

1081

BOX:

495

FOLDER:

4521

DESCRIPTION:

O'Brien, James L.

DATE:

09/16/92



4521

POOR QUALITY
ORIGINAL

1082

Witnesses:

150-
1195
Counsel,
Filed
16 Sept 1892
day of

Pleads,

THE PEOPLE

18 Elizabeth vs.
251 Elizabeth vs.
Express knowledge

James L. O'Brien
(2 cases)

Arson in the
Degree.
[Section 486, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Sept 15/92

Foreman.

Sept 2-Dec 23 1892

Pleads Guilty

Ed R. [Signature]
1893

161 - 163 - 165 Mott Str.

43 5 Story Brick - 4 fam. bldg.

May 23/92 165 Mott Str. 4th floor - Heat from stove

O'Brien family moved into 163 Mott Str.
Early in the spring of 1892, about -

April 4/92	163 Mott Str.	at 12 ¹⁵ am.	Rags burning in woodhouse
" 13/92	163 Mott Str.	" 6 ³⁰ Pm.	In woodhouse in basement \$400.
" 15/92	163 Mott Str.	" 5 ⁵² Pm.	In air shaft, burning rags &c. \$50.
" 23/92	165 Mott Str.	" 7 ¹⁵ Pm.	In basement Gas Meter, Rags -
" 24/92	163 Mott Str.	" 6 ³⁰ Pm.	In air shaft, rags burning -
" 28/92	161 Mott Str.	" 2 Pm.	In air shaft, rags burning -
" 28/92	161 Mott Str.	" 2 ¹⁰ Pm.	In air shaft - Burning Carpet from front roof...
May 1/92	165 Mott Str.	" 1 ³⁰ am.	Basement window - Rags & rags over window -
" 22/92	161 Mott Str.	" 12 ¹⁵ am.	In cellar - Rags in barrels -
" 28/92	163 Mott Str.	" 9 ⁵ Pm.	In air shaft - Rags burning -
June 7/92	163 Mott Str.	" 12 ¹⁵ am.	Cloth in vacant room 5.
" 20 th /92	163 Mott Str.	" 11 ³⁰ Pm.	Cloth on cellar stairs \$10.

242 Mulberry Str. 6 Stories 4 fam bldg

July 29/92	at 12 ³⁰ am.	Curtain on window overlooking yard
Aug 13/92	" 6 ³⁰ Pm.	Paper in air shaft
" 17/92	" 6 Pm.	Rags burning in woodhouse in cellar

-----X
THE PEOPLE OF THE STATE OF NEW YORK
:

--AGAINST--

James L. O'Brien

: Plead Guilty
: to
: Arson in the
: Second Degree.
-----X

New York, February 9th 1893.

Commission met pursuant to notice at Recorder's
Chambers, City Hall Park, and the Commissioners having
taken the prescribed oath, proceeded as follows:

Present,

CHARLES PHELPS, M.D. and
JOHN H. ROGAN, Esq.,
Commissioners.

Appearances,

THOMAS J. BRADLEY, Esq., Deputy Asst. Dist. Atty.,
for the People

WILLIAM E. MORRIS, Esq.
for the Defendant.

James L. O'Brien, the defendant
being called, testified as follows.

BY MR. MORRIS:

Q What is your name ?

D

D

A James L. O'Brien.

Q Where do you reside ?

A What are you talking about ? I don't know what you mean.

Q Where do you live ?

A 252 Elizabeth Street.

Q How long have you been in the Tombs ?

A Going on six months--five months.

Q What is the charge against you ?

A Arson.

Q Do you know how many indictments there are ?

A Fourteen, they say.

Q How many did you plead to ?

A I only plead to one.

Q Did you have any trouble with the fire marshal ?

A No sir.

Q Do you know whether you are indicted for attempting to shoot the fire marshal or not ?

A He is a liar.

Q Who is a ,liar ?

A The fire marshal.

Q What trouble did you have with the fire marshal ?

POOR QUALITY
ORIGINAL

1086

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A I didn't have no trouble with him. I went alone; I didn't turn on him nor nothing else. If that goes so far what did he hit me for corner of Bowery and Houston.

Q He hit you corner of Bowery and Houston ?

A At the station, yes sir. He tore the coat off my back.

Q What did he hit you with ?

A His hand.

Q Did you draw a pistol on him ?

A I didn't have a button much less a pistol.

Q He said you drew a pistol on him--the Fire marshal.

A I suppose the fire marshal or anybody else could say it.

Q But he told you so ?

A No sir; he didn't tell me.

Q Who told you ?

A My brother told me.

Q Your brother told you ?

A Ask him if I drew a pistol on the fire marshal.

Q Did anybody else tell you that ?

A No sir.

Q Where were you born ?

1081

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Pleads,

THE PEOPLE

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251 Express
Express

James L. O'Brien

(2 cars)

Arson in the
[Section 486, Penal Code.]
Degree.

DE LANCEY NICOLL,

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A TRUE BILL.

Sept 15/92

Foreman.

Sept 2-Dec 23/92

Hardy Sprinkle

Ed Roy

193

161-163-165 Mott Str.

43 5 Story Brick - 4 fam. bldg.

May 23/91 165 Mott Str. 4th floor - Leak from stove

O'Brien family moved into 163 Mott Str.
Early in the Spring of 1892, about

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" 15/92	163 Mott Str.	" 5 ⁵² Pm.	In air shaft, burning rags & \$50.
" 23/92	165 Mott Str.	" 7 ⁴¹ Pm.	In basement 2nd floor, Rags
" 24/92	163 Mott Str.	" 6 ³⁰ Pm.	In air shaft, rags burning -
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May 1/92	165 Mott Str.	" 1 ³⁰ am.	Basement window - Rags in maid's room in basement
" 22/92	161 Mott Str.	" 12 ¹⁵ am.	In cellar - Rags in barrel.
" 28/92	163 Mott Str.	" 9 ⁵ Pm.	In air shaft - Rags burning -
June 7/92	163 Mott Str.	" 12 ¹⁵ am.	Cloth in vacant room 5.
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242 Mulberry Str. 6 Story 4 fam. bldg

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POOR QUALITY
ORIGINAL

1084

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BY. MR. MORRIS:

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**POOR QUALITY
ORIGINAL**

1085

A James L. O'Brien.

Q Where do you reside ?

A What are you talking about ? I don't know what you mean.

Q Where do you live ?

A 252 Elizabeth Street.

Q How long have you been in the Tombs ?

A Going on six months-- five months.

Q What is the charge against you ?

A Arson.

Q Do you know how many indictments there are ?

A Fourteen, they say.

Q How many did you plead to ?

A I only plead to one.

Q Did you have any trouble with the fire marshal ?

A No sir.

Q Do you know whether you are indicted for attempting to shoot the fire marshal or not ?

A He is a liar.

Q Who is a ,liar ?

A The fire marshal.

Q What trouble did you have with the fire marshal ?

**POOR QUALITY
ORIGINAL**

1086

3

- A I didn't have no trouble with him. I went alone; I didn't turn on him nor nothing else. If that goes so far what did he hit me for corner of Bowery and Houston.
- Q He hit you corner of Bowery and Houston ?
- A At the station, yes sir. He tore the coat off my back.
- Q What did he hit you with ?
- A His hand.
- Q Did you draw a pistol on him ?
- A I didn't have a button much less a pistol.
- Q He said you drew a pistol on him--the Fire marshal.
- A I suppose the fire marshal or anybody else could say it.
- Q But he told you so ?
- A No sir; he didn't tell me.
- Q Who told you ?
- A My brother told me.
- Q Your brother told you ?
- A Ask him if I drew a pistol on the fire marshal.
- Q Did anybody else tell you that ?
- A No sir.
- Q Where were you born ?

**POOR QUALITY
ORIGINAL**

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A New York.

Q What part of New York ?

A New York is a big place, ain't it ?

Q What part of the City; don't you know the house ?

A Mott Street or Elm Street; some one on those two.

Q Don't you know which ?

A No sir.

Q How long have you lived there--in this house ? 163 Mott ?

A 163 Mott Street

Q How long were you there ?

A Two months; two or three months.

Q How many fires occurred while you were there ?

A About thirteen; all the people were on the roof; drinking beer.

Q The fires occurred from people drinking on the roof ?

A Yes sir; when the fire broke out.

Q From drinking beer on the roof ?

A Yes sir.

Q You never had any trouble in the house ?

A Nobody could say anything wrong about me in the house.

Q How long did you live in 163 Mott Street ?

**POOR QUALITY
ORIGINAL**

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- A I said two or three months.
- Q You lived there three months ?
- A Two or three months.
- Q During the time you were there you say how many fires occurred ?
- A About thirteen.
- Q Were you insured ?
- A I wasn't insured.
- Q Was your family insured ?
- A No.
- Q How many rooms did your father and mother occupy ?
- A Three rooms.
- Q Where did you move to from Mott Street, 163 ?
- A Mulberry Street.
- Q How long did you live there ?
- A One month.
- Q Any fires there ?
- A Sure; there was three there.
- Q How many ?
- A Three.
- Q During that month ?

**POOR QUALITY
ORIGINAL**

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- A Yes.
- Q Were you in Mulberry Street when these fires occurred ?
Were you around the house ?
- A Well, I know this first one.
- Q What do you know about that ?
- A I was in the house.
- Q Did you see the fire ?
- A I didn't see the fire; no, I didn't see it.
- Q What did you see ?
- A I saw smoke, that is all .
- Q Were you oversick ?
- A Yes; I wasn't was sick..
- Q When ?
- A I had the rheumatism.
- Q How long ago ?
- A Last election.
- Q Were you confined to the house ?
- A Yes sir; I was laid up in bed three months.
- Q What portion of the body--where was your rheumatism ?
- A Right here in the knee. (indicating)
- Q Did you ever have any trouble with your head ?

**POOR QUALITY
ORIGINAL**

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A I fell.

Q Where ?

A I was sliding on a sliding pond.

Q When was this ?

A Oh, a good while ago. When I was about nine years old.

Q Did you ever fall since then ?

A I got hit by a man.

Q What man hit you ?

A I know his name; I don't know where he is now.

Q He hit you on the head ?

A Yes sir the top of the head.

Q Is there any scar there ?

A No sir; no scar there; he didn't cut me at all.

Q Were you ever arrested before ?

A No sir; I wasn't arrested.

Q Who arrested you this time ?

A In Mulberry street ?

Q Yes.

Q I went with the fire marshal; he said he would let me go
if I said I done it.

Q Have you ever worked ?

A I did work; I wasn't working just then.

**POOR QUALITY
ORIGINAL**

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Q Where did you work ?

A On the Eastern Dispatch.

Q What doing ?

A On the wagon.

Q How long did you work there ?

A Three or four weeks I worked there; I wasn't strong enough to do it.

Q Did you ever work anywhere else ?

A The Manhattan Shade Company.

Q How long did you work there ?

A Three weeks. I wasn't strong enough there either.

Qv Is that all the work you ever did,--seven weeks--in your lifetime ?

A Yes sir.

Q But you worked for your mother and father around the house ?

in A I didn't work; I used to run errands when she was not able to go for them.

Q You never had any employment except seven weeks which you have testified to ?

A Yes sir.

**POOR QUALITY
ORIGINAL**

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Q How old are you ?
A Seventeen-I am going on seventeen.
Q When will you be seventeen ?
A The 27th of this month.
Q What school did you go to ?
A Marion Street school.
Q When did you leave school ?
A When I was about twelve years old.
Q Do you know who your teacher was ?
A I don't know now.
Q You left when you were ~~xxxx~~ twelve years old ?
A Yes sir.
Q Do you remember who was principal of the school ?
A Miss O'Connor, I guess.
Q The primary department ?
A No; it was upstairs.
Q Do you know whether it was the primary or the grammar department in Marion street school you were in ?
A Nosir.
Q Tell us about these fires; they say you set fire to---
A To what ?

Q The house in Mulberry street.

A Did anyone see me do that ?

Q I ain't asking you that ?

A That is a question I am asking you.

Q You were there at the fire ?

A I was in the house.

Q Are you in the habit of running to fires ?

A No; I ain't in the habit of running to fires.

Q Do you know any other fire in the neighborhood you had ever run to ?

A No sir.

BY MR. BRADLEY:

" What did you brother tell you when he went to see you ?

A He said two doctor were going to see me.

Q Did he tell you whatfor ?

A No sir.

Q Do you know why you are here ?

A Sure.

Q Why ?

A Because I am accused of setting fire to the house.

**POOR QUALITY
ORIGINAL**

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Q Do you know what was done with you when you were called to trial ?

A Sir ?

Q Were you brought to trial already ?

A Yes sir.

Q What was the verdict ?

A Second degree.

Q Found guilty ?

A I wasn't found guilty, I took a plea.

Q Oh, you plead guilty ?

A Yes sir.

Q Do you know why you are here now ?

A Yes sir; to get examined.

Q For what ?

A I don't know.

Q Didn't your brother tell you yesterday ?

A No sir.

BY. DR. PHELPS:

Q You were about nine years old when you got hurt on the head ?

A Yes sir.

- Q Do you recollect it ?
- A I ought to know; I was sliding on a pond.
- Q Do you recollect it, or did you say your brother told you yesterday or didn't you say that ? I am asking to know whether you do or not.
- Q When I fell on the head ?
- Q Do you recollect it yourself or were you told you did ?
- A No sir.
- Q You don't recollect it ?
- A No sir.
- Q Have you got any scar on your head ?
- A No sir; I had a scar on the forehead.
- Q From that accident ?
- A Yes sir; I fell from the rear of the wagon.
- Q Have you ever been sick except having the rheumatism ?
- A I have something the matter with my ~~eye~~ heart.
- A
- Q After you had the rheumatism ?
- A Yes sir.
- Q Have you ever had trouble with your head ?
- A Not until lately; it hurts me.
- Q Where ?

A On top where I got hit by the man.

Q Where ?

A On Broome street.

Q Put your hand on it.

A Right there (indicating top of head)

Q What did he strike you with ?

A With one of these mallets .

Q Did he break the skin ?

A No sir.

Q Bleed ?

A No sir; it knocked me senseless though.

Q You were senseless after he hit you ?

A Yes sir.

Q Since that time---was that when you were arrested ?

A No sir.

Q How long after the arrest ?

A It was before I was arrested.

Q You had some trouble with the fire marshal ?

A No sir.

Q Don't you consider that trouble--striking you over the head with a mallet?

**POOR QUALITY
ORIGINAL**

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Q It was not him.

Q Some other marshal ?

A No a man.

Q Then you have been struck over the head twice ?

A Yes sir; once by the fire marshal and once by the other man.

Q How long ago was it the other man hit you with the mallet ?

A Two years ago.

Q He knocked you senseless ?

A Yes.

Q And you had a pain in your head ?

A Yes.

Q Up to now ?

A Yes. I fell out of a wagon on my head .

Q And you fell on the ice ? You had a good many injuries to your head ?

A Yes sir.

Q Did you ever lose your senses more than one time ?
out of the wagon

A When I fell ~~on the ice~~ I couldn't speak for half an hour.

Q When you fell ~~on~~ the ice did you lose your senses then ?

A No.

Q Only when you fell out of the wagon ?

A Yes sir.

Q Have you had any other trouble with your head ?

A No sir.

Q Have any trouble with the eyes ?

A They are getting weak now; I can't hardly see anything.

Q Up to the time you went to the Tombs your eyes were
alright ?

A Yes.

Q You had no trouble seeing things naturally ?

A No sir.

Q Have you always lived at home with your family ?

A Yes sir.

Q Aside from these injuries and the rheumatism you have
never had any other illness which you recollect ?

A When I was small; maybe my mother knows.

Q You don't know of any ?

A No sir.

(Dr. Phelps examines prisoner's tongue.)

Q You plead guilty to one fire; that is the one you are

indicted for ?

A Yes sir.

Q Yo plead guilty---

A I wouldn't plead guilty now.

BY DR. PHELPS: It is admitted he started
this fire ?

MR. MORRIS: He has plead to it.

BY DR. PHELPS:

Q Can you tell why you set fire to the house ?

A No; I had a cigarette on the window sill and my father
was asleep; I don't see how it could set fire.

Q Didn't you do it purposely ?

A No.

Q You plead so in court.

Q I couldn't help myself pleading; he told me to take
a plead(indicating Mr. Morris) What did I know about
the law.

Q You didn't do it purposely ?

A No.

Q Do you like to see fires ?

A No.

Q The other fires which occurred in the house you did not

do ?

A No sir.

Q You didn't set fire to any of them ?

A No sir.

Q Either in Mott street or Mulberry street ?

A No.

Q BY COMMISSIONER ROGAN:

Q Are your parents living ?

A One of my brothers is dead.

Q What did he die of ?

A Consumption.

Q Is your grandfather^{or mother} on your mother's side living ?

A No.

Q Do you know what they died of ?

A I couldn't tell you.

Q Only one brother dead ?

A Yes sir.

BY MR. BRADLEY:

Q What does your father work at ?

A Fruit dealer, down town.

Q With someone else or in business for himself ?

A He is with John Nix & Co.

**POOR QUALITY
ORIGINAL**

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- Q Whereabouts is that ?
- A Chamber corner Washington.
- Q Corner Washington and Chamber ?
- A Yes sir.
- Q Is your father in good health ?
- A He complains with asthma.
- Q Is your mother well ?
- A Not so well; she is weak since the ceiling fell on her head.
- Q How long since the ceiling fell on her head ?
- A Three ^{months} ~~weeks~~ ago.
- Q Before your were arrested ?
- A Yes sir .
- Q How long have you been arrested ?
- A Going on four or five months.
- Q Your mother was injured four months ago ?
- A Yes sir.
- Q And you have been in the Tombs since you were arrested ?
- A Yes.
- Q Your mother was injured three months ago and you have

**POOR QUALITY
ORIGINAL**

1102

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been in the Tombs four or five months ?

A Yes.

Q Were you out when your mother was injured ?

A Yes sir.

Q Do you know what month you were arrested in ?

A No sir; I don't.

Q Was it this year or last ?

A This year.

Q Was it before election or after ?

A Before election--before hallowe'en.

Q You say you were troubled with rheumatism at election ?

A Yes sir.

Q Were you in the Tombs ?

A No sir; outside.

Q How many fires have you set altogether ?

A I didn't set any of them.

Q How many fires have you seen in houses you were living in
I don't know.

Q One was attempted you didn't know anything about ?

A Yes sir.

Q Do you like to see fires ?

A No sir.

Q Why did you set fire then ?

A I didn't set fire--the cigarette set fire.

BY DR. PHELPS.

Q Who threw the cigarette that set fire to it ?

A I put it on the window sill and it got afire. Now they say I had rags in my hands; my father was asleep.

Q You didn't intend to set fire ?

A No.

Q Have you ever drank anything in the way of beer or whiskey ?

A I never drank whiskey.

Q What have you drank--anything to make you intoxicated ?

A Yes.

Q Ever been tight ?

A No sir.

A Never been tight ?

A No sir.

Q Do with the girls much ?

A No sir.

Q Ever been with them at all ?

A No sir.

**POOR QUALITY
ORIGINAL**

1104

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- Q You never had bad habits ?
- A No sir.
- Q You say you were born in Mott, or what is the other street ?
- A Elm.
- Q Do you know where you lived after that ?
- A After Elm Street ?
- Q Yes.
- A Mott street.
- Q Where after that ?
- A Mulberry street.
- Q Those are the only places you ever lived in in your life ?
- A Yes sir.
- Q Can you read ?
- A Not so extra I can't read.
- Q Do you know any arithmetic?
- A No sir.
- Q Can't add sums together ?
- A No.
- Q Do you know the months of the year ?

A Yes sir.

Q Well, let me see if you can give them to me. What month is this ?

A February.

Q What months ~~were~~ the fires in Mulberry street for which you were arrested.

A I couldn't tell.

Q Was it in warm weather or cold weather ?

A It wasn't so cold out.

Q Summer or winter ?

A It wasn't in the summer or winter. I don't know when it was in.

BY COMMISSIONER ROGAN:

Q Were you ever arrested before this ?

A No sir.

Commission adjourned to Tuesday February 14th
at 3 P.M.

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New York, February 14th 1893.

Commission met pursuant to adjournment, in Recorder's Chambers, at 3 P.M.

A p p e a r a n c e s :

As before, with exception of Mr.

Bradley.

CHARLES W. PFEIFFER, a witness called and duly sworn testified as follows:

BY MR. MORRIS:

Q Where do you reside ?

A 165 East 36th street.

Q You are a physician by profession ?

A I am.

Q Admitted to practice when and where ?

A 1878, Bellevue College.

Q Are you a commissioner in Lunacy ?

A I was appointed about four years ago by the State Commissioner of Lunacy.

Q Did you make an examination of James L. O'Brien, the defendant ?

A I did.

Q Did you make an affidavit stating the result of that examination ?

A Yes sir.

Q And that is your signature ? (Showing witness an affidavit verified , January 30th 1893 and attached hereto on page)

Q Did you swear to that affidavit ?

A I do.

Q Did you swear to it ?

A I did, sir.

Q That contains the result of your examination ?

A Yes sir.

(Affidavit here offered in evidence and marked Exhibit "A" of this date.)

BY COMMISSIONER PHELPS:

Q The pupils were dilated ?

A They were; they were extraordinarily dilated.

Q Where was he in the Tombs--in the cell ?

A No sir; in the doctor's office.

Q Was it a light room ?

A Yes sir; it was light.

Q About these delusions. I did not get hold of any the other day; what delusions did he have?

A At the time I examined him about a month ago?

BY MR. MORRIS:

Q State those.

A I examined him on the 17th of January. When I examined him he came into the room. It was in the afternoon about three o'clock, and he came in with a shuffling gate; head down. I examined the pupils and found them remarkably dilated. Look at the character of the hair; rather stiff. When he came in he sat---he sat down and for a while got talking about his general health. I asked him how he had been all his life. He said he was a pretty healthy boy. He also said someone had threatened to shoot him. Was it you (addressing Mr. Morris)

MR. MORRIS: No.

A He said you threatened to shoot him; his brother told him so.

MR. MORRIS: It was the fire marshal.

A He states afterwards it was you. Don't you remember

I asked you why you wanted to shoot him? You said "I didn't want to shoot him"/ He sat there and mumbled to himself and became depressed. He didn't have that look of intelligence that another party would. I asked him why he had set fire to these different places and he said, I think, he did not know, and I am not positive regarding the whole statement but I know he said he did not know. He did not do it. I asked the counsellor whether he had really set fire to the place. He certainly did not know whether he did or not. The counsellor told me he had said he didn't. From the different things which took place during the conversation I came to the conclusion he was suffering from a form of insanity commonly known as pyromania.

Q What were the delusions? Did he have any distinct delusion, or was it Mr. Mitchell had threatened or attempted to shoot him?

A That was about the only delusions at that time.

Q That was a delusion Mr. Mitchell?

MR. MITCHELL: Yes sir.

(Witness continuing) That he had beat him; in taking him to

Court in the street he had pounded him to get testimony.

Q He is not a truthful young man, I should take it ?

A I don't know in regard to his truthfulness; I only seen him that time.

Q The evidence that his mania is pyromania is essentially in the fact that he did set these fires ?

A Yes sir, by his own mouth.

Q Did you find any other evidence except that ?

A No.

BY COMMISSIONER ROGAN:

Q How many times did you see him ?

A Once.

Q At the request of counsel ?

A Yes.

BY COMMISSIONER PHELPS:

Q He struck you doctor as a young man of a low order of intellect ?

A That is it, of a low order of intellect.

Q A deficiency of moral sense ?

A Yes sir.

Q That seems to be epidemic ~~among~~ on the east side of town--among young men of his age on the east side of town

A He didn't have that intelligence--that was the first thing I noticed when he came in. He didn't seem to have that amount of intellect I looked for.. He had a dogged appearance --a peculiar look about him. Is that confined to the East Side.

Q I have seen more on the East side of town than on the west. I have lived on the east side most of my life and until within a few years; perhaps that is the reason

- - - - -

ABRAHAM J. QUINN, a witness called and duly
sworn testified as follows:

BY MR. MORRIS:

Q What is your business ?

A Keeper by occupation in the City Prison.

Q Do you know James L. O'Brien ?

A I know the prisoner; he is in my charge.

Q At the present time ?

A Yes sir.

Q How long has he been in your charge ?

A I think four months; I cannot say exactly how long.

Q He has been in your charge since he has been confined in
the Tombs ?

A Yes sir.

Q Kindly tell the Committee what his usual habits are in
the cell and on the corridor.

A I cannot go into his habits in the cell. All I can say
about the boy was when he first came there he acted a
little strange.

Q BY COMMISSIONER ROGAN:

Q Specify in what particular.

A Walking around he used to hold his head down.

Q Anything else ?

A Nothing more.

BY MR. MORRIS:

Q Apparently in depressed spirits ?

A I suppose he was when he first came there. He acted kind of strangely. He didn't seem to me to be a boy who was altogether there at the time.

Q He is not what you would call an intelligent boy ?

A I would not call him an intelligent boy.

Q Do you know whether he is given to masturbation or not ?

A That I cannot say.

Q Does he associate with the other prisoners on the ~~REK~~ tier to any extent ?

A Oh, he goes around and talks with them during exercising hour. He seems to talk a good deal to them.

Q When he first came there---

A (interrupting) He acted kind of strangely when he first came there. There was another companion of his on the tier. By his actions I thought I would report him to the Warden--that he was a little flighty, and he told me to have him doubled up with this boy while he was there at

that time. He remained on the tier probably, I think a month, and he was doubled up to him then. After he went away He remained in the cell alone--wasn't doubled up .

BY COMMISSIONER ROGAN:

Q You never noticed anything strange about him but his moping ?

A That is all.

BY MR. MORRIS:

Q He kept to himself when he first came there ?

A He didn't talk or converse when he first came there as much as he does now.

Q He had a habit of keeping his head bowed down ?

A Yes sir.

Q Looking up from under his eyes ?

A I will show you about the style he used to walk around. He would come out holding his head down this way (indicating)

BY COMMISSIONER ROGAN:

Q What is his appetite--good ?

A It seems to be.

BY COMMISSIONER PHELPS:

Q Has his conduct been marked different from other prisoners of his class ? At the present time or recently, has his conduct differed from that of other prisoners of his ~~kind~~ class ?

A Well; if you speak to him in any kind of a commanding manner "Here, I want you to do so and so" he is kind of passionate or a little excitable when you had to speak to him.

Q Does he have any fixed ideas that you know of ? Do you know whether he has his mind on any particular subject ?

A I didn't notice that .

Q Have you ever heard ~~him~~ say anything about the question of insanity or about fires ?

A I heard him talk about fires. I asked him who set the fires; he said he did not do it. That ~~he~~ he did not set the place afire.

Q He does not talk about fire unless it is brought up to him ?

A No sir.

Q And then he does not seem anxious to talk about the subject--he simply denies it ?

A Yes sir; he don't wish to talk about it; I know when I

**POOR QUALITY
ORIGINAL**

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 speak to him, and have spoken to him two or three times about it, he hesitated about talking about it. He gives a quick answer, "I didn't do it."

A Has he had any convulsions, fits, since he has been in the Tombs ?

A No sir; I did not see any.

MARY O'BRIEN, a witness called and duly sworn, testified as follows:

BY MR. MORRIS:

Q Where do you reside ?

A 251 Elizabeth Street.

Q How long have you resided in that house ?

A About six months.

Q You are the mother of James L. O'Brien ?

A Yes sir.

A How old is your boy ?

A Seventeen.

Q Seventeen years old ?

A Yes sir.

Q Was he ever arrested before he was arrested this time ?

A Never in his life; except once for playing ball; I don't call that arrested.

Q Arrested for a couple of hours and taken to the station house for playing ball ?

A Yes sir.

Q Has he ever been sick ?

A Yes sir; he was very bad with the rheumatism.

Q How long ago ?

A About two years ago ?

Q Is he in the habits of staying out nights ?

A No sir.

Q Is he in the habit of--or has he any bad habits ?

A Not to my knowledge; he has always been a good boy to me.

Q Did he ever work ?

A Yes sir; once in a while when I was sick I kept him home for a while; I had nobody to do it. I had rheumatism and he used to go the errands and go up and down stairs. He was always kind of delicate since he had the rheumatism. Dr. Holmes attended to him.

Q He never worked but one two or three weeks in his life ?

A Yes sir.

A He was very much given to smoking cigarettes.

A Yes sir; he used to smoke cigarettes; I chided him for it; I beat him once or twice.

A He was never arrested except this time ?

A No sir.

Q Do you know of him starting any fires around the house ?

A No sir; I don't believe he ever started a fire in Mott Street. He ain't smart enough for that.

Q Was your property insured there ?

A I am glad it was not.

Q You had no insurance ?

A No sir.

Q You lived in the house where the fire occurred ?

A Yes sir; I was sick at the time.

Q Do you know of any reason why your boy should start fires ?

A No sir.

Q You never knew him to have any trouble with the landlord of the premises ?

A No sir.

Q Or with anybody in the premises ?

No sir; they blamed those fires on several parties.

Q As far as you know the boy has been a good boy ?

A Yes sir; a good and kind boy to me in every way.

Q He used to do the house work, did he not ?

A No; he used not to do the housework.

Q But used to run errands ?

A Yes, when I was not able to do so myself.

Q Was he in the habit of sitting in the house with his head bowed down ?

A

- A No sir; since he got there I suppose he has got that habit; why shouldn't he; he has been there six months.
- Q But not around the house ?
- A No sir.
- Q You never knew anything to be the matter with him ?
- A Never.
- Q Did you ever know of his being injured on the head ?
- A Not to my knowledge.
- Q You have visited him at the Tombs ?
- A Once; I was sick and could not go to see him; I have heard from him.
- Q You have seen and conversed with him at the Tombs ?
- A Once; his brother used to go and see him.
- Q At the time you conversed with him at the Tombs did he say anything about being charged with shooting the fire marshal ?
- A He said the marshal hit him going up. Not Mr. Mitchell; I don't know his name. They took him out of the house on the 1st of September. I wasn't able to stand on my feet then. His coat was all torn. The day he got indicted he had a torn coat on his arm until I could get another to send to the Tombs to him. He then told his

brother that he hit him.

Q What did he tell you; did he tell you anything about the pistol ?

A No; he never carried a pistol; why should he had a pistol anyhow. He never carried a pistol in his life.

Q I didn't ask you that; I asked you if he told you anything about it ?

A No sir.

BY COMMISSIONER PHELPS:

Q Did you ever consider him mentally deficient; less bright than your other children ?

A No sir.

Q Did you ever think he had any mental affection; any disease of the mind; did you ever look upon the boy as crazy ?

A No sir, I did not. I always took care of my children.

A That isn't derogatory to you at all.

A No sir; I never seen anything wrong.

Q Did he ever talk to you about fires. Did he like to see fires or like to see the engines ?

A He always told me he never lit the fire in Mott street.

BY COMMISSIONER ROGAN:

Q Never was sick except with the rheumatism.

A He was vefy bad.

Q Were there any members of your family crazy ?

A Of course not.

Q Sue² about that ?

A I am sure.

MR. MORRIS:

Q How many fires were there while you were living in Mott Street ?

A I could not tell you.

Q About how many fires while you were living there ?

A I couldn't tell you; ~~that~~^{was} about ten; somewhere about that.

Q All in a short space of time ?

A Yes sir. One fire we had to run on the roof; I was not home at all . That brought him there; you know how boys will go to a fire; he never lit that fire though.

Q When you moved to the other house how many fires were there ?

A I was sick; he told me he only put a cigarette on the sill.

Q How many fires were there in Mulberry Street ?

A Two. The housekeeper said--

Q Never mind what the housekeeper said. How many
fires were there ?

A Two is all I know of.

Q Two then and ten in the other house in the space of
a month or six weeks ?

That is so.

BY COMMISSIONER ROGAN:

Q Do you know what you are here for ?

A I think I do; I have my idea; I thought my son would
be here; an examination.

Q Examination as to what ?

A I don't know; I don't know anything about him.

(Commissioner Rogan explains purposes of
Commission)

Q He was
never sick except with rheumatism ?

A No sir.

BY COMMISSIONER PHELPS:

Q He never had convulsions or fits ?

A No sir.

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ORIGINAL**

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Q Did you ever hear of his being struck by a man with a mallet on Broome street?-a story he told us the other day ?

A I never did; no sir. Things happen to boys you never know anything about; all I know is he is a good boy to me.

JAMES MITCHELL, a witness called and duly sworn testified as follows:

Q What is your business ?

A I am the fire marshal of this city.

Q Will you go on in your own way and state to the Commission what you know of the case of James L. O'Brien?

A I will state my intention was particularly called to the premises 161, 163 and 165 by a series of attempts following close upon one another to set fire to the premises. On two or three occasions the fires did considerable damage to the property. Upon inquiry I found this young boy was generally on or about the premises and that the fire immediately upon its being discovered and helped work to put it out. On one occasion I found the fire had been in the rear ; near a window which opened into the cellar, in close proximity to which was the ceiling of the cellar and he was seen in the yard with a lighted candle immediately before the fire was discovered and the only person known to be in the yard at that time. I had him up to my office after a few of these had occurred. I sent for him, subpoenaed him and questioned him. His mother came with him the first

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ORIGINAL**

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occasion. He stoutly denied he had ever attempted to set any of these fires. The attempts were all of the same character, that is, burning rags and pieces of carpet~~Old~~ Old clothes were put in the wood houses or thrown down the areas and other attempts of that sort.

Finally on the 20th of June, the last of a series of twelve fires, occurring between the fourth of April and the 20th of June, I went to the landlord of that house. I was convinced this young fellow had set the fires. While I had evidence convincing me I did not feel at that time I could very well go into court and substantiate a charge, and I advised him to get rid of the family. The last fire which occurred, occurred on the cellar stairway leading from the main hall. It occurred a little after eleven o'clock and the house-keeper discovered it as she came down stairs, and as she came down she met this young fellow going up stairs. When she discovered the fire clothing that had been hanging over the balustrade had been thrust into places where the studding had been exposed and was set on fire. I sent for him and he explained he had been down stairs to empty ashes in the street. Upon investigation I
fou

found from persons standing in the street at the doorway he had not been out for any such purpose.

However, they were dispossessed in Mott Street, and they took apartments at 242 Mulberry Street. Immediately succeeding their taking rooms there three little fires of the same character as those which occurred in Mott Street occurred. I might say that there were no fires in that house for years before, and there have been no fires in that house since. There have been no fires in Mott Street since and had not been any in that house for at least a year before.

I had him arrested because he was seen lighting matches at his window in Mulberry street. Immediately before---I should explain the window of the rear room of their apartments looked out in the yard. The sill of the window was not more than perhaps fifteen inches above the level of the yard. There was an opening about two and a half feet long and one and a half feet wide which let air and light into the cellar through a window which was immediately below the sill of this young man's window. It was immediately below this window that the last fire was discovered. There were burnt

burnt matches immediately below the window in this little area. He had been seen at the window lighting matches, striking them and dropping them by tenants in the next house. I had him arrested; I sent for him, and he was brought to my office. He stoutly denied he had any thing to do with the fires; I sent him to the police station, and told my assistant who had him to take him from the police station and bring him to court in the afternoon and have him remanded until the following morning. No, it was too late for court and I sent him to the police station and he was held all evening. The next morning he was brought to court and I had him remanded for twenty four hours to get witnesses to these various fires in court. In the meantime, that night, I sent my assistant to see him. He then admitted to him that he had set two of these fires, that is, the one at the head of the cellar stairway in Mott Street and the one in the wood house in Mulberry Street. I discovered no motive; the family were not insured, and the father and mother ~~XXXX~~ were in the premises, had property there and had everything at interest. I could discover no motive and I came to the conclusion that

it was either a case of pyromania of which I could not be a judge or a case of pure deviltry. I was inclined to think, if I may be permitted to express an opinion, I believe that the young fellow was perfectly aware of what he was doing and ~~simply~~ simply desired to create a mystery and to puzzle the authorities. That, is substantially the case.

BY COMMISSIONER ROGAN:

Q Did he make a written confession?

A He did not write it. It was written out and signed and he acknowledged the truthfulness of it in the presence of the ~~sergeant~~ sergeant in charge of the station at the time.

Q Who signed it ?

A He signed it. Those are substantially the facts. There are a great many details if the case came to trial to be presented, but here they have no bearing on the case.

BY MR. MORRIS:

Q From the examination you made were not you inclined to believe that it was purely a case of pyromania ?

A I think while he is of a very low order of intellect he possesses a great deal of low cunning. Of course, I am not competent to ~~ax~~ decide upon his mental condition. He always denied any connection with these fires and always ready to explain his presence on the occasion of these fires. I may say here and put myself on record, that I never saw the young man outside of my own office in the police court and this commission. I never saw him on Mott Street or Broome Street or any other street, and as far as I am concerned I offered him no personal violence at any time.

Q It seems he referred to some of your assistants ?

A My assistant I questioned. I heard the other day he had made such a statement. He said that there is no truth in the matter. If you gentlemen wish to see him he can speak for himself. He is not a man likely to do anything such thing.

BY MR. MORRIS:

Q And if the young man believes he was assaulted you are satisfied that is a delusion ?

A If he says he was assaulted and believes it, I should certainly pronounce it a delusion.

BY COMMISSIONER ROGAN:

Q As far as you are concerned ?

A Yes, sir, as far as I am concerned.

BY COMMISSIONER PHELPS:

Q (continuing) He said nothing to me of the assault when I saw him. He was brought to my office that day.

Q That was the only time he could go in the neighborhood of Houston Street when he was on his way up ?

A I presume they took the elevated road at the Houston street station.

Q He was taken to the 67th Street police station and from there to court he would be likely to be taken in a van to the tombs

A I should think so, and that would be done by the court officers.

Commission adjourned to Friday, February 17th, 1893

Commission adjourned until Tuesday, February 21st.

**POOR QUALITY
ORIGINAL**

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New York, Tueaday, February 21st 1893.

Commission met pursuant to adjournment.

Mr. Bradley announced that he had no further
testimony to offer and the Commissioner was declared
closed.

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**POOR QUALITY
ORIGINAL**

1133

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

.....X

THE PEOPLE &C.

VS.

JAMES L. O'BRIEN

.....X

City and County of New York ss:

Charles W. Pfeiffer, being duly sworn desposes and says
I am a practicing physician, thirty nine years of age, my
office and post office address in No. 165 East 36th. Street,
New York City. I am an examiner in lunacy, duly authorized
under the laws of the State of New York to examine alleged
lunatics with view to commitment.

At the request of William F. Morris, attorney for defend-
ant, I made an examination of James L. O'Brien, the defendant
herein at the Tombs Prison on the 17th. day of January, 1893,
The result of the said examination is as follows:

" Anaemia, face colorless; pupils of the eyes dilated;
heart action rapid; pulse, eighty five (an excess of eleven)
Articulation at times during conversation incoherent. During
my examination of the defendant he informed me that he was
charged among other things, with attempting to shoot the Fire
Marshall.

**POOR QUALITY
ORIGINAL**

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He sits and walks with head bowed down, apparently brooding over imaginary wrongs, and believes that he is unjustly confined. He is suffering from melancholia with delusions, and has symptoms of monomania or that form of insanity in which the mind of the patient is absorbed by one idea or is irrational on one subject only. The setting of fires in buildings without any apparent motive, is in itself a strong evidence of Pyromania, coupled with the symptoms above described, would be in my mind, conclusive evidence of insanity of that character. A person thus afflicted is unable to distinguish between right and wrong with regard to any particular delusion which becomes fixed in his mind. I diagnose this case as Pyromania, marked by a perverted moral sense, and by impulses and exaltation, followed by depression and morbid indifference, and at times lund intervals. He is incapable of thinking correctly on subjects connected with the delusion, and betrays palpable disorder of the mind, the desire to see fire is such as to render him oblivious of consequences so long as the desire is gratified.

Sworn to before me this

30th. day of January, 1893.

Julia A. Gainey
Notary Public
N.Y. Co.

C.W. Pfeiffer M.D.

POOR QUALITY
ORIGINAL

1135

Court of General Sessions

The People of the State
of New York

v.

James L. O'Brien

Commissioner's Report.

Dr. Chas Phelps

J. H. Rogers

Commissioners.

Report herein
confirmed

By

H. J. Alden 9th Dec 1893

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

.....

THE PEOPLE vs. :

VS. :

JAMES L. O'BRIEN. :

.....

City and County of New York SS:

Charles W. Pfeiffer, being duly sworn deposes and says:
I am a practicing physician, thirty-five years of age, my
office and post office address is No. 165 East 36th Street,
New York City. I am an examiner in Lunacy, duly authorized
under the laws of the State of New York to examine and an-
nunciate with view to commitment.

At the request of William F. Morris, Attorney for the de-
fendant, I made an examination of James L. O'Brien, the defendant
herein, at the Tombs Prison on the 17th day of January, 1893,
the result of said examination is as follows:

"Anemia, face colorless; pupils of the eyes dilated;
heart action rapid; pulse, eighty five (no excess of eleven)
Articulation at times during conversation incoherent. During
my examination of the defendant he informed me that he was
charged among other things, with attempting to shoot the
Fire Marshall. He sits and walks with head bowed down, ap-
parently brooding over imaginary wrongs, and believes that he
is unjustly confined. He is suffering from melancholia with
delusions, and has symptoms of monomania or that form of in-
sanity in which the mind of the patient is absorbed by one
idea or is irrational on one subject only. The setting of
fires in buildings without any apparent motive, is in itself

**POOR QUALITY
ORIGINAL**

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A strong evidence of Pyromania, coupled with the symptoms above described, would be in my mind, conclusive evidence of insanity of that character. A person thus afflicted is unable to distinguish between right and wrong with regard to any particular delusion which becomes fixed in his mind. The diagnosis in case of Pyromania, marked by a perverted moral sense, and by impulses and exultation, followed by depression and morbid indifference, and at times by intervals. He is incapable of thinking correctly of subjects connected with the delusion, and suffers palpable disorder of the mind, the desire to see fire is such as to render the dangers of consequences so long as the desire is satisfied.

Sworn to before me this

30th day of January, 1893.

Julia A. Gaine
Notary Public
N. Y. Co.

Guilford M. D.

POOR QUALITY
ORIGINAL

1138

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

THE PEOPLE MTC

VS.

JAMES L. O'BRIEN.

City and County of New York. SS:

John O'Brien, being duly sworn, deposes that he is 55 years of age, and is the father of the above named defendant. That said defendant was born in the City of New York, at ~~the~~ ^{seven} ~~seventeen~~ years of age, on the 12th day of February last past.

Deponent further says, that said defendant was never arrested before, or charged with any crime, that he has always been a delicate boy, of unsettled mind and retiring disposition, that he is not of a vicious disposition, and deponent is satisfied that he was suffering from a temporary derangement of the mind if he committed the offenses charged against him.

Deponent asks that the utmost clemency be extended him, and that an opportunity be given him to reform.

Sworn to before me this

14th day of January, 1903.

John D. Brien
Julia C. Giney,
Notary Public,
N.Y.C.,

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CITY AND COUNTY OF NEW YORK, ss. I, _____, being duly sworn, deposes and says: That he is _____ years of age and upwards. That on the _____ day of _____, 189____ at No. _____ in the City of New York, he served the annexed _____ upon _____ the _____ therein by delivering to and leaving with _____ a true copy thereof.

Deponent further says that he knew the persons so served to be _____

Sworn to before me this _____ day of _____, 189____

N. Y. CRIMINAL TRIBUNAL Court.	
THE PEOPLE vs.	Plaintiff.
AGAINST	
JAMES J. O'NEILL.	Defendant.
<i>James J. O'Neill</i>	
WILLIAM E. MORRIS,	
Attorney.	
23 Chambers Street, N. Y. City.	
Due and timely service of a copy within _____	
_____ is hereby admitted.	
Dated N. Y. _____, 189____	
To _____	Atty.
_____ Esq.	Atty.

Please take notice that the within is a true copy of an _____ in the office of _____ Clerk of this Court in this action.

Dated N. Y. _____, 189____

Yours, &c.,

WILLIAM E. MORRIS,

Attorney for _____ Esq.

Atty for _____

Court of General Sessions of the Peace in
and for the City and County of New York

The People of the State
of New York
against
James L. O'Brien

To the Honorable James Fitzgerald
Judge of the Court of General
Sessions of the Peace in and for
the City and County of New York

The undersigned, the commission
duly appointed by an order of this
Court, dated January 31st 1892 made
in the above entitled action to examine
the above named defendant James
L. O'Brien as to his sanity at the
time of such examination do res-
pectfully report:

That the commissioners duly took
and subscribed the annexed oaths.

That due notice of the time and
place of executing the commission
was given to the District Attorney
and to the attorney for the defendant.

That the Commission was attended on the hearings herein by Thomas J. Bradley Esq. Deputy Assistant District Attorney representing the People and by William E. Morris Esq attorney for the defendant and by the defendant in person.

That the testimony offered by the respective parties was reduced to writing and is hereto annexed and forms a part of this report

That from the record in this case on file in the office of the Clerk of this Court, the testimony taken as aforesaid and from a physical examination of the defendant the Commission find as follows:

1st That the defendant James L. O'Brien is now confined in the City Prison of the City of New York under conviction by his own confession of an attempt to commit the crime of larceny in the second degree and is awaiting sentence upon said conviction.

2nd That the said defendant, at the time of our examination, did not present any physical evidence of insanity. That the Commission was unable to discover any delusions. That they found the defendant coherent in thought and speech but deficient in moral sense and of a low order of intellect.

3rd That the said defendant at said time was fully competent to distinguish the difference between right and wrong and to care for his interests in every particular.

Upon the foregoing facts we are of the opinion and do report:

That the said defendant James L O'Brien at the time of our examination was "sane" within the legal definition of that term.

All of which is respectfully submitted
Dated New York February 28th 1893

John H. Rogan
John H. Rogan.
Commissioners

Cour. of Sessions of the Peace for
the City and County of New York.

The People of the State
of New York

against

James L. O'Brien

City and County of New York, ss: I, John H. Rogan,
a commissioner duly appointed by an order
of this Court, dated January 31st 1893, to
examine the above named defendant
James L. O'Brien as to his sanity at
the time of the examination and to report
to this Court thereon, do solemnly swear
that I will faithfully and fairly hear
and determine the questions so referred
to me and make a just and true
report thereon according to the best
of my understanding.

Sworn to before me this

9th day of February, 1893. John H. Rogan
Edward H. Hall
Deputy Clerk
Court of Sessions

POOR QUALITY
ORIGINAL

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W. General, Union

The People &c

T.
James L. O'Brien

Wm. H. O.
Commissioner &c.

Filed February 9, 1893

Court of General Sessions of the Peace for the
City and County of New York.

The People of the State
of New York.

against.

James L. O'Brien

City and County of New York: I, Charles Phelps,
M.D., a Commissioner duly appointed
by an order of this Court, dated January
31st, 1893, to examine the above named
defendant James L. O'Brien as to his
sanity at the time of such examination and
to report to this Court, do solemnly
swear that I will faithfully and fairly
hear and determine the questions so
referred to me and make a just
and true report thereon according to
the best of my understanding.

Sworn to before me this
7th day of February 1895.

George M. Hough
Notary Public (18)
County of New York

Charles Phelps M.D.

POOR QUALITY
ORIGINAL

1146

N.Y. General Sessions

The People vs

vs

James A. O'Brien

—
Cath of Commissioners

Filed February 9, 1893

Police Court 4th District.

City and County of New York. ss.

of No. 159 East 67th St. James Mitchell
 occupation Fire Marshal being duly sworn, deposes and says,
 that on the 17th day of August 1892, at the City of New
 York, in the County of New York, one James Luke O'Brien
 did attempt to set fire to and burn a
 building known as 242 Mulberry Street
 situated in the 14th Ward of the said
 City of New York, the same being a dwelling
 house in which there was at the time a
 human being, to wit: one
 in that the said James Luke O'Brien has
 confessed that on the said 17th day of
 August he did thrust certain rags
 through a broken pane of glass in the
 cellar window of the said No 242 Mulberry
 Street and did by means of matches ignited
 and thrown through the said pane set fire
 to said rags, which confession is supported
 by the statements of Mrs Margaret McConnell
 and Mrs Samuel Phillips the former of
 whom saw the said James Luke O'Brien
 setting fire to a clothes line with matches at
 his window a short time before the dis-
 covering of the burning rags in the cellar
 and the other of whom found the burned
 matches outside the window through which
 the fire had been set, said window being
 accessible only to the said O'Brien from
 his window above or to the occupants of
 the adjoining apartment, none of whom
 however, was seen or known to be in the
 yard at or before the time of the fire -
 that the said attempt of August the
 17th was the third attempt made in
 said house No 242 Mulberry St since
 the said O'Brien became an occupant
 of said house -
 All of which is set forth in information

POOR QUALITY
ORIGINAL

1148

and belief -

Sworn to before me }
this 2^d day of }
September 1892 }
Wm. H. Hilde }
Police Master

Jas. Mitchell

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Offense.

1.
2.
3.
4.

Dated

189

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street.

No.

Street.

No.

Street

\$ to answer

Sessions.

POOR QUALITY
ORIGINAL

1149

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Margaret McCormack
aged *36* years, occupation *Amittas, etc* of No. *242 Mulberry*
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Ames Mitchell*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *7th*
day of *September* 189*7*

Maggie M. McCormack

M. J. [Signature]

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Thomas J. Neel
aged *35* years, occupation *West Norman Fire Department* of No. *73 Rutgers*
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Ames Mitchell*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *7th*
day of *September* 189*7*

Thomas J. Neel

M. J. [Signature]

Police Justice.

POOR QUALITY
ORIGINAL

1150

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Ella Phillips
aged 47 years, occupation Janitress of No. 347 Malabar Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Mitchell
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 7th day of September 1897 } Ella Phillips
[Signature]
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Thomas J. Meel
aged 35 years, occupation Asst. Foreman Fire Department of No. 73 Rutgers St Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Mitchell
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 7th day of September 1897 } Thomas J. Meel
[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

1151

Police Court 4th District.

City and County
of New York. } ss.

of No. 159 East 67th Street, aged 52 years,
occupation Fire Marshal being duly sworn, deposes and says,
that on the 20th day of June 1892, at the City of New
York, in the County of New York, one James Luke O'Brien, now

James Mitchell

present, did at or about the hour of 11³⁰ o'clock
attempt to set on fire and burn a building
known as No. 163 Mott Street, a dwelling house
situated in the 14th Ward of the said City of
New York, the same being a dwelling house
in which there was at the time a human
being to-wit: one Ida Karstadt and others;
in that the said James Luke O'Brien has con-
fessed to one Thomas T. Treel an assistant-
Foreman in the Fire Department, that he
did on the night in question go to the cellar
stairs, take a cloth there which he found
in the hallway and that he did then
and there set fire to said cloth which he
had previously thrust into a hole broken
in the plaster of the wall in said stair-
way in the said house No. 163 Mott St.,
which confession is supported by the statements
of Ida Karstadt, janitress of said building
who at the time of the discovery of the said
burning cloth met and spoke to the said
James Luke O'Brien whom she met on
the stairway on his way up from the
hall; that the said attempt of June 20th
was the 12th of a similar character
made in Nos. 161, 163 and 165 Mott Street
between the 4th day of April 1892 and
the said 20th day of June 1892, during
which time the said James Luke O'Brien
was a resident of the said No. 163 Mott
Street, and being seen on or about the
said premises at or about the time of
the discovery of each attempt; all of
which is stated by deponent on information

POOR QUALITY ORIGINAL

1152

and relief-

Department progs, therefore, in the facts- have
set forth, that- the said James Luke
O'Brien be deemed to be dealt with
according to law made and provided-

Sworn to before me James Mitchell
this 2nd day of September
1892 — Wm. A. Pettit
Police Justice

Police Court, District.

THE PEOPLE, &c., ON THE COMPLAINT OF		Offense.
1		
2		
3		
4		
Dated	189	
	Magistrate,	
	Officer,	
	Clerk,	
Witnesses,		
No.	Street.	
No.	Street.	
No.	Street.	
\$	to answer.	Sessions.

POOR QUALITY
ORIGINAL

1153

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Ida Karsstedt
aged *45* years, occupation *Janitor* of No. *163* *East* Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *James Mitchell*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *2nd* }
day of *September* 189*7* }

Ida Karsstedt

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

1154

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss:

James R. O'Brien being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is *h* right to
make a statement in relation to the charge against *h*; that the statement is designed to
enable *h* if *h* sees fit, to answer the charge and explain the facts alleged against *h*;
that *h* is at liberty to waive making a statement, and that *h* waiver cannot be used
against *h* on the trial.

Question. What is your name?

Answer.

James R. O'Brien

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York

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

Answer.

9-95, Elizabeth Street & about 1 day

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 R. O'Brien

Taken before me this
day of *April* 189*5*

Police Justice

Police Justice.

POOR QUALITY
ORIGINAL

1155

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

149
Police Court---
District.

1105

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Mitchell
107 East 67 St.
Edw. K. Spencer

Offence Murder

Dated

Sept 2
1892
Magistrate

No. 3, by

Residence

Street

No. 4, by

Residence

Street

No. 5, by

Residence

Street

No. 6, 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 Defendant

guilty thereof, I order that he be held to answer the same and ~~he~~ 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~~ he give such bail.
Dated Sept 2 1892 H. J. Van Police Justice.

I have admitted the above-named _____
to bail to answer by the undertaking _____ annexed.
Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____
guilty of the offence within mentioned, I order he to be discharged.
Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

1156

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

James L. 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

James L. O'Brien

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York

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

Answer.

4-951 Elizabeth Street, New York City

Question. What is your business or profession?

Answer.

Lawyer

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

J. L. O'Brien

Taken before me this

day of

189

Police Justice.

1157

11105

Dated.. 18 .. Police Justice.

POOR QUALITY
ORIGINAL

1158

Court of General Sessions of the Peace

526

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James L. O'Brien

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

James L. O'Brien

attempting to commit
of the CRIME OF ARSON IN THE — first — DEGREE, committed as follows:

The said James L. O'Brien,

late of the fourteenth Ward of the City of New York, in the County of New York aforesaid,
on the twentieth day of — June, — in the year of our Lord one thousand
eight hundred and ninety- two, at the Ward, City and County aforesaid, with force and
arms, in the night time of the said day, a certain dwelling-house
of one John O'Brien, there situate, there being then and there within the said
dwelling-house some human being, feloniously,
wilfully and maliciously did attempt to set on fire and burn, 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

James L. O'Brien

attempting to commit
of the CRIME OF ARSON IN THE — first — DEGREE, committed as follows:

The said James L. O'Brien,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, with force and arms, in the night
time of the said day, a certain dwelling-house of one
August Karstedt, there situate, there being then and there
within the said dwelling-house some human being, feloniously,
wilfully and maliciously did attempt to set on fire and burn, against the form of the statute in such case made
and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

POOR QUALITY ORIGINAL

1159

Witnesses:

.....
.....
.....
.....

1105
~~1105~~
147
Counsel,
Filed
Pleads, C
day of
189

THE PEOPLE
vs.
James L. O'Brien
(2 cases)
Arson in the
Degree.
[Section 486, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.
Sept 15 1892
James L. O'Brien
Foreman.

POOR QUALITY
ORIGINAL

1160

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

526

THE PEOPLE OF THE STATE OF NEW YORK

against

James L. O'Brien

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

James L. O'Brien

attempting to commit
of the CRIME OF ARSON IN THE

second

DEGREE, committed as follows:

The said James L. O'Brien,

late of the Fourteenth Ward of the City of New York, in the County of New York aforesaid, on the seventeenth day of August, in the year of our Lord one thousand eight hundred and ninety-two, at the Ward, City and County aforesaid, with force and arms, in the day time of the said day, a certain dwelling-house of one Thomas Gogarty, there situate, there being then and there within the said dwelling-house, some human being, feloniously, wilfully and maliciously did set on fire and burn, 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

James L. O'Brien

attempting to commit
of the CRIME OF ARSON IN THE

second

DEGREE, committed as follows:

The said James L. O'Brien,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the day time of the said day, a certain dwelling-house of one Samuel Phillips, there situate, there being then and there within the said dwelling-house, some human being, feloniously, wilfully and maliciously did set on fire and burn, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

1161

BOX:

495

FOLDER:

4521

DESCRIPTION:

O'Connor, John

DATE:

09/07/92



4521

POOR QUALITY
ORIGINAL

1162

Witnesses :

22

Wanchoppe Legrand

Counsel,

Filed

Day of

1892

Pleads,

THE PEOPLE

vs.

John O'Connor

[Section 498, 12-1-1892]
Display in the Third Degree.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

James T. Carr

Foreman.

Feb 3. Sept 5 92

Pleads. Patch Karsney

15
P. H. L. v. 100

POOR QUALITY
ORIGINAL

1163

CITY AND COUNTY }
OF NEW YORK, } ss.

1377

aged 31 years, occupation Police Officer of No. 90 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Philip [unclear] and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 4th
day of Aug 1899

Henry Walsh

John Ryan
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

1377

aged 17 years, occupation work in reserve factory No. 102 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Philip [unclear] and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 4th
day of Aug 1899

Mary Silk

John Ryan
Police Justice.

POOR QUALITY
ORIGINAL

1164

Police Court—^{and} District.

City and County } ss.:
of New York,

of No. 30/ 5th Street, aged 20 years,

occupation an tailor being duly sworn

deposes and says, that the premises No 30/ 5th Street,

in the City and County aforesaid, the said being a men's dry clean

building

and which was occupied by James P. Poon as a hair store

and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening the
side door leading into said store from
the wall way with a jimmy and
forcibly opening the door leading into said hallway
from the yard on the 20th day of August 1884 in the evening time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of hats and jeans
and one foreign coin of the
value of ten dollars

the property of James P. Poon in care and custody of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

and another man

for the reasons following, to wit: deponent

and fastened the doors and windows

in said store at about the hour of

eleven o'clock and took minutes P.M. on

August 20th and deponent is informed

by Officer Henry Walsh of the 4th Precinct

that he has discovered said premises

had been broken into and said Officer

was informed by Mary Silk of No 182 Broadway

I swear that the within defendant and
that other than in said trial at about
the hour of 2 o'clock and during minutes
and said Mary called the Officer
and invited defendant into said other than
to said Officer said Officer turned
the defendant and said other than not
arrested and took the defendant into
custody and found in his possession
some cigars and foreign coin here shown
in court and identified by deposition
as a portion of the proceeds of said
burglary.

I went before me
this 27th day of September 1902

John Ryan

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree
Burglary

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

POOR QUALITY
ORIGINAL

1166

(1335)

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK.

2 District Police Court.

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

Question. What is your name?

Answer. *John Connor*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Stracoe*

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

Answer. *242 W. 10th St. N.Y.C.*

Question. What is your business or profession?

Answer. *Claman & Co. Clerk*

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

Answer. *Am not guilty*

John O Connor

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

1167

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

22 1084

Police Court, 125 District.

THE PEOPLE, vs.
ON THE COMPLAINT OF
The People of the City of New York
vs. *John J. Smith*
1 *John J. Smith*
2 *John J. Smith*
3 *John J. Smith*
4 *John J. Smith*

Offense, *John J. Smith*

Dated, *10/19/189* 189

John J. Smith Magistrate.

John J. Smith Officer.

Witnesses *John J. Smith* Precinct.

No. 1 *John J. Smith* Street.

No. 2 *John J. Smith* Street.

No. 3 *John J. Smith* Street.

No. 4 *John J. Smith* Street.

1000 City 29-2 pm

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 J. Smith*

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *1000* 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, *10/19/189* 189 *John J. Smith* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions.

The People }
vs
John O'Connor }

City and County of New York
James B. Hackett
being duly sworn deposes and
says that he resides
at 393 Hudson Street and is
engaged in the Harness Business
that he has known the above
named deft. for the past six
years and during that time
had frequent business and
social relations with him
that he often patronized the
deft's store at 85 Carmine St
and always found him to
be honest and manly in his
dealings and in every way
worthy of confidence and respect
that this is the first time he
ever heard or knew the deft to
do wrong and prays this Court
for money for said deft.

Sworn to before me
this 14th day of Oct 1892 } James B. Hackett
New York }
Notary Public N.Y.

Court of General Sessions

The People of the
State of New York
vs
John Bloomer

City & County of New York
Charles Durr being duly sworn
deposes and says that he resides at
No 4 - Clarkson Street in the City, and
has resided there for the past five
years and has carried on the business
of hair dressing saloon. That I have
known John Bloomer the defendant
during the past three years he was
the proprietor of a saloon im-
mediately opposite my place of business
I was during that period intimate
with the defendant and had ample
opportunity to know his character
for honesty, and I know large
numbers of his neighbors, among
whom his character was always
above reproach, and was always
regarded as an upright honest
citizen

Sworn to before me
this 14th day of September 1892
J. M. Callahan
Notary Public N.Y.C.

Charles Durr

Court of General Sessions

The People }
vs }
John O'Connor }

City and County of New York
Patrick J. Hamilton being
duly sworn deposes and says
that he resides at 296 West
Houston Street and is engaged
in the Liquor Business. That
he know the above named Deft
well and knows others that are
well acquainted with the Deft
That Deponent has known the
Deft for about seven years
and has always found him
straight-forward and honest.
That Deft has worked for this
Deponent for three years including
such time as his honesty is never
questioned. Deponent is Foreman
of National Steamship Company
Pier and this is the first time Deft
has ever done wrong. That Deponent
is now willing to give work to Deft.
Sworn to before me
this 14th day of Sept 1892 } Patrick J. Hamilton
Minister of the Gospel }
Notary Public }

Court of General Sessions

The People of the State
of New York

vs
John O'Connor

City & County of New York ss.

Patrick McDonald being duly
sworn deposes and says that he
resides at N^o 327 West Street in
the City of New York and is the
general foreman of the National
Steamship Co dock at Pier 39
foot of West Houston^{Street} and has
been such for the past six years.

That he has known the defendant
here for about six years last
past and has had him employed
on the dock & have always found
him to be an honest young man
and he is so regarded among
those who know him.

Sworn to before me this

14th day of September 1892 } P. D. J. J. & Donnell

John Callahan

Notary Public

N Y Co

Court of General Sessions.

The People vs {
John O. Connor }

City and County of New York, S.S.

Peter Hanlon being
duly sworn deposes and says
that he resides at 291 Blucke
It and is ^{one of the} Foreman on the
National Steamship Line and
has known the deft about
fifteen years, that he knows many
others who know him and he
has worked under me that
his reputation has always
been good and his present
trouble is the first time that
deponent ever heard a wrong
charged against him the deft.
deponent knew him the deft
while he was engaged in business
at 85 Carmine St and always
found him to be a trustworthy
man in every respect.

Given to before me
this 14th day of Sept 1892 } Peter Hanlon
Notary Public }
His
Mark.

POOR QUALITY
ORIGINAL

1173

Court of General Sessions

The People of the
State of New York

vs.

John O'Connor

Affidavit of Good
Character of the Defendant

Wendell L. Lyman
Counsel for the
Defendant

POOR QUALITY
ORIGINAL

1174

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'Connor

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

John O'Connor

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

John O'Connor

late of the *9th* Ward of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *August* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night*-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one *James H. Roon*

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said *James H. Roon* in the said *store* then and there being, then and there feloniously and burglariously to 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

1175

SECOND COUNT—

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

John O'Connor
of the CRIME OF *Petit* LARCENY committed as follows:

The said

John O'Connor

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *night* time of said day, with force and arms,

*two gallons of liquor of the value
of three dollars each gallon, fifty
cigars of the value of five cents
each, and divers coins of a number,
kind and denomination to the Grand
Jury aforesaid unknown, of the
value of three dollars*

of the goods, chattels and personal property of one

J^r James T. Roan

in the

store

of the said

James T. Roan

there situate, then and there being found, in the

store

aforesaid, 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**

1176

THIRD COUNT:

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

John O'Connor
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

John O'Connor
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid,

*the same goods, chattels and
personal property described in
the first count of this in-
dictment*

of the goods, chattels and personal property of

James P. Roan
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *James P. Roan*

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

John O'Connor
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

1177

BOX:

495

FOLDER:

4521

DESCRIPTION:

O'Connor, Thomas

DATE:

09/20/92



4521

POOR QUALITY
ORIGINAL

1178

Counsel,
Filed
Pleads,

day of

189

THE PEOPLE

vs.

Thomas O'Connor

Grand Larceny, Second Degree.
[Sections 528, 537,
Penal Code.]

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Witnesses:

Seen for official
purpose by
[Signature]
[Signature]
[Signature]

24th Nov 1892
[Signature]
[Signature]

Police Court 4 District. Affidavit—Larceny.

City and County }
of New York, } ss:

Joseph G. Brunner
of No. 344 Third Avenue Street, aged 30 years.

occupation Expressman being duly sworn,

deposes and says, that on the 3rd day of September 1892, at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:

One trunk containing a quantity of
wearing apparel, the whole of
the value of Forty Dollars
\$40.00

the property of a person whose name is unknown
to deponent and which property was in
the care and custody of deponent as
an expressman and that this deponent

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

(now here) and another person unknown to
deponent (acting in concert) from the
fact that deponent was informed by
one John J. Flynn of No. 346 Third Avenue
that he, said Flynn, saw defendant O'Connor
and the other person referred to take said
property away from in front of deponent's
door: that deponent is also informed
by Officer Timoney of the 182 Precinct
Police that the defendant O'Connor admitted
to him, Timoney, that he took said prop-
erty that the shirt which said O'Connor was
then wearing was one of the pieces of clothing
which he took from said trunk.

Sworn to before me, this
1892
at
Police Justice.

POOR QUALITY
ORIGINAL

1180

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

Shown before me this } Joseph W. Brunner
16th day of September 1892 }

Whitcomb
Notary Public

POOR QUALITY
ORIGINAL

1181

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

James Timoney
aged _____ years, occupation *Police Officer* of *New*
The 18th Precinct Police Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Joseph J. Dumes*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

189

James Timoney

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

1182

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 4 DISTRICT.

James Timoney
of 181 Precinct Police Street, aged years
occupation Police officer being duly sworn, deposes and says
that on the 13 day of Sept 1892
at the City of New York, in the County of New York he arrested

Thomas O'Connor (now here) charged with
the larceny of a trunk containing
a quantity of clothing, the name of the
owner being unknown to deponent.

That deponent prays that defendant
may be held until such time as
deponent may be able to produce
the complainant in court

James Timoney

Sworn to before me, this

of

1892

day

Police Justice.

POOR QUALITY
ORIGINAL

1183

Man
Police Court, *4* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas O'Connor

AFRIDA VIT.

Dated *Sept 14* 189*2*

Lilbri Magistrate.

Lucas Officer.
118

Witness.

Sept 16
at 10
Disposition.

POOR QUALITY
ORIGINAL

1184

Sec. 198—200.

X District Police Court.

CITY AND COUNTY
OF NEW YORK, ss:

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

Question. What is your name?

Answer.

Thomas O'Connor

Question. How old are you?

Answer.

26 years,

Question. Where were you born?

Answer.

U.S.

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

Answer.

No home

Question. What is your business or profession?

Answer.

Truckman

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 free.
Thomas O. Connor*

Taken before me this

day of *Aug* 189*7*

H. J. McNeill
Police Justice.

POOR QUALITY
ORIGINAL

1185

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

Police Court... 11 District.

204 1168

THE PEOPLE, vs.

ON THE COMPLAINT OF

Joseph J. Brennan

Thomas Brennan

Offence

Date

Sept 16 1897

No.

Witness

No.

No.

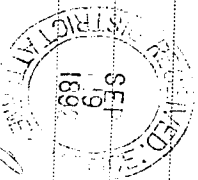
No.

No.

No.

No.

No.



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.

Dated Sept 16 1897 Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

1186

CITY AND COUNTY }
OF NEW YORK, } ss.

1377

aged 23 years, occupation Bookkeeper of No.

346 5th Avenue Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Joseph S. Brunner
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this
day of Feb 1897

John J. Flynn

J. J. Flynn
Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas O'Connor

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

Thomas O'Connor

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

The said

Thomas O'Connor

late of the City of New York, in the County of New York aforesaid, on the *3rd* day of *September* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms,

divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of forty dollars, and one trunk of the value of five dollars,

of the goods, chattels and personal property of one

Joseph G. Brunner

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

De Lancey Nicoll
District Attorney

1 188

BOX:

495

FOLDER:

4521

DESCRIPTION:

Olmsky, Nathan

DATE:

09/26/92



4521

POOR QUALITY
ORIGINAL

1189

Witnesses:

Counsel,

Filed,

day of

1892

Pleads,

THE PEOPLE

vs.

Assault in the Second Degree.
(Section 218, Penal Code.)

Nathan Olinsky

DE LANCEY NICOLL,

District Attorney.

104

A TRUE BILL.

Sept 23/92

Vernon M. Davis.

Asst.

After an investigation of this
case I am convinced that
the defendant's act was
an accident -

I recommend the
dismissal of this indict-
ment.

Oct 13/92

Paul E. Sawyer, Foreman.

On recon. of Dist. Att.
indict. dis. BSA

POOR QUALITY
ORIGINAL

1190

Police Court— 3 District.

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

of No. 16. Rutgers Place, Abraham Levy Street, aged 16 1/2 years,
occupation Dealer. being duly sworn

deposes and says, that on the 19. day of September, 1882 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Nathan Plinsky (brother)

who wilfully and feloniously
cut and stabbed deponent
on the head with a
table knife, he then
and then held in his
hands,

Deponent further
says that said assault
was committed

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

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

Sworn to before me, this

20 day

of

Sept 1882

Abraham Levy
[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

1191

Sec. 198-200.

3
District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?

Answer.

Nathan Olusky.

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

Russia.

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

Answer.

74 Broadway St.

Question. What is your business or profession?

Answer.

Boat black

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
Nathan Olusky
MURKIN

Taken before me this
day of

1897

Police Justice.

POOR QUALITY
ORIGINAL

1192

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, vs.,
ON THE COMPLAINT OF

District,

Dated,

1892

Offense,

Assault. Inad.

Witnesses

No.

Street,

No.

Street,

No.

to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named 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, Sept 20 1892

Police Justice.

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

Dated, _____ 189

Police Justice.

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

Dated, _____ 189

Police Justice.

POOR QUALITY
ORIGINAL

1193

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Nathan Olmsky

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

Nathan Olmsky

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

The said

Nathan Olmsky

late of the City and County of New York, on the *nineteenth* day of
September in the year of our Lord one thousand eight hundred and
ninety- *two*, at the City and County aforesaid, in and upon one

in the peace of the said People then and there being, feloniously did wilfully and wrongfully
did make an assault; and the said

Abraham Levy
Nathan Olmsky

with a certain *knife* which the said

in *his* right hand then and there had and held, the same being then and there
a weapon and an instrument likely to produce grievous bodily harm, *him*, the said

Abraham Levy then and there feloniously did wilfully and
wrongfully strike, beat, *cut, stab* and wound, against the form of the statute
in such case made and provided, and against the peace of the People of the State of New York
and their dignity.

POOR QUALITY
ORIGINAL

1194

SECOND COUNT—

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

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

The said

Nathan Olmsted

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, in and upon the said

Abraham Day

..... in the peace of the said People then and there being, feloniously
did wilfully and wrongfully make another assault; and the said *Nathan Olmsted*
the said *Abraham Day*
with a certain *knife*

which *he* the said

Nathan Olmsted

in *his* right hand then and there had and held, in and upon the
head of *him* the said *Abraham Day*
then and there feloniously did wilfully and wrongfully strike, beat, *cut, stab,*
bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully
and wrongfully inflict grievous bodily harm upon the said *Abraham Day*
..... to the great damage of the said *Abraham Day*
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

1195

BOX:

495

FOLDER:

4521

DESCRIPTION:

O'Neill, Joseph

DATE:

09/08/92



4521

1196

BOX:

495

FOLDER:

4521

DESCRIPTION:

Mulligan, Bernard

DATE:

09/08/92



4521

POOR QUALITY
ORIGINAL

1197

Witnesses:

I recommend the
as charges of
the defendants
on their own
recognizance
as there is not
sufficient evidence
to commit
Sub 12 for Malicious
Reply

Counsel,

Filed

day of

1892

Pleas,

THE PEOPLE

vs.

Joseph O'Neill

and

Bernard Mulligan

[Section 498, Penal Code]
Burglary in the Third Degree.

DELANCEY NICOLL,

District Attorney.

Sub 12 Bail discharged

Sub 12 Discharged on his own

A TRUE BILL.

Deputy

James C. Long

Foreman.

Sept 26

1892

Sept 26

POOR QUALITY
ORIGINAL

1198

Witnesses:

I recommend the
discharge of
the defendants
or their own
prosecution
as there is not
sufficient evidence
to commit
Sub. 12, Geo. W. Astor
Reply

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE,

vs.

Joseph O'Neill

and

Bernard Mulligan

[Section 498, Penal Code.]
Burglary in the Third Degree.

DELANCEY NICOLL,

District Attorney.

Attest
J. P. Bail & Discharge

Attest
J. P. Discharge on his own

A TRUE BILL.

(Signature)

(Signature)

Foreman.

Sept 26

J. P. A.

(Signature)

POOR QUALITY
ORIGINAL

1199

Police Court—4 District.

City and County } ss.:
of New York,

of No. 691-2nd Avenue Street, aged 35 years,
occupation hair & iron worker being duly sworn

deposes and says, that the premises No. 691-2nd Avenue Street, Ward
in the City and County aforesaid the said being a four story and basement
brown stone dwelling
and which was occupied by deponent as a work shop in the basement
in which there was at the time a bureau being burglarized

were BURGLARIOUSLY entered by means of forcibly breaking open
the door leading into the basement from
the street

on the 19 day of August 1891 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of tin ware, copper sheet
iron and some tools together of the
value of about four hundred dollars,

the property of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Bernard Mulligan and Joseph
Small, both (nephews) while acting in
concert
for the reasons following, to wit:

That at about the hour of 7
o'clock A.M. said deponent locked
and securely fastened the doors and
windows leading into the premises.
That deponent returned about the hour of
10 o'clock P.M. and found that the premises
had been broken open as aforesaid. That
deponent is informed by Louis Sepurapu
that on said date at about the hour of 7.30 o'clock

1200

o. Alice Gustafson

to answer General Sessions.

Office—BUREAU

POOR QUALITY
ORIGINAL

1201

Sec. 198-200.

CITY AND COUNTY } ss:
OF NEW YORK, }

7. District Police Court.

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

Question. What is your name?

Answer.

Joseph O'Neill

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer

New York

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

Answer.

71-725 West 115 Street about 8 years

Question. What is your business or profession?

Answer.

Plumber

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

Answer.

I am not guilty

Joe O'Neill

Taken before me this

day of

189

Charles J. Dinkler

Police Justice.

POOR QUALITY
ORIGINAL

1202

Sec. 198-200.

4' District Police Court.

CITY AND COUNTY
OF NEW YORK, ss:

Bernard Mulligan being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is *h* *5* right to
make a statement in relation to the charge against *h* *u*; that the statement is designed to
enable *h* *u* if he sees fit, to answer the charge and explain the facts alleged against *h* *u*;
that he is at liberty to waive making a statement, and that *h* *u* waiver cannot be used
against *h* *u* on the trial.

Question. What is your name?

Answer.

Bernard Mulligan

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

No 250 West 70 Street New York 11 years

Question. What is your business or profession?

Answer.

Plumber

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

Answer.

*I am not guilty,
B. Buckgain*

Taken before me this

day of *Nov* 189*7*

Charles J. Jankin

Police Justice.

POOR QUALITY
ORIGINAL

1203

BAILED,
No. 1, by Charles Henry
Residence 225 E 111 St.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____
Street _____

Police Court... 34 District.

1036

THE PEOPLE, vs.
ON THE COMPLAINT OF

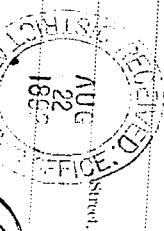
Joseph Henry
et al 2nd Defendant
et al John Joseph
Bernard Mulica

Offence _____

Dated August 22 1892

Frederick
Magistrate.

Witnesses Benjamin Schmalzer
No. 691-2 Precinct.



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

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

Dated Aug 24 1892 Charles McLean Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

1204

G. ROTHENBURGER,
Plumber, Gas-Fitter and General Metal Worker,
120 W. 26th STREET.

New York, Sept 26 1892

*This is to Certify that
Bernhard Mulligan
has been employed by me
for some years past I
have always found him
honest & most worthy and
industrious and a good
Workman*

*G. Rothenburger
120 W. 26th St.*

POOR QUALITY
ORIGINAL

1205

.. Court of General Sessions.

-----O
: The People :
: vs :
: Joseph O'Neill :
: -----O

City and County of New York, ss:.

Mary C. Kehoe being duly sworn deposes and says,
that she resides at No. 234 East 36th Street in the City of
New York.. Deponent has known the defendant for over thirty
years. Deponent has seen the defendant frequently during
that time, and knows his general reputation as to character
and honesty to be of the very best.

Sworn to before me this :
: 29th day of September 1892 :
:

Wm. H. C. Kent

Court of General Sessions.

-----o
: The People :
: vs :
: Joseph O'Neill :
: -----o

City and County of New York, ss:-

JOHN WALL being duly sworn deposes and says, that
he resides at No. 205b Second Avenue in the City of New York.

That deponent has known the defendant for the past
twenty five years. He was worked with the defendant in the
Carpet Cleaning Business and while he was so employed had
many chances to steal but he had no inclination to do so.

Deponent has seen the defendant very frequently dur-
ing his life and knows his reputation for honesty, peace and
quietness to be very good.

Sworn to before me this
29th. day of September 1892.

John Wall

Court of General Sessions

The People :
vs :
Joseph O'Neill :

City and County of New York, ss:-

ALEXANDER A. EATON being duly sworn deposes and says
that he resides at No. 15, West 13th Street in the City of
New York.

Deponent has known the defendant for the past
thirty years and has never heard anything wrong against him

Deponent has worked with defendant and has had many
opportunities to steal, but he was not so inclined. Depon-
ent knows other people who know the defendant and speak
very highly of him as to his honesty.

Sworn to before me this :
29th day of September 1892 :

**POOR QUALITY
ORIGINAL**

1208

Court of General Sessions.

-----o
: The People :
: vs :
: Joseph O'Neill :
: -----o

City and County of New York, ss:-

Thomas Anpin being duly sworn deposes and says,
he resides at No. 533 East 123rd Street in the City of New
York.

Deponent is in the Plumbing business at 1439 3rd.
Avenue. Deponent has had the defendant in his employ and
he had many opportunities to steal if he were so inclined.
He has worked as a plumber for deponent and had entrance
to many private residences where he had numerous chances to
steal but never was complained of.

Deponent knows his general reputation as to his
character and quietness, and knows other people who know him
and they all say it is of the best.

Sworn to before me this :
: 29th day of September 1892 :
:

POOR QUALITY
ORIGINAL

1209

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

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

Sworn to before me this
day of _____ 189 _____

J. J. G. of New York

Plaintiff

against

Defendant

PURDY & McLAUGHLIN,

Attorneys for

No. 280 BROADWAY, New York City

Due and timely service of cop of the
within hereby admitted
this day of 18 _____

Attorney.

To

POOR QUALITY
ORIGINAL

12 10

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Louis Schuaker
aged 46 years, occupation Director of No. 691-3rd Avenue Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *[Signature]*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 12
day of Oct, 1897

Louis Schuaker

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

1211

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

THE PEOPLE OF THE STATE OF NEW YORK

against
Joseph O'Neill
and
Bernard Mulligan

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

Joseph O'Neill and Bernard Mulligan

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Joseph O'Neill and Bernard Mulligan, both

late of the 21st Ward of the City of New York, in the County of New York aforesaid, on the
nineteenth day of August in the year of our Lord one
thousand eight hundred and ninety-two, in the day-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the Shop of
one Joseph Glasser

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said Joseph
Glasser in the said shop
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

De Lancey Nicoll
District Attorney

POOR QUALITY
ORIGINAL

12-12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Joseph O'Neill
and
Bernard Mulligan

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

Joseph O'Neill and Bernard Mulligan

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Joseph O'Neill and Bernard Mulligan, both

late of the 21st Ward of the City of New York, in the County of New York aforesaid, on the
nineteenth day of August in the year of our Lord one
thousand eight hundred and ninety-two, in the day - time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the Shop of
one Joseph Glasser

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said Joseph
Glasser in the said shop
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

De Lancey Nicoll
District Attorney

12 13

BOX:

495

FOLDER:

4521

DESCRIPTION:

O'Rourke, Thomas

DATE:

09/30/92



4521

POOR QUALITY
ORIGINAL

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Witnesses:

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Counsel,

Filed

day of

189

Pleads

Not guilty

THE PEOPLE

vs.

Thomas O'Rourke

Burglary in the second degree.
[Section 497, Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Sep 28/92

John T. ...

Foreman.

... released on ...

... (signature)

POOR QUALITY
ORIGINAL

12 15

Police Court—

District.

City and County } ss.:
of New York,

of No. 305 East Catharine M. Duane
44 Street, aged 32 years,
occupation super house being duly sworn

deposes and says, that the premises No. 305 East 44 Street, 19 Ward

in the City and County aforesaid the said being a four-story brick

apartment, the second floor front, east side

which was occupied by deponent as a dwelling house

and in which there was at the time a human being, by name

and deponent

were BURGLARIOUSLY entered by means of forcibly

entering said
apartment by means of an open window
from the fire-escape

on the 19 day of September 1882 in the District Court, and the
following property feloniously taken, stolen, and carried away, viz:

One gold watch, a quantity of jewelry
and clothing, the whole of the value
of One Hundred Dollars

\$100⁰⁰/₁₀₀

the property of Deponent and her husband, Thomas W. Duane

and deponent further says, that she has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Thomas O'Rourke, (now here)

for the reasons following, to wit: That at about 12 P.M. on said
date deponent was in a room in said
premises leading into the front room the
windows of which looking out on said fire-escape,
That one of said windows was open and deponent
saw defendant in said front room and
also saw him run out of the door of the
room leading into the hallway: that said property
was in said premises at said time and

POOR QUALITY
ORIGINAL

12 16

deponent accuses defendant of having attempted
to buy large sum of money and property that
he may be dealt with as the law directs

Sworn to before me this
13th day of September 1888 } Catharine M^c Innes
J. M. Innes
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

vs.

Offence—BURGLARY.

1
2
3
4

Dated -

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

POOR QUALITY
ORIGINAL

12 17

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

4 District Police Court.

Thomas O'Rourke

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

Question. What is your name?

Answer.

Thomas O'Rourke

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

202 E. 65 St. —

2 years

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 think will tend to your exculpation.

Answer.

*I am not guilty.
Thomas O'Rourke*

Taken before me this

day of

Sept 23
1891

Police Justice.

John J. [Signature]

POOR QUALITY ORIGINAL

12 18

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

328
1148

Police Court---
District.

THE PEOPLE &
ON THE COMPLAINT OF
Estimio M. C. 319
305 E. 44th St.
Thomas O'Hanlon
Offence *Robbery*
[Signature]

Dated *Sept 23* 18*92*
McDonnell Magistrate.

McDonnell Officer.
15 Precinct.

Witnesses _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____
[Signature] to return.

[Signature]

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Sept. 23* 18*92* *[Signature]* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

12 19

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Thomas O'Rourke

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

Thomas O'Rourke
of the CRIME OF BURGLARY in the second degree, committed as follows:

The said

Thomas O'Rourke

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the
19th day of September in the year of our Lord one
thousand eight hundred and ninety-two in the night time of the same day, at the
Ward, City and County aforesaid, the dwelling house of one Thomas McQuade

there situate, feloniously and burglariously did break into and enter, there being then and there a
human being within the said dwelling house, with intent to commit some crime therein, to wit: the
goods, chattels and personal property of the said Thomas McQuade

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,
take and carry away,

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

De Lancey Nicoll,
District Attorney

1221

**END OF
BOX**