

0552

BOX:

204

FOLDER:

2040

DESCRIPTION:

Neary, Martin

DATE:

01/25/86



2040

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Witnesses:

Counsel,

Filed 20th day of January 1886.

Pleads Not Guilty to.

THE PEOPLE

vs.

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

Martin Heary

May 4/86.
Speedy & acquitted.

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Amesburygan Foreman.

Wm. F. Felt
J. V. D.

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Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Martin Neary 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.

Taken before me this 19 day of January 1888

Police Justice.

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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

(10) Martin Reary
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 January 19 1886 W. J. Power 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.

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Police Court

375 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Larry W. Schlottman
1st Officer
Martin Neary

Offence Appointed on Officer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

January 19 188
Gorven
Schlottman

Magistrate

Officer.

Precinct

Subpoena

Witnesses

No.

Peter Wackin
care of Officer
Schlottman

No.

Street.

No.

\$

1000

to answer

Can

0557

Police Court

3 District.

CITY AND COUNTY
OF NEW YORK, } ss.

I, Henry W. Schlottman
of the 16th Precinct Street, aged 24 years,
occupation Police Officer being duly sworn, deposes and says, that
on the 19th day of January 1888 at the City of New York,
in the County of New York,
he was violently **ASSAULTED** and **BEATEN** by Martin Neary

now present, who struck deponent
a blow in his face while deponent was
in the lawful discharge of his duty viz. arresting the defendant
without any justification on the part of the said assailant

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

Sworn to before me, this

day of

19
January 1888

Henry W. Schlottman
Police Justice.

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Martin Henry

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

Martin Henry

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

The said *Martin Henry*

late of the City of New York, in the County of New York aforesaid, on the
nineteenth day of *January* in the year
of our Lord one thousand eight hundred and eighty-*six*, at the City and County
aforesaid, with force and arms feloniously made an assault in and upon one

Samuel W. S. Schattman,

then and there being a *patrolman* of the Municipal Police of the City of
New York, and as such *patrolman* being then and there engaged in the lawful
apprehension of the said *Martin*
Henry.

and the said *Martin Henry*
him, the said *Samuel W. S. Schattman*,
then and there feloniously did beat, strike, wound and otherwise illtreat, with intent
then and there and thereby to prevent and resist the lawful *apprehension*
of *himself*, as aforesaid,
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.

RANDOLPH B. MARTINE,

District Attorney.

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BOX:

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FOLDER:

2040

DESCRIPTION:

Nelson, Frank

DATE:

01/19/86



2040

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Witnesses:

Given by me, *Wm. Nelson*
this 19 day of *Sept* 188*6*
at *Chattanooga*

THE PEOPLE

Wm. Nelson

Chattanooga

Wm. Nelson

Chattanooga

Sept 19 1886

Chattanooga

A True Bill.

Chas. H. Haggins

Foreman.

Sept 23 1886

Chattanooga

Chattanooga

Chattanooga

Chattanooga

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Court of General Sessions of the Peace.

City and County of New York.

The People

-vs-

Frank Nelson.

Indicted, January 19, 1906,
for robbery.

Before Hon., Rufus B. Cowing,
and a Jury.

Appearances: Assistant District Attorney Bedford, for the
People; Mr. Cohen, for the Defence.

CHARLES HANSEN, the complainant, being duly sworn, testified
as follows:

Q (By Mr. Bedford) Where do you live ?

A 333 Greenwich Street.

Q In this City ?

A Yes, sir.

Q Early on the morning of the 13 th of January, were you in th
the City of New York ?

A Yes, sir.

Q About what time was it ?

A About 7 o'clock.

Q It was a dark, cold morning ?

(1)

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A I do'nt remember whether it was cold or not. It was dark.

Q About 7 o'clock in the morning ?

A Yes, sir.

Q Were you in the hall-way of 94 Park Street, in this city, on that morning ?

A Yes, sir.

Q How did you come to enter that hall-way ?

A Me and this fellow and another fellow went out; and there was one fellow called this man, the prisoner.

Q You saw him that day ?

A Yes, sir.

Q And another man ?

A Yes, sir.

Q Now, what did this man, and the other man do to you when you were at 94 Park Street, in the hall-way ?

A I went out in the hall-way, and this fellow knocked me down; Frank Nelson, he held me down.

Q And had you by the head, that way ?

A Yes, sir; and this fellow took me by both hands; and one hand he kept in my pocket, like that; and he took every penny out.

Q How much did he take ?

(2)

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A About \$8 or \$9.

Q And it was your money ?

A Yes, sir.

Q All the money that you had about you ?

A Yes, sir.

Q And while this fellow was holding you down, how were you standing ?

A This fellow could not be so quick; he held me, and the other fellow ran away.

Q The other man that escaped robbed you ?

A Yes, sir.

Q And while he was robbing you, did this man hold you down ?

A Yes, sir.

Q Are you sure this is the man ?

A Yes, sir.

Q Positive ?

A Yes, sir.

Q Did you cry for help at any time ?

A Yes, sir; the man that keeps that liquor store could not hear at all. There was no man in the house that wanted to hear anything. The officer heard me, and he came up and arrested him.

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Q How far were you and the prisoner from 94 Park street when the officer arrested this man ?

A About fifty yards, I think.

Q Was he running at the time ?

A Yes, sir.

Q And you ran after him ?

A Yes, sir.

Q And you never lost sight of him ?

A No, sir .

Q As soon as you were robbed, he ran, and you ran after him, and the officer arrested him while he was running; just on the corner ?

A Yes, sir.

----- (00) -----

C r o s s e x a m i n a t i o n :-

Q (By Mr. Cohen) What did you say your name was ?

A Charley Hansen.

Q And you live in Greenwich Street ?

A Yes, sir.

Q What were you doing in Park Street ?

A I had been over in Cherry Street; there is some fellows there; my countrymen they are.

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Q What time in the morning was it ?

A I went there in the afternoon, the day before.

Q You were out all night.

A Yes, sir.

Q Where were you at 12 o'clock that night ?

A I was over in 127 Cherry Street.

Q What were you doing there ?

A We had some party there; we had some drinking.

Q What is 94 Park Street ?

A I do'nt know.

Q Is it not a saloon ?

A Yes, sir.

Q You were drinking in there also ?

A We had some drink there. I treated this fellow, too.

Q You were pretty drunk ?

A No, sir; but a man never drinks so much that he gets drunk.

Q How many drinks did you have that night ?

A I do'nt remember. If I go out, I never count my drinks.

Q How long were you in the saloon at 94 Park Street ?

A I could not tell you how long I was.

Q About how long; an hour or two ?

A I could not tell that.

Q Did you ever see that man before that day ?

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A No, sir; never.

Q Now, about how long were you in the saloon ?

A I could not tell you.

Q An hour, or two hours before you left.?

A I could not tell anything.

Q Were you in the saloon before you were robbed ?

A I come right from Cherry Street.

Q You do'nt remember where you came from ? In the saloon, or
not before you were robbed ?

A I was in the saloon.

Q How long before that time ?

A I could not tell how long it was before.

Q Was it an hour ?

A I could not tell you.

Q How many people were in the saloon ?

A There ^{was} many

Q It was pretty full that night ?

A No, sir.

Q About how many were in the saloon ?

A I could not tell anything about it; I did'nt count the people.

Q Which way did you go out ?

A Through the hall-way.

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Q Did'nt you see that man in the saloon before you come out ?

A No, sir; I treated this fellow; this prisoner.

Q In the saloon ?

A Yes, sir; and this other fellow too.

Q When you come out of the saloon, how far were you in the hall way before you were robbed ?

A Just the door was not closed yet in the hall.

Q Did'nt it take place in the hall ?

A The door was not closed. They had no time to close the door, and I halloed for the man that keeps the saloon, and he did'nt hear me at all.

Q Was'nt it dark in the hall-way ?

A Yes, sir; kind of dark.

Q After you were robbed did'nt you see that man in the saloon, sitting by the stove ?

A No, sir.

Q And did'nt you strike him there, and he strike you ?

A No, sir.

Q Where did you next see him ?

A In the station-house. I seen the policeman arrest him.

Q Did'nt you strike him in the saloon ?

A No, sir.

Q After you were robbed in the hall-way, did'nt you go back in

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the saloon ?

A No, sir.

Q Did'nt you just say that the policeman fetched you back there ?

A In the afternoon, I think.

Q How many drinks did you have ?

A I told you before; I did'nt count them.

Q You had never seen that man before that night ?

A No, sir.

----- (CC) -----

Officer, JOHN J. O'BREIN, being duly sworn, testified as follows:

Q (By Mr. Bedford) What precinct do you belong to ?

A Sixth precinct.

Q You were on duty early on the morning of the 13. th of January

A Yes, sir.

Q Were you in the neighborhood of 94 Park Stret, in this city?

A Yes, sir.

Q Did anything attract your attention as a police officer ?

A Yes, sir. I heard the cry of, "Help ! Murder!". I placed where the halloo came from, and I see the young man, the

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prisoner, running, with Mr. Hansen after him, and he calling, "Stop thief!", and I drew my stick, and told him to stop, and he wouldn't, and I after him for about ten feet. Then I asked him if he robbed him and he said he hit him. The prisoner said that another man ran from the house. The complainant said, in the station-house, that he lost \$8, and among it a counterfeit 50 cent piece, and I locked them both up, because it was too early for the court and I went down to the place, and there was a man there that said he found a 50 cent counterfeit piece in the hall-way.

Q Who was he?

A A young man by the name of Connors. I had him arrested, but the judge would not hold him for want of evidence. The 50 cent piece was found on him. The complainant described it before I got it.

Q (By the Court) The prisoner was running?

A Yes, sir.

Q And the complainant behind him?

A Not ten feet behind, halloaing, "Stop thief!".

Q And you arrested him?

A Yes, sir.

Q And what did the complainant immediately say?

A He said, he robbed him; two of them got him into the hall-

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way, and knocked him down.

----- (00) -----

C r o s s e x a m i n a t i o n :

Q (By Mr. Cohen) What was the condition of the complainant at the time ?

A Well, he had been drinking.

Q Was he not drunk ?

A No, sir.

Q What was the first thing the defendant said ?

A He put his hands in his pocket, and I said, " Take your hands out of your pocket". He told me he did not rob the man, but he struck him. He said he done it because the complainant accused him of robbing him.

Q Did'nt he say that he did it in the saloon ?

A No, sir. He said he struck him for accusing him of robbing him

----- (00) -----

R e - d i r e c t e x a m i n a t i o n :

Q (By Mr. Bedford) He not only said that he hit him, but that another man robbed him ?

A He gave the description of a man named "Butch", and he said that that man robbed him in the hall-way, and got over the

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fence of 35 Mulberry Street.

Q Was there anybody else in the neighborhood, except the prisoner and the complainant, at the time you made the arrest?

A No, sir.
The People rest.

----- (00) -----

The Defence:

FRANK NELSON, the Defendant, being duly sworn, testified as follows:

Q (By Mr. Cohen) Where do you live?

A 94 Park Street; the house where the man accused me of robbing him.

Q Who keeps the place down-stairs?

A An Italian man, by the name of Dignoli.

Q Were you in the saloon that morning?

A Yes, sir.

Q Was the complainant there?

A I do'nt know. I was sitting behind the stove, and I looked in the paper that morning to look for work, and I was tired, and I took a drink, and went to sleep behind the stove. I woke up, and somebody must have struck me; this man was the only man there, and I asked him if he struck me, and he said yes, and I was scared of the man and ran, and as soon as the

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officer told me to stop, I stopped right there.

Q What does William Weber know of it ?

A He says he saw the whole thing about it.

Q Do you know this man, named Connors, that was arrested ?

A No, sir. I know that he stops in the news-boys' lodging house.

Q You say the first thing you knew of it, you were reading a paper ?

A No, sir. I was sleeping behind the stove, I asked him if he hit me, and he said, "Yes, you bloody thief, you stole my money". He got hold of me with his two arms, and hit me.

Q What was the condition of the complainant as to his sobriety; was he drunk or sober ?

A I could not hardly tell whether he was drunk or sober, because I was sitting behind the stove, and was sleeping.

Q Were you ever arrested before ?

A Yes, sir. I had six months for sleeping in the station house; the Eldridge Street station house.

Q You were charged with vagrancy, I suppose ?

A Yes, sir.

Q You were never arrested for anything involving your honesty?

A No, sir.

----- (CC) -----

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Cross examination:-

Q (By Mr. Bedford) What time did you fall asleep at the stove ?

A When I came into the saloon, at about 1-2 past 6 o'clock.

Q How long did you sleep in the saloon ?

A I could not tell. It was 7 or after 7 o'clock when I woke up, and somebody must have hit me.

Q You have just testified that the complainant struck you ?

A I asked him if he hit me, and he said, "Yes".

Q What were you running away ^{for} and being chased by a citizen here, at 1-4 before 7 o'clock, and he crying, "stop thief!"

A I was scared of the man.

Q Why were you scared ?

A Because the man hit me and cursed me; said that I stole his money.

Q Then you did see him at 94 park street ?

A I didn't see him. I didn't have any drinks with him, and he says he did.

Q The evidence of two witnesses is that, about 1-4 before 7 o'clock, a citizen was crying for help and a policeman was there, and saw two men, the one was the complainant, and the other was yourself. If you had nothing to do with the robbery, why did you run ?

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A Because I was afraid of the man. He hit me in the saloon, and I ran out.

Q He strike you, or you him?

A He struck me first, and I struck him, and ran out.

Q How many were in the saloon at the time?

A I do'nt know. When I looked around, I saw all the fellows run out of the saloon. I asked the man if he hit me, and he said, "Yes", you bloody thief", and he licked me, and I got loose from the man, and ran out, and all the fellows ran out, and I did not know what was the matter.

Q How far was it from 94 Park Street that you were arrested?

A On the corner of Baxter Street.

Q About fifty feet away?

A No, sir., about two houses away.

Q The officer says that nobody was running but you and the complainant, and yet, when you and the complainant left the saloon, you say all the fellows ran out?

A Yes, sir.

Q How many were you?

A I do'nt know. I seen them going out of the door.

Q And you were arrested within a few feet? Which way did they go? Did you notice?

A I do'nt know. I ran up to Baxter Street, and the officer

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told me to stop, and I stopped right away.

----- (00) -----

R e - d i r e c t e x a m i n a t i o n :

Q (BY Mr. Cohen) You say you live at 94 park Street ?

A Yes, sir.

Q (By the Court) What did you do for a living ?

A I used to work for a restaurant. I was out of work for two or three weeks.

Q What restaurant did you use to work in ?

A Down in Pearl Street.

Q How long did you work there ?

A Over three months it was that I worked there. I worked in plenty of places, too. I worked in Morrisinia, between 153 and 154 Street, in a grocery.

Q How long have you lived in New York ?

A Since I came to the Country; on the 29 th, of March, 1881.

Q Where are you from---Ireland ?

A No, sir. Germany.

Q Did you drink with this complainant ?

A No, sir.

Q No drink at all ?

A No, sir.

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Q And you state positively that you didn't hold his head down, while somebody robbed him?

A No, sir.

Q Did you see anybody rob him?

A No, sir.

----- (00) -----

Re - c r o s s e x a m i n a t i o n :-

Q (By Mr. Bedford) Did you hear the officer say that, in a conversation, you admitted hitting him, and another man robbed him?

A I told the officer that the man hit me first?

Q Did you tell the police officer that another man robbed him?

A No, sir.

Q (By Mr. Cohen) What did you say to the officer?

A I told the officer that the man had hold of me and hit me, and I hit him back. I said, he accused me of robbing him and hit me.

Q (By Mr. Bedford) How long have you been out of employment?

A Two or three weeks. I was working in the kitchen, in Pearl Street.

Q Well, what sort of an establishment was it?

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A A restaurant.

Q A night restaurant, or day restaurant ?

A A day restaurant.

Q You were the cook ?

A No, sir.

Q What were you ?

A Washing dishes.

Q Well, why did you leave the restaurant ?

A Well, I do'nt know.

Q Is that true ?

A I was looking for another job, to make more money.

Q ~~proprietor discharged~~ Did the proprietor discharge you ?

A No, sir.

Q How much did you get a week ?

A \$4.

Q Since you have left it, you have had nothing to do ?

A No, sir.

Q Why did you leave before you had another place ?

A I do'nt know. I looked for a better job.

Q And you gave up the \$4 a week job, without any certainty of another job ?

A Yes, sir.

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Q Were you not discharged ?

A No, sir.

Q (By the Court) When the officer arrested you, had you any money ?

A I had 12 cents to my name.
The Defence rests.

----- (CC) -----

R e b u t t a l:

The Complainant, being recalled by the Court, testified as follows:

Q (By the Court) What do you do for a living ?

A I work in a packing house.

Q Did'nt you strike this man when he was sleeping by the stove.

A No, sir. This is as true as God is in heaven.

Q What is the truth ? Did'nt you have any words with the man in the saloon ?

A No, sir. It was 3 o'clock in the morning that I left Cherry Street, and I changed a gold piece, \$10, in Catharine Street, and a big, fat fellow gave me a bad fifty cent piece, and there was another fellow that fetched me over to the place.

Q Who did ?

A The fellow that took my money, not him, the Defendant, but his companion.

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Q The man that robbed you brought you there ?

A Yes, sir; over to this saloon, and they tried to take the money.

Q Who did it.

A This fellow and the man that ran.

Q The prisoner ?

A He, too.

Q (By the Court) Where was the money ? Where were you when he tried to take it ?

A In the saloon, in Park Street. The prisoner said, " you have a bad counterfeit, and you will be taken out", I said, " I get it for good", and he took a drink, and tried to take my money, and felt in my pocket, and I said, "Do'nt take my money; I do good to you. I treat you".

Q That was in the saloon while you were treating ?

A Yes, sir, I treated again, and the prisoner said, "You have bad 25 cent piece", then he said, " You take it up", and I took it up.

Q That was in the saloon ?

A Yes, sir. Then we went out in the hall, and one fellow knocked me down, like this.

Q Who did ?

A The Prisoner.

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Q How do you know it ?

A Because I ran after him. We had been together more than an hour and half.

Q (By Mr. Bedford) Was that in the saloon, or in the hall-way ?

A In the hall-way.

Q After you all left the saloon ?

A Yes, sir. I went out, and these two men went out after me.

Q And they got you in the hall-way ?

A Yes, sir, and the door was not shut yet, and an old, gray man was in the bar-room, behind the door, and I said, "Hurry up, help me; they will rob me".

Q You never struck the Defendant ?

A No, sir.

Q Did you strike anybody that night ?

A No, sir, I had no trouble with anybody.

----- (00) -----

C r o s s e x a m i n a t i o n :

Q (By Mr. Cohen) How did you come into the saloon that night ?

A I came in with the other man, and he knew ^{him} ~~me~~ well, too.

Q How do you know that ?

A They spoke together .

Q What did this other man do to you in the saloon ?

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A He do nothing, we had a drink.

Q Where did you meet him?

A On the corner of Catharine Street, ^{and} I forget the other name,
I am a stranger around there.

Q And you went around drinking with this other man?

A Yes, sir.

----- (00) -----

THE CHARGE:

The Court:

Gentlemen of the Jury, The Defendant is charged with the Commission of Robbery.

The Indictment charges, that he, in conjunction with another person, unknown, assaulted this complainant, and, by means of force and violence, took from his person several dollars.

Now, Gentlemen, if you believe the evidence of the complainant, the elements of the crime of robbery are made out.

Robbery is larceny from the person, effected by force and violence.

Your verdict in this case will depend altogether upon whether you believe the witnesses for the prosecution, or the defendant.

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Now, the complainant says that he was with the defendant for an hour and a half--- if I remember the evidence correctly--- and had been drinking with him, and knew him; and he said that the defendant followed him out in the hall, and grabbed him by the head, and held his head down, while the unknown man took his money, and ran off with it.

There is also some evidence, that, if you credit it, may be regarded as tending to corroborate the complainant.

At the time the defendant was arrested, he was running, pursued by the complainant, who was halloaing, "stop thief," and the officer, under these circumstances, did stop the defendant.

So, you see, the question of identity, in one aspect of the case, is not a difficult one.

The defendant admits that he was there, and that he was running; and his explanation of the running, if you believe it to be true; would tend to exonerate him from the robbery.

Now, what is his story? He says that, on the night in question, he saw the complainant in the saloon; that he was sitting behind the stove, fast asleep, and that somebody struck him, and he awoke, and ^{asked,} ~~saw~~ the complainant if he was the person who struck him, and the complainant said, yes, and

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^{him;}
hit, and he returned the blow. He ran, through fear that the complainant, who had struck or hit him, would do him some bodily harm.

Now, ^{of} all these close questions of fact, you are the best judges, and it seems to me that that is what you are really here for--- to settle these questions.

I am very glad that the criminal law is so administered ^{to} that it throws the responsibility of determining these questions on a jury of twelve honest, ~~good~~ fair-minded men.

Of course, you are entirely impartial, and as anxious to have justice done as I am; and I know that you will look carefully over the case, and weigh all of the facts.

The law is perfectly plain. For instance, if you come to the conclusion that the defendant, aided, abetted or assisted by any other person, by force and violence, took money, or other personal property, from the complainant he is guilty as charged in the indictment, and ^{he} should be convicted. If on the contrary, you think that the complainant's statement is not reliable, and that the defendant's testimony is more reliable, it will be your duty to acquit him.

I might talk to you for two hours, and not throw more light on this vexed question of fact; and your verdict will be as you settle that question.

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If you have any reasonable doubt, arising from the evidence, as to the guilt of the defendant, it is your sworn duty to give him the benefit of it, and acquit him. The case is with you.

Mr. Cohen: I ask Your Honor to charge, that the jury must take into consideration the condition of the complainant.

The Court: They must take into consideration all the evidence, ^{all} of the facts and circumstances.

----- (00) -----

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COURT OF GENERAL SESSIONS

County of New York

The People of the State of New York
against
Frank Nelson

City and County of New York ss:-

William Webber being duly sworn says:-

1st. That he resides at No. 94 Park Street in New York City, and is and has been for the past three years well acquainted with Frank Nelson, the above named Defendant.
2nd. That the Bar-Room at No. 94 Park Street, this City known as Dicks House, is a room about 20 by 30 feet square; that on the 11th. day of January 1886, this deponent went to said room at about five (5) o'clock on the morning of said January 11th. 1886, and at that time found the Defendant Frank Nelson sitting and asleep by the stove in said room; that in about forty-five minutes thereafter and while said defendant remained asleep, the complainant in this case *known to deponent* *and* Hansen, *as* deponent is informed and he believes, his name is, came into said room with two friends, sat down to the table, called for drink and after taking several drinks, being drunk at the time he came in - finally arose from his chair, his two friends who came in with him taking him by either arm, he then exclaimed I have lost my money, that his two friends who came in with him

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then ran out through the back door of said house.

That the complainant known to this Deponent as Mr. Hansen immediately ran after his friends crying " Stop those thieves they have stolen my money" and shortly thereafter returned to said room, and walking up to the Defendant Frank Nelson, and said " Here some of you men go and get an officer and arrest this man "

That said Nelson then replied, " What ails you, I have done nothing with you and I don't want to be arrested" and thereupon walked out of the Saloon.

3rd. That deponent further says, That he was there when the said said complaint, known to him as Hansen, came in to said room aforesaid and remained there in the presence and hearing of said Hansen until said Hansen departed therefrom after the alleged robbery; that at the time said Hansen came in to said room, said Frank Nelson was asleep and to deponent's knowledge so remained asleep until after the time when said Hansen claimed he had been robbed, and in fact up to the time said Hansen awakened said Nelson.

4th. That deponent had expected to be a witness in this matter, ~~but~~ *was not called as such and* that he has not imparted the above facts and information until to-day, when he first spoke to Mr.

Domnick Agnelli and was sent by him to his Counsel

J.C.Kennedy

Sworn to before me
this 4th day of Feby. 1886. } William A. Webber.

Three.
Succis Gold
-ly, &

0588

COURT OF GENERAL SESSIONS

County of New York

The People of the State of New York"

against

Frank Nelson

City and County of New York ss;-

Paul Agnelli being duly sworn says;-

That he resides at No. 94 Park Street in New York City and is the Father of Domonic Agnelli mentioned in the annexed affidavit of William Webber, and was in charge of and present at the time and place mentioned in said annexed affidavit.

2 That deponent has heard read the ^{annexed} affidavit of said William Webber, and knows the contents thereof to be true that about ~~six~~ (5) 0'clock of the morning of January 11th, ¹⁸⁸⁶ said complainant Hansen came to said house, known as No. 94 Park Street, with two apparent friends, sat down to one of the tables and after taking ~~several~~ several drinks arose from his chair and exclaimed "Some body has taken my money" that his two friends took him by the arm and attempted to pasify him, but immediately thereafter ran out the back way of said house, the said complainant following them and exclaiming "Stop those thieves".

3rd. That shortly after said ~~defendant~~ complainant known to me as Mr. Hansen, returned to said room and said to the prisoner, " Frank Nelson, " I think

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you are the man that's got my money " ; that said Frank Nelson then replied " I don't know gu, I have not taken anything from you; Mr. Hansen then said- I will call an officer, Mr Nelson replied I don't want to be arrested for nothing, and walked out of said room.

this case
4 That deponent was not a witness on the trial ~~for~~ *of* indictment in this matter and has not imparted or told the above facts or information to the defendant, Frank Nelson, or any of his Counsel, until to-day, when he makes this affidavit.

Sworn to before me this

4th. day of February 1886.

Paul X Agnelli
Sherry mark

Edward J. Gould
clerk

0590

Court of General Sessions

County of New York

The people of the State of New York

against

Frank Nelson

City and County of New York ss;-

~~Max Cohen~~ Max Cohen being duly sworn

says;-

That he resides in New York City, and is the attorney for the Defendant in the above entitled matter, That on the 2nd. day of February 1886, the said Defendant was tried in the General Sessions of this Court and convicted, of Robbery from the person, that thereafter after the trial and conviction of said prisoner, he first discovered the new evidence alleged in the annexed affidavit.

That the deponent did not know of the Newly discovered evidence as alleged in the annexed affidavits of Paul ~~Ang~~ Agnelli and William Webber, until the trial and conviction of said Frank Nelson

Sworn to before me this

4th. day of February 1886.

Max Cohen

Kearney

Court of Sessions
City of N.Y.

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Court.

The People

PLAINTIFF.

against

Frank Wilson

DEFENDANT.

Alfred

William T. Kennedy
Attorney for
Plff.

No. 31 W. 42nd St.
NEW YORK.

To _____ Esq.,

Due service of a copy of within admitted.

Atty for _____

New York, _____ 188

0592

Court of General Sessions.
County of New York
against
Frank Nelson

City and County of New York ss

Charles Haselether being duly sworn says that he resides at the Newboys lodging house No 9 Duane Street in New York City and has been living there for more than three months last past, that he is acquainted with the above named defendant Frank Nelson and has known him for more than three months last passed.

Deponent further says that on the morning of the 11th day of January I went to the house known as Dick's House, No 94 Park Street, New York City at about 5.30 a.m. and found there the above named defendant who was then sitting in a chair asleep, that shortly thereafter the complainant to me known as Mr. Hansen came in with two young men called Mr. Baker and Mr. Butcher, that said Hansen, Baker and Butcher had remained seated only a short

0593

time when said Hansen arose from his seat to depart from said House and almost immediately exclaimed somebody has taken my money from me. Depoent further says that said Baker and Butcher ran out of the back door of said House followed by said Hansen, & that shortly thereafter said Hansen returned to said House and said that those fellows have stolen my money. Depoent further says that ~~at~~ at the time said Hansen came ~~in~~ he was in the aforesaid ~~House~~ ~~Room~~ House, and room ~~in~~ from which he, ^{said Hansen} had departed a few moments before and heard him exclaim ~~haint you got to Frank Nelson the defendant,~~ "Haint you got my money?" -

Depoent further says that immediately the said Frank Nelson arose from his seat and replied in substance, I dont know you, what do you mean; and that ^{said} Hansen replied I will call a police, that said Nelson the defendant thereupon

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replied go away, I do not want
to be arrested and walked out
of said House -

Depoent further says that he was
present at the time the complain-
ant known as Mrs. Hansen came
to said House and remained there
all of the time said Hansen was
there, that at the time said Hansen
came there the defendant Frank
Nelson was asleep and so remained
until after said Hansen com-
plained he had been robbed -

Depoent further says that he has
not imparted the above inform-
ation to defendant or his counsel
or any other person until this
afternoon February 4th 1886 -

Sworn to before me Charles Hamilton
this 4th day of February 1886

Oliver Keane
Commissioner of Deeds
N. Y. City

0595

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

Charles Handson
 of No 638 Greenwich Street, Aged 40 Years
 Occupation Port Packer being duly sworn, deposes and says, that on the
13th day of January 1886, at the 6th Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

good and lawful money, Consisting
of bills and silver coins, in all

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

Frank Nelson, now here, for
the reason that while deponent
was within the hall-way of premises
No. 94 Park Street, he was knocked
down by said dependent, and
another man, and said money
taken by force from the left
pocket of the pantaloons then
worn upon deponent's person.

Charles Handson

Subscribed and sworn to before me, this

1886

John A. Smith
 Justice of the Peace

0596

Sec. 198-200.

District Police Court.

CITY AND COUNTY {
OF NEW YORK, { ss

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

Question What is your name?

Answer

Frank Nelson

Question. How old are you?

Answer

20 years of age

Question. Where were you born?

Answer.

Germany

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

Answer.

94 Park Street, 2 months

Question What is your business or profession?

Answer

Seegar Maker

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

Answer.

I am not guilty. I was in the saloon when the Complainant was but I did not touch him. I was asleep behind the stove.

Frank Nelson.

Taken before me this

day of

1896
St. Louis
Police Justice.

0597

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 _____

Frank Nelson

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *200* *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 *January 13* *188*

John D. Smith
Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ *188*

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ *188*

Police Justice.

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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

Charles Hansen
638 Greenwich St.
Frank Nelson

2

3

4

Office of the
Recorder

Dated

January 13

1886

Magistrate

John J. G. Quinn

Officer.

Precinct.

Witnesses

No.

Street.

No.

JAN

18

1886

Street,

No.

Street,

\$

1000

to answer

G. S.
Carr

0599

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Nelson

The Grand Jury of the City and County of New York, by this indictment, accuse *Frank Nelson* -

of the CRIME OF ROBBERY in the *First* degree, committed as follows:

The said *Frank Nelson*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*six*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one *Charles Hansen*, in the peace of the said People, then and there being, feloniously did make an assault, and

one United States Treasury note of the denomination and value of five dollars, one Canada note of the denomination and value of five dollars, one United States Treasury note of the denomination and value of one dollar each, and three United States Treasury notes of the denomination and value of two dollars each, and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of eight dollars, -

of the goods, chattels and personal property of the said *Charles Hansen*, from the person of the said *Charles Hansen*, against the will, and by violence to the person of the said *Charles Hansen*, then and there violently and feloniously did rob, steal, take and carry away, (the said

Frank Nelson, being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown)

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

Randolph B. Matine,
District Attorney.