

05 17

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

Oates, Thomas

**DATE:**

03/22/89



3271

05 18

Witnesses:

Wm. W. Benson

Counsel,

Filed

Pleas,

of

1889

THE PEOPLE.

vs.

P.

Thomas Oates

Grand Larceny *with* degree.

[Sections 528, 529 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Charles D. Dwyer, Foreman.

March 25/89

Caroline H. Dwyer

0519

Police Court First District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Mary Wilkinson  
 of No. 102 Washington Street, aged 34 years,  
 occupation Tailor being duly sworn  
 deposes and says, that on the 16<sup>th</sup> day of March 1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession <sup>and</sup>  
 person of deponent, in the sight time, the following property, viz:

Good & lawful money of the United States  
issue to the amount & value of Eighty 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 Thomas Oates (now here) from

the fact, that at or about the hour of  
7 O'Clock p.m. on said date deponent  
 was walking along Liberty Street, and when  
 nearer the corner of Greenwich Street, said  
Oates came along side of the deponent  
 placed his hand in the right hand side-  
 pocket of the cloake, then on deponent's  
 person and did take, steal and carry  
 away said money from said pocket  
 and ran away from deponent with  
 said money in his possession, that  
 the said Oates admitted and confessed in  
 deponent's presence that he did, take, steal  
 and carry away said money, as aforesaid  
 and informed deponent that he throw it away in  
Eastland Street Mary Wilkinson

Sworn to before me, this 17<sup>th</sup> day  
 of March 1889  
cc S. C. Smith  
 Police Justice.

0520

Sec. 193—200.

CITY AND COUNTY }  
OF NEW YORK } ss.

First District Police Court.

Thomas Cates 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. Thomas Cates

Question. How old are you?

Answer. 14 years

Question. Where were you born?

Answer. New York

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

Answer. 15. Laight Street

Question. What is your business or profession?

Answer. Newsbay

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 guilty of the charge  
Thomas Cates.

Taken before me this

17th

day of March 1888

W. J. Brown

Police Justice.



0521

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 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 March 17<sup>th</sup> 1889 ce J. J. J. 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.

0522

Police Court--- *First* <sup>410</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Mary Wilkinson*  
*102 Washington*  
1. *Thomas Oates*  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence *Larceny*  
*from the person*

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

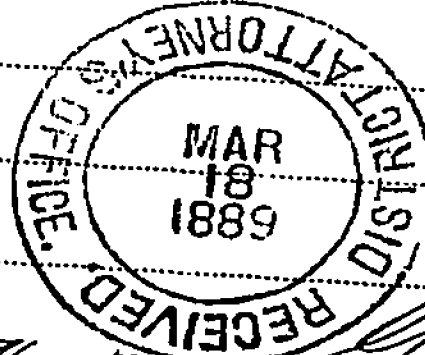
Dated *March 17* 188*9*  
*Power* Magistrate.  
*Filau* Officer.  
*2nd* Precinct.

Witnesses *C W Gardner*  
No. *SP 20* Street.  
*100 E 23*

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer \_\_\_\_\_



*C*  
*G. L. Anderson*  
*Manager*

0523

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Oates*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by

this indictment, accuse

*Thomas Oates*

of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,

committed as follows :

The said

*Thomas Oates*

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*  
day of *March* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, with force and arms, in the  
*night* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *Eighty-five*

dollars ; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of

*eighty-five*  
dollars ; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *eighty-five*

dollars ; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *eighty-five*

dollars ; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *ten dollars*

of the goods, chattels and personal property of one *Mary Wilkinson*, on the  
*person of the said Mary Wilkinson* then and there being found,  
*from the person of the said Mary Wilkinson*  
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.

JOHN R. FELLOWS, *District Attorney.*

0524

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

O'Brien, Daniel

**DATE:**

03/26/89



3271

Witnesses:

R. Morrison

W. Carroll

Counsel,

Filed

May 1889

Pleads,

THE PEOPLE

vs.

Daniel O'Brien

Grand Larceny, Second Degree  
(From the Person.)  
[Sections 528, 529, 530, 531 Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. D. Dwyer, Foreman.  
March 26/89

Wm. H. Dwyer  
S. H. Hickey, Jr.

0525

0526

Police Court 1 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.:of No. 530 West 49 Street, aged 26 years,  
occupation Laborerdeposes and says, that on the 18<sup>th</sup> day of March 1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

person of deponent, in the day time, the following property, viz:One silver watch of the value  
of Eight dollarsthe property of deponentand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Daniel O'Brien (now here) forthe reason that on said day deponent  
was standing in front of a show window  
on the public street and had said watch  
which was fastened to a chain, in  
a pocket of the vest then worn on  
his person and part of his bodily  
clothing and deponent having missed  
said watch and saw the same im-  
mediately afterward in the hands  
of the defendant and deponent identified  
it as his property.Patrick MorrisseySuborn to before me, this 18<sup>th</sup> day  
of March 1889W. D. Connel  
Police Justice.



0527

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Daniel O'Brien*

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. *Daniel O'Brien*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *29 1/2 Cherry Street 3 months*

Question. What is your business or profession?

Answer. *Printer*

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*

*Daniel O'Brien*

Taken before me this

day of *March* 188*9*

Police Justice.

0528

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 the 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 March 18 9 188..... Ed Omes 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.

0529

Police Court--- / 425 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Patrick Morrissey*  
*530 West 49th*  
*Daniel O'Brien*

2  
3  
4

Office

*James J. [unclear]*

Dated *March 18* 188*9*

*Power* Magistrate.

*Carroll* Officer.

*6* Precinct.

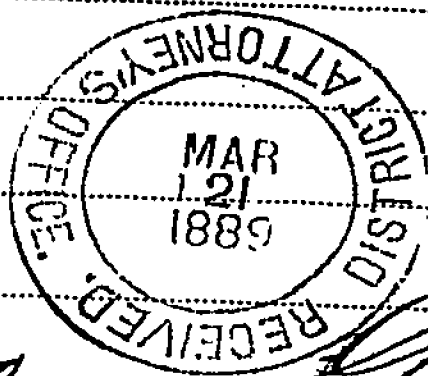
Witnesses

No. Street.

No. Street.

No. Street.

\$ *1000* to answer



*Com [unclear]*

BAILED,

No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

0530

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Daniel O'Brien*

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

*Daniel O'Brien*

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

The said

*Daniel O'Brien*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth*  
day of *March* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, in the *day* time of the said day, at the City and County  
aforesaid, with force and arms,

*one watch of the  
value of eight dollars*

of the goods, chattels and personal property of one *Patrick Morrissey*  
on the person of the said *Patrick Morrissey*  
then and there being found, from the person of the said *Patrick Morrissey*  
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.

0531

SECOND COUNT—

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

*— Daniel O'Brien —*

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Daniel O'Brien*

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,

*one watch of  
the value of eight dollars*

of the goods, chattels and personal property of one

*Patrick Morrissey*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously  
stolen, taken and carried away from the said

*Patrick Morrissey*

unlawfully and unjustly, did feloniously receive and have; the said

*Daniel O'Brien*

then and there well knowing the said goods, chattels and personal property to have been feloniously  
stolen, taken and carried 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.

JOHN R. FELLOWS,

District Attorney.

0532

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

O'Brien, Frank

**DATE:**

03/04/89



3271



0533

This Indictment was found March 29th 1889 - The defendant forged his mother's name to a check for \$25 - She went his bail. The Complainant cashed the check believing it was good - The mother of defendant paid Complainant the \$25 - The mother is a most estimable and respectable old lady - The Complainant has no inclination to prosecute & is desirous of giving defendant a chance to lead an honorable life - I ask that the deft be discharge on his own recognizance  
June 23-93  
G.F.B.  
A.D.A.

308  
Bail fixed at \$2000.  
on 2 indicts. P.B.M.  
Apr 17/89

Witnesses:  
J. H. Morgan  
W. H. A. Alcock

Counsel,  
Filed, 4 April 1889  
Pleads, Chyquity 5

THE PEOPLE,  
vs.  
Frank O'Brien

(2 cases) *indictment*

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

For my record -  
- mandation see  
Guide. 5-  
June 23-93  
G.F.B.  
A.D.A.

No 574.

0534

→ ALL + SAINTS' + RECTORY, ←

47 East 129th Street.

Harlem, N. Y., April 10<sup>th</sup> 1889

Dear Judge;

May I take the liberty of  
pleading for a little Judicial clemency  
in behalf of the boy Frank O'Brien,  
who, is to be up before you on charge  
of Forgery, some day of this week.  
In the ordinary course of Justice, I  
suppose he would go to The Reformatory.  
But as this is his first public <sup>a year</sup>  
offence, and as his record up to within  
was exceptionally good, and especially  
as consideration for his very excellent  
mother and sisters, I would say that  
the ends of Justice will be satisfied  
by a good scolding from your  
Honour, and a warning that should

0535

He repeat the offence no mercy will  
be shown him.

Hoping you will not consider  
my interference a presumption,  
and that for the sake of his mother  
& sisters who plead with me, you  
will give my request <sup>this</sup> consideration.

I am yours very truly

J. W. Owen.

Hon. R. A. Martin.

City Court

0536

11 Apr. 1889.

Hon. Randolph D. Martin,

I have known Mr. and Mrs.  
O'Brien for a number of years.  
They are a family highly respected  
and esteemed by all the  
neighbors. Any consideration  
shown them in the case  
of their son, Frank, will  
be much appreciated by me,  
a friend of the family.

Very respectfully yours  
Anthony Kessler  
Rector.

0537

House of the Paulist Fathers,  
415 WEST 59TH STREET.

New York, April 11<sup>th</sup> 1889

To whom it may concern

This is to certify that  
Frank O'Brien - formerly of  
113 West 67<sup>th</sup> St. - was under my  
care for many years as a scholar  
in the Sunday School. Within the  
past three years he has been living  
at a considerable distance and  
could not attend.

In view of the explanation made to me  
by his Mother concerning his recent  
offense against the law, I join her in  
requesting that the sentence be suspend-  
ed. His past record justifies the hope

0538

that he will now avoid the repetition of any offense like the one charged to him.

(Rev.) Thos. M. Williams



0539

MEMORANDUM.

From

ADAMS & CO.,  
21ST STREET AND SIXTH AVENUE,  
New York.

April 10<sup>th</sup> 1889  
TO The Hon. Randolph B. Marline  
Judge

Dear Sir

Mrs. O'Brien, mother of Frank O'Brien has returned to us the money obtained by him upon a cheque, (Twenty five dollars \$25.00).  
We know nothing wrong of the boy previous character but we have known his parents for a number of years to be honorable and worth in every respect. It seems from all we can learn that the boy has been misled and may redeem himself if a chance is given him.

We therefore strongly recommend him to you for

0540

the clemency of the court

With great respects we are

Yours Respectfully

Amos Lee

0541

New York 1881

No.

Bought of B. Callan,

IMPORTER AND DEALER IN

DRY & FANCY GOODS,

HOSIERY AND UNDERWEAR,

675 & 677 8th AVE.

Deutsches Geschäft.

Corner 43rd Street.

To the Hon Randolph D. Martins  
Judge &c.

Dear Sir,

The money which Frank O'Brien has obtained from me (2500) dollars upon a cheque of this amount. Has been refunded to me by Mrs O'Brien his mother.

I am convinced of the fact that bad company has been the cause of the boys misdeed as the boys parents are well known to me as honorable, worthy in every respect.

Under the circumstances I should recommend the boy to your clemency. That he would be offered an opportunity to redeem himself. Yours Truly B. Callan

0542

Ferdinand Bing

Arthur W. Benson

74 Rue d'Hauteville,  
Paris.Ferdinand Bing & Co.  
Importers & Commission Merchants.Cable Address:  
Denmark-New York.

106 Grand Street,

Per Steamer

New York, April 11 1889

To the Hon. Randolph D. Martin  
Judge &c.

Dear Sir,

The money which Frank O'Brien has obtained from me (\$25.00) upon a check of same amount has this day been refunded to me by Mr. O'Brien, his mother. I am convinced of the fact that had company has undoubtedly been the cause of the boys' misdeed. I regret the circumstances so much more as the parents are known to me for years as honorable & worthy in every respect. In recommending this boy to the Clemency of the Court I sincerely hope he will be offered an opportunity to redeem himself.

Yours truly  
Geo. A. Gilman.

0543

CABLE ADDRESS,  
"EQUEXABLE"  
NEW YORK.

**HENRY ROGERS,**  
IMPORTER OF  
**FANCY & HOLIDAY GOODS,**  
FANS & BEADS A SPECIALTY.

IMPORTATION ORDERS  
SOLICITED AND  
CAREFULLY EXECUTED.

419 & 421 BROOME STREET,

*New York April 10<sup>th</sup> 1889*

*Now Randolph D. Martine*

*Dear Sir,*

*I take the liberty of  
writing - to let you know that Francis O'Driscoll has been in  
my employ for 4 years during which time I found him  
attentive and strictly honest.*

*Yours respectfully  
+ Henry Rogers*

0544

Board of General Sessions  
of the Peace for the City and  
County of New York

The People vs  
against  
Frank O'Brien

City & County of New York ss

I, the undersigned, being duly  
sworn, depose and say that I am a  
lawyer in said City - I am the father  
of two sons, one and three sons in  
all, and I have a daughter - I have not  
at any time been in the City  
within the last thirty years - my children  
were all born in this City. - During  
all these years myself nor any of  
my children nor had any complaint  
against them and we never had  
any occasion to be in Court for  
any cause. - I have always in-  
structed to teach my children to be honest  
and I believe that I have succeeded.  
Inasmuch I have never known any of  
them to do any wrong. I have never  
known Frank to be guilty of any crime  
he was always a good and honest



0545

day - I cannot account for his return  
in the last few months except from  
information since gained that bad  
associates have induced him to  
raise money for their benefit which  
he did from acquaintances <sup>and friends</sup> of the family  
plus from persons connected in business  
and since <sup>and since</sup> his arrest made notice  
of the money obtained by him in the Chicago  
and have received letters and remittance  
from various persons, to this Court  
in his behalf which I beg leave to submit.

The arrest of my son was urged by  
the insurance I could not put his  
life at risk. I have made diligent search  
for him and finally I sought the  
aid of the police to find him  
from falling to death into crime, because  
I always felt that he was the dupe  
of others at mine and his expense.

and convinced he has had since  
an arrest a severe lesson, and I am  
certain his conduct and behavior will  
hereafter be good - His sisters and  
brothers also his father and myself  
have forgiven him in his sin.

0546

his arrest seized his position and  
his savings, and is largely responsible  
for his acts. We are willing and anxious  
to care for him so heretofore.

We humbly beg the clemency of  
this Court in his behalf to give him  
an opportunity to redeem himself and  
to lift the disgrace and stigma from  
his parents, sisters and brothers.

And this appeal will be heard  
on the 11<sup>th</sup> day of June.

11<sup>th</sup>  
Joseph H. Fox  
Notary Public  
Key Bldg

Mary O'Brien

0547

Journal of General Sessions  
of the Court in and for the  
City & County of New York

The People v.  
[unclear]  
[unclear]

City & County of New York

In the year of our Lord one thousand eight hundred and thirty three and of our Independence the sixty sixth.

That when in the year 1868 I have  
intimately known the parents of said  
Frank Johnson - to my personal  
knowledge they are temperate and  
worthy people. - We resided in  
West 67th Street in this City during  
the first seven years of our acquaintance  
where said Frank was born  
about thirteen years ago - From that  
time until now we have known and  
visited each other very frequently  
and are to day intimate and personal  
friends. - Said Frank together with  
all their other children have all  
been carefully and properly brought  
up. - From which I have seen

said Hunt and from constant observation and during all these years since his birth I know of nothing wrong and never heard of anything wrong in fact I looked upon him as a good and honest boy. His misdeeds for which he is now under arrest I am certain are not his own inventions. By some means - within the last three or four months he became acquainted with dishonest persons who misled him. When the first cheque upon which he obtained money was presented to his mother, and it was the 2nd and then immediately afterwards, she was unable to find him, and often asked me to see asking my advice in the matter. Her sole consolation was the boy - when she found it impossible to find him, she sought the aid of the Police and advised him from her bad associates.

I have since arrest had several interviews with him. He now fully realizes his position and realizes the results that must follow such conduct, and I am certain too

0549

Conduct will hereafter be honest and  
becoming a good boy - he has firmly  
resolved to lead an honest and  
respectable life. I am sure that  
the Court will deal with him  
to avoid shame to his  
parents and sisters and brothers.  
I am sure that you will be very  
kind to him.

April 11<sup>th</sup> 1889

Edward Jacob  
of Law & Co  
N.Y.C.

Herbert Fox

0550

Re: Frank O'Brien

Application for  
Suspension of  
Sentence

Friday Apr. 19/89



0551

No. 81 No. New York, March 7<sup>th</sup> 1889

**THE IMPORTERS' & TRADERS' NATIONAL BANK** OF NEW YORK.  
THROUGH THE NEW YORK CLEARING HOUSE ASSOCIATION.

Pay to Bearer or Order,

Twenty Five Dollars Dollars

25.00 Francis & Loutrel, N. Y. Wm. M. O'Brien

0552

Mrs Mary J. Brown  
Fordport  
Adams

Wm. J. Adams

0553

Police Court- 2

District.

Affidavit-Larceny.

City and County } ss.:  
of New York,

202

of No. 274 W 74th

occupation Merchant

deposes and says, that on the

5

day of

March

1889

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 the day time, the following property, viz:

Good and lawful money of the United States of the amount and value of Twenty five dollars

the property of

Deponent &amp; Copartner

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 O'Brien (now here)

Deponent says that said defendant came to his place of business at No 339 Sixth Avenue and presented the annexed check now here shown and made part of this complaint and represented that his said defendant's Mother drew the same cashed - Deponent relying upon the truth of the aforesaid statement gave to said defendant the aforesaid sum of money. Deponent says that said check is worthless there being no account or funds in said Bank to the credit of said Mary O'Brien

Wherefore deponent charges

Sworn to before me, this

188

day

Police Justice

0554

said dyndant with feloniously larceny  
stealing and carrying away the  
same with intent to deprive  
deponent and his Captain  
of the same John Flanagan

Brought before me  
this 24 day of Mch 1889  
To wit the undersigned Police Justice

0555

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name?

Answer.

*Frank O'Brien*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer.

*N. S.*

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

Answer.

*438 Lenox Ave*

*7 years*

Question. What is your business or profession?

Answer.

*Salesman*

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 guilty of the charge*

*I waive further examination*

*Frank J. O'Brien*

Taken before me this

day of

*March*

188

*9*

Police Justice.

0556

It appearing to me by the within depositions and statements that the crime ~~the~~ in mentioned has been committed, and that there is sufficient cause to believe the within named Frank O'Brien

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifty 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 Nov 24 188 9 Don J. McNeill 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.



0557

BAILED,

No. 1, by

Mary O'Brien  
438 Lennox Ave

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Flanagan  
202 West 17th St  
Frank O'Brien

2

3

4

Offence

Dated

Mar 24

188

9

Magistrate.

L O Reilly

Officer.

Abandon

Precinct.

C C

Witnesses

No.

Street.

No.

Street.

No.

Street.

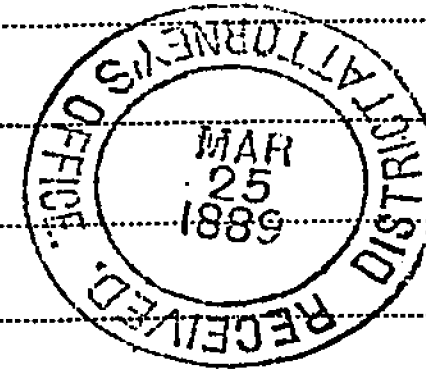
\$

1.500

to answer

4 S

Commenced



0558

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[ SEE OTHER SIDE FOR OTHER DIRECTIONS ]

## SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York,

To

of No.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 21 day of June 1893, at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of  
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

Ask to see Mr. Bedford  
At 12 o'clock M.

To John Flanagan  
339 6th Ave Street

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[ SEE OTHER SIDE FOR OTHER DIRECTIONS ]

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Dated at the City of New York, the first Monday of  
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

Ask to see Mr. Bedford  
At 12 o'clock M.

To Off Aloncle C.O.  
of No. Street

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[ SEE OTHER SIDE FOR OTHER DIRECTIONS ]

## SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York,

To

of No.

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Dated at the City of New York, the first Monday of  
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

Ask to see Mr. Bedford  
At 12 o'clock M.

To Off Wolff C.O.  
of No. 39-126th St Street

0559

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York,

To *Bernard Callan*

of No. *337 W. 4th* Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *21* day of *June* 189*3* at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Frank O'Brien*

Dated at the City of New York, the first Monday of  
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

0560

Supreme Court,  
Judges Chambers,  
New York, April 15<sup>th</sup> 1859

My Dear Judge. The  
enclosed letter was received  
this morning. Mrs Brady  
has known the writer as an  
employee in Arnold Constable  
& Co for many years and  
thinks him very deserving.  
I am always interested  
in the criminal arrayed  
for the first time; the  
imprisonment when enforced  
resulting generally in the

to utter demoralization,  
of the condemned and his  
consequent life of crime.

If there are any mitigating  
circumstances I trust you  
will extend your mercy  
and thus do good.

Very truly yours

R. R. Brady

Hon A. B. Martin.



0562

438 Snow av. April 11/89

Mrs. A R Lawrence

Dear Madame

Pardon the liberty  
for thus addressing you,  
but as I am in great trouble  
will you kindly ask your  
husband the judge, to give  
me a line to Judge Martin  
who will pronounce sentence  
upon my favorite son Frank  
for forging his mother's name  
to checks, which he was  
convicted on, & will be  
sentenced Wednesday or  
Thursday of next week  
"As he has a good mother &  
two beautiful sisters, will you



0563

Kindly interest yourself  
in this behalf as you  
have known me to be  
a favorite of your brother <sup>Mrs</sup>  
& also a great friend of  
Mrs. Maynard, who is now ~~deceased~~

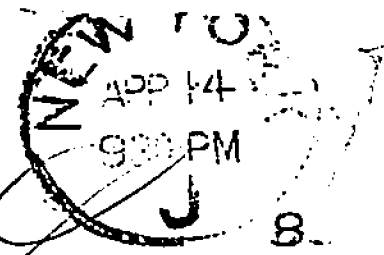
P.S. One line only is  
all I ask, for know  
a Parents feeling.

Your girl Nora  
knows me very well

438 Lenox av.

I own The House I live  
in & don't want the  
unfortunate boy sent among  
Convicts, (all I ask for is a  
Suspension of Sentence)

0564



Mr. A. R. Lawrence  
9 West 33<sup>rd</sup> St  
Judge Lawrence

0565

Supreme Court,

Judges Chambers,

New York, April 17 1859 <sup>15</sup>/<sub>89</sub>

My Dear Judge.

I am much im-  
pressed with the belief  
that if Frank O'Brien  
have liberty to withdraw  
his pleas and be bailed  
he will be saved from  
a life of crime. This  
suggestion of yours  
therefore seems to be

0566

most merciful and  
to the state I think  
advantageous. The  
indictments remaining  
will act as a terror.

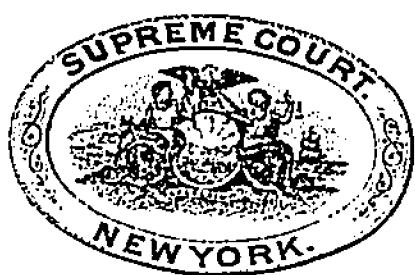
Hope you will defer  
~~and not to the state~~  
sentence and permit  
this to be done.

Very truly

J. R. Brad

Wm R. B. Mather

0567



*Hon R. B. Martine.*

0568

Supreme Court,

Judges Chambers,

New York, April 15<sup>th</sup> 1889

My dear Judge.

The enclosed  
note was sent  
to Mrs. Lawrence  
by mail.

Although  
unsigned I presume  
that it comes from  
a man named  
Abram who was



0569

Since we are not able to  
Not knowing  
what to do with  
the letter I

send it to you  
for consideration  
Very truly

Albert Harnes

Yours

Randolph B. Harnes

0570

April 11/89

438 Lenox av.

Mrs. J R Brady..

Dear Madame  
"Pardon the liberty I  
take, for thus addressing you -  
but I am in great trouble  
owing to the mishap of  
my oldest son Frank  
a boy of 19 years.  
Some four months ago he  
evidently got into bad  
company & is now in the  
Jail waiting sentence  
for forging his Mother's name  
& as this sentence will be  
pronounced by Judge Martine  
will you kindly ask Mr. Brady  
the Judge, to speak of me, as his

0571

P. 5 The boy was always good  
until about 4 months ago he  
got in with bad company.

0572

Father

= "Knowing me for a great  
many years, Mrs. Sydie  
or Mrs. Staples will tell you  
who I am, I think you know  
me as I was for many years  
with Arnold Constable Co.  
& now with Koch Co.  
20<sup>th</sup> St & 6<sup>av</sup>.

P.S. The boy has a good  
mother & two beautiful  
Sisters who are almost  
crazy about him  
One line only is all I  
ask - I have known  
your family for 30 years  
but have no time to  
call upon you -

With the greatest Respect  
438 Lenox av. J. O'Brien

0573

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[ SEE OTHER SIDE FOR OTHER DIRECTIONS ]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York,

To

of No.

*Robt M Leach Jr*

*324 31 10 23rd*

Street.

At *12* o'clock *PM* Ask to see Mr. Bedford

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *31* day of *June* 189*3*, at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Frank Y Brien*

Dated at the City of New York, the first Monday of  
in the year of our Lord 189

DE LANCEY NICOLL, *District Attorney.*

0574

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Mary O'Brien

of No. 431 Yerm Avenue Street, aged \_\_\_\_\_ years,

occupation Housekeeper being duly sworn deposes and says,

that on the 24 day of March 1889

at the City of New York, in the County of New York, Deponent has

been shown a check purporting to have been signed by her which is the subject of a complaint in this Court by Robert M. Leach Jr. against March & O'Brien: That the said check was not signed by Deponent, and Deponent did not authorize anyone to sign said check Mary O'Brien

Sworn to before me, this

of

March

1889

24

day

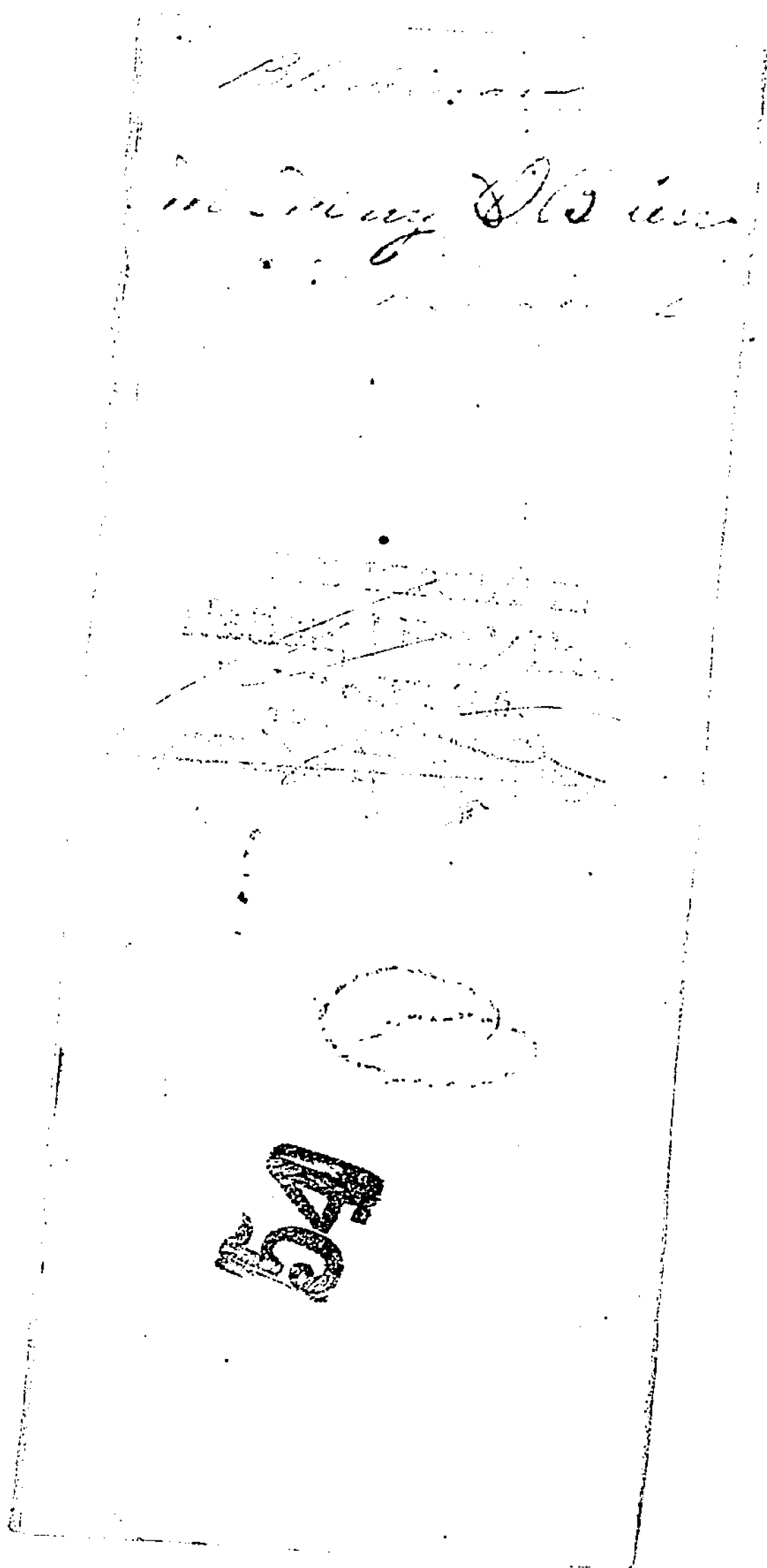
Police Justice.



0575

CHEMICAL NATIONAL BANK, 270 BROADWAY.	No. _____	New York, Feb 23 1888
	The Chemical National Bank, OF NEW YORK.	
	Pay to <u>Bearer</u> or Order,	
	<u>Twenty Five Dollars</u> Dollars.	
	\$ <u>25.00</u> Mrs. Mary O'Brien	

0576



0577

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 20 years, occupation Percy W. Blackman  
324 34 W 24th Street, being duly sworn deposes and  
Clerk of No. ✓

says, that he has heard read the foregoing affidavit of

and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

188

2nd Percy W. Blackman  
Feb

J. M. Patterson  
Police Justice.

0578

STATE OF NEW YORK.  
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 2 DISTRICT.Robert M. Leach Jrof No. 32 & 34 W. 23<sup>rd</sup> Street, being duly sworn, deposes and says,that on the 23<sup>rd</sup> day of February 1889at the City of New York, in the County of New York, Frank O'Brien

did feloniously make utter and forge with the intent to cheat and defraud. the annexed instrument in writing which purports to be a check on the Chemical National Bank for twenty five dollars. signed by Mary O'Brien and dated February 23<sup>rd</sup> 1889. as deponent truly believes. from the fact that on the above date the said Frank O'Brien requested deponent to cash said check for him. which deponent did giving him the said Frank the full face value of said check which was the said sum of twenty five dollars.

Deponent is informed by Percy W. Blackman. that he the said Percy saw the said Mary O'Brien who is purported to have signed said check. and that he Percy was informed by the said Mary O'Brien that she did not sign said check or authorize any body to sign said check for her. and that said check is fake forged and fraudulent. Wherefore deponent prays the said Frank O'Brien may be apprehended and dealt with according to law.

R. M. Leach Jr

Sworn to before me  
this 23<sup>rd</sup> day of Feb/1889

W. M. Blackman

Deputy Justice

0579

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Frank O'Brien* 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 O'Brien*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer.

*U.S.*

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

Answer.

*638 Lexington Av.*

*7 years*

Question. What is your business or profession?

Answer.

*Salesman*

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 have nothing to say at  
present.*

*Frank O'Brien.*

Taken before me this

Day of *March* 188*8*

Police Justice.



0580

Sec. 151.

Police Court 2 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 Robert M. Leach Jr of No. 132 and 34 W 23rd Street, that on the 23rd day of February 1889 at the City of New York, in the County of New York, Frank O'Brien did feloniously make utter and forge with the intent to cheat and defraud, an instrument in writing, which purports to be a check on the Chemical National Bank for twenty five dollars, signed by Mary O'Brien and dated New York February 23, 1889.

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

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 said Defendant and bring him forthwith before me, at the 2 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 23rd day of February 1889

J. M. O'Connell POLICE JUSTICE.



0581

POLICE COURT.....DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs:

Warrant-General.

Dated.....188

Magistrate.

*Almick + Datt* *Wrebb.* *Centus SM*

The Defendant

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated.....188

This Warrant may be executed on Sunday or at night.

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.

0582

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 O'Brien

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 March 24 1888

John J. Sullivan 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.

0583

BAILED,

No. 1, by

Mary O'Brien

Residence

438 Lennox Ave. Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Police Court

444 District.

THE PEOPLE &c.,

ON THE COMPLAINT OF

Robert M. Leach Jr

22434 West 23<sup>rd</sup> Street

Frank O'Brien

2

3

4

Offence

Forgery

Dated

Mar 24

1889

Patterson

Magistrate.

Prince & Cottrell

Officer.

Gen Affair

Precinct.

Witnesses

Percy W Blackman

No. 1

32 and 34 W 23<sup>rd</sup> Street.

Street.

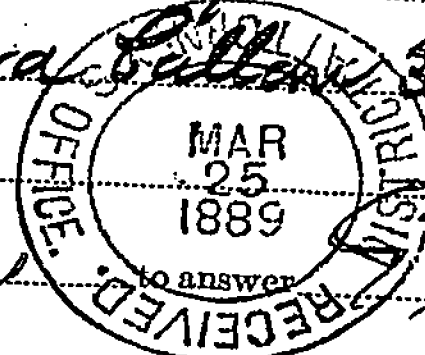
W 26 West 18 Charles St

John Flanagan 339 Sixth St

Bernard Cottrell 337 48

No.

\$ 15.00



Street.

Committed

0584

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 O'Brien

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

— Frank O'Brien —

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

The said

Frank O'Brien

late of the City of New York, in the County of New York aforesaid, on the  
twenty-third day of February in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing, to wit: an  
order for the payment of money of  
the kind commonly called bank cheques  
which said forged bank cheque  
is as follows, that is to say:

No.

New York, Feb 23 1889

The Chemical National Bank  
of New York

Pay to Bearer — or Order  
Twenty Five Dollars — Dollars  
\$25.00 Mrs Mary O'Brien

with intent to defraud, 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.

0585

SECOND COUNT:—

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

— Frank O'Brien —

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

The said

Frank O'Brien

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit: an order for the payment of money of the kind commonly called bank cheque* which said forged bank cheque is as follows, that is to say:

To.

New York, Feb 23. 1889

The Chemical National Bank  
of New York

Pay to Bearer — or Order  
Twenty Five Dollars — Dollars  
\$25.00 Mrs Mary O'Brien

with intent to defraud, *he*

the said

Frank O'Brien

then and there well knowing the same to be forged, 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.

JOHN R. FELLOWS,

District Attorney.



0586

This indictment was found March 29<sup>th</sup> '89 - The defendant forged his mother's name to a check for \$25 - she went by bail. The complainant cashed the check believing it was good - The mother of defendant - paid complainant the \$25 - The mother is a most estimable & respectable old lady - The complainant has no inclination to prosecute & is desirous of giving defendant a chance to lead an honorable life - I ask that the deft - be discharged on his own recognizance G.L.B. June 23<sup>rd</sup> 1893 -

Witnesses:

M. M. Leach

W. J. Malone

for

Recommendation  
See Inside -

June 23<sup>rd</sup> 1893  
G.L.B.  
A.D.A.

Counsel,  
Filed, 29 day of March 1889  
Pleads, *Indignantly*

THE PEOPLE,

vs.

B

Frank O'Brien

Forgery in the Second Degree.  
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS

District Attorney.

A True Bill

Foreman.



0587

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 O'Brien

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

Frank O'Brien

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

The said

Frank O'Brien

late of the City of New York, in the County of New York aforesaid, on the  
fifth day of March - in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing, to wit: an order

for the payment of money of the kind  
commonly called bank cheques

which said forged bank cheque  
is as follows, that is to say:

No.

New York, March 4th 1889

Importers' & Traders National Bank of New York

Through the New York Clearing House Association

Pay to Bearer or Order

Twenty Five Dollars ————— Dollars

\$25.00

Mrs Mary O'Brien

with intent to defraud, 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.

0588

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

O'Connell, Jeffrey

**DATE:**

03/29/89



3271

0589

WITNESSES:

Selling on Sunday

Counsel,

Filed

29

day of March 1889

Pleads

THE PEOPLE,

vs.

VIOLETION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. (7th Edition), page 1088, Sec. 21 and  
page 1089, Sec. 6.]

Jeffrey O'Connell

(accused) sent to the Court  
of Special Sessions,

Chicago, Ill. 1889

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Charles Scott Foreman.

0590

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Jeffrey O'Connell*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Jeffrey O'Connell*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Jeffrey O'Connell*  
late of the City of New York, in the County of New York aforesaid, on the  
*twenty-seventh day of January* in the year of our Lord one  
thousand eight hundred and eighty-*nine* at the City and County aforesaid,  
the same being the first day of the week, commonly called and known as Sunday, with  
force and arms, certain intoxicating liquors and certain wines, 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 intoxicating liquor to the Grand Jury aforesaid unknown,  
unlawfully did sell as a beverage to one

*Michael McDermott*  
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.

SECOND COUNT—

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

*Jeffrey O'Connell*  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG  
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Jeffrey O'Connell*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, the same being the first day of the week, commonly called and known as  
Sunday, being then and there in charge of and having the control of a certain place  
there situate, which was then duly licensed as a place for the sale of strong and  
spirituous liquors, wines, ale and beer, with force and arms, at the City and County  
aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep  
closed, and on the said day the said place so licensed as aforesaid unlawfully did then  
and there open, and cause and procure, and suffer and permit, to be open, and to remain  
open, 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.

**JOHN R. FELLOWS,**

District Attorney.

0591

**BOX:**

347

**FOLDER:**

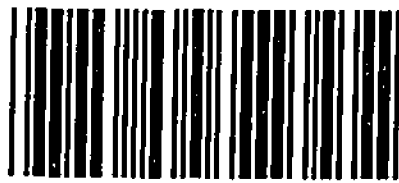
3271

**DESCRIPTION:**

O'Connell, William

**DATE:**

03/26/89



3271

0592

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

Scott, Walter

**DATE:**

03/26/89



3271



POOR QUALITY ORIGINAL

0593

Witnesses:

Emma Mitchell

Counsel

Filed

Pleads

1889

2- Not Guilty (May 15)

THE PEOPLE

(Sections 278 and 218, Penal Code.)

William O'Connell  
and  
Walter Scott

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL

Filed May 15

John R. Fellows

District Attorney

Filed May 15

John R. Fellows

District Attorney

Filed May 15

John R. Fellows

District Attorney

Filed May 15

John R. Fellows

District Attorney

Filed May 15

John R. Fellows

POOR QUALITY  
ORIGINAL

0594

Witnesses:

Emma Mitchell

N. V. N. Richard Rustleed  
206 74-1789  
271 Broadway

Counsel,

Filed

Pleads,

1889

2- Not Guilty (May 15)  
THE PEOPLE

(Sections 278 and 218, Penal Code.)  
H. A. H. E.

William O'Connell  
and  
Walter Scott

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL

Filed May 15

Charles H. and son, Foreman.

Part II, May 14, 1889

Wied and connected

Attacked at Rape

St. John's Hospital

June 12, 1889



0595

Police Court— District.

City and County { ss.:  
of New York, }of No. 1333 Avenue A Street, aged 28 years,  
occupation Liquor dealer being duly sworn

deposes and says, that the premises No. 1333 Avenue A Street, 19 Ward

in the City and County aforesaid the said being a four story brick

building <sup>in front</sup> and which was occupied by deponent as a dwelling and place of business  
and in which there was at the time a human being ~~by name~~were BURGLARIOUSLY entered by means of forcibly breaking open  
a door leading into the front cellar  
and entering therein with intent  
to commit a felonyon the 28 day of February 1889 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:Ten gallons of Whiskey  
all together of the value  
thirty dollars \$30<sup>00</sup>/<sub>100</sub>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 byArchibald Connor and  
Peter Wolf (both numbers)for the reasons following, to wit: that said door was  
nailed up for about one week last  
past and not used as an  
entrance to the cellar where deponent  
kept his liquors. Deponent is informed  
by Christian Kalochevich of No 1333 Ave  
A. that he saw each of defendants coming  
out of said cellar at about 20 o'clock PM  
of said date with a quantity of liquor in  
their possession John DannerDeponent to before me  
this 1st day of March 1889  
Wm. H. Hall  
Notary Public

0596

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Christian Kalofleisch*  
aged *32* years, occupation *Portender* of No. *1500 Ave*  
Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *John Danner*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

188

*Christian Kalofleisch*

*M. A. Bruck*

Police Justice.

0597

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Archibald Connor* 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.

*Archibald Connor*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*3rd Ave & 65th St New York*

Question. What is your business or profession?

Answer.

*Driver*

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*  
*A. D. Connor*

Taken before me this

day of

188

Police Justice.

0598

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

Pete Wooly 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. Pete Wooly

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York City

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

Answer. 8<sup>th</sup> Ave 65<sup>th</sup> St Stauw's House 3 months

Question. What is your business or profession?

Answer. Driver

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

Pete Wooly  
mark

Taken before me this  
day of Sept 1888

Myra  
Police Justice.



0599

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

Archibald Connor and Peter Wolf  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Two 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 March 188 9 M. J. J. J. 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.

0600

278 329  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Damer  
1383 Ave. A  
Archibald Oliver  
Peter Wolf

Offence *Burglary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

3.....

4.....

Dated *March 9* 188

*Welder* Magistrate.

*Stone* Officer.

*25* Precinct.

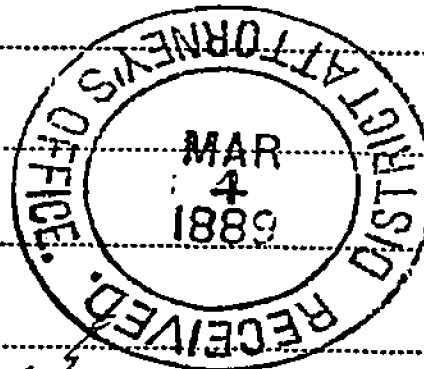
Witnesses *Christian Kalsfleischer*

No. *1333 Ave A* Street.

No. .... Street.

No. .... Street.

\$ *10.00* to answer



*Burglary*  
*9 2 2*  
*Henry*

0601

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*Archibald O'Connor*  
*and Peter Wolf*

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

*Archibald O'Connor and Peter Wolf*

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

The said

*Archibald O'Connor and  
Peter Wolf, both*

late of the *Nineteenth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *twenty-eighth* day of *February* in the year of  
our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward,  
City and County aforesaid, a certain building there situate, to wit: the *building* of one

*John Danneker*

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

*John Danneker*

in the said *building* 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.

0602

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
*Archibald O'Connor and Peter Wolf*  
of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:

The said *Archibald O'Connor*  
*and Peter Wolf* both  
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,

*ten gallons of whiskey of*  
*the value of three dollars*  
*each gallon*

of the goods, chattels and personal property of one

in the *building* of the said

there situate, then and there being found, *in* the *building* 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.

0603

Witnesses ;

Counsel,

Filed

Pleds

day of

March 1889

THE PEOPLE

vs.

Archibald O'Connor

and

Peter Wolf

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Foreman.

March 13/89

Charles Scott

Head Jury Box

S. P. O'Connor

Burglary in the Third degree.  
Grand Jurors, the  
People of the County of  
[Section 4985 of the Penal Code]

0604

3-

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

Emma Mitchell  
William O'Connell  
Walter Scott

Examination had

March 23<sup>rd</sup> 1889

before Jacob M. Patterson, Police Justice.

I, M. J. Treacy

Stenographer of the 3<sup>rd</sup> District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of

Emma Mitchell and all herein

as taken by me on the above examination before said Justice.

Dated March 24<sup>th</sup> 1889.

M. J. Treacy  
Stenographer.

J. M. Patterson  
Police Justice.



New York March 22<sup>nd</sup> 1889  
 Third District Police Court  
 Hon Jacob M. Patterson Presi-  
 ding.

vs. People on the Complaint  
 of Emma Mitchel  
 William D. O'Connell } Assault,  
 Walter Scott } Felony.

Emma Mitchel being  
 duly sworn deposes and  
 says; Examination by  
 Counsellor Moss.

Q. What  
 time on the 17<sup>th</sup> of  
 March, did you meet  
 the Defendant?

A. The afternoon

Q. About what time?

A. Past three o'clock  
 in the afternoon, when  
 I first saw him

2

Q. Where, at Galhalla Hall  
this City?

a. Yes Sir,

Q. Did you remain there  
any length of time?

a. I remained there  
till it was ~~at~~ over, at  
five o'clock in the  
afternoon.

Q. There was a  
Sunday Social being  
on there?

a. Yes Sir,  
Q. Do you remember what  
you drank?

a. Yes Sir - Beer.  
Q. Do you remember how  
many glasses you  
drank?

a. Yes Sir.  
Q. Give me your opinion  
of how many glasses  
you drank?

2

Q. With this young  
 & 2. man (the Defendant)?  
 Yes, How many  
 glasses of Beer did you  
 drink with him?

A. About two (2)  
 or three (3), I drank  
 with another going  
 man

Q. "You know" John  
 Philler?

A. I know him.  
 Q. Did you drink with  
 anyone else?

A. No Sir.

Q. How many glasses  
 did you drink from  
 the time you entered,  
 till you left Malhalla  
 Hall?

A. About five (5).

Q. No more?  
 A. No Sir.

H)

Q. Here you sober when you left the Hall?

A. Yes, Sir, and I told him (Defendant) that I wanted to go home.

Q. Did you go home after you left the Hall?

A. No, but, I told him that I wanted to go home and he said What time, and I said about six or seven (6 or 7) o'clock, then he said take a ride up town and I will take you home, and he said I will take you down home, and then I said, I must be home by seven o'clock.

Q. When he said take a ride up town, did you understand



5

him to mean, Shultz's  
Park?

Q. I do not know,  
I thought I would  
take a ride up town,  
and ride down again.  
For what purpose?

Q. I do not know  
for what purpose.

Q. You simply went up  
town, at the request of  
the defendant?

Q. I do not  
know, I said where  
are you going when  
we were going up, and  
he said a little ways  
further and at 125th  
street, he said come  
down here to some store.

Q. And he said, you were  
going to any store before  
that?

6

- Q. No Sir,  
 Q. Did you go in any store before that?  
 A. A saloon.  
 Q. What is the name of the saloon?  
 A. I do not know the name of the place.  
 Q. Is it the store you refer to, in your Affidavit?  
 A. Yes, we were in a store before we went in that one.  
 Q. Was it a liquor store or a saloon?  
 A. I do not know.  
 Q. Is it a place where intoxicating liquors are sold?  
 A. Yes Sir, I got there at half past five or a quarter to 2 (6) o'clock and we stayed



4)

there till half past eight  
(8) o'clock.

Q. You went into a  
store after you left the  
station at 125<sup>th</sup> St and  
you remained in that  
store for about two (2)  
hours or more?

A. Yes Sir.  
Q. You and this Defendant  
remained there that  
length of time?

A. Yes Sir.  
Q. What did you drink  
there?

A. I asked for Rock  
and Rye.

Q. You asked for  
Rock and Rye of your  
own volition, no one  
asked you to drink that?

A. Yes Sir, I  
asked for it.

06 12

8)

Q Do you remember how many drinks of that you had?

A. Two (2) or Three (3)  
Q Are you sure that is all, will you swear that you did not have (7), seven or eight (8) drinks of Rock and Rye?

A. Yes, I went up in the toilet and sat talking for a while.

Q Did you not say that you were in the toilet sitting down; do you swear that you did not drink more than two or three glasses of Rock and Rye?

A. About three (3)  
Q Were you sober when you left there?

0613

Q.

Q.

Yes Sir.

Q. Did this Defendant go up with, or after Gen. to the Toilet Room?

A. Yes he stood in the hall, while I went up stairs.

Q.

Q. Did he at any time follow Gen. up to the Toilet Room?

A. No he was in the lower hall.

Q.

Q. What time did Gen. leave the saloon?

A. About half past (8) eight o'clock when I went to Schultz's Park.

Q.

Q. Were you sober then?

Q.

A. Yes Sir.

Q. How long did Gen. remain there?

A. Till it was over, and at about twelve (12)

06 14

POOR QUALITY  
ORIGINAL

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 Walter Scott

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifty 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 March 22<sup>nd</sup> 188 9 J M Patterson Police Justice.

I have admitted the above-named Walter Scott

to bail to answer by the undertaking hereto annexed.

Dated March 22<sup>nd</sup> 188 9 J M Patterson 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 \_\_\_\_\_

William O'Connell  
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. (legally discharged)

Dated March 22<sup>nd</sup> 188 9 J M Patterson Police Justice.



06 15

POOR QUALITY  
ORIGINAL

BAILED,

No. 1, by

Residence

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

*Emma Mitchell*  
164 Delancey St  
*Wm O'Connor*  
*Walter Lewis*

8

4

Office

*Assault*  
*7th Precinct*

Dated

*March 18*

188

*Patterson*

Magistrate.

*Reilly, Mahoney*

Officers

*O'Connell*

Precinct.

Witnesses

(*See testimony*)

Street.

*Eva Demisson*

No.

*106 Delancey*

Street.

*Rose*

No.

*2, 164 Delancey St.*

Street.

*5000*



No. 1

*Comm. to Ans.*  
*without bail*

06 16

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

VS.

BEFORE HON.

*J. M. Patterson*

POLICE JUSTICE,

*Mar 23* 188 *9*

APPEARANCES:

{ For the People,

{ For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*Emma Hitcher* 1

*28*

*W. J. Treacy*

Official Stenographer.



6  
Emma Nichols of No 164  
Delancey Street, aged 21  
years, Occupation, Cigar  
maker, having duly sworn,  
deposes and says, that on  
the 17<sup>th</sup> day of March, 1889  
at the City and in the  
County of New York, One  
William O'Connell (now  
here) beat, assaulted,  
and attempted to Rape  
and <sup>and forcibly ravish</sup> outrage Dependent  
in a Lager Beer Saloon  
on Third Av, about 124<sup>th</sup>  
St, that said Defendant  
knocked Dependent down  
on the floor, raised her  
clothes, and with force,  
violence and against  
Dependent's will, and  
while Dependent resisted  
with all her power, then  
and there tried <sup>and</sup> attempted

06 18

2

to have sexual intercourse,  
and Coquette with Depew,  
that on said day and  
date, in said saloon,  
one Walter Scott (now  
dead, died then and there  
put out the light at  
the request of said

O'Connell, and said  
Scott remained in said  
saloon on said date,  
while Depew was  
being assaulted, in  
the manner aforesaid,  
and when Depew, called  
shouted and screamed for  
help, said Scott paid  
no attention to Depew;  
that said Scott, saw  
Depew, spoke to her,  
and let Depew out  
of said saloon after  
subsequent to the said

06 19

3

Assault; Whorehouse now  
Repeal Charges and  
O'Connell with Assault  
and attempted Rape;  
and Repeal Charges  
and Scott with acting in  
conceal and collusion with  
and O'Connell in the  
manner and for the reason  
herein set forth and pray  
that said defendants be  
dealt with as the Law  
provides and directs

Emma Mitchell

Spoken before me }  
this 19<sup>th</sup> day of March 1889 }  
J M O'Connell Police Justice

(9)

o'clock I asked Selzer  
or Soda and he said  
to the Bartender, give  
her Beer.

Q How many times  
did you ask for Selzer?

A I cannot tell.

Q How many times did  
you ask for Selzer?

A Four (4) or Five (5)

and Beer was brought  
every time and I just  
finished it and left it  
on the table, I got up  
to dance.

Q Where did you  
leave Schultz and who  
accompanied you?

A Him (he, Kefauver)  
and we walked down to  
126<sup>th</sup> Street as far as  
the Bar Station, as I  
thought, and there we



11)

Turned the corner, and  
 he said come there is a  
 friend of mine here  
 who keeps this place and  
 I said I must go home  
 as I have to get up  
 at half past five (5)  
 o'clock in the morning  
 and go to work

Q

Did you  
 go in this place of  
 your own free will?  
 He took me by the  
 arm and said come  
 in.

A

Q

You went in this  
 place voluntarily?

A

Q

I went in when  
 he said come in.  
 What did you  
 drink there?

A

He said that  
 will you have and I

12)

said: 'Ginger Ale, and he  
 said to the Bartender,  
 'He does not want  
 Ginger Ale, and then I  
 said if you do not  
 give me that I will  
 not drink anything,  
 then he took off his  
 coat and went to play  
 Billiards with a man,  
 then the Bartender came  
 in with two small  
 glasses of Whiskey and  
 2. Ginger Ale.

Q. How do  
 you know the glasses  
 contained Whiskey?  
 A. I smelled it and  
 threw it under the  
 table and the Boss  
 was sitting alongside  
 of me, I did not put  
 it to my mouth.



13)

Q. Did you get on the  
Billiard or Pool Table?

A. No sir.

Q. Did you go  
to the Cigarette Room there  
No Sir.

Q. What did this young  
man (Defendant) then  
do?

A. He played Billiards,  
When I threw the liquor  
on the floor, he didn't  
get so freak, I  
have to pay for that, and  
I said, give me what  
I asked for, and I  
said to the Boss will  
you please let me  
out, I want to go out,  
I will be back again,  
and the Boss said what  
do you want, and I  
said and I said I

14

said I do not want to go  
 home too late, and then  
 he (Defendant) said sit  
 down, I said no, I must  
 go, and I got up and  
 pushed the balls and  
 I said, I want to get  
 out of here, I did not  
 come here to play Billiards,  
 and he said shut up  
 there is money in this,  
 I will give you half,  
 and I said take me  
 out, then he (Defendant)  
 said bring another drink,  
 and I said finger ale,  
 and they brought two  
 glasses and I took a  
 glass and threw it out,  
 and the Bartender saw  
 me; then he (Defendant)  
 stopped playing. Is it

Q.

157

not a fact that you  
quarrelled with him because  
he did not pay attention  
to you, instead of playing  
Billiards; you were  
annoyed because he  
played pool and did  
not pay attention to you  
Q. No, I said, I

Q. did not come here to  
play Billiards or play  
Was the reason for  
your throwing that  
Whiskey on the floor,  
because you could not  
drink any more?  
A. I

did not want to drink  
it.

Q. Did you ask for  
Ginger Ale?  
A. No sir.

Q. What next took place

(c)

a I got up to go, and he  
 caught me around the  
 waist, and I said, don't  
 do anything to me in here,  
 and he said, shut up  
 I got you where I want  
 you, if you holler, you  
 will get the worst of it,  
 then he took <sup>me</sup> by the waist,  
 and he said you may  
 as well keep quiet, I  
 will get the best of you  
 anyhow - and he put  
 his foot under me,  
 I went down on the  
 floor and he put one  
 of his knees on me,  
 and called to the Bar-  
 tender, put the gas  
 out, and he did not  
 do it, at first; then  
 the gas went out, and  
 then he punched me



14)

in the face and I  
said Willie do not  
hurt me; then he put  
a handkerchief in my  
mouth.

Q. Did he pull  
your clothes up?

A. Yes Sir.

Q. Was his pants open?

A. Yes Sir.

Q. Are you sure of that?

A. Yes Sir.

Q. Did you see his parts  
exposed?

A. I did not  
see them, I felt them  
on my body.

Q. Did he  
lie on top of you?

A. Yes Sir.

Q. Did he have sexual  
intercourse with you  
on the floor?

18)

A I do, not know, I was  
knocked senseless,

Q.

You remember his  
pants open, his private  
parts exposed, and you  
felt his person against  
you?

A Yes Sir.

Q.

Can you not remember  
whether he had sexual  
intercourse with you, or  
not?

A

I did not know.  
At first I thought he  
ruined me till I was  
told by the doctor that  
he did not.

Q.

Did you feel  
his person in you?

A

I do not know  
I was knocked so sense-  
less I cannot tell  
anything



19) Q. Can you tell whether  
he penetrated or not?  
Did you feel  
any pain?

A. Yes Sir, because  
I was struggling.

Q. Was it the struggle that  
caused the pain?

A. I do not know.  
Q. Did you suffer any  
pain from penetration  
by this man?

A. I felt  
sore, I could not walk  
in the street.

Q. How long  
do you know this  
defendant?

A. I know him  
near two years.  
Q. Where did you  
first meet him?

20

Q. At Louie Picnic,  
 Q. And you met him at  
 a number of picnics?

A. Yes Sir,  
 Q. And you drank beer  
 with him?

A. Yes Sir,  
 Q. Did you ever drink  
 Rock and Rye with him?

A. No Sir,  
 Q. Do you know a house  
 on the corner of Third  
 and 20th St.?

A. Yes Sir,  
 Q. Where is that?

A. It is "Smugglers"  
 Q. Do you know what  
 kind of a house that  
 is?

A. No Sir,  
 Q. Were you ever there?

A. Once, coming  
 from Tammany Hall

21)

Q. Did you ever go  
 to Mr. Stiller's?

A. Yes Sir.  
 Q. This defendant was in  
 the habit of escorting  
 you home from Ball?  
 A. He escorted  
 me from Community  
 Hall about two (2) or  
 three (3) times.

Q. You were angry  
 with the Defendant for  
 some time?

A. Yes Sir,  
 Q. Was not the cause of  
 your anger, because of  
 his supposed attention  
 to other girls?

A. No, I was afraid  
 of him.

Q

Q. Did you not  
 say to some girls, that  
 he

72

if they forced me to say  
you would do something  
to them?

A. Yes Sir. I was  
afraid he would  
insult me, and he  
would tell anything  
about people.

Q. Did this defendant  
have anything to do  
with you before this  
night?

A. Yes Sir. And is  
that as true as the  
rest of your testimony  
here today?

Q. Yes Sir.  
Do you know a place  
called "McGlory's"?

A. Yes. I have heard  
of it.

Q. Have you ever been  
there?



7/3)

A. Yes Sir,

Q. Do you know a place called "The Brighton"?

A. I only heard about it, I was not in it.

Q. When the Defendant occasionally escorted you home, did he take any liberties with you, or did he ever make any indecent proposals to you?

A. Yes Sir,  
Q. Did he ever act, in the hall way of your house, at the late hours he saw you home, in ~~an~~ an indecent way towards you?

A. Yes Sir, my



24

Mother generally looked out of the window - and if I did not see her I would call.

Q You would go home with him at one, two, and three o'clock in the morning?

A Yes, I would not trust myself that long.

Q Well, what time would you leave Trinity Hall?

A About half past twelve or so, and take the car and ride home.

Q When you came out of the saloon on the night in question, did you not see a policeman from Harlem down to the place you came

25

The arrest of the Defendant?

A. No Sir.

Q. Did you see, no one at all, from the time you left the Jailhouse till you got down town?

A. No Sir, I saw one or two men, we came down in a horse car.

Q. Did anyone ride in the car with you?

A. Yes Sir, two (2) or three (3).

Q. Did you tell them of this Defendant's attempt to outrage you?

A. No Sir, I was afraid he would run away.

Q. Is that the

76)

Q. Only reason why you  
did not tell any one?  
A. I was so afraid  
I did not know  
what to do?

Q. How long  
did it take you to  
ride from Harlem  
to the place you  
had him arrested?

A. It was ten (10)  
minutes to four o'clock  
when I got to the Station  
House.

Q. Had you been in  
the habit of visiting the  
Haymayer?

A. No Sir,  
Q. Did you ever visit  
there?

A. No Sir.  
Q. Is that as true as  
the rest of your testimony?  
A. Yes Sir.

(74)

Q Do you know a man  
named Campbell, the  
carrier in W.E. Gloger's?

A No Sir, I was  
introduced to him once

Q Did you ever go there  
to see him?

A No Sir,  
Q You say you knew  
the defendant for  
about two years,

A Yes Sir.  
Q Did you know he  
was married?

A He said he was  
not, when I asked  
him.

Q Did you ever  
see his wife?

A No Sir,  
Q Did you ever hear  
any one say he was  
married?

A I heard from



0638

28)

girl. And when I asked  
him, he said he was  
not married.

Q Did you  
hear the girl say that  
he was married, or for  
back, or a year ago,

Q Yes Sir,  
You knew him to be  
a married man a  
year ago?  
No. he always  
said he was not  
married.

I swore before me  
this 22<sup>nd</sup> day of Mar 1891

Police Justice  
Motion to dismiss denied

Defendant held in \$5000  
to answer, & 1000 Bail

M. J. Treacy Stenographer



COURT OF GENERAL SESSIONS.

P a r t   I I I .

The People of the State of New York. :  
 : Before Hon. H.A.  
 a g a i n s t : Gildersleeve,  
 : and a Jury.  
 W I L L I A M O ' C O N N E L L . :

Indictment filed April 1889.  
Indicted for Rape.

New York May 21st, 1889.

APPEARANCES: For the People Assistant District Attorney Jerome.

For the defendant..Mr. J. F. Moss, and  
Mr. A. H. Hummell.

The Jurors were examined and sworn.

EMMA MITCHELL, a witness for the people sworn testified:

I live at No. 89 Norfolk Street this City with my mother and father. I work in a segar and tobacco factory at 70th St. and First Avenue. Before I worked there I worked at another shop at 38th Street and First Avenue for over four years. I know the defendant at the bar. I know him by sight for about four years and I have known him to speak to him for about two and a half years. I am unmarried. On the 17th of March of this year on Sunday evening I met defendant William O'Connell at Wallhalla Hall in Orchard Street. There was a sociable going on there. I left Wallhalla Hall at about 5 o'clock. As I was going down stairs defendant came after me and walked with me as far as the corner, and asked me where I was going. I said I was going to my sister's house, that I had promised to be

0640

2

there for supper. He said "They dont have supper at five o'clock"? and I said " No, about seven o'clock". He said I had time to take a ride up town, and then he would bring me back about half-past seven o'clock or any time I wished. I went with him. We rode up on the Second Avenue Elevated car, and after I had gone a little ways I asked him how far he was going, and he said "Only a little farther". We rode to 127th Street, and we got off. He said we would take a little walk around Harlem, and he would then bring me down home. We went into a store and sat down and had some drinks. I asked for a glass of beer and he told me I ought to take something better. I drank a glass of rock and rye with him. We sat around for quite a while talking and fooling. He took my pocket book out of my hand and then told me that I could not go home because I had no fare. He then proposed that we go to Sulzers Park. I told him I didn't want to go that I had promised my sister I would be home, and he said he would bring me home by nine or ten o'clock. I went to Sulzer's Park with him and ~~stayed there~~ for a while. We came out of Sulzer's Park, and he told me there was a friend of his kept a saloon near the Elevated Station and that we would go in there. I told him I wanted to go home. I finally went in with him as he caught me by the arm, and took me in. When we got inside he introduced me to one of the men there as his friend. He asked me what I would have to drink, and I told him ginger ale. When the ginger ale was brought it I

0641

3

smelled it, and it smelled of whiskey, and I threw it under the table. O'Connell said " You are too fresh throwing that away". Then the two men began to play Billiards. I was looking at them for a time, and finally I tired of waiting, and I asked him to come home. He told me that there was money in the game and that he would give me a half a dollar if I would wait. I told him I didn't want any of his money. Then I got up and mixed the balls up on the table and told him I didn't go there to see him play billiards. He stopped playing and this other man put on his coat and went out. There was nobody in the room then but the bartender and O'Connell and myself. I said to O'Connell "What did you bring me in here for. Why dont you come out of here". He said " You are too fresh throwing that stuff away." The bartender was in the front of the place, and O'Connell took me around the waist and punched me in the face before he threw me down. When he threw me down I screamed for the bartender to come down, and whenever I screamed he punched me in the eyes nose and face. I asked him to please not do anything to me, and he says "Shut up, I got you I just where I want you". I took a long time to do what I am going to do now". He threw me down and put his knee on my chest, and the bartender came in and he said to the bartender "You turn out that gas" The bartender stood at the end of the table, and never said a word, but the gas went out. I screamed again and he took his handkerchief out of his pocket and stuffed it

0642

4

in my mouth Then he took my small handkerchief and wiped my face with it. He tore the whole sleeves out of my dress. My face was all full of blood and I was in a terrible condition. I says "Dont murder me" and he said " I will if you dont stop your hollering, I got you just where I want you and I will murder you". And so then while he told the barkeeper to turn out the gas he opened his pants and I was down. He lifted his knee off my chest. I struggled behind the table. He took me by the two legs and pulled me out, and so then when he was on top of me he says " Work it up". I says " I dont know what you mean", and he says; " Do what I am doing now, you have got to make the best of it. I have you just where I want you". I screamed and hollered, and the bartender was in there and he never said a word. The defendant took me up and called me terrible bad names, and said " I didn't do this for love of you, I only done this to show people that I could do it, what no one else could do to you". I never said a word. The bartender lifted me up. He told me to wash my face and I did. He said " Now I have done what I wanted to do, and I am well satisfied, If you say anything about the matter I will tell everybody what I done to you." He washed my face off. I asked him to take me out of that place. We finally went out and walked down Third Ave. I was crying, and he said. "If you dont shut up I will kill you sure".. After we walked several blocks we finally got into a Second av. car. He told me when getting into the car,

"If you say anything about this in the car you will get the worst of it coming out". He told the conductor in the car, "What do you think of this womans husband beating her, and I am taking her home". I never said a word. We rode down as far as Delancey Street and we got off. On walking up Delancey Street he gave me back my pocket book. I was crying, and I saw a policeman and I called him, and I told him what happened to me, and he took him to the Station House,, and I then made a charge against him. I made a complaint of this to my mother and to my sister Mrs. Dennison. I had my picture taken immediately after this occurence and I have it here.

Cross-examination.

The name of the barkeeper of this place was Walter Scott. I met the defendant at a great number of sociables. I know Sergeant Murett of the police Station.

- Q Is it not a fact that when O'Connell was asked his pedigree by the Sergeant he answered that he was single, and you said that he was a liar, that he was married? A. Not that I remember of.
- Q When did you first know that O'Connell was a married man? A. I never knew it. He always said he was not a married man.
- Q Did you ever call him by his first name? A. No sir, I never heard any one call him by his first name.
- Q How many beers did you drink at Wallhalla Hall from half past three o'clock? A. About three.
- Q Is it not a fact that after every dance you drank



0644

6

beer? A. No sir.

Q Do you mean to tell the court that you left this Hall intending to go home, and accompanied a man to the elevated train, without having any idea of where you were going? A. I thought we were going up town and might get off at 14th or 23rd Street and take a walk.

Q Do you know where Koster & Bial's is? A. I have seen the place but have never been in there.

Q Do you know where Theiss' is in 14th Street.

A I have seen the place but have never been in it. I am quite sure that I have never been in either of these places. I go to Sulzer's Park once in a while.

Q Up to the time you reached Sulzer's Park, yourself and the defendant were quite friendly, and no vulgar words had been spoken by him. A. No sir.

Q Did you ever drink any rock and rye before this occasion? A. No sir.

Q Did you of your own volition, ask for rock and rye without anybody telling you to? A. No sir. .

Q Is it not a fact that you drank seven drinks of rock and rye? A. No sir, not at all..

Q Did you see any people from the time you left the saloon until you got to Sulzer's Park? A. Yes sir.

Q Did you ask the defendant to let you go home?.

A I had not fare and I told him I was going down town but I made no attempt to get on the car because I had no fare. I dances several dances at Sulzers

0645

7

Park, and stayed there from twenty five minutes to nine until twelve o'clock. I had several drinks at Sulzer's Park. It is not a fact that I was so drunk that I slipped and fell when dancing. I didn't fall. We were laughing and talking in the saloon in which this occurrence took place.

Q Did you tell the proprietor of this place that you were deprived of your liberty against your wish?

A No sir.

Q You were there of your own free will? A. Yes sir  
The men were playing billiards for about half an hour before O'Connell took hold of me in the way I have described.

Q How many people were in the saloon at the time the trouble occurred at the billiard table. A. The bar-keeper, and the defendant and another man..

Q Is it not a fact that you jumped up on the table and mixed the balls up and told the defendant that you would not have him play billiards. A. No sir, I got up and mixed the balls and told him to take me out of the place. I was just as sober then as I am now.

Q Didn't the defendant tell you to stop interfering and when you refused he struck at you? with him and his game of billiards? A. No sir,

Q Didn't he strike at you because you interfered with his game. A. No sir, the defendant struck at the billiard table. I didn't strike him at all.

Q Is it not a fact that when he struck you he gave you his handkerchief to stop the blood. A. No sir,

he put that handkerchief in my mouth, and held his hand over it. At the Station House I told the Sergeant that this man had attempted to assault me. I didn't tell him all the details.

Q You didn't say anything about his attempting an outrage of any kind? A. Yes sir, in the morning when I made the complaint.

Q Did the Sergeant ask you? A. I told him about the man who assaulted me. When I met the police officer in the street I told him to arrest this man that he had assaulted me.

Q Do you know the barkeeper of Billy Maglory's?

A I was introduced to him once. I have never called at Billy Maglory's to see him. I have never been in Theiss' Saloon in 14th Street, in company with any men. I was examined afterwards by a doctor. There were marks and finger prints on my drawers. They have since been washed.

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9

ROSE MITCHELL, a witness for the People, sworn, testified

I am the mother of the last witness . She is 21 years old . I remember Monday the 18th of March this year . I dont know anything about this; I never was in a Court before .

EVA DE WILSON, a witness for the People, sworn, testified:

I am the sister of the last witness . I remember the Monday after this assault. When my sister arrived at home she complained to me that some one had attempted to outrage her . . My sister looked worse than that photograph represents her to be . . I saw her underclothing . On the left side of her drawers there were five finger marks . Her face was terribly bruised when I saw her .

CROSS EXAMINATION:

Q You have not exaggerated a little bit as to the appearance of your sisters face ? A. No sir . I think she looked worse than the picture shows her to look.

The testimony as to the finger marks was stricken out by the Court.

EDWARD MURET, a witness for the People, sworn, testified :

I am a seargeant of Police . I was on duty at the desk when the complainant came in . Her left eye was completely closed and very much swollen; her cheek and lips were swollen and covered with blood and her nose

0648

2

10  
appeared to be f<sup>at</sup>t<sup>er</sup>ned ; her right eye was partly closed. ; she was perfectly sober . . She complained that the defendant had attempted to outrage her . I saw her drawers on that morning and there was blood on several parts of them and marks of finger prints on the left side ; they looked like fingerprints . . The prisoner gave me a fictitious residence . . I asked him why he had assaulted this woman in this manner, and he refused to answer any questions until he had seen counsel .

CROSS EXAMINATION:

You could not distinguish one feature of this woman from another when she came to the station house . I have never seen or heard of this girl before this. I asked the girl who had assaulted her in this manner and she pointed to the defendant and said "Captain Connors". I asked her "Why" and she said "Dont ask me , he beat me cruelly, it is shameful to abuse a girl like this. She told me he did it at 124th St. and 3rd Ave. at about half past twelve o'clock . I ordered the prisoner to be taken down stairs . She simply complained that he had assaulted her . The entry made on the blotter at the time was assault but it was afterwards changed to rape . I remember asking the defendant if he was married or single and he said single; when he said this girl said "You lie, Captain Connors, you are married and you are not living with your wife". There were no indications of this woman having been drunk that I could see .



0649

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JOHN J. REILLY, a witness for the People, sworn, testified:

I am an officer of Police . On the morning of the 18th of March about half past two o'clock I was standing at the corner of Suffolk and Delancey St. and the complainant and defendant came towards me; she said "Officer arrest that man, see the way he has assaulted me". I took him to the station house . The defendant denied assaulting her . He said to her "XCant you think this over Emma, cant we settle this before we go to the house"; she said no that it had gone far enough . He had the key of her door in her hand and had her pocket book also in ~~behind~~ hand .

CROSS EXAMINATION:

I remember the conversation that took place in the station house . I knew the complainant before this night . She told the Seargeant that this man had taken her into a saloon uptown to see a friend and that she ordered sarsparilla or ginger ale and he ordered whiskey and that he tried to put some of the whiskey in the ginger ale and she threw it under the table . He then knocked her down and assaulted her . She said he knocked her down and drew up her clothes . . O'Connell was not present when she said that . There was nothing said while O'Connell was there, except that she charged him with assault . When he answered the seargeant that he was single she said that he was married.

Counsel for defendant makes a motion to take the case from the Jury . Denied .

Case adjourned until May 22nd 1889.

0650

4

New York , May 22nd 1889. 12

Case Continued.

EMMA MITCHELL, a witness for the People, recalled:

I did not tell Miss Smith that at the time I had this difficulty with O'Connell I was unwell . She did tell me t at she was awful glad that O'Connell was arrested; that the first time he took her home he tried to assault her in her own hall way, and the house-keeper came down and had to put him out .

. . . . D E F E N C E . . . . .

DAVID ROSENSTEIN, a witness for the defence, sworn, testified:

I am in the ostrick feather business at No. 102 Bleecker St. I know Emma Mitchell . I have seen her two or three times in company with women of bad reputation . I have seen her associate with women who are prostitutes.

CROSS EXAMINATION:

I am a member of the J. F. Moss association . I have spoken to Mr. Moss about this case . A little over a year ago I saw Emma Mitchel at a dance in Clarendon Hall; she was talking and drinking with two women of bad character . The women whom I saw her with on that occasion I have seen soliciting men in Theiss' .

HARRY SIMONS? a witness for the defence, sworn, testified:

I am a clothing salesman and live at No. 319 Second Avenue . I have known Emma Mitchell for seven or eight years by sight . I have seen her in the Brighton; where the bulk of the lady people are prostitutes . I

have seen her there two or thre times. . The Brighton was closed about a year ago; when it was in existence it was known as a dance hall and a house of ill fame .

CROSS EXAMINATION:

I came in from the country one night about eleven o'clock and went into the Brighton and saw the complainant there .? It was the first place I struck . I saw her in company with a girl named Annie whom I know to be a prostitute . I go where I please when I am at leisure .

FRANK CAMPBELL, a witness for the defence, sworn, testified:

I live at 354 W. 16th St. I was formerly cashier at McGlory's dance hall in Hester St. I know the complainant . I have seen her in company with disreputable women . . I have been out with her every Sunday night for about five months .

HENRY RHEINFRANK, a witness for the ~~Defence~~ *Seque* sworn, testified:

I live at 325 E. 4th St. I know Emma Mitchell. I have seen her in the Haymarket at 30th Street and 6th Ave ue. The character of the women who visit there is considered unchast e. . I have seen her at Koster and Bials in company with prostitutes . . The reputation of the complainant for chastity is bad amongst men .

CROSS EXAMINATION:

. I am a member of the Moss Association . I have talked with Mr. Moss about this case . I have seen the complainant at Nillson Hall which is a respectable place.

HENRY ZABINSKY, a witness for the Defence, sworn, testified: 14/

I live 221 E. 28th St. I know the complainant. I have seen her frequent the Haymarket, & Sulzers Park with women who are considered fast. From what I hear the complainant is supposed to be fast.

CROSS EXAMINATION:

I cant mention the names of people whom I have heard speak of her chastity.

ERNEST SULZER, a witness for the Defence, sworn, testified:

I am a brother of the proprietor of Sulzer's park! I know Emma Mitchell. I saw her at Sulzers Park on the Sunday in question. I saw her have three or four rounds of beer.

CROSS EXAMINATION:

Sulzer's park is a reputable place! Different kind of people go there. I know the defendant for three or four months. The reputation of the complainant as to chastity is very poor. I have heard different young men talk about her.

LIZZIE SCHMIDT, a witness for the defence, sworn, testified:

I live at 627 E. 9th St. I know Emma Mitchell. I saw her one evening after she had this trouble with O'Connell, and she told me that when this trial came off she would try and put on an innocent face and make the old fogies down here feel soft hearted. She showed me her underclothes and said that at the time this happened she was unwell.

## CROSS EXAMINATION:

I did not tell Emma that O'Connell tried to do the same thing to me . He never did . I have been out with the defendant to different dances . She told me that when she would come down here she would not only kiss the book but she would eat it cover and all to have O'Connell sent to prison, and show people what she could do .

MARY O'CONNELL, a witness for the Defence, sworn, testified:

I am the wife of the defendant . I know Emma Mitchell . I am not living with my husband . About two years ago I had a conversation with the complainant and told her to keep away from my husband that he was married; she said "Married or single I will have him in spite of you".

## CROSS EXAMINATION:

I have been married eight years . . My husband left me at different times and then he would come back and live with me again . This woman Emma Mitchell is the sole cause of the trouble between me and my husband .

ANNIE HOLLUB, a witness for the defence, sworn, testified in corroboration of the last witness . She was present with Mrs. O'Connell and heard the same conversation .

Case adjourned until May 23rd 1889.



0654

8

New York, May 23rd 1889. 16

Case continued.

WILLIAM O'CONNELL, the defendant, sworn, testified:

I am twenty six years old; married; by occupation a plumber and gas fitter. I have served three years in State Prison for Assault in the 2nd degree; and four months on the Island for assault in the 3rd degree. I have known Emma Mitchel since the spring of 1886. I met her frequently at dances. I met her in Walhalla hall on the 17th of March at about twenty minutes to four in the afternoon. I danced and drank with her. She said she was going to Sulzers and asked me to go with her. We went in the train together as far as 127th St. She never said a word to me about going to her sisters to supper. She wanted to get out at 14th St! or 23rd. ST!n on the way up to go to Koster and Bials or Thiess'. ! She never said a word about wishing to return home. We went into a saloon near 125th S'T! and had some drinks; she drank rock and rye with me until half past seven. We drank fourteen a piece. She was drunk then. About half past eight we went to Sul zer's park. We danced there and had several drinks of beer; she danced and drank with other men. We left there at half past twelve O'clock. She did not ask to go home. While dancing at Sulzers she fell and dropped her pocket book and then she asked me to mind it for her. After leaving Sulzers we went into McCue and Goldey's salo82222the on 3rd Ave. between 124 and 125th St. There were in that saloon when we went in Mr. Goldey, Mr. McCue, and Walter Scott, and two othergentlemen that I did not know.

0655

9

17

We went into the back room where the billiard table was . After sitting there a few moments and having some drink Mr. McCue challenged me to play a game of billiards . We began to play; during the game we had several drinks of ginger ale and whiskey . At the commencement of the fifth game Miss Mitchell stood up and told me to stop this pool playing and said "You son of a bith I did not come in here to play pool. I came in here to drink with you ". I told her if she would keep quiet I would give her a part of what I won in the game . She ~~took~~ took hold of the balls and mixed them all up and was noisy . Mr. Goldey and Mr. McCue walked outside and then there was nobody there but myself and her . I said "I wont take you home". I had the bridge in my hand and was fooling with the balls, and she got over near me and hit me, knocking off my hat . I did not mind that, but the first thing I knew she grabbed a pool ball and hit me in the face with it . I then struck her three or four times in succession as hard as I could . I lost my senses . I did not mean to do it . She fell and in her falling she became hysterical and kicked up her skirts and one thing and another . I tried to quiet her. I picked her up and washed her face off . We went out of the place and walked along 3rd Avenue, and passed two or three officers and she never said a word. We got on a Second Ave. car. In the car I passed the remark to the conductor "Her husband caught her out with me and licked her". I loaned her my handkerchief to wipe her face off . I rode down with her

as far as Delaney St. . She asked me if I would be at her house Wednesday night". At that moment she saw Officer Reilly and she said "I will have you where I can get you when I want you, Officer arrest this man".

I was then taken to the station house . I did not unbutton my pants or attempt in any way to have sexual intercourse with the complainant . . The first time I heard of such a charge was in the Police Court.

CROSS EXAMINATION:

My wife left me because a friend of hers had seen me with Emma Mitchell. I got four months for shooting James Sweeney . I drank in the neighborhood of ten beers at Walhalla Hall with the complainant . She fell down after she had the fourteen drinks of rock and rye; she was hardly able to stand . She afterwards danced at Sulzer's park . . We had about twenty beers each at Sulzer's park . We had about four drinks of ginger ale and whiskey in the last place we were in . That would make about forty eight drinks . I was not sober or I was not drunk . I don't know where I struck her first . She did not fall until I had struck her the third time . I struck her as hard as I could each time . Her face was somewhat swollen . I would not say that she was disfigured .

ISACC O. SHUMWAY, a plumber of No. 392 4th Ave. testified to the defendant's industry, good character and good workmanship while in his employ .

JOHN A. TUOMEY, a plumber, gave similar testimony .

EMMA MITCHELL, recalled, denied the statements of the different witnesses about her being in the Brighton, Haymarket, Koster and Bials and other places in company with prostitutes . She testified that she had her monthly period about two weeks before this Sunday . She denied the statement of the defendant as to the number of drinks and as to striking him with a pool ball .

EVA DENNIS, corroborated Miss. Mitchell as to the fact of her being unwell two weeks before this occurrence .

Case adjourned until May 24th 1889.

New York, May 24th 1889!  
ROBERT BERLINGER, a witness for the People, sworn, testified:

I am a physician . I made an examination of the private parts of Emma Mitchell on the 18th of March 1889. She did not have her menses at the time I examined her. I found a very slight wound on the external part of the labium; near the entrance to the vagina.

CROSS EXAMINATION:

I am not prepared to say that the blood on the drawers came from that wound . I gave a certificate the following morning which I say now is correct--to wit, that I found no evidence of rape having been committed on her person.

WALTER SCOTT SPARKS, a witness for the People, sworn, testified:

I am the co defendant under the name of Walter Scott . On the 17th of March I was present in McCue and Göldey's saloon when the defendant and Emma Mitchell came in . I was the bartender there . I saw the defen-

0658

12

dant go into the back room and saw him play pool with Mr. <sup>20</sup> McCue. . After a short time I saw the lady get up from her chair and smash the balls together; she said she wanted to go home . I then went and took the balls from the table and put them in the box . I left one light burning; I turned out three . . I went behind the bar again and very soon I heard this lady scream. I ran in and the defendant had her down on the floor ; the lady was underneath and the defendant was on top of her . . I could see that the lady's limbs were slightly exposed. -- probably up to her knees . . The defendant was partially kneeling on top of her . . I could not see the entire bodies of both persons! The light was dim . . I asked him for God's sake to let the woman up, and he said he would in a minute, and he requested me to put out the light . A About a minute after that he let the woman up . He was holding her face and they both went out . . I saw her throw a portion of a drink under the table while he was playing pool .

CROSS EXAMINATION:

I am under an indictment charging me with rape . . I pleaded not guilty to that charge . . I was not promised anything; but I was advised by my counsel to come to the front as a witness .

CHARLES COLEMAN, a witness for the People, sworn, testified:

I was in the saloon with the last witness on the 17th of March. I was talking with Scott at the bar I saw the defendant come in with a young lady . They went into the back room . While I was there something oc-



0659

13

21  
curred in the back room and Mr. Sparks went back . I  
saw those people going out shortly afterwards . I heard  
the lady scream .

The jury returned a verdict of GUILTY of an  
attempt to committ the crime of rape .

0660

Indictment filed *March 1899*

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

WILLIAM O' CONNELL.

Abstract of testimony on  
trial New York, May 21st,  
22nd, 23rd, and 24th 1889.

0661

Sec. 19-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

3 District Police Court

*Walter Scott* 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. *Walter Scott*

Question. How old are you?

Answer. *44 Years of age*

Question. Where were you born?

Answer. *New York City*

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

Answer. *135 E 12th St New York*

Question. What is your business or profession?

Answer. *Gar-keeper*

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. *Am not guilty*  
*Walter Scott*

Taken before me this

188

Police Justice.

0662

Sec. 193-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

*William O'Connell*  
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 in 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.

*Am not guilty*  
*Wm O'Connell*

Taken before me this

day of *March* 188*8*

Police Justice.

0663

Court of General Sessions

The People

vs.

William O'Connell  
and Walter Pott

Indictment

Attempted Rape

§§ 278 & 288

in having on the 17th of March, 1889,  
in a saloon on Third Avenue,  
near 124th Street, forcibly thrown  
the defendant on the floor and  
attempted to have sexual inter-  
course with her against her  
will and protest.

The complainant has corro-  
borated to me her statement  
made in the Police Court. She  
has evidently told the truth.  
She seems to be sensitive of her  
womanly honor.

The corroborative evidence  
consists in the fact, that after  
the defendant O'Connell had bruised  
her face, he touched her drawers  
with his bloody hands and



0664

left the finger marks upon the  
dramers of her left leg.

0665

Iva Dermison, 106 Delaney St.,  
married to Thos Dermison, saw  
the complainant in the station  
house and examined her under  
wear. She saw five ~~five~~ bloody  
finger marks upon her drawers  
on the left leg.

Rose Michel, 164 Delaney Street,  
mother of the complainant, <sup>also</sup> saw  
the finger marks on said drawers.

Richard Sullivan, detective, 12th  
precinct, was present <sup>in Mrs. Dermison's room</sup> at the station  
~~house~~ when the complainant  
showed her drawers to her mother  
and sister. He saw the bloody  
finger marks <sup>on the said drawers</sup>. This was on the  
morning after the assault, be-  
fore she went to the Police Court.  
Her face was bruised all over.

0666

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Wm. Norrell  
et al.

BRIEF OF FACTS.

For the District Attorney.

Dated April 22 1889  
Edward Grace

Deputy Assistant.

0667

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

April. 5<sup>th</sup> 1889

Exhibits in this  
Case with

Pay

0668

Sec. 192.

3 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Jacob M. Patterson a Police Justice of the City of New York, charging Walter Scott Defendant with the offence of Assault and attempted Rape

and he 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, Walter Scott Defendant of No. 135  
E 122 Street; by occupation a Book Keeper  
and Eliza Sparks of No. 135 East 122  
Street, by occupation a Housekeeper Surety, hereby jointly and severally undertake that the above named Walter Scott Defendant shall personally appear before the said Justice, at the 3 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 Fifty Hundred Dollars.

Taken and acknowledged before me, this 19

day of March

1889

J. M. Patterson POLICE JUSTICE.

Walter Scott  
Eliza Sparks



0669

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this  
day of March 1881  
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 ~~Twenty thousand~~ <sup>Twenty thousand</sup> 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 of  
land situated 135 East 122 Street  
and is valued at Ten thousand  
Dollars (\$10,000) no incumbrances

Eliza Sparks

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 1881

Justice.

0670

Dr. R. Berlinger,  
174 DELANCEY ST.,  
NEW YORK.

OFFICE HOURS:  
8 TO 9 A. M.  
1 TO 2 P. M.  
6 TO 7 P. M.

New York, March 18 18 89

This is to certify that  
Emma Mitchell, 164 Delancey  
St. received excursions of  
the face.

I find no evidence of  
rape committed on her person.

R. Berlinger M.D.

0671

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3<sup>rd</sup> DISTRICT.

of No. 164 Delancey Street, aged 21 years,  
occupation *Seamstress*, being duly sworn deposes and says,  
that on the *March* day of *1889*  
at the City of New York, in the County of New York,

*William O'Connell* (now  
here) beat, assaulted and  
attempted to Rape and  
extrude *Deponent* in a  
Lager Beer Saloon on 3<sup>rd</sup>  
Ave, about 124<sup>th</sup> St; that said  
Defendant knocked *Depon-*  
ent down on the floor; raised  
her clothes and with force,  
violence, and against this  
Deponents will, then and

Sworn to before me, this

of

188

day

Police Justice.

0672

Police Court, \_\_\_\_\_ District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

ARFIDAVIT.

There tried and attempted to  
Copulate, and have sexual in-  
tercourse with Dependent;  
Wherefore Dependent prays  
that said Defendant be  
dealt with as the Law directs.  
Signed before me, Emma Mitchell  
this 18<sup>th</sup> day of March 1889.  
M. O. Peterson Police Justice

0673

Police Department of the City of New York.

Precinct No. 12

New York, March 18 1889

This is to certify that  
Emma Mitchell of 40  
164 Delancy Street has  
contusions of the face.  
I find no evidence of rape

A. W. Maday, M.D.  
- Surgeon of Police



0674

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 O'Ronnell*  
*and Walter Scott*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *William O'Ronnell and*  
*Walter Scott*  
of the CRIME OF RAPE, committed as follows:

The said *William O'Ronnell*  
*and Walter Scott, doth*  
late of the City of New York, in the County of New York aforesaid, on the  
*nineteenth* day of *March*, in the year of our Lord one thousand  
eight hundred and eighty- *nine*, at the City and County aforesaid, with  
force and arms, in and upon a certain female not his wife, to wit: one *Emma*  
*Mitchell*, then and there being, wilfully and,  
feloniously did make an assault, and her the said *Emma Mitchell*,  
then and there, by force and with violence to her the said *Emma*  
*Mitchell*, against her will and without her consent, did wilfully  
and feloniously ravish and carnally know, 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 O'Ronnell*  
*and Walter Scott*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *William O'Ronnell*  
*and Walter Scott, doth*  
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 a certain  
female not his wife, to wit: her the said *Emma Mitchell*, then  
and there being, wilfully and feloniously did make another assault, with intent her the  
said *Emma Mitchell*, against her will and without her consent, by  
force and violence, to then and there wilfully and feloniously ravish and carnally know,  
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 O'Connell and  
Walter Scott  
of the CRIME OF RAPE, committed as follows:

The said William O'Connell  
and Walter Scott, 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 a certain female not his wife, to wit: her the said Emma Mitchell, then and there being, wilfully and feloniously did make another assault, and an act of sexual intercourse with her the said Emma Mitchell, then and there wilfully and feloniously <sup>attempt to</sup> commit and perpetrate, against the will of the said Emma Mitchell, and without her consent; 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 GRAND JURY AFORESAID, by this indictment, further  
accuse the said William O'Connell  
and Walter Scott  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said William O'Connell  
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 a certain female not his wife, to wit: her the said Emma Mitchell, then and there being, wilfully and feloniously did make another assault, with intent, an act of sexual intercourse with her the said Emma Mitchell, against her will and without her consent then and there wilfully and feloniously to commit and perpetrate, 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.

JOHN R. FELLOWS, *District Attorney.*

0676

**BOX:**

347

**FOLDER:**

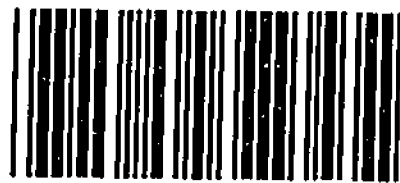
3271

**DESCRIPTION:**

Ohl, Philip

**DATE:**

03/15/89



3271

Witnesses:

W. H. Del.

March 21, 1889

I think in view of the  
affidavits herewith filed,  
a especially that of the  
Complainant, that the  
should be discharged and  
the defect allowed to go on  
his own recognizance.

J. R. Fellows  
Dist. Atty

Counsel,

Filed 15<sup>th</sup> day of March 1889

Pleas,

Not guilty 19<sup>th</sup>

THE PEOPLE

vs.

B

Philip G. H.

Grand Larceny, second degree,  
[Sections 528, 534, 537, Penal Code]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Charles D. S. Foreman.

Part III March 27, 1889.

On recom. of Dist. Atty.  
def't discharged on his  
own recog. R. B. M.

0678

Police Court—

3<sup>rd</sup> District.

Affidavit—Larceny.

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

William H. Riley  
 of No. 21 Mercer Street, aged 44 years,  
 occupation Importer of Goods being duly sworn  
 deposes and says, that on the 25<sup>th</sup> day of January 1889 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 the day time, the following property viz:

One dozen Ladies beaded  
 corsets, in all of the value  
 of thirty-six (\$36) dollars

the property of Deponent and Adolph M. Friedlieb  
 Co-partners, doing business at 21  
 Mercer Street under the firm name  
 of W. H. Riley & Co. 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 Philip Oehl, now here,

for the reasons following, to wit:  
 That said defendant was then  
 and entry clerk in the employ-  
 ment of said firm and had  
 free access to said property  
 which was contained in premises  
 of Mercer Street.

That deponent ascertained that  
 since April 1888 large quantities  
 of goods had been stolen and  
 carried away from said premises,  
 the property of said firm.  
 That officer Edward S. Hansen,  
 now present, informed deponent

Sworn to before me this

1889

Notary Public.



0679

That he, said officer, from an examination made by him was of the opinion that the defendant was the party guilty of such larceny. That defendant then called said defendant and accused him of such larceny whereupon he admitted having stolen goods from said firm to the value of about twenty five hundred dollars, and he then and there gave said officer the key of his room at 56-2<sup>nd</sup> Avenue and informed said officer where he would find pawn tickets representing the stolen property.

That defendant is informed by said officer that the aforesaid pawn tickets was found in the possession of said defendant by said officer, which tickets represents the one dozen wraps aforesaid; and defendant has seen the goods represented by said pawn tickets.

Police Justice.

188

Dated

guilty of the offence mentioned, I order he to be discharged.

There being no sufficient cause to believe the within named

Police Justice.

188

Dated

I have admitted the above named

Police Justice.

188

Dated

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

1  
2  
3  
4

Dated

188

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$

Sessions.

to answer

0680

so found by said officer in the possession of said defendant, and identifies the same as the stolen wraps aforesaid.

That pawn tickets were found in the room occupied by said defendant at No. 56 Second Avenue, by said officer, which represent goods stolen from said firm to the value of at least twenty-five hundred dollars

Sworn to before me this  
1st day of February 1889

William B. Riley

J. M. Patterson

Police Justice

0681

CITY AND COUNTY }  
OF NEW YORK, } ss.

Edgar S. Slanson  
aged 40 years, occupation Detective Officer of No. 300 Mulberry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of William H. Riley  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 14<sup>th</sup>  
day of June 1889

Edgar S. Slanson

J. M. Patterson  
Police Justice.

0682

**16685**  
**L. CAHEN & SON,**  
No. 41 Canal Street, N. Y.  
*Jan 25* 188*9*

	\$	Cts.
<i>1 doz mugs</i>	<i>12</i>	<i>75</i>
<i>STW</i>		

**GOOD FOR ONE YEAR ONLY.**  
Not accountable for loss or damage by fire, breakage,  
robbery or moth.  
**Rates of Interest.**  
On sums of 100 Dollars, or under, 3 per cent. per  
month or any fraction thereof for first six months, and 2  
per cent. per month thereafter. On sums over 100  
Dollars, 2 per cent. per month for first six months, and  
1 per cent. per month thereafter.

0683

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

*Philip Ohe* 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.

*Philip Ohe*

Question. How old are you?

Answer.

*25 years of age*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*56 Second Ave. 8 years.*

Question. What is your business or profession?

Answer.

*Book-keeper*

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. That is all I wish to say at present*  
*Philip Ohe*

Taken before me this

*14<sup>th</sup>*

day of *February* 188*8*

*J. M. O'Brien*

Police Justice.



0684

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 Fifty 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 January 14<sup>th</sup> 1889 J. M. Patterson Police Justice.

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

Dated January 14<sup>th</sup> 1889 J. M. Patterson 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.

---

0686

Wm H Riley  
vs  
Charles Orl

City and County of New York ss.

Wm H Riley being duly sworn according to law says  
I am the senior member of the firm of Wm H  
Riley & Co and carry on business at Nos 218  
23 Mercer St in the city.

403 The defendant was in defendant's employment for about  
18 months, and at some time during the latter months  
of his service took from defendant's store some goods  
as set forth in the Complaint, and as defendant  
believes was larceny ~~as charged in the~~ thereto.

403 You defendant believes that the young man yielded  
to temptation and was led into the trouble by them

403 You defendant further avers that this is the only office  
he was ever guilty of - That he is the son of  
a widow, who is an elderly lady of high character,  
and who while as ~~defendant~~ defendant is informed  
takes steps at once to separate him from bad company.

403 He and she will make reparation for the money  
taken to me. <sup>Your defendant</sup> I believe that the justice of the case  
and the best interests of Society will be best served

by dismissing the proceedings herein, a course your defendant  
respectfully prays may be taken by the Court and the  
Dist Atty in this case.

Subscribed and sworn to before  
me this 26<sup>th</sup> day of March 1889  
Frank O. Byrne Clerk of Peace  
City and County of New York

William H. Riley

0687

Court of General Sessions.

----- x  
The People &c. :  
against :  
Philip Ohl. :  
----- x

City and County of New York, ss:-

Frederick W. Bayer being duly sworn says: I am a manufacturer of paper boxes doing business at 43 Fulton Street, New York for the past 30 years. I have known defendant for the past fifteen years. His reputation for truth and veracity has always been very good. I have known him to be a young man of good character and would not hesitate to trust him with any amount. I have offered him a position of trust in my establishment.

Sworn to before me this :

25<sup>th</sup> day of February, 1889. :

*F. W. Bayer*

*John Q. Allen*  
*Deputy Clerk*  
*N.Y.C. 275*

0688

Court of General Sessions.

----- x  
The People &c.,

against

Philip Ohl.  
----- x

City and County of New York, ss:-

Jacob Roth being duly sworn says: I am a dealer in fine groceries corner 6th Street and 2nd Avenue, New York City. I have known Philip Ohl for great many years. His reputation for truth and veracity has been very good. Every body who knows him speaks very highly of him. He is considered a young man of excellent character.

Sworn to before me this

25<sup>th</sup> day of February, 1889.

*Julius E. Fitts*  
*Notary Public*  
*N.Y.C.*

*Jacob Roth*



0689

Court of General Sessions.

----- x  
The People &c.,  
against  
Philip Ohl.  
----- x

City and County of New York, ss:-

August Schaefer being duly sworn says: that he is  
an Importer and wholesale dealer of Wines, doing business at  
69 Second Avenue, N. Y. Deponent has known the defendant  
Philip Ohl for the past six years as a young man of exam-  
plary character His reputation for truth and veracity  
has always been very good.

Sworn to before me this

15<sup>th</sup> day of February, 1889.

: August Schaefer

*John A. Sullivan*  
John A. Sullivan  
n. 12.8

0690

Court of General Sessions.

----- x  
The People &c.,  
                  :  
                  :  
                  :  
                  :  
                  :  
                  :  
----- x

against

Philip Ohl.

City and County of New York, ss:-

Max Reiss being duly sworn says: that he is dealer  
in real estate doing business at 46 St Marks Place, N. Y.  
Deponent has been personally acquainted with the defendant,  
Philip Ohl for many years and has always found him to be a  
young man of good character. His reputation for truth and  
veracity has been very good and deponent would not hesitate  
to trust him.

Sworn to before me this

25<sup>th</sup> day of February, 1889.

Max Reiss

*Julius G. Miller*  
Notary Public  
N.Y.C.

0691

Court of General Sessions.

-----x  
The People &c.,

against

Philip Ohl.  
-----x

City and County of New York, ss:-

John H. Carl being duly sworn says: I am a member of the firm of Price & Carl, manufacturers of sashes and blinds, corner 30th Street and 1st Avenue, New York. I have known Philip Ohl the defendant, for many years. He has always borne an excellent character. His reputation for truth and veracity has been very good and I should not hesitate to trust him.

Sworn to before me this :  
25<sup>th</sup> day of February, 1889:

*John H. Carl*  
*John H. Carl*  
*John H. Carl*  
*John H. Carl*

0692

Court of General Sessions.

----- x  
The People &c.,  
against  
Philip Ohl.  
----- x

City and County of New York, ss:-

Frank Straub being duly sworn says: I am an Importer and dealer in Wines at 99 Second Avenue, New York. I have known Philip Ohl for years as a young man of exemplary character. I have seen and see him almost daily. His reputation for truth and veracity has always been very good.

Sworn to before me this :  
25<sup>th</sup> day of February, 1889. :

*Frank Straub*

*Julius A. Straub*  
*Notary Public*  
*N.Y.C.*

0693

COURT OF GENERAL SESSIONS.

----- x  
The People &c.

against

Philip Ohl.  
----- x

City and County of New York, ss:

*Louis R.* LeCLEAR

being duly sworn, says: that he is Cashier in Jennings  
Lace Works, 60 & 62 Greene Street, New York. The defendant  
Philip Ohl has been in our employ a year and a half ago,  
occupying the position of Entry Clerk. The firm was well  
satisfied with him. We dispensed with his services because  
of the dullness in business but we have offered him since  
the same position twice. He always bore a good character  
while with us.

Sworn to before me this :  
2<sup>nd</sup> day of February, 1889:

*Louis R. Le Clear*

*John A. [Signature]  
Notary Public  
N.Y.C.*



0694

COURT OF GENERAL SESSIONS.

----- x  
The People &c.,

against

Philip Ohl.  
----- x

City and County of New York, ss:

AUGUST PETERS being duly sworn, says: I am a Dentist, and do business at No. 58 Second Avenue, N. Y. City. I have known Philip Ohl for the past five years as a young man well liked everywhere for his steady habits. His character and his reputation for truth and veracity has been very good.

Sworn to before me this :  
29<sup>th</sup> day of February, 1889:

*for use of the  
Shoemaker & Co.  
N.Y.C.*

*(D. August L. Peters)*

0695

County of General  
Serious

The People to  
Pet.

against  
Philip the  
Wright

Affidavits

0696

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Philip Ohl

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

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

The said

Philip Ohl

late of the City of New York, in the County of New York aforesaid, on the twenty fifth  
day of January in the year of our Lord one thousand eight hundred and  
eighty-nine, at the City and County aforesaid, with force and arms,

twelve wraps of the value,  
of three dollars each

of the goods, chattels and personal property of one

William H. Riley

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.

0697

SECOND COUNT—

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

Philip Ohl

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Philip Ohl

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,

*twelve wraps of the value  
of three dollars each*

of the goods, chattels and personal property of one

William H. Riley

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

William H. Riley

unlawfully and unjustly, did feloniously receive and have; the said

Philip Ohl

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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.

JOHN R. FELLOWS,

District Attorney.

0698

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

O'Keefe, Cornelius

**DATE:**

03/20/89



3271



0699

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

Downey, Thomas

**DATE:**

03/20/89



3271

0700

Witnesses:

157.

Thomas J. Hower Jr.

Counsel,

Filed

20 day of March 1889

Pleads,

Not guilty - 21

THE PEOPLE

Assault in the Second Degree  
(Resisting Arrest.)  
(Section 218, Penal Code).

19 2nd day of March 1889

Connelius O'Keefe

and

Thomas Downey

JOHN R. FELLOWS,

District Attorney.

Part III April 5/89 -  
No. 1.

Pleads Guilty

A True BILL

G.P. H. of ed.

Chas. H. Scott Foreman.

Part IV April 2/89

Part III April 16/89 -  
No. 2, tried and acquitted

April 2/89 Min. Dept. (No 2)

Report of - Lakeview 1889

0701

Police Court— 5 District.CITY AND COUNTY } ss.  
OF NEW YORK,

of No. The 27<sup>th</sup> Precinct Lawrence Seng  
 occupation Police Officer Street, aged years,  
 on the 12<sup>th</sup> day of March being duly sworn, deposes and says, that  
 1889 at the City of New York,  
 in the County of New York,

he was violently ASSAULTED and BEATEN by Cornelius O'Keefe and  
Thomas A. Downey (both now here), said  
O'Keefe having struck deponent with a large stone  
 on deponent's head thereby severely cutting deponent and  
 said Downey having seized deponent and prevented  
 him from defending himself deponent being in uniform  
 and having a badge in his custody at the time  
 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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this 3day of April 1889Lawrence Seng  
Police Justice

0702

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Thomas A. Downey* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h* *is* right to  
make a statement in relation to the charge against *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 *h* *is* waiver cannot be used  
against *him* on the trial.

Question. What is your name?

Answer. *Thomas A. Downey*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *W.*

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

Answer. *nowhere*

Question. What is your business or profession?

Answer. *Printer*

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*  
*Thomas A. Downey*

Taken before me this

day of

1899

Police Justice.

0703

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Cornelius O'Keefe* 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.

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.

*Cornelius O'Keefe*  
*mark*

Taken before me this

day of

1884

Police Justice.



0704

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

Five 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 Jan 13 1889 J. J. White 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.

0705

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court

382 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Lawrence Knight

Horatio O'Keefe

Thomas A. Downey

3.....

4.....

Dated March 13 1889

White Magistrate.

Scrip Officer.

Precinct.

Witnesses Hugh Moffat

549 Street.

No. ....

Street.

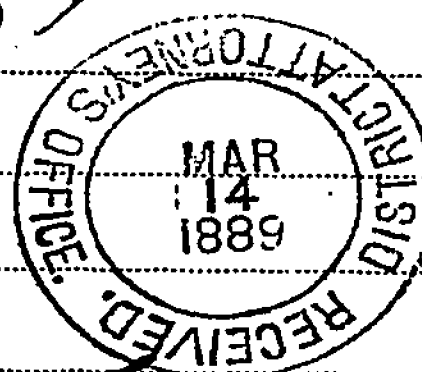
No. ....

Street.

\$ 500 to answer

6-8

Ans



Bill ordered  
Chas. H. Scott  
Prothon

Office  
Warrant. 2 days  
Selling

0706

Police Department of the City of New York,

Precinct No. ....

New York, ..... 188

Character of Con O. Keefe

March 13<sup>th</sup> 1887

he assaulted Edward Doyle of 419 E  
76<sup>th</sup> Street held in \$500. Bail

January 5<sup>th</sup> 1888

Drunk and Disorderly 10 Days

July 14<sup>th</sup> 1888

assaulted Mary J. Purigwal of 317 E 74<sup>th</sup> St.  
held in \$500. Bail

Sept 18<sup>th</sup> 1888

Drunk and Disorderly 10 Days

Sept- 29<sup>th</sup> 1888

Assaulted Police Officer James Foley  
93<sup>rd</sup> Sub Prec



0708

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Randolph O'Keefe*  
and *Thomas Dawney*

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

*Randolph O'Keefe and Thomas Dawney*

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

The said *Randolph O'Keefe and*

*Thomas Dawney, both*

late of the City of New York, in the County of New York aforesaid, on the *12th*  
day of *March*, in the year of our Lord one thousand eight hundred and  
eighty ~~nine~~ at the City and County aforesaid, with force and arms, feloniously made  
an assault in and upon one *Lawrence Seiff*.

then and there being a *police man* of the Municipal Police of the City of  
New York, and as such *police man* being then and there engaged in the lawful  
*apprehension* of a *man whose name*  
*is to the Grand Jury aforesaid*  
*as yet unknown*

and the said *Randolph O'Keefe and*  
*Thomas Dawney*  
him, the said *Lawrence Seiff*.

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent  
then and there and thereby to prevent and resist the lawful *apprehension*  
of *the said man* as aforesaid,  
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.

JOHN R. FELLOWS,  
District Attorney.



0709

**BOX:**

347

**FOLDER:**

3271

**DESCRIPTION:**

O'Reilly, Patrick F.

**DATE:**

03/29/89



3271

0710

Selling on Sunday.

Counsel

Filed

day of

1889

Pleads

THE PEOPLE,

vs.

B

Bartick D. O'Rilly

F

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), Page 1983, Sec. 21 and  
Page 1989, Sec. 6.]

JOHN R. FELLOWS,

District Attorney.

Received from D.A.

A True Bill  
June 27/93

Chas. Scott Foreman.

F

L. J. J. 26/93

Part 2 Sep 13. 1893

Charles Scott Foreman

WITNESSES:

Walsh

The complainant  
in this case is  
Officer Walsh got  
arrested - He tells  
me that on March  
3-89 - He went in  
the saloon 22 N. 1st -  
and dropped as a  
civilian - There was  
no money drinking  
in the saloon - The  
officer asked for a drink  
and was refused to  
be tempted. Then the  
officer arrested him  
more - I think this  
indictment should be  
dismissed G. H.  
June 17/93 A.D.A.

0711

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Patrick J. O'Reilly* 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.

*Patrick J. O'Reilly*

Question. How old are you?

Answer.

*24 years of age*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*22 Bedford St. 6 months*

Question. What is your business or profession?

Answer.

*Bar-tender*

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer.

*I am not guilty. I demand a trial by jury.*

*Patrick J. O'Reilly*

Taken before me this

day of *March*

188

*John J. Sullivan*

Police Justice.

0712

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 One Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated March 4 188 J. M. Patterson Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated March 4 188 J. M. Patterson 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.

0713

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Walsh  
vs.  
Patrick J. O'Reilly

2

3

4

Dated

March 4<sup>th</sup>

1889

Patterson

Magistrate.

Walsh

Officer.

9

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

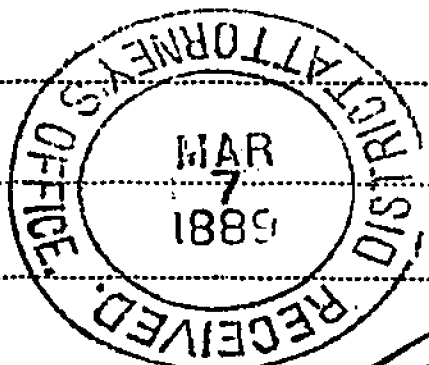
\$

100.

to answer

G. S.

Baird





0714

Excise Violation—Selling on Sunday.

POLICE COURT— 2 DISTRICT.

City and County } ss.  
of New York,

Henry Walsh  
of No. 9<sup>th</sup> Precinct Police Street,  
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 3<sup>rd</sup> day  
of March 1889, in the City of New York, in the County of New York, at  
premises No. 22 Bedford Street,  
Patrick J. O'Reilly (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN A WAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Patrick J. O'Reilly  
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 4<sup>th</sup> day

of March 1889.

John Patten Police Justice.

Henry Walsh

0715

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Patrick A. O'Reilly*

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

*Patrick A. O'Reilly*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Patrick A. O'Reilly*

late of the City of New York, in the County of New York aforesaid, on the *third* day of *March* in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

*Henry Walsh*  
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.

SECOND COUNT—

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

*Patrick A. O'Reilly*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Patrick A. O'Reilly*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

**JOHN R. FELLOWS,**

District Attorney.