

0699

BOX:

16

FOLDER:

205

DESCRIPTION:

Gertris, Nicholas

DATE:

07/13/80



205

0700

Filed 13 day of July 1880  
Pleads

THE PEOPLE

vs.

*Wm. Smith*  
*35*  
*5 Janey*  
Nicholas Gertris

Felonious Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

*Requires an Italian*  
*interpreter get him*  
A True Bill.

*Wm. Smith*  
Foreman.

*July 28. 1880*  
*Truett, Kimbrell and*  
*66 Second Street*  
*3.46 Mrs. J.S.*

The People  
vs.  
Nicholas Gertio

Court of General Sessions, Part First  
Before Recorder Smythe. July 23. 1880.  
Indictment for felonious assault and battery.  
Paul Brionetto, sworn and examined through  
the interpreter. I have known the prisoner only  
a year. On the 8<sup>th</sup> of July I was going to take a  
pint of beer at the prisoner's house; he lives in  
Jersey St; I live on the top floor in the same  
house; it was half past ten at night. I was  
struck on the shoulder and in the back with  
some instrument like an axe. I was brought  
to the hospital and stayed there two weeks and  
then went home. I knocked at the prisoner's door  
by mistake, I live on the same floor with the  
prisoner. I had no quarrel with the prisoner  
that night; afterward the prisoner took an in-  
strument and struck me seven or eight times;  
he said, "I will kill you"; he said that three  
or four times. I did not do anything to the pris-  
oner. At the time I knocked at the prisoner's  
door it was dark, I did not see anybody;  
after the prisoner struck me he gave me  
a kick in the back and I fell down stairs  
A countryman, who is <sup>not</sup> a witness here, Francisco  
heard the noise and he came out of the  
room and went to call my wife; she came  
to me; afterwards another countryman of the  
name of Gerardo came; he is not here.

He is living in the same house. I had the pris-  
 oner arrested that same night. I went to the sta-  
 tion house with the officer. I was first struck by  
 the prisoner with this axe and then I was kicked  
 down stairs. I had no quarrel with the prisoner  
 before that night; he cut and kicked me be-  
 cause, he said that I was going to his house;  
 the prisoner is a married man and his wife  
 lives with him in the same house. I mistook  
 his door for mine and knocked at it. I called  
 at my own door first and believing my wife  
 was asleep I knocked at the other door. I called  
 for my wife and another woman and nobody  
 heard it, and afterward seeing that nobody  
 heard I was going to knock at the other door.  
 I did not try to open either doors. Cross exam-  
 ined. I am a rag picker, I was working that day.  
 I am married; my wife is in Italy. I went out  
 that night for a pint of beer I had the beer in  
 the can when I came back. I drank beer in  
 the morning before going to work; that night I  
 did not drink any because at the time I  
 brought the can in I was kicked down. That  
 woman was in that room that you live in that  
 night? Two Englishwomen and two men in one  
 room. I did not try to shove in the door, I did  
 not try to break the door, I did not make a  
 noise, only a slight knocking. The woman I am

living with is not my wife. I was quiet when I cannot work. my shoulder is so sore.

Thomas D. Mitchell, sworn. I am an officer and made the arrest in this case; the prisoner was in bed on the top floor of 5 Jersey street towards 11 o'clock. I was going up Mulberry St and I heard screaming, "murder, police". I ran up Mulberry to Jersey and down Jersey towards Crosby St. I got to the stop of 3 and saw the complainant lying there. I asked what was the matter? and the woman that he lives with told me he was stabbed, that he was her husband. I saw the blood was flowing from his shoulder. I asked who did it, and some two or three Italians told me, the man up stairs. I went up stairs to the door and demanded admittance to the door and was not allowed in. It was fastened from the inside. He asked who it was? I told him I was a policeman. He muttered some Italian words I could not understand; finally they did not open the door, I forced the door in. The prisoner and the woman were in bed; he was undressed. I asked the complainant if the prisoner was the man who cut him? he seemed to hesitate for a few seconds; then he told me it was. After a little while I got him out of bed and took him to the station house. He was covered

with blood; there was blood all over his shoulders; one wound seemed somewhat deeper than the other; the others seemed to be slight. There was four or five on one shoulder. I searched around the premises of the prisoner and found nothing. I found on the person of the prisoner a jack knife; it apparently had not been opened from some time; the blade was pretty rusty; there were no marks of blood upon it. Nicholas Gertio, sworn and examined through the interpreter in his own behalf I am a laborer, I live 5 Jersey street. On the night of the 8<sup>th</sup> of July, 11 1/2 I heard the complainant knocking at the door, I was asleep with my wife at the time. Seeing that nobody was opening the door he pushed the door in; he had a can in his hand; he came in and he struck me in the face with the can. I took up the first thing I found. It was a wood hammer and I struck him twice. I was not dressed, I kicked him out of my room pushed him out of my room Cross Examined. The door was locked with a key. I went to bed about 11 1/2. I did not know the complainant. I lived at 5 Jersey st. two months. I was working that day and went to work the next day. It was either a hammer or a hatchet that I had. The jury rendered a verdict of guilty of an assault with intent to do bodily harm. He was sent to the State prison for two years and six months.



0705

Vesting in the case

of Nicholas Gentry

July 1880

0706

Form

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

POLICE COURT—FIRST DISTRICT.

of No. 5 Jersey Street, being duly sworn, deposes and says,  
that on the 8 day of July 1880  
at the City of New York, in the County of New York, he was violently and feloniously assaulted and  
beaten by—

Nicholas Gertie now present.

from the fact that said  
Gertie cut and stabbed  
deponent several times  
on the left shoulder  
with some sharp instrument  
and an axe  
intended to deponent

Sworn to, before me, this

Deponent believes that said injury, as above set forth, was inflicted by said

Nicholas Gertie  
with the felonious intent to take the life of deponent, or to do h 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 dealt with accord-  
ing to law.

Paul J. Bennett  
Nicholas Gertie  
Mark

Police Justice.



0707

Police Court—First District.

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

*Nicholas Gertio* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to *him*, states as follows, viz:

Question. What is your name?

Answer. *Nicholas Gertio*

Question. How old are you?

Answer. *Thirty five years*

Question. Where were you born?

Answer. *Italy*

Question. Where do you live?

Answer. *5 Juney Street*

Question. What is your occupation?

Answer. *Ray Broker*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not guilty*

*Nicholas Gertio*  
*Mark*

Taken before me this

Police Justice

1880

0708

COUNSEL FOR COMPLAINANT.

Name,.....

Address,.....

COUNSEL FOR DEFENDANT.

Name,.....

Address,.....

Police Court -- First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Paul J. Brown*  
*5 years & 1*  
*months & 1*  
*1/2 years & 1*  
*month & 1*  
*day & 1*  
*hour & 1*  
*minute & 1*  
*second & 1*  
*third & 1*  
*fourth & 1*  
*fifth & 1*  
*sixth & 1*  
*seventh & 1*  
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*hundredth & 1*

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6.....

Dated, *July 9* 188*8*

Magistrate.

*Paul J. Brown* Officer.

17 Clerk.

Witnesses, .....



*1117* to answer

at General Sessions.....

Received at Dist. Atty's Office, .....

BAILED:

No. 1, by .....

Residence, .....

No. 2, by .....

Residence, .....

No. 3, by .....

Residence, .....

No. 4, by .....

Residence, .....

No. 5, by .....

Residence, .....

No. 6, by .....

Residence, .....

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *Nickolas Bertrio*

late of the City of New York, in the County of New York, aforesaid, on the  
*eightth* day of *July* in the year of our Lord  
one thousand eight hundred and *eighty* with force and arms, at the City and  
County aforesaid, in and upon the body of *Paul Bronetto*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *Paul Bronetto*  
with a certain *axe*  
which the said *Nickolas Bertrio*

in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound  
with intent *him* the said *Paul Bronetto*  
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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said *Nickolas Bertrio Paul Bronetto*  
with force and arms, in and upon the body of the said *Paul Bronetto*  
then and there being, wilfully and feloniously did make an  
assault and *him* the said *Paul Bronetto*  
with a certain *axe* which the said

*Nickolas Bertrio* in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, wilfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously  
do bodily harm unto *him* the said *Paul Bronetto*  
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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-  
said, the said *Nickolas Bertrio Paul Bronetto*

with force and arms, in and upon the body of *Paul Bronetto*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *him* the said *Paul Bronetto*  
with a certain *axe*

which the said *Nickolas Bertrio* in *his* right  
hand then and there had and held, wilfully and feloniously did beat, strike, stab, cut,  
and wound, the same being such means and force as was likely to produce the death  
of *him* the said *Paul Bronetto* with intent *him* the

07.10

said *Paul Bronetto* 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

*Nicholas Bertio* with force and arms, in and upon the body of the said *Paul Bronetto* then and there being, wilfully and feloniously, did make another assault and *him* the said *Paul Bronetto* with a certain *axe* which the said in *his* right *Nicholas Bertio* hand then and there had and held, the same being then and there a deadly weapon, wilfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there wilfully and feloniously maim *him* the said *Paul Bronetto* 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.

BENJ. K. PHELPS, District Attorney.

THE PEOPLE

BENJ. K. PHELPS,

Felonious Assault and Battery.

A TRUE BILL.

*Deputy District Attorney*  
*Nicholas Bertio*  
*God bless*

*Deputy District Attorney*  
*Nicholas Bertio*

*July 23 1880*

*Paul Bronetto*

*346 New St*

Filed 13 day of July 1880  
Pleas  
*Nicholas Bertio*

0711

BOX:

16

FOLDER:

205

DESCRIPTION:

Goebel, Louis

DATE:

07/13/80



205

0712

THIS COURT OF NEW YORK TO BE SEATED AT NEW YORK, COUNTY OF NEW YORK, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THE OFFICE OF THE CLERK OF THE COURT, AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THE OFFICE OF THE CLERK OF THE COURT.

IN SENATE, January 10, 1850. The Senate of the State of New York, in the County of New York, do hereby certify that the following is a true and correct copy of the original filed in the office of the Clerk of the Court, and that the same is a true and correct copy of the original filed in the office of the Clerk of the Court.

*W. H. P.*

Counsel,  
Filed 13 day of July 1850  
Pleads *in L. C. (14)*

Indictment - Larceny - *Grand*

THE PEOPLE

vs.

# *Louis Grebe*

BENJ. K. PHELPS,  
District Attorney.

A TRUE BILL,  
*W. H. P.*  
Foreman.  
*W. H. P.*  
Clerk of the Court.

*X 60*  
*4 mos Pen 7.5*

IN SENATE, January 10, 1850. The Senate of the State of New York, in the County of New York, do hereby certify that the following is a true and correct copy of the original filed in the office of the Clerk of the Court, and that the same is a true and correct copy of the original filed in the office of the Clerk of the Court.



0713

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

FORM 112.

Police Court—Third District.

of No. 101 Hester Gustav Blum  
9th St Street, being duly sworn, deposes  
and says that on the 1st day of June 1880  
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent.

the following property viz: One coat, two hundred and  
one pair of shoes

of the value of thirty five Dollars  
the property of deponent

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 Louis Goebel

(now here) for the reason that the  
accused acknowledged and confessed  
to deponent that he had taken, stolen and  
carried away the aforementioned property and  
had disposed of the same

Gustav Blum

Sworn to, before me this 10th

day of July

1880

Maxwell C. Conway  
Police Justice.

**Police Court—Third District.**

CITY AND COUNTY OF NEW YORK, ss.

CITY AND COUNTY OF NEW YORK, ss.  
*Louis Goebel* being duly examined before the under-  
 signed, according to law, on the annexed charge; and being informed that he was  
 at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

*Question.*—What is your name?

Question.—What is your name?  
Answer.—*Louis Gockel*

*Question.*—How old are you?

Answer.—Twenty three

*Question.*—Where were you born?

Answer.— New York

*Question.*—Where do you live?

Answer.— Show us home

*Question.*—What is your occupation?

Answer.— I am a Sailor

*Question.*—Have you anything to say, and if so, what—relative to the charge here preferred against you?

*Answer.*— Lewis, intoxicated, and did not know what Lewis was doing.  
Lewis Goebel

*Taken before me, this*

10<sup>th</sup> July

182

Police Justice

0715

**Police Court—Third District.**

CITY AND COUNTY }  
OF NEW YORK. } ss.

\_\_\_\_\_ being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

*Question.* What is your name?

*Answer.*

*Question.* How old are you?

*Answer.*

*Question.* Where were you born?

*Answer.*

*Question.* Where do you live?

*Answer.*

*Question.* What is your occupation?

*Answer.*

*Question.* Have you anything to say, and if so, what—relative to the charge here preferred against you?

*Answer.*

Taken before me, this \_\_\_\_\_

day of \_\_\_\_\_

18

\_\_\_\_\_  
POLICE JUSTICE.

0716

POLICE COURT—THIRD DISTRICT.

THE PEOPLE, vs.,

ON THE COMPLAINT OF

*John Hester et al*

*John Gobel*

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

Name, \_\_\_\_\_

Address, \_\_\_\_\_

COUNSEL FOR DEFENDANT.

Name, \_\_\_\_\_

Address, \_\_\_\_\_

Dated

*July 10th*

1899

Magistrate.

*Frank*

Officer.

*10th*

Clerk.

Witnesses

*Law Office*



\$ *5.00* to arrest

at *General* Sessions

Received at Dist. Att'y's Office,

*Can*

0717

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
*upon their Oath, present:*

That

*Louis Baebel*

late of the First Ward of the City of New York, in the County of New York, afore-  
said, on the *first* day of *June* in the year of our Lord one  
thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms

*One coat of the value of twenty dollars*  
*Two hundred cigars of the value of five*  
*cents each*  
*Two shoes of the value of two dollars*  
*and fifty cents each*

of the goods, chattels and personal property of one

*Gustav Blum*

then and  
there being found, 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.

BENJ. K. PHELPS, District Attorney.

0718

BOX:

16

FOLDER:

205

DESCRIPTION:

Graff, Frank

DATE:

07/13/80



205



0719

Counsel,

Filed 13 day of July 1860

Pleads

THE PEOPLE

vs.

2

Frank Grapp

Petit Larceny of Money from the Person.  
INDICTMENT.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*W. L. Phelps*  
Foreman.

*W. L. Phelps*  
Jury

*W. L. Phelps*  
X 48.

0720

FORM 112.

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

Police Court—Third District.

*Eliza Breuman*  
 of No. *423 E. 18<sup>th</sup>* Street, being duly sworn, deposes  
 and says that on the *3<sup>rd</sup>* day of *July* 18*82*  
 at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
 away from the possession of deponent <sup>*known and*</sup>

the following property viz.: *One bill of the denomination and*  
*Value of one Dollar*

of the value of *One* Dollars  
 the property of *Eliza Mahoney in charge of this deponent*

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 *Frank Graff (nowhere)*  
*for the reason that whilst this deponent was passing*  
*along 13<sup>th</sup> St in the vicinity of Avenue B the ac-*  
*cused approached deponent and said let me see that*  
*which you hold in your hand deponent replied*  
*there is no "see" in it, whereupon the accused*  
*snatched the bill aforementioned from the left-*  
*hand of this deponent and ran away thereinto*

*Eliza <sup>her</sup> Breuman*  
*hand*

Sworn to, before me this *7<sup>th</sup>*

day of *July*

18*82*

*Michael Mahoney*  
 Justice

0721

Police Court—Third District.

CITY AND COUNTY  
OF NEW YORK. } ss.

Frank Graft. being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to refuse to answer any question that may be put to him, states as follows.

viz:

Question. What is your name?

Answer. Frank Graft.

Question. How old are you?

Answer. 12 years

Question. Where were you born?

Answer. New York.

Question. Where do you live?

Answer. 510 Park 13<sup>th</sup> Street

Question. What is your occupation?

Answer. Sa to School

Question. Have you anything to say, and if so, what—relative to the  
charge here preferred against you?

Answer. It is not true—

Frank Graft.

Taken before me, this 5<sup>th</sup> day of July, 1880  
Maxim Gussberg POLICE JUSTICE.

0722

COUNSEL FOR COMPLAINANT.

Name, \_\_\_\_\_

Address, \_\_\_\_\_

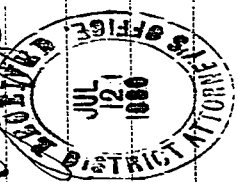
COUNSEL FOR DEFENDANT.

Name, \_\_\_\_\_

Address, \_\_\_\_\_

12 US 510, E  
POLICE COURT—THIRD DISTRICT  
THE PEOPLE, & c.,  
ON THE COMPLAINT OF  
Eugene Brown  
vs.  
423 E 18th St.  
Frank Grant

AFFIDAVIT—LARCENY.



BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 5, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 6, by \_\_\_\_\_

Residence \_\_\_\_\_

Dated \_\_\_\_\_ 1888

Magistrate.

Officer.

Clark.

Witnesses

John James Foley

177 Avenue 27th St.

Frank Foley.

\$ 5.00 to answer

at \_\_\_\_\_ Sessions

Received at Dist. Att'y's Office, \_\_\_\_\_

Can.

0723

CITY AND COUNTY }  
OF NEW YORK. }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York  
upon their Oath, present :

That *Frank Graff*

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *third* day of *July* in the year of our Lord one  
thousand eight hundred and ~~seventy-eight~~ *eighty* at the Ward, City, and County aforesaid,  
with force and arms,

*One* ~~Divers~~ Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of a ~~number~~ *the*  
~~denomination of one dollar and of the value of one dollar~~  
~~and denomination to the Jurors aforesaid unknown, and a more accurate description of~~  
~~which cannot now be given, of the value of~~

*One* ~~Divers~~ Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of a ~~number and denomina-~~ *the denomination*  
~~tion to the Jurors aforesaid unknown, and a more accurate description of which cannot~~  
~~now be given, of the value of~~  
~~one dollar and of the value of one dollar~~

~~Divers~~ ~~Due Bills of the United States of America, the same being then and there~~  
~~due and unsatisfied, and of the kind known as Fractional Currency, of a number and~~  
~~denomination to the Jurors aforesaid unknown, and a more accurate description of~~  
~~which cannot now be given, of the value of~~

~~Divers~~ ~~Coins, of a number, kind, and denomination to the Jurors aforesaid un-~~  
~~known, and a more accurate description of which cannot now be given, of the value of~~

of the goods, chattels, and personal property of one *Eliza Mahoney*  
on the person of ~~the said one Eliza Brennan~~ *Eliza Brennan* then and there being found,  
from the person of the said *Eliza Brennan* 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.

BENJ. K. PHELPS, District Attorney.