

0449

BOX:

357

FOLDER:

3362

DESCRIPTION:

O'Brien, James

DATE:

06/07/89



3362

POOR QUALITY ORIGINAL

0450

No. 57

Counsel,
Filed 7 day of June 1889
Pleads,

THE PEOPLE
vs.
James O'Brien
Grand Larceny, 5th Degree.
(From the Person.)
[Sections 528, 529, 531 Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

[Signature]
Foreman.
[Signature]
[Signature]
[Signature]

Witnesses:

POOR QUALITY ORIGINAL

0451

Police Court 1st District.

Affidavit—Larceny.

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

William Kehoe

of No. 263 Hoyt Street Brooklyn Street, aged 25 years,
occupation carpenter being duly sworn

deposes and says, that on the 26th day of May 1889 at the City of New

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

One pair of shoes of the value
of Two 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 O'Brien (now here) for

the reasons that at about four o'clock
a.m. on said day deponent was lying
asleep in a doorway on James Street.
Deponent had said shoes on his feet and
worn by him as part of his bodily
apparel. Deponent was awakened by
Officer James H. McCrorey of the Fourth
Precinct, who informed deponent that
he McCrorey found the shoes here shown
in the possession of the defendant on
New Bowery. Deponent missed his shoes
from his feet and identified the shoes
found in defendant's possession as belonging
to deponent and stolen from his person.

W. J. Kehoe

Sworn to before me, this 26 day of May 1889

Henry J. Murray
Police Justice.

POOR QUALITY ORIGINAL

0452

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 28 years, occupation James H. M. Crorey of No. 4 Peenist Street, being duly sworn deposes and

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

Sworn to before me, this 26 day of May, 1888 } James H. M. Crorey

[Signature]
Police Justice.

[Lined area for additional text or notes]

POOR QUALITY ORIGINAL

0453

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

James 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. *James O'Brien*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *Chatham Square Rodguig house, 2 weeks*

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 am not guilty*

James O'Brien

Taken before me this *26*
day of *May* 188*9*
Thomas J. ...
Police Justice.

POOR QUALITY ORIGINAL

0454

BAILLED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District---

764

THE PEOPLE, Ec.,
ON THE COMPLAINT OF

William Hobbs
263 1st St N.Y.C.
James Brennan

2
3
4

Offence *Larceny*
four person

Dated *May 26* 188*9*

Greenman
Magistrate.

McLoray
Officer.

McLoray
Precinct.

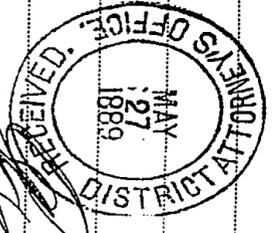
Witnesses *Officer McLoray*

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer



Wm D. ...

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 *May 26* 188*9* *John J. ...* 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.

POOR QUALITY ORIGINAL

0455

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James O'Brien

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

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

The said *James O'Brien*

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms,

two shoes of the value of one dollar each

of the goods, chattels and personal property of one *William J. Kehoe* on the person of the said *William J. Kehoe* then and there being found, from the person of the said *William J. Kehoe* 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.

**POOR QUALITY
ORIGINAL**

0456

SECOND COUNT—

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

James O'Brien
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

James 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,

*two shoes of the value of
one dollar each*

of the goods, chattels and personal property of one

William J. Kehoe
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said

William J. Kehoe
unlawfully and unjustly, did feloniously receive and have; the said

James O'Brien
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,
District Attorney.

0457

BOX:

357

FOLDER:

3362

DESCRIPTION:

O'Brien, William J.

DATE:

06/17/89



3362

POOR QUALITY ORIGINAL

0458

No. 151

Counsel,

Filed

17 June 1889

Pleas,

THE PEOPLE

Robbery in the second degree. (MONEY) [Sections 224 and 229, Penal Code].

F

William J. O'Brien

JOHN R. FELLOWS,

June 20, 1889 District Attorney.

Tried and convicted

in a Reformatory

A True Bill.

[Signature]

Foreman.

Ordered to the COURT of

... by ...

of the COUNTY of NEW YORK,

for trial (Entered in the Minutes)

June 19 1889

June 25 9.50 26

Witnesses:

POOR QUALITY ORIGINAL

0459

Police Court-- 4 District.

CITY AND COUNTY } OF NEW YORK, } ss

Edward Lee

of No. 603 Bennett Avenue Street, Aged 32 Years

Occupation Saloonkeeper being duly sworn, deposes and says, that on the

17th day of June 1889, at the 22nd Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent 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 two hundred and fifty dollars and a gold watch all together

of the value of Three hundred and thirty five 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

William J. O'Brien now here, from the fact that defendant was in deponent's liquor store at the above number and when at about one o'clock A.M. of above date deponent was in the act of locking the door in the hallway leading into the rear of said premises said defendant seized violently hold of deponent about the legs and threw deponent down and while deponent was lying prostrate upon the hallway floor defendant attempted to take said property from deponent by force and violence and without his consent.

Edward Lee
mark

day of June 1889
Sworn to before me, this
J. M. McLaughlin Police Justice

POOR QUALITY ORIGINAL

0460

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William J. 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. *William J. O'Brien*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 544 West 11th St 2 1/2 years*

Question. What is your business or profession?

Answer. *Am a sandpaper machine in a Paper Factory*

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

William J. O'Brien

Taken before me this

day of *Sept* 188*8*

Wm. J. O'Brien

Police Justice.

POOR QUALITY ORIGINAL

0461

BAILED,

No. 1, by _____
Residence _____ Street

No. 2, by _____
Residence _____ Street

No. 3, by _____
Residence _____ Street

No. 4, by _____
Residence _____ Street

Police Court

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward J. Kelly
603-11th Ave
Wm J. Quinn

Offence *Attempted Robbery*

District *129*

Dated

June 8 1889

Magistrate

Richard

Officer

Thomson

Witnesses

W. E.

No. _____

Street _____

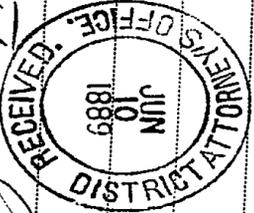
No. _____

Street _____

No. _____

Street _____

Committee to Discharge



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~~ ~~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~~ *legally discharged*

Dated *June 8* 1889 *W. M. Mahon* Police Justice.

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

Dated _____ 1889 _____ 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 _____ 1889 _____ Police Justice.

POOR QUALITY ORIGINAL

0462

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 J. Brown

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

William J. Brown of the crime of attempting to commit

of the crime of ROBBERY IN THE SECOND DEGREE, committed as follows:

The said *William J. Brown*,

late of the City of New York, in the County of New York aforesaid, on the *eight* day of *June*, in the year of our Lord one thousand eight hundred and eighty*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Edward Lee*, in the peace of the said People then and there being, feloniously did make an assault, and *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *ten* United States Silver Certificates of the denomination and value of twenty dollars *each*; *ten* United States Silver Certificates of the denomination and value of ten dollars *each*; *ten* United States Silver Certificates of the denomination and value of five dollars *each*; *ten* United States Silver Certificates of the denomination and value of two dollars *each*; *ten* United States Silver Certificates of the denomination and value of one dollar *each*;

(\$250.)

POOR QUALITY ORIGINAL

0463

ten United States Gold Certificates of the denomination and value of twenty dollars each; *ten* United States Gold Certificates of the denomination and value of ten dollars each; *ten* United States Gold Certificate of the denomination and value of five dollars each; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *ten dollars*, and one watch of the value of one hundred dollars.

of the goods, chattels and personal property of the said *Edward Lee* from the person of the said *Edward Lee*, against the will, and by violence to the person of the said *Edward Lee*, 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.

JOHN R. FELLOWS,
District Attorney.

0464

BOX:

357

FOLDER:

3362

DESCRIPTION:

Ohlers, Henry

DATE:

06/10/89



3362

POOR QUALITY ORIGINAL

0465

No. 514

Counsel, J. R. ⁴Wingfield

Filed 10 day of June 1889

Pleads, Chgo July 11

THE PEOPLE

38
50-1 of 17-28.

Gender

Henry Oberer

purpose of this indictment
in indictment against John McNamee
John R. FELLOWS,
District Attorney.

June 19/89

A TRUE BILL. Pt. 3.

R L Coll.

Part II June 20/89

Guilty and convicted
Foreman.

Although crime grand
status

S.P. 6 yrs & 3 mo,

June 28/89 R.B.M., 28

Witnesses:

POOR QUALITY ORIGINAL

0466

COURT OF GENERAL SESSIONS-Part III.

-----	:	
The People of the State of New York,	:	Before Hon.
against	:	Randolph . B. MAR-
H E N R Y O H L E R S .	:	Tine and a Jury.
-----	:	

indictment filed June 10th 1889.
Indicted for a crime against nature .

N E W Y O R K, / J u n e 25th 1889.

APPEARANCES: For the People, Assistant District
Attorney Fitzgerald .

For the defendant Mr. J. R. Heinzelman .

THOMAS J. O'CONNOR, a witness for the People, sworn,
testified:

I am an officer attached to the Park Police . I
am assigned to duty in Madison Square Park. On the 27th
of May last I was on duty at Madison Square park at
1:45 A. M. I saw the defendant Henry Ohlers at that time
enter the park in company with a man named John
McKeone. I was in uniform at the time . I have known
Ohlers for about a year . I have seen him in Central
Park . He and the man who was with him went and sat
down on one of the benches; and in a short time I saw
Henry Ohlers having the penis of John mMcKeone in his
mouth.

Q Were you in a position so , that you could see it .

A Yes sir . I saw Ohlers put his mouth down and
have his lips on McKeone's penis .

POOR QUALITY
ORIGINAL

0467

2

- Q You arrested McKeon and Ohlers ? A. Yes sir .
- Q What was the position of McKeon and Ohlers when you arrested them ? A. They heard me coming and they jumped up .
- Q How far were you from them at the time you started to make the arrest ? A. About forty feet . There were three lights shining right near the two men .
- Q What was the condition of McKeon when you arrested him ? A. McKeon's pants were open; he buttoned them up quick .
- Q You saw him buttoning them ? A. Yes sir! I went over and rapped with my club and another officer came to my assistance . When I arrested Ohlers I told him that was a nice position for him to be in and he said it was a "damn lie" .

CROSS EXAMINATION:

- Q Was there any foliage or trees between you and the defendant when this thing occurred as you say which would interrupt your sight ? A. No sir .
- Q There was nothing to prevent your seeing this ?
- A No sir .
- Q Were there any other persons around ? A. There was no one around when they were committing the act .

JAMES DILLON, a witness for the People, sworn, testified:

I am an officer of the Park Police also assigned to duty in Madison Square . I was on duty on the night

**POOR QUALITY
ORIGINAL**

0468

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of the 27th of May . . . I saw the defendant Ohlers on that night in Maydison Square park. I saw him stop a man and have a conversation with him, and then I noticed the two of them going to a settee and sitting down together . They stood conversing about two or three minutes before they sat down . After they sayt down I did not see anything which they did. I did not know anything occurred until Officer O'Conner rapped for me and I came to his assistance . They were on Officer O'Conner's post and that is the reas n I did not pay any a tention to them . . I saw MCKEon sitting on the 26th St. side of the park. I saw him conversaing with another gentleman and I did not like the looks of the man . . The man with whom McKeon was talking left him; then McKeon got up and in walking a around was acccosted by Ohlers and they sat down together . . I heard Officer O'Conner charging the defen- dant with this crime . He said "This is a nice place to be going on with such work " and Ohlers said he was a liar or something of that sort . I took McKeon to the station house .

CROSS EXAMINATION:

- Q Did you have any conversation with McKeone ?
A Yes sir .
Q Did you tell McKeone to be a witness against Ohlers ?
A No sir; I did not .

POOR QUALITY
ORIGINAL

0469

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Q Didn't you tell McKeone to answer the Police Judge the next morning by telling him that Ohlers unbuttoned his pants ? A. No sir; I never mentioned that .

Q Did you tell McKeone that if he would testify against Ohlers you would see that he was disgraced ?

A No sir; I am sure I did not .

THOMAS J. O'CONNOR, recalled.

Q Did you not tell Mr. Sullivan and myself that Officer Dillon told McKeone to say that Ohlers had unbuttoned his pants ? A. No sir .! I told you that Dillon took McKeon to the station house and if any such conversation was had it must have been with him . I did not have any such talk with him.

D E F E N C E .

RICHARD CULLLEN, a witness for the defence, sworn, testified:

I am an officer attached to this Court .

I overheard Lawyer Sullivan asking Mr. O'Conner to-day if he did not say to McKeon to swear against Ohlers and that he would get out of it light and O'Conner said "No, if there was any conversation of that sort it was with the other officer".

JOHN MCKEON, a witness for the defence, sworn, testified:

I am indicted for the same offence as the defendant Ohlers . I am not guilty . I never did such a thing .

**POOR QUALITY
ORIGINAL**

0470

5

When I was arrested Officer Dillon told me to go against Ohlers and he would make it all right for me . I told him I would not because it was not so . . I signed the statement in the police court but I did not know what it was . . I have never been convicted of any crime . .

Q You heard what Officer O'Conner says took place between you and the defendant, is it true or false ?

A It is false; I was coming from my work on that night at a quarter past two . . I walked around the park and then sat down for a while. I fell asleep. When I woke up the officer was standing there and arrested me .

Q What was the condition of your pants ?

A They were buttoned .

Q You say that the story the officer tells is not true

A It is not true .

CROSS EXAMINATION:

I live on 23rd St. I worked in 24th St. I was on my way home from work . I work in a kitchen all night and I stayed in the park to get some air .

Q Do you remember making this answer to a question put to you in the Police Court " I am not guilty . I allowed this man to take my penus out because I wanted to get him arrested " . A. That is what the officers told me to say in the Police Court and I did

**POOR QUALITY
ORIGINAL**

0471

6

say it .

Q The statement that you signed there you say the police-
man put you up to make it ? A. The policeman did--
both of them .

Q For the reason that you have already stated, that if
you would make a charge against this man you would
go out ? A. Yes sir; I did not know anything
about law at all and I simply did what I was told .

Q You were anxious to get out ? A. Yes sir .

Q And you did not care what became of this man ?

A That is what they told me to do . I did not see the
man doing anything to me in the world .

Q Had you ever known this man or seen him before ?

A No sir; I never met him before .

Q How long since you were arrested ? A. Four weeks .

Q

CHARLES P. GOLDSMITH, of No. 43 Gold Street, a jeweller
testified to the good steady character of the defendant .

The jury found the defendant GUILTY of an attempt
at Crime against Nature .

POOR QUALITY ORIGINAL

0472

Indictment filed June 10-1889

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

HENRY OHLERS

Abstract of testimony on

trial New York June 25th

1889.

POOR QUALITY ORIGINAL

0473

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
Henry O'Brien

The Grand Jury of the City and County of New York, by this
Indictment accuse *Henry O'Brien*

of the *Crime against nature,* —

committed as follows:

The said *Henry O'Brien,*

late of the City of New York, in the County of New York, aforesaid, on the
fourteenth day of *May* in the year of our Lord one thousand
eight hundred and eighty-*nine* —, at the City and County aforesaid,
with force and arms, in and upon one
John McKeone, a male person, did
voluntarily make an assault, and him
the said John McKeone, in a manner
contrary to nature, then and there
voluntarily did carnally know, 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.

POOR QUALITY ORIGINAL

0474

Second COUNT.

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

Henry D. ...
of the ~~Crime~~ *Crime* against nature, —

committed as follows:

The said *Henry D. ...*

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,
at the City and County aforesaid, *he did voluntarily*
admit to carnal knowledge of himself
a male person,
in a manner
contrary to nature, 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 the dignity

John ...
Attorney

0475

BOX:

357

FOLDER:

3362

DESCRIPTION:

O'Leary, James

DATE:

06/17/89



3362

POOR QUALITY ORIGINAL

0476

June 23^d 1893 - 9. S. O. A. B. C.

This indictment was found 17th June 1889. Mr. Shannon has visited the neighborhood where the witnesses resided in 1889 - vide Shannon's affidavit - No one there knows anything about the whereabouts of the witnesses.

Officer Hough of the 6th precinct in 1889 and now of the 11th tells me he has no idea where any of the witnesses are. Officer Hough tells me the trouble grew out of a drunken brawl - Dec^d a prisoner choked - Dec^d fell and struck his head against a fire hydrant. Both taken to the Station House - O'Munnell the dec^d declined to make a charge against def^t - def^t was discharged & dec^d locked up - for drunkenness - in a few hours he was taken to Hospital & died - def^t was re-arrested - There is a conflict of testimony & I do not think a conviction could be had. I ask that the defendant be discharged in his own acquiescence.

139. Lady

Counsel,
Filed 17th June 1889
Plends, C. M. G. G. G. G.

THE PEOPLE vs. James O'Leary

JOHN R. FELLOWS,
District Attorney.

Subscribed and sworn to before me this 14th day of June 1889.

A TRUE BILL.

Wm. M. G. G. G.

Foreman.

Paul Deuchay

Witnesses:

For

My commission and return
see inside

June 23^d 1893

W. M. G. G. G.

0477

POOR QUALITY ORIGINAL

June 23^d 1893 - 9. S. A. a. d. u.

This indictment was found 17th June 1889
Mr Shannon has visited the neighborhood
where the witnesses resided in 1889 -
vide Shannon's affidavit - No one
there knows anything about the whereabouts
of the witnesses - Officer Hough of the 6th precinct

in 1889 and now of the 11th tell me
he has no idea where any of the witnesses are.
Officer Hough tells me the trouble grew out of
a drunken brawl - Dec & prisoner climbed
Dec fell and struck his head against a fire hydrant.
Both taken to the Station House - O'Connell the dec
declined to make a charge against deft - deft was dis-
-charged & dec locked up - for drunkenness - in a few hours he
was taken to Hospital & died - deft was re-arrested - There is
a conflict of testimony & I do not think a conviction could be had.
I wish that the defendant be discharged in his own recognizance

139. Muddy

Counsel,
Filed 17 day of June 1889
Pleads, K. P. M. M. M.

THE PEOPLE
vs.
James O'Leary
B
James O'Leary
139. 193. (New York)

John R. Fellows,
District Attorney
June 14/89
Part 2
A TRUE BILL.
Off. Sec. Term 1889

Supervisor
Foreman.
Paul Deuchayed

Witnesses:

For
My recommendation
See inside
June 23^d 1893
a. d. u.

POOR QUALITY
ORIGINAL

0478

Lawrence Kelly being duly sworn deposes. I reside at 45 West on Sunday night at about the hour of 10 o'clock the deceased Connell and ^{O'Reary} had a quarrel in Turvey's at the N. W. Corner of Bayard and Bowery Streets - O'Reary was put out of said saloon by the bar tender. Connell asked Barney Hughes who was in said saloon to come out and "give him a show." Connell left and went west on Bayard Street. Hughes, a man named Callahan and myself followed Connell.

O'Reary was standing in front of the feed store on Bayard Street about fifty feet from Turvey's. O'Reary and Connell clinched each other. O'Reary struck Connell in the face causing him to be hurled down. Connell's head struck a fire-pump on O'Reary's ^{eye} ^{and} ran away.

Sworn to before me
this 24th day of April 1884
at New York
J. B. [Signature]
Police Justice

POOR QUALITY
ORIGINAL

0479

Louis Hill of 49 Boyard Street being
duly sworn deposes and says

On Sunday evening the 21st of
April 1889 about 10 o'clock P.M. I was
going for a pint of beer, when O'Leary
came out of the liquor saloon on the
North West corner of Boyard Street and
Bowery, a lot of men surrounded O'Leary
and they talked to O'Leary
and O'Leary talked to them, and they
then hit O'Leary and O'Leary hit them and
then John O'Connell ran into the
crowd and took the part of O'Leary
when Legg and another man charged
O'Connell and O'Leary, and I went in the
Joker Beer saloon for my beer and
when I came out I saw O'Connell
flying in the mud gutter with his head
cut. And that is all I know
I sworn to before me this

26th day of April 1889, Louis Hill

By O'Connell
Powers

POOR QUALITY ORIGINAL

0480

FIRST DISTRICT POLICE COURT.
CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

23 day of April in the year of our Lord 18 89

of William Callahan

of No. 40 Mott Street, in the City of New York,

and Michael Quinn

of No. 40 Mott Street, in the said City,

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

William Callahan

the sum of One Hundred Dollars;

and the said Michael Quinn

the sum of One Hundred Dollars,

seperately, of good and lawful money of the State of New York, to be levied and made of their respective

goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition

following, viz:

The Condition of this Recognizance is such, That if the person, first above recognized, shall personally appear, at the ~~next~~ ^{1st District Police Court} ~~COURT OF~~ ^{General} ~~SESSIONS~~ of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an OFFENCE or MISDEMEANOR, said to have been lately committed in the City of New York aforesaid by

James O'Leary

And do not Depart thence, without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the }
day and year first above written. }

Wm Callahan

Michael Quinn

James O'Leary
POLICE JUSTICE.

POOR QUALITY ORIGINAL

0481

Ray Orr
Police Justice

Sworn before me, this
day of *April* 18*59*

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Quinn

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

*fixtures of Lodging house at
40 Mott Street valued \$4000
free and clear*

Michael Quinn

New York Sessions.

THE PEOPLE, &c.,

vs.

RECOGNIZANCE TO TESTIFY

POLICE JUSTICE.

Filed day of 18

POOR QUALITY ORIGINAL

0482

FIRST DISTRICT POLICE COURT.
CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

23 day of April in the year of our Lord 1889

of No. John Oliver Street, in the City of New York,

and Michael Quinn Street, in the said City,

of No. 40 Mott personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say; the said

John Oliver the sum of One Hundred Dollars;

and the said Michael Quinn the sum of One Hundred Dollars,

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

~~Just branch Police Court~~ The Condition of this Recognizance is such, That if the person, first above recognized, shall personally appear, at the next ~~COURT OF~~ General ~~SESSIONS of the Peace,~~ to be holden in and for the City and County of New York, and then and there *Testify* and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an OFFENCE or MISDEMEANOR, said to have been lately committed in the City of New York aforesaid by

James O'Leary
And do not Depart thence, without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the }
day and year first above written.

[Signature]

John Oliver
Michael Quinn

POLICE JUSTICE.

POOR QUALITY ORIGINAL

0483

Wm. C. ...

Police Justice

day of *April* 18*73*
Sworn before me, this

CITY AND COUNTY }
OF NEW YORK, } ss.

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

fixtures of the lodging house at
40 West Street valued at \$4000
free and clear

Michael Quinn

New York Sessions.

THE PEOPLE, &c.,

RECOGNIZANCE TO TESTIFY

vs.

Police Justice.

Filed

day of

18

POOR QUALITY ORIGINAL

0484

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 1st DISTRICT.

of the 6th Precinct Police Street, aged years,
occupation Police Officers

that on the Twenty-third day of April 1889
at the City of New York, in the County of New York, being duly sworn deposes and says

William Callahan (now here,
is a material witness in a case
for the people in a case of
James Leary, charged with
homicide, a grand jury that
said Callahan be sent to the house
of detention for witness

Thomas J. Crystal

Sworn to before me, this 23rd day
of April 1889

J. J. [Signature]

Police Justice

POOR QUALITY
ORIGINAL

0485

Police Court, 101 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas J. Crystal

vs.

William Callahan

AFFIDAVIT.

Dated April 23rd 1889

Power Magistrate.

..... Officer.

Witness,

Disposition,

(1)

James A. Lee Police Clerk
April 23/1889

City and County
of New York } ss.

Patrick Hough an officer
attached to the Sixth Precinct
being duly sworn deposes
and says: at about the
hour of ten o'clock P.M.
on April 21st 89; there was
a fight in front of 52
Bayard St. I saw
James O. Henry (now being
run out of the crowd and
run into the hallway of his
residence 57 Bayard St.)
I followed him and found
him crouched down at the
extreme end of the hall
in a corner. He denied then
having struck Connell.
I saw John Connell
lying on the walk previous
to the said Henry running
into said hallway.
I placed said Henry
under arrest and in the
Station House the said
Connell, now dead, refused
to make any complaint.

POOR QUALITY
ORIGINAL

0487

(2)

against said Perry, he
Cornell saying that he
did not know who assaulted
him. The said Cornell
was drunk at the time and
there was blood on his face.
The sergeant in command
discharged Perry and
held Cornell for intoxication
on compulsion of deponents.
The said Cornell was
brought to Chambers Street
Hospital, where on the
22nd Nov he died.

Sworn to before me
this 28th day of April 1854 Patrick A. Gough
and J. Cowley
Police Justice

POOR QUALITY
ORIGINAL

04889

(41)

I then walked towards
the Bowry, in a few minutes
I returned back and saw
John Connell, saying on
the side walk in front of
52 Bayard Street which
is a feed store. I saw
Patrick Hough then then
with O'Leary in his custody
I cannot recollect anything
that took place in Sumner's
I was perfectly sober.

Sworn to before me
this 23rd day of April Wm. Ballahan
1889

Wm. Ballahan
Police Justice

POOR QUALITY
ORIGINAL

0490

(5)

John River being duly sworn deposes and says I reside at 40 Mott Street. On Sunday night at about the hour of ten o'clock, William Callahan, John Cornell and myself went to Averny's Bar-room at the North-west corner of Bowry and Bayard Streets. While having a drink the said Henry entered said bar-room and challenged Cornell to fight. The bar tender ordered Henry out of said saloon. Callahan went out of said saloon with Henry. Cornell asked some strangers to accompany him as far as the corner, as he needed assistance. The said strangers and Cornell went down Bayard Street and in front of 52 Bayard Street I saw a fight going on and saw Cornell lying on the ground.

(6)

I saw a general fight
going on. I crossed to the
opposite side of the street,
~~crossed the street and saw~~
~~the said Cornell~~ lying
across from of 52 Bayard
Street.

I was about fifteen feet
behind the said Cornell
and the strangers as they
were going west on Bayard
Street. I saw hands in
the air. I crossed to
the opposite side of the
street and returned and
~~found~~ saw Cornell
lying on the sidewalk.

Sworn to before me
this 23rd day of April 1889

Wm. C. Owen
Police Justice

POOR QUALITY ORIGINAL

0492

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James O'Leary 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 O'Leary*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *51 Bayard St 5 years*

Question. What is your business or profession?

Answer. *Book Binder*

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 have nothing to say
and I say*

Taken before me this

day of

188

Police Justice.

POOR QUALITY ORIGINAL

0493

Mr Martin of apartment
Le Remington 930
10 Ave. 25th
10 Ave 25th

No. 139
Police Court
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Henry

Offence

Dated April 23 1888

James Henry
Magistrate

Thompson
Officer

Witnesses
William Callahan
Precinct

No. 1 by
Street

No. 2 by
Street

No. 3 by
Street

No. 4 by
Street

No. 5 by
Street

RECEIVED
MAY 27 1889

Boiled
Bottle

Boiled
Bottle
May 11 1889

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

Richardson

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 April 23 1888
James Henry
Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 1888
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 1888
Police Justice.

POOR QUALITY
ORIGINAL

0495

District Attorneys Office.
City & County of
New York.

2

~~His skull was fractured~~ - Both the
head & left were taken to ~~the~~
6th Precinct station house. ~~Head~~
referred to make any receipt ~~of~~
left - left was discharged & ~~was~~
locked up for intoxication - ~~was~~
during - In a few hours he was
sent to the Church St Hospital
in an ambulance - He died
Monday at the Hospital it was
discovered his skull was fractured.
Officer O'Leary was then arrested -
~~charged with~~ Officer Hough tells me
he has no idea as to his late whereabouts
of the witness - Showing affidavit

POOR QUALITY
ORIGINAL

0496

28
James O'Leary
to guide to
be entered
on back of
index card
Shannon
Paris L
appt.
for June
21st

POOR QUALITY
ORIGINAL

0497

The Autopsy on John Connell showed the
Cause of death to have been: —

" Fracture of Base of Skull, Intra-Cranial
Hemorrhage, Compression of Brain, caused by
having fallen on sidewalk, after, as alleged,
having been struck by James O'Leary about
10 PM, April 21st, 1899, in front of 48
Bayard Street."

Wm. A. Conway M.D.
Deputy Coroner.

M. J. B. Messener
Coroner

I certify that the above is a correct
Copy of the Cause of death
of John Connell.

Robert Black
Clark

POOR QUALITY
ORIGINAL

0498

Court of General Sessions

The People

vs.

James O'Searcy

Indictment:

Manslaughter in the
2^d degree § 193 P.C.
for having on the 21st of April,
1889, feloniously assaulted John
Connell and inflicted upon
him a mortal wound, upon
his head in consequence of
which the said John Connell
died on the 22^d of April, 1889.

Witnesses:

Lawrence Kelly

115 Mott Street

Eye witness to the assault

Bernard O'Hughes

119 Mott St.

Eye witness, who should better
not be called, because his testimony
may might prove provocative

POOR QUALITY
ORIGINAL

0499

for the fight from the deceased

John Oliver

40 Motte Street

Witness to occurrence in Swing
Hotel,

William Callahan

40 Motte Street

Witness to occurrence in Swing
Hotel.

Patrick Hargh

Patrolman 6th precinct,

Street of defendant etc.

John O'Neill

80 Pell Street

Death and funeral of deceased.
Threats of defendant against
deceased.

Martin Reilly

" Pell Street

Samuel J. Murphy

129 Mulberry St

Threats of de-
fendant
against de-
ceased.

Dr. Wm. H. Conway

Deputy Coroner,

Cause of death

POOR QUALITY
ORIGINAL

0500

John Connell, 80 Pell Street, Watchman for Christopher Kelly at No. 20-~~22~~ 24 Pell Street. In November, 1886, the defendant and Daniel Lyons, who has since been executed, broke into the said house, over which I had to watch, and stole three umbrellas therefrom. Since that time he has always annoyed me, whenever he was drunk. The deceased, who was my son, after requesting him to let me alone, but the defendant did not heed the request. On the 17th of April, 1889, the defendant came to me at 80 Pell Street, while I was engaged in sweeping the hall way. My son, the deceased, who stood in front of the said building with a truck, told him to let me alone and the defendant, without saying a word, struck the deceased in the face. On leaving the said premises, the defendant remarked to my said son, that he would do his

goose. I attended the deceased's funeral.

Martin Kelly, 11 Pell Street, Janitor
I have known the deceased for over nine years as a hard working boy. I was present on the 17th of April, 1889, when the defendant struck the deceased in front of No. 20 Pell Street, and I heard him say, he would yet do his goose.

Laurel J. Murphy, 129 Mulberry Street, Laborer. I have known for about twenty years. We went to school together. I also knew the deceased for about fifteen years. About three weeks prior to deceased's death, on the corner of Pell and Mott Streets I heard the defendant say concerning the deceased that he would kill the son of a bitch yet.

Lawrence Kelly, 45 Mott Street, printer, employed at the Empire Print Works at foot of Jervis St.
I have had any intercourse with

the deceased or the defendant, but
have ~~to~~ seen them often during
the last ten years. On the 21st
of April, 1887, in the evening
between nine and ten o'clock
I saw the defendant and the
deceased clinched with each
other in a fight in Pinner's
Hotel, at the corner of the Bowery
and Bayard Street. After they
were separated, the defendant
was put out of the place. There
were ~~three~~ two friends with me.
One of them was Barney Hughes.
To him the deceased said, he
should come out with him
to give him a show. Thereupon
we, that is the deceased, my friends
and myself went out and
walked down Bayard Street.
About four doors from the
said hotel we met the defendant
and without any exchange
of words the defendant and
the deceased placed them-
selves in a fighting position
against each other. The de-
fendant struck the deceased

first and felled him to the ground.
On falling, the deceased struck
with his head against a fire
hydrant. He remained for
some time unconscious on
the side walk, bleeding from
the head. I identified the de-
fendant to the officer who ar-
rested him. My said two
friends were Barney Hughes,
residing at 49 Mott Street, and
James Callahan, residing at
Bayard Street.

Bernard Hughes, 49 Mott Street,
longshoreman. On the 21st of
April, 1889, in the evening between
nine and ten o'clock, I was
in the barroom of Queeny's Hotel
on the corner of the Bowery and
Bayard Street, in company of
Lawrence Kelly, James Kelly, alias
James Burke, of 92 Bayard Street
(one door from Mulberry Street)
Robert O'Connor, of Mott Street bet-
ween Grand and Broome Streets,
While we were standing at the
bar, we heard a growl and

POOR QUALITY
ORIGINAL

0504

turning around, we saw the deceased holding a canteen bottle over the defendant's head. This was taken from him, and the bar keeper put O'Leary out. ~~The~~ The deceased said, ~~if he~~ to us: "Show me fair play, and if I meet this lad outside, I shall give him a fight." The deceased walked out with his friend, and we followed him about a minute later. We walked down Bayard Street, and about one hundred feet from Pucery's Hotel, we met the deceased and the defendant, engaged in a fight. There was a crowd around them. I did not see any blows struck; I merely saw ~~a~~ ~~man~~ ~~fall~~ the deceased fall, but did not see him strike the defendant with his head. O'Leary ran into a hall way, from where he was brought out by an officer.

James Burke, 96 Bayard Street

longshoreman, I have not known
either party herein. I was with
Lawrence Kelly and two other ^{friends}
in Sweeney's saloon, as related by
Bernard Hughes, but did not
hear O'Connell, the deceased, make
a remark. I saw ^{the defendant} and the deceased ^{each other} fight in the
street, but I do not know, who
struck the first blow. I did
not pay much attention to the
matter, because neither party
was a friend of mine.

John Oliver, 400 Mott Street,
Carpenter. I have known both
the deceased and the defendant
for the last two years. On or
about the 21st of April, 1889,
I was with the deceased and
William Callahan in Sweeney's
Hotel, corner of Bowery and
Bayard Street. It was between
nine and ten o'clock in the
evening. After we had been
for some time in the bar
room of said hotel, the de-
fendant came in, and when

shortly thereafter we moved
over to the lunch counter at
in said barroom, the de-
fendant came up to us and
said to the ~~defendant~~ deceased
that he could lick him. The
deceased thereupon seized
and lifted a pepper sauce
bottle and said to the defend-
ant: Haven't you lick me.
The bartender here interfered
and put the defendant out
of the place. The deceased then
requested ^{some of the people in the room} us to accompany
him to the corner of Mott and
Dayard Street. The request
was complied with by the
whole party with the excep-
tion of myself, who finished
the taking of his soup. A few
minutes thereafter I went
out and in the middle of
the block between Bowery and
Elizabeth Street, in Dayard Street
I saw a crowd, in the midst
of which a scimmage was
going on. I went to the other
side of the street, and dis-

POOR QUALITY
ORIGINAL

0507

not see who was engaged in
the fight. After the fight was
over, I saw the deceased lying on
the side walk. I saw him
in the coffin about half an
hour before the starting of the
funeral train. The deceased's
body was in his father's house
in Pitt Street.

William Callahan, 40 Mill
Street, Pitt Street. On the 21st
of April 1889, between 9 and 10
o'clock, P. M., I went with the
deceased and John Oliver
to the bar room of Puceary's
Hotel, corner of Puceary and
Bayard Street. While being there,
the deceased and the defendant
got into an altercation, in
consequence of which the de-
fendant was put out by
the bar keeper. I went with
O'Leary, the defendant, to ward
his home, 51 Bayard Street. Thereafter,
the deceased came
along with three or more people
to me in Pitt Street. I asked

POOR QUALITY
ORIGINAL

0508

the deceased to go away, but he refused because the strangers interfered. I then walked towards the Brewery, and when I returned a few minutes later, I saw the deceased lying on the sidewalk, surrounded by a crowd. The defendant was in the custody of officer Haugh. Although I was sober, I cannot recollect the conversation that led to the altercation in Queen's Hotel.

Patrick Haugh, patrolman, 6th precinct, ^{at about 9.30 P.M.} on the 21st of April, 1887, while on duty, I saw a fight going on in front of 52 Bayard Street. I saw James O'Leary, the defendant, run out of the crowd into the hallway of 51 Bayard Street, where I thereafter found and arrested him at the extreme end of the hall. He denied having struck the deceased, whom I saw lying on the sidewalk, before the defendant ran away. On

POOR QUALITY
ORIGINAL

0509

the Station House the deceased refused to make a complaint against the deceased defendant. He said, he did not know who assaulted him. The defendant was discharged by the Sergeant, but the deceased was held on a charge of intoxication preferred by the deponent.

**POOR QUALITY
ORIGINAL**

05 10

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

James O'Leary

BRIEF OF FACTS.

For the District Attorney.

Dated *Edward M. 1888*
Edward M. 1888

Deputy Assistant.

POOR QUALITY ORIGINAL

0511

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.
When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS

In the Name of the People of the State of New York,
To Lawrence Kelly
of No. 45 Mott Street.

At 12 o'clock PM
Ask to see Mr. Redford

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of June 1893, at the hour of 10 $\frac{1}{2}$ in the forenoon of the same day,

as a witness in a criminal action prosecuted by the People of the State of New York, against James Reary

Dated at the City of New York, the first Monday of
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

05 12

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk *in the witness room* know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, *and another case taken up*, you may know—unless otherwise advised—that the Grand Jury do not care to examine you ; and you may then retire, *mentioning your withdrawal to the officer or clerk*.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

W. M. Living
here

0513

POOR QUALITY ORIGINAL

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.
When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

Ask to see Mr Bedford At 12 o'clock - M

In the Name of the People of the State of New York,

To Bernard Hughes

of No. 49 Mott Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of June 19 1893, at the hour of 10 1/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

James Kearney

Dated at the City of New York, the first Monday of in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

05 14

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk *in the witness room* know this at an early moment.

If you do not obey this Subpœna, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, *and another case taken up*, you may know—unless otherwise advised—that the Grand Jury do not care to examine you ; and you may then retire, *mentioning your withdrawal to the officer or clerk*.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

James H. [unclear]
[unclear]

POOR QUALITY ORIGINAL

0515

Court of General Sessions.

1714

THE PEOPLE

vs.

James O'Leary

City and County of New York, ss:

Jo. H. Shannon being duly

sworn, deposes and says: I reside at No.

217 Mulberry

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney

of the City and County of New York. On the

17th day of June 1893

I called at

45 & 49 Mott Street

the alleged residence of

(Lawrence Kelly) (Bernard Hughes)

witnesses the complainant herein, to serve him with the annexed subpoena, and was informed by

the owner of these buildings that he did not remember any one of the name of Kelly or Hughes ever ever residing in either of the houses. The houses are occupied mostly by Italians I could get no information in the neighborhood.

Sworn to before me, this 21st day of June 1893

Hugh W. Paggan Commissioner of deeds

Jo. H. Shannon Subpoena Server.

POOR QUALITY
ORIGINAL

05 16

Court of General Sessions.

THE PEOPLE, on the complaint of

vs.

James O'Leary

Offense

DE LANCEY NICOLL,

District Attorney.

Affidavit of

James M. Shannon

Subpoena Server.

FAILURE TO FIND WITNESS.

June 20th / 98

POOR QUALITY ORIGINAL

0517

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York, At. Ask to see Mr. Bedford, 12 o'clock - M.
To Off. Haugh
of No. 6th 11th Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 19 day of June 1893, at the hour of 10 1/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

James Kearny

Dated at the City of New York, the first Monday of in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

05 18

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk *in the witness room* know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, *and another case taken up*, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, *mentioning your withdrawal to the officer or clerk*.

If the Grand Jury adjourns and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

11 Elbridge

POOR QUALITY ORIGINAL

05 19

DIRECTIONS

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the table.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York

To *William Callaghan*

of No. *40* *Matto* Street

At 12 o'clock - M. to see Mr. Redford

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *June* 1893, at the hour of 10 $\frac{1}{2}$ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against *James Kearny*

Dated at the City of New York, the first Monday of in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

0520

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

Not called
1/17/78

0521

POOR QUALITY ORIGINAL

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.
When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York, *Ask to see Mr. Bedford*
To *John Oliver*
of No. *40 Mott* Street *18 o'clock M.*

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *June* 189*3* at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against *James Kearny*

Dated at the City of New York, the first Monday of in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

0522

In Reply

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

POOR QUALITY ORIGINAL

0523

Court of General Sessions.

1714

THE PEOPLE

vs.

James Kearny

City and County of New York, ss: Jos. H. Shannon being duly sworn, deposes and says: I reside at No. 214 Mulberry Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the 17th day of June 1893 I called at 40 Mott Street

the alleged residence of Wm. Callaghan witness the complainant herein, to serve him with the annexed subpoena, and was informed by

the tenants of the house that they knew of such a man but could not tell me where he could be found at the present time.

They also informed me that the last they had heard of Oliver, he was in the hospital, but did not know which hospital it was

Sworn to before me, this 21st day of June 1893

Jos. H. Shannon Subpoena Server.

Hugh A. Tappan Comptroller of New York

POOR QUALITY
ORIGINAL

0524

Court of General Sessions.

THE PEOPLE, on the complaint of

vs.

James O'Leary

Offense

DE LANCEY NICOLL,

District Attorney.

Affidavit of

Geo. N. Shannon

Subpoena Server.

FAILURE TO FIND WITNESS.

June 21/93

POOR QUALITY ORIGINAL

0525

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York, *ask to see Mr Redford*
TO *David J. Murphy* *2 o'clock - M.*
of No. *129 Mulberry* Street.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *19* day of *June* 189*3*, at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

James Leary

Dated at the City of New York, the first Monday of

in the year of our Lord 189*3*

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

0526

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

POOR QUALITY ORIGINAL

0527

Court of General Sessions.

1714

THE PEOPLE

vs.

James Leary

City and County of New York, ss:

Jas. H. Shannon being duly

sworn, deposes and says: I reside at No.

217 Mulberry

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney

of the City and County of New York. On the 17th day of June 1893

I called at 129 Mulberry Street

the alleged residence of Daniel J. Murphy
a witness
the complainant herein, to serve him with the annexed subpoena, and was informed by

tenants, that they did not know him & could not tell anything about. The house is occupied entirely by Italians, who could not understand anything you asked them & therefore I could get no information whatever from them

Sworn to before me, this 21st day of June 1893

Jas. H. Shannon
Subpoena Server.

Hugh W. Taggart
Commissioner of Deeds

POOR QUALITY ORIGINAL

0528

Court of General Sessions.

THE PEOPLE, on the complaint of

vs.

James O'Leary

Offense

DE LANCEY NICOLL,

District Attorney.

Affidavit of

J. H. Shannon

Subpoena Server.

FAILURE TO FIND WITNESS.

June 21/96

POOR QUALITY ORIGINAL

0529

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
James O'Beary

The Grand Jury of the City and County of New York, by this
Indictment accuse *James O'Beary*

of the crime of *Manslaughter in the second degree,*

committed as follows:

The said *James O'Beary,*

late of the City of New York, in the County of New York, aforesaid, on the
twenty first day of *April*, in the year of our Lord one thousand
eight hundred and eighty- *nine* _____, at the City and County aforesaid,

with force and arms, in and upon one
John Connell, then and there lawfully
and lawfully did make an assault,
and then the said John Connell did then
and there negligently and feloniously strike
and beat, and did then and there negligently
and feloniously push, cast and throw
then the said John Connell, with great force
and violence down into and upon the
ground there, so that the said John Connell,
in reason of and by means, casting and
throwing as aforesaid, did then and there

POOR QUALITY ORIGINAL

0530

fall, with great force and violence down
 into and upon the ground as aforesaid:
 giving into him the said John Connell,
 then and there, by the means aforesaid,
 in and upon the head of him the said
 John Connell, one mortal wound and
 fracture, of the length of four inches
 and of the breadth of three inches, of
 which said mortal wound and fracture
 he the said John Connell, at the City
 and County aforesaid, from the said
 Tuesday first day of April in the year
 aforesaid, until the twenty second day
 of April in the same year aforesaid, did
 languish, and languishing did live, and
 on which said last mentioned day he
 the said John Connell, at the City and
 County aforesaid, of the said mortal
 wound and fracture, did die.

And so the said jury aforesaid do say:
 that the said James O'Sear, from the said John
 Connell, in the name and form, and by the means
 aforesaid, wilfully and feloniously did kill and slay
 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. Tallant, Attorney

Attorney