

## James Franklin Nicholson

( - 10 Oct 1897)

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*The Washington Post, March 18, 1896, p. 7*

### **A Pugnacious Policeman**

#### **Officer Vermillion Charged with Clubbing a Drunken Man**

#### **Frank Nicholson's Relatives Declare that He Has Been Abused by the Police and Will Prosecute This Case to the Bitter End**

Policeman Vermillion appeared at the Police Court yesterday and swore out two warrants against Frank Nicholson, one charging him with assaulting an officer, and the other with disorderly conduct. Nicholson is in the hospital as a result of Vermillion's club, and is unable to tell his side of the quarrel. Charles F. Beers, of 907 Tenth street southeast, an uncle of Nicholson, called at the Police Court yesterday, to take up the injured man's cause, and obtained a warrant charging Vermillion with assault. The warrant will be served on the policeman this morning.

Beers says that he was an eye-witness to the difficulty, an account of which was printed in yesterday's Post, and that Vermillion's assault was unwarranted in the extreme. Beers says that Nicholson had fallen in the street from intoxication, and that Vermillion came up and turned in a wagon call from the patrol box; that the policeman then went over to the prostrate man, tried to pull him to his feet, and commenced clubbing him. Beers has the names of twelve witnesses to the fight. There is no getting around the fact that Nicholson is a quarrelsome man when intoxicated. His relatives say, however, that the man has been so set upon and abused by the police that the moment he finishes one jail sentence, they arrest him, club him, and then imprison him for another assault. They declare that this has been going on for two years, but hold that this affair of Vermillion's is so flagrant that they propose to bring out all of the details in court. It is said that the relatives will endeavor to secure the services of Attorneys Lipscomb, Turner, and Kloss who recently defended three men in the Criminal court, charged with having assaulted Vermillion, and who scored the officer unmercifully.

Vermillion has been on the police force for about two years, and in that time has done duty in four precincts, killed one man, beaten up several others, accidentally discharged his revolver a number of times. He is always fighting with rough characters, whom other policemen manage without resorting to clubs and pistols.

It is expected that these "cross-fire" trials in the Police Court will give Judge Miller an extremely lively session. Nicholson, while badly beaten up, was not dangerously injured, and will be in court in a few days.

*The Washington Post, March 21, 1896, p. 11*

### **Vermillion Pays a Fine**

#### **Judge Miller Lays Down the Law to Policeman**

#### **They Have No Right to Club Drunken Men Who Offer Resistance as Nicholson Did -- The Latter Was Fine on Two Charges**

Policeman Vermillion, of the Fifth Precinct, was tried before Judge Miller yesterday, charged with having assaulted Frank Nicholson, while placing him under arrest. Vermillion was found guilty, and after being lectured quite severely, by the Judge, was fined \$25. Before Vermillion was tried Nicholson was arraigned for disorderly conduct and for assaulting the policeman. He was found guilty and fined \$2 for the first offense and \$5 for the assault.

The evidence showed that Nicholson was under the influence of liquor, Monday afternoon, and that after being ejected from a saloon near Eighth and K streets southeast, he fell to the sidewalk, and seemed unable to arise without assistance. Vermillion turned in a call for the patrol wagon, and without waiting for his arrival, went over to the man and lifted him to his feet. It was shown by several witnesses that Nicholson kicked the policeman on the leg. This was the extent of Nicholson's assault, and for it he was fined \$5.

The testimony showed that after the kick, Vermillion struck Nicholson over the head with great force. Some of the witnesses said that Nicholson fell at the first blow. Others said that he dropped at the second blow, and that the officer struck him three times after he had fallen. The man's scalp showed three bad wounds, but Vermillion declared that he had struck him but twice, and that the blows were necessary to subdue him.

Judge Miller held that the kick had caused Vermillion to lose his temper, and that he retaliated by striking Nicholson and punishing him severely, when less violent means would have effected the arrest.

"Policemen must not get it into their heads," said Judge Miller, "that they must punish prisoners for offenses or insults. The laws provide that the courts shall assess the punishment. The police are to preserve order, and may use force when necessary to make arrests. But this man Nicholson could have been arrested without all the clubbing. Many of the older policemen never find it necessary to use their clubs. Nicholson was guilty of disorderly conduct, a petty misdemeanor, and if he was inclined to resist arrest, assistance could have been called. Vermillion clubbed this man because the man kicked him."

"On two other occasions I steered away from the man because I had no assistance," interrupted the policeman.

"You had no right to 'steer' away from him," said the Judge. "It's your business to 'steer' toward breakers of the law. For the assault I shall fine you \$25."

The case attracted quite a crowd to court. Attorney Thomas Taylor represented Vermillion, and ex-Congressman Turner represented Nicholson, while Assistant Prosecuting Attorney Mulloony handled the government's side of both cases. Attorney Turner, who attacked Vermillion severely during the recent Criminal Court trials, which grew out of the killing of a man by Vermillion, went after the officer hammer and tongs yesterday, and persisted in calling him a coward.

The principal witness against the policeman was Charles F. Beers, a fireman, of the Capitol Hill company, Gripman Stevenson and Devers of the Capital Traction Company, saw the light and testified. Thomas Kalhart, who had been with Nicholson, also was a witness against the policeman as was Andrew Smith, a revivalist. Nicholson was not put on the stand, as he had no exact recollection of Monday's occurrence.

It is understood that Nicholson will now take the case before the police trial board.

*The Washington Post, June 11, 1896, p. 3*

### **Sawed The Bars and Escaped**

### **Frank Nicholson, a Convict from the Workhouse Not Yet Recaptured**

Frank Nicholson, who was sent to the workhouse Friday to serve a three months' sentence for habitual drunkenness and for destroying public property, effected his escape about 11 o'clock Tuesday night by sawing a bar from his cell door.

The flight of the prisoner was not discovered until about 4 o'clock yesterday morning, by which time he had ample time to seek a secluded spot. An investigation revealed that a file had been smuggled into the prisoner, or else had been secreted in the cell. Nicholson filed away on the iron bars at odd moments, and, as his cell was on the second floor of the old prison, he could work without being detected. Being under treatment for alcoholism, the prisoner was confined to the house instead of

being sent out with the chain gang, and was therefore afforded much leisure time for his work. It is the opinion of the guards that the sawing was done in the daytime while the chain gangs were out. The bars had been sawed nearly in two and were left in that manner until after the guards had made their 11 o'clock rounds. As soon as they had had time to get to sleep Nicholson broke the bars, making a rope out of his blanket, quietly descended, and fled in the dark of night.

It is surprising to the officials that none of the other prisoners escaped with Nicholson, as an opportunity was afforded them. The workhouse authorities have little to say concerning the escape, but when Intendent Soutenburgh learned of the escape he informed the Commissioners, and it is believed that the wisdom of placing guards on duty at night manifested itself to the extent that an order may be given to have the prisoners guarded at night.

Frank Nicholson was arraigned before Judge Kimball last Friday upon the charge of drunkenness. The court was informed that when Nicholson was taken to the Fifth Precinct station he broke a door of the wash room and did other damage to property about the station. He was sentenced to three months, with instructions that he be treated for habitual drunkenness. Nicholson is well known to the police, as he has given them no end of trouble and when drunk will fight desperately.

**Nicholson.** On Sunday, October 10, 1897 at 11:30 p.m. at Providence Hospital after a short illness, James Franklin, beloved son of Mary E. Nicholson aged 35 years. Funeral private from his mother's residence, 907 10th street southeast, Wednesday, October 13 at 3 p.m.

*The Evening Star, October 11, 1897*

### **Death by Poison**

#### **Frank Nicholson Takes Fatal Dose of Rough on Rats**

A dose of "Rough on Rats," enough to have killed several men, taken Saturday night with suicidal intent, resulted last night in the death of Frank Nicholson. The deceased was past thirty years old. He was a son of the late Policeman Walter Nicholson.

Long before the death of his father he had become wild and had figured in many fights and been many times in jail. When rather young he married, but his life resulted in causing his wife endless fears and suffering.

At times Frank professed reformation, and was taken back, but he seldom kept sober more than a few weeks at a time, and when he went on a spree he invariably landed behind the bars. He escaped from jail once and managed to swim across the Eastern branch.

His wife finally got a divorce from him, and he went in the navy. Soon he became a deserter and returned home, much the worse for having come in contact with another sailor. His friends prevented a term in a military prison for him, and afterward he reformed, so he stated, and interested himself in church and mission work. During the past summer, after he had been doing so well, he found another young woman in the person of a Miss Burch who said "Yes" to him, and they were married. Two weeks ago Frank's appetite for strong drink returned, and he deserted church and Christian friends. His wife, unwilling to risk her life as his former wife had done, deserted him and returned to her parents. Friday, the wretched man, whose mind had been affected by drink, bought a box of the rodent killer, and a second box was purchased Saturday afternoon. It is thought he swallowed the contents of both boxes, and was found by his aged mother when he had become unconscious. A physician who was called succeeded in restoring the patient to consciousness, and yesterday morning he was sent to Providence Hospital, where he died last night about 11:30 o'clock. An inquest was deemed unnecessary.