

0884

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Brien, John

DATE:

01/23/93



4645

Witnesses:

Max Abramowitz
Officer Fisher

L. A. Chandler

Counsel, *[Signature]*
Filed *23* day of *May* 1893
Reads *[Signature]*

Grand Larceny, *[Signature]*
(From the Person)
[Sections 223, 224]
Degree.
Penal Code.]

THE PEOPLE

vs.

John O'Brien

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Part of *Cattin*
March 16 1893
Foreman.

P 3

Ind. 9492
Part 1 March 20. 1893
Ind. and convicted
with recommendation
to money for one year

00006

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 167 11th Ave Street, aged 15 years,
 occupation Shoe cutter being duly sworn,
 deposes and says, that on the 12th day of January 1893 at the City of
 New York, in the County of New York, was feloniously taken, stolen and carried away
 from the possession of deponent, in the day time, the following property, viz:

One pair of shoes
the value of
One \$1.00

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
 ously taken, stolen and carried away by John O'Brien (now

here) for the reason that with the said
day deponent had said muffer
advised his men in Jan. 1893 when
said deponent came up to deponent
that said muffer from deponent
men had carried away with the same
and deponent followed deponent
and caused him to be arrested and
fully identified him as the person
who had taken said property and he
charged him with the larceny afore
said

May Abramowitz

Sworn to before me, this

12 dayof January 1893

Police Justice.

0007

Sec. 198—200.

1882
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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

Taken before me this

day of January 1889

Police Justice.

John O'Brien
12th
1889

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 _____

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

Dated, May 189 Police Justice.

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

Dated, 189

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

Dated,.....189 _____ *Police Justice.*

1881

0009

Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Max Stragg
167 vs. B. B. B.
Police C. B.

Offense
From person

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

Dated,

Jan 15 1893 Magistrate.

Bishop Officer.

4 Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ *1000* to answer

C

912
Nov 5

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

T h e P e o p l e ,

vs.

JOHN O'BRIEN.

Before,

HON. RUFUS B. COWING,

and a Jury.

Tried MARCH 20TH, 1893.

Indicted for GRAND LARCENY, in the SECOND DEGREE.

Indictment filed JANUARY 23RD, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY VERNON M. DAVIS,

For THE PEOPLE.

MR. CHANLER,

For THE DEFENCE.

MAX ABRAMOWITZ, THE COMPLAINANT, being duly sworn, testified that he lived at 67 North street. He worked for J. T. Kaliske. He was about sixteen years of age. On the 12th of January, 1893, he left the "Staatz Zeitung" building about dinner time. He, the complainant, had a white silk muffler around his neck at the time. The defendant walked up to him, the complainant, and pulled the scarf from his neck. He followed the defendant over to the "Sun" office and back again past the "Staatz Zeitung" building, where he met an officer. He pointed the defendant out to the officer. At the time of his arrest the defendant was in the company of another boy. He, the complainant, did not recover his scarf. The defendant said to the officer that he knew the boy to whom he gave the scarf. He, the complainant, did not lose sight of the defendant from the time the defendant took his muffler until the defendant was arrested. The muffler was worth more than a dollar; it cost \$1.75.

In cross-examination the complainant testified that it was about a quarter of an hour after the larceny that the defendant was arrested.

GILBERT E. BISHOP, being duly sworn, testified that he was attached to the fourth police precinct. The complainant asked him, the witness, to arrest the defendant, and he arrested the defendant in Park Row. At the time of the arrest the defendant said that he did not take the scarf from the complainant, but he, the defendant, knew who did. The defendant said that he did not know the name or the address of the party, but he thought he could find him. The complainant, however, was positive that the defendant was the person who took the scarf, and so he, the witness, locked the defendant up. He searched the defendant in the station house, but found nothing on him.

FOR THE DEFENCE, JOHN O'BRIEN, THE DEFENDANT, being duly sworn, testified that he was twenty-two years of age. He had lived in New York nineteen years. He had never been arrested charged with crime. He had worked for Martin B. Brown, the printer. He had heard the story of the complainant upon the stand. He did not take the complainant's muffler, as alleged. He remembered seeing

the complainant on the day of his arrest; but he had no conversation with the complainant on that day. When he, the defendant, saw the complainant the complainant was pulling oranges out of his pocket, and he asked the complainant for one of the oranges, which the complainant gave him. He then saw that there were about fifteen boys around the complainant scrambling for the oranges. He, the defendant, did not take the complainant's scarf.

In cross-examination the defendant testified What he told the officer he saw who did take the complainant's scarf, but he "didn't know rightly what was his name. I never seen the boy before in my life." He thought he could get the scarf for the complainant, from the party who took it, in the "Sun" office. The party had been in the "Sun" office when he, the defendant, was there, but he was not working there, and he, the defendant, did not exactly what he was doing there; the party was down stairs in the "sun" office, where they fold papers. He, the defendant, was in the habit of going to the "sun" office every day; he sometimes got a job there, carrying papers.

He, the defendant, did not see the boy take the complainant's scarf; he heard some boys talking about it among themselves, and they said the boy took it. The boy was known as "Butts." He did not tell the officer that "Butts" took the complainant's scarf; he forgot to tell the officer that. At the time of his arrest, he, the defendant, was living at 136 Cherry street with his father and mother and brothers and sisters. He had lived at 136 Cherry street for seven years. He the defendant, was a printer. He, the defendant, had never been a laborer; he had never done any work like a 'longshoreman. He had not done any work for about eight months, and he supported himself during that time. He generally worked down in the newspaper offices, carrying up a bundle now and then, but he did not call that work. He had worked for a man of the name of Sammy Gordon, helping him to drive a coal cart, at 74 West street. Gordon was not in court. . He remembered being in the Police Court. He could read and write, but he did not sign his name in the Police Court; he made his mark. He said in the Police Court that he was nineteen years of age.

He had been thinking of his age while he was in prison, and he had heard his people say that he was borne in 1871, and that was why he now said he was twenty-two. This was the first time in his life that he knew his correct age. At the time of his arrest he lived at No. 9 Duane street; he had said that he lived at 136 Cherry street with his father and mother and brothers and sisters, but that was not true; he had been living at No. 9 Duane street, the Newsboys' Lodging house, and he had been living there three or four months.

In re-direct examination the defendant testified that he worked whenever he could get it. Sometimes he stayed at home, and sometimes he slept in the lodging house. He had been in the Tombs since the 12th of January. He had no money, and had nobody to look after him. He had no witnesses in court as to character or anything else. He had no money to pay a lawyer, and no lawyer had been to see him for two weeks. He had had a good deal to think of in the Tombs -- his age and everything else.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John O'Brien

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

John O'Brien

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

John O'Brien

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

*one muffler of the
value of one dollar and
seventy-five cents*

of the goods, chattels and personal property of one

on the person of the said

then and there being found, from the person of the said

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.

Max Abramovitz
De Laurey Nicoll,
District Attorney

0897

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Brien, Mary

DATE:

01/05/93



4645

Witnesses:

Ellen Regan

Counsel,

Filed

Pleats,

1893

THE PEOPLE

vs.

Mary O'Brien

Grand Larceny, (From the Person)
[Sections 523, 524, Penal Code.]

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. L. Catlin
Aug 18/93 Foreman.

John X. Corvick
Pennington's money
24th May 93
May 20/93 no

COURT OF GENERAL SESSIONS, PART I.

The People of the State of New York :
against : Before
Mary O'Brien. : Hon.Fred'k Smyth
and a jury.
- - - - - x

Indictment filed 1893.

Indicted for grand larceny in the second degree.

New York, Jan. 18, 1893.

A P P E A R A N C E S:

For the People, Asst. Dist. Atty. John F. McIntyre;

For the Defendant, Mr. J. W. McLoughlin.

ELLA REGAN, a witness for the People, sworn, testified:

I am married and live at 76 Henry Street in this city. I have been living there for eight months. My friend Mrs. Dinan lives at 40 Beech Street in the City of New York. I left my home at seven o'clock in the evening of the 26th. day of December and it was about half past seven o'clock in the evening when we got to 40 Beech St., the house of Mrs. Dinan. We stayed there till 10 o'clock. I demanded of my husband that he come home at 10 o'clock. I saw the defendant in that house on that evening. I had \$35 in my pocketbook. The pocketbook was in the pocket of my sacque. As I said, I wanted my husband to go home at 10 o'clock and started to go at that time. When I went into the house earlier in the evening I had taken off my sacque and, as I started to go home, I put it on again. In

2.

putting on my sacque my hand got caught in the sleeve and as Mrs. O'Brien was the most convenient to me I said: "Please take my hand out". When I said this my pocketbook was in the pocket of my sacque. Mrs. O'Brien assisted me with the sacque. While she was assisting me I felt her hand in my right pocket in which the pocketbook was. When she got through assisting me I found that the pocketbook was gone. I put my hand in my pocket and discovered my loss. I said to Mrs. O'Brien "Give me my pocketbook". She said: "My God, I didn't take your pocketbook". She ran out in the bed-room and I went after her. I says "Yes; Give me my pocketbook". I sent my husband for a policeman and had the woman arrested. I am positive that no one else was close enough to me except Mrs. O'Brien to have taken my pocketbook.

Cross-examination:

I was in this room from seven o'clock until ten. My husband was there during all the time. He was rather under the influence of liquor. I was perfectly sober. I never was intoxicated in my life. I only had two glasses of beer. I had my pocketbook in my dress pocket until I was ready to go home, and then I put it into my sacque pocket.

ELIZABETH DINAN, a witness for the People, sworn, testified:

I live at 40 Beech Street. On the night of the 26th. of December last the complainant came to my house to visit me. She came at about half past seven and remain-

3.

ed until ten. She wanted her husband to go home. She started to put on her sacque, and I heard her ask Mrs. O'Brien to assist her on with her sacque. Then I heard the complainant say that her pocketbook was gone and she accused Mrs. O'Brien of taking it. Mrs. O'Brien said that she did not have it, and offered to let the complainant search her there and then. Her husband went for a police officer and she had Mrs. O'Brien arrested. I am quite certain that I saw the pocketbook in Mrs. Regan's hand before she put it in the pocket of her sacque.

Cross-examination:

I was present when the complainant came into my rooms. It was very nearly half past ten when she started to leave. I saw her take the pocketbook from her dress pocket and put it in the outside pocket of her sacque. This was before she requested Mrs. O'Brien to assist her in putting on her jacket.

ANNIE DELANEY, a witness for the People, sworn, testified:

I live with Mrs. Dinan at 40 Beech Street. I was present on the night of the 26th. of December. I recollect Mrs. Regan starting to go away about ten o'clock. She asked Mrs. O'Brien to help her on with the sacque. Mrs. O'Brien helped her with the sacque and then Mrs. Regan turned round and said: "Give me my pocketbook". She accused Mrs. O'Brien of taking it there and then and Mrs. O'Brien denied it.

4.

DEFENSE:

MARY O'BRIEN, the defendant, sworn, testified:

I reside at 40 Beech Street, and resided there on the 26th. of December. I did not take Mrs. Regan's pocketbook. I was in the premises on that evening and helped the lady on with her sacque, as she has stated. As soon as she accused me of taking her pocketbook I offered to allow her to search me, but she did not do it. I have never been charged with any such offense as this before in my life. I have always been a respectable woman. We were all drinking in this house on the evening in question.

Cross-examination: ..

I have always worked for a living. On the night in question I was employed in a restaurant at four and a half dollars a week, washing dishes. I live in the same place as the Dinans. I did not see Mrs. Regan take her pocketbook out of her dress pocket and place it in the outside pocket of her jacket. I ran into the bed-room because I was afraid they would all go at me and beat me.

The jury returned a verdict of guilty of grand larceny in the second degree.

Indictment filed

Jan 1/93

Court of General Sessions

Part I

The People,

vs.

Mary O'Brien

Abstract of testimony
on trial, New York,
January 18th 1893

0904

Police Court

District.

Affidavit—Larceny.

City and County
of New York, ss:

Ellen Regan

of No. 76 Henry Street, aged 33 years,

occupation Housekeeper being duly sworn,

deposes and says, that on the 26 day of December 1892 at the City of

New York, in the County of New York, was feloniously taken, stolen and carried away
and person from the possession of deponent, in the night time, the following property, viz:

a pocket book containing good
and lawful money of the United States
amounting to thirty five dollars

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said, feloniously taken, stolen and carried away by Mary O'Brien

for the following reasons - on said date
deponent was in the apartments of Mrs Mary
Dinan at 40 Beach Street and she had
said pocket book and contents in a pocket
in the sack that she then wore - the
defendant assisted her in taking off - said
sack - deponent felt defendant's hand in her
pocket and immediately missed said pocket
book - deponent accused defendant with having
stolen her pocket book and she (defendant) ran
away - deponent therefore charges defendant
with Larceny and prays that she be
apprehended and dealt with according to law

Ellen Regan

Sworn to before me this 28 day of

of

1892

Police Justice.

0905

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Mary 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.

Mary O'Brien

Question. How old are you?

Answer.

38 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

54 Varian St. 4 days

Question. What is your business or profession?

Answer.

Sorting Cloth

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**Mary O'Brien*

Taken before me this

*29*day of *December* 189*2**Wm J. Brady*

Police Justice.

0906

Sec. 151.

Police Court 1 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Ellen Regan

of No. 76 Henry Street, that on the 26 day of December
1891 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the
United States

of the value of Thirty five Dollars,

the property of Complainant

w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Mary O'Brien

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the bod of the said Defendant
and forthwith bring her before me, at the 1 DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this 26 day of Dec 1891
John Ryan POLICE JUSTICE.

0907

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated

Dec 28th 1892

Magistrate

Officer.

The Defendant Mary Quinn
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated

188

This Warrant may be executed on Sunday or at
night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

The within named

Police Justice.

38 yrs
W.
Dineen
H.W.
Geo
54 Varin

0908

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

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

Dated, Dec 29 1892 John H. Bay Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1881

0909

W 12
Police Court--- District.

THE PEOPLE &c.
ON THE COMPLAINT OF

Ellen Regan
vs
Mary Horn

Offense
Larceny
from the person

1
2
3
4

Dated, Dec 29th 1892
Magistrate.
Officer.
Precinct.

Witnesses Lizzie Dorman
No. 40 Beach Street.
Annie Delaney
No. 40 Beach Street.

No. 500 G. St.
to answer.

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary O'Brien

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

Mary O'Brien
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

Mary O'Brien

late of the City of New York, in the County of New York aforesaid, on the *56th* day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *right* time of the said day, at the City and County aforesaid, with force and arms,

the sum of thirty-five dollars in money, lawful money of the United States of America, and of the value of thirty-five dollars

of the goods, chattels and personal property of one *Ellen Regan* -
on the person of the said *Ellen Regan*
then and there being found, from the person of the said *Ellen Regan*
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.

De Lancey Nicoll,
District Attorney

09 11

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Connell, Daniel

DATE:

01/26/93



4645

0912

Witnesses:

Officer Gaffney

Counsel,

Filed 26 day of Jan 1893

Pleads, Myself. J. H. M. 193

THE PEOPLE

vs.

B

Daniel O'Connor

VIOLATION OF THE EXCISE LAW.
(Illegal Sales Without License.)
[Chap. 401, Laws of 1892, § 81].

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

J. E. Allen

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Daniel O'Connell

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

Daniel O'Connell

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINE, ALE AND BEER, IN QUANTITIES LESS THAN FIVE GALLONS AT A TIME, WITHOUT HAVING A LICENSE THEREFOR, committed as follows:

The said

Daniel O'Connell

late of the City of New York, in the County of New York aforesaid, on the 19th day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantities less than five gallons at a time, to

certain

other

one James E. Saffney and persons whose names are to the Grand Jury aforesaid unknown, without

having a license granted to him in pursuance of any law of this State permitting him to sell either strong or spirituous liquors, wines, ale or beer, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,

District Attorney.

09 14

BOX:

509

FOLDER:

4645

DESCRIPTION:

Odell, James

DATE:

01/06/93



4645

09 15

BOX:

509

FOLDER:

4645

DESCRIPTION:

Nunan, Michael

DATE:

01/06/93



4645

69
Counsel,
Filed
Plends
day of Jan'y 1893
[Signature]

THE PEOPLE
vs.
James O'Connell
and
Michael Murray
Grand Larceny,
[Sections 628, 629,
Penal Code.]
(Check on Bench)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

L. J. Lattin
[Signature]
Jan'y 11/93 Foreman.

Lead Clk. 2109
No 1 - 2447 M. R. B. W.
No 2 - 3447 M. R. B. W.
Jan'y 20/93

Witnesses:
Dennis Jamian
George Turner
Officer Netturville
Deed for officia
Bank collections
221. St. Robert Ave
Brooklyn
Brooklyn
2331 1st Ave
West Haven
2331 1st Ave
see record number
777

0917

Police Court

5th

District.

Affidavit—Larceny.

City and County } ss:
of New York, }

Jennie Harman
of No. 2308 First Avenue Street, aged 40 years,
occupation Keep-house being duly sworn,
deposes and says, that on the 31st day of December 1892 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the day time, the following property, viz:

One Cornet, one satchel, two pair
of spectacles, and one music stand,
all together of the value of about
Fifty dollars

the property of George Barr and his
deponent one and custody.

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 James O'Neil and Michael Nunan
(both now here) from the fact, that the said
Michael went to deponent's house, and
told deponent that George Barr had
been engaged to play his instrument
in 76th street, and that he the said
Michael had to go to Newark to play
also. About one half hour after,
the said James called at deponent's
house, and told deponent that
George Barr had sent him from
a place called Eckstein's to get
the said property; deponent gave
the said property to the said
James; on the 2nd day of January, 1893.

Sworn to before me this

1893

Police Justice.

09 18

This defendant saw these two defendants walking together, and subsequently had them both arrested.

Whereupon defendant charges these defendants with acting in concert and stealing the said property and prays that they be dealt with according to law.

Sum to before me } Jennie Larian
this 3rd January 1892 }
John R. Boockis }

Police Justice.

09 19

1852

CITY AND COUNTY }
OF NEW YORK, } ss.

POLICE COURT, 5th DISTRICT.

George Baer
of No. *2308 1st Ave* Street, aged *62* years,
occupation *Musician* being duly sworn, deposes and says
that ~~on the~~ *day of* *1893*
~~at the City of New York, in the County of New York~~ *deponent*

*does not know these defendants.
and never sent them to his
daughter this complainant to
get. said property*

George Baer

Sworn to before me, this

day

of *May* *1893*

John J. Baer Police Justice.

0920

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

James Odell being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is *h* *6* right to make a statement in relation to the charge against *h*; that the statement is designed to enable *h* if he sees fit, to answer the charge and explain the facts alleged against *h*; that he is at liberty to waive making a statement, and that *h* *10* waiver cannot be used against *h* on the trial.

Question. What is your name?

Answer.

James Odell

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York

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

Answer.

110 time

Question. What is your business or profession?

Answer.

Plumber

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 -
James Odell

Taken before me this

3

day of

January

189

Police Justice.

0921

Sec. 198—200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK ss:

Michael Nunan

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 sees 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 Nunan

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

Chicago

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

Answer.

227 West 17th St. New York

Question. What is your business or profession?

Answer.

Musician

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.

Michael Nunan

Taken before me this

6

day of

189

Michael Nunan

Police Justice.

0922

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

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

Dated, *January 2* 189*0* *John R. Wood* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0923

Police Court---

5th 24th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jennie Farian
2308 1st Ave
James O'Call
Michael Numan

Maud Carson

BAILED,

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

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

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

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

Dated, January 3 1893
Vinhis
Wettrville
29
Magistrate.
Officer.
Precinct.

Witnesses
Wattie Farian
No. 2308 First Avenue
George Bacon
No. 2308. 1st Ave Street.

No. 1000 each.
\$..... to answer.....
Street.

Com

To the

Honorable Frederick Smyth,

Recorder.

Sir:-

In reference to James O'Dell and Michael Minan who plead guilty before you I would respectfully submit the following report:

Regarding James O'Dell, I saw Robert Eger, Supt. of Glenmore, Star and Globe Lodging Houses and he says that O'Dell lived at the Glenmore during the years 1883-4-5 and when living there he worked in Washington Market. He left there and followed the races and he has not seen him since until he saw him in the Toombs. O'Dell was arrested in 1880 for Violation of the City Ordinance.

Regarding Michael Minan, I would state that he is a member of Musical Mutual Union Local No. 1. He came to New York from Chicago in Sept. 1891 and got an engagement with the Blue Jean Company playing a cornet in the band and stayed with them until the end of the season, April 1892. In June he went to Chicago with McGary's Band of Brooklyn with the Kings County Delegates and on his return got an engagement at Feltmans Casino, Coney Island. He was arrested at Coney Island and fined \$5.00 for being drunk. His next employment was with Bayne's 69th Regiment Band and he played with them four times during the Columbus Celebration. He is not a regular member of this band. He borrowed a cornet from Michael Ryan of Bayne's band, which he pawned; also one from Richard Douthwaite of the same band. Neither of the cornets have been recovered. He

(2)

told me the names of the pawn offices in which they are pawned but claims to have lost the tickets. The parties who own the instruments are not in the City at present, but will be next week. Mr. Andrew Robson of No. 154 East 16th Street, who has befriended him says, that the last time he saw him he gave the defendant \$10.00 to make a purchase for him (Mr. Robson) and to return the goods and the change but he never saw him since. The defendant is an opium fiend. Mr. Bayne believes that he failed to return a uniform that he used on one occasion while with the band.

Dated New York January 20, 1893.

DETECTIVE SERGEANT

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Odell
and
Michael Numan

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

James Odell and Michael Numan
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed
as follows:The said James Odell and Michael
Numan, bothlate of the City of New York, in the County of New York aforesaid, on the 31st
day of December in the year of our Lord one thousand eight hundred and
ninety-two, at the City and County aforesaid, with force and arms,one cornet of the value of forty
dollars, one satchel of the value of
three dollars, two pairs of spectacles
of the value of five dollars each
pair, and one music stand of the
value of five dollars

of the goods, chattels and personal property of one

George Baer

then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.De Lancey Nicoll,
District Attorney

0927

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Keefe, John

DATE:

01/12/93



4645

0928

Witnesses:

W. O. Donnell

Joseph Harvey

Counsel,

Filed

day of Aug

1893

Pleads,

W. O. Donnell

THE PEOPLE

vs.

P

Assault in the First Degree, etc.
(Sections 217 and 218, Penal Code.)

John W. O'Keefe

DE LANCEY NICOLL,

District Attorney.

Part III. 18th Aug 93, 2000

A TRUE BILL

J. Cathin

Foreman.

Part 3. January 1893
Defendant discharged on his
verbal reply.

Mr. W. O. Donnell
I am a witness
I was in the
Court. I am satisfied
the People were not
able to show a
felony was done. The
Prosecution was interested
at the time. They
had always been upon
my mind. And
nothing can be done
My first relationship
had changed. I had
known the defendant. His
discharge upon his own
recognition which I found
true.

0929

Police Court—4 District.City and County } ss.:
of New York, }

of No. 302 East 28th Street, aged 19 years,
 occupation Marble Cutter being duly sworn
 deposes and says, that on or about 17 day of August 1883 at the City of New
 York, in the County of New York,
 he was violently and feloniously ASSAULTED and BEATEN by John O'Verfe

who did wilfully and feloniously
cut and stab deponent on the
left shoulder with knife then
and then held in the hand
of said O'Verfe

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

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

Sworn before me, this 4 day } W. J. Donnell
 of January 1883 }

Charles A. Smith Police Justice.

0930

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Keefe 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 Keefe*

Question. How old are you?

Answer. *19 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *East 21 Street*

Question. What is your business or profession?

Answer. *Printer*

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*
John Keefe

Taken before me this

11

day of

John Keefe

Police Justice.

0931

Sec. 151.

POLICE COURT, 24 DISTRICT.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned one of the Police Justices for the City of New York, by William O'Donnell
of No. 302 East 3rd Street, that on the 17 day of August
1883 at the City of New York, in the County of New York,

and following,
he was violently **Assaulted** and **Beaten** by John O'Keefe

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 24 DISTRICT POLICE COURT, in the said city, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 24 day of August, 1883
Charles N. Linton POLICE JUSTICE.

0932

Aug 19. 1880. No. 21. St. between 1st & 2nd Ave

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice

Police Court.....District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-A. & B.

Dated 188

Magistrate.

The Defendant *John E. Keefe* Officer

taken, and brought before the Magistrate to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated *January 4* 1887

This Warrant may be executed on Sunday or at night.

Police Justice.

0933

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

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

Dated, Jan 10 189

Charles N. Smith Police Justice.

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

Dated, 189

Police Justice.

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

Dated, 189

Police Justice.

0934

\$500. for \$
January 6/92. 9am.

Police Court--- District. 28

THE PEOPLE, &c.
ON THE COMPLAINT OF

William O'Donnell
302 E. 28th St

John O'Keefe

2
3
4

Offense
Larceny

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Dated, Jan 4, 1893

Magistrate.

Officer.

Const Precinct.

Witnesses Joseph Harvey

No. 325 E. 32nd Street.

No. Street.

No. Street.

\$ 500 to answer

.....

.....

.....

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

John O'Keefe

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The Defendant was a personal friend of mine and a companion - He was under the influence of liquor at the time - And I am satisfied he would not have intentionally assaulted me -

William O'Donnell

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John O'Keefe

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

John O'Keefe

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *John O'Keefe*

late of the City of New York, in the County of New York aforesaid, on the ~~fourteenth~~ *seventeenth* day of *August* in the year of our Lord one thousand eight hundred and ninety-*two*, with force and arms, at the City and County aforesaid, in and upon the body of one *William O'Donnell* in the peace of the said People then and there being, feloniously did make an assault, and *him* the said *William O'Donnell* with a certain *knife*

which the said *John O'Keefe* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent *him* the said *William O'Donnell* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

John O'Keefe of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

John O'Keefe late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *William O'Donnell* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *William O'Donnell* with a certain *knife*

which the said *John O'Keefe* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— *John O'Steen* —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

— *John O'Steen* —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *William O'Donnell* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* *William O'Donnell* —

which *he* the said

John O'Steen

in *his* right hand then and there had and held, in and upon the *shoulder* of *him* the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, *bruise* and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

William O'Donnell
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.

DE LANCEY NICOLL,

District Attorney.

0938

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Mahony, Eugene

DATE:

01/05/93



4645

0939

BOX:

509

FOLDER:

4645

DESCRIPTION:

Fay, James

DATE:

01/05/93



4645

Witnesses:

Lawrence Murphy

(31)

Counsel,

Filed

Pleads

5 Ray 1893
Temple Street

THE PEOPLE

vs.

26
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Eugene O'Mahony
James Fay

Forgery in the Second Degree.
[Sections 611 and 621, Penal Code.]

DE LANCEY NICOLI,
District Attorney.

A TRUE BILL.

Cathie

Foreman.

Part 3 January 27/93
Bottle plead guilty.

Apr 14 2
Chutwaco signed
Feb. 10. 1893

0941

Dec 29 - today

Int. & D. C. Laws, 1861. Chap. 586.

Form 24

1905

Vagrancy Laws, 1853. Chap. 183, § 2.

Police Court—

District,)

New York, Jan 1 1893

CITY AND COUNTY OF NEW YORK, ss.

To the Warden and Keeper of the City Prison of the City of New York:

You are hereby directed to discharge from
your custody Anthony Gallagher committed by the
undersigned Police Justice Dec 25 1892 for 30 days
for his arrest.

A. J. White Police Justice.

Charles E. Simmons

Commissioner of Public Charities and Correction.

0942

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

Lawrence Murphy
aged _____ years, occupation *Superintendent* of *No.*
Workhouse Blackwell's Island Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Charles E. Linton*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this _____

day of *May* 189 *7*

Charles N. Linton
Police Justice.

0943

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK.

District Police Court.

James Fay 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. *James Fay*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *6154 West 25th 6 months*

Question. What is your business or profession?

Answer. *Sailor*

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*

James Fay

Taken before me this

day of

Charles W. T. 1883

Police Justice.

0944

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

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

Dated, July 1893 Charles N. Farnsworth Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0945

Police Court---4 District. 7

THE PEOPLE, &c,
ON THE COMPLAINT OF

*Agnes & Thomas
James Gray*

Offense

BAILED,

No. 1, by *Sarah J. Russell*
Residence *164 W 48th* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

3 _____
4 _____
Dated, *May 9* 189 *3*
Wm. J. Mahon Magistrate.
Officer.
Precinct.

Witness *Lawrence Smith*
No. *66 Third Avenue* Street.

No. _____ Street.

No. *100 East 9th* Street.

Conn to answer.

0946

Police Court *H* District.

City and County of New York, ss.

of No. *66 Third Avenue* Street, aged *33* years,
 occupation *Commissioner of Public Charities and* being duly sworn, deposes and says,
 that on the *1* day of *January* 189*3*, at the City of New
 York, in the County of New York,

Eugene O. Mahoney and James Fay
 both now here, did unlawfully and
 feloniously and with the intent to defraud
 forge and utter an instrument in
 writing, which instrument is hereby
 annexed, and which purports to be
 a discharge for a certain prisoner
 confined in the workhouse at Blackwell's
 Island under a person's charge as
 Commissioner of Public Charities and
 Correction for the reasons following
 to wit: That aforesaid is informed
 by Lawrence Murphy, the
 Superintendent of the Workhouse on Blackwell's
 Island, that on the 24th day of December
 1892 Mr. Anthony Gallagher was com-
 mitted to the said Workhouse for the
 term of ten days. That said Gallagher
 was serving the said sentence, and that
 on said day the said defendants came
 over to the Workhouse and presented
 the aforesaid instrument to the said
 superintendent. That aforesaid charges
 the defendants, with forging the signature
 of Charles E. Simmons, which is aforesaid
 name, and with the intent to defraud
 and defraud, forays that the defendants
 be dealt with according to law.

Given under my
 this 2nd day of January 1893 Charles E. Simmons

Charles N. Linton

Judge of the Court

0947

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Regene O Mahoney being duly examined before the under-
signed 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.

Regene O Mahoney

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

6317 East 24th St. one year

Question. What is your business or profession?

Answer.

Painter

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
Regene O Mahoney

(C. J.)

Taken before me this
day of *July* 1911.
Charles J. McArthur
Police Justice.

STATE of NEW YORK. :
 ----- :

The PEOPLE :

vs. :

Eugene O'Mahony and :

James Fay. :
 ----- :
 ----- :

City and County of New York SS.

THOMAS KEEHAN being duly sworn deposes and says: I reside at 106 West 25th Street in the city of New York. I am a tailor by occupation and have known both the defendants herein for some years. I know them to be industrious, sober and well conducted young men whose characters have always been good. I would trust either of them with anything. I never before heard of their being arrested for any offence before. I do not believe they would have committed the offence now charged against them were it not for the fact that they indulged too extensively in celebrating New Year's Day.

SWORN to before me this

27th day of January 1893. *Thomas Keehan*

Henry W. Jones

Notary Public, N.Y.C.

Cert. filed in N.Y.C.

STATE of NEW YORK. :

The PEOPLE :

vs. :

Eugene O'Mahony and :

James Fay. :

City and County of New York SS.

EUGENE O'MAHONY and JAMES FAY being duly sworn severally depose and say: That Anthony Gallagher a friend and shopmate of theirs was on or about December 29th, 1892, committed by Police Justice White for a period of ten days for having used abusive language. That on New Year's Day, 1893, prompted by a feeling of friendship for said Gallagher, they proceeded to Judge White and applied to him to discharge said Gallagher, which application Judge White granted and signed the discharge paper. Defendants then proceeded to ~~XXM~~ find Commissioner of Charities Porter to get him to countersign the discharge but failed to find him. They then proceeded to the residence of Commissioner of Charities Simmons for the purpose of obtaining his signature to the discharge but also failed to find him. They stated their business to some person in a neighboring liquor store who informed them that as the committing magistrate had granted the discharge that the signature of a Commissioner of Charities was required

only as a matter of form and the name could be signed by any person; and they allege that had they not been under the influence of liquor they would not have been misguided by any such bad advice. They proceeded to Blackwell's Island and presented to Mr Dunphy the discharge signed with the name of Judge White, and countersigned in the name of Charles E. Simmons, Commissioner of Charities, which was not written by said Charles E. Simmons but by the defendants. That Mr Dunphy immediately recognized that the handwriting was not that of Charles E. Simmons but was a forgery, and he detained defendants until he ascertained the true facts in the matter. The said Gallagher whom they expected to have released was not released, but defendants were arrested and indicted by the Grand Jury on a charge of forgery. Defendant Fay has been confined in the Tombs since the first of January, 1893, and defendant O'Mahony was released on bail after having been for a number of days confined there also.

Deponents each for himself say that they had no intention to violate any law; that they were prompted by a feeling of friendship for Gallagher to take steps to obtain his discharge, and obtained the signature of Judge White in a legal and proper manner. As evidence of their desire to comply with the law they visited both the houses of Commissioners Porter and Simmons to obtain their signatures but having failed to find them and being informed as already stated that the countersigning of the discharge by a Commissioner of Charities was only a formality, they violated the Law in the manner charged; and deponents each for himself say that they would not have done so were

it not for the fact that they were under the influence of liquor. That each swears that he was never arrested before for any violation of the law. Deponents each for himself further say that they had no evil motive in committing this offense, and each promises that if the Court will deal as leniently with him as it possibly can he will never violate any law again.

Sworn to before me :
this day of January, 1893: :-

0952

STATE of NEW YORK.

The PEOPLE

vs.

Eugene O'Mahony

and James Fay.

City and County of New York SS.

BRIDGET HORAN being duly sworn deposes and says: I reside at No. 343 East Fifty-second Street in the City of New York. I have known both the defendants herein, Eugene O'Mahony and James Fay, for a period of eight years and have worked with them in the same shop. I know them to be respectable, well conducted and sober young men and I never heard of them getting into trouble for committing any breach of the law until the present instance.

SWORN to before me this

27th day of January 1893.

Hewitt Jones
Notary Public, N.Y.C.
Cert. filed in N.Y.C.

STATE of NEW YORK.

The PEOPLE

vs.

Eugene O'Mahony and
James Fay.

City and County of New York SS.

THOMAS O'CONNELL being duly sworn deposes and says: I reside at No. 15 Prince Street in the city of New York and am a tailor by occupation. I have known both the defendants herein for a period of five years, having worked with them during that time. I know them to be most respectable, well conducted and industrious and sober young men and I never heard of their being previously charged with any violation of the law. I believe they were both under the influence of liquor on New Year's Day when the name of Commissioner Simmons was signed to the discharge of Anthony Gallagher issued by Police Justice White and that if they had been in their customary state of sobriety they would not have committed the offence.

SWORN to before me this

27th day of January 1893. *Thomas O'Connell*
Henry W. Jones
Notary Public, N.Y.C.
Act. fil. in N.Y.C.

0954

THERON G. STRONG,
BENJAMIN S. HARMON,
CHARLES F. MATHEWSON.

LAW OFFICES,
STRONG, HARMON & MATHEWSON,
45 WILLIAM STREET,
NEW YORK.

Feb. 2, 1893.

Hon. James Fitzgerald,
Court House, N.Y.

Dear Sir:

I beg to address you on behalf of James Fay, who is awaiting sentence for the crime of forgery in the second degree; the offence consisting in the signing of Commissioner Charles E. Simmons' name as the countersignature on an order of a police judge for the discharge of a person on Blackwell's Island. I respectfully ask you to take into consideration the fact that Fay did not write the signature--it was written by his companion; that Commissioner Simmons' name was not imitated, and there was no attempt to produce similarity; that it was not done to secure money or obtain anything of value; that this is his first offence, he never having been arrested before; and that the affidavits show him to have been of good character.

I have written to the district attorney, and I hope he will recommend a suspension of sentence, as I believe the sending of this man to States Prison on the plea of guilty of forgery, under such circumstances, is a greater punishment than he deserves. He has now been in the toms for a month, and I have no doubt that this imprisonment is as severe a lesson to him as any further imprisonment would be.

I remain,

Yours very truly,

Theron G. Strong

STATE of NEW YORK. :

The PEOPLE

vs.

Eugene O'Mahony

and James Fay.

COURT of GENERAL SESSIONS,

Part III.

FORGERY - Second Degree.

City and County of New York SS.

ELLEN BULLMAN being duly sworn deposes and says: I reside at No. 408 Fourth Avenue in the City of New York. I am the aunt of the defendant Eugene O'Mahony and have known him from the time of his birth. Up to the time of his arrest for the offence herein he had never been arrested before. I know him to be a steady, sober and industrious young man, and he was not prompted by any evil or vicious motive in the commission of this offence. The character of the said defendant Eugene O'Mahony has always been of the best.

SWORN to before me this

27th day of January 1893.

Henry W. Jones

Notary Public in N.Y.C.

Art. filed in N.Y.C.

STATE of NEW YORK.

The PEOPLE

vs.

Eugene O'Mahony

and James Fay.

City and County of New York SS.

PATRICK FEE being duly sworn deposes and says: I am a stonecutter and reside at No. 856 Tenth Avenue in the City of New York. I am a brother of James Fay, one of the defendants herein. My brother has never been arrested for any offence before, and he has resided in this country for a period of thirteen years. I know his character to have always been of the best. I could not conscientiously say that he was ever drunk and I never knew him to be guilty of a misdemeanor of any kind. His conduct has been very good at all times. I do not believe that my brother was actuated by any evil motive when he committed the offence charged against him.

SWORN to before me this

27th day of January 1893.

Hewey W. Jones

Notary Public, City of N.Y.

Art. filed in N.Y.C.

Patrick Fee

STATE of NEW YORK.

The PEOPLE

vs.

Eugene O'Mahony and

James Fay.

City and County of New York SS.

ELLEN HORAN being duly sworn deposes and says
I reside at 343 East Fifty-second Street in the city of New
York. I have known the defendant Eugene O'Mahony for three
years and the defendant James Fay during a like period. I
have worked with them and I know that the conduct of both of
them has always been good and that they are steady and sober
workmen. I never heard of their having committed a breach
of the law before that charged against them in the present
instance.

SWORN to before me this

27th day of January 1893.

Henry W. Jones
Notary Public, N.Y.C.
Cert. filed in N.Y.C.

STATE of NEW YORK

The PEOPLE

vs.

Eugene O'Mahony and
James Fay.

City and County of New York SS.

JOHN McDERMOTT being duly sworn deposes and says: I reside at No. 208 West Twenty-fifth Street in the City of New York. I am a tailor by occupation. I have known both the defendants herein, Eugene O'Mahony and James Fay, for four years and have worked beside them during that time. I know them to be both well conducted and sober and industrious, and I never until the present instance heard of their having committed a breach of the law. I do not believe that they would have violated the law in the manner now charged against them had they been in a state of sobriety at the time it was done.

SWORN to before me this

27th day of January 1893.

Henry Jones
Notary Public, N.Y.C.
Cert. filed in N.Y.C.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Engene O'Mahoney
and *James T. Tark*

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

Engene O'Mahoney and James T. Tark

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Engene O'Mahoney and James T. Tark*

late of the City of New York, in the County of New York aforesaid, on the *first* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with intent to defraud, feloniously did forge a certain instrument and writing, which said forged instrument and writing is as follows, that is to say:

Police Court 2 District
New York, Jan 1 1893

Richard R. Smith, Esq. J. C. C.

In the matter of the City of New York
Commissioner of the City of New York

you are hereby directed

to discharge you from your custody and to
release you from the custody of the undersigned
Police Justice Dec 29 1892 for New York
for Dis. Conduct.

A. J. White, Police Justice.

Charles E. Sammons

Commissioner of Public Charities and Corrections.

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

SECOND COUNT.

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

Eugene O Mahoney and James Lang
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Eugene O Mahoney and James Lang, both*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

*Police Court 2 District
New York, Jan 1 1893*

City and County of New York, ss.

*To the Warden and Keeper of the City Prison of
the City of New York.*

*You are hereby directed to discharge
from your custody Anthony Gallagher
committed by the undersigned Police Justice
Dec 29 1892 for ten days for
dis. Conduct.*

A. J. White Police Justice

Charles E. Sumner

Commissioner of Public Charities and Correction

the said *Eugene O Mahoney and*

James Lang then and there well knowing the same to be forged, 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.

DE LANCEY NICOLL,

District Attorney.

0961

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Neil, James

DATE:

01/26/93



4645

(264)

Counsel,

Filed

27th day of May 1893

Pleadst

Wm. H. H. H.

THE PEOPLE

32nd Nov 1893

108th Nov 1893

James O'Neil

Grand Larceny, Accused Degree. [Sections 228, 237, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. Catlin

Foreman.

Part 3. February 1893

Pleadst Attempted 4th day

1st 7th Nov 1893

Wm. H. H. H.

Wm. H. H. H.

Witnesses

Officer Gray

0963

Police Court

District.

Affidavit—Larceny.

City and County
of New York, ss:

of No. 3 Hudson Street, aged 34 years,
occupation Expressman being duly sworn,
deposes and says, that on the 19th day of January 1893 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:

One package containing
a quantity of cigars
of the value of Fifty Dollars.

the property of

In the care and custody of
Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by James O'Neil

(now here) for the reasons following
to wit: On said day deponent had
said property in an express wagon
in Penn Row and deponent is
informed by John J. Gray a police
officer of the City Hall police
that he saw said deponent go up
to deponent's wagon in said street
and take said package containing said
property therefrom and walk away
with the same and deponent has
and deponent fully identifies said
property as being his and charges him
with the larceny of same.

Joseph Kelly

Sworn to before me, this 20th day of January 1893

John J. Gray
Police Justice.

0964

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 28 years, occupation Journalist of No. 100
City Hall Place Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Joseph Kelly
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 3 day

of January 1893

John J. Gray
C. E. Simonds Police Justice.

0965

Sec. 108—200.

1882

District Police Court.

City and County of New York, ss:

James 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 a charge against him ³ that the statement is designed to enable him ¹⁷, if he see fit, to answer the charge and explain the facts alleged against him ⁴; that he is at liberty to waive making a statement, and that his ⁴ waiver cannot be used against him ⁵ on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

James O'Neil

Taken before me this

20th

day of January 1897

Police Justice.

0966

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.....

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

Dated, 189..... Police Justice.

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

Dated, 189..... Police Justice.

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

Dated, 189..... Police Justice.

0967

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James O'Connell
3. O'Connell

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated,

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

500
Jan 21

SI

9.30

0968

THOMAS AMBROSE,
PRACTICAL HOUSE AND SIGN PAINTER,
Paper Hanging, Kalsomining, Graining, Frescoing, &c.
430 PEARL STREET,

New York, July 3rd 1892

This is to certify that
James O. Hull has been
working for me for this time
years as a Bricklayer
& all was done him honest
& a good worker & well
recommended him any way
as a good worker
James Thomas Ambrose
66 Market Street
City

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James O'Neil

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

James O'Neil
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

James O'Neil

late of the City of New York, in the County of New York aforesaid, on the *nineteenth*
day of *January* in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, with force and arms,

*one thousand cigars of the
value of five cents each*

of the goods, chattels and personal property of one

Joseph Kelly

then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

*Wm Lancelotti,
District Attorney.*

0970

BOX:

509

FOLDER:

4645

DESCRIPTION:

O'Neill, William Lane

DATE:

01/16/93



4645

0971

POOR QUALITY
ORIGINAL

~~I do not think that a conviction in this case is probable although the complainant is confident that the signature is genuine.~~

Witnesses:

Alfred M. [unclear]

Counsel,

Filed *16* day of *June* 1893

Pleads,

THE PEOPLE

vs.

William James [unclear]

Forgery in the Second Degree.
Sections 341 and 342, Penal Code.

Paul reduced to \$1,000

by Dist Atty

I do not think that a conviction in this case is probable although the complainant is confident that he did not sign the letter of Retainer which is the subject of the forgery alleged in the indictment. On the other hand an expert employed by the People has expressed the opinion that the signature is genuine. Although I do not doubt the good faith of the complainant, I do not think the need of the conflict of proof. I have the prosecution right to proceed further. The complainant has apparently no malice and is disposed to accept and follow my advice. The District Attorney is either a dismissal or a trial as he has a right to do. As I have concluded to recommend a dismissal rather than put the County to the expense of a trial or the Department to further prosecution.

13 June 27 93 DELANCEY NICOLL, District Attorney

Corrected by [unclear] 19-12-93

A TRUE BILL.

J. [unclear] Foreman.

June 27 93. Delancey Nicoll
Dist Atty

(Copy opinion of Ex-Judge Noah Davis after having carefully examined all the facts in the case.)

Court of General Sessions.

City and County of New York.

The People.

- v -

Wm. Lane O'Neill.

I have carefully examined the annexed brief and papers submitted, to me, by Mr. O'Neill, (herewith annexed,) and I am of opinion, that with the facts stated therein, before a trial court and jury, no conviction of Mr. O'Neill, of the crime of forgery, could possibly be had.

New York February 26th, 1868.

NOAH DAVIS,

Counselor at Law,

2 Wall St. N. Y.

(Original in Judge Davis's handwriting)

Court of General Sessions.

The people.

Plaintiff.

- against -

W. Lane O'Neill.

City and County of New York ss:

George W. Deane being duly sworn says:-

I was present at the trial of action of said W. Lane O'Neill as Plaintiff against said Lang as Defendant in Third Civil District Court on 22nd November 1902, and I heard said J. W. Lang give the testimony which is set forth in the official stenographer's notes of 22nd November 1902, and in herein stating the testimony I also set forth, within parentheses, the explanation given by Lang, when he gave this testimony; namely:-

(See page 25, line 8, to 14, as follows:-)

"Q. How did you come to sign this? " (meaning the letter or request in question).

"A. Well, Your Honor, I will take an affidavit to God in Heaven that that, " (here witness Lang pointed with his fingers to the body of the letter, or all the part above the signature, and then continued,) "is not my handwriting, but 'John William Lang', " (pointing to the signature,) "THAT IS MY SIGNATURE, but that " (again pointing with his fingers to, and indicating the body of the writing, all above the signature,) "is not my writing, Your Honor."

By Defendant's (Lang's) Counsel.

Q. Is that your signature?

A. THAT IS MY SIGNATURE, YES, but that " (again pointing to the body of the writing all the part above the signature) "IS NOT MY HANDWRITING."

BY THE COURT:

Q. He " (meaning the Plaintiff O'Neill in that action) ", doesn't say it was, he? (O'Neill) "says that you wrote the signature on it."

(I.)

(See page 26, line 1. as follows:-)

2.

"Witness" (Lang) "How in the world that man got MY SIGNATURE"
(on every occasion from beginning to end when he refers to the signature on 22nd November 1902, this witness Lang states in Civil District Court that it is his signature) "I don't know Your Honor; that was signed by a witness too, just think of it."
Q. Did you sign that, Mr. Lang, did you sign it, knowing the contents?
A. Never, I never signed it - with these words. How that lawyer got my SIGNATURE" (witness always and at every time stated, it was his signature, and so recognized it throughout from beginning to end)
"Your Honor, that is a mystery."

Sworn to this 10th day of February 1903.)
before me.)

Norman A. Rawler
Notary Public,

New York City, N.Y.

Geo. H. White

To _____ Esq.,

Attorney for _____

Please take notice, that the within is a copy of an order made in the within action, and duly filed and entered on the day of _____ 189____ ne office of the Clerk of the County _____ of New York.

Dated this _____ day of _____ 189____

Yours, &c.,

W. LANE O'NEILL,

Attorney for _____

OFFICE AND POST OFFICE ADDRESS:

World Building, 63 Park Row, New York City.

To _____ Esq.,

Attorney for _____

Please take notice, that the order, of which the within is a copy, will be presented to Mr. Justice _____ at the Chambers of this Court at the _____ City of _____ on the _____ day of _____ 189____ at _____ o'clock in the _____ noon for settlement and entry in the within action.

Dated _____ day of _____ 189____

Yours, &c.,

W. LANE O'NEILL,

Attorney for _____

OFFICE AND POST OFFICE ADDRESS:

World Building, 63 Park Row, New York City.

NEW YORK *General Sessions* COURT.
COUNTY OF *Part III*

The People

Plaintiff.

against

O'Neill

Defendant.

for

W. Lane O'Neill

W. LANE O'NEILL,

of Counsel

Attorney for *Defendant*

WORLD BUILDING,

63 Park Row, New York City, N. Y.

To *Hon De Lancey Nicol* Esq.,

Attorney for _____

Street,

NEW YORK CITY.

Due service of a copy of the within _____ is hereby admitted.

Dated _____ day of _____ 189____

Attorney for _____

Court of General Sessions

People vs

"
Wm Lane O'Neil

}

Now for a July 21-1893

Recd from the Clerk of the Court of General Sessions
 the following paper Testimony of trial in S. Dist.
 Court, 3 letters written by O'Neil to Lang,
 copy of record of trial of O'Neil in City of
 O'Neil Argument of Mosely case in Washington
 D.C. & Newspaper clippings -

James Forman
 Atty for Lang

0977

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 32 years, occupation Cashier of No. 407 Lexington Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John William Lang and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 14

day of December 1892

J. M. F. [Signature]

[Signature]
Police Justice.

Police Court 4th District.City and County } ss.
of New York.

of No. 157 East 14th Street, aged 40 years,
 occupation Hotel proprietor being duly sworn, deposes and says,
 that on the 16th day of August 1890, at the City of New
 York, in the County of New York

H. Lane O'Neill did wilfully and unlawfully, with intent to defraud deponent, forge an instrument purporting to be the act of deponent by which a pecuniary obligation was purported to have been created, in violation of Section 511 of the Penal Code in the manner following to wit: That, on the aforesaid date, said O'Neill did wilfully and unlawfully forge deponent's name and the name of another person to wit: one Jerry M. Fowler, to an instrument which is hereto annexed and which instrument purports to be an authorization given to said O'Neill by deponent to act for him, deponent, as attorney and counsel in a suit in which deponent was interested against one Mansfield; and which instrument was offered in evidence by said O'Neill in ~~the~~ the trial of a suit brought by said O'Neill against deponent in the Civil District Court for the Third Judicial District of this County on November 22, 1892. That said instrument purporting to create said pecuniary obligation was never signed by the deponent on August 16, 1890 nor at any time previous thereto nor since said time and that the first knowledge deponent had of the existence of said instrument was when the said instrument was produced by said O'Neill in said Court on November 22, 1892. Deponent further says that the person alleged in said instrument to have introduced the same, to wit,

0979

Said Jerry M. Fowler, of No. 407 Lexington Avenue, in this City, informed him, deponent, that his name signed said paper is not in his handwriting and that the said Fowler never intrusted any such paper on the aforesaid date. That deponent believes that his name ^{was} forged said paper by said O'Neill with intent to defraud the deponent and deponent therefore prays that said O'Neill may be arrested and dealt with as the law directs.

Sworn before me this } John Wm Lang
14th day of December 1892 }

J. W. Lang

Police Justice

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offense.

1
2
3
4

189

Dated

Magistrate.

Officer.

Clerk.

Witnesses,

No.

No.

Street.

No.

Street.

No.

Sessions.

to answer.

0980

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

William Lane O'Neill

Question. How old are you?

Answer.

Refused

Question. Where were you born?

Answer.

Refused

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

Answer.

Refused

Question. What is your business or profession?

Answer.

Lampy

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 defendant declines to say anything further and also refuses to sign this statement

Taken before me this *9*
day of *July* 188*7*

Police Justice

0981

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

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

Dated May 11th 1897 Charles N. Smith Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0982

#2000 - for 8x
January 11 - 1893. 2 PM

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John William Lang
W. Lane O'Neill

2

3

4

Dated,

189 3

Magistrate.

Officer.

Deputy.

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

0983

Lang's

Hotel, Restaurant and Oyster House,
157 AND 159 EAST 42d STREET,
ONE BLOCK EAST OF GRAND CENTRAL DEPOT.

New York, 16 April 1890

W. Lane O'Neil Esq

I hereby retain
you on my behalf
in the case of the
State & myself
against Mansfield
alias Stafford
as my attorney &
counsel -

John M. Lang

Witness

Jerry M. Rourke

0984



District Police Court.

New York

189

John W. Long

0985

Of
John W. Long

0986

Sec. 151.

Police Court 14 District.CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff or the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by John William Long
of No. 157 East 42^d Street, that on the 16 day of August
1892 at the City of New York, in the County of New York,Mr. Lane O'Neill, was charged
with forgeryWherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 14 DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.Dated at the City of New York, this 14 day of December 1892
J. W. Long POLICE JUSTICE.

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated _____ 188

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm. J. ...

Warrant-General.

Dated _____ 188

Magistrate

Officer.

The Defendant
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

0988

POOR QUALITY
ORIGINAL

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

St. Paul
on the Court of Law
by the 4th Dist. President
57-10

Substantive Discharge
on Aug. 19 1890
Prison Sent to State
of General Discharge

De la Cruz, Scott
District Attorney.

Wm. H. H. H.
100 Broadway

0989

POOR QUALITY
ORIGINAL

Law Offices of
HOWE & HUMMEL,
87 & 89 CENTRE AND 136, 138 & 140 LEONARD STS.
New York City

March 6th, 1893.

Hon. De Lancey Nicoll,
District Attorney,

My dear Sir:-

The People vs. Wm. Lane O'Neill.

I have already submitted to you my Brief herein which is substantially identical with those of Col. Dawson and Mr. Keller in the above case, and it sets forth the material parts of the evidence and directs your attention to the unquestionable fact that no conviction can be had in this case.

I am informed that Judge Bedford has carefully examined all the facts and has personally seen and questioned the witnesses for the People and after doing so, has submitted to you his written recommendation that the indictment should be dismissed on the ground that no conviction could be had.

I cannot ~~conceive~~ conceive how any other decision could be arrived at by any lawyer upon the facts, even as they appear on the official Stenographer's notes (the originals of which are now before you) of the testimony of the witnesses for the People.

I have now to add that all the facts and papers have been

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**POOR QUALITY
ORIGINAL**

WILLIAM F. HOWE
A. H. HUMMEL
S. STEINHART
JOSEPH F. MOSE
DAVID MAY, SS.

Law Offices of
HOWE & HUMMEL,
87 & 89 CENTRE AND 136, 138 & 140 LEONARD STS.
New York City

(2) 189

submitted to the Hon. Ex-Chief Justice Noah Davis, and he writes,
"I think this case clearly one, in which there can be no conviction
"and that the Dist. Atty. will do his whole duty in causing the
"indictment to be nol pross'd."

Judge Davis has also written an opinion, the original of which will be produced to you, and a copy of which is enclosed herewith, endorsing the prior opinions, and the views of Judge Bedford, and in which he also states most emphatically that no conviction "could possibly be had" in this case.

I again ~~put~~, put it to you, in terms of the strongest recommendation upon all these grounds, that it is specially necessary, fit and proper, that this course be adopted, and further, under all the circumstances, I hope and believe you will not hesitate to adopt the course indicated, and to have the case "nol pross'd."

I would call on you on this subject personally to-day, but find it is impossible for me to do so; and I, therefore, write rather fully to you, what I would like to impress on you person-

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New York City

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(3)

ally and as emphatically as I can: the more I think of it the more thoroughly convinced I am that my opinion, submitted to you on the 13th of February, and now endorsed by the Chief Justice, is in every respect right, and that the independent and prior recommendation of your Assistant, Judge Bedford, should be acted upon.

Yours very faithfully,

William F. Howe
Oct 12

N.Y. Court of General Sessions

The People
Plaintiff

against
W. Lane O'Vell
Defendant

Take Notice that upon the
annexed papers and upon all
the papers and pleadings
in this case the Defendant
will move this Court before
the Honorable Randolph
B. Marline Part II at eleven
o'clock in the forenoon
on Monday the 26th day of
June 1893 for an order
directing that the above
entitled case be dismissed
for want of prosecution
and for such other and further
relief as may be just

Dated this 24th June 1893

Yours &c

To Hon. Delany Noble W. Lane O'Vell
District Attorney of Counsel for Defendant
N.Y. County & Defendant in person

New York County General Sessions

The People of the
County of New York
vs. The People of the
County of New York

City & County of New York S.S.

The People of the County of New York
vs. The People of the County of New York
The above named defendant
Some considerable time, to be

W. H. H.

On Monday the 2nd day of June
1878, the above entitled case was placed on Calender Part of Trial on 5th May.
On said day I attended
personally with my Courtman
Counsel and witnesses
at said Part of said Court
and the case appeared on
its Calendar and it was
urged & requested that the case
be then and there called for
trial and tried. Mr. Deane
the Assistant District Attorney
then stated that the plaintiffs
were not ready and requested
that the case be postponed
for one week. This suggestion

was opposed by the Defendants
 and his Counsel who stated
 that they urgently desired
 to proceed to trial at
 once or at the earliest
 possible day and after
 some discussion by
 way of compromise
 Thursday the 8th day of
 June was agreed upon by
 the said Case and said
 Part I ~~Defendant~~ ~~Plaintiff~~
 That on the said 8th day
 of June 1893 the defendants
 bondsmen having been
 again notified the Case
 again appeared on the
 Calendar for the trial of
 cases on that day and
 defendant with his bondsmen
 Counsel and witnesses
 again attended in Part I
 pursuant to said adjournment
 and there ascertained
 that the case had been
 transferred from Part I to
 Part III That defendant with his
 Counsel went immediately

when

before the Honorable Remondet
 to Martine in Part 3 and
 after some discussion with
 the District Attorney
 in charge relative to the
 change from Part 1 to Part
 III it was agreed that the
 case should be adjourned
 for trial on the 13th day
 of June instant

That on said 13th of June
 the Defendant with his Bondsman
 Counsel and witnesses
 appeared in Court for the
 purpose of going to trial but
 were disappointed again and
 subsequently on the same
 day (13th June) by arrangement
 between the District Attorney's
 office & Mr. Dawson of
 Defendant's Counsel ~~it was~~
 an adjournment was arranged
 and in pursuance thereof
 the case was put on the
 Calendar for trial on the
 19th of June instant

That on 19th June Defendant
 with Bondsman Counsel and

witnesses again appeared in Court before Judge Martine and again urged for the immediate trial of the case which was first on the calendar that day for trial.

The District Attorney in charge refused and failed to try stating that he was not ready and the reason assigned by him was that the prosecutor or complaining witness was absent from the City at such a distance that it would take two days for a letter to reach him and that this information was received by him from the wife of the said prosecuting witness or complainant when he called upon her at her residence.

On the morning of the 19th instant there were none of the witnesses for the people present in Court.

so far as the defence could find out by personal inquiry or investigation.

The case had been by agreement as aforesaid between Counsel on the 13th just set down on the Calendar for trial on the 19th instant and a motion was called to the circumstance that notwithstanding this well known fact the prosecutor did not appear on the 19th instant and claimed to be then two days journey from New York.

The Defendant urges and claims that he is entitled to a prompt and speedy trial because the pendency of this accusation is working the gravest possible injury, & in some respects irreparable injury to him and he respectfully claims that he is

entitled under the Constitution of New York and of the United States to a prompt speedy and impartial trial of the charge of forgery preferred against him

Deponent further says and begs leave to so inform the Court that in response to an invitation and request from the District Attorney's office, the Council of the District of Columbia, the District Attorney, and the District Attorney's office, deponent has been called upon to prepare a statement which he has prepared to prove on the issue of the issue in this case that the said evidence was submitted under the strictest impartial impression and request that the District

Attorney was about to
 institute an examination
 in handwriting or language
 in to the case for the purpose
 of determining whether or
 not the case was one that
 on its merits should be
 brought to trial and many
 calculations were had
 to, many depositions to be used
 and the representations of the
 Defendant's attorney offered
 in furtherance of the
 case the Defendant's attorney
 sent the case with the papers
 to the judge of Bedford as
 one of the witnesses to whom
 a letter had been written were
 given and he was instructed
 to examine and report upon
 the question as to whether
 or not this was a proper
 case to be tried, and in
 Bedford he was and
 examination for many weeks
 during which time he was named
 and was given the papers and

statements in the said affidavit
 and also had personal interviews
 with the House of Representatives
 and the United States for the
 Sea, she and ~~the~~ questioned them
 also in the said case. These
 statements as to the work done
 in the District Attorney's office in a
 given case, as an information
 and asking, the information being
 derived from the District Attorney
~~and the District Attorney's office~~
 had to be given. The case
 and had to be given for the people,
 he reported as defendant is
 informed and the District Attorney
 for the District Attorney, this
 report was in writing and
 written in presence of one
 of defendants Counsel
 who immediately afterwards
~~informed the defendant thereof~~
 and the defendant took down in
 writing a copy thereof from his
 Counsel; as correctly as the memory
 of said Counsel could furnish it and it

10

was as follows in substance
namely

"I have carefully examined
the true and false papers, ~~broads~~
and the official photographs
notes of the proceedings in the
District Court and in the Police
Court and I have seen and
seen and questioned the witnesses
J. M. Lang and I all together
for the people and I am of
opinion that no jury could
on the evidence convict the
accused and that a recommenda-
tion should be made by the
District Attorney that the
indictment be dismissed"

She deponent further says
that from all the foregoing
facts and circumstances
and from the whole course
of procedure reference
to this case from the
commeçement in the
Police Court up to the present
time deponent is convinced
is perfectly true and that
the prosecution was conceived

and commenced against him
in a spirit of ^{to disgrace dishonor and ruin} ^{deponent} ^{good}
malice, ^{faith}, that it was never
intended by the prosecutor
untrue to try the charge
so preferred and that the
mind of the Deponent &
Attorney have been
misinformed and abused
by the prosecuting witness
that deponent is an attorney
and Counselor at Law, a
Member of the Bar of the
~~State of New York~~
~~County of New York~~
County of the State of New
York and has been practicing
in this City for ten or twelve
years last past and has a
considerable practice, and
the sending a communication
prosecution against him, and
the exposure of an indictment
has been & is looking to his
ruin for no other reason
All he now requests
urges is that the case be

11

without further delay
 bring it to trial and an opportunity
 be given defendant to establish
 his unquestionable innocence
 or be ~~dismissed~~ ^{discharged}
 The defendant has not
 explained upon ready to proceed
 to trial, ~~has not been~~
~~admitted~~ on any day that the
 District Attorney may fix
 for the trial but for his
 failure to try the defendant
 at any of the times when
 the case has been on the
 calendar, and in view of the
 defendant's reasons for that
 at all times, and defendant's
 request to appoint a special
 attorney to the District
 Attorney's office to try
 the case, but which he has
 failed and refused to do
 so far, - in view of all these
 facts & in consequence of
 such services rendered
 and signed this document now
 as if that the indictment
 against him may be
 dismissed for want of
 prosecution

Copies of all documents
referred to will be handed to
the Court if desired, & ~~these documents~~
are and have ~~been~~ been familiar
to the District Attorney's
office

Defendant's value has been
tasked & ready to go to
prison since the first day
of term of Court so
desires duty presence
of trial

Sworn to this
24th day of June
1893

Thos A. McGuire
County Clerk
N. Y. Co

W. Lane O'Neill

Court of General Sessions.

City and County of New York.

The People.

vs.

Wm. Lane O'Neill.

:
:
:
:
:
:
:

I have carefully examined the annexed brief and papers submitted to me (herewith annexed) and I am of opinion that with the facts stated therein, before a trial Court and Jury no conviction of Mr. O'Neill of the crime of forgery could possibly be had.

New York, February 28th 1893.

Noah Davis, Counsellor at Law,

2. Wall Street. N. Y.

In a letter dated February 28th 1893, enclosing the original opinion ^{which} a copy is above set forth, - Judge Noah Davis, states; - "I think ~~can~~ this case is ^{clearly} one, in which there can be no conviction, and that the Dist. Atty. will do his whole duty in causing the indictment to be not "gross'd".

(The original of the letter will be produced).

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

.....being duly
sworn, says that he resides at No. Street, in the City of
New York; that he is years of age; that on the day of
189 .., at Number in the City of
New York, he served the within on
the by leaving a copy thereof with

Sworn to before me this
day of

189 ..

H. H. Luntz of Gen'l. Luntz

The People

Plaintiff,

against

Wm Lane O'Neill

Defendant.

(Copy)
Wm Lane O'Neill
Chief Justice of the Court
of the City and County of New York

HOWE & HUMMEL,

Attorneys for

87 & 89 Centre St., New York City.

Due and timely service of copy of the within
hereby admitted

this day of

189 ..

Attorney.

To

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Lane O'Neill

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

William Lane O'Neill
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

William Lane O'Neill

late of the City of New York, in the County of New York aforesaid, on the *Sixteenth*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*9*, at the City and County aforesaid, with intent to defraud, feloniously did
forge a certain instrument and writing, which said forged instrument and writing is as follows, that
is to say:

Largo

*Hotel, Restaurant and Cafeteria Houses,
157 and 159 East 42d Street,
One Block East of Grand Central Depot.*

New York, 16 Augt 1890

W. Lane O'Neill Esq

*I hereby retain you on
my behalf in the case
of the State vs myself against
Manfield alias Stafford as my
attorney & counsel*
John W. Lang

*Witness
Jerry M. Fowler*

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

SECOND COUNT.

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

William Lane O'Neill
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

William Lane O'Neill

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

Lane

*Hotel, Restaurant and Oyster House,
157 and 159 East 42d Street,
One block East of Grand Central Depot.*

New York, 16 Augt 1890

W. Lane O'Neill Esq

*I hereby retain you on my behalf
in the case of the State vs myself
against Mansfield alias Stafford as
my attorney & counsel*
John Wm Lane

Witness

Jerry M. Fowler

the said

William Lane O'Neill

then and there well knowing the same to be forged, 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.

DE LANCEY NICOLL,

District Attorney.

1009

BOX:

509

FOLDER:

4645

DESCRIPTION:

Otterbach, Albert

DATE:

01/19/93



4645

10 10

POOR QUALITY
ORIGINAL

101

Counsel,
Filed 19 day of Jan'y 1893
Pleads,

THE PEOPLE

vs.

Albert Otterbach

Grand Larceny, Second Degree.
[Sections 233, 59, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

O. D. Cathin
Jan'y 19 93 Foreman.

Wm. C. 249
J. P. D. P. 249
Jan'y 20/93 20

10 1 1

POOR QUALITY
ORIGINAL

Witnesses

Officer Sullivan
Saw for
officer and
Monty Evers
301 & 3 West
144th Ave
Fry

103

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Albert Ottenbach

Grand Larceny, 1st Degree.
(Sections 22, 24, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. Catlin

Foreman.

340 S. P. Fry
Fry

10 12

Police Court

5th District.

Affidavit—Larceny.

City and County } ss:
of New York, }

of No. 301 West 144th Street, aged 33 years,
 occupation Butcher being duly sworn,
 deposes and says, that on the 11th day of January 1893 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
 session of deponent, in the night time, the following property, viz:

One suit of clothes, one overcoat,
 four gold rings, all together
 of the value of fifty dollars

the property of

Deponent.

and that this deponent
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
 stolen and carried away by Albert Sterbeck, now
 here, from the fact, that this def-
 endant, was rooming with deponent,
 deponent missed said property
 and subsequently had this def-
 endant arrested.

Deponent also confesses
 in open court with larceny and
 stealing said property, and
 pawn ticket, attached #15995
 attached, represents an overcoat
 belonging to deponent; wherefore
 deponent asks that this defendant
 may be dealt with according
 to law. Louis Allas

Sworn to before me, this

day

of January 1893
John W. Edwards Police Justice.

10 13

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK ss:

Albert Otterbeck 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 sees 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.

Albert Otterbeck

Question. How old are you?

Answer.

38 years old

Question. Where were you born?

Answer

Germany

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

Answer.

301 West 144 St 3 Months

Question. What is your business or profession?

Answer.

Butcher

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 Guilty
Albert Otterbeck*

Taken before me this

day of *January* 189*5*

John J. Bell

Police Justice.

10 14

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

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

Dated, *July 14* 189 *John McLaughlin* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

10 19

X 5 69 1894
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Louis Allen
Albert Otterbeck
2
3
4
Grand Jury

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

Dated *Jan 14* 189 *3*
Voorhis Magistrate.
Sullivan Officer.
30 Precinct.

Witnesses
No. Street.
No. Street.
No. *570* Street *GS*
to answer *Em glr*

10 16

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Otterbach

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

Albert Otterbach

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

The said

Albert Otterbach

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *January* in the year of our Lord one thousand eight hundred and ninety-~~three~~ *thirty* City and County aforesaid, with force and arms,

one overcoat of the value of twenty dollars, one coat of the value of ten dollars, one vest of the value of five dollars, one pair of trousers of the value of five dollars, four finger rings of the value of five dollars each

of the goods, chattels and personal property of one

Louis Allen

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney

10 17

END OF
BOX