

0240

**BOX:**

301

**FOLDER:**

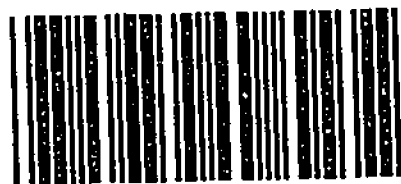
2864

**DESCRIPTION:**

Nachs, Nathan

**DATE:**

03/21/88



2864

0241

No. 234

Counsel,

Filed 21 day of March 1888

Pleads

*Myself in*

THE PEOPLE,

vs.

B

*Nathan Sachs*

*115 N. 1st St.*

JOHN R. FELLOWS,

RANDOLPH B. MARLINE,

*Pr. Sec. 1888 District Attorney.*

*Transferred by consent to*

*Ch. 1888 1st Office*

**A True Bill.**

*(Signed) [Signature]*

Foreman.

WITNESSES:

*[Signature]*

Violation of Excise Law.  
(Bellington Sunday Law)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and  
page 1989, Sec. 5.]



0242

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

against

*Nathan Nacht*  
*Defendant.*

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

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

*Adam Lang*

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

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

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

*John R. Fellows*  
**RANDOLPH B. MARTINE,**

District Attorney.



0243

**BOX:**

301

**FOLDER:**

2864

**DESCRIPTION:**

Nagle, Michael

**DATE:**

03/23/88



2864



0244

No. 277

Counsel, *Layman*  
Filed *23* day of *March* 188*8*  
Pleads, *Not Guilty*

THE PEOPLE  
vs.  
*Michael Mayle*  
*H.D.*  
Grand Larceny, *First Degree*  
(From the Person.)  
[Sections 628, 630 — Penal Code.]

JOHN R. FELLOWS,

*John R. Fellows* District Attorney.

A True Bill.

*(Signed)*

*Per III April 5 1888*  
*Wired and Committed*  
*April 11 P.M. 8415*  
*1888*

Witnesses:

*Patrick Mahan*  
*James O'Brien*  
*off baggage*



0245

No. 277

Counsel, *Superior*  
Filed *23* day of *March* 188*8*  
Pleads, *Not Guilty*

THE PEOPLE  
vs.  
*Michael Mayle*  
*H.D.*  
Grand Larceny, *First* Degree.  
(From the Person.)  
[Sections 528, 530 — Penal Code.]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

(*Mayle Mayle*)

*Per III April 5/88 Foreman.*  
*Wied and Corbin*  
*Chas. P. 8 yrs.*  
*P.B.M.*

Witnesses:

*Patrick Walsh*  
*James O'Brien*  
*off Leagrove*



Court of General Sessions.

The People &c.,

vs.

Michael Nagle.

Affidavits.

Abraham Suydam,  
Attorney for Defendant,  
No 38 Park Row,  
New York City.

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0247

Fol. 1 Court of General Sessions, City and County of New York.

-----X  
THE PEOPLE &c.,  
vs.  
MICHAEL NAGLE.  
-----X

: Affidavit.

City and County of New York, Ss:

Abraham Suydam, being duly

sworn, says as follows, to wit:

Since making my affidavit entitled in this action on the  
2 11th day of April instant, I have been able to procure affi-  
davits from James Clancy, Mary Clancy, his wife, and Mary  
Clancy, his daughter, and Mary King, which affidavits are  
hereto attached.

I am still unable to procure an affidavit from Ann Don-  
nelly, on account of her condition of health. I called at  
her residence on the 15th day of April instant, and found her  
too ill to make an affidavit. But I am informed and believe  
that her illness is not likely to prove fatal, and that in  
all probability she will be able to attend court during the  
3 next May term of this court.

I have fairly stated to the said James Clancy the sub-  
stance of the testimony given at the trial of this action by  
the complainant, Walsh and his friend O'Brien, and after hear-  
ing my said statement, the said James Clancy made the affida-  
vit hereto annexed.

*Abraham Suydam*

Subscribed and sworn to

before me this 16th day

of April A. D. 1888.

*Miss J. White*  
*Notary Public*  
*N.Y. City &c*



0248

Fol.1 Court of General Sessions, City and County of New York.

-----X  
T H E P E O P L E &c. :  
vs. :  
M I C H A E L N A G L E. :  
-----X

City and County of New York, Ss:

Abraham Suydam, being duly

sworn, says as follows, to wit:

I am of counsel for the defendant above-named. I was  
2 assigned to act as such counsel by this Court at some time  
during the last March term, but I was informed by the mother  
of the defendant that she had retained other counsel, and I  
therefore gave the case no further thought until the day be-  
fore the trial, when the said mother came to me and told me  
that the counsel whom she had retained could not try the case  
and begged me to act as counsel for the defendant, which I  
consented to do.

I was then actively engaged in the trial of a case, and  
had no sufficient time for preparation, but I caused to be  
3 issued and served subpoenas for such witnesses as I was in-  
formed could give material testimony, and these subpoenas  
were; as I am informed and believe, actually issued and serv-  
ed.

The case was moved on the following day, the 4th day of  
April inst. Several of my witnesses were not present, but  
two witnesses for The People were confined in the House of  
Detention, and the District Attorney pressed the case for  
trial. The Court allowed me until half past two o'clock on  
that day, to make preparation, and at that hour I consented

Fol.4 to go on with the trial, with the understanding that an adjournment might be had, if necessary, in order to procure the attendance of my witnesses.

The People proved substantially the following facts:

On the evening of March 19th last, the complainant, Patrick Walsh, and one O'Brien, were coming down Washington st. in this city, when two men sprang upon them, or upon O'Brien. A short scuffle ensued, and Walsh and O'Brien went on their way. A few moments before this occurrence Walsh had a watch upon his person, and a few moments after it the watch was  
5 missing. On the following day the defendant came to Walsh, and told him that he did not take the watch, but that he put up the job, and that he would get the watch back; and in a little while a man came to him with a pawn ticket, and accompanied Walsh to a pawnbrokers, where Walsh found his watch.

O'Brien testified that the defendant was one of the men with whom he and Walsh had the struggle.

It was about four o'clock when The People rested their case, and the Court then adjourned until the following day.

I immediately caused subpoenas for my witnesses to be  
6 issued and served, returnable on the following day, April 5th.

I went in person to the residence of Mrs. Ann Donnelly, one of my witnesses, at No. 36 Washington street, and served her with a subpoena. She was suffering from a severe and acute attack of rheumatism, as she informed me, and said that she thought it was very doubtful whether she would be able to come to court, but that she would come if it was possible for her to get there. She did not come, however, and I have since learned that she was unable to come, in consequence of her illness. I made no application to the court for an at-



(4)

Fol.7 attachment, because I had good reason to believe <sup>and did believe</sup> that she was in fact unable to attend, and also because I did not at that time know how important her testimony was. I had expected to prove by her that the visit of the defendant to the complainant on the day following the loss of the watch was in reply to a message sent to him by Mrs. Donnelly. But there was some evidence already in tending to prove this fact, and I did not consider it of sufficient importance to warrant an application for a long adjournment of the case, such as would enable me to procure the attendance of Mrs. Donnelly.

8 Since the trial, I have again seen Mrs. Donnelly, and she has informed me that it was at her house that the complainant stopped on the night when he lost his watch, and that he remained there during the following day; that she did send a message to the defendant, requesting him to come and see the complainant, and that he came in reply to that message; that she was present during the conversation between the complainant and the defendant, and heard all that was said between them on that day; and that the defendant did not tell the complainant that he had put up the job, or any thing

9 to that effect, but that he did say that he had nothing to do with the affair, but would endeavor to learn where the watch was, and to get it back, if possible.

Mrs. Donnelly also informed me that the complainant was intoxicated when he reached her house on the night of his loss, March 19th, and was not in a condition to remember any thing which had happened to him.

I verily believe that if a new trial is granted in this case, I can prove by the said Ann Donnelly the facts above set forth, and that those facts are most material to the de-

(D) (D)

Fol.10 fence of this action. I am not able to produce an affidavit by the said Ann Donnelly, for the reason that I called at her residence on yesterday, April 10th, for the purpose of getting her affidavit, and then learned that she was confined to her bed with the same attack of rheumatism from which she was suffering when I saw her on the 5th inst. She was so ill yesterday that I was not allowed to see her, but I have no doubt, from what she said to me, when I did see her, that upon another trial of this action she will testify substantially as above set forth.

11 Since this case was tried, I have learned of the existence of three most material witnesses for the defence, of whom I had no knowledge before the trial. It appears, from the statements of these witnesses, that on Monday the 19th of March last, the day on which the alleged larceny occurred, the defendant went to the rooms occupied by one James Clancy and his family, at No. 107 Greenwich street, at about half past seven or eight o'clock. He was then slightly under the influence of liquor, and soon fell asleep in the said rooms. When he first came in there was no one present but Mary Clancy,

12 cy, the daughter of the said James Clancy, and Mary King. Mary King remained till about half past nine o'clock. Mary Clancy remained till about half past ten, when her mother came in. At a little after eleven o'clock the father, James Clancy, came in, and at about twelve o'clock the father, mother and daughter retired to bed, leaving the defendant still asleep in their rooms. And about seven o'clock the next morning they found him still asleep in the same place. From the time when he first went into the said rooms, at about half past seven o'clock on the evening of the 19th, until the



Fol.13 family retired to bed, the defendant did not leave <sup>the</sup> said rooms

The said James Clancy will also testify that on that evening, between eleven and twelve o'clock, as he was on his way home through Washington street, he saw the complainant and O'Brien at about the same place where they say that the scuffle took place, and he saw the two men as to whom they testify engage with them in such scuffle. The said Clancy is well acquainted with the defendant, having known him from boyhood, and will testify that the defendant was not one of the men who were engaged in the scuffle with the complainant  
14 and O'Brien. The said Clancy continued on his way home, after seeing this scuffle, and on reaching home he there found the defendant in his rooms asleep.

The said Clancy did not know that the defendant was arrested on a charge of larceny, but supposed that he was arrested on a charge of assault, and therefore did not know of the importance of the facts above set forth, and did not communicate them to the friends of the defendant. But after the trial he accidentally met the father of the defendant, and then learned for the first time that the defendant had  
15 been charged with this larceny, and he then for the first time told the friends of the defendant what facts he knew in respect to this matter.

It is a fact that a charge of assault in the second degree was made against the defendant at the same time as the charge of larceny, and an indictment for such assault was

found at the same time with the indictment for larceny, *and the indictment for assault was on the day calendar for trial on the 4th day of April instant.*

The defendant, as I am informed and believe, has been in prison ever since his arrest on this charge, and has had no opportunity to make any effort himself to procure evidence or

Fol.16 summon witnesses. The preparation for his defence he has of necessity left to his friends and his counsel. My own professional engagements were such, after I undertook his defence that I had but little opportunity to consult with him. I did endeavor to use such diligence as was possible to prepare for trial, but when I went into trial I was entirely ignorant of the facts above set forth as material to the defence, and of the names of the witnesses by whom such facts could be proved except as to so much of the testimony of the said Mrs. Donnelly as relates to the message sent by her to the defendant on 17 the day after the alleged larceny.

The facts above stated which can be proved by the said John Clancy and his wife and daughter were communicated to me in person by the said <sup>James</sup> ~~John~~ Clancy and his daughter. I do not now produce affidavits from the said <sup>James</sup> ~~John~~ Clancy, solely because my engagements during the last two days have been such that it has been impossible for me to find time to draw up such affidavits and have them sworn to. I have no doubt, however, that the said <sup>James</sup> ~~John~~ Clancy and his wife and daughter will testify as I have above set forth, and that they are re- 18 spectable persons, credible and of good character, though in humble circumstances, and I verily believe that the defendant ought to have the benefit of their evidence.

Subscribed and sworn to  
before me this 11th day  
of April A. D. 1888.

*Abraham S. Ingram*

*A. Hamilton*  
*Notary Public*  
*W. Va.*



Fol.1 Court of General Sessions, City and County of New York.

T H E P E O P L E &c.,

VS.

M I C H A E L N A G L E.

Affidavit.

City and County of New York, Ss:

Michael Nagle, being duly

sworn, says as follows, to wit:

I am the defendant in this action. I was arrested on Tuesday, the 20th day of March 1888, by Police Officer Cosgrove. At the time of my arrest the officer did not inform me upon what charge I was arrested. He made an assault upon me, and called two other officers to his assistance, and they severely beat and ill-treated me. They then took me to the Station House, and afterwrds to the Police Court, and there a charge of assault in the second degree was made against me by Officer Cosgrove, and I was committed to answer that charge. A charge of larceny was also made against me by the complainant in this action, Patrick Walsh, but the said Walsh had said to me that if his watch was restored to him he would not prosecute any one for the alleged larceny, and I supposed that he made the affidavit in the Police Court soley at the request of Officer Cosgrove, and because the said officer had told him that it was necessary for him to do so. I did not know that the said Walsh was committed to the House of Detention, and did not suppose that he would appear as a witness against me. I knew that the said Cosgrove entertained a grudge against me, and had threatened to have me sent to prison, and I supposed, up to the moment when the trial of this

Fol. 4 action was commenced, that I was to be tried for the alleged assault upon the said Cosgrove, and not for the said alleged larceny. When I found that I was being tried for the said alleged larceny, instead of the said alleged assault, I was so surprised and confused that I forgot to inform my counsel that I had been in the rooms of James Clancy on the evening when the said alleged larceny occurred, as hereinafter stated.

On the evening of the 19th day of March last, being the same evening on which the said larceny is alleged to have been committed, at a little after seven o'clock, as nearly as  
5 I can recollect, I went to the rooms occupied by James Clancy at No. 107 Greenwich street in this city. I had been drinking some during the day, and was then slightly under the influence of liquor. I had known the said James Clancy from my boyhood, and was in the habit of visiting him, and frequently remained all night at his house.

Soon after reaching the house, I went out and got a pint of beer, and brought it into the house. This was before eight o'clock in the evening. There was no one then in the rooms of the said James Clancy, except his daughter Mary and  
6 a friend of hers, one Mary King. Soon after getting the beer, I fell asleep, and have no recollection of any thing further, until I was awakened the next morning by the said James Clancy about seven o'clock, and found myself in the same room where I had gone to sleep.

I am informed that the said James Clancy says that on the evening of the 19th day of March last, as he was on his way home, he saw the struggle between the said Walsh and his friend O'Brien and two men, as described by Walsh and O'Brien at the trial of this case, and that he distinctly saw the



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Fol.7 persons engaged in that struggle, and that I was not one of those persons and was not present.

I had no conversation with the said James Clancy on this subject before my arrest, and I did not see him or hear from him since my arrest. I did not know, and had no opportunity of knowing, before the trial of this action, that he could testify to the effect above set forth. I am informed and believe that the first knowledge of the testimony which might be given by the said Clancy concerning the said struggle that any of my friends possessed was derived from a conversation 8 which occurred at a chance meeting between my father and the said Clancy since my conviction.

I am innocent of the alleged larceny, and upon a new trial I can prove my innocence to the satisfaction of a jury.

Subscribed and sworn to

before me this 14<sup>th</sup> day

of April A. D. 1888.

*Michael Neagle*

*Hugh Henry  
Notary Public  
N.Y.C.*

Fol.1 Court of General Sessions, City and County of New York.

-----x  
 T H E P E O P L E &c., :  
 vs. : Affidavit.  
 M I C H A E L N A G L E. :  
 -----x

City and County of New York, Ss:

Mary Clancy, being duly sworn

says as follows, to wit:

I am about sixteen years of age. I live with my father  
 2 and mother at No. 59 Washington street in the City of New York  
 In the month of March last we lived at No. 107 Greenwich st.,  
 in this city. I know Michael Nagle, the defendant in this  
 action, and have known him since I was a little child. I am  
 not related to him. I remember when he was arrested by Of-  
 ficer Cosgrove in March last. I think it was on the 20th  
 day of that month. On Monday evening, the day before he was  
 arrested, at a little after seven o'clock, the said Michael  
 Nagle came into the rooms where I was then living, at No. 107  
 Greenwich street. He was then somewhat under the influence  
 3 of liquor. He was in the habit of coming frequently to our  
 house, and often remained there all night. On the occasion  
 of which I have spoken, soon after he came in, he went out  
 and got a pint of beer. Soon after he came in with the beer  
 he fell asleep in our rooms, and remained there asleep, till  
 I went to bed. From the time when the defendant came in un-  
 til about half past ten o'clock, there was no one present in  
 our rooms but the defendant, myself and my friend, Mary King,  
 who lives at No. 11-2 Washington street, in this city. At  
 about half past ten o'clock my mother came home, and remained



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Fol.4 at home until we went to bed. At about half past eleven o'clock my father returned home, and remained at home until we went to bed. From the time when the defendant first came in to our rooms, until I went to bed, I was not absent from the said rooms for more than a few moments at a time, and during the whole time the defendant was in our rooms, and most of the time he was asleep. He did not leave the rooms from the time when he first came in until I went to bed.

About twelve o'clock my father, my mother and I retired to bed, leaving the defendant asleep in our rooms. The next  
5 morning, when I got up, about seven o'clock, the defendant was still in our rooms asleep, just where I had left him the night before.

I heard of the arrest of the defendant by Officer Cosgrove on the following evening, but I was informed and believed that the defendant was arrested for an alleged assault upon the said officer. I did not know that the defendant was charged with a larceny alleged to have been committed during the time when he was in our rooms as above stated. And I did not know, until after the trial of this action, that he  
6 had been indicted and tried for such larceny.

Subscribed and sworn to  
before me this 14th day  
of April A. D. 1888.

*Mary Clancy*

*Hugh Beatty*  
*Trotter Public*  
*W. R.*

Fol.1 Court of General Sessions, City and County of New York.

-----X  
 THE PEOPLE, &c.,  
 vs.  
 MICHAEL NAGLE.  
 -----X

Affidavit.

City and County of New York, Ss:

Mary Clancy, being duly

sworn, says as follows, to wit:

I am the wife of James Clancy. I live at No. 59 Wash-  
 2 ington street in the City of New York. I know the defendant  
 Michael Nagle, and have known him since his boyhood. He has  
 been a frequent visitor at our house, and has frequently re-  
 mained there all night. I am not related to him.

In the month of March last, I lived at No. 107 Greenwich  
 street in this city, with my husband and daughter, Mary. I  
 remember the arrest of the defendant by Officer Cosgrove in  
 March last. On the evening before his arrest, being Monday  
 the 19th day of March, I was out at work. I am engaged in  
 cleaning officse, and often have to work at night. On the  
 3 evening in question, I returned home about half past ten o'-  
 clock, and when I reached home I found the defendant Michael  
 Nagle asleep in our rooms. My daughter Mary was then at  
 home. My husband, James Clancy returned home at about half  
 past eleven o'clock. At about twelve o'clock my husband, my  
 daughter and myself retired to bed.

From the time when I returned home till I went to bed,  
 the defendant remained asleep in our rooms. He could not  
 have left them without my knowing it.

The next morning at about seven o'clock, when I got up



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Fol.4 the defendant was still asleep in the same place where I had left him when I went to bed.

I heard of his arrest on the following evening, by Officer Cosgrove. I was informed and believed that he was arrested upon a charge of assault upon the said officer, and I did not know, until after this action had been tried, that he was charged with or indicted for an alleged larceny, said to have been committed on the Monday evening while he was asleep in our rooms, as above stated.

Subscribed and sworn to before me

5 this 14th day of April A. D. 1888.

*Mary Lancy*  
*Hugh Beaway*  
*Notary Public*  
*N.Y.C.*

Fol.1 Court of General Sessions, City and County of New York.

-----X  
 THE PEOPLE &c., :  
 vs. : Affidavit.  
 MICHAEL NAGLE. :  
 -----X

City and County of New York, Ss:

James Clancy, being duly

sworn, says as follows, to wit:

I live at No. 59 Washington street in the City of New  
 2 York, with my wife Mary Clancy and my daughter, of the same  
 name. I know the defendant, Michael Nagle, and have known  
 him from his boyhood, but am not related to him. He has  
 been a frequent visitor at our house, and has often remained  
 there all night.

In the month of March last, I lived, with my family, at  
 No. 107 Greenwich street in this city. I remember the ar-  
 rest of the defendant, by Officer Cosgrove, on the evening of  
 March 20th. On the evening before his arrest, at about half  
 past eleven o'clock, or a little earlier, I was returning  
 3 home through Washington street, and saw the occurrence which,  
 as I am informed and believe, was described by the complain-  
 ant Walsh and his friend O'Brien, at the trial of this action

I saw the witness O'Brien, whom I know, and a man whom I  
 did not know, but who has been pointed out to me as the com-  
 plainant Walsh, coming down Washington street in company. A  
 short distance above <sup>Morris</sup> ~~Reuter~~ street, not far from No. 36 Wash-  
 ington street, two men suddenly sprang out from some conceal-  
 ment, and one or both of them seemed to make an attack upon  
 O'Brien. The other man who was in company with O'Brien and



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Fol.4 who has been pointed out to me as the complainant Walsh, went to O'Brien's assistance, and a very short struggle followed between the four men. They then separated, and O'Brien and Walsh went on their way down the street. Abraham Suydam, the counsel of defendant, has stated to me the substance of the testimony given at the trial of this action by O'Brien and Walsh, and I have no doubt, from what he stated to me as the substance of their testimony and from what I saw, that the struggle which I witnessed and the struggle which O'Brien and Walsh described in their testimony were the same. I had a  
5 distinct view of the four persons who were engaged in that struggle, and I can positively say and do say that the defendant was not one of those persons, and was not present or within sight at the time when the struggle took place.

Immediately after witnessing the said struggle, I went on my way home. The whole affair occupied but a very few seconds; no one appeared to be hurt; and I did not know that any larceny or other <sup>serious</sup> crime had been committed. I supposed the affair was merely a momentary brawl, and paid no further heed to it.

6 I went immediately home, and there I found the defendant asleep in the rooms occupied by myself and my family. He remained there asleep until I went to bed at about twelve o'clock, and the next morning at about seven o'clock, he was still asleep in the same place where I had left him the night before.

On the following evening, Tuesday March 20th, I heard of the arrest of the defendant by Officer Cosgrove. I was informed and believed that he was arrested upon a charge of assault upon the said officer, and I did not know, until after

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Fol.7 the trial of this action, that the defendant had been charged with larceny, or that any larceny had been committed during the struggle which I saw on the evening before the defendant was arrested. After the case was tried, I met the father of the defendant, and he told me that the defendant had been tried for larceny, and convicted. He then told me that the said larceny had been committed during the struggle between the complainant and O'Brien and two other men on the evening of March 19th in Washington street in this city. That was the first information I had of the nature of the charge upon  
8 which the defendant was tried.

I immediately told the defendant's father what I had seen and knew, and afterwards, at the request of the mother of the defendant, I went to the office of the counsel for the defendant and made to him substantially the same statement which I have made in this affidavit.

Subscribed and sworn to  
before me this 14th day  
of April A. D. 1888.

*McJames* <sup>his</sup> *Clary*  
mark

*Hugh Beatty*  
*Notary Public*  
*N.Y.C.*



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Fol.1 Court of General Sessions, City and County of New York.

-----X  
THE PEOPLE &c.,

vs.

MICHAEL NAGLE.  
-----X

:  
:  
: Affidavit.  
:  
:  
:

City and County of New York, Ss:

Mary King, being duly sworn,

says as follows, to wit:

I am about 17 years of age. I live at No. 11-2 Washington  
2 street in the City of New York. I know the defendant, Michael Nagle. I remember his arrest by Officer Cosgrove on the evening of the 20th of March last. On the evening before his arrest, Monday evening March 19th, I was in the rooms occupied by James Clancy and his family, at No. 107 Greenwich street in this city. I went there to visit Mary Clancy. The defendant came in while I was there. It was about half past seven o'clock. He then went out and got a pint of beer and returned in a few minutes. Soon after his return he fell asleep, and remained there, asleep, until I went home,  
3 at about half past nine o'clock.

I heard of his arrest by Officer Cosgrove on the following evening.. I was told and believed that he was arrested upon a charge of assault upon the said officer, and I did not know, until after this action had been tried, that he was to be tried for any other charge than such assault.

Subscribed and sworn to before me

this 14th day of April A. D. 1888.

*Mary King*  
*Hugh Kearney*  
*Notary Public*  
*N.Y.C.*

0265

Fol.1 Court of General Sessions, City and County of New York.

-----X  
T H E P E O P L E &c.,

vs.

M I C H A E L N A G L E.  
-----X

:  
:  
: Affidavit.  
:  
:  
:

City and County of New York, Ss:

Mary King, being duly sworn,

says as follows, to wit:

I am about 17 years of age. I live at No. 1. 1-2 Washington  
2 street in the City of New York. I know the defendant, Mich  
ael Nagle. I remember his arrest by Officer Cosgrove on the  
evening of the 20th of March last. On the evening before  
his arrest, Monday evening March 19th, I was in the rooms oc-  
cupied by James Clancy and his family, at No. 107 Greenwich  
street in this city. I went there to visit Mary Clancy.  
The defendant came in while I was there. It was about half  
past seven o'clock. He then went out and got a pint of beer  
and returned in a few minutes. Soon after his return he  
fell asleep, and remained there, asleep, until I went home,  
3 at about half past nine o'clock.

I heard of his arrest by Officer Cosgrove on the followa  
ing evening.. I was told and believed that he was arrested  
upon a charge of assault upon the said officer, and I did not  
know, until after this action had been tried, that he was to  
be tried for any other charge than such assault.

Subscribed and sworn to before me:

this 14th day of April A. D. 1888.

*Mary King.*  
*Hugh Kearney*  
*Notary Public*  
*N.Y.C.*



0266

Police Court— District.

City and County { ss.:  
of New York,of No. *Second Precinct Police* Street, aged *29* years,occupation *Police Officer* being duly sworndeposes and says, that on the *20* day of *March* 188*8* at the City of New

York, in the County of New York,

*attempted to*  
he was violently and feloniously ASSAULTED and BEATEN by *Michael**Magle who seized hold**of a knife and attempted**to assault deponent**with the same. —**Said assault was**attempted to be committed*

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant.

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc, and be dealt with according to law.

Sworn to before me, this *21* day  
of *March* 188*8**My Owe* Police Justice.*Patrick H. Caspore*

0267

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Michael Magle*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*110 Jackson St., Brooklyn*

Question. What is your business or profession?

Answer.

*Driver*

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

Answer.

*I am not guilty.  
The defendant refuses to sign.*

Taken before me this

day of *March* 188*8*

*Le B. Brown*  
Police Justice.



0920

Dated \_\_\_\_\_ 188\_\_\_\_\_  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188\_\_\_\_\_  
Police Justice.  
I have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188\_\_\_\_\_  
Police Justice.  
the City Prison of the City of New York, until he give such bail.  
Hundred Dollars, and be committed to the Warden and Keeper of  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
committed, and that there is sufficient cause to believe the within named  
It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court District

THE PEOPLE, & C.,  
ON THE COMPLAINT OF  
Michael May  
2nd Precinct  
Office

Dated \_\_\_\_\_ 188\_\_\_\_\_  
Magistrate

Witnesses  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
to answer

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

District Attorney's Office.

PEOPLE

vs.

Michael Hayes  
for G. L. Jones  
Person is  
entirely continued  
over until  
term - We  
Dorothy Ellen  
Part III  
has the papers  
in his custody  
G. L. Jones



April 7/88

John is to certify  
that I attended  
William Callahan of  
26 Washington St. on  
Wednesday April 4<sup>th</sup>.  
He was suffering from  
Acute Rheumatism, & I  
advised him to remain  
at home, & neglect all  
business for that day

Lewis to Schulz  
Residence Physician  
Curt Barn Hospital

0270

0271

Police Department of the City of New York, X

Precinct No. \_\_\_\_\_

New York, \_\_\_\_\_ 18

Court of General Sessions  
County of New York

The People  
vs

Before

Hon: Randolph B. Martine  
Judge

Michael Nagle

State, City & County of New York &c

Mrs Bridget Shea being duly sworn deposes  
and says that she is a married woman and  
resides with her husband at No 59 Washington  
Street in said City of which premises the husband  
of deponent is janitor & that she has so resided for  
some time

That during said period the rooms of one Mrs  
Clancy, a tenant in the premises has been the  
resort of young thieves & bad young women of the  
neighborhood for nightly meetings and disturbances of  
the peace.

And your deponent further says that she  
would not believe said Mrs Clancy under  
oath.

Sworn to before me

this 17 day of April 1888

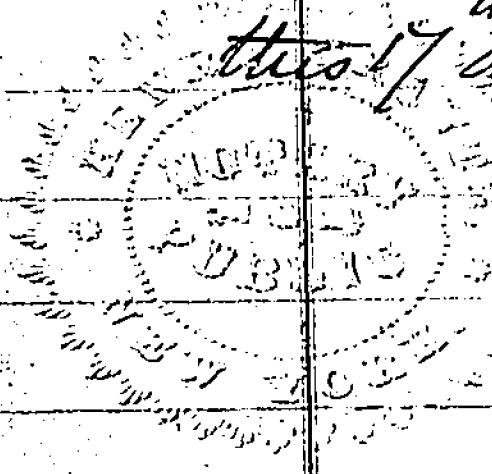
Her mark

Bridget X Shea

Henry C. Clark

Her mark

Notary Public 209  
New York Co.





0272

h.

Police Department of the City of New York,

Precinct No. \_\_\_\_\_

New York, \_\_\_\_\_ 18

Court of General Sessions  
County of New York

The People

- vs -

Michael Nagle  
State City & County of New York & ss

Before  
Hon. Randolph B. Martine  
Judge.

Thomas Shea being duly sworn deposes and says that he is the janitor of the building No 59 Washington Street said City that among the tenants in said building is one Mrs Clancy that the rooms of said Mrs Clancy are by night & day visited & occupied by young thieves and young girls of loose character & that said Mrs Clancy encourages the visits of such to her rooms.

That deponent is well acquainted with said Mrs Clancy and from what he knows of the same, he would not believe her under oath.

Sworn to before me  
this 17<sup>th</sup> day of April 1888

Thomas Shea

Henry Grant

Notary Public 209  
New York Co.

Court of General Sessions  
City and County of New York } S.S.

The People }  
vs }  
Michael Nagle }

Amelia Osterlauf of the City and County  
of New York, being duly sworn, deposes  
and says, that she resides at  
no 59 Washington Street, said City.  
that she has known Mrs Clancy  
who resides in the same house  
for quite a length of time &  
knows her rooms to be the resort  
of young theives and prostitute  
from the neighborhood).

And your deponent further  
swears that she would not believe  
her under oath under any  
circumstances,

Sworn to before me } her mark  
This 17<sup>th</sup> day of April 1888 } Amelia X Osterlauf  
her mark

Henry Grant,  
Notary Public 209  
New York Co.



0274

Police Department of the City of New York,

Precinct No. \_\_\_\_\_

New York, \_\_\_\_\_ 18

Court of General Sessions  
County of New York

The People

Michael Nagle  
State, City & County of New York &c:

William Drescher of the City of New York  
being duly sworn deposes and says, that he  
is engaged in business and has been for  
some time past at No 107 Greenwich St in  
said City; that he knows Mrs Clancy well  
& that she was formerly a tenant in said  
house but was obliged to leave the same as  
her rooms while there was the resort for  
lawless characters, among which were young  
thieves & prostitutes from the neighborhood.

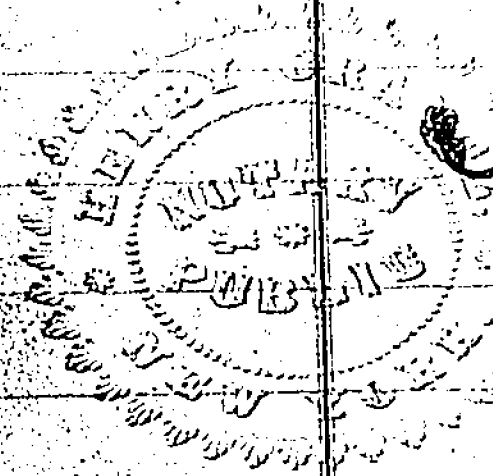
And your deponent further says that he  
moves not where said Mrs Clancy under oath

sworn to before me

this 17<sup>th</sup> day of April 1888

William Drescher

Henry Craig  
Notary Public 209  
New York Co.



0275

Court of General Sessions  
County of New York

The People of  
the State of New York

- vs -

Michael Hazle

Applicant to oppose motion  
for new trial



Count of General Sessions

The People of the State }  
vs  
Michael Nagle }

City & County of New York ss

William Callahan  
being duly sworn deposes and says  
that he resides at No 26 Westington  
Street in the City of New York, that  
on or about the 3<sup>rd</sup> day of April 1888  
Mrs Nagle mother of the defendant above  
named requested deponent to attend  
as a witness in behalf of her son  
at the Court on the 4<sup>th</sup> day of April  
and handed deponent a subpoena,  
deponent informed her that he would  
attend if possible, that on the 4<sup>th</sup> day  
of April deponent had an attack of  
rheumatism a disease which he  
is a sufferer from, that he was unable  
to attend Court in consequence thereof  
and had to consult a physician, that  
on the 5<sup>th</sup> day of April which deponent  
was temporarily absent from his home  
another subpoena was left at his  
house, that on his return which  
was about 12 o'clock noon he

immediately came to the Court and presented his subpoena to the officer at the door of Part 3 of this Court, and the officer told deponent that the Judge was charging a jury and would not admit him. That after the doors were opened he met the mother of the defendant and spoke to her.

Deponent denies that he told Mrs Nagle that he would not attend at Court to testify in the case, and had no idea of disobeying the subpoena but would certainly appear as a witness but for ~~sickness~~ was unable on account of sickness to do so.

~~Deponent further says~~

Sworn to before me } William Callahan  
this 9<sup>th</sup> day of April 1858

David Eilan  
Notary Public  
King's Co  
certificates filed  
in N.Y.C.

City & County of New York

Thomas Mulcahy being duly sworn dep  
that he resides at N<sup>o</sup> 26 Washington St  
in the City of New York that he knows  
Wm Callahan and M<sup>rs</sup> Nagle the  
mother of Michael Nagle, that he was  
present at N<sup>o</sup> 26 Washington St



0278

in said City, on the 3<sup>rd</sup> day of April  
1888 at about 5 o'clock PM when  
Mrs Nagle handed W<sup>m</sup> Callahan  
a paper and requested him to appear  
as a witness for her son on the next  
day, That said W<sup>m</sup> Callahan said  
he would be present if he was  
able to attend, Mrs Nagle told Callahan  
she had some more papers to serve  
and bade Callahan good bye and  
left the place

Done to before me } Thomas M. Mearns  
the 9<sup>th</sup> day of April 1888 }

David E. Lane

CERTIFICATE FILED  
NEW YORK COUNTY

Notary Public  
King Co

0279

Court of General Session

People vs

vs

M. Nagle

Attendants of Mrs  
Callahan & The Ministry



POOR QUALITY  
ORIGINAL

0280

Part Three.  
The Court is held in the Court House, 32 Chambers St.

COURT OF GENERAL SESSIONS OF THE PEACE.

SUBPENA.

County of New York, ss.

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

To

*William Callahan*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, to be holden in and for the said City and County of New York, at the City Hall of the said City, on *wednes* day, the *24<sup>th</sup>* day of *April* instant, at the



hour of ELEVEN 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

*Michael Nagle*

Dated at the City of New York, *the 3<sup>rd</sup>* day of *April* 1888.

By order of the Court,

*A. L. Latham*

Counsel.

JOHN SPARKS, Clerk of Court.

*The People's*

22

Michael Rasse

二、三、四、五

Office and for the same

*St. Louis*

of Counsel for Office

Not Attachment to me  
 Thomas Callahan  
 Brooklyn, N.Y.  
 J. H. S.  
 Feb. 5. 1888

the raid 4th day of June, A.D. 1888,  
and affiant heard the raid called  
upon, called by name in the raid  
points on the 4th day of June,  
and that he did not answer,  
affiant is more than twenty one  
years of age.



POOR QUALITY  
ORIGINAL

0282

Court of General Sessions,  
City and County of New York,

The People &c.

vs.  
Michael Nagle.

City and County of New York, ss.

Julia Nagle, being duly sworn, says that on the 3<sup>rd</sup> day of April A. D. 1888, she served upon William Callahan a subpoena in the above entitled action of which a copy is hereto attached, by delivering the said subpoena to the said Callahan in person, at his place of business, No. 26 Washington street in the City of New York, and that at the time when she so served the said subpoena upon the said Callahan he informed her that he should not attend the said Court in obedience to the said subpoena; and affiant further says that she was present in the said Court, Part Three, during its entire session on the 4<sup>th</sup> day of April A. D. 1888, and that the said Callahan did not appear before the said Court at any time during

Indictment filed Mar. 23. 1888

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

MICHAEL NAGLE

Abstract of testimony on

trial April 4th 1888.

0203



0284

COURT OF GENERAL SESSIONS-Part 3.

-----)  
The People of the State of New York, : Before Hon. R. B.  
against : Martine and a Jury  
Michael Nagle :  
-----

Indictment filed March 23rd 1888.

MN e w Y o r k, April 4th 1888.

APPPEARANCES: For the People, Asst. Dist. Atty.  
Bedford.

For the defendant, Abraham Suydam

PATRICK WALSH, a witness for the People, testified:

I am a stranger in this city and live at Port Jefferson, Suffolk Co. L. I. On the 19th of March I was in this city and in company with a man named James O'Brien I was walking along Washington St. about 11 O'clock at night. Two men sprang out of a hall way and one got between myself and O'Brien; one of these two men was the prisoner at the bar. After jostling and shoving us for a minute or so they ran off. I walked about six paces to my boarding house and then I discovered that my chain was hanging down and my watch was gone. The watch was worth \$25. A few days after this defendant came to my boarding house at the request of the lady who kept it, and he told me that it was he put up the job but that he did not take the watch; and that he would get it back for me. I went with another man whom he had with him to a pawn shop and after paying some money got the watch out.

## CROSS EXAMINATION:

I drank about three glasses of beer during the evening . I had not taken my watch out of my pocket to look at it for some time before I missed it . I have been in the house of detention. I did not say that I would not appear as a witness .

JAMES O'BRIEN, a witness for the People, testified:

I live at No. 36 Washington St. I was with the complainant Walsh on the evening in question. I was about two steps ahead of Walsh walking along Washington St; two men stepped out and asked me a question about seeing him that evening and said he would smash my head. The two men jostled and pushed us about for a minute or so and then ran away. This defendant was one of the men who came up to us at the time . I am positive of it. I had known the defendant by sight before that.

## CROSS EXAMINATION:

I was perfectly sober on the evening in question. I have been in the house of detention since this occurrence . I had seen the defendant before this time around Washington St. at least twenty times.

MICHAEL COSGROVE, a witness for the People, testified:

I am a police officer doing special duty in the 2nd Precinct. I arrested the defendant on a charge of stealing this man's watch two days after it occurred. I had a great deal of trouble in arresting him as he resisted . He said he would kill me when he got a chance" and he repeated that in Court to-day.



## CROSS EXAMINATION:

I have no ill feeling against the defendant. I never made any threats against him; I simply did my duty as an officer. I arrested him before on a charge of assault. I made an affidavit and had the witnesses for the People committed to the house of detention. I did not know that the legislature had passed an act prohibiting police magistrates from committing willing witnesses to the house of detention.

THOMAS COUGHLIN, a witness for the People, testified:

I am a police officer attached to the 2nd precinct. I saw Cosgrove arrest the defendant and the circumstances which he details are correct.

## CROSS EXAMINATION:

Cosgrove was pretty near played out and I grabbed hold of the prisoner and he struck at me. I did not strike the prisoner at all.

JOHN J. CURRAN, a police officer, gave similar testimony.

## D E F E N C E

MICHAEL NAGLE, the defendant, testified:-

I reside at No. 110 Sackett St. South Brooklyn. I used to live in Washington St. in this city. One day a man named John Jennings came to me and said that Mrs. Donnelly wanted to see me. I went to her house and she showed Walsh to me and asked me if I knew who took his watch; and I said no; and he said he did not know

who took it either . Mrs. Donnelly said to me "Can you get the watch" and I said "I dont know if I can": She says "If you can do it it will be a great favor for me"; and I told her if I could I would get it . I knowed who had it and I asked them and they got it . I knowed who had it but I did not know where it was in pawn.

Q. At the time you told Mrs. Donnelly that you would try and get the watch had you any knowledge of where it was ? A. No sir . I did not steal this complainants watch; and I was not on Washington St. at the time he said I took it from him .

CROSS EXAMINATION:

I have been in the penitentiary twice for petit larceny. I did not call on Patrick Walsh the day after this larceny.

PATRICK WALSH, recalled:

I told Mrs. Donnelly the keeper of the lodging house about the loss of my watch. She mentioned the name of Nagle to me; she told me that the only chance I had of getting the watch was by sending an account to Nagle . She said she would send for Nagle . He said to me that he did not tke the watch . I paid my own money for the watch at the pawn office .

The jury found the prisoner GUILTY of Grand Larceny in the First Degree.



House Detention

Hon. J. R. Peterson

Sir

Will you kindly permit me to bring  
my case to your notice My name is  
J. Watch. My family & I reside at  
Fort Jefferson, L. I. I was employed by  
Thomas. J. Strong of 80 Wall St City -  
for the past 7 years as farmer &  
my engagement having expired I  
came to N. Y. to seek other employment  
I am now detained two weeks and  
the season will be past and the  
means of providing for my family  
denied me. Through incarceration  
here. I was robbed of my watch by  
whom I do not know but a man  
named Naylor is arrested for it  
If you will kindly dispose of this  
Case as soon as possible you will  
do a human act as well as

GOOD QUALITY  
ORIGINAL

0289

Confer. a favor in your  
old. best.

Patric R. Watato



0290

CITY AND COUNTY  
OF NEW YORK.

POLICE COURT,

DISTRICT.

of No.

occupation

that on the

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

PATRICK H. CORRY

Street, aged 29 years,

being duly sworn deposes and says

day of

1888

PATRICK MALSH  
and James O'Brien (both now  
here) are material witnesses  
for the People against one  
Michael Magle charged with  
Larceny and depredations be-  
lieving that they will not  
appear at the trial of said  
complainant forays they may  
be committed to the House  
of Detention for witnesses

PATRICK H. CORRY

Sworn to before me, this

of

1888

day

Police Justice.

0291

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,of No. 36 Washington Street, aged 36 years,  
occupation Farmer being duly sworndeposes and says, that on the 19<sup>th</sup> day of March 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession andJuror of deponent, in the right time, the following property viz:

One silver watch  
valued at Forty-  
five 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 Michael Nagle (now here)

and another man now yet arrested  
who were acting in concert, for  
the reasons following, to wit  
as deponent and James O'Brien  
(now here) were walking on Washington  
Street the said defendants seized  
hold of ~~deponent~~ said O'Brien and  
threatened to strike him. Deponent  
as the time had the said watch  
in the left pocket of the vest  
then worn by him as a portion  
of his family clothing. Deponent  
interfered to know why his friend  
O'Brien was being assaulted when

of  
Sawyer to by O'Brien this  
day  
188  
Police Justice.



the said Magle and said unknown man  
were jostled against the defendant  
and immediately after the said  
Magle and said unknown man  
had gone away, defendant missed  
the said watch. Defendant further  
says that from the time he last  
saw the said watch until he missed  
the same no one but the said  
Magle and said unknown man  
was near him. Defendant  
further says that the said Magle  
came to him on the 20<sup>th</sup> of March, 1888, and  
said to defendant that he put  
up the lot of the night previous  
and that he would get defendant  
his watch inside of a quarter of  
an hour. Shortly afterwards an  
unknown man gave defendant a  
pamphlet and said it was the  
ticket of the said watch. The said  
unknown man went with defendant  
to the prison office and defendant  
redeemed the said watch. Defendant  
further says that the cause of  
his belief that the said Magle  
was one of the two men who jostled  
against him, and that the said  
watch is upon the information  
of the said James O'Brien.

Sworn to before me  
this 21<sup>st</sup> day of March, 1888

at New York

Patrick Walsh  
Police Justice

0293

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 24 years, occupation Laborer of No.

36 Washington Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Patrick Walsh

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

Sworn to before me, this 21 day of March 1883

James J. O'Brien  
mark.

Edg. Carey

Police Justice.



0294

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Michael Magle* 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.

*Michael Magle*

Question. How old are you?

Answer.

*21 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*110 Jackson St. Brooklyn*

Question. What is your business or profession?

Answer.

*Driver*

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

Answer.

*I am not guilty.*  
*The defendant refuses to sign*

Taken before me this

day of

188

Police Justice.

5625

Complainant - born  
to the house of detention  
in default of bail  
with 20 men, leaves the  
house of detention in  
default of bail

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court District 472

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Patrick Mahoney*  
*Michael Wagle*

Offence \_\_\_\_\_  
Dated *Mar 21* 188

Magistrate  
*James M. Quinn*  
Precinct *2*

Witnesses  
*James M. Quinn*  
No. *36* Street *Washington St*

*Look the Officer*  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. *(A12)* Street \_\_\_\_\_

No. *1000* Street \_\_\_\_\_  
to answer *look*

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

*Franklin*  
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 *Mar 21* 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 he to be discharged.

Dated \_\_\_\_\_ 188  
*Police Justice*



0296

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Michael Naefe*

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

*Michael Naefe*

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

The said *Michael Naefe*.

late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *March*, in the year of our Lord one thousand eight hundred and eighty *eight*, with force and arms, at the City and County aforesaid, in and upon the body of one *Patricia M. Rosagone*, in the peace of the said People then and there being, feloniously did make an assault, and *him* the said *Patricia M. Rosagone* with a certain *knife*

which the said *Michael Naefe* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent *him* the said *Patricia M. Rosagone* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT—

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

*Michael Naefe*

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

The said *Michael Naefe*.

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 *Patricia M. Rosagone*

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

*Patricia M. Rosagone* with a certain *knife*

which the said *Michael Naefe*

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

*John P. H. H. H.*  
*District Attorney*

0297

**BOX:**

301

**FOLDER:**

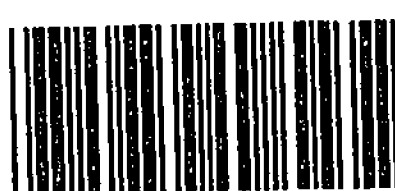
2864

**DESCRIPTION:**

Nelson, Thomas

**DATE:**

03/19/88



2864



0298

No. 177

Counsel,  
Filed 19 March 1888  
Pleads, E. H. Kelley, Jr.

THE PEOPLE  
vs.  
P  
Thomas Nelson  
Grand Larceny in the Second Degree.  
(MONEY.)  
(Sec. 598 and 599, Penal Code.)  
Part 3 of April 2-1888.

JOHN R. FELLOWS,  
District Attorney.

off 29

A True Bill.

(H. J. Kelley)

On recom. of Dist. Atty,  
deft. dis. on his own  
recognizance. P. B. M.

Witnesses:  
M. W. McCormick  
off Dwyer

after reading the  
within indictment  
& seeing the complaint

and talking with  
consideration the  
indictment charges

of off - I ask that  
he be discharged

in his own recognizance  
April 2-88

G. S. B.

P. B. M.

0299

City and County of New York, SS.

RICHARD B. HARVEY being duly sworn, says "I am engaged in the furniture and carpet business at 446 East 88 Street in this City, and have been ~~engaged~~ engaged in said business about three years past. That I know Thomas Nelson, and have known him for over two years last past. I am acquainted with the family of the said Thomas Nelson, having become acquainted with him in connection with my business. That during the time that I have known said Thomas Nelson, I have always found him intelligent, honest, upright and sober. ~~and~~ and during the time that I have known him I have never heard anything against his character, and I am firmly convinced that he will lead an upright and rightfous life. During the last two years I have frequently seen the said Thomas Nelson, ~~he~~ having been in the habit of calling upon me at my place of business as often as twice a week.

Mr. Dage of the firm of Volzing & Son, Real Estate Agents at 3rd avenue and 57th Street has offered to give the said Nelson employment immediately upon his discharge.

I further say that the said Thomas Nelson is the oldest son, of a large and young family, and materially aided in the support and maintainance of his parents.

I have known said Thomas Nelson's father for the same period, <sup>and he is now</sup> ~~was~~ ill, suffering from consumption and is incapacitated from doing any manual labor."

Sworn to before me this { Richard B. Harvey.  
30 day of March 1888  
Joseph J. [unclear]  
Commissioner of [unclear]  
[unclear] 25



0300

New York General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-

The PEOPLE etc. :

vs. :

THOMAS NELSON :

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-

City and County of New York, SS.

I THOMAS DWYER being duly sworn according to law, do  
depose and swear.

I am engaged in business as paper dealer at No. 32 Beek-  
man Street, this City. Have been carrying on said business  
in this city for the past twenty five (25) years.

I know Thomas Nelson the above named defendant all his  
life, and have known his parents for a great many years,  
and I know a number of people that know the said Thomas Nelson

The said Thomas Nelson has always heretofore been an hon-  
est industrious and upright young man.

I have never heard anything heretofore against his  
character.

He was in my employ as a painter for some time, and I  
always found him straightforward and very attentive to his  
business. In the course of his employment <sup>while</sup> so engaged,  
as aforesaid, has often had ample opportunity to steal val-  
uables from the houses where he would paint, but never  
did so.

Sworn to before me this 2nd day of April 1888.

*Joseph A. Jones*  
Commissioner of the Court  
my Oath

*Thomas Dwyer*

0301

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Thomas Nelson

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The defendant is a young man of excellent character, and has very reputable parents. I have had sufficient & ample restitution made to me for the money I lost, and the defendant has now been in prison for nearly a month, and inasmuch as the defendant herein is offered present employment with Volzky at 953 Third Avenue, and is to be married if the Court will permit him to be discharged on his own recognizance, I earnestly ask the Court to permit the defendant to be at liberty and allow me to withdraw the complaint I made.

March 29/84.

Minnie McCornick  
Complainant



0302

Police Court—5 District.

Affidavit—Larceny.

City and County } ss.  
of New York,

Minnie McCormick

of No. 310 East 121<sup>st</sup> Street, aged 24 years,  
occupation Housekeeper being duly sworn

deposes and says, that on the 1<sup>st</sup> day of April 1887 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 issue  
of the United States consisting of Bills  
of various denominations and in all  
of the value of Ninety four dollars

in charge of  
the property of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Thomas Nelson (known here)

from the fact that deponent had said  
money in a catchel in a closet in  
her Room, as the above is a sum,

that said defendant was in  
said Room and he told deponent that  
Cross Brothers are 118<sup>th</sup> Street & 3<sup>rd</sup> Avenue,  
wanted to see deponent between the hours  
of 12 & 12 1/2 O'clock on that day.

That deponent did go to said  
Cross Brothers and was there informed  
that they did not want to see deponent  
and that they did not care for deponent.

That when deponent returned to  
her home said defendant was gone

Sworn to before me, this  
1887  
day of  
Police Justice



0303

and defendant immediately missed said money

That said defendant had since that time not returned to defendant premises,

That said defendant acknowledged to defendant in the presence of witnesses that he did steal said property and that he threw said satchel which contained some papers, and which had contained the within described money in a room at premises 202 or 222, Allen Street

Sworn to before me this 1st day of March 1888

Mrs. Minnie H. Cornick

*[Signature]*

Police Justice



0304

Sec. 198—200.

5<sup>th</sup> District Police Court.CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Nelson* 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 Nelson*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*Patterson N. J.*

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

Answer.

*446 East 88 Street 2 years*

Question. What is your business or profession?

Answer.

*Painter*

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

Answer.

*I am not guilty*

*Thomas Nelson*

Taken before me this

day of *March* 19*14*

189*1*

*John J. Moore*  
Police Justice.

5030

Police Court 410 District 5

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. McCleary  
310 E. 121st  
James McLean

BAILED,

No. 1, by

Residence Street

No. 2, by

Residence Street

No. 3, by

Residence Street

No. 4, by

Residence Street

Dated March 10 1888

Magistrate

Officer

John C. Carr

Witnesses

No. 210 East 121st Street

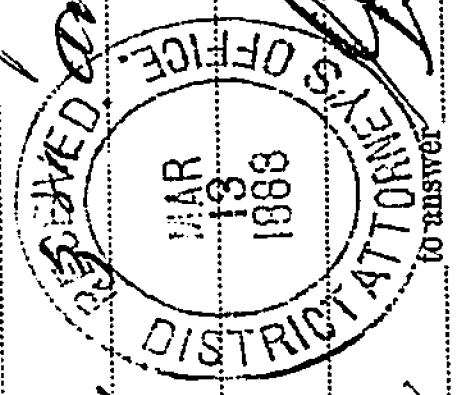
Paul Croft

No. 2159 Street

Street

No. 707 Street

Street



James McLean

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 March 10 1888

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 1888

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.



0306

CH. VÖLZING & SON,  
Real Estate,  
No. 953 THIRD AVENUE,  
Corner 57th Street.

New York, Jan. 20 1888

Hon Judges  
General Sessions

Thomas Nelson  
is a sober, honest & industrious  
young man, we are very sorry  
to see him in such a predicament  
we have known him & his parents  
for some time, the parents are in-  
deed very respectable people, Thomas  
has worked as painter in our various  
properties, we earnestly request him now  
we humbly appeal to you  
to suspend sentence  
Very truly  
Ch. Volzing & Son

0307

CHAS. K. STRADLEY,  
Manufacturing Stationer,  
No. 72 John Street.

New York, *March 21* 1888

To whom it may concern

*My*  
Thomas was in  
my employ a short time since  
and proved himself to be  
honest faithful and industrious

He left of his  
own choice and I would  
be glad to employ him again

It gives me much  
pleasure to testify as to  
his good character

Very respectfully  
*C. K. Stradley*



0308

**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 Nelson*

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

*Thomas Nelson*

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

The said

*Thomas Nelson*

late of the City of New York, in the County of New York, aforesaid, on the *first*  
day of *April* in the year of our Lord one thousand eight hundred and eighty-seven  
at the City and County aforesaid, with force and arms, in the *day* - time of  
the same day, *three* 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  
the denomination of twenty dollars, and of the value of twenty dollars *each*;  
*two* 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 the denomination of  
ten dollars, and of the value of ten dollars *each*; *two* 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 the denomination of five dollars, and of the value of five dollars *each*;  
*one* promissory note for the payment of money, being then and there due and unsatisfied  
(and of the kind known as United States Treasury notes), of the denomination of two dollars, and  
of the value of two dollars *—*; *two* 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 the denomination of one dollar, and of the value of one dollar *each*;  
*three* promissory notes for the payment of money (and of the kind known as bank notes),  
being then and there due and unsatisfied, of the value of twenty dollars *each*; *two*  
promissory notes for the payment of money (and of the kind known as bank notes), being then and  
there due and unsatisfied, of the value of ten dollars *each*; *three* promissory notes for the  
payment of money (and of the kind known as bank notes), being then and there due and unsatisfied,  
of the value of five dollars *each*; *two* United States Silver Certificates of the

0309

denomination and value of twenty dollars *each* ; *three* United States Silver Certificate, of the denomination and value of ten dollars *each* ; *two* United States Silver Certificate, of the denomination and value of five dollars *each* ; *five* United States Silver Certificate, of the denomination and value of two dollars *each* ; *four* United States Silver Certificate, of the denomination and value of one dollar *each* ; *two* United States Gold Certificate, of the denomination and value of twenty dollars *each* ; *three* United States Gold Certificate, of the denomination and value of ten dollars *each* ; *five* United States Gold Certificate, of the denomination and value of five dollars *each* ; ~~and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of~~

of the proper moneys, goods, chattels and personal property of one

*Mc Cormick*

*Minnie*

then and there being

found,

then and there

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

JOHN R. FELLOWS,

District Attorney.



03 10

**BOX:**

**301**

**FOLDER:**

**2864**

**DESCRIPTION:**

**Nicolean, Paul**

**DATE:**

**03/27/88**



2864

0311

Witnesses:

Mary Beach  
off party

John a. Conner  
Chief

7/2

W. 303

Counsel,  
Filed 27 day of March 1888  
Pleads *Not guilty*

THE PEOPLE

vs.

Paul Nicolson

*Burglary in the third degree*  
*and* *Carrying a dangerous weapon*  
(Section 498, 506, 528 and 552)

JOHN R. FELLOWS,

District Attorney.

*Chauncey H. F.*  
*Reads Jury 304*

A TRUE BILL.

*Wm. H. H. H.*

Foreman.

*Wm. H. H. H.*

*Wm. H. H. H.*  
*Wm. H. H. H.*



0312

Police Court 21 District.

City and County } ss.:  
of New York,

of No. 140 West 17th St May Beach Washerwoman Street, aged 38 years,  
being duly sworn

deposes and says, that the premises No 204 W 27th Street,

in the City and County aforesaid, the said being a four story brick

tenement house

and which was occupied by deponent as a place of dwelling

and in which there was at the time no human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening deponent's  
room door which was the front room on the  
top floor of premises no 204 W 27th St by  
means of false keys.

on the 3rd day of May 1887 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

one cloth dress coat of the  
value of \$15.00

the property of deponent's husband James Beach and in  
deponent's care and custody  
and deponent further says, that she has great cause to believe, and does believe, that the aforesaid

**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by

Paul Nicolean (now here)

for the reasons following, to wit: that at the hour of 7 o'clock  
am said date deponent locked and  
secured fastened said door and went  
out leaving her apartment alone. And  
when deponent returned at the hour of 8  
o'clock PM same day she discovered  
that her premises had been entered and said  
coat taken stolen and carried away.  
Deponent is informed by Celestine Nicolean



0313

the wife of the defen dant. that she found  
a pawn ticket in her apartment. which  
said pawn ticket represents a coat which  
had been pawned on the 3<sup>d</sup> day of May  
1887. Depment further says that she has  
since seen the coat so represented by said  
pawn ticket and fully identifies it as the  
coat which was taken stolen and carried  
away at the time her apartment was  
burglarized on the 3<sup>d</sup> day of May last.  
Depment is further informed by John  
Carey Police Officer of 16<sup>th</sup> Prec. Police  
that the said defendant admitted and  
confessed to him that he did take said coat.  
Wherefore Depment charges the said defendant  
with burglarious entering, his premises as  
aforesaid and feloniously taking, stealing and  
carrying away said property.

Moey Beach

Sworn to before me }  
this 15<sup>th</sup> day of March 1888  
J. J. White  
Police Justice

Police Court	District
THE PEOPLE, &c., ON THE COMPLAINT OF	
Degree	Burglary
23.	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses:	
Committed in default of \$	Bail.
Bailed by	
No.	Street.



03 14

CITY AND COUNTY } ss.  
OF NEW YORK, }

aged 38 years, occupation Keep house of No. 204 W. 27th Street, being duly sworn deposes and

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

Sworn to before me, this 15 day of March 1894 } Celestine X Nicobaw  
Munk

A. J. White  
Police Justice.

03 15

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged \_\_\_\_\_ years, occupation John Carey  
Police Officer of No. \_\_\_\_\_

16th Street being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Mary Beach

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

Sworn to before me, this \_\_\_\_\_

day of March 1888

A. J. White  
Police Justice.

John Carey



03 16

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Paul Nicolean

Question. How old are you?

Answer.

51 years old

Question. Where were you born?

Answer.

France

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

Answer.

204 W 11th St. N.Y.C.

Question. What is your business or profession?

Answer.

Writer

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

Answer.

I took the coat because I  
was hungry

P. Nicolean.

Taken before me this

day of

188

Police Justice.

71 E 0

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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.

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Man Beach  
249 West 17th Street  
Paul McLean

Offence

Dated March 13 188

Magistrate.

White  
Cory Logan Officer.

Precinct.

Witnesses

No.

John Conner  
116th Ave Boston Street

No.

Christine McLean

No.

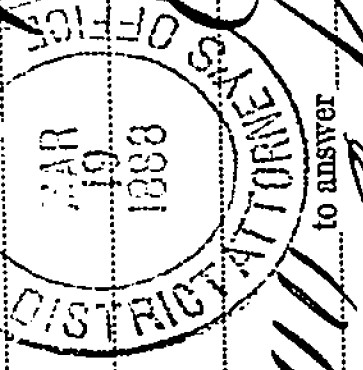
204 27th Street.

No.

Street.

\$

1000 to answer



BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.



0318

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, ss.

*Paul Nicolean*

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.

*Paul Nicolean*

Question. How old are you?

Answer.

*51 years old*

Question. Where were you born?

Answer.

*France*

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

Answer.

*204 W 27th St. N.Y.C.*

Question. What is your business or profession?

Answer.

*Writer*

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

Answer.

*I took the coat because I  
was hungry*

*P. Nicolean.*

Taken before me this

day of

188

Police Justice.

0319

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Paul Nielsen*

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

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

The said

*Paul Nielsen*

late of the *20th* Ward of the City of New York, in the County of New York  
aforesaid, on the *third* day of *May*, in the year of our Lord one  
thousand eight hundred and eighty-*seven*, with force and arms, in the  
*day* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *James Beach*.

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 *James Beach*,

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.



0320

SECOND COUNT—

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

*Paul Nicolean —*

of the CRIME OF *Petit* LARCENY. —

, committed as follows :

The said *Paul Nicolean.*

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

*one coat of the value of  
fifteen dollars.*

of the goods, chattels, and personal property of one *James Beach.* —

in the dwelling house of the said *James Beach.* —

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

*John H. Kellogg,*  
*Attorney*