

0009

BOX:

48

FOLDER:

554

DESCRIPTION:

O'Brien, William

DATE:

09/29/81



554

0010

Dors, Jr.

Counsel,

Filed 29 day of Sept 1881
Pleads *W. G. W. Co.*

THE PEOPLE

vs.

*BURGLARY—First Degree, and
Grand Larceny.*

William Owen

DANIEL G. ROLLINS,

District Attorney.

A True Bill.

L. C. Carter Jr
Foreman.

Verdict as requested.

Verdict of Guilty should specify of which count.

Witness:

James Hoffmeister:
Off. Patrick W. Gentry
for

00111

Police Office, First District.

City and County of New York,

Charles Hofmeister

of No. 24 Cherry Street, being duly sworn,

deposes and says, that the premises No. 24 aforesaid Street 4 Ward, in the City and County aforesaid, the said being a dwelling

and which was occupied by deponent as a ^{such} where deponent resides with his family were BURGLARIOUSLY

entered by means of forcing open the outer shutters of a window leading from the street to said premises

on the night of the 21 day of Sept 1887 and the following property, feloniously taken, stolen and carried away, viz.:

clothing, consisting of different suits of mens apparel, a gold watch & other valuables all of the value of five hundred dollars

the property of deponent & members of his family

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

William O'Brien now present

for the reasons following, to wit: That at the hour of half past one o'clock A.M. on the night in question deponent awoke & saw the defendant in a bed room of said premises who, upon seeing deponent instantly fled. That deponent subsequently found the shutters of said window which he had previously fastened forced open & charges the defendant with burglariously entering said premises with intent to steal C. Hofmeister

William O'Brien now present
22nd day of Sept 1887
J. M. [Signature]

0012

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

William 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.

William O'Brien

Question. How old are you?

Answer.

19 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

24 Cherry Street for 12 Years

Question. What is your business or profession?

Answer.

I work at screw tops

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 of the charge and have witnesses to show that I had been sitting where I was arrested for two hours previously

Wm O'Brien

Taken before me, this *22*
day of *Sept* 188*7*

J. Hillman Police Justice.

0013

Sec. 208, 209, 210 & 212

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Hoffmeister
24 Cherry St.
William O'Brien
Offence, *Burglary*

BAILED,

No. 1, by _____

Residence _____

No. 2, by _____

Residence _____

No. 3, by _____

Residence _____

No. 4, by _____

Residence _____

Dated

Sept 29 188*1*

W. W. Smith Magistrate.

W. O'Brien Officer.

J. J. Smith Clerk.

Witnesses

In defence - W. W. Smith

No. _____

John Davis Street, _____

No. _____

18 Cherry St. Street, _____

No. _____

Street, _____

John Davis

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 ^{held to answer the same and he he} be admitted to bail in the sum of _____ Hundred Dollars ~~and be~~ committed to the Warden or Keeper of the City Prison until he ^{of the city of New York} give such bail.

Dated *Sept 29* 188*1* *J. W. Smith* 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.

0014

Sec. 208, 220, 210 & 212.

Police Court District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

*Charles Hoffmeister
24 Cherry St.
William O'Brien*

Offence, *Burglary*



Dated *Sept 22* 188*1*

Kilbride Magistrate.

McCrimley Officer.

H Clerk.

Witnesses: *for defence - W. H. H. -
H. C. C. -*

No. *John Davis* Street,

No. *18 Cherry St* Street,

No. _____ Street.

John

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 _____

guilty thereof, I order that he ~~be admitted to bail in the sum of _____~~ *held to answer the same and he be admitted to bail in the sum of _____ of the City of New York* _____ and _____

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

0015

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William O'Brien

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

William O'Brien
of the CRIME OF

Burglary

committed as follows:

The said *William O'Brien*

late of the *fourth* Ward of the City of New York, in the County of New York, aforesaid

on the *twenty-first* day of *September* in the year of our Lord one thousand eight hundred and eighty *one* with force and arms, about the hour of *one* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Charles Hoffmeister
there situate, feloniously and burglariously did break into and enter, by means of *forcibly breaking open an outer window of said dwelling house* whilst there was then and there some human being, to wit, one *Charles Hoffmeister* within the said dwelling-house, he, the said

William O'Brien
then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of *Charles Hoffmeister*

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

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

~~of the CRIME OF~~

~~committed as follows:~~

~~The said~~

~~late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, about the hour of o'clock in the time of said day, the said~~

~~of the goods, chattels, and personal property of~~

~~in the said dwelling house of one then and there being found~~

~~in the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.~~

DANIEL G. ROLLINS, District Attorney.

0016

BOX:

48

FOLDER:

554

DESCRIPTION:

O'Connell, James

DATE:

09/21/81



554

0017

Counsel
Filed *21* day of *Sept* 188*1*
Pleads

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

James Donald

Defendant

DANIEL C ROLLINS,
~~ATTORNEY AT LAW~~

District Attorney.

A True Bill.

W. J. Miller
Foreman.

Sept 21/81

James D. D.

Pen 60 days.

W. J. Miller
Charles Brown

0018

FORM 89.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

Police Court--Second District.

of No 594 8th Avenue ^{aged 32 years, wine merchant} ~~Street~~, being duly sworn, deposes
and says, that on the thirty first day of August 1881
at the City of New York, in the County of New York, was feloniously taken, stolen and carried
away, from the possession of deponent,

the following property, to wit: One bird cage and one
live bird

of the value of Four 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

James O'Connell (now here) for the
reason that deponent caught said
James O'Connell with the above described
property in his possession.

Chas Brown

Sworn to before me, this first day
September 1881
Albert J. Smith
Police Justice.

0019

Sec. 198-200.

20 DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

James O'Connell 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 O'Connell

Question. How old are you?

Answer. Nineteen years

Question. Where were you born?

Answer. Ireland

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

Answer. 338 West 38th St
I have lived there about two weeks

Question. What is your business or profession?

Answer. I work in a brick yard

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. That is all I have to say.

James O'Connell

Taken before me, this 12
day of Sept 1881

Edward R. Smith Police Justice.

0020

Sec. 208, 210, 210 & 212

Police Court District

212

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Brown
394 1/2 8th Ave

1 *James O'Connell*

Offence, *Petty Larceny*

Dated *September 1* 1881

Smith Magistrate.

Ward 29 Officer.

Clerk.

Witnesses

Ward 29

No. _____

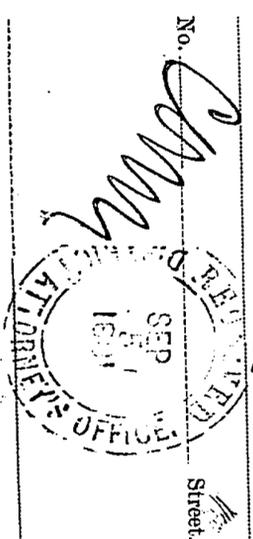
Street, _____

No. _____

Street, _____

No. _____

Street, _____



BAILED,

No. 1, by _____

Residence _____

No. 2, by _____

Residence _____

No. 3, by _____

Residence _____

No. 4, by _____

Residence _____

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 ^{need to answer the same and} be admitted to bail in the sum of ~~three~~ ^{three} Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *Sept 1st* 1881 *Solout Smith* 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.

1200

Sec. 208, 209, 210 & 212.

Police Court District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Brown
594 8th Ave

James O'Connell

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

BAILED,

Dated September 1 1881

Smith

Magistrate.

Wood 29

Officer.

Clerk.

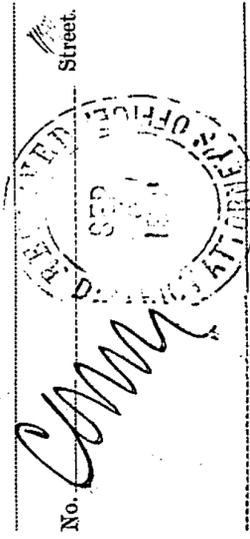
Witnesses

No. Wood 29

Street,

No. Street,

No. Street,



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

James O'Connell and *Charles Brown* guilty thereof, I order that he be admitted to bail in the sum of *Five* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

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

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

Dated 1881 Police Justice.

Dated 1881 Police Justice.

Dated Sept 1st 1881 Police Justice.

8/22

0022

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

THE PEOPLE OF THE STATE OF
NEW YORK,

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

James O'Connell
of the crime of
Larceny

committed as follows:
The said

James O'Connell

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
thirty first day of *August* in the year of our Lord
one thousand eight hundred and eighty *one* at the Ward, City and County aforesaid
with force and arms,

One bird of the value of two dollars
One cage of the value of two dollars

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

then and
there being found, 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.

0023

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

James O'Connell

of the CRIME OF

Receiving Stolen Goods

committed as follows

The said

James O'Connell

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

One bird of the value of two dollars.

One cage of the value of two dollars

of the goods, chattels, and personal property of the said

Charles Brown

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen ~~of the said~~ *taken and carried away from*

the said Charles Brown

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

James O'Connell

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

DANIEL C. ROLLINS,

HENRY R. THOMPSON, District Attorney.

0024

BOX:

48

FOLDER:

554

DESCRIPTION:

O'Neill, Edward

DATE:

09/19/81



554

0025

Counsel,
Filed 19 day of Sept 1881
Pleads

THE PEOPLE
INDICTMENT.
LARCHMONT.

Conf. Case
Edward O'Neill

DANIEL C ROLLINS,

~~Attorney at Law~~

District Attorney.

A True Bill.

A. D. Hayes Foreman.

Sept 21/81

Plendant guilty

Pen 30 days

xx
23

George C. Ammon

0026

FORM 112

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } SS

Police Court—Third District.

George E. Dunne

of No. *21 Chrysothio* Street, being duly sworn, deposes

and says that on the *9th* day of *September* 18*81*

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the possession of deponent.

the following property viz: *One Black Dress coat*

of the value of *twelve* 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 *Edward O'Neil*

(now here) from the fact that he acknowledged in the presence of witnesses that he did steal said property and possessed the same

Geo. E. Dunne

Sworn to, before me this *10*

day of September 1881

Wm. W. Gammey
POLICE JUSTICE.

0027

Police Court—Third District.

CITY AND COUNTY }
OF NEW YORK. } ss. v

.....being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was at
liberty to refuse to answer any question that may be put to him, states as follows,
viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

Question. Have you anything to say, and if so, what—relative to the
charge here preferred against you?

Answer.

Taken before me, this.....day of.....18

POLICE JUSTICE.

0028

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3
DISTRICT POLICE COURT.

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

Question. What is your name?

Answer. Edward O'Neil

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. Springfield Mass

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

Answer. Luc Jersey City for about 7 years

Question. What is your business or profession?

Answer. Plumbing

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

Answer. The complainant shows me I came to his place near every day drink his beer, I took the beer for a sake he saw me having it and when I went out and I am willing to take it out of the pawn again, this is the first time I was ever arrested

Taken before me, this 10
day of September 1887

Edward O'Neil

John J. Bennett
Justice.

0029

Sec. 208, 209, 210 & 212.

Police Court 867 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Geo E. Adams
21 *Charlotte St.*

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

1 *Edward O'Neil*
2
3
4
Offence, *Petio Larceny*

Dated

April 10 1881

Murray Magistrate.

Murray 10th Officer.

Clark.

Witnesses

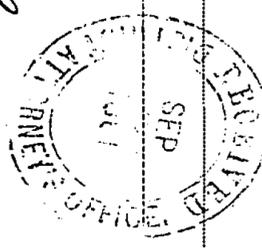
10 Bond Police Street.

No.

Street.

No.

Street.



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

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

Dated *Apr 10* 1881 *J. Murray* 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.

0030

Sec. 208, 209, 210 & 212.

867

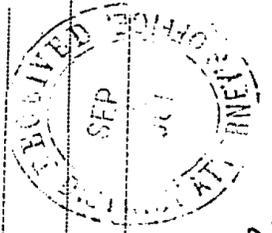
Police Court-- District,

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
Geo. E. Quinn
 21 *Chapin St.*
 1 *Geo. E. Quinn*
 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 10* 1881
 Magistrate,
Murray
 Officer,
Brady
 Clerk,

Witnesses
Brady
10 Prob. Police Street,
 No. _____ Street,
 No. _____ Street,



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

guilty thereof, I order that he be admitted to bail in the sum of *one hundred Dollars* and be committed to the Warden or Keeper of the City Prison until he give such bail.

I have admitted the above named *Geo. E. Quinn* to bail to answer by the undertaking hereto annexed.

Dated *Sept 10* 1881
 Police Justice,

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

Dated _____ 1881
 Police Justice,

0031

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

THE PEOPLE OF THE STATE OF
NEW YORK,

Edward O'Neill
against

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

Edward O'Neill

of the crime of

Larceny

committed as follows:

The said

Edward O'Neill

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *ninth* day of *September* in the year of our Lord one
thousand eight hundred and eighty - *one* at the Ward, City, and County aforesaid,
with force and arms,

One coat of the value of twelve dollars

of the goods, chattels, and personal property of one

George Edunn

then and
there being found, 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.

DANIEL C ROLLINS,

~~BENJ. R. BULLERS~~ District Attorney.

0032

BOX:

48

FOLDER:

554

DESCRIPTION:

O'Rourke, John

DATE:

09/19/81



554

0033

BOX:

48

FOLDER:

554

DESCRIPTION:

Hagan, Thomas

DATE:

09/19/81



554

0034

BOX:

48

FOLDER:

554

DESCRIPTION:

Hennessy, James

DATE:

09/19/81



554

0035

Mr. Auditor
Coleraine
F. defendant's account
trial

Witness:
Mr. Robert C. Gurney
Mr. Robert K. Diggins

Counsel,
Filed 19 day of Sept 1887
Pleads Not guilty

THE PEOPLE
No 1 100 & 8cts
John Bourke
2
Thomas Deegan
3
James McAnnesy
4

DANIEL C ROLLINS,
District Attorney,
Thomas Hogan demit by
A True Bill.
Oct 25 1887
Foreman.

143
Jury of Foremen of
Grand Jurors
Per: One year & 6 m
27

Larceny, and Receiving Stolen Goods.

0036

Sec. 212.

5th District Police Court.

Sep 4
1881

CITY AND COUNTY } ss.
OF NEW YORK, }

It appearing to me by the within depositions and statement that the crime therein mentioned
namely feloniously taken stealing and
carrying a pilch boat of the value of
fort dollars

has been committed, and that there is sufficient cause to believe the within named

John Rowke, ^{and} Thomas Hogan, ^{and}
James Heanessy

guilty thereof, I order that they be held to answer the same, and the said crime being bailable by
me, but bail not having been taken by me, I order that they be admitted to bail in the sum of
100 Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until they give such bail.

Dated at the City of New York, September 4th 1881

Hugh Gardner Police Justice

0037

Sec. 198-200.

5

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

John O Rouke 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 Rouke

Question. How old are you?

Answer.

Sixteen years

Question. Where were you born?

Answer.

New York

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

Answer.

109th Street & 3rd Avenue, six months

Question. What is your business or profession?

Answer.

Mason

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

Answer

We found the Bra in Hell Gate

John O Rouke
mark

Taken before me, this

11th

day of

September 1881

Hugh Garman Police Justice

0038

Sec. 198-200.

J-65

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Hagan 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 waiven cannot be used
against him on the trial,

Question. What is your name?

Answer. Thomas Hagan

Question. How old are you?

Answer. Fifteen years

Question. Where were you born?

Answer. New York

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

Answer. 107 Street between "A" and "B", Ten years

Question. What is your business or profession?

Answer. Machinest

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

Answer We found the Boah at Hill Gate

Thomas Hagan

Taken before me, this 11
day of September 1887

Hugh Gardner Police Justice

0039

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Hennessey 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 Hennessey*

Question. How old are you?

Answer. *Sixteen years*

Question. Where were you born?

Answer. *Sandy Hook*

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

Answer. *108 St between 2^d & 3^d Avenues, six months*

Question. What is your business or profession?

Answer. *Cabinet maker*

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

Answer. *We did not steal the Boat
we picked her up in Hell Gate
James Hennessey*

Taken before me, this *11th*
day of *September* 188*1*

Blough Gardner Police Justice

0040

5th District Police Court

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK } ss.

of No. 28 Broad Street, Theodore C. Zerega
being duly sworn, deposes and says, that on the 4th day of September 1887
at the Township of Westchester and County of Westchester, City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent,

the following property, viz.:

One pilot boat of the value
of forty dollars (40⁰⁰/₁₀₀)

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 John O'Rourke, Thomas Hagw
and James Hennessey (all now here)
from the fact that deponent is
informed by officer Ernest K. Bingham
of the 23rd Police Precinct that he
arrested the said defendants with
the aforesaid boat in their
possession. Deponent further says
that previous to the larceny the said boat
it was fastened by a chain to a dock in the
waters of the East River at Westchester
cruc
Theo. C. Zerega

Sworn before me this 11th day of September 1887
August Gorman
POLICE JUSTICE

0041

City and County of New York 355
 Ernest K. Bingham of the 23^d Police
 Precinct being sworn says that on
 the 10 day of September 1881 he
 arrested John O'Rourke, Thomas Hagan,
 and James Hennessey (all now free)
 and at the time they were in a boat,
 the said Boat being in the water of
 the East River. That said Boat
 has since been identified by
 Theodore L. Zerega the within named
 complainant as the same which
 was stolen from his possession
 and which is mentioned in the
 within affidavit made by him
 Ernest K. Bingham
 Sworn to before me
 this 11th day of September 1881

Hugh Gardner Police Justice

5th 813
 District Police Court
 THE PEOPLE, & CO.,
 ON THE COMPLAINT OF
 Theodore L. Zerega
 28 Broad St.
 John O'Rourke
 Thomas Hagan
 James Hennessey

DATED Sept 10 1881
 Gardner MAGISTRATE.
 Bingham OFFICER.
 23

WITNESSES:
 Police Officer
 Wm. Miller Jr
 Port of 110 St. East River
 DISPOSITION
 1000 each to Am
 1000 each to Am
 - Can -

AFFIDAVIT—Larceny—Theft

0042

ven

The People
vs.
John O'Rourke

and
James Kennessy
Thomas Hagan

Court of General Sessions, Part I
Before Judge Gildersleeve, Oct 25 1889

The defendants were jointly indicted with

Theodore C. Zerega, sworn and examined, testified
I am a stock broker in New York; my office is in
Twenty eighth st. I live in the town and County of
Westchester. I owned a boat which I missed about
the 5th of Sept.; it is what is called a pilot boat, it
is used for hell gate pilots with two places to row
and a stern sheet. How much did that boat
cost? Fifty dollars. I consider she is worth about
that now as I spent some money on her in
repairs. The boat was made fast to the dock for-
ward and to a stake aft and it was in the
water at my own place in Westchester not a
hundred yards away from the house. I saw
the boat last on Sunday afternoon, I was out sail-
ing. I came home about dusk I presume, I
don't remember. I fastened her with a rope
forward and also with a chain and a padlock
fast to the ring in the boat; she was made
fast tightly to the stick with a stone from the
end to keep her away from the dock; she
was chained forward and I locked her myself.
I missed the boat Monday morning. I next saw
her on the Saturday following on the sunken
meadows right by the place where the

0043

SewannaKa went ashore. I went there to look for her from information which I received; the boat was made fast to the land in some way. I did not see whether she was made fast to the canal boat or the stake. We, the officer who is here, and myself rowed back to the New York shore; the officer got in the boat and we rowed down. Then we came through the sunken meadows we saw that the boat had left its mooring and was being rowed across the river. There looked to me to be about four in it as far as I could see. Instead of following up directly we went around the sunken meadows into the channel. We were in little hell gate so as not to be seen; they went across to Long Island; we found the boat was near the canal boat which was sunk, so part of her decks were under the water. These parties got into the boat - then there were three. We ran out alongside of these boys who are here - the prisoners and Hagan; they were in the boat. The officer stepped into their boat and they rowed him to the station house. I did not go on the canal boat. I did not follow down in my boat; we went back the same way we came and left the boat which we had hired and walked down to the station house. I think it is in Eighty eighth St. I do not know

0044

the precinct. I had no conversation with the boys at the canal boat. At the station house I remember one of them, I don't know which one it was, said they found the boat in little hell gate on Wednesday. After the boat was missed the padlock and chain was gone; the chain was removed from the first link, leaving nothing but the staple in the setting piece of the dock. The staple that held the chain was left and the chain was gone. This link (shown) I found in the water on the bottom right under where she was made fast to the dock. Then the boat was recovered the chain was not attached to it. There was a padlock in the boat and a staple in the dock, so that when you went rowing they threw the chain aside and did not take it with him. I saw the chain afterwards; it is in the thirty third precinct station house. I understood it was found in the canal boat, I have identified it as mine. I can swear that the link came out of this chain which was broken. I never saw the prisoners before. I did not authorize any one to take the boat; there were no oars in the boat when I left it, but I believe there were two pairs of oars in it when it was found. Cross Examined. When I first saw the boat it was empty, tied near where the Sewanaka went ashore.

0045

Ernest K. Bingham sworn. I am an officer of the Municipal police attached to the 23 precinct. I arrested the prisoners on the 10th of Sept. Mr. Zerega gave me some information and I went into the boat with him. I saw the boat over where the Sewannaka is sunken near a canal boat. This was at Randall's Island. I told him to go and see if it was his boat. I did not feel justified in leaving my post to go out in the middle of the river. He stated he was sure it was his boat. He rowed over and came back and said it was his boat. I told him then I would go with him and arrest the parties. When we went out again the boat was gone. We recovered all the stolen property from the canal boat that they had been stealing from yachts. They pulled over towards the Long Island shore towards another sunken canal boat. I arrested them and took them to the station house. I found a bull's eye light and a hatchet and I took a loaded revolver from Hennessy. I found also a "jimmy" and a "cutlass" in the boat. There was only one chamber of the revolver fired off. There were two pairs of oars in the boat and they belonged to another party - Mr. Foulke. He identified them as his at the station house. The prisoners said they found the boat on

0046

Wednesday. There was a chain on the boat when it was brought in. I saw it delivered at the 23^d Precinct. There was no one else but the boys on the curial boat when I arrested them. Cross Examined. I did not see the boat tied to the Randall's Island shore; when I saw them they were rowing away. I could distinguish the boys in the boat. I could distinguish parties across the river at that point. I know these boys for a couple of months. William Fuller Jr. sworn and examined. I remember the last witness showing me some oars at the station house; one pair belonged to me. I live in New York city, the annexed district, Morrisimca and I keep my boat where I live in Mr. Reynolds's boat house. They were missed on the 8th of September, which was Wednesday. I do not remember when I last saw them before that, some considerable time, for I had been away for some little time. It was discovered that the boat house had been opened by some one else. William Miller Jr. sworn. I live at the foot of 110th street and Harlem River. I only know the prisoners by sight. I saw Hennessy in the boat on Monday morning about 9 o'clock. I saw the boat which was captured when the prisoners were arrested. Cross Examined. I saw Hennessy near the

0047

boat with the younger brother of Hagan right
alongside the wreck going away from the
wreck. I was right alongside of him looking
for one of my own boats. I passed right by
them; they were going in the direction of
my place of business at the foot of east
110th Street - a boat letting place. I was look-
ing for one of my boats going towards Port
Morris. Boat letters ask questions when they
see a 'strange boat. I asked them where they
got the boat? I did not get an answer.
There was a sail in the boat which the
prisoner Hennessy was rowing and this young
brother of Hagan. Hagan said they found the
boat at Port Morris. I saw the prisoners and
Hagan almost every day that week in the
boat until they were arrested. They rowed
around openly; they were not trying to conceal
the boat. Theodore C. Zerega recalled. How
far was it from your place where you kept
this boat moved to this Sewannaka wreck?
I do not know exactly - about two miles.
John Rowke, sworn and examined in his
own behalf testified. I did not steal this boat.
Did you take this boat from the gentleman
who was on the stand in Westchester Co.? No
sir, I don't know where it is. Did you steal
it or take it from any other one? No sir

0048

Tell how you got it? We found it in Hellgate Wednesday morning. You are sure about that? Yes sir. Tell how you come to find it? We were fishing there near the sunken meadow. Where was the boat? The boat was driven between sunken meadow and Randall's Island. We seen the boat; we pulled up our anchor and we went and got the boat. I got into the boat and there was no chain on the boat though there was a new rope on the boat; there was no chain. We took it to the sunken meadow and we kept it there. We asked as we went along if anyone had lost a boat. There was no name on the boat and we could not have fetched it to any one. You kept the boat in your possession until the time you were found with it? Yes sir. We were rowing to the old sunken canal boat. Were you trying to row away from anybody? No sir.

Cross Examined. I don't know whether there was a large amount of property on that canal boat found by the police after we had left it. I am a mason and I worked for James Riley a year and a half. I had not been working for him for a month before that. I work every day that it is fit to work. I live 109th and Third Avenue with my uncle. I have never been arrested before for anything.

0049

James Hennessy sworn. I did not steal this boat. I did not know it was stolen. We were fishing off sunken meadow between Sunken meadow and Randall's Island on Wednesday morning. I was not in the boat on Monday or Tuesday morning and had no conversation then with anyone about the boat. I made no offer to sell the boat. The boat was floating where we found it. Cross Examined. We found it in the morning. One pair of these oars was out of a cliff. I know nothing about the other pair of oars. Where do you live? 108th between Second and Third avenues. How long have you lived there? Six months. Have you never lived on this canal boat? Yes sir. How long have you lived there? Two weeks. Who else lives there? Thomas Kagan, that is all I know. Do you know about a large quantity of stolen goods being found there on that canal boat within a few days? No sir. Is that the first you heard of that? Yes sir. I work with Cavanagh and McLaughlin. I left their employ about two weeks ago. In two weeks I have not been doing anything. I have been in the Protectory. I learned cabinet making there. I bought the pistol from a fellow for ten cents the day I was arrested. The jury rendered a verdict of guilty of grand larceny.

0050

Testimony in the case
of
John O'Rourke and
James Hennessy
filed Sept. 1887.

0051

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

THE PEOPLE OF THE STATE OF
NEW YORK,

John Bourke, Thomas Hagan and James Hennessy.
against

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

John Bourke, Thomas Hagan and James Hennessy

of the crime of

Grand Larceny

committed as follows:

The said

John Bourke, Thomas Hagan and James Hennessy, each

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

One boat of the value of forty dollars

of the goods, chattels, and personal property of one

Theodore L. Zerega

then and

there being found, 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.

0052

And the Grand Jury aforesaid, by this indictment, further accuse the said *John O'Rourke, Thomas Kagan and James Hennessy*

of the CRIME OF

Receiving Stolen Goods.

committed as follows:

The said

John O'Rourke, Thomas Kagan and James Hennessy

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

One boat of the value of forty dollars.

of the goods, chattels, and personal property of the said

Theodore C. Zerega

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen ~~of the said~~

taken and carried away from the said Theodore C. Zerega

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

John O'Rourke, Thomas Kagan and James Hennessy

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

DANIEL G ROLLINS,

~~JOHN C. RICHES~~, District Attorney.