

0726

BOX:

52

FOLDER:

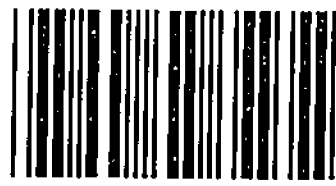
607

DESCRIPTION:

O'Brien, John

DATE:

11/17/81



607

0727

March 22nd 1881

Counsel, 180

Filed 17 day of Nov 1881

Pleads *not guilty*

THE PEOPLE

vs.

John D. Brown

INDICTMENT.
LAWSON.

DANIEL C. ROLLINS,

~~RENT-RECEIPTS~~

District Attorney.

Part No. 101 22, 1881

True & acquired.

A True Bill.

Wm. J. Connelley

Foreman.

0728

/ District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss

Clerk *31 Years born in Ireland by occupation a*
No. *1 B. River* Street, *Peter M^c Cornick, agent*

being duly sworn, deposes and says, that on the *3^d* day of *November* 188*1*

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, *at about 6 O'clock P.M.*

the following property, viz:

*One Cask of Sherry
Wine containing 22 Gallons
of the value of forty dollars
taken out of the store*

Sworn before me this

the property of *Bernard Reilly* and
my deponents came & charge
that deponent resides at
No 81, Carroll St Broke 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 O'Brien (now here)*

from the fact that deponent
is informed by Officer
O Malley that he arrested
said O'Brien in the act
of taking stealing and
carrying away said Cask
of Sherry.

Peter M^c Cornick

Police Justice.

0729

City County
of New York ss.

Michael O'Malley
of the 1st Precinct police
being duly sworn says that
on the 3^d day of November
1881 defendant arrested John
O'Brien, the defendant in
the act of taking stealing
and carrying away the property
described in the foregoing
affidavit.

Sworn to before me
this 4th day of Novr 1881
Michael O'Malley
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0730

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

John O'Brien 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 O'Brien

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York City

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

Answer.

38 Gramercy St. for the past 2 years

Question. What is your business or profession?

Answer.

Messenger

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 was asked by a man by a man who is a stranger to me to help him put the case of shoving upon a street car

Taken before me, this

4th

day of

Nov.

1881

John O'Brien

W. A. Brady Police Justice

0731

BAILED,

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

Sec. 208, 209, 210 & 212.

Police Court 4 District 1

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter Mc Donnell
vs. Beaver Street
John O'Brien

1 _____
2 _____
3 _____
4 _____
Offence, Grand Larceny

Dated Nov. 4th 1881

1881
NOV 5
Magistrate.
at New York

Witnesses Michael O'Malley
at New York

No. _____
Street, _____
No. _____
Street, _____

Done

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 O'Brien

guilty thereof, I order that he be admitted to bail in the sum of 100 Hundred Dollars and be com-
mitted to the Warden or Keeper of the City Prison, until he give such bail.

Dated Nov 4th 1881 P. W. Murphy 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.

0732

Sec. 209, 209, 210 & 212.

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter McCormick
1 vs. Beamer Street
John O'Brien

1
2
3
4

Offence

Dated Nov. 4th 1881

1031 Bixby Magistrate.
ACI
O'Malley
1st Precinct

Witnesses

Mick O'Malley
1st Precinct

No. Street

No. Street

No. Street

LM2

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Justice.

188

Dated

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

There being no sufficient cause to believe the within named

Police Justice.

188

Dated

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Police Justice.

188

Dated

guilty thereof, I order that he be admitted to the Warden or Keeper of the City Prison, with the sum of _____ Hundred Dollars and be committed to the Warden or Keeper of the City Prison, with the sum of _____ Hundred Dollars

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 O'Brien

0733

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

STATE OF
NEW YORK,

against

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

John O'Brien
of the crime of

Larceny
committed as follows:

The said

John O'Brien
late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *third* day of *November* in the year of our Lord one
thousand eight hundred and eighty *one* at the Ward, City, and County aforesaid,
with force and arms,

*Twenty two gallons of
wine of the value of
two dollars each gallon*

of the goods, chattels, and personal property of one

Bernard Reilly

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.

DANIEL C. ROLLINS,

~~BENJ. R. PHILLIPS~~ District Attorney.

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BOX:

52

FOLDER:

607

DESCRIPTION:

O'Connor, John

DATE:

11/22/81



607

1007

Day of Trials

Counsel,

Filed: 22 day of

Pleads

THE PEOPLE

vs.

Homicide of the Degree of Murder,
First Degree.

DANIEL C. ROLLINS.

District Attorney.

A True Bill

Feb 2 1887

Foreman

day of

141889

4. Ergebnis 4-convicted, Murder 2

2000-2001

Witness
Mary Morrison, Committed to
House of Detention.

0736

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of 28th Precinct Police Station
 No 226 East 59th Street, in the 19th Ward of the City of
 New York, in the County of New York, this 10th day of October
 in the year of our Lord one thousand eight hundred and 81
 before
 Coroner,

Mortimer
 of the City and County aforesaid, on view of the Body of

Ellen O'Connor

404 East 59th St

lying dead at

Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
 Ellen O'Connor came to her death, do
 upon their Oaths and Affirmations, say: That the said Ellen O'Connor

came to her death by
 A Pistol shot wound of the chest
 at the hands of her husband John
 O'Connor on the 9th day of October
 1881, at 404 East 59th Street

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

W. H. Angerine
 John Croonan
 John B. Dingeldien
 Henry Hermann
 James Neale
 Joseph Tiller
 Nathan Lowery
 John H. Emmert

232 East 59th St
 153 " "
 357 E. 77th St
 230 E 59th St
 218 " "

362 East 69th
 362 E 69th
 Mortimer
 CORONER, I.S.

0737

The People of the State of New York, on the
Complaint of

vs.

List of Witnesses.

John O Connor

NAMES.

Witness To Officer Campbell

RESIDENCE.

Patrick Anglin

House of Detention
~~404 E 59 St~~

Katie Heuss

241 E 41 St

Off Campbell

28 W Prec

Dr Goldschmidt

Coroners Office

John Brian

402 E 54 St

Nathaniel Shear

1338 Ave A

Capt Sumner

28 Prec

Mary Morrissey

N L

0738

State of New York.

Executive Chamber.

ALBANY, Feb. 28 1887.

SIR:

An application for Executive clemency having been made on behalf of John O'Connor, who was convicted of Murder, 2nd degree in the County of N.Y., and sentenced April 17 1882, to imprisonment in the Sing Sing Prison for the term of Life years and _____ months and to pay a fine of \$ _____,

I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial or upon the preliminary examination, or before the Coroner's jury, if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since the conviction.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Very respectfully yours,

William Rice
Private Secretary.

To Hon. C. B. Martine,
Dist. Atty. of N.Y. Co.
N. Y. City.

0739

Answered
April 18/89
R. B. R.

0740

**POOR QUALITY
ORIGINAL
DOCUMENT(S)**

0741

Court of General Sessions
April Term 1882.

The People
vs
John O'Connor

Before Hon
Rufus B. Curing
City Judge.

Assist. Dist Atty O. Byrne
for the prosecution.
Theodore H. Swift Esq
for the defence

Testimony for the defence.

John O'Connor: being duly sworn testified:

Q Ellen O'Connor now dead was your wife?

A Yes, sir.

Q Do you remember the 9th day of
October and the evening of the 8th?

A Yes.

Q What were you doing on the 8th of
October? the day before the shooting?

A I was doing nothing at all; I was ~~walking~~
around; I was not working that day
or previous to that day.

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Q What time in the afternoon of the 23rd of October were you at the house — if you were there at all?

A About 4 o'clock on Thursday evening.

Q Who was there then?

A The mother & son, and the stone cutter who lived that way, named Connors.

By the Court:

Q Which son?

A The both were there; I am not sure whether the little one was there or not.

Q About how long did you stay in the house, after you got in at 11 o'clock?

A I cannot say how long — perhaps half an hour.

Q Was there any time piece in the house?

A No.

Q The way you state the time is merely your opinion without having looked at any time piece?

A It might be half an hour; I did not stay in long at any time.

Q What time did you come back that evening?

0743

3

A I came back about six o'clock.

Q Did you see any of those young men, as they speak of as roughs and rowdies around the house;

Question Objected to:
Objection withdrawn.

Q Did you see these young men there?

A Yes, sir.

Q What were they doing?

A They were around the railing; at the end there was a railing that ran around towards the wharves place.

(Diagram shown to witness.)

Q This was your door?

A Yes.

Q You lived in the basement?

A Yes.

Q The railing was to protect the place?

A Yes.

Q What were they doing there?

A Looking in at the place.

Q Had you seen them frequently before that?

A Several times.

0744

4p.

Q How long before that had you seen them?

A Two weeks.

Q They were there at the time you were down at Mrs. Hous's and asked for the cartridges?

A Yes, sir.

Q How long did they stay there when you were in, about 6 o'clock?

A They were gone when I came out.

Q What time of the evening of the 8th did you take this pistol out of your trunk?

A Some time between 6 and 7 o'clock.

Q Did you get it out when the boys were around the house then?

A I did not know who they were.

Q What did you take it out of your trunk for?

A They were there previous to this.

Q Just before this?

A Yes.

Q Did they come back again?

A I did not see them until nine o'clock; I went out.

Q You saw them there at 9 o'clock?

A Yes.

Q Where did you have the pistol

608
647

0745

there?

A I went to the shelves of the closet.

Q You left it there when you went out?

A Yes.

Q Describe that closet, cabinet, bureau or whatever it was.

A It was an ordinary closet, such as is in any Tennessee house, they run from three to five shelves; they were running across to the partition wall.

Q You laid it on one of those shelves and went out?

A Yes.

Q Where did you keep the keys?

A I had them in my pocket.

Q Did you lock the trunk?

A No sir, it was a half-spring lock; if you clucked it over at one end it went down; I often laid it open in that way.

Q When you came back was there anyone there visiting your folks?

A Yes, a young man.

0746

6

Q What is his name?

A James O'Connor.

Q What were they doing?

A Drinking beer.

Q How long did he remain there?

A He didn't remain long after I came in.

Q How long did you stay there after O'Connor went out?

A Perhaps 15 or 20 minutes.

Q What were you doing after that time?

A I was doing nothing.

Q What were Patsy and Ellen O'Connor doing?

A Sitting down.

Q Did you have any conversation with them?

A Nothing that I remember.

Q You went out about 10 o'clock?

A It was after 9 o'clock.

Q Between that and 10 o'clock?

A Yes.

Q When did you go then, after you went out at 9 o'clock?

A I cannot see exactly, I went home. I went ~~out~~ out in the street toward Second Avenue.

0747

7

Q Do you remember the place you went to?

A I was only in one house.

Q Where?

A In Mrs. Murphy's.

Q What time were you in there?

A I cannot say. — from ten o'clock to half past ten.

Q What time did you get back to the house?

A It must be about 11 or after 11 o'clock — between 11 and 12 o'clock, sure.

Q What did you find when you came back?

A Mother & sons.

Q What condition were they in?

a little
beer on

A They looked as if they had a little beer in.

Q What were they doing?

A He was sitting on a chair and she was on the ~~top~~ tool chest next the front window.

Q How long did you stay there then?

A About a quarter of an hour I should think.

Q Then where did you go?

A I went out on the street again.

0748

8

Q How long were you gone there?

A Only a few minutes; I was not long gone and I turned back again.

Q What time was it when you came in the house the last time?

A Between 1 and 2 o'clock.

Q What did you find there?

A I found her on the floor dead, and he laying asleep or presumed to be asleep.

Q Did you try to awaken him up?

A Yes.

Q What did you do?

A I Kicked him with my foot; I pulled him with my hand, but he would not awake.

Q Did you examine the wounds?

A No sir, I did not.

Q What did you do then?

A I saw she was dead; I made no examination.

Q You went for her daughter?

A Yes.

Q What did you do when you saw her first?

A I called to her and tried to awaken her up; I thought she was dead.

0749

9.

Q What did you do there?

A I went down ~~to the~~ for the daughter there.

Q And you got her up?

A Yes, sir.

Q And came with her to your house?

A Yes, sir.

Q Did you fire a shot at Ellen Fuller? Answer

A No, sir.

Q What was done after your daughter came up there?

A She stripped her and found a bullet wound in the left breast.

Q State what you saw done?

A That was it: She stripped her and she found blood, and then found the wound.

Q How long did she stay there?

A About 1/2 an hour. I should think.

Q When did anyone else come?

A In the morning.

Q What time?

A It must be about 6 o'clock; ~~is~~ at that time it was clear day light.

Q Who came?

A Mary Morrison.

corroborates
Pat

0750

10

Q She is a sister of Ellen O'Connor's sister-in-law.

Q Have heard her statement made on the witness stand as to what you said?

A Yes.

Q Did you say to her, that you shot her through drink and anger, October 1st?

A Nothing of the kind.
A No, sir, nothing like it.

Q You did not make any confessions to her?

A No, sir.

Q Did you tell her where the pistol was?

A No, sir.

Q Did you ask her to put it on Patsey?

A No.

Q Was this little Eddie O'Connor your son, in the room when Mary Morris was there?

A He may have been there then but he was in bed during the night.

Q At any time during the night did you see the little boy?

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11

Q Not from 10 o'clock — from the time I went in.

Q Where was that bed room?

A It is back of the sitting room.

Q You did not see him in the same room at any time until the next morning?

A No sir, he was there in the evening but not at night.

Cross Examination:

By Asst. Dist Atty O'Byrne,

Q What's your business?

A A Carpenter.

Q How long have you lived in New York?

A For 17 years.

Q Where did you live before you came to reside in the City of New York?

A Charleston, South Carolina.

Q How long did you live there?

A Fourteen years.

Q You lived in Charleston after the war closed?

A Yes.

Q When did you leave?

A 1876.

0752

12

Q What were you doing on the 8th of October last?

A I was idle, I was not working.
Q Had you been idle the day before?

A I didn't do anything that week, I had nothing to do.

Q How did you spend your time upon Saturday the 8th of October?

A The same as every other day - walking around looking for work.

Q Give me the name of any person to whom you applied for work on Saturday the 8th of October?

A I cannot give you the name; I only made the enquiries of others.

Q Give me the names of the places you visited on the evening of Saturday the 8th of October?

A I was in Mr McClellan's place.

Q What brought you there?

A I was looking for something he owed me.

Q How much did he owe you?

0753

13

Q Three dollars and fifty cents
is what he paid.

Q Did he pay it to you?

A It was all the same; he paid
it to my boy.

Q Did he pay you?

A He did not.

Q Don't you recollect being asked
that question by Judge Barrett
in your examination in the
Court of Oyer & Terminer —
you know Mr McLean —
he is now in Court?

A Yes.

Q He was not a witness on the
last trial?

A No.

Q You were asked by his Honor
Judge Barrett, whether you
wanted to get your pay and
you were asked from whom
did you get it — and you
answered "from John McLean";
Here is another question Q, When
did you go to him, A. About 4
o'clock in the afternoon, Q. When
after did you go to get your pay?
A. After 7 o'clock, ~~and then~~

Q Now, what explanation can you give in the two different statements you have made?

A My memory is not good, having been so long confined.

Q And you went to Mr. Cairn's and got part of the money — did you get it that day?

A I don't know what day.

Q Did you or not go for any part of your pay on Saturday to Mr. Cairn's?

A No, sir.

Q Now, you have a better recollection than you had formerly?

A I have a recollection now.

Q What time did you go to see Mr. Cairn?

A About 4 o'clock on the 8th.

Q Where did you go, did you drink anything?

A I drank one glass of ale.

Q Was that the first glass of ale you drank that day?

A No sir, it was not the first.

Q How many had you drunk up to that time?

A I cannot say, very few, not

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more than two or three.

Q When you left the beam's when did you go to?

A I came into the house after a while.

Q What did you do or say there?

A I did not say or do anything.

Q Was there any body molesting you in any way or caused you trouble up to 5 o'clock?

A No, sir.

Q So, there was nothing happened on the street in the course of any one to give you offenses?

A No, sir.

Q How long did you remain in your house after 5 o'clock?

A I didn't remain long.

Q When did you go there?

A I went into the street.

Q What sort of a day was it?

A It was a fine evening.

Q How long did you continue walking about on Saturday?

A I did not go in until about 10 o'clock.

Q What part of the city did you keep walking in from 5 o'clock until

0756

16

10 ?

Q I don't know.

Q Were you back at eight or nine?

A I was back at nine o'clock.

Q You left again?

A Yes.

Q Where did you go when you left?

A I walked round the same as usual.

Q Did you walk North or South any distance?

A I went up Third Avenue.

Q How far?

A I cannot say, perhaps as far as 64th is 65th & 66th.

Q That was 10 o'clock?

A Yes.

Q Did you meet any body in your long walk from seven down until 10 o'clock that night?

A Not any one to have conversation with.

Q Between 10 and 1 o'clock on that morning when were you?

A On the street and the Avenue.

Q Did anybody give you any offence, or molest you between 10 and 1 o'clock on that morning?

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17

A No.

Q When you came home at one o'clock what condition of affairs did you find there?

A I found both laying on the floor, mother and son.

Q Did you never complain to anyone when you came in and found your wife in the way she was?

A No sir.

Q You say you had been annoyed by people your own race and color, is that right?

A Yes.

Q What did they do to you?

A Threw stones at the window.

Q Did they break the window?

A The windows were down.

Q How far away is the Captain's precinct from your place?

A About a block and a half.

Q Did you go to the Captain of the Precinct to complain of the conduct of these people who threw stones at your window?

A No sir, I did not.

Q Did you ever make complaint to

0758

18

the Captain or other officer in command, that the people you cannot call boys were annoying you?

A No sir.

Q Your little child Eddie, you say he was in bed all the time? He was in bed from the regular sleeping time -- 10 o'clock.

Q When did he get up?

A I don't know.

Q Don't you recollect talking him with you when you took your step daughter to the car?

A No sir, he was in bed.

Q Your step daughter is mistaken about that?

A Yes, sir. I swear to that.

Q Do you say positively that when you were seeing your step daughter to the car on her return home that you had not the little child with you?

A No sir.

By a Juror

Q I don't understand that answer, does he mean no or yes?

0759

19

(By the witness):

Q When you found your wife dead had you not the little child with you when you saw your step daughter to the car?
A No.

Q When you found your wife dead - the mother of your child, did you make any effort to discover the cause of death?
A No effort.

Q Did you make any outcry?
A No.

Q Did you call upon any of the neighbors?
A No.

Q Did you go for a physician?
A No.

Q Did you go to the Captain of Police?
A No.

Q I went for the daughter first I never thought of the station house.

Q Do you remember your daughter Mrs. Steuss asking you if you shot her mother?
A Yes, sir. I do.

0760

20

Q What did you answer?

A I said no, I did not shoot her.

Q Didn't you say she was not worth shooting, but you would have shot Patrick on the floor?

A No sir, I never used that word.

Q When did you first determine that your wife was killed with a pistol shot?

A When the daughter came and opened her and stripped her.

Q That was the first time you determined she was killed by a bullet?

A Yes.

Q When Mary Gibson came to your house, your sister in law, did you have any conversation about the mode of your wife's death — did you tell her anything?

A Certainly.

Q Did you say you thought some of the roughs had thrown stones in through the window?

A I don't believe I did.

Q Didn't you say that after your daughter told you that there was

0761

21

Q. Was in the woman's check?
A. No.

Q. Do you remember, do you
say no?

A. No.

Q. Do you remember your little
child Eddie, that Papa or Father
or word to that effect shot my
mother, in the presence of Mary
Clemm?

A. No sir. I do not.

Q. Do you know the two police
officers here?

A. No sir. I know them since this
affair happened.

Q. Do you remember your child
clamping you with the necking
of its mother in their presence?

A. No sir, that's not true.

Q. Do you remember the Captain here.
(Gunner) saying to you "Your
little child says you shot your
wife" and you replied "If the
child says so I have no more to
say" -?

A. I don't remember that.

Q. Do you know a young man
named Farnham?

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9-12

Q I don't know him by name. I might know him by sight.

Q Do you recognize this young man?

(Farnham requested to stand up)

Q I don't know him.

Q You say you took the pistol out of your box or tool chest.

Q I took it out of the clothes chest.

Q You unlocked the chest, and took the pistol out at what time of the evening?

Q Between 6 and 7 o'clock as near as I can remember.

Q What did you do with it then?

Q I laid it on the table and told them they might see the boys to keep away.

Q To whom did you tell this?

Q Mother and son.

Q Your story is that at 6 o'clock you took it out left it on the table and said this to your son & wife?

Q Yes.

Q Up to what time nobody had molested you?

Q No. I saw them gathering

0763

23

I saw them in the place, they were in the habit of annoying me.

Q How long did the pistol remain on the table?

A Until I was going out—about half an hour.

Q Did the mother or son take the pistol up so far as you know?

A Not that I know of.

Q This was at 6 o'clock?

Q When did you come in after that?

A About 9 o'clock.

Q Do you know after the three hours you were out, when you came in where the pistol was?

A It was in the closet where I left it.

Q Didn't you leave it on the table?

A For half an hour; when I was going out I put it in the closet.

Q When you came back where did you find the pistol?

A I did not go looking for it, I left it where it was.

0764

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Q When your daughter came with you in the morning to the house where you lived, and where she raised an outcry, and she says you went back, what did you do when you went back?

A I didn't go in the yard.

Q Your story is that your daughter raised an outcry and endeavored to rouse the neighbors, that you didn't do anything, and she is mistaken?

A It was she that called them.

Q Did you go back at all?

A No.

Q Where did you go?

A I stood standing in the room, ~~doing nothing~~

Q Doing nothing?

A No.

Q How long before the shooting of your wife did you purchase the cartridges on Third Avenue?

A Maybe three weeks — about 3 weeks.

Q Where did you have the cartridges?

A In a chest.

Q When did you load the pistol?

0765

25.

Q The pistol was loaded four or five days before that, I didn't load it that day or the previous day.

Q The day your wife was shot or the day previous?

A No.

Q Two or three days previous, or after?

Q Did the pistol remain unloaded from the time you purchased the cartridges until you loaded the pistol 2 or 3 days previous to the shooting?

A I think so.

Q Did you ever charge your wife with unchastity, or to use a more vulgar expression, did you ever call her a whore?

Question Objected to—
Overruled.
Exception.

Q That's a word I never used to any person.

Q How long did you live in that house?

A That was only the second month.

0766

26

going on the third month.

Re direct:

Q What is your age?

A I cannot say, somewhere about 60.

Q Do you know anything about Elmer Morrison going out to get money to get a shroud?

A I don't.

Q You had money?

A Yes. \$37.

Q You gave it to the officer?

A Detective Campbell gave it to me.

Q He took it out of the trunk?

A It was in the chest; I didn't have occasion about me it was locked up.

By Mr. Byrne:

Q You had the keys?

A Yes.

By Mr. Swift:

Q They took the keys and afterwards bought you your money.

A Yes.

Q The money was expended in the

0767

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- Annual expenses of the ... ceased?
- a \$35 I only kept \$2 for myself.
- Q The District Atty has called attention to the fact that you swore the ... paid you?
- a I think I did.
- Q Your recollection is he did not pay you but paid the boy?
- Q This is Mr Mc Leann?
- a Yes, sir.
- Q He owed you \$1.50-?
- a Yes.
- Q When did you go into his store?
- a About 11 o'clock.
- Q He didn't pay you afterwards but paid the boy?
- a Yes.

By the O'Byrne.

- Q Don't you know that you refused in the presence of Captain Gummer to expend that money until Comdr Nichols persuaded you to do it?
- a No.
- Q Didn't you say "I won't bury her" in the presence of Comdr Nichols and Capt. Gummer?
- a I don't remember.

0768

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2. Didn't you say I did not bury her?
a. If I did I don't remember her it.

By Mr. Swift:

Q. You did do it?
a. Yes.

By a Juror:

2. How many days before that Saturday
did you have the pistol out?
a. I cannot say how many.
Q. Did you have it out?
a. I may have had it out, but I
don't remember her. I did not have
it out for any use.

Wm. H. H.

0769

TORN PAGE(S)

0770

Court of Oyer & Terminer

The People
vs.
John O'Connor

Before

Hon. George C. Barrett, J.
and a Jury

New York, February 15, 1882.

Witnesses	Direct	Cross
✓ Patrick Anglinian	1	9
✓ Katie Huse	27	32
✓ John Ryan	36	39
John Gunner	40	
✓ Mary Morrison	40	45
Samuel J. Campbell	49	
✓ Leopold Goldsmith	57	
✓ Elbert C. Smith	55	
✓ Mary Morrison (recalled)	56	57
✓ John O'Connor	58	63
✓ James O'Connell	76	80
Thomas O'Callaghan	82	
✓ Abram Danbrey	84	
✓ Thomas McGuire	85	
✓ Frank Sykes	90	87
✓ William O'Callaghan	93	92
✓ Herman Hennes	97	95
Philip Ahern	99	
+ Patrick Anglinian (recalled)	100	

0771

Court of Oyer & Terminer.

The People
vs.
John O'Connor.

Before
Hon. Geo. C. Barrett, J.
and a Jury.

New York, February 15, 1882.

Appearances.

For the People, Asst. District Attorney Requiri.
For the Defendant, Swift, Esq.

The jury having been empanelled,
Mr. Requiri opens case for the People and
calls as a witness

Patrick Anglumary, who being duly sworn, testifies:

Q Do you remember the 5th of last October?

A Yes.

Q What day of the week was that?

A Saturday.

Q Were you engaged in any business at
that time?

A No.

Q Were you at home?

A Yes.

Q Are you related or connected with the

0772

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Q prisoner in any way?
A No sir, only he was married to my mother.

Q How long had they been married?

A Five or six years.

Q And you were that afternoon at home?

A Yes sir.

Q Where was your home?

A 404 East 59th.

A diagram of the premises 404 East 59th street is shown to the witness and he identifies the several parts.

Q What were you doing at home that afternoon?

A I was not doing anything in particular. I was staying at home.

Q Resting?

A Yes sir.

Q Who was at home?

A My mother.

Q Anybody else?

A Yes there was a boy who lived in the neighborhood came in in the evening about 8 o'clock.

Q His age?

A About 16 or 17.

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Q Those were all the persons there at 8 o'clock?

A Yes.

Q Did you drink anything?

A Yes. I went out and got two pints of ale and gave a glass to my mother and a glass to the boy out of each pint and I drank the remainder, about six glasses.

Q Had your mother been drinking before that?

A I think she had some in her before that.

Q Was she intoxicated?

A No, not what you would call intoxicated; she was somewhat under the influence.

Q Could she talk sensibly?

A Yes.

Q Walk straight?

A Yes.

Q Was this manifested by any thickness of the tongue?

A Thickness of speech, that was all.

Q About what time was it when you got through drinking?

A About half-past 9 this boy went home

0774

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and about 10 I laid down by the window.

Q You had drunk six glasses of ale?

A Yes.

Q What was your condition as a consequence of that drinking?

A I was in no way intoxicated. I went to sleep when I laid down.

Q You were not intoxicated?

A No.

Q Did you sleep?

A Yes. I slept until about twelve or one o'clock, some late hour, when my step-father came home.

Q I understand you cannot fix the hour?

A No.

Q That is a guess?

A Yes.

Q State how you were awakened from sleep?

A When my step-father came home at some late hour he got to quarrelling with my mother, accused her of being drunk and not being a proper woman.

Q What did he say?

A "I see you are drunk," he says. "This

0775

5-

will never do," he says. She didn't mind what he said. She told him he was out keeping company with women, and she accused him of being out unreasonable hours, and at this he threatened her, he said, "If you talk like that to me I will soon fix you." She didn't take no heed what he said, she went on quarrelling and I heard him go to this chest where he kept this pistol and I heard him opening this chest, rattling the key, when I raised my head I saw the pistol in his hand; he stood by the chest a while and in two or three minutes time I heard a shot fired in the room. I didn't hear no one fall. I didn't hear nothing after that.

Q Where were you lying down?

A By the left window.

Q The one next to the hall?

A Yes. The chest was on the right hand side as you go into the door from the hall. He held the pistol by his side when I saw him. When I saw the pistol in his hand I

0776

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covered my head. I was afraid he would shoot me. He was a treacherous man.

Q Where was your mother?

A Somewhere on the right near the second window.

Q The farther window from the hall?

A Yes.

Q Did you hear the pistol fired?

A I heard the shot.

Q Did you hear anything else?

A I didn't hear nothing after the shot was fired.

Q Your head was then covered?

A Yes.

Q Did you go to sleep again?

A Yes. I went to sleep until sometime in the morning before daylight my step-father woke me up and told me my mother was dying.

Q State what he said?

A "Get up, your mother is dying." I got up in a few minutes and I saw my mother lying on the floor where he had her lying on two mattresses.

Q Were those mattresses there when you went to sleep near the window?

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A Yes.

Q They had been brought into the room since that time?

A Brought out of the bedroom.

Q What did you do when he said that?

A I got up and spoke to my mother and I could not get any answer. Life was extinct although her body was quite warm yet.

Q Did you see the wound?

A No, not until my sister examined it.

Q Was there anybody else but the prisoner and yourself there in the room?

A Not at this time.

Q And that hour you cannot fix?

A Yes.

Q Sometime in the morning?

A Yes.

Q Did your sister come there afterwards?

A Yes, sometime after that.

Q Her name?

A Mrs. Huse.

Q How long after you were awakened by the prisoner and told that your mother was dying was it that Mrs. Huse came?

A She came in as near as I can judge, about half or three quarters of an hour.

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afterwards.

Q What did she do?

A I saw he go and examine my mother and change her clothes.

Q Had you seen the pistol that he used before?

A Yes. I saw the pistol in his hand a few minutes before the shot was fired.

Q Is this that pistol? (Pistol shown witness)

A Yes. That is the pistol.

Q Can you tell where he kept that pistol?

A In his chest at the right hand side of the door as you go in.

Q That chest which he opened?

A Yes.

Q How long had he had this pistol in that chest?

A Since ever I knew him he always had it. I had often seen it in his hands before.

Q Was there anybody in the next room that evening, the back room, connected with this one by folding doors, the back room?

A This little boy five years old.

Q What little boy was that?

0779

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A The one they had since they were married.

Q A son of your mother and the prisoner?

A Yes sir.

Q Was there anybody else there that night?

A No sir.

X Cross Examined by Mr. Swift.

Q How old are you?

A Twenty-one.

Q When were you 21?

A I was told by my mother before she died and my aunt that I was 21 last May; that is the only way I know it.

Q What day in May were you 21?

A The first day of last May.

Q How long had you been living with Mr. O'Barner and this deceased woman?

A About five years; pretty much all the time while they were married.

Q How long had they been married?

A About 5 or 6 years.

Q How do you know that?

A They were living that long together.

Q Do you know whether they were married or not?

A I could not swear.

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Q What have you been doing during this time?

A Been living all along with her.

Q You have no business, have you?

A No sir.

Q Do you know what O'Connor was doing on the 8th day of October, Saturday?

A No.

Q You know he was at work somewhere?

A I did not know of his being at work any place.

Q He was not at the house until towards evening?

A He went out in the early part of the evening.

Q What time in the evening did he first come in?

A About 8 o'clock as near as I can go to it, to the best of my belief.

Q Had you any time piece or clock in the house?

A No sir.

Q What had become of it?

A I was coming down stairs one night with the clock and it fell out of my hands.

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Q Did you not break this clock throwing it at this deceased person?

A No, sir, I didn't throw it.

Q You say it was about 8 that he first came in?

A Yes, sir, that was the last I seen of him.

Q Had he not been in the house before that that evening?

A Yes, he was in about 5.

Q Did you have supper that night?

A No, sir, didn't get none ready.

Q What were you doing?

A I was not doing anything.

Q You was drinking beer about that time?

A Yes, sir.

Q You say he came in about 5?

A As near as I can go to it.

Q How long did he remain in?

A Not more than 20 or 25 minutes.

Q When did he come back next after that?

A He came in the second time about 8.

Q Who was in the house at 5 o'clock when he came?

A There was a man in the house, I can't think of his name now.

Q Did you know him?

0782

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A Yes, sir.

Q How long had you known him?

A About a year.

Q Were there a crowd of swiggo around that house; on the outside, at about 5 o'clock?

A They were not there then.

Q Were they there later?

A Yes, sir, about 8 o'clock.

Q Were they not there when your father was in the house early in the evening?

A I did not see them.

Q You say the first time you saw that pistol out of the trunk that evening was when he came in at some late hour of the night?

A That was the first I seen it in his hands.

Q Don't you know he unlocked the trunk and took that pistol out when these swiggo were there?

A No, sir, I didn't see him do it.

Q Did you not know anything about it?

A No, sir.

Q Or hear anything about it?

A No, sir.

0783

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Q Is there a shelf on this side of the house closet? [Pointing on diagram]

A On the top of this.

Q Do you not know that when your father went out between 5 and 8 o'clock in the evening he laid the pistol on top of that shelf?

A No sir.

Q You did not see it?

A No sir.

Q Never knew it was there?

A No sir.

Q Do you know James Connell?

A Yes sir, he is the young man who was in and had the ale; that was the boy; and this other man was in in the evening earlier than that.

Q Connell was in there about 8 o'clock?

A Yes sir.

Q While he was in that house you and your mother were drinking beer?

A Yes sir.

Q While he was in that house were not these ruffs on the outside?

A I think they were.

Q How many were there of them?

A I could not say.

0784

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Q Did you not make any remark to O'Connell about fixing the roughs?

A I don't remember saying anything.

Q Did you not go across the room and take something from that shelf and put it in your hip pocket?

A No sir.

Q You did not say to O'Connell you would fix those men?

A No sir.

Q Had no such conversation?

A No sir, I am sure.

Q Did your father return before O'Connell left?

A I don't remember him.

Q Your recollection is not very clear about that, is it?

A No sir.

Q Can you tell me any part of the conversation that you had there that evening, you and O'Connell and your mother or your father?

A No sir.

Q You say then six glasses of beer did not make you intoxicated?

A No sir, made me heavy and I laid down.

Q Had you been quarrelling with this deceased woman, your mother?

0785

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Q I used to quarrel with her, not on this day
I didn't have no quarrel.

Q Have you ever been arrested for assaulting
her?

A Yes.

Q How many times?

A Four times.

Q You have served a sentence on the Is-
land for assaulting your mother?

A I have.

Q You have threatened her life if she did
not give you whiskey to drink?

A No.

Q Do you know William O'Callaghan?

A I know him.

Q Did you not chase her into his house
and didn't she go in there to get out
of your way?

A No.

Q Do you know about her going into Mr.
Smith's house to escape from you?

A I know she used to go in there, but not
to get away from me.

Q Now you say that as near as you
can recollect about 12 or 1 o'clock your
father came in?

A Yes.

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Q Were you asleep then?

A Yes.

Q When he came in?

A Yes.

Q What was the first thing you saw of him?

A When they were quarrelling I woke up and I seen him.

Q You don't know how long he had been in the house?

A No.

Q The first thing you heard was some quarrelling?

A Yes.

Q Was your mother undressed?

A No.

Q Still up at 12 o'clock?

A Yes.

Q You laid down about 10?

A Yes.

Q Now you say you heard your father go to this chest?

A Yes.

Q Did you hear him unlock it?

A I heard him with his keys and I saw the lid raised.

Q Did you see him take the pistol out of the trunk?

0787

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Q No, he stooped down and picked up something

Q You don't know what it was?

A No.

Q Did he then turn around facing your mother?

A Yes.

Q With which hand did he hold the pistol?

A His right hand, by his side.

Q Did you see that pistol in his hand?

A I saw it before he put his hand down, after he put it down I could not see it.

Q How long after he dropped his hand down by his side did you cover up your head?

A As soon as I saw the pistol I covered up my head.

Q Why did you cover up your head?

A I was afraid of him.

Q You had not said a word to him?

A No, I didn't say a word.

Q You had not stirred off the floor?

A No.

Q You did not know that he knew you were awake?

A No.

Q Or knew anything about you?

A No, but he had threatened me often

0788

18

before, but not that night he did not.

Q You covered up your head because you were afraid you were going to be shot?

A Yes.

Q How long after you covered up your head did you hear the pistol shot?

A Two or three minutes.

Q Did your mother say anything when the pistol went off?

A No, I didn't hear her say anything.

Q Did you hear her fall?

A No, I didn't hear nothing after that.

Q You thought when you heard that pistol that somebody was hurt?

A I didn't know. He might fire it to frighten somebody. I never suspected he shot anybody.

Q You did not think he would shoot anybody?

A No.

Q Not even you?

A I was afraid he would me.

Q You did not uncover your head after you heard the pistol shot?

A No, I didn't move. I went to sleep.

Q Did you not suppose that somebody had been shot there in that room?

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Q When I didn't hear no more after that I did not. I didn't suspect anything was wrong.

Q You heard this quarrel?

A Yes.

Q You heard him say, "If you don't stop that talk I will fix you"?

A Yes.

Q You saw him go to the trunk and take out the pistol?

A Yes.

Q You heard the pistol shot and two minutes after that everything was quiet?

A Yes. I didn't suspect anything was wrong and that is the reason I did not get up.

Q Where was your mother when the shot was fired?

A Somewhere about the other window. I was at one window and she was somewhere near the bureau the other side.

Q How do you know?

A I could hear her voice there, and I seen her a few minutes before. When I raised my head and seen him I saw my mother standing there.

Q You had your head covered up for two

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20

minutes before the shot was fired?

Q Yes.

Q Do you know where she was when the shot was fired?

A No.

Q Do you know whether she was standing up or sitting down?

A No.

Excerpt read from the testimony of this witness before the Coroner the part where he stated what was said between his father and mother.

Q Do you remember swearing to that before the Coroner?

A Yes, I remember that but that she was standing up, there is an error in that.

Q Did you sign your name to this statement?

A Yes.

Q It was read over to you before you signed it?

A Yes.

Q Why did you not correct the error?

A I don't know.

Q Is it an error that you did not

0791

21

Q speak because you was afraid after you heard the pistol shot? You say here you was afraid Mr. O'Connor would get at you?

A I was afraid.

Q Did you not say the reason was because you thought it was all over and everything was quiet?

A I was afraid to speak because I knew the least I did he would get at me.

Q You did not think he would shoot you?

A Yes.

Q You knew it was a one-barrel pistol?

A Yes.

Q And it was shot off?

A Yes, but he had more cartridges.

Q How do you know?

A I saw a box a few days before.

Q You did not see him have any this night?

A No.

Q Did you wake up before your sister Mrs. Hine got there?

A My sister was in before I woke up and then when I woke up in the morning she came in again. She told me she was there while I was asleep.

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Q What time did you wake up?

A Not till he woke me. It was not quite daylight. I could not say what time it was.

Q What did you do when you woke up?

A He told me my mother was dying. I went to see and I spoke to her but I could not get no answer.

Q Who came there immediately after that?

A I don't remember. My sister came in half an hour after.

Q Did anybody else come there?

A Not as I remember.

Q Did your aunt come there?

A She come in sometime after.

Q Did you inform anybody that your mother had been shot?

A No sir.

Q Did you go for a doctor?

A I did not; he did not tell me to. I would not take the responsibility of getting one. I had no money to fee one.

Q There was no one notified of the death of your mother?

A No sir.

Q No officers?

A No sir.

0793

23

Q No coroner?

A No one until the police was notified sometime after. I think it was my sister who notified him but I am not sure.

Q What time did the policeman come there?

A About 10 or 11 o'clock in the day.

Q What kind of clothes did your mother have on?

A I don't remember. She had a light wrapper I think.

Q Did you see the wrapper after she was shot?

A No.

Q Do you know what became of it?

A No, sir.

Q Do you know where any of her clothes are that she had on when she was shot?

A No, sir.

Q Did you see them afterwards?

A No, sir.

Re-direct by Mr. Requier.

Q Would you know the key to that chest if it were shown to you?

A Yes, sir.

0794

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Q Is any one of these keys now shown
you that key?

A Yes, that is it.

Q Was this the bunch of keys of the
household at that time?

A Yes, he had his bunch of keys with him.
Q Is that the bunch of keys?

A Yes, some of them; that is the key
to the door, that is the key of his chest
and that of another chest that he had.

Q And they were carried in that way
at that time?

A Yes.

Q You stated that a young man came
there about 5 o'clock in the afternoon; who
was it?

A There was a man there; I can't rec-
ollect his name now.

Q What did he do while he was there?

A Sat there and talked to my mother,
and Mr. O'Connor saw him too.

Q Was he a friend of Mr. O'Connor?

A No, a friend of neither; a neighbor
that used to come.

Q How long did he stay?

A The two went out together.

Q Mr. O'Connor and this man?

0795

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A Yes sir.

Q That was about 5 o'clock?

A Earlier than that.

Q This other young man who was there afterwards?

A He was a boy. He came in in the evening, Jim Connolly.

Q When did you ever assault your mother?

A Well I assaulted her, I don't remember when.

Q About when?

A About three months before this affair happened.

Q How did you assault her?

A I raised my hand to her.

Q Did you strike her?

A No, I just took my open hand.

Q What was she doing at the time?

A She was somewhat under the influence of liquor at the time, she was scolding and jarring me.

Q And you raised your hand but did not strike her?

A Yes sir.

Q Was it for that you were sent to the Island?

0796

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A No, not on that occasion; it was on another occasion for being drunk and disorderly.

Q And not for striking your mother?

A No.

X By Defendant's Counsel.

Q Do you know Thomas McGuire?

A Yes.

Q Do you remember his putting you out of the house because you were beating your mother at one time?

A No.

Q Will you swear he did not put you out of the house because you were beating this woman now dead?

A I would not swear.

Q Did you not once assault her so she had to go to the hospital?

A It was years ago. I don't remember doing it.

Q Were you drunk?

A I was somewhat under the influence of liquor if I ever done it.

X Q Do you know Officer Marshall?

A I don't know him.

Q You say when you were sent to the Island it was for being drunk and

0797

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disorderly?

Q Yes.

[Officer Monell rises]

Q Is that the man who arrested you?

A Yes.

Q Was not the charge assaulting your mother?

A It was not that way. My mother called him in for being drunk and disorderly, not for assaulting her.

Katie Huse, called on behalf of the prosecution, being duly sworn, testified:

By Mr. Requist.

Q Are you the daughter of the deceased?

A Yes.

Q By a previous marriage?

A Yes.

Q The witness who has been on the stand is your brother?

A Yes.

Q Where were you living on the 8th day of October of last year?

A 214 East 41st Street.

Q Living there with your husband?

A Yes.

Q Did anybody call you up drinking

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the night of that day?

A Yes, Mr O'Connor came to my door about half-past 2 on the 9th of October, Sunday morning. He knocked at the door, I was awake, I did not pay any attention to the knocking for a long time, I listened to it, and it was about five minutes after the knock at the door before I awoke my husband. My husband got up and opened the door, Mr O'Connor was at the door and he says, "Is Kate there?" I says, "yes". He says, "It is a nice time for you to be in bed and your mother dying." I looked at the clock and said, "It is time for anybody to be in bed, half-past 2." He says, "Not when your mother is dying." So my mother was down on the previous Friday and she told me she was going to be confined.

he said in
his testimony
she was dead

Objected to

The Court: She can state her mother's appearance, whether large or small.

Witness: Large.

Q What did you do when he said your mother was dying?

A I dressed myself and went with Mrs.

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O'Connor. We walked to 44th street on 2d Avenue. I wanted to take a car, he says "No, we won't take a car, we will go up in just as quick time as the car will take us." I said, "Yes, if anything is the matter with my mother." So we took the car, and he paid my car fare up. So I went to the house and the door was open. I went in the room and my mother was lying on the floor and my brother lying alongside of her. [Witness points out on the diagram where they were lying.] My mother's feet were towards the door and her head towards the stairs. My brother's feet were by my mother's head and his head was towards the door.

Q What did you do?

A I looked at my mother. There was a scratch of blood on her face that was hard and I sent Mr. O'Connor out to get a wet cloth and wiped the blood off her face. I called her but got no answer. I felt of her, her face was cold and her stomach warm. Her dress was thrown open and I saw her chemise all blood. I pulled it down and saw on the left side a bullet hole and

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I said to Mr O'Benner, "My mother is shot; did you do it?" He said no, he would not shoot my mother because she was not worth shooting but he would shoot my brother.

Q Did he say anything else?

A No, sir, not at that time. He said, "May be the boys threw stones from the windows."

Q Is that all?

A Yes, sir.

Q Then what did you do?

A I hit the blood off my mother's face put on her feet and asked a lady to stay there until I went and sent my aunt there.

Q The name of your aunt?

A Mary Morrison. So I went down to my room where my aunt was and sent her up; I did not go back with her.

Q Have you ever seen this pistol before?

2 years
ago

A Yes, sir; I saw Mr O'Benner threaten my brother's life.

Q How long before was it that you saw that pistol?

A I could not exactly say, I have seen

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it in his chest when I first went
in his house, where my mother first
took up rooms with him in his chest
in a green cadet's cap.

Q How long ago was that?

A I could not say exactly.

Q How long before you went to your mother's
that night and found her dead was
it that you saw this pistol in his hand?

A Two weeks.

Q Where?

A That day was a Saturday, he came
to my house and asked me did I
have any cartridges. My husband was
firing on the 4th of July and I said
yes. I thought there was some in the
bureau drawer, so I went to the drawer
and got three cartridges and gave them
to him and he tried to put one in
this pistol and it in but he could
not get the cap out, and I shot off
the pistol through my bedroom door. He
said they would not do but he took
two of them. I asked what he wanted
to do with the bullets and he said
to frighten the boys away from the
windows, the rowdies.

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Q He went off there with that pistol and two cartridges?

A Yes.

Q And that was two weeks before the death of your mother?

A Yes, Sir.

Q Did you see him afterwards?

A Yes, I went up there that same night and went in the room and he showed me a box of cartridges, 52 in the box, longer ones than I gave him, and he gave me the pistol and showed me it was loaded. So I took the pistol out with me in the street. I went to go away with the pistol and then I did not. I brought it back and gave it to him.

Q What did you take the pistol out for?

A To do away with it. And the day he was down to my house I saw the letters on the back of it: O.K.

Q That was the day he came to your house and asked for the cartridges and you gave him two?

A Yes, Sir. He said he never seen that one, that his son Willy gave him that pistol.

~~Cross Examined by Mr. Swift~~

Q When you got to the house how far

was your mother's head from this bureau? [Diagram & house witness]

Q Her head was towards the bureau. That is where the ^{bureau} was, in the corner of the room. Her feet were at the door.

Q And your brother was lying right near her?

A Yes.

Q Was he asleep?

A Yes.

Q Did you try to wake him up?

A I just put my hand on him and shook him. He didn't hear me, so I didn't mind him.

Q Was he not drunk?

A I could not say.

Q You shook him to wake him?

A I just put my hand on him and called him, not very loud. I said "Catsy, get up." He didn't hear me so I didn't mind any more.

Q What kind of a dress did your mother have on?

A I did not see her dress very well because it was rolled up. She had a blue petticoat and a blue calico sack.

Q Did you see a ball hole through that?

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A Yes. I didn't take notice of any of her clothes whether there was a hole in them or not.

Q Was her sack fastened up tight around the neck?

A Yes.

Q You did not notice any powder marks upon the clothes as though the pistol was close to them when fired?

A Yes.

Q When did you see this pistol next after the shooting?

A Capt. Gunner had it.

Q How long after the shooting?

A The second or third night.

Q Did you know anything about these rowdies coming around your mother's house?

A Yes, only Mr. O'Connor told me about it.

Q He had told you before?

A Yes.

Q You understood it was a fact that these rowdies were congregated around this house where your mother lived?

A Yes, from what he said.

Q Now you say where you got to the house that morning and found your

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mother in the condition you have described you said to Mr. O'Connor that your mother was shot and asked him if he did it?

A Yes.

Q And he said no, that he would not shoot her because she was not worth shooting?

A Yes.

Q How long did you stay there in the room with your mother?

A Fifteen minutes.

Q During this time did this boy Patsy wake up?

A No.

Q When did you go back afterwards?

A About 12 or 1 o'clock of that day.

Q Did you take any steps to notify anybody that your mother was dead?

A No. I hollered outside the door and on the street but no one came near me but a lady in the rear.

Q You did not notify any officer at all?

A No.

Q Nor you did not the next day?

A No.

Q (By Mr. Reiner) You were asked whether you

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Had understood from what you heard that it was a fact that there were rowdies about this house?

A Yes.

Q From whom did you hear that, other than the prisoner, if any one?

A From a little girl that lived in the back.

Q Anybody else?

A None.

Q All the information you have upon that subject there is what the prisoner said to you and what you heard from that little girl?

A Yes.

John Ryan, called on behalf of the prosecution, being duly sworn, testified:

Q Where did you live last October?

A 402 East 59th Street.

Q Is that right back of 404? [Objected to]

Q You know of the house 404 East 59th Street?

A Yes; our house is right next to it.

Q Your back yard was next to the back yard of that house?

A Yes.

Q How many fences are there between the

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two yards?

Q One on one side and one belongs to 58th Street

A One fence on your yard and the other fence on the other yard?

Q Yes sir

A What is the space between the two fences?

28 Q About that wide between [indicating about a foot]

A On the morning of the 9th of October, which was a Sunday, did you have occasion to go to look after a cat or kitten?

Q The day after the inquest.

A Was it in the morning?

Q Yes, afternoon.

A Well what were you doing?

Q I was going in the yard to go to the water-closet and I saw a cat on top of the water-closet and she fell from the water-closet into this hole and I put my foot down into the hole to pick up the cat and there was a brick slipped from under my foot and I looked down and saw that pistol covered over with a little bag. I could not say whether that is the same one or not.

A Does it look like it? [Pistol shown witness]

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A Yes sir that is the one.

Q Then you picked up the pistol?

A Yes sir I guess that is the pistol.

Q "O.K." on the barrel?

A Yes sir it had O.K. on the barrel.

Q What did you do then?

A I laid it along the fence, and then I picked it up and put it in my pocket. I came down from the water-closet and my mother was by the door with two children and I told her I found a pistol. She told me I had better take it to the station house and I said I was afraid I would get arrested and I says she shall come up with me and she came up and I give the pistol to Capt. Gunn.

Q In the space between these two fences was there any filling up?

A Yes sir.

Q What was it filled with?

A Bricks and rubbish.

Q Near up to the top?

A I could not say it was near to the top.

Q One fence was higher than the other?

A Yes sir All my foot would go down was to there [indicating about one foot]

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Q The top of the water-closet is about the same height as the fence on the outside of your lot?

A Yes.

Q One fence is higher than the other?

A Yes; the 58th street fence is way up high.

Q Examined

Q Where do you live?

A I lived at 402 East 59th street and I moved to 18 West Houston street.

Q Last October you lived at 402 East 59th street?

A Yes.

Q The next house towards 1st Avenue from No 404?

A Yes.

Q There was a lot of rubbish between these two fences?

A Yes; hay, straw, old shoes and glass.

Q And this pistol you found was under a brick?

A Yes.

Q What day was this?

A The day of the inquest I think it was Monday.

Q What time in the day?

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A About 4 o'clock in the afternoon.

John Gunner, called on behalf of the prosecution, being duly sworn, testified:

Q Were you a police officer on the 9th of last October?

A Yes.

Q [Pistol shown witness] Can you tell whether that pistol was put into your hand by anybody?

A Yes, handed to me in the station-house by one of the sergeants; I don't remember his name; I think it was Smith. That is the pistol, I have had it in my possession ever since.

Q This boy said he gave it to Captain Gunner.

A I think he is mistaken. Probably he thinks the Sergeant is myself.

Q You do not know any more about it?

A No, only that is the pistol given to me by the Sergeant.

Mary Morrison, called on behalf of the prosecution, being duly sworn, testified:

Q Are you the sister of the deceased, Edwin O'Connor?

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A Yes sir.

Q Did you go to her house, No. 404 East 59th street, on the morning of the 9th of October?

A Yes sir.

Q What induced you to go there?

A My niece told me,

Q Mrs. Herse?

A Yes sir.

Q What did you find when you got there?

A I found my sister dead on the floor, shot,

Q Was she lying on anything other than the floor?

A There was some substance under her. I could not say exactly what it was now.

Q Did you examine her body?

A Yes sir.

Q What did you find?

A I found a hole in her left side, a bullet hole.

Q And blood?

A Yes sir.

Q Who was present when you arrived there?

A Mr. O'Connor, and Oatsy was there too.

Q Did Mr. O'Connor at that time or afterwards say anything to you?

A I asked Mr. O'Connor was my sister

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shot, and who shot her, and Mr. O'Connor said he did not know but the boys were around, but he didn't know how it happened, the boys were around there and he could not tell. At this time he told me this.

Q What else did he tell you?

A He said the boys were around Patsy and I asked Patsy did he have anything to do with it and he said no. I said I was sorry because it happened at such a time. I had no money to bury her. Mr. O'Connor said I should have the deed of his grave and \$7 would open it - the deed of his ^{first} wife's grave.

Q The deed he held of that land?

A Yes, and \$7 would open it.

Q That is it would make the grave?

A Yes.

Q What else did he say?

A He said after there was no one there, everybody seemed to go away. Mr. O'Connor told me he had shot her, and I said it was too bad, that she was in such a fix, and how she was situated and everything, it was too

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had, ^{that} she had not had no confession
or anything made, taken in her sins,
I didn't know how long she was at her
confessions before.

Q Was she in a delicate situation?

A She seemed to be complaining a good
deal lately.

Q Was she large?

A She was a pretty large sized woman.

Q I mean large in that way?

A I don't know.

Q Was there anything said about your
going for a doctor, about a certificate?

A That was afterwards.

Q When afterwards?

A A little after that.

Q I understand what you have just
stated he said to you when there
was nobody present but yourself and him?

A Well after that there was something
else ^{he} said, I forget it now.

Q You must try to remember what you told me.
Something about a certificate of a physician.

A I remember that I told Mr O'Connor
that we could not bury her without a
permit, that she could not be buried
without a certificate or something to

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being her, that it was impossible to have it denied because we could not bury her, it should be reported. Mr. O'Donnell said no, if I would go with him to Dr. Dwyer he would get a certificate of him that she was sick so long and he was waiting on her.

Q What else did he say?

A I don't know.

Q Did he say anything about Patrick Anglinman?

A Yes.

Q What did he say?

Objected to.

Mr. Requier: I propose to show that he suggested to this witness that he would put it all upon Patrick Anglinman.

Witness: Yes, that is what he said. They would make him out half crazy and he would only get two or three years. I said no, that I would not have that.

Q Now at what intervals of time did these several conversations take place?

A Right in a little while, I can't tell how many minutes.

Q Within half an hour?

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A Yes, within half an hour the whole thing
Q At different times in the half hour
he told you these several things?

A Yes.

Q Who laid the deceased out?

A I did.

Examiner

Q How old are you?

A 48 or 49 I think.

Q Do you know how old you are?

A I don't know, old enough.

Q Where do you live?

A In the House of Detention at present.

Q Where did you live before that?

A With my niece.

Q This young lady who was in the stand?

A Yes.

Q A daughter of the deceased woman?

A Yes.

Q You say John O'Connor said to you that
he shot this woman?

A Yes.

Q Where?

A On the floor.

Q Where did he stand?

A Opposite me.

Q You and he were all alone?

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Q Yes sir.

Q Now give me his language?

Q I asked Mr. O'Connor who shot her, he said first that he didn't know, it was between the boys and Patney. I turned round to Patney and said, "Is that so?" He said, "No, that is the man." There afterwards when there was no one in the room but him and me he told me he shot her.

Q You then believed what he said?

Q Yes sir.

Q You believed he shot her?

Q Yes sir.

Q Did you report it?

Q No sir.

Q You did not say a word to anyone?

Q No sir.

Q You believed he murdered her?

Q Yes sir.

Q She was your own sister?

Q Yes sir.

Q And you made no complaint?

Q No sir. He asked me in the honor of God not to do it and the soul that was on the floor before me.

Q That was your sister?

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Q Yes, so I did not make no report and I would not now if I could help it.

Q Did you not know that your concealing that crime would make you a criminal yourself?

A I did not know anything about it.

Q You say this man wanted you to help put the crime on Patsy?

A Yes, he said so. He said Patsy was a young boy and they would make him out half crazy and he would only get a few years anyway.

Q Did he tell you how he shot her?

A Through drink and anger.

Q Did he say anything else?

A No, not that I know of.

Q Did you go to the doctor and get a certificate?

A No, I did not. I did not think it was my place to go.

Q What did you say to his proposal?

A I told him I would when I came back.

Q Where did you go then?

A I went to get money to get something to lay my sister out with.

Q Do you not know that Mr. O'Connor paid all the expenses of her burial?

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A I don't know anything about it.

Q You laid her out yourself?

A Yes, and a neighbor by the name of Mrs. Welch.

Q Were you before the Coroner's jury?

A No.

Q You had not told of that?

A No.

Q You knew the Coroner had empanelled a jury to inquire into the cause of this death?

A I knew nothing about it. I never was in a court house.

Q Did you not know that the Coroner held an inquest on the body?

A Yes, I was there.

Q Did you know witnesses were examined there?

A I did not, there was no witness examined there.

Q You knew the Coroner held an inquest?

A Yes.

Q Do you know what for?

A I suppose to find out where the bullet was.

Q To find out who killed her?

A I don't know anything about that.

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Q Did you not know at that time that that was what he was holding the in-
quest for?

A I didn't know.

Q Did you not think it was?

A I didn't think anything about it.

Q How long have you lived with this niece?

A About two or three weeks this last time.

Q Where had you lived before that?

A 309 Fifth Avenue for the last 5 or 6 years.

1 Samuel J. Campbell, sworn for the prose-
cution, testified:

Q Were you a police officer on the 9th of
October?

A Yes.

Q Did you arrest the prisoner?

A Yes.

Q State how you came to arrest him?

A I was informed at the station-house
that there was a woman lying dead
down at 404 East 59th Street and I
went down there and saw there was
a woman laid out on a chest and
table.

Q Who were there?

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Q The prisoner, the boy Patsy, Miss Morrison and a smaller boy about five years old and two or three neighbors. I asked Mr O'Connor what was the matter, what was the cause of this woman's death, he said he did not know, and I then went and examined the woman and found there was a hole in the left side. I asked for the chemise that had been taken off of her and I examined that and saw the hole. I asked the little small boy who did the shooting and he said "My father".

Q In the presence of the prisoner?
A Yes. Then without saying any more I arrested all in the house and took them to the station house.

Q This was on Sunday?

A Yes.

Q The 9th of October?

A Yes.

Q What time?

A Between 12 and 1 o'clock, about 12. Meantime the Captain came and we went there together.

Q Had you seen this pistol?

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A Not at that time. I took Mr. O'Connor to the station-house, searched him and found those keys upon his person. I went down and tried the chest and found that that key unlocked it.

Q Did you see the ball that was taken out of the body of the deceased?

A Not until this morning. I saw it this morning.

[No cross examination.]

Leopold Goldsmith, sworn for the prosecution, testified:

Q Where do you live?

A 1268 Lexington Avenue at present.

Q Did you occupy any official position on the 9th of October last?

A I was one of the Coroner's physicians of the city of New York.

Q You are a physician by profession?

A Yes.

Q Did you make an autopsy upon the body of Ellen O'Connor, the deceased, in this case?

A Yes.

Q At the house 404 East 59th Street?

A Yes.

Q Where, on the 10th of October?

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A I could not tell the date.

Q It was on Sunday?

A I believe so.

Q Did you extract a ball from her body?

A I did not extract it, but I found a ball embedded in one of the vertebrae of the spinal column and being very difficult to extract, finding it firmly embedded I preferred to take the whole part. I took the whole part of the spinal column including the ball out and had it preserved as it is in the present state here.

Q Is that the ball now shown you?

A Yes.

Q You gave it to Capt. Gunner this morning?

A Yes.

Q Now state what was the condition of that body?

A I will read from my notes taken at the time. "I have made an autopsy on the deceased, Ellen O'Gunner, at No. 404 East 59th St. Found fatal shot on the left side of the chest on a line of about one inch above the level of the left nipple, three inches to the left of and external to the same, in all

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X about seven inches to the left of the median line, the ball entering the chest between the 5th and 6th ribs, passing slightly downwards and inwards, striking against the upper border of the 6th rib, fracturing the same, then being reflected, passing directly inwards and slightly upwards, passing through the lower lobe of the left lung, directly across the cavity of the chest and lodged in the body of the 6th dorsal vertebra. A large clot of blood in left pleural cavity, the heart somewhat affected, the liver enlarged, the kidneys nearly normal, the spleen softened; the other organs were all examined and found normal. From the appearances presented at the autopsy I am of the opinion that death was caused by shock and internal hemorrhage due to the pistol shot in the chest penetrating the lungs."

Q Was the wound which you have described to the jury in your judgment such as would have been necessarily fatal?

A Yes, sir.

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Cross Examined.

Q Will you tell me how you recognized this bullet when handed to you as being the one you found?

A I have to-day dislodged it myself from this part of the vertebra.

Q Do you know that is the bullet?

A I gave it in charge of the Officer Campbell.

Officer Campbell states that this is the bullet that Dr. Gold-Smith gave him.

Q Would the injury that the bullet gave to the vertebra alone be sufficient to produce death?

A No.

Q Would the injury that the bullet gave to the lung produce death?

A Yes.

Q Necessarily?

A With the amount of hemorrhage there was.

Q When did you make this autopsy?

A The date is in my memorandum on the 10th day of October.

Q Where did you make it?

A At the house 404 East 59th Street.

Q Who was present?

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A Friends of the deceased, the daughter, I think, and sister, I can't recollect but there were two or three, and the husband I believe.

Q Mr. O'Connor?

A I think so but I can't recollect completely.
Re-direct.

Q Death was caused in consequence of the perforation of the lungs?

A Yes.

Q The hemorrhage being produced by that?

A Directly.

Adjourned till to-morrow morning.

Thursday, Feb 16th 1882

Albert O. Smith, sworn for the prosecution,
testified:

Q You are a police officer?

A I am.

Q And were you so on the 10th of October last?

A Yes.

Q What station?

A 29th Precinct - 59.

Q Was this pistol handed to you by any one?

A Yes; by a boy by the name of John.

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Ryan.

[John Ryan rises.]

Q Is that the boy?

A Yes.

Q At what time?

A At 6:30 PM on the 1st of October.

Q You gave it to the Captain?

A Subsequently, the Captain came in and I gave it to him and stated that the boy had brought it in.

Many Morrisons recalled for the prosecution.

Q At the time the statements were made to you by the prisoner which you have detailed to the jury was anything said in relation to a pistol?

A Yes. Mr. O'Connor told me he put the pistol in the yard in the fence and for me to take it if I could and give it to Willy, his son. I said I would if I could get it but I didn't go to look for it.

Q Did he say anything else?

A He said then he did not know how he was going to get out of this without he would make my sister an improper woman. I asked him why didn't he

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run away; he said no, that would not do. I said he might make me improper and all of us if he wanted to but I was not going to go again him; he might do as he pleased. I didn't really know what I was saying. I said it without thinking.

Cris Examined.

Q Did you know of this yesterday?

A Yes, but you did not give me a chance to speak.

Q I did not object to your speaking about that.

A You did not ask me.

Q You did not volunteer to say anything about it yesterday.

A I told you there was something I had forgotten.

Q Have you talked with anybody about this case lately?

A No, not a word.

Q Nobody knew what you knew about it?

A No.

Q Do you ever drink?

A Sometimes when I get ready, not very often.

Q Do you get drunk?

A Not drunk.

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Q Have you never been drunk?

A I don't know whether I was or not. That is my business, I suppose.

The People rest.

John O'Banner, being duly sworn, testified:

Q Your age?

A From 58 to 60, I am not sure.

Q How long have you been in this country?

A 31 years next March.

Q How long have you resided in the city of New York?

A Since May, 1867.

Q You remember the 8th day of last October, the day of this alleged shooting, Saturday?

A Yes.

Q What were you doing that day?

A I was not working that day.

Q What is your business?

A House carpenter.

Q What time in the evening did you go home that Saturday?

A I was in and out partly all the evening. I could not say. I had no clock in the house. Maybe 4 or 5 o'clock in the evening.

Q At any time in the fore part of that

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evening was there a crowd of men, boys, rowdies or roughs on the outside of the house?

A There were a few there, about three.

Q What were they doing?

A Nothing at that time.

Q Where were they, at what time in the evening?

A After dark.

Q At any time that evening after dark and when those rowdies were around the house did you take this pistol out of the chest?

A Yes.

Q Give us the time that was, as near as you can?

A I could not say.

Q You know James Connell?

A Yes.

Q Did you see him there that evening?

A Yes.

Q Was this before Connell was there?

A Yes.

Q What did you do with the pistol?

A I took it out and laid it on the table and stayed in the house about an hour and then I went out for some money due me and I took the pistol off the

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table and laid it on the closet so as to have it ready.

Q These powderis at that time were making trouble around the house?

A Not around the house but I heard it on the corner.

Q You went out, then for your pay?

A Yes.

Q Did you come back after you went out for your pay?

A Yes.

Q How long afterwards do you think it was?

A From two to three hours afterwards.

Q Was James Connell there when you came back?

A No, he left the house before I did.

Q You saw James Connell there that evening?

A Yes.

Q At what time did you go out of this house the last time, that is before coming back the last?

A It must have been about half-past 10.

Q Where were you from that time until the time you came back at 12, or 1 o'clock in the morning? [Adjusted to.]

A The most of the time walking the streets, what I often had to do.

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Q Why did you leave the house this evening at half-past 10?

A Because I saw them drunk, they both were near drunk and they wanted more liquor and I gave them none and I generally left the house to them when they were fighting for this liquor.

Q Were they on this night?

A Yes sir.

Q What time did you return after that?

A I think it must have been after one o'clock.

Q State what you found?

A As I was going out of the house the mother was sitting on the chest and the son next to her.

Q Now when you came back?

A She laid along the floor and he alongside her. She was dead and he asleep or at least let on to be asleep; I tried to wake him up and I could not move him.

Q What did you do?

A I went then for the daughter down to that street.

Q And she came up to the house with you?

A Yes sir.

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Q Did you go after any other person?

A No, I did not. From the time I got back ^{with my knee} I did not leave the house until I was arrested.

Q Did you have that pistol in your possession that night after you laid it up on the shelf?

A No sir.

Q Did you fire the shot at this Ellen O'Connor?

A No sir.

Q Do you know this witness Mary Morrison?

A Yes sir.

Q She is a sister of this woman now dead?

A Yes sir.

Q You heard her testimony upon the stand yesterday?

A I could not hear it she spoke so low.

Q Did you ever at any time say to her that you shot this woman?

A No sir, never.

Q Did you ever confess to her that you shot her?

A No sir.

Q Did you ever make any proposition

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to her to fasten this crime upon Patsy Anglemann because he was a boy?

A Never.

Q Did you ever tell her where this pistol was hid?

A No, I did not.

Q You never said anything to her about it?

A No sir.

Q You heard her testimony this morning?

A Yes sir.

Q That you told her where the pistol was hid and you did not know how to get off unless you made out Ellen O'Connor to be an improper woman?

A Yes sir.

Q Did you ever say that?

A No sir.

Q Did you ever have any such conversation with her on that subject?

A No sir.

Cross Examined

Q How long had you been living in that house on the 9th of October?

A I was going on the second month.

Q How long had you owned this pistol?

A Five or six years I think if it be the one.

Q Were there powderies constantly about

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that house?

A. These were the most of the time I was in the house.

Q. Did you not go about two weeks before the 9th of October to Mrs. Huse's house and ask for some cartridges for this pistol?

A. Yes.

Q. Did you not on the afternoon or evening of that day show her some cartridges that you had bought or obtained which fitted this pistol?

A. Yes.

Q. Before that time and while you were living in that house had you bought any cartridges?

A. Yes, I think so.

Q. Where before?

A. Perhaps about two weeks before that.

Q. From whom did you buy them?

A. I bought them at a hardware store on 3d Avenue.

Q. What part of 3d Avenue?

A. I could not tell you, somewhere from 20th to 30th Street.

Q. How many did you buy?

A. I did not count them. May be 20 or 30.

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Q What had become of them?

A I don't know, used a great deal

Q Who used them?

A I used some.

Q How did you use them?

A Practised on the fence

Q What fence?

A Up in the woods

Q Where in the woods?

A Above the Colosseum.

Q What were you practicing with a pistol for?

A For nothing. I didn't mean no harm by it.

Q You never had occasion to use that pistol to scare away any rowdies, had you?

A Certainly I did.

Q Where?

A I never did use it on the rowdies for I did not get any chance.

Q Then they could not have been much about your house?

A Yes, there were plenty there.

Q And you were not keeping that pistol to scare them off?

A Yes, I was.

Q Now in the evening of the

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October what rowdies did you see there?

A I saw three of them there, right at the end of the railing by the new tobacco factory, looking through the window.

Q At what time did you see those three men standing there?

A I saw them early in the evening, and I saw them about 9 o'clock there.

Q Simply standing there?

A Yes, and looking down in the basement.

Q Did they try to get in the house?

A Not when I was there, I saw them before throwing stones.

Q When?

A Some three weeks.

Q I am talking of the evening of the 9th of October.

A They didn't throw any that evening.

Q Some three weeks before some rowdies tried to throw stones?

A They did throw them.

Q You were in the house?

A Yes.

Q You had a pistol?

A Yes.

Q And had cartridges?

0037

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Q Yes.

Q You did not use it to scare them off?

A I had it in my hand but I didn't fire it. I might shoot some person on the sidewalk.

Q Did you threaten them with the pistol?

A I did when they threw in the stones. I had it in my hands and I showed it to them to frighten them away.

Q Where were you standing?

A On my own floor.

Q Did you say anything to them?

A I told them to go away from there. They wanted to get me out.

Q Did you point it at them?

A I raised it in my hand and I showed it to them.

Q Now on this evening of the 8th of October you say you saw those three standing near that railing?

A Yes.

Q When first?

A Four or half past 4.

Q Then you did not see them after that until a later hour?

A No.

Q What was that hour, nine?

0030

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A Yes, I suppose so.

Q Each time you passed them?

A I turned up the avenue and they were on the other side; I did not pass them.

Q You did not speak to them and they did not speak to you?

A Yes.

Q That was all there was of it?

A Yes.

Q Had you been drinking that evening?

A Yes; I took a two glasses of ale but nothing to affect me.

Q What was your condition when you came home the last time that night between 12 and 1 o'clock?

A Quite sober.

Q Perfectly sober?

A Well sober I was. While I was out I had two glasses of ale, I don't think that could affect me.

Q That was all?

A Yes.

Q About what hour was it you came there the last time?

A I could not exactly tell. It was after one, I think.

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Q Between the time you went out and after one o'clock when you returned where were you?

A On the street.

Q What street?

A Well the streets in the neighborhood, the avenues, I walked around.

Q When was the last time you went out when you returned about 1 o'clock when was the last time?

A It must have been somewhere between 10 and 11 when I went out last, I think.

Q You came home in the afternoon between 4 and 5, did you not?

A Yes.

Q How long did you stay there?

A About three hours I think at that time.

Q That would be until between 7 and 8 o'clock, then you left?

for a
A I went out for a short time, right on the corner to fix a lock for a lady.

Q How long were you out?

A About half an hour, I suppose.

Q Where where did you go to?

A Came back to the house.

Q That would make it about 8 o'clock?

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A Somewhiles about that. There was a man inside where I came.

Q How long did you stay there then?

A I aint but for I saw them drinking all at the table.

Q Where did you go to?

A Up the street as far as 2^d avenue, around 68th street, travelled about, I was not particular where I went to, had no certain place to go to.

Q When did you get back home?

A I was out about an hour, I suppose.

Q Then you got back about 9?

A Yes.

Q How long did you stay in the house then?

A About an hour and a half I should think or two hours.

Q Then where did you go to?

A I went out the same way again, walked around the streets and avenues.

Q And then you came back to the house at some time after one o'clock?

A Yes.

Q What did you find then?

A I found the mother and son lying on the floor, one dead and the other

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asleep.

Q Then you went to Mrs. Hesse's?

A Yes.

Q And you came back with her?

A Yes.

Q You had these keys on your person?

A Yes.

Q Who kept those keys?

A I always did.

Q You have stated that you opened that chest?

A Yes.

Q When did you open it?

A It must have been between 6 and 7 o'clock.

Q Are you very sure of that?

A Yes.

Q When you found your wife in that state lying on the floor did you make any attempt to disrobe her and put your hand upon her person to find out whether she was warm or cold?

A Yes, I did.

Q Why did you not go for a doctor?

A She was dead then.

Q Why did you tell Mrs. Hesse when you went to her house that her

After that
the woman
saw

0842

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mother was dying?

A I didn't want to frighten the woman.
Q How long had this pistol been loaded before the 8th day of October?

A I could not say.

Q It was not loaded two weeks before when you went to Mrs. Huse's house and asked about the cartridges?

A Yes.

Q You got the cartridges that day; did you load it then?

A I don't know as I did.

Q Do you remember what sort of cartridges you bought?

A I could not tell exactly.

Q Cartridges are numbered, are they not?

A That I don't know for I never bought any before that. I didn't know the use of them.

Q You never bought any cartridges before the evening of the day that you went to Mrs. Huse's two weeks before this tragedy happened?

A No, I never bought any previous to that. I didn't know they went by numbers.

Q You bought them twice, didn't you?

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A Yes, not but once.

Q Did you not live very near the Station-house?

A Yes.

Q Did you ever go there and complain of rowdies?

A No, I did not.

By the Court.

Q You spoke of going out to get your pay, pay for what?

A For labor, carpenter work.

Q From whom did you get your pay?

A John McClann.

Q Where did you go to him?

A About 4 o'clock in the evening.

Q Before you got home?

A I went before I got home and I went out after I got home. I didn't get paid first.

Q Where after did you go to get your pay?

A After 7 o'clock.

Q Was it before or after you put the pistol on top of the closet?

A It was after I put it on top of the closet. I went out first about 4 o'clock to get my pay and the man was not home and then I went out

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between 7 and 8,

Q Was the man home anytime?

A Yes, and I got my pay

Q You saw Mr. McCarver that evening?

A Yes.

Q And he paid you?

A Yes.

Q How much did he pay you?

A \$3.50 I think.

Q What was his business?

A He keeps a liquor store.

Q What had you done for him?

A A water closet I put up.

Q Where is his place?

A 410 Fifty-ninth street.

By Mr. Requir:

Q Had you had a steady job with anybody before that?

A Yes.

Q At that time, was the 8th of October?

A No.

Q How long before that time had you had steady work?

A Some two weeks.

Q Then you had been idle about two weeks?

A Yes.

Q Before those two weeks for whom were

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75-

you working?

A Mr. Matthew Baer.

Q Where?

A Next door to where I lived.

Q How long had you been working for him?

A All summer.

Q What kind of work, carpenter's work?

A Yes.

By the Court.

Q Was there any conversation between you and Mary Morrison as to who committed this homicide?

A No.

Q No talk about it at all?

A No.

Q Was there nothing said about getting a physician's certificate?

A Yes, she spoke of that. She proposed that to me.

Q What did she propose?

A If I got a certificate she would pay the expenses of having her buried.

Q What did you say about getting a certificate?

A I said I would see if I could get one.

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Q Did you mention any physician's name?
Did you mention the name of Dr. Dwyer?

A Yes, I believe I did.

Q What did you say about him?

A I said I would go and see if he would give me one, but I didn't go.

By a juror.

Q What time did you take the pistol out of your chest and put it on the shelf?

A Somewhere between 6 and 7 o'clock.

Q The next time you came back it was about 9 or 10?

A Yes.

Q Did you look to see whether the pistol was in the same place?

A No, I did not, I did not think of it.

James O'Connell, sworn for the defense,
testifies:

Q Where do you live?

A 1160 First Avenue.

Q How long have you lived in the city of New York?

A Seventeen years.

Q What is your business?

A Repairer in a chair factory, 3rd Street

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and 11th Avenue.

Q Do you remember of hearing of the shooting of this Ellen O'Connor sometime last October?

A I heard of it the next day.

Q Now go to the day before the shooting. Was you there in the evening?

A Yes; about half-past 8 I went in and came out about half-past 9.

Q Who was in there when you went in?

A No one. I was standing on the corner of 59th Street and 1st Avenue and she came over and asked -

Q This dead woman?

A Yes.

Q How far is that from 404?

A Just opposite.

Q How many houses are there from 404 where they lived up to 1st Avenue?

A Three.

Q A short distance?

A Yes.

Q And while you were standing there Ellen O'Connor came to you.

A Yes; she asked what was the reason those boys came and pissed in front of her door. I said I didn't know.

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She said it was a shame for them to come there. I came over and her son Patsy was standing with the boys with an empty can. She said it was piss but he said the boy spilt his beer. She said to come down stairs. So he said Riley spilt his beer and almost cried and I give him the price of a pint of beer and his mother went for it and brought it in and there were three glasses and he drank a glass and a half and I had a glass and his mother. So we were talking how long she knew me, she said she knew me since I was a little boy. So we sat a while talking and I started to go home and she said, "Wait until John comes in. He has gone to get his pay."

2- John O'Connor?

Q- Yes. So as she went for the pint of beer the boys hollered for Patsy to come up. He says, "By God, I will fix somebody." So he put his hand up and took down something but I didn't see what. He put his hand up on the top shelf of the closet and

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looked it down and put his hand to his hip pocket. I didn't see nothing in his hand.

Q At the time he did that what did he say?

A Before he put his hand there he said, "By God I will fix somebody." So he came and looked out of the window and came and sat down alongside me. His mother came in with the beer. After having the beer I got up to go home. She said, "Wait till John comes." So I sat down. She asked about getting Patry a job. She said he might get work in the cigar factory. There was a new factory there. I went for another pint of beer and each had a glass, and Mr. O'Connor came in and took off his coat and hung it up on the jamb of the door and sat down alongside the stove and asked how I was getting along, where I was working.

Q What was his condition as to being drunk or sober?

A O'Connor was sober. Then Patry came up and asked if I knew where he

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Whore

could get work and Mr O'Connor said, "Why didn't you work when I got you a job?" He said, "I would not clean no bricks for a dollar a day." He got to growling to Patsy about work and the mother says, "He should get work, he is living long enough dependant on me." So Mr O'Connor says something to his wife about her drinking and that she was a whore. She said, "I am no whore." "Yes you are; I caught a man in bed with you." Then she says, "Where is my child?" and he says, "There he is lying at your feet." The little boy had laid down a few minutes before the father came in. Then she says, "John, take off my shoes." He said, "Indeed I will." So then I went out. I was there until about half past 9.

Q Then the next day you heard of the shooting?

A The next day about 11 o'clock I heard she was shot.

Cross Examined.

Q Where you met her at the corner and had the conversation you have

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given you noticed some pictures near her door?

A Yes.

Q How many?

A There was about five of them, and he saw with an empty can in his hand.

Q Then the can went into the house with the mother and yourself?

A Yes.

Q And after you had gone into the house were there some persons that came to the front of the basement and looked in?

A They looked over the railing and called for Patry.

Q These same boys?

A Yes.

Q And it was then he went to this closet and made a motion as if taking something.

A Yes.

Q But you saw nothing in his hand?

A Yes.

Q Then he came and sat by you?

A He looked out of the window and came and sat by me.

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Thomas O'Callaghan, sworn for the defence,
testifies:

Q Where do you live?

A 429 East 59th street.

Q Do you know John O'Connor?

A Yes.

Q What is your business?

A I have an interest in three saloons,
myself and my brother have got three.

Q Were you an agent for real estate?

A Yes.

Q Agent for the real estate which Mr O'Connor
occupied in March last?

A Yes; he occupied rooms.

Q Who occupied the rooms?

A John O'Connor, his wife, step daughter, step son
and his own son.

Q What time were they there?

A Sometime in March, I don't know what
time it was.

Q Did you know anything of the character
of this Peter Angliman and this woman or
about their quarrelling?

A I knew he used to quarrel with her. I saw
him one day strike his mother and she
went to the station house for an officer,
and when the officer came there he

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went out on the fire escape and the officer could not get him and he clung to the fire escape and they beat his knuckles but he clung until finally he jumped from the second story into the back yard.

Q Do you know of more than one occasion of their quarrelling?

A Several times

Q Did you know John O'Connor at the time, the prisoner?

A Yes.

Q What was his appearance during that time as to being a steady, industrious man, or a drunkard?

Objected to.

Q Do you know his general character at that time?

A I know him to be honest. I heard everybody speak well of him. The man he was working for said he would give him work for forty years but for the crowd around

him.

Q Did you ever hear any other person talk of him?

A Several. I heard my brother speak of him.

Q Where?

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Q When?

A Two years ago.

Q Where?

A 429 East 59th Street

Q What did he say?

A I heard him say he was an honest man.

Q How did he come to say it?

A We were speaking about work he done for us.

Q Did you hear anybody else?

A Joseph Michael Cronin.

Q When did he speak to you about him?

A Last night.

Q Can't you mention somebody else?

A I don't think of anybody else.

By Mr. Swift

Q In that vicinity did you ever hear anybody speak bad of Mr. O'Connor?

A No.

X Abram Doubrey, sworn for the defence, testifies:

Q Where do you reside?

A 28 East 75th Street.

Q Your business?

A Builder.

Q How long have you known John O'Connor?

A About 15 years.

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Q During that time have you known his general character?

A Yes, sir.

Q Is it good or bad?

A In my estimation it is very good.

Q Examination.

Q It is not your estimate but the estimate of others of his character. Have you ever heard others speak of it?

A Never, sir.

Thomas McGuire, sworn for the defence, testified:

Q Where do you reside?

A 411 East 59th street.

Q Do you know Patrick Anglin, the witness who has been on the stand?

A Yes, sir.

Q You knew the deceased woman?

A Yes, sir.

Q Did you know of their quarrelling together?

A I did.

Q Where?

A On several occasions.

Q What did you see?

A I was called in there one evening. She said she was afraid to stop in the

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house with him. He had a lamp in his hand and I took it away. He was going to throw it at her. I put him out of the house.

Q At that time was he partially intoxicated or under the influence of liquor?

A Yes.

Q He is most of the time?

A Most of the time I saw him.

Q Do you know of any other occasion?

A Yes. I was working down stairs on the floor underneath one time, the prisoner and I, and she called me up stairs again. I put him out and followed him into the yard and he picked up a brick to fire at me and I held him while his step father went for an officer to have him arrested.

Q What is his general character as to being quarrelsome under liquor, do you know?

A I do.

Q Is he or is he not?

A He is.

Q How long have you known John O'Connor?

A Between 8 and 9 years.

Q During that time have you known his general character by reputation among the

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people?

Q Yes.

Q Is it good or bad?

A Good.

Cross Examined.

Q You have referred to two occasions, when was the first of these occasions?

A I could not exactly tell you. It must be about two years ago.

Q Where was it?

A 427 East 59th street, the rear house.

Q I understand you to say that at that time his mother came to you and asked you to go to this house?

A Yes.

Q That you went there and found Patsey with a lamp in his hand intoxicated?

A Yes.

Q You took the lamp away from him?

A Yes.

Q You said something about his being about to throw the lamp at his mother?

A She told me.

Q What did you see?

A I saw him standing on the floor with a lamp in his hand.

Q And you took the lamp away?

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A Yes, and put him out.

Q Now what was the next time?

A It may have been two or three weeks after that or probably a month.

Q Two or three weeks or probably a month after two years ago?

A Yes.

Q And he was intoxicated again?

A Yes.

Q And his step-father had him arrested?

A Yes.

Q Now are you a friend of Mr. O'Connor?

A No.

Q Or a friend of his son?

A No.

Q You know them?

A Yes.

Q Has anybody talked to you about this case?

A I have been talking to several people around. I have talked with Mr. Brown about it, my uncle; I was talking to Mr. Baer about it, just spoke to him about it.

Q Have you talked to Mr. Swift?

A No.

Q You have sworn that the general rep-

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statement of the prisoner is good.

A Yes.

Q You understand when you swore to that, what you have heard people say &

A Yes, and what I have seen myself.

Q Who have you ever heard say of the prisoner that he was an honest, good man?

A I would have to go over with a good many.

Q Suppose we begin with one?

A Mr. Devine for one.

Q When did he tell you?

A I guess a couple of days after this thing occurred.

Q Can't you remember anybody who talked about him before this thing occurred?

A Yes, I have heard the two Callaghans.

Q The gentlemen on the stand a moment ago?

A Yes.

Q Anybody else?

A Yes, Mr. O'Donnell.

Q When?

A Two or three years ago. He said he was a good, decent man. We were talking about him one time, about his work

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and he said he was ^{about} the dearest man around there.

Q You have known him a long time?

A Yes.

Q Do you remember anybody else?

A Yes, Mr. O'Brien.

Q Where did Mr. O'Brien talk to you about it?

A It must be a year ago.

Q You remember it very distinctly?

A Yes, and Mr. Lynch.

Q Where did he talk to you about it?

A A year ago.

Q You remember very distinctly what he told you?

A We were all talking together talking as we were standing on the sidewalk. He said he was a decent man.

Q What did the next man say a year ago?

A I don't think of any others.

Frank Sikes, sworn for the defendant, testified:

Q Where do you live?

A 404 East 59th Street.

Q In this house where Mr. O'Connor lived?

A Yes.

Q How long had they lived there?

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A So far as I know a little over a month.

Q How long have you lived there?

A About five years.

Q You know Patrick Angelman?

A Yes, I know him before he moved there. He lived on the street down below. I don't remember the number.

Q You knew Ellen O'Connor?

A Yes, since she had been living in that house. I had never spoken to her.

Q Now within that month or six weeks that they had been in your place how about Angelman and his mother quarrelling? Had you heard them quarrelling?

A Yes.

Q Can you state any time?

A No, I cannot state the time but I have heard them quarrel.

Q Were you in the room yourself?

A No, in my own room.

Q You heard them from their room?

A Yes, I lived right over them.

Q What did you hear?

A I didn't take notice, only I heard the

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groul of angry words. I heard that several times during this month.

Q Did you see Patsy several times during this month?

A Yes, evening and mornings.

Q What was his condition generally?

A Most of the time he was talking to the boys and drinking.

Q And the woman also?

A Yes, she came out several times standing outside talking with the young men and drinking. They would be drinking in front of the door. I could see it from my window.

Q Do you know of these people being around there?

A They were there mostly all the time.

Was Examined

Q You lived above there?

A Yes, just one flight.

Q Well you heard the sound of voices below?

A Yes.

Q As if in anger?

A Yes.

Q Did you know the voices?

A I knew Patsy's.

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Q Was one of those voices his voice?

A Yes.

Q Did you know Mrs O'Connor's voice?

A Yes, I generally knew because Anglinman would not be in.

Q Do you swear you know those voices you heard?

A Yes.

Q Whose voices were they, to your knowledge?

A I think Patrick Anglinman's

Q You are not sure?

A Not quite sure.

Q Whose voice was the other?

A This woman's voice.

Q Did you know the voice?

A I ain't quite sure, but the two were generally in the room.

Q You were not in their room?

A No. I never was in their room.

William O'Callaghan, sworn for the defence,
testifies:

Q Where do you reside?

A 335 East 47th Street.

Q Do you know Patrick Anglinman?

A Yes.

Q Did you know Ellen O'Connor, the

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woman now dead?

Q Yes.

Q Can you tell any transaction or quarrel you saw between the two?

Q Yes; I saw them quarrel a few times.

Q Do you remember a time when this woman came to you for protection from this boy?

Q Yes; this woman came into my place one day and she was in a great fright and I asked what was the matter. I did not want her to come inside at all for she was an habitual drunkard. I went to the door to see if there was anything wrong with her and I saw Anglin standing on the sidewalk with a small axe in his hand. I told her I didn't want her in the store. I said for her to go out the back way. I didn't want them to smash my windows.

Q What did she say?

Q She said no more than that, that she was afraid, that her son was after her and that John was not at home - her husband. I seen John O'Leary sitting inside my store.

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one night and she came in in a
fright and said Patsy was murder-
ing her and to have him come out
and protect her, and John O'Connor
said "I don't want to have nothing to
do between you, Pull it between you"

Cross Examined.

Q When was this that you say you
saw Anglin with a hatchet in his
hand?

A I could not exactly give you the date.
It isn't more than two years ago anyhow.

Q Where were you living then?

A 429 East 59th street.

Q What was your business?

A Liquor business.

Q Were you in the habit of selling Mr.
O'Connor liquor?

A Well sometimes I would

Q And of selling Patrick Anglin liquor?

A Yes, sometimes. When he came for it
I gave it to him all the time for
money.

Q Now about the time of the second
transaction, when Mr O'Connor was in
your bar-room; where was that?

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A It is later than two years since, I know I had him do a job about two years ago and it was after he did the job.

Q How long after?

A I don't know.

Q What was Mr. O'Connor doing in your bar room?

A Sitting down there.

Q Drinking?

A Well sometimes he would have a drink.

Q And his wife came in?

A Yes.

Q About what time of day was this?

A About 7 or 8 o'clock. It was sometime after night time. I could not tell exactly; I did not keep no track of it.

Q What did she say?

A "John, come out, I am afraid Peter is going to murder me."

Q Are you sure she used those words?

A I am, yes.

Q Just exactly those words?

A Well, it meant the same.

Q Did she use those words?

A I don't know. She may be able

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to express it in a more polite manner than I can.

Q Then you are not sure as to the language she used?

A No, but I am sure that is the meaning of it.

Q And he refused to go out with her?

A He did. He said for them to pull it between them.

Q He would not go out with her?

A No.

Q She went out alone?

A Yes.

Q Did you go out?

A No.

Q Then you did not think there was anything very serious about the business?

A I did not take any interest in it.

Herman Herman, sworn for the defense.
testifies:

Q Where do you live?

A Corner of 59th Street and 1st Avenue.

Q Do you know John O'Connor?

A I do.

Q How long have you known him?

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A. At least eight to ten years.

Q. During that time have you known his general character?

A. I do, yes.

Q. Is it good or bad?

A. I think he is about as good a man as I have ever seen in his character.

Q. A peaceable and quiet man?

A. Yes.

Examiner.

Q. You understand that a man's general character is what people say about him?

A. What I see, I only speak of what I know of my own knowledge.

Q. You have not heard anybody talk about him?

By Defendant's Counsel.

Q. You say you have known him for 8 to 10 years?

A. Yes.

Q. During that time have you ever heard anybody speak ill of him?

A. I have not.

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Philip Ahern, sworn for the defense, testified:

Q When do you reside?

A 330 Avenue A.

Q Your business?

A Deputy Sheriff of the County of New York.

Q How long have you been a deputy sheriff?

A Going on the third year.

Q Do you know John O'Connor?

A I do.

Q How long have you known him?

A Twelve or fourteen years.

Q During that time have you known his general character?

A Yes, I thought so.

Q What is it?

A Very good.

~~Cross Examined~~

Q You have heard people talk about him?

A No, not a bit.

Q You never heard anybody talk about him?

A No, no. He worked for me several times, I never heard a word said against his character.

Defendant rests.

0870

100

Patrick Anglin was recalled.

By a Juror.

Q What light was there in the room at the time you say you saw your step-father with the pistol in his hand?

A Lamp light.

Q What kind of a lamp?

A One of those common lamps, oil lamp.

Q Was that light turned up high or low?

A Not very high or very low.

Q Was it so you could distinguish very plainly?

A Yes sir.

Q With what did you cover yourself?

A I had a coat.

Q What did you put over your head?

A A coat over my shoulders.

Q Taken off of your body and thrown over?

A Yes sir.

By Defendants Counsel.

Q Was there a chimney on this lamp?

A I could not say whether there was this night or not.

Q Your best recollection?

A I don't know.

Q By Mr. Requiring Did that lamp ordinarily

0871

101

Have a chimney?

A Yes sir.

Q Your recollection about that is not distinct enough now to say whether there was a chimney on this lamp or not?

A No sir.

Q Is it distinct enough to say whether this lamp was turned down or not?

A It was high enough so I could distinguish.

Q Was the lamp turned down or up?

A It was turned up high enough to distinguish.

Q Tell me how you can tell that and still do not know whether there was any chimney on the lamp?

A The chimney was broken a few nights before that I think.

Q To the best of your recollection is it not a fact that the chimney was broken and there was none on this lamp?

A Yes sir.

Q You now remember it?

A I do not, I would not say.

Q Your best recollection is that the chimney

0872

102

was broken?

A Yes.

Q What coat was this, and that you had been wearing during the day?

A Yes, another coat.

Q You laid down with your clothes on that you ordinarily wore?

A Yes.

Q And this coat was one that you took down and put over your?

A A coat hanging inside the bedroom that I took before I laid down.

Q Now tell us on this chart where that lamp was?

A On the mantelpiece, to the best of my knowledge or on the table.

Q Where was the table?

A Between the two windows. It was either one place or the other. I could not swear which place. I don't remember.

Testimony closed.

0073

Witnesses in McCann Case

Patrick Doyle

James O'Connell

Malcolm Haug

Henry O'Connell

John Ryan

James J. Carroll

Joseph E. O'Donnell

0874

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Case of Ellen O'Connor

SUBPOENA

FOR A WITNESS TO ATTEND THE

COURT OF OYER AND TERMINER.

The People of the State of New York,

To *Dr Goldschmidt*

of *No. 600 Broadway*

Street.

Oct. 10, 1881
Being Ball taken from body

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court House in the Park of the said City, on the day of *Friday* instant, at the hour of 10:30 in the forenoon of the same day, to testify the truth and give evidence in our behalf against *15*

GREETING:

in a case of felony, whereof *he* stands indicted. And this you are not to omit under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the First Monday of *October*, in the year of Our Lord 188

John O'Connor
Daniel G. Rollins
DANIEL G. ROLLINS, District Attorney.

0075

To whom it may concern
This is to certify that
Catherine Weiss has been
sick and under my
care for the past two days.
She is now better but not
able to sit up and will
be unable to be out under
two days and possibly longer.
Her illness is Pelvic Cellulitis
and Peritonitis. "Inflammation
around the womb"

E. J. Maxwell M.D.

207 E 58th St.

Jan 10/82 -

0876

DISTRICT ATTORNEY'S OFFICE,

New York, 188

Subpoena James O'
Connell in case of
James O' Connor. —

H. D.

Lives in neighborhood of
place where killing took
place //

0877

Court of General Sessions of the ~~County~~ of ~~the City and County of New York.~~ THE PEOPLE OF THE STATE OF NEW YORK,

The Grand Jury of the City and County of New York by this indictment accuse *John O'Connor* against *John O'Connor*
of the crime of ~~Murder~~
committed as follows:
The said *John O'Connor*

late of the ~~Twentieth~~ Ward of the City of New York, in the County of New York, aforesaid,

on the ~~Twentieth~~ day of ~~October~~ in the year of our Lord one thousand eight hundred and ~~seventy-eight~~ *one* at the City and County aforesaid, with force and arms, in and upon one *Ellen O'Connor* in the peace of the People of the State, then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of *her*

the said *Ellen O'Connor* did make an assault, and that the said *John O'Connor*

a certain *revolver* then and there charged and loaded with gunpowder and one leaden bullet, which said *revolver*

the said *John O'Connor* in *his* right hand then and there had and held to, at, against, and upon the said *Ellen O'Connor*

then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Ellen O'Connor* did shoot off

and discharge, and that the said *John O'Connor* with the leaden bullet aforesaid, out of the *revolver* aforesaid, then and there, by

force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said *Ellen O'Connor* in and upon the *left side of the body*

of *her* the said *Ellen O'Connor* then and there feloniously, wilfully, and of *his* "malice aforethought," did strike, penetrate,

and wound, giving to *her* the said *Ellen O'Connor* then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth,

and shot out of the *revolver* aforesaid, by the said *John O'Connor* in and upon the *left side of the body* of *her* the said

Ellen O'Connor one mortal wound of the breadth of *one* inch "es," and of the depth of *eight* inch "es," of which said mortal wound *she* the

said *Ellen O'Connor* at the Ward, City and County aforesaid, "from" the day aforesaid *then and there died*

and in the year aforesaid, "until the ~~is the same year aforesaid, did languish, and languishing did live, and on which~~

day of ~~in the year aforesaid, the said~~ at the Ward, City and County aforesaid, of the said mortal wound" did die.

And so the Jurors aforesaid, upon their oath aforesaid, do say that *he* the said *John O'Connor* *her*

the said *Ellen O'Connor* in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and

in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of *her* the said

Ellen O'Connor did kill, and murder, 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.
DANIEL C. ROLLINS,
~~BENJ. K. PHILLIPS~~ District Attorney.

0878

BOX:

52

FOLDER:

607

DESCRIPTION:

O'Neil, Thomas

DATE:

11/17/81



607

0079

No. 410 P. 12, 21st

Unsettled
ed. 17 day of Nov 1881
eased
P. 12, 21st

INDICTMENT.
Grand Jurors of Monroe, La.
And Res. John Goods

THE PEOPLE

vs.
18th March

Thomas O'Neil.

DANIEL G. ROLLINS,

District Attorney.

True Bill.

Wm. H. H. H. H.

Foreman.

Part Two. Nov. 21-1881

Pleas do. P. L.

Pen 6 months.

00000

3^d District Police Court.

The People vs.
on the complaint of
Jacob Seebacher } Grand Jury
vs
Thomas O'Neil

City and County
of New York } ss:—

Jacob Seebacher being
duly sworn and examined deposes
and says, as follows:—

Q. What is your name, age, residence
and business?

A. Jacob Seebacher, age 57, residence
No. 155 Clinton Street, and by pro=
fession an ~~engineer~~ auctioneer.

Q. What complaint have you to make
against Thomas O'Neil (nowhere)?

A. On the 4th day of October 1881, in
the day time, at the City and
County of New York I was in
premises on the ^{North east} corner of Jackson
and Front streets and that while
there I took off both of my coats
and placed ^{them} on a desk. A few

0001

minutes thereafter I looked for my said coats and could not find them. At the time I took my said coats off of my person said Thomas O'Neil was present in the saloon of said premises.

In the outside pocket of one of the said coats was contained good and lawful money of the issue of the United States Government consisting of diverse bills or notes of various denominations and values and in all amounting to the sum of One Hundred and ten dollars. The value of said coats is about Twenty five dollars. Said property being in all of the value of One Hundred and thirty five dollars, my personal property.

I charge Thomas O'Neil with stealing the said property for the reason that I am informed by Oliver Sullivan that he caught said O'Neil after the said property was taken on the dock foot of Grand Street East River and that said O'Neil got the said coats from the ^{garage} ~~stable~~ yard near by the said dock and that said

0002

coats were afterward shown to me
and which I fully identified as
my coats stolen as aforesaid.
At the time the coats were
returned to me there was no
money contained therein.

Sworn to before me this }
7th day of November 1881 } J. Seebacher
Alb. C. Kane
Police Justice.

City and County }
of New York } ss:

Dennis Sullivan
being duly sworn and examined
deposes and says, as follows:-

Q. What is your name, age, residence
and business?

A. Dennis Sullivan, age 36 years, residence
No. 406 Grand Street and by occupation
a liquor dealer

Q. State what you about this case?

A. I was in the saloon with Jacob
Seebacher and ~~and~~ a number
of others including Thomas
O'Neil (here present). I heard
Mr Seebacher say that he had

0003

lost two coats from the deck when
he had placed them and he also said
that there was a large sum of money
contained in the pocket of one of
said coats. I started out to look
for the thief and on making inquiries
ascertained that a man with two
coats in his possession had gone
along towards the Grand Street dock.

I followed and found Thomas
O'Neil sitting on the string piece
of said dock and I accused him
of stealing the coats when he
accompanied me to a spar yard
near by and he O'Neil took from
behind two large grind stones
the said coats and handed them
to a man named James Walker
who was in company with me.
I then caused his arrest.
O'Neil said he would get the
money.

Shown to before me this } L. J. Sullivan
7th day of November 1881 }

~~John A. Sullivan~~
Justice

0884

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

30 DISTRICT POLICE COURT.

Thomas O'Neil 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 ☒ waived cannot be used against him on the trial,

Question. What is your name?

Answer.

Thomas O'Neil

Question. How old are you?

Answer.

17 years of age

Question. Where were you born?

Answer.

New York City

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

Answer.

St. Madison Street; about 2 years.

Question. What is your business or profession?

Answer.

Laborer

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 was sitting on the dock when this Sullivan came up and pointed a revolver at me saying get those coats or I shoot you. I told I would get the coats but I did not take them. The men then did put them in the yard in Cherry Street. I got the coats for Sullivan.

Taken before me, this

day of

7th November 188

Thomas O'Neil

John H. H. H.

Police Justice.

0885

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

Sec. 208, 209, 210 & 212.
Police Court - 3. District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph DeLoach
155 Clinton St.
1037

Thomas O'Spail

1
2
3
4

Offence, Grand Larceny

Dated November 7, 1881

Wm. A. McManus Magistrate.

William A. McManus Officer.
131st Street

Clerk.

Witnesses: Dennis Sullivan

No. 106 Grand Street,

No. _____ Street,

No. _____ Street.
NOV 10 1881

DeLoach

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 Thomas O'Spail

held to answer the same and be
guilty thereof, I order that he be admitted to bail in the sum of 100 Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated November 7 1881 Wm. A. McManus 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.

9886

Sec. 208, 209, 210 & 212.

Police Court-- 3 - District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob Deebacher
155 Clinton St.
Thomas O'Neil

BAILED,

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

2 _____
3 _____
4 _____

Dated *November 7th* 1881.

C. A. Wanner Magistrate.

W. J. Ryan and O. J. Ryan Officer.
13 1/2 cents

Clerk.

Witnesses *Dennis Sullivan*

No. *406 Grand* Street,

No. _____ Street,

No. _____ Street.

Sen.

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

Should answer the same and be
guilty thereof, I order that he be admitted to bail in the sum of _____ Hundred Dollars _____ and be com-

mitted to the Warden or Keeper of the City Prison until he give such bail.

Dated *November 7th* 1881
Thomas O'Neil Police Justice.

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

Dated _____ 188 _____
Police Justice.

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

Dated _____ 188 _____
Police Justice.

0007

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

THE PEOPLE OF THE STATE OF
NEW YORK,

Thomas O'Neil

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

Thomas O'Neil

of the crime of

Larceny

committed as follows:

The said

Thomas O'Neil

in the County of New York, aforesaid, on the *fourth* day of *October* in the year of our Lord one thousand eight hundred and eighty-*one* at the Ward, City and County aforesaid, with force and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each: two hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each: five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

Two cents of the value of twelve dollars and fifty cents each.

of the goods, chattels, and personal property of one

Jacob Seebacher

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.

0000

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

Thomas O'Neil

of the CRIME OF RECEIVING STOLEN Goods, committed as follows:

The said

Thomas O'Neil

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,

and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each: two hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each: five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

Two coats of the value of two dollars and fifty cents each.

of the goods, chattels and personal property of the said

Jacob Seebacher

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

unlawfully, unjustly, did feloniously receive and have (the said

Thomas O'Neil

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

DANIEL G. ROLLINS, District Attorney.

0889

BOX:

52

FOLDER:

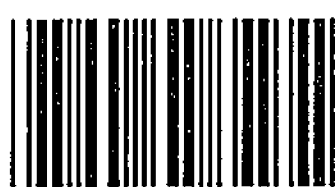
607

DESCRIPTION:

O'Neill, John

DATE:

11/18/81



607

0090

BOX:

52

FOLDER:

607

DESCRIPTION:

O'Connor, David

DATE:

11/18/81



607

0891

BOX:

52

FOLDER:

607

DESCRIPTION:

Keenan, Jeremiah

DATE:

11/18/81



607

0892

Enfermerie

0893

Police Office, First District.

City and County
of New York,

of Robert G. Stevenson Street, being duly sworn,

deposes and says, that ~~the premises No.~~ A Railroad car in Hudson

Street, 5th Ward, in the City and County aforesaid, the said being a Railroad car

used and ~~the Hudson River Railroad Company~~ as a depository

for goods & Merchandise, ~~was~~ BURGLARIOUSLY

entered by means of forcibly breaking open

the door of said Railroad Car

on the Ninth of the 28th day of October 1887

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

Two pieces of Muslin
containing about fifty ~~yards~~
& of the value of five dollars

the property of The Hudson River Railroad Company
an association incorporated under the laws of the State of New York

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 Meil & David Connor & Jeremiah
Keenan ~~and there~~ another person who escaped

for the reasons following, to wit:

That deponent ^{about} the
hour of three o'clock in the afternoon
of said day discovered that said
Railroad Car which was standing
on the track in Hudson Street was
broken & the aforesaid property
taken from a case of goods in said
Car. & deponent is informed by

0894

Officer Handy that the defendants
within named admitted to him that
they in Company with said other who
escaped did break open & take from
said Car the aforesaid property and
further they the said defendants
informed the Officer where they
had left the property & where the
Officer upon such information
afterwards found it - all of
which deponent verily believes
to be true -

Sworn to before me this
29th day of October 1881
J. W. Griffith
Police Justice

Robert G. Stevenson

City & County,
of New York ss Martin Handy
of the 5th Precinct being sworn
says that the statement made
in the foregoing Affidavit which he
has heard read is true in every
particular in so far as the same
relates to deponent
Martin Handy

Sworn to before me this
29th day of October 1881
J. W. Griffith
Police Justice

0896

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

J. J. J. DISTRICT POLICE COURT.

David O'Connor 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.

David O'Connor

Question. How old are you?

Answer.

11 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

163 Hudson Street & about 4 1/2 Years

Question. What is your business or profession?

Answer.

I worked in a cracker bakery

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

Answer

The mustin was handed to me by O'Neil I did not go into the car myself
David O'Connor

Taken before me, this

day of

188

J. J. J. Police Justice.

0897

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

First DISTRICT POLICE COURT.

Jeremiah Keenan 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.

Jeremiah Keenan

Question. How old are you?

Answer.

13 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

22 1/2 Laight Street & about 3 Years

Question. What is your business or profession?

Answer.

I worked in a paper bag store

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 boy named Forester broke open the case & handed me a piece of Muslim which he took from it

Taken before me, this

day of

188

29 *Jeremiah Keenan*

J. Wilmett Police Justice.

0098

Sec. 208, 209, 210 & 212.

Police Court

Police District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John O'Neil
Cor of Joseph & Harrison

John O'Neil
David O'Connor
Jeremiah Keenan

Jeremiah Keenan

Offence, Burglary & Larceny

Dated October 29 1881

Magistrate

Heathin Standish Aud Officer.
Jephany Giles Clerk.

Witnesses Call Officer Standish

No. 122 mi Street.

No. 103.

No. Street.

No. Street.

John O'Neil

John O'Neil

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

John O'Neil

1410 - 2nd Ave

Mary McNamee

78 East 18th

Nov 4/87

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 O'Neil and David O'Connor and Jeremiah Keenan guilty thereof, I order that he be admitted to bail in the sum of Five Hundred Dollars Each and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated Oct 29 1881 J. H. Keenan 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.

Police Court—First District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Robert Galbreath
Cor of Laughton & Larnish
John Muir
David Clemons
Jennish Keenan

193

Dated September 29 1983

Magistrate.

Martin Handy, Aud. officer.

..Clerk.

Witnesses _____

No. Clark 702 200 Street: _____

No. _____ Street,

No. _____ Street.

Each
P/78 to Aus
Cm

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3. 711

Residence

No. 4, by

Residence

Residence _____ Street: _____

7-27-1950

Residence / 1420 - L / ave Street

Ms. A. 9. 2. 7. 11

Residence / ~~AK~~ car 10 Street,

No. 4, by _____

Residence

appearing to me by the within depositions and statements that the crime there
and that there is sufficient cause to believe the within named _____
Art O'Connor
_____ guilty thereof, I order that he be admitted to bail in the sum of \$_____. H
mitted to the Warden or Keeper of the City Prison until he give such bail.

Dated 1881

to bail to answer by the undertaking hereto annexed.

I have admitted the above named

Dated _____ 188 _____
Police Justice.

188

Dated _____ 1888
Police Justice.

881

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

0899

0900

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

THE PEOPLE OF THE STATE OF
NEW YORK,

John O'Neill, David O'Connor and Jeremiah Keenan
The Grand Jury of the City and County of New York by this indictment accuse

John O'Neill, David O'Connor and Jeremiah Keenan
of the crime of

committed as follows:

The said

John O'Neill, David O'Connor and Jeremiah Keenan

late of the ~~fifth~~ *twenty eighth* Ward of the City of New York, in the County of New York,
aforesaid, on the ~~day of~~ *October* in the year of our Lord one
thousand eight hundred and eighty ~~one~~ *one* with force and arms, at the Ward,
City and County aforesaid, the *railroad car* of ~~The New York~~

Hudson River Railroad Company there situate, feloniously and
burglariously, did break into and enter, the same being a ~~building~~ *car* in which divers
goods, merchandise, and valuable things were then and there kept for ~~use, sale and~~ *transportation*
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said

The Hudson River Railroad Company
then and there being, then and there
feloniously and burglariously to steal, take and carry away, and

*Fifty yards of muslin of the value of
ten cents each yard*

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

*The Hudson
River Railroad Company*

so kept as aforesaid in the said *car* 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.

0901

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

John O'Neill, David O'Connor and Jeremiah Keenan

of the CRIME OF

Receiving Stolen Goods

committed as follows:

The said

John O'Neill, David O'Connor and Jeremiah Keenan

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,

Fifty yards of muslin of the value of ten cents each yard.

of the goods, chattels and personal property of

The Hudson River Rail Road Company

by a certain person or persons to the Jurors aforesaid unknown, then lately before

feloniously stolen ~~of the said~~ *taken and carried away from*

the said The Hudson River Rail Road Company

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

John O'Neill, David O'Connor and Jeremiah Keenan

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.~~ *taken and carried away*

Benjamin K. Phelps
BENJ. K. PHELPS, District Attorney

0903

BOX:

52

FOLDER:

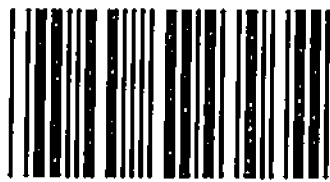
608

DESCRIPTION:

Padden, Michael

DATE:

11/17/81



608

0904

BOX:

52

FOLDER:

608

DESCRIPTION:

Padden, Michael

DATE:

11/17/81



608

0905

WITNESSES.

Vol. No. 117. P. 223
Jm. H. Brown
Counsel
Filed 17 day of Nov 1881
Pleads *Not guilty*

THE PEOPLE

vs.

Michael Sadden

INDICTMENT.
Lawfully from the Person.

DANIEL G. ROLLINS,

District Attorney.

Part No: Nov 28. 1881
Tried & acquitted.
A True Bill.

(Hays)

Foreman.

0906

3 DISTRICT POLICE COURT—

AFFIDAVIT—Larceny.

CITY AND COUNTY
OF NEW YORK ss.

age 31, *Frederick Rahm*
of No. *312 Sixth* Street.

being duly sworn, deposes and says, that on the *10* day of *November* 18*81*-
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 his person.*

the following property, viz.:

*one open case nickel watch
value eight dollars*

the property of *Complainant*

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 *Michael Padden (now present)*

*from the fact that whilst deponent
was standing on a bench between
4th & 5th streets deponent felt some person
pulling on to his chair, deponent
felt for his watch and it was
missing and said said Michael
Padden with his hands on the
chair, deponent caught hold of
said Padden and placed him
in the custody of an officer. Said
watch was in the left hand vest pocket
of the vest then and there worn by deponent
and was being a part of deponent's clothing. F. Rahm*

Sworn before me this

day of November 1881

Police Justice.

0907

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

Michael Padden 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. Michael Padden

Question. How old are you?

Answer. 12 years

Question. Where were you born?

Answer. Brooklyn N.Y.

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

Answer. 289 7th St. Brooklyn 4 years

Question. What is your business or profession?

Answer. School Boy

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

Taken before me, this 12
day of Mar 188

Michael Padden

Wm. Murray Police Justice.

0908

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

Sec. 208, 209, 210 & 212.

Police Court-1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frederick Rabun
312 6 1/2 St

Michael Padalen

2 _____
3 _____
4 _____

Offence, *Larceny from the Person*

Dated *Nov 12* 1881

Wm. J. Magistrate.

Officer.

17
Clerk.

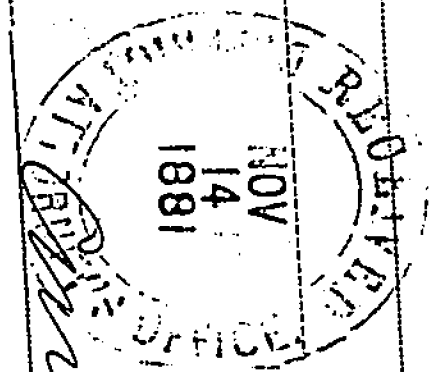
Witnesses *Edward Rabun*

No. 212 *Smith* Street,

No. 158 *S. & K.* Street,

No. _____ Street,

Q. J.



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 _____

Michael Padalen
guilty thereof, I order that he be admitted to bail in the sum of _____ Hundred Dollars _____ and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *Nov 12* 1881

Wm. J. Magistrate.
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.

0909

Sec. 208, 209, 210 & 212.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Federick Rahm
312 6th St.

Michael Padeloni

BAILED,

No. 1, by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

Dated

Nov 12 1881

Murray Magistrate.

Schlessinger Officer.

Clerk.

Witnesses

Edward Rahm

No. 312 Sixth Street,

Peter Wolf

No. 158 S. Street,

No.

Street.

Q.S.
RECEIVED
NOV 14 1881

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

Michael Padeloni is guilty thereof, I order that he be admitted to bail in the sum of _____ Hundred Dollars and be com-

mitted to the Warden or Keeper of the City Prison until he give such bail.

Dated *Nov 12* 1881

Michael Padeloni Police Justice.

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

Dated _____ 1881

_____ Police Justice.

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

Dated _____ 1881

_____ Police Justice.

09 10

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Padden

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

Michael Padden
of the CRIME OF LARCENY (from the person)

committed as follows :

The said

Michael Padden

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

*One watch of the value of
eight dollars*

of the goods, chattels and personal property of one *Frederick Rahm*
on the person of the said *Frederick Rahm* then and there being found,
from the person of the said *Frederick Rahm* 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.

DANIEL G. ROLLINS, District Attorney.