

0985

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Brien, Peter F.

DATE:

10/22/90



3829

0986

204

Counsel,

Filed

day of

1890

Pleads

22 Oct 90
N. Harris

THE PEOPLE

vs.

Peter J. O'Brien

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Audrey Little

Foreman.

Part I

10/6/90 request

Present & convicted of

assault 1 day - present

6 yrs 7 mos 10-27-91

0987

Police Court— 4 District.

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

George J. Geis
of No. 409 West 40th Street, aged 15 years,
occupation Express Agent G. C. Depot being duly sworn
deposes and says, that on the 9th day of October 1890 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Peter F. O'Brien (now here) who pointed and armed pistol which he held in his hand and which contained cartridge containing powder and leaden balls and did fire and discharge said pistol so that one of said leaden balls entered deponent's face. 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 15th day } Geo. J. Geis
of October 1890 }

A. J. Morrison Police Justice.

0988

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter J. O'Brien 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.

Peter J. O'Brien

Question. How old are you?

Answer.

30 years

Question. Where were you born?

Answer.

New York

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

Answer.

120 East 43rd St. #3 room

Question. What is your business or profession?

Answer.

Printer

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

Answer.

I am not guilty

P. J. O'Brien

Taken before me this 15th

day of October 1888

A. J. McMahon

Police Justice.

0989

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

Police Court--- 4 District 152/3

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George J. Bell
409 West 40
John J. O'Brien

2
3
4

Offence

Johnson's Assault

Dated Dec 15 1890

Mr. Arthur W. McMahon, Magistrate.

McMahon

23 Sub-Precinct.

Witness: Peter Skariss

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

No. 5, by _____
Residence _____ Street _____

No. 6, by _____
Residence _____ Street _____

No. 7, 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 be admitted to bail in the sum of Fifteen Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Dec 15 1890 _____ 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.

District Attorneys Office
City & County of
New York

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1213 of 1

0991

vs Lat
District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

January 30 1893

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer *McClade*
or *W. Mahon* attached to your command in
Oct 1890 in relation to the case of
Peter J. O'Brien
sentenced *Nov 6 1890* to *6*
years and *4* months imprisonment by
Judge Fitzgerald

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.

1895

Order.

0992

Dr. Brien was arrested by M^r Mahon,
J. Wandle, on Oct 14/90, for fel
assault on George Lewis of Westcott
Express.

Nov 10 - 1890

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

PETER F. O'BRIEN.

BEFORE JUDGE FITZGERALD.

Thursday, November 6, 1890.

Indictment for assault in the first degree.

GEORGE J. GEIS sworn and examined by Mr. Macdonna.

I am an expressman for the Westcott Express Company and was employed by them on the 9th of October last at the Grand Central Depot in this city, I was in the upper portion of the depot the extreme northeast at 45th Street, the baggage room. On the 9th of October in the neighborhood of seven o'clock in the evening I saw the Defendant, he demanded his pay of Mr. Connell and he threatened at that time to do somebody up, I paid no particular attention to it, he said he would do him up before the night was over, Mr. Connell put him out of the office. I did not see him until half past nine o'clock again until after I got shot, I saw him right in front of me in the depot, I was sitting at my desk. There is a partition between two windows giving light so that we can see, the baggage room runs from 42nd to 45th Street, I was sitting at my desk and the window was closed. I did not see the Defendant come in. I did not see him until after I was shot; the first thing I saw was the shot, I heard the report again, I was knocked off my chair, the glass was broken, I jumped up and ran after him, he got out of the room before me, the blood was running out of my mouth, he got out of the room before the two other men in the room, Mr. Dowling and Mr. Harris. Harris was standing alongside of me and Dowling was sitting in the chair; it was my talking to Dowling

that saved my life. I went around to the Station House and on my way around I met Officer McMahon and told him, he went to look after the prisoner and I went to the Station House with another officer. They telegraphed for an ambulance and I went to the Bellevue Hospital. I have the bullet in my pocket that went into my mouth and part of the bone that is out of my jaw. (The witness produced the bullet and the bone.) Prof. Wood took it out. The bullet was flattened against my lower jaw, I took it out with my fingers. I did not see the Defendant until after I was shot; the shot knocked me off the chair, I looked through the window and saw O'Brien running away, he was the only one I saw.

CROSS EXAMINED. I have been employed by the Westcott Express Company off and on for the last twenty years, I know the Defendant six or seven years, he was riding on one of the Westcott wagons working for the Company, he has been handling baggage for them ever since I first knew him, I never had any trouble with him before, he seemed to be pretty well liked, I always liked him and thought a good deal of him, he was attentive to his business, he was what we term a partly day and a partly night man. I do not know of him working twenty hours a day on any occasion, I know that some complaint was made against him and I understand he was summarily discharged. I had some words with him on the evening previous to the shooting, I did not hear him complain bitterly of having been discharged without a moment's warning after seven years of hard work. This baggage room is about fifteen or eighteen feet wide and runs from 42nd to 45th Street. Outside

on the east of that room is the depot place and on the west is what we call the canal where the baggage runs alongside.

. In the place where I was sitting I had a number of papers and books hanging on pins, there is a sort of glass partition, two panes and it was through one of those panes of glass that the shot was fired, the pane was about five inches wide and a foot and a half in length, there was nothing pasted on the glass but there was papers hanging in front of it, I could look through that pane of glass from where I was sitting, there was a space between the papers so that I could see if my attention was in that direction. There was no door there at the time, anybody could walk into the office. I did not see the pistol. Mr. Meyers was at the door where the Defendant ran out, he saw the pistol.

CHARLES MEYERS sworn and examined.

I am a driver for the Westcott Express Company and was in the Grand Central Depot on the night of October 9th between eight and nine o'clock, I saw the Defendant in the building, I just backed up to one of the doors, I stepped off the wagon into the building, I saw O'Brien coming down the room running past me, he had a pistol in his hand, I says, "Hello, Pete", and he made the remark, "get out of the way you", or "look out", and I made the remark, "let her go Gallagher." I did not know that anything had happened at the time. After that I saw Mr. Geis coming down the room holding his hand to his face hallooing, "I am shot." I saw blood on his face, this was a couple of seconds or so afterwards.

0996

CROSS EXAMINED.

O'Brien seemed to be excited

I thought he was fooling. I could not describe the kind of pistol he had, it looked bright like a revolver but I could not say what kind of a pistol it was.

MARK DOWLING sworn and examined.

I am employed by the Westcott Express Company and was in the office on Depew Place in the Grand Central on the 9th of October about half past nine in the evening, I was in the office with Mr. Geis about five feet away from him when he was shot, I was writing at the desk, I just turned around to ask him how late the 8.50 train was, and a few minutes after that he fell off the chair, I heard the report of the pistol, he said he was shot, and when he got up off the floor on his feet he said, Pete O'Brien shot him. We went outside, I did not see anything of Pete O'Brien, I did not meet anybody outside until we got about to the middle of the baggage room, then we met Mr. Meyers and a few others, I saw O'Brien the evening before in the baggage room, I did not hear him make any threats against Geis, I know O'Brien seven or eight years, I did not see him the night of the shooting.

WILLIAM CONNELL sworn and examined.

I am an agent for the Westcott Express Company at the Grand Central Depot. I was not at the office on the 9th of October at half past nine in the evening but I was there about half past seven, I heard some disturbance in the office, I ordered O'Brien out of the office, I did not hear him say anything in particular, O'Brien and Geis were

0997

talking when I got in; O'Brien made a demand for his money and I told him he could not get it until Monday which was our pay day; he still continued to talk, I told him I did not want any disturbance, I ordered him out of the office and he went, I did not hear any further conversation between him and Geis.

CROSS EXAMINED. I have known the Defendant about seven years, I told him he was discharged for having trouble on the night previous to October 9th, O'Brien accused Mr. Geis of being the cause of his dismissal. O'Brien asked the reason why he was discharged, I told him that we were reducing help, the season was over, the baggage rush was over, that we had to dismiss some and I dismissed him on account of the trouble he had the night before with Mr. Geis. I always found the Defendant faithful and a good worker. That was the only trouble the Defendant had while he was in our employ.

DENNIS McMAHON sworn.

I am an officer connected with the 23rd precinct of the municipal police of this city. The station is in the Grand Central Depot. Did you arrest this defendant O'Brien? I did. What day did you arrest him? The 14th of October. Where did you arrest him? No. 348 East 12th Street. Did you tell him what you arrested him for? I did. Did you have any conversation with him or ask him for the pistol with which he did the shooting? I did, he said he threw it away. He said he did not intend to hurt Mr. Geis.

PETER F. O'BRIEN sworn and examined in his own behalf, testified:

I am twenty-eight years of age, I was arrested about eight years ago for a little trouble with my wife, she brought it on herself, I was discharged, I have never been convicted of any crime, I have been in the employ of the Westcott Express Company for about seven years, I know Mr. Geis the complainant about ten years, I remember the night of the 9th of October, I went into this baggage room and fired the pistol. I had some conversation with Mr. Geis the night before.. The night before at six o'clock when the Southwestern Limited train arrived in the depot a messenger by the name of W.B. Westcott came up to me with four checks after he had waited for the seven o'clock train to arrive. He says, "Pete, the baggage won't be in until the 8.50 train, I wish you would look after that." I said, "certainly." He said he wanted the baggage to go down to the Clarendon Hotel, that it was to go on the steamer the next day. I looked around for the baggage, I waited for the 8.50 train which was an hour late, she got in at ten o'clock. In looking over the baggage another young man by the name of Charles called my attention and says, "Pete, here is your baggage", there were four card checks calling for four pieces of baggage. I met George Geis about five minutes after that coming out of the room. I says, "George, then four pieces of baggage that Bill wanted sent to the hotel are here now." He said, "I can't help that, the wagons are all gone." I said, "Bill told me the baggage was to go down to the steamer." Geis said, "I won't send it down, I have not got any wagon here." I said, "it is

very funny, you should have sent the baggage down anyhow, I do not know but the steamer sails early in the morning." It seems he got a wagon after that. a wagon came back that was out delivering other baggage, and he told me that he sent the baggage down; that was near twelve o'clock.

Between twelve and one o'clock a young man working in the same room with me, Johnny Sheehan, came in to the Westcott Express office at the other end of the hall; he got looking at the checks, I was waiting for the eleven o'clock Albany local train which was very late, I wanted to find about seven pieces of baggage that I was short during the day. I was sitting down there and a young man came in, he had a little beer into him, he was feeling funny, he said to Geis, "what are those checks doing there?" Geis says, "they are all right, John." He says, "do you want to have them out of there and not leave the work for the day people, you people don't do nothing in the night time." I spoke out and said, "that will do, John, I will look out for that, I might be here till two or three o'clock for all I know, I am not through work yet." He says, "I don't want them checks lying there anyhow." Geis said to Sheehan, "You had better go out of here, if you don't go out I will put you out"; he grabbed hold of Sheehan and he started to shove him out of the door, he had him by the throat choking him, I jumped up and says, "George, don't do that, he is a cripple, his neck was bent, he had his neck dislocated when he was young. Geis jumps up and said "what is the matter with you?" I says, "nothing." That was about twelve o'clock at night. There was a young man named Clem Denning there, I says, "I wont bother with him

1000

good night, I will go home, I wont look for no more baggage to-night." I came away and the next day I went to work, I worked all day to about seven o'clock in the evening, Mr. Connell came up and said, "I don't want you any more, Pete I asked, "what is the reason you don't want me any more?" He says, "I don't know." I said, "that is funny, you hired me, are you discharging me?" He says, "well, it looks that way." I says, "what did I do that I am discharged?" He says, "I do not know." I says, "aint there no reason for my discharge, I would like to know of it." He says, "I got ordered from the superintendent at 12 Park Place, you will have to go down there." I says, "you are the party that hired me, I don't see any reason I should be discharged, I work for you faithfully, have you ever seen a sign of liquor on me?" He said, "no." I suppose I got excited and the rest of the affair happened afterwards.

It was about twelve o'clock that I had this talk and then I left Connell, I was excited, I did not hardly know what I was doing. You came back and fired that shot? About nine o'clock. Did you aim that pistol at Geis's head?

No sir, I did not. Did you aim at any part of his body? No sir, I would not need to do that, if I wanted to hurt or kill the man, there was no door to the place, I could have walked in, there was no one in the baggage room. Meyers saw me, I was about ten feet away when I done it and walked away. I know I have got to go to prison for this case, I will swear that I did not point the pistol at Geis's head, I could have walked into the room. It was a revolver that I had with five chambers but there was only two bullets in it, I fired one at him and one in the street.

10001

I threw the pistol away. My father is dead about twenty-two years and my mother going on thirteen.

CROSS EXAMINED. This trouble between my wife and myself that I spoke of I served six months for but it was no criminal thing -- it was abandoning a child on the railway bridge. When I went into this place at seven o'clock on the night of the shooting and had this conversation with Mr. Connell I did not have the pistol with me at that time. I remember saying something when I was in there that I would do Geis up, I remember something like it, I would not swear to it though. (I went over to my house down the street and got the pistol and came back again. I did not want to shoot the man, I did not shoot directly at him, he was sitting down, I was not in the office at all, I was in the baggage room. The pistol I had in my own room belonged to me, I got it on the 4th of July and fired it on the 4th of July, it had blank cartridges then. I got the ball cartridges at the same time I do not know what I put them in for, I put them in on the 4th of July, I had no trouble with Geis before the 4th of July, I bought a dozen of ball cartridges, there was two of them in the pistol on the night of this trouble. I live 120 East 43rd Street. After I fired the shot I did not know that I had done any harm; after the shooting I went down to a place in 40th Street and stopped there and from there I went to 12th Street where I was caught.

JOHN COOT sworn and examined.

I keep a stove store and roofing business at 15 7th Ave., I am the husband of O'Brien's aunt, I have known O'Brien

since 1866 and see him occasionally, I know other people who know him, I never heard anything against his character for peace and quietness. Do you know anything about an unfortunate marriage? I do not; his folks are dead.

The Jury rendered a verdict of guilty of assault in the first degree with a strong recommendation to mercy on account of his good character.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Peter F. O'Brien

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

Peter F. O'Brien
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Peter F. O'Brien
late of the City of New York, in the County of New York aforesaid, on the
ninth day of *October*, in the year of our Lord
one thousand eight hundred and ~~eighty nine~~ *ninty*, with force and arms, at the City and County
aforesaid, in and upon the body of one *George J. Geis*
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *him* the said *George J. Geis*
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *Peter F. O'Brien*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *George J. Geis*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
Peter F. O'Brien
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Peter F. O'Brien
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *George J. Geis* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against *him* the said
George J. Geis
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said *Peter F. O'Brien*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

JOHN R. FELLOWS,

District Attorney.

1005

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Connell, Thomas

DATE:

10/02/90



3829

289 144 9-2

620.

Witnesses;

William Cerwick
 Chas. Waneura
 Superior Officer

Accused
 Louis W. W.
 Accused
 Under Arrest
 Held for
 Friday

Counsel,
 Filed *[Signature]* day of Oct 18 90
 Pleads, *[Signature]* Myself 3

44
 1328 3
 THE PEOPLE
 vs.

Thomas O'Connell

Grand Larceny Degree.
 (From the Person.)
 [Sections 538, 539] Penal Code.

JOHN R. FELLOWS,

Dist 2 - October 8/90 District Attorney.
 Pleads Grand Larceny Second Degree.

A True Bill. (old offender)¹⁰

[Signature]
 Foreman.

5400 5-10
 Oct 10/90.

1007

Police Court— 4 District,

Affidavit—Larceny.

City and County }
of New York, } ss.

William Corney
of No. 1378 First Avenue Street, aged 27 years,
occupation Seam maker being duly sworn
deposes and says, that on the 27th day of September 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession of
person of deponent, in the night time, the following property, viz:

One watch and chain of the
value of Seventeen dollars

the property of deponent

Sworn to before me, this
18th day

Police Justice.

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Thomas O'Connell (now here?)
for the reasons that deponent was
in a lager beer saloon on Avenue
A sitting on a chair asleep and
had said watch in a pocket of a
shirt then worn on his person and
part of his bodily clothing. Deponent
was awakened by persons in the
saloon who asked deponent if he
had lost anything and deponent
nursed said property. Deponent is
informed by Charles Mancura (now
here) that he was in the saloon and
sitting close to deponent and suddenly
the deponent was seized by a person

in the saloon and accused of stealing
said watch. Sura Mancura then saw
the defendant take said property out
of his left side pantaloons pocket
and drop the watch and chain upon
the floor where it was found.
Sworn to before me
this 28th September, 1870. Victor Germak

Charles K. Linder
Police Justice

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Mancuso
aged 20 years, occupation Seamster of No. 314 East 60 Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Millian Bernick*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 28th } *C. Mancuso*
day of September 1883 }

Charles W. Linton
Police Justice.

10 10

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas O'Connell*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *1328 3rd Avenue; 1 year*

Question. What is your business or profession?

Answer. *Plasterer*

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 know nothing concerning
this affair.*

Thomas O'Connell

Taken before me this

188

Charles W. Hamilton
Police Justice.

1011

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

Police Court No. 11 District 1483

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

William Carmichael
vs. 1348
Thomas Cleaveland

1
2
3
4

Dated Sept 28 1890

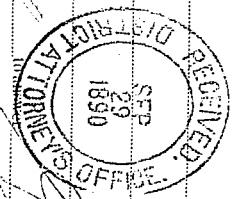
James J. Van Hook
Magistrate

Cleaveland
Officer

Witness Charles Morrison
No. 314 Can 60 Street

No. _____ Street _____

No. _____ Street _____
\$1000



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

Defendants

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *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 *Sept 28* 1890 *Charles H. Smith* 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.

10 12

Living Spring
Mar. 27-94

Hon. Frederick K. Smyth,
Recorder of the City of New York.

Respected Sir:-

By your own courtesy and kindness, I am permitted to address you, and consider myself well favored in this respect, when I remember the fairness and justice which mark all your official deliberations, and the high sense of honor which adorns your private life and character.

You may recollect that shortly after my conviction, several of my friends called upon you, and conveyed some information regarding myself which it appears, was unknown to your Honor at the time sentence was imposed. When these facts became known, however, you readily appreciated the justice of their interposition, and with your accustomed humanity and forbearance, promised them that you would, at the proper time,

2
Recommend to the Governor, a
Commutation of sentence in my
behalf, consistent with the require-
ments of the law.

Years have passed
since that promise was made, but
I have no doubt that it still re-
mains in your memory, and I
submit to you this reminder of your
Courtney.

On the 24th of August,
1889, I was ~~discharged~~ from
this institution, by the expiration
of a previous sentence, having earned
twenty-two (22) months "short time"
by uniform good conduct. At the
time of my conviction, the law
said that if I earned these 22 months,
I earned it absolutely. My present
conviction was had on the 10th of
October, 1890, and as twenty-two (22)
months had not elapsed since
my former discharge, I am
compelled under the rules of this
place, to serve this time, notwith-
standing the fact, that I absolute-
ly earned it, by previous good conduct.

That my second arrest was, in a measure, unjust, and would not have been made, but on account of my record, may be drawn from the following truthful statement, regarding my present conviction, and when these facts become established, your Honor's sense of justice, will clearly apprehend the wrong inflicted upon me if I am compelled to remain here the twenty-two months for exceptionally good conduct.

Some time, during the month of September, 1890, while under the influence of liquor, I went into a saloon and there found a number of men, playing cards. I watched them for some time, and observing some cheating going on, I ventured to criticize their actions, and was knocked down for my pains and thrown out of the saloon. I suppose, owing to my inebriated condition I became somewhat meddlesome, and officious, but the means used to suppress me, were hardly compatible with the offense. I was brutally

4
assaulted and maltreated, and while running away, I turned around to watch my pursuers, and was struck fairly in the mouth with a brick, which knocked out Eight of my teeth. I walked about two blocks farther when I was arrested, and accused of the crime of taking a watch from the pocket of one of the players. I was taken to Court, and charged with Grand Larceny in the 1st Degree. By the advice of Counsel, I took a plea, and then your Honor gave me the full penalty for Grand Larceny in the 2nd Degree. I had some ladies see you, and you told them if you had known my case, and that I had 22 months "short time" to serve, you would have sentenced me so that these 22 months would be considered in my time; you also said that if I behaved myself, for the 3 years and 7 months of my 5 Years' sentence, if you were reminded of my case, you would see what you could do for me, about these 22 months "short time", as those ladies told

you that according to law, when I was convicted in 1885, I earned my time absolutely, by good behavior.

I was sentenced on October 10-1890, for Grand Larceny in the second degree, to a term in State Prison of 5 years, under the name of Thomas M^cConnell, but the prison books have my name as Thomas O'Connell; My previous sentence was 6 years for burglary in the 2nd Degree, was had on June 22-1885, and time expired August 24, 1889.

I call your Honor's attention to ~~the fact~~ that I had no intention of committing the crime with which I was charged, when I entered that Saloon.

I am not asking mercy, at your Honor's hands, but simple justice; and I take the liberty of addressing you, because of your own words, to remind you, & at the proper time you would see what could be done for me, with reference to these twenty-two

TORN PAGE

1017

6

months "short time."

I leave the whole
matter in your Honor's hands,
and trust your high sense of
justice, will guide you, in
a determination in my case

Very respectfully yours
Thos. M. Connell

Wm. D. Crawford
759 Spruce St

Recd April 21/94

10 18

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'Connell

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

Thomas O'Connell
of the CRIME OF GRAND LARCENY in the *first* degree committed as follows:

The said *Thomas O'Connell*

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

*one watch of the
value of twelve dollars, and
one chain of the value of five
dollars*

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

John R. Fellows,
District Attorney

10 19

SECOND COUNT—

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

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

The said

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

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,
District Attorney.

1020

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Connor, John

DATE:

10/22/90



3829

Witnesses;

N. O'Connor

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

John O'Connor

Grand Larceny Second degree.
[Sections 528, 531, —, Penal Code]

JOHN R. FELLOWS,

District Attorney.

Plead P. L.

Pen 9 mos. P.B.M.

A True Bill.

Audun Little

Foreman.

The Grand Jury request
that if the defendant pleads
guilty be sent to a Reformatory

1023

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer. *John O'Connor*

Question. How old are you?

Answer. *18 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *10136 Pearl St - Four years*

Question. What is your business or profession?

Answer. *Amber Stapes*

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

Answer. *I am guilty*
*John O'Connor*Taken before me this
day of *Oct* 188*9*

Police Justice.

1024

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

Police Court... *Ed* 1570
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John DeLeon
186-1200
Lansing
Edmond

2 _____
3 _____
4 _____

Offence _____

Dated *Oct 10* 18*90*

Edmund
Magistrate.

Witnesses *Edmond*
Precinct.

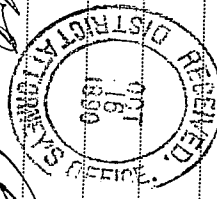
No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____



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

Sylvestre

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *10* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Oct 10* 18*90* *J. DeLeon* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

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 GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said

John O'Connor

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

*one watch of the value
of fifty dollars*

of the goods, chattels and personal property of one

Norah O'Connor

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.

John R. Fellows
District Attorney.

SECOND COUNT—

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

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,
District Attorney.

1027

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Hea, Michael

DATE:

10/07/90



3829

1028

32

Witnesses:

Counsel,

Filed

day of

18

Pleads,

THE PEOPLE

vs.

Michael O'Hea

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

Complaint sent to the Court
of Special Sessions,

Part III, Oct 15 1890

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael O'Hea

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

Michael O'Hea
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

Michael O'Hea

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

William Walsh

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Michael O'Hea

of the CRIME OF KEEPING OPEN ON SUNDAY, a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Michael O'Hea

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

JOHN R. FELLOWS,

District Attorney.

1030

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Keefe, John

DATE:

10/16/90



3829

Witnesses :

Bill ordered
136

Reading

Counsel,

Filed

16 day of Oct 1880

Pleads,

Not guilty

THE PEOPLE

vs.

John O'Keefe

90-4-1

3rd

Burglary in the THIRD DEGREE
City of New York
(Section 498, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little
Foreman.

Oct 21/80

Reads A. B. 3 day

S. P. 2 1/2 yrs

Police Court— District.

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

of No. 433. E. 12th Street, aged 26 years,
occupation Driver in Ice Wagon being duly sworn
deposes and says, that the premises No. 433. E. 12th Street, Ward
in the City and County aforesaid the said being a five story brick
apartment house
and which was occupied by deponent as a dwelling
and in which there was at the time no human being, ~~by means~~

were BURGLARIOUSLY entered by means of forcibly unlocking
the door leading from the hallway on
the top floor of said premises into deponent's
bed room in said top floor of said premises
by means of a false key
on the 8th day of October 1890 on the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One suit of clothes of the value
of Sixteen + 50/100 dollars.

(\$16.50)

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

John O'Keefe (nowhere)

for the reasons following, to wit:

that- deponent is informed by
his wife Mary Afferman that- at the
hour of 1.30 o'clock P.M. said date she
securely locked and fastened the doors and
windows of her apartment- in the top floor
of said premises and went out- leaving
said suit of clothes locked in a bed room.
and when she returned at- about the hour of
5 o'clock P.M. same day, she found the

Doors leading from the hallway into said apartment were still locked. but the door leading from the kitchen into the bedroom was open and the suit of clothes which had been locked in said room was missing.

Depnunt is further informed by Officer George Weigold of the 29th Precinct Police that at about the hour of 2 o'clock P.M. said date he arrested this defendant on East 122 Street near Pleasant Avenue, and at that time the defendant had a bag in his possession which contained several suits of gent's clothes. and when he searched the defendant he found several bags in his possession.

Depnunt further says that he has since seen the clothes found in the bag found in the possession of the defendant and fully identifies one of the suits of clothes as his property and as the property aforesaid. Whereupon Depnunt charges the said defendant with burglary entering said premises as aforesaid, and feloniously stealing and carrying away said property.

Police Justice.

188

Dated

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

Sworn to before me

Police Justice.

188

Dated

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

Police Justice.

188

Dated

I order that he be held to answer the sum of _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

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

Police Court,	District.
THE PEOPLE, &c., on the complaint of	
vs.	
1	2
3	4
Office—BURGLARY.	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witness.	
No.	Street.
No.	Street.
No.	Street.
\$	to answer General Sessions.

1034

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary Offerman
aged 23 years, occupation Keep house of No. 433. E 124 - Street, being duly sworn deposes and
says, that *he* has heard read the foregoing affidavit of *Henry Offerman*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 9 day of Oct 1897 *Mary Offerman*

C. O. Wood
Police Justice.

1035

CITY AND COUNTY }
OF NEW YORK, } ss.

George Weigold
aged _____ years, occupation Police Officer of No. 29th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Henry Offman
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

9 } George Weigold.
Oct }
1898

C. C. Meade
Police Justice.

1036

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John O'Keefe 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 O'Keefe

Question. How old are you?

Answer.

28 years old

Question. Where were you born?

Answer.

New York

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

Answer.

220 E. 7th St. 18 mos

Question. What is your business or profession?

Answer.

Frank dealer.

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

Answer.

I am not guilty

John O'Keefe

Taken before me this

day of *Sept*

189*0*

William A. E.
Police Justice.

1037

Indictment - 14 Offenses
 Kate Hagan
 Her Mother's Office

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

13.0 186
 Police Court, 5-1555
 District

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Henry C. Hoffman
 433 West 122
 10th Street

Offense, Burglary

Dated, Oct-9 1890

Geo. Meach
 29
 Officer

Witnesses
 No. 1, Mary Hoffman
 433 E 122
 Street

No. 2, Geo. Meach
 29
 Street

No. 3, Kate Hagan
 433 E 122
 Street

No. 4, 1770
 Street



Received
 P. J. 3 Oct.

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 Fifty 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, Oct-9 1890
 C. J. Meach
 Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John O'Keefe

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

John O'Keefe

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

The said

John O'Keefe

late of the *Twelfth* Ward of the City of New York, in the County of New York
aforesaid, on the *eighth* day of *October* in the year of our Lord one
thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, in the
day - time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Henry Offerman*

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 *Henry Offerman*

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.

SECOND COUNT—

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

of the CRIME OF

Petit LARCENY

, committed as follows:

The said

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 *day*—
time of said day, with force and arms,

one coat of the value of eight dollars, one vest of the value of four dollars and one pair of trousers of the value of four dollars and fifty cents.

of the goods, chattels, and personal property of one

in the dwelling house of the said

Henry Offerman
Henry Offerman

there situate, then and there being found, from the dwelling house 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.

THIRD COUNT.

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

John O'Keefe
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :
The said *John O'Keefe*

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,

one coat of the value of eight dollars, one vest of the value of four dollars and one pair of trousers of the value of four dollars and fifty cents

of the goods, chattels and personal property of *Henry Offerman*

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

Henry Offerman

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

John O'Keefe

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.

JOHN R. FELLOWS,
District Attorney.

1041

BOX:

414

FOLDER:

3829

DESCRIPTION:

O'Neil, James

DATE:

10/07/90



3829

1042

Witnesses: —

Filed 7 day of Oct 1898
Pleads

THE PEOPLE
vs.

James H. O'Neil

JOHN H. FLEWELL
JOHN McKEON,

District Attorney.

Obtaining money by False Pretences,
for an alleged and pretended
charitable and benevolent purpose,
[Section 567, Penal Code]

A True Bill.

Moniv Little

Foreman.

Oct 10/90
Plends Guilty

Fined \$5.

One day for each
dollar & 5

Police Court, First District.City and County }
of New York, }Ansam W. Hardof No. 107 WallStreet, aged 48 years,occupation Merchant

being duly sworn, deposes and says,

that on the 7 day of July1890, at the City of New

York, in the County of New York, there was taken stolen and carried

away from deponent goods and lawful money of the United States of the amount and value of five dollars the property of deponent by James H. O'Neil (now here) under the following circumstances, to-wit: On or about July 17, 1890 said O'Neil came to deponent's office at 70, 107 Wall Street in said City and asked deponent for the above named sum of five dollars, and falsely representing to deponent that it was for a charitable or benevolent object to-wit to aid him O'Neil in the purchase of a horse and wagon into which he was to earn a living, and falsely representing to deponent that he had already collected the sum of three hundred and eighty five dollars which was then held for him by one J. H. Littlefield residing at 471 Smith Street in the City of Brooklyn, N.Y. Said O'Neil said he only needed fifteen dollars more to make up the sum of four hundred dollars the amount he was to pay for said horse and wagon.

Deponent believing said statement to be true and that it was for a charitable or benevolent purpose gave said O'Neil the above named sum of five dollars. Deponent wrote a letter (here annexed) to J. H. Littlefield 471 Smith Street Brooklyn in relation to the statement made by O'Neil and said letter was returned to deponent through the mail stamped as not found. Deponent is also informed by Officer Andrew Nugent of the First Precinct Police that he went to 471 Smith Street in Brooklyn and found it to be a vacant lot and no building or dwelling thereon and also that O'Neil admitted to said Nugent that the statements made in collecting the above money was false. Wherefore deponent charges said O'Neil with obtaining from him the said sum of five dollars for an alleged charitable or benevolent purpose in violation of Section 567 of the Penal Code and deponent prays he may be held to answer as the law directs.

Sworn to before me this
29th day of September 1890

Ansam W. Hard
Police Justice

1044

Police Court--First District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anson McHard

vs.

1 James H. O'Neil

2

3

4

Offence,

Dated Sept. 29 1890

Andrew J. White Magistrate.

Andrew Nugent Officer.

B. Malone Clerk.

Witnesses, Officer Nugent

No. 1st Precinct Street,

No. Street,

No. Street.

\$ to answer Sessions

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 James H. O'Neil

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. 29 1890.

Police Justice.

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

Dated

188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated

188

Police Justice.

1045

HARD & RAND.

NEW YORK,

July 7 1890

Mr. J. H. Littlefield

Dear Sir,

has applied for aid
to enable him to buy
a horse and cart
with which to earn a
livelihood and states
that he already has
\$385. - in your hands
which you are to
hold until \$400. -
is raised and that
you are then to
buy and pay for
the horse & wagon -

Please confirm this statement
to

Yrs truly
Amos W. Hard

107 Wall St

1046

QUALITY
NAL

HARD & RAND. .

NEW YORK,

July 7 1890

Mr. J. H. Littlefield

Dear Sir,

~~James H. Littlefield~~
 has applied for aid
 to enable him to buy
 a horse and cart
 with which to earn a
 livelihood and states
 that he already has
 \$385. - in your hands
 which you are to
 hold until \$400. -
 is raised and that
 you are then to
 buy and pay for
 the horse & wagon -

Please confirm this statement
 to

Yours truly,
 Amos W. Hard
 107 Wall St

1047

CITY AND COUNTY }
OF NEW YORK, } ss.

Andrew Nugent
aged 32 years, occupation Police Officer of No. First Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Assess W. H. Bards
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 29th
day of September 1890

Andrew Nugent

A. J. White
Police Justice.

1048

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

Irish

District Police Court.

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

Question. What is your name?

Answer.

James H O'Neil

Question. How old are you?

Answer.

42 years.

Question. Where were you born?

Answer.

St Johns New Brunswick

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

Answer.

421 E 25. 15 months.

Question. What is your business or profession?

Answer.

I was a painter.

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

Answer.

I cant dispute Mr Hards affidavit and what he has said is true. The statements I made to him, were false

James H O'Neil

Taken before me this

29th

day of *September*

189⁵

Police Justice.

1049

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

Police Court--- 1578
 1st District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

James W. Vance
 1st 3rd
 James 26 O'Neil

Offence Felony, Violating
 Sect. 567 of the Penal Code

Dated September 29 1890

White Magistrate.

Murphy Officer.

Trush Precinct.

Witness Officer Murphy

1st District Order

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named James 26 O'Neil

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two 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 September 29 1890. A. J. White Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK
against

James H. O'Neil

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

James H. O'Neil
of the crime of ^{money} OBTAINING GOODS BY MEANS OF FALSE PRETENCES,
~~for an alleged and pretended charitable purpose,~~
committed as follows:

The said *James H. O'Neil*,

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the ~~seventh~~ day of ~~July~~ in the year of our Lord
one thousand eight hundred and eighty ~~ninety~~ at the Ward, City and County
aforesaid, with force and arms, with intent feloniously to cheat and defraud one

Amos W. Ward,

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to *the said Amos W. Ward,*

That ~~the~~ *the said James H. O'Neil* was then a poor,
needy and deserving person, and without means
of support or ability to earn his livelihood except
by the generosity and charity of benevolent
and charitably inclined people. That the sum
of three hundred and eighty five dollars had been
then contributed by such benevolent and charitably
inclined people toward the purchase for him
the said *James H. O'Neil* of a horse and wagon
by which he might earn a living; that the sum
of four hundred dollars was required for that
purpose; and that the said sum of three hundred
and eighty five dollars was then held for him
the said *James H. O'Neil* by one *J. H. Littlefield*
who then resided at 47, Smith Street in the City of
Brooklyn in Kings County in the said State.

And the said Amos W. Ward —

then and ~~there~~ believing the said false pretences and representations —
so made as aforesaid by the said James H. O'Neil —

and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said James H. O'Neil, for the said alleged and pretended charitable and benevolent purpose to mix for the purpose of thereby contributing toward the purchase of such horse and wagon for him the said James H. O'Neil that he might be enabled therewith to earn a living, the sum of five dollars in money, lawful money of the United States of America, and of the value of five dollars, —
of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Amos W. Ward —
and the said James H. O'Neil — did then
and there designedly receive and obtain the said sum of money

of the said Amos W. Ward.

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Amos W. Ward, for the said alleged and pretended charitable and benevolent purpose, by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Amos W. Ward —

of the same. And Whereas, in truth and in fact, the said James H. O'Neil was not then a poor, needy or deserving person, or without means of support or ability to earn his livelihood, except by the generosity and charity of benevolent and charitably inclined people; and the sum of three hundred and eighty five dollars had not been contributed by such benevolent and charitably inclined people toward the purchase for him the said James H. O'Neil of a horse and wagon by

which he might earn a living, and the sum of two hundred dollars was not required for that purpose, and the said sum of three hundred and eighty-nine dollars was not required to then held for him the said James H. O'Neil by one of J. H. Littlefield, and no person of that name then resided at 471 South Street in the said City of Brooklyn.

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said James H. O'Neil — to the said Amos W. Ward — was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said James H. O'Neil — well knew the said pretences and representations so by him made as aforesaid to the said Amos W. Ward — to be utterly false and untrue at the time of making the same.

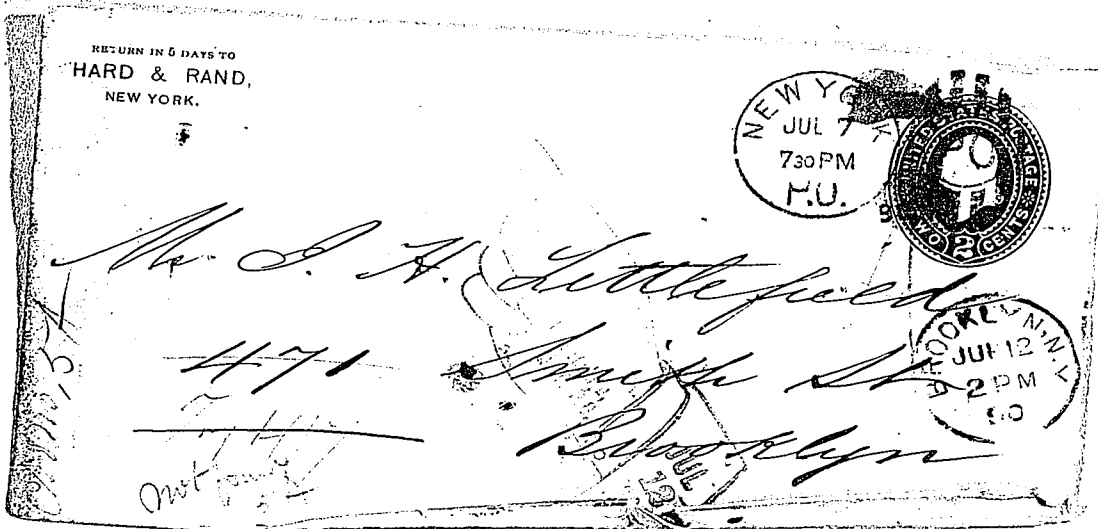
And so the Grand Jury aforesaid, do say, that the said James H. O'Neil — by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said Amos W. Ward, for the said alleged and pretended charitable and benevolent purpose, the said sum of five dollars in money

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said Amos W. Ward — with intent feloniously to cheat and defraud him of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

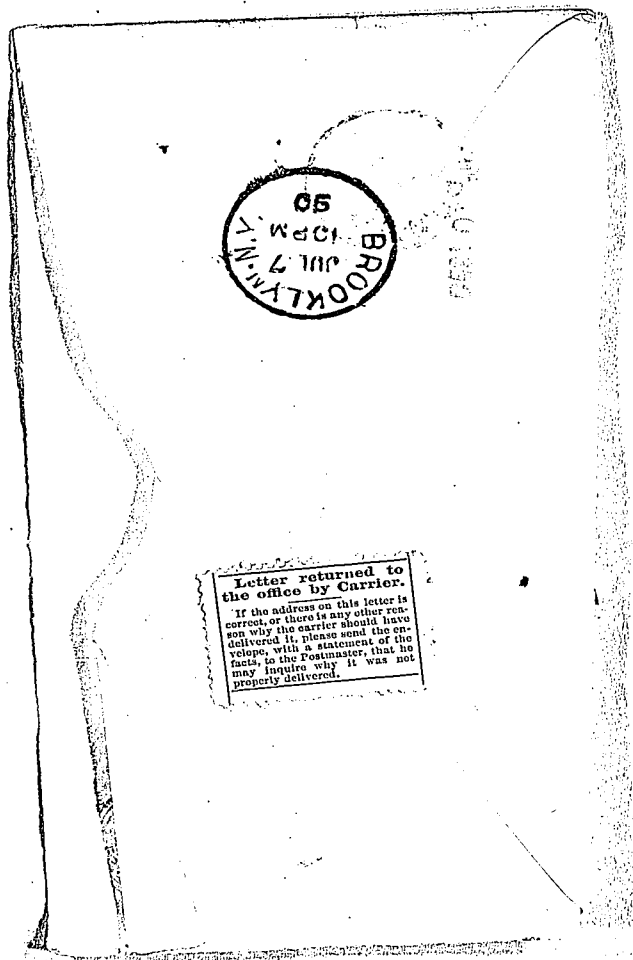
JOHN R. FELLOWS,

~~JOHN McKELON~~, District Attorney.

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**END OF
BOX**