

02 10

BOX:

25

FOLDER:

304

DESCRIPTION:

O'Callahan, John

DATE:

11/30/80



304

0211

No 20

Filed 30 day of Nov 1880
Pleads *in Guilty*

THE PEOPLE

vs.

28 163-9 Ar

B.
John O'Hallahan

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

OK King

Dec 19. 1880. Foreman.

*True & Found guilty of
Assault & Battery
J. A. Lewis J.S.
Deas 6/4*

0212

City Council
of New York

Harry Goetzman of No 11, 3rd av
being very drunk said
that he knows the coin
planner of the Regent
Court. I was not present
at the time of the
assault, but heard the
Department previous to
the occurrence of the
assault, about seven
hours prior to the assault
Callahan said to me
that he would have
to kill somebody
before he left the
house, he was angry
at me for taking
away some things.

Was

of I have worked at
the Park Theatre as
Property Clerk & know
Riley, I saw nothing of
the occurrence, heard
Callahan about 5-15th
of me, demand make

0213

the remarks which I
have stated

Harry Gracon

Sum to before me

1/17 a copy of

~~Sum to before me~~

Sum to before me

John J. Jureci

0214

2

City & County
of New York

Christopher Reley the
complainant being
further Examined says
at the time of the
assault which was
about 6 o'clock on
the afternoon of the
15th day of July
a Mr Pierce was
working with me at
the time in the Park
Theatre and he re-
marked to me that
Callahan said he
would do anything that
was ever done in a
Theatre, & I asked
him if he said so &
I offered to bet him
two weeks wages that
he could not do so.
He accepted the bet
we had some angry
words and I struck
him two blows, He

0215

5

did not at once strike
me but about one
minute after when I
was turning away, he
picked up a chair
from off the bench
& I turned to face him
when he struck me
on the chest. I then
tried to get hold of
his hand & save
myself but could
not do so. While
he had one of the
last time on the
leg. He ran away
& I did not see him
again until he was
arrested by the officers.
I was subsequently
taken to the New York
Hospital. The blow
which I struck him
was with the back
of my open hand.
The Bench from
where he took the
chair was on the

02 16

4

auditorium & the Dept
& myself were standing
about a feet away
~~I had known the~~
~~the~~
in hand

Crossed I had known the
Department about a
week or a little over
I did not know that
was in charge in the
absence of the former
I know Samuel Lincoln
he was former of
the work they being
done at the Park
Theatre, Lincoln
had told me to work
with Callahan but
did not say for me
to follow him down
town. I am not a
regular Carpenter, but
am a Stage Carpenter.
Previous to the alterca-
tion which resulted
in the fight we had
had no angry words.

0217

5

I am sure I did not
strike him more than
twice, The blow run
up on his face I
struck him because
he insinuated that
I was an Asst. & did
not know anything. I
was very angry at the
time & not control
of my temper. The
entire occurrence did
not occupy more than
about five minutes
I recognize Mr Dawson
& Mr Pierce, they were
at work at the theatre
at the time, I think
Dawson used to work
that day. Pierce and
I were at work together

I had drunk some
beer at my dinner
about one pint, or
more, this was between
12 & 1 o'clock, I think
I did have about 1/2
pint more during the

0218

6.

afternoon I got the Beer at a place directly opposite the Back door of the Theatre I went for it myself I could not drink anything during the morning from 10^o to 1^o clock & have explained all I drank prior to the occurrence I do not know that any other person sent out for Beer, Mr Purie did not send out for Beer He said he had no money. Mr Callahan had just said "Bugs" "Kussen" off he used to take that trouble to himself - I mean that so far as I know Mr Lawrence did not designate him ^{with} any authority to over the workmen. He he would assume to give orders & would

0219

7.

whenever and the men
would stop work at
noon. I wanted some
time but not for the
to stop work.

Question Do you know where
Cullahan had his office
and I do not.

The Bench was about
in the center of the
Auditorium & Callahan
was between the Bench
& the stairs and I came
over from the left hand
Prosecution Box. When
Pierce & I had been
at work, Cullahan
laughed & jeered at
me as he almost
drove me crazy.

Question How recently do
you not think that
you commenced the
quarrel.

Answer In so far as my striking
the first blow I suppose
I did.

0220

g.

"Question," Could you have struck
him much harder.
Answer. I do not know that
I could

"Re direct" I had worked at
the Park Theatre for
about five years as
Stage Carpenter during
the day & from the flies
at night. I was
employed by S. L. Green
as assistant to the
Carpenter

Seems to be for me
the 28th day of Nov 1880

Christopher Kelly

J. J. Mansfield

Police Justice

0221

9

City & County
of New York

Alfred J. Roworth
of No 90 4 Broadway
being duly sworn says
on the day of the
occurrence I was
upon the stage &
heard the conversation
between Kelley and
Cullahan & saw them
clench & have a few
blows. when they sep-
arated & Cullahan
went to the bench.
Kelley called to him
not to use any weapon
Kelley then approached
Cullahan again and
closed with him &
pushed him down sit-
ting twelve feet from
the bench, when I
heard Kelley scream
out "I am stabbed"
I saw the knife taken
from Cullahan by

0222

10

a man one of the
workmen. I heard my
wife ask Keilly
what was the matter.

Crossed & he said I am stabbed
I never saw even that
Keilly exclaimed
and said "God
damn you if you take
any weapons off that
bench, I will have
your life." I did not
see the first blow struck
They were both elevated
& drinking. I was
not near enough
to see what they
were striking each
other with ~~xxx~~

As a matter of fact Keilly has said
he would kill Callahan
I think I would have
heard it. but I will
not swear he did
not say so.

John
18-19-1900

John
18-19-1900

William
Alex. J. Rowan

0223

11.

John J. Cumney
of New York &c

William Purce vs Feb
23 Barron de Benj
duly sworn says I
was at work at the
Park Theatre on the
15th day of July last
and heard the altercation
between Keeley
& Callahan, I had
been drinking Cassia
brandy & do not clearly
remember every thing.
The first thing that I
noticed Keeley struck
Callahan, they exchanged
several blows, and
I then went towards
the Box to get my
clothes when I heard
Keeley call out "I
am stabbed"
Cross Ex Keeley and I had
drank some Beer on

0224

12

that day together and
I had sent out for
Bier. Then were 4
men working in the
theatre at the time
besides Reiser. I went
out for ^{around 1900} Bier - Reiser was my
little ~~boy~~ drunk. I
don't know any thing
about Coe's name

William Pearce

I wish to begre the
this 18th day of November 1891.
J. J. [Signature]
Police Justice

0225

10234 937

Form 11a.

Police Court—Second District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Christopher Kelly
1699 First Ave
EN.

John O Callahan

1. _____
2. _____
3. _____
4. _____

Date: *Nov 27 1893*

Smith Magistrate.

Remedy 29 - Officer.

_____ Clerk.

... for def-
9. R. hills
112. 9th Ave
Edward Dawson
198 Pearl St
Brooklyn
New River
23 Barrow St

BAILED

No. 1, by *Patrick Sheehy*
Residence *107 East 83rd* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Witnesses

No. *11* *Bob Greene* Street _____

Alex Rowant

No. *934* *Brooklyn* Street _____

William Purce

No. *23* *Barrow* Street _____

\$ *2000* - to answer Committed.

Received in Dist. Atty's Office.

Printed at No 2 v. 2 p.

0226

Police Court—Second District.

CITY AND COUNTY OF NEW YORK, ss.

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

QUESTION.—What is your name?

ANSWER.—

John O'Callahan

QUESTION.—How old are you?

ANSWER.—

Twenty seven years

QUESTION.—Where were you born?

ANSWER.—

Ireland

QUESTION.—Where do you live?

ANSWER.—

103 - 9th Avenue

QUESTION.—What is your occupation?

ANSWER.—

Carpenter

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

Answer.—

*I am not guilty
John O'Callahan*

Taken before me, this

19

day of

Jan

Police Justice.

188

0

4302

The People

John O'Callahan

Court of General Sessions, Before Recorder Smythe, December 13, 1850.
 Indictment for felonious assault and battery.
 Christopher Keilly, sworn and examined, testified.
 I live 699 First Avenue and am a stage carpenter for seven or eight years. I have been working at the Park Theatre for five or six years; at present I am taking care of the stage door of the Park Theatre. I know the prisoner O'Callahan. I was employed at the Park Theatre on the 15th of July last. I remember that day and was working with Mr. Pierce on the prompt side of the auditorium. O'Callahan was working on the opposite box; he was not regularly employed in the Theatre; he had been there a little over a week. I had not known him before. I had no conversation with him that afternoon, not before the conversation that led to the difficulty which took place at about six o'clock. I was sober and the prisoner did not show any signs of having been drinking. Mr. Pierce told me that O'Callahan had been boasting that he could do any work that was ever done in a theatre. Mr. O'Callahan was not a regular stage carpenter. I asked O'Callahan if he did say so? He said, "Certainly he did." I offered to bet him two weeks wages, that I would draw something from the flies

and take it apart and he could not put it together again. He said that he would take the bet. I said I would give him an hour to do it; and he said he wanted from Saturday night until Monday morning to do it. I asked him if he thought I was a fool? In a laughing, jeering tone of voice he said he did not know whether I was or not. After he jeered and laughed at me some time I slapped him across the face with the back of my hand twice. He then rushed to the bench and picked up the chisel and stabbed me thirteen times with it in the back. The bench was five or six feet away from where we were standing; I was standing at this time between this bench and the footlights of the stage; the bench was in the auditorium. I could not exactly say where he struck me first. I was so excited at the time that I could not remember it. I was facing him when he first struck me. I thought it was in the breast he first struck me. It was a chisel like that [chisel shown] with which he stabbed me. I tried to save myself as best I could and finally succeeded after he had given me twelve stabs in getting hold of his hand. I was on my left knee, and

0229

he tried to cut me, as I thought in the belly, I held his hand down as best I could. I lost a good deal of blood at the time; he struck me on the leg. I halloed for help when I got the last blow, and he ran. I had a fine cotton undershirt on; it was in the summer-time and no coat or vest. I have got two wounds here in the chest, one underneath the nipple and one about two inches away from it; the other is on the left shoulder, I think there is four there and one on the left arm; there is one on the small of the back and one on the left thigh. I had no weapon in my hand at the time. The only provocation I gave him was two slaps with the back of my hand in the face. After he had struck the last blow he left me, I could not tell what he did after that; he disappeared from me, I halloed for assistance and he ran away. Mr. Pierce was present while the blows were being inflicted, I could not say how near he was. The men were on the stage about eight feet away from me; they did not know what he was doing until I halloed. I got around to the back door as well as I could and I fell there and could not move out of there until I was carried out to the ambulance and carried to the New York hospital. I remained there two months. I went to my

0230

home where I laid in bed for a long time afterwards. I went to work last Wednesday. I have no steady work to do, I only sit in a chair and see that no one comes in that does not belong to the theatre. This affray lasted I should judge about five minutes altogether. I saw the chisel that he had in his hand. I have never been arrested in my life. Cross examined the theatre was closed at this time; there were alterations being made. I was assistant carpenter at the Park Theatre, I worked on the flies at night. I had not known Callaghan previous to this; there had been no quarrel between us. The prisoner spoke to me in a jering tone of voice. I do not know that it was said in the theatre that I was the strongest man in it. I have not the reputation in the theatre of being an amateur sparrer. After I struck Callaghan he said, "I dont want to have any trouble with you," and he ran to the bench directly after; he got away from me four feet and I saw him pick up a chisel, it did not take more than a second to get it. I was going to turn away to go on the stage I said, "for God's sake, dont use a deadly weapon on me, I did not hurt you so badly as that;" he did not say anything. I tried to save myself; he tried to cut me two or three times

in the face, I believe I ran towards him to catch his hand, he was coming towards me. I caught hold of his hand but I did not strike him. The last blow he gave me I got it in the leg, I suppose he tried to cut me in the stomach. I went around and got through the box, I got on the stage and when I got to the back door I fell. I was so excited at the time that I don't know where I was standing when he struck me. The work bench where he got the chisel is used by all the persons employed in the theatre, there were kegs of nails around that bench. I do not recollect whether that made a narrow passage or not. There was only two or three small casks of nails and they would not take up a great deal of room in the large auditorium. I do not recollect whether or not the scuffle took place there in that passage. Alexander J. Keworth sworn. I live 93 1/2 Broadway, I am janitor of the Park Theatre and was there last July. I know the complainant and the prisoner by seeing them there during the alterations. I remember this altercation on the 16th of July. I was at the back of the stage when my attention was called by loud talking in the front of the house. I came forward to the front of the stage and heard the complainant and the prisoner talking

0232

very loud. I went one side to look at the dock and I saw it was dock and when I returned I saw these two people fighting. I saw Reilly strike this man and they clinched together. I saw Callaghan walk towards the bench when Reilly followed him up. They were right alongside the bench when the scuffle first took place; the prisoner was looking on the bench when Reilly followed him up and told him to take nothing from the bench to strike him with. With that he came to push him from it; blows again followed, and they got away from the bench towards the box. I saw Callaghan stab Reilly with the chisel; then a man wrenched it from his hands. I know him by the name of Robert; he was one of the workmen. Callaghan made for the front house and out through the front gate. I first saw the chisel when I heard Reilly sing out, "In God's sake don't kill me." Then I noticed the chisel in his hand. Then the second struggle began near the bench. I did not notice whether Callaghan had the chisel in his hand or not. Cross Examined. I was about fifty feet away from them when my attention was attracted by the loud talking. I was sitting on the stage near the back wall; there was a scaffold intervened

between where I was standing and where the men were. I saw Reilly strike Callaghan twice. I saw Reilly strike Callaghan again at the bench. Callaghan had his back to the bench facing Reilly when he (Reilly) struck him the second blow. I did not see Callaghan reach to get the chisel. Saw a workman take the chisel out of Callaghan's hand; he was bleeding from the arm. I did not notice his face. I should not judge that they were very gentle taps that Reilly gave Callaghan; they were very hard blows. I have known Reilly five years. I have not expressed great friendship for him; he has been rather an athletic young man, strong, active and quick. Harry Greason sworn. I live No 11 Third Ave. I am property man at the Park Theatre. This is the second season I have been working there. I was at the theatre on the afternoon of the 15th of July. I did not see the fight. The District Attorney read the following certificates: New York Hospital, West Fifteenth St. New York, July 16, 1880. This is to certify that Christopher Reilly was admitted to the surgical wards of this Hospital July 15, suffering from eleven incised wounds of trunk and extremities, and that while his injuries are of a very serious nature there is no immediate danger of life.

0234

Francis H. Markoe, House Surgeon, N. Y. H.
New York, July 26, 1880. "This is to certify that
Christopher Reilly, brought to this Hospital July 15,
was suffering from incised wounds of body
and limbs, and though somewhat better for
last few days, is still in a very dangerous
condition. Francis H. Markoe, House Surgeon,
N. Y. H." New York, July 26, 1880. "This is to
certify that Christopher Reilly, an inmate of
surgical wards since July 15, for stab wounds
of body and extremities, is now improving
rapidly and maybe considered out of dan-
ger. Francis H. Markoe, M. D. House Surgeon,
New York Hospital." July 31, 1880. This is to cer-
tify that Christopher Reilly, admitted July 15, is a
surgical patient with stab wounds of body and
extremities, is now convalescing rapidly and
in a few weeks will probably be ready for dis-
charge. Francis H. Markoe, House Surgeon,
New York Hospital." New York, October 10, 1880.
This is to certify that Christopher Reilly was
admitted to this Hospital July 15, 1880 suffering
from stab wounds of thorax and was discharged
September 6, 1880 cured. He was readmitted
September 13, 1880 suffering from pleurisy and
was discharged September 17, 1880 improved.
George P. Ludlam, Superintendent."
We dont want to be responsible for the pleurisy
Council
Mr. Phelps. No sir.

0235

Napoleon R. Remley, sworn and examined. I am
an officer attached to the 29th precinct and arrested
the prisoner I think it was on the 15th of July
about 20 minutes after 6 p.m. at 214 or 216
West Twenty fourth St. in a house. I went in-
side the house and I told the doctor that was
attending to his wounds that I wanted Mr
Callaghan, that he had stabbed a man in the
Park theatre. I say to him, "I want you to go to the
Park theatre." He says, "It was not my fault."
I did not do it." I say, "It dont make any
difference, I want you to go to the Park theatre
and you must go." That is about all the
conversation we had till we got to the Park
theatre. I took him before this man Reilly
and he identified him; we walked down. I
dont know that Callaghan was in bad con-
dition. I did not see any wounds about him
only on his arm; he said he had a wound
in his arm. I did not know what the matter
was at the time; he was bleeding on the
left arm. I did not notice any marks on
his face. I did not ask for the chisel when
I went into the theatre. it was handed me
by some one there, I dont know who, there
was blood on the point of it. (Chisel shown)
That is the chisel. There was blood on
both points of the chisel, the back part kind
of dark as though the chisel had been

0236

dragged through the blood. Counsel for the prisoner said he would not dispute but that the chisel was used on that occasion and the wounds were inflicted upon the complainant. Cross Examined. I took the prisoner first to the Park Theatre, then to the station house, and on the following morning to the Jefferson Market Police Court; he did not complain of anything but his arm was kind of lame; he was committed to await the results of the injuries. I next learned of Callaghan that he was in the Bellevue hospital. I saw blood on the arm of the prisoner. It is not a fact that I took the prisoner to that physician's house by the blood that was on the sidewalk; I did not see the blood as I walked along. I did not know anything about the extent of the injuries. Christopher Keilly re called. I recollect the occasion when this officer came to serve a subpoena upon me to appear at the Jefferson Market Court. Do you remember saying to him that this difficulty was occasioned by your own fault, that you commenced the difficulty, and that you were sorry for it? No sir, I did not. I said I admitted that I struck him first. Napoleon B. Remley recalled. That statement is correct. He said a good many things; we talked a good while; he did not say more on that point.

0237

John Ballaphan, sworn and examined in his own defence, said. I was in the theatre on the day of this affray; my position in the theatre was to take charge of the work, to work, and see to the men and material in the absence of the foreman Samuel Lincoln. Reilly was working in the theatre at that time; he was not under my direction at that time. It was my business to notify the men when to leave their work. This day I was standing working at the side of the bench; the bench is about twelve feet and there was a plank in front about 14 or 15 feet long, nailed down as a support; the bench was sideways with the stage; there was intervening between the bench and the stage a painter's scaffold which was supported with braces to make it safe for the painter to work; the braces were about four feet from the bench; the scaffold was about eight or ten feet from the footlights. I was not standing at the bench, I was in a stooping position with a rule and pencil drawing a line to split a board. I did not speak a word to the complainant that day; he came to me first and spoke to me about the flies; his work was at the box on the left side of the stage. His first word to me was, "Do you think you could leave down one of them flies 'the flies' in a theatre are a kind of curtain

0238

with scenes painted on it. He said, "Do you think you could leave down one of them flies?" I said, "I do not know, I do not see any thing impossible about it. I don't know until I go up and see." He said to me, "you talk like an ass; an ass would not talk like you do." I said, "that does not make any difference." He says, "Have you got any money with you?" I said, "No; why?" I did not know what the fellow meant. He said, "because if you want to make any money easy you can make it." I want to make you a bet that you cannot leave down them flies." I said, "which one do you mean?" He said, "any of them; I will bet you my two weeks wages you cannot leave it down and put it up again if I loosen the ropes." I said, "I want the privilege of going up with a piece of paper and seeing how these ropes are attached to the flies, as the rope went along from one place to another." "O, he says, I will give you all the privilege you want." I said, "All right, if you have got money to throw away, I will take your bet as soon as I get the money on Saturday at 4 o'clock; my time is precious now, I don't want to talk any more about it. Wait till you get your money; it is ~~high~~ time enough, I am

0239

busy now. "He says, How long do you want to do it?" He did not specify any limit of time. I said, "I will work at it if it will take me all day Sunday." He said, "What do you take me for? do you take me for an ass, do you think I am an ass anyhow?" I said, I don't know what you are, I don't know anything about you, you are a stranger to me. Then the complainant and another man gathered around me and they deprived me of thinking at the time to tell the men to stop work. I put my hand in my pocket and pulled out my watch. I said, "Stop, it is unnecessary to talk (for it was two minutes over the time) please pick up the tools." I was working at the bench and there was nail keps between the bench and the brace which made a passage way of between a foot and a foot and a half. I was half way between the bench and the box when I told the men it was two minutes past their time to stop working. Then I faced in a direct line towards the box where my partner was at work to get my clothes which were hanging in a far away corner of the box. It is a very sharp corner and when I came halfway between the end of the bench and the box where my partner was at work my head was

0240

downwards, trying to stick in the watch at the same time; the belt was around my waist and I had a little delay to put in my watch. I was walking towards where my clothes was and I was confronted by Reilly with my head downwards; he came against my side suddenly and said, "Son of a b h that dont know whether I am an ass or not, I will lick," adding some dirty expression I dont like to explain. He struck me quickly before I had time to lift my eyes seven or eight blows. I retreated back up to where I started from to the end of the bench and Reilly ran up on the other side of this brace. Then he came middle way he made a welt and struck me on the side of the head and staggered me up towards the bench. I put my hands up against his breast, when he came around the brace in front of me at the end of the bench, and said, "What do you mean? I dont want to get into trouble with you. If you continue this, I shall get you arrested as soon as I put my feet out on the sidewalk. He said, "Arrest who you son of b h, I will put you in a way you will never bother or arrest anybody. He backed

0241

me back by the side of the bench about a foot from the side of the bench and he was in position going to buck me with his head, going to jump in over my hands. I put up my hands against him to save him from striking me in the head with his fist. I called to Pierce who was standing at the end of the bench two or three feet from it, looking at the whole transaction, "why dont you catch hold of this man and stop him, he must be crazy?" Then he was backing me at this time by the side of the bench until he came to the rear end of the bench. He said in these words, "you son of a b h, if you attempt to raise anything off that bench to strike me with, I will have your God damned life, and I am going to have your life anyhow before two minutes." Then my right hip struck against the end of the bench and I looked around to see what I was striking against and the chisel was nearest my hand. At that very moment he hit me a welt in the side of my head and staggered me over five or six feet and before I had time to come to my feet he threw his arm around my neck. He jumped about a quarter of a circle towards my

0242

left side and hit me on the other side of the head and then staggered me over. I got stunned, I did not know what was becoming of me. The first thing I knew he threw his right arm around my neck; he drew me right into him. My head was down like this (showing) in against him, and he commenced striking me as hard as he could strike me on the right side with his clenched fist. I caught hold of the chisel and I held it behind my back at that time. I struck him somewhere below the thigh bone as near as I could judge. I do not know from that time how often the chisel was used, how often he got struck. I have never drank a pint of intoxicating beverages within working hours since I was born. I did not drink any liquor this day. I made an attempt to strike him with the chisel to drive him away from me because there was no one coming to my assistance; his whole weight was on top of my head when I hit him with the chisel; he ceased striking me with his left hand in the right side of the head and made a grab for the chisel which he caught; he took hold of it behind me; he had control of the chisel. He said, "you son of a b--- I will kill you; I fell down, I was weak from

0243

the beating he had given me. I had a kind of sensation as if I was going to sleep. I have a wound on my arm; that is the stab which he gave me with the chisel. I got this injury when he was on top of me, jumping on me trying to prostrate me on the floor; he pulled me out where he was, he pulled me after him. My left hand was attached around his waist to keep me from falling; only ~~from~~ that he would have me on the floor. That was the only means of support I had. His hand was caught by him because he had hold of the chisel, right behind me. When he was going back his weight was on my body; he fell on this elevation and he pulled me down on him. I had to pull this hand from his waist, I had to put my hand on his left breast. I could not get away from him; he had me tight, almost the same as if I was tied with ~~an~~ a chain. After I got up from him I was fleeing. When I got out on the sidewalk I saw that my arm was almost split in two. Then I left him I went into the street as quick as my legs could carry me. I did not know whether he would follow me or not. I run to the street because I knew they would kill me if they would catch me; that would be the last of me. I saw three men running

0244

towards me to catch me. I did not know exactly what direction I went to. The first I knew I knew I was inside an express building near the Fifth Avenue hotel. I went in there hallooing for a doctor. I did not get a doctor there. Then some boys were around me; they took me from one place to another to get a doctor in twenty different places. I went up Twenty fourth St. across the Fifth Avenue hotel to every doctor's house I saw and rung the bell. I got into a doctor's house. I don't know his name, I think it is 44 West Twenty fourth St. near Sixth Avenue; a negro boy put a towel across my knees to receive the blood, the doctor put a bandage around it, and the officer came while he was in the act of doing so. I was taken from there to the station house and remained all night. I was hallooing all night and no doctor was brought to me. I was arraigned before a magistrate and committed to await the result of his injuries. This was about 10 o'clock Friday morning. I remained in prison until Saturday afternoon and was transferred to Bellvue hospital in an ambulance. I do not know who directed that I should be sent there. I was in the hospital about ten days I think I was sent back to Jefferson Market Police

Court. I was bailed the Monday morning following. I was confined to the house five or six weeks after that. I was not in very good health the day this difficulty happened. I was drinking water. I did not feel very well. I was sent to the hospital for injuries received from this man. I received from fifteen to twenty blows as near as I could remember. I do not know how often he struck me on the head; it was like a bull as he could hit; I never saw anything in my life like it. The last blows he was striking I did not hardly know what he was doing to me, just the same as if he was striking a drum. I was dazed, I did not know what was happening to me. I remember bleeding from the ears. When I was locked up in the cell I found blood coming down my ears. I put up my hand and found myself all covered with blood in the cell of the 27th Precinct station house. I laid down on the bench about 11 or 12 o'clock and I was hal-
loing for a doctor. My face was bleeding and my head was in such a condition that I did not know what was becoming of me. I was crying as near as I can remember at the same time. I was never arrested before for any offence. I have been about ten years in this country. I always worked hard to get my living honestly. I am

0246

not married. Ignatius Doofer, sworn and examined. I am Keeper of the Second District Prison. I was such Keeper on the 16th of July. I remember the receipt of the prisoner and his transfer to the hospital that afternoon; he complained to me that he was wounded in the arm and he told me his father died with lockjaw; the doctor examined him; he had a little scratch on the side of his face; the doctor told me to send him to the hospital; we got an ambulance and sent him; he complained that the chisel was put through his arm, that his father died with the lockjaw and he felt nervous about it; he complained that he felt very sore around the head. George R. Gyles, sworn. I reside 112 Ninth Ave. and am a physician. I attended the prisoner at Jefferson Market about the middle of July; he was very weak and much bruised about the face; there was a dried stream, as it were, of blood issuing from both ears, the side of his head was much bruised and swollen and the cheek was contracted very much. I should say he received severe blows. Edward Dawson sworn. I am a carpenter. I saw the commencement of the difficulty. Heard them arguing about the flies and I saw Reilly strike him (Callaghan) first. I saw him attempt to strike him the second time. I saw Reilly fleeing on the stage. Callaghan ran

0247

away. There was considerable conversation between the complainant and the prisoner, but I was busy and did not pay any attention to it. Bernard McArdle, an officer of the 29th precinct testified that he knew Callaghan six years and that his character for peace and quietness is good. Samuel Lincoln, John Van Valkenburgh, Peter Gillespie, and Benjamin W. Parlow also testified to his good character for peace and quietness.

The jury rendered a verdict of guilty of assault and battery only with a recommendation to mercy.

0248

Testimony in the case
John O'Callaghan
filed 30 Mar.

~~to have app~~

0249

AFFIDAVIT—FELONIOUS ASSAULT, &c.

Second District Police Court.

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

Christopher Riley

of No. *699*

First Avenue

Street, being duly sworn, deposes and says

that on the *15th* day of *July* in the year

1880, at the City of New York, he was violently and feloniously assaulted and beaten by

John Callahan (now dead) who stabbed deponent thirteen times, in different parts of his body with a chisel then and then held in the hand of said Callahan. That said stabbing took place at the Park Theatre in said city.

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

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

Sworn to before me this

17th day of *November* 1880
J. J. ...

Christopher Riley
Police-Justice.

0250

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

OFFENCE—Felonious Assault and Battery.

vs.

John Callahan

Dated *November 17* 18*80*

Smith Magistrate.

Randy 29 Officer.

Clerk.

Witnesses,

Committed in default of \$ bail.

Bailed by

No. Street.

0251

New York Hospital,

West Fifteenth Street,

New York, July 16th 1880

This is to certify that Christopher Reilly was admitted to the Surgical Ward of this hospital July 15th suffering from clean incised wounds of trunk and extremities & that while his injuries are of a very serious nature there is no immediate danger of life

Francis H. Mallon
House Surgeon
N.Y.H.

0252

New York Hospital,

West Fifteenth Street,

New York, July 26th 1880

This is to certify that Christopher Reilly
brought to this hospital July 15th / 80 suffering
from incised wounds of body & limbs
although somewhat better than for
last few days is still in a very
dangerous condition

Francis H. McKim
House Surgeon
N.Y.H.

0253

New York Hospital,

3

West Fifteenth Street,

New York, July 28th 1880

This is to certify that Christopher Kelly
an inmate of the Surgical Ward since
July 15th for stab wounds of Body and
Extremities, is now improving rapidly
& may be considered out of danger

Frederick H. M. Knickerbocker
House Surgeon
N.Y.H.

0254

New York Hospital,

4

West Fifteenth Street,

New York, July 31st 1880

This is to certify that Christopher
Reilly admitted July 15th as a Surgical
patient with stab wounds of body &
Extremities is now convalescing
rapidly & in a few weeks will
probably be ready for discharge

Francis H. Markov
House Surgeon
N.Y.H.

0255

New York Hospital,

5

West Fifteenth Street,

New York, Oct 10 1880.

This is to certify that Christopher
Reilly was admitted to this Hospital
July 15/80, suffering from stab wounds
of thorax, and was discharged Sept.
6/80 - Cured.

He was re-admitted Sept. 13/80, suf-
fering from Pleurisy, and was discharged
Sept 17/80, improved.

Geo. Ludlam, M.D.

0256

October 16/80.

At present Chris Stephens Reilly
is not in a fit state to attend
court -

Valentine MORTIMER,

24 Bank St. St.

0257

STATE OF NEW YORK
CITY AND COUNTY OF NEW YORK
I, the undersigned, being duly sworn, deposes and says,
that on the 15 day of August 1888

at New York, in the County of New York,
I have he (Richard) was a Clerk
& Stated Clerk in the
in his name in the
Recorder in or in general
in his name in Court

Richard
Napoleon B. Peasley

Sworn before me, this 16 day of August 1888
John J. Justice
Notary Public

0258

Form 10.

Police Court—Second District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Harold B. Renley

John O. Green

OFFICIAL

Date July 16 1889

K Justice

Remedy

1000 Paulson
to await
plaintiff's

Justice Murray will please
take the necessary action
for the proper disposition
of within case.

Hillbush, Pa.

The presiding Magistrate
is hereby authorized to
adjudicate the within
case.

Police Justice

0259

TORN PAGE(S)

0260

COUNTY OF NEW YORK

Patrick S. Murphy

the within named Bail, being duly sworn, says, that he is a Freeholder holder in said City, and is worth Twenty Hundred Dollars over and above the amount of all his debts and liabilities; and that his property consists of

Home and lot - situated and known as No. 3. Second Avenue with Two thousand dollars worth liabilities

Patrick S. Murphy

Sworn to before me, this

day of the first 1880

James C. [unclear]

Recognition to Answer.

N. Y. General Sessions.
THE PEOPLE, &c,
ON THE COMPLAINT OF

Taken this day of

JUSTICE

Filed day of

POLICE COURT—SECOND DISTRICT.

RECOGNIZANCE TO ANSWER.

CITY AND COUNTY }
NEW YORK, } ss.

BE IT REMEMBERED, That on the _____
in the year of our Lord 187

7th day of August
John O'Callaghan
of No. 294 North 7th Street, in the City of New York,
and Patrick Sheehy
of No. 251 East 83rd Street, in the said City,

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

the sum of 500 O'Callaghan Hundred Dollars;
and the said Sheehy Hundred Dollars,
the sum of 500 Sheehy Hundred Dollars,

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

WHEREAS, the said John O'Callaghan was charged, before the undersigned, Police Justice as aforesaid, on the oath of Napoleon B. Gentry with Felony Assault for having, on the 15 day of July 1874 in the City and County of New York aforesaid, beat and struck with a sharp instrument Christopher Rilly

AND WHEREAS, he has been brought before said Justice to answer said charge, and upon the examination of the whole matter, pursuant to the statute, it appearing to said Justice that the said Offence has been committed, and that there is probable cause to believe said defendant to be guilty thereof; and the said offence being bailable by said Justice, he did thereupon order the said defendant to find Sufficient Bail in the sum of 500 Hundred Dollars, for his appearance at the next COURT OF GENERAL SESSIONS of the Peace, to be held in said City and County, to answer to any indictment to be preferred against him for said offence.

Now, therefore, the condition of this Recognizance is such, That if the above named John O'Callaghan shall personally appear at the next Court of General Sessions of the Peace, to be held in said City and County, on the First Monday of September, to answer to any indictment that may be preferred against him for said offence, and abide the order of the said Court, and not depart therefrom without leave, then this Recognizance to be void; otherwise to remain in full force.

Taken and acknowledged before me, the _____
day of _____ year aforesaid.

James Murray JUDGE JUSTICE.

John O'Callaghan
Patrick Sheehy

0262

New York Oct 8. 1880

Christopher Reiley is at present unfit to leave
the house any attempt of that kind on his
part would be extremely dangerous.

Valentine Mott MD.

29 East 28 St.

CITY AND COUNTY }
OF NEW YORK. }

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

That

John O'Callahan
late of the City of New York, in the County of New York, aforesaid, on the
fifteenth day of *July* in the year of our Lord
one thousand eight hundred and eighty with force and arms, at the City and
County aforesaid, in and upon the body of *Christopher Reilly*
in the peace of the said people then and there being, feloniously did make an assault
and *him* the said *Christopher Reilly*
with a certain *chisel*
which the said

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

SECOND COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *John O'Callahan*
with force and arms in and upon the body of the said *Christopher Reilly*
then and there being, willfully and feloniously did make an
assault and *him* the said *Christopher Reilly*
with a certain *chisel* which the said

John O'Callahan
in *his* right hand, then and there
had and held, the same being then and there a sharp, dangerous weapon, willfully
and feloniously, and without justifiable and excusable cause, did then and there beat,
strike, stab, cut, and wound, with intent to then and there willfully and feloniously
do bodily harm unto *him* the said *Christopher Reilly*
against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

John O'Callahan
with force and arms, in and upon the body of *Christopher Reilly*
in the peace of the said people then and there being, feloniously did make another
assault and *him* the said *Christopher Reilly*
with a certain *chisel*
which the said

John O'Callahan in *his* right
hand then and there had and held, willfully and feloniously did beat, strike, stab, cut,
and wound, the same being such means and force as was likely to produce the death
of *him* the said *Christopher Reilly* with intent *him* the

0264

said *Christopher Reilly* then and there feloniously and willfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

FOURTH COUNT.

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

John O'Fallahan with force and arms, in and upon the body of the said *Christopher Reilly* then and there being, willfully and feloniously, did make another assault and *him* the said *Christopher Reilly* with a certain *chisel* which the said *John O'Fallahan* in *his* right hand then and there had and held, the same being then and there a deadly weapon, willfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there willfully and feloniously maim *him* the said *Christopher Reilly* against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

No 234

Filed 30 day of Nov 1880

Preeds *Indivally*

THE PEOPLE

vs.

John O'Fallahan

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL

[Signature]

Dec 13 1880

[Signature]

Trust & Deposit Co
Securities Building

111 Nassau St
New York