

02 12

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Brien, John

**DATE:**

04/24/89



3304

POOR QUALITY  
ORIGINAL

0213

WITNESSES:

*Geo Morgan*

Counsel,

Filed *24* day of *April* 188*9*

Pleads *Citizenship* vs

THE PEOPLE,

vs.

*B*

*John O'Brien*

*1772 Bar*

VIOLETION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1889, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*A. M. Murphy*  
Foreman.

*779 Sept 30 / 89*

*4/14*



02 14

**CORRECTION**

02 15

**BOX:**

351

**FOLDER:**

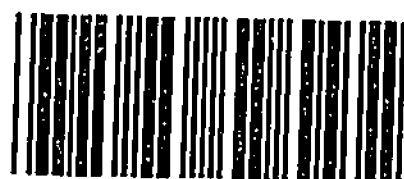
3304

**DESCRIPTION:**

O'Brien, John

**DATE:**

04/24/89



3304



POOR QUALITY  
ORIGINAL

0216

WITNESSES:

*Geo Morgan*

Counsel,

Filed 24 day of April 1889

Pleads *Chattel* 25

THE PEOPLE,

vs.

*B*  
*John O'Brien*

VIOLETION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and  
page 1989, Sec. 5.]

*472 Bar*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*A. Murphy*  
Foreman.

*779*  
*Sept 30 / 89*  
*414*

POOR QUALITY  
ORIGINAL

0217

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT,

City and County } ss.  
of New York,

of No. The 274 Police Precinct Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 10 day  
of March 188 9 in the City of New York, in the County of New York,

at premises No. 177 2<sup>d</sup> Avenue Street,

John O'Brien (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY 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 John O'Brien  
may be arrested and dealt with according to law.

Sworn to before me, this 11 day of March 188 9 James Morgan

A. J. White Police Justice.



POOR QUALITY  
ORIGINAL

0218

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

District Police Court.

*John 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. *John O'Brien*

Question. How old are you?

Answer. *30*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *1509 2<sup>d</sup> Ave. N.Y. 18 years*

Question. What is your business or profession?

Answer. *Leisure*

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

Answer. *I am not guilty and if he  
demands a trial by jury*  
*John O'Brien*

Taken before me this

day of

188

Police Justice

POOR QUALITY  
ORIGINAL

0219

BAILED,  
No. 1, by John O'Brien  
Residence 319, E 93 Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John O'Brien  
Office Violation of Excise Law

Police Court--- District 392

Dated Mar 11 1889  
Magistrate McDonald  
Officer McDonald  
Precinct 17

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

No. 1111 Street.  
to answer John O'Brien

RECEIVED.  
MAR 14 1889  
DISTRICT ATTORNEY'S OFFICE

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Mar 11 1889 A. J. White Police Justice.

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

Dated Mar 11 1889 A. J. White 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.



POOR QUALITY  
ORIGINAL

0220

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

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

The said

*John O'Brien*  
late of the City of New York, in the County of New York aforesaid, on the  
*fourth* 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

*James Monaghan*  
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  
*John O'Brien*  
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

*John O'Brien*  
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.

0221

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Brien, Patrick

**DATE:**

04/17/89



3304



WITNESSES:

*Geo. D. Zappin*

Counsel,

Filed *17* day of *April* 188*9*

Pleads *Not guilty in*

THE PEOPLE,

vs.

*B*  
*Patrick O'Brien*

**VIOLATION OF EXCISE LAW**  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1089, Sec. 5.]

Sent to the Court of Special  
Sessions for trial, by request  
of Counsel for Defendant.

*4987 av*

JOHN R. FELLOWS,

*Latent & Biometric*  
Attorney.

**A True Bill.**

*C. M. W.*

Foreman.

*Part 2 of fine is at all*

*request W.D.*

*W.D.*

**POOR QUALITY  
ORIGINAL**

0222

POOR QUALITY  
ORIGINAL

0223

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 O'Brien

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

The said

Patrick O'Brien

late of the City of New York, in the County of New York aforesaid, on the  
Seventeenth 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

John F. Tappin  
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 O'Brien  
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 O'Brien

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.



0224

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Brien, Thomas

**DATE:**

04/24/89



3304

POOR QUALITY  
ORIGINAL

0225

Counsel,

Filed, 24 day of April 1889

Pleas, *Admitted*

THE PEOPLE,

vs.

*Thomas O'Brien*

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
[111 Rev. Stat. (7th Edition), Page 1980, Sec. 2.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Rec'd & Exec'd*  
*J. H. [illegible]*

*[illegible signature]*  
80

Witnessed:

*[illegible signature]*



POOR QUALITY  
ORIGINAL

0226

Counsel,

Filed, 24 day of April 1889  
Pleads, *Intervent*

THE PEOPLE,

vs.

*Thomas O'Brien*

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday)  
[III Rev. Stat. (7th Edition), Page 1889, Sec. 2.]

*19 Chatham St.*

JOHN R. FELLOWS.

*for Reading April 26*  
District Attorney

A True Bill.

*Part 2 June 10 - at*  
*Wm. H. H. H. H. H.*

Completed sent to the Clerkman  
of Special Sessions

*May 8 1889*  
*401*

POOR QUALITY  
ORIGINAL

0227

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 O'Brien*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Thomas O'Brien*

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

*Thomas O'Brien*

late of the City of New York, in the County of New York aforesaid, on the  
*twentieth* day of *January* in the year of our Lord one  
thousand eight hundred and eighty-*nine*, 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 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.*



0228

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Brien, William

**DATE:**

04/09/89



3304

0229

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Brien, William

**DATE:**

04/09/89



3304



POOR QUALITY  
ORIGINAL

0230

Witnesses:

*Nellie Howard*  
*Lizzie Howard*  
*John Doyle*

Counsel,  
Filed *9* day of *April* 188*9*  
Pleads, *Not guilty*

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

THE PEOPLE  
vs. *P*

*William O'Brien*

*H. D*

JOHN R. FELLOWS,  
*April 16/89* District Attorney.

*Charge found July*  
*J.P. 3 yrs. P.M.*  
**A TRUE BILL.**

*C. M. Kirby*  
Foreman.  
*April 17/89*

*April 16*  
*G.S.A.*

# *103*

POOR QUALITY  
ORIGINAL

0231

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, H DISTRICT.

of No. 4 Walter F. Gray  
occupation Police Officer Street, aged 31 years,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188-  
at the City of New York, in the County of New York,

(nowhere) is a material and important  
witness in a criminal action pro-  
secuted by the people of the State of  
New York against William O'Brien  
charged upon Complaint of John Howard  
with felonious assault. Dependent has  
reason to believe that said Coyle will  
not appear as a witness to prosecute  
said Complaint and prays that he be  
committed to the House of Detention  
Walter F. Gray

Sworn to before me, this

of

188

day

Police Justice,



POOR QUALITY  
ORIGINAL

0232

Police Court-- 14 District.

THE PEOPLE, & c.

ON THE COMPLAINT OF

Walter G. Gray

vs.

Thos Doyle

AFFIDAVIT.

Dated

April 5 188 7

James Magistrate.

Gray Officer.

Witness,

Disposition,

\$100 bail to appear  
as a witness in the Court  
to the house of detention.

POOR QUALITY  
ORIGINAL

0233

Police Court—11 District.

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

of No. 1129 East 73 Street, aged 18 years,  
occupation Tobacco Stripper being duly sworn  
deposes and says, that on 5 day of April 1889 at the City of New  
York, in the County of New York, Thomas Coyle

he was violently and feloniously ASSAULTED and ~~BEATEN~~ by William O'Brien

(now here) who aimed at and  
discharged the contents of four  
barrels of a revolving pistol  
at the body of said Coyle.

That said Coyle and O'Brien  
came to deponent's house at about  
1<sup>30</sup> O'clock A.M. of a predate  
in company with each other and  
were both intoxicated, that  
while in said premises a dispute  
arose between said Coyle and O'Brien  
and a fight ensued and immediately  
thereafter said assault was  
committed by said O'Brien.

~~Coyle's wife~~  
with the felonious intent to take the life of said Coyle or to do him grievous bodily harm; and without  
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 5 day  
of April 1889 } Kellie Howard

and Carr Police Justice.



POOR QUALITY  
ORIGINAL

0234

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

*William 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I have nothing to say  
at present. And I demand  
an examination*

*Wm O'Brien*

*Evidence of Complainant witness -*

*Coyles wife was in our room  
waiting for him when Coyle and O'Brien  
came in. We had repeatedly warned  
O'Brien not to come into that  
place. They quarrelled - O'Brien  
drew the revolver and fired 2  
shots from the <sup>front room</sup> door at Coyle in the  
kitchen, then he got into the fire  
Escape and fired 2 shots again  
at ~~him~~ Coyle - and went down by  
the fire Escape into the yard of  
these premises.*

Taken before me this  
day of *April* 188*9*

Police Justice.

POOR QUALITY  
ORIGINAL

0235

Evidence of Thomas Coyle.

The defendant and myself  
were "armed" together last  
night. and had several  
drinks. We went together  
to the room of W. Howard  
where his wife lives. and  
my wife was waiting for  
me. We had some words  
when the defendant ~~stated~~  
~~he~~ pointed & fired a loaded  
revolver at me; ~~two~~ <sup>two</sup> shots  
striking me in the forehead and  
bruising the skin thereon, and  
one striking me in the right  
leg. near the skin.

Sworn to before me  
this 5 day of April 1884  
at New York  
J. H. [Signature]  
[Signature]

Thomas Coyle



POOR QUALITY  
ORIGINAL

0235

1000 4.9.20  
arr. Apr 6.

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court-- 522  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John A. Stewart  
vs. John A. Stewart  
Mag. 17304

1  
2  
3  
4  
Offence Assault  
felony

Dated Apr 5 1889

James Magistrate.

Gray Officer.

25 Precinct.

Witnesses John A. Stewart

No. 1717 Quincy Street.

Henry Streich

No. 1127 Streich Street.

James A. Stewart

No. 1880 Streich Street.

James A. Stewart

James A. Stewart

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Apr 5 1889 James A. Stewart 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.

POOR QUALITY  
ORIGINAL

0237

The People  
vs.  
William O'Brien.

Court of General Sessions, Part I.  
Before Judge Martine.

April 16, 1889.

Indictment for assault in the first degree.

Thomas Coyle sworn and examined.

I am a married man, on the night of the 5th of April I met William O'Brien, I met him in the afternoon between 57th Street and First Avenue, I know him about six years, I went with him from half past twelve on April 5th until one o'clock in the morning of the 6th, we were enjoying ourselves drinking and on a lark together; we brought up at half past one in Nellie Howard's room; when we went in his wife and my wife were there, it was No. 427 East 73rd Street, Mrs. Howard's two daughters were there; both of us were more drunk than sober, we had been drinking beer all the time, I guess about thirty or thirty-five glasses a piece during the twelve hours. When we came up my wife had a lamp in her hand, Mrs. Howard lived on the top floor, I said to her, "was I long away?" There was no response to that, O'Brien said nothing then, we went into the room, the kitchen, and there is a bed-room and front room also communicating by doors; it is a double tenement house. O'Brien's wife was kind of mad at him I suppose, being out so late. I says, "Minnie (that is his wife's first name) here is Billy, I brought him home to you." She looked at him and passed some remark which I cannot remember. Billy seen that she was mad. I said to O'Brien's wife, "go for him", through fooling. The Defendant said "no you wont." There was a loaf of bread on the table, I says, "will I peg the loaf of bread at her?"



**POOR QUALITY  
ORIGINAL**

0238

She had the baby in her arms and I said, "will I peg it at the baby"? and he says no. Then I laughed and laid the bread down, and he was standing between the front room door and the kitchen door, I started to go into the front room and it seems that he got mad then, O'Brien and I clinched there and while I was in the hold I hit him twice with my head, bucked him in the face, he put his hand down in his pocket and pulled out the pistol, he took the pistol out from his pantaloons pocket, I says to him, "what are you doing, going down after that pistol?" Then there was a shot went off, I saw the pistol in his right hand, I could not tell where it was aimed at, it may have been aimed for me only to frighten me, it glanced to my forehead the right side. Both of us were clinched when I said, "what are you going down after that pistol for? Then right after that the hold was let go and I ran towards the bed-room and I was about eight or ten feet away from him when I received the shot, he was down in a crouching position but I do not know how he got in that position, I did not knock him down or throw him down when I left him; he followed me in towards the room. He did not continue to follow after he fired, I was in towards the bed-room and he had the pistol in his hand and I was in the other room; there are a few glasses there and I caught a glass when I could and would fire at him; when he fired at me I was in the bed-room, after he fired he stood there and I took the glass and fired it at him, I cannot say how many times he fired before I threw the tumbler, he fired four shots altogether, as soon as I put my head out of the door I fired a glass and as soon as I threw a glass he fired again, I

**POOR QUALITY  
ORIGINAL**

0239

do not know whether I hit him or not; the second shot struck me, just grazed me in the forehead, I did not know I was hit at all only once on the finger. So far as I am able to say I do not know whether those balls that were discharged from that pistol struck me. When he fired the second shot he was in a crouching position. He ran towards the window and then there were two shots fired, one after the other, he was on the window-sill getting out, I was in the kitchen nearest to the bed-room door, about seventeen or eighteen feet from him, one of those shots grazed my finger; then he went down the fire-escape into the yard and I stayed there, I did not see him in the yard, it was dark, he disappeared, I did not go after him but remained in the room. There was two marks on my forehead, but I will not swear they were made by the bullets, I felt a little stinging pain the next day and for two or three days afterwards, there was a little skin off my forehead, I noticed there was blood on my hand after the pistol was fired but there was none before. After he fired I threw a pocket knife at him, I had the knife in my pocket, I don't know whether I pulled it out or not I was so excited, I threw two glasses right in succession, I was afraid to go out and I fired the knife, I meant to defend myself; when I threw the penknife at him he was in the room where he fired the shots, then he went to the windowsill and fired two other shots. The next time I saw the Defendant was in the 57th Street Court, the officer came in the morning to the house and took me out of the room, I made no complaint but the officer did. I have had a conversation with the Defendant since this



POOR QUALITY  
ORIGINAL

0240

occurred, I met him in the court-room in the morning and I said to him I did not want to press the charge against him, I says, "I know you were drunk and if you were sober you would not do it." He says, "all right Tom." Then I says, "you could get put away five years for it"; so he says "yes, I could get as high as ten." I said I would not go against him and did not want to press the charge against him. My finger was wounded but I cannot say whether the wound was made with the revolver or with the glass I had in my hand. I don't know whether the bullet struck the glass but the glass broke and I saw blood on my finger.

Cross Examined. I knew he had this pistol. When he put his hand behind his pocket I knew he was going for the pistol, I ran toward the bed-room, I turned my back and did not see the pistol in his hand that time, when I first saw the pistol he was in the front room, I did not see his face bleeding then, I do not know that he told me to let him alone, he did not tell me to get away from him, he was going toward the fire escape, I turned around because I knew he would pull the pistol out. The bed-room door was open when I ran towards it, I closed the door and then I opened it again. There were no glasses pegged until the shots were fired; there was one shot fired towards the bed-room door, as I opened the door and put my head out, the shot came, my hand was not out at that time, I saw the pistol in his hand, I don't know that he was dodging at that time, he dodged I suppose when I fired the glass but I do not know whether he did or not, he was down on his knee like aiming, I pulled out

**POOR QUALITY  
ORIGINAL**

0241

my head for a second and the shot came. I am positive I was not near the stove before the second shot was fired, I do not remember falling down at any time, I do not remember throwing a loaf of bread; the defendant's wife was not in bed at the time, I do not remember whether the baby was in bed or not, I cannot remember what language I used to O'Brien when we clinched. I was never in the State Prison or the Penitentiary for a felonious assault, I was thirty days in the City Prison for alleged assault in a case of mistaken identity. I believe Mrs. O'Brien was in the front room sitting on the bed when I picked up the loaf of bread.

Nellie Howard sworn and examined.

I live 427 East 73rd Street, my room is on the third story, I remember being there about half past one o'clock on the morning of April 5th. Mrs. Coyle, the wife of the previous witness was there also my mother and I and Mr. O'Brien's wife and my other sister but she did not see any of it. William O'Brien and Tommy Coyle came in to our room at half past one Friday morning, they were tight and when Mrs. Coyle heard them coming up the stairs she took a light and went to the kitchen door to let them in, I was in the bed-room and they were in the front room, I could not see them but could hear them, I know them sufficiently well to distinguish Coyle's voice from O'Brien's. I have known Coyle about five years and O'Brien three or four. Tom Coyle picked the bread off the table and asked O'Brien which would he hit first, his son or his wife, I heard Willie O'Brien say, "don't get funny now"; then



**POOR QUALITY  
ORIGINAL**

0242

the next I heard was the noise of scuffling, I ran out of the bed-room into the front room and when I went in I seen Willie O'Brien trying to get his hand into his back pocket and Tommy Coyle had him under the chin with his hand; they were both clinched at the time; when he had his hand trying to get it into the back pocket Tommy Coyle bucked Willie O'Brien in the mouth with his head. Tommy Coyle asked him what he was trying to do, was he trying to pull the bang on him. So I yelled for Tommy Coyle to leave go of him, he did let go of him, O'Brien pulled out the pistol and it did not go off the first shot. Coyle ran into the bed-room and O'Brien pulled the pistol out and fired, I heard the pistol snap but it did not go off, I am sure O'Brien was standing up at that time, Tommy ran into the bed-room and O'Brien ran after him; they were both clinched in the bed-room and Tommy Coyle got loose and then ran out again. I guess the Defendant was about eight feet from Coyle when the pistol was snapped. When they went into the bed-room I could not see that they were clinched but I heard the noise. Coyle came out of the back room and O'Brien came after him into the front room and when he went to fire again Tommy Coyle went to the kitchen. O'Brien was standing about the middle of the floor in the front room and Coyle was up by the window, then Tommy Coyle turned around and ran out again to the kitchen door and as soon as he did O'Brien fired the second shot and Coyle fell as soon as he did, I don't know where it struck him, there was a mark on Coyle's forehead after, but I saw no blood at that time. I halloed, "O you have killed him." He says, "if I have not killed him I will

**POOR QUALITY  
ORIGINAL**

0243

finish him", firing another shot at him on the floor; that was the second shot that went off, the first was a snap, he was on the floor when the second shot was fired, I do not think that shot took effect; as soon as Tom heard him pass some remarks he jumped up; he stood close to the front room door when he fired the shot, he was three or four feet away from him and was stooping down, O'Brien stood like that over him (illustrating) and fired a shot at him with his pistol in his hand. What then happened after that shot, where he stopped over him as you describe? Tom Coyle jumped off the floor, there was a shelf over where he was knocked down and he fired a mug or something at him, I did not see what it was, he fired two articles at him, a bottle and a mug. Then what happened when he threw that mug? O'Brien jumped up and fired, the mug did not strike him, O'Brien dodged the mug, I am not sure whether it was a mug or a bottle hit the window and broke it. O'Brien jumped out on the fire escape and I went out with him, I got out ahead of him when I seen the mug and the bottle getting fired, I stood on the fire escape, he fired two shots on the fire-escape and Coyle ran into the front room and threw out a plate, I saw O'Brien go down the fire-escape. The time he was firing those shots from the window did he say anything? No, he did not say anything and he did not say anything as he went down the fire-escape. I was there when the officers came, O'Brien got down in the yard and he said, "Tom, come down, the fire-escape is under you; he wanted to get him down in the yard, Coyle was then at the window; the policeman came up then. I am sixteen years old and am a tobacco



POOR QUALITY  
ORIGINAL

0244

stripper, I work in the factory of Louis Froman, 77th St between Third and Lexington Avenues. I heard altogether four shots and the one that did not go off, the Defendant was on the fire-escape when I heard the last two shots fired; it is a very small fire-escape, the balcony runs across the two windows. The bottle which he threw was one of Ayer's Sarsaparilla or Wood's, the bottle did not break for I picked it up, the mug was a stone china one and it did not break.

Cross Examined.

I saw no knife at

all; Mrs. Howard is my mother, I was in bed when they came in and the door was open, Mrs. Coyle was lying down on the bed waiting for her husband to come in, my mother and sister were waiting for Coyle to come in, O'Brien's wife was lying down in the front room and her baby was with her, O'Brien did not live there but his wife boarded with us. I went into the front room as soon as I heard the fighting; at the time I saw the clinching O'Brien's wife was in the front room in bed, I saw Coyle have the bread, he and O'Brien went into the room where O'Brien's wife was, Coyle did not go in there alone, I am positive O'Brien and Coyle went into the front room together, I heard Coyle say, "who will I hit first Billy, your wife or your child", he said "don't get funny now. The clinching took place a few minutes after they went into the room, I did not see the commencement of the clinching but I heard the disturbance, I heard the struggling and got up, O'Brien's wife sat on the side of the bed and when she heard the first shot fired she got out of the bed-room window, she picked the baby up that was lying on the bed

**POOR QUALITY  
ORIGINAL**

0245

I was in the middle of the floor at that time and was not a foot away from O'Brien and Coyle. I did not hear them call names to each other and did not hear them use any dirty or bad language but O'Brien came back and told him, "come out and I will plant you"; it was after the policeman went away. Coyle was running to the kitchen door when O'Brien snapped the pistol, I was looking at both of them, both were facing me, Coyle got about five feet away before I heard the snap of the pistol, O'Brien ran after him into the bed-room; when Tommy Coyle went into the bed-room there was nobody there but my sister's baby, after O'Brien got in the room the door was shut, they were in about eight or ten minutes before the door was open, I heard them scuffling in there, I think Coyle was the first to come out, he had nothing in his hand, I was in the kitchen, I believe Mrs. Coyle was in there too. When I heard the first shot Coyle fell on his back but he did not roll over, I was standing right alongside of O'Brien, I did not run around with him, I stood one side to get away from them, I was afraid of the pistol, I was standing in the kitchen when they run out of the bed-room into the front room and as soon as they got in I walked in after them. My sister was trying to get the baby out of the bed-room, she did not see the firing, Mrs. Coyle staid in the rooms all the time, she was in the room when the pistol was snapped, Coyle was in the kitchen when he fired the mug. There was no beer drank in that house that night. I lived before this in 72nd Street and also in 59th Street near the Boulevard.



**POOR QUALITY  
ORIGINAL**

0246

Henry Kirchmer sworn.

I live 427 East 73rd Street, I was in Mrs. Howard's room after the racket commenced, I heard the first noise about half past one I guess, I heard the ringing of bells and I got out of bed, I am the janitor of the house, I afterwards heard shots and went out; I heard three in all, I did not see who fired them, I ran upstairs to the top floor and young Howard ran down to get the police, I went into the apartments and the ladies were on the fire-escapes, I afterwards saw Coyle and O'Brien, two policemen came and they could not find O'Brien, Coyle told them he was shot.

Walter F. Bray sworn.

I am an officer of the 25th precinct and saw the prisoner on the morning of the 6th of April, a Roundsman went up with me to the house, we were told that some shots were fired by the prisoner O'Brien, Coyle was in the bed-room sitting down, he had a mark on his forehead, he said he did not know whether it was a bullet struck him or whether it was a fall he got. He said, "never mind, Bray, I don't want him arrested", we searched the rooms for O'Brien and while we were searching Coyle went home with his wife. I arrested O'Brien afterwards, Coyle had been drinking that night. A complaint was made against O'Brien, that he fired four shots.

The Defendant pleaded guilty to assault in the second degree.

POOR QUALITY  
ORIGINAL

0247

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Testimony in case of  
Wm. O'Brien

filed  
April 1889

30



POOR QUALITY  
ORIGINAL

0248

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'Brien*

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

*William O'Brien*

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

The said

*William O'Brien*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *April*, in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon the body of one *Thomas Boyle* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Thomas Boyle* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *William O'Brien* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *him* the said *Thomas Boyle* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

*William O'Brien*

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

The said

*William 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, in and upon the body of the said *Thomas Boyle* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Thomas Boyle* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *William O'Brien* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

0249

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

Ockas, Paul

**DATE:**

04/18/89



3304



POOR QUALITY  
ORIGINAL

0250

Counsel,  
Filed 17 day of April 1889  
Pleads, *Not guilty*

THE PEOPLE  
vs.  
*Paul Dekker*  
MURDER IN THE FIRST DEGREE.  
(Section 183, Penal Code.)

JOHN R. FELLOWS,  
District Attorney.  
*Filed May 24/89*  
*Sealed & connected Manual 2d of*  
*Sealed & connected Manual 2d of*  
*Sealed & connected Manual 2d of*  
A True Bill.

*[Signature]*  
Foreman.

# 306

Witnesses:  
*Albert Cook*  
*Wm. Schumaker*  
*Albert Holman*  
*Alfred Holman*

*Wm. Leonard*  
*326 E 116 St*

*Wm. John S. May*  
*17 E 127 St*

POOR QUALITY  
ORIGINAL

0251

Dear Parents. I am very sorry, but I can not help it, and only through drink and through chance. I do not want to be imprisoned, I will be released because I am innocent, but rather than to be kept in prison it is better I make an end of my life. I am an unhappy man and remain such, the best would be if I die; because I know when I drink a couple of glasses of beer it makes me crazy. Inclosed I send \$10 and do what ever you like with the other, if you do not get the money it is not my fault and I bid you Adieu for the last time. I would like to have my photograph taken. I know that I am innocent and that I should be released, in case I have to remain in prison a couple of months, I should rather die, else if I drink some it makes me only crazy. As true as I am writing this letter I am innocent. Dear parents with salutations from your son Paul Cokis. 40 dol. I had 20 of which I spent in drinks. I think you will a letter get from my friend Frank. I think also he will send you newspapers to let you know how it happened.



0252

[illegible]



0253

P.B.

[illegible]



POOR QUALITY  
ORIGINAL

0254

#326 E. 116<sup>th</sup> St. N. Y. May 8<sup>th</sup> 1889.  
Hon. John R. Fellows,  
District Attorney.

Dear Sir. —

At your request  
I have examined into the mental con-  
dition of Paul Achan at the City  
Prison charged with murder.  
After a careful examination it is  
my opinion that he is not insane.

Yours very respectfully,

J. L. Leonard. M. D.

POOR QUALITY  
ORIGINAL

0255

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

May 9<sup>th</sup> 1887

At the request of the District Attorney  
I have inquired into the Mental  
Condition of Paul Ochoa, now confined  
in the City Prison. He is now sound  
in mind and able to understand all  
questions put to him, providing he  
understands the language.  
He is able to make a proper defense.  
I believe he was of sound mind  
when he committed the act for  
which he is on trial. His memory  
of the act is as good as  
one would expect it to be, know-  
ing he had been drinking. I  
will write a more complete  
report and bring it with me  
tomorrow morning. I have made  
two careful examinations of  
the prisoner.

Sincerely yours  
J. E. McGuire

To Hon. John R. Hellows.



POOR QUALITY  
ORIGINAL

0256

# STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of Coroners Office  
No. 69 Park Row Street in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 14<sup>th</sup> day of February  
in the year of our Lord one thousand eight hundred and Eighty seven before

Ferdinand Levy Coroner,  
of the City and County aforesaid, on view of the Body of Theodore Wahl  
lying dead at

Eight good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Theodore Wahl came to his death, do  
upon their Oaths and Affirmations, say: That the said Theodore Wahl  
came to his death by

Penetrating pistol shot wound of the  
abdomen, inflicted by a pistol in the  
hands of Paul Ockas, at 187 Seventh  
Street, January 22<sup>nd</sup> 1887.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition  
set our hands and seals, on the day and place aforesaid.

### JURORS.

John M. Müller	11	1st Ave.	Richard Bragg	72	First St.
John Parrotte	26	First Ave.	Frederick Thorne	17	First St.
Edward Gerber	18	1 <sup>st</sup> Ave.			
Henry Gachley			157	6th Avenue	Street
Simon Meyers			8	First Ave.	
Otto Weiss			17	First Ave.	

Ferdinand Levy  
CORONER, I. S.

POOR QUALITY  
ORIGINAL

0257

CORONER'S Office.

TESTIMONY.

Officer Patrick Brennan, 13<sup>th</sup> Precinct  
being sworn says: On January 22<sup>nd</sup>  
1889. I was informed by a person  
that there was a man shot in a  
Carpenter shop at 187 Seventh Street  
(rear). I went there & was inform-  
ed a man had been shot & had  
left with the man who had shot him.  
I learned he had been taken to the  
Hospital at 66 St Marks Place.  
I went there but could not see  
the man as an operation was  
being performed on him at the  
time. I was informed that  
Paul Oakes had shot himself  
on Jan'y 23. He was taken to the  
Presbyterian Hospital & I went  
there & through an interpreter  
the prisoner admitted shooting the  
deceased Theodore Stahl.

Patrick Brennan

Taken before me

this 1<sup>st</sup> day of Feb'y 1889

Fredman & Levy CORONER.



POOR QUALITY  
ORIGINAL

0258

CORONER'S Office.

TESTIMONY.

Jacob Frank being duly sworn says  
I live at 185 Seventh Street.

I was coming from my house & went  
into the Carpenter Shop of William Schwobbe  
<sup>187 - Seventh Street</sup> Deceased & Paul Ocker  
had couple pints of beer - Deceased  
said that fellow meaning Ocker  
has a revolver in his pocket  
Deceased then said it is not loaded  
myself & two others Mr Schwobbe &  
Hoekengos said shoot it off against  
the wall. Deceased shot the re-  
volver off - after Ocker ~~and de-~~  
ceased bet a half of a dollar  
that the revolver was not loaded.  
After deceased gave the revolver  
to Ocker <sup>who</sup> ~~he~~ said I'll bet again it is  
~~not~~ loaded. Ocker took the revolver  
Ocker put his hand in the ~~re-~~  
~~his pocket, took out~~  
~~revolver~~ & put a cartridge in  
the revolver - Ocker held the re-  
volver directly in front of de-  
ceased & fired - Deceased held his  
hands on his stomach & exclaim-  
ed O my God I am shot - Mr Schwobbe  
then ordered Ocker out of the shop  
& told him to get an am-  
bulance. Ocker took de-

Taken before me

this

day of

188

CORONER.

POOR QUALITY  
ORIGINAL

0259

Coroner's Office.

TESTIMONY.

Called out of the shop.  
Jacob Frank

Taken before me

this 14<sup>th</sup> day of February 1889

Frederick H. Levy CORONER.



POOR QUALITY  
ORIGINAL

0260

TESTIMONY.

William Jenkins M. D., being duly sworn, says:  
I have made an Autopsy of the body of  
Theodore Wahl now lying dead at  
66 Marks Place and from such Autopsy & Examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is *Armed penetrating pistol shot of abdomen*  
*wound of abdomen, liver intestines, & right kidney*  
*beginning general peritonitis, Shock.*

(C.B.)  
we  
2789

Wm Jenkins, M.D.

M. D.

Sworn to before me,

this 23<sup>rd</sup> day of January 1889

Frederick B. B. CORONER.

POOR QUALITY  
ORIGINAL

0261

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
35	Years	Months	Days	Germany	66 St Marks St
					July 23 <sup>rd</sup> 1889

July 23<sup>rd</sup> 1889 - 7:30 pm  
at Westminster Hospital  
66 St Marks St.  
Ferdinand Levy at  
corner of White St. right  
hand -  
Ferdinand

July 1<sup>st</sup> 1889  
F. L.

Sp. 277

John Brown.

1889

AN INQUISTION

On the VIEW of the BODY of

Charles Hall

whereby it is found that he came to  
his death by

Ferdinand Levy, Coroner.

Inquest taken on the day  
of 1889 before

277



POOR QUALITY  
ORIGINAL

0262

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

Paul Ackas being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—Paul Ackas

Question—How old are you?

Answer—28 years

Question—Where were you born?

Answer—Germany

Question—Where do you live?

Answer—400 East 82<sup>nd</sup> Street

Question—What is your occupation?

Answer—Cigar maker

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

No.  
Paul Ackas.

Taken before me this 14<sup>th</sup> day of February 1889

Ferdinand Levy CORONER.

POOR QUALITY  
ORIGINAL

0263

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
<i>35</i> Years. — Months. — Days.	<i>Germany</i>	<i>66 Monroe Place</i>	<i>Jan'y 23<sup>rd</sup> 1889</i>

*Latimer, 297- 1889*  
HOMICIDE.

*296 296*  
AN INQUISITION  
*89*

On the VIEW of the BODY of

*Theodore Wahl*

whereby it is found that he came to  
his Death by the hands of

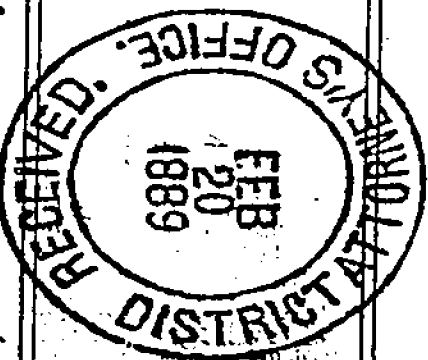
*Paul Dallas*

Inquest taken on the *14<sup>th</sup>* day  
of *February* 1889

before

*Arthur and Lucy*  
Coroner.

Committed  
Bailed  
Discharged



Date of death

*#306*



POOR QUALITY  
ORIGINAL

0264

Carl Cokas.  
Cementfabrik. L. Schottlander  
Oberschlesien  
Lippstadt P. B.  
Germany

Carl Cokas  
Cementfabrik. L. Schottlander  
Oberschlesien. Lippstadt  
P. B. Germany

POOR QUALITY  
ORIGINAL

0265

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN ANTE-MORTEM INQUISITION,

Taken at *Logan & Verrens Hospital*  
No. *66 M Marks Place* Street, in the *17* Ward of the City of  
New York, in the County of New York, this *22* day of *January*  
in the year of our Lord one thousand eight hundred and *89* before  
*Louis W. Schultze* Coroner,  
of the City and County aforesaid, on view of the Body of *Theodore Wahl*

at  
*66 M Marks Place* Upon the Oaths and Affirmations of  
*Eip* good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
*Theodore Wahl* was injured, do  
upon their Oaths and Affirmations, say: That the said *Theodore Wahl*  
came to his injuries consisting  
of a pistol shot wound of the  
abdomen from a pistol in the hands  
of a man unknown to the jury  
on January 22<sup>nd</sup> 1889 at 2<sup>nd</sup> M

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,  
set our hands and seals, on the day and place aforesaid.

JURORS.

*Emile Pecunia M*  
*Gertrude Kerner M*  
*John H. H. M*  
*Deleams 120 Nassau St*  
*John F. Davis 319 E 85*  
*Samuel R. Parker*

*Louis W. Schultze*

CORONER, E. S.



0266

Statement of Theodor Wahl now lying  
dangerously wounded at 66 Du Marks Place in the 17<sup>th</sup> Ward  
of said City and County, on the 22<sup>nd</sup> day of Jan 1889

*Answer -*

Theodor Wahl

*Question*—Where do you live?

*Answer—*

194 ~~745~~ Allen

*Question*—Do you now believe that you are about to die?

*Answer—*

I am not able to answer  
 these questions

*Question*—Have you any hope of recovery from the effects of the injury you have received?

*Answer—*

~~be~~ I think I will see

*Question*—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

*Answer—*

I was going to Y<sup>ork</sup> with a  
friend. In a carpenter shop at  
Y<sup>ork</sup>. near Ann St. I met a  
stranger. The proprietor of the car-  
penter shop is William Schwabach.  
The stranger drew a pistol  
+ was trying to shoot Shucroff in  
the arm by way of unexpected approach.  
The man who was shooting  
he was accidentally shot in the  
abdomen. ~~He then collapsed~~  
~~after his arrival.~~

I was shot accidentally  
blame no person for the injury  
Eveline Wahl

POOR QUALITY  
ORIGINAL

0267

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND
35 Years Months Days	Bermany	66 St Marks Place Logist General Hospital

264 12/23/89  
Ante-mortem Inquisition

On the VIEW of the BODY of

Charles Stahl

whereby it is found that he was

injured by a pistol shot

from a pistol in

the hands of a

man who was unknown

to the jury

Staken on the 23 day

of June 1889

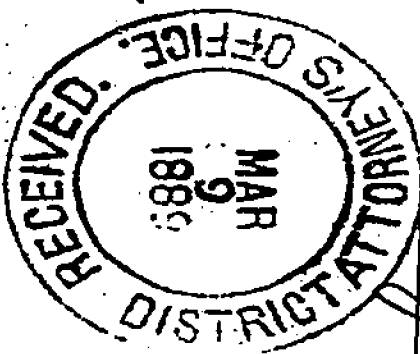
before

James M. Deady, Coroner.

Committed

Obtained

Discharged



264



Court of General Sessions.

The People  
vs.  
Paul Ockas

Charge:

Homicide:

in having on the 22<sup>d</sup> of January, 1889, at 18<sup>th</sup> Seventh Street reflected a pistol shot wound upon Theodore Wahl, on which said Wahl died on the 23<sup>d</sup> of January, 1889.

Patrick Brennan, Detective, 18<sup>th</sup> precinct. On the 22<sup>d</sup> of January, 1889, at about half past two o'clock in the afternoon, when on my way to dinner, I was informed by an officer of the precinct, that in the carpenter shop in No. 18<sup>th</sup> Seventh Street a man had been shot. I hurried to the said premises, but found the said carpenter shop closed, and was informed that the defendant had taken the de-

POOR QUALITY  
ORIGINAL

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~~deceased~~  
~~deceased~~ to the Dodge Hospital in  
No. 66 W. Market Place. On my  
way to said hospital I learnt  
that an officer of the 14th precinct  
had arrested Albert Hackenberg  
as <sup>in suspicion of having done the shooting</sup> and William Chrochely. We  
took these two men to the  
said hospital to have them  
confronted with the deceased.  
On reaching the hospital we were  
informed, that the deceased  
could not be seen, as an ope-  
ration was just being perform-  
ed upon him, and I took the  
two men back to the Station  
House, where they were discharg-  
ed. I also learnt that the defendant  
had not delivered the deceased  
at the hospital. We looked for him  
all of said day and of the follow-  
ing night, but could not find  
him. On the next day, at about  
half past two o'clock in the  
afternoon we heard that a  
man had shot himself in  
East 80th Street, near Second Ave.  
We inquired at the Presbyterian  
Hospital for said man, and



POOR QUALITY  
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we received an affirmative answer. A doctor brought us to the bedside of the defendant. We asked him, whether he had shot the deceased, and he admitted that he had done it, but that he did not know what he had done it for; that it must have been an accident, as he had been drunk at the time & had been drinking for a whole week. Thereupon we placed him under arrest. We reported the case at the 27th precinct Station House and from there obtained a pistol which had been taken from the defendant, and also a letter ~~written by~~ <sup>from</sup> the defendant to his parents in Germany, in which he informed them that he intended to commit suicide because he had shot a man. This letter is in our possession. In the hospital the defendant denied having known the deceased previous to the shooting. The officer who accompanied

me in working up the case was William J. McCormick.

William J. McCormick

Detective, 19th precinct. I worked up the case against the defendant <sup>with detective McCormick</sup> ~~her~~ and corroborate everything he has stated in regard to the search for the defendant.

Jacob Frank, 185 Duane St., Bricklayer. On the 22<sup>d</sup> of January, 1889, between ten and twelve o'clock in the forenoon I was at the carpenter shop of William Schwabbe, to pass the time. When I came to the place, the deceased and the defendant were there already. The deceased got two pints of beer and treated all those present ~~with~~ with a drink. The company kept on a conversation, but I did not take part in it. About a quarter of an hour after I had entered the shop, the deceased remarked that the defendant had a re-



POOR QUALITY  
ORIGINAL

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revolver in his pocket, which he had bought in the Bowery on the same morning. The deceased then demanded to see the revolver. The defendant passed the revolver to the deceased, saying: Look out, it is loaded. The deceased examined the revolver, looking into its chambers, and then said to the defendant: I bet <sup>fifty cents</sup> you it is not loaded. ~~There~~ The bet was accepted, and each of them placed a half a dollar piece on the carpenter's bench. Mr. Schwabbe, his workman, Albert Hockenjos, and myself, said to the deceased, that he should fire the revolver off against the wall. He endeavored to do it, but the revolver proved to be unloaded. Schwabbe and myself examined the revolver and found every chamber empty. The deceased handed the revolver back to the defendant, put the stake into his pocket and laughed. He ~~de~~ walked against the door. The

POOR QUALITY  
ORIGINAL

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defendant put his hand into his <sup>left hand side</sup> ~~back~~ pocket and then at the revolver. After a little while, he said to the deceased: "Curse on, will you bet again, I show you whether it is loaded or not." In saying this, he raised the revolver against the deceased and fired it off. The ball took effect in the stomach of the deceased, who kept his hands at his abdomen and said: "My God, I am shot!" Mr. Schwabe thereupon ordered the defendant to take the deceased to a hospital, and both left the carpenter shop. I had not known either of the persons to that time. Both were somewhat under the influence of liquor, but they well knew what they did.

Wilhelm Schwabe, 137 Seventh Street, Carpenter. On the 22<sup>d</sup> of January, 1889, at about twenty minutes to one o'clock P.M., my workman, Albert Hocken-



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Joe, called me from dinner to my shop, saying that two men wanted <sup>to have</sup> something done. I found the deceased and the defendant in the shop. The deceased, whom I had known for five years, he belonging to the same lodge with me, said that the defendant wanted two strips. I went at once to work to fill the order. The two men got two pints of beer and treated me and my workman with a glass of beer. While <sup>was</sup> at work, the deceased said to the defendant, he should take out his revolver. I did not hear the conversation in reference to the bet they made, nor did I see the deceased try the revolver. When I furnished the said strips, the deceased said to the defendant; Come now, let us go. The deceased went to the door, and the defendant said: I will now first show to you that it is loaded, meaning the revolver. In the same moment I heard a shot fired. The deceased

POOR QUALITY  
ORIGINAL

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said: I am shot! ~~holding~~<sup>pressing</sup> his hands  
against his abdomen. I did not  
see the revolver in the hands of  
the defendant. I told the defend-  
ant that, as he had shot the  
deceased, he should bring him  
to the hospital or the station house.  
The defendant supported the de-  
ceased and took him from  
my shop. I have not seen them  
put any money upon my  
counter. My attention was oc-  
cupied by my work. I saw the  
corpse of the deceased in the Dodge  
Hospital and followed the hearse  
to the ferry.

Albert Hokenjos, 187 Fourth  
Avenue, a carpenter. I am  
the workman referred to in  
Mr. Schwabell and Mr. Frank  
Waterman's. I can corroborate  
the deposition of Mr. Schwabell  
and, <sup>can</sup> state in addition, that I  
heard the deceased say to the de-  
fendant that his revolver  
was not loaded, and that  
he would bet 50¢ thereon.



POOR QUALITY  
ORIGINAL

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saw two 50¢ pieces lying on the  
carpenter's bench. I was standing  
at my bench, when I heard the  
fatal shot fired. The deceased,  
in the same moment fell <sup>against</sup>  
the door, pressing his two hands  
against his stomach. I did  
not see the revolver in the hands  
of the defendant. Before the shot  
was fired, the defendant said  
to the deceased: I will show  
you yet that it is loaded. The  
demeanor of the two men did  
not show any symptoms of  
intoxication. They did not look  
as if they had been on a spree.

POOR QUALITY  
ORIGINAL

0277

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs,

*Paul Dekas*

*Indemnity*

BRIEF OF FACTS.

For the District Attorney.

Dated *April 1* 188*9*  
*Edward G. Mason*

Deputy Assistant.



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The People  
vs.  
Paul Ockas.

{ Court of General Sessions, Part II.  
Before Judge Martine.

Tuesday, May 21, 1889.

Indictment for murder in the first degree.

Jacob Frank sworn and examined.

I live 185 Seventh Street and am a bricklayer, I know the carpenter shop of William Schwaebel, it is in the place where I live, I have known Schwaebel about a year and a half; on the 22nd of January 1889, I was in his shop, I went in about eleven o'clock in the forenoon, I was about half an hour in there doing nothing, I was not working at the time, I was sick; I saw Paul Ockas in that shop, he was in there before I went in the shop, Mr. Schwaebel and his workman and the dead man were in there; the Defendant was talking with these men, I talked with nobody. I did not know Wohl the dead man before that time. What was the first thing that you saw the Defendant and the deceased do? Wohl treats to a pint of beer and I drank a glass of it, Wohl paid for it and I think he went out for it, I don't remember who went to the beer saloon and got the beer but I remember it was brought into the shop and all of us, the five men, drank it. We had two pints of beer and when the two pints of beer was out Wohl says he buys a revolver this morning in the Bowery, he said it in German, and paid ten dollars for it, Wohl said to the Defendant, "show me your revolver; he gave it to Wohl and said, "look out if it is loaded"; he took the revolver out of his hip pocket of his pantaloons in the right hand side. Wohl said he would bet fifty cents it was not loaded and he; the Defendant; bet fifty cents the other

POOR QUALITY  
ORIGINAL

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way, that it was loaded. Me, Schwaebel and the other man we say, "look out", we don't like that"; we all said the same thing, "fire it up against the wall." They both took fifty cents out of their pocket and laid the fifty cents on the bench. When he bet first off he put the hand in his pocket to get the fifty cents and laid it on the bench; the Defendant handed the pistol to Wohl; we three together said, "fire it over to the wall and find out if it is loaded or not." Wohl pulled the trigger, I heard it snap as many times as there were barrels in it. I examined it, I see if he fired it off, he showed it, I looked in and it was not loaded. (The pistol was handed to the witness.) He, ~~the defendant~~ held it like that (illustrating) and fired it against the wall. I do not understand, I never had one in my hand before, I heard it snap about five or six times; after that I looked in the chambers. Then <sup>(Wohl)</sup> he held the revolver to <sup>(witness meaning showed it to him)</sup> him, I did not understand the thing, and he turned this (pointing to the cylinder) round, he said, "look through", and he looked through. Wohl put the dollar in his pocket and handed the pistol back to the Defendant. After Wohl gave the defendant the revolver back <sup>(the defendant)</sup> he inserted his hand in his left side pocket, I cannot tell what he did to the revolver, I was behind him, I only saw that he was handling the revolver. (The witness took the revolver and illustrated what he saw the defendant do, by putting his hand in his pocket, then taking it out and putting the hand on the revolver, on the chamber.) He still held the revolver in his right hand, Wohl walked away towards the door, he was not looking at the defendant at that



**POOR QUALITY  
ORIGINAL**

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time; the Defendant then said, "now you bet again." Wohl was about twelve or fifteen feet away from him at the time; then he, the Defendant said, "come over and bet again, I will show you if it is loaded or not", he had the pistol pointed at Wohl at the time he said that and at the same time the pistol went off, he fired. After that Mr. Schwaebel say, "now you see what you are doing with your revolver, get out quick." Wohl say nothing but "O God, I am shot." Schwaebel said to the Defendant, "now you get an ambulance and bring him to the hospital;" he took Wohl on his arm and then went out of the shop, I never saw Wohl after that, I saw the Defendant after he was arrested in the Police Court, I did not know Wohl before that day. The revolver now shown me is like the revolver I saw in the shop, it is about the same size.

Cross Examined. The shop is about forty feet long and about twenty feet wide on the front and in the rear about one or two feet; there is a lager beer place in front and in the rear five houses, tenement houses five story high, the carpenter shop is the last of the five houses; you get from the street into the carpenter shop through the hallway of 185. When Wohl and the defendant were betting they were standing in the front of the shop inside. We all stood near the middle of the shop. Wohl said to the defendant before the revolver was taken out, "I will bet you fifty cents that the revolver is not loaded." When was it that the statement about the bet was made, before or after the defendant gave the revolver to Wohl? After he gave it.

**POOR QUALITY  
ORIGINAL**

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I do not know who first made the proposition to bet, I heard Wohl say, "I will bet you fifty cents that revolver is not loaded," I heard him say that, he had the revolver in his hand then; the Defendant then said he would bet him fifty cents that it was loaded; he lay a half dollar on the bench and Wohl lay a half dollar on the bench, Wohl took the revolver and snapped it against the wall, he pointed it upwards, I don't know how many times he snapped it, about five or six times, Wohl said to him, "look through the holes" and he turned around the chambers"; he gave the revolver back to him, took the dollar and put it in his pocket and walked to the door, about twelve or fifteen feet. Wohl was about three feet away from the door at the time the shot was fired, the Defendant was facing the door, he had his back turned to me, I was about three feet behind him, Wohl gave him back the revolver and he held it in his hand, he placed his left hand in his left pocket, I did not run around and take the revolver from him. When you saw him placing the cartridge in the revolver, why didn't you stop him? I did not know, I did not think of such a thing, what he wanted to do that, I did not know what he wanted to do, I saw that he put his hand in his pocket and took his hand out and put it to the revolver, I could not see from where I was what he did with that revolver.

By the Court. Q. Did Ockas say to Wohl, "I will bet you half a dollar it is loaded now" he said that, did he? No, he said, "I will bet it is loaded now, I will show it to you." Wohl was standing with his back to the door, he could not see what the Defendant was doing. When the Defendant spoke Wohl turned around, he was facing the



**POOR QUALITY  
ORIGINAL**

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defendant; the defendant said, "I will you bet you half a dollar it is loaded now, come back and I will show you if it is loaded or not", and he fired right away. Was anything said at that time about half a dollar or another bet? No, no.

By Counsel. Did he say he would bet him at all? "If you bet again I will show you it is loaded." When the defendant said that what did Wohl say? Nothing, he shoot him right away. He said only "O God, I am shot", and he put both hands here. (Witness pointing to the abdomen.) When the shot was fired they were about twelve or fifteen feet apart. After the shot was fired Wohl did not go back to where the Defendant was standing, he stood still and the Defendant walked towards him and then they linked arms and walked out. I did not hear Wohl say anything to the Defendant after that. The boss and the workman are here in Court; nobody spoke about the shooting after the shot was fired to me, I was sober that day; both the deceased and the defendant were half full, Wohl was not a carpenter, Ockas and Wohl came in together; while I was there I did not see Wohl handle any carpenter's tools, the boss was working on a piece of moulding, I did not see the boss hand the defendant any woodwork, I was in the carpenter shop about half an hour but I am only guessing as to the time, I was in there a quarter of an hour before the shot was fired and I was there half an hour altogether. I said I never saw such a fool, he shoot a man for four shillings, I know no friends of Wohl's and had no conversation with them.

POOR QUALITY  
ORIGINAL

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Albert Hockenjos, *Swiss and*

examined.

I work for Mr. Schwaebel in 185 East 7th Street, I was in the shop on the 22nd of January last, I saw the defendant in that shop that day, I never saw him before, he came in between twelve and one, Wohl came in with him, Mr. Frank came in afterwards, I was in the shop alone, Schwaebel was upstairs, Wohl spoke first, he ordered two strips to raise up his table, he said he was a cigar maker, I saw Wohl about three or four times before this when he came in the shop, when Wohl spoke to me about the strips I called Schwaebel down and he talked in German with the Defendant; he made the strips and they commenced talking about this and that thing so many words of nonsense, I work six feet further back in the shop, nobody else came in. They talked about this revolver, Wohl said that the Defendant bought a revolver, the Defendant said yes and showed the revolver, I saw it when he pulled the revolver out of his pocket, out of his inside overcoat pocket, I can't remember exactly what he did say and they come to betting fifty cents each. Wohl took the revolver in his hand and said to the Defendant, "the revolver is not loaded." They commenced talking further, I did not listen exactly to them but as much as I understood Mr. Wohl said, "I will bet you fifty cents the revolver is not loaded, it is unloaded"; the defendant bet the same money against the half dollar. Wohl took the revolver and held it up, I looked at him, I seen him very well having the revolver in his hand and fired it off against the wall, I cannot recollect how many times he fired it but I think three or four times.



**POOR QUALITY  
ORIGINAL**

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When you say he fired it off do you mean to say that he fired shot out of it? No. I heard no report, I heard the snap very well, you could only hear the quick snap. Then afterwards they commenced talking again and Wohl says to me, "you can get a pint of beer." I said, "it is not necessary to get a pint of beer, it is too cold." He says, "go and get a pint of beer anyway"; I got the pint of beer and after I came in they were talking about the second bet, and so they handed the beer around, I got a glass of it, one pint of beer for five men and so they bet again. Then the Defendant took the revolver and said, "I will show you now it is loaded." So he had the revolver and Wohl stood two or three feet I guess from him with the backside against our shop door. I worked always steady ahead, I did not think that man and the others would commence such fooling things and all at once I heard a shot, Wohl stepped half a foot and held his both arms against his stomach, "my God, I am shot." After that Schwaebel came and said, "you had better fetch that man an ambulance or get him in the hospital or I will get an officer and get you both arrested, I don't want to get in trouble", and I said so myself and they both went out together; he took him along in the hospital; the Defendant put his arm under him, just as a lady and gentleman walks out arm in arm; they walked out quietly together; I heard no conversation, I do not recollect anything that either of them said; we closed the door behind them, Schwaebel and I stayed in the shop, Mr. Frank left the shop right away. I saw the revolver in the Defendant's hand at the time Wohl was shot, I turned

**POOR QUALITY  
ORIGINAL**

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around, I seen he had the revolver in his hand just in a regular position to fire; they were standing face to face, Wohl's back side was pretty close onto the door, about a foot or maybe fifteen or sixteen inches from the door; both stood not further than three feet. I saw Wohl afterward in St. Mark's Hospital lying in his bed about four or five o'clock in the evening of the day of the shooting.

Cross Examined.

At the time the shot was fired how far was Ockas from the door of the shop? About twelve to fourteen feet from the door, that was his position. Now you did not see Ockas point the revolver at Wohl did you, before he shot? The shot was going off, I seen him hold his revolver.

By the Court. You saw him pointing it after the shot had gone off

Yes. But you did not see it after? No, because I turned my back side.

By Counsel. Q. when the shot was fired you turned right around?

Certainly, sure. Just as quick as you heard the shot?

Certainly, and I seen him standing there with the revolver in his hand yet; they were standing face to face.

Then you say they were about three feet apart? Three feet apart, not further. Were you behind the Defendant's back? Certainly, behind his back, back side to back side about twelve feet from him. I had my back to him when I was working. When you turned around did Ockas have his back to you? No, he turned right around against me, I spoke to him and told him, "if you want to do such nonsense, don't do it in our shop, we are bothered enough without that." Ockas says we all should keep quiet and



**POOR QUALITY  
ORIGINAL**

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he will make everything right. I faced him when he fired the shot, I told him to hold that man and not let him drop. And then Ockas had his back to you, didn't he? No, he turned around himself and looked whether we seen the firing or not, but I did not see the firing, I walked toward him. He had his revolver in his right hand and he had his hand stretched out like that. (Illustrating straight out.) He was standing there about three or four minutes, I did not try to move his hand to pull it down, he had the revolver in his hand, he could not move very far with his arm or hand because I stood and Schwaebel stood alongside of him; none of us got hold of him, he put the pistol back again in his left overcoat pocket. I saw him take the pistol out of his pocket, I guess it was the left side overcoat pocket, he put it back in the same pocket from which I had seen him take it. This happened between twelve and one o'clock. I cannot tell you what became of the two half dollars that were on the bench. I got two pints of beer, once the defendant paid for it and once Wohl paid, as much as I recollect.

By Counsel: You remember that the defendant ordered a strip made to raise his bench on which he made cigars, is that right? Yes. Mr. Wohl helped to explain the shape of the article which he, the defendant, wanted. And it was after they stated what was needed that Mr. Wohl told you and others that Ockas bought a revolver on the Bowery and paid ten dollars for it? Yes, I heard Wohl ask Ockas to let him see the revolver, Wohl had it in his hand and after he had it in his hand for some time he offered to bet Ockas half a dollar that it was not loaded.

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**POOR QUALITY  
ORIGINAL**

0287

By the Court: How long did he have the revolver in his possession before he made this offer to bet? About two or three seconds, that is all; I was working most of the time. Then you saw Mr. Wohl place half a dollar on that bench and Ockas put up another half dollar? He put up the same. Wohl then took the revolver and snapped it, I cannot tell you the number of times that he snapped it, I could see that it was not loaded, I saw Wohl take the dollar and put it in his pocket and they commenced the other bet again, the second bet was the end of the whole of it. That was the end of the bet for money when Mr Wohl took the dollar but there was another offer to bet by the defendant and Wohl said, "I will bet you a dollar if you want it." Wohl said "I could bet a dollar that it is not loaded." Suppose Frank says that Wohl did not say any such thing, is Frank mistaken or you? One of us must be mistaken. Which one do you think is mistaken, you or Frank? I cannot tell you. You are satisfied that is what you heard? I am satisfied what I believe. After Ockas and Wohl went out did you see Frank follow them out? Frank went right away after them. Did you speak to Frank about the shooting before he went out? No sir. Did he speak to your boss? NO. Did he speak to anyone at all? I did not hear it; if he went over to speak to me I would remember it, I do not recollect him saying anything. Was it not a subject of surprise to you, didn't you talk about the shooting with Schwaebel? No, I wish it never had happened, Schwaebel and I never spoke one word on the subject, I wish this case had been over already. I have been a soldier and have handled



**POOR QUALITY  
ORIGINAL**

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fire-arms, I have been in the war, I guess I have shot many a man, I was shot myself three times. I had never seen Ockas before that day and not since I saw him here. I saw Wohl up in the Hospital when they brought us up with the Sergeant and the detective, I saw him two or three times before the shooting, I was not acquainted with him, I guess Mr. Schwaebel and Wohl belonged to one lodge, Wohl came into his place and brought the notice of the meeting. When I saw Wohl in the hospital he was not dead yet, they just fetched him up on a stretcher a story higher, Coroner Schultz was there. The Coroner asked Wohl, "do you know this man?" He said yes, he knows me and he seen me a couple of times but I did not speak to him. I went to the hospital a second time but did not go upstairs and did not see Wohl. After the shooting when did you again see the defendant Ockas? Since I met him here?

By the Court. Q. Where was the first time you saw him after the shooting, where was he? Over in the Coroner's jury. Did you get a notice to go to the Coroner's office? Yes.

By Counsel: And did you make any statement there? Nothing else but what I said here. Were you examined as a witness? Yes. Were you sworn and did you take an oath? Yes.

Where is that testimony? I was over on the other side of the street in the Coroner's office. You made a statement similar to the one you made here? Yes, what I said here.

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**POOR QUALITY  
ORIGINAL**

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Wilhelm Schwaebel, *sworn and examined*

I have a carpenter shop at 185 Seventh Street, the last witness worked for me, I remember seeing the Defendant in my store that day betweentwelve and one o'clock, I was not there when he came in; when I came into the shop Ockas and Wohl was there, my workman was not there, he just went out for a pint of beer, I live on the third floor upstairs, my workman called me and said somebody wanted some work done and I came down, I never had seen the Defendant before that day, I knew Wohl for six years before that. Wohl said to me, "here is a friend of mine who wants two strips in order to raise his table." The Defendant gave me a description of what he wanted and I made them. My workman brought in the beer and we each had a glass of beer. I heard Wohl say to Ockas, "get your revolver out." At that time Mr. Frank was in the shop. When Wohl said, "get your revolver out", I said, "don't make any nonsense here with a revolver. I gave the strips to Ockas and then Wohl said "let us go"; then Ockas said, "I want to show you first that the revolver is loaded; then I heard the report, I did not see the shooting; then Wohl fell backward against the door and said, "I am shot. Then I said to Ockas, "as you fired the shot, see that you get the man now to the hospital or to the station house." When he said, "I want to show you now that it is loaded, how long after he made that expression was it that you heard the shot? Just as quick as you can say it. I saw Wohl in the hospital I think about four hours after, he was alive at that time, I saw

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**POOR QUALITY  
ORIGINAL**

0290

him twice in the Hospital. I saw the body after death in an undertaker's shop in 6th Street two days afterward, I identified that as the body of Theodore Wohl who was shot in my store in 7th Street on the 22nd of January.

By the Court.Q. Ask him if he heard anything about a bet in any of these conversations? I did not hear that. Ask him if he saw Wohl have the pistol in his hand? I did not see the pistol at all.

Cross Examined. I did not see a pistol at any time in my shop. I went before the Coroner but was not questioned at all. I made a statement before the Grand Jury and to the District Attorney. Frank was present in the shop when the shot was fired, he is an acquaintance of mine. Did you see Mr. Wohl the deceased snap the revolver several times? I did not see a pistol and I did not hear any snapping. Did you tell M R. Wohl and the Defendant that you did not want anything of that sort in your shop? Just at the beginning I said, "don't do any stupid thing here with the pistol." How did you know they had a pistol? Because Wohl said, "get the pistol out." I was working with my back to the men, I heard the report and looked around, the Defendant was standing before Wohl, I did not see the revolver in his hand, when I turned around I saw Ockas with his back toward me and I saw Wohl's face. How far were you from them at that time? About four feet. Wohl was standing at the door further from me than Ockas, I walked toward them when I heard the shot; the man said, "I am shot"; then I left my bench and I said to Ockas, "now you just see to get this man out." I went right up to where they

**POOR QUALITY  
ORIGINAL**

0291

were both standing, I did not see anything then in the hand of Ockas. Were you in such a position that if the Defendant had in his hand extended a revolver that you could have seen it at the time of the firing of the shot? Yes, if he held out his hand I could have seen it. How soon after you heard the shot did you walk towards Ockas and Wohl? One second, I had only to make two paces. As soon as you heard the shot you turned around and walked right over to where they were? Yes sir. And then you did not see a revolver in the hand of Ockas? No sir.

By the Court. You saw no revolver at any time, as I understand it?

I did not see any revolver.

By Counsel. Then Ockas took Wohl's arm and both walked out?

Yes. Did you hear Wohl say anything else but, "Oh, I am shot"? Only, "O God, I am shot", that is all he said. And did he walk out willingly with Ockas? O, willingly he went out. When you first heard anything said about the revolver Wohl spoke? Yes. What did you hear Wohl say? He said, "get your revolver out." Then did Ockas take out the revolver? I do not know that. Then did you hear them bet half a dollar about its being loaded or unloaded? They talked together but I do not know what they were talking about. They did not speak loud enough for you to hear them, is that it? When a man is cutting and planing he cannot hear what other people speak. I do not know of my own knowledge whether the defendant and the deceased bet half a dollar, I did not see any money on the bench.



**POOR QUALITY  
ORIGINAL**

0292

Eliza Kreig sworn and examined.

I am the matron of Association Hospital, 66 St. Marks Place and occupied that position the 22nd of January last. I remember Theodore Wohl coming there suffering from a pistol shot wound between half past two and two o'clock, I saw him when he arrived, I sat by the window and as far as I could see he came alone; when he came in the door he said, "Mrs. Kreig, I am shot"; he addressed me by name for I knew him before, he was brought upstairs in the ward and they called the doctor, the doctor is in Court, he died in the hospital on the 23rd at half past three in the morning, he remained perfectly rational up to the time of his death; I know that he is dead now, I asked Mr. Wohl who shot him.

Emil Neumer sworn and examined.

I am a physician attached to the Association Hospital, 66 St. Marks Place and have been there since it has been started in October, 1886. I am superintendent of the Hospital, I remember the 22nd of January last as the day upon which Wohl was admitted. I was not there when he arrived but I saw him about ten minutes after his arrival about two o'clock, I talked with him at that time and made an examination. I introduced a probe into the opening caused by the bullet entering the abdomen of the patient about an inch and a half below his breast-plate, the end of the sternum, it was to the left side; the direction of the bullet afterward as was shown by the operation, was from the left towards the right and the post-mortem showed that it had buried itself to the right side of the spinal

**POOR QUALITY  
ORIGINAL**

0293

column, it did not go through the body but lodged itself between the two ribs to the right side of the spinal column but perforated the left lobe of the liver in passing through it; it was not plain that it perforated any other organs but it appeared that there was some hemorrhage from the perforation of the stomach but that could not be demonstrated. After I had made a diagnosis of a perforated gun shot wound and the patient telling me that he had been shot, I then sent for the surgeon in charge of the surgical ward and at the same time went to the Station House to notify the sergeant in charge of the fact that there was a murder case in the Hospital and he asked the Coroner to appear and take his ante-mortem statement; the Coroner came about a half an hour after, both Coroner Schultz and Coroner Messmer; there was an inquest and there was a statement taken by Coroner Schultz acting under the assistance of Coroner Messmer. Coroner Schultz began to query the patient and while he was doing that and making out the facts in the case Coroner Messmer appeared; there was a coroner's jury empanelled and I was a member of the jury myself and several other patients of the Hospital and an orderly of the ward, six of them acted and Coroner Schultz presided. Coroner Schultz stated at the time that it was his first ante-mortem statement, that he had to take, it was right after the time that he started off as Coroner. It was stated by me to the Coroner at the inquest as the result of my examination that in all probability the wound was a fatal wound. The patient was operated on at about half past three and he died twelve hours after the operation, at



**POOR QUALITY  
ORIGINAL**

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half past three in the morning of the following day, January 23rd, the operation was performed at half past three in the afternoon on the day of his admission; the operation consisted of opening his abdomen to look for any hemorrhage that might have occurred caused by the perforation of the bullet; it was found that the left lobe of the liver had been perforated but no other serious hemorrhage could be discovered although there was a considerable amount of blood in the abdominal cavity and the patient also had vomited a great deal of blood which made it appear as though there was a perforation of the stomach also; a post-mortem examination was made by the Deputy Coroner, I was not present at it but he made out the death certificate. I heard Coroner Schultz make certain inquiries of the deceased, it was reduced to writing and the deceased signed it.

Cross Examined. . The bullet must have entered somewhat to the left and lodged on the right side alongside the spinal column, the pistol must have been held from left to right, and from upwards to downwards because the bullet as passing downward while going through the body, so that the person shooting was a little bit higher than the person that was shot; the pistol was held in such a direction that the shot was going downward and from left to right. From the appearance of the wound that must have been about the direction. Of course the distance between the two parties would make a difference in the direction of the pistol, the nearer the parties were the more obliquely the pistol was held and the further they were apart, of course the less obliquely, the less

**POOR QUALITY  
ORIGINAL**

0295

slanting it was held. Doctor, if the deceased was facing the defendant at the time the shot was fired and they were about three feet apart, would you have describe as the result of the penetration of that ball, if the revolver had been pointed directly straight at the body if they were facing each other? If it were perfectly level the passage of the ball would have been somewhat a different one. It would have been right through the body? Whether it would have gone entirely through or not it is impossible for me to say. It would have gone obliquely once it struck the bone or knocked it off? No sir, it was the direction of the parties to each other that gave the ball that oblique passage, it did not perforate or strike any bone until it lodged itself alongside the spinal column where it rested. If the party that was shooting happened to hold the pistol somewhat obliquely and the deceased was not exactly standing parallel with him, naturally enough the bullet would have to go through obliquely; if they were exactly face to face of course the bullet would have gone through in a straight direction. If the revolver had been held directly in front of the deceased and fired of course it would have penetrated straight through the body? Yes. Now then, the parties are standing, we will say, face to face and the fact that the shot did not go straight through but obliquely might have been done by the position in which the revolver was held, it would not have to be a change of the position of the body only a change of the position of the revolver? Certainly, only of the revolver.

I should say that the deceased was about five feet



**POOR QUALITY  
ORIGINAL**

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eight or eight and a half, he was rather tall and slender; he had been a patient previously in the Hospital and that is the way I knew him. It was impossible to find anything on his clothing except a little bit of blood, I saw a hole through the clothing; the patient by the time I saw him had vomited blood and that had covered the most of his shirt so that nothing else could be seen than blood on his clothing. He had been in the Hospital the summer previous. I did not make out his death certificate, the Deputy Coroner made the autopsy to determine the exact cause of death, I did not examine the patient post-mortem, I treated him until the time of his death, of course from that treatment and the operation which was performed and his behavior afterwards I have a judgment as to what the cause of his death was; the shot in my judgment was fatal.

Adam Lang sworn and examined.

I am an officer of police connected with the 22nd precinct, I know where the Presbyterian Hospital is situated it is 70th Street and Lexington Avenue. I saw Paul Ockas on the 23rd of January at 400 East 80th Street, it is a tenement house, it was twenty minutes past eleven in the morning, I was on post, a little girl came and told me something and I did not mind the girl at all but somebody else came and spoke to me, a man told me something and in consequence of that I went upstairs in the hall of 400 East 80th Street, three flights of stairs up and on the third landing in the hallway I saw Paul Ockas, the defendant, he was lying down on the floor in the hall.

**POOR QUALITY  
ORIGINAL**

0297

That was about twenty minutes after eleven in the morning I had a talk with him at the time, I asked him what was his name and he said, Paul Ockas; I says, "who shot you". He said, "I did"; I asked him, "why did you do it?" He answered, "I had some trouble with a friend of mine and I shot him"; he then said, "I didnot intend to do it." I said, "who is this friend that you shot", he told me his name but I forget it; I asked him why did he do it and said it was all in a joke. This conversation was in German and I am giving you the English translation of it. At last I asked him "why didn't you surrender yourself yesterday?" He says, "I was going to only for reading it in the morning paper that the man had died. I tried to do away with myself;" He was wounded and bleeding at the time, I believe it was in the right breast, I took him to the Presbyterian Hospital 70th Street and Lexington Ave. I telegraphed for an ambulance and Dr. Ross took him. Before he was taken to the Hospital I searched him and found a letter and pistol on him. I brought the pistol to the Station House, it was loaded at the time, there were only three cartridges in it and the others were empty, there were three full cartridges and two empty shells, I gave the pistol to Sergeant Reed at the desk in the Station House, the pistol was a 32 calibre and I think the cartridges are the same.

Counsel: We admit the cartridge belonged to the revolver and that the revolver belonged to the Defendant. I had no fur

Witness: I had no further talk with the Defendant. I can identify this letter which is in German as the one I found upon the defendant, I believe it was addressed to his brother or



**POOR QUALITY  
ORIGINAL**

0298

somebody in Germany.

Cross Examined. If I said 80th Street it is a mistake, it should be No. 400 East 82nd Street. I found the defendant lying on the third floor of that building, bleeding from a pistol shot wound, he had a pistol in his hand and I took it out of his hand. There is a water-closet on the third floor, his feet were inside the water closet and his head was lying out in the hallway on the floor and he had the pistol this way, toward him. He was perfectly conscious when I talked to him. There were no other people around there where he was lying, they were all inside the rooms, they locked themselves in the room, they were afraid to come out, that is what they told me after they heard the shot fired.

The following is a translation of the letter.

Dear Parents: I am very sorry, but I cannot help it, and only through drink and through chance. I don't want to be in prison, I will be released, because I am innocent but rather than to be kept in prison it is better to make an end of my life. I am an unhappy man and remain such; the best would be if I die; because I know when I drink a couple of glasses of beer it makes me crazy. Enclosed I send ten dollars and do whatever you like with the other; if you do not get the money it is not my fault and I bid you adieu for the last time. I would like to have my photograph taken. I know that I am innocent and that I should be released, in case I have to remain in prison a couple of months, I should rather die, else if I drink some it makes me only crazy. As true as I am writing this letter I am innocent. Dear parents, with salutations from

**POOR QUALITY  
ORIGINAL**

0299

your son, Paul Cokus. 40 Dol. I had 20 of which I spent in drinks. I think you will get a letter yet from my friend Frank, I think also he will send you newspapers to let you know how it happened.

Mr. Fitzgerald: Your Honor, in pursuance of the stipulation of Counsel. the certificate of the doctor who made the autopsy will be read marked Peoples' Exhibit B.

William T. Jenkins, M.D. being duly sworn says:

I have made an autopsy of the body of Theodore Wohl now lying dead at 66 St. Marks Place and from such autopsy and examination and history of the case, as per testimony, I am of opinion the cause of death is homicidal, penetrating pistol shot wound of abdomen - liver, intestines and right kidney beginning the general peritonitis.

Shock. William T. Jenkins, M.D. Sworn to before me this 23rd day of January. Ferdinand Levy, Coroner.

Patrick Brennan sworn and examined.

I am an officer of police attached to the 13th precinct, the premises 185 7th Street are situated in that precinct.

On the 22nd of January I went to the carpenter shop at 185 Seventh Street about twenty-five minutes past two in the afternoon in consequence of something I heard in the Station House. I saw no persons there at that time and then I went up to First Avenue and 5th Street, I saw Sergeant Gallagher there of the 14th precinct and had a talk with him and in consequence of that conversation I went to go to the Hospital 66 St. Marks Place and on the way to the hospital I met an officer with two persons, Schwaebel and Hockenjos, witnesses in this case. I took these two men



**POOR QUALITY  
ORIGINAL**

0300

from the officer and brought them to the hospital myself in St. Marks Place, I did not see the deceased because he was under an operation, I remained there for an hour or so and then left and came down to the Station House, I never saw Wohl at all. I went to a grocery store and made some inquiries and in consequence of information obtained I went to 194 Allen Street and in consequence of information received there I went to 56 First Avenue, I saw Jacob Sillilon who keeps a lager beer saloon and got information from him, I went back to 187 Seventh Street and got information which led me to look up Jacob Frank, I saw Frank and had a conversation with him about half past eight or nine o'clock in the evening and went to Chrystie Street with Officer Woolford, I saw nobody there that knew the defendant; then I came back to the Station House and made my report; that ended my search for it was then two o'clock in the morning. My partner Detective McCormack obtained some information and the next day I saw Ockas about half past two or three o'clock in the afternoon; a dispatch came to the Station House and Detective McCormack and I went up to the Presbyterian Hospital in 76th Street, I saw the Defendant in bed in the hospital under medical treatment, it must have been half past three o'clock. I had a conversation with the Defendant through an interpreter, my partner understands German. He asked the defendant if he had a falling out with a party in 7th Street and he said he did. I subsequently had a conversation with the Defendant when I took him to the Police Court from the Hospital, that was about two or three weeks after the first time that I saw him,

**POOR QUALITY  
ORIGINAL**

0301

he was then restored and able to go around himself, the conversation was in the English language. I asked him why he shot the man; he said, "I was drunk, I was on a drunk for two or three days, I don't know why, it must have been an accident. I asked him how he felt and he said he felt very sore, putting his hand up to the left side.

Mr. Fitzgerald: Your Honor: I would state that in view of the information that I received to-day from the Doctor who was in charge of the ward in the hospital where this deceased was treated and learning for the first time that there had been an ante-mortem inquisition, I sent a subpoena to the Coroner's officer for Dr. Schultz, who I was informed had presided at that inquest. Dr. Schultz is engaged in an inquest at the present time or he would be here in obedience to the mandate of the Court, but he has sent over here the examination reduced to writing. I would state that the declaration does not come within the provisions of the Statute in regard to dying declarations which would make it evidence in Court, because the deceased did not say absolutely that he had no hope of recovery, but in the interests of justice and that the entire truth may be before the Jury, I admit if there is no objection on the part of the Counsel for the Defendant, to offer it and read it in evidence.

The Court: I do not know that it is proper that it should go in.

Counsel: Legally of course it cannot go in. I would not at all object to the admission of this if it was legal evidence but of course if it is not legal evidence, the Court has no power to admit it.



**POOR QUALITY  
ORIGINAL**

0302

Mr. Fitzgerald: It is a statement made by the deceased when it appears from the papers that he had some expectation of recovering.

The Court: It is not in the nature of an ante-mortem statement such as is receivable in evidence. To make it receivable in evidence the deceased must have stated that he believed he was about to die and that he had no hope of recovery. On the contrary, he said he had hope of recovery and he could not say he was going to die. Under those circumstances, the paper is not admissible, I shall not allow it to be read.

Mr. Fitzgerald: I felt bound to call the attention of the Court and Jury to these facts and circumstances, I suppose that is the reason why the Coroner did not send it up here.

William J. McCormack sworn.

I was at the Presbyterian Hospital on the 23rd day of January along with Officer Brennan. I understand some German but I cannot speak it very well. I was present at a conversation had between Officer Brennan and Ockas in relation to the shooting. I heard some of it, I heard the words, "I have shot my friend"; I cannot speak German very well, I would not want it to go in as evidence. When I was taking this man from the Tombs to the Coroner he said in English he felt very bad.

Thursday, May 23, 1889.

The Court: Mr. Kingsley, yesterday the District Attorney offered a dying declaration made by this deceased which was clearly not evidence. If the statement had gone against the Defendant it would be clearly inadmissible. The

**POOR QUALITY  
ORIGINAL**

0303

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statement is a statement favoring the Defendant and I still think it is admissible, but in as much as the District Attorney has offered that statement and you have consented that it may be received, I think the rule where a person is under an accusation of this kind might be relaxed and ought not to be held too strictly and too partially; while as matter of law I have no doubt that the ruling is a correct one, still it was a statement made by the deceased giving his idea at least of this transaction and I am inclined as the District Attorney still offers it and you make no objection, I shall receive it in evidence.

Counsel: I now offer in behalf of the Defendant to consent that the District Attorney present any documentary or oral evidence that he desires having any bearing on this case or having any bearing on what may have been said by the deceased at any time after the shot was fired up to the time of his death.

The Court: Then you may read the dying declaration in evidence.

Mr. Fitzgerald: I would state, your Honor, that when I received this document yesterday I read it and it appeared to me to be just to the Defendant that it should be read to the Jury, I was aware from the nature of the document that it was not strictly speaking legal evidence.

The District Attorney read the paper.

There are two answers one of which has been scratched out, that is, the pen run through it.

The Court: I think the whole document should go to the Jury.

Show them the condition it is in.

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**POOR QUALITY  
ORIGINAL**

0304

John Stadler sworn and examined.

I am a hospital nurse at present at the Presbyterian Hospital , I was employed there last January, I recollect that the Defendant was a patient in that hospital; to the best of my recollection he was suffering from a pistol shot wound, I recollect Officer Brennan coming there, I recollect a conversation that was had between Brennan and the Defendant, I acted as Interpreter, Brennan spoke in English and I translated the Defendant's words in German into English for Officer Brennan; the officer asked in relation to the case, it is so long a time that I hardly recollect anything; I think Brennan asked him if he shot the man, I asked Ockas is he shot the man and he said that he was drinking heavily for several weeks previous to this occurrence and that he did not know what he was doing of late; then I asked him his name and I gave him a pencil and he wrote it on my note book "Ochas." There was more said but it has escaped my memory, I think the whole conversation took about fifteen or twenty minutes. I am a native of Switzerland but speak the German language fluently.

Joe Sterner sworn and examined.

I live in 75th Street now and am a married man living there with my wife and family. I know the defendant over a year or two, something like that, I remember that the Defendant shot himself in my house in 400 East 82nd St. I formerly lived there, he had a room in my house, I recollect the day of the shooting, the evening before that he stayed there all night, he came home the evening of

**POOR QUALITY  
ORIGINAL**

0305

the 22nd about half past nine, I had no conversation with him at that time and nothing occurred during that night, he slept in the house all night, I saw him on the following morning about seven o'clock and had a talk with him, it was in my room; he went out that morning about seven o'clock and got a newspaper and came up and says to me, "here, you see that; that was me what done that"; I say, "what?" He says, "read it." So I did read it and I says, "if that was you, you had better get out of here then." I read the time he shot that man the night before. I says, "if you don't get out I will get you arrested." He says, "all right, I will get out", and he went out and came back in about half an hour; he says, "will you let me write a letter in here?" I says, "Yes , and he wrote a letter and I says, "now the letter is finished and you had better get out or I will get you arrested." So he says, "all right, I will get out", and he went up in the water-closet and shot himself; that was on the floor outside of my room, I heard the report of a pistol, I had not seen a pistol with him before that time; a policeman came and he was lying out there in the hallway; I had no conversation with him then, the policeman sent for an ambulance, I was down stairs, I did not go up that time.

By Counsel. Did not Ockas tell you that he shot a man accidentally? Yes, he says he shot the man but he could not help it.

By the Court: Is that all that you recollect about the shooting of  
28 the man? Yes.



**POOR QUALITY  
ORIGINAL**

0306

Bertha Sterner sworn and examined, testified:

I am the wife of the last witness and lived with him at 400 East 82nd Street in January last; the Defendant lodged with us for about two or three months, I remember the night before the shooting that he came home about half past nine o'clock, I had no conversation with him, we were in bed when he came, I remember the following morning, he got up about seven o'clock, he had a newspaper and he gave it to my husband and said he shall read it; then he said, "it was me but I could not help it"; then he left and returned in about half an hour and asked for permission to write a letter. My husband said, "yes, you may"; and then he wrote a letter and then my husband said, "now you better go away because you will be arrested"; then he said, "all right, I am going", and he left, then he went to the water-closet and then I heard the report of the shot, I did not go in the hallway but quickly shut the door, I had no more conversation with him about the shooting.

Louis W. Schultz sworn and examined.

I am one of the Coroner's of this County, the signature on the paper now shown me is mine, I was the Coroner before whom this ante-mortem inquisition was had. The signature under this writing is Wohl's, I saw him sign it,

I will explain about these two statements. I was called there sometime in the afternoon between three and four, and I found this patient was lying in bed with a pistol shot in the abdomen; the Doctor had been giving hyperdemic injections of whiskey and I told him I came as

**POOR QUALITY  
ORIGINAL**

0307

Coroner to take his ante-mortem statement. That is part of the original that I wrote there. (Pointing to the paper.) Then he fainted off and then he came to; he says, "what I have said before, that don't count; all I can say is this, I was shot accidentally and I blame no person for having shot." That is the reason the upper portion was scratched out and the other portion written underneath. It was the first ante-mortem I had taken, I was Coroner only a short time; and the man again fainted away, I could not get much out of him, he was in a perilous condition, he was a very sick man, he was not confused in his ideas; now and then he would say he had pain and he would speak again. I have scratched out a portion of his statement for the reason already stated. I read it and explained it to him before he signed it, he was getting weaker and the Doctor said it would not be well to talk to him. As matter of fact he made both of these statements; he told me he was shot accidentally and he blames no person for the injury.

By Mr. Fitzgerald: "I was going to 7th Street with a friend" -- that you wrote down I presume as he gave it to you? Yes. "In a carpenter shop, 7th Street Avenue B, I met a stranger"? That is right. "The proprietor of the carpenter shop is William Schwaebel", that is written at his dictation? Yes. "The stranger drew a pistol and was trying to shoot in the air and by mt unexpected approach to the man who was shooting I was accidentally shot"? Yes; he was talking to me in German and I translated, I understand German. "I was accidentally shot in the abdomen", that is dictation? Yes. Now I find something scratched



**POOR QUALITY  
ORIGINAL**

0308

out crossways. "He soon collapsed."

Witness: He was getting weaker and I put that in as a memorandum.

By Mr. Fitzgerald: Then under that written again without any scratching at all is this, "I was shot accidentally and blame no person for the injury." That is the last statement I got from him; then he signed it after that.

Jacob Soehnlein sworn.

My business is wood-turner and in January last I kept a lager beer place at No.56 First Avenue, I knew the deceased Theodore Wohl about six or seven weeks, I saw him on the 22nd of January about ten o'clock in the morning in my place, he came into the saloon alone, I talked with him, I saw the Defendant Paul Ockas that day in my place, he came in about half past nine in the morning, he came in before Wohl, I did not know Ockas before that time, he asked for a glass of beer and gave me five cents and asked me to play a game of cards with him and we had a game of cards and while we were playing Wohl came in and we stopped the game and when we played one game Wohl drank a glass of beer alone, Ockas ordered me to throw dice with him and he asked Wohl to do so and he did, we three had a couple of games, we threw for drinks and cigars, we played for about two hours and nothing occurred during that time that I remember; when we were through I saw Ockas taking a revolver out of his pocket, he looked at it and put a cartridge in it, he took it out of his back pocket and he held it in his hand, he took a cartridge and put it in and he put it back in his pocket

**POOR QUALITY  
ORIGINAL**

0309

again. So Wohl said that he took that cartridge out of it and he wanted to take it out and he could not, he put it back, that is Ockas offered to take it out and he could not get it out. Wohl said he should give him the revolver, he wanted to take the cartridge out, he said no, he would not give it, he took something out of his pocket like a dagger, the inside overcoat pocket and I asked him where he got that, Ockas looked at it and put it back in his pocket again, it was in a box; there was nothing said about the dagger or the revolver more; after that Ockas took his watch and the ring was broke and he was trying to fix it and he gave it to Wohl and he fixed it for him and he hammered it together and he put it in his pocket and then they had another drink and they left the place, Ockas went out first and Wohl left about two minutes after. I did not see them again, I attended the funeral of Wohl; that is all that happened in my place, there was no quarrel or dispute of any kind. There was no remark made when he produced that dagger except I asked him where he got it and he said that he bought it that morning; I did not have the pistol in my hands and did not examine it.

The Case for the Defence.

The Court said that he would withdraw from the consideration of the Jury the count for murder in the first degree and submit the case as one of murder in the second degree or manslaughter in either of its degrees, on the evidence presented, leaving it subject to any other motion either side may see fit to make.

Counsel opened the case for the Defence.



**POOR QUALITY  
ORIGINAL**

03 10

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Paul Ockas sworn and examined in his own behalf: I am a cigar maker and have been in this country five years, I am twenty-eight years old and my father and mother are living in Upper Silesia, Germany. I think I wrote the letter now shown me, I generally with Italian letters but this seems to be in German, I did write this letter. I remember the 22nd of January of this year when I was down in the carpenter shop in 7th Street in this city, I remember I shot a man down there, I met that man in a beer saloon on First Avenue, I don't remember the number, I was drinking a glass of beer; the revolver now shown me looks like mine, I think it is mine, I don't know the store or the street where I bought it, I know where the Bowery is, I think it is the Bowery, I bought the revolver because I wanted to kill myself, I was sick here and here. (Pointing to the head and the throat.) I don't know what produced that sickness, I fell once on my back and nearly broke it and for two years I suffered with pains in my back, I have a habit of shaking that comes from the pain I have in my back where I fell down; the blood from time to time gathers together like a ball in my back and then it opens again, I received a stab once in the back of my head and every year the wound opens, this was about thirteen or fourteen years ago. State to the Court and Jury what took place in the lager beer saloon to the best of your knowledge? I was playing cards at first, I came to drink a glass of beer and asked the beer saloon keeper to play with me, I played one game and then I played dice, I, Theodore Wohl and the proprietor

**POOR QUALITY  
ORIGINAL**

0311

of the saloon were throwing dice. The boss said, "what do you drink?" I say, "I take a cigar, I can't drink beer, I have got a pistol in my pocket and I want to keep sober", I took the pistol out because Theodore Wohl said, "let me see it"; I took it out and showed it to him, I held it when I took it out, I tried to see if the cartridge fit the revolver, it did fit and then I tried to get it out again but I could not get it out; then I put the revolver back in my pocket. Wohl saw me place the cartridge in the revolver, I do not recollect if he told me to take it out, he was standing right close by me, he at the same time showed me how to hold the revolver, I did not know how to handle it; then I put the revolver in my pocket. We remained playing there for some time, throwing dice, I went out of the saloon alone, I went to the corner and was waiting there for a car to go home and Wohl came up there where I stood, he spoke to me first and asked me, "where are you going?" I said, "I am going uptown"; he said, "I am going uptown too"; Wohl said, "I have to go to see a friend, it is only a block away from here, come along with me." I refused and insisted, "I have to go home", but at last I consented and I went along, they call it Wide Garden, the Germans call Tompkins Square the Wide Garden. I did not know where he was going to take me to but when we reached there I saw it was a carpenter shop, I do not recollect the name of the street but it was near Tompkins Square. I had a conversation with the proprietor of the shop, Wohl introduced me to Mr. Schwaebel and he asked me what business I am in and one thing and another and then at last I asked him if



**POOR QUALITY  
ORIGINAL**

03 12

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he would do me a favor and make me a couple of strips? He said yes, I gave him a description of the size of them and he commenced to work at it. The table at which I am making cigars is a little too low and I wanted to have it raised and that is what I had the strips made for. We had some beer there; after I gave the order for the strips we had some conversation about the revolver. Wohl said, "I have a revolver, I shall show the revolver; he said to me I shall show the revolver; then the owner of the shop said, " my dear man, you had better let the revolver be where it is, I don't want to see the revolver." I said to Wohl, "I would not take out the revolver because there is a cartridge in it"; then Schwaebel went on with his work and finished the strips, I treated to a pint of beer and then we finished that pint of beer, I took my strips and intended to go home with them, then Theodore Wohl told me to wait a little, I said I wanted to go home, then Schwaebel arrived, he was away and he brought something and gave it to Wohl, I don't know if it was money or something else; then Wohl sent for a pint of beer again, I think that was the third pint, I paid for two pints. When that pint of beer came he gave me a glass of beer and I refused to drink it, then he took a glass of beer and the others treated to beer; then Wohl asked me to show him the pistol, I said I would not take it out because there is a cartridge in it, that was the second time Wohl asked me to take out the pistol. I said, "something may happen, some misfortune"; then I said, "did you take out the cartridge in the beer saloon?" He said, "that is my own business"; I took the pistol out and

**POOR QUALITY  
ORIGINAL**

0313

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gave it to Theodore Wohl; before I gave him the pistol I gave him fifty cents, Wohl wanted to bet fifty cents that there was no cartridge in it, I said "in the beer saloon I put one in", and he said yes, I will make a bet", and he put down fifty cents and I put down fifty cents; I gave him the pistol then and he shot a couple of times in the air, I don't know how many times he snapped the pistol, he said, "you lost the bet", and he took the money; he gave me the pistol, we were standing close by, I took it in my hand and looked at it, Wohl said, "what are you looking at, there is nothing in it"; I don't know how I held the pistol, Wohl then said, "give it to me and I will show you that there is nothing in it, I said, "I don't know, maybe you took it out in the beer saloon," Wohl said, "there is nothing in it"; I looked to see if the balls were in it, Wohl moved on this side and then on that side and the balls went off and he was shot, I thought that it was not loaded because Wohl tried it several times.

Cross Examined by Mr. Fitzgerald.

I bought that pistol because I wanted to kill myself, I bought the cartridges with the pistol, I never had had a pistol before and I knew nothing about the use of one, I don't know if they talk German or English in the store where I bought it, I bought a whole box of cartridges. When were you going to kill yourself? At any time, if I had the revolver before that time I would have killed myself whenever I feel so bad. Were you feeling bad when you went into the store to buy the revolver? I don't



**POOR QUALITY  
ORIGINAL**

03 14

know where I was the whole night, yes, I was feeling bad, I bought it about six o'clock in the morning, I did not ask anyone how I was to use it, I went around after I bought it and took a glass of beer and later on I did not know what I was doing and I regretted that I bought the revolver. What did you get the dagger for? I intended to shoot and to stab myself because I always said if I ever commit suicide, I will do it in three or four different ways. I went into this lager beer saloon on First Avenue between eight and nine o'clock in the morning, it was after I bought the revolver, I also bought a hat and a rupture truss, You had no intent to take life when you bought the hat and the truss, did you? My ideas one time are one way and another time another, I don't know why I bought the hat; I had no idea of killing myself at the time I bought the hat and the truss, I had the idea many a time of committing suicide. When I entered the lager beer saloon the cartridges were in the box and the box was in the right hand side of my overcoat pocket and the revolver was in the same pocket. I had never been in that saloon before, I remained playing cards with the proprietor until Wohl came in, I had not seen him before that day to my knowledge, we had some beer together and threw dice. I think I was the first one who said when they offered me a drink of beer, "I would rather have a cigar because I have a revolver and I intend to kill myself and I am a little out of my mind", I said that to Theordore Wohl, I think the boss was standing there, we were together sometimes and sometimes the proprietor went away to get beer. What did Wohl or what did the proprietor say when you said that? I know the proprietor

**POOR QUALITY  
ORIGINAL**

03 15

did not say anything and Wohl asked to see the revolver, I gave it to him, he turned around and examined it, then I said, "by Jove, this is the queerest revolver, how will that revolver be loaded, I cannot do anything with it;" then Wohl said, "I don't know how to load this revolver", and then he (Wohl) opened it and showed me how to load it, he opened what he calls the cap, I got hold then and turned around and said, "you have to turn this around to load it. I know how other revolvers are loaded, I never used any revolver, I was shot in Germany once and that is the reason when I see a revolver I always go aside, it was only a pistol with which I was shot, I was nine years old when I was shot in the eye, it was only powder. When I took the revolver out and handed it to Wohl in the saloon Wohl said there was no bullet in it, the bullets were in my overcoat in the pocket, he asked me if I had any cartridges and said, "you can't shoot without cartridges"; I don't know whether the owner of the place was present at that time. Wohl said. "how are you going to shoot yourself without cartridges"? He asked me if I have any and I said yes, I took one cartridge out and showed it to him, I did not take the box out, I don't know exactly who did have the pistol at that time; I did not take the box out, it was only a paper box and it got broke and the cartridges were loose in my pocket. When I took the cartridge out. I looked at it and looked at the revolver, the revolver was open because he showed me before how the revolver is to be loaded and I said, "I think they are too small"; I put the cartridge in to see if they would fit, it did fit, I tried to get it out but could not, then Wohl wanted to



**POOR QUALITY  
ORIGINAL**

0316

take it out and I told him to let it be, I did not give Wohl the pistol after that time, he did not have it in the saloon, I put it in the same pocket, the outside pocket of my overcoat, the same pocket in which I had the loose cartridges, I am sure that the revolver never got into the possession of Wohl whilst I was in the saloon, I and Wohl did not leave the saloon together, I left him behind and started to go home, I was standing on the corner waiting for a car and all at once Wohl came and tapped me on the shoulder; he said, "where are you going?" I said I was going home, that I lived uptown in 82nd St. He told me that he lived in 20th Street, I said, "I cannot go with you, I go by the car." He said that he was going to a friend's only a block away, he asked me to go with him and I went down toward Tompkins Square. We went in, I don't know if it was through a house or through a yard and then we went through a passage and we came into the carpenter shop; he did not tell me what he was going into the carpenter shop for, I told him my business, I know that I asked for the strips inside the carpenter shop, I saw a man there with a red beard, I believe he was the boss and I remember seeing Hockenjos, the workman I spoke with Wohl and the boss about some strips I required to elevate the table, that was the first time I spoke about getting strips to Wohl, we were talking about different things in the carpenter shop. During the time that I was waiting there I saw Jacob Frank the first witness in this case, I only saw two men working, I only talked to the boss and to Wohl and I sent the workman for the beer, that was the first beer that was sent for, I

POOR QUALITY  
ORIGINAL

0317

think there were five of us altogether; that beer was drank, whilst the boss was working at the strips Wohl said that ~~he~~<sup>I</sup> had a revolver, that was before we had the second pint of beer, he said that to the boss, I did not say anything at that time and beer was sent for again before anything was done with the revolver, beer was brought back and drank and when I was about to go Wohl sent for another pint of beer, I had the strips fastened together at that time, Wohl said I shall show him the revolver, I said, "I will not give you the revolver because there is cartridge in it and you know that there is one", Wohl said, "I bet you fifty cents that there is none in it"; I said "I did not take it out or you took it out without my knowing it"; he laughed and said, "that is my business if I take it out or not, I will make you a bet that there is none in it", the bet was made, the money put up; the revolver was in my pocket yet, it had not been taken out of my pocket from the time I left the saloon and when I was in the saloon I saw a bullet in it. And that cartridge was in it when you put it in your pocket? Yes, except that he took it out unexpectedly, that is why I accepted the bet, I bet half a dollar that the cartridge was in it yet and he said, "no, there is nothing in it." I gave him the pistol and told him to be careful, I did not trust this thing, I did not know if he took the cartridge out, I did not want to bet, he forced me to bet. When you took it out of your pocket having bet that the cartridge was in it and having got that answer from him, did you look at the revolver to see whether it was in or out? No, I directly gave him the revolver. Can you give me



**POOR QUALITY  
ORIGINAL**

0318

any reason why you did not look at it? I did not think about it, I trusted the man, I was close to him when I handed him the revolver, about two or three feet from him I do not know if I gave it with the muzzle turned toward him or not, I told him that it was loaded but I did not think that he took it out without my knowing it, I thought the cartridge was out, I did not know that it was a self-cocking pistol, they did not tell me at the store where I bought it that it was a self-cocking pistol. I shot myself with this pistol, I don't know how I held it, I think I took this thing (meaning the cylinder) out, I put in all the bullets, I don't know how many I put in, I don't know whether I was standing or sitting at the time, I only know I commenced to bleed after I was shot, the blood commenced to ooze and I felt cool and then I was sweating and then I thought "how is it you are shooting yourself." I don't know how I snapped the pistol at that time. I don't know how many times Wohl fired the pistol in the carpenter shop, he gave it to me after he fired, I did not show the pistol to Frank, that it was not loaded, I did not actually see Wohl take the dollar off the carpenter's bench, I believed I lost the bet. I said, "it can't be inside yet", then Wohl said, "I will show you exactly that there is nothing in it", I did not know if I had the hammer cocked already or not, he was standing in front of me and I turned around and he jumped after me and at the same time the pistol went off. There was nothing said between Wohl and me during that time, Wohl did not walk towards the door of the carpenter shop and I did not say to him, "I will bet you again", Wohl did not turn around facing me and

**POOR QUALITY  
ORIGINAL**

0319

I did not say to him, "I will show you it is loaded."  
We spoke German, I did not say either before or after the shot went off that I would bet him again that it was loaded. After the shot Wohl and I left the place together, we went in the direction of Tompkins Square, I said to Wohl, "I will go for an ambulance, tell the policeman or go to a drug store." He said, "no, let it be, it is nothing, come on, let us sit here"; then we sat down on a high stoop, he sat down there and I said, "I will go for an ambulance or to look for a doctor here in the neighborhood"; then he said, "it is nothing, go home, be quiet about it." I thought the bullet grazed him only, that he was not shot and so I went, I did not see any blood, he was not very weak, we went arm in arm out of the carpenter shop, he walked very nicely, I left him sitting on the stoop because I thought he wants to keep the thing secret, that he was not shot and that nobody would know it. He did not give me the number of the house where he lived and then I walked away from him. I carried the pistol and the cartridges with me, I don't know what time it was, I think it was about three o'clock in the day time, I went up to 79th Street to see a man with whom I am acquainted named Frank, , another Frank besides the witness Frank in this case. I told him how it happened and I said, "what shall I do?" I will wait till to-morrow morning and then I will read the newspapers and if it is known then I will give myself up and report myself and if not then I know nothing happened." Wohl told me it is nothing, it is only a little. I thought about it, that I will have some trouble about it and that I



**POOR QUALITY  
ORIGINAL**

0320

will be incarcerated, because I always read the newspapers. Frank accompanied me home and told me to go to sleep. I said, "I can't sleep, generally when I drink beer I can't sleep for two or three nights in consequence. I did not drink any beer after the shooting and I think I did not drink any beer with Frank. The next morning I read about Wohl, I read about 7th Street and the carpenter shop. I read that he was shot by an unknown man; there was nothing said in the paper about his death. I put my best clothing on, put on my overcoat and went to the shop and told the foreman that I am not coming any more, I went to a saloon and as much as I know I had three glasses of beer. Why didn't you go down to the Hospital? If I had not drank that beer I would have gone there, but as soon as I drank that beer I was "done"; after I drank the beer I went home, I had the revolver and the cartridges all the time from the day before, the revolver I had but I left the cartridges home, I think I loaded the revolver in my room, I am not sure that I did, I do not know when or where I loaded it, I do not know what time I went to bed the day of the shooting of Wohl but I remember taking the revolver and the cartridges out of my pocket. I found the dagger in my pocket at the same time I found the pistol and the cartridges there and that was the night of the same day that I was in the carpenter shop with Wohl, I did not load my pistol that night, when I intended to go to the hospital it was not loaded yet, I must have loaded it afterward and before I shot myself, I don't know if I slept or not that night. A year ago I woke up in the morning and I had a rope around my neck, it was not very

**POOR QUALITY  
ORIGINAL**

0321

fast around my neck and I did not know how I did it but afterward when I sobered up I got the idea how things happened. When you drink beer do you feel like killing other people too? NO. No feeling against anybody else? I do not know why I should, I could not do wrong to anyone. When you were in the carpenter shop, after you got the revolver back from Wohl you put your hand in your pocket, didn't you? I had a cigar in my hand, I had plenty of cigars and I only recollect that I put the hand into my pocket once when I took the money out. But after the revolver was handed back by Wohl to you did not you hold the revolver down, put your hand in your pocket and make some gesture toward the revolver? No, only as I said when the bet was made. I had my money while I was in the carpenter shop in the pantaloons pocket on the left hand side. On the night before the shooting where did you sleep? Nowhere, I was wandering around, I did not sleep home, I was all alone, I did not load the pistol that night when I got home, I do not recollect when I loaded it, I do not know at what time I shot myself. When I came home from the beer saloon then I loaded it, I bought the newspaper when I went home and I had a cup of coffee home and then went to the shop and told the foreman and then I went to the beer saloon, as much as I recollect I had three glasses of beer; sometimes when I do not feel well I am confused already with two glasses and sometimes I may drink a couple of pints and it won't hurt me. Was there any time after Wohl handed back the pistol to you that he turned his back to you? No. I heard Frank's testimony and heard him say so, I heard Frank say that Wohl walked some twelve or



**POOR QUALITY  
ORIGINAL**

0322

fifteen feet away from the door and that it was then that he called to Wohl and said, "now I will show you that it is loaded"; that is not true, I can only tell the truth as much as I know, I did not use the words, "come over and bet again and I will show you if it is loaded or not"; I heard Hockenjos testify in effect the same that Frank had testified to, I heard Hockenjos say, "I will show you now it is loaded", I do not recollect him saying also that at that time Wohl stood with his back to the door. It is not true. I heard Schwaebel order me out, he said, "get out of here and take him to the hospital or go to a doctor"; I did not hear Schwaebel say that Wohl was at the door, i he did say so it is not true.

Redirect Examination.

Ask him if he heard Hockenjos say that Wohl stood only three feet away from him when he fired the shot? Yes, I heard. Did you hear the boss say that when the shot was fired he turned right around and that you people were together and he saw no revolver extended in your hand? Yes. Did you hear Hockenjos say that when he turned around after the shot was fired your arm was extended and that you were looking over your shoulder at him? Yes. Did you at any time place a cartridge in the revolver in that carpenter shop while you were in there? No. Did you see anyone else place a cartridge in the revolver while you were there in the shop? No. When Wohl told you that he had won the half dollar because he proved that the revolver was not loaded, were you satisfied that he was telling the truth? I believed it. You thought you lost half a dollar? I did not think of the half dollar, I was drunk at the

POOR QUALITY  
ORIGINAL

0323

time; when I am drunk I do not care for money. Was Wohl near the door in the carpenter shop when you fired? I do not know how far the working bench stood, whether it was in the middle of the shop or not. Did not you hear Hockenjos testify that he was with his face to the door and his back to you and that he turned back with his back to the door and his face to you at the time that you fired, did you hear him say so? Yes. Is that correct or not? No. How many bets or offers to bet were made? Only one. After the dollar had been taken from the bench was there any proposition by anybody to make another bet? No. After Wohl had taken that money did he make a proposition to make a second bet? NO. Did he at any time other than that first bet offer to bet that the pistol was loaded? No sir.

The Court: It might be fair for me to ask you, do you claim murder in any of its degrees?

Mr. Fitzgerald: I think your Honor. in relation to the evidence in this case that the testimony would not warrant a submission to the Jury of murder in the first degree and I heartily concur in the ruling of your Honor taking that away from the Jury. In relation to the question of murder in the second degree, the intentional killing, the only evidence in regard to that that in my judgment the jury could reasonably pass upon would be the conflict in the story as told by Frank and the Defendant.

The Jury rendered a verdict of guilty of manslaughter in the second degree.



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Testimony in the  
case of  
Paul Ockas  
filed  
April  
1889

POOR QUALITY  
ORIGINAL

0325

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Paul Ockas*

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

of the CRIME OF Murder in the First Degree, committed as follows:

The said *Paul Ockas*,

late of the City of New York, in the County of New York aforesaid, on the *twentysecond*  
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, in and upon one  
*Theodore Wahl*, in the peace of the said People then and there being,  
wilfully, feloniously, and of *his* malice aforethought, did make an assault, and the said  
*Paul Ockas*, a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *Paul*  
*Ockas* in *his* right hand then and there had and held,  
to, at, against, and upon the said *Theodore Wahl*  
then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and  
discharge, and the said *Paul Ockas*,  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the  
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *him* the said  
*Theodore Wahl* in and upon the *abdomen* of *him*  
the said *Theodore Wahl*, then and there feloniously, wilfully, and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *him*  
the said *Theodore Wahl*, then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the



POOR QUALITY  
ORIGINAL

0326

said Paul Oskar — in and upon the abdomen of the said Theodore Wahl, — one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound — he — the said Theodore Wahl —, at the City and County aforesaid, from the said twenty second day of January — in the year aforesaid, until the twenty third day of January, — in the same year aforesaid, did languish, and languishing did live, on which said twenty third day of January in the year aforesaid, the said Theodore Wahl, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said Paul Oskar, him, —

the said Theodore Wahl, — in the manner and form, and by the means aforesaid, wilfully, feloniously, and of his — malice aforethought, did kill and murder, 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 Paul Oskar —

of the same CRIME OF Murder in the First Degree, committed as follows:

The said Paul Oskar, —

late of the City and County aforesaid, afterwards, to wit: on the said twenty second 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, in and upon the said Theodore Wahl, in the peace of the said People then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Theodore Wahl, did make an assault, and the said

POOR QUALITY  
ORIGINAL

0327

Paul Ockas, \_\_\_\_\_ a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Paul Ockas \_\_\_\_\_ in his right hand then and there had and held to, at, against, and upon the said Theodore Wahl, \_\_\_\_\_ then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Theodore Wahl, did shoot off and discharge. and the said Paul Ockas \_\_\_\_\_ with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, him the said Theodore Wahl \_\_\_\_\_ in and upon the abdomen of him the said Theodore Wahl, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Theodore Wahl, \_\_\_\_\_ did strike, penetrate, and wound, giving to him the said Theodore Wahl, \_\_\_\_\_ then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Paul Ockas \_\_\_\_\_ in and upon the abdomen of the said Theodore Wahl, \_\_\_\_\_ one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound he the said Theodore Wahl, \_\_\_\_\_ at the City and County aforesaid, from the said twenty second day of January, \_\_\_\_\_ in the year aforesaid, until the twenty third day of January, \_\_\_\_\_ in the same year aforesaid, did languish, and languishing did live, on which said twenty third day of January, in the year aforesaid, the said Theodore Wahl, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said Paul Ockas, him, \_\_\_\_\_ the said Theodore Wahl \_\_\_\_\_ in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Theodore Wahl, \_\_\_\_\_ did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.



0328

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Connell, John

**DATE:**

04/05/89



3304

0329

**BOX:**

351

**FOLDER:**

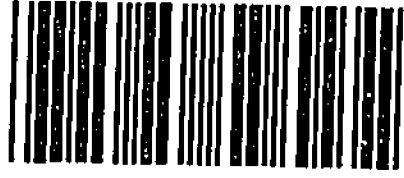
3304

**DESCRIPTION:**

Riordan, Thomas

**DATE:**

04/05/89



3304



0330

**BOX:**

351

**FOLDER:**

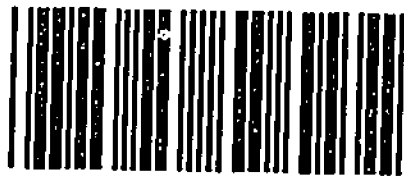
3304

**DESCRIPTION:**

Close, Patrick S.

**DATE:**

04/05/89



3304

Bail fixed at \$500.  
for each deft. R.B.M.  
Apr 8/89

Witnesses:

Ernest Wathan

Henry D. Fitzgeralds

Defendants (all) bailed

by

Thomas Gregory

93 Third Avenue

Brooklyn

But rape  
J. Gregory  
Counsel,  
excellent lawyer

Counsel,

Filed J. day of April 1889

Pleads, Not guilty - I judge  
leave to proceed by April 13.

THE PEOPLE

vs.

John O'Connell

Thomas Riordan

Patrick S. Chase

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

W. M. Gregory  
Dec 28/89  
Foreman.

on recem. of Dist Atty  
and for the reasons  
stated by him in within  
memo. indict. dis. R.B.M.  
No 7.

Oct 28

The defendants have  
applied for a discharge  
of the indictment &  
after a thorough in-  
vestigation, I trust  
the application should  
be granted. The bill  
was found during  
a period of exten-  
sive. & the evidence  
shown by the Grand  
jury was so recent  
to create more than  
a conjecture of guilt. That no evidence could  
be obtained from  
always remained  
their experience and  
have constantly demands an examination of  
know demand a trial  
under this application  
is granted. In my

judgment it would  
be impossible to secure  
a conviction. On  
Sunday who pre-  
pared the indictment,  
reports to me that  
the evidence is in-  
sufficient to make  
out a prima facie  
case. I have con-  
ferred with Mr. Stern  
in whose property  
appeared. He has  
expressed his opinion  
that no evidence could  
be had.  
I have come to the  
same conclusion after  
an examination of  
all the facts. Accordingly  
I recommend that  
the indictment be  
discontinued. I have  
no objection to its  
discontinuation.

POOR QUALITY  
ORIGINAL

0331



POOR QUALITY  
ORIGINAL

0332

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John O'Ronnell  
Thomas Jordan and  
Patricia S. Rose

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

Indictment accuse

John O'Ronnell, Thomas Jordan  
and Patricia S. Rose

of the crime of

intentionally and maliciously damaging  
a building by the explosion of an explosive substance,  
committed as follows:

The said

John O'Ronnell, Thomas Jordan  
and Patricia S. Rose, all

late of the City of New York, in the County of New York, aforesaid, on the

eighteenth day of January, in the year of our Lord one thousand  
eight hundred and eighty-nine, at the City and County aforesaid,

did intentionally and maliciously, by the  
explosion of a certain explosive substance  
to the Grand Jury aforesaid unknown,  
intentionally damage a certain building,  
to wit: the Brewery of one James  
Stevenson, there situate, whereby the  
lives and safety of divers human beings  
whose names are to the Grand Jury  
aforesaid unknown, were then and there  
endangered; against the form of  
the Statute in such case made  
and provided, and against the

POOR QUALITY  
ORIGINAL

0333

peace of the People of the State of  
New York, and their dignity.

John C. Edwards.

District Attorney



0334

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Connell, John

**DATE:**

04/08/89



3304

POOR QUALITY  
ORIGINAL

0335

Counsel,  
Filed *8* day of *April* 188*9*  
Plends,

*Section 498, Penal Code.*  
Burglary in the Third degree.

THE PEOPLE

vs.

*John O'Connell*

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

*Wm. Murray*  
*Capt. 9/19/89*  
*Foreman.*  
*John R. Kelly*  
*Alma. P. R. M.*  
*No. 12*

Witnesses;

*Amie Chikman*  
*Off. Wood*



POOR QUALITY  
ORIGINAL

0336

Police Court— District.

City and County } ss.:  
of New York,

of No. 105 Stanton Street, aged 42 years,  
occupation Housekeeper being duly sworn

deposes and says, that the premises No. 105 Stanton Street, 17 Ward  
in the City and County aforesaid the said being a five story brick tenement  
house and the cellar  
and which was occupied by deponent as a place for the storage of coal and other  
articles

were BURGLARIOUSLY entered by means of forcibly pulling a staple  
of a pad lock that secured the door  
leading into deponent's cellar

on the 1st day of April 1889 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

A Number of Carpenter Tools  
and quantity of Car pensers  
of the value of fifteen dollars

the property of deponent and his husband Adam Schuchman  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
John Cornell (nicknamed)

for the reasons following, to wit:

That previous to said  
Burglary and attempted larceny the door  
leading into deponent's cellar was  
securely closed with a pad lock and  
about the hour of five o'clock on the  
day aforesaid deponent went to the  
said cellar and found the pad lock  
broken off and the said deponent in the  
cellar. Deponent therefore charges the

POOR QUALITY  
ORIGINAL

0337

Gave Affidavit With Burglariously  
breaking & entering her Cellar with  
the intent to steal the within mentioned  
property  
Given before me this Anna Schuchmann  
28<sup>th</sup> April 1889

Don't know Police Police

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1889  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1889  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

Date 1889

Magistrate.

Officer.

Clerk.

Witness.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.



POOR QUALITY  
ORIGINAL

0338

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

John O'Connell 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.

John O'Connell

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.

280 Borey

three mos

Question. What is your business or profession?

Answer.

Plumber

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  
was poor and destitute  
John O'Connell

Taken before me this

day of

Oct

188

Police Justice.

POOR QUALITY ORIGINAL

0339

BAILED,

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

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

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

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*James Schuchman*  
*105 Madison St*  
*John O'Connell*

Offence *Burglary*

Dated *Apr 2* 188 *9*  
*David O'Reilly* Magistrate.  
*batcl* Officer.  
Precinct. *11*

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

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

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

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

*1500* to answer *by*  
*committed*

RECEIVED DISTRICT ATTORNEY'S OFFICE  
APR 4 1889

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 *John O'Connell*

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 *Apr 2* 188 *9* *Sam J O'Reilly* 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.



POOR QUALITY  
ORIGINAL

0340

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John O'Connell

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

John O'Connell

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

The said

John O'Connell

late of the *Seventeenth* Ward of the City of New York, in the County of New York, aforesaid, on the *first* day of *April* in the year of our Lord one thousand eight hundred and eighty *nine*, with force and arms, at the Ward, City and County aforesaid, *part of a certain* a certain building there situate, to wit: the *cellar* of one

Adam Schuckmann

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

Adam Schuckmann

in the said *cellar* 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.

John R. Fellows,  
District Attorney

0341

**BOX:**

351

**FOLDER:**

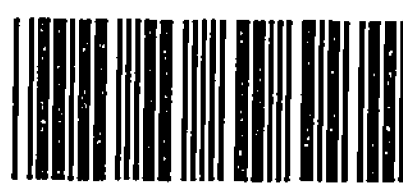
3304

**DESCRIPTION:**

O'Neil, John F.

**DATE:**

04/23/89



3304



0342

**BOX:**

351

**FOLDER:**

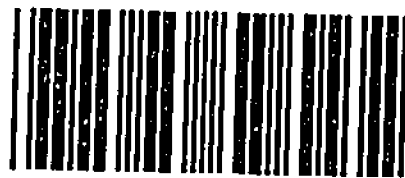
3304

**DESCRIPTION:**

McCann, James

**DATE:**

04/23/89



3304

0343

Witnessed,  
 Thos H Williams  
 J. J. Cornell

get THE PEOPLE  
w for you  
I have  
John F. O'Neil  
and  
James Mc Cain  
w for you

72 May 10/89  
No. 1. tried & convicted 13 May 89  
with second to merge.

# A Tax Bill

P2 may be  
no place at all

W2720

May 14/89 Foreman.

2-4-56 JH/89 Foreman.  
 Mr. J. P. Davis  
 " J. P. Davis & Sons  
 242 RBM

F



POOR QUALITY  
ORIGINAL

0344

Police Court 2 District.

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

of No. 57 Macdonald Street, aged 28 years,

occupation Saloon Keeper being duly sworn

deposes and says, that the premises No 57 Macdonald Street,  
in the City and County aforesaid, the said being a five story brick building

in part  
and which was occupied by deponent as a liquor saloon  
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly cutting a  
panel out of the door leading from  
the hallway on the 1st floor of said premises  
into a room in the rear of deponent's  
saloon

on the 11th day of April 1889 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One revolving pistol of the value  
of four dollars. and three dollars  
in good and lawful money of  
the united states together of the  
value of seven dollars.

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

John O'Neil and James McLean

both now here

for the reasons following, to wit:

that at the hour of 1.45  
o'clock am said deponent locked  
and securely fastened the doors and  
windows of said saloon and left  
said saloon leaving it in good condition  
and said revolving pistol and said sum  
of money which he has in said saloon.  
and as deponent was about leaving  
said saloon he heard a noise in the

POOR QUALITY  
ORIGINAL

0345

hallway of said premises. Depnent  
went into said hallway and lit a match  
and there saw two men. Depnent asked them  
what they were doing there when one of said  
men who depnent now identifies as McBurn  
told depnent that he lived in said house.  
Depnent, depnent believing that it was all  
right went away and left said men in  
said hallway. and about 5 o'clock <sup>am said date.</sup> depnent  
discovered that said saloon had been entered  
as aforesaid and said property taken stolen  
and carried away.

Depnent is informed by Officer Maurice  
Barnail of the 15th Precinct Polici. that at  
the hour of 5.20 O'clock <sup>am</sup> said date he arrested  
the said defendants together, and in company  
with each other in Bleeker st. and at that  
time the defendant Orvil had a revolving pistol  
in his possession.

Depnent further says that he has since  
seen said revolving pistol so found in the  
possession of Orvil and fully identifies it  
as his property. Wherefore depnent charges the  
said defendants with being together and acting  
in concert with each other and burglariously  
entering said premises as aforesaid and feloniously  
taking stealing and carrying away said property.

Police Court

THE PEOPLE  
ON THE COMPLAINT OF

District

Degree

Burglary

188

Magistrate

Officer

Clerk

Bail

Street

Seen to before me  
on the 16th day of April 1900

M. J. Williams

Police Justice

Thos. St. Williams

Committed in default of \$

Bailed by

No.

Dated

Witnesses:



POOR QUALITY  
ORIGINAL

0346

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Maurice Bonvil*  
aged \_\_\_\_\_ years, occupation *Police Officer* of No. *15th Precinct Police* Street, being duly sworn deposes and

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

Sworn to before me, this

day of

*April*

188

*Maurice Bonvil*

*J. M. Platt*

Police Justice.

POOR QUALITY  
ORIGINAL

0347

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK,

*John O'Neil*  
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. *John O'Neil*

Question. How old are you?

Answer. *24 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *318 Spring St. One*

Question. What is your business or profession?

Answer. *Car roofer.*

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*

*John F. O'Neil*

Taken before me this

day of

*April*  
188

Police Justice



POOR QUALITY  
ORIGINAL

0348

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

2 District Police Court.

*James McBurn* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*James McBurn*

Taken before me this

day of April 1889

*John J. Sullivan*

Police Justice

POOR QUALITY  
ORIGINAL

0349

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

James H. Williams

vs. James McBurn

John O'Neil

James McBurn

Offence

Dated

April 16

188

Paterson

Magistrate.

James H. Williams

vs. James McBurn

John O'Neil

James McBurn

No.

Street.

No.

Street.

\$ 1500

RECEIVED

APR 18 1885

Committee

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

O'Neil and James McBurn

guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of fifteen Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.

Dated April 16 1885 J. M. Paterson Police Justice.

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

Dated 1885 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 1885 Police Justice.



POOR QUALITY  
ORIGINAL

0350

COURT OF GENERAL SESSIONS.

-----XX  
The People :  
v. : Tried May 10th, 1889, before  
John F. O'Neil, : The Hon. Randolph B. Martine  
Indictment filed April 12/89. : and a Jury.  
Indicted for Burglary in :  
the 3d degree. :  
-----X

Assistant District Attorney Fitzgerald, for the  
People.

Jacob Berlinger, Esq., for the Defense.

-----  
T H O M A S H. W I L L I A M S, the complain-  
ant, testified that he lived at 151 West Houston Street,  
and that he was a saloon keeper at 57 MacDougal Street.  
There were three doors to the saloon, one leading into  
the two rear rooms, one opening on the hallway of the  
house, and the other opening on MacDougal Street. There  
was one large window in front of the saloon. The place  
was securely fastened, On the night of the 11th of  
April. The witness always secured the saloon before he  
went home. He was particularly careful on that night,

**POOR QUALITY  
ORIGINAL**

0351

2

because he saw the defendant and James McCann in the hallway of the house. There was three dollars and a half in the till behind the bar, and there was a revolver in the second drawer from the till behind the bar. He identified the revolver in court as his property. A friend of his, the complainant's, lit a match and they went into the hall through the front door, and saw McCann~~xxxx~~ and O'Neil there. He asked the two men what they were doing there, and McCann stated that he lived on the premises, and he the complainant, said, "Why don't you go upstairs?" and McCann said, "It is none of your business; we will go upstairs when we get good and ready." He then examined the doors again of his premises and went away. The hallway door was secured by a bar on the inside, and the panel was broken. At about five o'clock on the following morning he was called by the police and he went to his store. He missed the money and the revolver. The bar on the inside of the door was broken. It was a wooden bar in iron brackets. He described his revolver to the police, and on the morning of the 15th Detective O'Brien showed it to him.

No cross examination.

O F F I C E R M O R R I S B O N N O I L tes-



**POOR QUALITY  
ORIGINAL**

0352

3

tified that he belonged to the 15th Precinct. He was on duty on the morning of the 11th of April from twelve to six o'clock. His post was Bleecker Street, from South Fifth Avenue to Carmine Street. The premises that were broken open were in the Eighth Precinct. He saw O'Neil and McCann together at about ten or fifteen minutes after five o'clock o'clock in the morning, about three doors from Thompson Street in Bleecker Street. That was about three blocks from the saloon that was broken open. He heard two shots fired and that attracted his attention to the two men. He, the witness, was in conversation with another officer at the time, and he saw O'Neil with the smoking revolver in his hand. McCann made an attempt to escape and ran, but he, the officer, headed him off near Sullivan Street. Officer Kelly caught O'Neil, and he, the witness, ran after McCann. O'Neill threw the revolver away into the street, and McCann picked it up and ran ~~away~~ through Bleecker Street. He, the witness, found the revolver in McCann's hand when he overtook him, near Sullivan Street. He, the witness, examined the revolver after he took it from McCann and found three empty shells in

**POOR QUALITY  
ORIGINAL**

0353

4

it. The other chambers were empty. He, the witness, asked McCann and O'Neil where they got the revolver, and they said that they were trying to get the bullets out, and they had got some out and couldn't get the others out and had fired them out. O'Neil said this. He asked O'Neil if he knew that it was against the law to fire a revolver off in the street and he said that he did, but O'Neil said that he had taken it from McCann so that he wouldn't injure anybody with it. They did not say where they got the revolver. Both of the defendants were drunk, and he made a charge in the Police Court on the following morning of being drunk and disorderly, and carrying a pistol without a permit, and firing it off in the street, and Judge Patterson sentenced them for ten days. Two days afterwards he heard of the burglary.

OFFICER JOHN J. O'BRIEN, of the Eighth Precinct, testified that after the burglary was reported to the station house he learned of the arrest of O'Neil and McCann for having the revolver in their possession and firing it off in the street, and being drunk and disorderly, and that they were sentenced for ten days. He then went to Jefferson Market and got



**POOR QUALITY  
ORIGINAL**

0354

5

a discharge for them, and went over the Blackwell's Island and got them discharged there and re-arrested them. He took them back to Jefferson Market and sent for the complainant, who identified them and the revolver. He, the witness, got the revolver from the property clerk at Police Headquarters after he learned of the burglary. On the way over from Blackwell's Island O'Neill and McCann told him that they bought the revolver. McCann said that he bought the revolver in Bleecker Street. He said that he bought it in Frank Stevenson's saloon.

For the Defense, JOHN F. O'NEIL, testified, that he had never been arrested before in his life. He was a tinn roofer by trade. He had nothing to do with the burglary in the complainant's saloon. He met McCann in Stevenson's saloon in Bleecker Street on that morning. McCann was talking with another man, and McCann called him, O'Neil, over and said, "Here is a chance to buy a revolver." He, the witness, said that he didn't want it, but McCann said he wanted it and that he had only a quarter of a dollar. Then he, the witness gave him McCann half a dollar and McCann bought the pistol. He, the witness, saw that the pistol was load-

**POOR QUALITY  
ORIGINAL**

0355

6

ed and he gave it to Mr. Stevenson's bartender and asked him to take the cartridges out. He was afraid that McCann would do some harm. The bartender said that he couldn't get more than three out, because the trigger was broken, and he, the witness, went into the closet with the pistol and one shot went off and then he went out into the street and fired off the two other shots, and then he was arrested.

Under Cross Examination, he testified that he had a room in Spring Street, and that he had been drinking all of the evening of the 10th of April and about eleven o'clock he went to Stevenson's. When he went out to fire the shots from the revolver he intended to go home. He knew that McCann lived at 57 MacDougal Street. About eleven o'clock he went to McCann's door with him, because McCann was drunk, and he left him there. About two o'clock McCann came to Stevenson's and he was surprised to see him. They bought the pistol about half past two and it was about five o'clock when he fired it off.

JOHN T. McPARTLAND, house and sign painter, of No. 20 South Fifth Avenue, testified that he



**POOR QUALITY  
ORIGINAL**

0356

7

was a married man, and had been in business there for about nine years. He knew O'Neil. O'Neil was his cousin. He had employed O'Neil frequently, and had always found him to be honest.

Under Cross Examination he testified that O'Neil was given to drinking to excess, and did not work regularly on that account.

-----

POOR QUALITY  
ORIGINAL

0357

X-----X  
:  
:: The People :  
:  
: v. :  
:  
: John F. O'Neil. :  
:  
X-----X



POOR QUALITY  
ORIGINAL

0358

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
*John F. O'Neil and*  
*James McCann*

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

*John F. O'Neil and James McCann*

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

The said

*John F. O'Neil and*  
*James McCann, both*

late of the *Eighth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *eleventh* day of *April* 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 *saloon* of one

*Thomas H. Williams*

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

*Thomas H. Williams*

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

POOR QUALITY  
ORIGINAL

0359

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
*John F. O'Neil and James McBarn*  
of the CRIME OF *Petit* LARCENY committed as follows:  
The said *John F. O'Neil and James*  
*McBarn, 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 night-time of the said day, with force and arms,

*one pistol of the value of*  
*four dollars, and the sum*  
*of three dollars in money,*  
*lawful money of the United*  
*States, of the value of three*  
*dollars*

of the goods, chattels and personal property of one

in the saloon of the said

*Thomas H. Williams*  
*Thomas H. Williams*

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



POOR QUALITY  
ORIGINAL

0360

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said  
*John F. O'Neil* and *James Mc Cann*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:  
The said *John F. O'Neil* and *James*  
*Mc Cann*, both

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year afore-  
said, at the Ward, City and County aforesaid, with force and arms,

one pistol of the value of  
four dollars, and the sum  
of three dollars in money,  
lawful money of the United  
States of the value of three  
dollars

of the goods, chattels and personal property of one

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

*Thomas W. Williams*  
unlawfully and unjustly, did feloniously receive and have; the said *John F.*  
*O'Neil* and *James Mc Cann*  
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.

0361

**BOX:**

351

**FOLDER:**

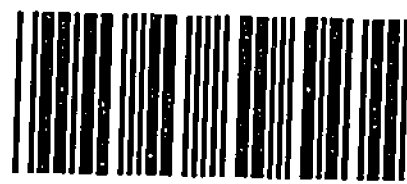
3304

**DESCRIPTION:**

O'Neill, John (O'Neil)

**DATE:**

04/15/89



3304



POOR QUALITY  
ORIGINAL

0362

Counsel,  
Filed 15<sup>th</sup> day of Apr. 1889  
Pleads, Chicago - 16

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

25<sup>th</sup> PEOPLE  
vs.

John O'Neill

JOHN R. FELLOWS,

District Attorney.  
Ordered to the N.Y. Court of Oyer  
and Terminer for trial April 22, 1889

A TRUE BILL.

*A. M. Murphy*  
Foreman.

April 25, 1889  
Tried and convicted  
H. J. Deapel  
2 1/2 years in One year.

Witnesses:

*R. Johnston*  
*Wm. G. Clark*

71

POOR QUALITY  
ORIGINAL

0363

Police Court—2—District.

City and County { ss.:  
of New York,

Robert Johnston  
of No. 288 West Houston Street, aged 43 years,  
occupation Iron Ship builder being duly sworn  
deposes and says, that on the 7 day of April 1889 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John O. Neil - now here  
who struck deponent a severe  
blow on the head with a piece  
of lead pipe loaded at one end  
in the shape of a "Billy"

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

of

9 day

1889

Robert Johnston

Witness Police Justice.



POOR QUALITY  
ORIGINAL

0364

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*John O'Neil* 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.

*John O'Neil*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*N.Y.*

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

Answer.

*2 & 4 West Houston St 5 months*

Question. What is your business or profession?

Answer.

*Printed matter handler*

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.  
Nothing two days  
John O'Neil*

Taken before me this  
day of *April* 188*9*

Police Justice.

*J. H. M. M. M.*

POOR QUALITY  
ORIGINAL

0365

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... 2 District.

538

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Robert T. Shuster  
285 West Houston  
John O'Neil

2  
3  
4

Offence Assault  
felony

Dated April 9 1889

Kilbuck  
Magistrate.

Armed & Dangerous  
Officer.

Witnesses Patrick J. Clark  
Precinct.

No. 297 West Houston  
Street.

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

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

RECEIVED  
APR 11 1889  
DISTRICT ATTORNEY'S OFFICE

Grand Jury

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

John O'Neil

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 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 April 9 1889 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.



POOR QUALITY  
ORIGINAL

0366

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John O'Neil

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

The said

late of the City of New York, in the County of New York aforesaid, on the  
seventh day of April in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and  
County aforesaid, in and upon the body of one Robert Johnston  
in the peace of the said People then and there being, feloniously did make an assault,  
and him the said Robert Johnston  
with a certain piece of lead pipe

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

with intent him the said Robert Johnston  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
John O'Neil  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said Robert Johnson  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault, and him the said  
Robert Johnson  
with a certain piece of lead pipe

which the said John O'Neil  
in his right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the Peace of the People of the State of New York  
and their dignity.

POOR QUALITY  
ORIGINAL

0367

THIRD COUNT—

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

*John O'Neil*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*John O'Neil*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
*Robert Johnston* in the peace of the said People then  
and there being, feloniously, did wilfully and wrongfully make another assault, and  
him the said *Robert Johnston*  
with a certain piece of lead pipe —

which

*he* the said *John O'Neil*  
in *his* right hand then and there had and held, in and upon the *head*  
of *him* the said *Robert Johnston*

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

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.



0368

**BOX:**

351

**FOLDER:**

3304

**DESCRIPTION:**

O'Hara, Andrew

**DATE:**

04/12/89



3304

POOR QUALITY  
ORIGINAL

0369

WITNESSES:

*Off Chas O'Reilly*

Counsel,

Filed

1889

day of

*April*

Pleads

*Chiquely*

THE PEOPLE,

vs.

*B*

*Andrew O'Hara*

*167 F*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1088, Sec. 21 and  
page 1089, Sec. 5.]

JOHN R. FELLOWS,

*District Attorney.*

A True Bill.

*Wm. H. Kelly*

*Foreman.*

*F. C. Kelly*

*20.1874*



POOR QUALITY  
ORIGINAL

0370

Excise Violation-Selling on Sunday.

POLICE COURT-

4 DISTRICT.

City and County  
of New York ss.

of No.

Thomas J. Reilly, Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 31 day

of March 1889, in the City of New York, in the County of New York, at

premises No. 142 3rd Avenue Street,

Andrew J. Hara (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY 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 Andrew J. Hara

may be arrested and dealt with according to law.

Sworn to before me, this 1 day of April 1889

Thomas J. Reilly

Police Justice.

POOR QUALITY  
ORIGINAL

0371

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Andrew J. Hara* 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. *Andrew J. Hara*

Question. How old are you?

Answer. *35 years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *200 East 42nd St. 12 years*

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 and  
if held I demand a trial  
by jury. Andrew J. Hara*

Taken before me this

day of *April* 188*9*

Police Justice.



POOR QUALITY  
ORIGINAL

0372

Police Court... *4th 1501*  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*James J. Kelly*

*James J. Kelly*

BAILED,

No. 1, by *James J. Kelly*

Residence *213 Court St.*

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

2  
3  
4  
Offence *Excise*

Dated *April 1st 1889*

Magistrate

Officer

Precinct

Witnesses

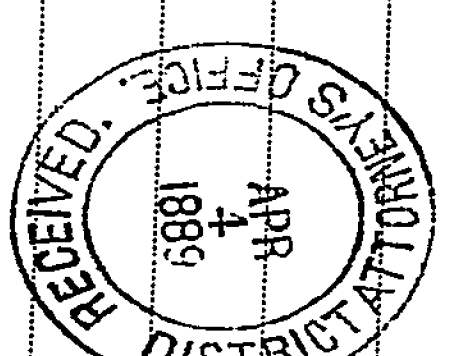
No. Street

No. Street

No. Street

No. Street

No. Street



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 *April 1st 1889* *W. D. W.* Police Justice.

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

Dated *April 1st 1889* *W. D. W.* Police Justice.

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

Dated *April 1st 1889* *W. D. W.* Police Justice.

POOR QUALITY  
ORIGINAL

0373

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Andrew O'Hara*

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

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

The said

*Andrew O'Hara*

*thirty-first* 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

*Thomas O'Reilly*

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

*Andrew O'Hara*

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

*Andrew O'Hara*

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.



0375

**BOX:**

351

**FOLDER:**

3305

**DESCRIPTION:**

Palmer, Herman

**DATE:**

04/25/89



3305

POOR QUALITY  
ORIGINAL

0376

427

Counsel,

Filed 25 day of April 1889

Pleads, *Not guilty*

THE PEOPLE

vs.

*Herman Palmer*

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

*A. W. Kirby*

Part III May 19<sup>th</sup> 1889  
*Foreman*

*Tried and Acquitted*

427

Witnesses:  
*Geo. A. Allen*  
*Wm. H. Jones*

*Don't know, but degree, and  
grand jury, second degree.  
Second Offense.  
[Section 478, 506, 528, 531, 538, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]*



POOR QUALITY  
ORIGINAL

0377

Police Court— 3rd District.

City and County  
of New York, ss.:

of No. 203 East Houston Street, aged 28 years,  
occupation Baker, being duly sworn

deposes and says, that the premises No. 203 East Houston Street, 17th Ward  
in the City and County aforesaid the said being a five story brick  
tenement building, and the first floor of  
and which was occupied by deponent as a Bakery  
and in which there was at the time a human being, ~~by name~~

were BURGLARIOUSLY entered by means of forcibly breaking  
the rear door leading from the hallway  
into said store.

on the 24th day of February 1889 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A quantity of jewelry amounting to  
eighty dollars; and good and lawful  
currency of the United States amounting to  
seventy dollars; altogether of the value and  
amounting to one hundred and fifty  
dollars.  
(\$150.00)

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

Norman Palmer (nowhere) and one Andrew  
Hyderman who are now serving a term in the  
Penitentiary (and both getting in one sort together.  
for the reasons following, to wit:  
That on the above mentioned  
date, deponent being located and fastened  
the rear door leading from the hallway into said  
store. That about the hour of 1.30 o'clock  
am on the following morning deponent  
found that said premises were burglarized  
as already described and also found the  
safe in said store broken open and the  
before described missing. That the said

POOR QUALITY  
ORIGINAL

0378

was then and there arrested coming out  
of the hallway of said premises. That about  
one minute previous to the arrest of  
said Anderson, as defendant is informed  
by Police Officer William Spencer of the  
11th Precinct, the said officer saw  
said Anderson come out of hallway of said  
premises.

Sworn to before me  
this 18th day of April 1889 George F. Cinger  
Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1889  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1889  
Police Justice.

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

Dated

1889

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.



POOR QUALITY  
ORIGINAL

0379

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 23 years occupation Police Officer of No. 118 Peasant Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of George H. Buggy and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

day of

1887

18 } William Spencer

W. Buggy  
Police Justice.

POOR QUALITY  
ORIGINAL

0380

Sec. 193-200.

3

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Hermon Palmer* 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. *Hermon Palmer*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *Brooklyn L.I.*

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

Answer. *1657 - 2nd Avenue & about 4 months*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer. *I am not guilty - and demand*  
*an examination*

*Hermon Palmer*

Taken before me this  
day of *July* 1888  
*John J. Kelly*  
Police Justice.



POOR QUALITY  
ORIGINAL

0381

STENOGRAPHER'S MINUTES.

*Third* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

VS.

BEFORE HON.

POLICE JUSTICE,

1889

APPEARANCES:

For the People,

For the Defence,

188

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WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*Wm Spencer*  
*Dreyfus*

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28

*G. J. Peacy*  
Official Stenographer.

POOR QUALITY  
ORIGINAL

0382

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

Examination had Apr 18th 1889  
Before Wm. L. Murphy Police Justice.  
agst. Herman G. Miller

W. J. Greacy Stenographer of the 9 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 William

Spencer and all persons  
as taken by me on the above examination before said Justice.

Dated Apr 21 1889

W. J. Greacy  
Stenographer.

W. L. Murphy  
Police Justice.



New York Apr 18<sup>th</sup> 1889  
Third District Police  
Court. Hon P. H. Druffy  
Presiding.

The People on the  
Complaint of Geo. A. Anger  
vs  
Herman Palmer.

William Spencer being  
duly sworn, deposes  
and says,

Q. What Precinct  
are you attached to?

A.

The 11<sup>th</sup> Precinct,  
my post is from  
Houston to Clinton St  
on the Bowery.

Q.

On this night  
in question did you  
notice something  
wrong there?

A.

Yes Sir, I heard

2)

Q. a noise.  
The building in question is on the corner?

A. Yes Sir,  
Q. What corner?

A. The S. W. corner of Houston and Ludlow a tenement house.

Q. How far does it extend on Ludlow St?

A. About 30 feet.

Q. Did you look through the window?

A. Yes Sir, through the window door.

Q. You saw some one in there?

A. Yes Sir, two men.

Q. Did you not say yesterday, that you saw three (3) men?

A. No Sir.



Q

Q Did you say any thing about three (3) men?

A.

Q. Yes Sir, What did you do, be frank and free?

A

When I looked in through the door or window, these two (2) men were starting for the rear of the store.

Q.

You saw their backs?

A

Q. That is all. What then did you see them do, if any thing? but go toward the rear of the store?

A.

Q. That is all. What did you then do?

A.

I started to go

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Q. Around the corner.  
How far was the  
corner from this door?

A. About 30 feet  
from the corner on  
Hurst St.

Q. Then you had  
to go through Lindell  
Street towards the  
park?

A. I turned the  
corner.

Q. What then?

A. This man, here, came  
out of the hallway.

Q. How far were  
you away from  
the Defendant here?

A. Twenty (20) feet  
at least. It may have  
been more.

Q. This hallway is at  
the extreme end of the



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Q. Building?  
A. Yes Sir,  
Q. Is it not a fact, that  
as soon as you turned  
the corner you saw  
some one come out of  
the hallway?

A. I was  
already around the  
corner.

Q. The person that  
came out of the hall  
way was at least (20)  
Twenty or more feet  
from you?

A. Yes Sir.  
Q. Did you see his  
face?

A. Yes Sir, he turned  
his full face towards  
me.

Q. The glance was  
only momentary?

Q.

A.

Yes Sir,

Q.

He went

towards Stanton Street

Q.

Yes Sir, then the

other man came out

Q.

and I arrested him

Did he look you

right in the face

coming out of the

door?

Q.

A.

Yes Sir,

Then he walked around

the corner?

Q.

A.

Yes Sir,

Did you ever see

him before that night?

Q.

Not before that

night, that was the

first time.

Q.

You did not

hear him say any

thing of this man?

Q.

He said "good night"



- 7
- Q. You heard the man  
that left the door, say  
"Good Night"?
- A. Yes, Sir,
- Q. Do you know whether  
he directed his con-  
-versation to him or not?
- A. I do not think he  
did.
- Q. Where did you see  
him (Calmer) next?
- A. At Police Head-  
-quarters.
- Q. Were you sent  
for?
- A. Yes, Sir by Inspector  
-or Dykes.
- Q. Who brought you  
the message?
- A. It came over the  
wires.
- Q. When you went  
there what were you  
told?

Q

A That they had a man  
for me to identify.

Q

Did they tell you who  
he was?

A

They told me  
his name was  
Herma Palmer.

Q

And that he was  
a "crook" and a burglar?

A

That he was a  
thief.

Q

Who told you that  
the Inspector.

Q

What did you do then?

A

There were five or  
six men there in the  
office.

Q

Where were you  
standing?

A

Along side the  
Inspector in his office.  
And the five or  
six men then came in

Q



- Q. A Yes sir.
- Q. A They were Headquarters Detectives?
- Q. A I do not know who they were
- Q. A Did you see them about Headquarters?
- Q. A Yes sir.
- Q. A Were they not Headquarters Detectives?
- Q. A I do not know any of them.
- Q. A Did they not act as though they were in authority?
- Q. A Yes sir.
- Q. A Were they dressed in Citizens' clothes?
- Q. A Yes sir, they had their hats off.
- Q. A The Defendant came in with them?
- Q. A He was the second that came in.
- 9

10) Q How many were there?  
A I believe there were  
five (5) or six (6)

Q Was Mr Crowley  
there?

Q No Sir,  
Was Mr. McLaughlin there?  
A I do not know

Q His name is  
The one that  
was in court this  
morning, the associate  
of Mr Crowley?  
A I think not.

Q Was Mr O'Connor there?  
A I do not know

Q Was Mr Lanthier  
there?

Q I do not know  
any of them.  
Q Was Mr Wickey  
there?

Q No Sir.  
10



- 11
- Q Was Mr. Rodgers there?
- A. Q No Sir.
- Q Do you know any of the Detectives at Headquarters?
- A. Q I do not.
- Q Was Mr. Heidelberg one of the five or six men
- A I do not think he was
- Q Will you swear that these five or six men were not Inspector Byrnes' Detectives?
- A. Q I will not
- Q To the best of your knowledge were they not all Detectives, have you not heard so?
- A. I have not heard that.
- Q Do you mean to swear that you do not know they were?

(12)

A. I do

Q. You were told that they had "Dutch Harry" and that he was to be brought in?

A. That was all.

Q. Here you told that he was a bad man?

A. They did not speak bad of him.

Q. They said he was a "professional thief"?

A. No Sir.

Q. Did they say he was a thief?

A. Yes Sir,

Q. You were asked for a description of the man

A. No Sir

Q. Did you give anyone a description of the man?

A. Not there.



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Q. Did they say, how  
this man looked?

A. No sir.

Q. Were you not told that  
he was "a stout man  
with blonde hair"?

A. No sir.

Q. Were you not told he  
would be the second  
man?

A. No sir.

Q. What was the appearance  
of the other man?

A. They were fairly  
dressed.

Q. You could tell  
that they were Officers?

A. I could not.

Q. When you reached this  
corner, having a distance  
of 25 or 30 feet from  
the door, and turned  
the corner, you heard

14

This man say "Good  
Night"?

A. Yes Sir.

Q. Has he apparently in  
a hurry?

A. Yes Sir,

A. He turned and looked  
at you?

A. Yes Sir,

Q. Then turned and was  
off?

A. Yes Sir,

Q. And that was the  
only time you saw  
him?

Q. That was the only  
time you saw him?

A. Yes Sir.

Q. The place was men-  
-entary?

A. Yes Sir,

Q. You never saw him  
before that, or since?

A. No Sir,



15) Q. When did this occur?

A. Feb 24<sup>th</sup> /89

Q. Did you say yesterday that you allowed the first man to get out?

A. I did not allow him to get out.

Q. Did you say that he broke away from you?

A. Yes, sir.

Q. Did you say, you had your arm on him?

A. Yes, sir.

Q. If the Court understood that, it is a mistake?

A. Yes, sir, that is a mistake.

Q. There was a doubt in your mind yesterday, as to this being the man?

A. No, sir.

16  
Q. You would not swear positively this was the man?

A. That is the man that came out of the hallway, and that is what I said. To Judge Duffy, I cannot be mistaken in his face.

Q. Though you only had a momentary glance of his face, you say you cannot be mistaken?

A. I looked at his full face.

Q. Now is there not a chance of your being mistaken, you know this was on the 24<sup>th</sup> of Feb' last, and you saw a <sup>man</sup> coming out, you were sure what

16



14)

excited, by reason of  
seeing what was going  
on?

A I do not think  
I was.

Q. You were anxious  
to capture Gell man  
at the time?

A Yes Sir.

Q. This transpired within  
a moment, almost?

A It was longer  
than that, I should  
say a few minutes  
from the time I saw  
them.

Q. You were 20 odd  
feet away, did you  
not say?

A No Sir.

Q. You pulled Gell  
stick?

A Yes Sir.

18 Q. Did you draw your  
Revolver?

A. No Sir.

Q. Is it not possible  
that you might be  
mistaken in the man,  
thing, this was on the  
24th of Feb last? Is  
it not possible, is there  
not a chance that  
you may be mistaken  
in the identity of the  
man? You are only  
human?

A. I could not  
forget his face.

Q. Is there not a  
slight doubt that you  
might be mistaken in  
the man?

A. Not in this case.  
Q. Is there not a slight  
chance of a doubt,  
might you not, in this  
18



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case, be mistaken in the identity of the man?

Q. Yes.

Q. When you went to Police Headquarters, you expected to find the man who opened that safe?

Q. No, I did not.

Q. When you got there, you were told that they had "Mitch Harmon"?

Q. Yes. They said they had a man for me to identify.

Q. To see if he was the man who got away from you in Houston St?

Q. No.

Q. Did they tell you, they had the man who got away from you, on Houston St?

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Q They simply told me, they had a man for me to identify, to see if he was the man they thought, got away from me, or a man for the Houston Street Burglary.

Q. When he came in, what did you do?

Q. The Inspector said turn around, and turn back again, then all faced us, and then I pointed this man out to the Inspector.

Q. Did you tell him in the presence of the Defendant?

Q. No Sir.

Q. Five men were asked in and the Inspector said "turn about," then what did you do?



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Q. Nothing.

Q. Did you go to the  
Inspector's room then?

A. We were brought  
in a smaller room or  
office.

Q. A room a little  
larger than this one?

A. Wider, about the  
same length.

Q. What was then  
asked you?

A. They did not  
ask me any thing.

Q. Were you not asked  
"Do not the second one"  
"the man"?

A. No, I put the  
question myself, I said  
that is the man with  
the full face, the stout  
man.

Q. What was the des-  
-cription of the other man

22)

Q. I did not take particular notice, some had mustaches

Q. Give me a description of the men, as near as you can

Q. I do not very well remember their faces.

Q. Did you remember yesterday when Judge Waddy asked you "Did you see these two men together?" And you see them in any conversation together?" And you said "No"?

Q. Yes Sir.

~~Q.~~ Q. Did "No," that is true

Q. Can you qualify that by saying that this man said "Good Right"?

Q. He said "Good Right" & some one, I did not see the other



23

Q. man. When you looked through the window, their backs were toward you and they were going for the rear door?

A. Yes sir,  
Q. You did not see them do anything else?

A. Yes sir,  
Q. Is your memory as good now, as it was on the night this took place?

A. Yes sir.  
Q. Give me a description of the man that you saw coming out that night that bore the other "Good Neighbor" and ran away?

A. He had a full fat face, well built and had on a

23

24

Q faded coat  
What sort of  
a coat?

A

An overcoat,  
a Derby Hat, he had  
his hands in his pockets

Q

What was there  
about his face besides  
being fat?

A

It seemed  
flushed

Q

Did he wear  
spectacles?

A

No Sir.

Q

Did he have hair  
on his face?

A.

He had a little  
moustache

~~~~~  
Sarrnation adjourned to  
Apr 19<sup>th</sup> 1889 at 2.30 P.M.  
~~~~~



75)

Examination continued  
Apr 19<sup>th</sup> 1889. 2.30 P.M.

~~~~~  
Officer Spencer on the  
stand. Counsellor C.  
Friend, read the compl-  
aint made by the officer  
against the man whom  
he arrested on the night  
in question; which man  
has been convicted and  
is now in Prison, and  
the counsel then put  
the following question.

2. What have you to say  
to the variance between  
your Affidavit and the  
testimony you have  
given here?

The backs of  
both of these men were  
toward me, they had  
their hands in their  
pockets, I heard the

a

75

POOR QUALITY  
ORIGINAL

0408

76

Q. jingle of tools

Will you swear that the defendant is one of the men?

A.

He is the man that came out of the hallway.

Sworn to before me  
this 19<sup>th</sup> day of Apr 1899

}  
Police Justice

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7/7

Jacob Dreyfus being  
duly sworn deposes that

he says

Q. Where do you live?  
A. 1295 East 3rd Street

Q. You are a Journalist?  
A. Yes Sir.

Q. Will you please read  
that article from "The  
World" "Caught the man  
with the Murder", Feb 25

1899  
Q. What did the officer  
tell you?

A. That the man  
dashed past him in  
the hallway

Q. Did he say  
whether he could, or not  
recognize him?

A. He said the  
man dashed past  
him in the hall  
way and that the

7/7

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man got away.

Sworn before me }  
this 19<sup>th</sup> day of Apr 1889 }  
Justice

Counsel - I ask your Honor  
to dismiss this Complaint  
because of the palpable  
variance in the Officer's  
testimony -

Court - If it varies, he can  
explain it. How is it  
Officer that your  
testimony varies?

a

I do not  
know as it differs, the  
first time I said I  
saw them putting  
something in their  
pockets. I was not  
near enough to the  
first man to arrest

28)



29

Sir, I was at least  
twenty feet away and  
as I went towards him  
he started down the  
street and then the  
other man came out

Court Will you swear the  
Defendant is the man?

A He is the man.

Court Then he is held for  
trial.

Counsel - I move for a reduction  
of Bail, under all the  
circumstances I think  
we are entitled to some  
reduction.

Court The Bail is  
reduced to \$1500

W. J. Greacy  
Photographer.

POOR QUALITY  
ORIGINAL

0412

\$2000 for Ct  
"this is at 210m  
"19 "2 1/2"

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court---

610  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles J. Hagan,  
vs.  
Jerman Cabaret

Offence Burglary

Dated June 18 1889

Magistrate

Under my official seal  
of the City of New York  
District Clerk

Witnesses William Spencer

at the 11th Street Station

West 125th Street 938.300

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

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

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

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

by authority of, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated June 18 1889 P. J. Duffy 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.



POOR QUALITY  
ORIGINAL

0413

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Herman Palmer*

The Grand Jury of the City and County of New York, by this  
Indictment accuse *Herman Palmer*

of the crime of *Burglary in the third degree*  
as a SECOND OFFENSE, committed as follows:

Heretofore, to wit: at a court of General Sessions of the Peace, holden in and  
for the City and County of New York, at the City Hall, in the said City of New York,

on the *twelfth* day of *August*, in

the year of our Lord, one thousand eight hundred and *eighty four*,

before the Honorable *Rufus B. Cowing, City Judge*  
of the City of New York,

and Justice of the said Court, the said *Herman Palmer*

by the name and description of *Herman Palmer*

was in due form of law convicted of a felony

to wit: *of knowingly receiving stolen property*

upon a certain indictment then and there in the said Court depending against him

the said *Herman Palmer* by the

name and description of *Herman Palmer*

as aforesaid,

for that *he the said Herman Palmer*

then *late of the Nineteenth Ward*

POOR QUALITY  
ORIGINAL

0414

of the City of New York, in the County of New York aforesaid, on the  
eighteenth day of July, in the  
year aforesaid, at the Ward, City and  
County aforesaid, with force and arms, a certain part of a  
building there situate, to wit: the store of  
one Anna J. Morrison, 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 Anna J.  
Morrison in the said store then and there  
being, then and there feloniously and  
burglariously to steal, take and carry  
away, And also for that he the said Herman  
Palmer, then late of the Ward, City, and  
County aforesaid, afterwards, to wit: on the  
day and in the year aforesaid, at the  
Ward, City, and County aforesaid, in the  
night time of the said day, with force and  
arms, sixty books of the value of fifty  
cents each, sixty spoons of the value of  
fifty cents each, thirty six razors of the  
value of seventy five cents each, and one  
hundred and eighty pocket knives of the  
value of one dollar each, of the goods,  
chattels and personal property of one  
Anna J. Morrison, in the store of the  
said Anna J. Morrison, there situate then  
and there being found, in the store  
aforesaid, then and there feloniously



POOR QUALITY  
ORIGINAL

04 15

did steal, take and carry away: And also  
for that he the said Herman Palmer  
then 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, with force  
and arms, sixty spoons of the value of  
fifty cents each, and sixty forks of the  
value of fifty cents each, of the goods,  
chattels and personal property of one,  
Anna J. Morrison, by a certain person  
or persons, then lately before feloniously  
stolen of the said Anna J. Morrison,  
unlawfully and unjustly did feloniously  
receive and have (the said Herman  
Palmer then and there well knowing  
the said goods, chattels and personal  
property to have been feloniously stolen)

POOR QUALITY  
ORIGINAL

04-16

And Thereupon, upon the conviction aforesaid, it was considered by the said Court of General Sessions of the Peace, and ordered and adjudged that the said Herman Palmer by the name and description of Herman Palmer as aforesaid, for the said Felony whereof he was so convicted as aforesaid, be imprisoned in the State Prison at hard labor for the term of four years.

as by the record thereof doth more fully and at large appear.

And the said Herman Palmer late of the Seventeenth Ward of the City of New York, in the County of New York aforesaid, having been so as aforesaid convicted of the said Felony in manner aforesaid, afterwards, to wit: on the twenty fourth day of February in the year of our Lord one thousand eight hundred and eighty nine, at the Ward, City and County aforesaid, with force and arms, a certain building there situate, to wit: the bakery of one George F. Anger, 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 George F. Anger, in the said bakery 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



POOR QUALITY  
ORIGINAL

0417

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

Herman Palmer  
of the CRIME of Grand Larceny in the second degree,  
as a second offense, \_\_\_\_\_

committed as follows:

The said Herman Palmer, \_\_\_\_\_

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  
carry of the United States of America,  
of a number, kind and denomination  
to the Grand Jury aforesaid unknown  
of the value of eighty dollars, and  
did articles of jewelry, of a number  
and description to the Grand Jury  
aforesaid unknown, of the value of  
eighty dollars, of the goods, chattels  
and personal property of one George  
F. Anger, in the bakery of the said  
George F. Anger, there situate, then and  
there being found, ~~from~~ <sup>in</sup> the bakery  
aforesaid then and there feloniously  
did steal take and carry away; he  
the said Herman Palmer having been

POOR QUALITY  
ORIGINAL

0418

before the commission of said felony  
and larceny so as aforesaid duly  
convicted of the felony and knowingly  
receiving of stolen property, in the manner  
and as alleged in the first count of  
this indictment) 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 McKellom  
District Attorney