

0008

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Brien, Lizzie

DATE:

12/23/90



3887

0009

Witnesses:

Edith M. M. M. M.

Counsel,

Filed

23 day of Dec 1920

Pleas,

Not guilty

THE PEOPLE

231 Elizabeth St.
N.Y.

Lizzie O'Brien

N.Y.

Grand Larceny, Second Degree.
[Sections 628, 629, 631 Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William Van Lennep

Part 2 - Jan. 5, 1921 Foreman.

Pleas Guilty

Pen 2 yrs

00 10

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

Neil Morrison
 of House of Detention Street, aged 44 years,
 occupation Salvage being duly sworn,
 deposes and says, that on the 15 day of December 1890 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 night the following property, viz:

one silver Watch with plated
 chain attached of the value of
 fifteen dollars. one overcoat

of the value of Seventeen dollars

good and lawful money of the
 the property of
 United States of the value of Fifty
 dollars the property of deponent and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
 carried away by Lizzie O'Brien (now here)

from the fact that deponent is
 informed by Cornelius S. Miller
 that he purchased the aforesaid
 property, ~~from deponent~~ viz
 Watch & chain from said
 deponent on said date.

SWORN TO BEFORE ME

ON 21 DAY OF DEC 1890

John J. Ryan
 POLICE JUSTICE.

Neil Morrison

0011

CITY AND COUNTY }
OF NEW YORK, } ss.

Cornelius D. Miller
aged 57 years, occupation Carpenter of No. 296 Elizabeth Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Neil Harrison
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 21 day of Dec 1898 } Cornelius D. Miller

John J. Ryan
Police Justice.

00 12

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Lyzee O'Brien

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

226 Elizabeth St 2 weeks

Question. What is your business or profession?

Answer.

Servant

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 of
taking the watch
Mr Chan
Elizabeth O'Brien*

Taken before me this

day of

John J. O'Brien
Police Justice

00 13

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

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

Dated DEC 21 18 90 John J. Ryan 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 h to be discharged.

Dated _____ 18 _____ Police Justice.

0014

Police Court---

2

1872 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Neil Harrison
House of Detention
Lizzie Harrison

Offence *Lawrence (Filing)*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Dec 21* 18*90*

Ryan Magistrate.

Sullivan Officer.

15 Precinct.

Witness *Charles B. Miller*

296 Elizabeth Street.

Combeant Committee
for the House of Detention
in default of \$1000 to test

No.

1000



Committee

00 15

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 2 DISTRICT.

John S Sullivan
of No. 1511. Princeton Street, aged _____ years,
occupation officer being duly sworn deposes and says
that on the _____ day of _____ 1885
at the City of New York, in the County of New York, Neil Harrison

The within named Complainant is
a necessary and material witness
against Lizzie O'Brien charged
with a felony
Department says that he is
a resident of Chicago and asks
that he give surety for his
appearance to testify

John S Sullivan

Sworn to before me, this _____ day of _____ 1885

John J. O'Brien Police Justice

00 16

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Lizzie O'Brien

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Lizzie O'Brien*

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

The said

Lizzie O'Brien

late of the City of New York, in the County of New York aforesaid, on the *15th*
day of *December* in the year of our Lord one thousand eight hundred and
ninety, at the City and County aforesaid, with force and arms, in the
night—time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *fifty*

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

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

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

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

*dollars, one watch
of the value of twelve dollars, one
chain of the value of three dollars,
one overcoat of the value of seventeen dollars*

of the goods, chattels and personal property of one

Ernest Morrison
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.*

00 17

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Brien, Martin J.

DATE:

12/12/90



3887

00 18

Witnesses;

Officer Gorman

Counsel,

Filed

1890

Pleads,

THE PEOPLE

vs.

H
Martin J. O'Brien

Grand Larceny Second Degree
[Sections 528, 529 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill

John R. Fellows

Foreman.

Dec 15 1890

Ben J. B. M.

0019

Police Court—

3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 58 Columbia Street, aged 40 years,
 occupation Charcoal dealer, being duly sworn
 deposes and says, that on the 7 day of December 1890 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 overcoat and one Prayer-
Book of the total value of
Thirty dollars

\$30.—

the property of

this deponent

and that this deponent
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
 and carried away by Martin J. O'Brien (now

here) from the fact that said
 coat was left hanging up on
 a pin in his stable at prem-
 ises № 50 Sheriff Street and
 after missing the same he is
 informed by Officer Benner of
 the 12th Precinct that he the
 officer arrested the defendant
 with the said coat and Book
 in his possession on Scammel Street
The deponent has seen
the property and fully identifies
it as his own

Charles McConnell

Sworn to before me, this

of

18

Police Justice.

0020

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Police Officer of No.

the 12th Precinct Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of DEC 2 1888

John M. Benner
Police Justice.

0021

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK } ss.

3 District Police Court.

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

Question. What is your name?

Answer. *Martin J. O'Brien*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *Ill. - S.*

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

Answer. *Houston St (don't know the number) 3 months*

Question. What is your business or profession?

Answer. *Cleanster*

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

Answer. *I am not guilty I
found the coat lying
down alongside of an
alley way on Sheriff St**Martin J. O'Brien*

Taken before me this

day of

189

Police Justice.

0022

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

Dated *DEC 28* 18*90* *[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.

0023

Police Court---

3 1829 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles McLaughlin
58 - Columbia St.

1

2

3

4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Dec 8* 18*90*

W. J. Bennett Magistrate.

Bennett Officer.

12 Precinct.

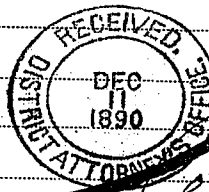
Witnesses

No. Street.

No. Street.

No. Street.

\$ *300* to answer



W. J. Bennett

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Martin J. O'Brien

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

Martin J. O'Brien

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

The said

Martin J. O'Brien

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

*one overcoat of the value of
twenty-nine dollars and one
printed book of the value of
one dollar*

of the goods, chattels and personal property of one

Charles Mc Connell

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.

SECOND COUNT—

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

Martin J. O'Brien
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Martin J. 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,

*one overcoat of the value of
twenty-nine dollars and one
printed book of the value
of one dollar*

of the goods, chattels and personal property of one *Charles McConnell*

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

Charles McConnell

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

Martin J. O'Brien

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

JOHN R. FELLOWS,
District Attorney.

0026

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Brien, Michael

DATE:

12/16/90



3887

Witnesses:

William J. [Signature]
John [Signature]

Counsel,

Filed 16 day of Dec 1890

Pleas,

THE PEOPLE

vs.

Michael O'Brien

Placed in the third degree
(Section 498, w. 6, 5, 8, 5, 2, 1932)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John J. [Signature]
Foreman.

Dec 17/90

Heads Jury 3 day
S.P. 3 yrs. R.M.

0028

Police Court— 2 District.City and County }
of New York, } ss.:of No. 431 Seventh Avenue Martin Scherer Street, aged 38 years,
occupation Lab orerdeposes and says, that the premises No 431 Seventh Avenue being duly sworn
in the City and County aforesaid, the said being a Three story
brick dwelling house
and which was occupied by deponent as a dwelling
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly opening a
door leading from the hall into the
front hall bedroom with false
keys on the first floor of the said
premiseson the 1st day of December 1898 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:One Overcoat, One Suit of
clothes and in pockets of which were
One pair of eye glasses One pocket knife
and One cork screw all of the
value of forty dollars (\$40.00)the property of Deponentand 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 byMichael O'Brien (nowhere)

for the reasons following, to wit:

That upon said date deponent
securely locked the door of said
Hall bedroom and went away
leaving the said property in a
trunk in said room. That shortly
thereafter deponent returned to the
said premises and discovered
the said door open and the said

0029

property missing when he immediately
 Dependent is now informed
 by Sigmund Lowenstein of No.
 796 Second Avenue that on the
 aforesaid date the said defendant
 came to the Pawn Shop of L. Bruckman
 of No 796 Second Avenue in which defendant
 is clerk and pawned the ^{gold} over coat
 and which defendant fully identifies
 as his property and part of the
 property taken from the said premises
 J. L. Scherer

SWORN TO BEFORE ME

THIS 13 DAY OF

December 1914

J. C. Kelly
 JUSTICE

SWORN TO BEFORE ME

DAY OF

JUSTICE

Police Court District.

THE PEOPLE, & c.,
 ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0030

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 39 years, occupation Clerk of No.

796 - 2. Ave Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Martin Scherer

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

Sworn to before me, this 13

day of Dec 1893

Sigmund Lewenstein

[Signature]
Police Justice.

0031

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Michael O'Brien

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New York

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

Answer.

260 - 10. Ave & 6 years

Question. What is your business or profession?

Answer.

Blacksmith

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

Answer.

*I have nothing to say.**Michael O'Brien*

Taken before me this

day of

1891

b)

Paul J. Keefe

Police Justice.

0032

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 Dec 13 1890 De J. C. Reilly 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.

0033

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 2 1846 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin Scheyen
431 - 23rd Ave.

Michael O'Brien

2 _____
3 _____
4 _____

Offence *Delaying*

Dated DEC 13 1890

O'Reilly Magistrate.
Grady & McManus Officer.

Officer Precinct.

Witnesses *Officer Grady*
No. *Central Office* Street.

No. _____ Street.

No. _____ Street.

\$ 15.00 to answer



COMMITTED

87
9/12
10/1

0034

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael O'Brien

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

Michael O'Brien

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

The said

Michael O'Brien

late of the *Twentieth* Ward of the City of New York, in the County of New York
aforesaid, on the *first* day of *December* 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

Martin Scherer

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

Martin Scherer

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

— *Michael O'Brien* —
 of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:
 The said *Michael 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, in the *day* — time of said day, with force and arms,

one overcoat of the value of eighteen dollars, one coat of the value of ten dollars, one vest of the value of four dollars, one pair of trousers of the value of six dollars, one pair of eye-glasses of the value of one dollar, one knife of the value of fifty cents and one cork screw of the value of fifty cents

of the goods, chattels, and personal property of one

in the dwelling house of the said

Martin Scherer
Martin Scherer

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

Michael O'Brien

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

The said

Michael O'Brien

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 second count of this indictment

of the goods, chattels and personal property of

Martin Scherer

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

Martin Scherer

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

Michael O'Brien

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.

0037

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Connell, John

DATE:

12/03/90



3887

0038

Witnesses;

Thos. Daly
P. Stevens

#44

Indy

Counsel,

Filed

day of

18

Pleads,

Dec 7 1890
Criminally

THE PEOPLE

vs.

John O'Connell

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

JOHN R. FELLOWS,

District Attorney.

Dec 8th 1890
Indy

A True Bill.

Dec 9 1890 Foreman.

Grade C Attempt
Assault 1 deg.
E. R. 3 yrs.
Dec 12/90 R.B.M. Jr

0039

Nov. 12th 1890

Mr. Saly ~~is~~ now out
of danger. He will be
able to be out in about
two week from today -

He may however
be a little longer -

Wm. B. Buckle

147

0040

Nov. 6th 1890.

This certifies that Mr. Daly
104 E 31 St is suffering from
Emulsion of brain & two severe wounds
9- right occipital ^{& frontal} region of head

He is at times delirious
and unable to sleep. He has latter
bleeds to a great degree. He has some
fever and is very weak. I think he
will recover.

Chas. W. Burke M.D.

0041

POOR QUALITY
ORIGINAL

Martin Burke, M. D.,

OFFICE HOURS: { 8 to 9 A. M.
10 to 11 A. M.
6 to 8 P. M.

147 LEXINGTON AVE.,
NEW YORK.

R

Mrs. Burke

My dear

100-318

is still in danger

M. Burke

Martin Burke, M. D.,

OFFICE HOURS: { 8 to 9 A. M.
10 to 11 A. M.
6 to 8 P. M.

147 LEXINGTON AVE.,
NEW YORK.

R

Nov 290

My dear

is now

in bed and is

seriously ill.

M. Burke

0042

CITY AND COUNTY } ss.
OF NEW YORK,POLICE COURT, 4 DISTRICT.

Bernard Malarkey
 of No. 27 Street, aged — years,
 occupation Police Officer being duly sworn deposes and says
 that on the 2 day of November 1890

at the City of New York in the County of New York,

he arrested
John Connell (nonres), upon
 Complaint of assaulting Thomas
Daly of No 104 East 31st Street
 causing injuries from which
 said Daly is now confined to
 the house and unable to appear
 in Court and made formal
 Complaint. Defendant therefore
 prays that said Connell
 be held to await the result of
 said injuries Bernard Malarkey

Sworn to before me, this

of

Nov 1890

day

H. M. Malarkey Police Justice.

0043

Police Court, ²² District.

THE PEOPLE, & c.,

ON THE COMPLAINT OF

James O'Connell

AFIDAVIT.

Dated *Nov 3* 1890

Wm. J. O'Connell Magistrate.

Maloney Officer.

Witness, _____

Disposition, *Committed without bond to await result of inquest*
4 Nov 3 2 P.M.
8" 3 2 P.M.
5000 bond to await the result of inquest
6 Nov 3 9 a.m.

I hereby consent to the adjournment of this case from this date Nov. 13/90 to Nov 26/90 at 2 o'clock P.M.

Nov 13, 1890.

John J. O'Connell
4 Nov 26 2 P.M.

The magistrate presiding at this Court will please hear and determine this case by reason of my absence

Wm. J. O'Connell
Solicitor General

0044

District Attorneys Office.
City & County of
New York.

Nov. 26. 1890

A. M. Smyth. Esq
Clerk

Pr. Inclosed please find return to writ
of certiorari in case against John J.
O'Connell for the purpose of the exam-
ination which has been set down
for this afternoon. The writ has been
adjourned to Friday morning
next at 10.30, when the return will
again be needed in Supreme Court.
You will, therefore, be good enough to
return the within papers with any
additional documents made at
to-day's examination to our Office
before 10 o'clock To M. next Friday

Yours Truly
Edward Grosse
Dep. Assistant

0045

Police Court— 4 District.City and County { ss.:
of New York,

Thomas Daly
 of No. 104 East 91st Street, aged 43 years,
 occupation Stable Keeper being duly sworn
 deposes and says, that on the 2 day of November 1890 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John O'Connell (now here)
 who struck deponent on the
 head with an Axe then and
 there held in his hand knocking
 deponent down and when lying
 prostrated upon the ground
 struck deponent two blows
 upon the body with said Axe
 inflicting severe wounds upon
 deponent's head and body and

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 26 day }
 of November 1890 }

Charles Linter Police Justice.

Thos Daly

0046

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

John 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. *John O'Connell*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *No 325 Ninth Ave New York*

Question. What is your business or profession?

Answer. *Coachman*

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

Answer.

I am not guilty.
and I waive examination

John O'Connell

Taken before me this

day of *May**Charles W. Hunter*

Police Justice.

0047

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 Mar 26 1890 Charles 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.

0048

#5000 for 2x
Nov. 29-90-9am
C.W.F.

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

11/1/83
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thos Daly
451 4th Ave

Jno OConnell

2 _____

3 _____

4 _____

Offence Felony Assault

Dated Nov 26 1890

Gairtor Magistrate.

✓ Malarky Officer.

21 Precinct.

Witnesses Bernard Gairtor

No. 451 4th Ave Street.

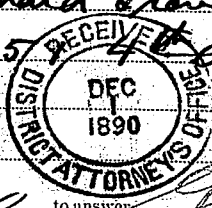
Richard Stevens

No. 451 4th Ave Street.

No. _____ Street.

5000 to answer

Com



Supreme Court State of New York.

----- x
 :
The People etc. :
 :
 respondents :
 :
 against :
 :
 John O'Connell :
 :
 appellant. :
 :
 ----- x

The appellant was convicted on his plea of guilty of the alleged offense of attempt at assault in the first degree, and sentenced to the State Prison for a period of five years , by the Court of General Sessions. From that judgment he has appealed to the General Term of this Court and now asks this Court for a certificate of doubt as to whether that judgment should stand or not under section 527 of the Code of Criminal Procedure.

POINT I.

The judgment appealed from is absolutely void, on the ground that there is no such offense known to the law, as attempt at assault in the first degree.

Section 34 of the Penal Code provides; that an attempt to commit a crime is an act done with intent to commit a crime and tending but failing to effect its commission.

Section 217 of the Penal Code provides; that assault in the first degree is defined as follows:

A person who with intent to kill a human being or to commit a felony on the person or property of the one assaulted or of another.

I.

(2)

I. Assaults another with a loaded firearm or any other deadly weapon, or by any other means or force likely to produce death.

Assaults are in themselves merely attempts, and there is no such thing known to the law as an attempt to commit an attempt.

Moaks Underhill Torts, 204 defines an assault in this language. "An assault is an unsuccessful attempt to do harm to the person of another."

The authorities are uniform in this definition of the crime of assault, and they say; ' an assault is an attempt with force and violence to do a corporeal injury to another, and may consist of an act to such corporeal injury accompanied with such circumstances as denote at the time, an intention coupled with the present ability of using actual violence against the person.

I. Hill 351

Clark vs Downing 55 v.t. 259

II. Bishop criminal law second edition 62.

POINT II.

In order to illustrate that there is no such crime as attempt at assault in the first degree, it will be useful to examine some authorities. What defines an attempt is an intended apparent unfinished crime; therefore the act must reach far enough towards the accomplishment of the desired result to amount to the commencement of the consummation, it must ^{not} be merely preparatory. In other words, while it

(3)
need not be the last approximate act to the consummation of the offense attempted to be perpetrated, it must approach sufficiently near to it to stand either as the first or some subsequent step in the direct movement towards the commission of the offense after the preparations are made.

Whill's case 6 Gratt. 706

Macdade vs. People 29 Mich. 50 Bouv Law dictionary *"attempt"*

Thus it has been often held under statutes similar to our own that the purchase of a gun with intent to commit murder or the purchase of poison with the same intent, does not constitute an indictable offense, because the act done in either case is considered only in the nature of a preliminary preparation and as not advancing the conduct of the accused beyond the sphere of mere intent.

To make the act an indictable attempt, says Wharton, it must be a cause distinguished from a condition, and it must become so far that it would result in the crime unless frustrated by extraneous circumstances.

I. Wharton, criminal law, section 181.

In People against Murray, 14 Cal. 159, defendant was indicted for an attempt to contract an incestuous marriage with his niece. It was shown, that after declaring his intentions to marry her, he actually eloped with her and sent for a magistrate to perform the ceremony and at the trial he was convicted, but on appeal the judgment was reversed, the Appellate Court holding, that these were mere preparations, and did not constitute an attempt within the meaning of the statute. Field, Chief Justice, said:

The evidence shows very clearly an intention of the

(4)

defendant, but something more than mere intention is necessary to constitute the offense charged.

Between preparation for the attempt and the attempt itself, there is a wide difference. To illustrate:

A party may purchase some loaded gun with the declared intention to shoot his neighbor; but until some movement is made to use the weapon upon the person of his intended victim, there is only preparation and not an attempt. For the preparation he may be held to keep the peace; but he is not chargeable with an attempt to kill.

So, in the present case; the declarations, elopement and request for a magistrate, were preparatory to the marriage; but until the officer was engaged and the parties stood before him ready to take the vows preparatory to the contract of marriage, it cannot be said in strictness, i.e. (in a legal sense) that the attempt was made.

The attempt contemplated by the statute must be manifested by acts which would end in the consummation of the particular offense but for the intervention of circumstances independent of the will of the party.

From these cases it will clearly be seen that it is a legal impossibility for any act to be committed which would amount to an attempt at the crime of assault, which is of itself an attempt.

POINT III.

But it may be urged that this judgment can stand by reason of section 35 of the Penal Code which provides;

Upon the trial of an indictment, the prisoner may be convicted of the crime charged or of a lesser degree of the

(5)
same crime, or of an attempt to commit a crime so charged,
or of an attempt to commit a lesser degree of the same crime."

In considering this section, we must remember that the Penal Code in this provision, did not undertake to make any new law; it merely codified the decisions of the courts as they existed prior to the passage of the Penal Code; and, of course, it always was the law that a person charged with an offense, could be convicted of a lesser degree, or an attempt to commit a crime, or where the crime in its various degrees constitute substantially other crimes, there an attempt can be found; like burglary, arson and other crimes of kindred character; but no such reasoning can apply to the crime of assault; and, while we may find in the books, instances of the practice of convicting men of attempts at lesser degrees for these crimes, no authority or decision can be found where any man has been convicted of the alleged offense of attempt at assault.

The judgment itself then being void, and, having appealed therefrom, there can be no question that the defendant is entitled to the certificate as provided by the statute.

All of which is respectfully submitted.

Andrew H. Pindy

0054

N. Y. Supreme Court.

The People vs.
Respondents
Plaintiff

against

John A. Connell.

Defendant

Brief.

PURDY & McLAUGHLIN,

Attorneys for

No. 280 BROADWAY, New York City

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

Attorney.

To _____

0055

O Connell case
on p 132 Barbons C. L.
An assault is defined by
Hampshire etc -
See Wharton # 387. Val 1.

An attempt to commit
a rape, in which killing
occurs, is necessarily
an overt act, indicating
the intent and
purpose of the act,
a subject of which
clear proof, sufficient
to place the case beyond
reasonable doubt should
be given.

An assault is defined by
Hampshire, to be an attempt
or offer with force or
coercion to do a corporal
harm to another.
444. Penal Code

Understand Judy
 got a ray from Anthony,
 in the ground that there
 is no such offense as
 attempt at assault in 1st
 This after a plea of
 guilty

Reads Attempt, Court 1st
 Dec 8, 1890.

People
 vs
 John C. Cunnell

Court 1st



County of Hamilton, New York,
 Judges' Chamber,
 32 Chambers Street.

New York

1890

0057

New York Court of General Sessions.

----- x
The People etc. :

against :

John O'Connell. :

-----v----- -x
City and County of New York ss.

James Murphy being duly sworn says:

I am in the segar business; I have known the above named
defendant for a period of over 20 years.

I know his character for peace and quietness; he has
always been, to my knowledge a peaceful quiet man.

I knew him in the old country and in this country; I have
constantly associated with him and know his family and all
about him.

Hitherto, he has borne an excellent reputation for peace,
honesty and sobriety.

Sworn to before me this
11th day of December, 1890.

James Murphy
Wm C. Clifton
Notary Public

New York County.

New York Court of General Sessions.

----- x
 The People etc. :
 against :
 John O'Donnell. :
 ----- x

City and County of New York ss.

Richard Stack being duly sworn says:

I reside corner of 29th street and 1st avenue and am a
 blacksmith foot of 29th street for the last 37 years .

I have known the above named defendant for the last 12
 years and have known his character and it is good.

I have never known of his being in any trouble before;
 he always appeared a very peaceable, quiet man; I was greatly
 surprised to hear that he committed an assault because, from
 his past reputation, I could not believe that he would do
 such a thing.

Sworn to before me this

Richard Stack

11th day of December, 1890.

Wm. C. Claffery

Notary Public

New York County.

COURT OF GENERAL SESSIONS.

 The People etc.

vs.

John O'Connell

City and County of New York ss:

John Fennick being duly sworn says: that he is in the trucking business, and his place of business is at 453 Broome Street. That he has known the above named defendant for a period of over 17 years, and knows his character for peace and quietness, and that he has always been to deponents knowledge a peaceful and quiet man. That the defendant worked for him for about two years, and that he never had a better workman, that he has constantly associated with him, and --- knows his family and all about him. That the defendant has a wife and three small children who are entirely dependent on him for support. And that hitherto he has borne an excellent reputation for peace, honesty and sobriety.

Sworn to before me this :
 11th day of December 1890:

John Fennick
Jacob M. ...
Notary Public
N.Y.C.

0060

U. S. Court of Gen. Sess.

The People

Plaintiff

against

John O'Connor

Defendant

Affidavit.

PURDY & McLAUGHLIN,

Attorneys for Defendant

No. 280 BROADWAY, New York City

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

Attorney.

To

filed Dec. 12. 1890

Supreme Court, State of New York.

-----X

The People etc., :

respondents:

against :

John O'Connell, :

appellant.:

-----X

Upon the affidavit of Ambrose H. Purdy verified this day and hereto annexed and upon the proceedings heretofore had and on the papers heretofore filed in the above entitled action at the Court of General Sessions of the Peace in and for the City and County of New York, and on motion of Ambrose H. Purdy, counsel for appellant; it is

ORDERED that the District Attorney of the City and County of New York do show cause before me at my Chambers in the Court House in the City of New York on the *15th* day of December, 1890, at eleven o'clock in the forenoon why I shall not certify that in my opinion there is reasonable doubt whether the judgment ~~returned~~ *rendered* against the above named appellant in the above entitled action of the Court of General Sessions of the Peace in and for the City and County of New York on the twelfth day of December, 1890, should not stand; and it is further

ORDERED that in the meantime and until the further Order of this Court, all proceedings on the said judgment be stayed.

Dated, New York, December 12th, 1890.

Geo P. Andrews
J. S. S. P.

0062

SUPREME COURT, STATE OF NEW YORK.

-----x
The People etc., :

respondents :

against :

John O'Connell, :

appellant. :
-----x

City and County of New York, ss:-

Ambrose H. Purdy being
duly sworn says as follows :- I am one of the counsel for
the above named appellant; the appellant was convicted in the
Court of General Sessions of the Peace in and for the City
and County of New York on his plea of guilty to the alleged
crime of an attempt at assault in the first degree on the
fourth of December, 1890. That on the twelfth, judgment
was rendered against him upon such conviction and that he
should be imprisoned in the State Prison for the term of
five years. That he is about to appeal from the said jud-
gment to the General Term of the Supreme Court of the State of
New York. That an important question of law is involved
in said appeal and the appellant claims that the judgment
against him and conviction are wholly void as there is not
known to the law any such offence as attempt at assault in
the first degree. The appellant has not had time to pro-
cure the stenographer's minutes and copies of the proceed-
ings, but will procure them as soon as they can be transcrib-
ed. The appellant is now in the hands of the Sheriff and
about to be taken out of the City and County of New York in
execution of said judgment and will be so taken unless a

0063

temporary stay of proceedings is granted upon this appeal.
This affidavit is therefore made for the purpose of obtaining an order to show cause returnable in less than eight days why a certificate of reasonable doubt whether the said judgment should stand shall not be granted with a temporary stay of proceedings in the meantime.

No application for such order to show cause or stay of proceedings has heretofore been made.

Sworn to before me this :
12 day of December, :
1890. :

Amherst H. Pinsky

Abraham D. Levy,
Court of Decide.
N.Y. Co.

0064

N. Y. Supreme Court.

The People &c.

Plaintiff

against

John O. Connell.

Defendant

Copy
Affidavit & Order to
Show Cause.

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



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'Connell

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

John O'Connell
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

John O'Connell

late of the City of New York, in the County of New York aforesaid, on the
second day of *November* in the year of our Lord
one thousand eight hundred and *ninety* with force and arms, at the City and
County aforesaid, in and upon the body of one *Thomas Daly*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *Thomas Daly*
with a certain *axe*

which the said

John O'Connell
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, ~~stab~~ and
wound,

him the said *Thomas Daly*
with intent 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

John O'Connell
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

John O'Connell

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 *Thomas Daly* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said
Thomas Daly
with a certain *axe*

which the said

John O'Connell
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, cut, ~~stab~~ and wound, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York,
and their dignity.

John R. Feltow,
District Attorney.

0066

BOX:

421

FOLDER:

3887

DESCRIPTION:

Olivier, Antonio

DATE:

12/16/90



3887

0067

Witnesses;

Elia. Cruz
Officer Schuy

Counsel,

Filed

16 day of Dec 18 90

Pleads,

THE PEOPLE

vs.

Antonio Oliver

Grand Larceny Second Degree

[Sections 528, 531, 532, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William H. Anderson

Dec 17 90

Foreman.

James P. Jones

Elmer D. Jones

0068

Police Court

2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

Elizabeth Evans.

of No. 316 West 23 Street, aged 29 years,
occupation Dress maker being duly sworn,
deposes and says, that on the 1 day of December 1890 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:

Twenty yards of satin and
twelve yards of gray
cloth all of the value
of seventy five dollars
\$75.00

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by Antonio Oliver. (now 1894)
from the fact that at about
the hour of 8 o'clock P.M. said
date deponent missed the said
property from her trunk in the
said premises. When deponent
immediately notified the Police
of her loss.

Deponent is informed by
Officer Samuel Roberts that at
about the hour of one o'clock A.M.
December 12th 1890 that he arrested
the said defendant and found
the pawn tickets in his possession
which represents the said property.

Subscribed and sworn to before me this 12th day of December 1890
at New York
Justice

0069

and which deponent fully identifies
as her property and the property
taken from her trunk.

Wherefore deponent charges
the said defendant with feloniously
taking, stealing and carrying away
the said property and prays
that he may be held and dealt
with as the law directs.

SWORN TO BEFORE ME

THIS 17 DAY OF November 1896

Do J. C. Smith
J. C. JUSTICE

E. L. Smith

0070

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel Doherty
aged years, occupation Police officer of No.
16 Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Antonio Oliveri

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

Sworn to before me, this

day of

12

188

Samuel Doherty

Do I certify

Police Justice

0071

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK ss.

District Police Court.

Admiral Oliver 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Admiral Oliver

Taken before me this

1889

Police Justice.

0072

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

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

Dated Dec 12 1891 Lo. J. C. 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.

0073

Police Court---2 District. 1847

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Elizabeth Evans
316 - vs. Street 23
Antonio Oliver

2

3

4

Offence

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated DEC 12 1890

Magistrate.

Officer.

Precinct.

Witnesses

\$1000 & Dec 13 Street.

No. Street.

No. Street.

\$1000



COMMITTED.

0074

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Antonio Olivier

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

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

The said *Antonio Olivier*

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

*Twenty yards of satin of the
value of two dollars and fifty
cents each yard and twelve yards
of cloth of the value of two
dollars each yard*

of the goods, chattels and personal property of one

Elizabeth Evans

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.

SECOND COUNT—

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

Antonio Olivier

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

The said

Antonio Olivier

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,

twenty yards of satin of the value of two dollars and fifty cents each yard and twelve yards of cloth of the value of two dollars each yard

of the goods, chattels and personal property of one *Elizabeth Evans*

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

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

Antonio Olivier

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.

0076

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Neil, James F.

DATE:

12/08/90



3887

0077

Witnesses:

Mary McFarlane

John McFarlane

Officer Smith

Counsel,

Filed

Pleas

1890

THE PEOPLE

vs.

James S. O'Neil

Grand Larceny Second degree.

[Sections 528, 531, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John Van Houten

Feb 2 Dec 16/90

Foreman.

Pleas 1st Larceny

6 miss per J. Dec 17

0078

Police Court—4th District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Mary McGinnis
of No. 11 East 38th Street, aged 23 years,
occupation Domestic being duly sworn
deposes and says, that on the 25th day of November 1898 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:

A quantity of silver ware
of the value of about Thirty
dollars

the property of her care and charge of
deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by James O'Neil (now here)

for the reason that said property
was in a sideboard in the dining
room in the above premises
and deponent saw a man in
the room and handling the silver
ware. The man upon seeing deponent
ran out into the street and deponent
pursued him for several blocks.
Deponent then lost sight of the
man. Deponent is informed by
John Nolan, (now here) that he
witnessed deponent pursuing
the said man and joined in
the chase and saw the defendant

Sworn to before me, this
18 day

Police Justice.

0079

(now here) arrested by officer Remkin
and that he defendant is the same
person pursued by deponent and
therefore ^{upon missing said property} charged him with the
stealing of said property.

Sworn to before me
this 26th November, 1890 } Mary M. Guinness

Charles W. Linton
Police Justice

0080

CITY AND COUNTY }
OF NEW YORK, } ss.

John Nolan
aged 17 years, occupation Fireman of No.

442 First Avenue Street, being duly sworn deposes and

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

Sworn to before me, this 26
day of November 1899 John Nolan

Charles W. Lister
Police Justice.

0081

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

James Neil 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty
I waive examination*

James D. Neil

Taken before me this

day of November 1896

Charles A. Smith

Police Justice.

0082

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 Nov 20 18 90 Charles W. 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.

0083

\$500 for 27
Nov. 29-1890
C.M.F.

#47 00 B.D. 1786
Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary McGinness
11 vs. East 38
James O'Neil

Official
James McGinness

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Nov 26 1890

Seuntor Magistrate.

Lemman Officer.

21 Precinct.

Witnesses John Nolan

No. 4442 121 Ave Street.

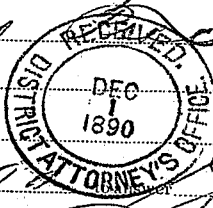
Michael Lemman

No. 21 _____ Street.

No. _____ Street.

\$ 500 J.S.

Com 922



0084

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 F. O'Neil

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

James F. O'Neil

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

The said

James F. O'Neil

late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth*
day of *November* in the year of our Lord one thousand eight hundred and *ninety*,
_____ , at the City and County aforesaid, with force and arms,

*eighteen spoons of the value of one
dollar and fifty cents each, two forks
of the value of one dollar each
and one butter-knife of the value
of two dollars*

of the goods, chattels and personal property of one

Mary Mc Guinness

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. Stedman
District Attorney

0085

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Neil, John

DATE:

12/17/90



3887

0086

BOX:

421

FOLDER:

3887

DESCRIPTION:

Delancy, James

DATE:

12/17/90



3887

0087

#187

Counsel,

Filed

17

day of

Dec 1890

Pleas

Witnesses:

James J. O'Neil
Officer Bully

THE PEOPLE

vs.

John O'Neil

and

James Delaney

JOHN R. FELLOWS,

District Attorney.

Burglary in the Third Degree
and Petit Larceny.
(Section 498, 504, 52 & 550)

A True BILL

William T. Farmer

Foreman.

(Dec 17/90)

Doth

James J. O'Neil

6 Dec 1890

John R. Fellows, D.A.

0088

Police Court—2 District.City and County }
of New York, } ss.:of No. 41 Sullivan Street, aged 35 years,
occupation Fruit Dealer being duly sworndeposes and says, that the premises No 30 Clarkson Street,
in the City and County aforesaid, the said being a Three Story + Basement
brick building the Basement of
and which was occupied by deponent as a Storage Room
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking open
the door leading to said Basementon the 11 day of December 1890 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:a quantity of oranges and Candies
of the value of about Eight Dollarsthe property of deponent by Ross Santonico his Captain
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'Neil and James Delaney (both unknown)for the reasons following, to wit: Deponent at the hour of 9 1/2
O'clock in the night of the 10th day of December
1890 deponent securely fastened the said
door and left said premises.
Deponent is informed by George B. McGully
of the 9th Precinct Police that at the hour
of 2 O'clock in the morning of the 11th
day of December he found the door
leading to said Basement open

and he found the two defendants in said
 Basement and there arrested them
 that said Officer had some of defendant's
 Coney in his pocket.

Subscribed to before me this } Grand Juror
 11th day of December 1890 }
 Do hereby certify
 [Signature]

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.

0090

CITY AND COUNTY }
OF NEW YORK, } ss.

George B McTully
aged 28 years, occupation Police officer of No. 90
90 Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Gerardo Goto
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 11
day of December 1880 } Geo B McTully

Do J A Butler
Police Justice.

0091

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

James McLaugh 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 McLaugh*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Newport*

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

Answer. *108 Leroy Street 5 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *We were in the place to sleep*

James L. McLaugh
James

Taken before me this

day of

1889

James L. McLaugh
Police Justice.

0092

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John O'Neil 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* if he see fit to answer the charge and explain the facts alleged against *h* that he is at liberty to waive making a statement, and that *h* waiver cannot be used against *h* on the trial.

Question. What is your name?

Answer. *John O'Neil*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *I have no home*

Question. What is your business or profession?

Answer. *Fireman*

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. *The place was open, we saw three Boys running from it, and we went down to sleep.*

John L. O'Neil
Grand

Taken before me this

day of *March* 1892

P. J. Connelley
Police Justice.

0093

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 *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 *December 11* 18*90* *Sc. J. C. Beck* 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.

0094

Police Court---

1848 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Gerald P. To
John O'Neil
James McLaugh

Barry lasty
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Dec 11* 18*90*

O'Neil Magistrate.

Geo B McLaugh Officer.

9 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

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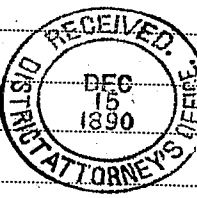
No. Street.

No. Street.

No. Street.

No. Street.

No. Street.



\$ *15.00* to answer

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COMMITTED.

Barry 3
P. H.

0095

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'Neil
and
James Delaney

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

John O'Neil and James Delaney

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

The said

John O'Neil and James Delaney

late of the *ninth* Ward of the City of New York, in the County of New York
aforesaid, on the *eleventh* day of *December* in the year of our Lord one
thousand eight hundred and *eighty-nine*, with force and arms, in the
night - time of the same day, at the Ward, City and County aforesaid, ~~the~~
~~dwelling house of one~~ *a certain building, to wit:*

the building of one Gerardo Gito -

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 *Gerardo Gito in the said*
building ~~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

John O'Neil and James Delaney

of the CRIME OF *Petit* LARCENY _____, committed as follows:

The said *John O'Neil and James Delaney, both*

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,

one hundred oranges of the value of four cents each and forty pounds of candy of the value of ten cents each found

of the goods, chattels, and personal property of one *Gerardo Gito -*

building *Gerardo Gito -*
in the ~~dwelling house~~ of the said *in the building*

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.

John R. Fallow,
District Attorney.

0097

BOX:

421

FOLDER:

3887

DESCRIPTION:

O'Neil, Thomas

DATE:

12/09/90



3887

0099

Police Court 2 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Harriet W. Dunn

of No. 112 Madison Avenue Street, aged _____ years,
occupation none being duly sworndeposes and says, that on the 17 day of November 1888 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the day time, the following property, viz:

One Pocket
book containing six dollars in
gold and silver money of the
United States \$ 6-

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Thomas O. Veil.

(now here) under the following circumstances,
Deponent was walking along West
Fourth Street on the South side of
Washington Square, carrying the said
Pocket book in her hand, when the
same was forcibly wrested from her
hand by a man who ran off before
deponent could recognize him. Deponent
is informed by Officer Francis E.
Caddell (now dead) that he saw
the Defendant steal the said
Pocket book and money from
deponent and immediately removed
and arrested defendant.

Harriet W. Dunn.

Sworn to before me, this _____ day
of November 1888
by John J. Mumford Police Justice.

0 100

CITY AND COUNTY }
OF NEW YORK, } ss.

Francis E. Caddell

aged _____ years, occupation Priest of No. _____

15th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Harriet W. Dunn

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

Sworn to before me, this

day of

189

1st St. James Caddell

John J. [Signature]
Police Justice.

0101

Sec. 198, 200

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas O. Reilly

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. Thomas O Reilly

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York City

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

Answer. 206 West 66 Street - 2 Months

Question. What is your business or profession?

Answer. Unemployed

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 Reilly
Wade

Taken before me this

day of November 1898

John J. O'Connor Police Justice

0 102

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.....

Thomas O'Neil

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

Dated Nov 18 1882 John J. [Signature] Police Justice.

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

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

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

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

0 103

Police Court---

1735
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Harriet W. Dunn
112-Madison Ave.
Roman O'Neil

Lane
Offence
felony

2
3
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Nov 18 1882

Gorman Magistrate.

Caddell Officer.

15 Precinct.

Witnesses

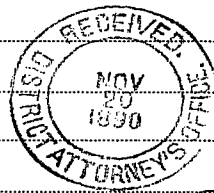
No. Street.

No. Street.

No. Street.

\$ 1000 to answer G.S.

Can



0104

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'Neil

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

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

The said *Thomas O'Neil*

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *November* in the year of our Lord one thousand eight hundred and *ninety*, in the *day* time of the said day, at the City and County aforesaid, with force and arms, *one pocketbook of the value of fifty cents,*

\$ *6.00* *one* promissory note for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *five* dollar; *one* promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *five* dollar; *one* United States Gold Certificate, of the denomination and value of *five* dollar; *one* United States Silver Certificate, of the denomination and value of *five* dollar;

two promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *two* dollar each; *two* promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *two* dollar each; *two* United States Gold Certificates, of the denomination and value of *two* dollar each; *two* United States Silver Certificates, of the denomination and value of *two* dollar each;

four promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *one* dollar each; *four* promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *one* dollar each; *four* United States Gold Certificates, of the denomination and value of *one* dollar each; *four* United States Silver Certificates, of the denomination and value of *one* dollar each;

and diverse coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of six dollars

of the goods, chattels and personal property of one *Harriet W. Dunn* on the person of the said *Harriet W. Dunn* then and there being found, from the person of the said *Harriet W. Dunn* 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

0 105

BOX:

421

FOLDER:

3887

DESCRIPTION:

Orchard, Samuel

DATE:

12/03/90



3887

Witnesses;

Al. Lacer

Albert Hergay

Counsel, 3
Filed 3 day of Dec 1890
Pleads, Guilty

THE PEOPLE

vs.

Samuel Orchard

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows

Foreman.

Dec 9 1890

Spec. Subscribed

Dec 9 1890

0107

Police Court— District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 79 & 81 Leonard Street, aged 29 years,
occupation Police Inspector being duly sworn,
deposes and says, that on the 19 day of November 1890 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 piece of satin silk
valued at Fifty-five
dollars

\$55.00

the property of Theophile Herzog
and this deponent his co-
partner

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 Samuel Orchard

knowing for the reasons
following to wit: The said
goods were on a counter in
deponent's store and he having
missed the same he is in-
formed by Augustus N. Rose
(her person) that he Rose saw
the defendant take said
piece from a ~~piece~~ quantity
of other goods which were
on a counter in said store
and was about to leave said
store when he Rose stopped
him

Albert Herzog

Sworn to before me, this 19 day

John J. [Signature]
Police Justice.

0 108

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court

Samuel Orchard 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. *Samuel Orchard*

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

W.

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

Answer.

Fulton or Eldon St. Bklyn

Question. What is your business or profession?

Answer.

Book Binder

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

Answer.

I am not guilty

Taken before me this

188

Police Justice.

0 109

Dangerous Person

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.....

Alfred Smith
Alfred guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Five* Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated *May 19* 18*91* *H. 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.

0110

Police Court---

1458 District.

THE PEOPLE, &c.,
IN THE COMPLAINT OF

79 & 81 Leonard

2

3

4

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

1890

White Magistrate.

Officer.

Precinct

Witness

No.

Street.

No.

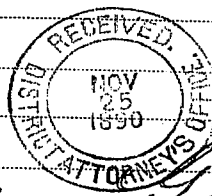
Street.

No.

Street.

\$ 1000. to answer

9 Nov 20/234
" 22 1/2 345



0111

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation Boatman of No. 794 E 11 Street, being duly sworn deposes and

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

Sworn to before me this

day of March, 1880

Augustus W. Loebe
A. J. White
Police Justice.