

0752

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gardner, Eva

DATE:

06/12/93



4774

**POOR QUALITY
ORIGINAL**

Witnesses

Off M. C. ...

Bail \$2,000.
page

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

The undersigned Commencer
from the Office of the
Court he fails to
appear before
the Court and
therefore he is
deprived of his
rights and is
upheld in the
Court.

At I. (W. H.) ...
Aug 11/98.

Counsel,

Filed,

day of

189

Pleads,

ENTERED
T. J. W.

THE PEOPLE

vs.

AD

B

Eva Gardner.

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. ...
Foreman.

F. C. ...
1906

KEEPING A HOUSE OF ALICE

(Sections 392 and 395, Penal Code.)

0754

POOR QUALITY
ORIGINAL

Witnesses:

Off Mc Connell

Bail \$2,000.
page

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

The *United Comm*
for the *Open House*
that he fails to
I *Dr. J. W.*
I *therefore* *became*
disfranchised *incurred*
upon the *an* *pleading*

St. I. (Chas) Jones
cert. 10/11/98.

✓ *all charges* *Nov 29/96*
3 *Br. Oct 30/96*

Counsel, *12* day of *June* 189*3*
Filed, *W. Kelly*
Pleads, *1*

ENTERED
T. J. W.

THE PEOPLE

vs.

11 *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. 10/30/96

KEEPING A HOUSE OF *ILL-F*
(Sections 322 and 385, F. and C. 1880.)

0755

Sec. 198—200.

4¹⁵

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

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

Dated May 25 1893 W. McMahon 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.

BAILED,

No. 1, by Joseph Wallack
Residence 306 East 119 Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

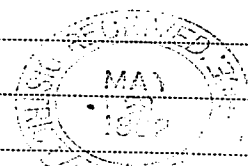
No. 4, by _____
Residence _____ Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Martin McConnell
vs 22 Prs.
Eva Gardner
1 _____
2 _____
3 _____
4 _____

Dated May 21 1893
W. Malon Magistrate.
McConnell Officer.
22 Precinct.

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



Bailed
to answer L.S.
500
500 bail May 23. 2 PM
by May 25 2 PM

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 Defendant of No. 147 W 53
and Joseph Wallach of No. 306 E 119
Street, by occupation a Furnished Rooms
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
Daniel F. McMahon POLICE JUSTICE.

E. Gardner
Wallach

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me, this
11th day of May
18*93*
Attest
District Police Justice.

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 *Seven* 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 with five thousand
2 dollars per year

Maguire

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 18

Justice.

0760

Sec. 322, Penal Code.

CITY AND COUNTY } ss.
OF NEW YORK,

4 District Police Court.

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 day of May 1893, and on
other days and times between that day and the day of making this complaint

James Love
did unlawfully keep and maintain and yet continues to keep and maintain a house of
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 Love
and all vile, disorderly and improper persons found upon the premises occupied by said
James Love
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 20

day of

May 1893 } Matthew McConnell

Thomas Police Justice.

(1924)

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

Matthew McCormell

of No. the 22nd 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

W. M. M. M. 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 McKeown of No. the 22nd Precinct Police Street, that on the 17th day of May 1893, at the City of New York, in the County of New York, James Doe did keep and maintain at the premises known as Room 531 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 Doe and all vile, disorderly and improper persons found upon the premises occupied by said Doe 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. Mahan
Police Justice.

Dated

188

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.

The within named

Police Justice.

0764

[illegible]

Mr Byrnes Dear Sir

I wish
to state that in regard to
that case of Eva Maydner
of 147 W 53rd St I fail
to remember the name who
was with her and I
cannot do so at the moment.
I am so old I do not
remember his looks or any
thing of her and I fear very
much that I will not
be able to appear at the
trial as my health is very
poorly now.

0766

Officer Matthew McConnell
14 Aug 1957

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 *1st* day of *May* in the year of our Lord one thousand eight hundred and ninety-*four*, 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 *1st* day of *May* 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

(Sec. 323,
Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

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

0770

Witnesses:

Wm. Timney

Counsel,

Filed,

De June 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. 7078. 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 Saw

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

William Saw

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

William Saw

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 spirituous 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 Saw

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 Saw

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. Lerney

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. Clark
Ed. Clark

Back ch gun
Comph seen
Thurperry
a Tanyer

Can

14

Counsel, *h*
Filed *5 1/2* day of *June* 1893
Plead, *Myself*

THE PEOPLE

vs.

William Garity,

David Kennedy June 19 93

DE LANCEY NICOLL,
District Attorney.

June 23-1893
11-11-93

A TRUE BILL.

Harry S. Garity
Foreman

Part 2. July 6/93
P leads assault 30 day

Comph seen
Can

(Sections 217 and 218, Penal Code.)

Assault in the First Degree, etc.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

William Garity

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 day of June 1893 }

John Clarke

Thos. H. Angerri

Clerk of Court

A. J. 5th

Police Court— District.

1931

City and County } ss.:
of New York,

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 1898 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 deponent 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 May1898

John Clarke

Police Justice.

0776

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

William Greghy 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.

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
Wm Greghy

Taken before me this

day of

1893

Police Justice.

0777

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

John 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 H. Hall Police Justice.

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

Dated, May 23 1893 Samuel H. Hall 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
William Bergh
2
3
4
Offense: Assault

BAILED,

No. 1, by Frank W. Cron
Residence 28 Beach Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, Aug 27 189 2
Regan Magistrate.
Rehne Officer.
5 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer

Bailed

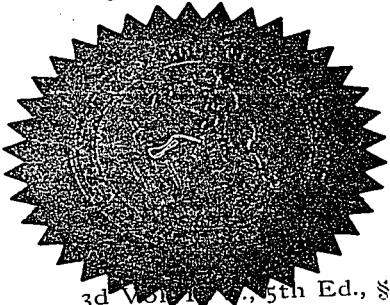
Ans.

0779

1768

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.



3d Vol. N.Y. 5th Ed., § 74, p. 687.

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

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

UNDERTAKING TO ANSWER.

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

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 Clerk and
Hugh McElroy of No. 48 Beach Street;
Occupation Broker
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 himself amenable to the orders
and process of the Court; and if convicted, shall appear for judgment, and render himself in execution thereof
or if he fail to perform either of these conditions that we will pay to the People of the State of New York the sum
of Five Hundred Dollars.

Taken and acknowledged before me this 28 day of May 1893
Bernard H. Martin POLICE JUSTICE.

W. Garity
Hugh McElroy

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

1789

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 7 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

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

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 *beat* 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

Counsel,

Filed

day of

1893

Pleads,

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

Filed 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 (crown)

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 8th day

of June 1893

1893

Meyer Marks

Charles K. Linter Police Justice.

0787

Sec. 198-200.

3 District Police Court. 1882

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.

Cape 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.

I am not guilty
Leonard Gerlach.

Taken before me this

day of

189

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 W. J. Paul

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 189 Charles N. Linton 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.

Police Court--- 3 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry W. W. W.
119 East 4th St.
Edward G. G. G.

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

2.....

3.....

4.....

Dated, June 8 1893

Samuel J. J. J. Magistrate.
John E. E. E. Officer.

Precinct.

Witnesses Officer McCarthy

No. 11th Precinct Street.

Michael J. J. J.

No. 101 E. B. M. Street.

No. 500 Street.

\$ 500 to answer.

Wm

632

Offense

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 Leacock

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

The said

Leonard Leacock

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 *Henry S. Leacock*
Leacock 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

the said

Leonard Leacock

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

head

of

him

the said

Henry S. Leacock

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 wrong-
fully inflict grievous bodily harm upon the said

Henry S. Leacock

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

Witness

Off Moore

(21)

Counsel,

Filed

13 day of June 1893

Pleads,

Monday 14

THE PEOPLE

vs.

James Gibbons

Burglary in the Third Degree.

[Section 498, 126, 128, 133]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Ray S. Warren
Foreman.

Part 3. June 19/93

*Pleads Attach Burglary
S.P. 3 yrs & 6 mo
P.S.H.*

Police Court— 4 District.

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

of No. 617 3rd Avenue Michael May Street, aged 31 years,
occupation Bartender 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 has 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 7th day of
June 1893. Defendant 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 defendant charges
the defendant with burglary and prays

that he be held to answer

by me to 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
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 188
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.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

1
2
3
4

Offence—BURGLARY.

Dated 188

Magistrate.

Officer.

Clerk.

Witness, No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0796

CITY AND COUNTY } ss.
OF NEW YORK, }

1921

Charles E. Snyder
aged *30* years, occupation *Police Captain* of No. *71* *Greenwich* 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*

day

Charles E. Snyder

Overman
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, 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

day of June 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 Rant
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.

John P. G. Lawrence
Dated..... 188..... 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

Rich. H. Hays
vs
Gas Emboss

2

3

4

Dated

1890

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 1000 to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

James S. Meade
Magistrate
Myder
Officer
21
Precinct
Witnesses
21 One
Street
Street
Street
\$ 1000 to answer
13

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 2nd 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 *night* 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

0804

Witnesses

Defendant Gillette
is his or her own
witness by consent of
dist. Atty. &
July 17/94 RBC
J

[illegible]

**POOR QUALITY
ORIGINAL**

SP. 1 - Convic June 12, 1889 G.L. 2.
under name of Harry Johnson
S.P. 443 - B.M.

Witnesses:

Adeline Jackson
Off Dowling
Off is a volunteer
General. hees
sees a heem in
J.P. P.

Defendant Giltette
is in on his own
by consent of
society
July 17/94 RBE
J.

28

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

27-11-11
22-11-11
artist

vs. 16-11-11
vs. 16-11-11

Harry Giltette

24-11-11
23-11-11
Charles C. Bunt

11-2-11 El. Ref. - B.M.
Nov. 28/93

DE LANCEY NICOLE

Part 2 - Nov. 16, 1893 District Attorney.

11-2-11
11-2-11
11-2-11

A TRUE BILL

Harry Giltette

Part 2. July 17/93
11-2-11. Trial and Court

11-2-11

11-2-11

Grand Larceny
[Sections 524, 531, Penal Code.]

**POOR QUALITY
ORIGINAL**

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

THE PEOPLE,)	Before
-against-)	
HENRY GILLETTE.)	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.

//////

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 ,

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 barcelet up to the light so that the defed ant 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 wa s 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 thi ng; ad 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

0011

3

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 fond of antiques. 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

7

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

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

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.

After Mr Gillette handed the bracelet back to the witness she put it in the brace et 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 the m, 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 20th, 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

12

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

0018

13

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
miser 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

and having engaged
 him to do some
 work and in the draw-
 ings for maps of a
 high order of excellence
 I was he happy
 to show them to you
 if you desire; but
 cannot do so for some
 reason, as I expect 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
 other papers, of the kind
 of work he has been doing
 I am writing a short paper
 on the subject of the
 subject of the subject.

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 *26* day of *May* 189*9* 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: I can't
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, *Lois M. Jackson* who thereafter returned

Sworn to before me, this

189

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.

Depose before me
 the 23rd day of June 1893

William B. Jackson
 Deputy Clerk
 Chief 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 28, 1894.

Centu P. J.

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

IN SENATE
 COMMITTEE ON JUDICIARY
 REPORT

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 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

IN SENATE
 COMMITTEE ON JUDICIARY

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.

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

*Rec'd for ch
H 200-10-12*

0827

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 Adeline M. Jackson
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

189

June 23 Louisa K. Jackson
[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.

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

The People of the State of New York.

- age inst -

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 hercin.

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 resulted in his conviction adjudging him guilty of larceny in the second degree, and under which conviction he was sentenced 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 insufficient to justify a conviction, and directing that unless 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

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 4 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 5 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.

6 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
14th day of July 1894 .

7 Alfred Caplan
B. F. Schmucke
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

0034

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

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 Pagelon
B. H. Schmucke
Notary Public, N.Y.C.

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 _____

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 F. Flynn Attorney

Chief Clerk Esq.

To _____

Attorney for
Motion deemed with
liberty to renew. if suff
is not brought to trial
as same was 194 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
Dated at City

0838

Sec. 198—200.

1882

District Police Court.

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 h's right to make a statement in relation to the charge against h^y; that the statement is designed to enable h^y, if he see fit, to answer the charge and explain the facts alleged against h^y; that he is at liberty to waive making a statement, and that h^y waiver cannot be used against h^y on the trial.

Question. What is your name?

Answer.

Charles C. Burt

Question. How old are you?

Answer.

23 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.

Learned Palace

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

1882

Police Justice.

0839

Sec. 198—200.

1882
District Police Court.

City and County of New York, ss:

Henry Gillette being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h^b* right to make a statement in relation to the charge against *h³*; that the statement is designed to enable *h³*, if he see fit, to answer the charge and explain the facts alleged against *h³*; that he is at liberty to waive making a statement, and that *h³* waiver cannot be used against *h^a* 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.

Taken before me this

day of

Police Justice.

0840

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 23 189 3

[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.

1881

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

No. *183 West 1st St* Street.

No. Street.

Louisa R. Jackson Street.

No. Street.

\$ *25 each* to answer *G. S.*

CM

District Attorneys Office,
City & County of
New York.

For

of

the

Sum of

and

June 12. 1861 of 7.00

20.00 and 10.00 to

Edw. J. Kane, Esq. Judge

of the Court of Sessions

of the City of New York

for

the

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

N.Y. Confessions

188

The People

vs

Gillotte

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

N.Y. June 8. 1894

Stephen J. O'Hare
D.A. Dist Atty

0844

Park Lane

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. " "

Sir:-

YOU WILL PLEASE TAKE NOTICE that upon the annexed affidavit, and upon all the pleadings and proceedings had herein, the undersigned attorney for the above named defendant 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* May 22nd, 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.
Attorney for defendant.
P. O. and Office Address
#206 Broadway, New York City.
New York.

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
2 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
3 convicted was insufficient to sustain the conviction, and the Court in its unanimous opinion stated, that unless further incriminating facts could ^{shown on a new trial} be [^] 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. Schmuckfeger
Notary Public
N.Y.C.

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

GENERAL SESSIONS OF THE ~~PEOPLE'S~~ **Court.**
IN AND FOR THE CITY AND COUNTY

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.

Wm. Lantry 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

Counsel,

Filed,

Pleads,

day of

1893

THE PEOPLE

vs.

no 1163-
no 1163-
no 1163-

Catharine Gilligan

Section 208, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. Sullivan

Foreman

Perk 3. June 6, 93
Pleads guilty, 93
City Prison 2 mos.
June 11, 93
R.M.L.

373

Witnesses:

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE,

vs.

P

Charles Benkenstein

Unlawful marriage
[Section 501, Penal Code]

DE LANCEY NICOLL,

District Attorney.

FOREMAN,

A TRUE BILL.

DISMISSED.

Foreman.

0854

18 Form 11.

New York, May 12, 1893

A Transcript from the Records of the Marriages Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK
No. of Certificate,

I hereby Certify, that Charles Benkenstein and
Kate Gammert were joined in Marriage

by me in accordance with the laws of the State of New York, in the City of New York,
this 28th day of February, 1893

Witnesses
to the
Marriage,Augustus Van Pelt
John FitzgeraldSignature of
person performing
the Ceremony,Frank Rogers

Date of Marriage.	Groom's Full Name.	Residence.	Age.	Color.	Single or Widowed.	Birthplace.	Father's Name.	Mother's Maiden Name.	Number of Groom's Marriage.	Bride's Full Name.	Residence.	Age.	Color.	Single or Widowed.	Birthplace.	Father's Name.	Mother's Maiden Name.	Number of Bride's Marriage.	Name of Person performing Ceremony.	Official Station.	Residence.	Date of Record.
Feb'y 28, 1893.	Charles Benkenstein	610 W. 47th St.	26 years	White	Single	St. Louis, Mo.	Edward I.	Mary Wagner	First	Kate Gammert	545 W. 45th St.	20 years	White	Single	St. Louis, Mo.	Andrew	Ellen Wagner	First	Frank Rogers	Albany, N.Y.	364 W. 33rd St.	March 11, 1893.

A True Copy.

C. J. Herman

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

CITY AND COUNTY
OF NEW YORK,
ss.

John William
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 William*
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* 189*7*
John William

Overseer
Police Justice.

Police Court, 4 District.

(1353)

City and County } ss.
of New York,of No. 518 West 49 Street, aged 22 years,
occupation from 1889 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 time in violation of Section 301 of the Penal Code of the State of New York. For the reasons following to wit: Dependent says that on the 29th day of November 1891 he married the defendant at 457 W. 57th Street as per annexed certificate numbered ex "a" he is now divorced from said Catherine Gilligan and that she is still his lawful wife. He is informed, as per annexed certificate ex "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 Benskenstein removed the furniture from said premises. Defendant is further informed by Officer John W. Wallers that when he Wallers arrested the defendant Benskenstein, he Benskenstein informed him that he had married the defendant Catherine Gilligan at the City Hall.

Done to before me }
 this 13th day of May 1893 } John Gilligan
 J. W. Mead

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.

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.

Charles Benkenstein

Taken before me this

189

Police Justice.

0859

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss:

District Police Court.

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

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

0861

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 *Eight* 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

Police Court

531
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Gilligan
vs
Catherine Gilligan
Charles Brinkenstein

3. *separate*
4. *indictments*

Dated

May 13 189*3*

Magistrate.

Wallace Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

CITY AND COUNTY } ss:
OF NEW YORK,

POLICE COURT,

DISTRICT.

of No. 24 Recd. Police Street, aged 24 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,

arrested Kate Gilligan (now here)
on suspicion of committing
Bigamy upon the complaint of
John Gilligan

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

Sworn to before me, this

of

189

day

James J. [Signature]
Police Justice.

0064

Police Court, 4 District.

21 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 11 B. 9
Mac 11 4 6 11

0865

151 East 51st Street,
New York.

To whom it may
concern - on or about
December 24th 1892 I treated
Katie Gilligan for
Gonorrhoea. Her case was
a very bad one from having
been neglected.

Jan 8 '93

Geo. W. Bogart M.D.

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 &c

- agst -

Catharine Gilligan.

City and County of New York, ss:
Catharine Gilligan being
duly sworn says - that she is the
defendant 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 Saloons, 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 Gilligan 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 al-
ways 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 Hears -

Wm. Public, Mrs. Kitty Gilligan
N. Healy.

Court of General Session

0073

Court of General Session

People vs

against

Kate Gallagher

Affidavits vs

MAURICE MEYER,

Attorney for

Def
57

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 S. Sanderstein

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

of the crime of *knowingly entering into an unlawful marriage* —
committed as follows:

Heretofore, to wit: on the *fourth* day of *February*, in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, the said *Charles S. Sanderstein*, late of the City and County aforesaid, is *legally and lawfully* entering into a marriage with one *Katherine F. Frazier*, and then the said *Katherine F. Frazier* did then and there take as his wife, and the said *Katherine F. Frazier* being then and there a married woman, and having a husband living, to wit: one *John F. Frazier*, as the said *Charles S. Sanderstein* then and there well

names; against the terms of the
 statute in such case made and
 provided, and against the name
 of the Clerk of the State of New
 York, and their heirs.

Done at New York,

this 10th day of June, 1875.

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 Tipton

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

The said *Catherine Tipton*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty-fifth*
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 Tipton*, and *him*, the said
John Tipton — did then and there have for
her husband; and the said *Catherine Tipton* —
afterwards, to wit: on the *Twenty-fifth* 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 Benedict, and to the said
Charles Benedict, was then and there married, the said
John Tipton 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 M. Alcott

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

Frank W. Gilliland

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Harry Garrison
Foreman.

Just G. June 26/98

Pleads Emily Pitts Garrison

Deu 1 yr - PBM

2 30

[Section 49] Burglary in the second degree.

16th Party

0879

Police Court—2 District.City and County } ss.:
of New York, }

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 charged the defendant with
burglarious entrance to said premises for

the reason that the door to the parlor adjoining
deponent's room, through which access to deponent's
room was gained, was closed, and the
defendant must have entered said
room by forcibly opening said closed
door. Deponent gave the alarm,
and defendant was seen in his flight from
the premises by deponent 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. Kelly
Police Justice

Gessie Wolcott

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

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

Question. What is your name?

Answer. 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

1911

Police Justice.

0002

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

M. F. Brady 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.

0003

653
Police Court---2---District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Gussie Wolcott
307 West 30th
Frank Gilliland

2
3
4

Offense *Bribery*

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.

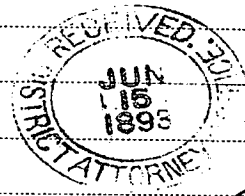
Witnesses *Annice A. Wolcott*

No. *307 West 30* Street.

No. Street.

No. Street.

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



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,

[Signature]

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-pin of the value
of fifteen dollars

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.

Dehancey Nicoll
District Attorney

0006

BOX:

524

FOLDER:

4774

DESCRIPTION:

Gioia, Guiseppe

DATE:

06/01/93



4774

Witnesses:

Angelo Peller

Counsel,

Filed

day of

1893

Plead

THE PEOPLE

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

28

*Labov's are
H's know P.*

Giuseppe Guio

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John J. Smith
Foreman.
Subscribed June 6, 1893
and
assault in the 2nd deg.
H. W. D. S.

0000

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, thaton Sunday the 28th day of Mayin the year 1893 at the City of New York, in the County of New Yorkhe 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

Angelo Piller his
mark

Charles F. Filler POLICE JUSTICE.

0009

Sec. 198-200.

1889
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.

Labourer

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

29th

day of

May

1893

Joseph H. H. H.

Police Justice.

00890

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 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. Feiler 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 Piffer
646 E. 151st
Luigi Gioia

Assault
felony
Offence

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

Feiler Magistrate.

Albert B Schryver Officer.
33rd Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ 1000 to answer ES.

Cover 2026/1



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.

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

2
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.