0374

BOX:
458

FOLDER:
4209

DESCRIPTION:
Oberle, Joseph

DATE:
11/12/91

4209

Witnesses:

From the Evidence
coroner of the
Death Bed. It
appears the deceased
died 2nd Aug.
'92. I recommend
dismissal of the
indictment.
Robt Ramsey
Jan 9th '99 Ostrinq

Counsel,

Filed 12 day of Nov 189 1.

Pleads,

THE PEOPLE

vs.

Joseph Oberle

Defendant

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

DE LANCEY NICOLL,
District Attorney.

Jan 11/99
Indictment Dismissed.

A TRUE BILL.

Foreman.

Aug 8/92

Tried & Jury discharged
7 for acquittal

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John E. Kelly a Police Justice of the City of New York, charging Joseph Oberly Defendant with the offence of Assault

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Joseph Oberly Defendant of No. 474 10th Avenue Street; by occupation a Watchman and John J. Mueller of No. 428 West 2 St Street, by occupation a Grocer Surety, hereby jointly and severally undertake that the above named Joseph Oberly Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Two Hundred Dollars.

Taken and acknowledged before me, this 2 *day of* October 1841

John E. Kelly Police Justice.

Joseph Oberle

John J. Mueller

CITY AND COUNTY OF NEW YORK, } ss.

the within named Bail and Surety being duly sworn, says that he is a resident and Owner within the said County and State, and is worth Seventy Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of One Dwelling House No 8 St Nicholas Place

Sworn to before me, this 2 day of December 1891

Police Justice.

.....District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

Undertaking to appear during the Examination.

Taken the.....day of.....18

.....*Justice.*

0378

Police Court— 2nd District.

City and County of New York, } ss.:

William Moran

of No. 451 W. 32nd Street, aged 10 years,

occupation School boy being duly sworn

deposes and says, that on the 14th day of September 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Joseph Oberly (Colored)

from the fact that deponent was in the Rail Road Yard of the New York Central and Hudson River Rail Road at the foot of West 30th Street North River. That he was struck on the back with a club. That he saw the defendant take the club from the ground and strike him a number of blows on the knee and on his arm thereby breaking his arm

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 6th day of October 1887 } William his X mark Moran

Police Justice.

Immediate warrant

Oct 1 - 1891 -

Roosevelt Hosp -

This is to certify that Wm Nicholson is now recovering and in one or two weeks will be well -

O H Schultz
House Surgeon -

0380

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, Sept 25 1891.

The condition of William Moran suffering from traumatic meningitis is still serious but better than it was last week —

Respectfully —
Hans Kugler

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, 1891.

This is a letter of [illegible] [illegible] is very seriously ill, with [illegible] in a [illegible] 2 [illegible] about the head.

Respectfully [illegible],

[illegible] Surgeon.

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, ... 189

This is to certify
that William
Moran is a patient
in this hospital
suffering from Cerebro-
Spinal Meningitis
the result of injuries
received to head
and back.
His condition is
serious John M. Macdonald M.D.

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, Sept 1/3 189

This is to certify that there is no change in the condition of William Moran. of E.S. is impossible yet to state whether his condition is due to injuries received or not

John M. Macdonald M.D.
Act. Amb Surg.

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, ... 189

It is impossible yet to state whether William Morans condition is due to injury or an independent disease —

John M. Macdonald M.D.
Acting House Surgeon

Joseph F. Gray, M. D.,
No. 326 W. 31st Street,

OFFICE HOURS:
11 A. M. to 2 P. M.
6 to 8 P. M.
Sundays 1 to 3 P. M.

New York, Sept. 11 1891

I certify that I attended William Moran, 451 W. 32 Street from Sept. 8 to Sept. 9-1891. I found him suffering from Spinal meningitis. I am not attending him now

Dr. Gray

Joseph F. Gray, M. D.,
No. 326 W. 31st Street,

OFFICE HOURS:
11 A. M. TO 2 P. M.
6 to 8 P. M.
Sundays 1 to 3 P. M.

New York, Sept. 11 1891

I certify that I attended William Moran, 451 W. 32 Street from sept. 8 to sept. 9-1891. I found him suffering from spinal meningitis. I am not attending him now

Dr. Gray

DR. W. H. DUSTMAN,
342 WEST 32D STREET.
FROM 8 TO 10:30 A. M.
" 7:30 TO 8:30 P. M.

New York, Sept 11th 1891

This is to certify that William Moran Residence 451 W. 32nd was under my care from September 6th 1891 to September 8th 1891 inclusive. That his symptoms were undoubtedly of spinal origin (and possibly also indicated some involvement of the brain) — The principal were — pain and tenderness over almost entire body — contraction of pupils and difficulty of hearing. On Sept 9th he passed from under my care.

W. H. Dustman M.D
342 W. 32

CITY AND COUNTY OF NEW YORK. } ss. POLICE COURT, 2nd DISTRICT.

Michael Kelly

of No. 20th Precinct Police Street, aged years,

occupation Police Officer being duly sworn, deposes and says

that on the 11th day of September 1891

at the City of New York, in the County of New York he arrested Joseph Oberly (now here) on the charge of having committed an Assault upon the body of William Moran on the 4th day of September 1891 - and deponent further says that he brought the defendant to the home of said William Moran - and that in the presence of deponent and defendant recognized the defendant as the party who assaulted him on the said date - and deponent further says that said Moran is confined to his home on account of injuries received by

Sworn to before me, this day of 189

Police Justice.

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Joseph Oberly

AFFIDAVIT.

Dated, Sept 11 189 1

Kelly Magistrate.

Kelly 20 Officer.

Witness,

Examination Sept 28th 10 30 A.M.

$2500.00 bail

Disposition

Com. to await result of Injuries

Sept. 13 - 10 a.m.

" 14 9 "

said Accused and is unable to appear in Court. Affiant therefore says that said Defendant may be killed if arrested the result of injuries received by said Woman Carr.

Affiant states further that he is a Sergeant in Police Department

Sworn to before me this 11 day of September 1891

Michael Kelly

Sergeant

POOR QUALITY ORIGINAL

6869

Police Court 2 District.

City and County of New York. } ss.

John Taylor

of No. 20th Precinct Police Street, aged ..... years, occupation Policeman being duly sworn, deposes and says, that on the 14th day of September 189 1, at the City of New York, in the County of New York,

Deponent went in company with Policeman George Smith of the 20th Precinct, and Joseph Oberly now here to Roosevelt Hospital and to the bedside of William Moran, now a patient in said hospital, and the said William Moran then and there recognized the said Joseph Oberly as the man who assaulted him on the 4th day of September 1891. The said Moran said "I was hit in the back with a stick and knocked down. I did not see who threw it and then this man stood over me and clubbed me" and when he said "this man," the said Moran pointed to defendant Oberly.

Sworn to before me this 15 day of September 1891

POLICE JUSTICE.

John Taylor

Police Court, W District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1 Jos Oberly

2

3

4

Offense.

Dated 189

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

$ to answer Sessions.

Oct 1 - 2 PM

$2,500 Bail Eq
Oct. 1. 2 P.M
$1,000 Bail Oct 15th
2 P.M.
Ex Nov 6th 2.30 P.M

Sec. 183—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Oberly 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. Joseph Oberly

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. Germany

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

Answer. 374 10th Ave 1½ years

Question. What is your business or profession?

Answer. Watchman N Y C & H R R Co.

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

Joseph Oberly

Taken before me this 4 *day of* March 1881

Police Justice.

0393

1392

Police Court 5 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
1. Wm Wrau
2. Joseph Oberly
3.
4.

Offence Felon Assault

Dated Nov 6th 1891

Magistrate

Witnesses Wm A Robert
No. 100 East 23d Street.
No. Street.
No. Street.

BAILED,
No. 1, by John Muller
Residence 428 W 29th Street.
No. 2, by Residence Street.
No. 3, by Residence Street.
No. 4, by Residence Street

I [illegible] depositions and [illegible] 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 Nov 6th 1891 — Police Justice.

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

Dated Nov 6th 1891 — 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.

0394

1392

Police Court-- 5 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1. Wm Moran 457 W 32d
2. Joseph Oberly
3.
4.

Offence Felon Assault

Dated Nov 6th 1891

Magistrate Kelly and Taylor

Witnesses Wm A Adams 160 East 23d

No. 1 Street.
No. 2 Street.
No. 3 Street.
No. 4 Street.

BAILED,

No. 1, by Wm Mullen Residence 458 W 29th Street.
No. 2, by Residence Street.
No. 3, by Residence Street.
No. 4, by Residence Street

NOV 9 1891 RECEIVED

No. Street.

No. 1000 Street.
$ to answer

Bailed

I [illegible] depositions and [illegible] 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 Nov 6th 1891 Police Justice.

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

Dated Nov 6th 1891 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.

NEW YORK, December 15th, 1891.

The People,
v.
OBERLEY.

HON. RANDOLPH B. MARTINE,

Dear Sir:-

I have been requested to act as Counsel for the defendant Oberley, in the above, and expect to so act. I understand that the case is to be on your day Calendar to-morrow, and I desire it to be postponed for a week or longer, because I shall be engaged to-morrow before Judge Truax in the first case on his Calendar, which has been kept for me until I finished an engagement to-day before Judge O'Brien, and because I desire more fully to apprise myself of the merits of the Oberley case.

Yours truly,

Frank Loomis

0396

30 cm ex

30 x 31 cm 11 ex

Ase

NEW YORK, December 15th, 1891.

The People
v.
OBERLEY.

VERNON M. DAVIS, ESQ.,
Ass't Dist. Atty.

Dear Sir:-

I have been requested to act as Counsel for the defendant, Oberley, in this case, and expect to so act. I am engaged to try the first case before Judge Truax to-morrow, it having been held for me until I was through with a case before Judge O'Brien which terminated to-day, and I have to request that you will kindly allow the Oberley case to go off, say for a week or ten days. It is a case which I desire to more fully investigate than I have, and will be much pleased if the disposition indicated is made.

Very truly yours,

P.S.-- I enclose a letter to Judge Martine which I will thank you if necessary to present to him.

JACOB MARKS,
Attorney & Counsellor at Law,
170 BROADWAY,

New York, April 16th 1892

Delancey Nicoll Esq
Dear Sir

At the request of Mr John B. Moran the father of William Moran, I send you herewith the names of some witnesses whose attendance he desires upon the trial and who I think will be of assistance in presenting the case for the People against Joseph Oberle a watchman of the W.S. C & K R R Co whose trial for assault upon the son of Mr Moran, is shortly to take place — Will you kindly see that your representative or officer who has charge of the witnesses or the service of subpoenas, includes these in his list, if he has not them already, and serves them and oblige.

Yours Resty
Jacob Marks

James Murphy 236 W. 32d St.
John Maher 401 10th ave
William Dempsey 486 4th Ave cor. 36 St
John C Hara 442 W. 32d St
Jacob Marr 459 W. 32d St

0399

Oberle additional Ins

E-36 M.L. 32 [illegible]

Thomas Murphey

4 ol. Mat 10 [illegible]

Calvin Mahan

William Lindsay

4:86 Mat 36 [illegible]

Calvin O Brien

4:42 Mat 32 [illegible]

Lucab Mann

4=59 Mat 32 [illegible]

POOR QUALITY ORIGINAL

0400

20 H 1837—C. R. 3234.

NEW YORK, Jan 9, 1899

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK. STATE OF NEW YORK. CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH No. of Certificate, 28836

OF Joseph Oberle

This is to certify that I, M. J. B. Messemer *Coroner, in and for the City and County of New York, have, this* 2 *day of* Aug *1892, viewed the body of* deceased *found at* Roosevelt Hospital *in the* 22 *Ward of said city and county; that I have held an inquest upon the said body, and that the verdict of the jurors is that he came to his death by*

Inquest pending.

M. J. B. Messemer, *Coroner.*

I hereby certify that I have viewed the body of the deceased, and from ex *and evidence, that* said man *died on the* 2d *day of* August *1892, at* 3.20 *P.M., and that the cause of his death was* Pistol shot wound of head, inflicted with suicidal intent, about 1 A.M., Aug. 2, 1892 at 476 10th Av.

Place of Burial, Evergreens

Date of Burial, Aug 3, 1892

Undertaker, Frank Harich

Residence, 27 Cornelia St.

Wm A. Conway, M. D.
Medical Attendant of Inquest.

Date of Death.	Name.	Age.	Color.	Single, Married or Widowed.	Occupation.	Place of Birth.	How long in U. S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Death.	Last place of Residence.	Class of Dwell'g (A tenement being a house occupied by more than two families)	Direct cause of Death.	Indirect cause of Death.	Date of Record.
Aug. 2, 1892	Joseph Oberle	42 years	W.	Single	Waiter	Germany	22 years	One day	— Oberle	Germ	— Oberle	Germ	Roosevelt Hospital	Columbia St. Brooklyn, L. I.	—	No above		Aug 3, 1892

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

A True Copy.

Eugene W. Scheffer
Acting Chief Clerk.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Oberle

Amended by order of Criminal Court on motion of District Attorney Garvan 7/1/91

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph Oberle of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Joseph Oberle late of the City and County of New York, on the ~~Fourteenth~~ Fourth day of September in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, in and upon one William Moran in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said Joseph Oberle with a certain club which he the said Joseph Oberle in his right hand then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, him, the said William Moran then and there feloniously did wilfully and wrongfully strike, beat bruise 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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Joseph Oberle of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Joseph Oberle late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said William Moran in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said Joseph Oberle the said William Moran with a certain Club which he the said Joseph Oberle in his right hand then and there had and held, in and upon the back, leg and arm of him the said William Moran then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said William Moran to the great damage of the said William Moran 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.*

0403

BOX:
458

FOLDER:
4209

DESCRIPTION:
O'Brien, Edward

DATE:
11/25/91

4209

Witnesses:

.....

.....

.....

.....

.....

264

Counsel,

Filed day of Nov 189 1

Pleads, Not guilty

THE PEOPLE

39 490-6-and Lotter

vs.

Edward O'Brien

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

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Part 3. Dec 3/91 –
Pleads Guilty Assault 1st Deg
Dec 3d
G. S. Dec 2nd
3 yrs S.P.

Police Court— 2 District.

City and County of New York, } ss.:

Jennette O. Brien

of No. 490-6-Avenue Street, aged 40 years, occupation Housekeeper being duly sworn deposes and says, that on the 20 day of November 189 at the City of New York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by

Edward O. Brien (now here), who did wilfully and maliciously cut and stab deponent on the neck, with a carving knife then and there held in his hand

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 21 day of November 188 9. } Jeannette O'Brien

John J. Kelly Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Edward O. Brien 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. Edward O'Brien

Question. How old are you?

Answer. 29 years.

Question. Where were you born?

Answer. U. S.

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

Answer. 496-6-Avenue - 5 years

Question. What is your business or profession?

Answer. Bartender -

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

Ed. O'Brien

Taken before me this 20 day of March 1891

Police Justice.

0407

1444

Police Court— 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Alexander Ostrowski
249 Grand St
Edward O'Neill

2.
3.
4.

Offence Assault
Felony

Dated March 21 1891

Kelly Magistrate.
Hayes & Oberst Officer.
19 Precinct.

Witnesses.

No. Street.
No. Street.
No. Street.
No. Street.

BAILED,

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

To answer

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

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

Dated March 21 *18*91 John E. Kelly *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.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward O'Brien

The Grand Jury of the City and County of New York, by this indictment, accuse Edward O'Brien of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Edward O'Brien, late of the City of New York, in the County of New York aforesaid, on the 20th day of November in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, at the City and County aforesaid, in and upon the body of one Jeannette O'Brien in the peace of the said People then and there being, feloniously did make an assault and her the said Jeannette O'Brien with a certain knife which the said Edward O'Brien 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 her the said Jeannette O'Brien 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 Edward O'Brien of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Edward 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 Jeannette O'Brien in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and her the said Jeannette O'Brien with a certain knife which the said Edward O'Brien in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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.

De Lancey Nicoll,
District Attorney.

0409

BOX:
458

FOLDER:
4209

DESCRIPTION:
O'Brien, Terence

DATE:
11/04/91

4209

04 10

BOX:
458

FOLDER:
4209

DESCRIPTION:
Donhue, James

DATE:
11/04/91

4209

Witnesses:

Counsel,

Filed 4 day of Nov 189 1

Pleads, Not Guilty

THE PEOPLE

21 342223 labor

vs.

Terence O'Brien — I

20 421223 labor

James Donohue — I

Robbery, Degree.
[Sections 224 and 228, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Part 3. November 10/91 —
Both tried and convicted
Robbery 1st Deg
13

No 2 S.P. 10 years Ref
No 1 Ex Ref Br Nov 13/91

POOR QUALITY ORIGINAL

1149

0412

E. H. WOOTTON,
SOLE AGENT IN THE U. S. OF THE
Compagnie Générale des Asphaltes de France.
117 QUAI DE VALMY, PARIS,
IMPORTER OF
ASPHALTE, BITUMEN DAMP COURSE, &c.
35 BROADWAY,
NEW YORK,

TELEPHONE.
3766 CORTLANDT.

Nov 10th 1891

To Whom it may concern

This is to certify that Francis O'Brien has been in my employ and I have always found him to be a faithful, earnest and industrious young man and will cheerfully give him a recommendation.

Respectfully Yours
E. H. Wootton
Manager Dept.

352 York St Jersey City Nov 11th 1891

To whom it may Concern. this is to Certify that Terence O'Brien was in my Employ for more than a year. during which time I found him to be industrious honest, and attentive to his work. he left of his own accord. an account of dulness in our line. very Respectfully

Jas. M. Wade

Foreman in painting department for National Sheet Metal Roofing co formally of 5-7-8 East 20th St

Nov. 10th 1891

To Whom it may
concern

this is to certify
that I have known
Frence O'Brin for
Cathe 8 years never
know him to do
rong and belive him
to be sincerd of the
charg he is a friend of
My family
501 East 20th street

Court of General Sessions.

The People
vs
Apt
Terrence O'Brien.

City & County of New York ss:

Mary Dooley being duly sworn says that she is the mother of the defendant above named. That she resides at No 1982 - Park Ave in said City. That Terrence O'Brien is aged 21 years this 13th day of November 1891. and that never before in his lifetime has he been charged with the commission of any crime. He has since he has been large enough, been working steadily and in every respect been a good and obedient son - Notwithstanding the Jury in the case - found him guilty - I still solemnly swear that I believe him innocent of the crime as charged against him

Mary Dooley

Sworn to before me this 13th day of November 1891
Fitz Macdonald.

NOTARY PUBLIC
Kings Co. Cert. filed in N. Y. Co.

General Session

The People
&c
— vs —
Terrence O'Brien

Affidavit & Letter

Jacob Berlinger
Counsel for deft
22 Chambers st.

COURT OF GENERAL SESSIONS-Part III.

The People of the State of New York, against TERENCE O'BRIEN and JAMES DONOHUE.	Before Hon. JAMES FITZGERALD, and a jury.

Indictment filed November 4th 1891.

Indicted for robbery in the 1st degree.

New York, November 9th 1891.

APPEARANCES: For the People assistant District Attorney Gunning S. Bedford.

For the defendant Mr. Jacob Berlinger.

WILLIAM H. DOHERTY, a witness for the People, sworn, testified

I am the captain of the schooner Sallie J. Hastings. On the 31st day of October I was in the liquor store No. 323 Avenue A on that day. I had the sum of sixty seven dollars in my pocket when I went into that saloon I had about that amount of money in my pocket when I went from the barr into the toilet room in this saloon. When I got in the water closet I pulled out the money and as I did the defendant O'Brien made a grab for it and got it from me. He had followed me into the water closet. I got the money back in a second at that time. Then Donohue came in and said "Oh, Hell I will cut the guts out of you". I was fighting as best I could with O'Brien when Donohue came in and said this "If you dont let him go I will cut the damn belly out of you". Then Donohue caught hold of me and O'Brien put his hand into

my pocket and took the money . Both of them caught hold of me and kicked me. O'BRien gave the money then to Donohue and they started to go out of the door. O' Brien was still kicking me for all he was worth. When Donohue got out in the barroom the bartender made him give up the money and all he gave up was twenty five dollars. He told the bartender that was all he got from me . I was sober on that afternoon . My money is now in the possession of the officers . I am positively sure that these two men are the men who attacked me in the manner I have indicated . Nobody else was in the toilet room with me but these two men . I was scuffling with O' Brien at the time Donohue came in . This money was taken from me by force .

CROSS EXAMINATION:

O'Brien and Donohue were arrested right in the saloon . There were a number of other people in the saloon at the time of this occurrence . There was plenty of light in this toilet room for me to observe these men. I earned this money and was paid a bill that day for work done . I am positive that O'Brien came into the water closet first . I would have been able to take care of him if the other fellow had not come in I had never been in this place before and did not know the men .

GEORGE NATJER, a witness for the People, sworn, testified:

I am a sailor on the schooner Sallie J. Hastings. I was in the saloon that the captain has spoken of on the day he was robbed. I saw the captain go into the water closet, and after he was in there I saw the two prisoners now at the bar follow him in. Then I heard noises in there. I looked in and I saw O'Brien hit the captain in the face, take his money and hand it over to Donohue. I afterwards saw Donohue hand twenty five dollars to the bartender of the saloon. Donohue said at the time of handing over the money "That is all the money I got". I saw the man O'Brien trying to get the watch from the captain. I went and got a policeman and the two men were arrested in the saloon. I found the policeman at the corner of 23rd street and Avenue A.

CROSS EXAMINATION:

I was told by the captain to go for a policeman. The captain owed me twenty dollars and he told me if I went into this saloon with him he would pay me. It was while we were there that he went into this water closet and the robbery was committed. I am positive I saw all the details I have narrated. I had a glass of beer with the captain at the bar before he went into this water closet. I could not interfere and stop the men from hitting the captain. I have not spoken to the captain about this case. He has not asked me to testify as I have done. I tell this story because I saw it with my own eyes. I did not go to the police Court the morning after the occurrence.

This is the first time I have told my version of this occurrence . I have conversed with nobody about this case .

JOHN SALYER, a witness for the People, sworn, testified:

I happened in this saloon on the day this robbery was committed . I heard a scuffle in the little room where the water closet is and I stepped inside and I saw these two fellows, O'Brien and Donohue, hitting the Captain and taking his money out of his pocket . I afterwrds saw the money with the lame man Donohue and saw him hand twenty five dollars to the barkeeper . I am positive that I saw O'Brien strike the ~~xxxxxxxx~~ captain. I saw O'Brien pass the money to Donohue and the n Donohue came out into the barrom and bartender made him give up the money to him . It was in bills the money I saw . I have known the capain for about seven years. I am a stranger to O'Brien and Donohue. I have told all I saw occur.

CROSS EXAMINATION:

This occurrence was in a saloon at the corner of 20th street and Avenue A. The water closet and toliet room is in a corner of the bar room . I did not see anybody else present at the time the Captain was struck by O'Brien. I have been in the gent's furnishing business. I am now working for my sister at Bayville L. I. I have travelled on board of the Captains schooner and know him very well. At the time of this occurrence I was stopping on his boat . I had come from Bayvill ew ith him. I have not conversed with the Captain about this case at all.

MICHAEL LAWLOR, a witness for the People, sworn, testified:

I am the barkeeper of this saloon at the corner of 20th street and Avenue A. in this city. I was in that saloon on the day and at the time of this occurrence. The captain came in and stood at the bar and himself and his friend had a glass of beer. When he had finished the beer he went back to the toilet and the first thing I heard was the cry of "Robber". I went into the toilet. I did not see any one hit him. I said to him "Who has got your money". He says "This man". pointing to Donohue. I said to Donohue "Have you got any of his money ?" This man Donohue then handed me twenty five dollars out of his hand. When I got into the water closet the captain was holding Donohue. The captain identified the money as his at the time.

CROSS EXAMINATION:

Donohue handed me the money as soon as I asked for it. He told me "I had nothing to do with it ; I did nto see it". Donohue told me at the time he handed the money to me "I got the money on the floor". I did not see the last witness in the saloon at all on that day. while this was going on. I did not notice the witness Natjer leave the bar and go to the water closet at the time of the noise in there. I understood from what Donohue said that he found the money or picked it up from the floor.

GARRETT DOYLE, a witness for the People, sworn, testified:

I am a police officer attached to the 18th precinct in this city. I made the arrest of the two defen-

dants. I arrested them in t e lquor store at the corner of 20th street and Avenue A. I asked the defendants why they robbed this man and said they did not do it . Both men denied the robbery . .

CROSS EXAMINATION:

I did not ask Donohue whether he found the money on the floor or not . He did not say to me that he found the money on the floor, but he afterwards aid it in Court .

D E F E N C E .

GEORGE McKENZIE, a witness for the Defendants, sworn, testified:

I am an employee of the American Bank Note Company in thsic ty . I have been employed there for four years. I live at 38 Washington street in this city . I do not know either of the defendants. I never saw them before today in my life . On yesterday I was out in the hall of this building while this case was going on . I overheard a conversation between the witnesses Salyer and Natjer. One said to the other "We both got it the same". Then they said "We will stick to what the captain said and then we will be all right". I have no inetesrst in this case w atever .

CROSS EXAMINATION:

I had nothing to do yesterday and was just around the court house listening to trials . I saw these two men in the hall and did not know that they were witnesses in this or any other case . I frequently come to Court when I have nothing to do . I have never been convictedofa ny verime .

JAMES DONOHUE, one of the defendants, sworn, testified:

I am accused of this crime . I am not guilty of it . I did not steal the man's money. I did not notice the captain coming into this saloon on the day I am accused of robbing him. I was sitting in a chair near the toilet room and my attention was attracted to some money laying on the floor . I picked it up and held it in my hand . Then this captain came out shouting and raising a disturbance . He hit me . The bartender came over and a sked me if I had the man's money . I immedaitely handed him the money which I had found lying on the floor . The captain struck me first and when he did I hit him back . I was not able to do much as I was laid up at that time with a broken leg and my limb was done up in plaster of pari s. I gave the bartender all the money which I found on the floor . I told it in the station house and in the police Court that I found this money . I did not touch the man until he touched me and ahd nothing to do with robbing him . I did not see either of the other witnesses who testified against me in the saloon that day .

CROSS EXAMINATION:

It is not true as the captain says that I assisted O'Brien in robbing him . I swear positively thatI did not go into the water closet while the captain was in there . I did not hear him holler until he got out from the water closet . I did not count the money after I picked it up . I did not have time to do anything with it until I handed it over to the bartender . I did not see O'Brien at this time at all . I could not tell what

part of the saloon he was in . This was about half past three o'clock in the afternoon . I was not working that day and had not been working for some time on account of my broken leg . I had seen O'Brien in the saloon previous to finding this money btu I did not notice what he was doing . I noticed him paying cards at a table . There is a swinging door from the bar room into the water closet.

TERRENCE O'BRIEN, one of the defendants, sworn, testified:

I work at the asphalting pavement. My Mother is in Court. I have worked for E. H. Wooton in my line of business . I was at work on the morning of the day of my arrest . I have been working for MR. Wooton for four months off and on . I have also worked for T. New and Company . On the day of this alleged robbery I was in the saloon on the afternoon about half past three o'clock. I was sitting at a table playing cards along with three more young men. We got up and went to the bar and had drinks and ten returned to the table to have another game . I started in the third game when all of a sudden from the water closet there came the cry of Robber. Every one at the card tables dropped their hands and look-towards the water closte. I walked over towards it but I did not go into the water closet. I did not put my hand on the captain at all . I did nothing whatever towards taking his money from him. I did not hit him and was not near him at all in the water closet . I saw the captain come out of the water closet, grab Donohue and hit him and then I saw Donohue handing the money to the bartender . He told the bartender he found it on the floor.

I did not see either of the two witnesses who testified against me in that saloon at all . .

CROSS EXAMINATION:

I was in the water closet of that saloon in the morning but I did not see any captain in there . I have heard the story that the captain told here in reference to myself . I deny it . Itis not the truth. I did not lay a hand on him or touch him . I did not pass the money to Donohue as the captain said . It is not true that Donohue ran out of the closet . Donohue was sitting in a chair near the card table . I have known Donohue for the last five years . He is not a companion of mine . I have seen him in this saloon now and then. I have very seldom spoken to him . I say to the jury in fa t that everything the captain has sorn to is absolutely untrue and that my statement that I did not put a hand on him is the truth.

MARY DOOLEY, a witness for the defendant, sworn, testufied:

The defendant O'BRine is my son by my first husband . My first husband was an old policemen in this city . This boy has always been a good boy and brought his wages home to me . I never had any fault to find with him .

The WITNESS SALYER 3awas recalled and reiterated his story that he was in the saloon and saw all the occurrence he first testified to .

The jury returned a verdict finding both defendants guiltyof robbery in the 1st degree.

Indictment filed Nov.4-1891.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

TERRENCE O'BRIEN and JAMES DONOHUE.

Abstract of testimony on trial New York, November 9th 1891.

Police Court— 4 —— District.

CITY AND COUNTY OF NEW YORK, } ss

William H. Dougherty

of No. Bayville L.I. & No. 437 E. 23rd N.Y. Roofing Co. Street, Aged 25 Years

Occupation Capt of Schooner Hawkins being duly sworn, deposes and says, that on the 31st day of October 1891, at the Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

Sixty seven dollars lawful money of the United States

~~of the value of~~ ~~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 Terence O'Brien and James Donohue both now here, for the reasons that deponent was in a water closet in the liquor store 323 Avenue A and was counting said money and the defendant O'Brien came in and struck deponent in the face and made a grab for said money deponent succeeded in putting the money in his pocket when he O'Brien was joined by said Donohue and they defendant then beat deponent and O'Brien pinned his hand into

Sworn to before me, this day of 188

Police Justice.

paid packer and by force and violence took said money from person & over to Donahue

Sworn to before me this 1st November, 1894

D Murnaton
Police Justice

Wm H Dougherty

Police Court, ____ District.

THE PEOPLE, &c.,
on the complaint of
vs.

Offence—ROBBERY.

1
2
3
4

Dated ____ 188

Magistrate.
Officer.
Clerk.

Witnesses,

No. ____ Street,
No. ____ Street,
No. ____ Street,

$ ____ to answer General Sessions.

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

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 188 *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.*

Sec. 198–200.

CITY AND COUNTY OF NEW YORK, } ss.

Y District Police Court.

Terence 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. Terence O'Brien

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. New York

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

Answer. East 23rd St lodging house

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

Terence O'Brien

Taken before me this 8th day of December 1891

D. Mahoney

Police Justice.

Sec. 198—200.

Y District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Donohue 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 Donohue

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. Ireland

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

Answer. 421 East 22nd St. 5 years

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

James Donohue

Taken before me this 1 *day of* December *1889*

[illegible] *Police Justice.*

0431

1367

Police Court---4 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
William H. Hughes
Lyonville N.Y. 1437, 6, 23 d St

Jeremiah O'Brien
James Donahue
3.
4.

Offence Robbery

Dated Nov 1 1891

Merrahan Magistrate.

Doyle Officer.

18 Precinct.

Witnesses. Michael Keller
No. 4336 Street.
at 323 Avenue A
No. Street.

RECEIVED, DISTRICT ATTORNEY'S OFFICE NOV 6 1891

No. Street.

$ 2500 to answer G.S.

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 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 1 *18*91 *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.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Terence O'Brien and James Donohue

The Grand Jury of the City and County of New York, by this indictment, accuse Terence O'Brien and James Donohue of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Terence O'Brien, and James Donohue, late of the City of New York, in the County of New York aforesaid, on the twenty first day of October, in the year of our Lord one thousand eight hundred and ninety-one, ~~in the time of the said day~~, at the City and County aforesaid, with force and arms, in and upon one William H. Daugherty, in the peace of the said People then and there being, feloniously did make an assault, and 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 sixty seven 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 sixty seven dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty seven dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty seven dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of seven dollars,

$67.00

of the goods, chattels and personal property of the said William H. Daugherty, from the person of the said William H. Daugherty, against the will and by violence to the person of the said William H. Daugherty, then and there violently and feloniously did rob, steal, take and carry away, the said Terence O'Brien and James Donohue, and each of them, having then and there aided by an accomplice actually present to wit: each by the other: —

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.

[illegible]
District Attorney

0433

BOX:
458

FOLDER:
4209

DESCRIPTION:
O'Brien, Thomas F.

DATE:
11/09/91

4209

Witnesses:

The Pf Complaining
cannot be found
and withdraws his
presence from Court
& no Witnesses
recommend for Defendant
the discharge of Defdt
upon his own Recognizance
for appearance
Albert Timmins
Asst District Atty.
June 8th 92.

73

B.

Counsel, Rufus Gibbons

Filed, 9 day of Nov. 189

Pleads, Not guilty 70

THE PEOPLE

vs.

Thomas F. O'Brien

Grand LARCENY, and degree
(MISAPPROPRIATION.)
(Sections 528 and 53 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Hugh Carey

~~Motion Mag (1) in Part I.~~
Put on June 2nd '92

Foreman.

Jonnson.

Part 3 June 8/92
Bail dis-charged

Witnesses:

The Pet Complainant cannot be found and without this presence there can be no Criminal prosecution for the discharge of the Prisoner upon his own recognizance

Asst Dist Atty

Aug 11th 92.

73

B.

Counsel.

Filed, 9 day of Nov. 189

Pleads, Not guilty

THE PEOPLE

vs.

Thomas T. O'Brien

Grand LARCENY, and degree
(MISAPPROPRIATION.)
(Sections 528 and 53 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Put on June 7th '92

Bail

Bail 3 June 8/92

(1365)

Police Court— 1 District. Affidavit—Larceny.

City and County of New York, } ss.

John J. Williams

of No. 4th West Av 1st Av & 144th Street, aged 32 years, occupation Bookkeeper, being duly sworn, deposes and says, that on the 11th day of March 189 1 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:

Good and lawful money of the United States. to the amount and value of One hundred dollars ($100.00)

the property of David Jones Co. Brewers. and in dependents care and custody as bookkeeper for said firm.

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 F. O'Brien

From the fact that said defendant was employed by said Company as salesman and Collector and was duly authorized to collect and receive money for said firm.

Deponent is informed by Patrick J. Hickey of No 135 Canal street that on said date he paid the said defendant the said sum of One hundred dollars which he owed said Company for ale and porter. and that he the defendant then signed the annexed receipt.

Deponent further says that the said

Sworn before me this day of 189 Police Justice.

defendant never made any return of said sum of money to him or any order person authorized to receive said money for said Company. and that he never accounted for said sum of money in any way but did feloniously appropriate said sum of money to his own use and benefit with the intent to cheat and defraud.

Wherefore deponent prays the said defendant may be apprehended and dealt with according to law

Sworn to before me this 23 day of Oct 1891 — G. J. McClane

Wm [illegible]
Police Justice

CITY AND COUNTY OF NEW YORK, } ss.

Patrick J. Hickey

aged 48 years, occupation Liquor dealer of No. 125 Canal Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John J. Williams and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 23 *day of* Oct 1891 } Patrick J. Hickey

Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

Patrick Kiernan

of No. 8th West Cor 1st and 44th Street, aged 45 years, occupation President being duly sworn deposes and says that ~~on the day of 18 in the City of New York in the County of New York~~ deponent never received the sum of one hundred dollars mentioned in the affidavit of John J. Williams and that the defendant Thomas F. O'Brien never accounted for said sum of money in any way to deponent.

Patrick Kiernan

Sworn to before me, this 23 *day of* October 1891

Police Justice.

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas F. 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 F. O'Brien

Question. How old are you?

Answer. 30 years old

Question. Where were you born?

Answer. New York

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

Answer. 1626 Madison Av 1 mon

Question. What is your business or profession?

Answer. Collector

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 F O'Brien

Taken before me this 24 day of Oct 1884

[illegible]

Police Justice.

Sec. 151.

Police Court 4 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 John J. McNamara of No. 4th West Cor 1st and 44 Street, that on the 11th day of March 1889 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the United States to the amount and of the value of one hundred (100) Dollars, the property of David James Co. Brewers and in complainant's care and control, was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by James F. O'Brien

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 4 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 22 *day of* October 1889

[signature] Police Justice.

age 30 US Rus 1626. Madison Ave

The within named

.....

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

Dated..... 188

..... *Police Justice.*

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant—Larceny.

Dated..... 188

..... *Magistrate*

..... *Officer.*

The Defendant Thomas Dolan taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

..... *Officer.*

Dated October 27 1891

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

0442

$1000 Bail Fee Examining
Oct 25 1891

W

Police Court 4 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John McNamara
No. 1 Mott St
Chas. F. O'Brien

1 John McNamara
2
3
4

Offence Larceny

BAILED,
No. 1, by John McNamara
Residence 265 Grand Street.
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street.

Dated Oct 27 1891
Duncan Magistrate.
Officer.
Witnesses Chas. F. O'Brien Precinct.
No. 135 Centre Street.
Patk Kiernan
Brig. Pas 13 Street.
No. 44 E. 4th Street.
[illegible] (3)
No Street.
$1000 to answer
P.

~~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 27th 1891 Henry Hommel Police Justice.

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

Dated Oct 27 1891 Henry Hommel Police Justice.

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

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

0443

$1000 Bail for Examination
Oct 25 Ex. 2 1/2 to 5

136

Police Court 4 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thos. F. Ryan
Thos. F. Ryan
2
3
4
Offence Larceny Felony

BAILED,
No. 1, by Wm. McCann
Residence 315 Grand Street.
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street.

Dated Oct 27 1891
Morrissey Magistrate.
Hartigan Officer.
Grand Precinct.
Witnesses
No. 135 Essex Street.
Patk Kiernan
No. 4 Street.
No. Street.
No Street.
$1000 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named defendant *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* One *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 27th 1891 *Police Justice.*

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

Dated Oct 27 1891 *Police Justice.*

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

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

0444

DAVID JONES COMPANY,
Brewers,
44th ST. and 1st AVE., NEW YORK.

SPECIAL NOTICE.—All Receipts must be filled up and Signed with Pen and Ink to be recognized in the Office

New York, March 11th 1889.

RECEIVED from P. J. Keeley

Eight Hundred Dollars

on Account.

$ 100 00/100

David Jones
Treasurer

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

1703

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To John J. Mc Manus

of No. 1 Mare St Y C Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 1st day of JUNE 1892 at half past ten o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Thomas F. O'Brien

Dated at the City of New York, the first Monday of JUNE in the year of our Lord 1892

DE LANCEY NICOLL, *District Attorney.*

...rt of General Sessions.

THE PEOPLE

vs.

Thomas F. O'Brien

City and County of New York, ss: James Smith being duly sworn, deposes and says: I reside at No. 328 East 37th Street, in the City of New York. I am a Subpœna server in the office of the District Attorney of the City and County of New York. On the 7th day of June 1892, I called at 44th Street & 1st Avenue the alleged residence of John J. McManus the complainant herein, to serve him with the annexed subpœna, and was informed by the watchman in charge of said premises ~~and~~ that he had not been there for the last five months and that he did not know where he now lived or could be found

Sworn to before me, this 8th day of June 1892

Thos. C. Maguire
Comm. of Deeds
(N.Y.Co.)

James Smith
Subpœna Server.

Court of General Sessions.

THE PEOPLE, *on the Complaint of*

vs.

Thos F. O'Brien

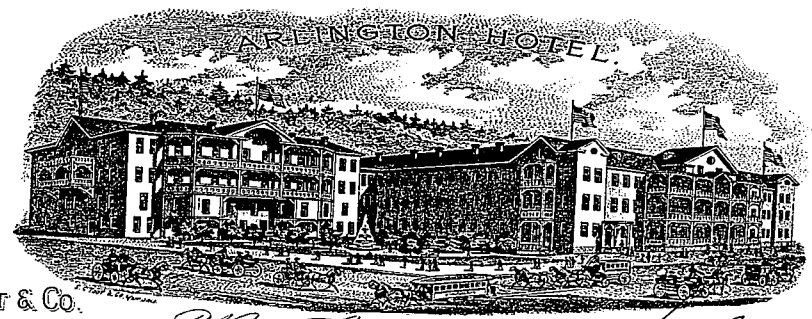
Offence:

De Lancey Nicoll
~~JOHN R. FELLOWS,~~
District Attorney.

Affidavit of

James Smith
Subpœna Server.

Failure to Find Witness.



S. H. STITT & Co.
LYMAN T. HAY, MGR.

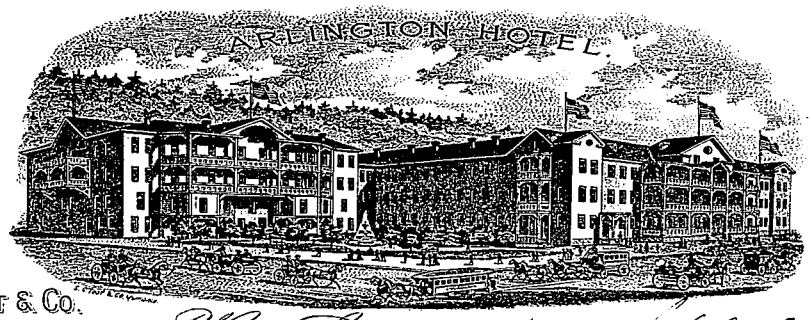
Hot Springs, Ark. April 21 1892

Dear Mr Kiernan

No doubt you must have thought, that you should hear from me before this, but really it would not be pleasant news. It is only now that I can say, that I am on the road to improvement.

I wish to become entirely well while I am here, therefore it is not likely that I can resume my duties before July 15th if then. I sincerely hope that you will consider kindly of this inasmuchas I have had to come so far, and be assured that I will do all in my power to reciprocate when the time comes.

2



S. H. STITT & Co.
LYMAN T. HAY, MGR.

Hot Springs, Ark. Apl 2 1892

I trust Mr. Pearson has given satisfaction, and that you are not over burdened in the office. I was sorry to notice the judgement of Ulfington against our Mr.

Great care must be taken in the making up of the annual statement

of the Company next July. A thorough understanding of preceding statements is most essential.

If convenient I should like very much to hear from you, and meanwhile I remain

Yours very truly

Jno. W. Manes

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 F. O'Brien

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas F. O'Brien of the CRIME OF Grand LARCENY, in the second degree committed as follows:

The said Thomas F. O'Brien

late of the City of New York, in the County of New York aforesaid, on the eleventh day of March in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, being then and there the clerk and servant of a corporation called the David Jones Company

and as such clerk and servant then and there having in his possession, custody and control certain goods, chattels and personal property of the said corporation

the true owner thereof, to wit: the sum of one hundred dollars in money, lawful money of the United States of America and of the value of one hundred dollars

the said Thomas F. O'Brien afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said sum of money

to his own use, with intent to deprive and defraud the said corporation

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said corporation

did then and there and thereby feloniously steal, 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.

0453

BOX:
458

FOLDER:
4209

DESCRIPTION:
O'Keefe, John

DATE:
11/27/91

4209

~~Sen for~~
Sen for Logan
Ship Chandler.
South St. Pier.

Witnesses:

Sent for officer

~~Bail~~

Probably Recom

306

Counsel,

Filed 27 day of Nov 189 1

Pleads,

THE PEOPLE

vs.

John O'Keefe

Grand Larceny ~~Second~~ Degree.

[Sections 528, 531, — Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Hayes, Casey

Foreman.

Leave to attempt

2 yrs 3 mos S.P.

Dec

(1385).

Police Court— 2nd District.

Affidavit—Larceny.

City and County of New York, } ss.

John Meakin

of No. 319 Canal Street, aged 40 years,

occupation Express being duly sworn,

deposes and says, that on the 23 day of November 189 1 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 package - containing Four Ladies Cloaks - of the amount and value Thirty eight dollars and twenty five cents ($38 25/100)

the property of Philip Scheyer - in deponents care and custody -

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. Keefe (now here) from the following facts to wit: That about the hour of 2.50 o'clock P.M. of the aforesaid deponent saw the defendant come into his place of business at the aforesaid address, and take steal and carry away the aforesaid package containing said property - and that deponent followed the defendant to the outside of said premises, and found the aforesaid property in his possession - Deponent therefore charges the defendant with having committed a Larceny and asks that he may be held and dealt with as the Law may direct

John Meakin

Sworn to before me, this 24 day of Nov 1891

Police Justice

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John 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. John O. Keefe

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. New York

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

Answer. No 34 Oak Street; 1 year

Question. What is your business or profession?

Answer. Truck 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

John O. Keefe
mark

Taken before me this 24 *day of* March 1891

Police Justice.

0457

1455

Police Court 2 **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Meehan
309 Canal
John O. Keyl

2.

3.

4.

Offence Larceny

Dated November 24 1891

Hogan Magistrate.

Kennedy Officer.

11/7 Precinct.

Witnesses

No. Street.

No. Street.

RECEIVED NOV 25 1891 DISTRICT ATTORNEY'S OFFICE.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 November 24 *18*91 *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.*

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

426

No See Recorder Smyth

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To Logan Ship Chandler

of No. South St + Pine Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 8 day of DECEMBER. 189 1 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

John O'Keefe, John O'Keefe

Dated at the City of New York, the first Monday of DECEMBER. in the year of our Lord 189 1

DE LANCEY NICOLL, *District Attorney.*

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John O'Keefe

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse John O'Keefe

of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said John O'Keefe,

late of the City of New York, in the County of New York aforesaid, on the 23rd day of November in the year of our Lord one thousand eight hundred and ninety one, at the City and County aforesaid, with force and arms,

four cloaks of the value of ten dollars each

of the goods, chattels and personal property of one Philip Schayer

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

0461

BOX:
458

FOLDER:
4209

DESCRIPTION:
O'Neill, John

DATE:
11/27/91

4209

0462

BOX:
458

FOLDER:
4209

DESCRIPTION:
Compton, John

DATE:
11/27/91

4209

Witnesses:

303

Counsel,

Filed 27 day of Nov 189 1

Pleads, Arraigned 30

THE PEOPLE

40 108 Lerry

vs.

John O'Neill

42 308 22 and

John Compton

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Part 3. Dec. 11/91 –
Both plead. Attempt Burglary 3d deg.
Both. Pen 6 mos.
RB M

Police Court— 3 District.

City and County of New York, } ss.:

William Culyer

of No. 7 West 55th Street, aged 61 years,

occupation Sexton being duly sworn

deposes and says, that the premises No 231 Thompson Street,

in the City and County aforesaid, the said being a two story and basement brick dwelling

~~and which was occupied by deponent~~ as a

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

were BURGLARIOUSLY entered by means of forcibly opening the door leading from the area into the basement

on the 21st day of November 188[illegible] in the day time, and the following property feloniously attempted to be taken, stolen, and carried away, viz:

One urn stem of the value of about ten dollars

the property in deponent's care and custody as Administrator

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

John O'Neill and John Clifton both now here, while acting in concert

for the reasons following, to wit: That on or about the 6th day of November deponent went to the said house and when deponent left he, deponent locked and securely fastened the doors and windows leading into the premises. That deponent saw the said property there on said date. That deponent is now informed by Police Officer Peter J. Branch of the 15th Precinct Police that he, the officer saw the

defendants in company with each other in the premises about 1 & 2.15 o'clock P.M. on said date and attempting to carry away the said property. Wherefore deponent prays that the defendants be held and dealt with as the law directs.

William Curley

Sworn to before me this 23 day of December 89

E. Hogan

Police Justice

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated 188 1

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ..... Bail.

Bailed by

No. ..... Street.

CITY AND COUNTY OF NEW YORK, } ss.

Peter J Blanch

aged 33 years, occupation Office of Fire Bureau of Fire Marshal of No. 15 ~~Street~~, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of William Culyer and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 23 *day of* March 1890, } Peter J Blanch

Police Justice.

(3692)

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John O'Neill 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'Neill

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. New York

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

Answer. 1008 Leroy St 3 years

Question. What is your business or profession?

Answer. Horse Shoer

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 guilt
John O'Neill

Taken before me this 24
day of Nov 1896

Police Justice.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. John Crighton

Question. How old are you?

Answer. 25 yrs

Question. Where were you born?

Answer. New York City

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

Answer. 63 & 65 East 27th St — 5 yrs

Question. What is your business or profession?

Answer. Peddler

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 Crighton

Taken before me this 28 *day of* Nov *1889*

J. E. Gilman

Police Justice.

1456

Police Court ... 2 ... District.

THE PEOPLE, &c.,
on the complaint of
1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

Offence Burglary

Dated 1891

Magistrate.

Officer.

15 Precinct.

Witnesses [illegible]

BAILED,

No. 1, by ..... Street.
Residence

No. 2, by ..... Street.
Residence

No. 3, by ..... Street.
Residence

No. 4, by ..... Street.
Residence

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ [illegible] to answer

RECEIVED NOV 25 1891 DISTRICT ATTORNEYS OFFICE.

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 they be held to answer the same and they 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 they give such bail.*

Dated ..... *18* 91 ..... *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.*

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'Neill and John Compton

The Grand Jury of the City and County of New York, by this indictment, accuse John O'Neill and John Compton

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

The said John O'Neill and John Compton both

late of the 15th Ward of the City of New York, in the County of New York aforesaid, on the 21st day of November in the year of our Lord one thousand eight hundred and ninety-one in the day-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the building of one William Culyer

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 William Culyer in the said building then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney