

0697

BOX:

424

FOLDER:

3916

DESCRIPTION:

Nagel, William

DATE:

01/13/91



3916

0698

Counsel,

Filed 10th day of June 1891

Pleads,

THE PEOPLE

vs.

William Trugel

Burglary in the Third degree.

[Section 498, Penal Code]

DE LANCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

A True Bill

Frederick E. Grosse
Foreman

June 14th 1891

Read by Jury
at 11:00 A.M. 1891

Witnesses;

Court of
General Sessions

The People
vs.
William Hagel

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23^D STREET,

New York, July 6th - 1891

CASE NO. 53844

OFFICER

DATE OF ARREST.

CHARGE

OFFICER *Becker*
January 3^d 1891

Curglary

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

RESIDENCE 522 East 11th Street
AN INVESTIGATION BY THE SOCIETY SHOWS THAT Boy has
never been arrested before - He is
however a very bad boy, not
heeding his parents' commands,
calling them vile and abusive
names and absenting himself
from home whenever he desires -
Boys' parents are poor but respectable

All which is respectfully submitted,

To Dist. Attorney

a respectfully submitted,
 D. Follow Leuking
 Sept

0700

101

Court of
General Sessions

The People

vs.

William Hager

Penal Code, § 1000
Laws of 1900

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,

NEW YORK CITY.

0701

Police Court—

3— District.

City and County } ss.:
of New York,of No. 77 Fourth Avenue Street, aged 49 years,
occupation Salesman being duly sworndeposes and says, that the premises No 77 Fourth Avenue Street, 17th Ward
in the City and County aforesaid the said being a building the store floorof
and which was occupied by deponent as a hardware business
and in which there was at the time 20 human being, by namewere BURGLARIOUSLY entered by means of forcibly opening the cover
of a coal slide leading to the
basement underneath said storeon the 3rd day of July 1899 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:A quantity of hardware
of the value of about
fifty dollarsthe property of J. H. Drakes Sons of 77-4th Avenue
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 Nagel (nowhere)

for the reasons following, to wit: Deponent says - he left said
premises at about 7 P.M. of said date se-
curely locking and fastening all the doors
and windows for leaving.Deponent further says - he is informed by
Officer Christian H. Thon of the 12th Precinct
that said Officer was informed by a man
that some person had opened the cover
of said coal slide and descended

0702

the same, and that said Officer entered said premises, searched the same, and subsequently saw defendant vaulting a fence, and going to East 10th Street, arrested defendant in 79 East 10th Street, where he had been held by an occupant of 79 East 10th Street. Wherefore, defendant charges the defendant with burglariously entering said premises, and attempting to steal aforesaid approximated property, and prays that defendant be dealt with as the law directs. Sworn to before me } Robt J. McCarty
this 12th day of Jan'y 1893

W. O. Meade
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.
Dated 188
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court,	District.
THE PEOPLE, &c., on the complaint of	
vs.	
Offence—BURGLARY.	
1	
2	
3	
4	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street,
No.	Street,
No.	Street,
No.	to answer General Sessions.

0703

CITY AND COUNTY
OF NEW YORK, } ss.

Christian F. Thon
aged _____ years, occupation *Officer* of No. _____

147 Rice Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Robert J. Mc Carlin*

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

Sworn to before me, this *14*

day of *July* 189*8*

C. O. Meade

Police Justice.

0704

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

William Nagel 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 Nagel

Question. How old are you?

Answer.

13 years

Question. Where were you born?

Answer.

United States

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

Answer.

520 East 11th St - 12 yrs

Question. What is your business or profession?

Answer.

Errand boy

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 was intimidated by a boy, who said he would beat me, if I did not go down the coulslide.

W. Nagel

Taken before me this

*11th*day of *June*188⁸*W. H. McKeown*

Notary Public

0705

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

McFendau

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

Dated *July 4 - 1891* *[Signature]* Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0706

Police Court---

20 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert J. McCarroll
vs. *William Nagel*

Offence *Burglary*

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

January 4 1891

Magistrate.

Christian F. Thon

Officer.

14th Precinct.

Witness

Said Officer

No.

Street.

Edward Becker

No.

Street.

100 E 23rd

No.

Street.

\$



0707

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Nagel

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

William Nagel

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

The said

William Nagel

late of the *Seventeenth* Ward of the City of New York, in the County of New York
aforesaid, on the *third* day of *January* in the year of our Lord one
thousand eight hundred and *ninety-one*, with force and arms, in the
night - time of the same day, at the Ward, City and County aforesaid, the
dwelling-house of one *a certain building to wit:*

the store of one Francis W. Drake

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 *Francis W. Drake*, in the
said store 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.

De Lancey McCall,
District Attorney

0708

BOX:

424

FOLDER:

3916

DESCRIPTION:

Neurath, Ernest W.

DATE:

01/23/91



3916

0709

252

Counsel,
Filed 20 day of Jan 1891
Pleads,

THE PEOPLE
vs.
Ernest W. Kewrath
Grand Larceny, Indecent
(Sections 528 and 537 of the Penal Code)
DE LANCEY NICOLI,
JOHN R. FELLOWS,
District Attorney.

A True Bill.
Franklin Eason
Foreman.
Jan 28/91
Plead by 2 day
24/11/1891
Jan 27/91

Proctor
Witness:
Lawson
Piche & Broder
206 West 33rd
across 1st floor
F12

0710

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Bernhard B Zippert

of No. 186 North
occupation Manager

Street, aged 36 years,

deposes and says, that on the 31st day of December 1890 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Good and lawful money of the United States of the amount and value of Twenty five dollars and Twenty two cents

the property of Henry Hermann in the care and charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Ernest W. Veurath (now here)

Deponent says that said defendant was a clerk in his employ and by virtue of such employment did receive and have in his possession the aforesaid sum of money and having so received and taken it into his possession for and on account of his employer did unlawfully and feloniously appropriate the same to his own use with intent to deprive the true owner of the same. Deponent says that he was informed by M. Weisberg that he paid said defendant the aforesaid sum

Sworn to before me, this

day

1890
Notary Public

0711

of money on said date. and the said
defendant acknowledged and confessed
in the presence and hearing of Henry
B. Foye that he received said money
and appropriated the same to his own
use.

Defendant further says that said
defendant received divers sums of
money of the amount and value of
thirty one dollars and forty nine cents
which he also appropriated to
his own use.

Brought to before me
this 13 day of Jan'y 1891
Bernhard B. Zippus
Police Justice

07 12

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years occupation Henry D. Foye of No. Tenth Avenue Street, being duly sworn deposes and

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

Sworn to before me, this

day of

15
1897

Henry D. Foye
[Signature]
Police Justice.

0713

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Ernest W. Neurath 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. Ernest W. Neurath

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. U. S.

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

Answer. 529 Sixth Ave 6 mo

Question. What is your business or profession?

Answer. Clerk

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

Answer.

I am guilty of the
Charge

Ernest W. Neurath

Taken before me this

day of

July

189

Police Justice

07 14

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

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

Dated 15 Jan 1891 [Signature] Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

0715

Police Court---First District. 77

THE PEOPLE, &c.
ON THE COMPLAINT OF

Bernhard B Zippert
186 vs Ernst W Kewatti

2
3
4

Office San Ceny
Felony

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated January 15 1891
E Hogan Magistrate.

Foye Officer.
Precinct.

Witnesses Henry P Foye
10th Precinct Street.

M. Weisberger
No. 122 Street.

Mr Fisher 186 North St
Mr Bott 186 North St
\$ 5.00 to answer

Carroll
RECEIVED
JAN 21 1891
DISTRICT ATTORNEY

0716

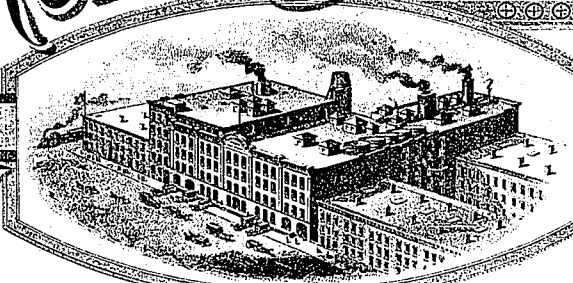
ROHE & BROTHER

PACKING HOUSES
547 and 549 West 35th Street.
535, 537, 539, 541 and 543 W. 36th St.
534 and 536 West 37th Street.
264, 266 and 268 W. 33rd St.

ORIGIN. O.P.
CHARLES ROHE
FLORENCE ROHE
CHARLES ROHE, JR.

ESTABLISHED 1857

Pork & Beef Packers,
General Provision Dealers
LARD REFINERS,
No. 266 West 33rd St.



New York, Jan'y 3 1891

To Whom it may Concern
The bearer Mr. Neurath has been
in our employ for ten months during
which time we have found ^{him} to be faith-
ful in the fulfillment of his duties
Respectfully
Rohe & Brother

0717

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Ernest W. Neurath

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

Ernest W. Neurath
of the CRIME OF *Grand LARCENY*, in the second degree committed
as follows:

The said

Ernest W. Neurath
late of the City of New York, in the County of New York aforesaid, on the
thirty-first day of *December* in the year of our Lord
one thousand eight hundred and *eighty-ninety*, at the City and County aforesaid, being
then and there the clerk and servant of *one Henry Hermann*

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

the true owner thereof, to wit:

*the sum of twenty-five
dollars and twenty-two cents in
money, lawful money of the United
States of America, and of the value
of twenty-five dollars and twenty-two cents:*

the said

Ernest W. Neurath afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money*

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

Henry Hermann
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *Henry Hermann*

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

DeRancey Nicoll,
~~JOHN R. FELLOWS,~~

District Attorney.

0718

BOX:

424

FOLDER:

3916

DESCRIPTION:

Noble, Christopher

DATE:

01/21/91



3916

0719

203
Robt. Lyon

Counsel,

Filed *D. M. George* day of *July* 189*7*

Pleads, *W. G. W. W. W.*

THE PEOPLE
vs.
17. W. W. W. W.
3. W. W. W. W.
prisoner

Christopher Rolle

PETIT LARCENY.

[Sections 528, 532 Penal Code]

DE LANCEY NICOLL

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Franklin Edson

Foreman.

Part III January 28/91-

Pleads guilty.

Sentences suspended

0720

Police Court

District.

Affidavit—Larceny.

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

of No. 20 West 3d Nathan Nathanson Street, aged 37 years,
 occupation Cashier being duly sworn
 deposes and says, that on the 8 day of December 1890 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

one brass fastener that was
 attached to a hall door of
 premises in 20 West Third
 Street of the value of one
 dollar and fifty cents

the property of

Henry Taylor in the care
 and charge of deponent and that this deponent
 has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
 and carried away by Christopher Noble (nephew)

from the fact that deponent is
 informed by Michael J. Reidy
 that he found said property
 in the possession of said defendant
 in Clinton Place in said
City Nathan Nathanson

Sworn to before me this 20 day of December 1890
John J. [illegible] Police Justice.

0721

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation Police Officer of No. 15th Precinct - 10th St. being duly sworn deposes and says, that he has heard read the foregoing affidavit of Nathan Nathanson and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 20 day of Nov 1890 } Michael J. Reidy

John J. Roman
Police Justice.

0722

Sec. 198-200.

District Police Court.

CITY AND COUNTY
NEW YORK, ss

Christopher Noble 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.

Christopher Noble

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

W. S.

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

Answer.

308 Muen St 2 years

Question. What is your business or profession?

Answer.

Printer

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

Answer.

I am guilty of the charge

C. Noble
Christopher Noble

Taken before me this

day of

Nov 20

1891

John J. ...
Police Justice

0723

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

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

Dated Nov 20 1890 John Thomas Police Justice.

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

Dated Nov 23 1890 John Thomas Police Justice.

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

Dated Nov 28 1890 John Thomas Police Justice.

0724

Police Court--- 2

1959 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nathan Nathanson
20 - West 3rd
Christopher Noble

2

3

4

Offence *Carrying*

BAILED,

No. 1, by

Jacob Kleiger

Residence

35 Grenville Street

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

Nov 20 1890

John J. Gorman

Magistrate.

Reidy

Officer.

15 Precinct.

Witnesses

Michael J. Reidy

No. 15

Frank Reidy

No. 17

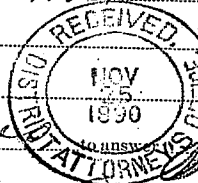
Clinton Place

Street.

No.

2

Street.



Cam 18
Marshall

0725

OFFICE OF
Periodical Printing Company,
No. 25 BEEKMAN STREET,

H. E. MELVILLE.
PROPRIETOR.

New York, May 2 1890

The bearer of this Christopher Noble
was in my employ three months and
during that time was found to be
trustworthy and honest. I can re-
commend him to any one wanting
a faithful employee.

H. E. Melville

0726



OFFICES
AMERICAN HOUSE, BOSTON,
PALMER HOUSE, CHICAGO.

SCHIFF & CO.

Men's and
Youths' Fine Clothing,

20 WEST 3RD ST.

BETWEEN MERCER & GREENE STREETS,

New York, Jan 27 1891

Hon Judge Redford

*I herewith declare
that I have no desire to
press charge against Christopher
Hosley, and do herewith recall
the same.*

*Respectfully,
Chas Schiff*

0727

You will see your influence in having
 his sentence suspended, firmly believing
 that the cause of justice will thereby be fully
 sustained, and so be given at the same time
 an opportunity to redeem himself of this one
 youthful error, and also be enabled to help
 his mother in the future as he has cheerfully
 and willingly done in the past.

Hoping that this request may meet with
 your kindly approval, I am,
 Yours very respectfully,
 Geo. H. Jones

I am extremely much in
 the opinion of my friend -
 Geo. H. Jones
 206 Broadway
 New York
 June 27/91

0728

140 W. 187th St.
Jan. 24, '71.

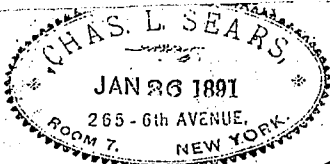
Hon. Gunning S. Bedford - Sir:
Christopher Noble has been
indicted in General Sessions
for Petty Larceny. He is but 17
years of age, and has been an
assistant to his mother in earning
a living for them both. He is a
compositor, and is able to earn
wages, and has always been
willing to work when he has
had the opportunity. It appears
that in a boyish freak he
took a door knob from a neigh-
bor's door, without any intention
of profiting by his conduct.
I believe that the interests of
justice would be best subserved
by suspending sentence, in case he
should be proven guilty of the charge, as
indicted. Yours truly, Wm. H. Waldron.

0729

P.S. - I have known the Noble
family to be very respectable
people, and the only son has
never been guilty of any crim-
inal offence heretofore, to my
own knowledge

Wm. W.

0730



District Atty Bedford
Dr Sir
The boy Christopher Noble
has always been a good character
and has not been charged with
any crime previous to present
charge of petty larceny:

His family are highly respectable
and partially dependent upon
him for support. Any leniency
shown the young man will be
fully appreciated by the
undersigned
Yours truly
Chas. L. Sears

0731

N.Y. Nov. 22/90.

Hon. J. F. Gorman.
Dear Sir!

Being satisfied
that this is the first offence
committed by Christopher
Noble. I do not feel inclined
to press the charges made
by Mr. H. Nathanson,
who is employed by
me Very Resp^t Yours

Chas J. Schiff
20 W. 3rd St.
N.Y.

0732

JOHN D. TOWNSEND,
ATTORNEY AND COUNSELLOR AT LAW,
(Emigrant Industrial Savings Bank Building.)
49 & 51 CHAMBERS ST.

New York, *November 21st* 1890.

Hon John J. German
Police Justice

My dear Sir,

This will be handed to you by Sam Noble who is a detainer owing to the arrest of his only son Robert Taylor who was held by you yesterday on the sum of \$1000 upon a charge of petit larceny. I am informed that the boy appeared without counsel and that his case was committed to the Special Prisoner. If it is still with you your power should be put to him you will have for trial at the General Prisoner in order that action might be taken to have him sent to Elmira.

I would also ask you, if you think it proper, to put the bond at \$300 as the amount now fixed is so large that it would be impossible for him to furnish it. - Respectfully,
John D. Townsend

0733

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Christopher Noble

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

Christopher Noble
of the CRIME OF PETIT LARCENY committed as follows:

The said

Christopher Noble

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

*one brass door-fastener of the
value of one dollar and fifty cents*

of the goods, chattels and personal property of one

Henry Maylar

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

*De Lancey Nicoll,
District Attorney*

0734

BOX:

424

FOLDER:

3916

DESCRIPTION:

Noonan, James

DATE:

01/14/91



3916

0735

POOR QUALITY
ORIGINAL

Witnesses:

Witness for accused
denies
July 18/91

Counsel:

Filed 14 day of Jan 1891
Pleads Not guilty

THE PEOPLE

vs.

James Noonan

DE LANCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

A True Bill

64736 92005 P

Franklin Adams
Foreman.

Spencer G. Gougeon
Ref. Aug 21/91

July 27 27

0736

POOR QUALITY
ORIGINAL

Witnesses;

Motion for nolo contendere
July 18/91

Counsel,

Filed *14* day of *Jan* 18*91*

Pleads,

THE PEOPLE

vs.

James Noonan

DE LANCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

64736 m o o 5 p
July 24/91
Franklin Edson
Foreman.
July 22/91
Spied by Court Clerk
Reufany 21/91
July 4 26

0737

New York Court of General Sessions.

----- x
: The People etc.
: against
: James Noonan.
: ----- x
City and County of New York ss:

Augustus Mettler being duly sworn says:

That he lives at No. 41 Bowery and has lived there over a year. I am an expressman. Was born in the City of New York I have not been convicted of any crime. I was committed in Philadelphia for vagrancy. I only know the defendant James Noonan, by sight.

On the night of January 11th ^{at} and morning of the 12th of January, 1891, between the hours of twelve and one o'clock I entered the premises of *Mrs. Savin* No. 4 Jefferson Street, New York. I entered through the grocery store. I took the money that was in the *in the drawer* grocery store, consisting of Two dollars and forty-five cents and some collar buttons. I heard a scream and I ran out. As I came out, the police officer was across the street on the corner of Jefferson and Division; as I ran out I slammed the door towards me; the officer ran to the store; he went to the store. This gave me an opportunity to escape, and I ran into seven Norfolk Street, thinking that the officer would pass by me, but he went into five Norfolk Street. I remained there until I saw Mr. Blint bringing out James Noonan, and the officer thereupon arrested him and took him away. I afterwards told various parties of my part in this transaction. The

0738

9

next I heard of it Mr. Blint came ~~from the~~ lodgings with the ^{to my.} police officer. I was arrested and carried to the Eleventh Precinct station house, and from there I was transferred to the Seventh and locked up. On being arraigned before the Captain in the Seventh and charged with this crime I admitted it to him in the presence of others, and made substantially the same statement as I am making now. I was taken to court the next morning by officer Sullivan. On the way to court the officer said to me, "You must like to get ten or fifteen years for nothing". I said "No, I am the guilty man and James Noonan is the innocent man." Then he said to me "Would you like to get out of this case?" I said "Yes"; why I replied "Yes" was because I was handcuffed and treated very roughly by Sullivan. Before I left the station house an officer whose name I don't know, told Sullivan to turn ~~me~~ ^{me.} the cuff on ~~me~~ ^{me.} and take his time on getting to the court, and make ~~him~~ ^{my.} walk on ~~his~~ tip-toes. Sullivan did turn the cuff on me but I told him to let up and he did so. When I was in the pen with the prisoners at Essex Market, Sullivan came to me and said "You must say you was drunk and did not know what you was talking about at the time you confessed to your having committed this burglary." I said ^{all right} "Yes". On being taken before the clerk I told the clerk just what the officer told me to say, and I was discharged on the burglary case, but remanded until I could be seen by some other officer. When I got back to the station house Captain Allaire asked Sullivan what he brought me back for. Sullivan said that officer Collins wished to see me. We waited till officer Collins came and he said that he told Sullivan to have me

0739

3

remanded until he could collect evidence against me, but Captain Allaire told Sullivan to take me to Essex Market. I was taken back and discharged. When I came outside, Sullivan said to me "The best thing you can do is to leave the town." I said, "I have not got the money to leave the town with."

I make this affidavit voluntarily and am perfectly aware of the consequences that it may subject me to. It is useless for me to deny the commission of this crime, as I have told it to many people, and there may be a probability that there is other evidence against me.

Sworn to before me this 28 :
day of May 1891. :

A. Metter
J. W. Connelley
J. W. Connelley

0740

New York Court of General Sessions.

----- x

The People etc. :

against :

James Noonan. :

----- x

City and County of New York, ss:-

Israel Cohen being duly

sworn says: I live at 132 Madison Street. On Friday of last week I was standing in front of Essex Market Police Court when August ~~18~~ Metler and officer Sullivan came out and I heard Sullivan say to Metler that he had better get out of this town.

Sworn to before me this 28 :

day of May 1891. :

J. Cohen
Walter
Clara E. Sullivan

074.1

New York Court of General Sessions.

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

against :

James Noonan. :
----- x

City and County of New York, ss:-

August Blint being duly sworn
says: I live at No. 1 Essex Street and have lived there for
a period of over twenty-five years. I am bar-tender at the
saloon No. 5 Norfolk Street. On the night of January 11th
or the morning of the 12th, between 12 and 1 o'clock, the
defendant James Noonan, came into my saloon. There was six
other people in the saloon.

Soon after Noonan came in there came a rap at the door.
One of the men in the saloon went to the door and partially
opened it. He informed me that a policeman was at the door
and wants the last man that came in here. I said to him
"did you just come in Jim?" He said yes. I then opened
the door and went with Noonan out into the street and told
the police officer this was the last man that came in the
house. And then the policeman said, "then this is the man
I want."

Sworn to before me this 28 :
day of May 1891. : :

August Blint

John J. [Signature]
Clerk Court General Sessions

0742

Dr. J. J. Don't of New York

The People vs.

against

James J. Don't

Defendant

Alfred J. Don't

PURDY & McLAUGHLIN,

Attorneys for

No. 280 BROADWAY, New York City

and timely service of copy of the within ~~and~~ hereby attested this 28th day of January 19

Attest,

To J. J. Don't

Attest

Wm. J. Don't
H. M. Don't
Don't

Sworn to before me this

189

the

New York, he served the within

on

by leaving a copy thereof with

18

at Number

New York; that he is

years of age; that on the

day of

Street, in the City of

being duly

STATE OF NEW YORK,

STATE AND COUNTY OF NEW YORK,

ss.

0743

City Court of New York
 The Cooper Milling Company
 against
 Charles M. Wells

W. Reid Gould, Law Blank Publisher and Stationer,
 139 Nassau Street, cor. of Beekman, and 120 Broadway, N. Y.

Affidavit of Service.

State of New York, County of New York ss.

Henry B. Ketchum of the City of New York
 being duly sworn, says that he is twenty-one years of age and upwards,
 and that on the twenty-first day of June
 in the year one thousand eight hundred and ninety he
 served a copy of the annexed summons and complaint on

Charles M. Wells, the defendant in the above entitled action,
 by delivering same to him personally and leaving the same
 with him at the Jeffery Market Police Court in New York City
 and at the same time showing him the original copy of the same.
 Sworn to before me, this day 23 day } Judge directing that the return
 of 1890 } herein be signed within ten days

of June
 E. C. Cullen
 Notary Public
 N.Y.C.

Henry B. Ketchum

0744

NEW YORK COURT OF GENERAL SESSIONS.

The People etc. x

against :

James Noonan :

City and County of New York, ss:-

Ambrose H. Purdy being duly sworn deposes and says: That he is the attorney for the above named defendant That on the 22nd day of January, 1891, the defendant was convicted before this Court of the crime of burglary in the second degree. That some time on the following day, deponent learned that a man by the name of Mettler had been arrested charged with the same offense. Deponent caused an investigation to be made, and the result was that Mettler was brought to deponent's office. Deponent did not have any conversation with him excepting in answer to the question of deponent, Mettler said that he was the man that committed the burglary. Deponent thought it was best to take him at once before the Court and thereupon on Monday, the 26th inst., the day on which Noonan was to be sentenced, deponent appeared in Court and produced the said Mettler. Deponent then and there offered to make an affidavit in order that the said Mettler might be detained, and requested the Court to commit him temporarily for such purpose. The motion for sentence having been postponed, deponent procured the evidence of said Mettler and others and having served copies of them upon the District Attorney, now produces the original, also with the men that signed them. Deponent had no knowledge of this evidence at the time of the trial of said Noonan, and in fact, it was

0745

impossible for deponent to be aware of this evidence, because as it will appear from the evidence of Meytler, he had not made the confession or been arrested before the trial and conviction of Noonan.

Since that time, deponent has used every dilligence to place the facts in this case before the Court.

On all the affidavits, the evidence in the case, deponent now asks for a new trial on the ground of newly discovered evidence; to that end he respectfully prays the judgment of the Court.

Sworn to before me this

24th day of January, 1891.

:
:
:

A. H. Purdy

Wm. H. Hatcher
Notary Public
N. Y. C.

0746

2
NEW YORK COURT OF GENERAL SESSIONS.

----- x
The People etc. :

against :

James Noonan. :

----- x
City and County of New York ss:

Thomas Lohrey.

being duly sworn deposes and says:

That he is in the *Trucking* business and that he lives at *32 Stanton St.* and that he has known the defendant James Noonan, for a period of *twenty* years and he has always known him to be an honest, industrious man.

That his character is good

I have known this man from his boyhood. and in my judgment it is not possible that he could have committed the crime he has been convicted of

Sworn to before me this

28th day of *Jan* 1891.

Thomas Lohrey

Notary Public

New York County.

0747

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York ss:

Max Shepsky

being duly sworn deposes and says:

That he is in the *Realty* business and that he lives at *19 Lualaba St. City* and that he has known the defendant James Noonan, for a period of *Twelve* years and he has always known him to be an honest, industrious man.

That his character is good

Max Shepsky

Sworn to before me this *29th* day of *January* 1901.

J. J. Dushoff
Notary Public

New York County.

0748

NEW YORK COURT OF GENERAL SESSIONS.

----- X

The People etc.

against

James Noonan

----- X

City and County of New York ss:

Max Harris being duly sworn deposes and says:

That he is in the *Redding* business and that he lives at *No 40 Baxley* and that he has known the defendant James Noonan, for a period of *twelve* years and he has always known him to be an honest, industrious man.

That his character is good.

I have worked with him. and had financial matters with him during the above period.

Sworn to before me this : *Max Harris*

29th day of *Jan* 1891. :

J. J. Dischoff

Notary Public

New York County.

0749

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York, ss:

Joseph Harris being duly sworn, deposes and says:

That he is in the *Y. Clerk for Harris Chen Bros* business, and that he lives at *45 Allen St.* and that he has known the defendant James Noonan for a period of *eight* years, and he has always known him to be an honest industrious man.

That his character is good

Joseph Harris

Sworn to before me this

29 day of *January* 1891.

E. J. W. Schaff

Notary Public

New York County.

0750

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan

City and County of New York ss:

Saml. J. Thornton being duly sworn deposes and says:

That he is in the *Traveling* business and that he lives at 33. *Replika Bldg* and that he has known the defendant James Noonan, for a period of ³ *months* ~~years~~ and he has always known him to be an honest, industrious man.

That his character is good *Saml. J. Thornton*

Sworn to before me this

29 day of *July* 1901.

Fred G. Pitcher

Notary Public

King
County.

0751

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan

City and County of New York ss:

James Isaacs being duly sworn deposes and says:

That he is in the *Travis Rakeman* business and that he lives at *N 8 Eldridge St* ^{*Chloride*} and that he has known the defendant James Noonan, for a period of *eight* years and he has always known him to be an honest, industrious man.

That his character is good

I have known him by reason of my living in the same block with him and constantly meeting and seeing him

Sworn to before me this

29 day of *Jan* 1901.

J. J. Dischoff

Notary Public

New York County.

0752

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York ss:

Jan 28th 1891

Herman Alexander being duly sworn deposes and says:

That he is in the *Restaurant* business and that he lives at *79 Chrystie St* and that he has known the defendant James Noonan, for a period of *15* years and he has always known him to be an honest, industrious man.

That his character is good *he has been in my employ and is faithful and honest.*

Herman Alexander

Sworn to before me this

29th day of *January* 1891.

Abraham D. Levy
Comptroller of Deeds

~~Notary Public~~

New York County.

0753

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against.

James Noonan

City and County of New York ss:

Edward Geary

being duly sworn deposes and says:

That he is in the *Manager of Restaurant* business and that he lives at *# 44 Forsyth St* and that he has known the defendant James Noonan, for a period of *Five* years and he has always known him to be an honest, industrious man.

That his character is good, that he worked in the same business as deponent and is honest and deponent believes him incapable of committing such a crime, deponent stands well with every one that knows him.

Sworn to before me this *29th*:

day of *January* 1891.

Abraham D. Levy
James of Dred

Notary Public

New York County.

Edward Geary

0754

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York ss:

Louis Green

being duly sworn deposes and says:

That he is in the *Leigan* business and that he
lives at *#144 West St.* and that he has known the de-
pendant James Noonan, for a period of *12* years and he
has always known him to be an honest, industrious man.

That his character is good, I know that he
was in the employ of Mr Alexander
and know many who know him
and all speak well of him as
an honest, industrious young man.

Sworn to before me this
29th day of *January* 1891.

Louis Green

Abraham D. Levy
Commr. of Dist.

~~Notary Public~~

New York County.

0755

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York, ss:

Max Abram being duly sworn, deposes and says:
That he is in the *Salesman* business and that he
lives at *182 Madison St., New York*, and that he has known the de-
fendant James Noonan for a period of *Five* years, and he
has always known him to be an honest industrious man.
That his character is good

Max Abram

Sworn to before me this
29 day of *January* 1891.

J. Pischoff
Notary Public

New York County.

0756

NEW YORK COURT OF GENERAL SESSIONS.

The People etc.

against

James Noonan.

City and County of New York, ss:

Michael Grimm being duly sworn, deposes and says:

That he is in the *Leasing* business and that he lives at *145 North 7th St. Brooklyn & P.* and that he has known the defendant James Noonan for a period of *three* years, and he has always known him to be an honest industrious man.

And That his character is good

Michael Grimm

Sworn to before me this
30th day of *January* 1891.

Louis Peyser
Notary Public

New York County.

0757

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

_____ being duly
sworn, says that he resides at No. _____ Street, in the City of
New York; that he is _____ years of age; that on the _____ day of
18____, at Number _____ in the City of
New York, he served the within _____ on
the _____ by leaving a copy thereof with _____

Sworn to before me this
day of _____ 189_____ }

Plaintiff

against

Defendant

Attorneys for

No. 280 BROADWAY, New York City

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

To

filed Feb. 4. 1891

0758

-----X
The People &c.

Agst. *James Noonan*

James Noonan
-----X

City and County of New York, SS:

Eva Saiewitz being duly sworn says; that she is the wife of the complainant herein; that she resides at No. 4 Jeffersen Street in the City of New York; that on the morning in question she saw the defendant Noonan standing by the bureau in the bed-room of said premises in which she and her husband slept, and that he was ransacking the bureau drawer, and that when she woke up and screamed at seeing him there, he ran out; that the defendant, Noonan tried and convicted in this Court, is the same person whom she saw in the bed room on the morning in question. That on the morning of the 23rd of January of this year, Metler in company with Officer Sullivan came to No. 4 Jeffersen Street, and she was there asked if she had ever seen Metler before, to which she stated that she had never seen him before, and that he was not the man whom she saw on the morning of the burglary standing beside the bureau in the bed-room.

Sworn to before me this
4th day of ~~January~~ *February*, 1891.

Eva X Saiewitz

H. W. Bluntzer
Com. of deeds
N. Y. City

0759

THE PEOPLE OF THE STATE OF
NEW YORK

against

James Norman

Applicant in
Application to Motion
for New Trial

Deaneey McCall
~~JOHN R. ELLIS~~

DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY

0760

-----X
The People &c.

Agst.

James Noonan
-----X

City and County of New York, SS:

Owen Sullivan being duly sworn deposes and says; that he is a police officer of the City of New York, attached to the 7th Precinct; that on Sunday morning the 11th day of January, at the hour of about fifteen minutes past one, he saw the defendant Noonan run out of No. 4 Jefferson Street, in this city; that the said premises is occupied by one Mayer Saiewitz as a milk and grocery store; that when deponent first observed the defendant leaving the premises above mentioned, he, the defendant, was coming out on full run, and ran north to Division Street, then, through Division westerly to Norfolk Street, across Norfolk St., in a north-westerly direction, into No. 5 Norfolk Street; that deponent further says that No. 5 Norfolk Street the place into which defendant ran the morning in question, is occupied as a liquor store by one Blinn, the place is generally reputed in that neighborhood to be a resort for thieves and other criminals; that when the prisoner entered No. 5 Norfolk Street, he did so first through an alley leading to the side door which opens into a hall-way, then through said hall-way to a door leading in the store; that when deponent was chasing the prisoner in the direction of the alley above-mentioned, he was within eight feet of him, and when the prisoner entered the

(2)

back room of the store of said Blint, he slammed the door behind him which prevented deponent from making an entrance into said store; that thereupon deponent demanded admission into said store, and some one inside raised a little slide-door and asked what deponent wanted, to which deponent replied that he wanted the man who had just entered, and he was then met with the reply that no man had gone in there. Deponent said in reply to that that he would soon find out, and would get him; whereupon he went outside and rapped for assistance; that in response to such rap for assistance, officer Collins of the same Precinct, responded, and, while in the act of rapping for assistance, the said Blint, proprietor of the place into which defendant ran, came out with the defendant Noonan, and asked deponent whether this was the man whom he was after. Deponent upon seeing Noonan, the defendant, with said Blint, immediately said, "that is the man I want," and that when deponent arrested said Noonan, he was breathing as if he had been running some distance. Deponent further says that he had sufficient opportunity from the time he discovered the defendant running from the premises wherein the burglary was committed, for which he has been indicted and convicted, to observe his face and features in order to sufficiently identify him as the person who came out of the store at No. 4 Jefferson Street; that at one time during deponent's chase after the defendant, he was in such close proximity to him as to be able to fully see his face, and that was when the de-

0762

(3)

defendant had ran about fifteen feet from the store No.4 Jefferson Street towards Division Street and while deponent was running from Division Street towards him in a diagonal line. That deponent is positively certain that the person whom he saw leaving the store No.4 Jefferson Street in the manner hereinbefore stated, is the defendant James Noonan described in the indictment herein.

That after deponent placed the defendant Noonan under arrest he took him back to the store, No.4 Jefferson Street, and there confronted him with Mr. and Mrs. Saigwitz, who thereupon stated that he, Noonan, was the man whom they had seen pillaging their bureau, and then and there positively identified him, after which defendant was taken to the Station House; that on the morning of the 23rd of January, this year, between three and four o'clock deponent for the first time was informed that he was mistaken in his identification of the person charged with having burglariously entering No.4 Jefferson Street; that upon being sent for to go to the Station House, he ascertained from Blint, the proprietor of the liquor store in Norfolk Street, that Noonan was not the man who committed the burglary, but that the real culprit was a man by the name of Metler whom he then and there produced in the station house; that upon looking at said Metler deponent instantly informed Blint and the Sergeant at the desk in said station house, that Metler was not the man whom he had seen running out of No.4 Jefferson Street, and that he had never seen Metler in all his life before.

0763

(4)

Deponent then asked Blint why he waited until after Noonan was tried and convicted before disclosing the true name of the person and the one who had really committed the burglary, to which Blint replied, that he didn't know where he was, and deponent then said, why did you deny to me that no man had entered your place when I demanded admission on the morning of the burglary? His reply was, that his bar-keeper would not allow anyone in especially an officer, on account of excise. Deponent further says that the Sergeant at the desk thereupon directed that Metler be locked up, and the next morning deponent took the said Metler to Essex Market Police Court, and, Judge Murray, upon Metler being arraigned, discharged him, saying that there was nothing against him; that it was a put up job, in order to get the other thief out. Deponent then asked Judge Murray to remand said Metler, which he did; whereupon deponent took said Metler back to the Station House. While deponent was on his way from the Station House to the Essex Market Police Court in company with officer Mahoney of the 7th Precinct, he asked said Metler if he was a fool or if he liked prison life so well as to be led into any such job as this. He denied that there was any job in it; that Noonan was innocent and that he, Metler, had committed the burglary. Deponent said to him, you know it is not so; you didn't do it; do you know what is staring you in the face; you may be sent to State Prison for ten or fifteen years. Now tell me who advised you to confess that you were the real burglar; I may be able to do you a good turn some

0764

(5)

time. Metler then said: "Well, I was drunk and don't know what I was saying; I told several people in and about the neighborhood where the burglary was committed, that I had done the job, and the other man was innocent." Then, he said that Noonan's sisters had heard of it and had come to him crying to save their brother. Deponent further says that after this conversation with said Metler, he took Metler to the complainant and asked him if he had ever seen Metler before, and the ~~xxx~~ complainant stated that he had never seen Metler before, and that Metler was not the man who broke into his place upon the morning in question. Deponent further says ~~xx~~ that while in the cell of the Essex Market Police Court, he went to said Metler and asked him how he got into No. 4 Jefferson Street, the place where said burglary was ~~xx~~ committed. He said the door was open. Deponent then asked him what he did when he got inside, he said that he took the till and ran out. Deponent then asked him in what direction he chased him after leaving 4 Jefferson Street, he responded by stating that he could not tell because he was drunk. Deponent further says that Officer *Lang*, now connected with the Health Department, has informed him that during the summer of 1889, he had occasion to arrest the defendant, Noonan for drunk and disorderly conduct, in Division Street Square; and Officer Sellig of the 11th^s Precinct arrested the defendant, Noonan upon a similar charge for which he was sentenced to five days imprisonment.

0765

(6)

Sworn to before me this
4th day of February, 1891.

~~4th~~

Caren Sullivan

H. W. Illustzer

*Com of deeds
N.Y. city*

0766

THE PEOPLE OF THE STATE OF
NEW YORK

against

James Woodward

Defendant in
opposition to Motion
for New Trial.

DeLaney Maell,
JOHN R. ELLIOTT,

DISTRICT ATTORNEY,

No. 35 CHAMBERS STREET,
NEW YORK CITY

0767

-----X
The People &c.

Agst.

James Noonan
-----X

City and County of New York, SS:

James Collins being duly sworn deposes and says; that he is a police officer, connected with the 7th Precinct in the City of New York; that deponent remembers the morning of the burglary at No. 4 Jefferson Street in the City of New York, and when the prisoner Noonan had been placed under arrest, he went to the assistance of Officer Sullivan and accompanied him to No. 4 Jefferson Street, and made an examination of the said premises; that he found upon said examination that the door by some one had been forced open, as if it had been pushed in by a strong arm, and a chair, which before the robbery had evidently been standing before the door, was upset and all things indicated that the chair had been put there as a prop against the door. That while defendant was in the presence of Saewitz, the complainant, deponent asked him, Saewitz and his wife also, what the prisoner had done and they each responded by saying that he had been at their bureau drawer ransacking it when they woke up, and they found that he had taken "gelt", meaning money in their language, from a small round box, which they said was in the bureau drawer, and when they woke up they saw Noonan standing by the bureau, and when they gave an alarm he ran out, and they were able to identify said Noonan.

0768

said Neenan as the person they had seen standing by
their bureau.

Sworn to before me this

4th day of February, 1891.

James Collins

H. W. Illwitzer

Com. of deeds

N. Y. city

0769

THE PEOPLE OF THE STATE OF
NEW YORK

against

James Noonan

Applicant in op-
position to Motion
for new trial

DeLancey Moore.
JOHN R. FELLOWS,

DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY

0770

Police Court—

District.

City and County
of New York, ss.:of No. 4 Jeffersonoccupation Grocer

Mayer Saiswitz

Street, aged 38 years,deposes and says, that the premises No. aforesaidStreet, 7th Ward

in the City and County aforesaid the said being a

three story brick
building and which was occupied by deponent as a dwelling and place of business
and in which there was at the time a human being ~~by name~~were BURGLARIOUSLY entered by means of forcibly prying open
the door leading from the sidewalk
into the grocery store and entering
therein with intent to commit
a felony
on the 11 day of January 1891 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Gold and lawful money of
the United States of the
Amount and value of about
One dollar and fifty Cents
(\$1.50)

the property of

deponent

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 byJames Storrman (nonhere)

for the reasons following, to wit:

That deponent securely
locked and fastened the doors
and windows leading into the
first or ground floor which is
occupied by deponent at about
11 PM. O'clock of the night
previous to said date, that at
about one O'clock AM of the
following morning deponent was

0772

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation Police Officer of No.

7th Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mayer Sainowitz

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

Sworn to before me, this

day of

189

11 James ✓ Owen Sullivan

Chomede
Police Justice.

0773

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty.

James Arman

Taken before me this

day of *January* 1891

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

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

Dated Jan 11 1891 W. Mearns Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0775

5th Jan'y

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mayer Siewitz
4 Jefferson St.
Jas. Hornan

Dated

Jan'y 11 1891
Meads
Sullivan

Magistrate.

Officer.

7 Precinct.

Witnesses

No.

No.

No.

\$

Said Officer
Eva Siewitz
4 Jefferson St.
Officer
7th Precinct
1,000 to answer



Office

Punglan

Chm

0776

Revised charge filed

The People

James Noonan

Court of General Sessions Part I

Before Recorder Smyth January 22 1891

Indictment for burglary in the second degree and petty larceny

Mayer Siewitz, sworn and examined by
Mr. Macdonna through the interpreter. I live at
No 4 Jefferson street; it is a dwelling and gro-
cery store.

Mr. Purdy. I will admit all the allegations in the indictment
with regard to a crime having been committed,
but not by this defendant - that a burglary in
the second degree at the time and place speci-
fied in the indictment.

By Mr. Macdonna. Did you on the night of the 11th of January
last see this defendant, Noonan? I did not see
him; my wife seen him with the light by the
bureau. ^{you objected to. objection sustained} What time did you go to sleep that
night? Half past eleven. When did you wake
up? I do not know what time it was, it was
about half past two o'clock. ^{By the Court.} Did your wife
go to bed with you? She went to bed before
I did. Was she in bed when he woke up?
Yes sir, she was in bed when I woke up.
I did not see anybody in my room that night.

By Mr. Macdonna. Did your wife wake you up at half past two?
A. My wife woke me up; I do not know exactly,
it might have been two or half past two o'clock.
Q. Might it have been one? A. He could not tell.
~~Examine~~ When your wife woke you up what did
you do, did you get out of bed? A. Yes sir, I ran and
I ran after him. I got out of bed and ran.

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down to the street with only my drawers on and in my night shirt. Was that the man you ran after (the defendant stood up)? I can not see so far. Did you call out? I did not call, but the policeman ^{right there} was on the corner. He saw me where I came out and the policeman asked what is the matter? I said, "thief".

Cross Examined: Q. What time did you go to bed?
 = by Mr. Tandy
 A. I went to bed that night at half past eleven o'clock. I slept with my wife; we have only one bed. ^{What kind of a tenement is it?} There is a grocery in front and in the rear there is a room where we sleep. I keep the grocery. I cannot fix the time when my wife woke me up; she said, "a thief is at the bureau." I got out of bed and ran after him, ~~he~~ was running away. Did you see the man's face or back? No, I did not see his face; my wife saw his face. Did you see the man at the bureau?

Eva Sierwitz, sworn and examined, testified
 Q. Where do you live?
 A. I live at No. 4 Jefferson St. and am the wife of the last witness. I occupied a room with him at No. 4 Jefferson St. on January 11th. What time of night did you go to sleep? Past eleven o'clock. I went to sleep. What time did you wake up? I cannot tell. Did you lock the door before you went to sleep? We locked everything. When you did wake up

did you see anybody in the room besides
 your husband? Yes, sir, I saw a man at
 the bureau. You saw a strange man
 in the room, what was he doing? He was
 searching in the bureau. Did he have a
 light? He had fire in his hand. Was it
 a lamp or was it a candle? It might
 have been a candle. Did he have it held
 in front of him? Yes sir. You saw his face?
 A Yes, I looked into his face and I commenced
 to halloo. Do you see that man in Court
 now (the defendant stood up)? That is the
 man. You cried out, and did you get
 out of bed and your husband get out of
 bed too? Yes sir. What became of this man,
 did he run away? When I was about waki-
 ing up my husband he commenced to run.
 Q Did your husband run after him out
 into the street? Yes. The bureau drawer
 that you say you saw him at, was it
 disturbed, were the things disarranged in it?
 A Yes, I saw that he was with his hands
 mixing in the bureau. The things were
 all mixed up when you looked in the
 bureau? Yes, for sure. Did you miss
 anything out of the bureau? No, not from
 the bureau, only from the counter, he took
 about two or three dollars in change.
 Q Where this policeman brought the man

back did you identify him as the man you saw in your room? ^{at 24} Yes sir, immediately.
 Cross Examined Did you not say before the Magistrate ^{By the Court} that it was \$1.50 you lost instead of three dollars? I said it was about three dollars. ~~Q~~
 Q How large is your bed room? Our bed room is small, the bureau is near the bed and the bed is in a corner of the room, the bureau is at the foot of the bed, the bed was against the wall and I slept on the inside of the bed next to the wall and my husband was on the outside.

[The witness stepped aside for the present.]

Owen Sullivan, sworn and examined.

Q You visited these premises in question? ^{Yes}

Q Describe this ^{bed} room, how large a room was it?

About twelve feet long by four and a half feet wide (Witness described the room, the bed and the bureau by motions) There was no glass in the bureau. The room was a square,

small room, branched off from the store. Mr. Macdonna explained to the jury the diagram of the complainant's premises.

By the Court How wide about is the space between the bed and the bureau? I should think it would be about five feet and about twelve or fourteen feet ^{by compass} long. Were there any drawers in the bureau? ^{Yes} Would a man in ransacking those drawers have his back to the bed? ^{Yes} Sir.

Eva Sierwitz recalled by Mr. Macdonna.

Q Did you see that man's face before or after you called out? A I saw his face before he went out. I then commenced to halloo and he then ran away. Q Did the man turn around when you halloved? A I cannot tell, he commenced to run away and he put out the light.

By the Court Q He had to run away from the bureau into the store and then from the store out into the hall? Yes into the street there is no hall - right out into the street. Q Did you go to the door of your house after your husband? A Yes, I also went outside? When you got outside the door of your house how far was the man away? A When I came out to the door I did not see him. I saw my husband was about halfway from our store to the corner; our place is in Jefferson and the corner is Division st. I only saw one man running, there was only one man when I got out to the door.

Cross Examined. I don't know what time I woke up? When you saw the prisoner first was he ransacking the bureau drawers? A He was working with his hands in the bureau drawer. That was the time I saw him first; he had the drawers open and was making a noise. I did not know what woke me up; he had some kind of light in his hand, it was burning. When I saw him I commenced to halloo and he

commenced to run away. Q You did not see his face as he ran away. A I only saw his face by the bureau. Q How much of his face did you see? A I saw his whole face. I got up from my bed and I saw his face. Q After a while the officer brought this man in there, didn't he? A Yes. Q Then you saw him and then you said that was the man? A Yes, I immediately recognized him.

Q Owen Sullivan, sworn and examined. Officer, did you see this prisoner on the night of the 11th of January? A Yes. Q That time of night was it you first saw him? A Quarter past one in the morning. Q Where were you standing when you first saw him? A Corner of Division and Jefferson streets. Q Where was he when your attention was first attracted to him? A He was running out of No. 4 Jefferson St. Q Did you see the wife, the last witness, on the street at the same time? A No, I did not.

Q You saw him running out, how far had he gotten before you saw the husband of the last witness? A He was just about to the mud gutter when the man came running out after him. Q Was he running? A He was running out. Q Did he have his clothes on? A No,

By the Court. Q He was in his night drawers and shirt when you saw him come out of No. 4 Jefferson St. A Yes sir. Q What corner were you standing on?

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A I was on the corner of Division and Jefferson St. How far is that corner from 4 Jefferson St.
A About one hundred and twenty feet from where I was standing. Was there plenty of light? Yes.
Q You saw this man running out of No. 4 Jefferson street while you were on that corner.
A Yes. As soon as you saw him run out what did you do? I ran towards No. 4 Jefferson St. You were on the odd number side of opposite? Yes sir, on the east side. I ran towards No. 4 Jefferson street and he ran towards Division St. Just as I got across the curbstone he went by me that way. I turned and followed into Division St. down into Norfolk St. and through an alleyway into the side door and from the side door into the back room into the back room of the saloon No. 5 Norfolk St. I demanded admission. Some man put his face to the sliding door and wanted to know what for? I told him. I wanted that man who just entered there. He said, no man had entered there. I says, "I will soon find out." I went into the street and sent out an alarm rap, and as I sent the third alarm out, the proprietor of the place, Mr. Blink, brought this man (the defendant) out to me. He said, "Here is the man that came in." He was kind of panting. I said, "That is the man I want." I took him

around to No 4 Jefferson st; and the lady there identified him as the man who was in her room? Is that the same man you saw running out of No 4 Jefferson Street?

A. That is the same man that ran out of No. 4 and through Jefferson st. and passed me, and I passed him..

By Counsel? Did you see his face? Yes sir

By the Court? Was there plenty of light? Light on Division street from two lamp posts. The proprietor said, "that is the last man came in." "This man just came in," he said.

Q How long a time had elapsed after you had been refused admission until you sent out the alarm? About one minute. Is the proprietor in Court? I do not know. He

(the defendant) was panting when he came out? Yes sir. Did you speak to him? I say,

"I want you." What for? "I did not do anything."

I say, "We will see further what you have done; come along with me." The other officer came up and said, "Never mind, Jim, I have got him." He took him down to

Jefferson st.; he denied that he was in the place. He stood up; we told the woman to take a good look at him. "Yes, she said, he is the man." I am perfectly sure the defendant is the man that ran out of the place.

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Mr. Macdonna: That is the case for the people.
The Court: We are right y down to the simple question of identification.
Counsel: Yes sir. The case for the defence.

James Norman, sworn and examined, testified.
Q Where is the defendant in this case? A Yes sir.
Q Where you born in New York? A Yes.
I am 31 years old. I have lived all my life time in New York. Have you ever been arrested before? A No. Have you ever been charged with any crime before? A No sir. Tell the jury all about this? I was in the saloon No 25 Ludlow street; the man closed up at twelve o'clock; we came outside; we talked awhile; his girl came down; she only lives a few doors below; his name is Micheal Barnan; he is in Court; he was talking to his girl till a quarter to one. So then he asked me to walk down to the Grand street ferry with him. I walked down to the ferry with him, and he got the one o'clock boat. So I borrowed twenty cents of him when we got down to the ferry, and I walked back through Grand St.; it is about thirteen or fourteen blocks. I came up through Grand St. and went through to Norfolk and went down Norfolk St. through to this Blink's saloon in order to get in to get a drink. I was in there no more than two minutes. Q What time was it when you got into Blink's? A About 20 minutes after one o'clock. I went in there; they would not sell me no drink. I stayed there just a

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minute and the clubs rapped, and the
officer asked for a man that went in last.
Then he knocked again, and I says, "I was
the man that went in last." So I came right
out and he fetched me around to this
place. I never seen the woman before in
my life in this place; and he asked her
was I the man that done this deed?
They arrested me. I got no drink in the
saloon ^{or nothing in the place.} Were there other people in the place?

A Yes sir, there was a few in the place about
four when I went in. What have you been
working at all your life? I worked at stencil
plating for a while about six years. Did you
first go to school here? ^{Yes.} I went to school.
Q Where does your parents live? ^{My} parents
lived in New York; my father died very young
and my mother went out of her mind. When
I was about eleven years old I had to go
to work. Who did you go to work for? I
went to work for McEvoy Bros. in Grand St.
first. I worked for them about two years;
then I went to work for the Stafford Manu-
facturing Co. No 58 Fulton St. I worked for
them about six years. I went to work over
in 119 Mercer St. at ladies hats. I worked
there about a year. I worked for Ruby
and Mastersen, No 175 Broome street, baker

The season only lasted two months; they worked for the Parson. McEvoy Brothers were tailors. I went to work in 1874 and 1875 at stencil plating. I went to work first as an errand boy. I used to make the stencil paste for the Stafford Manufacturing Co. I was there about six years. Q Have you ever been discharged from any place for stealing? A No sir, this is the first time in my life I have ever been arrested for stealing. Q This is the first time you were ever arrested charged with any crime? A Yes. I used to work for the father of a man who is a subpoena server in this Court and he knows my character.

Q Who else have you got here to swear to your good character? A I subpoenaed Mrs. Smith and Rudolph Mass; they can prove my character. I walked for Mr. Mass and drove a wagon

Cross Examined. After you left this friend of yours at the ferry did you ^{run} ~~catch~~ up to this place? A Blink? A No sir, I walked up leisurely, I took my time. I went through Grand St. all the way down to Norfolk St. and went in the saloon door. I went in quietly. Q When you heard the club, this alarm did it excite you? A No sir. It did not start you panting? A No sir. What was it caused you to be excited and panting when the officer brought you out a minute after you got in

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A. Yes.

there? I did not paint or anything when I came out. That is a mistake of the officer. I said, "What are you arresting me for? I am an innocent man, I am the last man came in here. I peddle everything I can make a living by. I have worked for Mr. Mass. I worked in March a year ago in the hydraulic work over in Brooklyn. I stopped working there about seven months ago. I remember being asked in the Police Court where I lived. My folks lives in Brooklyn, but I did not go home that night. I stopped in 13 Bowery in the Wald house. I stop there off and on. I have been sick for a week or so. I said in the Police Court I lived in 13 Bowery. I did not say that I stopped there six months. I said six months off and on. I used to go over to my sister's house. When did you last stop in 13 Bowery? Christmas week. You were arrested on the 11th of January. Yes. About two weeks before the day you were arrested you had been in this place 13 Bowery? Yes, before that. I was over in my sister's house for a week. I went over to my sister's house the first Tuesday after Christmas. I took sick. I had a heavy cold peddling on Grand St.

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I was waiting for a man named Alexander peddling. ^{of that day was it that you went to your sisters?} It was Friday. I think I went to my sisters - Christmas fell on Wednesday and I went there that following Friday. ^{How long did you stay?} I stayed there for about nine days. I was sick. ^{That would bring you to the 5th of January, did you go away from your sisters then?} Yes. I came over to New York. ^{Where did you go to live?} I stopped over at the World house in the Bowery. I used to go there occasionally. ^{Did you go there that night?} No. ^{I was sick.} That night I went back again to my sisters. I did not go back to New York until the following Monday, last Monday, the day before I got arrested, which was Saturday night. I was over there. I did not stay at 13 Bowery on Friday night. I was there only Christmas week and after that I stayed at my sisters. I stayed one night in the lodging house, Wednesday night, about the 15th I guess. I was locked up Saturday night and ever since that I have been in the Tombs. ^{You could not have been in the lodging house 13 Bowery on the 15th?} No. ^{Tell me what Wednesday it was you stopped in this lodging house, give me the date?} It was about the 4th or 5th; the night previous to the 4th I was over at my sisters house. I had a heavy cold. I was pretty sick. ^{Which of your statements are true, that on the 5th of January}

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you came to New York and went immediately
back to your sister's house or that you came
to New York and stopped at 13 Bwery? ^{2A} I think
I stopped in 13 Bwery on the 5th of January.

Q Where did you go home to your sister's? I
went home the next day again. How long did
you stay there? ^{3A} I stayed there about two days
and then I came back to New York and was
^{arrested.}

By the Court Q Where were you those two days? ^{4A} I was over
at my sister's house. What name did you
register in the Wald Hotel 13 Bwery, what
name were you known as? ^{5A} James
Noonan and sometimes James Pegott; it was
a nickname. I told the officer that my
name was James Noonan and some-
times they call me James Pegott; that was
a nickname. I got fifteen years ago from
playing ball. I was firing a ball and
because I said "you can peg it" they gave
me the nickname Pegott. One night a
man was with me and I gave Mr. Ham-
berger, the clerk, that name and he register-
ed it that way. I have known Hamberger five
or six years.

By Counsel Q Rachel Smith, sworn and examined,
A Where do you live?
I live at 23 Ludlow St. I keep a store; this
young man, the defendant, worked for us a
good many times; he worked for us just

before Christmas. He keep house furnishing goods. I know him seven years or since we lived in the place, but he has not been working steady for us; we have not steady work for him. If we have any orders to fill or if we want to collect anything we send him. All I know about the fellow is that he is no thief; he is a poor fellow but honest. ^{Q You have had him in your employment?} Yes a good many times before Christmas, and this last Christmas we had him employed too. ^{A We always found him honest. Was he collected money for you from time to time?}

^{A Yes, and always returned it.}
^{Q You are the lady who had had a young child?} Yes sir.
 Cross Examined. ^Q Do you remember what time in the month of December you took him on, was it two or three days before Christmas or was it a week? ^A I could not tell you, he has been around the store all the time; I could not remember, it was about a week; it was only before Christmas; he is always around there. As often as we need him we call him. ^Q Did you have him three days in your employment before Christmas? ^A Yes, in the store. ^Q What was he doing? ^A He was carrying away goods and cleaning up the cellar. ^Q Did you see him at all during the three days before Christmas? ^A I cannot swear to it whether I seen him or not. ^A I always see him around our way. Next door to our place is the saloon, and whenever we need him we go in the saloon and ask him to do the work for us.

We do not need him all the time. I cannot remember what day, whether it was two or three days before. I saw him often around there. When you wanted to find him you went to look for him in a neighbouring saloon and not in your own place is that right? ^A Yes. Did you give him any work to do the second day before Christmas?

A I think so. I am not positive. I cannot say no. I cannot say anything about that. I do not remember. This is in Ludlow street?

A Yes sir, where I always saw him is No. 23.

Q Was he employed by you on Christmas day?

A No sir. He has been working steady. When did you employ him one steady day during your whole experience? Before Christmas mostly every day. Was he employed by you the fourth day before Christmas? ^A That is a thing I cannot remember. Was he employed by you the third day before Christmas? ^A How should I remember such things? Was he employed the second day before Christmas? ^A Maybe. I think he was. How many people have you in your employ? ^A About four or five. Is it not your habit when you employ people to pay them? ^A No, when we employ people that works all the time, we have got to pay them by the week; we paid him for the

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work he had done. When did you last pay that man any money for doing any work for you? I cannot remember. Was it the fourth day before Christmas? It was mostly every day I saw that man - that might be. I cannot swear to it. Did you do it on the third day before Christmas? It might be so. I do not remember. If I did not find this young man, I took another one there.

Q Did you have him in your employment on the second day before Christmas? No sir.

Q Or the day before Christmas? That is very hard for me to tell. You swore you did not employ him on Christmas day? We did not on Christmas day because we do not do much business on that day. How many years ago since you saw that boy first?

A I know him for seven years - as long as we live in that place. Is he a neighbor of yours? He is. He worked for you off and on for seven years? Yes sir. He has been telling us he worked at different places. I cannot say that he worked seven years. Whenever we have any work we take him. ^{I do not know much of the man.} Can you give us positive information whether he was working for you during those four days of Christmas week?

A I think he was because the fellow whenever he was around there ~~and~~ he work for us.

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Michael Crannin, sworn and examined

Q Do you know Thomas, the defendant? I do sir

Q How long have you known him? Three years

Q Did you see him on the night of the 10th? I did sir

Q State to the jury what you know about him?

A I know him to be an honest man for three years; he works wherever he gets it. What is your business ^{by the way} Bartender? Where do you keep a bar? No. 25 Ludlow street. Do you recollect seeing him on the night of the 10th? I do sir;

Q he was peddling on Grand street during the Christmas holidays. On the night of the 10th were you with him? He was in my saloon

Q Do you recollect his borrowing 20 cents from you? On the night of the 11th he did - it was the morning of the 11th one o'clock. Where was he when he borrowed the 20 cents? The Grand street ferry. He went down to the ferry with you? Yes sir. You took the one o'clock boat, did you? I did sir. This saloon that you attend bar in is alongside the house furnishing shop of the last witness? Yes sir.

Oswen M. Hyman, sworn and examined

Q Do you recollect seeing the defendant on the morning of the 11th? Yes sir, Saturday night. I was in his company from 8 o'clock until 20 minutes after twelve o'clock that morning outside of No 25 Ludlow St

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waiting for Mr. Cramm to come out, he was in company with a young woman

By the Court. I suppose you went home and went to bed? Yes.

By Mr. Macdonna. What is your business? Chamber and gas fitter. Where do you work? I work for myself at present.

By Counsel. Have you ever been arrested? Arrested once.

By Counsel. What were you arrested for? Excise.

By Counsel. Have not any other witnesses here as to his character. If the District Attorney would like to impeach it in any way, I can send for this gentleman for whom he has worked a year. Is there to be an attack upon his character?

Mr. Macdonna. No, except as you say he is an intimate friend of a subpoenaed server.

The Court. You can go to the jury in the meanwhile. If he comes in I will allow you to examine him.

By Mr. Macdonna. What is your business? I am employed down stairs in the District Attorney's office. Do you know this prisoner? Yes. How long have you known him? About fifteen years, around that neighborhood. Can you testify to his character for honesty, whether it is good or bad? I never knew anything wrong of him.

By Mr. Macdonna. You have known him for fifteen years and his character for honesty is good? Yes, sir.

Cross Examined by Mr. Macdonna. What would your opinion of the honesty of a man be if you heard a regularly sworn police officer say

that he found him coming out of a man's room at one o'clock in the morning, pursued by a man in his night clothes and that he followed him and caught him - you are acquainted over on the east side, are you not? ^{Yes sir, born there.} The officer chased him at half past one o'clock in the morning into the saloon of Gus Blink - you know Gus Blink? ^{I have heard of the place, but I have never been there.} Do you know that Gus Blink was the man who threw Maggie Morris into the room and shut the door on her the night that she was ^{objected to by} raped by Sergeant Crowley? ^{No sir.} You don't know Blink at all? ^{No sir.} What sort of a place is this, the place he keeps, what is the character of it? ^{I do not exactly live there, I live four or five blocks away.}

By the Court: ^{What is the reputation of that place, is it very good?} ^{objected to by} you said this man's character for honesty was good, did you ever here it discussed? ^{I never heard anything against him.}
 A: No, I never heard ^{anything} one say anything about it. I never heard the question of his character raised in anyway. I guess it is pretty near a year since I saw him. I don't know what he has been doing during the year and I don't know the company he has been keeping.
 By Counsel: ^{you never heard his character questioned by anybody?} ^{No sir.}
 Recorder's charge follows: ^{The jury rendered a verdict of guilty of burglary in the second degree.}

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Testimony in
the case of
James Norman

filed Jan.
1941

~~filed~~

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-----X
The People
vs.
James Noonan.
-----X

SMYTH, RECORDER:

The defendant was convicted at the January Term 1891 of the crime of burglary in the second degree upon evidence which satisfied the jury of his guilt beyond a reasonable doubt.

He now moves for a new trial mainly upon the ground of what he claims is newly discovered evidence. The motion is founded upon two affidavits, one of which is made by August Metler and the other by August Blint. The other affidavits, with one exception, are as to the previous character of the defendant.

The affidavit principally relied upon is that of Metler, in which, among other things, he states "that on the night of the 11th or the morning of the 12th of January last he entered, without breaking, the premises of the complainant which he found open and that he committed the crime of larceny therein by stealing from the money drawer in the store of said premises the sum of Two dollars and forty cents in money and some studs or collar buttons. That hearing a scream he ran out of the store and seeing the officer who was the principal witness for the People near by, or going to the store in which he committed the

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larceny and for the purpose of avoiding detection he went into the premises No. 7 Norfolk Street and there remained until he saw the officer arrest the defendant at the saloon of one Blint at No. 5 Norfolk Street and remove said defendant from Blint's premises.

I do not deem it necessary for the determination of this motion to refer further specifically to the affidavit of Metler. Assuming that his statement is true, of which I have grave doubts, it amounts at most to this: that finding the store door open he entered and committed the crime of larceny, and that he did not commit the graver crime of burglary, of which the defendant was convicted.

The evidence given by the People upon the trial established the following facts, which were also conceded, viz.:

1st. That on the night of the burglary the complainant's premises were securely fastened and closed, and that they were broken and entered, and that a crime, to wit, that of larceny, was committed therein.

2nd. That the premises consisted of two rooms, the one fronting on the street being used as a grocery and the other being a room in the rear of the store with a door leading from the store into said room was used by the complainant and his wife as a bedroom in which they slept on the night in question, and that there was a bureau in this room within a few feet of the foot of the bed in which these people were sleeping. That the complainant's wife, an aged woman, was awakened by the noise of the breaking

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of the premises, and that sitting up in her bed she saw a man examining the contents of the bureau drawers. This man had a light by which she was enabled to distinguish him; that she screamed, awaking her husband; that the man fled from the room through the doorway leading to the store and from thence to the street; that her husband pursued him, and that he saw the man run towards where the officer was standing in the street and saw him pursued by the officer.

The officer who made the arrest in substance and effect testified that he saw a man (the defendant) come out of the complainant's store running; that he passed close to where he was; that there was abundant light in the street; that he saw his face, and that he pursued him for a considerable distance, keeping within eight or ten feet of him and never losing sight of him until he entered the saloon kept by Blint; that he knocked upon the door of the saloon and stated that he wanted the man who had just entered, and that he was surrendered by Blint after the officer had called for police assistance and threatened to use force for the purpose of enabling him to enter the premises and arrest the defendant, and that the defendant was subsequently identified by the wife of the complainant as the man she saw in her bedroom at the bureau.

In charging the jury I told them that if the evidence of identification of the defendant rested alone upon the testimony of the wife of the complainant I should direct them to acquit the defendant, he having denied in

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the most positive manner that he either broke or entered the premises, and that he was at the time of the alleged breaking at a considerable distance therefrom. I left it to the jury upon the evidence and concession of the burglary having been committed, upon the testimony of the officer as to the identity of the defendant, his flight from the premises and the other facts bearing upon the principal question involved, that of the identity of the defendant, to the jury, and they found as matter of fact that the defendant was the person who committed the crime charged in the indictment, and I fully concur with this finding.

Giving to the affidavit of Metler all the consideration that it is entitled to, the most which can be claimed and be established by it is that he, Metler, did not commit the burglary which it was conceded had been committed; that he did not get into the complainant's bedroom, and that he merely committed a larceny in the store and ran out and concealed himself when the alarm was given by the complainant's wife.

It is not improbable that both the defendant and Metler were engaged in the burglary, one remaining and rifling the cash drawer in the store while the other entered the bedroom where he was discovered by the complainant's wife engaged in examining the bureau drawers, or that in the excitement which was caused by the discovery of the defendant in the bedroom that Metler finding the premises open entered the store and rifled the cash drawer of its contents.

I have made no allusion to the other affidavits

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upon which the motion is founded, deeming it unnecessary to do so. All the material allegations contained in them have either been contradicted or answered by those which were read by the People in opposition to the motion.

It is sufficient to say that the statements of Metler, a confessed thief, are fully met and overcome by the oaths of reputable witnesses.

Blint's affidavit is entitled to little or no credence, his character and that of the place kept by him being bad.

A full consideration of the whole case leads to the conclusion that it does not come within the requirements of the Statute regulating the granting of new trials on the ground of newly discovered evidence, nor has such a case been presented as would authorize the Court in granting a new trial in furtherance of justice.

The motion must therefore be denied.

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The People

vs.

James Noonan.

OPINION DENYING MOTION FOR
NEW TRIAL.

filed February 18/91

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Amesbury Jr 5

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Noonan

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

James Noonan

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

The said *James Noonan*.

late of the ~~Seventh~~ Ward of the City of New York, in the County of New York
aforesaid, on the ~~eleventh~~ day of ~~January~~, in the year
of our Lord one thousand eight hundred and eighty ~~ministry-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 one *Mayer Siefert*.

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *The said Mayer Siefert*.

within the said dwelling house, with intent to commit some crime therein, to wit: the goods
chattels and personal property of the said *Mayer Siefert*.

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,

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SECOND COUNT—

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

of the CRIME OF *James Noonan* —
Reix LARCENY, —

committed as follows:

The said *James Noonan*,

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

The sum of one dollar and fifty
cents in money, lawful money of
the United States of America, and
of the value of one dollar and fifty
cents,

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

in the dwelling house of the said *James Noonan* —

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.

Delawareville,
Attorney