 BROADWAY,
"Evening Post" Building, NEW YORK CITY.

Due and timely service of a copy of the within _____ is hereby admitted.

this 17 day of May 189
Edward J. Flynn Attorney

Chief Clerk
To _____ Esq.

Attorney for
Motion deemed with liberty to renew. if diff. in High Court to meet at same time 194

0838

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

Charles C. Burt 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 at the trial.

Question. What is your name?

Answer. *Charles C. Burt*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *230, West 25th Street, New York.*

Question. What is your business or profession?

Answer. *Seaman and Painter*

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*
Charles C. Burt.

Taken before me this

day of

[Signature]
[Signature]
[Signature]

Police Justice.

0839

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Nevy Gillette 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. *Nevy Gillette*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *332 E 91. St New York 3 months*

Question. What is your business or profession?

Answer. *Designer*

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*
Nevy Gillette

Taken before me this *23* day of *July* 188*2*.
[Signature]
Police Justice.

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 Twenty Five 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, June 23 1893

[Signature] Police Justice.

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

Dated, _____ 189 _____

Police Justice.

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

Dated, _____ 189 _____

Police Justice.

0841

740 686
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adeline R. Jackson
Henry Gillet
Charles C. Kurt

Offense
...

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

3
4
Dated, *June 23 1893*

Harter Magistrate.

Armstrong Officer.

Flouice A. Reynolds Precinct

Witnesses *183 West 107th* Street.

No. Street.

No. Street.

No. Street.

Rouisa R. Jackson Street.

No. Street.

25 West to answer *G.S.*

.....

.....

.....

0042

District Attorneys Office,
City & County of
New York.

1882

June 12

Received of
June 12 1882 of \$100
20 Dollars & sent to
L. P. ... Judge
...
of Henry Johnson

0843

District Attorney's Office,
City & County of
New York.

N.Y. Confessions

188

The People

vs

Gillette

The Recorder says
that this case
must not be
dismissed. There
will be trouble, if it is.

N.Y. June 8, 1894

Stephen J. Ward
D. A. Dist. Atty.

0844

Park ⁴Two

Calendar

June 8th/94

Vol. 1. COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----"

"

People of the State of New York. "

"

-against- "

"

Harry Gillette. "

"

-----"

"

"

City and County of New York) ss.

Alfred Pagelow being duly sworn says; that he is the attorney and counsel for the defendant above named; that on the 24th day of June 1893, the Grand Jury of the City and County of New York found an indictment against this defendant, wherein he was charged with the crime of grand larceny, under which indictment the defendant pleaded not guilty.

That thereafter and on the 17th day of July 1893, the said defendant was tried before the Honorable Frederick Smyth and a jury, and was convicted of the crime of grand larceny; that thereafter and on the 24th of November 1893, ^{the defendant was} sentenced by the Recorder to imprisonment in State Prison at hard labor for four years and nine months; that thereafter and on the 21st of December 1893 an appeal from the aforesaid judgment of conviction was taken by the defendant to the General Term of the Supreme Court. Said appeal was argued at the February Term of the said Court and said judgment of conviction was in all things reversed on the ground that the evidence upon which the said defendant was convicted was insufficient to sustain the conviction, and the Court in its unanimous opinion stated, that unless further incriminating facts could be shown on a new trial the defendant should

be discharged. That since February, ^{and} since the reversal of said judgment, the defendant, who was brought down from State Prison and re-committed to the Tombs pending his new trial, has been incarcerated in the Tombs being unable to give bail.

That no attempt whatever has been made to re-try this defendant, nor has any attempt been made to move him for trial, although request has been made to do so at the District Attorney's Office. That more than two terms of this Court have ~~been~~ passed, since the finding of said
4 indictment, and since the reversal of said judgment, but the same has not been tried or disposed of, although this defendant is now and always has been ready for trial.

Deponent further says that on the previous trial of the defendant, the People exhausted all the evidence in their possession at that time, and in fact all the evidence from the nature of the case in existence touching the crime of which the defendant stands charged, and deponent verily believes that no other evidence is in existence, and no new evidence can be produced at a new trial
5 and that the defendant is unjustly and unfairly deprived of his liberty and detained as aforesaid.

No postponement, nor request for delay has ever been made or had on behalf of the defendant.

WHEREFORE defendant prays that the defendant, for the reasons above set out, be discharged and for such other and further relief as may be just.

Sworn to before me this
17 day of May 1894.

} Alfred Pagelow
B. F. Schmuckfifer
Notary Public
N.Y.C.

0848

GENERAL SESSIONS OF THE PEACE ^{Court.}
IN AND FOR THE CITY AND COUNTY

Sir :

Please take notice that an order
of which the within is a copy, was
this day entered in the within entitled
..... and filed in the
office of the Clerk of

Dated, 189

Yours &c.,

Burr & DeLacy,

Att'ys for.....

To

Att'y for.....

People of the State of New York.

-against-

Harry Gillette.

Part One May 27

(Copy)

NOTICE AND AFFIDAVIT

~~BURR & DELACY,~~
ALFRED PAGELOW.

Attorneys for..... DEFENDANT.....

206 BROADWAY,

'Evening Post' Building, NEW YORK CITY.

Due and timely service of a copy of the within

..... is hereby admitted.

this day of 189

..... Attorney.

To Esq.,

Attorney for.....

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Gillette and Charles C. Burt

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

Henry Gillette and Charles C. Burt

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

The said

Henry Gillette and Charles C. Burt, both

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

one bracelet of the value of three hundred dollars and one finger ring of the value of one hundred and fifty dollars

of the goods, chattels and personal property of ~~one~~ a corporation called

the Charity Organization Society

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

De Lancy Nicoll District Attorney

0850

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gilligan, Cathorine

DATE:

06/01/93



4774

0851

BOX:

524

FOLDER:

4774

DESCRIPTION:

Benkenstein, Charles

DATE:

06/01/93



4774

Witnesses:

John Gilligan
Frank Rogers
John Walters

M. Mayer
Counsel,
Filed, *June 1893*
Pleads, *Not Guilty*

THE PEOPLE

*no 1163-
no 1164-
I*
vs.
Catharine Gilligan
BIGAMY
Section 208, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Chas. J. ...
Foreman
Park 3. June 6 93
Pleads guilty, 93
City Prison 2 mos.
R.M.

373

Witnesses:

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE,

vs.

R

Charles Benkenstein

Unlawful marriage
[Section 501, Penal Code]

DE LANCEY NICOLL,

District Attorney

FOREMAN

A TRUE BILL.

DISMISSED.

Foreman.

CITY AND COUNTY }
OF NEW YORK, }
ss.

John W. Williams
aged 35 years, occupation Police Justice of No. 133
Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John W. Williams
and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this 13th day of May 1899
John W. Williams

John W. Williams
Police Justice.

Police Court, 4 District.

(1359)

City and County } ss.
of New York,

of No. 518 West 49 Street, aged 22 years,
occupation ~~from being~~ being duly sworn, deposes and says,
that on the 28th day of February 1893, at the City of New
York, in the County of New York

Catherine Gilligan (now known) did feloniously marry me Charles Bensenstein (she at the time having a husband living in violation of Section 298 of the Penal Code of the State of New York) and Charles Bensenstein did feloniously enter into a marriage with the defendant Gilligan he at the time well knowing that the said Catherine Gilligan was at the manner in violation of Section 301 of the Penal Code of the State of New York. For the reasons following I depose that on the 29th day of November 1891 he married the defendant on 457 W. 57th Street as per annexed certificate numbered "a" he is now divorced from said Catherine Gilligan and that she is still his lawful wife. He is informed, as per annexed certificate "b" that on February 28th 1893 the said Catherine Gilligan was married to me Charles Bensenstein at the City Hall in this City. The said Bensenstein at the time he married the said Catherine Gilligan well knew that the said Catherine was married from the fact that he visited

the premises where defendant and his wife were living and in defendant's absence the said Bensenstein removed the furniture from said premises. Defendant is further informed by Officer John W. Waller, that when he Waller arrested the defendant Bensenstein, he Bensenstein informed him that he had married the defendant's daughter, Fellicia at the City-Hall.


 Arrived to inform me } John Gulligan
 this 13th day of May 1893 }


Police Justice

0858

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

District Police Court.

Charles Benkenstein 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 sees 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. *Charles Benkenstein*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *209 W - 63rd St. Bronx.*

Question. What is your business or profession?

Answer. *Carpenter layer*

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 over forty -*

Charles Benkenstein

Taken before me this

day of

189

Police Justice.

Church of the Sacred Heart of Jesus,

457 WEST 51ST STREET,

NEW YORK CITY.

I **Hereby** **Certify** that *John Gilligan*
and *Catherine Ganner* were lawfully Married,
according to the rite of the Catholic Church by the
Rev. Bernard J. Duffy on the *29th* day of
November 1891 in presence of *W^m F. Peyton*
and *Mary Sheerin*.

Copied from the Parish Register, this

13th day of *May 1893*

John Ryan

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 *Twenty Five* Hundred Dollars, *Each* 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 3 1893* *Connelly* 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.

0862

531

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Gilligan
Catherine Gilligan
Charles Brinkstein
3/8 vs. 11/24/93
3. *separate*
4. *indictments*
W. J. O'Connell

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *May 13* 189*3*

W. J. O'Connell Magistrate.

Walter J. O'Connell Officer.

24 Precinct.

Witnesses *O'Connell*

No. Street.

Frank Rogers
36 W 53

No. Street.

apt. char Brinkstein
May 21 1893

No. *Chas J. O'Connell* Street.

\$ *25.00* to answer. FORTY-NINE

[Signature]

CITY AND COUNTY } ss:
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

of No. 141 Reed Police Officer Street, aged 34 years,
occupation Police Officer being duly sworn, deposes and says,
that on the 24 day of March 1893

at the City of New York, in the County of New York, deponent
arrested Kate Sullivan (now here)
on suspicion of murder committed
Bigamy upon the complaint of
John Sullivan

deponent prays that said
Kate may be held in order that
deponent may procure the
necessary evidence

Sworn to before me, this
of 24 day
1893

James J. [Signature]
Police Justice.

0864

Police Court, 4 District.

NY THE PEOPLE, &c.,
ON THE COMPLAINT OF

Kate Gilligan vs.

AFFIDAVIT.

Bigman

Dated, May 10 1893

Mead Magistrate.

Woll Officer.

24

Witness,

Disposition,

2500 up Mac 17. B. 9

0865

151 East 51st Street,
New York.

To whom it may
concern - on or about
December 24th I treated
Katie Gilligan for
Gonorrhoea. Her case was
a very bad one from having
been neglected.

Jan 8 '73

Geo. W. Bogart M.D.

0866

Office of
Simpson, Crawford & Simpson,
Importers, Jobbers and Retailers of
Dry and Fancy Goods,
Cor. Sixth Ave. & 19th Street.

New York, ^{the} May 29 1889 3

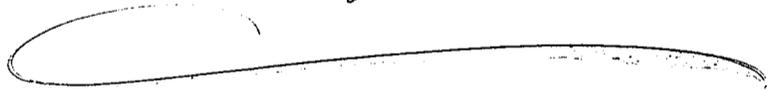
To Whom it May Concern

Miss Katie Gammans was in our
employment from May 17th /87 to June 6th /91
during which period we found her honest, steady and
industrious, and we know of nothing to her prejudice
Cause of leaving our service

Respectfully yours,

Simpson, Crawford & Simpson.

Alexander Lyellie Supr



Court of General Sessions

The People vs

- agst -

Catharine Gilligan.

City and County of New York, ss:
Catharine Gilligan being
duly sworn says - that she is the
dependant herein - that she is now
incarcerated in the Tombs prison
having plead guilty to the charge
of bigamy -

That deponent desires to state
in extenuation of her conduct
as follows:

Defendant states that she was
born in the City of New York and
is now twenty years and has
lived during all her life in this
City -

That she lived with her first
husband up to about three months
ago, when she was informed by the
agent of the premises to 514 West
49th Street where she was then living
with her child, that unless she
paid the rent she would be put
out, and when her husband

returned at night she notified him of this fact, and he replied that he did not intend doing anything further for herself and child, and that she would have to go out on the street and make a living for herself and child as she had no claim on him as a wife - the next day he brought a dealer in second hand furniture to sell the little furniture in my home and I protested so strenuously that the dealer left; my husband the same day took up the carpet from the floor and I tried to prevent him from so doing was knocked down on the floor by him several times with my child in my arms, and he secured a knife and attempted to stab me, when I called a policeman, whom he told he had removed the carpet to his mother's house - He then abandoned me entirely and I was obliged to leave my baby with my mother as there was neither fire or food in the house -

A man named Welsh moved my small amount of furniture to 515 West 45th Street -

Defendant says that on her marriage to John Gilligan, he was out of work and said he could not procure work, when in fact he used to stand on the corner of 50th Street and Tenth Avenue in this City, and when deponent remonstrated, he insisted that she should go to work; about six weeks after said marriage he began to ill treat me, by striking me with his fist almost daily for the least trivial offense, and continued so doing while I was pregnant with child -

He repeatedly told me that he had obtained a divorce from me and that he merely wanted to live with me as his mistress and that I had no license to hold myself out as his wife - About three months after my baby was born, he imparted to me a venereal disease which the Doctor informed ^{me} was common.

Known as "Clap" and she was obliged to visit Dr. Bogert, whose certificate will be annexed hereto, to cure herself of such disease. That Gilligan ^{refused to pay a doctor for attendance during childbirth}

During the entire time of my living with said Gilligan, the most money he ever gave me in any one week for support of the household was only about four dollars and never has he bought me any clothing for myself or child, but spent the money in balloons, and in fact was seldom sober. He said he would pay \$50 to buy me instead of curing me.

After he left me I had my baby to nurse and although I tried most assiduously to obtain employment, but failed and I could not take my baby from my breast, and I was destitute without scarcely food or shelter when I married Charles Beckenstein for to provide a home for myself and child, believing that I was guilty of no wrong as said Gilligan had repeatedly told me he had said divorce from me - my second husband was very kind to me and acted

as a father to my child, and acted in a way a husband should. Subsequently I heard rumors that said Silligan was threatening to have me arrested and I immediately went to the West 68th Street Police Station and stated the facts to the Officer in charge and thereupon surrendered myself to meet any accusation that might be brought against me, that was on the 6th day of May 1893 and I have ever since been in custody -

Defendant further says, that she was employed for six years and a half with the firm of Simpson Crawford and Simpson in this City, whose reference is hereto annexed -

That defendant has also been employed by Andrew Logan Carpet Cleaner, in 46th Street between 10th and 11th Avenues and who is willing to reemploy defendant, if the Court will exercise such clemency as may result in her discharge from imprisonment.

She says that ^{she} was never arrested before on any charge, but has always been an industrious girl working hard for her livelihood.

That is truly penitent and throws herself on the mercy of the Court Sworn to before me this

9 day of June 1893

All Ours -
 Wm. Publicy, Mrs. Kitty Gilligan
 N. Healy.

Court of General Session

0873

Court of General Sessions

People vs

against

Kate Gilligan

Affidavits vs

MAURICE MEYER,

Attorney for *Def*

57 PARK ROW,

NEW YORK.

To.....

Attorney for.....

Due service of within.....

is hereby admitted.

New York, 1892.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Boudreau

The Grand Jury of the City and County of New York, by this indictment accuse *Charles Boudreau* —

of the crime of *knowingly entering into an unlawful marriage* —

committed as follows:

Heretofore, to wit:

on the 1st day of the month of February, in the year of our Lord one thousand eight hundred and ninety-three, at the City and County of New York, the said Charles Boudreau, late of the City and County of New York, did knowingly and feloniously enter into a marriage with one Catharine Fiddler, and from the said Catharine Fiddler did then and there take as his wife, and the said Catharine Fiddler did then and there as a married woman, and having a husband living, to wit: one John Fiddler, as to the said Charles Boudreau then and there well

James; against the terms of the
Statute in such case made and
provided, and against the power
of the Board of the State of New
York, and their directors;

James Smith,
Attorney at Law.

0076

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Catherine Fiddigan

The Grand Jury of the City and County of New York, by this indictment accuse
Catherine Fiddigan
of the CRIME OF BIGAMY, committed as follows:

The said *Catherine Fiddigan*,
late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *November*, in the year of our Lord one thousand eight hundred and
nineteen, at the *City and County of New York*,

did marry one *John Fiddigan*, and *him*, the said
John Fiddigan did then and there have for
her husband; and the said *Catherine Fiddigan*
afterwards; to wit: on the *twentieth* day of *February*, in the year of
our Lord one thousand eight hundred and ninety-*three*, at the City and County
of New York aforesaid, did feloniously marry and take as *her husband*, one
Charles DeLancey Nicoll, and to the said
Charles DeLancey Nicoll, was then and there married, the said
John Fiddigan being then living and in full life,
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.

DE LANCEY NICOLL,
District Attorney.

0877

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gilliland, Frank W.

DATE:

06/16/93



4774

Witnesses:

Annie Malcott

~~16th Party~~

Counsel,

Filed

189

day of

June 13

Pleads,

July 19

THE PEOPLE

vs.

Frank W. Sillland

Section 49, 106, 528-531.
Burglary in the second degree.

DE LANCEY NICOLL,
District Attorney.

Port, June 26 1893

A TRUE BILL.

Henry Barron
Foreman.

June 26 1893

Pleas to Emily Pitts Hancoc

Pen 1 yr - PBM

7 30

0879

Police Court—2 District.

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

Gussie Wolcott

of No. 307 West 30th Street, aged 27 years,

occupation Music Teacher being duly sworn

deposes and says, that the premises No 307 West 30th Street,
in the City and County aforesaid, the said being an apartment house

and which was occupied by deponent as a residence on the second floor
and in which there was at the time a human being, by name Gussie Wolcott

were **BURGLARIOUSLY** entered by means of forcibly opening the
door of a bed room on the second floor
of said premises

on the 13th day of June 1897 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

a diamond
scarf pin of the value of about
fifteen dollars \$ 15

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by
Frank Gilliland

for the reasons following, to wit: Deponent was lying in
bed about the hour of 8 O' Clock
A.M. on said date in said premises
and the said property was in a bureau
drawer in said room. And deponent
saw the defendant in the act of taking
the said property from said bureau drawer.
Deponent charges the defendant with
burglarious entrance to said premises for

The reason that the door to the parlor adjoining
 defendant's room, through which access to defendant's
 room was gained, was closed, and the
 defendant must have entered said
 room by forcibly opening said closed
 door. Defendant gave the alarm,
 and defendant was seen in his flight from
 the premises by defendant mother Annie
 A. Wolcott (now dead) and defendant
 was immediately arrested by Policeman
 James H. Kelly of the 19th precinct.

sworn to before me this
 13th day of June 1889
 J. H. [Signature]
 Police Justice

Gessie Wolcott

Police Court District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 vs.
 Burglary Degree

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0001

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

Frank Gilliland 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. *Frank Gilliland*

Question. How old are you?

Answer. *22 not December*

Question. Where were you born?

Answer. *U.S*

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

Answer. *435 East West 30th 2 months*

Question. What is your business or profession?

Answer. *Carpenter*

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
Frank W. Gilliland*

Taken before me this

day of *June*

19

1897

W. J. Brady

Police Justice.

0882

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

Frank Gilliland

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Fifteen* 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, *June 13* 1897

[Signature] Police Justice.

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

Dated, _____ 189

Police Justice.

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

Dated, _____ 189

Police Justice.

653

Police Court--- 2 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Gussie Wolcott
307 West 30th
Frank Gilliland

Offense *Burglary*

2 _____
3 _____
4 _____

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, *June 13* 189*7*

Grady Magistrate.
Ja. H. Kelly Officer.

19 _____ Precinct.

Witnesses *Archie A. Wolcott*

No. *307 West 30* Street.

No. _____ Street.

No. _____ Street.

\$ *1500* to answer *G.S.*



[Signature]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank W. Gilliland

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

Frank W. Gilliland

of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said *Frank W. Gilliland*

late of the *20th* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day* - time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Annie A. Wolcott*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Annie A. Wolcott*

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 their dignity.

SECOND COUNT—

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

Frank W. Gilliland

of the CRIME OF *Retib* LARCENY

committed as follows:

The said *Frank W. Gilliland*

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, in the *day* time of the said day, with force and arms,

one scarf, pair of the value

of fifteen dollars

[Large decorative flourish]

of the goods, chattels and personal property of one *Annie A. Walcott*

in the dwelling house of the said *Annie A. Walcott*

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

Dehaency Nicoll
District Attorney

0886

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gioia, Guiseppe

DATE:

06/01/93



4774

Witnesses:

Angelo Peller

Charles D. [unclear]

Counsel, *is* Filed *June* 1893

Plead *Myself*

THE PEOPLE

28
Laborn, US are
H's know P.

Giuseppe Guaid

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

over shop

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John J. [unclear]

Part 2 - June 6, 1893
Foreman.
Chief and Council of
the [unclear]
Assault in the 2nd deg.

H. W. D. [unclear]

Police Court— 6th District.

CITY AND COUNTY OF NEW YORK, } ss.

of No. 646 Canal 151st Street,

aged 30 years, occupation Laborer being duly sworn, deposes and says, that on Sunday the 28th day of May

in the year 1893 at the City of New York, in the County of New York

he was violently and feloniously ASSAULTED and BEATEN by Giuseppe Gioia

(now here) who did cut and stab deponent upon the left shoulder with the blade of a knife which knife he the said deponent did then & there hold in his hand thereby cutting deponent, that deponent was so violently and feloniously assaulted and beaten

with the felonious intent to take the life of deponent, ~~to~~ 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 29th day of May 1893

Luigi Angelo Piller
mark

Charles F. ... POLICE JUSTICE.

0889

6th

District Police Court.

City and County of New York, ss:

Giuseppe Gioia 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. *Giuseppe Gioia*

Question. How old are you?

Answer. *25 years,*

Question. Where were you born?

Answer. *Italy*

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

Answer. *Moni Ave & 153rd St. 2 years-*

Question. What is your business or profession?

Answer. *Labour*

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 of the charge*

Giuseppe Gioia

Taken before me this

day of

May

1893

29th

Charles F. Gilmer

Police Justice.

0890

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 Alfreda

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 May 29th 1893 Thos. J. Leiter 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

0891

Police Court--- 6th ⁵⁹⁰ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Angelo Piller
646 S. 151st
Luiseppa Gioia

Offence *Assault*
2nd

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *May 29th* 1893
Feitler Magistrate.
Albert B Schryver Officer.
33rd Precinct.

Witnesses.....
No. Street.

No. Street.

No. Street.

\$ *1000* to answer *ES.*
Com
202/1



COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

""""""""""
T H E P E O P L E
-against-
GUISEPPE GIOIA.
""""""""""

Before
HON. FREDERICK SMYTH,
and a Jury.

TRIED, NEW YORK, JUNE 6TH, 1893.

""""""""""

INDITED FOR ASSAULT IN THE FIRST DEGREE.
INDICTMENT FILED JUNE 1st, 1893.

""""""""""

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY JAMES W. OSBORNE,

For THE PEOPLE.

W.S.CHANLER, ESQ.,

For THE DEFENSE.

""""""""""

ANGELO PILLA testified that he is a laborer, working with a shovel. He has been in America one month. He knew the defendant in Italy, and he saw him since his arrival in this country. On May 28th, 1893, he came up to the complainant's house. The defendant went out for a pint of beer, which he and the complainant drank together. The defendant claimed to be drunk and asked the complainant to see him home. They left the house, and, after walking a block and a half on the street, the defendant gave him, the complainant, a cut with a knife. Up to that time they did not have a quarrel. He cut the complainant on the shoulder and head. The complainant identified the knife in court, and said that the defendant took it out of his righthand pocket. The complainant called for a policeman, and an officer came and arrested the defendant, and, on the way to the station-house, the defendant struck the complainant on the face. A doctor at the station-house

dressed his wounds. The wound on the shoulder was about two inches deep. In

C r o s s E x a m i n a t i o n

the witness testified that he worked at 151st Street. The defendant came to his house at about 7 o'clock in the evening. He only drank a glass of the beer that the defendant brought in. The defendant was drunk when he brought in the beer. After the complainant and the defendant had walked about a block and a half, the former said, "Good night! I am going to return," and then the defendant cut him. The defendant said that he wanted to cut the complainant's stomach; that he wanted to kill the defendant. Then the defendant ran away, three blocks, to his own house, 153rd Street and Morris Avenue. He was living on the second floor. When the complainant arrived at the defendant's house, with the policeman, he saw the defendant going out of his own home, and he had him arrested. He, the complainant, had never been convicted of

any crime in Italy or in this Country.

I

ALBERT B. SCHRYBER testified that he is a member of the Municipal Police of the City of New York, attached to the 33rd precinct. He remembered arresting the defendant on May 28th, at 153rd Street and Morris Avenue, in his, the defendant's, own house. The defendant was attempting to escape. He arrested the defendant in consequence of a complaint made by the complainant, who had a wound on his left shoulder. The cut was through the complainant's coat, vest and shirt, and on his head there was a scratch. An ambulance was called for the complainant. The witness searched the defendant for the knife, but did not find it at first, but, afterwards, the defendant dropped it out of his left sleeve, on the floor of the station-house, in front of the desk. The ambulance surgeon dressed the complainant's wounds. He put a stitch in the wound, and then

the complainant went home. In

C r o s s E x a m i n a t i o n

the witness testified that the complainant came to him and said that he had been stabbed.

THE DEFENSE

GUISEPPE GIOIA, the defendant, testified that he has been in this country one year, and works as a laborer, at anything he can get to do. He heard the complainant testify through the interpreter, and said that "It is all a lie. I went to see him at night, with another friend of ours. I went to his house, and there we got a pint of beer, and this pint of beer was shared among ourselves and our friends. There were three there. Then he told me you are drunk, I want to see you home. When we went downstairs I said, 'you had better

go to your own home, because you are drunk, and I am not drunk.' And then when I said that he was drunk, he was offended, and commenced to fight with me. I told him I did not want his assistance at all, and that he would better go back to his own home. And then he commenced calling me vile names. Then he commenced fighting with me, and I received several blows with his fist, and then I went home. After an hour that I was home he came to my house with a police officer, and had me arrested. Then they took me down to the station house. They had an interpreter there, and they did all the business, and whilst I was there the police officer picked up a knife from the floor, where I was standing, and he said, 'This is your knife'. And I said, 'No, it is not my knife. I know nothing at all about it. That is all that I have to say. Then I was arrested and kept in prison." He denied having stabbed the complainant with a knife, or having a knife at all, or that he ever had a knife since he came to America.

.....

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Giuseppe Gioia

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

The said Giuseppe Gioia
late of the City of New York, in the County of New York aforesaid, on the twenty-ninth
day of May in the year of our Lord one thousand eight hundred and
ninety-three, with force and arms, at the City and County aforesaid, in and upon
the body of one Angelo Piller, in the peace of the said People
then and there being, feloniously did make an assault, and him the said
Angelo Piller with a certain knife

which the said Giuseppe Gioia
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,
with intent him the said Angelo Piller
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
Giuseppe Gioia
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Giuseppe Gioia
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
Angelo Piller in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and him the said Angelo Piller
with a certain knife
which the said Giuseppe Gioia
in his right hand 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 strike, beat, cut, stab 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Giuseppe Gioia

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

The said

Giuseppe Gioia

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 said *Angelo Piller* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said with a certain *knife* *Angelo Piller* which *he* the said *Giuseppe Gioia* in *his* right hand then and there had and held, in and upon the *shoulder* of *him* the said *Angelo Piller* then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Angelo Piller

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.

DE LANCEY NICOLL,

District Attorney.