

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  
*Mme de Paygout*  
*20 St. Peter*  
*John Starnan*  
*Richard Bunn*

BAILED,  
No. 1, by .....  
Residence ..... Street

No. 2, by .....  
Residence ..... Street

No. 3, by .....  
Residence ..... Street

No. 4, by .....  
Residence ..... Street

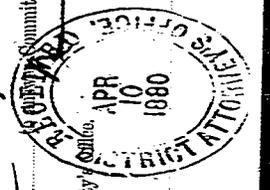
Date *April 9-80*

*Wm de Paygout*  
Magistrate.  
Clerk.

Witness, *Off Stanton* 20 St  
No. .... Street

No. .... Street

No. *1111* Street *East*



Received in Dist. Atty's Office.

0271

Form 10. STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK, } ss.

*[Handwritten signature]*  
Searched  
Indexed  
Filed  
1887

of No. *De Francis J. Jaggart*  
that on the *9* day of *April* 18*87* at the City of  
New York, in the County of New York,

*at the hour 2:40 o'clock a.m.*  
*defendant arrested John Norman*  
*and Richard Purdy (was here)*  
*in the act and about to*  
*force an entrance into the*  
*premises No 254 West 30*  
*Street but their being no marks*  
*upon the door defendant finding*  
*in the yard of said premises*  
*a jimmy here shown charges*  
*the said persons with having*  
*unlawfully in their possession*  
*said instrument with felonious intent*

487  
day  
Police Justice

0272

to break or enter said premises  
in the night to the said  
premises being a store  
sum to the sum of \$100  
on this 9 day of April 1883 Francis McFiggart

*[Handwritten signature]*

FORM 10.

Police Court—Second District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

ARRIDAVIT.

vs.

Date,

1887

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.—*John Norman*

Question.—How old are you?

Answer.—*18 years*

Question.—Where were you born?

Answer.—*New York City*

Question.—Where do you live?

Answer.—*418 West 32<sup>nd</sup> St*

Question.—What is your occupation?

Answer.—*Drives a truck*

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

here preferred against you?

Answer.—*I am Not guilty  
John Norman*

Taken before me this  
*[Signature]*  
1878  
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.—

*Colored Maker*

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* 18*70*  
Police Justice

0275

Form 116.

Police Court—Second District.

THE PEOPLE, &c., vs.

ON THE COMPLAINT OF  
*James de C. Daggart*  
20 1/2 Street  
OR  
*John Stannard*  
*Richard Burns*

BALLED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

8  
4  
Offence,

Date *April 9-80*

*Richard Burns* Magistrate.

*de C. Daggart* Accor.

Clerk.

Witness, *Off Stanton* 20 1/2

No.

Street

No.

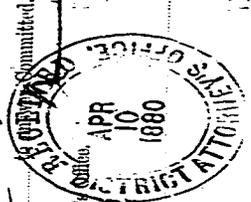
Street

No.

Street

*W.H.H.*

*H.S. Each*



Received in Dist. Atty's Office

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 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~~ *eighty* with force and arms,

at the Ward, City and County aforesaid, *the unlawfully were found by of on g r b*  
*and did not be in their possession in the night time of said day a certain*  
*instrument and implement of Burglary to wit one* *with intent then*  
*and there a certain building known as* *and* *four West Street*  
*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

OR

John Chickel  
James Choogun  
Wallace Dunbar

(baird Febry 1880)

BENJ. K. PHELPS,

District Attorney,

Copy

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

H. S. Taylor

Foreman.

Not the prosequer  
Sustained - April 6/82

*Defraction of Trade  
Mark & Labels*

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 Nicholas James Hol-  
gan & 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 com-  
promised 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 to determine  
last term of the  
Court to determine the  
medication against  
John Nichols within  
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 <sup>and upon which goods is affixed</sup> paints and merchandise, the  
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. Atwood 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.

2<sup>nd</sup>

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. in age of the  
2<sup>nd</sup> of the 1<sup>st</sup> of the  
Name of the 1<sup>st</sup> of the  
description of the  
white paint & color.

paints and zinc paints a more particu-  
lar description of which is to the  
jurors aforesaid unknown and can-  
not 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.  
Chestwood 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.

2<sup>nd</sup>

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 17  
2<sup>nd</sup> Col. 10/11/12  
Entered according to the  
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.

0287

3<sup>rd</sup>

Galena.  
Manufactured  
of the  
Best materials.

Premium  
White Lead  
Ground in Prepared Linseed Oil.

White Lead

---

4<sup>th</sup>

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

<sup>5 d</sup>  
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

0291

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

252

Counsel,  
Filed 27 day of April 1880  
Plends

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

Indictment, Larceny

BENJ. K. PHELPS,  
District Attorney

A TRUE BILL.

N.S. Taylor  
April 27th 1880 Foreman.

(God)  
Had guilty  
1 S.P. from jurors.  
2 " from grand jury.

0292

District Attorney's Office

PEOPLE

vs.

John Murray  
vs.

Charles  
or Henry Steward

—  
case April 26-80

Ind. found

April 27/80

0293

FORM 89 1/2

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

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 Jr

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. Jeff  
and Thomas Murray (now present)

from the fact that deponent's  
wife Bertha Kessler saw both  
Jeff 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 it  
was, Jeff turned toward said  
Bertha and said if you speak  
I will shoot you. Deponent after

Subscribed to before me this

at

18

Police Justice

0294

Said Steff and Murray had left  
the building found that the watch  
and chain was missing

Sums to be for me

This 22 day of April 1853 ~~John H. Hester Jr~~

~~John H. Hester Jr~~  
City and County of New York

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

Sums to depon me

Bartha Kessler.

This 22 day of April 1853

~~John H. Hester Jr~~  
Deponent

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

*John C. Neff*  
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.—

*Refuser.*

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* 18*80*  
*A. L. Morgan*  
Police Justice.

0297

FORM 894

POLICE COURT—SECOND DISTRICT

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Robert Keasler  
368 7<sup>th</sup> Ave

John C. Steff

Thomas Whirey

DATED April 22<sup>nd</sup> 18 80

Suppy MAGISTRATE

James H. Sargent OFFICER

WITNESS: Bertha Keasler

368 7<sup>th</sup> Avenue

Francis Mc Jaggar

20<sup>th</sup> Precinct Police

Theresa Eltrieb

370 7<sup>th</sup> Avenue

2506 7<sup>th</sup> Street



BAILED BY

No. STREET.

Affidavit—Larceny—Steal

0298

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 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 fifty 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 1850  
Pleads

THE PEOPLE  
vs.  
Charles Neill  
B  
Assault and Battery.

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 the trial of the ac-  
cused should be discharg-  
ed.

A. Russell  
May 5, 1850  
This verdict?  
F. W. S.

0301

New York General Sessions.

PEOPLE, ON MY COMPLAINT,  
versus

Chas. Keill

A & 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. J. C. Murray

Matilda Partington  
Mark

0302

Office of Fred. S. Smyth,  
Counsellor at Law,

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

New York, April 11<sup>th</sup> 1870

Sir

Please hear Mr. Lee's  
Statement and do with  
his case whatever is right.  
I am done.

Yours truly  
Fred. S. 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.

*Matilda Partington*

of No. *1428 Broadway* Street, being duly sworn, deposes and says,

that on the *19<sup>th</sup>* day of *July*  
in the year 187*9*, at the City of New York, in the County of New York,

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 Sw Partington*  
*(mark)*

*Sworn to before me, this*  
*1879*  
*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 Keel

AFFIDAVIT A. & B.



Dated

187

Murray

JUSTICE

Frankell

OFFICER

WITNESS:

305 H. B. Trans  
Conrad

Bail  
H. J. 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, aforesaid, on the ~~thirteenth~~ day of *July* in the year of our Lord one thousand eight hundred and seventy-~~eight~~ *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  
Pleas *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.  
*Bac. Compt. in 1880*  
*J. W.*

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

0308

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,  
penning 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 5<sup>th</sup> 1880.

In presence of  
Sidney M. Stewart  
& Charles D.  
New York City.

Lucy Smith

New York General Sessions

The People vs

of Daniel

Thomas Noble

withdrawal,

I think this is a  
proper case to settle  
& with permission of  
the Court - bail may  
be discharged.

B. K. Hester

May 1860.

M. J. L.

away

0310

City and County of New York, ss.

POLICE COURT—FIRST DISTRICT.

THE PEOPLE

*Thomas Noble*

On complaint of

*Lucy Smith*

For

*Assault and Battery*

*demand*

After being informed of my rights under the law, I hereby ~~waive~~ <sup>demand</sup> 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*

*Thomas Noble*

*Phillips*

POLICE JUSTICE.

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 11<sup>th</sup> the April being duly sworn, deposes and says, that

in the year 1887, at the City of New York, in the County of New York,

he was violently ASSAULTED and BEATEN by

Thomas Noble New York  
Who struck and kicked deponent  
upon the arm 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 11<sup>th</sup>  
day of April 1887

G. Williams  
POLICE JUSTICE.

Lucy Smith

0312

Form 11

Police Court, Halls of Justice.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Lucy Smith*  
~~*Henry Jones*~~  
*Thomas Noble*

AFFIDAVIT A. & B.

Dated *April 14* 188*8*

*Kilpatrick* Justice.  
*Carr* Officer.

Witness,



*44 - April 15 at 10.*

\$ *500* to Ans. *Carr* 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

0315

*W. H. H.*

Counsel,  
Filed 14 day of April 1860.  
Pleas *to the Jury (15)*

INDICTMENT.  
Of Grand Larceny from the Person

THE PEOPLE

vs.

*Patrick Oates*

*19 11 1860*

*Benj. K. Phelps*  
~~S. S. CLAPP~~  
District Attorney.

A True Bill.

*W. S. Taylor* Foreman.  
*April 16. 1860.*  
*Jacob J. Connors*  
*Ben. Egan.*

0316

Police Court, Fourth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Patrick Oates* being duly examined before the under-  
signed, 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*  
(marks)

*J. J. [Signature]*  
Taken before me this 9th day of April 1870  
Police Justice.

0317

4<sup>th</sup> District Police Court

Thomas Wright

CITY AND COUNTY OF NEW YORK, ss.

of No. 833 Eleventh Av. Street, being duly sworn, depose and saith, that on the

14<sup>th</sup> day of April 1880

at the 22<sup>nd</sup> Ward of 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.:

Good and lawful money of the United States, consisting of silver and nickel coins, in all of the amount and value of seventy-five cents

Subscribed before me this

day of

the property of deponent

Notarially sworn

1880

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 hour of 12 1/2 o'clock on the morning of said day deponent put some 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 ordinary clothing. That deponent fell asleep and was awakened by feeling

0318

At hand in deponents fair pocket, and  
on looking up deponent saw said  
deponent standing over deponent and  
having one of his hands in the fair  
pocket of deponents said coat. That deponent  
attempted to apprehend him when he  
came 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 fair pocket of deponents  
said coat.

Given to begin on this } Thomas Wright  
9<sup>th</sup> day of April 1880

of *Comptroller* *John J. Sullivan*

RECEIVED  
APR 10 1880  
4 DISTRICT POLICE-COURT.  
ATTORNEY

AFFIDAVIT - Larceny.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Thomas Wright*  
\$03 11<sup>2</sup>/<sub>5</sub> g<sup>o</sup>rs  
VS.  
*Patrick Oates*

DATED *April 9<sup>th</sup>* 1880

*Murray*  
MAGISTRATE.

*Correll, J. J.*  
OFFICER.

WITNESSES:  
*Joseph Correll*  
*J. J. - Const. Police*

*507 Park St*  
*Quint*

0319

4715  
The People vs. Patrick  
Court of General Sessions. Before Judge  
Oates Giddersleeve. 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 3<sup>rd</sup>  
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 and

0320

Cross Examined. I had been to see a sick friend that evening in 10<sup>th</sup> 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 hallway because the street lamp was almost right in front of it. I was in the oyster saloon, corner of Eleventh ave. and 57<sup>th</sup> 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<sup>d</sup> 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

57<sup>th</sup> St. and 10<sup>th</sup> 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 39<sup>th</sup> St. to the house of a woman named O'Donnell. I don't know the number in Thirty ninth St., a little off Sixth 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 49<sup>th</sup> St. and 8<sup>th</sup> Avenue; he went home the same time that I did. I have known Wright for years. I worked in a blacksmith's shop in 11<sup>th</sup> Avenue and 57<sup>th</sup> 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 58<sup>th</sup> St. and Broadway laboring.

Mary Oates sworn and examined, testified I live on the Eleventh Avenue between 56<sup>th</sup> and 57<sup>th</sup> 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 5<sup>th</sup> 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 8<sup>th</sup> avenue between 68<sup>th</sup> and 69<sup>th</sup> Sts.; on the night of the 3<sup>d</sup> of April I was with Patrick Oates and two girls whom we met in 56<sup>th</sup> 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 J. Oates  
filed April 1880.

0324

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 *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

157

Counsel, *J. D. [unclear]*  
Filed *19* day of *April* 1880  
Pleas *Not Guilty*

THE PEOPLE

vs.

*Jennish [unclear]*

*Bill* ~~Grand Larceny from the Person~~  
INDICTMENT.  
~~in the Name of the Law.~~

S. B. GARVIN,  
District Attorney.  
Part in April 21, 1880  
Indict & 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  
Street, being duly sworn, deposes  
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 15 day  
of April 1880  
[Signature]  
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

*Thesen before me this*  
[Signature]  
18 90  
Police Justice

0329

Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Hamilton  
vs.  
Jermiah Brown

1. Jermiah Brown



Affidavit—Larceny—*Frankson*

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,

Dated 15 April 1880

Magistrate.

Witnesses

Chaplain

30th to test by committed

House of Detention

to answer

at Sessions

Received at Dist. Atty's office

COUNSEL FOR COMPLAINANT.

Name

Address

COUNSEL FOR DEFENDANT.

Name

Address

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*, District Attorney.

0331

**BOX:**

11

**FOLDER:**

138

**DESCRIPTION:**

O'Brien, John

**DATE:**

04/19/80



138

2332

58  
April 8

Counsel,  
Filed 19 day of *April* 1880  
Pleads

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

THE PEOPLE

vs.

*John O'Brien*

*Indicted & R.  
On April 9, 2nd Term 1880*

S. B. GARVIN,  
District Attorney.

A True Bill.

*W. L. Taylor* Foreman.

0333

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 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. Hoop* ~~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*6*  
Pleads,

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

*J. P. Phelps*  
BENJ. K. PHELPS,  
District Attorney.

A True Bill.

*H. S. Taylor*  
Foreman.

*April 9. 1876.*

*Thos. Perry Jones*  
*S. P. Goodspeed & Co*

0336

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

George Kohlman

of No. 205 Chatham Street, being duly sworn,

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

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 28<sup>th</sup> day of March 1850 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 here abstracted from the till 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 28<sup>th</sup> day of March 1850

Sworn to before me this 28<sup>th</sup> day of March 1850  
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 to my hand and seal  
20th day March 1880

J. M. Patterson  
Police Justice

George Hunter

0338

Police Court - Third District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*John 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 answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

*John O'Brien*

Question.—How old are you?

Answer.—

*Twenty-six*

Question.—Where were you born?

Answer.—

*New York*

Question.—Where do you live?

Answer.—

*95 Henry Street*

Question.—What is your occupation?

Answer.—

*Shoe-maker*

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*

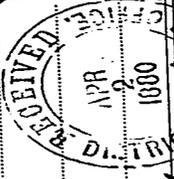
Taken before me, this  
*Sam Patterson*  
10th day of March 1892  
Police Justice

0339

Form 115.

POLICE COURT--THIRD DISTRICT.

THE PEOPLE, & C. M. S. *George Kohlman*  
 ON THE COMPLAINT OF *George Kohlman*  
 No. *1205 Chatham Street*  
 1. *John A. Brien*  
 8. *Walter J. [unclear]*  
 4. *Walter J. [unclear]*



Office

Dated *March 10* 1880  
 Magistrate, *Patterson*  
 Officer, *Wade*  
 Clerk, *Wade*

Witnesses, *Geo. Hunter*  
 No. *205 Chatham* Street.  
 No. .... Street.  
 No. .... Street.  
 No. *1000 E. J.* Street, 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*  
*Twenty 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

0343

*W.P.*

Day of Trial,

Counsel,

Filed *7* day of *April* 1870

Pleads *John Quincy (A)*

THE PEOPLE

vs.

*George Brady*

*Edward Reynolds*

BURGLARY-THIRD DEGREE-AND RECEIVING STOLEN GOODS.

BENJ. K. PHELPS,

District Attorney

A True Bill.

*H.S. Taylor* Foreman.

*Charles Proctor* Clerk.

0344

No. *24828*

M. GUCKSMAN, No. 197 SPRING STREET,  
CORNER SPENCER STREET, NEW YORK.

18 *80 February 24*

*19* *Cherish 25m*

*Wright*

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 of New York, ss.

John Vogt

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 were BURGLARIOUSLY

entered by means of forcibly unfastening the shutters 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 denomination and value of Two dollars - and the certain Pawn ticket hereto attached - One pair shoes worth Four <sup>50</sup>100 dollars - in all of the value of Twenty One <sup>50</sup>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. Deponent found the said window sash raised and the said window shutters open and missed the said property. Deponent was informed by Officer Flanagan that at the time of the arrest of the said defendant - 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 10 1/2 5th Avenue - Deponent therefore charges the said defendants with the commission of the said Burglary.

Sworn to before me John Dwyer  
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 9<sup>th</sup> 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*  
*31<sup>st</sup> day of March 1880* *John Flanagan*  
*Witness All being*  
*Police Justice*

0348

CLERK OF THE COURT  
THE P  
ON THE

Court Second District

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*, 18*80*  
*McKen*  
Police Justice.

0349

Police Court—Second District.

CITY AND COUNTY  
OF NEW YORK.

*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.—

*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.—

*I am guilty of the charge—*

*Edward Reynolds*

Taken before me, this

*31*

day of *March* 1850

*Moses Clearborn*  
Police Justice.

0350



POLICE COURT—Second District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

John Dwyer  
39 Carmichael st.

~~John Dwyer~~  
~~John Dwyer~~  
John Dwyer

OFFENSE—Burglary and Larceny.

George O'Grady  
Edward Reynolds

Dated March 31, 1880

O'Herborn Magistrate.

Flanagan & Coughlin Officers  
Clerk.

Witnesses,

Officers—Flanagan  
and Coughlin  
J. P. Keenan

Committed in default of \$ 500 bail

Bailed by Samuel S. Cook

No. Street.

Corn

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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 eight with force and  
arms, at the Ward, City and County aforesaid, the also of

John Vogt -

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 Vogt, then and there being then and there fel-  
oniously and burglariously to steal take and carry  
away and one watch of the value of fifteen dollars.

One ~~Dollar~~ 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~~  
~~denomination of two dollars and of the value of~~ <sup>the</sup> ~~two dollars~~ <sup>denomina-</sup>  
~~tion to the Jurors aforesaid unknown, and a more accurate description of~~  
~~two dollars~~ <sup>tion</sup> ~~which cannot now be given of the value of~~

One ~~Dollar~~ 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-~~  
~~tion of two dollars and of the value of two dollars~~ <sup>the denomina-</sup>  
~~tion to the Jurors aforesaid unknown, 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 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 the said

John Vogt.

so kept as aforesaid in the said Store - then and there being, then  
and there feloniously did steal, take and carry away, against the form of the Statute in  
such case made and provided, and against the peace of the People of the State of New  
York, and their dignity.

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 unsatisfied 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 unsatisfied 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.**

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**BOX:**

11

**FOLDER:**

138

**DESCRIPTION:**

O'Donnell, Richard D.

**DATE:**

04/19/80



138

0354

Tuesday May 10th

W. C. Dunning

Counsel,  
Trial,

Filed 14 day of April 1880

Pleas: Ad. Guilty (20)

Beating—Homicide of the Degree of  
Manslaughter  
-Manslaughter

THE PEOPLE

vs.

Richard D. O'Donnell

By: J. A. [unclear]

BENJ. K. PHELPS,

District Attorney.

May 10. 1880.  
A True Bill. J. A. [unclear]

H. S. Taylor  
Foreman.

May 12. 1880.

Found & convicted of  
Murder 4th deg.

16. 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 105<sup>th</sup> 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 106<sup>th</sup> St. and his feet down towards 105<sup>th</sup> 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 106<sup>th</sup> 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 106<sup>th</sup> 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

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should judge it was ten or twelve feet wide before you  
got 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 at ten minutes  
past seven in the morning; he said he came home  
at half past six Sunday morning April 4<sup>th</sup> 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

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had been out all night. ~~Thomas Barker~~ <sup>John Joy</sup> sworn and examined. I keep a liquor store on the corner of 105<sup>th</sup> St. and Third Avenue. I knew in his lifetime 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? Nobody knew 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 110<sup>th</sup> 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

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of himself; it was half past ten when he left, saying 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 particular 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 1/4 to 12 o'clock; my saloon is 105<sup>th</sup> St. and Third Avenue; the prisoner lives on 106<sup>th</sup> 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 Barker 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 morning 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.

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Margaret C. Donnell, sworn and examined  
I live at 106<sup>th</sup> 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 till

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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

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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 answer 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

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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 <sup>the slats of</sup> 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

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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.

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I could not say positively I saw the dog, the <sup>girl</sup> ~~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 Richard? 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.

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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) furnished 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, look through 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 hands? I solemnly swear before the living God he had not anything in his hands. The notion

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that you saw was it anything more than the closing of the <sup>front</sup> 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 me I 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, sworn and examined, testified. I live 712 Madison Avenue. I did not know Jacob Barker in his life time. Were you out late on Saturday night the 13<sup>th</sup> of April in the vicinity of the southwest corner of 106<sup>th</sup> St. and Third Avenue? Yes sir. I was passing 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

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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 <sup>with a</sup> 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 106<sup>th</sup> 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

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in my own mind the strange occurrence. <sup>54</sup> 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 113<sup>th</sup> 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 103<sup>rd</sup> 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 prisoners 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 on the southwest corner of  
 106<sup>th</sup> St. and Third Avenue, this house is on 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

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can, that it undoubtedly reflects more or less. There are two street lamps corner of 106<sup>th</sup> 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 on the stoop when one passed in at the southern side of the door. Did that party who remained on the stoop 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

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not know either of those parties? No sir then 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 along about the middle of the day in company with detective Ross, he was in his company in 110<sup>th</sup> 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

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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

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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 110<sup>th</sup> St. it was 12.

12 I was looking for a policeman nearly half an hour

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Did you occupy any time except in walking from this corner to your home? I occupied enough time to go down Third Avenue to 105<sup>th</sup> St. first and then from there slowly up Third Ave home looking each way stopping at the corner No 105<sup>th</sup> St for a few minutes. Margaret J. Javorska 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 hallowed, "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 4<sup>th</sup> of the month in the capacity of a servant girl. Do you remember Saturday night the 3<sup>rd</sup> of April? Yes sir. 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

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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 <sup>you were</sup> 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~~ <sup>Mr. O'Donnell</sup> 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

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Testimony in the case  
Richard O'Connell.  
70 files filed April 69.

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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 *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, <sup>aid</sup> 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, <sup>aid</sup> 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 and 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, <sup>aid</sup> 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, <sup>aid</sup> 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 D. 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 D. Donnell*, ~~him~~ the said *Thomas Barker* in manner and form and by the means aforesaid, feloniously <sup>and</sup> wilfully, and with a deliberate and premeditated design to effect the death of ~~the said~~ ~~the said~~ <sup>slay</sup> did kill and ~~murder~~, against the peace of the people of the State of New York and their dignity,~~

BENJ. K. PHELPS, District Attorney.

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**BOX:**

11

**FOLDER:**

138

**DESCRIPTION:**

Osborn, Frederick

**DATE:**

04/30/80



138



0384

Form 11.

Police Court, Third District, Halls of Justice.

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

*Valentine Gass*

of No.

*10 Macmillan*

Street

being duly sworn, deposes and says, that

on *Tuesday* the

*9<sup>th</sup>*

day of

*March*

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 Lawley*

*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

*19<sup>th</sup>*

day of

*March*

18*80*

*Valentine Gass.*

POLICE JUSTICE.

*[Signature]*

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Form 11.

THIRD DISTRICT POLICE COURT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Valentine Gass*  
*Frederick Osborne*

AFFIDAVIT, A. & B.

*Julius Alder*

Dated *March 10* 1880

*Smith* MAGISTRATE.

*Gass* OFFICER.

WITNESS:  
*W. H. Lee*

*\$300 for Gass  
com. fees*

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 *9<sup>th</sup>* day of *March*

in the year *1880*; 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 striking 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*

*1880*

POLICE JUSTICE.

*[Signature]*

*Julius Lee Miller*  
*Sworn*

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Form 11.

THIRD DISTRICT POLICE COURT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Julius Miller*  
*86 Essex St*  
*Fredrick Osborn*

AFFIDAVIT, A. & B.

Dated *March 24* 1880

*Smith*

MAGISTRATE.

OFFICER.

WITNESS:



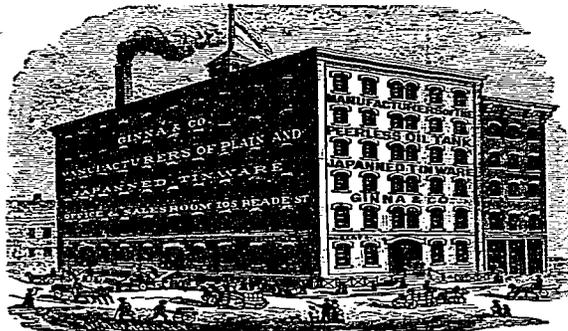
*200 to Mrs G.B.*

*Partied by*  
*Estave Pfleger*  
*64 Essex St*

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S. A. GINNA.

R. A. DONALDSON.



OFFICE OF  
**GINNA & COMPANY,**  
 MANUFACTURERS OF

**P**lain & Japanned Tinware,  
 110 READE STREET.

New York, Nov 30<sup>th</sup> 1880

Dear Sir - This is to certify that Fred<sup>d</sup> 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.  
 Wm<sup>y</sup> Ginna & Co.

0389

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

0390

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

Julius Miller sworn and examined testified as follows: Q Mr Miller, where do you live? A No 86 Essex st. 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 9<sup>th</sup> 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 9<sup>th</sup> 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?

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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 ~~was~~ <sup>done it</sup> 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.

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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 happened 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

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

hit him? I did not hit him even 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

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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 *kill* 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.