0763

BOX:
297
FOLDER:
2830
DESCRIPTION:
Oates, James

DATE:
02/08/88

2830

Witnesses:

Off Dure

No 61 R.A.L.a

counsel;

filed 8 day of Feby 188

leads, Norquist (9)

THE PEOPLE

Circuit Ct

vs.

37.

Grand Larceny, 1st Degree.
(From the Person.)
[Sections 528, 530, — Penal Code].

James Oates

JOHN R. FELLOWS.
RA~~NDOLPH B. MARTI~~NE,
District Attorney.

Pr Feby 16. 1888
Tried & convicted PD

A True Bill. with recom to mercy.

Pen: Six mos.

Glyffonn *Foreman.*

Complaint did not
appear, try board
him again HPM

2/17/88

POOR QUALITY ORIGINAL

0765

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.

Nathan H Smith

of No. 1103 Third Avenue Street, aged 32 years,

occupation Animal Man in Circus being duly sworn

deposes and says, that on the 11th day of January 188 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the night time, the following property viz:

Good and lawful money of the United States consisting of Four Eight dollar bills of the value of Four 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 James Oates now here from the fact that at about the hour of eleven o'clock and fifty minutes P.M. on said date while deponent was in company with the said defendant and while in the act of giving the defendant some money for his defendants night lodging the defendant snatched the aforesaid money from deponents right hand and ran away pursued by deponent and deponent caught said defendant and gave him in the custody of an officer

Nathan H Smith

Sworn to before me, this 12th day of January 188 Police Justice.

0766

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. James Oates

Question. How old are you?

Answer 37 years

Question. Where were you born?

Answer. New York City

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

Answer. 115 Forsyth

Question What is your business or profession?

Answer. Hatter

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

Answer. I am not guilty.

James Oates

Taken before me this 19th *day of* January *188*9

Police Justice.

0767

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court— 1st 97 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Nathan M. Smith
1103 - 3rd ave
James Oates

2

3

4

Offence Larceny
from the Person

Dated Jany 12 188

Smith Magistrate.

Chas E. Orvy Officer.

6th Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

RECEIVED.
JAN
17
1888
DISTRICT ATTORNEY'S OFFICE.

$ 1000 to answer G. S.

Com

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

Dated Jany 12 *188* Solon B. Smith *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

The People

vs

James Oates

Indicted for Grand Larceny in the First Degree.

Indictment filed Jany 1888.

Feb 88

Tried Feby 16/1888

Before

Hon Hy A Gildersleeve

and a Jury

7

The People

vs

James Oates

Indicted for Grand Larceny in the First Degree.

Indictment filed Jany 1888.

~~Feb~~ 88

Tried Feby 16/1888

Before

Hon Hy A Gildersleeve

and a Jury

7

COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

The People vs. James Oates Indicted for Grand Larceny in the First Degree. Indictment filed, January 1888.	Before, Hon.Henry A.Guldersleeve, and a Jury.

Tried,February 16th.,1888.

APPEARANCES:

Assistant District Attorney Macdona, for the People;

Mr. Livingston, for the Defence.

-------oooo---------

OFFICER JOSEPH E. SURREY testified that he was connected with the Sixth Precinct. On the night of the 11th. of January 1888 he saw the defendant

COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

The People vs. James Oates Indicted for Grand Larceny in the First Degree. Indictment filed, January 1888.	Before, Hon.Henry A.Guldersleeve, and a Jury.

Tried,February 16th.,1888.

APPEARANCES:

Assistant District Attorney Macdona, for the People;

Mr. Livingston, for the Defence.

-------oooo---------

OFFICER JOSEPH E. SURREY testified that he was connected with the Sixth Precinct. On the night of the 11th. of January 1888 he saw the defendant

at the corner of Mulberry and Worth Streets. He, the officer, had just been in a stale beer dive and arrested several people in the dive and sent them up to the station house, and he heard a cry of police, and when he got to the corner of Mulberry and Worth Streets, he found the complainant, Nathan M. Smith underneath the defendant. The defendant had hold of Smith's throat. Smith was on his back . The officer thought it was a common street fight and wrapped for assistance and seized both of the men, and two officers came up and Smith then said that the defendant had stolen four dollars from him. He, the witness, searched the defendant, and Smith said, "Officer, he threw it away." Smith said that it was in four single dollar bills. The men were near the curbstone. He, the witness, lit a candle which he always carried and handed it to one of the officers, and they searched and the other officer found four one dollar bills. He, the

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witness, saw the officer find the bills. The defendant had nothing to say.. He the offcer knew the defendant. His post was on Mulberry Street for 13 months, and he had known the defendant duri g that time.

UNDER CROSS-EXAMINATION. The witness testified that he saw the defendant with his hand upon the complainant's throat. He, the officerm had no personal knowledge that the money that was found on the sidewalk was the same momey that was lost by the complainant, except by his affidavit in the police court. The complainant described his money and said that the defendant threw it away. He, the defendant, was present when the complainant said this.

FOR THE DEFENCE, JAMES OATES testified that he was in the saloon at No. 23 Mulberry Street and

witness, saw the officer find the bills. The defendant had nothing to say.. He the offcer knew the defendant. His post was on Mulberry Street for 13 months, and he had known the defendant duri g that time.

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FOR THE DEFENCE, JAMES OATES testified that he was in the saloon at No. 23 Mulberry Street and

was standing by the stove. It was a cold night. A young man came in, and he didn't speak to him. The young man was the complainant, he had since left the City, as he was informed. The ~~defendant~~ complainant came over to him and asked him if there was any blood on his nose, and he, the defendant, said yes that there was blood on his nose, and the complainant asked where he could wash it off, and he told the complainant that he could wash it off at the rear of the saloon, and the complainant asked him to show him the place, and he went back with the complainant. The complainant washed his face and he the defendant loaned him his handkerchief to dry his face, and the complainant said, that he should have the best drink in the house, and, after they had had the drink, and the complainant asked him if he could find a woman around there and he said that he didn't know of any woman around there, and the complainant said, "Take a walk out and show us a place" He, the defendant, didn't go out

was standing by the stove. It was a cold night. A young man came in, and he didn't speak to him. The young man was the complainant, he had since left the City, as he was informed. The ~~defendant~~ complainant came over to him and asked him if there was any blood on his nose, and he, the defendant, said yes that there was blood on his nose, and the complainant asked where he could wash it off, and he told the complainant that he could wash it off at the rear of the saloon, and the complainant asked him to show him the place, and he went back with the complainant. The complainant washed his face and he the defendant loaned him his handkerchief to dry his face, and the complainant said, that he should have the best drink in the house, and, after they had had the drink, and the complainant asked him if he could find a woman around there and he said that he didn't know of any woman around there, and the complainant said, "Take a walk out and show us a place" He, the defendant, didn't go out

with the complainant for about 5 minutes, and the complainant asked him to have another drink, and they went out and walked towards Canal Street, not Mulberry Street, and the complainant said, "There is a resturant and there is a couple of women there" and both of them went down into the resturant and had a drink, and the complainant had a cigar, and the complainant pointed to a woman and asked the defendant if he knew her, and he, the defendant, said that he did not, and the complainant said, "I want one for all night" and he the defendant, said "you will have to find one." and then the complainant began to vomit and he, the defendant, said, "You had better go out of here" and they were walking down the street and he, the defendant wanted to go into No. 23, and the complainant said, "Let us take a walk up the street" and he, the defendant, said, "No; I belong around here" They stood talking there and the complainant

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said, that he, the defendant, had tried to rob him, and he was surprised, and the complainant got hold of him, and he caught hold of the complainant and they scuffled and the complainant threw him, instead of his throwing the complainant, and he fell on top of the complainant, and an officer came along and wrapped for assistance and three officers came, and they pulled him, the defendant, off the complainant, and the officer struck him, the defendant, in the eye, and he had a scar yet, and he said, " "What are you trying to rob the man for?" and he, the defendant, said, "I didn't try to rob him. And never seen the man before in my life" and the officer asked the complainant what he had lost, and the complainant said that he had lost some money. The blow that the officer gave him, the defendant, in the eye was very painful and it was a cold night and they took them to the Elizabeth Street Station House, and that was all that he knew of the affair. He didn't take any money from the complainant. He

said, that he, the defendant, had tried to rob him, and he was surprised, and the complainant got hold of him, and he caught hold of the complainant and they scuffled and the complainant threw him, instead of his throwing the complainant, and he fell on top of the complainant, and an officer came along and wrapped for assistance and three officers came, and they pulled him, the defendant, off the complainant, and the officer struck him, the defendant, in the eye, and he had a scar yet, and he said, " "What are you trying to rob the man for?" and he, the defendant, said, "I didn't try to rob him. and never seen the man before in my life" and the officer asked the complainant what he had lost, and the complainant said that he had lost some money. The blow that the officer gave him, the defendant, in the eye was very painful and it was a cold night and they took them to the Elizabeth Street Station House, and that was all that he knew of the affair. He didn't take any money from the complainant. He

was searched and no money was found upon him He saw the complainant, the next morning, in court, and he went into the box where he, the defendant was, and asked him if he was the party that he was scuffling with, and he, the defendant told the complainant that he was the young man that was drinking with him. The complainant was full on the night in question.

UNDER CROSS-EXAMINATION the defendant testified that he was a hatter by trade. He was not working at his trade when he was arrested. He had not been working at hats for over nine months. He had been working at selling brooms and putting in coal--working at odd jobs, if he could get them.

-----oooo----------

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0784

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Oates

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

The said James Oates,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the seventh day of January, in the year of our Lord one thousand eight hundred and eighty-eight, in the night time of the said day, at the Ward, City and County aforesaid, with force and arms,

four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of one dollar each; four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of one dollar each; four United States Silver Certificates of the denomination and value of one dollar each and four United States Gold Certificates of the denomination and value of one dollar each;

of the goods, chattels and personal property of one Nathan W. Smith, on the person of the said Nathan W. Smith, then and there being found, from the person of the said Nathan W. Smith, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows,
District Attorney

0785

BOX:
297
FOLDER:
2830
DESCRIPTION:
O'Brien, John

DATE:
02/10/88

2830

Witnesses;

No 111

Counsel,

Filed 10 day of Feby 188

Pleads,

THE PEOPLE

vs.

John O'Brien

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 531, — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. H. Raven

Foreman.

Feby 13/88.

Plead Guilty

S.P. 2 yrs.

0787

CITY AND COUNTY
OF NEW YORK, } ss.

Paul Darby

aged 24 years, occupation Butler of No.
24 West 40th Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Rosa Turchinsky
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 6
day of February 188 4

Paul Darby

Police Justice.

0788

Police Court— 2 District. Affidavit—Larceny.

City and County of New York, } ss.

Rosa Duschinsky

of No. 24 West Fortieth Street, aged 20 years,

occupation Domestic servant being duly sworn

deposes and says, that on the 6 day of February 188[illegible] 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: and person

one pocket book and money therein, of the value, in all, of twenty five cents

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by John O'Brien, (now here) Deponent was passing into her own residence about 1 p.m. on said date when the defendant followed her in and fell against her. The defendant ran away and deponent immediately missed the said pocket book. Deponent is informed by Paul Darby, now here, that he followed the defendant immediately and saw defendant throw away the said pocket book in the street, and defendant was immediately arrested.

Rosa Duschinsky

Sworn to before me, this 6 day of February 188[illegible]

[illegible]

Police Justice.

0789

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John O' Brien

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. U. S.

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

Answer. 534 11th St. 2 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. I saw a man running and I followed. I was arrested by mistake. I did not take the complainants pocket book

his
John O' Brien
mark

Taken before me this 2 *day of* March *1887*

Police Justice.

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. 738

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Rosa Duschinsky 244 W 41 St
John O'Brien

2

3

4

Offence Larceny from the person

Dated Feb 6 188 8

White Magistrate.

Joseph O'Donohue Officer.

Park Precinct.

Witnesses Paul Darby

No. 244 West 40 St Street.

No. Street.

N Street.

$ 1000 to answer G. S.

RECEIVED
FEB 6 1888
DISTRICT ATTORNEY'S OFFICE.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named John O'Brien guilty thereof, I order that he be 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 Feb 6 188 8 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0791

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John O'Brien

The Grand Jury of the City and County of New York, by this indictment, accuse John O'Brien —

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

The said John O'Brien,

late of the City of New York, in the County of New York aforesaid, on the eighth day of February, in the year of our Lord one thousand eight hundred and eighty-eight, in the same time of the said day, at the City and County aforesaid, with force and arms,

one pocket book of the value of twenty cents, one silver coin of the United States of the kind called dimes of the value of ten cents, three nickel coins of the United States of the kind called five-cent-pieces, of the value of five cents each, and ten coins of the United States of the kind called cents, of the value of one cent each,

of the goods, chattels and personal property of one Rosa Dusdinsky, on the person of the said Rosa Dusdinsky, then and there being found, from the person of the said Rosa Dusdinsky, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John A. Williams,
District Attorney

0792

BOX:
297
FOLDER:
2830
DESCRIPTION:
O'Connor, Jeremiah

DATE:
02/17/88

2830

Selling on Sunday. 309

WITNESSES:

Off Duzan

Counsel,

Filed 17 day of Feby 188

Pleads Arzwilt 24

THE PEOPLE,

vs.

B

Jeremiah O'Connor

SUPREME COURT PART 1,

December 22 1899

INDICTMENT DISMISSED.

1597 2 50 A.

Violation of Excise Law.

(Sellington Sunday Act)

[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and page 1989, Sec. 5.]

JOHN R. FELLOWS,

~~RANDOLPH B. MARTINE~~,

District Attorney.

Off Dec Term 93

A True Bill.

William Nordhoff

~~*Foreman.*~~

FILED DEC. 15

1896

0794

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Jeremiah O'Connor

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Westchester N Y

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

Answer. 208 Lexington avenue and 25 months

Question. What is your business or profession?

Answer. Bartender

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

Answer. I am not guilty. If he lied I demand a trial by jury.

Jeremiah O'Connor

Taken before me this 5 *day of* June 1888

Police Justice.

2-15-

BAILED,

No. 1, by Conrad Sauer

Residence 1570 2nd Avenue Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

FILED DEC. 15

1886

Police Court-- 5 District. 246

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Daniel Degan
vs.
1 Jeremiah O'Connell
2
3
4

Offence Excise Violation

Dated Feby 6 1888

Duffy Magistrate.

Degan Officer.

27 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 100 to answer G.S.

Bailed

RECEIVED
FEB 10 1888
DISTRICT ATTORNEY'S OFFICE.

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 One Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Feby 6 1888 P. G. Duffy Police Justice.

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

Dated Feby 6 1888 P. G. Duffy Police Justice.

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

Dated .... 188 .... Police Justice.

0796

Excise Violation-Selling on Sunday. POLICE COURT- 5 DISTRICT,

City and County of New York, } ss.

Daniel Dugan

of No. the 29th Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 5 day

of February 188 8, in the City of New York, in the County of New York,

at premises No. 1597 Second avenue ~~Street~~,

Jeremiah O. Connor (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Jeremiah O. Connor

may be arrested and dealt with according to law.

Sworn to before me, this 6 day of February 188 8 } Daniel Dugan

Police Justice.

0797

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs

against

Jeremiah O'Connor
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said defendant, late of the City of New York, in the County of New York aforesaid, on the fifth day of February in the year of our Lord one thousand eight hundred and eighty-eight at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Daniel Dugay

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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 defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said defendant, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows,
~~RANDOLPH B. MARTINE,~~

District Attorney.

0798

BOX:
297
FOLDER:
2830
DESCRIPTION:
O'Donnell, Michael

DATE:
02/29/88

2830

Witnesses:

Off Duty

Why has examination not been made as to defts sanity - It was ordered several weeks ago. RBM.

489

John R. Heinzelman

Counsel,

Filed 29 day of Feb 188 8

Pleads Not Guilty (1)

THE PEOPLE

vs.

Michael O'Donnell

CONCEALED WEAPON.
(Section 410, Penal Code.)

JOHN R. FELLOWS.
~~RANDOLPH B. MARTINE,~~

District Attorney.

A True Bill.

G G Raven

Part III April 5/88
Inquisition is taken as to the mental condition of the defendant and he is found sane. Now January 5 as to his sanity the Judge of Riverside State Hospital at Poughkeepsie

POOR QUALITY ORIGINAL

Witnesses:

Off Duty

Why has examination not been made as to defts sanity. It was ordered several weeks ago. RBM.

John R. Heinzelman

Counsel,

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(Section 410, Penal Code.)

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RANDOLPH B. MARTINE,
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G G Raven

Part III April 5/88
Our inquisition is taken as to the mental condition of the defendant and he is found to be insane. Now ordered to be committed to the Hudson River State Hospital at Poughkeepsie. RBM

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS

Part III.

The People of the State of New York,

against

M i c h a e l O'D o n n e l l

Testimony as to Defendant's Insanity, taken before JudgeMartine and a jury, April 4th 1888.

Please return to Clerk's office Queens County N.Y. City

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New York, April 4th 1888.

Appearances:-

For the People, Assistant District Attorney G. S. Bedford.

For the Defendant:- E. R. Heintzelman, Esq.

JOHN G. TRUAX, a witness called on behalf of the defendant, being duly sworn, testified as follows:-

Direct Examination by Mr. Heintzelman:-

Q. You are a practicing physician in the City of New York ?

A I am .

Q. I believe you are one of the public officials of this city ? A. I am a physician in one of the hospitals here .

Q. How long have you been a practicing physician ? A. Since 1872 .

Q. And have you given the subject of the insanity of people any special attention, the sanity or insanity of persons?

A I have .

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Q. How long have you been a practicing physician ? A. Since 1872.

Q. And have you given the subject of the insanity of people any special attention, the sanity or insanity of persons?

A. I have.

Q. You have had some experience in that line ? A. Yes sir .

Q. Do you know Michael O'Donnell the defendant at the bar ?

A Yes sir .

Q. And have you visited him professionally ? A. I have examined him in the Tombs .

Q Now, Doctor, explain to u s what you found from your examination, and what your opinion is as to his mental condition ?

A I believe that he has been laboring under the delusion that persons had money of his, and that they were wrongfully withholding it from him . I believe that he still has those delusions, in otherwords that he is insane on that subject, and that he was insane at the time he visited Father Ducey for the purpose of getting money from him .

Q I will put this question to you, Doctor: from the examinations you have made and from your experience as a physician, in your judgment is he competent to plead to any criminal indictment intelligently ? A. I do not think he is .

By Judge Bedford:-

Q From your examination of this defendant, you, as a medical man, are of the opinion that he is not in such a condition of mind that he has not sufficient intellect to put up a defense or to communicate to his counsel so as to put up any defense ?

A This defence yes sir .

By the COURT:-

Q Tell us what examination you made of him ?

Q You have had some experience in that line ? A. Yes sir .

Q Do you know Michael O'Donnell the defendant at the bar ?

A Yes sir .

Q And have you visited him professionally ? A. I have examined him in the Tombs .

Q Now, Doctor, explain to u s what you found from your examination, and what your opinion is as to his mental condition ?

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A This defence yes sir .

By the COURT:-

Q Tell us what examination you made of him ?

A I examined him on two different occasions in the Tombs, making a careful examination into his physical condition and a more extended examination into the reason he had for visiting Father Ducey to get money from him; he gave no intelligent reason for doing it at all and his reasons were different at different times I examined him; he is also a little incoherent in his speech, and particularly insane on this particular subject of people having money that belongs to him .

Q How many times did you visit him ?

A Twice .

Q And he conversed freely with you ?

A He did .

Q From your examination of him, are you of the opinion that at the time he committed this act that is charged against him he was laboring under such a defect of reason as not to know the nature and quality of the act he was doing ?

A Yes sir .

Q And not to know that the act was wrong ?

A Yes sir; he does not have any idea at the present time that it was wrong .

Q Are you of the opinion that he is now in that same condition ?

A I am .

Q And are you of the opinion that he is not now able, by reason of insane delusions to properly make a defense or to instruct his counsel ?

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Q And are you of the opinion that he is not now able, by reason of insane delusions to properly make a defense or to instruct his counsel ?

A He is in his case--on the subject that he is insane upon.

Q You are of that opinion ?

A I am .

ZENAS L. LEONARD, a witness called on behalf of the defendant, being duly sworn, testified as follows:-

Direct Examination by Mr. Heintzelman:-

Q You are a practicing physician in the City of New York ?

A Yes sir .

Q How long have you been practicing ?

A Since 1880 .

Q Have you given the subject of the sanity or insanity of the human mind any attention ?

A I have .

Q In your profession ?

A I have .

Q You have had some experience in that line ?

A I have .

Q Do you know Michael O'Donnell the defendant at the bar ?

A I do .

Q Have you visited him professionally?

A Yes sir .

Q Have you examined him ?

A I have .

Q As to his sanity or insanity ?

A Yes sir .

Q State to the Court and Jury your opinion based upon the examination that you made of him ?

A He is in his case--on the subject that he is insane upon.

Q You are of that opinion ?

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A Yes sir .

Q State to the Court and Jury your opinion based upon the examination that you made of him ?

A As a result of my examination I think that he is mentally unsound .

By the COURT;)

Q State the examination you made of him, Doctor ?

A I examined him at the City Prison; I gave him a careful physical examination, and as a result of my examination, I found that he was incoherent, that at short intervals he gave different reasons why he carried the weapon, and in other ways I came to the conclusion that he was not a responsible peron .

Q Do you believe that he is now capable of making a defense to the charge that is here made against him ?

A No sir .

Q For what reason ?

A On account of his mental unsoundness .

Q He is mentally unsound, and incapable of making a defense to any criminal charge ?

A Yes sir .

Judge Bedford: Your honor has covered the ground for me, and I have no questions to ask .

Mr. Heintzelman:- The defendant desires to address the Court and I desire to forbid him .

The COURT;) That is his right.

Mr. Heintzelman:- I take this position, I prefer to have my way, that he shall not adress the Court . It is my wish that he shall not .

The Prisoner:- The only assertion that I made to those Doctors was that I heard Father Ducey re-

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ceived money, and I make that assertion still. I wrote to a gentleman in the old country and I just inquired had he sent any money, and I know the gentleman over there who wrote this letter. How this assertion came into the newspapers as to my insanity, I do not, I cannot understand; but I mnever acted wrong in any way in the world and I have discharged my duty honestly, faithfully and sensibly; I think I am quite sensible.

The COURT:- Gentlemen of the Jury:- The only inquiry before you is as to the mental condition of this defendant at this time, and as to whether or not he is able to interpose a defense or instruct counsel as to his defense in regard to the accusation against him; whether he is of such mental condition as to be able to interpose a defense and whether he is of sound mind. You have heard the testimony of the two physicians who have examined him and the case will be left with you upon their testimony to determine. I shall leave the case with you without further comment.

A Juror:- Can we receive any further instruction from you regarding the testimony?

The COURT:- You can receive any instruction that may be proper. You will receive no further instruction, because the Court has no further information, except that information imparted by these physicians.

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physicians . Of course this inquiry relates to the condition of the defendant at this time, whether he is in a position to make a defense .

The jury retired .

After a few moments the jury returned .

the COURT:- The Court has sent for you gentlemen, and has thought that it might be proper to say you that there ought to be no difficulty in arriving at a verdict in this case. You have before you the testimony of two reputable physicians who have told you what they found the condition of this defendant to be . The inquiry before you is not at all as to any crime that is charged against this man, but simply as to what his present condition is, whether he is able to make a defense. These professional gentlemen have examined him, and they tell you what they find; that is the only evidence before you because no other evidence has been offered. It seems to me that there ought to be no difficulty in your arriving at a verdict in this case . You are, of course, not professional men; you are not giving a professional opinion; you are to find upon the facts as proven before you and upon the conclusions of these professional men .

A Juror:- Can we take into consideration our own impression of the appearence and manner of the defendant . Can we take that into consideration .

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The COURT:- He is before you . I shall not say that you cannot consider it. I say, however, that the only evidence you have is the testimony of the physicians .

The jury again returned to Court and the following evidence was offered:-

WILLIAM A. HAMMOND, a witness called on behalf of the defendant, being duly sworn, testified as follows:-

By the COURT:-

Q Doctor, do you know this defendant at the bar ?

A I did not know him until a few moments ago .

Q You have seen him here to-day ?

A Yes sir .

Q Have you examined him ?

A I have examined him in private .

Q By the direction of the Court ?

A Yes sir .

Q Have you had any special experience in diseases of the brain ?

A I have devoted my entire attention to diseases of the brainfor the last twenty five years nearly ; and I am Professor of Diseases of the Nervous System in the Medical College of this city, and I have been such in all the medical colleges in the city and I have written extensively on those subjects .

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Q And you consider yourself fully competent to judge upon those questions ?

A Yes sir .

Q From the examination you have made of this defendant what is your opinion as to his present condition ?

A The man has delusions of persecution, which is one of the most dangerous forms of insanity; he thinks that Father Ducey has money belonging to him, and he thinks Father Ducey has employed people to watch him and to persecute him; and he is of the opinion that Father Ducey is in league with bands of wicked people all over the city to annoy and oppress this man .

Q Have you, from your examination noticed any special characteristics which leads you to believe that he is now of unsound mind ?

A From his language to me, his expression of his opinions, and his general appearence I have no doubt at all that he is a lunatic. He todd me he had been to Father Ducey's house, and he admitted he had arms in his when Father Ducey had him arrested; he went to the Bishop and complained about Father Ducey, and altogether he has acted in accordance with his delusions; I think he is a dangerous person to be allowed at large .

The COURT:- Now, gentlemen of the Jury, do any of you wish to ask the Doctor any questions .

A Juror:) I should like to ask whether our own impressions of the apperance of the man as he appeared here in Court--whether we can consider them .

Q And you consider yourself fully competent to judge upon those questions ?

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The COURT:- You have a right to take into considera tion all the facts. They are before you and you have a right to take into consideration the appearance. You have before you, however, no testimony except the testimony of these three doctors who have been exami ed and you are warranted in finding a verdict upon the evidence .

Dr. HAMMOND:- I may say that because a man may talk intelligently it is no evidence whatever of his sanity . .

The Prisoner: These are not delusions of my own, I heard from-----

Dr. HAMMOND:- He is not a raving maniac by any means; in the worst cases of insanity men are not raving maniacs; he has these delusions undoubtedly .

The COURT: You have no w before you the evidence of these physicians and you are warranted in finding a verdict upon that .

Mr. Heintzelman:- I should suggest that Father Ducey might go upon the sttand ?

The COURT:- He has gone . I might say to the jury in addition that this is a defense interposed on behalf of this defendant, that he is not capable of going to trial by reason of his insanity .

Dr. HAMMOND: I may say in addition that the man himself is very much opposed to this plea of insanity; he declares he is not insane and deprecates the idea of being a lunatic .

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The COURT:- Of course it is fair for me to say that no juror has a right to allow his own impressions to weigh as against the testimony of experts .

The jury returned a verdict finding the prisoner to be now insane .

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The COURT:- Of course it is fair for me to say that no juror has a right to allow his own impressions to weigh as against the testimony of experts .

The jury returned a verdict finding the prisoner to be now insane .

New York March 22d/88

Dear Sir

After a number of examinations, the last of which was made to day, I have arrived at the conclusion, that without any doubt, Michael O'Donnell now confined in the city prison, is insane

His delusion seems to be, that he has money belonging to him on deposit with different men. Two Priests have money of his which was sent to him by some friend. One of them is Father Downey, the other Father O'Neil. Father Downey denies having any of his money and I presume Father O'Neil would could deny. He is also somewhat incoherent in his conversation. I do not think he would understand the nature of a trial or be able to make a proper defence.

He does not fear being convicted of a crime; but of being called insane.

Sincerely Yours
J. S. Pinaps M.D.

To the
Hon. John K. Fellows.

March 29th 3..88

Honoured Sir

I take the liberty to inquire into my trial am detained for the past seven weeks without a trial I do believe without the slightest reason illegal that I could see would feel extremely thankful to your honour to have a trial on investigation in the matter. I am the man Jattie Lowey has detained through a scheme of a very dangerous nature. I train and ride horses and it is getting late for my business have first class honest character can refer to one of your neighbours William green livery stable keeper 125th bet 2 & 3 Av or any gentleman of integrity whom I know hoping your honour will be so kind as to pay attention to the case

Honoured Sir

Yours Respectfully
Michael O Donnell

toons

To The Honourable Judge Martins

Poughkeepsie July 4-88
H. R. S. H.

Sir

I take the liberty to let you know that Dr. Langdon required of me to write to you to send an order to leave here. am here since 4th of April which is three months. am after suffering from a dirty wretch Dusey has put into my system would feel extremly thankfull to comply with the request I would like to get away quitely without going to the courts as I had no business here which the doctors can tell you

Your humble and Obedient servant
Michael H. O. Donnell

P. S. I am anxious to see the mans in 81st to get rid of what I refer to would want to do it once

Respectfully

0829

To The Honorable Judge Martine

Poughkeepsie July 4-88
H.R.S.H

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Respectfully

The People

vs

Michael H. O'Donnell

0831

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 2 DISTRICT.

Edward F. Brett

of ~~No.~~ 19th Precinct Police ~~Street~~, aged _____ years,

occupation Police Officer being duly sworn deposes and says,

that on the 21st day of February 188 8

at the City of New York, in the County of New York, Michael O'Donnell (now here) did unlawfully carry and have in his possession with the intent to use the same against another a loaded cane in violation of section 410 of the Penal Code of the state New York.

Wherefore deponent prays the said defendant may be dealt with as the law directs

Edward F Brett

Sworn to before me, this 23 day of Feb 188 8

John B Smith

Police Justice.

District Attorney's Office.

PEOPLE

vs.

Michael O Donnell

Father Dacey is the person whom this deft threatened to kill in his parlor — the Rev gentleman has been in court and told Judge Martine that Dr Kelly has examined deft & believes him to be insane. I suggest that Dr Kelly who is ~~an~~ eminent in his profession be called on the examination of the deft.

Jno Goff

0833

District Attorney's Office.

PEOPLE

vs.

Michael A. Lennon

Father Lennon is a person whom this office [illegible] the Prisoner in his parlor — the Prisoner has been in [illegible] told Judge Allen that Dr. Kelly has examined deft & believes him to be insane. I agree with that. Dr. Kelly who is ~~an~~ summoned in behalf of defendant he called ~~for~~ on the examination for deft.

[illegible]

0834

Patients desiring to write letters must apply to the Medical Officer on Saturday morning.
Letters containing news about other patients will not be forwarded.
Friends of patients are requested not to send money or tobacco.

Letters of Inquiry concerning patients should be addressed to
H. E. ALLISON, M. D.,
MEDICAL SUP'T MATTEAWAN STATE HOSPITAL,
FISHKILL LANDING, N. Y.

Answered

Write here the Address of the person to whom this letter is to be sent

M O Donnell

The Hon Judge Martine
Court of General Sessions
Centre street
New York City N Y

Fishkill Landing, N. Y., February 25th 1895

Mr Hon Judge Martine:

Sir I am thinking of applying to the governor for a commutation of sentence, but before doing so I should like to know how you feel on the subject. I hope you are willing to show me some mercy and that on mature thought you will have come to the conclusion that I received and excessive sentence. I was sentenced by you on the 30th day of April 1888, to thirty year imprisonment along owith our Michael Forhan. we were charged with burglary in the first degree. I declared my innocence at the time, and still declare it.

But apart that I have suffered enough as it is being incarcerated seven years four of which were spent in a mad-house the result of my reason becoming deranged through worry over my imprisonment, I have not much hope for the future unless by your recommendation I can obtain a commutation of sentence, Hoping you will look favorably on my case

I am Sir your humble servant
Michael O'Donnell

0836

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FISHKILL LANDING, N. Y.

Write here the Address of the person to whom this letter is to be sent

The Honorable Governor
Court of Pardons Section
Albany
New York State N. Y.

Fishkill Landing, N. Y., [illegible] 189[illegible]

Dear Sir

[illegible] to the governor for a commutation of [illegible] feel on the [illegible] I feel you are willing to [illegible] and [illegible] I know if you will [illegible] that I received [illegible] sentence [illegible] on [illegible] alone without witnesses [illegible] were charged with burglary in the first degree. [illegible] at the time, and [illegible] bad spell [illegible] enough [illegible] being incarcerated seven years four of which were spent in a mad-house the result [illegible] reason becoming deranged [illegible] under [illegible]. I have not much [illegible] the future unless by your recommendation I can obtain a commutation [illegible]. Hoping you will look [illegible] rally on my [illegible]

I am Sir your humble servant
Mabel [illegible]

Hudson River State Hospital

Poughkeepsie, N.Y. April 20-1888

J. Spanks, Esq.,
Clerk of the Court of General Sessions.
New York City.

Dear Sir:

Will you kindly send the testimony taken in the case of Michael O'Donnell, committed to this hospital April 6:-

Very truly Yours
J. M. Cleaveland
M.D.

Send testimony to Dr C
Apl. 23/88
to be returned

Hudson River State Hospital

Poughkeepsie N.Y. April 20-1888

J. Sparks, Esq.,
Clerk of the Court of General Sessions,
New York City.

Dear Sir:

Will you kindly send the testimony taken in the case of Michael O'Donnell, committed to this hospital April 6:-

Very truly Yours
J. M. Cleveland
Supt.

Send testimony to Dr C
Apl. 23/88
to be returned

Newyork City. 4/4. 1888.

Hon. John R. Fellows.
District Attorney. —
Dear Sir. —

At your request I have this day examined into the mental condition of Michael O' Donnell, confined in the City Prison.
I find that he has insane delusions and is not capable of making a proper defense if put on trial.

Yours very respectfully.
J. L. Leonard. M. D.
#326 E. 116th St.

0840

Newyork City. 4/4. 1888.

Hon. John R. Fellows.
District Attorney. —
Dear Sir. —

At your request I have this day examined into the mental condition of Michael O' Donnell, confined in the City Prison.
I find that he has insane delusions and is not capable of making a proper defense if put on trial.

Yours very respectfully.
J. L. Leonard. M. D.
#326 E. 116th St.

Sec. 198—200. 2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Michael O'Donnell

Question. How old are you?

Answer. 28 years old

Question. Where were you born?

Answer. Ireland

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

Answer. Guttenberg N. J. 2 weeks

Question. What is your business or profession?

Answer. Coachman

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

Answer. I did not know it was a violation of law to carry this cane

Michael O'Donnell

Taken before me this 29 day of July 1888

Police Justice.

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. 313

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Edward J. Burt
19 Prect.
vs.
1 Michael O'Donnell
2
3
4

Offence Carrying dangerous weapons felony

Dated Feby 22 188

Smith Magistrate.

Burt Officer.

19 Precinct.

Witnesses Daniel Enright

No. 146 E 29 Street.

No. ________ Street.

No. ________ Street.

$ 500 Bail

RECEIVED.
FEB
23
1888
DISTRICT ATTORNEY'S OFFICE.

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

Dated Feby 22 188 8 Solon B Smith Police Justice.

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

Dated ________________ 188 ________________ Police Justice.

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

Dated ________________ 188 ________________ Police Justice.

0843

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'Donnell

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

— Michael O'Donnell —

of the CRIME OF CARRYING A CONCEALED WEAPON, committed as follows:

The said Michael O'Donnell, — late of the City of New York, in the County of New York aforesaid, on the twenty first day of February in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as a billy, the same being a loaded cane, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, 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

Michael O'Donnell —

of the CRIME OF POSSESSING A CONCEALED WEAPON, committed as follows:

The said Michael O'Donnell, 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, feloniously did possess a certain instrument and weapon of the kind commonly known as a billy, the same being a loaded cane, by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,
~~RANDOLPH B. MARTINE,~~
District Attorney.

0844

BOX:
297
FOLDER:
2830
DESCRIPTION:
O'Gorman, Michael

DATE:
02/14/88

2830

Witnesses:

Bridget Murphy
off Brennan

Upon examination of the testimony herein, I recommend that the indictment herein be dismissed.
Feb 21/84. A D Parker,
D.A.Sq

No 214

Counsel, Thomas Reed
132 Nassau St

Filed 14 day of Feby 188 4

Pleads, Not guilty (N.G.) with
~~Guards withdrawn~~

THE PEOPLE

vs.

Michael O'Gorman

RECEIVING STOLEN GOODS
[Section 550, Penal Code].

~~JOHN R. FELLOWS.~~
RAN~~DOLPH B. MARTI~~NE,

District Attorney.

A True Bill.

G L Heaton
Foreman.

On recm. of Dist. Atty
indict. dis. RB M

Witnesses:

Bridget Murphy
off Brennan

Upon examination of the testimony herein, I recommend that the indictment herein be dismissed.
Feb 21/84. A D Parker
DA 29

No 214

Counsel, Thomas Reed 137 Nassau St

Filed 14 day of Feby 1884

Pleads, Not guilty (N.) with
Counts withdrawn

THE PEOPLE

vs.

Michael O'Gorman

RECEIVING STOLEN GOODS
[Section 550, Penal Code].

~~JOHN R. FELLOWS.~~
RAN~~DOLPH B. MART~~INE,

District Attorney.

A True Bill.

G. H. Foreman.

On recm. of Dist. Atty
indict. dis. P.B.M.

0847

New York Special Sessions
The People
-vs-
Michael O'Gorman

Before Justices
Kilbreth, Smith
and Ford
July 10th 1888.

Bridget Murphy, sworn
(The Court)

Q You live at 21 St. 10th St? A Yes Sir

Q On or about the 9th of November last was anything stolen from you?

A Yes Sir, a broché shawl with twenty dollars. It was taken off my trunk

Q Do you know who took it?

A Yes Sir, a young fellow named Johnny Bradley, he stopped in my house

Q How do you know that he took it

A He stole a watch & chain

This prisoner pawned the shawl

0848

New York Special Sessions
The People
-vs-
Michael O'Gorman

Before Justices
Kilbreth, Smith
and Ford
Feby 10 & 7 1888.

Deiozet Murphy, sworn
(The Court)

Q You live 421 E. 10th St? A Yes Sir

Q On or about the 9th of November last was anything stolen from you?

A Yes Sir, a broché shawl worth twenty dollars. It was taken out of my trunk

Q Do you know who took it?

A Yes Sir, a young fellow named Johnny Bradley, he stopped in my house

Q How do you know that he took it

A He stole a watch & chain

This prisoner pawned the shawl

Officer Patrick Brennan sworn

Q Did you arrest this defendant?
A Yes Sir
Q Did you find anything in his possession?
A No Sir
Q What statement did he make to you?
A He said that he pawned the shawl, but he did not steal it. He said that he got it from Coakley. He gave me the ticket. I have the ticket
Q Did he say he was with the other fellow when he took it?
A No Sir, he said that the other fellow gave him the shawl. He was idle on that day. He said that he gave him the shawl to pawn it. This fellow Coakley has left the city. The prisoner did not tell me how long after it was stolen that he got it from Coakley

Officer Patrick Brennan sworn

Q Did you arrest this defendant?
A Yes Sir

Q Did you find anything in his possession?
A No Sir

Q What statement did he make to you?
A He said that he pawned the shawl, but he did not steal it. He said that he got it from Coakley. He gave me the ticket. I have the ticket

Q Did he say he was with the other fellow when he took it?
A No Sir, he said that the other fellow gave him the shawl. He was idle on that day. He said that he gave him the shawl to pawn it. This fellow Coakley has left the city. The prisoner did not tell me how long after it was stolen that he got it from Coakley

Q Was this man seen about the place?
A - He used to go with Coakley
Q Why did not you get Coakley?
A He has left the city. I believe he is up in Rondout.

The Court now transferred this case to the Court of General Sessions for trial

C. S. Fitch
Stenographer

Q Was this man seen about the place?
A - He used to go with Coakley
Q Why did not you get Coakley?
A He has left the city. I believe he is up in Rondout.

The Court now transferred this case to the County General Sessions for trial

E. S. Pitts
Stenographer

N.Y. Special Sessions

The People

v.

Mich. Gorman

July 10/88

Testimony

N.Y. Special Sessions

The People

v.

Nicht. Lorenzen

July 10/88

(Testimony)

0855

Police Court— 3 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Bridget Murphy

of No. 421 East 10th Street, aged 50 years, occupation Housekeeper being duly sworn deposes and says, that on the about 9th day of November 188 7 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 Brooches Shawl, of the value of Twenty dollars

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was felonionsly taken, stolen, and carried away by Michael O'Gorman now here, from the fact that he now here in open Court admits pawning the same; and deponent went to the pawn shops at 189 Avenue A. and there identified the shawl to pawned by said defendant as the stolen one aforesaid.

her
Bridget X Murphy
mark

Sworn to before me, this 9 day of February 188 7

Police Justice.

0856

POLICE COURT 3 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Michael O'Gorman

On Complaint of Bridget Murphy

For Larceny

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated July 6 188 8

Michael O Gorman

Sam'l C. McCulloh *Police Justice.*

0857

Sec. 198—200 3 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question What is your name?

Answer. Michael O'Gorman

Question. How old are you?

Answer. 17 years of age

Question. Where were you born?

Answer, Hartford, Conn.

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

Answer. 295 East 8th St. 8 months

Question. What is your business or profession?

Answer, Laborer

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

Answer. I got the shawl from John Coakley who asked me to pawn it. I did not know it was stolen. Coakley lives with the Complainants

Michael O Gorman

Taken before me this 6 *day of* October 1888

Police Justice.

3 250 25

Police Court— 3 District.

Not Guilty

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bridget Murphy
421 East 10 St

1 Michael O'Gorman

2

3

4

Offence Larceny ~~Misdemeanor~~ Felony

Dated February 6 1888

O'Reilly Magistrate.

Brennan Officer.

13 Precinct.

Witnesses Patrick Brennan

No. of 3 Precinct Street.

~~off Meyer 13th Prect.~~

[illegible] Court

RECEIVED
FEB 11 1888
DISTRICT ATTORNEY'S OFFICE.

No. 17 Gen [illegible] for the reason that the Evidence taken upon the trial of the case [illegible] a case of felony — BJF Street.

No. Street.

$ 500 to answer GS

Com.

Receiving stolen goods.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Michael O'Gorman *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 February 6 *188* 8 Danl O'Reilly *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

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. 250 25

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Bridget Murphy
421 East 110 St
1 Michael O'Gorman
2
3
4

Offence Larceny ~~Misdemeanor~~ Felony

Dated Feby 6 1888

O'Reilly Magistrate.

Brennan Officer.

13 Precinct.

Witnesses Patrick Brennan

No. of 3 Precinct Street.

off Mayor 13th Prect.

No. Street.

No. Street.

$ 300 to answer SS

Com.

RECEIVED.
FEB 11 1888
DISTRICT ATTORNEY'S OFFICE.

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

Dated Feby 6 1888 Danl O'Reilly Police Justice.

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

Dated..............................188 ....Police Justice.

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

Dated..............................188 ....Police Justice.

0860

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'Gorman

The Grand Jury of the City and County of New York, by this indictment, accuse Michael O'Gorman —

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

The said Michael O'Gorman,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the ninth day of November in the year of our Lord one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid, with force and arms,

one shawl of the value of twenty

dollars,

of the goods, chattels and personal property of one Bridget Murphy, by one John Rooney, and —

by — certain other persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Bridget Murphy —

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

Michael O'Gorman. —

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

JOHN R. FELLOWS.

~~RANDOLPH B. MARTINE~~,

District Attorney.

0861

BOX:
297
FOLDER:
2830
DESCRIPTION:
Olmann, Auguste

DATE:
02/20/88

2830

Witnesses:

John Mapp

No 344

Counsel,

Filed 20 day of Feby 1888

Pleads Not guilty (21)

40

91 Olive

THE PEOPLE

vs.

B

Auguste Olmann

VIOLATION OF EXCISE LAW.

[III, R. S., (7th Ed.), page 1981, § 18, and Laws of 1888, Chap. 340, § 5].

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Allen Woodruff

Feb 28. 1888 *Foreman.*

Tried and convicted

10 ds C.P. 1st count RBM.

0863

Excise Violation—Selling Without License. **POLICE COURT— 1st DISTRICT.**

City and County of New York, } ss.

John H Rapp

of No. Excise Inspector, Board of Excise Street,

of the City of New York, being duly sworn, deposes and says, that on the Second day

of February 188 8, in the City of New York, in the County of New York, at

No. 93 Cherry Street,

Augusta Ohlman (now here)

did then and THERE SELL, CAUSE, suffer and permit to be sold, under his direction and authority, strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made and provided said defendant sold deponent one glass of whiskey for which deponent paid ten cents, and deponent drank said whiskey on said premises

WHEREFORE, deponent prays that said Augusta Ohlman may be arrested and dealt with according to law.

Sworn to before me, this 8th day

of February 188 8

John H Rapp

J Hummond Police Justice.

Sec. 198—200. District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is yonr name?

Answer. Augusta Ohlman

Question. How old are you?

Answer. Forty-two

Question. Where were you born?

Answer. Germany

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

Answer. 91 Allen Street Sixty-two.

Question. What is your business or profession?

Answer. None

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

Answer. I am not guilty & demand a trial by Jury at the Court of General Sessions

Auguste Ohlman.

Taken before me this 5th *day of* January *188*9

J. Mundy

Police Justice.

0865

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Augusta Ohlman

Question. How old are you?

Answer. Forty eight

Question. Where were you born?

Answer. Germany

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

Answer. 91 Allen Street Sixteen.

Question. What is your business or profession?

Answer. None

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

Answer. I am not guilty and demand a trial by Jury at the Court of General Sessions

Augusta Ohlman.

Taken before me this 12th *day of* February 188 9

J. Ehrenfried

Police Justice.

173
2-15

BAILED,
No. 1, by Henry Holck
Residence 23 New Chambers Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

237

Police Court— 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John H Rapp
vs.
1 Augusta Ohlsaas
2
3
4

Offence Violation Excise Law

Dated February 8 1888

Ford Magistrate.

~~[illegible]~~ Officer.

Precinct.

Witnesses John H. Rapp
No. Board of Excise Street.
No. Street.
No. Street.
$ 100 to answer G S

Bailed

RECEIVED
FEB 10 1888
DISTRICT ATTORNEY'S OFFICE.

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* One *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated Febry 8 *188*8 J Henry Ford *Police Justice.*

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

Dated Feb 8th *188*8 J Henry Ford *Police Justice.*

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

Dated *188* *Police Justice.*

0867

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Auguste Olmann

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

— Auguste Olmann —

(III. Revised Statutes, [7th edition] p. 1981 Section 13).

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES WITHOUT A LICENSE, committed as follows:

The said Auguste Olmann

late of the City of New York, in the County of New York aforesaid, on the second day of February in the year of our Lord one thousand eight hundred and eighty eight, at the City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~in~~ quantity less than five gallons at a time, to

— one John H. Ropp and to —

certain other persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883, chapter 340, section 5.)

SECOND COUNT:

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

— Auguste Olmann —

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said Auguste Olmann

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate known as number ninety three Cherry Street

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to

— one John H. Ropp and to —

certain other persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, 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.

0868

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Auguste Olmann

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

— Auguste Olmann —

(III. Revised Statutes, [7th edition] p. 1981 Section 13).

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES WITHOUT A LICENSE, committed as follows:

The said Auguste Olmann,

late of the City of New York, in the County of New York aforesaid, on the second day of February in the year of our Lord one thousand eight hundred and eighty eight, at the City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~in~~ quantity less than five gallons at a time, to

— one John H. Ropp and to —

certain other persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883, chapter 340, section 5.)

SECOND COUNT:

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

— Auguste Olmann —

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said Auguste Olmann,

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate known as number ninety three Cherry Street —

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to

— one John H. Ropp and to —

certain other persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, 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.

(Laws of 1883, chapter 340, section 5.) THIRD COUNT:

And the Grand Jury aforesaid, by this indictment further accuse the said — Auguste Olmann — of the Crime of GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said Auguste Olmann late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as number ninety three Cherry Street — certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away to

certain ———— persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows
~~RANDOLPH B. MARTINE,~~
District Attorney.

08 70

BOX:
297
FOLDER:
2830
DESCRIPTION:
Osterndorff, Ernest

DATE:
02/14/88

2830

Selling on Sunday,

No 189

Witnesses:

Jeff McGorry

Counsel,

Filed 14 day of Feby 188

Pleads Not guilty

THE PEOPLE,

vs.

B

Ernest Osterndorff

Violation of Excise Law.
(Sellingion Sunday,&c.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and page 1989, Sec. 5.]

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,
District Attorney.

Referred to Mr. Foster to Mr. Foster

pltd

A True Bill.

G. G. Haven

Foreman.

Transferred to the Court of Special Sessions for trial and final disposition.

Part 6 Mch 7th 188

P.d.

WITNESSES:

Jeff McGorry

Selling on Sunday.

No 189

Counsel,

Filed 14 day of February 1885

Pleads Not guilty

THE PEOPLE,

vs.

B

Ernest Osterndorff

Violation of Excise Law.

(Sellingion Sunday&c.)

[III Rev. Stat.(7th Edition), page 1983, Sec. 21, and page 1989, Sec. 5.]

JOHN R. FELLOWS,

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Geo. Haven

Foreman.

Transferred to the Court of Special Sessions for trial and final disposition.

Pard March 24 1885

POOR QUALITY ORIGINAL

2188

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs

against

Ernest Osterndorff
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said defendant, late of the City of New York, in the County of New York aforesaid, on the fifteenth day of January in the year of our Lord one thousand eight hundred and eighty-eight at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

John F. McGorry

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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 defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said defendant, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows,
~~RANDOLPH B. MARTINE,~~
District Attorney.