0034

BOX:
108

FOLDER:
1149

DESCRIPTION:
Kalleen, John

DATE:
07/13/83

1149

In this case the complaint of appears had been arrested in June 83 at the instance of the deft for Larceny and on the day of assault went to deft's house, and whatever was done by deft was in self defense. Then could not be a Conviction

Thos Byrne
Sept 7 83

6 102

Day of Trial,
Counsel,
Filed, 13 day of July 1883
Pleads Not guilty

THE PEOPLE

vs.

John Harrison

P

Assault in the First Degree. 3 Oct
§ 217 and 218 B

JOHN McKEON,
District Attorney.

P r Sept 7/83
Discharged by the Court
A TRUE BILL. on his verbal recognizance

S. W. Cornatock
Foreman.

0036

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Karleen

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said John Karleen

late of the City of New York, in the County of New York, aforesaid, on the fourth day of July in the year of our Lord one thousand eight hundred and eighty three with force of arms, at the City and County aforesaid, in and upon the body of Frederick Conklin in the peace of the said people then and there being, feloniously did make an assault and him the said Frederick Conklin with a certain razor which the said John Karleen

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said Frederick Conklin then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

of the CRIME OF Assault in the Second Degree, committed as follows:

The said John Karleen, late of the City and County aforesaid

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Frederick Conklin then and there being, feloniously did, willfully and wrongfully, make an assault and him the said Frederick Conklin with a certain razor which the said John Karleen

in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN McKEON, District Attorney.

0037

Police Department of the City of New York,

~~Precinct No~~ Cause of Detention

New York, June 18th 1883

Thos Killen committed June 10th & discharged June 18th 1883

Charles 26 Combs Sergt in charge

0038

Police Court 3 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Michael Cauley
Thos. Cauley
Michael Cauley
John Mallon

Offence Felonious Assault & Battery

1 John Mallon
2
3
4

Dated July 5th 1883 Magistrate.
Officer.
Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
No. Street.
$ 1000 to answer

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

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated July 5 188 3 *Police Justice.*

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

Dated 188 . *Police Justice.*

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

Dated 188 . *Police Justice.*

0039

Sec. 151.

Police Court 5 District.

CITY AND COUNTY OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Frederick Conklin of No. 436 West 29th Street, that on the 4 day of July 1883 at the City of New York, in the County of New York,

John Kallen, who cut and stabbed this deponent in the upper part of the left arm with a razor known then held in his hand

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 5 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 5 *day of* July 188 3

D. Kilbreth POLICE JUSTICE.

POLICE COURT 5 **DISTRICT.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frederick Conklin

vs.

John Kallen

Warrant—General.

Dated July 5 188 3

D. Kilbreth *Magistrate*

Nolan *Officer.*

The Defendant John Kallen was taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Thos B. Fitzpatrick *Officer.*

Dated July 5 188 3

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, July 5 1883

Native of —

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

Tes by 29 St

0040

Sec. 198—200.

30

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. John Kallesen

Question. How old are you?

Answer. Forty two years.

Question. Where were you born?

Answer. Ireland

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

Answer. 530 West 29th Street about 2 months

Question. What is your business or profession?

Answer. Basket Maker.

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

Answer. I am not Guilty of the charge. I was sitting at my door when Conklin rushed in and knocked me down & kicked me; knocking me insensible

his
John + mark Kallesen

Taken before me this 5th *day of* July 1887

A. Kilbreth

Police Justice.

W/

Police Court— 2 District.

THE PEOPLE, Etc.,

ON THE COMPLAINT OF

vs.

John Mallen

AFFIDAVIT—A. & B.
FELONIOUS.

Dated July 5 188 3

Stebbeck *Magistrate*

Officer.

Precinct.

Witnesses,

00
14

0042

Police Court— 20 District

CITY AND COUNTY OF NEW YORK, } ss.

Frederick Conklin

of No. 526 West 29th Street,

being duly sworn, deposes and says, that

on Wednesday the 4th day of July

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Kalleen, of number 530 West 29 Street who cut fully and maliciously cut and stabbed this deponent in the upper part of the left arm, with a razor knife which he then held in his hand.

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

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

Sworn to before me, this 5th *day of* July 1883

Fred K. Conklin

J. Whitehouse POLICE JUSTICE.

0043

BOX:
108

FOLDER:
1149

DESCRIPTION:
Kennedy, William

DATE:
07/03/83

1149

6

Counsel,

Filed 3 day of July 1883

Pleads

THE PEOPLE

vs.

William Kennedy

INDICTMENT.

Grand Larceny in the second degree.

(52 Hun 531)

JOHN McKEON,

District Attorney.

A True Bill.

S. M. Comstock

Foreman.

July 3/83

Plead Guilty

S.P. Two years.

0045

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
William Kennedy

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

of the CRIME OF GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said William Kennedy

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the fourteenth day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, one watch of the value of seven dollars, one chain of the value of one dollar, and one locket of the value of two dollars

of the goods, chattels and personal property of one Joseph W Smith on the person of the said Joseph W Smith then and there being found, from the person of the said Joseph W Smith 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.

JOHN McKEON, District Attorney.

0046

Inquiry 28 Pct

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court— 2nd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John White
No. 117 Mulberry St
William Kennedy

Offence Larceny from Person

1 William Kennedy
2
3
4

Dated 14 June 188 3

Patrick Smith Magistrate.
Patrick Enright Officer.
Precinct.

Witnesses Thaddeus Rabbit
No. 818 Mulberry Street.

No. _____ Street,

No. _____ Street,

$ _____ to answer

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

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

Dated 14 June 188 3 Solon B Smith *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0047

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

1 83 District Police Court.

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

Question. What is your name?

Answer. William Kennedy

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York

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

Answer. No home

Question. What is your business or profession?

Answer. Stonecutter

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

Answer. I am not guilty

his
William x Kennedy
mark

Taken before me this 14 *day of* [illegible] 188[illegible]

[illegible] *Police Justice.*

0048

Andrew Rabbitt 30 yrs of the
6th Precinct says on June 14
1883 I saw a man run across
Duane St very fast. I was told
he stole a watch. I ran after him
and he ran into a house and
I lost sight of him (the defendant.)
X Z There were a thousand people
running after him.
I saw his side face. If I had
found him in the house I
would have arrested him for the
man. The defendant is the man
I saw running. I could have
arrested him if I had known what
he had done. I could not be
mistaken about he being the
man I saw running.
The people told me he had stolen
a watch. He was too far away for
me to arrest him because I knew
I could not get him in the
house he ran into. I did not
go into the house another man
came to my assistance. I saw
him bright pin for the defendant
and knew him to be the man.
I have ~~not~~ made mistakes in
identification before. I could
not be mistaken about the defendant
being the man, who committed
the larceny.

Andrew Rabbitt

Sworn to before me this 18th day of June 1883
[illegible]
Police Justice

Joseph White cross examined
says I have had no conversation about
this case since I was at Court the
other day. The officer did not tell me
nor did I. When I stepped
chasing the defendant the officer
ran after him. I identify the
defendant as the man who
put his hands on my person
I cannot be mistaken about
it. I have talked with my mother
about it, but not to any of
the officers. I have not spoken
to the Clerk since I left Court.
When he took my affidavit I
told him all about the case.
No one told me the defendant
was the man. I have not got
my property. The detectives have it.
He was turning down a alley and
picked up by a carman and
handed to me. There were ~~[illegible]~~
~~two or three~~ four or five people
about when my arrest was taken
I have never been arrested.

Sworn to before me, Joseph A. White.
this 18th of June 1883

Edward F. [illegible]
Police Justice

0050

First District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss.
with Mills ~~and~~ Gibbs

Joseph White 16 years Office Boy

of No. Broadway and Grand Street,

being duly sworn, deposes and says, that on the 14 day of June 1883 at the in the daytime 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 deponents person with intent to cheat and defraud the true owner of the use and benefit thereof the following property, viz :

One silver watch and plated chain attached with gold locket in all of ten dollars

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by William Kennedy (now here) from the fact that while deponent was standing in a crowd corner of Duane Street and Broadway in said city. deponent felt some person pulling on the watch chain which was attached to the vest then and there worn by deponent. immediately thereafter deponent saw said defendant take said property from the vest then and there worn by deponent and run away. and escaped

Joseph White.

Sworn before me this 14 day of June 1883

Police Justice,

0051

BOX:
108

FOLDER:
1149

DESCRIPTION:
Kerven, Thomas

DATE:
07/13/83

1149

89 581

BW speed July 13

Counsel,

Filed 13 day of July 188 3

Pleads

THE PEOPLE

vs.

Thomas Keeven

Grand Larceny, Second degree, and Receiving Stolen Goods.

§§ 528, 531 and 550

JOHN McKEON,

District Attorney

A True Bill.

S. W. Comstock

Foreman.

0053

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Thomas Kernan

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas Kernan of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:

The said Thomas Kernan late of the First Ward of the City of New York, in the County of New York, aforesaid, ~~on the~~ first day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms one double pen register of the value of sixty five dollars of the goods, chattels and personal property of the Mutual Union Telegraph Company then and there being found, 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.

~~John Jay Kean~~
~~District Attorney~~

0054

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

—— Thomas Kernan ——

—— of the Crime of Receiving Stolen Goods, committed as follows:

The said Thomas Kernan ——

late of the First Ward of the City of New York, in the County of New York aforesaid, on the first day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms ~~one~~ double green register of the value of sixty five dollars ——

of the goods, chattels and personal property of the mutual union Telegraph Company by Matthew J. Donohan, Michael J. Daly, and by ——

~~by a~~ certain ~~persons~~ other persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said the mutual Union Telegraph Company ——

unlawfully and unjustly, did feloniously receive and have; he the said Thomas Kernan ——

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen; taken and carried away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.

In the matter

of

Thomas Kerden

Grand Larceny in the Second Degree

Witnesses:

Alfred S. Brown
135 Broadway

Chas K. Clark
38 Broad St.

City and County of New-York, SS.:

Alfred S. Brown, of said City, being duly sworn, deposes and says: That he is the General Superintendent of the Mutual Union Telegraph Company of No. 135 Broadway, in said City; that during the months of May and June, 1883, he had certain telegraph instruments in store at the above number but not in use; that in the latter part of May or the early part of June, 1883, one of said instruments known as a double pen register, made by Longstreet, and valued at sixty five dollars, was removed without permission from the premises where deponent had them stored without the knowledge or consent of this deponent and that ~~on~~ no person had the right to remove the same without the permission of this deponent; that deponent is informed and believes that the said instrument was stolen by Thomas Kervan, Matthew J. Horohan and one Lally; that deponent has since identified the same in the hands of one Charles K. Clark, of No. 38 Broad street, in this City, who acknowledged that he had bought the same from the said Kervan, Horohan and ~~Lally.~~

Sworn to before me, this : Alfred S Brown
10' day of July, 1883. :

Notary Public, N. Y. Co.

City and Cunty of New-York, SS.:

Charles K. Clark, of No. 38 Broad street, in said City, being duly sworn, deposes and says: That in the early part of June, 1883, he bought a telegraph instrument of the kind commonly called a double pen register, made by Longstreet, from Thomas Kervan and Matthew J. Horohan, for which he paid the sum of forty dollars, which instrument has since been identified by Albert S. Brown, General Superintendent of the Mutual Union Telegraph COmpany, of No. 135 Broadway, in this City, as the one stolen from him some time in the latter part of May or the early part of June, 1883, and which instrument is now in the hands of the property clerk at Police Headquarters in this City.

Sworn to before me, this
10' day of July, 1883. Chas. K. Clark

Notary Public, N. Y. Co.

Thomas Kerwan

In the matter

of

~~Michael J. Daly~~
~~Matthew J. Horohan~~
~~Thomas Kerwan~~

Grand Larceny
in the Second Degree

Witnesses
Alfred S. Brown
135 Broadway
Chas. H. Clark
38 Broad St.

0058

BOX:
108

FOLDER:
1149

DESCRIPTION:
Kiernan, Daniel

DATE:
07/03/83

1149

16

Filed 3 day of July 1883

Pleads Not guilty (5)

THE PEOPLE

vs.

Daniel Kiernan

P

M 10 A

ROBBERY—~~First Degree~~

Second Degree

§ 224 and 225

JOHN McKEON,

District Attorney.

A True Bill.

S. W. Comstock

Foreman.

July 10/83.

Plead Assault 3 deg.

Judgt Suspended.

M. A. G.

659

0060

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

THE PEOPLE OF THE STATE OF
NEW YORK,
against
Daniel Kiernan

The Grand Jury of the City and County of New York by this indictment accuse Daniel Kiernan of the crime of Robbery in the ~~first degree,~~ Second Degree committed as follows:

The said Daniel Kiernan

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the sixtieth day of June in the year of our Lord one thousand eight hundred and eighty-three at the Ward, City and County aforesaid, with force and arms, in and upon one George Eckstein in the peace of the said People then and there being, feloniously did make an assault and one promissory note for the payment of money the same being then and there due and unsatisfied, of the kind known as United States Treasury notes, of the denomination and of the value of one dollar, one silver coin of the United States of the kind known as dollars, of the value of one dollar, and one silver coin of the United States, of the kind known as half dollars, of the value of fifty cents

of the goods, chattels and personal property of the said George Eckstein from the person of said George Eckstein and against the will and by violence to the person of the said George Eckstein then and there violently and feloniously did rob, steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN McKEON, **District Attorney.**

0061

Police Court 2 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Joseph Constein
vs.
Daniel Kiernan
Robbery

Offence Robbery

Witnesses Joseph Constein, No. 57 Ludlow St.
Michael Reinhard, No. 57 Ludlow St.
Officer Rhodes, 2d Precinct.

Dated June 30 1883 Magistrate.

BAILED,

No 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Daniel Kiernan guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated June 30 188 3 *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

0062

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. Daniel Kiernan

Question. How old are you?

Answer Twenty-Nine Years.

Question. Where were you born?

Answer. New York City

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

Answer. 439 West 38th Street 3 Years.

Question. What is your business or profession?

Answer. Driver

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

Answer. I am not guilty of the charge.

Daniel Kiernan

Taken before me this 3 *day of* September 1883

Police Justice.

0063

Police Court Second District.

CITY AND COUNTY OF NEW YORK, } ss.

George Eckstein

of No 517 West 38th Street, agee 17 Peddler.

being duly sworn, deposeth and saith, that on the 30th day of June, 188 3 at the 20th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

Good and lawful money of the United States consisting of One note or bill of the denomination and value of One Dollar. One Silver Coin of the Value of One dollar and One Silver Coin of the Value of Fifty Cents all being

of the value of Two Dollars DOLLARS,

the property of Deponent.

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

Daniel Kiernan (now here) from the fact that at or about the hour of ten o'clock A.M. on said date that said Kiernan came to deponent in the hallway of a house in West 38th Street between 7th and 11th Avenues. Seized hold of deponent by the throat threw deponent down and then took the Silver dollar ~~from him~~ and the note or bill from the left hand pocket of the pantaloons then on deponent person. Deponent therefore prays that the said Kiernan may be dealt with as the law directs.

George Eckstein

Sworn before me, this 30th day of June 1883

Police Justice.

Testimony in the case
of
Daniel Kiernan
filed July
1883.

v.

The People vs. Daniel Kiernan { Court of General Sessions. Part I
Before Judge Gildersleeve. July 10, 1883

Indictment for robbery in the second degree

George Eckstein, sworn and examined, testified as follows: Mr. Eckstein, where do you live? No 517 West thirty eighth St. What is your business? My business was upholsterer before I went peddling. What is your business now? Peddling. Were you peddling at that time the 30th of June? Yes sir, I was at that time. On the 30th of June you remember that day it was Saturday? Yes sir

Q Did you have any money with you that day? Yes sir. How much money? I had three dollars with me and I spent nine cents out of it and that left me two dollars and I had the other change. Were you in the house in West thirty eighth St during that day? I came out of my own house. You were in one when you came out of one? Yes sir. You came out of this house in west thirty eighth St.? Yes sir. Did you meet anybody when you got out? I met one when I was going towards Eleventh Ave., Andy Kiernan. Where did you go to school? I went to school in thirty seventh St. and went to a German school. Did you meet anybody in the hallway of your

house? A. No sir. Did you see the prisoner that day at all? Yes sir. Where did you see him? At the stable, not at my own house. Where was the house that you saw him? 521 West Thirty eighth St. Whereabouts in that house did you see him? At the door when I went in. I got the money taken out of my — You met him in that house 521? Not in the house, outside the door. I came from my own door, going down towards Eleventh avenue. Passing this door you saw the prisoner? Before I got there to that door I saw him. What happened between you if anything? He said to me that I had his money. I told him I had not. He says, I did; he took the money I had out of my pocket. Did he lay hold of you? Yes he did, he seized me by the throat. Ten dollars was taken out of my pocket and my $2.50. You had two dollars and some change in your pocket? Yes sir, $2.50 I had 41 cents in small change. Whose money was that you had in your pocket? My own money. You met him and he accused you of having his money, you told him it was not his money and thereupon he took you by the throat? Yes sir. And he took from your pocket this money.

Yes sir. Which pocket did he take it from? Out of my left vest pocket. Cross Examined Eckstein you worked with the prisoner at the bar, did'nt you? Yes sir. And you worked for this gentleman here? (pointing to a man) Yes sir. How much did you receive for your work up to Saturday morning? Nine dollars for potatoes and cabbage. I received $1.65 for the potatoes, and then I received for the other lot of potatoes some 60 cents. Where did you get this money that you had on Saturday morning? That money was all saved up money of my own. I earned it. Did you have it Friday night? Yes sir. I did. I did not go to my boss on Friday night and tell him I had not a cent and did not ask him for five cents for beer. He told me to take the horse to the stable and to take the licensed wagon up to Mr. Young. Mr. Young says: "Will you have a drink? I says, "yes." You remember on Friday the prisoner lost some money? He says he did. You remember he lost a bag in which he had his money? Yes, I knew he had a bag, I remember that he lost it, I was on the wagon I and another one beside him. Why did'nt you go to work Saturday? Because

he was not working. What time did you attempt to go to work on Saturday? I did not attempt to go to work at all because he sent me with the horse and wagon to the stable, not to work for him any more. Did you ever say anything to your boss about not going to work - what did you do on Saturday morning? I was around the house, that was all I did. Did you go anywhere on Saturday morning? Yes sir. Did you go out boat riding? Yes I did. How much did you pay for your boat ride? I did not pay anything; my brother paid for it; he is not in Court; he paid what it cost. I dont know what the expense was, I think it was 60 or 70 cents. I only had two glasses of beer that day. The defendant said he wanted to go "through me" to see if I had his money. I said I would not let anybody go through me. This was between ten and halfpast ten in 38th St. I dont know as there was anybody there at the time. I have known this man since I have lived around the neighborhood. That was the only time we worked together on Wm Young's peddling wagon. I guess I worked nearly two weeks with him. The prisoner pleaded guilty to assault in the third degree Judgment was suspended.

0069

BOX:
108

FOLDER:
1149

DESCRIPTION:
Kiley, Daniel

DATE:
07/13/83

1149

Counsel asks that deft be kept separately prosecuted
F.S.

104

Day of Trial,
Counsel,
Filed, 13 day of July 1883
Pleads Not guilty

THE PEOPLE

vs.

Daniel Riley

Assault in the First Degree. (Sec 217 Penal Code)

JOHN McKEON,
District Attorney.

A TRUE BILL.

S. M. Comstock
Foreman.

Aug 6/83.
Pleads Assault in second degree
2 yrs Sing Sing
F.S.

0071

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Daniel Kiley

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

of the CRIME OF *Assault in the first degree,* committed as follows:

The said Daniel Kiley

late of the City of New York, in the County of New York, aforesaid, on the twenty eighth day of June in the year of our Lord one thousand eight hundred and eighty three with force of arms, at the City and County aforesaid, in and upon the body of Hugh Duffy in the peace of the said people then and there being, feloniously did make an assault and him the said Hugh Duffy with a certain knife which the said Daniel Kiley

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said Hugh Duffy then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

of the CRIME OF Assault in the Second Degree, committed as follows:

The said Daniel Kiley, late of the City and County aforesaid

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Hugh Duffy then and there being, feloniously did, willfully and wrongfully, make an assault and him the said Hugh Duffy with a certain knife which the said Daniel Kiley in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN McKEON, District Attorney.

0072

Third ~~SECOND~~ COUNT

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

Daniel Sullivan

of the Crime of Assault in the Second Degree, committed as follows:

The said Daniel Sullivan

late of the City and County of New York, afterwards to wit: on the twenty fifth day of June in the year of our Lord one thousand eight hundred and eighty-three at the City and County aforesaid, with force and arms, in and upon one Hugh Duffy

in the peace of the People of the State of New York then and there being, feloniously did willfully and wrongfully make an assault: and the said Daniel Sullivan, him, the said Hugh Duffy with a certain knife which he ~~the said~~ in his right hand then and there had and held, in and upon the breast of him the said Hugh Duffy then and there feloniously did willfully and wrongfully strike, beat, stab, cut bruise and wound, thereby then and there willfully and wrongfully, feloniously inflicting upon the said Hugh Duffy grievous bodily harm, to wit: thereby then and there stabbing and cutting the breast of him the said Hugh Duffy

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN McKEON, District Attorney.

0073

Committed to Bail in default of Bail legally required to be discharged

Police Court — First District.

THE PEOPLE, &c.,

vs.

THE COMPLAINT OF

Thomas Duffy

Complainant.

Daniel Kirby

Defendant.

Offence Felonious Assault + Battery

Witnesses

1 Thomas Duffy

2 Daniel Kirby

3

4

Dated 25 June 188

Officer Mc Farlane Magistrate.

John Reeves Officer.

Eighth Precinct.

BAILED.

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

No. _____ Residence _____ Street.

No. _____ Residence _____ Street.

No. _____ Residence _____ Street.

Committed to answer by

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

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

Dated 25 June 188 _____ *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0074

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. Daniel Keely

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. New York

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

Answer. 99 Hester St. 4 years

Question. What is your business or profession?

Answer. Miller

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

Answer. I am not guilty

Daniel Keely

Taken before me this 1st day of *August* 188 *[illegible]*

Police Justice.

0075

Police Court— First District.

CITY AND COUNTY OF NEW YORK, } ss.

Hugh Duffy 28 years Butcher

of No. 46 Madison — St Street,

being duly sworn, deposes and says, that

on Monday the 25th day of June

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Daniel Kiely (now here) who did willfully — maliciously and feloniously cut and stab deponent in the left breast with the blade of a pocket knife then and there held in his hand causing a serious wound

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

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

Sworn to before me, this 25 *day of* June 1883

Hugh Duffy

M. Cowen

POLICE JUSTICE.

0076

BOX:
108

FOLDER:
1149

DESCRIPTION:
Killian, William

DATE:
07/12/83

1149

on application of F. J. Kelly
off for term. July 10/83

82

Counsel,

Filed 12 day of July 1883

Pleads Not guilty.

THE PEOPLE

vs.

William P. Killian

Arraigned - Second Degree and attempt at Grand Larceny 3218-34-2797

H.B.
442 W 28
Buchanan

JOHN McKEON,
District Attorney

A True Bill.

J. W. Comstock
Foreman.

August 21, 1883.

Tried and Convicted on the first Count

5 yrs S.P.

Aug 27/83.

POOR QUALITY ORIGINAL

0078

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
William Sullivan

The Grand Jury of the City and County of New York, by this indictment, accuse William Sullivan of the CRIME OF Assault in the Second Degree committed as follows:

The said William Sullivan

late of the City and County of New York, on the Seventh day of July in the year of our Lord one thousand eight hundred and eighty-three with force and arms, at the City and County aforesaid, in and upon one Katie Sullivan, in the peace of the said People then and there being, feloniously did make an assault, with intent then and there to commit a felony, to wit: with intent her the said Katie Sullivan, then and there by force, and with violence to her the said Katie Sullivan, and against her will, to violently and feloniously ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the people of the State of New York, and their dignity.

Second Count:

And the Grand Jury aforesaid, by this indictment further accuse the said William Sullivan of the Crime of Attempting to Commit Rape, committed as follows:

The said William Sullivan, late of the City and County of New York, on the Seventh day of

July, in the year of our Lord, one thousand eight hundred and eighty three, with force and arms, at the City and County aforesaid, in and upon one Katie Sheehan, in the peace of the People of the State of New York then and there being, wilfully and feloniously did make an assault: and the said William Sheehan, her the said Katie Sheehan, then and there by force and with violence to her the said Katie Sheehan, and against her will, wilfully and feloniously did attempt to ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John McKean
District Attorney.

0080

Police Court - 2d Dist
State of New York }
City and County of New York } ss:

Katie Killian, 13 years old of No 442 West 28th Street New York City, being duly sworn, deposes and says that on the 9th day of July 1883 at No 442 West 28th Street in the City of New York in the County of New York, William ~~James~~ Killian now here, deponent's father did attempt by force and violence and against the will of deponent to have sexual intercourse with her and to ravish her person. At about eight O'clock in the evening of said day deponent was lying asleep in a room in said premises her head resting on a pillow on a window sill and her body lying on two chairs near the window. Deponent woke up in a bed in a room adjoining the room in which she went to sleep as above described and found said William ~~James~~ Killian lying on top of her with his pants unfastened and his private parts pressing against her private person where she felt pain. Deponent cried out "Oh, papa, don't do that. It hurts me". Deponent asked her father to let her get up to get a drink of water, and he asked her to promise to come back to bed again and deponent said she would, but ran away to her aunts room and told her

what had happened. The name of deponent's said aunt is Kate ~~Shelarts~~ Shelarts. Deponent found that her drawers had been torn open and before she left the bed she felt said James Killian tear them. Deponents dress inside was wet, when she ran away, like water but greasy. Deponent further says that when she left the bed her father told her that if she did not come back he would rip her open and that while she was in the bed she was in great fear that bodily harm would be inflicted upon her by her said father.

Sworn to before me this
8th day of July 1883

Katie Killian

M. Wilhelm
Police Justice

City and County of New York ss

Kate Shelarts, 25 years old, married, of No 444 West 28th street, New York City, being duly sworn, deposes and says that on the 7th day of July 1883 at about 8 o'clock in the evening deponent was in her rooms at her said residence when Katie Killian, deponent's niece came running into her room and said that her father had

0082

taken her into the bedroom and done all he wanted to her. Said Katie then showed to deponent her clothing. One leg of her drawers was torn all the way down and her shirt was wet underneath. Said Katie was frightened and crying

Sworn to before me this day of July 1853

Katie her ✗ mark Stewart

W Hillhouse
Police Justice

0083

Mr. Stanley

Sup. he cannot
say anything
of Capt. Chamberlain
except that he
such a. he
of Lumley Cannon
other Lucency

Testimony in the
case of
William Killian
filed July
1883

Testimony in the
case of
William Killian
filed July
1883

5885

The People
vs.
William Killian
Indictment for assault in the second degree and attempt at rape.

Court of General Sessions. Part I
Before Recorder Smyth. Aug. 20. 1883

Kate Killian, sworn and examined, testified. I am 13 years old. Here is my age, Papa wants to deny me and say, I aint his child, but here is my age and all my sisters and brothers age (producing a Catholic prayer book) It is my mamma's prayer book. I live 442 West Twenty Eighth St. I remember the 9th of July, I was at home on that day and was there at 8 oclock in the evening. I was lying on the window sill with my little brother. It was raining, and I took a pillow and laid it on the window casing and laid my head on it and my brother had his arm around my neck and we both fell asleep. My brother is not four years old yet. I never woke up until I felt my papa hurting me; he was on the top of me and hurt me. I had on a pair of drawers and they were buttoned at the side; they were tight drawers and they were torn up the leg. My papa had his private parts out; he had them against my

private parts and he hurt me. I says to Papa, "Dont you hurt me," and he says. "Shut up." I says. "Papa please dont you hurt me;" and he says, "shut up." Please let me get a drink of water," and he said, "Shut up" I asked him again, and he said, "yes," but would I come back? I said, "yes; and he says. "Will you sure? If you dont I'll rip you open." I promised that I would go back. I did not take a drink of water. I ran out to my auntie, Mrs. Murphy. I called my aunt Katie out first, Kate Kenney Shelark is her marriage name; she came out in the hall. When your father let you go what was the condition of your drawers and your private parts, were they wet at all? Yes sir I took my drawers to wipe me. Water was running from me, and where I wiped myself it was all greasy on my dress. That was not so till my father came. All that evening he made me walk around in my petticoat, nothing on me but my petticoat, chemise and drawers. That was early in the evening. When he came home he would not let

me go for anything; he sent my oldest brother out. Was your father drunk? Yes sir, he had taken something. My mother is dead; she died a year ago last March. I have no sisters; I have two younger brothers; he is going on eight years old; he was asleep on the floor when I ran out. I did not see him again till Sunday morning. I ran around to my aunt Katie and she brought me into my aunt Julia and my aunt Julia brought me to the station house. No 444 West Twenty Eighth St. is a tenement house; we live on the top floor and have two rooms, a room and a bed room. I showed my aunt where the drawers were torn. My father always drinks every time he gets his pay, but he was not so very drunk this night; he is a bricklayer. This happened on a Saturday night, and that is pay night I guess he came home about half past five oclock. I kept house for him. I had my supper that night about six oclock. I made supper for him. He did not go out at all; he laid in the other window. This was in July; it was not very hot. He wanted me to make bread the night before and I did not know how; so I

made it and it was not right; it did not satisfy him, so then he whipped me that night; he took me by the hair and he kicked me in the bed room. Then he made me take off my dress and go round in my petticoat. I tried to get away from my father. I did not consent to his doing this. I did not want him to do it. I was pushing him and said, "Papa, please don't, but I could not get away from him. Cross Examined. I did not feel him carrying me into bed. I went to sleep on the window sill about half past seven. I woke up close on to 8 o'clock in the bed. When I woke up out of bed I did not notice where my younger brother was. I ran out of the door the minute I got up. We had two chairs at the window and my brother and I had our arms on the one pillow. It is not a fact that my father walked with me from the window sill to the bed: he did not tell me to make the bed for myself and little brother, for the bed was made. It is not so that when I lay on the bed I pretended to be asleep, that my father woke me up and told me he had heard stories about my going with little boys. I know Mrs. Murray;

she is going to swear to some base lies; she lived in the same house with our family: before mamma died Mrs. Murray used to say my papa ought to be tarred and feathered; she was a great friend of my mammas. Had no conversation with Mrs Murray in regard to when I would become of age. I never asked her when I would be 21 years old. I never mentioned when I would be 18. I lived with a lady in Forty Sixth St. Mrs. Brooks. I left there because I did not like the way the man acted. When I would go to sleep at night he used to lay on the end of my bed. I told papa and my papa made me leave there. I told Mrs. Murphy and papa's married sister, Mrs. Cronin about it. Mrs. Jenkins has my drawers. Is it not a fact that after you were on the bed ~~on~~ while you were on the bed your father charged you with being imprudent with certain boys in that neighborhood and told you that he was going to make an examination to see whether or not the stories which he heard in relation to you were true or not? No sir, not that night he did not tell me. The first time he ever tried it on me he said that he wanted to examine

me. I did not Know what he meant by saying it. That night he wanted me to go to bed. I would not do it. I ran out that night and slept with my aunty. Mr. Carley the liquor store man told Mr. Knox that I done something bad with a boy in the cellar and Mr. Knox told my papa and he sent me into the bed room. While I was in the cellar to wash my little brother Mr Knox took him away to scare me, to say that he was lost. I got frightened and cried terribly. I lothim again. I said to my brother Jimmy, "Dont say anything to Papa where Johnny was." I did not tell my father that Knox had Kicked me and slapped me in the face, but I did say he slapped me in the face and threw water upon me. I did not say he called me all Kinds of names, for he did not. Since my mother died I have not been in the habit of being out late at night. My papa would whip me if I were out late. I ran out of the house five times; the first time I went to my aunties, Mrs. Murphy, I stayed there all night and came back the next morning; the next time I slept on the stairs; my auntie did not hear me. I Knocked and could not get

in. The next time I went to my aunties. I slept there. I got there about 9 o'clock; the next time I slept with a woman named Annie Kiernan; she lived next door to me; she now lives in Twenty Seventh St; she was here this morning. I stayed all night. I went there about 9 o'clock. I slept on the stairs the next time I tried to get into my aunties twice and she did not hear me. Then the sixth time I went to the station house; it was ten minutes past 8 when I got there; the station house is in West thirty Seventh st; it was from May to July that I slept at these different places. It was the 9th of July when I went to the station house Kate Sherlock, sworn and examined. I live at 444 West Twenty eighth st. I know Kate Killian, I am her aunt, her mother's sister; her mother died on the 4th of March a year ago. I remember the 7th of last month; Katie came to my house. I live next door to her; it was going on to 8 o'clock when she came. She called me down stairs and says. "O my papa is after doing what he wanted to do", and showed me her clothes. I examined her drawers; one leg of her

drawers was all ripped open and she was wet. I saw her at four o'clock that evening; she was playing around and nothing was apparently the matter with her: At 8 o'clock she came up crying. She says, "Aunt Kate, come down; my papa is after doing what he wanted with me; he brought me into the bed. She said she fell asleep on the window sill; she said she did not know where she was until her father had her in bed. Before that she had been to my house to stay two nights. Katie Kept house for her father. I guess she was a good girl about the house. I never was up in the house, I could not tell; she is always at home; she is 13 years old going on 14. I gave the money to have her christened five or six months after she was born. I was living in Conn. at the time she was born; my sister was living in New York and Katie was born in this city. I came out to the christening. I know the prisoner's handwriting (the Catholic prayer book was handed to the prisoner) this writing is in his handwriting, I saw him write it, but I really could not tell the time he wrote it.

Cross Examined. I am married, my husband is living; my maiden name was Kate Rooney. I have not seen my husband for over a year, I dont know where he is now; he is a waiter and bartender I never had any other husband. When Katie came to my house on the evening of the 7th of July she had a calico dress on and was barefooted. She had wet stuff all over her dress. I am positive it was not water. When was the first time she came and slept with you, alleging that her father had put her out of the house? It was Saturday night two weeks before that. When was the second time that she came to your house alleging that her father put her out of the house? It was a week after. I am not on friendly terms with the prisoner. I was in his house during his absence the week before this. Katie had my baby and I went up one morning after the baby. Previous to the death of the prisoner's wife I was a frequent visitor at her house. I used to call there regularly. There was no difficulty between the families. I was not angry with the defendant for anything We were not bad friends.

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Julia Murphy, sworn and examined. I live at 444 West Twenty eighth st. Katie Killian is my neice; her mother's step sister. I remember the 7th of July; she came to me about 8 oclock at night running over to me; she hallooed to my sister and she ran out; I hallooed to Katie to fetch her up stairs. My husband and me were at the supper table. She said, Show me what he has done to you? She was crying; she lifted up her clothes; it was all wet, grease spots, nasty spots all over her clothes. I said, this makes five or six times he has tried it, it is time to stop it; go up with her to the station house. Her drawers were torn. I took her to the station house; they kept Katie all night and then sent her to the Society for the Prevention of Cruelty to Children.
Cross Examined. She had a dress, a chemise and her drawers on. I was too excited to know whether she had a petticoat. I could not say what times these other attempts were made by her father. After the death of the defendants wife I took one of the children and after he commenced housekeeping he took the

child; he never paid me anything; he allowed me a stove and a couple of things. I kept the child a year. I saw that he did not want to pay the child's board. I told him if he would clothe the child I would not take board on account of her being my sister's child. I have never been in the defendant's house.

John Hughes, sworn and examined. I am an officer of the 20th precinct and arrested the prisoner on the 7th of July. The little girl and her aunt came to the station house. I found the prisoner in his own house. I told him what I arrested him for. That night he said he did not do it. The next morning going to Court he said he might as well plead guilty, he would as leef be hung as going down there; he said he supposed he would get ten years anyhow; he said he was a little full. Cross Examined. I took a Seventh avenue car to go down to Court. Had this conversation with the prisoner in the car; the prisoner and I stopped at a liquor store corner of thirty Sixth St. and Seventh Ave and had about two drinks of whiskey before I had any conversation with him about pleading guilty. I saw that lady over there (pointing to a witness) the last day I was

11

12

down here in this case. I saw her down in the street today. I told her if she perjured herself about this case that it would be a sore thing for her. I did not tell her if she came here and testified she would perjure herself. Capt. Washburne is my captain I have been on the force about fourteen months. I did not see the drawers the girl wore.

Augustine J. Wilson sworn and examined. I am an officer of the Society for the Prevention of Cruelty to Children. I saw the complainant Katie Killian on Sunday the 8th of July for the first time. I was notified to attend to the case. I saw the father of the child. I had no conversation with him, but I heard him make a statement when brought before Justice Kilbreth. After she had made her statement to the Justice, he (the prisoner) was notified to go down to the clerk to make his statement. The Clerk after having duly notified him as to his right to make a statement asked him if he were guilty or not guilty? He was very much agitated at the time; he said, "O, I may as well say I am guilty; bury me under six feet of soil." He said I may as well say I am guilty of what Katie has said.

The clerk said, I dont want any of this sentimental business about burying under six feet of soil. If you are guilty, I will put it down; if you are not guilty I will also put it down. He distinctly said twice, "I am guilty." I might further add, when the Clerk brought him to his senses as it were, for he was very much abashed at the time, very much depressed, when he was brought to his senses as to the seriousness of the charge against him, he said, "Well, somebody told me that the girl had been tampered with, and I wanted to examine her." I objected myself to the Clerk — he had mentioned that he was guilty. Well said he, this is a kind of defence; this is stated in the man's defence. I also objected to the same statement before Justice Kilbreth, or rather drew Justice Kilbreth's attention to the fact that the man had pleaded guilty. Cross Examined. The police officer was present at the time. I presume he could have heard what I did if he had been paying attention; he was beside me and in the vicinity of the prisoner. It is not a fact that the clerk told me I was not the party to make the statement and to hold my mouth or words to that effect.

William Killian, sworn and examined in his own behalf, testified. I recollect Saturday the 9th of July coming home in the evening and hearing my daughter say something prior to my entering the apartments. I got done my work at 4 o'clock in the afternoon of Saturday and got home about five o'clock, got my money. was going up the stairs and as I was going up I heard my girl saying to her little brother James, "Dont you tell Papa," and I stepped up another step or so; she says, "Do you hear, dont you tell him." So I went up, (I had my coat on my arm). I laid my coat down on one chair and sat down on the other and put my hands under my chin. I was tired, the day was hot, and I sat there thinking of how I was going to lay out my money for the week. I happened to look up and saw her with her hand over the table; she was on one side and my boy was on the other; she was shaking her head at him; and just as I looked up I asked him what was the matter? My little boy, James, got up, and he says, "Pop" and took two or three steps towards me. The girl Katie comes and begins to cry and says, "I will tell you all about it, papa." I

said, "What is the matter with you?" She says, I was in the yard and Mr. Knox slapped and punched and kicked me in the backside." I asked what he did that for and she said, "Nothing." I said, "you must have been doing something or he would not have hit you." She said, "no, and he squirted a lot of water over me." I said, "you must have been doing something; if you do not tell me the truth I will lick you." She says, "Yes, I had Johnny up in the house and I wanted him out of the house and they would not give me Johnny. So he licked me because I was wanting him." Says, "That is a lame excuse." She said, "It is so, papa," and she began begging and so on. She had made it a practice this last month or so of walking around the closet, putting something in the closet; she would dive down stairs and I would not see her again until some one of the relatives would bring her back for me to say I would not touch her. She made this move to get to the door. I got up and said, "Go into that room." She went into the bedroom. I called my little boy to me and told him to go down stairs and if he saw Mr. Knox to tell him I wanted to

see him. I felt bad about a man kicking and abusing her. Knox came into the room. I stood on my feet and said, "What did you hit my girl for?" He said, "Take a seat and I will tell you all about it. I went out of the house today, and after going in the street I saw a very stunt boy; they call him Jumbo; he was rolling in the street, overcome with the heat. I picked him up and run around to see if I could see Katie. I could not see her, I brought him in my house, I laid him down and put ice on his head and gave him ice water. I looked around for three hours and finally I came in the yard. I happened to look in the cellar of the liquor store and I saw Katie in a tub of water and a whole lot of boys carrying on in the cellar." I thanked the man and told him if he ever saw the like again to tell me or to lick her out of the cellar every time he saw her. I told her I would not let her go in the street because I know she would not come back again. I got meat and made her get the supper ready. I could not eat any supper because my stomach

was out of order. I laid my head on the window and they laid their heads on the other window. It was raining; there was a thunder shower and I kept thinking what I would do. I promised my father I would never lick her. He came in and interceded for her, she stayed out till 11 o'clock. I promised my father if she ever done anything wrong I would not lick her but send her to the Catholic Protectory. I told her that Monday morning I was going to break up house and I would put her in the Protectory. I laid down and I began thinking over all the stories that I had heard about lying in the hallway and so on. I made up my mind to examine her. I went over to the window and caught her by the shoulder and said, "get up, get ready and get your bed made." She walked ahead of me into the room, she got into the bed and rolled over towards the wall. I sat on the edge of the bed and began asking her who were the boys that were in the cellar with her and such things as that. She made me no answer. I took her by the shoulder and woke her up. She said "Ah, go" and rolled back again. I asked her again

I wanted to know what she meant by "Ah go." That settles it. I said, I am going to examine you. I lifted her clothes up and I unbuttoned one side and the other side was pinned or sewed and I could not get it down and tore it. I went to the mantel piece to light the lamp; she followed me. I did not see her follow. When I went to get a match to light it she was standing at the door with the door half open. She said, "Dont kill me." I said, No, I wont touch you, but as sure as you go out I will ~~arrest~~ have you arrested. I put my head out of the window and I saw her swinging the water closet door; she shut the door and that is the last I saw of her till I went to the station house. Detective McCannell came to me and said he was sorry for me, and that if I did right I would say that I was guilty. I told him I could not say I was guilty of a thing that I was not guilty of. He says, "You will get twenty years." I told him I could not say I was guilty of a thing if I got hung. He said, I was a fool. Coming down in the cars I told the officer what McCannell had said.

When I was brought to Court I had been sick, not eating or sleeping for two nights and the drinks went to my head. The Clerk asked me if I was guilty or not guilty? I told him I did not care what they did with me; they could do what they liked. I told him I was not guilty. I heard nothing of what the witnesses said about me. The Clerk told Wilson that he had better go down off the stand, that he knew his business and he did not want anybody to teach him.

Tuesday August 21. 1883.

William Killian recalled. I had some words with Mrs. Murphy about the child; the child was christened but she did not pay for it. Cross Examined. When my wife died her sister, Mrs. Sherlock stole her pocket book, a switch of hair and the rings off her fingers. I took her by the back of the neck and run her out of the house. I have got three brothers. The trouble with my wife's sisters did not grow out of my abusing and beating them. I did lay Katie down against her will and tore her drawers open to make an examination. I put one hand on her breast and put my leg over her.

20

James Killian sworn. I am the brother of the defendant. I am a mason, he has worked under me several times. his character is good. I never knew him to have any trouble with any of his children.

Norman Andrews sworn. I am a builder and have known the prisoner 15 or 16 years. I have always found him to be a civil hardworking man

Rose Killian sworn. I am the wife of John Killian, sister-in-law of the prisoner. I remember the time of Mrs. Killian's death and know Katie Killian. Her mother did not exactly leave her in my charge, but the father left her in my charge for five or six months. The character of the girl was very bad during that time; she used to come into the house at anytime after 10, 11 or 11½ o'clock. I could not manage her. My husband was sent to the State prison for six years and a half for rape. (This evidence was stricken out.)

Jennie Murray sworn. I live 523 West Twenty Eighth St and am a married woman. I knew Mrs. Killian who died in March 1882. I have known Katie going on six years. One time her

father whipped her and left some marks on her. She said, I hate him and when I am 18 I can do as I like I asked her what she meant by that? She said, Could I be bad in the street when I am 18 years old? then I will be out of my father's control. The officer in this case said to me, "you will perjure yourself if you come upon the stand. I would not believe Katie under oath.

The jury rendered a verdict of guilty of assault with intent to commit a rape.

0107

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

The People
against
William Killian

City and County of New York S.S.
William Killian being sworn saith;

1. He is the defendant herein and is innocent of the crime charged against him in said indictment.

2. That on the day of the alleged assault by him on his child he was informed by Alfred Kirry who lives at No 444 West 28th street in this City, that the (Kirry) had seen defendant's daughter Katie Killian in the cellar with some boys, and defendant is informed that said Kirry has said stated that she had had connection with one or more of the said boys.
That said Kirry told defendant he had whipped her for her conduct with said boys.

3. That defendant has always been

0108

informed that one Thomas J. Carley had seen defendant's said daughter ~~committing the~~ in the act of ~~[illegible]~~ sexual intercourse with a boy or boys in the hallway of no. 444 West 28th street in this city.

4. That defendant had heard similar reports before that time.

5. That on account of said reports defendant was greatly concerned and determined to examine his said daughter. That on the date on which the alleged assault was committed, defendant went to examine his said child, and she ran away, and in the struggle her drawers were torn.

6. That defendant never attempted to commit any assault on his said child.

7. That said Kenny defendant is further informed, examined the sheets of the bed on which the alleged assault took place and found the same clean.

from telephone

this 15th August 1888

William Kilkenny

~~William Kilkenny~~

John F. Brennan

Notary Public 2nd City & County New York

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

The People &c
— against —
William Kelleher

Affidavit of service of subpoena

Frank J. Keller
Atty for deft
346 Broadway
New York

Filed Aug 15. 1883

0110

COURT OF GENERAL SESSIONS OF THE PEACE.

County of New York, ss:

A 4

SUBPŒNA.

In the Name of the People of the State of New York,

To Thomas J. Carley, alfred Kuy, alias Kuy, alias Murray, and Patrick Larvey —

YOU ARE COMMANDED to appear before the **Court of General Sessions of the Peace,** to be holden in and for the said City and County of New York, at the City Hall of the said City, on Wednesday the 15th day of august instant, at the hour of ELEVEN O'CLOCK, in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against William Kielian

Dated at the City of New York, 14th *day of* august 188 3

By order of the Court,

Frank P. Keller adv for deft 346 Broadway N. Y. City

JOHN SPARKS, Clerk.

☞ The Court is held in the Court House, 32 Chambers Street.

0 1 1 1

SUBPŒNA

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

The People ex
against
William Pullman

City and County of New York ss:-
Louis J Altman being duly sworn deposes and says:-
That is a clerk in the employ of Mr Frank J Keller defendants attorney
That on the 14th day of August 1883 between the hours of 7 P.M. and 8 P.M. in the evening he served the annexed subpoena marked "A" by leaving true and certified copies thereof with the following named persons in person at their respective residences as mentioned below.
T. J Barley No 444 West 28th Street N.Y City.
Mrs Knox " 444 " " " " " "
Alfred " " 444 " " " " " "
Mrs Murray " 520 " " " " " "
Deponent further says that on the 14th day of August 1883. between the hours of 7 P.M. and 8 P.M. in the evening he served one Patrick Garvey at No 519 W 28th Street N.Y. City with a copy of the

0112

annexed subpoena marked "A" by handing same to and leaving same with a person whom deponent believes was the above named Patrick Garvey's sister who said she would give said subpoena to him (Patrick Garvey) he being absent at the time, ~~as the said Pat~~

Sworn to before me this
15th day of August 1883
Wm. H. Gage
Notary Public
Kings Co Cert filed in N.Y. Co

Louis J Altman

0113

COURT OF GENERAL SESSIONS OF THE PEACE. **SUBPŒNA.**

County of New York, ss:

In the Name of the People of the State of New York,

To
Thomas J. Carley : 444 W 28th St New York City
Alfred Knox : 444 W 28th St New York City
Abro Knox : 444 W 28th St New York City
Murray : 520 W 28th St New York City
Patrick Garvey : 519 W 28th St New York City

YOU ARE COMMANDED to appear before the **Court of General Sessions of the Peace,** to be holden in and for the said City and County of New York, at the City Hall of the said City, on Mon day the 20th day of August instant, at the hour of ELEVEN O'CLOCK, in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against William Killian

Dated at the City of New York, 17th *day of* August 1883.

By order of the Court,

Frank E. Keller
Attorney for Killian
346 Broadway New York City

JOHN SPARKS, Clerk.

☞ The Court is held in the Court House, 32 Chambers Street.

In the Court of General Sessions of the Peace in & for the City & County of New York.

The People &c.

agst.

William Killian.

Affidavit of service of subpoenas.

Frank J. Keller
Dep'ty Atty
346 Broadway
NY City.

(Filed April 21 1893)

The appellant calls for trial calendar Thursday December made entire in the day Dec. 1 S

Received and filed April 24 1893

Service of the within subpoenas is hereby admitted; that the persons served with said subpoenas respectively received in each the sums for such subpoenas received, and that each of said other subpoenas was issued.

Dated 1/1/1893

Yours truly

Michael Orbell
Counsel for Appellant

0115

Police Court 2d **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Kellman
442 100. E.
William Kellman

2
3
4

Offence Attempted Rape

BAILED,

No 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

Dated July 8 1883

Kelleher Magistrate.

Officer. Precinct.

Witnesses Kate Shelanti
No. 444 West 28th Street.
Julia Quinlan
No. 444 West 28th Street.

No. _____ Street.
$ _____ to answer

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

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

Dated July 8 1883. _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

0116

Sec. 198—200

2d District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. William Killian

Question. How old are you?

Answer. 43 years

Question. Where were you born?

Answer. New York City

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

Answer. No 442 West 28th street; 2 months

Question. What is your business or profession?

Answer. Bricklayer

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

Answer. A man next door had told me that my girl had been with a lot of little boys in the cellar. I undertook to examine her. I was intoxicated. I tore her drawers.

William Killian

Taken before me this 8th *day of* July 1883

J. Williams

Police Justice.

0117

BOX:
108

FOLDER:
1149

DESCRIPTION:
Klausner, William

DATE:
07/10/83

1149

70

Counsel,

Filed 10 day of July 1883

Pleads

THE PEOPLE

vs.

William P Klausner

INDICTMENT.

Grand Larceny in the Second degree.

(§528 and 531)

19 39

34 7

JOHN McKEON,

District Attorney.

A True Bill.

S. W. Comptroll

July 11/83 *Foreman.*

Plead Guilty

State Reformatory

0119

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
William Kraussner

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

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said William Kraussner

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 29th day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms one satchel of the value of two dollars, one pair of scissors of the value of forty cents and one pair of spectacles of the value of two dollars and fifty cents

of the goods, chattels and personal property of one Sarah Tait on the person of the said Sarah Tait then and there being found, from the person of the said Sarah Tait 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.

JOHN McKEON, District Attorney.

0120

Police Court— 4 —— District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Sarah Tate

284 North 3d st near 1st

William Clausen

Offence Larceny from Person

2 ——

3 ——

4 ——

Dated June 29 188 3

Magistrate.

Officer.

Precinct.

Witnesses Thomas Hanly

No. 16 Pleasant Street,

John H Donnay

No. 16 Pleasant Street,

Nicholas Chrisfield

No. 16 Pleasant Street,

$ 1500 to answer 1883 June 29

BAILED,

No. 1, by ——

Residence —— Street.

No. 2, by ——

Residence —— Street.

No. 3, by ——

Residence —— Street.

No. 4, by ——

Residence —— Street.

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

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

Dated June 29 188 3 Andrew J White *Police Justice.*

I have admitted the above-named ——

to bail to answer by the undertaking hereto annexed.

Dated —— 188 —— *Police Justice.*

There being no sufficient cause to believe the within named ——

—— guilty of the offence within mentioned, I order h - to be discharged.

Dated —— 188 —— *Police Justice.*

0121

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

4 District Police Court.

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

Question. What is your name?

Answer. William Clausner

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. 324 W 89 St 3 years

Question. What is your business or profession?

Answer. I have no Business

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

Answer. I have nothing to say

Wm Klausner

Taken before me this 24 *day of* August 1887

Police Justice.

0122

4d

District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss.

Sarah Faite

of No. 284 North 3d Avenue near 139 Street, aged 44 years

being duly sworn, deposes and says, that on the 29 day of June 1883

at the in the daytime City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and from her person with intent to deprive the true owner of her property the following property, viz:

The Ladies hand satchel containing
One pair of Spectacle of the Value $2.50
One pair of scissors of the Value .40¢
in all of the Value of about
Four Dollars and forty cents

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by William Claussen (now present) from the foot stair about the hour of Eleven o'clock deponent was passing through the East 53 street and when near 5th Avenue the said William snatched from deponents hand the above satchel containing the above mentioned property and ran away with it

Sarah Faite

Sworn before me this 2 day of July 1883

Police Justice,