

No. 55.

JUSTICE'S SUBPENA.—For sale by W. F. Robinson & Co., Printers, 1508-1514 Arapahoe St., Denver, Colo.

STATE OF COLORADO,  
COUNTY OF Gilpin } SS.

THE PEOPLE OF THE STATE OF COLORADO

To Martin Sax John Seaman  
Osamu Sax Ju Shuman


YOU ARE HEREBY COMMANDED to appear before me at my office in Central City  
on the 12<sup>th</sup> day of June A. D. 1894

at 4 o'clock P.M., then and there to testify the truth in a matter in suit, wherein  
The People of the State of Colorado is

Plaintiff, and Jerry Benedict is

Defendant..., and this you are not to omit, under the penalty of the law.

Given under my hand and seal this 12<sup>th</sup>  
day of June A. D. 1894

Alfred G. Jones  
Justice of the Peace. 

1020

SUBPENA

*[Faint handwritten notes and stamps]*

STATE OF COLORADO,  
County of Elgin } ss.

IN THE DISTRICT COURT:

June Term, 1894

THE PEOPLE OF THE STATE OF COLORADO

VERSUS

Antonis Benedick

Dodson

Joseph Dalapicola

being duly sworn, deposes and says that he attended said court at this June Term

at the instance of Defendant as a witness in the above

entitled cause one days, at \$ 250 per day, - - - \$ 250

resides in Russell Gulch and has traveled 3 miles, at 15 cents per mile, \$ 45

Sworn to and subscribed before me this 20<sup>th</sup> day of June A. D. 1894

Richard Foxley Clerk.

By \_\_\_\_\_ Deputy Clerk.

Joseph Dalapicola

# 295

STATE OF COLORADO,

COUNTY OF Gilpin

THE PEOPLE OF THE STATE OF COLORADO,

To the Sheriff of Gilpin County, GREETING:

WE COMMAND YOU, To Summon Martha Bay,

Opala Bay and John Dollar

if they shall be found in your County, to be and appear before the District Court of said County,

at Central City, on the 20<sup>th</sup> day of June

1894, at 9<sup>30</sup> o'clock in the fore noon, to testify, and the truth to speak,

in behalf of The People, in a case now pending in said Court, wherein The People is plaintiff, and

Antonio Benedict is defendant.

And have you then and there this writ, with a return thereon, showing in what manner you have executed the same.

WITNESS, Richard Harvey. Clerk of

the District Court of said County, and the seal thereof, at

Central City, this 15<sup>th</sup>

day of June, A. D. 1894

Richard Harvey Clerk.

By Deputy Clerk.

**SUBPOENA.**

The People

versus

Agui, Benedict

Justice's Fees, - - - \$ 80  
Sheriff's Fees, - - - \$ 240  
Constable's Fees, - - - \$ 30

Served June 12 1894

Thomas Humber  
Constable  
Sheriff

Filed 1894

Justice of the Peace.

13700

Louis Nutall

after diligent search  
I cannot find  
Joseph Leclapellan or  
Joseph Arlanes in  
my County

Thomas Humber  
Sheriff

Filed in District Court  
this 14<sup>th</sup> day of June 1894,  
Richard Horrey  
Clerks

No. 55.

JUSTICE'S SUBPENA.—For sale by W. F. Roblason & Co., Printers, 1508-1514 Arapahoe St., Denver, Colo.

STATE OF COLORADO,

COUNTY OF *Gulpin*

SS.

THE PEOPLE OF THE STATE OF COLORADO

To *John Benedict + Joseph Salapellas*

*Joseph Antoniazzi + Louis Mattawi*  
*Heirs of the deceased*

YOU ARE HEREBY COMMANDED to appear before me at my office in *Centret City*

on the *12<sup>th</sup>* day of *June* A. D. 189*4*

at *4* o'clock *P.M.*, then and there to testify the truth in a matter in suit, wherein

*The People of the state of Colorado is*

*Plaintiff's*, and *John Benedict is*

Defendant..., and this you are not to omit, under the penalty of the law.

Given under my hand and seal this *12<sup>th</sup>*

day of *June* A. D. 189*4*

*Alexander H. Jones*

Justice of the Peace.



0520

STATE OF COLORADO, }

COUNTY OF Hill } ss.

THE PEOPLE OF THE STATE OF COLORADO,

To the Sheriff of Hill County, GREETING:

WE COMMAND YOU, To Summon James Morrison  
and George P. Blair

if they shall be found in your County, to be and appear before the District Court of said County,

at Central City, on the fourth day of

18, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to testify, and the truth to speak,

in behalf of The <sup>Defendant</sup> ~~People~~, in a case now pending in said Court, wherein The People is plaintiff, and

Antonio Benedict defendant.

And have you then and there this writ, with a return thereon, showing in what manner you have executed the same.

WITNESS, Richard H. Hines Clerk of

the District Court of said County, and the seal thereof, at

Central City, this 21<sup>st</sup>

day of June A. D. 1894

Richard H. Hines Clerk.

By \_\_\_\_\_ Deputy Clerk.

STATE OF COLORADO, }  
COUNTY OF Gilpin } SS.

THE PEOPLE OF THE STATE OF COLORADO,

To the Sheriff of Gilpin County, GREETING:

WE COMMAND YOU, To Summon Joseph Bass, Antonio Sala-  
franca, J. S. Simson & Humphrey Vaughan

if they shall be found in your County, to be and appear before the District Court of said County,  
at Central City, on the 20<sup>th</sup> day of June  
1894, at 9:30 o'clock in the fore noon, to testify, and the truth to speak,  
in behalf of <sup>Defendant</sup> ~~The People~~ in a case now pending in said Court, wherein The People is plaintiff, and  
Antonio Benedick defendant.

And have you then and there this writ, with a return thereon, showing in what manner you have  
executed the same.

WITNESS, Richard Harvey Clerk of  
the District Court of said County, and the seal thereof, at  
Central City, this 19<sup>th</sup>  
day of June A. D. 1894  
Richard Harvey Clerk.  
By \_\_\_\_\_ Deputy Clerk.

STATE OF COLORADO, }  
COUNTY OF Weld } SS.

THE PEOPLE OF THE STATE OF COLORADO,

To the Sheriff of Weld County, GREETING:

WE COMMAND YOU, To Summon Geo. J. Sparks

if they shall be found in your County, to be and appear before the District Court of said County,  
at Central City, on the 20<sup>th</sup> day of June  
1894, at 9:30 o'clock in the fore noon, to testify, and the truth to speak,  
in behalf of Defendant in a case now pending in said Court, wherein The People is plaintiff, and  
Antonio Benedict defendant.

And have you then and there this writ, with a return thereon, showing in what manner you have  
executed the same.

WITNESS, Richard Hanley Clerk of  
the District Court of said County, and the seal thereof, at  
Central City, this 19<sup>th</sup>  
day of June A. D. 1894  
Richard Hanley Clerk.  
By \_\_\_\_\_ Deputy Clerk.



STATE OF COLORADO, }  
COUNTY OF El Paso } ss.

THE PEOPLE OF THE STATE OF COLORADO,

To the Sheriff of El Paso County, GREETING:

WE COMMAND YOU, To Summon John Benedict, Joseph Salabie,  
also, Louis Mattair, & Joseph Antoniazzi

if they shall be found in your County, to be and appear before the District Court of said County,  
at Central City, on the 20<sup>th</sup> day of June  
1894, at 9:30 o'clock in the fore noon, to testify, and the truth to speak,  
in behalf of Defendant The People, in a case now pending in said Court, wherein The People is plaintiff, and  
Antonio Benedict defendant.

And have you then and there this writ, with a return thereon, showing in what manner you have executed the same.

WITNESS, Richard Hamley Clerk of  
the District Court of said County, and the seal thereof, at  
Central City, this 19<sup>th</sup>  
day of June A. D. 1894  
Richard Hamley Clerk.  
By \_\_\_\_\_ Deputy Clerk.

State of Colorado,  
Siegfried County, } ar-

In the District Court

The People etc.,  
vs.  
Antonio Benedict, }

William Williams, of lawful age, being duly sworn on oath according to law, deposes and says: That he is and has been under Sheriff of said Siegfried County for about five years past; that he was present most of the time during the trial of defendant charged with robbery, that said trial took place in the District Court room at Central City, Colorado, before Hon. Clayton F. Decker, Judge of said Court, and occupied nearly two days, the 20<sup>th</sup> and 21<sup>st</sup> days of June, 1894; that by the order of said Judge just before the beginning of said trial the public was excluded and kept from said Court and Court room during the whole time of the trial of said cause; that no person excepting the members of the bar, officers of the Court, students at law and witnesses when testifying were permitted or allowed in said Court room during said trial; that during most of the time of the trial of said cause the door of said District Court room was kept locked and when not locked it was kept closed and no one permitted to enter or remain except those hereinbefore mentioned. William Williams

Subscribed & sworn to before me this 30 day of June 1894.

J. W. Updegraff  
County Clerk

State of Colorado,  
Essex County, } ss.

In the District Court

The People et al.,

vs.

Antonio Benedict, }

Thomas Hooper, of lawful age being duly sworn on oath according to law, deposes and says: That he is and has been for about five years past the Sheriff of said Essex County; that the trial of said defendant Antonio Benedict, charged with robbery, took place in the District Court room at Central City, Colorado, before Hon. Clayton S. Barker, Judge; said trial commencing about 10 am. of June 20<sup>th</sup>, 1894, and ending about 5 o'clock p.m. of the 21<sup>st</sup> day of June, 1894; that just prior to the commencement (just before the calling of a jury in said case) of said trial the said Judge ordered defendant to clear said court room of the spectators and not to permit any person excepting the members of the bar, officers of the court, students at law and the witnesses testifying to be or remain in said court or court room during the trial of said case; that defendant acting under said order excluded the public from said court and court room during the whole time of said trial; that the door of said court room was kept locked most of the time during said trial and that when said door was not locked it was kept closed or shut and that no one except those hereinbefore mentioned were permitted to enter or remain in said court room

during said trial; that the public under said  
order of the judge during the whole of the  
trial of said case were kept from and out  
of said court and court room;

And for the defendant said not.

Thomas Hooper

Subscribed - sworn to before me this 30 day  
of June 1894

J. V. Updegraff  
County Clerk  
By W. H. Hall Deputy

no. 590

vs. Robert Wain

vs.

William Benedict

Affidavit of Thomas  
Hooper in support of  
a motion for a new  
trial.

FILED

IN THE DISTRICT COURT

JUN 30 1894

Richard H. Hays

State of Colorado,  
County of Jefferson, } ss.

In the District Court,

The People of the State of Colorado,  
vs.  
Antonio Benedict. } Motion for a new  
trial.

Now comes the defendant, by J. W. S. Linnay, his attorney, and moves the Court to set aside the verdict of the jury and to grant him a new trial in this case, and for the following reasons, to wit:

1. Because the Court erred in giving the instructions asked for by the District Attorney and each and every one of them.
2. Because the Court erred in giving instruction no. 4 asked for by the District Attorney.
3. Because the Court erred in not giving the instructions asked for by the defendant.
4. Because the Court erred in not giving instructions nos. 7, 8 and 9 asked for by defendant.
5. Because the verdict is contrary to the evidence.
6. Because the verdict is contrary to the law.
7. Because the evidence showed that the defendant at the time of the alleged commission of said offense was not capable of forming an intention, did not <sup>know</sup> the distinction between good or evil, and did not know right from wrong.
8. Because said verdict as returned by the jury is informal, insufficient and void.
9. Because the defendant did not have a public trial.
10. Because the defendant was not allowed a public trial.

11. Because the defendant has not had a trial according to laws

12. Because the defendant was mad and is an idiot or of unsound mind.

James S. Linnery,  
att'y for deft.

Nov. 5 99

Wm. G. Soper sec'y

Arthur C. Connelley

Commissioner for the

Prison.

FILED

JUN 30 1894

W. G. Soper

James S. Linnery,  
att'y for deft.