

0 183

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Brien, Michael

**DATE:**

08/11/92



4489

POOR QUALITY  
ORIGINAL

0184

Witnesses:

*Samuel Mann*

Counsel,

Filed

11 May of 1892

Pleads,

*GUILTY*

THE PEOPLE

*vs.*  
*Michael O'Brien*

Robbery, Second Degree.  
[Sections 224 and 229, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Allen J. O'Farrell*  
*Part-2 - Sept. 6/92 Foreman.*  
*Heads att. Tolson & W. H. P.*  
*S.P. Jays & Co.*  
*P.D. M.*

Police Court-- 4 District.

CITY AND COUNTY }  
OF NEW YORK, } ss

Samuel Mann  
of No. 16 Chrystie Street, Aged 20 Years  
Occupation Saddler being duly sworn, deposes and says, that on the  
29 day of July 1892, at the 19<sup>th</sup> Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent, by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the  
United States of the amount and value  
of Sixty five dollars and one German  
gold piece of money of the value of  
four dollars. The property being  
altogether of the value of Sixty nine  
dollars \$69<sup>00</sup>/<sub>100</sub>

of the value of Sixty nine <sup>75</sup>/<sub>100</sub> DOLLARS,  
the property of deponent

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

Michael O'Brien, (nowhere), from the fact  
that on said date about the hour of four o'clock  
P.M. deponent was going through 71<sup>st</sup> Street  
between 1<sup>st</sup> and 2<sup>nd</sup> Avenues. That the said  
money was in the right hand front pocket  
of deponent's pants. That the defendant  
met deponent and struck deponent a blow  
in the side of the face, knocked deponent  
down and while deponent was lying prostrate  
on the ground, the defendant knelt and  
thrust his hand into the said pocket  
and feloniously took, stole and carried away  
the said property. Therefore deponent prays  
that the defendant be dealt with according  
to law Sam Mann

day of

Sworn to before me, this

1892

John W. Justice  
Justice

POOR QUALITY  
ORIGINAL

0 186

PRESBYTERIAN HOSPITAL,

70th Street and Madison Avenue,

C. IRVING FISHER, M. D.,  
Superintendent.

New York, August 1<sup>st</sup>, 1892

This is to Certify, that Samuel Mann  
a patient in this Hospital, is suffering from Cerebral  
concussion

condition is improved, and he is not in a dangerous condition.  
but is unable to go to court  
P. J. McNeill

8<sup>50</sup>  
A. P. M.

House Surgeon



POOR QUALITY  
ORIGINAL

0 187

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, *✓* DISTRICT.

*Levi Atkins*  
of No. *25* *Princes Street*, aged *2* years,  
occupation *Police Officer* being duly sworn, deposes and says  
that on the *29* day of *July* 189*2*  
at the City of New York, in the County of New York *he arrested*

*Mitchell O'Brien (wounded)* on the  
charge of having assaulted one  
*Samuel Mann* causing such injuries  
to said Mann that he is confined  
in the *Presbyterian Hospital* and unable  
to appear in Court. Said *O'Brien* was  
fully identified by said Mann as  
the person who assaulted and beat  
him. Dependant therefore asks that said  
*O'Brien* may be held to enable said Mann  
to appear in Court. *Levi Atkins*

Sworn to before me, this  
of *July* 189*2* at *30* (day)

Police Justice.

POOR QUALITY  
ORIGINAL

0 188

Police Court, *X* District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael O'Brien*

Dated *July 30* 1892

*M. J. Magistrate.*

*Attorney* Officer.

Witness.

Disposition

*Held to answer the  
charge of vagrancy*

AFFIDAVIT

*For the purpose of*

*ad to Aug 3 at*

*7.50*  
*\$1000 Bail*

*Aug 5 at 10*

POOR QUALITY  
ORIGINAL

0189

Sec. 198—200

H District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

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

Question. What is your name?

Answer. Michael O'Brien

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. Ireland

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

Answer. East 68 St. Paulina East River, 3 months

Question. What is your business or profession?

Answer. Driver

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

Answer

I am not guilty

Michael O'Brien

Taken before me this

day of

1889

Police Justice.

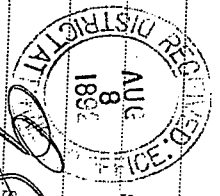
POOR QUALITY ORIGINAL

0 190

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

277 951  
Police Court---  
District.  
THE PEOPLE, vs  
ON THE COMPLAINT OF  
Michael Williams  
Offence Robbery

Dated August 1st 1892  
Magistrate  
Officer  
Precinct  
Witnesses Lawrence Jacobs  
No. 336 East 70 St.  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 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 5 1892 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

0191

[illegible]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael O'Brien

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

— Michael O'Brien —

of the CRIME OF ROBBERY in the second degree, committed as follows:

The said Michael O'Brien,

late of the City of New York, in the County of New York aforesaid, on the twenty ninth day of July, — in the year of our Lord one thousand eight hundred and ninety- two, — in the day time of the said day, at the City and County aforesaid, with force and arms, in and upon one Samuel Man, — in the peace of the said People then and there being, feloniously did make an assault, and divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of sixty five

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of sixty five

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty five

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty five

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of five dollars, — and one gold coin of the German Empire of the value of four dollars and seventy five cents, —

of the goods, chattels and personal property of the said Samuel Man, — from the person of the said Samuel Man, — against the will and by violence to the person of the said Samuel Man, — then and there violently and feloniously did rob, steal, take and carry away,

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

Samuel Man  
District Attorney

0 193

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Brien, Thomas

**DATE:**

08/16/92



4489

POOR QUALITY  
ORIGINAL

0 194

Witnesses:

Timothy Sullivan  
Edward G. Kelly (Juryman)  
August B. Adams

Counsel,

Filed

Pleads,

day of July 1892

THE PEOPLE

vs.

Thomas O'Brien

Grand Larceny, (From the Person),  
Degree. [Sections 828, 834, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen P. Appenzeller

Foreman.

Aug 17/92  
Rev. W. C. Kelly  
Robert X. Appenzeller

P.B.M.



POOR QUALITY  
ORIGINAL

0 195

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 13 years, occupation School boy of No.

36 Seammel Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Timothy Sullivan

and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this 7 day August (Bussard)  
of 1892

W. G. Lauffer Police Justice.

POOR QUALITY  
ORIGINAL

0 196

(1885)

Police Court—2 District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 42 Lewis Street, aged 34 years,  
occupation Bruiter being duly sworn,  
deposes and says, that on the 15 day of July 1892 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 Gold Watch and one plated  
Chain of the value of Sixty  
five dollars  
(#65.00)

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 Thomas Klein (nowhere) and

William Quinn now emigrated from  
the fact that at about 11 O'clock  
A-M. said date Deponent was in  
Water Street.

Deponent is informed by  
Hugh Burns of No. 56 Second  
Street that he saw the said  
Klein and said Quinn at about  
the said hour in Water Street  
catch hold of Deponent and  
drag him into the hallway  
of the house No. 632 Water Street  
and the said Quinn feloniously  
take said and carry away the

0197

Said property from a pocket of  
a vest that defendant was then and  
there wearing upon his person that  
the said O'Brien was in the  
company of the said Sweeney during  
the said Larceny and was  
acting in concert with the  
said Sweeney that the said defendants  
then ran away.

Wherefore defendant charges  
the said defendant O'Brien with  
being in conspiracy with the said  
Sweeney and acting in concert  
with him in feloniously taking  
stealing and carrying away  
the said property and says  
that he be held and held  
jointly as the law directs  
from before me } Timothy J. Sullivan  
this 4th day of July 1894 }

J. J. Keefe  
Police Justice

POOR QUALITY  
ORIGINAL

0198

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss:

*Thomas D. Brine* being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h 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 waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer.

*Thomas D. Brine*

Question. How old are you?

Answer.

*28 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*214 Ryan St. Greenpoint.*

Question. What is your business or profession?

Answer.

*Watchman*

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*  
*Thomas D. Brine*

Taken before me this  
day of *August*  
*1908*  
Police Justice.

POOR QUALITY ORIGINAL

0199

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

Police Court, 3 District 963

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James J. Sullivan*  
*John J. Sullivan*  
*John J. Sullivan*

Offense, *Arson*

Dated, *Aug 9* 189

*John J. Sullivan*  
Magistrate.  
Officer.

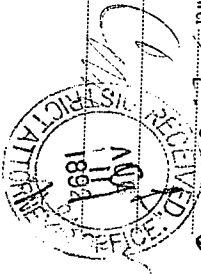
Witness, *John J. Sullivan*

No. *632* Street *Water*

No. *368* Street *Stamford*

No. \_\_\_\_\_ Street *Quebec*

\$ *1000* to answer *LS*



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 *Agustad*

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, *Aug 9* 189 *John J. Sullivan* Police Justice.

I have 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas O'Brien

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

Thomas O'Brien

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

The said Thomas O'Brien,

late of the City of New York, in the County of New York aforesaid, on the 15th day of July in the year of our Lord one thousand eight hundred and ninety-two, in the day time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value  
of fifty dollars and one chain  
of the value of fifteen dollars

of the goods, chattels and personal property of one Timothy J. Sullivan on the person of the said Timothy J. Sullivan then and there being found, from the person of the said Timothy J. Sullivan 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

0201

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Brien, William

**DATE:**

08/03/92



4489

POOR QUALITY  
ORIGINAL

0202

Witnesses:

*James J. [unclear]*  
[unclear]  
[unclear]  
[unclear]

#49

Counsel,

Filed,

Pleads,

3 day of Aug 1892

THE PEOPLE

vs.

*T*

William O'Brien

INJURY TO PROPERTY.  
[Section 654, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen P. Applegate

Foreman.

Aug 4/92

Heard by [unclear]

[unclear]

Pen 6 mos

Aug 5/92 P.M.



POOR QUALITY  
ORIGINAL

0203

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_

Police Justice.

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Francis McHugh  
of No. 177 First Ave Street, aged 25 years,  
occupation Legion being duly sworn deposes and says,  
that on the 28th day of July 188 \_\_\_\_\_

at the City of New York, in the County of New York, William O'Brien

(nowhere) who <sup>and</sup> wilfully maliciously  
and feloniously broke and destroyed  
three plate glasses of the value  
of two hundred and twenty five dollars  
the property of Mrs. Cobgan and  
in deponents cars and custody, under  
the following circumstances, that at  
about 9.30 O'clock. A Mr. Said said  
deponent but the the said deponent  
out of the said premises. that  
deponent is informed by Officer John

POOR QUALITY  
ORIGINAL

0204

I Sachs that he saw the said defendant  
take three stones from his bosom  
and throw them at the said window  
breaking and destroying them  
Served before me }  
the 28th day of July } Francis McHugh

*[Signature]*  
Police Officer

Police Court, District,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Dated 188

Magistrate

Officer

Witness,

Disposition,

POOR QUALITY  
ORIGINAL

0205

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 14 years, occupation Police officer of No. 140

Puech Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Francis McHugh  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

25  
May 1888

John J. Sachs.

Police Justice.

POOR QUALITY  
ORIGINAL

0206

Sec. 198-200.

CITY AND COUNTY } ss:  
OF NEW YORK,

3  
District Police Court.

*William O'Brien* being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h 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 waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer.

*William O'Brien*

Question. How old are you?

Answer.

*34 years*

Question. Where were you born?

Answer

*Illinois*

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

Answer.

*343 East 11 St. 3 years*

Question. What is your business or profession?

Answer.

*Food Service*

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.

*Am not guilty  
necesse*

Taken before me this

day of

189

Police Justice

POOR QUALITY  
ORIGINAL

0207

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

Police Court,

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James McHugh*  
*117-100 St*  
*Mr. McGraw*

Offense,

*Paul Mucheffsky*

Dated *July 28* 189 *2*

Magistrate.

Officer.

Witnesses

No. \_\_\_\_\_  
Street \_\_\_\_\_

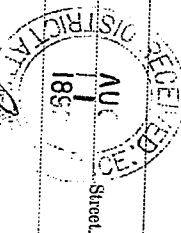
No. \_\_\_\_\_  
Street \_\_\_\_\_

No. \_\_\_\_\_  
Street \_\_\_\_\_

No. \_\_\_\_\_  
Street \_\_\_\_\_

No. \_\_\_\_\_  
Street \_\_\_\_\_

to answer



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

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 28* 189 *2* *J. J. [Signature]* Police Justice.

I have 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.

POOR QUALITY  
ORIGINAL

0208

Court of General Sessions of the Peace

517

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST

*William O'Brien*

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

*William O'Brien*

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER,  
committed as follows:

The said *William O'Brien*,

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

*panes of glass,*

of the value of *twenty five dollars each pane*,  
of the goods, chattels and personal property of one *Ellen Coogan*,  
then and there being, then and there feloniously did unlawfully and wilfully *break*  
*and destroy*.

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 O'Brien*  
of the CRIME OF UNLAWFULLY AND WILFULLY ~~destroying~~ REAL PROPERTY OF ANOTHER,  
committed as follows:

The said *William O'Brien*,

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, *three panes of*  
*glass of the value of seventy five*  
*dollars each pane,*

~~of the value of~~

in, and forming part and parcel of the realty of a certain building of one *Allen*  
*Coogan*, there situate, of the real property of the said  
*Allen Coogan*,  
then and there feloniously did unlawfully and wilfully *break and destroy*.

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.

02 10

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Brien, William

**DATE:**

08/19/92



4489



POOR QUALITY  
ORIGINAL

0211

Witnesses:

*Patrick O'Connell*

Counsel,

Filed

day of Aug 1892

Pleads,

*Wm. O'Connell*

THE PEOPLE

vs.

*A*

*William O'Connell*

*H.D.*

Grand Larceny,  
(From the Person)  
Degree.  
[Sections 628, 629,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Allen O. Applegate*

Foreman.

*Wm. O'Connell*  
*Read & Accepted*

POOR QUALITY  
ORIGINAL

02 12

Witnesses:

Patrick O'Connell

Counsel,

Filed

Pleas,

day of Aug 1892

THE PEOPLE

vs.

William O'Brien

H.D.

Grand Larceny,  
(From the Person)  
Degree.  
[Sections 823, 824,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen O. Apgar

Foreman.

Read & Reported

POOR QUALITY  
ORIGINAL

0213

Police Court, 2 District.

City and County } ss.  
of New York,

Patrick Farrell

of No. 8th Street Street, aged \_\_\_\_\_ years,

occupation Prisoner being duly sworn, deposes and says,

that on the 14 day of August 1882 at the City of New

York, in the County of New York,

William Mc Dermott  
now living is a material witness  
in the matter of the complaint  
against William O.'Brien and  
Alfred James Brown to induce  
that said Mc Dermott will not  
appear as a co-defendant and  
deponent after this said Mc  
Dermott is required to find  
surety for his appearance in  
said witness

Quoted before me this 14  
day of August 1882  
A. J. White  
Judge

Patrick Farrell

Patrick

POOR QUALITY  
ORIGINAL

0214

Police Court

District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Patrick Farrell

of No.

of A. O'Brien

occupation

O'Brien

Street, aged 23 years,

being duly sworn,

deposes and says, that on the 14 day of August 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 following time, the following property, viz:

Twenty cent in change

the property of

Said William Mc Dermott  
and then in his pocket

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

William O'Brien now here  
did feloniously attempt to steal  
the said property from the person  
of the said William Mc Dermott  
who was then lying in Greenwich  
Street near King, drunk. Deponent  
at about the hour of 5:30 O'clock  
A.M. saw deponent, fumbling  
about the pocket of deponent  
and also turned the pockets  
of the said Mc Dermott  
inside out.

Patrick Farrell

Sworn to before me, this

14 day

Police Justice.

POOR QUALITY  
ORIGINAL

02 15

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*William O'Brien* being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h 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.

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.

*I am not guilty. I was  
only waking the man up. I  
know him by sight. The money  
found on me was my own  
deposits*

*Wm O'Brien*

Taken before me this

19

day of

Police Justice.

POOR QUALITY ORIGINAL

02 16

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

Police Court, 2 District, 1020  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John David  
Wm O'Brien  
Dated, Aug 14 1892  
White  
Mingistrate.  
Witness, He Oswald  
House of Detention Case.  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
\$ \_\_\_\_\_ to answer.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named William O'Brien guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \$100 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, Aug 14 1892 Police Justice.

I have 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.

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 O'Brien*

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

*William O'Brien*

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

The said *William O'Brien*

late of the City of New York, in the County of New York aforesaid, on the *14th* day of *August*, in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night*-time of the said day, at the City and County aforesaid, with force and arms,

*divers coins of a number,  
kind and denomination to the  
Grand Jury aforesaid unknown,  
of the value of seventy cents*

of the goods, chattels and personal property of one *William McDermott*  
on the person of the said *William McDermott*  
then and there being found, from the person of the said *William McDermott*  
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 launcey McCall,  
District Attorney*

02 18

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Connell, Patrick

**DATE:**

08/16/92



4489



POOR QUALITY  
ORIGINAL

02 19

Witnesses:

*Geo. H. O'Connor*

Counsel,

Filed

Plends,

day of

1892

THE PEOPLE

vs.

*Patrick O'Connell*

*H. D.*

DE LANCEY NICOLL,

District Attorney.

Grand Larceny,  
(From the Person)  
[Sections 823, 824,  
Penal Code.]

A TRUE BILL.

*Allen O. Appgar*

Foreman.

*Charles J. G. 2d*

*S.P. 2 1/2 6m*

*P.B.M.*

POOR QUALITY  
ORIGINAL

0220

Police Court / District. Affidavit—Larceny.

City and County }  
of New York, } ss:

John F. O'Connor  
of No. 1st Precinct Street, aged 25 years,  
occupation Police Officer being duly sworn,  
deposes and says, that on the 10th day of August 1892 at the City of  
New York, in the County of New York, was feloniously taken, stolen and carried away  
from the possession of a person Thomas F. Young  
deponent, in the day time, the following property, viz:

One open faced silver watch  
and plated chain of the value of  
Ten Dollars

the property of

Thomas F. Young

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 Patrick O'Connell

nowhere from the fact that  
on said day deponent was informed  
by an unknown person that said  
unknown person saw said Young  
lying asleep in Madison Lane and  
that said unknown person saw the  
said deponent take the said property  
from the person of said Young and  
flee away with the same and  
deponent further says that he met  
said deponent in the Tavern at  
90 South Street and found the said  
property in his possession which said  
Young fully identifies as being his

Sworn to before me, this  
10th day of August 1892  
at New York City  
Police Justice.

Dependent further says that said  
defendant admitted the confession to  
him that he was out of employment  
and that he saw the opportunity and  
took the said property from the  
person of said young Dependent  
therefore charged said defendant  
with the larceny of said

10th  
approx 10th  
W. W. W. W.

John F. C. Connor

POOR QUALITY  
ORIGINAL

0222

(1335)

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK,

1st District Police Court.

*Patrick O'Connell* 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. *Patrick O'Connell*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *64 Oliver Street 3 years.*

Question. What is your business or profession?

Answer. *Labour*

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*  
*Patrick O'Connell*

Taken before me this 10

day of August 189 7

*Alfred A. ...*  
Police Justice.

0223

Police Court--- District.

THE PEOPLE, &c.,  
VS. THE COMPANY OF

HOUSE OF DETENTION CASE.

1. *John J. Conner*  
2. *John J. Conner*  
3. *John J. Conner*  
4. *John J. Conner*

Offence. *John J. Conner*

1864 962

No. \_\_\_\_\_ Street. \_\_\_\_\_

No. \_\_\_\_\_ Street. \_\_\_\_\_

AUG 11 1892  
RECEIVED  
DISTRICT ATTORNEY'S OFFICE

\$10.72 to master

[Signature]

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.

POOR QUALITY  
ORIGINAL

0224

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, / DISTRICT.

*John F. O'Connor*

of No. *1<sup>st</sup> Precinct* Street, aged \_\_\_\_\_ years,  
occupation *Police Officer* being duly sworn deposes and says,  
that on the *10* day of *August* 18*92*  
at the City of New York, in the County of New York,

*Thomas F. Young (now here) is a material and important witness for the People in the matter of Patrick O'Connell (defendant) who is charged with Larceny from the Person - and deponent is afraid that said Young will not appear when wanted and that he cannot be found. Deponent therefore prays that said Young be required to furnish security for his appearance*

*John F. O'Connor*

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 18*92*

of \_\_\_\_\_

*August 1892*

*Police Justice.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick O'Connell

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

Patrick O'Connell  
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Patrick O'Connell

late of the City of New York, in the County of New York aforesaid, on the 10<sup>th</sup>  
day of August in the year of our Lord one thousand eight hundred and  
ninety-two, in the day-time of the said day, at the City and County aforesaid,  
with force and arms,

one watch of the value  
of eight dollars each, and one  
chain of the value of two  
dollars

of the goods, chattels and personal property of one Thomas P. Young  
on the person of the said Thomas P. Young  
then and there being found, from the person of the said Thomas P. Young  
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. Lantry Moll,  
District Attorney.

0226

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

Ojinaga, Ignacio

**DATE:**

08/04/92



4489



POOR QUALITY  
ORIGINAL

0227

Counsel,

Filed

day of

1897

Pleads,

THE PEOPLE

vs.

Ignacio Gjinaga

Grand Larceny, Second Degree.  
[Sections 528, 581, Penal Code.]

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

William J. Apgar

Foreman:

Frederick J. Apgar

Witnesses:

Page 2 of 3  
Case 17195

POOR QUALITY  
ORIGINAL

0228

Ex R. P. L.  
C  
f-16/92

R. P. L. Ex  
I  
C  
f-16/92

Police Court

2nd District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

of No. 4 West 27th Street, aged 40 years,  
occupation Clerk in being duly sworn,  
deposes and says, that on the 11th day of July 1892 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:

Gold and lawful money of the United  
States of the amount and value of  
Fifty dollars

the property of Hazen C Hoyt 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 feloniously  
taken, stolen and carried away by Ignatio Cagnaga

from the fact that the deponent has  
employed in the Victoria Hotel as a bell  
boy and the deponent had been suspected  
by deponent and on said date deponent  
placed a pocket book containing one  
hundred and fifteen dollars on the top of  
a bureau in room no 237 in said hotel  
and deponent is informed by Officer John  
Carey of the Central Office that the said  
Carey was in room no 236 and he saw the  
defendant through a hole in a door connecting  
with room no 207 take said pocket book  
containing the above described amount of  
money and move towards said Carey with

the pocket book in his hands and the back  
part of defendant's body was turned towards  
said Carey the defendant immediately thereupon  
left the room no 237 and left said pocket  
book on said bureau in said room. Said  
Carey immediately examined said pocket book  
in the presence of Officer George A. D. O'Neil  
and said Carey missed said described money  
from said pocket book. Said Carey never  
lost sight of said pocket book from the time  
defendant left said pocket book in room no 237  
until the defendant left said room no 237.

Sworn to before me this

13<sup>th</sup> day of July 1892

*[Signature]*

Wm. J. Wentworth

Police Justice

POOR QUALITY  
ORIGINAL

0231

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

John Carey  
aged \_\_\_\_\_ years, occupation Detective of No. \_\_\_\_\_

300 Muebury Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Mr. P. Wentworth  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 19  
day of July 1892

John Carey  
A. J. White  
Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

George Doran  
aged \_\_\_\_\_ years, occupation Detective of No. \_\_\_\_\_

300 Muebury Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Mr. P. Wentworth  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 13  
day of July 1892

George Doran  
A. J. White  
Police Justice.

POOR QUALITY  
ORIGINAL

0232

(1835)

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

a

District Police Court.

*Ignacio Ozinaga* 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.

*Ignacio Ozinaga*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*Spain*

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

Answer.

*657 34 Avenue*

*7 years*

Question. What is your business or profession?

Answer.

*Hall boy*

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

Answer.

*I am not guilty*

*Ignacio Ozinaga*

Taken before me this

*19*

day of

*John J. [Signature]*

Police Justice.

POOR QUALITY  
ORIGINAL

0233

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

Perf. E. J. 2/1/15

Police Court,

District,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. D. Westcott  
4712  
Ignacio Oquignaga  
Larceny  
felony

Offense,

Dated, July 13, 1892

Magistrate,

Levy J. Doran, Officer.

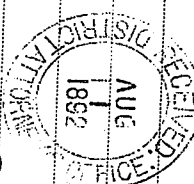
Witnesses

Ed. de Officer

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_



Wm. D. Westcott  
4712  
Ignacio Oquignaga  
Larceny  
felony

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

Ignacio Oquignaga

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, July 13, 1892

Police Justice.

I have 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.

5-192

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE JUDGE MARTINE.

IGNACIO OJINAGA.

Tuesday, August 16, 1892.

APPEARANCES: ASSISTANT DISTRICT ATTORNEY DAVIS, FOR THE PEOPLE; MR. MEYER FOR THE DEFENDANT.

Indictment for grand larceny in the second degree.

A jury was empanelled and sworn.

Mr. Davis opened the case for the people.

WILLIAM P. WENTWORTH, sworn and examined by Mr. Davis.

Q Mr. Wentworth, where do you live? A Victoria Hotel.

Q Are you employed there? A Yes, sir.

Q In what capacity? A Clerk.

Q Were you there on the 11th of July last, A Yes, sir.

Q Do you know this defendant? A Yes, sir.

Q Was he employed there? A Yes, sir.

Q In what capacity? A Bell-bo.

Q Is there a room in that hotel number 237? A Yes, sir.

Q Do you know detectives Carey and Doran? A Yes, sir.

Q Did you have occasion to see them on or about the 11th of July, 1892? A Yes, sir.

Q With reference to money which had been stolen from the room?  
A Yes, sir.

Q What was done? A This pocket-book that belonged to the gentleman in 237---

Q What was his name? A Sosa, a spaniard.

Q A spaniard had occupied room 237 in the Victoria Hotel? A Yes, sir. He had missed some money two or three days previous and had reported it to the office.



2

Q Did he have that room when he missed this money previously?

A Yes, sir.

Q And this pocket-book of his that had \$115.00 in it, you hold the pocket-book in your hand now, which he gave you. A Yes, sir.

Q What was done? There was a Fifty Dollar bill, two twenties, two tens, and a five put in this pocket-book.

Q United States money. A Yes, sir.

Q Making \$115.00 in all, did it not? A Yes, sir.

Q Who put it in? A I put it in, in the presence of officers Carey and Doran.

Q Where was the occupant of the room? A He was down stairs.

Q Where were you when you put that money in the purse? A Right in the room, 237.

Q You and Carey and Doran were there, were you? A Yes, sir.

Q Did you count the money before you put it in? A Yes, sir.

Q Did Carey and Doran see you put it in? A Yes, sir.

Q And then what did you do? A I left the pocket-book on the bureau.

Q You placed the pocket-book on the bureau of room 237, and the and money, also, the \$115.00 in it? A Yes, sir.

Q Then what was done? A Then I went down stairs to attend to my duties.

Q Who did you leave behind? A Officers Carey and Doran in 236.

Q Are those rooms connected in any way, 236 and 237? A By the door, right opposite the bureau.

Q Is there any way of seeing through that door, any apperture in the door? A Yes, there was a hole bored there.

Q Who bored the hole? A The carpenter of the house.

BY THE COURT:

Q Did you see it bored? A No, I did not.

Q Do you know when it was bored? A I think Sunday, the 10th.

BY MR. DAVIS:

Q That was the night before? A Yes, sir.

Q Was it bored for this purpose? A Yes, sir.

Q Did you look through the hole? A Yes, sir.

Q Could you see into the room 237? A Yes, sir.

Q Could you see the bureau? A Yes, sir.

Q Could you see the purse? A I did not look to see after the purse was put there.

Q Could you see the place where you put the purse clearly?

A Yes, sir.

Q You went down stairs and you left Carey and Doran in the other room? A Yes, sir.

Q This was what time in the day? A In the neighborhood of 8 o'clock; between 8 or 9 in the morning.

Q Had you seen the defendant that morning? A Yes, sir.

Q Where was he? A On the bench, down stairs.

Q Did you have any talk with him? A No, sir.

Q When you left the detectives up stairs, did you see the defendant down stairs after you left Carey and Doran? A I could not swear positively whether I saw him down stairs.

BY THE COURT:

Q When did you next see him after that? A I saw him up stairs after.

Q The first time you saw him after leaving Carey and Doran in 236, where was it? A Up stairs in the passageway going into

the entry.

Q How long after? A I should say in the neighborhood of half an hour.

Q BY MR. DAVIS:

Q Had you been called up stairs? A Yes, sir.

Q By whom? A By officer Doran.

Q You went up to see the defendant, did you? A Not that time I did not.

Q Had you seen the defendant up stairs before Doran called you up? A No, sir.

Q Then you went up stairs when Doran called you? A Yes, sir.

Q Where did you go? A Went up into 237.

Q Who was there? A Officer Carey met us there.

BY THE COURT:

Q Doran was there too, you all three were there? A Yes, sir.

BY MR. DAVIS:

Q Were you in room 237? A Yes, sir.

Q Was the pocket-book there? A Officer Carey handed it to me.

Q Officer Carey handed it to you? A Yes, sir.

Q Was there any money in it? A Yes, sir.

Q How much? A \$65.

Q What bills? A Two twenties, two tens, and a five.

Q Which one was missing them? A The fifty dollar bill.

Q Then how long a time elapsed between your laying the pocket-book upon the bureau and your going back and receiving the pocket-book from Carey? A I should say a matter of twenty minutes.

Q During that interval had you seen the defendant anywhere?

A No, sir.

Q After you got the pocket-book, what did you do? A Counted the money in front of officers Carey and Doran.

Q And then did you see the defendant after that? A I saw him in the hallway in about a few minutes afterwards.

Q On that floor? A Yes, sir.

Q And how near to that room? A The next passageway, he was on his way to the linen room.

Q Did you say anything to him? A No, sir.

Q Whose money was that? A Mr. Hazen L. Hoyt's.

Q He is the proprietor of the Victoria Hotel? A Yes, sir.

Q Did you have any talk with the defendant after that at any time? A No, sir.

Q When was he arrested? A That very morning.

Q By whom? A Officers Carey and Doran.

Q How long after you got the pocket-book back was he arrested? A Five or ten minutes.

Q Where? A Right up there in the next hallway, in the hallway next to 237.

Q The time you saw him going to the linen closet? A Yes, sir.

Q BY THE COURT:

Q On the same floor? A Yes, sir.

Q BY MR. DAVIS:

Q What did he say? A I did not hear him say anything, I did not say anything to him.

Q You were not present when he was arrested? A No, sir.

Q Did you have any talk with him about this thing after he was arrested? A Yes, sir, I talked to him down at Jefferson Market Court.

Q Tell us what you said to him and what he said to you? I sim-

6

ply asked him if he took the fifty dollars, and he denied it; he said, no, he did not.

Q Did you have any other talk with him? A No, sir.

Q You asked him if he had taken the fifty dollar bill, and he said no, he had not? A Yes, sir.

Q Did you ask him if he had hold of the pocket-book at all?

A No, sir.

Q Did he say anything about his not having hold of the pocket-book? A No, sir, he simply told me he had not taken it.

Q Do you know whether the occupant of that room had been in the room during the period from the time when you put the pocket-book on the bureau to the time that you came back and got it from the officer? A No, sir, I have no knowledge.

Q Do you know where he was that morning? A No, sir.

Q You did not see him? A I saw him around, but I could not tell particularly whether he went into the room or out.

Q Did he know that you were going to put that pocket-book in there? A Yes, sir, he loaned me the pocket-book for it.

Q For that purpose? A Yes, sir.

Q Where is he now? A I think he has gone to either Cuba or Mexico, I do not know where he lives.

Q When did he leave your hotel? A That same day.

Q And for what destination? A I could not tell you.

Q Do you know whether he left the country? A No, ~~xxx~~. I

think so; I think he went to Cuba.

Q He has not come back again? A No, sir.

Q He usually stops at your house, does he? A Yes, sir.

CROSS EXAMINED BY COUNSEL:

Q Mr. Wentworth, when you left the detective officers in room 236 the door was open, the next room 237 was open? A I could not say about that because I put the money in and walked out and went down to the office.

Q You did not lock the door? A No, sir.

BY THE COURT:

Q Where were you when you last saw them? A Going into 236.

Q They were there when you put that money in? A Yes, sir, we came out together; I left it unlocked, but it was shut.

BY COUNSEL:

Q Then the detectives went into 236 and you went down stairs?

A Yes, sir.

Q How many hall-boys did you have at the hotel that day? A I think there was seven on each watch.

Q Besides the defendant and besides the other hall-boys, other people had access, had an opportunity to go into that room, did not they? A Yes, sir.

Q You left the pocket-book on that bureau with the money in it, and left Carey behind? A Yes, sir, going into 236.

Q Then twenty minutes afterwards you were called by detective Doran, you came up stairs, and they all said there was fifty dollars missing, and within five minutes after the defendant was arrested? A Yes, sir.

Q He denied his guilt? A I did not hear him.

Q He denied his guilt the next morning in the police court?

A Yes, sir.

Q And has denied it ever since? A Yes, sir.

Q Were you present when the defendant was searched by the officers? A No, sir.

Q Then they had been all through with that before you were sent for, through with the searching. A No, I did not see that, when I came up there. They told me that fifty dollars was gone, and asked me to count the money; then I went down stairs; they met me afterwards in this little hall; I told them he went into the little hallway, I do not know anything about their searching.

Q You know that he had been sent for on a call to go through that hall? A No, sir.

Q Did you try to find out whether he had been sent for to go to this linen room at the time you saw him go towards the linen room in this hall? A Afterwards, when I went down stairs, he had been down stairs to bring back to the linen room soiled towels.

Q You ascertained that to be the truth? A Yes, sir.

Q How long had you known the defendant about? A Oh, I saw him before I went to work at the hotel, I have seen him, off and on, I guess, about three years.

Q Up to this present offence you never heard a word against his character, did you, Mr. Wentworth? A No, sir.

Q Do you know Mr. Breen? A Yes, sir.

Q Do you know his writing? A Yes, sir.

Q Is that his signature to that paper, (showing paper)? A Yes, sir.

Q Will you read it, please, to the jury?

Objected to.

COUNSEL: I offer it in evidence.

Q Is he a clerk at your hotel? A Yes, sir.

COUNSEL: I offer that in evidence and ask the witness to read it. He identified the signature of the gentleman as

a clerk in the hotel.

MR. DAVIS: I object.

THE COURT: Objection sustained.

BY COUNSEL:

Q Is Mr. Breen a room clerk of the Victoria hotel? A Yes, sir.

Q And for how long has he been a room clerk of the Victoria Hotel? A I think in the neighborhood of three or four years

Q And was he room clerk on January 28, 1891? A Yes, sir.

Q And the defendant was then employed at that hotel? A Yes, sir.

COUNSEL: I now renew my motion to introduce this paper.

THE COURT: Motion denied; it is not evidence.

BY MR. DAVIS:

Q You say, in answer to the Counsel's question, that you ascertained that the defendant had been down stairs to the bar, and where else? A To get some soiled linen; and he was taking it up in the linen room, which is on the second floor, the next passage.

Q This room 237 is how many flights up? A Two flights, and the passage to the linen room is the next passage that leads to 237.

BY THE COURT:

Q This going to the linen room would be in the discharge of his regular duties? A Yes, sir.

Q When you left the pocket-book was Carey and Doran in the room with you? A Yes, sir.

Q And did you all leave together? A Yes, sir.

Q Was the door of 237 left closed or opened? A Closed.

Q Did you see these two men go into 236 while that door was closed?



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yet closed? A Yes, sir.

Q And did they close their door, 236, do you remember. A I could not swear to that now. I went down stairs.

BY THE COURT:

Q When you left 237 did you leave anybody in it? A No, sir.

Q When you went out, you all were out, and closed the door but it was not locked? A Yes, sir.

Q You say the two detectives entered room 236? A Yes, sir.

Q You went down stairs and did not go up stairs until you were called up? A No, sir.

Q How much time elapsed? A About 20 minutes or half an hour.

BY MR. DAVIS:

Q Is there any other entrance to 237 except the hall and the door from 236? A No, sir.

Q Any windows? A Yes, sir, there were windows.

Q Where do they open to? A They were not open, but they open on the fire-escape.

BY THE COURT:

Q You say they were not open? A No, sir.

Q Did you look at them? A Yes, sir, I think I did; I noticed they were closed.

Q Fastened? A No, they were not fastened, I would not swear to that.

Q Just closed down? A Yes, sir.

JOHN CAREY, sworn and examined by MR. DAVIS.

Q Officer Carey, are you attached to the Central Office as police officer? A Yes, sir.

Q Did you arrest this defendant? A Yes, sir.

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Q On the 11th of July last? A I actually made the arrest on the 11th of July last.

Q At the Victoria Hotel? A Yes, sir.

Q Did you see Mr. Wentworth there on that day? A I did.

Q And did you see this pocket-book or a pocket-book like it?

A I say a pocket-book like that, I believe it is that.

Q Do you know where room 237 in that hotel is. A I do.

Q And 238? A Yes, sir.

Q Were you in both of those rooms on that day? A I was.

Q About what time was it? A I first went there shortly after 7 o'clock in the morning.

Q Who did you see there? I saw the occupant of that room, a Spaniard, a couple of Spaniards, I saw Mr. Wentworth, the last witness.

Q Did you have a talk with them? A Yes, sir.

Q About money which had been missed? A Yes, sir.

Q When did you go there again after that? A Not until about 8 o'clock.

Q Then what occurred? A About 8 o'clock that morning Mr. Wentworth placed that pocket-book on the bureau, on the top of the bureau, in room 237.

BY THE COURT:

Q Did you see what was in it? A Yes, sir.

Q He placed a pocket-book with money in it? A Yes, sir.

Q Do you know how much money? A Yes, sir.

Q Did you see the money counted? A I saw it counted, it was marked.

BY MR. DAVIS:

Q It was all marked, was it? A Yes, sir.

Q How much money was there? A \$115.00

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Q Do you recollect in what denominations the bills were? A Yes, sir.

Q What were they? A A fifty dollar bill, two twenties, two tens, and a five.

Q You saw them placed in a pocket-book like this which I hold in my hand? A Yes, sir, Mr. Wentworth put it in.

Q And then what did he do with the pocket-book?? He left it on the top of the bureau in 237.

Q Was there any door in that room, other than the entrance door through the hall? A There was a door between 236 and 237, at which I stood.

Q Where was the bureau with reference to that door 237? A Right opposite.

Q After that money was placed upon the bureau in this purse what did you do all of you? A I went to the door, there was a hole between one-half and three-quarters of an inch bored in the door.

Q Did you sit in 237? A No, I went into 236.

BY THE COURT:

Q Mr. Wentworth put it on the bureau, was Doran present? A Yes, sir, Doran was present; Doran and I went into 236.

BY MR. DAVIS:

Q Did you all leave the room or did you leave somebody in there?

A We all left the room, Doran and Wentworth and I.

Q When you got outside of 237 did you leave anybody in the room?

A No, nobody in that room.

Q Was the door of 237 closed when you all got out? A Yes, sir.

Q When you got outside of 237 you went into 236, I understand?

A We went into 236.

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Q Who went in there? A Doran and I.

Q Did you close the door after you 236? A Yes, sir, I went to the door in which there was a hole bored.

Q Did you go immediately, lost no time? A Immediately, lost no time.

Q You went from the door of 236 to the door leading into 237 between the two rooms? A Yes, sir.

Q When you got to the door what did you do? A I stood there and looked through the hole.

Q While you were looking through the hole did you see any person in 237? A I did.

Q Tell us just what you saw, the details? A After I had been at the door a short time, the pocket-book was in full view on the bureau, in full view opposite where I stood, the prisoner at the bar came in with a bottle and left it.

BY THE COURT:

Q The defendant came into 237? A Yes, sir. He laid it down for a short space of time on the mantel shelf and took it up again and left the room.

Q Took up what? A The bottle which he had just laid down.

Q Gonon? A And shortly afterwards came back with the bottle and put it on the mantel shelf.

Q He returned in how long? A I should not think it was a minute, not more than a minute; he put the bottle down on the mantel shelf and went over to the bureau and took the pocket-book up.

Q Was that the first time you saw him touch the pocket-book?

A No, sir.

BY MR. DAVIS:

Q That was the first time? A Yes, sir.

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BY THE COURT:

Q After leaving Mr. Wentworth, after seeing him place the \$115.?

A Yes, \$115. He took it up in his left hand and moved over a little bit towards where I was and looked out of the window on his left side and looked at the door on his right, and then backed up and turned his back towards me a little way, probably a couple of feet, and then he took the pocket-book in front of his body, this way, (showing). I could not see it then; I saw the movement of his arms from the back.

BY MR. DAVES:

Q In what way? A This way (showing).

BY THE COURT:

Q You saw the elbows move? A The elbows moved in the back.

Q Go on? A And he stood there looking at it some time and doing something with it and he went over and placed it on the bureau again.

Q You saw him place the pocket-book on the bureau, is that it?

A Yes, sir, and left the room.

BY MR. DAVIS:

Q Was he the only person whom you saw in that room through the hole? A He was the only person.

Q What did you do when he left the room? A As soon as the sound of his footsteps died away in the hallway, Doran and I went in and examined the pocket-book; we found \$65.00 in the pocket-book, and the fifty dollar bill, which was on the outside, was missing.

Q You found \$65.00? A Yes, sir.

Q Then what did you do? A I sent Doran down for Mr. Wentworth.

Q Did he come? A He came and looked at the pocket-book, we explained to him.

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BY THE COURT:

Q Did Doran come in? A Yes, sir.

Q BY MR. DAVIS:

Q And then what did you do? A I made inquiries where he was.

BY THE COURT:

Q Where was he? A The defendant.

BY MR. DAVIS:

Q Did you find him? A We found him going to the linen room.

Q Did you arrest him? A Yes, sir.

Q Did you search him? A Yes, sir.

Q Was the money found on him? A No, sir.

Q What did he say about it? A He said he did not take it.

Q Did you say anything to him about having the pocket-book in his hand? A I did.

Q What did you say? A I said, I saw you have the pocket-book in your hand; he says, no; I said to him, I saw everything you have done in that room, I saw you when you came in the room in the morning and showed the Spaniard those pictures, I saw you when the Spaniard paid you the money, I saw you when you came in with that bottle, I saw you when you pushed your hair up this way in front of the glass; he said, I did do all that, but I did not take the money, I did not have that pocket-book.

Q How long a time had elapsed between his leaving room 237 after you saw the pocket-book in the hand when you finally found him in the hotel and arrested him? A I should think about seven minutes to the best of my judgment.

Q Then he had been out of the room before you arrested him?

A That is my best judgment.

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Q You do not know where he had been during that seven minutes?

A I do not know of my own knowledge except what he told me; he said he had been to the bar for an order and he had been to the linen room with linen.

Q The bar is how many flights down? A Two flights.

Q How long had you been looking through the hole in the door before you saw the defendant appear with the bottle? A It may be a little more than five minutes.

Q Was it as long as ten minutes? Possibly it might be.

Q Do you think it could be any longer than that? A I do not think it was ten minutes.

Q How big a hole was that? A Between half and three-quarters of an inch.

BY THE COURT:

Q A round hole? A Yes, sir.

BY MR. DAVIS:

Tear off a piece of paper about the size of it, will you---that is about as big as the hole was (showing a piece of paper)?

A Yes, sir.

Q What part of the door was that? A About even with my forehead, in the middle of the door.

Q And did you lose sight of the room at all while you were there? A I did not.

Q You kept your eye in that room all the time? A I kept my eye there all the time.

Q Could anybody have entered that room at any time between the time you saw the defendant come in and take the pocket-book, without your having seen him? A A person could enter immediately inside the door but no person could reach the bureau or

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anywhere within four feet without I seen them.

Q You kept your eye on that bureau? A Yes, I was there for that purpose.

Q It did not escape your attention? A No, sir.

Q Nobody else touched that pocket-book? A Nobody else touched the pocket-book.

Q You said you saw him lay the pocket-book down and then go out? A Yes, sir.

Q You watched until his steps died away? A Yes, sir.

Q How long did you watch? A Oh, ma be two minutes, a minute or two is a long time under these circumstances, it may be a minute.

Q Did nobody else enter that room while his steps were dying away? A We were at the door covering 237 then.

BY THE COURT:

Q How do you mean covering it, in what way? A We had the door 236 open and looking at the door 237.

BY MR. DAVIS:

Q So that nobody could have got in there before you went in to count the money? A Nobody could get in there.

Q Did anybody go in there? A No, sir.

CROSS EXAMINATION:

BY COUNSEL:

Q You want this jury to understand that you saw through that aperture in the door the size of this, you saw in detail all that you have testified to here to-day, is that so? A It may be larger than that; I mean them to understand that I did see it.

Q You stated that, didn't you, just now? A Yes, sir.



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Q Your memory is just as good now as it was two minutes ago, isn't it? A Yes, sir.

Q That is your best judgment of the size of the hole? A Yes, sir, my best judgment.

Q You want this jury to understand that with your eye to that hole you saw everything that transpired that you have testified to here to-day? A I saw through the hole that was bored in that door.

BY THE COURT:

Q That is your memory of the size, is that right? A Yes, sir, I say it may be larger and it may be smaller.

Q You saw what you saw through that hole? A Yes, sir.

Q Your memory of the size of it is your best judgment? A Yes, sir.

BY COUNSEL:

Q The pocket-book was put there under your direction, was it not Mr. Carey? A Yes, sir.

Q It was put there to tempt somebody, wasn't it? A It was put there---

Q Is not that the reason of putting the pocket-book there, just to tempt somebody? Is not that so, yes or no? A It was put there for the purpose of getting who ever was stealing in that hotel.

MR. DAVIS: The diagram of the hole in the door is offered in evidence and marked "People's Exhibit No. 1."

BY COUNSEL:

Q You got there about half past seven? A I got at the hotel a little before seven o'clock.

Q There had been complaints made from the hotel, had there, of

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stealing? A Yes, sir.

Q Just prior to that you had arrested somebody else? A Yes, that morning I had.

Q That very morning? A That very morning.

Q And that gentleman pleaded guilty, didn't he? A He did.

Q I represented him, too, didn't I? A I do not know, you were not here when he was tried.

Q That was for stealing from the hotel too wasn't it? A Yes, sir.

Q That was for a somewhat similar offence to this where a pocket book or something was left in the room? A Yes.

Q When you went into 237 you saw Mr. Wentworth put the money in the pocket-book didn't you? A Yes, sir.

Q Was it put in the larger or smaller apperature, do you know, of this pocket-book. A My best recollection is, that it was put in one of the larger ones.

Q And the fifty dollar bill, I assume, was on the outside? A That was on the outside.

Q They were all put in together in spearate parts? A All put in together rolled up in a little bundle.

Q So when you next saw the pocket-book the fifty dollar bill was off, you say? A Yes.

Q And the balance of the bundle still remained intact? A Yes sir.

Q In one of these large apperatures? A Yes, in the pocket-book.

Q After Mr. Wentworth went down stairs you were then with your eye to room 236, how long was it before the defendant came up? A I had my eye to room 237.

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Q You were in room 236? A I was in room 236.

Q With your eye at the apperture, facing the bureau, looking into 237? A Yes, sir.

Q How long had you been there after Mr. Wentworth went down stairs? A Ten minutes to my best judgment?

Q From the tim Mr. Wentworth went down stairs your eye never left the hole? A I might have an instant, I may have winked; I was at the hole all the time and I was there with the express ed purpose---

BY THE COURT:

Q You may have winked for a moment? A Yes, sir.

BY COUNSEL:

Q With the exception of a moment your eye never left that apperture until ~~he~~ ~~was~~ the defendant came in? A No.

Q You are positive this is the man? A I am positive that is the man that came in.

Q He had a bottle in his hand? A Yes, sir.

Q Any thing else? A I did not see anything else.

Q If he had had anything else you would have seen it would you not? A I might not.

Q You saw everything on his back, you saw him moving his arm after taking the pocket-book in his hand. A He did not have the bottle in his hand when his back was to me.

Q What did he do with the bottle when he first came in? A He placed it on the mantel.

Q Describe to the jury where the mantel is from the bureau?

A The mantel is to the right of the bureau---the bureau is about here and the mantel is about there (illustrating).

Q Assuming that to be the panel of the door of 236 where you are sitting, and His Honor would be in the position where the

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bureau would be, is that the position, you want us to understand that is where the bureau was and you looked through the aperture? A No, the mantel would be on his left here.

Q Where was the mantel then, on his right? A It was on his right, yes, sir.

Q ~~Max xxxxx~~ He put this bottle down did he? A Yes, sir.

Q How long did he put it down before he took it up again, if he picked it up? A He immediately picked it up and went out after.

Q How long was he out? A A very short space of time, may be a minute, may be two, I heard his foot-steps out there.

Q Do you know in which direction they went? A All I know is what he told me afterwards; I do not know of my own knowledge.

Q Did he come back again? A He did.

Q You saw him come in again? A Yes.

Q Doran was in the room then with you? A No, he was at the other door.

Q He was at the entrance to room 236? A Yes, sir.

Q When he came back the second time you saw him come in didn't you? A Yes, sir.

Q Did he have anything else with him besides the bottle? A I did not see anything with him.

Q If he had <sup>could</sup> you have seen it? A If he had anything in his hand I could, he took the bottle in his right hand.

Q Any glass? A I did not see any.

Q A bottle of brandy was it? A I do not know, said to be.

Q After he got into the room the second time was your eye still at that aperture---what did he do? A He went over and picked up the pocket-book off the bureau.

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Q As soon as he went in with the bottle in his hand? A No, he put the bottle down.

Q He put the bottle down where? A On the Mantel.

Q That is the second time he put the bottle down on the mantel, was it? A Yes, sir.

Q Immediately after putting the bottle on the mantel did he go over immediately to this pocket-book? A Yes, sir, he did.

Q Walking with it towards you? A He made a motion, I should think probably a foot or so, to look out of the window and then turned round to look out of the window and backed up a couple of steps, his back was towards me.

Q After he backed up toward you what next did you see him do?

A I saw him stand there and have this pocket-book in front of him in his hand.

Q You do not mean to tell the jury that you saw the pocket-book with his back towards you? A He took the pocket-book in his hand before he turned his back to me; he had his side to me when he picked the pocket-book up.

Q First he had his side to you and then got his back to you, is that it? A Yes, sir.

Q Then you saw him make this motion with his arm? A I saw him make a slight motion with his elbows.

Q And did you see the pocket-book then? A No.

After a slight motion with his elbow I assume this defendant's back was to you all the time, am I correct? A Yes, sir.

Q How long was it that you saw him put the pocket-book back?

A I should think that he did not remain in the room that time much over a minute.

Q He could have taken all the money, could not he? A He could

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Q He had an opportunity to take it all? A Yes, sir.

Q You saw him put the pocket-book back on the bureau? A I did.

Q And saw him go out of the room with the bottle of brandy or leave it there? A Left it there.

Q He left it in the room, you saw him go out? A I did not see him go out of the door, I could not see from my position, I saw him go towards the door.

Q You saw him just previous to that with the pocket-book in his hand? A Yes, sir.

Q You saw him lay it down again on the bureau? A Yes, sir.

Q You saw him make a motion which attracted your attention, did not it? A Yes, sir.

Q Why did not you arrest him at that time? A For this reason, that I saw him take the pocket-book twice before that morning, and each time after he had examined the pocket-book there was no money taken out of it, and I had no chance to know, without examining the pocket-book, whether he had taken anything or not.

Q How long have you been in the Police Department, Carey? A Eleven years past.

Q Don't you know, as a matter of fact, that if a party without abstracting money, handles it, that would be an attempt to steal, a crime, you knew that, didn't you? A If it was with a felonious intent he handled it.

Q It would have been a crime? A Yes, sir.

Q You saw the pocket-book in his hand? A Yes, sir.

Q You saw him lay it down again? A Yes, sir.

Q You saw the motion of his elbow and everything else? A Yes,

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sir.

Q Still you allowed that man to get away from you for five or seven minutes? A I did.

Q When he came back he had nothing, is that what you want us to understand? A Yes, sir.

Q When you arrested him he said he was not guilty? A He did.

Q He said the same thing in the Police Court? A He did.

Q He said the same thing ever since? A I don't know, I suppose so.

BY THE COURT:

Q Every time you heard him say anything he said so? A Yes, sir.

GEORGE A DORAN, sworn and examined.

Q Officer Doran are you attached to the Central Office? A Yes sir.

Q And did you go to the Victoria Hotel on the 11th of July, 1932, with Officer Carey? A I did; yes, sir.

Q Did you see Mr. Wentworth there? A I did.

Q Did you go into room 236 and 237? A Yes, sir.

Q Did you see a pocket-book like this there? A I did.

Q And did you see a pocket-book like this in room 237? A Yes, sir.

Q Who was in there at the time you saw it? A Carey, myself, and Mr. Wentworth.

Q Did you see any money there? A Yes, sir, I did.

Q How much? A \$115.00

Q What was done with it? A I saw it placed in that pocket-book and the pocket-book placed---

BY THE COURT:

Q By whom? A By Mr. Wentworth, and the pocket-book placed on

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the bureau in room 236.

BY MR. DAVIS:

Q In where? A Room 237.

Q And then what was done by you three? All three went out, Carey and I went into room 236; Carey went over and got where this hole was bored in the door, in the door joining both rooms; I stood at the door leading into the main entrance room 236.

BY THE COURT:

Q Leading into the room from the hall? A Yes, sir.

BY MR. DAVIS:

Q Was that door open or closed? A Closed.

Q Then what took place while you were standing there and Carey was at the hole in the door? A We stood there, it was about five minutes, I heard some footsteps going along the hall, some body coming along and went into room 237 and stayed in there for about two minutes, I guess, and come out again; in a short while after I heard footsteps again come into room 237 and a while after come out again. Then in conversation with detective Carey right after I heard those footsteps, we went in and examined the pocket-book and found the money missing.

Q You went in where? A To 237.

Q Did you see the pocket-book there? A Yes, sir.

Q Was it open, did you open it? A I think it was open, I am not sure, I think the pocket-book was just a little open.

Q Was there any money in it? A Yes, sir, there was \$65.00 left in it.

Q You saw it, did you? A Yes, sir.

BY THE COURT:



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Q You did not tell us about how long the person stayed in the second time? A A short while, I do not think it was over two minutes anyhow.

BY MR. DAVIS:

Q How much money was in the pocket-book. A \$85.00 was in the pocket-book. I went down stairs looking for Mr. Wentworth. I waited awhile to see if I could hear his footsteps (the defendant(s) coming back again, and I went and called Mr. Wentworth; Carey went down and arrested this defendant and I stayed in the room.

Q Which room? A In 236.

Q Did you stand in the room where the pocket-book was? A No, sir, in the other room.

Q Did you see this hole in the door? A Yes, sir, I did.

Q Look at People's Exhibit No. 1, which is a representation of its size, by Officer Carey? A It is fully as large as that, about that size, I guess.

CROSS EXAMINATION: BY COUNSEL:

Q Was the money counted, Doran, when you were present? A Yes, sir.

Q You saw it put in the pocket-book? A Yes, sir, I saw it put in.

Q You saw it placed on the bureau, the pocket-book at least?

A Yes, sir.

Q You saw Mr. Carey with his eye to the aperture here? A Yes, sir.

Q You were at the door? A Yes, sir.

Q You saw Carey go into the room after somebody had left? A We both went in together.

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Q You both went in together? A Yes, sir.

Q Who opened the pocket-book? A Carey.

Q In your presence? A Yes, sir.

Q Found it in your presence? A Yes, sir.

Q And the fifty dollar bill was missing? A Yes, sir.

Q Has that ever been found? A No, sir, it has not.

Q Never has been found? A No, sir.

Q Were you there when this defendant was searched? A I was.

Q Was he searched thoroughly? A Yes, sir, stripped naked mostly.

Q No pocket-book was found upon him? A No, sir.

Q You were there when he was accused of crime? A Yes, sir, he denied it, and said he did not take it; he said, he had not even touched the pocket-book.

WILLIAM P. WENTWORTH, re-called by MR. DAVIS:

Q Mr. Wentworth, you saw that hole in the door did you not?

A Yes, sir.

Q Have you an idea as to its diameter? A Yes, sir.

Q Look at this, made by Officer Carey, Exhibit 1; does that correctly represent its size? A I should say it was larger.

Q Much larger? A Yes, sir.

Q Will you please give your idea of the size of that hole on this piece of paper? A I should say it was about that size (making the size on a piece of paper).

MR. DAVIS:

I offer this in evidence, marked People's Exhibit No.2.

The People rest.

THE COURT:

The case is with the Defence.

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THE CASE FOR THE DEFENSE.

Counsel for the Defendant open the case to the Jury.

IGNACIO OJINAGA, sworn and examined by Counsel:

Q Now you speak loud enough so the further gentlemen can hear you. What is your name? A Ignacio Ojinaga.

Q And where were you born? A Spain.

Q How old are you? A 26.

Q How long have you been in the country here, the city of New York? A Eleven years.

Q How long have you been working at the Victoria Hotel? A Working two years the last time, two months the second time before the first time, and two months the last time.

Q Prior to working at the Victoria Hotel what were you doing? A Hall-boy.

Q Before you were working at the Victoria Hotel what were you doing? I used to get \$10.00 from G. Amsinck & Co. every Monday.

Q Amsinck & Co. are bankers in Wall Syreet? A On Pearl St.

Q This was an income that you had from where? A From Spain.

Q When you first came here did you have that income? A Yes, sir.

Q You got it from Amsinck & Co., brokers, in Pearl Street? A Yes, sir.

Q For how long? A Seven years.

Q Seven years you got it while in the city of New York? A Yes, sir.

Q That was at the rate of \$10.00 a week? A Yes, sir.

Q Then your income ceased? A Yes, sir, my folks lost money and they could not spare to give me any more.

Q Who brought you from Spain here? A I came on a ship, intro-

duced to Amsinck & Company by the Captain, and he took me to the office; I came on an English ship and I was taken to Amsinck's office, and they took me under their hands.

Q You were introduced to Amsinck & Company by the Captain of the steamer? A Yes, sir.

Q And they are brokers and bankers in Pearl Street? A Yes, sir.

Q After your introduction to Amsinck & Company, you received \$10. every week? A Yes, sir.

Q Until four years ago, is that so? A Yes, sir.

Q Then your income ceased? A Yes, sir.

Q It was after that then you commenced work at the Victoria Hotel? A No, I went back to Spain then and I remained there eighteen months; so I came back again to New York and I got work in the Victoria Hotel.

Q Then you worked in the Victoria Hotel? A Two years steady, and I left.

Q And then went back again? A I went back, and I worked in the Grand Union Hotel.

Q During the time you were living in the city of New York, with whom did you live? A Mrs. O'Brien.

Q She is in court? A Yes, sir.

Q Did you commence with her from the time you arrived in the city up to the time of your arrest, were you living with her? A Yes, sir.

Q Anybody else live with her that you know? A She used to keep a boarding house; I know a good many people.

Q Mr. McGarry lives in the house? A Yes, sir.

Q Who else? A Phillip Casey and a lot of coachmen, I do not know very well the names.

Q You mean Mr. Casey a hand-ball player? A No, sir.

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Q You are a hand-ball player? A Yes, sir.

Q Do you know Mr. Dunn of Brooklyn? A Yes, sir.

Q He is a hand-ball player? A Yes, sir.

Q Did you have a match with him for the championship? A Yes, sir.

Q In which you were successful? A Yes, sir.

Q You have been living with Mrs. O'Brien then from the time you arrived in New York city up to the time of your arrest? A Yes, sir.

Q Do you know Mr. Edward Smith? A Not Edward Smith, that is Mr. Sweeny.

Q Mr. Sweeny? A Yes, sir.

Q Did you ever work for him? A Yes, sir, I worked for him.

Q What is his business? A His father used to keep a liquor store and bowling alley.

Q How long have you known Mr. Sweeny? A I know Mr. Sweeny about eight years.

Q You know Mr. McGarry how long? A About four years, going on five.

Q From the time you arrived in New York City up to this time were you ever arrested before in your life? A No, sir.

Q This is the first charge or accusation made against you?

A Yes, sir.

Q You recollect the day of your arrest? A The 11th of July.

Q While you were employed at the Victoria Hotel the first time, did you get a recommendation from there as to your honesty, as to your character?

Objected to.

Objection over-ruled.

A Yes, sir.

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Q You recollect the day of your arrest, July 11th? A Yes, sir.

Q You recollect the time of your arrest? A About 9 o'clock.

Q How came you to go into room 237 upon the day in question?

A About half past seven the captain told me---

BY THE COURT:

Q Who is the "captain?" A The captain of the hall-boys; he told me that a gentleman in 237 wants to see me; he says, I guess he wants to pay the money that he owes you. So I said, all right; I went up and I knocked at the door and he told me to come in; so when I went in I said, good morning.

Q Who did you see in there? A Mr. Sosa.

Q The occupant of the room? A Yes, sir. So he told me, where was you yesterday, I was inquiring for you? I said, I was off I was not on duty. So he said, well, I want to pay you what I owe you, he says, how much is it? I says, \$8.60. So he says in the same time, have you got that New York guide with you? I says, yes. So I showed the New York guide to him, and he says wait a minute I want to show it to my friends and see if they like it or not. So he left me in the room about 6 or 7 minutes. Here was the bureau and there was the pocket-book (illustrating). He wanted to show his friends the New York Guide. So when he came back the pocket-book was lying on the bureau and here was another table opposite the bureau. So I stood by the table. So the gentleman came back and he says, well, my friends don't like this New York guide, I will take it myself. I said, all right. He says, how much is it? I says, 50cents. So he said, all right. So he gave me two five dollar bills, but I had to get 90 cents change; so I went down in the office again and I came up and I said, \$8.60 that you owe me and 50 cents for the New York guide,

that makes \$9.10. So I said, here is your 90 cents, and thank you. So he thanked me and I went out of the room. About an hour afterward he came down and he asked me that he would like to get a bottle of brandy

Q Who asked you? A Mr. Sosa; he came down; I was sitting on the bench; he told me that he would like to get a bottle of brandy for the steamer, that he was going away that morning. I said, all right, you can have it right here. So he says, get me that bottle of brandy and take it to my room; I said, all right. I went to the bar and got the bottle of brandy and I went up to his room; I did not see anybody there and the room was open and the pocket-book was there.

Q Were his goods there? A Yes, sir, his baggage was there. So I went as far as the bureau with the bottle of brandy, but I changed my mind and said as long as the room is open somebody might come into the room and take the bottle of brandy, and then I will be blamed for it. So then I took the bottle of brandy and I went to place the bottle on the bureau, but I did not place it at all. So then I went to his friend's room and I said to Mr.---, I forget his name, the other gentleman's name, I would like to leave this bottle here because I am afraid if anybody goes in that room they might take it, and then I will be blamed. He says, no, no, don't leave it here; I do not want it, because if you leave it here it will be charged to my bill. I said, no, sir, it is already charged to your friend's bill. He says, I don't care, you can leave it in his room, I do not want it. I says, all right. So I went back to the room and I left it on the mantel piece, the bottle. So then I went out and went down stairs and I stayed about two

minutes on the bench when the bar bell rung. So I went to answer the bar and they wanted clean towels; so I took all the dirty towels and I went to the linen room and as soon as I got in the linen room the officer got hold of me; he said a man wanted to see me. I said, where? He says, right here. As soon as we took two or three steps he said, I am an officer. I said, what of it? He said, oh, never mind, I will show it to you. He took me to room 236 and he says, where is that fifty dollars that you took from that room? I says, what room? He said, 237. I says, no, sir, I did not take no fifty dollars from that room. He said, you lie, and he commenced hitting me on the head, and I said, I did not take no fifty dollars, I don't care what you do with me, but I did not take nothing. I said, if I would take anything I had plenty of chances to do it in this hotel, I have been working here before and I never took a cent, go down to the manager of the hotel and he will tell you about me. So he would not listen to me and he went through me and searched me and he found thirteen dollars in my pocket of my own money, and he kept it; and then he made me strip off; I stripped off and he went through all my clothes and did not find anything. So I was fetched down to Police Headquarters, and that is all, your honor.

Q Now did you take the fifty dollars from that pocket-book, or any money at all? A No, sir.

Q Do you know anything at all about the larceny of fifty dollars? A No, sir.

Q You testified here before that you were working at the Victoria Hotel for two years? A Yes, sir, two years.

Q Who was the clerk at that hotel when you were working there?



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A When I went there first his name was Saffer and afterward Mr. Breen.

Q You testified when you left the hotel they gave you a recommendation? A Yes, sir.

Q Is that the paper they gave you (showing paper)? A Yes, sir.

COUNSEL:

I offer to put that in evidence.

MR. DAVIS: No objection.

Counsel read the following:

VICTORIA HOTEL,  
Fifth Ave., Broadway, and 27th St.

H. L. HOYT. NEW YORK, January 28, 1891.

The bearer, Frank O. Junaga, has been employed as hallman for the past two years, and I can recommend him as an honest, sober, and industrious young man.

A. R. BREEN,

Room Clerk, Victoria Hotel.

BY THE COURT:

Q The first time you were there, after you left they gave you that recommendation? A Yes, sir.

BY COUNSEL:

Q When you made application for your re-employment they re-employed you? A Yes, sir.

Q You were employed at the time of your arrest? A Yes, sir.

Q Were you ever employed elsewhere? A I was in the Grand Union 42nd Street, New York City, three months, and I worked in Saratoga; from there I went to Saratoga and I worked there the whole season at the Everett House.

Q The Everett House in Saratoga? A Yes, sir.

Q And the Grand Union Hotel in New York? A Yes, sir.

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Q Any other place? A No, sir.

Q Were you ever accused of a crime before, except the present one? A No, sir.

CROSS EXAMINATION, by MR. DAVIS:

Q What time was it when you took the bottle of brandy in there?

A It was about 9 o'clock.

Q When you got in the room nobody was there? A No, sir.

Q You did not set the bottle of brandy down, did you? A No, sir.

Q But you went out again with the bottle? A Yes, sir.

Q Then you returned to the room again? A Yes, sir.

Q There was nobody in the room? A No, sir.

Q Was the pocket-book there then? A Yes, sir.

Q Was it there when you brought the bottle of brandy back? A Yes, sir.

Q Was it on the bureau? A Yes, sir.

Q Did you touch the pocket-book? A No, sir.

Q The officer says that he saw you take it into your hands; did you take it into your hands? A No, sir.

Q Didn't lay hands upon it at all? A No, sir.

Q When you left did you leave the pocket-book there? A I didn't touch no pocket-book.

Q Was the pocket-book there when you left? A Yes, sir.

Q Then you went down stairs, two flights down? A Yes, sir.

Q And did you leave the brandy there? A I left it in room 237.

Q When you went down stairs where was the first place you went to? A Went as far as the bench; sat down on the bench two minutes.

Q Was there anybody on the bench? A Yes, sir.

Q Who? A There were two more hall-boys.

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Q What was their names? A We never used to go by the names, only the number.

BY THE COURT:

Q Did you know their names. A No, sir, I did not.

Q Do you know their numbers? A One was number sixteen.

BY MR. DAVIS:

Q Were they there when you were arrested? A I do not know where they were then, they were working there.

BY THE COURT:

Q Were they on duty then? A Yes, sir.

BY MR. DAVIS:

Q Then you went to the bar didn't you? A Yes, sir.

Q How far away from the bench was the bar? A About 75 feet.

Q How many rooms did you have to go to? A No rooms at all, it is on the same floor.

Q The ground floor? A Yes, sir.

Q You got the order at the bar? A Yes, sir.

Q You went up two flights again to the linen closet? A Yes, sir.

BY THE COURT:

Q Tell us what order you got? A I got an order to get clean towels.

BY MR. DAVIS:

Q You took the soiled towels away with you? A Yes, sir.

Q Where did you take them? A To the linen room.

Q Did you get clean towels there? A No, sir, I had no chance to get the clean towels.

Q Are the clean towels kept in the linen room? A Yes, sir.

Q Did you go into the linen room before you were arrested?

A Yes, xxxx A I was not allowed to get inside, only on the outside on the little platform and pass the towels through

the hole.

Q How long had you been at room 237 before you got back to the linen room? A Just about four or five minutes.

Q Carey says he saw you with that pocket-book in your hand; you say that is not so? A No, sir.

Q Have you ever seen Carey before? A No, sir.

Q You do not know any reason why Carey should swear that way do you if it is not so? A No, sir.

Q You say he hit you? A Yes, sir.

Q With his fist? A He hit me with a little club, a little billy.

Q He clubbed you? A Yes, sir.

Q How many times? A He hit me once in the side and then hit me with his fist in the face.

Q Whereabouts on the side did he hit you? A Just on this side.

Q Did he give you a pretty hard blow? A He made me holloo.

Q You felt the pain did you? A Yes, sir.

Q Whereabouts on your face did he hit you? A He was going to hit me and his friend was coming and he only touched me in the face and I put my head back.

BY THE COURT:

Q He struck at you? A Yes, sir.

BY MR. DAVIS:

Q Show us how? A He said, you lie; I was going to put my head back and he just touched me this way (illustrating).

Q Just touched you with the fist? A Yes, sir.

Q Who else was there? A Mr. Doran in room 236.

Q He was in the room? A Yes, sir.

Q You mean that officer over there (pointing to Doran) A Yes, sir.

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Q Did he hit you? A No, sir.

Q He was there when Carey hit you in the arm? A Yes, sir.

Q How far away from him was officer Doran? A He was just right beside him, two feet from him.

Q He saw it then? A Yes, sir.

Q Did you try to get away? A No, sir.

Q You did not make any attempt to get away? A No, sir.

Q He hit you while you were standing still? A Yes, sir.

Q You denied taking the money and then he hit you? A Yes, sir.

ELLEN O'BRIEN, sworn and examined by Counsel:

Q Mrs. O'Brien, what is your full name? A Ellen O'Brien.

Q You keep a boarding house, or formerly kept a boarding house? A I did used to, yes, sir.

Q Where? A In 657 Third Avenue.

Q How long do you know the defendant? A Ten years.

Q You know him as long as he has been in the city? A Yes, sir.

Q Who brought him to your house? A A young man of the name of Mr. Dunn.

Q Mr. Dunn is in court, is he not? A Yes, sir.

Q Up to the time of his arrest upon this charge he has always lived with you with the exception of the time he went to Spain and worked in Saratoga? A Yes, sir.

Q During the time he lived with you, what was his character for dishonesty and industry? A He was a good, faithful, honest boy ever since I saw him up to this time.

Q Slept home all the time? A Slept home and was a very good boy, very good, no better.

JOHN F. DUNN, sworn and examined by Counsel:

Q Mr. Dunn, what is your business? A Clerk.

Q For whom? A G. Amsinck & Company.

Q What is their business? A Shipping and commission merchants.

Q Is that the firm that the defendant spoke about receiving ten dollars a week from? A Yes, sir.

Q I thought they were brokers? A Oh, no.

Q How long have you been employed with them? A Since 1871, twenty-one years.

Q You are employed there now? A Yes, sir.

Q How long do you know the defendant? A I received him when he arrived from Spain, May, 1881.

Q Up to the present day have you kept track of him and seen him frequently? Yes, sir; when he was at college I used to send him money and go and see him at Pleasant Valley, well, perhaps, once a month; then I took him to Mrs. O'Brien when he left college, and I used to see him probably once or twice a month, he used to come to our office for his remittances which was due him weekly at the rate of forty dollars per month, he received ten dollars every week.

Q And did you see him receive it? A I gave it to him always personally.

Q Up to what period did he receive ten dollars a week? I should judge up to 1888.

Q Did you afterwards learn where he was employed? A Yes, I knew he was employed at the Victoria Hotel, I have seen him there myself, he has waited on me when there to receive some correspondents in South America.

Q At the Victoria Hotel? A Yes, sir.

Q During the time he has been in the City of New York you have also been acquainted with him? A Oh, yes, the head porter in the Victoria Hotel is my friend and he has been there twenty years.

Q What has been the defendant's character for honesty? A Very good.

Q You never heard of him being arrested before? A Never.

PATRICK J. McGARRY, sworn and examined by Counsel.

Q Mr. McGarry, what is your business? A I am in the liquor business.

Q Where? A 158 Lexington Avenue, between Third and Lexington Avenue.

Q What street? A It is 53rd Street.

BY THE COURT:

Q East or West? A Number 158 East 53rd Street, you will find it in the directory.

BY COUNSEL:

Q Is that your card (showing)? A Yes, sir, but I have changed my place of business.

Q Where is your business now? A My place of business now is 158 East 53rd Street.

Q Where was your place of business prior to that? #170 Thirty-third Street and First Avenue.

Q How long do you know the defendant? A I have known him four years.

Q Where did you first become acquainted with him? A I became acquainted with him in Mrs. O'Brien's, where I stop at present.

Q You are still living there now? A Yes, sir.

Q You occupied the same room? A We slept together.

Q Did you ever entrust him with money? A I intrusted him at all times. Generally I had an amount of \$75.00, from that to two or three hundred dollars, and my gold watch and chain.

Q You boarded there all the time? A Yes, sir; I never lost a cent and if I did happen to lose anything I would get it in my bureau, I would expect him to put it there; I never saw him drunk, and never had a word with him.

Q You have trusted him with money and always found him honest and faithful? A Yes, sir, found him honest and faithful; I would trust him as quickly as I would any of my friends.

Q Do you know other people that know him? A Several.

Q What is his character for honesty among those who know him?

A Very good, all who were acquainted with him speak in the highest terms of him.

Q During the time that you have lived in the same room with him you have left your property, watch and chain and money, there?

Objected to.

Objection sustained.

A All the time.

MICHAEL O'BRIEN, sworn and examined by Counsel:

Q I am sorry but I think my duty demands that I call you. Do you know the defendant? A I do.

Q You are Captain of the Court Squad in Part One? A Yes, sir.

Q How long do you know the defendant? A I think it is eight or nine years ago since I first knew him.

Q Was he working there then? A No, he was not working there then, as I understood, he was residing there.



Q During the past eight or nine years have you seen him frequently from time to time? A From the last five years I have not seen him that I know of, but I understood he lived in the neighborhood, I have not seen him. My business did not call me in that section where he lives.

Q Do you know other people that know him? A I did at that time

Q What was his character for honesty? A I never heard anything against it.

BY MR. DAVIS:

Q That was five years ago? A Yes, sir.

Q You do not know anything about him since then? A Nothing since then.

EDWARD J. SWEENEY, sworn and examined by Counsel:

Q Do you know the defendant? A Yes, sir.

Q How long do you know him? A About eight years.

Q Did you become acquainted with him while living in Mrs. O'Brien's house? A I become acquainted with him when he came to my bowling alley to play hand-ball, he came to my place at 159 Thirty-fifth Street.

Q Has your acquaintance with him lasted up to this time? A Yes, sir, he worked for me after that about five or six months.

Q In your place? A Yes, sir.

Q After that do you know where he was employed? A He left me to go to the Victoria Hotel this last time from Coney Island.

Q During the time you have known him have you seen him often?

A Mostly every day.

Q Do you know other people that know him? A Yes, sir.

Q What has been his character for honesty? A Always good.

Q During the time he was employed with you how did you find him? A Honest.

Q You would trust him now? A Yes, sir.

COUNSEL: That is the case for the Defence.

REBUTTING EVIDENCE:

JOHN CAREY, re-called by Mr. Davis:

Q Officer Carey, this defendant states that while in room 236 there after his arrest, about the time of his arrest, that you struck him in the side with your club or billy? A I did strike him once.

BY THE COURT:

Q With the club? A With the billy.

Q What was the occasion for your striking? A From his actions and the warning that I received in the morning.

Q What was it he did? A He resisted and placed his hand down here at his pocket.

Q He resisted you and put his hand here at his hip pocket? A At the hip pocket.

Q You supposed he had a pistol? A I supposed he had something.

COUNSEL; Objected to.

THE COURT: Objection sustained. Strike out the answer.

BY MR. DAVIS:

Q Show us the motion which he made when you had him under arrest? A He came towards me and he had his hand under his coat, this way (illustrating); I told him, take your hand out of your pocket. He did not take it out and I struck him on the back, I think. Then he took his hand out.

Q He said you punched him, made a punch at him in the face? A I did not punch him.

Q Did you try to punch him? A I did not.

Q Did you make any pass at him at all? A Not that I remember,

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I am satisfied I did not.

COUNSEL:

Q You did call him a liar didn't you? A I did.

Q When you saw he had his hand back you searched him? A Afterwards I did, yes, sir.

Q In fact was there no revolver or a knife? A No.

BY THE COURT:

Q You called him a liar? A Yes, sir.

Q What caused you to say that to him? After I said to him, I saw you have that pocket-book in your hand three times this morning, he said, he had not; then I said he was a liar.

Q Did you see him have it three times? A I did, sir.

Q You did think he was a liar when you called him that? A I did, sir.

GEORGE A. DORAN, re-called by Mr. Davis:

Q Were you in the room with Carey and the defendant at the time Carey struck the defendant with his billy? A I was there, yes, sir.

Q Will you tell us how that happened, as you saw it? A Carey brought him in there; I was in the room and Carey ran him over towards the window; he says, where is that fifty dollars? He had his hand here (illustrating); Carey said, take your hand out; he said, no, what for? So Carey had a little billy and he struck him here somewhere with it and he dropped his hand. Carey says, where is that fifty dollars, where did you put it? He said, I did not put it anywhere. Carey said, you did. He did not strike him; he pulled his hand back like that.

**POOR QUALITY  
ORIGINAL**

0278

45

MR. DAVIS:

That is the case for the People.

The Jury rendered a verdict of NOT GUILTY.

POOR QUALITY  
ORIGINAL

0279

Testimony in the  
care of  
Ignacio Jimenez

filed Aug. 1892

120 U.S.

copy  
1892  
1893

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY  
OF NEW YORK.

523

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Ignacio Ginaga*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Ignacio Ginaga* —  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE,  
committed as follows:

The said *Ignacio Ginaga*

*450.00* late of the City of New York in the County of New York aforesaid, on the *11th* day of  
*July* in the year of our Lord one thousand eight hundred and ninety-*two*  
at the City and County aforesaid, with force and arms, in the *day* — time of said day,  
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of  
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury  
aforesaid unknown, for the payment of and of the value of *fifty* —

dollars; divers other promissory notes for the payment of money, being then and there due and un-  
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury  
aforesaid unknown, for the payment of and of the value of *fifty* —

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury  
aforesaid unknown, of the value of *fifty* —

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury  
aforesaid unknown, of the value of *fifty* —

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of  
the value of *fifty dollars*

of the goods, chattels and personal property of one *Hazen L. Hoyt* —  
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.

0281

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

Ostheimer, Anton

**DATE:**

08/05/92



4489

POOR QUALITY  
ORIGINAL

0282

Witnesses:

The Prisoner offers  
a plea of assault  
2<sup>d</sup> degree - which  
I am willing to  
accept F.S.A  
Aug 18<sup>th</sup> A.D.  
1892

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

30

30<sup>th</sup>

59<sup>th</sup> 11<sup>th</sup> R

Anton Ostheimer

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen S. Apperson  
foreman.

Part 2 - Aug. 18, 1892.

Pleads Assault 2<sup>d</sup> Deg.

- J. P. H. ynd

Aug 19<sup>th</sup> 1892



POOR QUALITY  
ORIGINAL

0283

Police Court— 4 District.

City and County { ss.:  
of New York, }

of No. 609 West 14<sup>th</sup> Street, aged 42 years,  
occupation laborer being duly sworn  
deposes and says, that on 31 day of July 1892 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Anton Ostermer  
(now here) who pointed, aimed and  
discharged a pistol loaded with  
powder and ball then and there  
held in the hand of said Ostermer  
at deponent; that said <sup>two</sup> shots  
struck deponent on the face  
and that said assault was  
committed

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 to before me, this 1 day  
of August 1892

Patrick Leyne

J. W. Smith Police Justice.

POOR QUALITY  
ORIGINAL

0284

(1835)

Sec. 198-200.

X  
District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Anton Ostermer* being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h 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.

*Anton Ostermer*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*609 W. 4th St.*

*3 mos.*

Question. What is your business or profession?

Answer.

*Labrer*

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.*

*Anton Ostermer*

Taken before me this  
day of *August* 189*8*

*A. M. M. M.*  
Police Justice.

POOR QUALITY  
ORIGINAL

0285

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

Police Court--- District. 926  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Petrick Davis  
609 N. 54th  
Sharon Catman  
Offence Felonious Assault  
Dated August 1 1892  
Magistrate  
Officer  
Precinct  
Witness  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
to answer  
9.5  
1892

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 Defendants

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 August 1 1892 Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

Court of General Sessions of the Peace

473

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Anton Ostheimer*

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

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

The said

*Anton Ostheimer*

late of the City of New York, in the County of New York aforesaid, on the *thirty first* day of *July* 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 *Patrick Kane* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Patrick Kane* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Anton Ostheimer* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent *him* the said *Patrick Kane* 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

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

The said

*Anton Ostheimer*

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 *Patrick Kane* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said

*Patrick Kane*  
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

*Anton Ostheimer*  
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 shoot off and discharge, 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.

0287

**BOX:**

492

**FOLDER:**

4489

**DESCRIPTION:**

O'Toole, Matthew

**DATE:**

08/05/92



4489

POOR QUALITY  
ORIGINAL

0288

Witnesses:

Counsel,

Filed

day of Aug 1892

Placed,

THE PEOPLE

vs.

B

Matthew O'Goold

Sept 17/92  
Jury returned

DELANCEY NICOLL,  
District Attorney.

Assault in the First Degree, Etc.

(Sections 217 and 218, Penal Code.)

A TRUE BILL.

Allen D. Aygar

Foreman.

Aug 18/92  
Jury returned  
Sept 17/92 F.W.

Police Court— District.

1891

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

of No. 127 West James Sweeney  
Street, aged 40 years,  
occupation Butcher being duly sworn,  
deposes and says, that on the 1 day of August 1892 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Mathew O Toole (now here)

who cut and stabbed him on the  
left arm with a knife which he  
then and there held in his hand

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

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

Sworn to before me, this 2 day

of August 1892,

Wm. J. Sullivan

Police Justice.

James Sweeney

POOR QUALITY  
ORIGINAL

0290

(1335)

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

*Matthew O Toole* being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h 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. *Matthew O Toole*

Question. How old are you?

Answer. *57*

Question. Where were you born?

Answer. *New York*

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

Answer. *173 West St. 2 months*

Question. What is your business or profession?

Answer. *Hackman*

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

Answer.

*I am not guilty*  
*his*  
*Matthew X O Toole*

Taken before me this

day of August

1894

Police Justice.



POOR QUALITY  
ORIGINAL

0291

BALIED,  
No. 1, by *Charles M. Conley*  
Residence *15 West* Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

Police Court...

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*James J. Sullivan*  
*123 West St*  
*Matthew O. Toole*

Offense *Felony*

Dated, *Aug 2* 189*2*

*W. J. Sullivan* Magistrate

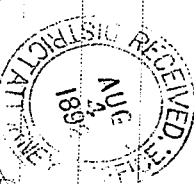
*Deputy* Officer

Witnesses *John S. S. S.*

No. *118* Street

No. \_\_\_\_\_ Street

No. \_\_\_\_\_ Street



*1000 Louisy Aug 2. 27*

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, *Aug 2* 189*2* *W. J. Sullivan* 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.

7-92  
THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE RECORDER SMYTH.

MATTHEW O'TOOLE.

Tuesday, September 13, 1892.

Indictment for assault in the first degree.

A Jury was empannelled and sworn.

DANIEL J. SWEENEY, sworn and examined:

Where do you live? 127 West St. What is your business?  
Selling on the walk, carrying on my shoulder, any kind of a  
job I can do, around Washington Market. On the 1st of August  
this year, did you see Matthew O'Toole? The 1st of August I  
was sitting on the bench, the same as I am now, I did not give  
the man any provocation at all, he was drunk and he stuck a  
knife in my face. I never saw him before in my life; that is  
the man (pointing to the defendant). Did he do anything to  
you when he came along? He cut me in the arm with his knife,  
the left arm, I had two stiches in it. I ran inside the mar-  
ket. Did the wound in your arm require you to go to the hos-  
pital? I went to the hospital and then I was taken from the  
hospital by the policeman over there and fetched down to the  
police station. How many times did you visit the hospital?  
Twice. And how long was your arm stiff so you could not work?  
About a week and a half, I could raise it up pretty good.  
Before O'Toole cut you with the knife had you had any talk  
with him? Not that I know of, I am sure I did not. Did you  
have any quarrel with him of any kind? Never in my life. Had  
you been doing anything to him that day to annoy him? No.  
Did you have a coat on? No, no coat, sleeves rolled up butch-  
er gown on. Is this the knife that O'Toole had (knife shown)?  
Something similar to that, I seen it at the station house.

CROSS EXAMINATION:

You say that you never saw this defendant before that day?  
No. Do you mean to say that you had no words with him before  
he struck you with this knife? Not to my knowledge. So you  
mean to tell this jury, do you, that he came along, walked  
right over to you, running this knife right into you, is that  
your story? I heard some one fire something at him and he  
took me for the other party. Have you been drinking? I  
have been out twice since I have been here. What have you  
been drinking, whiskey? Lager beer. I will send you to the  
Tombs until to-morrow morning.

Wednesday, September 14, 1893.

DANIEL J. SWEENEY, re-called:

You work around the market? Work around. Do you know Mat-  
thew O'Toole? I know the gentleman now. Did you ever see  
him before the first of August, this year? He has been in the  
market for years, I might see the gentleman's face as any mans  
face, the 1st of August I saw him. Where were you at the time  
you first saw him? I was on the walk selling some liver. The  
man passed by, some one threw something at him, he was a lit-  
tle intoxicated, he came back and he thought it was me and I  
might have taken a little myself. What is the name you knew  
him by? Vantoon, they called him, is the only name I know  
him by. We had a word or two, he stuck me with a knife. Did  
you strike him? No. Did you throw anything at him? No. Did  
you do anything to him? Not that I know of, only I was a  
little full. Where did you have the stiches put in your arm?  
The Chamber Street Hospital. I went twice, once to get it  
fixed and once after. Was the cut severe enough to interfere  
with the use of your arm? No, only a little stiff, I worked  
the next day with it. You stated yesterday your arm was  
stiff, you could not raise it? It was stiff but I worked  
right along, it did not interfere with my work, it was bandag-

ed all up. This morning you and o'Toole came down to Court together? Yes, in the Maria, handcuffed together.

CROSS EXAMINATION:

What is your occupation? Selling livers, carrying sheep and lambs. By whom are you employed? Mr. Shea. Where do you work in Washington Market? 126 and 425. Did you see anybody throw a piece of liver at O'Toole? I did. Were you there with anybody else? I was selling livers at the time, there was a man buying a liver, there were plenty of people standing around on the next stands. You said yesterday you were sitting down at the stand and O'Toole ran up and plunged this knife into your arm, is that true? He came right back, I was just sitting down after selling a man a liver, and he came up West Street; he turned around and looked at me and stuck me. Did you have any quarrel there? No quarrel, only a few words, that is all. What did he say to you, how did the quarrel begin? He says, who threw that? I did not know what he meant. He stuck me with the knife, then I ran into the Market and went up to the Chamber Street Hospital and had it dressed. Are there any other liver stands near yours? Yes, there is four or five hundred liver stands right on the walk near mine. What did you say to O'Toole when he said who threw that liver, or who threw that meat? I said, I did not do it. After you said you did not do it he plunged the knife right into you? Yes. You knew O'Toole before this? Only I might see him pass on the walk the same as any man, but not to know him. You had been drinking a little bit that day? Yes, I might have had four or five drinks of whiskey or beer, I was not intoxicated altogether. How much intoxicated, did you know what you were doing, did you know how to sell livers? Yes. You did not see anybody throw a liver at him? No.

JOHN SORBIEY, sworn and examined:

Where do you live? 211 Hester Street. What is your business? I clean fish in the market. The same market that Sweeny works in, Washington Market? Yes. Do you know Sweeny? Yes. Do you know O'Toole? I know him, that is all. Tell the Jury what you saw on that day? I was just after going out to the market, I saw O'Toole running, I saw Dan running away, I saw O'Toole running after him with a knife. "Dan" is Sweeny? Yes; another man knocked O'Toole down and took the knife away from him. Is this the knife (shown)? Yes. Did the knife have any blood on it when you took it away from him? No. What did you do with O'Toole then? O'Toole walked away, I seen no policeman around and I followed him down and had him arrested.

CROSS EXAMINATION:

You did not see O'Toole stab this man, did you? I saw O'Toole run after him with a knife, Sweeny ran down West Street, I saw him just after he left his own stand. O'Toole did not attempt to run away? He walked away after I took the knife from him. Did you see O'Toole arrested? Yes. He did not make any attempt to break away then? No. You did not see any part of the crime only you knocked him down and took the knife away from him? Yes. You saw Dan run into the market, you saw him run after Dan and you took the knife away from him? Yes.

TIMOTHY SHAFMIRE, sworn and examined:

You are an officer of the Municipal police, attached to the 2nd precinct? Yes. Did you see the defendant, O'Toole, on the 1st of August, this year? Yes. Where did you see him, tell the jury what you saw? He was brought to me by an officer in the 5th precinct at Barclay Street Ferry crossing; he told me he stabbed a man in Washington Market, I went down there and the last witness who was on the stand had a knife,

he gave it to me and told me he knocked him down. Did you have O'Toole in your custody all the time? Yes. Is this the knife that was given to you? Yes. You took him into custody? Yes. Was O'Toole drunk? Yes, well under the influence of liquor. Did he give his name and occupation when he was arraigned before the Sergeant? Yes. Could he walk? Yes, it took two of us to take him in. Did he resist? Yes. Did he say anything about why he cut this man? No, he made threats to the officer that was with me. What did he say? "I will get out of this and I will cut your heart out." Did you see Sweeny? Yes. Did you see the wound in his arm? Yes. How much of the wound did you see? I did not see it only when he came back from the Hospital, I saw it bandaged up.

**CROSS EXAMINATION:**

How much resistance did O'Toole offer you? It was a kind of a scuffle to get him to the station house, both me and the other officer. You had to pull him along? Yes. Did he attempt to strike you? Not me, but he did the other officer. About how drunk was O'Toole? Drunk enough to be ugly. Did he have his senses about him? No. He was able to walk? With the assistance of 2 officers. When you met him he was only with one officer? With the assistance of a citizen, yes. Did you see them help him along? Yes. Where did you first see them? At Barclay and West Streets. How far away did you see them coming? About 50 feet; he called my attention and stated it occurred in our precinct and I should take the case. That is all I know about it. Who gave his name as "O'Toole" in the station house? We all know him in the station house. You all know him as O'Toole? Yes. He has been living in the neighborhood a good many years? Yes, born there from what I understand.

THE CASE FOR THE DEFENCE:

THOMAS CORCORAN, sworn and examined:

Where do you live? 29 New Bowery. How old are you? 64. Do you know the defendant, Matthew O'Toole? No, I never knew the man until about three or four days afterwards I met him. Did you know him on the 1st of August? I saw him. Were you there the day this man got cut? I was passing by. You never saw him before that? No. Go on and tell what you saw? I was on my way over to Jersey, taking the Cortlandt Street ferry, and as I was going down the West Street side of the market I saw this man Sweeny, 'OToole was passing by, taking up a piece of liver and hitting him on the side of the face with it and this man O'Toole looked kind of stunned and as he looked around Sweeny stood up and hit him a blow at the side of the cheek, and he stumbled his toe and fell down, the two fell down. Two or three men gathered around him and when they gathered around this man stood up and he had something in his hand like a table knife and this man thought to defend himself; and when he thought to defend himself they gathered around and they hit him; another thumped and knocked O'Toole down and gave him two or three kicks and he walked away. That is all I know about the business. That was after the man had been cut in the arm? Yes, I think it was after that, two or three or four minutes. Do you know where the man was cut in the arm? I know that man there to be cut in the arm. Did you see him cut? I did not, I walked away then about my business, down Cortlandt Street. You did not know that Sweeny was cut until you heard this case? No. You saw the scuffle? Yes. You saw the liver thrown? Yes. You saw O'Toole come back? Yes. You saw this scrimmage? Yes. Did you see him raise his hand, the hand in which he had that thing that looked like a knife? I did not.

JOHN MADDEN, sworn and examined:

Where do you live? 173 West Street. Are you employed at anything? Yes, taking the line of the Rockaway boats and the Fishing Banks boats. Do you know O'Toole, the defendant? Yes I know him about four years. Do you remember seeing him and Sweeny on the 1st day of August? Yes. Now state what occurred, just slowly and carefully state what occurred when you saw him and Sweeny on the first day of August? I was going down West Street, to go down and take the lines of the Rockaway boat, and when I was passing I seen this man and I seen Sweeny take a piece of liver and throw at him and hit him in the left side of the face; he turned around to see what was the matter; Sweeny went over and hit him again. Mr. O'Toole fell down and was getting up again, he got on his feet and this fellow made a plunge at him and he half caught him in the face, O'Toole put down his hand like that, then I had no more time to stay there, I had to go down quick to take the lines of the boat at the back of the Garden at the Battery. Did you hear any words between Sweeny and O'Toole? No. Only that he turned around? Yes.

CROSS EXAMINATION:

Did you see any knife in O'Toole's hand? Yes. When he put his hand up to guard himself he had a knife in his hand? Yes, I did not see Sweeny get cut. While the knife was in O'Toole's hand didn't Sweeny run his hand against it? I do not know. Did you see him run against it? I saw him make a plunge. Did you know O'Toole? Yes. Was anybody else around there? There were three or four men around, they got in a group. How close was the group to him? They were right together in a heap. How close were you to them? I was about from here to that chair. I had to hurry down, the boat left at a quarter to eleven that day, she was supposed to



leave at 10:35, she left a quarter of an hour behind time.

MATHEW O'TOOLE, sworn and examined.

Where do you live? 173 West Street. How old are you? 57 last March. Are you a married man? Yes. Do you remember the first day of August? Yes, it was Monday. I was walking along West Street, there was three or four men together, I think, three or four standing at a stand. I was walking right past them and the first thing I knew I got a slap with a piece of liver, I saw who done it and I walked over to him and said, go away. Sweeny is the man I saw, positively, he is the man; I walked over to him and said, what did you do that for, you bloody loafer, I might have said something else calling him a bad name; he said, go on, you son of a bitch, or I will throw you overboard. I said, you will throw me overboard, eh? I asked him two or three times; he says, go on and I put my hand up to give him a shove off. He hauled off and hit me, the man hit me behind the back that was with him, I do not know who it was, I did not see the man at all; down I went. I did not mean to cut that man any more than I do any man. You did cut him? Not to the best of my belief, I will swear on the stand I do not know whether I did or not. Did you know you had cut him until you had been told he said he was cut? No, and I did not run away neither, I walked up to Everetts. Were you injured during that scuffle? Yes, I had a tooth knocked out. Had you been drinking anything that day? Yes, I had five or six drinks that day, I could not say how many. You were not perfectly sober? No, I was not drunk. You knew what you were doing? Yes. I am sure there was another man hit me. What did you have in your hand besides a knife? I had a knife and a box of axle grease, cost 15 cents for the box of grease. What were you going to do with the knife and the box of grease? I was after using it to grease my cab I

have to take all the dirt off the axles to put new washers on I can take it off with the knife, I cannot wash it off. How long after this happened were you arrested? I guess about an hour and a half, or three quarters of an hour, may be. You were arrested once were you not? Yes. You were sentenced? Yes. You were pardoned? Yes, I served two years in State's Prison, I had ten years for assault and the man who sent me up had me pardoned by the Governor. How long did you serve? I served two years, six months, and some days.

**CROSS EXAMINATION:**

That was for shooting a man? Yes. Is that the only time you have ever been convicted of anything? I never was in States Prison in my life before. How about the prisons of the city here? I was once up on the Island that is all. What were you on the Island for? For being drunk and disorderly. A short time ago you stabbed a bar-tender, didn't you? No, never in my life. You say you have not any recollection of stabbing Sweeny? I have no recollection in the world. You remember his striking you? Yes. Do you remember walking away from him? Yes, I walked about my business, I walked to take the Houston Street car to go to the stable, I was waiting for the car. You did not chase him with the knife? No. I am certain of it, I was afraid of him, I walked three or four blocks to Chamber Street and sat down waiting for the car. When you were arrested did you resist the officers? I did not, they pushed me around, I walked with one officer this side of Barclay Street and he handed me over to another. Do you recollect telling the officer that you would cut his heart out? I do not recollect; I never carried a knife in my pocket for years. Did you say that? Not of my own knowledge I did not. Where was your hack that day? My hack was in the stable. Whereabouts? In Sullivan Street right near Houston

Street, two doors from Houston. I have stabled there three or four years. Where did you buy the axle grease? I had it three or four days. What were you doing down West Street with the box of axle grease if your hack was up-town? My hack was in the stable in Sullivan Street, I had it down where I live. This young man that testified just before you lives in the same lodging house in West Street, doesn't he, 173 West St.? Yes. And the first witness that testified was Corcoran, where does he live? I do not know. Didn't you help him to get a place to sleep? No. Where was those stands? The stand is between Fulton and Vesey Streets. You were on your way going to fix up your cab? No, I was on my way, I make my living down Cortlandt Street and Liberty Street for the last 20 or 28 years. With your cab? Yes, I stand around there. You had the knife in your hand when you were arrested? Yes. What was your business carrying the grease that morning, what business had you with it? I had that grease two or three days, I was going up from the ferry that morning. Where did you keep the grease? I kept it down next door to the ferry house. You were taking it up to your stable? Yes.

The Jury rendered a verdict of GUILTY of ASSAULT in the SECOND DEGREE, with a RECOMMENDATION TO MERCY.

POOR QUALITY  
ORIGINAL

0302

TO

THROUGH DEPOSITARY OF THE UNITED STATES OF AMERICA.

THE FOLLOWING IS A SUMMARY OF THE FACTS OF THE CASE:

THE DEPOSITARY OF THE UNITED STATES OF AMERICA.

THE DEPOSITARY OF THE UNITED STATES OF AMERICA.

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THE DEPOSITARY OF THE UNITED STATES OF AMERICA.

*Testimony in the  
case of  
Matthew Doyle*

*filed Aug 1942  
37*

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Matthew O'Toole*

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

*Matthew O'Toole*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Matthew O'Toole*  
late of the City of New York, in the County of New York aforesaid, on the *first*  
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 *Daniel J. Sweeney* in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*Daniel J. Sweeney* with a certain *knife*.

which the said *Matthew O'Toole*  
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 *Daniel J. Sweeney*  
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

*Matthew O'Toole*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Matthew O'Toole*  
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  
*Daniel J. Sweeney* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *Daniel J. Sweeney*  
with a certain *knife*,

which the said *Matthew O'Toole*  
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

*Matthew O'Toole*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Matthew O'Toole*

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 *Daniel*  
*J. Sweeney* 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* *Daniel J. Sweeney*

which *he* the said *Matthew O'Toole*  
in *his* right hand then and there had and held, in and upon the  
*arm* 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 wrong-  
fully inflict grievous bodily harm upon the said

*Daniel J. Sweeney*  
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.