

0268

BOX:

11

FOLDER:

138

DESCRIPTION:

Burns, Richard

DATE:

04/15/80



138

0269

BOX:

11

FOLDER:

138

DESCRIPTION:

Noonan, John

DATE:

04/15/80



138

0270

Form 116.

Police Court—Second District.

THE PEOPLE, &c., vs.

ON THE COMPLAINT OF

Marcelle C. Daggart
20 S. Mercer

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Offence.

April 9-80
Date

Magistrate.

W. C. Daggart
1120 Mercer
Clerk.

Witnesses.

Off. Stanton
20 S.

Street.

No.

Street.

No.

Street.

No.

W. C. Daggart

Each

Submitted.



Received in Dist. Atty's Office.

0271

Form 10.

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

of No. *20*

that on the *9*

day of *April*

18*87* at the City of

New York, in the County of New York,

James J. Taggart
De *James J. Taggart*
Street, being duly sworn, deposes and says,
at the hour *2:40* o'clock *am*
defendant arrested *John Norman*
and Richard Burgh *was here*
in the act and about to
force an entrance into the
premises No *254* West *30*
Street but their being no mark
upon the door *defendant* finding
in the yard of said premises
a *gun* *here* *charges*
the said persons with having
unlawfully in their possession
said instrument with felonious intent

James J. Taggart
De
James J. Taggart

487-1
day
Police Justice

0272

to break or enter said premises
in the night time the said
premises being a store
known to be for
on this 9 day of April 1883 Francis McFiggart
[Signature]

FORM 10.

Police Court—Second District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

ARRESTED.

Dated,

1883

Justice.

Officer.

Witness,

0273

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Norman 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.—

Question.—How old are you?

Answer.—

Question.—Where were you born?

Answer.—

Question.—Where do you live?

Answer.—

Question.—What is your occupation?

Answer.—

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

Answer.—

Taken before me this

Police Justice.

0274

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard Burns 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.—

Richard Burns

Question.—How old are you?

Answer.—

18 years

Question.—Where were you born?

Answer.—

New York City

Question.—Where do you live?

Answer.—

213 West 28

Question.—What is your occupation?

Answer.—

Colonial Marine

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

Answer.—

I am not guilty
R. Burns

Taken before me, this

[Signature]
day of *Sept* 187*5*
Police Justice.

0275

Form 116.

Police Court—Second District.

THE PEOPLE, &c., by

ON THE COMPLAINT OF

Narcis de C. Jaggart
20 1/2 Street

John Stannard
Richard Bunn

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Officer,

Date

April 9-80

Magistrate.

W. C. Jaggart
11 20 Street

Clerk.

Witnesses,

Off Stanton
20 1/2

No.

Street.

No.

Street.

No.

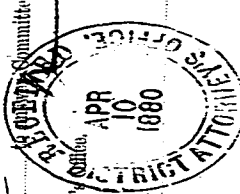
Street.

17111

Each

Committed.

Received in Dist. Atty's Office



0276

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 *John Noonan and Richard Burns & each,*

late of the *twentieth* - Ward of the City of New York, in the County of
New York, aforesaid,
on the *ninth* - day of *April* - in the year of our Lord
one thousand eight hundred and *seventy eight* - with force and arms,
at the Ward, City and County aforesaid, *the unlawfully were found by of on 9th*
and did not in their possession in the night time of said day a certain
instrument and implement of Burglary to wit one gunny with intent then
and there a certain building known as Number 308 located at 308 West Thirtieth
Street - there situate, feloniously and burglariously *to* break into and enter, the said *building*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of *a certain person whose name is to the*
jurors aforesaid unknown, and can not now be
given -

goods, merchandise and valuable things in the said *building* *and* with intent the said
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.

BENJ. K. PHELPS, District Attorney.

0277

BOX:

11

FOLDER:

138

DESCRIPTION:

Morgan, James

DATE:

04/19/80



138

0278

BOX:

11

FOLDER:

138

DESCRIPTION:

Dunbar, Wallace

DATE:

04/19/80



138

0279

BOX:

11

FOLDER:

138

DESCRIPTION:

Nichol, John

DATE:

04/19/80



138

0280

Day of Trial,

Counsel,

Filed 19 day of April 1880.

Pleas

THE PEOPLE

vs.

John Child
James Morgan
Wallace Dunbar

(bail Feb 1880)

BENJ. K. PHELPS,

District Attorney,

Cory

original ind. included in,
A True Bill. Dist. Atty. Office

H. J. Taylor

Foreman.

Not the prosecutor
Sustained - April 6/82

Indictment of Judge
Frank S. Luke

0281

COURT OF GENERAL SESSIONS OF THE PEACE, }

City and County of New York.

District Attorney's Office,

New York, March 30 1882

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas S. Atwood
against

For

John Richard James Watson
James Wallace Dunbar

The defendant having been indicted by a Grand Jury of this Court, on the nineteenth day of April 1880, for the offense of imitating my labels for white lead upon a charge preferred by me against them, and having since fully compensated me for all injury and damage which I sustained thereby, settled and compromised all our differences relating thereto.

I do therefore hereby acknowledge to the Court that I have received full and complete satisfaction for the injuries and damages so sustained by me, and request that no further proceedings be had on said indictment, and that the defendant be discharged therefrom.

Thomas S. Atwood
Complainant.

City and County of }
New York, } sr.

Thomas S. Atwood, the said complainant, being duly sworn, says, that the foregoing instrument by him subscribed is true of his own knowledge.

Sworn to before me, this 30
day of March 1882.

Thomas S. Atwood
Complainant.

Log C. Lay Jr
Notary Public
New York County

0282

I cannot find the
proceedings in the
case in which the
last leave of the
court to remove the
indictment against
John Nichols, editor
of the 1st of
Apr. 6, 1882 John Nichols
Dut. day

note pursued by leave
of Court - Apr. 6, 1882

City and County of
New York ss.

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 John Nichol, James
Morgan and Wallace Dunbar on the
twenty second day of August in
the year of our Lord one thousand
eight hundred and seventy nine at
the City of New York in the County
of New York aforesaid did knowingly
and wilfully and unlawfully forge
counterfeit and cause and procure
to be forged and counterfeited a
representation likeness similitude
copy and imitation of the private
label stamp and trademark of one
Thomas S. Atwood who was then
and there a merchant manufacturer
and tradesman, manufacturing trading
and trafficking in and selling
certain goods wares and merchandise
to wit: white lead paints and
green ^{and upon which goods wares and merchandise} paints and merchandise, he
the said Thomas S. Atwood usually
affixed the said label stamp and

omission
here =

0284

trade mark which is as follows



and they the said John Nichol James Morgan and Wallace Dunbar did then and there intend to affix and did affix such representation, likeness similitude copy and imitation as aforesaid to certain goods wares and merchandise of them the said John Nichol, James Morgan and Wallace Dunbar to wit: white lead

paints and zinc paints a more particular description of which is to the jurors aforesaid unknown and cannot now be given with intent to pass off sell and dispose of the same as the said goods wares and merchandise of him the said Thomas S. Chittwood 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.

2nd.

Imperial

Entered according to Act of Congress
Entered according to Act of Congress in the year
1865 by W. Farnell, in the Clerk's Office
of the District of the U.S. for the Southern
District of New York.

Pure
Snow-White

Lead

Ground in prepared
Linseed Oil.

Warranted equal to any Paint made, for Beauty
and Durability.

White Lead.

No. 1. Page of the
2nd of Court do just the
same as the 1st of the
description of the other
white paint is only difference.

paints and zinc paints a more particular description of which is to the jurors aforesaid unknown and cannot now be given with intent to pass off sell and dispose of the same as the said goods wares and merchandise of him the said Thomas S. Chittwood 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.

2nd.

Imperial

Entered according to Act of Congress
Entered according to Act of Congress in the year
1865 by Chas. Farrell, in the Clerk's Office
of the District of the U.S. for the Southern
District of New York.

Pure
Snow-White

Lead

Ground in prepared
Linseed Oil.

Warranted equal to any Paint made, for Beauty
and Durability.

White Lead.

No. 10, page 10 of the
2nd volume of the
New York, the 1st of the
description of the
white paint is only reference. 101

0287

3rd

Galena.
Manufactured
of the
Best materials.

Premium
White Lead
Ground in Prepared Linseed Oil.

White Lead

4th

St. Nicholas
Entered according to Act of Congress
Entered according to Act of Congress, in the year
1865, by M. Farrell, in the Clerk's Office
of the District Court of the United States for
the Southern District of New York.

Pure
Snow-White
Lead
Ground in Prepared Linseed Oil
New-York

Warranted equal to any Paint made, for Beauty
and Durability.

White Lead.

0288

^{5th}
Pearl

Blank

White Lead

Benj. H. Phelps.
District Attorney

0289

BOX:

11

FOLDER:

138

DESCRIPTION:

Murray, Thomas

DATE:

04/27/80



138

0290

BOX:

11

FOLDER:

138

DESCRIPTION:

Neff, John C.

DATE:

04/27/80



138

252

Counsel,
Filed 27 day of April 1880
Pleads

THE PEOPLE
vs.
John C. Neff
Thomas Murray
Henry Stewart
Indictment
Larceny

BENJ. K. PHELPS,
District Attorney,

A True Bill.

W. S. Taylor
April 28th 1880 Foreman.

(God)
Had - guilty
1 S.P. from years.
2 " from years & 6 mos.

0292

District Attorney's Office.

PEOPLE

vs.

Thos Murray
vs

Charles
or Henry Steward

com Apr 20-80

Ind. found

Apr 27/80

0293

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

FORM 89½

SS.

POLICE COURT—SECOND DISTRICT.

of No. 368 7 avenue Street, being duly sworn, deposes
and says, that on the 21 day of April 18 80
at the City of New York, in the County of New York, was feloniously taken, stolen and carried
away, from the possession of deponent,

the following property, to wit:

One gold watch (single case) and
gold chain gold locket and
gold key

all of the value of One hundred and fifty Dollars,
the property of Robert Kessler

and that this deponent has a probable cause to suspect, and does suspect, that the said property
was feloniously taken, stolen, and carried away by John C. Keff
and Thomas Murray (now present)

from the fact that deponent's
wife Bertha Kessler saw both
Keff and Murray in her
bedroom, and saw them
go into the room where
the Bureau was and where
the watch and chain was
kept, when said Bertha spoke
to them and asked what is
that, Keff turned toward said
Bertha and said if you want
I will shoot you. Defendant after

Subscribed to before me, this

of

18

Police Justice

0294

Said Steff and Murray had left
the building found that the watch
and chain was missing
Sum to before me

This 22 day of April 1883 ~~Bartha Kessler~~

City ^{and} County
of New York

Bartha Kessler
residing No 368 7th Avenue being duly
sworn says that at about eight
in the evening of the 21st of April
defendant went up stairs to her
room and found Steff and Murray
in the room. Defendant watched them
and saw them taking her clothing
out of the wardrobe. Defendant heard
them whispering. and then asked
who was that whereupon Steff
stated if defendant should shout
that he would shoot her.
Defendant said dont shoot I
will not. Shunk. Defendant ran
out on the roof and cried
out thief. Said Murray held
at a light whilst Steff kept
a look out

Sum to before me } Bartha Kessler.
This 22 day of April 1883

~~P. J. Morgan~~
Notary Public

0295

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

John C. Neff — 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.—

John C. Neff

Question.—How old are you?

Answer.—

26 years.

Question.—Where were you born?

Answer.—

New York.

Question.—Where do you live?

Answer.—

312 East 15th St.

Question.—What is your occupation?

Answer.—

Stonecutter

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

Answer.—

I am innocent of the charge.

John C. Neff

Taken before me, this

Adm. of Court
1880
Police Justice.

0296

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Murray 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.—

Thomas Murray.

Question.—How old are you?

Answer.—

24 years.

Question.—Where were you born?

Answer.—

New York.

Question.—Where do you live?

Answer.—

212 West 41 St.

Question.—What is your occupation?

Answer.—

Refiner.

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

Answer.—

I am innocent.
Thomas Murray

Taken before me, this

27th

day of *April* 188*0*

A. L. Murphy
Police Justice.

0297

Form 894

POLICE COURT—SECOND DISTRICT

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert Kessler

368 7th Ave.

John C. Neff

Thomas Murray

DATED April 22nd 1880

Suppy MAGISTRATE.

James H. Sargent OFFICER

WITNESS: Bertha Kessler

368 7th Avenue

Barney Mc Taggart

20th Precinct Police

Theresa Eltrich

370 7th Avenue

2506 4th St. Such Inn

TO THE

BAILED BY

No. STREET.



0298

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

*John C. Neff and Thomas
Murray each*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the ~~twenty first~~ day of *April* in the year of our Lord one
thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County
aforesaid, with force and arms

*One watch of the value of fifty dollars
One chain of the value of fifty dollars
One locket of the value of forty dollars
One Key of the value of ten dollars*

of the goods, chattels and personal property of one

Robert Kessler Junior

then and
there being found, 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.

BENJ. K. PHELPS, District Attorney.

0299

BOX:

11

FOLDER:

138

DESCRIPTION:

Neill, Charles

DATE:

04/30/80



138

0300

207
Filed 30 day of April 1860
Pleads

THE PEOPLE

vs.

Assault and Battery.

Charles Neill
B

BENJ. K. PHELPS,

District Attorney.

A True Bill.

N. S. Taylor

Foreman.
In my opinion the request of
the complainant to withdraw
the charge ought to be granted
as, and the force of the ac-
cused should be discharged.

A. Russell
May 5, 1860
This need? F. S.

0301

New York General Sessions.

PEOPLE, ON MY COMPLAINT,
versus

Chas. Keill

A vs B

May 3/80

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The prisoner and myself occupied apartments in the same building ^{for} two years prior to the occurrence also since the assault (which occurred nine months ago) to the present time. He has a small family which he fully provides for. I know him to be a sober industrious man. I was very much excited at the time & I feel that he has had sufficient punishment. I ask permission from the Court and District Attorney to withdraw from the case & that the matter cease from after this date.

Witness J. C. Denny & Matilda Partington
Mark

0302

Office of Fred.^{rk} Smyth,
Counsellor at Law,

23 & 25 Nassau Street, (Room 10, 11 & 12)

New York ~~April~~ May 1 1880

Sir

Please. hear. Mr. Peter
Stammant. and. do with
his. Can. whatever is right.
be done.

Yours truly
Fred. Smyth

James Denny

COU.

23 &

James Denny &
Res't. Act's office

0303

Form 11.

Police Court—Second District.

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

of No.

that on the
in the year 187

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

Matilda Partington

Street,

being duly sworn, deposes and says,

day of

he was violently ASSAULTED and BEATEN by

Charles Neill,
who struck deponent a number
of violent blows with his fists
upon the body and face

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, &c., and be dealt with according to law.

Matilda ^{Sworn} Partington
(mark)

Sworn to before me, this
187
day
Police Justice.

0304

General Session
Form 11.
Police Court—Second District.

533
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Matilda Partington
1432 Broadway
vs
Charles Keri
AFFIDAVIT A. & B.

Dated *July 24 1879* 187 *9*
Murray JUSTICE
Turnell OFFICER

WITNESS: *W*

305 H B to ans
Conrad

Bail
H. K. Peters
1432 Broadway

0305

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

Charles Neill

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the ~~nineteenth~~ day of *July* in the year of our Lord
one thousand eight hundred and seventy-~~nine~~ *nine* at the Ward, City and County
aforesaid, in and upon the body of *Matilda Partington*
in the peace of the said people then and there being, with force and arms unlawfully
did make an assault and *her* the said *Matilda Partington*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Matilda Partington* and against the peace of the
People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

0306

BOX:

11

FOLDER:

138

DESCRIPTION:

Noble, Thomas

DATE:

04/19/80



138

0307

Chas. G. 156

Filed *19* day of *March* 1880

Pleads *Ind. Ex. (20)*

THE PEOPLE

vs.

B
Thomas Noble

Assault and Battery.

BENJ. K. PHELPS,

*District Attorney,
Part May 6, 1880
Bac discharged.*

A TRUE BILL.

H. S. Taylor
Foreman.

Bail Compt. in 1880

J. H.

*Complainant failed
to testify by John Hume
336 Water St*

Court of General Sessions
of the Peace for the City
and County of New York.

The People of the State of New York
against:

Thomas Noble.

I hereby request permission
to withdraw the complaint
made by me against the
defendant Thomas Noble
for assault and battery, I
do this without any recompense,
penalizing or otherwise, from
the defendant or any other
person, and without the
promise or expectation of
any, and of my own free will.

Dated New York March 5th 1880.

In presence of
Sidney M. Ward
& Chambers St
New York City.

Lucy Smith

New York General Sessions

The People vs

against

Thomas Hobbs

withdrawal,

I think this is a
proper case to settle
a rule permitting of
the Court - bail may
be discharged.

B. K. Hobbs

May 18. 1860

May 18. 1860

away

03 10

City and County of New York, ss.

THE PEOPLE

Thomas Noble

POLICE COURT—FIRST DISTRICT.

On complaint of

Lucy Smith

For

Assault and Battery

After being informed of my rights under the law, I hereby ^{*demand*} ~~waive~~ a trial by Jury, on this complaint, ~~and demand a trial~~ at the **COURT OF SPECIAL SESSIONS OF THE PEACE**, to be holden in and for the City and County of New York.

DATED,

April 14 18*80*

Edw. W. Smith

POLICE JUSTICE.

Thomas Noble

0311

Form 11.

Police Court—First District, Halls of Justice

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

of No. 56 New Chambers Street,

on 11th the 11th day of April being duly sworn, deposes and says, that

in the year 1888, at the City of New York, in the County of New York,
he was violently ASSAULTED and BEATEN by

Thomas Noble Nowhere,
Who struck and kicked deponent
upon the arms and body with his
fists and feet

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

day of April 1888

J. H. Williams
POLICE JUSTICE.

Lucy Smith

0312

Form 11.

Police Court, Halls of Justice.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Lucy Smith
Thomas Noble

AFFIDAVIT A. & B.

Dated

April 14 1880

Justice.

Carr

Officer.

Witness,



4. April 15 at 10.

\$ *300*

to Ans.

Sess.

Bailed by

John Payne

No.

338 Water Street

0313

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 *Thomas Noble*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *Eleventh* day of *April* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County
aforesaid, in and upon the body of *Lucy Smith*
in the peace of the said people then and there being, with force and arms unlawfully
did make an assault and *her* the said *Lucy Smith*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Lucy Smith* and against the peace of the
People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

03 14

BOX:

11

FOLDER:

138

DESCRIPTION:

Oates, Patrick

DATE:

04/14/80



138

Counsel,

Filed 14 day of April 1880.

Pleada

Pleads *John G. Smith - (15)*

THE PEOPLE

vs.

INDICTMENT.
Larceny from the Person

2
Patrick Oates

11-11-1918

Ken'k Phelps
~~S. B. CARVIN~~

District Attorney.

A True Bill.

N.S. Taylor Foreman.

April 16. 1890.

Dear & Overished,

Ten Years.

0315

03 16

Police Court, Fourth District.

CITY AND COUNTY } ss.
OF NEW YORK, }

Patrick Oates 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. *Patrick Oates*

Question. How old are you?

Answer. *Nineteen years of age*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *829 Eleventh Av.*

Question. What is your occupation?

Answer. *I have no work at present*

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

Answer. *I am not guilty of the charge.*

Patrick Oates
(Mark)

Taken before me this

9th day of April

1870

Police Justice.

0317

4th District Police Court

Thomas Wright

CITY AND COUNTY
OF NEW YORK, ss.

of No. 853 Eleventh Av. Street,
being duly sworn, depose and saith, that on the
at the 22nd
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, and from deponent's person.

14th day of April 1880
Ward of the City of New York,

the following property viz.:

Good and lawful money of the United
States, Consisting of silver and nickel
coins, in all of the amount and value
of Twenty-five Cents

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen and carried away by

Patrick Oates, now here,
from the fact that about the year of
1872 or there on the morning of said day
deponent put down down on the stairs
in the hall-way of said premises, and
said money was then contained in the
left side pocket of the coat then worn
upon the person of deponent as a portion
of deponent's bodily clothing. That deponent
fell asleep and was awakened by feeling

Subscribed and sworn to before me this

day of

Notary Public

1880

0318

At hand in deponents pair pocket, and on looking up deponent saw pair deponent standing over deponent and having one of his hands in the pair pocket of deponents pair coat. That deponent attempted to apprehend him when he broke loose from deponent and ran out of said hall way. That deponent then found found the left pocket of deponents pantaloons turned inside out, and the money therein taken, stolen and carried away from the pair pocket of deponents pair coat.

Given to before me this } Thomas Wright
9th day of April 1880

of my Attorney Solicitor

RECEIVED
APR 10 1880
DISTRICT POLICE COURT.

AFFIDAVIT - Larceny.

THE PEOPLE, &c.
ON THE COMPLAINT OF
Thomas Wright
303 11th Ave.
VS.
Patrick Oates

DATED April 9th 1880

Murray
MAGISTRATE.

WITNESSES:
Bottrell 22nd
OFFICER.

Joseph Bottrell
22nd - Dist. Police

507 Park Ave
Oates

0319

4715
 The People v. Court of General Sessions. Before Judge
 Patrick Oates (Gillderleeve). April 16, 1880.
 Indictment for petty larceny from the person.
 Thomas Wright, sworn and examined, testified.
 I live 833 Eleventh Avenue. I know the prisoner
 for five or six years; on Saturday night the 3rd
 of April it was 12 o'clock when I was down in
 Fifty second St., I came up and the prisoner
 was at the door with two girls and another party.
 One of the girls spoke to me; the girls live in
 the house with me; the prisoner lives two doors
 from me. I went up stairs to go to bed. I knocked
 at the door and my wife did not hear me
 she was too sound asleep. I thought I would go
 down stairs and wait awhile; she might wake
 up. I did not want to make too much noise.
 I sat down at the foot of the stairs and dozed
 off. I was aroused by feeling somebody's hand
 in my pocket; the hand of the prisoner was
 in my best pocket. I wanted to get hold of him
 he had my pants pocket turned inside out
 I tried to catch hold of him. I could not hold
 him, he ran off, he got into the other hallway.
 I could not do any more, the next morning
 I went down to the station house. I had two
 dollars and seventy five cents in money;
 there was nothing in my pocket when the
 prisoner went away. I talked to the pri
 but he did not say anything; he ran a

Cross Examined. I had been to see a sick friend that evening in 10th Ave., between 62 and 63 Sts. I drank nothing but ginger ale. I was not drunk. I had not time to go to sleep. I am out very seldom, and my wife generally keeps awake till I come in. The names of the young ladies who were out on the sidewalk were, Ann Reilly and Miss McDonald. It was not very dark in the hall way because the street lamp was almost right in front of it. I was in the oyster saloon, corner of Eleventh Ave. and 57th St. when I put the 75 cents in my pocket. I am sure it was in my pants pocket. I did not stop anywhere or meet anybody. I caught the prisoner with his hands in my pocket; he went in the next hallway. I ran out of the door, but I did not follow him in the hallway. I did not say anything to him about taking some money out of my pocket. There was no police officer around there. I tried to arrest the boy at first but could not hold him. Patrick Oates, sworn and examined in his own behalf. I know the complainant, but I did not see him on the night of the 3^d of April. I know where he lives, but I was not in the hall. I did not take any money out of his pocket. Cross Examined. I was with these girls all night till five o'clock in the morning in

57th St. and 10th Avenue; "Mike" Ryan and myself stood talking with the girls from 8 o'clock; Ann Riley lives in the same house as the prosecutor does; she works in a flax mill and boards with Mrs. Russell; the McDonald girl lives with her mother. I know Mrs. Russell and the mother; they knew that these girls were out with me and Mike Ryan until 5 o'clock in the morning. I have been out before with them. This night we went to a surprise party at 39th St. to the house of a woman named O'Donnell. I don't know the number in Thirty ninth St., a little off Ninth Avenue; we went there about 8 and stayed till one o'clock; then we went up Fifty Seventh St. and stayed there till 5 o'clock in the morning. Ryan lives in 49th St. and 8th Avenue; he went home the same time that I did. I have known Wright for years. I worked in a blacksmith's shop in 11th Avenue and 57th St. for a couple of days; it was only opened the Monday before this thing happened. I worked till Thursday and on that night I got arrested. I had been out of work for six months; I had been living home with my mother; my father and brother work at 58th St. and Broadway laboring.

Mary Oates sworn and examined, testified I live on the Eleventh Avenue between 56th and 57th Sts; the prisoner is my son; he has lived

0322

home ever since he has been born; he came home on this morning in question at 5 o'clock. I let him in. I was not at the Police station when he was examined, but I was at the 5th St. Court. The night the boy was arrested I went up to the house of the complainant to see what he had done. His wife, himself, and all the folks said he was drinking. I asked him what the boy had done, and he said that he took 80 cents and then 75 cents. His wife said "he was drinking, that he gave her twenty dollars, and that he could not have so much; he was out all night till 2 o'clock in the morning; he was lying on the hallway floor." He did not deny all this. Cross Examined. I said to him, "Are you going to have my boy arrested?" He said, "yes." I just turned on my heel and walked off. I heard them speaking about going to this surprise party, but I don't know the house. Michael Ryan sworn. I live on 8th avenue between 68th and 69th Sts.; on the night of the 3^d of April I was with Patrick Oates and two girls whom we met in 56th St.; they went up to see if they could get in the house; they could not get in and we stayed out with them; we did not go anywhere else.

The jury rendered a verdict of guilty.
Penitentiary three years.

0323

Testimony in the case
Patrick V Oates
filed April 1880.

0324

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 *Patrick Oates*

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

on the *fourth* day of *April* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty*, at the Ward, City and County aforesaid,
with force and arms, ~~in the night time of said day~~,

*Divers coins of a number and denom-
ination to the jurors aforesaid unknown
of the value of seventy five cents*

of the goods, chattels and personal property of one *Thomas Wright*
on the person of the said *Thomas Wright* then and there being found,
from the person of the said *Thomas Wright* then and there feloniously
did steal, take and carry away, against the form of the statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

Benj. K. Phelps
~~S. B. CARVIN~~, District Attorney.

0325

BOX:

11

FOLDER:

138

DESCRIPTION:

O'Brien, Jeremiah

DATE:

04/19/80



138

0326

154

Counsel, *J. O. Smith*
Filed *19* day of *April* 188*8*
Pleaded *Not Guilty*

THE PEOPLE

vs.

James O'Brien

INDICTMENT.
Against Larceny from the Person
in the County of *Jefferson*.

S. B. GARVIN,

Dist. Atty.
Part in April 21, 1880
Ind. & acquitted.

A True Bill.

H. S. Taylor
Foreman.

0327

Form 112.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, ss:

Police Court—First District.

of No. Fort Schuyler Thomas Stauton
 and says, that on the 14 day of April 1880
 at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
 away from the possession of deponent, and from deponent's person

the following property, viz: one double case silver watch

of the value of five Dollars,
 the property of J. Kalnus and in care and
charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property
 was feloniously taken, stolen, and carried away by Jeremiah O'Brien
(now here) for the reason that deponent saw
 him take said watch from the pocket of
 the pantaloons then and there worn by deponent
 and wrench said watch from a chain and
 run away with said watch, deponent
 pursued him and caused his arrest

Sworn to, before me, this

1880

day

Police Justice.

Thomas Stauton

0328

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK.

Jeremiah O'Brien being duly examined before the under-
signed, 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.

Jeremiah O'Brien

Question. How old are you?

Answer,

26 years

Question. Where were you born?

Answer.

Ireland

Question. Where do you live?

Answer

3 Franklin St

Question. What is your occupation?

Answer.

Waiter

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

Answer.

I am not guilty
Jerry O'Brien

Taken before me this
15 day of April 18 90
John J. [Signature]
Police Justice.

0329

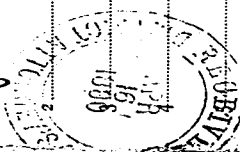
Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Houston
Steward of Prison

vs.
Jenniah Brown



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,

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

Dated

15 April 1880

by

Magistrate.

Complainant Officer.

4 Proc. Clerk.

Witnesses:

Chaplainant

30th to test by committed
House of Detention

\$ 5.00 to answer

at General Sessions

Cover

Received at Dist. Atty's office

0330

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

Jeremiah McGuire

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

on the *fourteenth* day of *April* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty*, at the Ward, City and County aforesaid,
with force and arms, ~~in the night time of said day,~~
one watch of the value of five dollars

of the goods, chattels and personal property of one *Thomas Stanton*
on the person of the said *Thomas Stanton* then and there being found,
from the person of the said *Thomas Stanton* then and there feloniously
did steal, take and carry away, against the form of the statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

Benjamin K. Phelps

~~Benjamin K. Phelps~~, District Attorney.

0331

BOX:

11

FOLDER:

138

DESCRIPTION:

O'Brien, John

DATE:

04/19/80



138

0332

58
April 8

Counsel,
Filed 19 day of April 1880
Plends

THE PEOPLE
vs.
John O'Brien
*Indicted & P.
on April 9. 2nd time*

INDICTMENT.
Grand Larceny from the Person
in the Night Time.

S. B. GARVIN,
District Attorney.

A True Bill.

W. L. Taylor Foreman.

0333

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 *John O'Brien*

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

on the *Eighth* day of *March* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *Eighty*, at the Ward, City and County aforesaid,
with force and arms, in the night time of said day,

one coat of the value of twenty dollar,
one watch of the value of ten dollar,
one chain of the value of ten dollar,
one ring of the value of five dollar,

of the goods, chattels and personal property of one *Frand Fletcher*,
on the person of the said *Frand Fletcher*, then and there being found,
from the person of the said *Frand Fletcher*, then and there feloniously
did steal, take and carry away, against the form of the statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

Raymond K. Phelps

~~S. B. GARVIN~~, District Attorney.

0334

BOX:

11

FOLDER:

138

DESCRIPTION:

O'Bryan, John

DATE:

04/08/80



138

0335

45

Counsel,
Filed *9* day of *April* 187*8*
Pleads,

THE PEOPLE
vs.
John P. Bryan
Burglary—Third Degree,
and Larceny.

[Signature]
BENJ. K. PHELPS,
District Attorney.

A True Bill.

W. S. Taylor Foreman.

April 9. 1878

Thos. J. Lee,
S. P. Goddard & Co

0336

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

George Kohlman

of No. 205 Chatham Street, being duly sworn,

deposes and says, that the premises No. 205 Chatham Street, 4th Ward, in the City and County aforesaid, the said being a brick building and which was occupied by deponent as a ~~super-bur saloon~~

were **BURGLARIOUSLY** entered by means of forcibly breaking a panel from the door leading from the hall-way to said premises

on the morning of the 28th day of March 1880 and the following property feloniously taken, stolen and carried away, viz: a quantity of cigars and the sum of forty cents in silver and nickel coins currency of the United States Government in all of the value of one dollar

the property of ~~the 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'Brien (and here)

for the reasons following to wit: That this deponent is informed by George Hunter that he heard a noise in said premises descended the stairs and saw the accused in the act of taking the money from the counter from the top of said premises.

George Kohlman

City and County of New York } ss.
State of New York George Hunter of a' 205 Chatham Street being duly sworn deposes and says that on or about seven and a half o'clock on the morning of the 28th day of March 1880

Sworn to before me this 28th day of March 1880
J. M. [Signature]
Justice

0337

he heard a noise in said premises then he descended the stairs and saw the accused John O'Brien in the act of taking money from the till in the premises of George Kohlman the complainant, that deponent found the door of said premises broken open that when the accused deponent accosted the accused and asked him what he was doing the accused advanced towards deponent in a threatening manner and did then attempt to induce the deponent to be a party to the burglarious entry in said premises and did offer to reward deponent in money.

Given & sworn on this
30th day of March 1880

George Hunter

J. M. Patterson
Police Justice

0338

Police Court—Third District.

CITY AND COUNTY } ss.
OF NEW YORK, }

John O'Brien 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.—

Question.—How old are you?

Answer.—

Question.—Where were you born?

Answer.—

Question.—Where do you live?

Answer.—

Question.—What is your occupation?

Answer.—

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

Answer.—

I am not guilty
John O'Brien

Taken before me, this

John O'Brien
day of March 1896

Police Justice.

0339

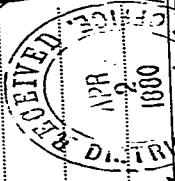
Form 115.

POLICE COURT--THIRD DISTRICT.

THE PEOPLE, & C. M.
ON THE COMPLAINT OF

George Kohlman
1205 Chatham St.
No. 108.

John A. Breen
108



Office

Dated *March 27th* 1890

Patterson Magistrate,

Wade Officer.

10th Clerk.

Witnesses, *Geo. Hunter*

No. *205 Chatham* Street.

No. Street.

No. Street.

No. *1000 E. J.* to answer Committed.

Received in Dist. Atty's Office,

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0340

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

John O'Bryan

late of the *Fourth* Ward of the City of New York, in the County
of New York, aforesaid, on the *twenty eighth* day of *March*
in the year of our Lord one thousand eight hundred and *seventy eight* with force
and arms, at the Ward, City and County aforesaid, the *Saloon* of
George Kohlmann 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 *George*
Kohlmann then and there therein being, then and there
feloniously and burglariously to steal, take and carry away, and

Two cigars of the value of six cents each.
Various coins of a number and denomina-
-tion to the jurors aforesaid unknown and
a more accurate description of which
can not now be given of the value of
forty cents.

of the goods, chattels, and personal property of the said *George Kohlmann*

so kept as aforesaid in the said *Saloon* 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.

BENJ. K. PHELPS, District Attorney.

0341

BOX:

11

FOLDER:

138

DESCRIPTION:

O'Grady, George

DATE:

04/08/80



138

0342

BOX:

11

FOLDER:

138

DESCRIPTION:

Reynolds, Edward

DATE:

04/08/80



138

6644

Day of Trial,

Counsel,

Filed 7 day of April 1870

Pleads *John Quincy (9)*

THE PEOPLE

vs.

George Brady
Edward Reynolds

BURGLARY—THIRD DEGREE—AND
RECEIVING STOLEN GOODS.

BENJ. K. PHELPS,

District Attorney

A True Bill.

W. S. Taylor Foreman.

Charles Proctor, Clerk.

0343

0344

No. 24828	
M. GLUCKSMAN, No. 197 SPRING STREET, CORNER SPRING STREET, NEW YORK.	
18	80 February 24
14	Chaise 25m
Voyte	
Not accountable for loss, damage, fire, robbery, moth, breakage, &c. Goods Kept for One Year Only. 25 per cent per annum.	

0345

Police Court, Second District.

City and County } ss.
of New York,

John Vogh

of No. 39 Carmine Street, being duly sworn,
deposes and says, that the premises No. 39 Carmine
Street, 9 Ward, in the City and County aforesaid, the said being a dwelling house
part of which was occupied by deponent as a shoe makers store

and which was occupied by deponent as a shoe makers store were **BURGLARIOUSLY**
entered by means of forcibly unfastening the shut
ter and raising the sash of the rear
window leading into said store
on the first floor of said premises
on the day of the 28 day of March 1880
and the following property feloniously taken, stolen, and carried away, viz.:

One Silver Watch of the value of
Fifteen dollars - a Pocket containing
One National Bank Bill of the denom
ination and value of Two dollars -
and the certain Pawn Ticket hereto
attached - One pair Shoes worth
Four ⁵⁰/₁₀₀ dollars - in all of the
value of Twenty One ⁵⁰/₁₀₀ 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 George O. Grady and
Edward Reynolds
for the reasons following, to wit:

That on the said date
at the hour of 4 o'clock P.M. deponent
fastened the shutters on said window
and locked the store doors - at the

0346

hour of about 7 o'clock P.M. Depoent found the said window sash raised and the said window shutters open and missed the said property. Depoent was informed by Officer Flanagan that at the time of the arrest of the said defendants - said Flanagan saw said defendant Reynolds drop the said Pawn Ticket - on the floor of the 9th Ward Precinct Station House - That said defendant Reynolds acknowledged to said Officer that he in company with said defendant O'Grady pawned the said Watch at the Pawnshop of Moses Blau No 45 - 6th Avenue - and that the said shoes were pawned at - Silberstein's on 10th Avenue - Depoent therefore charges the said defendants with the commission of the said Burglary.

Sworn to before me John Doyle
the 31 day of March 1880

Michael J. O'Grady
Police Justice

0347

POLICE COURT—SECOND DISTRICT.

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

of *John Flanagan*
the 9th Premises Street, being duly sworn, deposes
and says that on the *31* day of *March* 18*80*

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

deponent heard
the within affidavit read and
that the portion of the same which
refers to deponent is true of
deponent's own knowledge

Sworn to before me this
31st day of March 1880 } *John Flanagan*
Microfilm Clerk
Police Justice

0348

CLICE COURT

THE P

ON THE

CITY AND COUNTY
OF NEW YORK, ss.

George O'Grady 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.—

George O'Grady

Question.—How old are you?

Answer.—

Fourteen years

Question.—Where were you born?

Answer.—

Staten Island

Question.—Where do you live?

Answer.—

39 Carmine

Question.—What is your occupation?

Answer.—

None

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

Answer.—

I am not guilty of the charge

George O'Grady.

Taken before me, this

31

day of March 1880

Michael J. O'Brien, Police Justice.

0349

Police Court—Second District.

CITY AND COUNTY
OF NEW YORK,

CITY AND COUNTY }
OF NEW YORK. } ss.
Edward Reynolds

Edward Reynolds 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.—

ur name? Edward Reynolds

Question.—How old are you ?

Answer.—

Fifteen years -

Question — Where were you born ?

Answer.—

New York

Question.—Where do you live ?

Answer.—

19 Downing Street

Question.—What is your occupation ?

Answer.—

None

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

Answer.—

Answer.— I am guilty of the charge—

Edward. Reynolds

Taken before me, this

2

day of March 1875

Police Justice.

0350

RECEIVED
JUN 2 1880
POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Doyle
39 Canning St.

George O'Grady
Edward Reynolds

Dated *March 31* 1880

O'Donnell Magistrate.

Flanagan & Co. roughlin Officer: 5
Clerk.

Witnesses,

Officers—Flanagan
and roughlin
G. O'Donnell

Committed in default of \$ *500* bail

Bailed by *Samuel S.*

No. Street.

Corn

The People
Flanagan
G. O'Donnell

0351

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 *George O'Grady and Edward Reynolds*
Each -late of the *South* Ward of the City of New York, in the County of
New York, aforesaid, on the *Twenty Eighth* day of *March* in the
year of our Lord one thousand eight hundred and ~~seventy Eighty~~ *Eighty* with force and
arms, at the Ward, City and County aforesaid. the *Store* of*John Voght*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 here-
inafter described, with intent the said goods, chattels, and personal property of the said*John Voght, then and there being there and there fel-*
oniously and burglariously to steal take and carry
away and one watch of the value of fifteen dollars.~~One~~ *One* Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as United States Treasury Notes, of ~~a number~~ *the*
~~denomination of two dollars and of the value of~~ *denomination of two dollars and of the value of*
~~two dollars and a more accurate description of~~ *two dollars and a more accurate description of*
~~which cannot now be given of the value of~~~~One~~ *One* Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as Bank Notes, of ~~a number and denomina-~~ *the denomination*
~~tion of two dollars and of the value of two dollars~~ *of two dollars*
~~and a more accurate description of which cannot~~
~~now be given, of the value of~~*One instrument and writing of the kind commonly*
called a pawn receipt, the same being an instrument
by which a right and title to one chain of the
value of twenty five dollars was acknowledged
in one Voght [meaning thereby John Voght] the
same being the value of the property affected
by the said instrument.

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

*John Voght.*so kept as aforesaid in the said
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.*Store*

then and there being, then

And the Jurors aforesaid, upon their oath aforesaid, do further present:
That the said

George O'Grady and Edward Reynolds each

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 watch of the value of fifteen dollars -
One promissory note for the payment of money
the same being then and there due and unsatis-
fied and of the kind known as a United
States Treasury Note of the denomination of
two dollars and of the value of two dollars -
One promissory note for the payment of money
the same being then and there due and unsatis-
fied and of the kind known as a Bank Note
of the denomination of two dollars and of the
value of two dollars.
One instrument and writing of the kind commonly called
a pawn ticket, the same being an instrument by which a
right and title to one chair of the value of twenty five dollars
was acknowledged in one Vogt [meaning thereby John Vogt]
the same being the value of the property affected
by the said instrument*

of the goods, chattels and personal property of

John Vogt

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

John Vogt

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

George O'Grady and Edward Reynolds

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.

BENJ. K. PHELPS, District Attorney.

0353

BOX:

11

FOLDER:

138

DESCRIPTION:

O'Donnell, Richard D.

DATE:

04/19/80



138

0354

Tuesday May 10th

W. C. Lawrence

Counsel,
Trial,

Filed 14 day of April 1880

Pleaded *Not Guilty (20)*

THE PEOPLE

vs.

P
Richard D. O'Donnell

10th 5th 1st

Beating—Homicide of the Degree of
~~Murder, First Degree~~
Murder, First Degree

BENJ. K. PHELPS,

District Attorney.

May 10. 1880.
A True BILL. *2.9* *Leys*

W. S. Taylor
Foreman.

May 12. 1880.

*Read & committed to
Gaol. & d.c.*

10. 24.

4719

The People } Court of General Sessions. Before Recorder
 Richard D. O'Donnell } Smythe. May 12, 1888.
 Indictment for Beating - Homicide of the degree of manslaughter.
 Moses W. Waterman, sworn and examined
 testified. I am deputy coroner. I saw the dead
 body of Thomas Barker at the time I made
 the autopsy; it was in April, on a Sunday,
 I do not remember the date. I saw the body at
 the residence of his son in 105th St. I don't
 know the name of the young man. How old a
 man was the deceased in his life time ap-
 parently? Somewhere in the Sixties. From your
 examination did you come to a conclusion
 as to what was the cause of death? Yes sir.
 The conclusion was that the cause of death
 was by compression produced by extravasation
 of blood, pressure upon the brain. The extravasation
 of blood in this case was a throwing out of blood
 in this case between the membranes and the
 skull from the rupture of some vessel or vessels.
 That would be produced by some violence, a fall
 upon a heavy substance or a blow; the outward
 signs did not show any fracture. We made
 an external examination of all the organs in
 the body. I did not open the stomach, not finding
 it necessary, having found the cause of death
 elsewhere; the other organs of the body were generally
 healthy; the cause of death in my judgment was
 cerebral hemorrhage, compression of the brain.

eight or nine wooden steps his head was lying
 up towards 106th St. and his feet down towards
 105th St.; his feet was nearest to the steps and
 the body was extended out from the steps. I should
 judge his feet were a foot or a little over away
 from the steps; his hand was drawn up
 under his body and his head laid on the
 ground; the feet were drawn up. I left officer
 Blaughey with the body and I took the prisoner
 to the station house. The hat of the deceased
 lay about six or seven feet away from the
 body and I found spectacles about two feet
 away from the body. I saw a dog there. I guess
 it was a little Scotch terrier. it laid in between
 the man's legs and the steps. Cross Examined
 I should judge it was between 20 and 25 minutes
 past six that I saw the dead body first. I do
 not think I felt the body then to discover whether
 it was cold or not. There is quite a yard
 around the house between the house and 106th St.
 and a still wider yard between the house
 and the third avenue; it is about 75 feet from
 third avenue to the steps of the house and 25
 feet from the end of the house to 106th St. As
 you go in the yard you walk on the level
 with the sidewalk for some distance and
 then ascend three or four steps and on top
 of those steps there is a platform again. I

should judge it was ten or twelve feet wide before you
 get to the wooden steps from the stone steps; he
 was lying on this space ten or twelve feet between
 the wooden steps and the top of the stone steps. I did not
 go into the house at any time. I should judge there
 was a space of about six feet between the top of the
 wooden steps and the storm or outer door. I did not
 enter so as to ascertain what space there was between
 that door and the main door. O'Donnell gave me the
 first information about the body being there. He gave
 you to understand that the first he knew of it was when
 he arrived home that morning from the party? Yes sir.
 Did he say what time he got home? No sir. Then he did
 not say anything to you that caused you to know whe-
 ther he got home in the night or whether he got home
 in the morning about the time he saw you? No sir.
 But the statement was merely that when he got home
 that night from the party he found this dead body there.
 Yes sir. Thomas Buff, sworn and examined, testified
 I am sergeant of police. I was not present when the
 prisoner was brought into the station house as a pris-
 oner. I took a statement from him after ten minutes
 past seven in the morning; he said he came home
 at half past six Sunday morning April 4th and he
 found the dead body of a man lying on his stoop. I asked
 him his name? He told me he did not know his
 name; he was called Barker or Baker, some such
 name as that; he said he had been at a ball or party.
 I don't recollect whether it was a ball or party; he

0358

had been out all night. ^{John Joy} ~~Thomas Barker~~ sworn and
 examined. I keep a liquor store on the corner
 of 105th St. and Third Avenue. I knew in his life time
 Thomas Barker; I know the prisoner; they knew
 each other and they have been in my premises
 together. I remember the Saturday before the Sunday
 when Mr. Barker's body was found; the prisoner and
 Mr. Barker were at my place on that Saturday; they
 were there at 9 o'clock when I came down stairs
 in the morning. I live overhead; they had two
 or three drinks together Saturday morning. After
 a while I heard of the dog been missing and Mr.
 Barker wanted to know where his dog was? I didn't
 know where the dog went to. So after a little
 while he went home and he said he would come
 back after a while to look for him. He went
 somewhere up 110th St. to do some work; he came
 back and I believe he got the dog. Later in the
 afternoon he talked about the dog being taken
 away again; the last I saw of him was at ten
 o'clock at night; he left the house then with the
 intention of going to look for his dog; it was a
 little Scotch terrier I think. I did not see the dog
 with the defendant any time; Mr. Barker drank
 two whiskies in the morning and two glasses of
 beer in the afternoon when he came back. When
 he left he did not appear to be under the influence
 of liquor; he seemed to be capable of taking care

of himself; it was half past ten when he left, say-
 ing he was going to look for his dog; he did not
 talk as if he were intoxicated; he walked out of the
 door the same as anybody, but I did not pay par-
 ticular notice to him. I say nothing in his speech or
 walk or manner that indicated that he was
 intoxicated; then I did not see him again alive.
 I closed up somewhere about $\frac{1}{4}$ to 12 o'clock; my
 saloon is 105th St. and Third Avenue; the prisoner
 lives on 106th St. I heard no altercation or noise
 that night. Then I shut up the saloon I went
 up stairs and went to bed. O'Donnell left the
 store before ten; he went away before Barker;
 Barker was there when O'Donnell left. All the
 conversation I heard between them was that Bar-
 ker asked O'Donnell if he knew where his dog
 was. O'Donnell said he did not; this was shortly
 before they left. I do not know where Barker learned
 that the dog had been taken again to O'Donnell.
 O'Donnell was somewhat under the influence of
 liquor when he left - he was very well under
 the influence; he had been drinking during the
 evening. Barker had not been drinking with
 him during the evening? No, it was in the morn-
 ing he had drinks when I came down stairs.
 O'Donnell left as I understood to go home.
 Q During the time that Barker and the prisoner
 were in your saloon were they friendly? Yes sir,
 and they were up to the time they separated at night.

Margaret C. Donnell, sworn and examined
 I live at 106th St. and Third Avenue. I knew in
 his life time Thomas Barker. I remember the
 day when his body was found. On Saturday,
 the day before that, did you at any time see
 a strange dog in the house? Yes sir, there
 was a dog brought in the house. What sort of
 a dog was it? I do not know the name of it,
 it was a small dog. Who brought it? My son
 Richard. And this is your son Richard upon
 trial, is it? Yes sir. Did he say anything to you
 about where he got it? No sir, I was out at the
 time. You understood that when you came
 it had been brought there? Yes sir. How long
 did the dog stay there? I think till evening.
 And then what became of it? Mr. Barker
 called for it and I gave it to him. He said
 it was taken away in a joke, and it was
 a practical joke, that was all. That was
 about what time in the evening? It was
 dark, it was six or seven, may be it was
 later. Richard was not there at the time?
 No sir. Had Richard been there from the
 time that you returned and found the dog
 there up to the time that Mr. Barker came?
 I do not remember distinctly. I think he
 was in and gave orders that the dog
 should not - no sir, that was late in the night.
 5 So far as you know, he was not there before

Did you see the dog again? No sir, not again.
 When did Richard come to the house after
 Barker had taken away the dog? I think it was
 about 9 o'clock or half past nine. I did not see
 him, I was preparing to go to bed. I heard him
 giving orders to the girl not to give the dog up.
 What did he say about that? I could not dis-
 tinctly hear, I know it was an order, but I
 could not remember his words. The substance
 was not to give the dog up to anybody? Yes sir,
 we all went to bed. And were you aroused
 at any time afterward by the noise? By
 Richard coming in before twelve; he came in
 and went to bed. Then Richard had gone out
 again after coming and giving this order
 about the dog? Yes sir. Did he have any key?
 No sir; we always let him in; the girl let
 him in. Were you aroused again at any time
 after that? Yes sir, about 20 minutes or half
 an hour the bell rang very loud and con-
 tinuously. My girl went to the door, I told her
 not to open the door, I thought it was a tramp,
 she called out several times, "Who is there?"
 receiving no answer. At last he said he
 wanted his dog, she was angry; she said,
 "Go home, come tomorrow and get your dog."
 it is no time to disturb the house, she
 went up stairs. Then the bell continued to be

rung. I then went to the door, I asked him
 to please go away and come back tomorrow
 and he should have his dog. He did not an-
 swer me, but continued ringing. I then made
 up my mind to call the girl and have the
 dog given to him. I went up stairs, and on the
 second flight I met Richard. He asked me who
 was ringing the bell? I said, it is no affair of
 yours; go back again, I can attend to the house.
 He rushed on down and I after him. The white
 door I had opened to ask Mr. Barker to go away,
 the blind door was stiff and the blinds I could
 not open them. Richard opened the blind door,
 holding the knob in his hand and the blind door
 against his shoulder, and he said to Mr. Barker,
 "Go home;" this he said five or six times. Mr.
 Barker said something to him which I did not
 hear, and he (Richard) said, "if you were a young
 man I would strike you; but as you are an
 old man I don't want to hurt you; go home." I
 kept my hand on the prisoner begging him to
 come in, that I would unhook the bell and the
 man would have to go away. He kept telling him
 to go home, still holding the door. I said, I will
 send for a policeman, and as I turned my head,
 it was the flash of a moment, he had thrown
 the door, Richard had, and went up stairs,
 banged the white door and ran up stairs; he
 flung open the green door with his right hand

0363

He was not off the sill of the door the whole time, then he closed the door with his left hand and went up. I was scolding him. I said, "you will kill me the way you are going on," something like that; the next morning he got up and came down stairs. I meant by the remark, "you will kill me the way you are going on," drinking and disturbing me at nights and things like that, coming in late and ringing the bell. I have to get up and let him in sometimes; it is an expression I use frequently to him; the green door is made of blind slats, a summer door, which opens out. By reason of its construction it permits one outside and one inside to converse without speaking in a loud tone. I wanted to open the slats of the green door, but I could not as they were stiff with the rain. I had to open the hall door for the purpose of getting at the slats. I did not want to open the green door, I merely wanted to open ^{the slats of} the green door so that I could tell Mr. Barker. When the inner door was open one could talk so as to be understood by anyone outside readily. I forgot to say that when Richard told Mr. Barker several times to go away, that he was an old man and did not want to strike him, Barker had left off ringing the bell; I should judge from the sound, not that I saw, but

from the sound, from the tone of his voice
 that he must have been in front, for he said,
 "Come out here and try me," when Richard said,
 "I would strike you if you were a young man."
 This doorway is reached by a flight of eight or
 nine wooden steps. There is a sort of landing
 or stairway, about a foot and a half from the
 green door, when one was ringing the bell he
 would stand on the platform about six feet
 wide; the bell is on the left hand side going
 up, and the green door opens out. And the
 motion that you saw was a quick motion by
 which this green door was opened and the other
 door was pulled to? That is it, I saw the door
 flung open, and the other door was shut to;
 the green door opens in the middle, it is a
 double door, and one half of the green door
 is shut, it is a door of ordinary width; the
 right hand side of the green door next to the
 bell was flung open. I heard no sound after
 that, I heard no sound but the chattering of the
 door. The night was cold and wet. I scolded
 Richard, but I could not swear that he made
 any reply, I think he muttered something, but
 I do not know what it was, I don't know that
 he did. The dog must have been put out long
 before the door was shut, while they were having
 an altercation the girl brought it up to the hall.

0365

I could not say positively I saw the dog, the ^{girl} ~~dog~~ went down, for the dog, ~~whether~~ she laid it down or whether it went out of her arms I could not say. I told her to get the dog to stop the altercation; the dog went out because it was not in the house. When did you next see Rich-ard? At 6 o'clock in the morning or half past six, I did not mark the time, somewhere about that; he got up and went out. Sometimes he would get up early and sometimes late; he went out and came back and said, "Barker is dead, my God, Barker is dead." He was very much excited, very much frightened, and when he told me that my impression was that he pushed him and the man fell and broke his neck. I said, Oh, did you kill him? I saw him make no motion as if to push him. This man (the deceased) was very much in liquor I think. I said before the Coroner I saw the hand come down as the door flung open. Is it true that you saw him make a motion as if to push him? No sir; it was as if I said you might throw a door open and the hand came down. I could not and did not characterize it as a push before the Coroner. I said as if it might be a push. I simply said I saw the hand come down. Edward got frightened and he said, O, I must say he was out.

I said, "Go down to the Station house and give yourself up and tell the truth, nothing can come from it if you tell the truth, but if you tell a story it will be dreadful." He said, "Why would not you say I was out?" No, I said, "Because if I am put on my oath I must tell the truth." Because he said the man coming from his dog, they might say he (the prisoner) hurt him. Cross Examined. I was at the door and talked with Mr. Barker before my car came down. I did not try to open the summer door, I tried to open the plate glass but could not in consequence of their being sprung by the rain I could not open them. When Richard came down he held the knob of the door in his hand and held it in his hand all the time he was talking to Barker; the inner hall door was open at that time. I was standing behind Richard and never left him a second. At any time from the time that your car came down up to the time that the front door finally closed was he out of your sight at all? Not half a second; I had him constantly under my observation. Was it possible for him to have struck a blow without your seeing it? No sir, I think not, when I say, I think, I am sure he did not. Did he have any weapon in his hand? I solemnly swear before the living God he had not anything in his hands. The notion

0367

that you saw was it anything more than the
 closing of the ^{front} door? It was as though he had
 flung the green door open; that was it.
 How soon did he go up stairs? It was like a
 flash of lightning the whole thing. He went up
 stairs before we sleep on the parlor floor;
 it is a house with wings. He was in your
 sight all the time until he finally went up stairs
 and out of sight? Yes sir. James Neil, owner
 and examined, testified. I live 7712 Madison
 Avenue. I did not know Jacob Barker in his
 life time. Were you out late on Saturday night the
 13th of April in the vicinity of the southwest corner
 of 106th St. and Third Avenue? Yes sir. I was pas-
 sing about 11.35 or 11.40 on Third Avenue by
 the front gate of the premises about 75 or 80 feet
 from the front door. My attention was called
 to the front of the house on account of the very
 boisterous and quarrelsome conversation that
 was taking place at the time, and although there
 was one or two passing trains in the mean-
 time, I could distinctly hear a demand, "I want
 it, I must have it - won't go away without it,"
 were the expressions I heard distinctly, which
 was somewhat indistinct; it seemed to me
 like a very impetuous reply; he would be
 damned if he would get it I heard on one
 occasion - he should not have it, would not

0368

have it go home." I then observed the door opening, some one who was engaged in this boisterous conversation disappeared as if in the entry way through the door for about two or three seconds and returned, and instantly there were two very distinct sounds - one heavy sound, something like a stamp as well as I can describe it in words, and another sound immediately following that and in one or two seconds the party disappeared through the door and it was shut ^{with a} very loud noise. The circumstance being so unusual I stopped for a little while and looked attentively, but as there were many shadows thrown by the trees that intervened between the house and the sidewalk, and feeling that somebody had been hurt I felt it my duty to go around nearer to the house, it was on the 106th St. side, which brought me to within twenty or thirty feet of the wooden steps. There is a foundation stone there on which is a picket fence. I got up on that picket so as to lean over the picket fence by getting up five or six feet on the stone fence and peering over very carefully for some time among the trees and shrubbery I could not see anything but the shadows which were numerous and the trees and limbs and shrubbery, and not hearing any sound whatever, not the slightest groan or moan, I tried to reconcile

0369

in my own mind the strange occurrence. All was still as the grave in the house, not the least sound I could discern. I thought the parties had some kind of a family quarrel and had disappeared. I, however, looked up and down the avenue and walked up as far as 113th St. to my residence, hoping I might find a policeman, but not seeing one I went home and went to bed; it was a little after 12 when I got to bed. The next morning, Sunday morning between 8 and 9 o'clock returning to see the same patient in 103rd St near Lexington avenue. I was so impressed with what had occurred the night before that I came out of my way one block to pass by to see if anything had been observed. I saw the policeman at the gate and a great many persons about. I was informed that there was a dead man at the foot of the stoop. I did not know the prisoner before, nor did I know the deceased. I do not think I ever had the pleasure of seeing either one of them. My attention was first called to this affair by a loud war of words, which continued perhaps five or six minutes; then some one went into this front door, then I saw a little dark door open, then I saw the white door open and all was quiet for a moment or at least for a few seconds; then out came

this form out of the same place, the door
 shutting to as if by spring or otherwise and
 then the two sounds occurred in quick suc-
 cession which I have described. Then came
 the disappearance and the banging of the door and
 all was perfectly quiet. You are certain now
 that these two noises that you speak of and
 one of which you illustrated preceded the disap-
 pearance into the house of this form? Positively.
 Those forms were revealed by gas lights
 on the Third Avenue and by the lights of the quick
 transit station which is at that corner; there was
 no light in the house; the station is directly
 on the corner. Cross Examined. How high is the
 Elevated Railroad Station at that point above
 this door? I suppose it is twenty feet and about
 a hundred feet away, excepting the commence-
 ment of the stairs, which are also lighted up,
 and which are perhaps seventy feet from the
 front door where this occurred. The station stairs
 are on the sidewalk in the southwest corner of
 106th St. and Third Avenue, this house is in the
 southwest corner. There are a number of trees in
 this door yard, a sufficient number to cast shad-
 ows. There was sufficient light for me to see the
 opening of the door. Are you willing to swear
 that there is one single gleam of light from any
 part of the elevated Railway station that shines
 upon that house or any part of that house? Yes I

0371

can, that it undoubtedly reflects more or less. There are two street lamps corner of 106th St. there is one also in the middle of the block. As to where the light exactly came from I know not, but I know that I could see these shadows. Did you see sufficiently to distinguish how many persons were standing upon this platform? I have felt very sure that there were three persons part of the time, but as I do not like to be positive unless I am wonderfully so I have testified to two positively, but I am in my own mind sure there were three. I feel very confident that there were three part of the time. Could you distinguish them sufficiently to tell whether they were men or women? No sir, but I saw one of them was dark. I could not distinguish them sufficiently plain to distinguish whether it was the dress of a female or a man. There was one form remained in the stop when one passed in at the southern side of the door. Did that party who remained on the stop remain perfectly quiet? Whether he removed a little or whether he was perfectly quiet I could not positively tell you. Could you tell whether he turned away? He might have done so; the light was not sufficient to tell whether a person turned a little, but that there was considerable fluttering it was easily discernible. You did

not know either of those parties? No sir. When did you become acquainted with the prisoner at the bar? I do not know him, I have not the pleasure of his acquaintance. I saw him on this same Sunday about the middle of the day in company with detective Ross, he was in his company in 110th St.; it was in a saloon, I think kept by a man named King or Kinning. I did not drink with him there. Detective Ross came to my house in Madison Avenue and asked me if I knew anything about the occurrence that took place the night before? I told him I did. He says, "I have got the prisoner, I would like to show him to you." I said, "I have no curiosity to see the prisoner." He said, "Well now, I would like if you would come over and look at him, I have him in a certain place, I want you to come along with me." But he says, "I wish you to keep yourself a little distant, to keep some twenty, thirty or sixty feet between us, so that we won't necessarily be seen in company." I kept on down, having some business in that direction and I followed him. By and by he beckoned to me and he (Detective Ross) said, "we will go in here." Then we went in he enquired of the saloon keeper something that I did not exactly hear, but I heard the saloon keeper say, "No, he is not here, he would be back soon." Then Mr. Ross

0373

told me he would be in soon, that he had gone out with some policeman. I think he did come back in I think about ten minutes. Was there any drinking after he came back there? Yes. Mr. Ross went for beer and I drank beer with Mr. Ross. Mr. Ross called for beer for the party. Were you introduced to the prisoner? No sir. You stood at the bar together? No sir, this was a back room; they were taking lunch; the prisoner at the bar was hungry; they all seemed a little hungry; they were eating some German food. Who were they all? Mr. Ross and the other policeman that was with him, the prisoner and myself. You have said, doctor, that the door closed when the party came up sharply as if with a spring? Yes sir, the green door quickly. I did not observe any noise; the party was no sooner out than it seemed to close. There was no clashing of the doors together so as to make a noise? No sir; the bang was very violent. I did not see anyone fall, but I thought I saw the shadow of a form pass down, but there was so many shadows that when I looked closely and attentively I could not be positive that there was a dead body there. I think that was partly obscured on account of some grassy hillocks. I could not say positively there was a dead body there. Did you have any suspicion

or thought that there was a body there? I had a very grave suspicion that somebody was hurt very much. Did you have any thought as you were looking over the fence that night that you saw a body lying there? Permit me to correct a misstatement which you have unintentionally made just now with reference to my testimony. It astonishes me that a man of your clear perceptions should so misunderstand me. I did not say that I saw a body there. I say that there were many shadows there. I could not be positive. I am not sure yet whether it was shadows or a body. I could not feel sure that such was the case, as I told you before, not hearing any groan or any sound; and as all was still as the grave inside of the house I tried to reconcile my thoughts with the theory that it had been a family quarrel and they all had disappeared in the house. It did not occur to you that there was a body lying there? I did not feel sure of it, but I felt afraid that such was the case and looked for a policeman for nearly half an hour up and down the avenue and failing to find one I went home being exhausted for want of sleep. You say that this altercation lasted five minutes or more? Yes sir. I got to my home a little before twelve. I did not look at my watch when I got home, but when I got to the corner of 110th St. it was 12-12- I was looking for a policeman nearly half an hour.

0375

Did you occupy any time except in walking from this corner to your home? I occupied enough time to go down Third Avenue to 105th St. first and then from there slowly up Third Ave home looking each way stopping at the corner 110th St for a few minutes. Margaret J. Javoraka sworn and examined, testified. I live in the house in which the prisoner lives, I have three big rooms and a little room, I am married; that Saturday night I went to bed a little earlier than usual; it was a bad night and I did not feel very well. I went to bed before ten o'clock. Were you awakened at any time during the night? Yes sir I was awakened twice, I hardly got asleep the first time; the prisoner came in, I see him almost every night coming. Then I heard him coming down again and a great noise of tumbling; of course I thought he was intoxicated. I heard spoken some words, but what words I did not hear, then I heard the slamming of doors, I heard Margaret coming up or down and she halloed, "that man calls any [some] one. Who she meant I don't know. Did you look out of the window at all? Not at all, it was a bad night. You heard the door slam? Yes sir, I heard the door slam after this, I heard it twice, may be the outside door, I don't know which, and then there was quiet. You did not hear any groan?

Nothing at all. Cross Examined. It was the girl of the house who halloed, "That man calls any one." I do not know her last name, I only know her by the name of Margraet; she is here. What time was it you heard that remark made, after the slamming of the door? After the first slamming of the doors. I heard many a time the parlor doors slamming that night, I don't know which of the doors, the shutter door slammed very easy, but the inside door slammed very fast. The outer doors were light doors were they? Very light doors - yes sir.

Testimony for the Defence.

Margraet Gannon, sworn and examined. I was living in the house with Mrs. O'Donnell on the 4th of last month in the capacity of a servant girl. Do you remember Saturday night the 3^d of April? Yes. Do you remember hearing any unusual noises that night? No sir, nothing unusual. Did you hear the door bell ring? Yes sir, I did. I was called to the door after having gone to bed. Let Mr. O'Donnell in first, the prisoner; it was about half past ten. That was the last time he came in for the night. I do not know how long I had been in bed when I heard the door bell ring. I went to the door and asked who was there and I got no answer. I asked several times, I could not distinguish what the man said, at last he told me he wanted his dog. I told him to come in the morning and he should get his dog. I went up

0377

stairs and the bell rang again and I heard Mr. O'Donnell call me to come down and get the dog. I went down stairs and I got the dog and Mr. O'Donnell was at the door talking to Mr. Barker. I laid the dog down in the hall and he ran out. I heard no more and I went up stairs. Then when you went up stairs you left Mr. O'Donnell and Barker down there still talking? Yes, I heard O'Donnell say to the old man, "I don't know how many times, go away", he did not want to strike him because he was an old man; he told him that several times. At the time you saw the parties where were they standing? On the threshold of the door. Was Mr. O'Donnell inside? Mr. O'Donnell was between the doors, he had the green door in his hand partly open, and the hall door was open. I understood you to say you put the dog down in the hall and the dog ran out through these open doors? Yes sir. Where was Mr. Barker standing? I did not see Mr. Barker. I heard his voice but did not see him. Where was Mr. O'Donnell? She was in the hall talking to him. How near the door? About a couple of feet from the door. You went up stairs then and left these parties still there? Yes sir. Did you know anything of what occurred afterward? No sir, I never knew anything more. Did you make any remarks that night of any kind?

No sir, no remarks whatsoever. Did you hear the testimony of the lady who was on the stand just before this? Yes sir, I did. She stated if I remember correctly that you said that man would kill any one or some remark of that kind? No sir, no such thing. Did you make any remark of that sort? Not the slightest. From anything that occurred while ^{you were} there at the door and while you saw these parties did you have reason to apprehend any difficulty between them? No sir, not the slightest. I heard no cross words. I simply heard ~~the~~ ^{Mr. O'Donnell} tell the old gentleman to go. Cross Examined. I have been in the family over seven years. I have no kind feelings toward Richard only. I feel toward him nothing more than if he were a stranger. Don't you ever get attached to people when you live in the house with them? Not at all. Never get any ill feeling against anybody either? No sir. You never get attached to anybody anywhere under any circumstances? No sir. You never get any ill feeling toward anybody under any circumstances? No sir. A singular kind of a lady? Yes sir, it is singular. I did not see Mrs. O'Donnell put her hand on Richard and beg him to come in. I was down stairs that time getting the dog; it might have happened. The jury rendered a verdict of guilty of manslaughter in the fourth degree.

14 The prisoner was remanded for sentence, the District Attorney stating he had some evidence that the prisoner was in the penitentiary for assaulting a woman.

0379

Testimony in the case
Richard O'Donnell.
Filed April 19.
70 p. 100

0380

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 *Richard D O'Donnell* _____

late of the City of New York, in the County of New York, aforesaid, on the
Fourth _____ day of *April* _____ in the year of our Lord
one thousand eight hundred and ~~eighty~~ *eighty* with force and arms, at the City and
County aforesaid, in and upon the body of *Thomas Barker* _____
in the peace of the said people then and there being, feloniously ^{and} wilfully ~~and with a~~
~~deliberate and premeditated design to effect the death of~~

~~the said~~ _____ did make an
assault, and that *he* _____ the said *Richard D O'Donnell*
then and there feloniously ^{and} wilfully, ~~and with a deliberate and premeditated design to~~
~~effect the death of~~ _____ ~~the said~~

_____ did with great
force and violence pull, push, cast and throw the said *Thomas Barker*
down upon the ground then and there, and that the said *Richard*
D O'Donnell _____ with both the hands and feet of *him* the said
Richard D O'Donnell _____ then and there, and whilst the
said *Thomas Barker* _____ was so lying and being upon the ground,
him the said *Thomas Barker* _____ in and upon the neck,
head, stomach, breast, belly, back, and sides of *him* the said *Thomas Barker*
then and there feloniously ^{and} wilfully, ~~and with a deliberate and premeditated design to~~
~~effect the death of~~ _____ ~~the said~~

_____ divers times, with great
force and violence, did choke, strike, beat and kick, and that the said *Richard*
D O'Donnell _____ with both the hands, feet and knees of
him _____ the said *Richard O'Donnell*

and whilst the said *Thomas Barker* _____ was so lying
and being upon the ground as aforesaid, *him* the said *Thomas*
Barker _____ in and upon the neck, breast, belly, head, stomach, and
sides of *him* _____ the said *Thomas Barker* then and there
feloniously ^{and} wilfully, ~~and with a deliberate and premeditated design to effect the death~~
~~of~~ _____ ~~the said~~

_____ did with great force and
violence, choke, strike, push, press and squeeze, giving to the said *Thomas*
Barker _____ then and there, as well by the choking, pulling, pushing, casting and
throwing of *him* _____ the said *Thomas Barker* down
unto and upon the ground as aforesaid, and by the choking, striking, beating, and kick
ing of *him* the said *Thomas Barker* whilst he was so
lying and being upon the ground as aforesaid, in and upon the neck, head, stomach,
breast, belly, back and sides of *him* the said *Thomas Barker*

as aforesaid, as also by the choking, striking, pushing, pressing, and squeezing of ~~him~~ the said *Thomas Barker* whilst he, the said *Thomas Barker* was so lying and being upon the ground as aforesaid, in and upon the neck, head, belly, breast, back, stomach, and sides of ~~him~~ the said *Thomas Barker* with the hands, knees, and feet of ~~him~~ the said *Richard O'Donnell* in manner aforesaid, several mortal bruises, lacerations, and wounds, in and upon the neck, head, belly, breast, stomach, and sides of ~~him~~ the said *Thomas Barker* of which said several mortal bruises, lacerations, and wounds the said *Thomas Barker* ~~from the said then and there died~~ ~~day of~~ ~~until the~~ ~~day of~~ ~~in the same year, in the said Ward, City and County last mentioned, did languish, and languishing did live; on which last-mentioned day the said~~ ~~of the said several mortal bruises, lacerations, and wounds, then and there died; and so the jurors aforesaid, upon their oath aforesaid, do say that the said *Richard O'Donnell*, ~~him~~ the said *Thomas Barker* in manner and form and by the means aforesaid, feloniously, ^{and} wilfully, and with a deliberate and premeditated design to effect the death of ~~the said~~ ~~did kill and~~ ^{slay} ~~murder~~, against the peace of the people of the State of New York and their dignity,~~

BENJ. K. PHELPS, District Attorney.

0382

BOX:

11

FOLDER:

138

DESCRIPTION:

Osborn, Frederick

DATE:

04/30/80



138

211

Filed 30 day of April 1880

Friends

Pleads
M. G. Daily, Jr 29

THE PEOPLE

Assault and Battery.

7th Nov 12. 28.

3

Richard Odom

BENJ. K. PHELPS.

District Attorney,

Part. for 12. 1842
Bridget's check 10. 1842

100

A True Bill.

W. S. Taylor

Nov. 29. 1892. Florence, Ill.

Fred. Howard.

Fried 25.

5

Part. 1. 8

Will send to you for purchase

0384

Form 11.

Police Court, Third District, Halls of Justice.

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

of No.

10 Precinct

Street

on

Tuesday

the

9th

day of

March

being duly sworn, deposes and says, that

in the year 1880, at the City of New York, in the County of New York,

~~Julius Miller~~ was violently ASSAULTED and BEATEN by

Frederick Osborn (lawyer)

to such an extent that said Julius
is now confined to his bed

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

day of

March 1880

POLICE JUSTICE.

Valentine Gass.

0385

Form 11.

THIRD DISTRICT POLICE COURT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Valentine Gass

Fredrick Osborne

AFFIDAVIT, A. & B.

John A. Diller

Dated

March 10 1880

Smith

MAGISTRATE.

Gass

OFFICER.

W. H. Lee

WITNESS:

*\$300 for Gass
compens*

0386

Form 11.

Police Court, Third District, Halls of Justice.

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

ss.

Julius Miller

of No. *86 Essex Street*

Street,

being duly sworn, deposes and says, that

on the

9th

day of

March

in the year 18*80*; at the City of New York, in the County of New York,

he was violently ASSAULTED and BEATEN by

Fredrick Osborn

*who struck deponent several violent blows
on his face with his fist knocking deponent
down injuring deponent's right arm*

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

24

day of

March

18*80*

POLICE JUSTICE.

Julius L. Miller
Mar 9

0387

Form 11.

THIRD DISTRICT POLICE COURT.

THE PEOPLE, &c,
ON THE COMPLAINT OF
Jalusi Miller 317
86 Essex St
Frederick Osborn

AFFIDAVIT, A. & B.

Dated *March 24* 1880

Smith

MAGISTRATE.

OFFICER.

WITNESS:

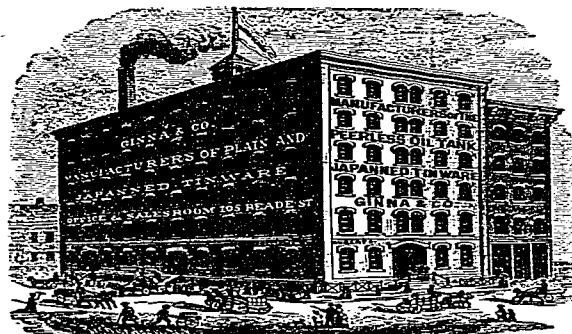


200 to Mrs G.B.
Partied by
Eustace S. Fieger
64 Essex St

0388

S. A. GINNA.

R. A. DONALDSON.



OFFICE OF
GINNA & COMPANY,
MANUFACTURERS OF

Plain & Japanned Tinware,
110 READE STREET.

New York, Nov 30th 1880

Dear Sir - This is to certify that Fred Osborn
was in our employ for about one and a
half years and we found him honest
smart and of good disposition during
that time.
Very Truly
Yours
S. A. Ginna & Co.

0389

GINNA & CO.,
110 READE STREET.
NEW YORK.

The People
 Frederick Osborn } Court of General Sessions. Before Judge
 = Indictment for assault and battery. Cowing. November 29. 1880.

Julius Miller sworn and examined testified as follows: Q Mr. Miller, where do you live? A No 86 Essex st. Q What do you do? A Cutlery business. Q Do you know the prisoner at the bar Frederick Osborn? A No sir, never seen him before. Q Never seen him before - didn't you see him on the 9th of last March? A Yes sir. Before that time you mean? A Yes sir. Where did you see him then? A At the corner of Allen and Broome sts. What time was it? A About between five and six o'clock. You met him between five and six o'clock on the 9th of March at the corner of Allen and Broome sts. what were you doing there? A I just went home, I had an armful of goods. Well, what was he doing when you first saw him? A I just passed there and he shoved me with his left shoulder and shoved me pretty near off the sidewalk. By the Court. Well, what did you do, go on and tell the jury? A I turned round and asked him what he done it for? and he commenced right away to pound me and I could not help myself. He shoved you off the sidewalk and when you asked him what he did it for he commenced to pound you? A Yes sir. By Mr. Phelps. Had he been drinking?

No sir. And had you been drinking? No sir.
 Did you talk with him at all at that time?
 Only a few words. I asked him what he done
 it for. When he struck you what had you said
 to him - when he shoved you what had you said
 to him? I asked him what ~~he~~ ^{he done it} for. But before
 he shoved you, had you said anything to him
 or had you touched him? No sir. Had you
 given him any provocation? No sir. He was
 a perfect stranger to you? Yes sir, I never seen
 the man before. Whereabouts did he hit you?
 He struck me all over the face. Did you go
 to the doctor's? Yes sir, to the doctors. Could you
 do your work? I was four weeks laid up. Who
 is your doctor? Drs. Kelly and Caille. How long
 were you laid up? Four weeks until I could
 get in business again. Cross Examined. I did
 not see anything in his hand when he first
 shoved me. Did he not have a butter tub in his
 hand? No sir, he had nothing. Did not he
 have a butter tub in his hand and as he was
 passing by you he brushed you a little bit and
 you turned round and called him a name
 - a son of a b - h? No sir. Then he called
 you another name and then you struck him.
 No sir, it is not so. He had no butter tub.
 After that he struck you about twice, is not
 that so? No sir. How many times did he hit
 you? I did not count how many times.

I suppose a dozen times because I was black
 and blue. He shoved me off the sidewalk on the
 street and sprained the arm. I did not fall
 on the sidewalk but only slipped. What is your
 occupation? Cutter. Scissors grinder? Yes sir.
 You had your machine with you? No sir, nothing
 at all, only just the goods I had on my arm.
 Frederick Osborne, sworn and examined in
 his own behalf testified. What do you do for a
 living? I work in a factory down at Centerville,
 N.J. at the present time. Have you ever worked
 in the City of New York? Yes sir. With whom? I
 have worked in Doyer St. in a tin can factory.
 I used to work for John Hayne, a grocery store
 corner of Broome and Allen Sts. Have you ever
 arrested before? No sir, never in my life. Have you
 ever in Court before? No sir. Except for this case?
 Yes sir. You heard what the complaining witness
 Miller told you about this affair, did you not?
 Yes sir. You tell the jury your version of that
 story? When I was round the grocery store I was
 carrying in some empty butter tubs, he was
 coming down. I had my back to him. I hap-
 pened to turn round quick and went against
 him. He came back and called me the son
 of a B. I called him something back and he
 struck ~~me~~, he hit me in the neck. Of course
 I took my own part. How many times did you

No sir. And had you been drinking? No sir.

hit him? I did not hit him over two or three times. Did you knock him off the sidewalk? No sir; the sidewalk was slippery, it was wet and snowy I think at the time he slipped and fell near the Elevated Railroad in the gutter. Did you strike him at the time he slipped and fell? No sir, he was away off from me at that time, he was backing out. He did not want to make any complaint against me at all first, but there was another man, a friend of his, I suppose, told him to press the charge on me; he knew he was as well in the fault as me. Cross Examined. Were you hurt at all? I had some scratches in my face. Did not you work the next day? No sir. How long were you laid up by your injuries? I was not laid up at all. After it was done I was arrested. I was arrested the same day. You struck him before he fell down? Yes sir. Did he have anything in his hand when he struck you? I believe he had something tied up in paper; he only took his fist and I only used my fist. When he fell down he was about three or four feet from me. He fell and hurt his arm by his own carelessness on the street in walking. Just before he fell I did not hit him. The jury rendered a verdict of guilty of assault and battery.

0394

testimony in the case
of Frederick Osborne
filed April 30

0395

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

Frederick Osborn

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *ninth* day of *March* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County
aforesaid, in and upon the body of *Julius Miller*
in the peace of the said people then and there being, with force and arms unlawfully
did make an assault and *him* the said *Julius Miller*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Julius Miller* and against the peace of the
People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.