

09 15

BOX:

2

FOLDER:

31

DESCRIPTION:

O'Connor, Lawrence

DATE:

12/03/79



31

09 16

37.

Day of Trial

Counsel,

Filed 3 day of Dec 1879

Pleas, Vol. 1 (1)

THE PEOPLE

vs.

Lawrence Oliver

15
12

Burglary—Third Degree, and Receiving
Stolen Goods.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

M. W. Cropper
Foreman.

Pen 2 1/2 years.

0917

Police Office, First District.

City and County
of New York,ss: Benjamin Krumelitch
of No. 42 Mulberry Street, being duly sworn.

deposes and says, that the premises No. 46 Mulberry

Street, 6th Ward, in the City and County aforesaid, the said being a

and which was occupied by deponent as a

Store for the Sale
of clothing and dry goods were BURGLARIOUSLY
entered by means of forcibly breaking a pane
of glass in a window of said premiseson the afternoon of the 28th day of Novr 1874

and the following property, feloniously taken, stolen and carried away, viz.:

One Shawl, one Woolen Jacket, one
white Shirt, one pair of drawers
and one undershirt in all of
the value of five 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 byLawrence Connor now present
and others not arrested

for the reasons following, to wit:

That deponent is
informed by Isaac Krumelitch that
at about Six O'clock on the said
afternoon he saw the prisoners and
said others standing in front of
said premises. That he heard a
noise of glass breaking and saw
the prisoners and said others breaking

Said Window. That Said Isaac
 ran up stairs to inform this deponent
 and when Isaac returned with
 deponent he saw the prisoner having
 said shawl under his arm
 that upon the approach of deponent
 the prisoner and said others
 all ran away -

Isaac Kraveltch

City and County
 of New York

Isaac Kraveltch of the
 12 Mulberry Street being sworn
 says the statement contained
 in the foregoing affidavit to
 have been given on the information
 of this deponent is true to deponent's
 own knowledge -

Isaac Kraveltch
 Mark.

Sworn to before me this
 29th day of Novr 1844
 Michael O'Connell
 Police Justice

Sworn to before me this
 29th day of Novr 1844
 Michael O'Connell
 Police Justice

09 19

Police Court—First District.

CITY AND COUNTY
OF NEW YORK.

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

Question. What is your name?

Answer. *Laurence O. Connor*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *England*

Question. Where do you live?

Answer. *22 Mark Street*

Question. What is your occupation?

Answer. *Reddler*

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

Answer. *I am not guilty,*

Laurence O. Connor

Taken before me, this *29* day of *March* 187*9*
McConnell
Police Justice.

0920

Form 40.

Police Court—First District.

COUNSEL FOR COMPLAINANT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Name,

Address,

Benjamin Muelich
72 Mulberry St.
vs.
Lucius Combs

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

Offence,

187

May 9
Anthony
Dated
Magistrate.

Officer.

Clerk.

Name,

Address,

Lynch
Grace Muelich
72 Mulberry St.
Witnesses



\$ *5.00* to answer

Lucius Sessions.

Received in Dist. Atty's Office,

COUNSEL FOR DEFENDANT.

v. 3

The People ^{vs.} Lawrence O'Connor } Court of General Sessions. Before
 Indictment for burglary in the third degree and Judge Cowing, December 4, 1874
 receiving stolen goods. Benjamin Krugelitch, sworn
 and examined, testified. I keep a dry goods
 and clothing store at 72 Mulberry St.; on the
 afternoon of the 28th of November about six
 o'clock I was up stairs, I live up stairs; I had
 closed my store on five o'clock which was the
 beginning of the Sabbath. My boy was up stairs
 by the window and said, "Father, the boys are
 stealing the goods. Then I came down they stay-
 ed there for a little while and then they ran away.
 It was dark and I did not see anything in
 their possession; the shutter, the iron bar and
 the glass in the window was broke. I had in
 that window shirts, under shirts, jackets, stockings,
 hosiery and dry goods. Then I went up stairs
 I had secured everything. Cross Examined. There
 were three boys there and one of them was this
 prisoner. I did not see him have any of my
 goods; the same boy tried several times to
 Isaac Krugelitch, sworn and examined, tes-
 tified. I am twelve years old. I am the son of the
 last witness. Were you at the time these
 shutters and this glass was broken? I was
 up stairs in the window. I saw the boys pick-
 ing up sticks and they all went to the shutters.

They broke the window shutter and this boy stole a shawl out of the show case; when we went down he had a shawl in his arms and he ran away with it. I had seen the boy before and I knew him. I knew that the shawl he had belonged to my father. The prisoner was arrested about half an hour afterwards. My father and I went up to the Station house first. Then I saw these boys breaking the window I ran up and told my father and we came down and saw this boy running away with the shawl; he was standing in the hall; when we came out they all commenced to run. Cross Examined. I was looking out of the window on the second floor; it was a little dark; it was about six o'clock in the evening. I was looking out of the window because we had to receive goods and the store was locked; when I looked out of the window I saw three boys. I could tell their faces; they were bigger and taller than the prisoner; I did not see the other boys stealing anything out of the show window; they were close together and had sticks. They were pulling goods out of the show window with the sticks; there was half a window pane broke. I know that the shawl which the prisoner had belonged to my father, for I knew it by the fringe.

Lawrence O'Connor, sworn and examined

in his own behalf testified. I am 15 years old and live in 22 West St. I peddle for a living. At six o'clock on the evening of the 28th of Nov. I was after coming down from Mott St. I went into a store where a boy was selling a shawl for the purpose of getting 25 cents changed. This was about six or half past six o'clock. I used to live in that neighborhood and I went up Mott St. to see a lady up there I know. I was peddling that day combs and brushes. I live on the corner of Morris and West sts. I did not go out of the store, I got arrested in the store where the boy was selling the shawl; this was about a block and a half from where the place was that was broken into. Did you have anything to do with taking this shawl? No sir. I did not know the boy who was selling the shawl, I was not in his company; the officer arrested that boy; he ran away and got away from the officer, he slipped off his coat I believe; the officer caught hold of the two of us in the store. Cross Examined. I don't know where the boy got the shawl he was selling; it was in an Italian liquor store, I believe the number of the place is 41 Mulberry St. I went from one end of the store to see what he had to sell; he was alone; there were no other boys in the store but us two. I wanted change to buy something to bring home. This is the second time I have been

arrested. I was in this Court once before; they dis-
 charged me; a woman charged me with stealing
 fifteen cents off her. I took it out of her hand. I
 was taken from the Truhs to this Court and the
 lady did not appear against me; this was about
 three months ago. I have been in the store 72
 Mulberry St. once before, but they did not charge
 me with stealing anything. I did not see that
 little boy in there, it was a girl that was there.
 Michael Lynch, an officer, sworn and exam-
 ined testified. It was seven o'clock when I arrested
 the prisoner. I was just after coming from the
 station house with a prisoner. I arrested him in a
 lager beer saloon 41 Mulberry St. There was another
 boy there at the time. I could not tell whether the other
 boy had a shawl or not; the other boy slipped
 me and got away. While I was searching this one
 this prisoner did not tell me at the time that he
 had nothing to do with the other boy; he did not tell
 me that he went in there for the purpose of getting
 change. I searched him and found no money
 on him; if he had 85 cents I could have found it.
 The parties in the store did not tell me that the
 other lad brought the shawl in there. I have not
 seen the shawl. The complainant's little boy point-
 ed out the prisoner to me in the store and
 said he was one of the boys who stole a shawl
 from his father's store. A verdict of guilty was
 rendered. He was sent to the Penitentiary for two
 years and six months.

CITY AND COUNTY }
OF NEW YORK. }

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

That *Lawrence O'Connor*

late of the *Sixth* Ward of the City of New York, in the County of New York aforesaid, on the *Twenty Eighth* day of *November*, in the year of our Lord one thousand eight hundred and seventy-*nine* with force and arms, at the Ward, City and County aforesaid, the *Store* of

Benjamin Strauss Litch
there situate, feloniously and burglariously, did break into and enter, the same being a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels and personal property hereinafter described, with intent the said goods, chattels and personal property of the said

Benjamin Strauss Litch
then and there being, then and there feloniously and burglariously to steal, take and carry away, and

one shawl of the value of one dollar.
one jacket of the value of one dollar.
Two shirts of the value of one dollar each.
one pair of drawers of the value of one dollar.

of the goods, chattels, and personal property of the said

Benjamin Strauss Litch

so kept as aforesaid in the said *Store* then and there being, 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.

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And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Lawrence O'Connor

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

*One shawl of the value of one dollar -
One jacket of the value of one dollar -
Two shirts of the value of one dollar each -
One pair of drawers of the value of one dollar -*

of the goods, chattels, and personal property of *Benjamin Krauelitch*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously
stolen of the said

Benjamin Krauelitch

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

Lawrence O'Connor

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

BENJAMIN K. PHELPS, District Attorney.

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BOX:

2

FOLDER:

31

DESCRIPTION:

O'Brien, William

DATE:

12/22/79



31

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Rail
Geo W Woodward -
317 West 19th St
Personal property
(\$2500)
Jan 6/79

Dec 14/74

162
Filed 22 day of Dec^r 1879
Pleads Not Guilty 23

THE PEOPLE

23 11.37
206 11.37
vs.
Jury
3

William O'Brien

Assault and Battery - Felonious.
Firearms.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

M. W. Cooper

Foreman.

Part Trro: Jan. 23rd 1880.

Fried & convicted Assault.

Battery. P. 14 Jan
Jan 26. 1880.

0929

Police Court, Second District,

Jefferson Market, Sixth Avenue,

New York, November 24th 1879

Hon Bld Bxly

Dear Sir

I am requested by Captain Williams
to write this note to you asking you
to be kind enough to discharge
the use of the body of James Forsythe committed
there by you yesterday. The Captain
and Segr. ~~W. H. Stewart~~ says
that they will be personally respon-
sible for his appearance when
wrote etc

Yours
Amos W. C. C.

0930

Police Court—Second District.

RECOGNIZANCE TO TESTIFY.

CITY AND COUNTY } ss.
OF NEW YORK, }the 24th day of November BE IT REMEMBERED, That on
in the year of our Lord 187 9of No. 340 Ninth Avenue Street, in the City of New York,
andof No. 439 West 16th Street, in the said City,
personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowl-

edged themselves to owe to the PEOPLE of the STATE OF NEW YORK, that is to say: the said

the sum of five Hundred Dollars,
and the said James Hannanthe sum of five Hundred Dollars,
separately, of good and lawful money of the State of New York, to be levied and made of their respective goods
and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following,
viz.:

~~any person~~ The Condition of this Recognizance is such, that if the person first above recognized shall
personally appear at the next COURT OF GENERAL SESSIONS of the Peace, to be holden in and
for the City and County of New York, and then and there Testify and give such evidence, in behalf of the People of
the State of New York, as he may know concerning an Offence or Felony said to have been lately committed
in the City of New York aforesaid by William B. James

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to
remain in full force and virtue.

Taken and acknowledged before me, J.C. }
day and year first above written. }

John J. [Signature]
Police Justice.

W. B. James
James Hannan

0931

CITY AND COUNTY OF NEW YORK, ss.

day of December 1874
John W. McNamee Police Justice.

Sworn before me, this 10th day of Dec

James Hammann
the within-named Bail, being duly sworn, says that he is a free holder in said City, and is worth ten Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of a House and lot of land situated at No. 439 West 16th Street in said City being said property being of the value of twenty five hundred dollars overall Encumbrances

New York General Sessions.

THE PEOPLE, &c.,

Recognition to Testify.

Magistrate.

187

day of

Filed

0932

Police Court—Second District.

RECOGNIZANCE TO TESTIFY.

CITY AND COUNTY
OF NEW YORK, } ss.BE IT REMEMBERED, That on
the 29 day of November in the year of our Lord 1879of No. 441 West 26 Street, in the City of New York,and William B. Putnam
of No. 274 Ninth Avenue Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE of the STATE OF NEW YORK, that is to say: the said

Nicollet
the sum of five Hundred Dollars,and the said Putnamthe sum of five Hundred Dollars,
separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz.:The Condition of this Recognizance is such, That if the person first above recognized shall personally appear at the next COURT OF GENERAL SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the People of the State of New York, as he may know concerning an Offence or Felony said to have been lately committed in the City of New York aforesaid by—William O'Brien

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the }
day and year first above written.R. W. Brady

Police Justice.

A. Nicollet
W. B. Putnam

0933

CITY AND COUNTY OF NEW YORK, ss.

Subscribed and sworn to before me, this 20th day of March, 1879.
Police Justice.

Sworn before me, this 20th day of March, 1879.

the within-named Bail, being duly sworn, says that he is a House holder in said City, and is worth Ten Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

Stock and furniture of a store
situated at no 294 Ninth
Avenue in said City and is
of the value of Two thousand
Dollars free and clear of all
incumbrance

W B Putnam

New York General Sessions.

THE PEOPLE, &c.,

Recognizance to Testify.

Adolphus Heerich

Magistrate.

W B Putnam

187

day of

1879

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GLUED PAGES

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New York Hospital,

West Fifteenth Street,

New York, January 6th 1880

Lofrin

John Hauck - 31 - U.S. Single - Mechanic
 was brought to hospital in ambulance from
 29th Precinct Station House by me on the
 morning of November 23^d 1879 at 4.54 A.M.
 suffering from penetrating wound of neck
 in median line just below the Prominence
 or prominent portion of the Thyroid Cartilage
 of the larynx - When first seen was
 suffering from considerable dyspnoea
 (difficulty in breathing). Upon arrival at
 the hospital this dyspnoea became extreme,
 countenance becoming intensely cyanotic
 (blue), almost no air apparently entering
 the lungs - The House Surgeon having
 been summoned immediately performed
 Laryngotomy - an operation wh. consists
 in opening the larynx & inserting a
 silver tube - The introduction of this
 tube, together with artificial respiration
 relieved almost immediately the dyspnoea

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was removed from the larynx
on Dec 12th when it was found that
respiration was normal &
the voice but slightly impaired -
His recovery since that date has
been rapid. The condition of the patient
during the first week was very serious.

Francis H. Markoe
Sen Asst Surgeon
N.Y. H.

0937

on Dec 12th when it was found that
was removed from the hospital
West Fifteenth Street.

New York, Dec 23rd 1874

of him

Street, being duly sworn, deposes

remember 1879 -
was violently
assaulted by
(nowhere
and feloniously
argued a
to powder
all striking
neck

has been in
see he was
ed and was
in danger
subways
place his
pocket, nor

and he interfere with his
person or property.

Dependent charges that he
was shot as aforesaid by
saw O'Brien with the felonious
intent to take deponents life

Sworn to before me this 18th day of December 1879
John H. Smith

Police

West District Attorney Russell -

Dear Sir -

I beg to

you will not detain the witness John Barrett
any longer than is absolutely necessary, as
his condition is such that he can not
like to have him remain away from
the hospital for any length of time

Yours truly

Alexander D. Fraser
House Surgeon
N.Y. Hospital

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STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, ss.:Comer John Hancock of New
of 8th Avenue & 12th Street, being duly sworn, deposesand says that on the 23^d day of November 1879 -at the City of New York, in the County of New York, he was violently
and feloniously assaulted by
William O'Brien (nowhere
who wilfully and feloniously
fired and discharged a
pistol loaded with powder
and ball. the ball striking
deponent in the neckThat deponent has been in
the Hospital since he was
shot as aforesaid and was
for a long time in danger
of death - Deponent says
that he did not place his
hand in O'Brien's pocket, nor
did he interfere with his
person or property.Deponent charges that he
was shot as aforesaid by
saw O'Brien with the felonious
intent to take deponent's lifeSworn to before me this 18th day of December 1879 John Hancock

0939

New York Hospital
December 9th

The condition of John Barker is such that I do not
apprehend any immediately bad result in his case.

Alexander M. Fisher
House Surgeon
N.Y. Hospital

Mr. Butler H. Bixby
2nd District Court

0940

New York Hospital,

West Fifteenth Street,

New York, December 28 1879

The condition of John Hancock is
at present good, but he is not yet
out of danger, and is liable to
develope bad symptoms which im=
peril his life, at any moment.

Alexander M. Fisher

House Surgeon
New York Hospital

0941

New York Hospital,

West Fifteenth Street,

New York, Nov 23^d 1879

This is to certify that John Hauck
was bro't to this hospital in
ambulance fr 29th Precinct
Station House at 5 A.M. this day
suffering from Pistol Shot wound
of neck & that he is in an
exceedingly precarious condition

Am Fisher
House Surgeon
for F.B.M.
D.A.S.

0942

New York Hospital,

West Fifteenth Street,

New York, December 1879

Dr. Pittman -

Judge Butler N. York -

The condition of John Hawk is such that I consider him out of all danger, and in my judgement it is only a question of a few days as to when he will be able to appear in court -

Alexander M. Fisher M.D.
House Surgeon N. Y. Hospital

0943

City & County of New York ss.

John Downes, being further sworn and Examined says that he was present on the morning of the 23rd inst, when John Hauck was shot in the neck by William O'Brien. Deponent saw said O'Brien shoot said Hauck with a pistol. O'Brien was drunk at this time and so was Hauck. The shooting took place about four o'clock in the morning, in 25th street about one door East of 7th Avenue.

At the time it occurred James Forryth, Adolphus Niccolletti, William B James, and James P Haughey were present and within full view of the occurrence.

Deponent says that just before Hauck was shot, O'Brien said you have been down in my pocket, when this was said Hauck being drunk staggered against O'Brien saying I am a friend of yours, At this moment O'Brien shot Hauck -

Deponent says that Hauck

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did not place his hand in
O'Brien's pocket -

Deponent says that O'Brien
went immediately away
~~as so~~ after the shot was
fired. He went away with
Ferryth

John Harvey
Sworn to before me
29th day of Nov^r
1879 -
J. V. Ripley
Police Justice

0945

City & County of New York
District Attorney's Office

Nov 26th 1879

Hon Butler N. Bailey

Dear Sir!

I am ordered by the District Attorney to call your attention to the case of Alfred Nicollet a witness detained in the House of Detention in the case of the people vs William O'Brien which is under examination before you. He begs leave to say that the Rev. Dr White has called upon him and states ^{he informed that} that the boy Nicollet does not know about the case and is not therefore a material witness. Will you kindly make the examination.

0946

as speedy as possible and if you
find such to be the case order
his discharge.

Yours respectfully,
Moses D. Clark

Chief Clerk
for the Court

0947

POLICE COURT - SECOND DISTRICT.

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

James K. Price
an officer of the 29th Precinct Police ~~Station~~, being duly sworn, deposes
and says that on the 23rd day of November 1879
at the City of New York, in the County of New York, at about the hour of

4 O'clock A.M. one John Hauck of St. Ann's 12th Ward
was violently and feloniously assaulted by *William*
O'Brien (see here), who shot said Hauck in the
neck that at the time of said shooting
James Forsyth, *Adolphus McCollett*, *William B. James*
and James P. Haughey (all see here) as deponent
is informed were present and witnessed said
assault, and deponent believes that from
conversation had with them they are necessary
witnesses for the prosecution and verily believes
that they are unwilling witnesses and that
they will not appear and testify as such
witnesses unless required to give surety,
deponent therefore prays that they be ordered
into recognizance with surety for their
appearance at Court and that John Brown
who saw said occurrence may also be required
to give surety he being a material witness
for the prosecution in this case

Sworn to before me this }
23rd day of November 1879 } *James K. Price*
R. J. Price }
Police Justice

0948

Second District Police Court.

AFFIDAVIT—FELONIOUS ASSAULT, &c.

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

62-2223 of No. *247*
77-634 Street, being duly sworn, deposes and says
that on the *22* day of *June* in the year
187*6*, at the City of New York, *John Bank* was violently and feloniously assaulted and beaten by

William O'Brien (nephew)
and maliciously forced
him to drink a glass of
whisky and beat him
with a cane and a
piece of wood.

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

Wherefore this deponent prays that the said assailant may be apprehended, and dealt with
according to law.

Sworn to before me this *22* day
of *June* 187*6* }

B. W. Smith

Police Justice.

0949

John James Campbell
Com. James & McIntire in
defence of \$300 bail

Witnesses -

- 1 *James Forsythe - 219 1/2 mi.*
- 2 *Quillman Nesbitt 441 1/2 mi*
- 3 *William B. James 300-900*
- 4 *James P. Thompson 208-1/2 mi*

Each committed to the
House of Detention in
defence of \$500 bail

- 1 *Discharge of Capt. Williams*
- 2 *J. Baird -*
- 4.

POLICE COURT - Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William B. James

OFFENCE - Felonious Assault and Battery.

Dated *February 23 187*
Butler & Barry Magistrate.

Witnesses, *James P. Thompson* Officer.
James P. Thompson Clerk.

2957 1/2
James Forsythe
230 1/2

to await result
Committed in defence of *test*
Bailed by *of injuries*

No. Street.

James Forsythe
discharged from
the House of
Detention at the
request of Capt.
Williames who
becomes responsible
for him.

0950

City & County of New York &

John Donner being duly
examined by Magistrate says.
I was alone in 15-4 o'clock
when this happened. I
mean the shooting by
O'Brien. I was with James
Vaughney & Hauck.

I was walking when I first
saw O'Brien. I said to O'Brien
Hallen Gaffney I think
that was his name. Vaughney
then said his name is not
Gaffney. It is O'Brien, then O'Brien
said to me Hallen Donner, ~~the~~ ^{the} ~~complainant~~
Hauck was as drunk as he could be, ~~the~~
he staggered up against O'Brien, then
O'Brien accused Hauck of having his
hand in his O'Brien's pocket, I will not
swear that Hauck did not have his
hand in O'Brien's pocket, then O'Brien
said to Hauck you get away from me,
when Hauck then went towards O'Brien
and said I am a friend of yours
at the same time staggering towards
O'Brien, ~~immediately~~ I saw a pistol in
O'Brien's hand when he said to me you
get away from me, I told him to put
the pistol down, then he said O'Brien

0951

raised the Pistol and discharged it at the person of Hauck, O'Brien was about three or four feet away from Hauck at the time the Pistol was so discharged. Hauck was staggering and bobbing backward and forward at the time O'Brien shot him. Haughey was about 15 feet away from where the shooting took place, I might have fallen against O'Brien when I had a hold of Hauck. John Downe is my proper name. I have went under other names. I decline to give the names I went by. I went under the name of John Downey, and also under the name of John Williams. I decline to state the number of times I was arrested. The reason why I decline to answer the question is because it might tend to degrade me. At the time of the shooting James Forsyth was with the Prisoner.

John Downe

Sumner to before me this
17th day of December 1879
Per J. J. Murphy
Police Justice

0952

State of New York
 City and County of New York } ss
 James P Haughey of NY 208 West 35th being
 duly sworn and examined says, I saw
 the shooting affray which took place on
 the 23rd day of November 1879 on the
 corner of 7th Avenue and 25th Street - I
 was standing about four feet from the
 corner at the time, I was not with any
 body at the time, I had been with
 John Downes and nobody else, I was not
 with Hauck on the night of the affray
 I met him in a Saloon in 25th Street
 between 6th & 7th Avenue, the Saloon
 I met him in was about $\frac{3}{4}$ of a block
 from the corner where the shooting took
 place, I did not go out of the Saloon
 with Hauck he and Downes went out
 together, I went out ^{of the saloon} after about 15 or
 20 minutes after Hauck did, the next
 place I met them was on the corner of
 7th Avenue and 25th Street, Hauck and
 Downes was standing there talking about
 five minutes after I got to the corner
 O'Brien and a friend of his came ~~up~~
 out of the store on the corner and walked
 toward 7th Avenue, ~~at~~ Downes and I started
 to walk toward sixth Avenue, I bid O'Brien
 good morning, when Downes said

0953

That was not O'Brien's name, Don O'Brien's friend said it was -

I saw the shooting - I saw the Revolver in O'Brien's hands - I heard O'Brien say that some one had his hand in his pocket. The next thing I heard was a report of a pistol - I saw O'Brien draw the pistol & have it in his hand - I was this time 10 or 15 feet away -

Hauk was 4 or 5 feet away from O'Brien when the pistol fired -

I did not see Hauk put his hand in O'Brien's pocket, Hauk was drunk - They all advised O'Brien to go home - I think Hauk staggered against O'Brien - I did not see the pistol after O'Brien was shot - I associate with Downer. I have been arrested three times, I think I never was in prison - I was arrested once for being in swimming - once by my mother for being out nights & once as a witness -

0954

Haughey continued

Hauck had told of O'Brien previous to the shooting. He was telling him that he was a friend of his -

To the justice
How many of O'Brien's friends were with him just before the shooting. Forsyth was with him - Niccolletti & James came out of the Saloon before the shooting. Including O'Brien & Hauck there were seven persons there at the time O'Brien shot Hauck -

There had not been any violence used by any one before the shooting -

J. J. Haughey

Sum to before me this

17th day of December 1879

R. W. Forsyth

O'Brien Justice

0955

City & County of New York ss

John Downes, being lawfully sworn, deposes and says. I was alone in 15-4 o'clock when this happened. I mean the shooting by O'Brien. I was with James Haughey & Hauck.

I was walking when I first saw O'Brien. I said to O'Brien Hauck Gaffney I think that was his name. Haughey then said his name is not Gaffney. It is O'Brien. Then O'Brien said to me Hauck Downes. ~~The~~ Complainant Hauck was as drunk as he could be, ~~that~~ he staggered up against O'Brien, then O'Brien accused Hauck of having his hand in his O'Brien's Pocket, I will not swear that Hauck did not have his hand in O'Brien's Pocket, then O'Brien said to Hauck you get away from me, when Hauck then went towards O'Brien and said I am a friend of yours at the same time staggering towards O'Brien, ~~immediately~~ I saw a Pistol in O'Brien's hand when he said to me you get away from me, I told him to put the Pistol down, then he said O'Brien

0956

raised the Pistol and discharged it at the person of Hauerk, O'Brien was about three or four feet away from Hauerk at the time the Pistol was so discharged. Hauerk was staggering and bobbing backward and forward at the time O'Brien shot him. Haughey was about 15 feet away from where the shooting took place, I might have fallen against O'Brien when I had a hold of Hauerk. John Downe is my proper name. I have went under other names. I decline to give the names I went by. I went under the name of John Downey, and also under the name of John Williams. I decline to state the number of times I was arrested. The reason why I decline to answer the question is because it might tend to degrade me. At the time of the shooting James Forsythe was with the Prisoner.

John Downe

known to before me the
17th day of December 1879
By 14th J. Murphy
John Downe

0957

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK. } ss.

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

Question.—What is your name ?

Answer.—*William O'Brien*

Question.—How old are you ?

Answer.—*23*

Question.—Where were you born ?

Answer.—*New York*

Question.—Where do you live ?

Answer.—*206 W 27- St*

Question.—What is your occupation ?

Answer.—*Barkeeper*

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

Answer.—*I am not guilty.*
Wm O'Brien

Taken before me, this

day of Dec

1879

Police Justice.

0958

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Form 115.

Police Court—Second District.

THE PEOPLE, &c..

vs. THE COMPLAINT OF

John O'Hara
297-122-4
William O. Bruen

Officer. *Thomson*
Assault and Battery

Dated Dec 18

1879

Butler H. Bixby, Magistrate.

Price 29, Officer.

Clerk.

Witness, James P. Haughey
and John Dorris Committed
House of Detention in default
of \$300 to appear

No.

Street.

\$ 2500

to answer Committed.

Received in Dist. Atty's Office.

0959

...entirely to those who are
...and is the BEST Preparation ever offered to
...public for restoring the lost vitality of the Liver and
...and the whole Human System.
It cures Pains in Head, Loins, Constipation, Diarrhoea,
our Stomach, Nervous Weakness, and gives strength to
the body, and vigor and clearness to the mind, and removes
the tendency to depression of spirits, and inactivity.
It acts quietly and effectually upon all the glands and
...of the system without irritation.
It is invaluable to persons of bilious tendency.

DOSE.

Teaspoonful, mixed with water, to be taken before break-
... If the person be badly constipated, add Rhubarb oc-
...sionally to the Mixture.

Price 25 and 50 cents—For Sale by Druggists Generally.

SAM'L T. WALCOTT,

25 N. Liberty street, BALTIMORE, Md.

HERB-BALM,

—A—

HOUSEHOLD COMPANION.

This preparation is Purely Vegetable, and is superior to
...preparations which have heretofore been offered to the
...as Pain-Killors, etc. It has been successfully tried
...all the following cases:

HILBLAINS, FROST-BITES,
RHEUMATISM, SWELLING OF
THE LIMBS, SCALDS, SORES, CUTS,
BURNS, NOSE-BLEED, TOOTHACHE,
SORE GUMS, STOMACH PAINS,
DYSENTERY, CHAPPED LIPS,
BITES OF INSECTS, STINGS OF BEES, SOREFEET,
BUNIONS, CUTANEOUS ITCHING AND
ERUPTIONS, PIMPLES, HIVES,
NERVOUSNESS, AND
ITCHING PILLS.

DIRECTIONS.

For Nose-bleed—Suff the Mixture up the nostrils.
For Nervousness, Dysentery, or Stomach Pains—Take
...teaspoonful mixed with water.
For Itching Pills—Add one-half water and apply the
...mixture to the parts.

Price 25 and 50 Cents per Bottle

0960

O'BRIEN FOUND GUILTY.

Convicted on the Testimony of Admitted Thieves and Jail Birds.

William O'Brien was placed on trial in the Court of General Sessions, before Recorder Smyth, yesterday, charged with shooting John Hauck on the night of the 23d of November, 1879, at the corner of Seventh avenue and Twenty-fifth street. The defense admitted the shooting, but claimed it to have been done in self-defense and with no intent to injure, O'Brien having fired the shot in the air to frighten the complainant, who, it was claimed, was endeavoring to rob him.

Hauck swore that he had been innocently shot, and he was corroborated by two witnesses. He admitted that he had one or two aliases, and that he had served six months in the Penitentiary for stealing and assaulting a man, with an axe.

John Downs alias Downing, alias Williams, was next called in behalf of the people. His testimony was a mere corroboration of Hauck's. He admitted having served three or four terms of imprisonment, and when asked by Mr. Steckler, the prisoner's lawyer, if he could remember any other, he refused to answer on the ground that it would be degrading to his character.

James P. Haughey, the other witness, had been in the House of Refuge and in the Juvenile Asylum.

The defense called witnesses to prove the good character of the prisoner, and it was proved to be spotless.

O'Brien then took the stand and testified in his own behalf that Hauck had tried to rob him, and was about to strike him when he fired the shot. Two or three others who were there when the affray occurred, also testified that Hauck had his hand in O'Brien's vest pocket, and was about to strike him when O'Brien shot.

The jury retired, considered the case one hour, and returned a verdict of guilty of simple assault.

0961

House of Detention

Mr. Hollis

Sir I have been here close on two
Months and you would oblige me
very much by bringing the case
up right away as it is like shooting
of John. I submit by William Brown
on the morning of the 23rd of January
and by doing so you will confer
a great favor. Yours Resp.

John Brown
James Hargrave

0962

STATE OF NEW YORK.



Executive Chamber.

Albany, February 27, 1886.

Sir: Application having been made to the Governor for the Pardon of William O'Brien who was sentenced on January 26, 1881, in your County, for the crime of Assault and Battery for the term of one year and — to the State Prison Penitentiary you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a Pardon. Be pleased also to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully, your obedient servant,

Amasa Briggs
Prison Clerk.

To Brig. H. Phelps Esq.
District Attorney, &c.

0963

We the Undersigned Jurors in the
Cause of the Peo. v. Wm O'Brien
respectfully ask the Honorable Court
to impose the most merciful sentence
on the defendant.

Jan. 26th 1880.

Raphael Black
Daniel Steiner
Leopold Stock
John Eiler
George C. Hornahrens
John W. Brucher
William T. Miller
Thos L. S. Hop
Albert M. Dickson
Chas. J. Park
Herr Reinbaum
And S. W. Kites

0964

General Sessions

The Po
r.
Mr. O'Brien } *Mass*

Jury's Recommendations

filed Jan'y 26. 1880.

0965

CITY AND COUNTY } ss.
OF NEW YORK.

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

That

William O'Brien

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

on the *twenty third* day of *November* in the year of our Lord
one thousand eight hundred and seventy-*nine* with force and arms, at the City and
County aforesaid, in and upon the body of *John Kauck*
in the peace of the said people then and there being, feloniously did make an assault
and to, at and against *him* the said *John Kauck*
a certain *pistol* then and there loaded and charged with gunpowder and one
lead 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 *John Kauck*
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 Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said

William O'Brien

with force and arms, in and upon the body of the said *John Kauck*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *John Kauck*
a certain *pistol* then and there loaded and charged with gunpowder and one
lead 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 attempt to discharge,
with intent *him* the said *John Kauck*

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.

THIRD COUNT.

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

William O'Brien
with force and arms, in and upon the body of the said *John Kauok*
then and there being, wilfully and feloniously, did make an
assault and to, at and against *him* the said *John Kauok*
a certain *pistole* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistole* the said

William O'Brien
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there shoot off and discharge,
with intent, then and there, thereby *him* the said *John Kauok*

wilfully and feloniously then and there to injure, against the form of the Statute in
such case made and provided, and against the peace of the People of the State of
New York and their dignity.

FOURTH COUNT.

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

William O'Brien
with force and arms, in and upon the body of the said *John Kauok*
then and there being, wilfully and feloniously, did make an
assault and to, at and against *him* the said *John Kauok*
a certain *pistole* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistole* the said
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there attempt to shoot off and
discharge, with intent, then and there, thereby *him* the said

John Kauok
wilfully and feloniously then and there to injure, against the form of the Statute in
such case made and provided, and against the peace of the People of the State of
New York, and their dignity.

BENJ. K. PHELPS, District Attorney.