

0908

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

O'Brien, John

**DATE:**

10/03/93



4894

0909

Witnesses:

Wm H Newell

#17

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

John C. Brien

Wm  
Nicholls

Grand Larceny, <sup>First Degree.</sup>  
(From the Person.)  
[Sections 628, 630, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Sept 3/93 Foreman.

Theresa A. Gray

Sentence suspended  
Sept 6/93 Robt. H. G.

0910

Police Court

2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

William H Newell

of No. Norfolk Va - Street, aged 37 years,

occupation Rail Road. business being duly sworn,

deposes and says, that on the 4 day of October 1893 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 time, the following property, viz:

One watch and one chain the whole of the value of a hour fifty three dollars

the property of

Orman

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

John O'Brien (number)

from the fact that deponent had said watch and chain in his vest pocket. He was standing on Sixth Avenue on said date watching a procession pass along said street. That he suddenly felt said property being pulled from his person. Deponent made an alarm and was informed by Officer Vallely that he arrested deponent as he was in the act of running away and that said officer found the deponent drop a watch on the street. Deponent has identified said watch as the property of deponent

McKernan

Sworn to before me, this day of

Police Justice.

0911

Sec. 198—200.

District Police Court.

1883

City and County of New York, ss:

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

Question. What is your name?

Answer.

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  
John O'Brien

Taken before me this 13

day of April 1883

*John O'Brien*  
Police Justice.



09 12

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

\_\_\_\_\_ *Defendant* \_\_\_\_\_  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \_\_\_\_\_  
\_\_\_\_\_ Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of  
the City Prison of the City of New York, until he give such bail.  
Dated, *Nov 3* 189 *3* \_\_\_\_\_ *Police Justice.*

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_ *Police Justice.*

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_ *Police Justice.*

1871

0913

1058

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm H Newell

vs.  
John O'Brien

2  
3  
4

Offense  
Larceny

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated, Oct 3 1893

\_\_\_\_\_ Magistrate.

Valley Co. Officer.

Central Precinct.

Witnesses Call Officer

No. Valley Street

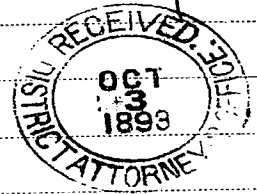
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer H.S.

Com



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

THE PEOPLE OF THE STATE OF NEW YORK

against

*John O'Brien*

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

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

The said

*John O'Brien*

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

*one watch of the value of thirty-five dollars and one chain of the value of eighteen dollars*

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

*Wm. Lancelotti*  
District Attorney

09 15

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

O'Brien, Michael A.

**DATE:**

10/18/93



4894

09 16

Witnesses:

James Birmingham  
Off Wren

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

P

Michael A. O'Brien

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

DE LANCEY NICOLL,

District Attorney.

Part III.  
Part 17<sup>th</sup> Nov 93

A TRUE BILL.

Edward G. Taylor

Foreman.

Part 3 - November 22/93  
Deft discharged on  
his verbal recog.

From an examination  
made in this case  
and by the written statement  
of the Complainant. I  
am persuaded no  
connection can be had.  
I would therefore recommend  
the discharge of the  
Defendant upon his  
Oath Requiring him.  
Nov. 17<sup>th</sup> 93. Wm. J. Inman  
Notary Public

Court of General Sessions -  
 City and County of New York  
 The People  
 against  
 Michael A. O'Brien.

To  
 E. Sancy Nicoll District Attorney  
 City and County of New York -  
 Whereas I have heretofore made a complaint against the above named Defendant. Charging him with an assault upon me - And upon which complaint an indictment has been found. I would respectfully request the privilege of withdrawing said charge. and ask that the Indictment be dismissed and the prisoner discharged from my injuries. more my slight. And I do not think the Defendant intended to cut or injure me. This injury was the result of a quarrel with the Defendant. in which I was not entirely blameless. The Defendant & myself were engaged in a quarrel. The Defendant had a knife in his hand. I grabbed hold of the knife and in so

09 16

doing I was cut slightly upon  
my right thumb. not severely  
and I feel that the defendant  
has already been sufficiently  
punished.

In presence of  
Paul Mann  
Dated Nov 1<sup>st</sup> 1893

Recd  
John + Brunningham  
most



0919

David Samuel Lewis  
Lecky County, N. York  
The Rev. Dr.

93

Michael J. Quinn

William

0920

Police Court— District.

1931

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

of No. 203 East 35 Street, aged 27 years,  
occupation Librarian

deposes and says, that on the 8 day of October 1895 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Richard O'Brien  
(workman) who did willfully and  
feloniously cut and stab deponent  
on the right hand with a  
knife then and there held in  
the hand of said deponent

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 8 day  
of October 1895

James Birmingham  
Mark  
and Swabber  
Police Justice.

0921

Sec. 193-200.

*S*

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Michael 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.

*Michael O'Brien*

Question. How old are you?

Answer.

*20 yrs*

Question. Where were you born?

Answer.

*San Francisco*

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

Answer.

*305 East 20 Street, 6th*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*I am not guilty*

*Michael A O'Brien*

Taken before me this

day of

189

*Michael O'Brien*

Police Justice.

0922

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 Ch. J. J. J.

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, Oct 3 189 Am. J. J. Police Justice.

I 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.

0923

1072  
1894  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Birmingham*  
*203 E. 125th St.*  
*Nicholas Brown*

*Offense*  
*Felony*  
*Car and*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated, *Oct 8* 189 *3*

*Ranker* Magistrate.

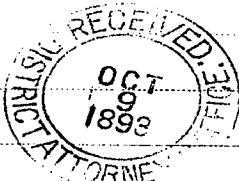
*Oben* Officer.

*18* Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.



No. \_\_\_\_\_ Street.

\$ *1000* to answer *G.S.*

*[Signature]*  
*[Signature]*

# 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 A. O'Brien

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

Michael A. O'Brien

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

The said

Michael A. O'Brien

late of the City of New York, in the County of New York aforesaid, on the eight  
day of October in the year of our Lord one thousand eight hundred and  
ninety-three—, with force and arms, at the City and County aforesaid, in and upon  
the body of one James Birmingham in the peace of the said People  
then and there being, feloniously did make an assault, and him the said  
James Birmingham with a certain knife

which the said

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,

with intent

him

the said

James Birmingham

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

Michael A. O'Brien

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

The said

Michael A. 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  
James Birmingham in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and him the said James Birmingham  
with a certain knife

which the said

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.

## THIRD COUNT—

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

*Michael A. O'Brien*

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

The said

*Michael A. 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 said *James Birmingham* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him*, the said

with a certain

*knife*

*James Birmingham*

which

*he*

the said

*Michael A. O'Brien*

in

*his*  
*hand*

right hand then and there had and held, in and upon the

of

*him*

the said

*James Birmingham*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~twice~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*James Birmingham*

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

DE LANCEY NICOLL,

*District Attorney.*



0926

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

O'Brien, Thomas

**DATE:**

10/24/93



4894

0927

Witnesses:

Joe A. Lewis  
Ben C. Winters

Subpoena officer  
scrupled for  
29th

Counsel,

Filed

day of

189

Pleads,

123 Clinton

THE PEOPLE

vs.  
Ephraim

15

Thomas O'Brien

Part 2 - Nov. 21, 1893.

Grand and Committed  
of C. L. 2nd Degree.

Cath. Porter

Nov. 29/93

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Edward J. Taylor

Foreman.

Grand Larceny, second Degree  
[Sections 528, 531, 532 Penal Code.]

0928

(1365)

Police Court—5<sup>th</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 340 West-21<sup>st</sup> Benjamin C. Hinters  
 occupation Truckman Street, aged 31 years,  
 deposes and says, that on the 16 day of October 1893 being duly sworn,  
 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-horse; and one express  
wagon; together valued  
at—about three-hundred  
and 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 Thomas Brown; now here,

from the fact; that the said property—  
 was left standing in front of the  
 corner of 13<sup>th</sup> Street and 5<sup>th</sup> Avenue.  
Officer Lewis of the 27<sup>th</sup>  
Precinct Police subsequently arrested  
 this deponent with the said property—  
 in his possession on 83<sup>rd</sup> Street and 2<sup>nd</sup>  
avenue.

Wherefore deponent charges  
 this deponent with larceny and  
 stealing the said property and  
 prays that he may be held to answer.

Benj. C. Hinters

Sworn to before me, this  
17 day of October 1893  
of  
1893  
day

Edmund J. [illegible] Police Justice.

0929

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 30 years, occupation Officer of No. 1  
27 - Precinct Police Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Bryannin M. V. S.  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 17  
day of October 189 3

Joseph A. Lewis

G. E. Sumner  
Police Justice.

0930

Sec. 100-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Thomas 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.

*Thomas O'Brien*

Question. How old are you?

Answer.

*16 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*123 Clinton Place, 2 years*

Question. What is your business or profession?

Answer.

*Labour.*

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'Brien*  
*his mark*

Taken before me this

day of

189

Police Justice.

0931

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 Oct 17 1893, CE Sumner Police Justice.

I 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 offence within mentioned. I order h to be discharged.

Dated \_\_\_\_\_ 189• \_\_\_\_\_ Police Justice.

0932

Police Court---

1117 District.

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

Benjamin C. Hunters  
vs. 24, 21, 23, 34 & 21, 27  
Thomas O. Bruce

Offence  
Larceny  
Felony

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

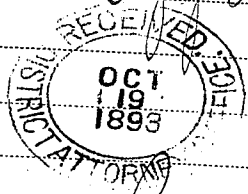
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated October 17 1893

Sumner Magistrate.  
Lewis Officer.  
27 Precinct.

Witnesses  
No. Ball the Officer Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.  
\$ 1000. to answer G. S.



\_\_\_\_\_ 9x2



0933

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

\*\*\*\*\*  
THE PEOPLE, )  
VS. )  
THOMAS O'BRIEN. )  
\*\*\*\*\*

BEFORE

HON. RANDOLPH B. MARTINE,

AND A JURY.

TRIED, NOVEMBER 21ST, 1893.

INDICTED FOR GRAND LARCENY IN THE SECOND DEGREE.  
INDICTMENT FILED OCTOBER 24TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

FOR THE PEOPLE.

JAMES W. MCLAUGHLIN, ESQ.,

FOR THE DEFENSE.

////////

0934

2

JOSEPH A. LEWIS, testified that he is an officer of the Municipal Police, attached to the 5th (formerly the 27th) precinct.

At about 5 o'clock in the afternoon of October 16th, he, the witness, saw the defendant, at 83rd Street and 2nd Avenue. He was in a wagon on which appeared the name "Benjamin C. Winters," and he was trying to get the horse to go. The witness took the defendant, who was intoxicated, to the station-house, and made a charge against him of intoxication and of being unable to take care of the property in his possession. He, the witness, then notified the person whose name was on the wagon, and the person called at the station-house at about 5 or 6 o'clock that day. He, the witness, had no conversation with the defendant at the time of the arrest, because the defendant was under the influence of liquor, but, the next morning, on the way to the court, the witness asked him, the defendant where he obtained the horse and wagon, and, he, the defendant, said that "a fellow" gave them to him. Mr. Winters, in the presence and hearing of the defendant, said that

0935

3

the ~~man~~ wagon had been stolen from 13th Street and 5th Avenue, while the driver was getting some parcels.. The defendant, however, said that it was given to him by another party, to drive. There were two parcels in the wagon.

In

CROSS-EXAMINATION

the witness testified that, at the time of making the arrest, the defendant had the horse and wagon standing across the car-tracks, "blocked."

-----  
ALCNO WINTERS testified that he is a brother of Benjamin C. Winters, who is in the trucking business, at 104 East 13th Street. He, the witness, knew the horse and wagon referred to in this case. He valued that property at \$350. He, the witness, knew the defendant only by sight. He, the defendant, had never been in his, the witness's, employment. He, the witness, did not know the defendant until his, the defendant's, arrest.  
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## THE DEFENSE.

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THOMAS O'BRIEN, testified that he did not take the property in question with the intention of stealing it. The witness testified, further, "A boy gave it to me. I was going home, and I jumped in the wagon to take a ride home, and then the boy jumped off the wagon and left the wagon to me, and I was trying to bring it back to where it belonged to." He, the witness, was so much under the influence of liquor, at the time of his arrest, that he didn't know where he was.

In

## CROSS-EXAMINATION

the witness testified that he was not sober when he got into the wagon. A boy named Pajoli, over on 6th Avenue, gave him, the defendant, a bottle of liquor, and he drank the liquor and became drunk. He, the witness, was 16 years of age, and lived at 123 Clinton Place, with his sister and brothers. Pajoli was not the boy

0937

5

that got on the wagon with him, the defendant. Pajoli's place was at 157 6th Avenue. He, the witness, drank the liquor, and walked up to the Central Park, and around there, and then up to 100th Street. He did not know the name of the boy in the wagon. He, the witness, was going out of the Central Park when he saw the wagon, and he jumped on it to ride home, and the boy asked where he, the defendant, was going, and he said he was going home, and he asked him, the defendant, where he lived, and he, the defendant, told him, and when they got down a couple of blocks the boy jumped off the wagon and left it to him, the defendant. He, the defendant, was very drunk when he got into the wagon. The boy seemed older than him, the defendant. The defendant testified, "I was waiting for him, after he got off the wagon, and then I seen he didn't come, and I was going to bring the wagon back to where it belonged." The defendant was about 90th Street, on 5th Avenue, when the boy left him, and he got

0938

6

out of the wagon, and read the address on the side of the wagon, and then started to drive down 5th Avenue, to 13th Street, to deliver the horse and wagon to the owner. The defendant worked at making beds. He worked, last, about four months ago. He could not get work since then on account of his hand. On the morning of the alleged larceny he, the defendant, left home about 9:30 and went to a coal place at 157 6th Avenue, where Pajoli worked. He, the defendant, remained there about 15 minutes, talking and drinking whiskey with Pajoli. Pajoli was putting whiskey out of a can into bottles for a man. Pajoli and the defendant each drank a small glass of the whiskey, and then Pajoli gave the defendant a bottle of whiskey, and the defendant put it in his pocket and started up Sixth Avenue for the Central Park. He entered the Park at 59th street and 5th Avenue, and walked around, looking at the animals and at the carousel, and finally reached 100th Street. He did not ride up sixth avenue on the wagon. He

0939

7

He left the Park at 101st Street, intending to get a ride down 5th Avenue home. He had 35 cents in his pocket when he started out that morning. He did not spend it for riding or eating, because he wanted to keep it to use in buying clothing. HE rode down to 90th Street, when the boy said, "Wait here till I come back," and he, the defendant waited about two hours. He, the defendant, drank whenever he felt like doing so, that afternoon, and he was drunk when the boy left him. He had never before been drunk. The whiskey was in a soda water bottle. The liquor took effect on him, the defendant, and he didn't know where he was going. He did not find the whiskey in the wagon. He, did not intend to steal the wagon; he intended to return it to its owner. He, the defendant, worked for a doctor, for a year, and used to drive the doctor's horse and wagon occasionally, but he never saw horses bought and sold, and had never been at the horse market in 76th Street and the river.

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0940

8

JOSEPH A. LEWIS, recalled by defendant's counsel, testified that the packages in the wagon were unbroken. They were about the size of a soap box, and could be carried.

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0941

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'Brien*

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

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

The said

*Thomas O'Brien*

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

*one horse of the value of  
two hundred dollars, and  
one wagon of the value  
of one hundred dollars*

of the goods, chattels and personal property of one

*Benjamin C. Winters*

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

*Thomas O'Brien*

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

The said

*Thomas 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 horse of the value  
of two hundred dollars, and  
one wagon of the value  
of one hundred dollars*

of the goods, chattels and personal property of one

*Benjamin C. Winters*

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

*Benjamin C. Winters*

unlawfully and unjustly did feloniously receive and have: the said

*Thomas O'Brien*

then and there well known 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.

DE LANCEY NICOLL,

*District Attorney.*

0943

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

O'Keefe, Patrick

**DATE:**

10/27/93



4894

0944

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

Callan, Thomas W.

**DATE:**

10/27/93



4894

0945

Witnesses:

*Mc Hanahan*

390

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

*Patrick O'Keefe*

and

*Thomas W. Callan*

H. D.

DE LANCEY NICOLL,

District Attorney.

*off Cat Term BSLW.*

*off day of 1893*

A TRUE BILL.

*Edward G. Taylor*

Part 3. Nov. 10. /93 Foreman.

*Both tried and acquitted.*

*Robbery, Degree.*  
*(Sections 204 and 22 & Penal Code.)*

0946

Police Court— 4 District.CITY AND COUNTY } ss  
OF NEW YORK,

Michael Hennahan  
 of No. Home Street, Aged 33 Years  
 Occupation Leaverton being duly sworn, deposes and says, that on the  
21 day of October 1883, at the 18 Ward of the City of New York,  
 in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
 ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money  
 of the United States of the  
 amount and value of  
Forty - five and 100/100 Dollars  
( \$45. <sup>00</sup>/<sub>100</sub> )

of the value of 45 DOLLARS,  
 the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was  
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Patrick O'Keefe and Thomas Callum (both  
now here) and another person unknown  
to deponent and not yet arrested from  
the following facts, to wit: That at about  
the hour of 10 P.M. on the aforesaid day  
deponent was with said defendants  
on West 22<sup>nd</sup> Street and said property  
was in the pockets of the coats worn and  
there were upon deponent's person  
and said defendants volunteered to accom-  
-pany deponent to the Station House  
where deponent desired to go and instead  
of taking deponent to the Station House

day of

188

Police Justice.



said defendants were dependent to the  
fact that the fact of East 22<sup>nd</sup> Street  
and then the apprehended person who is  
unknown to defendant and not yet  
arrested seized hold of defendant  
and said defendant and said  
defendants did thrust their  
hands in the pockets of defendant's  
pants and forcibly took the money  
and carried away the said property  
from defendant's possession  
and then ran away

Michael Keenan  
Mark

24  
October  
1933

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars  
of the City of New York, until he give such bail.  
Dated 1933  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1933  
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 1933  
Police Justice.

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

vs.

1.  
2.  
3.  
4.

Offence—ROBBERY.

Dated 1933

Magistrate.

Officer.

Clerk.

Witness.

No. Street.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

0948

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Patrick O'Keefe* 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. *Patrick O'Keefe*

Question. How old are you?

Answer. *53 yrs*

Question. Where were you born?

Answer. *N.S.*

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

Answer. *153 E 23<sup>rd</sup> Str 4 yrs*

Question. What is your business or profession?

Answer. *Woodworker*

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**Patrick O'Keefe*

Taken before me this

day of

*Dec*

189

*W. J. Smith*  
Police Justice.

0949

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*Thomas Callan* 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 Callan*

Question. How old are you?

Answer. *20 yrs*

Question. Where were you born?

Answer. *MS*

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

Answer. *340 E 23<sup>rd</sup> St 2 yrs*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not Guilty*

*Thomas W Callan*

Taken before me this

day of

*Dec*

1893

*24*

*W. J. [Signature]*  
Police Justice

0950

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

Dated Oct 24 1893 M. B. [Signature] Police Justice.

I 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 offence within mentioned. I order he to be discharged.

Dated \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice

095

Police Court---

1138 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael Hamalia*  
HOUSE OF DETENTION CASE,  
*Patric O'Keefe*  
1 *Thomas Caccan*

2

3

4

Officer *Farrell*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated *Oct 24* 189 *3*

*Grady* Magistrate.

*Farrell* Officer.

*18* Precinct.

Witnesses.

*Complainant committed*  
*to the House of Detention*  
*in default of \$100 Bonds.*

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to \_\_\_\_\_



0952

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT 4 DISTRICT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Bernard J. Farrell

of the 18 Precinct Police, being duly sworn, deposes  
and says that Michael Kananahan

(now here) is a material witness for the people against  
Patrick O'Rourke and Thomas Callum charged  
with Robbery

As deponent has  
cause to fear that the said Michael Kananahan

will not appear in court to testify when wanted, deponent prays  
that the said Michael Kananahan be

committed to the House of Detention in default of bail for his  
appearance.

Bernard J. Farrell

Sworn to before me this  
day of October 1889

Wm. J. Brady  
Police Justice.

0953

482

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Patrick O'Keefe*  
and  
*Thomas W. Callan*

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

*Patrick O'Keefe and Thomas W. Callan*  
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said

*Patrick O'Keefe and Thomas W. Callan, both*

late of the City of New York, in the County of New York aforesaid, on the *21st* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*three*, in the *right* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Michael Hanahan* in the peace of the said People then and there being, feloniously did make an assault; and

*the sum of forty-five dollars*  
*in money, lawful money*  
*of the United States of America,*  
*and of the value of forty-five*  
*dollars*

of the goods, chattels and personal property of the said *Michael Hanahan* from the person of the said *Michael Hanahan* against the will and by violence to the person of the said *Michael Hanahan* then and there violently and feloniously did rob, steal, take and carry away, the said *Patrick O'Keefe and Thomas W. Callan* and each of them, being then and there aided by an accomplice actually present, to wit: each by the other, and by a certain other person, 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.

*De Laurey Nicoll*  
District Attorney.



0954

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

O'Neal, John

**DATE:**

10/03/93



4894

0955

Witnesses:

*Oliver H. Tapsier*

Counsel,

Filed

3

day of

*Oct*

1893

Pleads,

*124 1137797*

THE PEOPLE

vs.

*John O'Neal*

*Oct 3/93*

*Thos. J. 2 day*

*S.P. 2 yrs R.B.M.*

DE LANCEY NICOLL,

District Attorney.

Grand Larceny, Second Degree.  
[Sections 538, 539, — Penal Code.]

A TRUE BILL.

*Edward G. Taylor*

Foreman.

0956

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York } ss:of No. 115 West 27 Street, aged 19 years,  
occupation Cotton being duly sworn,deposes and says, that on the 16 day of September 1893 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:

Two overcoats two under coats  
three pair of pantaloons and  
one tan patcher of the value  
of one hundred dollars  
(\$100.00)

the property of Deponent

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloni-  
 ously taken, stolen and carried away by John Hall

for the following reasons. To wit: that  
 the said property was in a room  
 in the said premises at 12 o'clock on said  
 date and that upon deponent's return  
 to the room at 6 o'clock PM said  
 date, the said property was missing.  
 Deponent was informed by Annie E. B. [unclear]  
 a chamber maid in the said premises that  
 she was occupied about the said premises  
 from the time deponent left at 12 o'clock  
 PM until her return at 6 o'clock PM.  
 and that the defendant was the only  
 person who entered the said room  
 and could have taken the said

property therefrom and that she  
secretly locked and fastened the  
door of defendant's room after the  
defendant had left the said premises  
with a light overcoat and two small  
satchels in his possession.

Wherefore defendant charges the  
defendant with feloniously taking stealing  
and carrying away the said property and  
prays that he be apprehended  
brought to trial

Wm. S. Davis, Sept 1893 } C. H. Tapscott

Wm. S. Davis

Police Justice

0958

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK

District Police Court.

*John O'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. *John O'Neil*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *W.S.*

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

Answer. *No home*

Question. What is your business or profession?

Answer. *Waiter*

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'Neil*

Taken before me this  
day of *July*

1894

Police Justice.

0959

Sec. 151.

1347

Police Court 2 District.CITY AND COUNTY }  
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Charles J. Fessenden of No. 111 W 27 Street, that on the 16 day of Sept1899, at the City of New York, in the County of New York, the following article, to wit:Two Overcoats and under coats  
one pair of pantaloons and  
one pair of trousersof the value of One hundred Dollars,the property of Complainantw. as taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by John McNeill

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 9 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.Dated at the City of New York, this 16 day of Sept 1899John McNeill  
POLICE JUSTICE.

0960

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 *Twenty* 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 25* 189 *3* *[Signature]* Police Justice.

I 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.



096

Police Court---

District.

1035

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Chas. H. Sabaco*  
*John Chail*

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,

*Sept 25<sup>th</sup>*  
*1893*

1893

Magistrate.

*Frank J. Adams*  
*Co*

Officer.

Precinct.

Witnesses

*May Williams*

No. *115 M. 24* Street.

*Benjamin D. Whitcomb*

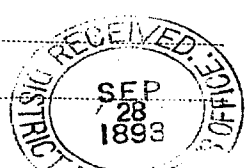
No. *115 M. 24* Street.

*Anna E. Bright*

No. *115 M. 24* Street.

\$ *1000* to answer *RS.*

*CM*



✓

0962

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 23 years, occupation Chambermaid of No. 115 W 27 St Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Charles H. Capron and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 11th

day of Sept

1893

Amie E. Bright

[Signature]  
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'Neal*

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

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

The said

*John O'Neal*

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

*two overcoats of the value of  
twenty-five dollars each, two  
coats of the value of fifteen  
dollars each, three pairs of  
trousers of the value of seven-  
dollars each pair, and one patch  
of the value of five dollars, —*

of the goods, chattels and personal property of one

*Charles W. Sapsico*

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

*De Lancey Nicoll,  
District Attorney.*

0964

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

Osmer, Richard

**DATE:**

10/24/93



4894

0965

**BOX:**

537

**FOLDER:**

4894

**DESCRIPTION:**

Osmer, Joseph

**DATE:**

10/24/93



4894

0966

*Witnesses:*

off lunch

Franz Kriehausen

**Counsel,**

**Filed**

day of

189

**Pleads,**

# THE PEOPLE

*vs.*

*P*

Richard Greener.  
18. 400 E 9th St. of P. B.  
Joseph Greener.

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

DE LANCEY NICOLL,

*District Attorney.*

Part 3

Oct 30

Part 2 Nov 9. 3

**A TRUE BILL.**

Edward G. Taylor

*Foreman.*

Part 2 - Nov. 10, 1893

~~Post. Paid~~  
No. 2 Head, amount 3.00  
C.P. 30 days - B.M.

No 1 Lick and requisites

0967

Police Court Fourth District.

1931

City and County } ss.:  
of New York,

Madison Avenue 51 & 52 Street 52 years,  
 occupation Walter, being duly sworn,  
 deposes and says, that on the 15 day of October 1899 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by  
Richard Osmer and Joseph Osmer,  
 (both non vers) while acting in concert,  
 who caught hold of deponent,  
 and the defendant Joseph Osmer,  
 cut and stabbed deponent twice  
 on the head with a knife which he  
 Joseph then and there held in his  
 hand and the defendant Richard  
 Osmer held deponent by the throat.  
 Deponent further says  
 that such 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

of

189

Frank HorshauerW. F. Brady

Police Justice.



0968

Sec. 193-200.

CITY AND COUNTY  
OF NEW YORK

District Police Court.

*Richard Osmer* 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. *Richard Osmer*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1408 Broadway, New York*

Question. What is your business or profession?

Answer. *Burke*

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.*

*D. K. Osmer*

Taken before me this  
day of *Dec* 189*9*

Police Justice.

0969

Sec. 193-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

✓ District Police Court.

*Joseph Osmer* 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. *Joseph Osmer*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *6400 East 91st Street*

Question. What is your business or profession?

Answer. *Barber*

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

Answer. *I am not guilty.*

*Joe. Osmer.*

Taken before me this

day of *Sept*  
189 *9*

*Wm. H. Smith*  
Police Justice.

0970

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 \_\_\_\_\_

\_\_\_\_\_ *Edward J. ...* 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, *cash* 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 11* 189 *M. J. ...* Police Justice.

I 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.

0971

Police Court--- District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*James Morahan*  
*347 Park Ave*  
*1st floor*  
*Joseph Osmer*

Offense

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, \_\_\_\_\_ 189

*Grady* Magistrate.  
*Lynch* Officer.

*Callahan* Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer.



*Each G.S.*  
*Conny*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Richard Cramer and Joseph Cramer*

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

*Richard Cramer and Joseph Cramer*

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

The said *Richard Cramer and Joseph Cramer*

late of the City of New York, in the County of New York aforesaid, on the *fifteenth* day of *October* in the year of our Lord one thousand eight hundred and ninety-*three*, with force and arms, at the City and County aforesaid, in and upon the body of one *Frank Morschharner* in the peace of the said People then and there being, feloniously did make an assault, and *him* the said *Frank Morschharner* with a certain *knife*

which the said *Richard Cramer and Joseph Cramer* in *their* right hands 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,

with intent *him* the said *Frank Morschharner* 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

*Richard Cramer and Joseph Cramer*

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

The said *Richard Cramer and Joseph Cramer*

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 *Frank Morschharner* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *Frank Morschharner* with a certain *knife*

which the said *Richard Cramer and Joseph Cramer* in *their* right hands 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.

## THIRD COUNT—

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

*Richard Osmen and Joseph Osmen*

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

The said *Richard Osmen and Joseph Osmen*

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 said *Frank Morschharner* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife,* *Frank Morschharner*

which *they* the said *Richard Osmen and Joseph Osmen*

in *their* right hand, then and there had and held, in and upon the *head* of *him* the said *Frank Morschharner*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~beat~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Frank Morschharner*

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

DE LANCEY NICOLL,

*District Attorney.*