

0917

BOX:

360

FOLDER:

3388

DESCRIPTION:

O'Connell, Dennis

DATE:

07/10/89



3388

POOR QUALITY
ORIGINAL

0918

Witness

Geo. Anthonis

141 back

Wm. Lugen

129 back

Counsel,

Filed

1889

Pleads

THE PEOPLE

vs.

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

Dennis O'Connell

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. J. O'Connell

Foreman.

July 15th 1889.

Wm. J. O'Connell

Foreman of Jury

Pen one up

0919

Police Court—3^d District.

CITY AND COUNTY } ss.
OF NEW YORK,

of No. 141 Goerck Street, aged 31 years,
occupation Driver being duly sworn, deposes and says, that
on the 28 day of June 1889 at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by Lewis F. Russell
(Nurse) who struck this deponent
twice on the head with an Iron Bar
cutting and injuring him severely, he
having called & wait for this deponent and
sent a messenger into his home to decoy him
therefrom to the place where the deponent lay & wait
without any justification on the part of the said assailant

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

Sworn to before me, this 28 day of June 1889 at George Matthews

Wm. C. Carr Police Justice

0920

Sec. 193-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Dennis O'Connell being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is ~~his~~ right to make a statement in relation to the charge against ~~him~~ ^{he}; that the statement is designed to enable ~~him~~ ^{he} if he see fit to answer the charge and explain the facts alleged against ~~him~~ ^{he} that ~~he~~ ^{he} is at liberty to waive making a statement, and that ~~his~~ ^{his} waiver cannot be used against ~~him~~ ^{he} on the trial.

Question. What is your name?

Answer. *Dennis O'Connell*

Question. How old are you?

Answer. *20 years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *48 Laight Street 8 years*

Question. What is your business or profession?

Answer. *Funk Dealer*

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. *The complainant struck me first.*
Dennis O'Connell.
This defendant says that this complainant attacked him and that he retreated through the street and found ~~the~~ ^{him} ~~barber~~ ^{barber} shown ~~the~~ ^{him} ~~barber~~ ^{barber} ~~laying~~ ^{laying} near a raggar and defended himself with it - by striking the complainant ~~in~~ ^{on} the head.

Cornelius Murray, Iron, 6 & Ridge
I am a funk dealer - says he cannot identify this bar, but that he sold a similar bar to the defendant on Friday or Thursday of last week either for 20 or 25 cents for three cents - I gave him five cents and he gave me 3 cents
coming clearly

Taken before me this

day of

188

Police Justice.

0922

2nd degree
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

Alfred Smith
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 *June 30* 188 *James J. O'Connell* 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.

0923

1000. 64
9 AM
June 29.
a 30

65 960
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Matthews
vs. 141 Gorch
Dennis & Connell

offence Assault &c

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

2 _____
3 _____
4 _____

Dated June 28 1889

M. J. Power Magistrate

Meyers Officer.

103 Precinct.

Witnesses John Dugan

No. 139 Gorch Street.

John Dugan

No. 139 Gorch Street.

Call the officer

No. _____ Street.

\$ 1000 to answer

Lana Fletcher & Thidee

486 E. Houston

Bar

and 2

0924

The People
vs.

Court of General Sessions. Part I
Before Judge Cowing.
July 15. 1889.

Dennis O'Connell

Indictment for assault in the second degree.

George Mathews, sworn and examined
I live at 141 Goerck street and I drive a
junk wagon for Mr Carroll 82 Ridge
St. I know the defendant a little over a
year. I saw him two days before the
18th of June, the day that the affair hap-
pened. A boy named McAffee came
to my house three weeks ago last Friday
about half past ten o'clock in the
morning broad day light; he said some-
thing to my wife; she knocked at
the door and said, "Get up, you are
wanted on the corner." I dressed my-
self and came down stairs. Passing
from the hallway I saw the prisoner
standing inside the door way. I says
"Halloa Dinney, what are you doing
here? do you see any one looking
for me?" He said, "Yes, on the corner."
I walked about three or four steps
and I got struck on the back of
the head, I staggered a little; the pris-
oner struck me. I saw him strike
the second one in the head - twice
on the head. Then I fell, and he

0925

struck me across the knee. Then I could not get up to run; he dropped the bar and ran down towards Stanton st. The iron bar now shown me is the one he struck me with, and these are the marks which were made on my head. (Showing marks to the jury.) I fell when he struck me the second time, he struck me on the ground; then he struck me on the cap of the knee, and while I was lying on the ground he was in front of me. I was kicking. I says to him, "Dinner, what do you mean to do?" He says, "I mean to kill you." I picked up the bar and started to go up through Houston st. with the bar in my hand. A policeman caught hold of me and took me into the station house and he sent for an ambulance and the ambulance came there and they fixed my head up. Then I saw the defendant a couple of days before he was alone working on the street. I don't know what he struck me for, except I think it was through a man named Lynch. I did not attack him at all. I was

0926

taken by surprise, I thought something had fallen off the house when I was struck. Cross Examined. I am living at 141 Goerck St. since the 18th of last August. I had a fight on the street about three or four months ago; it had nothing to do with the defendant. I am not known around the neighborhood as a pretty good fighter. How can I ever be losing three fingers? I guess I have worked for Mr. Carroll three years, and I think the defendant has worked for him about six months; he worked in the same shop, but not with me. I never had any trouble with the prisoner; we are the best of friends. I swear that the defendant struck me twice on the head and once in the leg without any reason. I was perfectly sober that morning. When I was asked to come out of my house I did not know I was going to meet the defendant. As soon as he struck me he chucked the bar down and ran away. I did not strike him two or three times on the face and head. I did not knock him in the gutter. He did not come to me and ask me for the loan of a horse and

0927

wagon belonging to Mr. Carroll; he did not tell me what he wanted the wagon for. I did not say, "God damn your soul. you son of a —", what the hell did you come and wake me out of my sleep for? I never had a quarrel with the defendant.

John McAffee sworn. I live 223 Park Row and drive a coal cart. On the morning of the affair I started around for my own boss from 135 Goerck St., and on the way a man stopped me on the corner and asked me would I go an errand for him. I told him I was going around for my own boss and if it would not take me long I would go. I went up to 141 Goerck St. where Mr. Mathews lives. I did not know Mr. Mathews. I delivered my message to Mrs. Mathews. I came down stairs and went my own message then. The man who gave me the message was tall with a black mustache, a slouched hat and a light coat; he was on the corner of Goerck and Houston Sts. I don't know the defendant; it was not he who sent any message about coming down stairs.

0928

John Dufan, sworn and examined.
I live at 139 Goerck st. next door to Mr
Matthews. I am a 'longshore man. On the
morning of this affair, which was the
21st, Friday (the arrest being made on
the 28th) I saw the complainant getting
struck; he was about eight feet from
the house I live in on the sidewalk.
The backs of the two men were
turned to me. His assailant struck
him on the back of the head with
a bar like the one showed to me.
I only saw him strike once. I pulled
my head in out from the window
and put my shoes on and went
down into the street. I did not see
the face of the man who struck;
he was about the size of the prisoner;
he had on a kind of a whitish shirt,
blue collar and blue cuffs; he
had no coat on when I saw him.
He ran toward Stanton st. When I
got down stairs the prisoner and the
bar was gone and the officer to the
station house. I know it was the
complainant who was struck.
Cross Examined. It was five or ten
minutes before I got down. Matthews
is no friend of mine, he is only

0929

living around that neighborhood six months. I did not notice any people around it was in the neighborhood of ten o'clock; there was people walking along. I made no outcry; the window was open. I recognized the man as Mathews. I told his wife what I had seen, and that is how I came to be a witness. I did not see what had taken place between Mathews and O'Connell before.

Emmanuel Meyers sworn. I am attached to the 13th precinct and arrested the defendant one week after the alleged assault - on the 28th and it is said to have occurred on the 21st. The complainant saw him on the Borey and had him arrested by an officer and took him to the 11th precinct; they telegraphed over to our station house for us to come and get the prisoner. I went over and got him and took him to the 13th precinct; on the way going to the station house I asked him if he assaulted the complainant? He said he did. I asked if he struck him with the bar, and he said Mathews struck him first and he found the bar lying in the street and he picked it up and struck him with it.

0930

The District Attorney conceded that at the Court the defendant made the statement that the complainant attacked him and he retreated through the street and found this iron bar here shown lying near a wagon and defended himself ~~that~~ ^{with it} by striking the complainant in the head.

Cornelius Murray sworn. I live at 64 Ridge St. and keep a junk store and buy old iron and almost everything. There was five or six bars of iron such as the one now shown me in my shop prior to the 20th of June I should say one day or so. I bought them of a small boy for old iron; they were rusty looking, they looked to me as if they were used in a fire for a taylor. On the evening of Friday or the day before the defendant came and asked me if I had a small piece of gas pipe and I said, No. Those bars were lying on the floor; he picked one of them up and said, I think that will do. He asked how much, and I said, "five cents." He offered three cents and I took it and he took the bar away with him. The bar now shown me is

0931

About the size and shape of the one I sold him. Cross Examined. I have seen a great many bars like that; a bar of iron like that is liable to drop off any wagon taking iron to a junk store. I think it was on a Thursday or Friday morning that the defendant bought the bar of iron off me. I heard of the assault a couple of days after. I spoke to the party who told me about this thing, and he went and told the man who was assaulted and then I was subpoenaed. I know that the defendant sells iron to Mr Carroll. As far as I know the defendant has been in the junk business. I understood he was in the employ of Mr. Carroll. The defendant never bought any iron of me except that bar.

The Case for the Defence.
Norah Markey sworn. I am the defendant's sister and live in 46 Laight St.; my mother is dead twelve years. My brother was ~~twenty~~ years old the 6th of July; he has always lived at home; he has been my main support and he has always been a steady, hard-working peaceable boy. I

0932

dont know of his being arrested before. Patrick Goss sworn. I am a junk dealer in business for myself. I know the defendant over four years; his general reputation as a quiet, peaceable honest boy is very good. I never heard of him being in any trouble at all.

Dermsis O'Donnell, sworn and examined, testified. I am 20 years old, born in this city and father and mother are dead, and have always lived in this city. I was arrested once for peddling without license and fined one dollar; that is the only time I was arrested. I have always lived with my sister up to the time of this trouble; then I ran away with fright. I was working for Mr. Carroll, who keeps a junk store. I go round and buy iron, rags and things for Carroll, and was always glad to make one or two cents if I could. I have been doing business for Mr. Carroll nine months. I know Matthews from going in and out working in the same shop. I never had a quarrel or dispute with him in my life. I went round to see him that morning. I went round to get the loan of a horse and wagon

0933

to take up some old iron that I was buying up in Stanton street. So I went down to Mrs. Carroll's house. I asked her if Mathews was in. She told me that he had not been there that morning. She told me to go round to his house and have him lend me the Keys of the stable. I went around, and he called me a son of a b— for waking him out of his sleep, and before I knew where I was he hit me a couple of times and said, what the hell did I want with a horse and wagon, I did not know how to drive it. I ran out in the middle of the street, he put his foot before me and knocked me down. I grabbed hold of the iron bar by the wagon, I picked it up to hit him; he went like that (phew-ing) and I hit him in the head quick twice with the iron bar. I did not know exactly where I hit him and I ran away from him. Did you do your best to get away? I did not exactly do my best, I got away from him. Before you struck him at all you ran away, then he run after you, caught hold of

0934

you tripped you, and it was upon the ground that you struck the blow? Yes. I acknowledge buying a bar of iron from Mr. Murray. I sold it to a man who wanted to lift up a wagon with it for five cents, and make two cents on it. I did not use such an expression to Mr. Matthews as that I wanted or intended to kill him. Did you lie in wait in any door way for Mr. Matthews? No. I had no intention of assaulting or touching him when I went down there. I went down to borrow a horse and wagon. I had no weapon of any kind with me. It was not until after I was knocked down in the street that I grabbed this bar of iron and struck out in my own defence. I was afraid he would kill me the way he got at me. I struck him with the bar of iron a couple of times, I don't know exactly where I struck him, but I did not strike him while he was lying on the ground. What I did I did in self defence to get away.

Cross Examined. I know a man named Lynch a couple of months. I know him from selling stuff in

0935

the place where Mathews worked. Lynch is a red faced, tall man with a gray mustache and thin; he is about five feet four, not tall; he wears a soft slouched hat. That tallies pretty well with the description which the boy McFee gave of the man who sent him to Mathews, except that the mustache was grey. Mr. Carroll is not in Court, nor Mr. Carroll. I wanted the wagon to get some iron at a baker's shop in Stanton St. I don't know the number of the house, but I could take anybody there. I don't know whether there is anybody here in Court who can corroborate my story. I have had Mr. Kellar for counsel for some time. I have not tried to have Mrs. Carroll or the baker here. It is true as Mathews says that he and I had no cause for quarrel; we were always the best of friends until I asked him that morning for the loan of the wagon. I was told he was drunk the night before, and I suppose he was mad at me because I woke him up that morning. He was following me up; he struck me ^{about} four times in

0936

the face, and then when I was down he made to strike me, I put my hands over the face. I seen the iron bar and grabbed it. I was bleeding from the nose, I had a mark on my face, like a black eye, it has gone away. I was not exactly lying on my back when I hit him, I was lying lengthwise. I am sure he was standing over me facing me. I could not tell you where I hit him the second time because I hit him so quick. As matter of fact did not Lynch that you speak of and what he was have a quarrel, and did not Lynch send you there to slug him? No. I say that positively. I don't know where Lynch is now I don't know that the police having been looking for him. The bar of iron now here is not the one I bought from the witness, but I admit I bought one from him for three cents and sold it for five cents. I sold that to a man who peddles coal around Ridge St. I have not seen him since the assault.

He was sent to
the penitentiary
for one year.

The jury rendered a verdict of guilty of assault and battery with a recommendation to the mercy of the Court.

0937

Testimony in the
case of
Dennis Hornell
filed

July 1889

0938

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dennis O'Connell

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

Dennis O'Connell

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

The said

Dennis O'Connell

late of the City and County of New York, on the Twenty-eighth day of June, 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 one

George Matthews
in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said Dennis O'Connell,

with a certain piece of iron which he the said

Dennis O'Connell

in his right hand then and there had and held, the same being then and there a weapon and an instrument and weapon likely to produce grievous bodily harm, him, the said George Matthews then

and there feloniously did wilfully and wrongfully strike, beat, cut, bruise 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.

0939

SECOND COUNT—

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

Dennis O'Connell
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Dennis O'Connell

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

said George Matthews

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault; and the said Dennis O'Connell

the said George Matthews

with a certain piece of iron

which he the said Dennis O'Connell

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

head of him the said George Matthews

then and there feloniously did wilfully and wrongfully strike, beat, cut

bruise and wound, and did then and there and by the means aforesaid, feloniously,

wilfully and wrongfully inflict grievous bodily harm upon the said George

Matthews to the great damage of the said George Matthews

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.

0940

BOX:

360

FOLDER:

3388

DESCRIPTION:

O'Toole, Walter

DATE:

07/12/89



3388

Witnesses:

Peter Freeman

J. Jones

Ch. Hendon

9th Street

66/8 No 115

W. R. Hendon

Counsel,

Filed 12 day of

188

Pleads

Not guilty

THE PEOPLE

vs.

R

Walter O'Toole

INJURY TO PROPERTY.
[Section 654, Penal Code.]

July 18

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. R. Hendon

July 18 89

Foreman.

Reads Verdict of a

Verdict

Pen 30 days.

0941

0942

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Peter Brennan

of No. 8 Jones

Street, aged 38 years,

occupation Liquor

being duly sworn deposes and says

that on the

3

day of

July

188

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

Walter O'Toole

(nowhere) who willfully and maliciously broke the front show window in the store of M. S. Jones of the value of five dollars and a glass sign in the window of the value of twenty five dollars together of the value of thirty dollars the window being the property of Harry Goldberg and the sign being the property of the firm of O'Reilly, Skelly and Fogarty by throwing a pavement stone through the said Peter Brennan

Sworn to before me, this

188

day

Police Justice.

0943

window. Wherefore defendant charges
the said defendant with destroying
said property and prays that
he may be held and dealt with
as the law directs.
Subscribed before me this } Peter Bernier
4 day of July 1889 }
Solon B. Smith

Police Justice

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

0944

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

Walter O Toole 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 h see fit to answer the charge and explain the facts alleged against h
that h 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.

Walter O Toole

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York City

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

Answer.

144 West 17 Street . 2 Months

Question. What is your business or profession?

Answer.

Butcher

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 and examination

Walter O Toole

Taken before me this

day of

188

Police Justice.

0945

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.....

Three *defendants*
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 *July 4* 188 *Solomon B. Smith* 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.

0946

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street

Police Court---

994
2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter Brennan
vs. Jones
Walker & Toole

2 _____
3 _____
4 _____

Office
M. M. M. M. M.

Dated July 4 1889

Smith Magistrate.

Sherrard Officer.

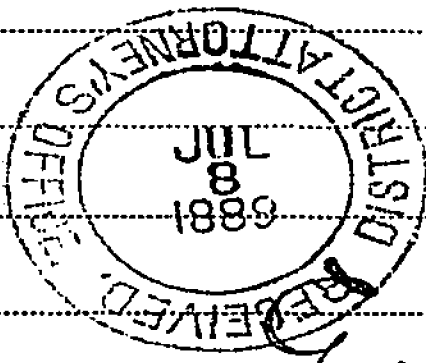
9 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. 300 to answer _____ Street.



Chen

0947

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Walker O'Toole

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

Walker O'Toole
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying*
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Walker O'Toole*,
late of the *10th* Ward of the City of New York, in the County of New York
aforesaid, on the *third* day of *July* in the year
of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, City and
County aforesaid, with force and arms, *one pane of glass*
of the value of five dollars, and
one glass mirror
of the value of *twenty-five dollars*,
of the goods, chattels and personal property of one *Peter Brennan*,
then and there being, then and there feloniously did unlawfully and wilfully *break*
and destroy.

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 A. Jones,
Attorney