

0620

BOX:

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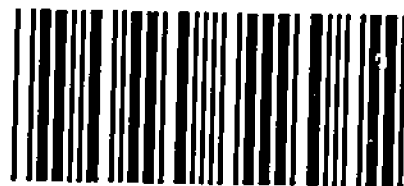
2575

DESCRIPTION:

McHugh, James

DATE:

07/06/87



2575

Witnesses:

W. Jenkins

Mr. A. E. McDonald

Mr. Mitchell H. D.

Mr. W. B. Wallace

Off. Eltrich

Wm. Kerns

Geo. Anderson H.D.

POOR QUALITY
ORIGINAL

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Counsel, *W. Jenkins*
Filed, *1* day of *July* 188*7*
Pleads, *Not guilty*

2148

THE PEOPLE

vs.

Patrick J. Cleary

and

James McHugh

[Section 187 - 193, Penal Code.]

RANDOLPH B. MARTINE,

Attorney at Law,
District Attorney.

Filed for day of July 1887

Filed for day of July 1887

A True Bill.

James McHugh

Foreman.

March 27/88

Put on for Sunday in Feb
3. for their witness fail

J. H. D.

**POOR QUALITY
ORIGINAL**

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C--.

Inquest taken before Coroner Ferdinand Levy,
upon the death of George Harris: Held this 11th day of
June, 1887.

James Mitchell, called as a witness, sworn,
examined:

By the Coroner:

Q What is your name?

A James Mitchell.

Q Where do you reside?

A 96 Bowery.

Q What is your occupation at present?

A No occupation.

Q You have been regularly subpoenaed here?

A I have.

Q When did you last work?

A The 12th of May.

Q Prior to the 12th of May what was your occupation?

A I have no particular occupation.

Q What did you do prior to the 12th of May?

A Before the 12th of May I worked as an attendant at the New
York City Insane Asylum at Ward's Island.

Q How long did you work there?

A Perhaps three months, or close on to it.

Q What made you leave?

A I was discharged.

Q For what reason?

A Some persons here will answer that question better than I

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can.

Q You don't know?

A I do not.

Q Do you know anything with reference to this case of the death of George Farris?

A There was a Mr. Farris. I saw his name on the clothing check. I had charge where the clothing was exchanged. I know a man named George Farris was admitted in February. I heard he died in April.

Q Were you there when he died?

A I was.

Q Was he under your charge?

A No more than under any attendant's in the place.

Q What was your business?

A Attendant.

Q Was this man in your ward?

A He was in Ward 19.

Q How long was he in your ward?

A During his whole stay in the institution. I gave him a bath and gave him a change of clothing; and I seen him up to the day before he died every day.

Q Tell us what you know?

A On the morning of the 9th of April,--on Saturday, according to the best of my belief, I was attending to my duty as usual, seeing that the patients washed their faces and cleaned themselves, I came out of the bath room and saw Mr. Farris lying flat on ~~his~~ his back in the hall, be-

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tween the recess and bath-room. On one side of him was attendant McCue and on the other side Attendant Cleary had his knees pressed on him. McCue bumped his head on the floor. He was motionless as long as I saw him and remained in that position for nearly two minutes. They helped him to his feet and McCue helped him in the bath-room. When I cleaned up the blood on the floor I went into the bath-room, a few minutes afterwards, and found Mr. Farris still there with a cotton shirt on and no clothing. When I helped him on with his clothing--the other patients went to breakfast---I brought him to the door of the mess-room and he leaned against the wall. I think Attendant Kearns was present. He pressed his hands against his side, and said, "O, I am sick". They took him into the mess-room and he stayed there through the meal, and afterwards I have no personal knowledge of what happened. I cannot swear to anything after that.

Q On what day did this happen?

A On the 6th of April.

Q Did you see him after that?

A I saw him on Sunday immediately before they carried him in a blanket to the hospital, on the 10th of April, I think. He was breathing very hard. That was the last I saw of him.

Q Did you question your associate attendants why they were treating him as you described?

A Mr. Kearns told me that he had to beg for mercy in an

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assault that was made in the dining room.

Q Who asked for mercy?

A Some of the attendants. Mr. Kearns told me that he had to beg for mercy in the dining room, and he told me that Mr. Cleary told him that his ribs were broken before he died, and that there was at least a quart of blood on the floor. This was before what I have seen.

Q What was this man's disposition?

A I never seen an altercation but once that he had with a man named Tucker. Tucker and him had a fight and Doctor Douglass investigated the matter and found that it was Tucker's fault, and he had Tucker transferred to a more violent ward. Mr. Farris was sent to bed. Once he made an attempt to strike me. He took a handkerchief from a man named Rielly, a patient, and I tried to get the handkerchief from him, and he gave it to me. He made an attempt to strike me and hurt me. He was a violent patient as far as that was concerned. That was the only instance of violence I ever saw.

Q Did you ever have occasion to strike him?

A I never struck him.

Q Did you ever have occasion?

A No, sir; we are not allowed to strike him.

Q What were your instructions as to the treatment of inmates there?

A I was told that I must not strike a patient under any circumstances.

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C--M--.

Q Were you discharged?

Q I was.

Cross examined by Mr. Bernard:

Q When you saw Mr. Farish on the floor with two attendants with their knees on his ribs, did you say that you saw them striking his head against the floor?

A I saw Mr. Mc Cuen raise his head with his hand and strike it against the floor.

Q With any force?

A I could not tell. With force.

Q Did you see any blood about the place?

A I saw blood on each side of his mouth and on the back of his head and underneath his head on the floor.

Q Were they heavy men or light men?

A I should judge they would be any where from 160 to 180 pounds?

Q Are they here now?

A I think so; I will not say.

Q How long did they have Mr. Farish on the floor with their knees pressed upon his ribs and crushing his head upon the ground?

A I should judge perhaps, about two minutes. My idea was about two minutes .

Q Was he acting at all in an antagonistic way about it?

A Nothing more than any single man would have done under the circumstances.

Q He did not swirl and twist?

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A He twisted, yes.

Q He was not at all fierce in his action?

A I would not call it fierce.

Q How many times had you seen Mr. Farrish before this?

A Every day from February to the 9th of April.

Q Was he under your hands?

A No more than anybody else.

Q Was he the same as anybody else?

A Just the same.

Q Was he any more boisterous or fierce or ferocious in his action than anybody else under your care?

A Not as much as some.

Q And the some that were more fierce or ferocious,--did you treat them in this way?

A That is a matter of opinion.

Q Did you ever have anybody under your control that you would force his head against the floor and press his ribs in the manner that you saw these men doing?

A I have knocked a man down but I have not pressed my foot on his ribs enough to do him an injury.

Q Was the force of the two men that you have described here upon this man in pressing their knees upon his ribs and knocking his head against the floor necessary in order to subdue him, or whether a lighter or more easy manner of action would prevail?

A I cannot offer an opinion on that.

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Q Do you think that this man's action warranted such forcible action on the part of the attendants?

Question excluded.

Q Under the rules of the institution have any men the right to make a man bleed from the mouth or crush his head or act at all violently to him?

A Most undoubtedly not, as far as I know.

Q Have you seen it done?

A I have seen it done a dozen times. I could give you the names of a dozen patients.

Q Do you think that on this occasion on the 9th of April, when you saw the attendants with their knees on this man's breast and the blood gushing from his mouth, --do you think they used undue violence towards him?

Objected to.

Q Can you express an opinion on this?

A As far as the violence used is concerned I can express no opinion. They need not have used any violence while there were five men. There were three others besides these.

Q In the ward?

A Yes, sir.

Q When these attendants left him what was his condition?

A He was perfectly motionless for several seconds.

Q Could he move?

A He remained passive.

Q On the floor?

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A Yes.

Q When he got up did he complain?

A Not when he got up; perhaps ten minutes after. McCue took him into the bath-room and left him there and I took went in and took him and got his clothing on and took him to the mess-room, a distance possibly the length of the hall, possibly a hundred feet; and then --I am satisfied attendant Kearns was present--he leaned against the wall and pressed his hand to his side, "I am sick", and he went in and ate nothing.

Q Do you know Mr. Kearns?

A I do.

Q What was his occupation?

A Attendant.

Q Where?

A In the New York City Insane Asylum in Ward's Island.

Q Did Mr. Kearns make any statement to you in regard to this matter?

Objected to;

Q Did Mr. Kearns say to you what he saw?

Objected to.

Q Did Mr. Kearns make a statement to you as to what he saw at Ward's Island?

A He spoke to me about it.

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Q What did he say?

Objected to; objection sustained; exception.

Q Did Mr. Kearns ever say to you that he was asked by the attendants not to say anything as to what he saw?

A No, I cannot say that he said that.

Q What did he say?

Objected to; objection sustained; exception.

Q Did Mr. Kearns ever tell you that he was begged for mercy in regard to this man's treatment?

A He told me himself that he begged for mercy for him.

Examined by Mr. Wellman:

Q You were discharged from the Department for drunkenness on the 10th of May?

Objected to; objection sustained.

Q Was it not for drunkenness?

A I don't know; I don't remember.

Q Do you know whether you were drunk the day you were discharged or not?

A I won't say that I was or that I was not.

Q You would not try to drown yourself when you were, ^{not} intoxicated?

A No, sir.

Q You won't say you tried to come into the city in your underclothes?

Objected to; objection overruled; exception.

A What day was that?

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Q The day you were discharged. Do you remember saying on that day that you would get square with that institution for their discharging you on account of your drunkenness on that day?

Objected to; objection overruled.

A I don't remember.

Q Do you remember making some such threat?

A Perhaps I have.

Q You made it to Doctor Troutman?

A I don't think so.

Q Made it to Police Officer Midland?

A I don't know who I met.

Q You had a desire to get square?

Objected to.

A I won't answer that; it might tend to degrade me.

Q Have you a desire now to get square?

A None at all. I have no desire to get square with anybody.

Q But you think you might have had at that time?

A Possibly. I was drunk.

Q Did you have any desire to get square with the department when you made a statement to them on April 10th, 1887 as to what you saw or heard of this trouble?

A I don't think there is any discrepancy in my statement now. I have no desire to get square with the department.

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at any time, neither then nor now.

Q You did not the day after the trouble with Mr. Ferris?

A No sir.

Q Do you remember saying at that time that you did not know how Mr. Ferris came by his injuries at all?

A I wrote that. Neither do I know.

Q There was a regular investigation started immediately after this man was hurt, by the authorities?

A Yes sir. Every body was told to make a written statement of what they know.

Q You made your written statement?

A Yes sir.

Q Did you make anything about seeing any violence used on this man, at all?

A No sir.

Q You did not see any violence used?

A No sir. I was not under oath.

Q Did you not when they called upon you for the statement of what you knew at the time, tell them the truth?

A If I had I would have been bounced.

Q You lied to them?

A Certainly. I did not lie. I did not tell them all I know. I said I did not know how he came by his injuries

Q In that statement that you made the day after this trouble, did you say anything about having seen any violence used upon this man, at all?

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A My written statement is there and let them produce it.
I cannot remember now what I said or what I did not say.

Q Did you say at that time when you were inquired of by
the authorities as to what you ^{knew} about it that the patient
seemed violent?

A I tell you that I cannot remember everything I wrote.

Q Did he seem violent?

A He did. No more violent than a sane man would be under
the same circumstances.

Q He was violent?

A He was trying to get up.

Q Did you at that time say anything about bleeding from
the mouth?

A No.

Q Was he bleeding from the mouth?

A He was.

Q Why did you not say it then?

A Simply because I knew that if I said it then I would be
liable to be discharged. It is not an unusual thing for
three or four men to be discharged for one man's fault.
They ask the patient and ask the attendant and are satis-
fied. It is not an unusual thing in that institution for
three or four men to be discharged for one offence.

Q You did say at that time that he was bleeding from the
back of the head?

A Certainly, because he had a sore there at one time, so the

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rest of them said.

Q They discharge for bleeding from the mouth but do not discharge for bleeding from the back of the head?

A You are mistaken.

Q Why did you not tell them that you knew the man was bleeding from the head?

A For the very reason that I thought every man would be discharged.

Q You did say he was bleeding from the back of the head?

A Yes sir.

Q You were not afraid of being discharged for that?

A No, that did not amount to anything.

Q They took very good care to discharge for any violence?

A They do.

Q They were investigating this to see if there had been any violence?

A Yes sir.

Q Is that your statement?

A Yes sir.

Statement marked Exhibit A, June 6th, 1887.

Re-direct by Mr. Byrne:

Q Before you made any statement as to the cause of this man's death, did you and the other attendants there compare notes together?

A Well, they wrote theirs, and I read them. I say the last

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one that wrote them, left them on the table for me to see.

Q They handed their reports to you?

A They left them on the table when they wrote them in my bedroom.

Q Did they leave them there for you to read?

A Exactly.

Q When you made out the statement dated the 10th of April, 1887, you were employed by the Commissioners of Charities and Correction ?

A Yes.

Q And you made it while in their employ?

A Yes.

Q Then after you made out your statement as to the cause of this man's death, did anybody correct it or revise it or look over it with you?

A No sir, I handed it directly to Mr. Hildredth, the head attendant, after I wrote it.

Q Is Mr. Kearns in Court?

A I think so.

Q Is he the man that told you that he was called upon to protect the decedent?

A No; he told me that he had to beg for mercy for him.

Q This statement that you have here, ^{to whom} did you say you showed it before you handed it in?

A Mr. Mc Cue. That is the ward attendant. He had charge

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of the Ward . He was there.

Q What did he say in respect to it?

A Nothing.

Q Did he tell you before you wrote it out what you should say?

A He showed me his own statement.

Q And when you made out yours you wanted to agree with his?

A As far as the truth.

Q Is the evidence that you have given on this examination the truth?

A Yes, sir.

Q On the 9th of April when you saw this man lying on the ground you saw the two attendants with their knees pressed upon his breast and you saw the blood flowing from his mouth; and that after they left him he remained there motionless and did not move for a half a second?

A Yes, sir.

Richard Etterich, Police Officer, called, sworn and examined.

By the Coroner.

Q What precinct?

A 29th. Detailed at Wards Island.

By Mr. Wellman:

Q What do you know of this man Mitchell and of the statements he has made to you in relation to getting square with the Department on account of his discharge?

Objected to; question allowed.

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A On the night of May 12th my attention was called by the night-watchman of the building,--that is, the Asylum building, to assist in taking Mr. Mitchell off the island that he was in a very intoxicated condition. That is the man that was a previous witness here. Previous to going over to the island it appears that he must have fallen overboard. He was wet from head to foot. He was at the building door. The watchman had him on the stoop, and in taking him down the path to the boat Mitchell turned around to me and said "I have no fault to find with you. You have a duty to do, but I will get square with some of these people here for this." In the meantime we got him down in the boat and they sent some dry clothes down to the dock, and as they put the dry clothes down he started to take off his clothes, and as he started to take off his shoes he threw his clothes overboard. He took off his drawers and took off his undershirt. He put on dry clothes but he had no change of dry pants, and he said, "I am going over to New York this way." I said "You better put on your pants." The night-watchman prevailed upon him to put on his pants, or he would get locked up when he got in the city.

Cross-examined by Mr. Byrne.

Q You are a policeman now doing duty?

A Yes, sir.

Q Where were you stationed at this time?

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A On Wards Island.

Q Are you there yet?

A Yes, sir.

Q Under the supervision of the Commissioners of Charity and Correction?

A No, sir.

Q You are doing duty in their behalf?

A I am a regular police officer, detailed for duty on the Island.

Q You are not under the control of the Commissioners of Charity and Correction?

A No, sir.

Q Whom did you make your statement to in respect to this matter first?

A A short time after Doctor Troutman requested a written statement from me of what occurred that evening.

Q Did Doctor Troutman tell you how he had guessed that you had trouble with Mr. Mitchell?

A It was done by Mr. Kingsley, one of the Clerks over there. He said to me, "You recollect the night and what occurred "in removing Mitchell off the Island?" I said "Yes". They asked me if I would not make a written statement.

Q You and Mr. Kingsley used to meet every day?

A Yes, sir.

Q You used to sit together almost every day?

A No, sir.

Q You used to smoke together once in a while, did you not?

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A No, sir.

Q How did he come to converse with you in respect to this matter?

A Mr. Kingsley followed me down to the boat when I removed Mitchell. Mr. Kingsley happened to be at the building door when my attention was called to remove Mitchell.

Q How many times did you converse with Mr. Kingsley in regard to this matter?

A I could not really say.

Q Was it five times?

A No, sir.

Q Was it more or less?

A Probably less.

Q Probably more?

A Probably twice or three times; more than that I would not swear to.

Q You met him every day?

A Yes.

Q Every day you met him you talked about it?

A No, sir.

Q Pretty nearly every day?

A No, sir.

James McCue called, sworn and examined.

[By the Coroner:

Q What is your name?

A James McCue.

Q What is your occupation?

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A Attendant at the New York Insane Asylum at Ward's Island.

By Mr. Tuller:

Q Tell the jury the whole story of what you saw beginning at the time you first saw George Morris on the 1st of April, or the 1st of April, wherever it was that he had this altercation with the assistants. What time did you see him in the morning?

A About 6:30.

Q What did you first see?

A At about 6:30 A.M. on the 1st of April, 1934, I found Mr. George Morris very noisy in his room. When I opened the door he rushed at me and threw me on the floor. The next I saw him going across the corridor towards the dining room. After I opened the remainder of the doors I went in search of Mr. Morris, I saw attendant trying to force the door open and I assisted him. In the meantime attendants Cleary and McGue came to our assistance. After trying at the door for some time we decided that two attendances, that is Messrs. Cleary and Clifford should go through Ward 18 and gain admittance by the dining room. While they were going through attendant Kearns and myself pressed the door open. When I found the patient he was behind the door. He was bleeding from a sore on the back of his head. I used no violence whatever at the time. When the patient was leaving the dining room he tripped

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over the mat at the door and fell over.

Q What was this bleeding from the back of his head?

A It was an old wound that was on him.

Q What do you know about the old wound?

A I saw it on him when he first came to the asylum. On the 14th of February when he was admitted it was quite open. When he first came to the asylum he had an open wound on the back of his head.

Q How did he knock you down when he first went into his room?

A He got hold of me and threw me down.

Q Was he a big man?

A A very big man; about 6 feet 8.

Q Did he have any clothes on?

A He had nothing but one undershirt on.

Q After he first knocked you down what did you do.

A After a few minutes I went to find out where he was. He went along the hall towards the dining room.

Q Did you find out where he was?

A He was in the dining room.

Q Who else was there?

A There were 3 other attendants.

Q What was he doing in the dining room.

A I could not see. It seemed he had the door barricaded.

Q With what?

A He had the form that was inside the door to assist in pressing it. He must have some force to assist him.

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Q He was holding the door on one side and you were trying to get in? What did you do?

A I tried to press the door open.

Q Did you press the door open?

A Yes .

Q Did you knock him down?

A No sir.

Q Did the pressing of the door open knock him down?

A He fell over by the pressing of the door against his side.

Q Did you see him fall over?

A I did not.

Q You saw him after he fell?

A He had the door partially open.

Q You found him on the ground?

A Yes sir.

Q What did you do then?

A I took him .

Q You found him?

A Yes.

Q How did you find him?

A Partly behind the door.

Q In what position?

A He seemed going away when the door pressed against him and he fell over.

Q What did you do then or any of the other attendants?

A It seems when he got the door open he went out partly backwards and in doing so he caught the heel of his foot

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against the mat of the door and fell over. There was considerable blood on the floor which was caused from the old sore. I took him to the wash room and took off his undershirt. I found abrasions on his back and marks on his side. The head attendant entered and assisted me. He never was ill treated while in the asylum.

Q Did you strike him?

A No sir.

Q Did any of the other attendants strike him?

A No sir.

Q How did you control him?

A With the assistance of the attendants we kept him down.

Q What did you do to keep him down?

A We used no force. When he fell on the mat he fell at the dining room door. When he was down on the floor we simply kept him down.

Q How did you control him?

A I got hold of his hands and an attendant nearby assisted me.

Q How did you keep a six foot two big man on the floor without using violence?

A I got hold of his hands and kept hold of his hands and the other attendant was at the feet. He was after having considerable trouble in keeping him down.

Q How long was he at the door?

A About 10 minutes.

Q Then he held you all at bay at the door for over 10 minutes?

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A Yes sir.

Q Did he use any benches or anything to help him?

Objected to.

Q Do you know what he used?

A The bench was about 2 feet from the door. The bench was between the door and the table, and I consider that by pressing against it with the foot that pressed the door and he had the assistance of the table to keep us from pressing the door open?

By The Coroner:

Q Can you describe what you did after you got into the room and you and the other attendants took hold of this man? What did you do in order to stop him and bring him to submission?

A I simply asked him would he put on his clothes. He said he would. I simply took him to the wash room and left him there.

CROSS EXAMINED

By Mr. Byrne:

Q What did you say your name was?

A James McCue.

Q Did any body else take hold of the accident, Mr Ferris besides you and Mr Kearns?

A There were four attendants present.

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Q You say you did not touch him at all except to take hold of him by his arms?

A No sir.

Q The physician certifies that the 7th and 8th ribs upon the left side of his body were fractured?

Q Do you know how that was caused?

A I have no idea, no sir.

Q Did you or did Mr Kearns or did Mr Cleary or Mr Clifford place your knees upon his body and lay him flat upon the floor?

A No sir.

Q Will you swear positively to that?

A Yes sir.

Q Upon the 9th of April?

A No sir.

Q Did you see blood gushing from his mouth on that day?

A This occurred on the 8th of April?

Q Did you see blood gushing from his mouth?

A I saw blood from an old sore on the back of his head.

Q Was there blood from his mouth?

A No sir.

Q Will you swear that there was not?

A Yes sir.

Q Did you hear the testimony of Mr Mitchell wherein he testified that you and Mr Kearns had your knees upon the body of this man against the floor and that you knocked his head against the floor?

A Yes sir.

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Q Is that true or false?

A It is false.

Q Was Mr Mitchell there on that day?

A No sir. He was not present when this occurred?

Q How do you know?

A After I took the patient to the wash room I found Mitchell standing in the wash room.

Q He was there?

A In the wash room.

Q You do not know but what he was outside?

A He might have been.

Q You would not swear he was not present?

A I did not see him.

Q You would not swear he was not looking at you treating this man as he claims he did?

A No sir.

Q Can you account for the fracture of the 7th and 8th ribs upon the left side?

A When I pressed the door open I throw the patient against the door. I pressed the door against him and he fell over against the table.

Q What kind of a mat was it that you say he struck his heel against?

A An ordinary mat.

Q Did he fall on his face or back?

A On the side.

Q Which side?

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A The left side.

Q Was the door between you and him?

A It was not.

Q What was between you and him?

A Nothing. He was going out the door.

Q Which side of the door were you?

A I was in the dining room.

Q He was on the other side?

A He was going out the door. He was backing out the door something like this (indicating)

Q What caused him to back out?

A He was excited.

Q Was he forced out or did he go out voluntarily?

A He was not forced out.

Q What caused him to go out?

A He went out to get into the hall.

Q Why did he go? Did you compel him to go or did he go voluntarily.

A I did not compel him. I asked him to go and he went.

Q Did you force him out?

A No sir.

Q Suppose somebody said that you did would they testify truthfully?

A No sir.

Q Did you not lay your hands upon his body and compel him out the door?

**POOR QUALITY
ORIGINAL**

0648

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A Yes sir.

Q And he went out at his own volition at your signal request he fell over the rail and fell down?

A Yes sir. He went out backwards like this (indicating) and fell over.

Q He fell on his side?

A Yes sir.

Q Did he not fall on the back of his head or on his back?

A He went out some like this (indicating) and he went sort of sideways.

Q Will you describe that room?

A The dining room is about the size of this hall; the dining room and the hall were the patients took their meals.

Q Was it one of those ordinary rough ones?

A An ordinary rough one.

Q Who was with you when he went out of that room?

A There was four attendants in the dining room at the time, who saw him go out of that dining room. The other attendants are here.

Q Who are they?

A They were attendants Cleary, Clifford, Kearns, ---

Q Were they all in the dining room?

A I believe so.

Q Do you know whether they were or not?

A I believe so.

Q Can you testify that they were.

A I cannot testify.

**POOR QUALITY
ORIGINAL**

0649

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Q Can you swear that either one of them was there?

A Which ones?

Q Mr Hearn or Cleary? Why was Mr Hearn there?

A He was present when I pressed the door open.

Q To get this man out?

A Yes.

Q Then you did use force with the door?

A I had to to get him out.

Q Then you used force with the accident?

A Yes sir.

Q Whom did you use the force with?

A I never used force.

Q It did not take two men to open the door.

A It would take four men to open the door in that case.

Q That there was some force necessary?

A Yes sir.

Q What force was necessary?

A There were two of us present when we pressed the door open the other two went through the other door.

Q Which of the two held their knives upon his body on the floor?

A No two.

Q Did you see him lying on the floor?

A I saw him fall on the floor.

Q Where?

A At the dining room door.

**POOR QUALITY
ORIGINAL**

0650

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Q Who took hold of him after he fell?

A I and attendant Clary.

Q The both of you?

A Yes sir.

Q What did you do after you took hold of him?

A I asked him to let us put on his clothes.

Q Did you take his shoes?

A No sir.

Q Did you take hold of his arms?

A I had to.

Q Did you put your knees on his chest?

A No sir.

Q Did you see the left side strike against the door as he fell?

A (inaudible).

Q They said that you and Mr. Kearns had charge of the patient. You say there were two other men in the room, is that right?

A Yes sir.

Q Why were there four of you taking charge of him?

A There were two attendants. Messrs. Clary and Clifford went to Ward 18 so as to try to get into the room through Ward 18, and during the time that they were going round, and after some time we opened the door. It is the duty of an attendant to call assistance in that case. We did that after trying at the door and could not open it. We were trying to find out some other way to get in. We considered that it was better for two to go around to Ward

**POOR QUALITY
ORIGINAL**

0651

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18 and try.

Q Was this man's head in the habit of bleeding in the back during the time that you had charge of him?

A He had three or four previous altercations.

Q Was he in the habit of bleeding from the head during the time that you had charge of him?

A He bled a couple times when he had altercations.

Q After an altercation was his head in the habit of bleeding?

A It never bled except when he had an altercation?

Q You never saw it unless he had an altercation?

A No sir.

Q How many other altercations did he have to your knowledge?

A On March the 30th, he had an altercation with Mr. McFarley. He received a cut under the left eye.

Q Did that make his head bleed in the back?

A No sir.

Q On what other occasions did you see his head bleed in the back?

A He had an altercation with Mr. Rush. I believe that on that occasion he received a mark on the forehead.

A Did his head bleed on the back?

A He fell down and in falling he received another cut on his head besides the old one.

Q Where?

A On the back of the head.

Q Did you see it?

A It is on the back of his head.

**POOR QUALITY
ORIGINAL**

0652

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Q What part of the back of his head?

A I guess on the left side.

Q Was it the left or right side of the back of his head?

A I believe on the left side. I took an oath that is in the ward book.

Q Was it in the place where his cut was that you say you received?

A Yes sir.

Q Was he bleeding over that spot?

A The only one I have already stated to you was the one he received coming in. This wound he had received in an altercation.

Q What did wound that you described—where was that?

A Somewhere about the center of his head?

Q Did you see him upon any other occasion bleeding from that same spot?

A It bled on that evening.

Q Did you see it bleeding upon any other time than that spot?

A No sir. I do not remember seeing it bleed except on the one occasion.

Q What occasion was that?

A That was the morning that he received the admission in-jury.

Q That is the morning that Mr. Mitchell has described?

A That is on the 26th of April.

**POOR QUALITY
ORIGINAL**

0653

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By The Coroner:

Q You refer to the 8th of April?

A Yes sir.

Q Did you ever see it before then bleeding from that same spot on the back of his head?

A It bled on one other occasion.

Q When?

A About the 10th or 20th of March. I am not sure of the date. We had an altercation with Mr. Bush.

Q You do not say whether it was on the left or right side, but you say it was on the same spot?

A It was a different cut?

Q Did you ever see this man's head bleeding from the same spot that it did on the 8th of April when you and Mr. Keams had charge of him?

A I did not see him.

Examination adjourned to June 18th, at 1 o'clock

POOR QUALITY
ORIGINAL

0654

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New York, June 12th, 1944.

Examination of William Thomas.

By the Court:

Q Now your name, occupation and residence?

A William Thomas, no record at Jersey Island.

Q Are you a resident of Jersey Island?

A Yes.

Q What kind?

A Islander.

Q How did you come?

A Born, sir.

By the Court:

Q What did you do after position was?

A I was a veterinarian in the country, Ward IV.

Q What do you mean by the country?

A I took after the horse and at times I was called to all the patients in the island.

Q In the Islet of Aspidos? Jersey Island?

A Yes, sir.

Q Do you know Dr. Ward? He was a patient in Jersey Island.

A Yes, sir.

Q How often had you seen him?

A Every day.

Q For how long?

A Since the day he arrived here to the day he went to the hospital.

**POOR QUALITY
ORIGINAL**

0655

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Q Do you remember the day he went to the Hospital?

A Yes sir.

Q When was that?

A On Easter Sunday, the 10th of April.

Q Do you remember his conduct during the time he was in the institution, as to his demeanor, whether he was quiet or whether he was boisterous? Whether he was a hard man to manage?

A Very little.

Q What did you notice in his conduct.

A Sometimes very boisterous and sometimes very childish.

Q Did you at any time see him under the care or attention of Mr. McCue or Mr. Cleary?

A Not a bit more than any other attendant there.

Q Did you on any occasion see Mr. McCue and Mr. Cleary have him under their control.

A That is the morning, on the 8th of April.

A I ask you to tell the jury here what you saw, what treatment you saw inflicted by Mr. McCue and Mr. Cleary on this morning that you saw Mr. Ferris in their hands, and what you saw them do?

A On the morning of April 8th, I think it was, I had attended to the crampy business and at half past six I went out of my room---I generally kept my bread knife in my bed room, and I had my knife in my room, fearing the patients would see it and I heard some noise down at the end of the Ward,

and I looked and saw Mr. Morris going along the hall. I
returned into my room and left my knife on the shelf,
locked my door and went after Mr. Morris to see where he
went to. I saw all the other officers standing in
the hallway, and I went along until I saw Mr. Morris go-
ing to the dining room. I then went to Mr. Morris and told
him I wanted to ask him to cook bread for the breakfast.
"Will you try to get Mr. Morris out for me?" He asked me
where he was I said "in the dining room." "Go to the
door and". He and I went along and Mr. Cleary and Mr.
Clifford were with us. and we tried to coax him to open
the door. He failed. I told him "I have your clothes,
on me. Put them on now". "No," he says, "I want put
on my crazy man's clothes. I want to get my own". I
then got to know him and said "We have your clothes".
He would not let us in. Then Mr. Cleary and Mr. Clifford
and went around to the back and went in to the hall and in
through the sliding door into the dining room. Mr.
Morris and I in the meantime got the door open. We
forced the door in that is all I know after the men.

Q When he came in this door Mr. Morris remained on his feet
did he not?

A That I could not swear to.

Q Did not you see him?

A I saw him on his feet when he opened the door.

POOR QUALITY
ORIGINAL

0657

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Q He did not have time to fall down and knock things and stand up again by the time you opened that door?

A I did not see him.

Q You opened the door immediately?

A Yes.

Q When you opened the door he was calm?

A No, he was excited.

Q What about?

A Well, he was very excited with all the officers of the officers, because he saw that I told him a lie when I did not have his clock.

Q He had sense enough to know the difference between his own clock and the crazy man's clock?

A Yes sir.

Q Did you see him fall after you opened the door?

A He fell in the hall way between the dining room.

Q Did he fall on his back?

A I think on the side.

Q He got up again right away?

A Not for about 5 minutes.

Q You took hold of him after he fell?

A Mr. McGuire and Mr. Cleary kept him quiet while he was on the floor.

Q Did you see Mr. Cleary and Mr. McGuire with their knees on his chest?

A I did not.

**POOR QUALITY
ORIGINAL**

0658

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Q Will you swear that they did not have them there?

A I turned aside.

Q Why?

A I should have breakfast for a patient before I clock.

Q When you saw this man lying on the floor and saw Mr. Cleary and Mr. McGue one at his head and the other at his feet

A He had no shirt except his outside shirt on. I stood by myself and Mr. Cleary were laughing at him.

Q How was he acting when you were laughing at him?

A Sometimes he would laugh himself.

Q Was he not in pain at all?

A Certainly.

Q What caused you to laugh?

A On account of his nakedness. Sometimes he would take his bed out of the back and go into the corridor and warm his privates there.

Q How long did you see McGue and Cleary keep him on the floor?

A Saw for about one or two minutes.

Q Did you see them release him?

A Yes, sir.

Q What did he do then?

A He walked down to his bedroom. I could not really tell you.

Q I think you said a moment ago that you saw McGue and Cleary, close beside him and he lying on the ground and you say you turned aside to attend to your duties in the kitchen or pantry.

Q Of course I saw both one or the other.

**POOR QUALITY
ORIGINAL**

0659

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Q Which do you mean? Did you turn around and attend to your duties in the pantry while he was lying there under the protection of these two attendants, or did you wait until he stood up?

A I saw him stand up.

Q What did you mean by saying that you turned around right away and did not wait to see whether they ill treated him or put their knees on his chest.

A I did not see them ill treat him. I went to the pantry to see if he had broken anything? I went from the pantry into the dining room---from the dining room into the pantry---and saw nothing was wrong and I went out again.

Q How far is the kitchen from the pantry?

A The kitchen is down in the basement.

Q Did you go to the kitchen?

A No sir. The pantry is off the dining room.

Q When you went to turn into the pantry from the dining room he was lying on the floor?

A Yes sir, I think so.

Q What is your best recollection?

A He was lying down.

Q How close to him were Mr McGue and Mr. Cleary?

A Cleary had hold of him and was keeping him down, I think he was at his head.

Q Where was Cleary?

A Cleary was at his head and Mr McGue at the feet.

**POOR QUALITY
ORIGINAL**

0660

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Q How close to the body was Mr McCue?

A He had his hands on him?

Q What part of his body?

A His body and feet.

Q Did he have hold of his hands or throat?

A His feet and body.

Q What part of the body did Mr McCue have his hands on.

A Mr McCue, as well as I recollect had his hands on the left hip, the right hip rather; He might have his hands by his side.

Q Did you notice where his knees were?

A No sir.

Q Will you swear that his knees were not pressed on Mr Ferris's chest?

A I cannot.

Q You cannot testify as to that?

A No sir.

Q But notwithstanding the two men held Mr Ferris on the floor?

A Yes.

Q And when you left the dining room to go into the pantry they were still holding Mr Ferris?

A Yes sir.

Q And you will not swear that Mr McCue did not have his two knees on Mr Ferris's chest?

A I could not swear to that. I did not see it.

**POOR QUALITY
ORIGINAL**

0661

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Q How long were you away?

A Only to walk across the floor into the pantry--- about
four yards.

Q Who else were present besides you and Mr. McCue and
Mr. Clippard?

A Mr. Clippard.

Q Is Mr. Clippard here?

A Yes sir.

Q Was Mr. Mitchell present?

A No sir.

Q Where was he?

A I could not tell you. I did not see him.

Q How soon after did you see him?

A About 9 o'clock at breakfast.

Q Did Mr. Mitchell tell you that morning what he had seen?

A I do not say.

Q Did not Mr. Mitchell tell you that morning that he saw Mr.
McCue with his two hands pressed on this man's chest?

A He may have said so.

Q Did not he tell you that morning and did not you say to Mr.
Mitchell that you had been begged to keep quiet and say
nothing about what you had seen there?

A That is false. Nobody ever requested me to keep silent.

Q Did you at any time go to the office of the Morning
Journal and state that you would give a statement as to
the brutality and hatred of McCue and Cleary towards Mr.

**POOR QUALITY
ORIGINAL**

0662

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Harris?

A Never, emphatically.

Q Did you ever go to the Morning Journal?

A Yes sir, to rectify the way you mentioned my name in Court upon different occasions. It was Mr McGuire and Mr. Keams the whole time, and I wanted to have my name rectified.

Q Did you say to any body at any time that you were asked not to make a statement as to what you thought in the institution?

A On the contrary, Dr. Douglas made me make a statement.

Q Whenever you made a statement did you ever talk with the other attendants?

A I wrote my statement and left it with the head attendant?

Q How soon after you came out from the pantry did you see Mr. Harris?

A When he was on the ground, just that minute. Of course I could see him even from the pantry.

Q What did you see take place from the pantry?

A Just the very same position.

Q Did you keep your eyes on him?

A No sir.

Q And you saw the man lying on the floor?

A That is nothing at all.

Q Did you see any blood gushing from his mouth?

A No sir.

**POOR QUALITY
ORIGINAL**

0663

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Q Did you see any blood around there?

A Yes sir.

Q Where was the blood?

A Over the old wound on his head that he had when he came in.

Q Was the blood on the floor?

A About a dozen feet away.

Q Did you see anybody wipe it up?

A No sir.

Q Did you see Mr. Mitchell wipe it up?

A No sir.

Q Suppose Mr. Mitchell says he cleaned that floor from the blood?

A I will say it.

Q From the hall?

A Yes sir.

Q Did you see Mr. Dennis at the time that you opened this door? You say that he was on his feet the time that you opened the door in. Did you see him fall then?

A No sir.

Q Did you see him fall at any time on the hall outside?

A Yes sir.

Q And what day did he fall?

A I don't know.

Q Did you see him fall at any time with such force as to break 6 ribs.

A He could not break it unless he went into the corner.

**POOR QUALITY
ORIGINAL**

0664

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By Mr. Wellman:

Q Did you see any violence used by any attendant on this occasion any more than the violence necessary to force in the door?

A No sir.

Q You were asked whether the request was made of you at any time to keep quiet about this? and you started to say on the contrary. What were you going to say?

A On the contrary, I was always, in fact, I did not care a straw about the building or the institution. I would just as soon say what I pleased and if any complaint was made I would get quite sulky and do not care a straw.

Q Were you called upon by the authorities for a statement for what you saw on that occasion?

A Yes sir.

Q Did you give it in writing?

A Yes sir, I gave it to the head attendant.

By The Coroner:

Q You signed it?

A Yes sir.

Statement marked Exhibit B. of Jane Lath,
1887.

Q Who asked you to make that statement?

A Dr. Douglass.

Q Did not Dr Douglass ask you what you saw?

A Yes sir. He told me to state the truth. I never con-

**POOR QUALITY
ORIGINAL**

0665

70. Section 3 of the 1964 Act.

2. Will not be asked for a written report, on first visit, but if in
subsequent visits necessary.

A I TELL YOU, BOB.

Q I want to know.

A 1 gallon milk bucket, positive ly.

Q Will you tell me what you did next?

A. I. 100-100000-100000

Q Did you not converse with him about what you saw?

1. Age, Sex, Marital Status and Religious Beliefs.

By _____, Vol. _____:

Q Since you were blindfolded, you couldn't see how old [redacted] was?

100

A. J. G. 8th. They were very well against me.

Q How long has it been since you saw him?

A POWER UNIT.

3. Not called upon for any evidence at any time.

A To, sir.

Q You have never had any conversation with me at any time?

A 10, Sir.

By Ma. Rymic:

Q Did you ever at any time, Dr. Mearns, talk or talked with Mr. McGue to be easy or have mercy on Mr. Farris when he had him under his care or treatment?

A I don't recollect.

Q Will you swear that you did not?

**POOR QUALITY
ORIGINAL**

0666

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A I will swear I did not.

Q You never did?

A Not to my knowledge.

Q Are you positive?

A The only time I ever saw Mr McCue had hold of Mr Ferris was at that time.

Q Will you swear that you did not on that day ask him to case up and be quiet?

A I am not positive. I may have said something. I don't recollect pleading for him.

By Mr. Wellman:

Q At that time was Mr Mitchell there?

A No sir.

Q You did not see Mr Mitchell there at all?

A No sir.

**POOR QUALITY
ORIGINAL**

0667

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Dr. William E. Wallace, called sworn and examined.

By The Coroner:

Q What is your name in full?

A Dr. William Perry Wallace.

Q What is your office?

A 148 West 43rd street.

Q You are a practicing physician in New York?

A I am sir.

Q For how long?

A Since 1871.

Q Did you attend an autopsy on December 1st?

A Yes sir.

Q Over the remains of James Ferris?

A Yes sir.

Q At Evergreen Cemetery?

A Yes sir.

Q You examined the remains?

A Yes sir.

By Mr. Byrne:

Q Explain to the jury and the Coroner what you discovered there upon such examination.

A When we went to the Cemetery the body was yet in the grave. It was lifted by the attendants and brought to the receiving vault. There the attendants took off the lid and the doctors took the body out of the coffin, put it on the

**POOR QUALITY
ORIGINAL**

0668

case for examination. It was far advanced in decomposition. The organs, at least any of the organs, had their outlines still intact although the substance of the organs was greatly wasted away by decomposition. When the body was laid on the table the face was noticeable at once that the fact that it was, particularly at the left side a great deal disfigured. I must say that before the corpse was taken out of the coffin, however, the head had bent over and the face was turned towards the left side; towards the side that was greatly disfigured. On examination of the face the outer edge of the eye right at the left side disfigured face a wound about half an inch, apparently a cut or incised wound about half an inch. And beneath the skin at this side the muscle coming over the ridge of this front bone back over the ear was greatly infiltrated with a broken down bloody discharge. There was more of that discharge in that particular region than there was in any other part about the scalp. At the back of the head also a wound was found. That on feeling on the outside at first off would lead one before the skin was removed, before the scalp was removed, to believe that there was a fractured bone about two inches long, but when the scalp was removed later on there was no injury whatsoever to the bone there, and that wound appeared to be a thin and older wound that had been in the process of healing. The body was then opened and the flesh or muscles on the outside removed so as to expose the ribs. The muscles of the flesh on the anterior portion of the body was greatly discolored, as it must necessarily be having been two months

POOR QUALITY
ORIGINAL

0669

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buried. You could not tell the distinctive colors of blood or the wasting effusion of the blood that goes with the breaking down of flesh---not distinctly. We found on the right side of the body which was the first at examination, four ribs broken; on about a line with the nipple, the breast examination I went to the fifth, sixth, seventh and eighth ribs were the ones, and they were broken in a pretty straight line down along on a line perhaps a little outside the nipple. On the left side we found five ribs broken, nearly in the same line, somewhat closer to the middle of the body at the top, but below perhaps about an inch and a half further out. There we found the fifth, sixth, seventh, eighth, and ninth ribs broken, and the sixth rib I think was broken. In the breaking of that rib where it broke a piece cracked out of the break about the size of a coin. That was on the outer side. Examining the lining of the ribs, the costal pleura corresponding with that portion where the piece was broken out of the sixth rib, there was a bloody stain that had more the appearance there of a bloody stain than in any other part of the body, and that extended about 3 inches in the line of the fracture, not exactly blood, but retaining the bloody appearance more than in any other part of the body. I did not notice, probably because I was not at this side, or the light was not favorable any blood stain corresponding with that on the outside. All seemed to be the

POOR QUALITY
ORIGINAL

0670

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same discolored decomposing tissue. At the right side I did not notice any such blood stain over the fracture, nor did I notice over the fracture of the other ribs at the left side the same appearance, but this stain that I did notice was no more than an inch or an inch and a half, outside of one inches long. We examined the lungs. They were intact as to outline. The heart seemed also, as far as we could make in that stage of decomposition, normal. The liver was greatly broken down, scarcely holding together when you handled it at all. The kidneys seemed to be healthy. In fact I would say of all the internal organs that they seemed to be perfectly normal. There was perhaps a ~~slight~~ slight change of what doctors call thrombosis in the heart, but it did not seem to be very positive. In removing the lungs from the cavity it was found that the tops of both lungs were slightly attached to the pleura, to the lungs or walls of the chest. And anteriorly the left one, I am not certain whether it was anteriorly or posteriorly and superiorly. This is about the condition I think that we noticed all the way through. We examined the kidneys and liver which was in a condition I tell you. The kidneys seemed to be normal as far as we could judge at that time. There was nothing in the intestines that attracted our attention. The doctor kindly open the trachea to see if there were any evidences of vomiting of blood or discharge of blood through the lungs and also through the . I did not find

any traces of blood clots there. There was also as I remember examining, having removed the wind pipe, that belongs up to the upper end, taking it out, it was discovered that the corner, the right corner of this Adam's apple business was broken off and there was a collection of puss matter where it was broken off, indicating that there had been an old injury there. When the doctor who examined that opened it there was quite an escape--perhaps there would be about 20 minims of puss, something like that. That is the conditions that we saw

Q If a man was in a general condition of health having a fracture of the 5th, 6th, 7th and 8th ribs on the right side and a fracture of the 6th, 7th, 8th and 9th ribs on the left side the manner that you say the condition that you say this man's body, would these injuries cause death?

A They may and may not.

Q Have you heard or have you seen of cases wherein it has caused death?

A I don't know that I have seen a parallel case. I simply give my answer from deductions I would draw.

Q Have you heard of cases?

A Certainly. In the first place I would argue that such fractures would necessarily imply crushing and that the effects of a crush equal to such destruction as that would produce such a shock as to kill the patient.

POOR QUALITY
ORIGINAL

0672

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Q Have you ever made an autopsy before?

A I have assisted as I have in this case.

Q On how many occasions?

A Well, oh, I could scarcely tell you the number, but in a dozen cases.

Q And that is in how many years?

A Since 1872 to the present time.

Q As a surgeon?

A As a physician.

Q Had any experience as a surgeon?

A Very slight experience as all doctors usually have when not practicing surgery specially. They have such surgery as falls into the hands of general practitioners.

Q That is very slight in New York City?

A Slightly.

Q Have you had any cases of broken ribs?

A Yes sir.

Q How many?

A About 15 or 16.

Q Patients die?

A No.

Q All recover?

A Yes sir.

Q All do recover as a matter of custom with a fractured rib?

A If a man have a fractured rib and only that the general rule is that he may recover.

**POOR QUALITY
ORIGINAL**

0673

Q It is one of the simplest fractures in the body?

A Yes sir.

Q It is indeed called the simplest fracture?

A Yes sir.

Q The simple fracture is is that you do not fix in wrapping it with a bandage on it and allow it to heal itself?

A To keep it still as we do all other bones.

Q What did you see about these fractured ribs that would we talked on as to those that had had a fractured diaphragm.

A These ribs form an arch to protect the soft internal organs. When a body is crushed in one of that arch there was a possibility of death resulting from the shock?

Q It is still a possibility?

A I don't say that air was the cause of death I say that it could.

Q Is in your opinion that it did?

A I could not answer that question.

Q Can't give me opinion about it?

A I could not.

Q Can you say what the reasonable certainty would be of the effect of these broken ribs?

A Not without knowing the force that was used to do this thing.

Q Had the ribs penetrated the lungs that would lead you to what conclusion?

A It would lead me to the conclusion that the lungs were

**POOR QUALITY
ORIGINAL**

0674

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not penetrated and that he did not die from hemorrhage.

Q The way the ribs would cause death would be by penetrating the lungs?

A Not necessarily.

Q How?

A By crushing the internal organs.

Q You said the internal organs were all normal.

A I said the outlines of the organs seemed to be intact while the organs were greatly broken down by decomposition.

Q But the outlines seemed to be intact?

A Yes sir.

Q The costal pleura, was that ruptured?

A I tried to explain that. No.

Q Do you think the broken rib caused death?

A I give you the answer if you wish to take it. It possibly may and possibly may not.

Q Is it not possibly, may and practicably may not?

A I would rather think the other way. I say that very deliberately.

Q Had this man, Mr. Morris, come to his death on account of shock as you say there is a possibility, how soon would death follow?

A Well, that I could not tell you either, that would be a variable period.

Q Variable within what limits?

A It might be direct and then it would be instantaneous.

**POOR QUALITY
ORIGINAL**

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Q How otherwise might it be?

A It might continue in its effects and he might die from the effects of that shock at variable times after the accident happened.

Q How long? Within 90 years?

A No.

Q Within 10?

A No. He will say he may die inside of 10 days. I am not dogmatic on that point at all, but I cannot give that as a limit at all.

Q If there had been any shock such as the possibility you speak of in this instance would it not have been possible for physicians to determine that by examining the patient before he died? There would have been evidence of the shock?

A If it were such a shock as to kill instantaneously he would have all the symptoms there and then.

Q If it was such a shock as to cause death within 10 days would not the symptoms be observable?

A I do not think so.

Q You think that a physician could not observe that shock?

A I think not. In that case when the death did not occur immediately as the result of a shock you would have irregular action of the organs then as a result of that shock that might cause death to supervene.

Q Yet retain the outline of all the internal organs intact?

POOR QUALITY
ORIGINAL

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A I think a closer examination than would reveal an inflammatory condition of the organs.

Q What is your condition of the organs and what is it?

A Well, the heart, for instance of the heart, for instance. There is an abnormal condition that we find that if there is a condition that is, and that is that the capsule of the heart is very closely adherent to the heart itself. That is the result of an old-time infection. That is the result.

Q Could you tell from the appearance of the ribs whether they were broken before or after death?

A No. I would not, under the circumstances, I would not on that point, and if I had seen the body, I would not have attempted at reparation there. That did not weigh with me because it occurred to me that any attempt at reparation would be broken down and more than removed by the fact of being two months buried and any temporary relief was immediately dissolved.

Q Did you examine specially the eighth and ninth ribs, if you remember?

A Not specially, no.

Q You know that the physician's certificate of death stated that he had the eighth and ninth ribs broken?

A I did not. I went without having heard anything whatsoever about the case only that the man was killed.

Q Did you know that the man during his lifetime was suffering from softening of the brain and softening of the spinal cord?

A No, sir.

**POOR QUALITY
ORIGINAL**

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Q That is a disease from which no man can recover, it is absolutely fatal?

A Yes sir.

Q Do you know if the bones in such cases are particularly brittle at that age?

X A The bones of people generally at that age are comparatively brittle.

Q Don't you know they are more brittle in an insane than in a sane person?

+ A I don't know that?

Q By insane I mean a patient suffering from general paresis?

A I did not know that they were.

Q Do you know that they are not?

+ A I do not know absolutely that they are not but I don't think that they are.

Q What was this disfiguration of the face that you speak of?

A A tumefaction. The face presented the appearance of contusion.

Q Before or after death?

A Before death, undoubtedly.

Q What makes you think that?

A Because you might pound it a good deal after death without producing such a condition of things at all.

Q What was the condition?

A That side of the face was greatly more swollen than the

other and more than would be accounted for by the falling in of the dissolving flesh into the lower portion of the head.

Q The body was lying on that side?

A It was so lying on that side that that was not the lowest point. It was lying not completely down that way and that may partially account for it. Instead of being lying in the vertical with the face completely up it was lying perhaps at an angle of 45 degrees.

Q Would not the position of the body account for what you found in the face?

A I don't think that it would.

Q It would in a degree?

A I don't think so. because that included---that disfigurement included the face which was puffed and swollen and the face and forehead and over the eyebrow where the cut was and the cheek were puffed and swollen and the mere turning of the head that length would not account for that..

Q You said that wound ~~was~~ in the back of the head was an old wound?

A Yes sir. I would say there what I did not say in my testimony, that in opening the skull I looked positively for evidences of the crushing of the skull from the wounds I saw and I did not find any crushing whatsoever of the skull either external or internal.

POOR QUALITY
ORIGINAL

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Q What you speak of trouble with the Adam's apple, that was old?

A When I say old, I say sometime before death.

Q By sometime, I ~~mean~~ am talking about months?

A I did not take so far as that. If it were months I think he would have the piece dissolved. I take days.

Q How many days?

A 15 perhaps 20 days or one month.

Q Not a few days?

A Not a few days.

Q Were these ribs that you speak of being fractured any more than being cracked?

A One of them was comminuted. The others were fractured. If you mean a crack with the rib in position, that is not so. They were completely broken.

Q Was it where the cartilage joined the ribs?

A No sir. That reminds me of another point omitted and that is that one of the ribs at the right side had a separation from the cartilage?

Q Who requested you to attend the autopsy?

A I went at the request of friends of the deceased expressed to me through Mr Gibson who informed me that he was speaking for the friends.

By Mr Byrnes:

Q Was the breast of the deceased so fleshy that upon a care-

**POOR QUALITY
ORIGINAL**

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ful examination without this autopsy it could have been discovered that the number of ribs which you have testified you found broken was in such a state?

A He seemed to be a very fleshy man, and it is possible that finding the ribs broken at one side was deemed sufficient.

Q If you found that there were 2 could you as easily have found that there were 4 or 5 as well as 2 ribs on one side?

A That depends upon the individual.

Q Assuming that the physician who examined the deceased at the time discovered that there were 2 ribs broken and certified to the fact that there were 2 ribs broken, could he as easily have found that there were more?

A I think so.

Q Where did you graduate?

A Physicians and Surgeons, New York City.

Q If you had examined his body before death you could have found that 9 ribs were fractured?

A I would not say that. I think that if a physician examining that body carefully from the nature of the formations that we found at death, he could have found the fractures of all the ribs.

Q They were not only cracked but really broken?

A Really broken.

By Mr. Wellman:

Q Don't you know it is very difficult often times for phy-

cians to discover whether a rib is broken or not?

A It is sometimes difficult. For instance, if there be a fracture and the ends are not displaced then it is possible, but I should not imagine at all where you had fractures of this nature that it would be any way difficult at all when you had the ribs so broken that both ends of the rib were broken.

Q But the ends of these ribs were not displaced?

A The ends of the ribs were lying in a line as they would be in perfect rest, but completely broken, ?

Q But not displaced?

A Not overlapping. What they may have been when that body was actually dead I don't know. When I found them they were not displaced.

By Mr. Byrnes:

Q Was not a portion of the 6th rib gone?

A A bone of the 6th rib at the left side had a piece broken out of it at the outer side.

Q That could have been discovered upon examination?

A Any of these fractures could have been discovered.

Q There is no mention there (showing certificate) about the 6th rib, is there?

A Of the 7th and 8th ribs.

**POOR QUALITY
ORIGINAL**

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William F. McConnell, called, sworn and examined by the Coroner:

By The Coroner:

Q What is your name:

A William F. McConnell?

Q Occupation?

A Undertaker.

Q Where is your place?

A 845 Third Avenue.

Q Who are you in business with?

A I am employed by William T. A. Hart, undertaker.

Q Do you remember burying the body of George Ferris?

A Yes sir.

Q Do you remember in the month of April, about the 13th or 14th, seeing the body?

A Yes sir.

Q Explain to the jury the condition that you saw in the face of Ferris?

A On the 13th of April I received orders from my employer to go down to the Morgue and get the body of George Ferris. After 5 visits there I at last succeeded in getting the remains and removed them to the warerooms where I am employed. We then placed the body on ice. The face on the left side was very much discolored. It looked as if it had been bruised. There was also a cut over the left eye and a lump on the back part of his head just about here (indicating) . It seemed hard to the touch. In fixing

the body the coffin turned it a little to one side to hide as much of the bruise as possible. The nose and mouth
X seemed to be all clotted blood.

Q Could you describe more accurately the nature of the wound that you discovered on the left side of the face?

A It looked as if it was from the bruise. It was all blood that had seeped there as if the person got a bruise and was over fleshy about the eye and all one side of the face.

Q Which eye?

A The left eye. There was blood running out of the mouth and nostrils.

Q How many years have you had experience in undertaking

A Ten years.

Q Is it not very often that blood comes out of the mouth after death?

A Yes sir.

By Mr. Byrns:

Q Did this seem to be in the state that other bodies were,

A No sir, it was clotted blood.

By Mr. Wellman:

Q Do you make a distinction between clotted blood and thin blood?

A Very watery blood. This was clotted very thick.

**POOR QUALITY
ORIGINAL**

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Q There was a difference between this and ordinary blood?

A Yes sir.

Henry Clifford, called sworn and examined,

By The Coroner:

Q What is your occupation?

A Night attendant at Ward's Island, Lunatic Isylum.

By Mr. Wellman:

Q You are an attendant at the Insane Asylum?

A I am.

Q Were you in April last?

A Yes sir.

Q Did you know this man Mr Ferris?

A I did.

Q Do you know him and did you attend him ever since he was in the asylum?

A I have seen him night after night since he arrived in the asylum.

Q How long a time was that? About how many weeks or months?

A He arrived on the 14th of February, I think or the 27th of February and he was transferred from Ward 19 on the 10th of April.

Q Tell the Coroner whether or not during that time he was a quiet or noisy patient, a violent or quiet patient?

A Mr Ferris was a very noisy and violent patient.

Q During this time do you know whether he had any altercations or fights with other patients?

A I seen him fight with a Mr Rush, a patient.

Q Mr Rush was another insane patient?

A Yes sir.

Q What was that fight?

A In that fight he struck Mr Rush and the two fought and Rush knocked Ferris down.

Q How long was that before the 9th or 10th of April?

A I should say about a couple of weeks.

Q Did you see him after his fight with Mr McCarthy?

A I did not see that fight.

Q Did you see the fight with Chazetti.

Objected to; objection overruled; exception.

Q Did you see the trouble on the 9th of April with the attendant?

A I did sir.

Q McGue and Cleary?

A Cleary, Clifford myself and McGue.

Q Tell all about that?

A On the morning of the 9th, Friday at about 6.30 o'clock,

I was handing over the patients to the day attendant.

Mr. McGue was opening the doors and as he opened Mr Ferris's room Mr Ferris jumped on him hit him and knocked him down?

Q Knocked who down?

A Mr McGue. He then took his clothes and rushed to the end

of the Ward. I shouted to Mr. Cleary to stop him. I did not think for a moment that he was going to the dining room. Before Mr Kearns could stop him he was in the dining room and had closed the door. When I got down to the dining room the 3 attendants, Messrs. Cleary, Kearns and McGue were standing at the dining room trying to force the door. I reminded them that they could gain admittance through Ward 18 into the pantry. I went with Mr. Cleary, and as I opened the door I saw the two attendants McGue and Kearns trying to overpower Mr Morris. Mr Morris was striking at them. We closed on him, held his hands and marched him out to the dining room. We had to let him go in order to get him through the door. It was a narrow door and he had to back out sideways. I did not suppose he could if we walked abreast get out the door. As he did he fell. When he fell he resisted me. We held his hands and tried to reason with him, telling him that we would give him his clothes. We raised him up. When he fell his head bled. He left some blood on the floor. He was lifted up and marched into his ward.

Q Did you see Mitchell there?

A No sir.

Q Was he there?

A No sir, he was not.

Q How many different times during this altercation did this

morning did Ferris fall or was he knocked down?

A Once.

Q How was it when you forced your way into the dining room
and then knocked him down?

A I did not force the door. The door was all forced when
I got there.

Q You went through here?

A I went right around through Ward 12.

Q Who were the two assistants that forced the door?

A Mr McGue and Mr Kearns.

Q Did you see any body when Mr Ferris was on the floor take
his head and bang it on the floor.

A I did not.

Q Were you there all the time that he was lying on the floor?

A I was until he stood up and was marched into the Ward.

Cross examined:

By Mr Byrnes:

Q When did you first see Mr. Ferris that morning, what hour?

A About 6:30 o'clock.

Q Was he in your charge?

A Up to that time.

Q After you released whose charge did he enter?

A I did not release him. McGue released him. My duty was
not to open the door.

Q Where were you situated?

A On the Ward.

Q Any particular place?

A No particular place.

Q You say Mr Morris had his clothes in his hand?

A I do not. I say he took his clothes up after striking McCue and threw them at him.

Q You also say when they forced the door open you were going around the other way. Do you know what took place when they forced the door open?

A Yes.

Q What?

A What I seen when he opened the door.

Q You say you were not there when they had forced the door?

A I say I did see.

Q How can you tell what took place when you were not there?

A Certainly I can tell after I entered the pantry.

Q Tell us what took place when the door was forced open?

A I cannot tell.

Q You did not know at the time that that door was forced open whether these 2 men held that man on the floor and crushed his ribs in or not?

A They would not have time to do that.

Q How long were you going around?

A A couple of minutes; a minute or two.

Q Which is it?

A About three minutes.

**POOR QUALITY
ORIGINAL**

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Q And they could not have time to force that man's ribs, not in 5 minutes?

A I say not.

Q Do you know that if they held him on the floor how long it would take them to crush his ribs in?

A It would take some time.

Q Have you ever tried it?

A Never.

Q Then you don't know.

A I don't know. I knew it would take more than 5 minutes.

Q Where was Mr Cleary all this time?

A He was with me.

Q Did you see this man lying on the floor at any time?

A After we brought him into the pantry I saw him lying on the floor.

Q Who brought him?

A The four men.

Q How did you take him from the pantry?

A We got hold of him by the arms and marched him out.

Q Did you carry him or push him?

A We walked him.

Q Did you see him lying on the floor at any time?

A After he got out and fell I saw him lying on the floor.

Q For how long?

A For 5 minutes I would say.

**POOR QUALITY
ORIGINAL**

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Q Who was near him then?

A The four attendants.

Q How close?

A As close as could be.

Q Close enough to hold him?

A Yes sir.

Q Did you see him fall?

A Yes sir.

Q How near were you when he fell?

A Behind him.

Q Did he fall on his back?

A On his side.

Q Which side?

A The left side.

Q Are you sure of that?

A I won't be positive.

Q Why do you hesitate if you do not know?

A I say I won't be positive.

Q With what force did he fall?

A He fell heavy.

Q What pushed him down?

A The mat. The mat tripped him down.

Q Was he running when he fell or walking?

A He was walking when he fell.

Q And the mat tripped him with great force?

A Not with great force.

Q With what force?

**POOR QUALITY
ORIGINAL**

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A With force enough to throw him down.

Q Was it force enough to fracture 9 ribs?

A I should say the way he fell, he fell very heavy. It was with force enough to fracture ribs.

Q Was it with such force as to fracture 4 or 5 ribs on the left side and 4 or 5 ribs on the right side?

A I should say the fall would fracture ribs.

Q I have asked you would it fracture 9 ribs?

A I would not say that.

Q Did he stand up immediately after?

A No sir.

Q How soon?

A About 5 minutes.

Q Where did he go then?

A Into the ward.

Q Alone?

A He was assisted into the ward by the attendants.

Q Was he carried in?

A He walked in.

Q He was unable to walk?

A Yes. He kind of limped. He had to be assisted.

Q After he tripped over that fatal mat did not Mr. McCue and Cleary take hold of him and put their knees on his chest on the ground?

A No.

Q Do you mean that?

A I say no.

Q If any other witnesses testify that they saw Mr Cleary and Mr McGue with their knees pressed on his chest and his head hammered against the ground are they telling the truth?

A I would say he told a lie.

Q How near was he to them?

A He was about the centre of the ward.

Q I thought you said he was not there at all?

A That is what I said.

Q Now you state that he was in the centre of the ward?

A Yes sir.

Q Which is the truth?

A He was in the centre of the ward.

Q How do you know he was in the centre of the ward?

A Because I saw him when we marched the patient into the ward.

Q Did you see him when this took place?

A No.

Q How did you know whether he was in the centre or looking at you.

A I did not see him. If he was there I would have seen him.

Q When did you see him after this?

A When I saw him when we marched the patient in I saw him standing on the centre away up in the ward.

Q Did he say anything to you?

A Not a word.

Q To anybody?

A No sir.

Q What did Mr Moams say.

A I did not hear him say anything.

Q You are sure he did not say anything?

A I am sure.

Q Can you account after hearing the testimony of Mr Mitchell that he saw McGuire and Cleary with their knees pressed on the chest of this man on the ground and hammering his head against the floor,---can you account for the fracture of 9 ribs and the dislocation in the throat and left side of the face?

A I can account in this way by the masses he had in the ward with the other patients.

Q Where was he taken after he was taken out of that place?

A I don't know. I assigned him to Ward 19.

Q Is that where this took place?

A Yes sir.

Q When Mr Mitchell was in Ward 19?

A Yes sir.

Q He must have been there?

A This is Ward 19, and there is a dent in the wall. You have to turn around the corner and the pantry is off the ward. You have got to go around the corner to get to the pantry. Therefore a man standing at the top of the Ward cannot see the pantry.

**POOR QUALITY
ORIGINAL**

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- Q Suppose he is at the other end of the ward?
- A He cannot see the pantry.
- Q At any part of the ward?
- A ^{not} No, can see where the pantry is situated.
- Q Suppose this pantry is on the left and looks towards the right, --- to the left, can he see this pantry?
- A You can not see the pantry. It was off the ward.
- Q Does it not connect with the ward?
- A No sir.
- Q What is between the pantry and the ward?
- A A passage.
- Q Is there any other way there?
- A There is one other way there, door-ways. They are always open.
- Q Do they look right straight through?
- A They look right into the pantry.
- Q From the ward?
- A Yes sir.
- Q After you pass through the ward could you look right through that passage way?
- A You cannot unless you stand at the end of the ward.
- Q Suppose you stand at the end can you see them?
- A Yes sir.
- Q You can look right through?
- A Yes sir.

By Mr Wellman:

Q I show you a diagram of the ward. Which is the dining room there?

A This is the ward (indicating) and here is the dining room.

Q Where is the pantry.

A This is the pantry (indicating). If a man was standing at this end he could not see what occurred.

Q That is one door to the dining room and that the other?

A Yes sir.

Q Which is the door that fell?

A That is the door that fell (indicating) and that is the door we went in and came around (indicating).

Q Was he there?

A No.

Q Was he in that Ward?

A Yes sir. He did not see the man.

Q You were busy watching this man?

A Yes sir.

Q You were one of the men that were laughing at his form as he lay on the ground?

A I was not laughing.

Q When you heard Mr Kearns testify that you saw this man lying there and that you laughed-----

A I was not laughing.

Q Was he laughing?

A I don't know.

Q Were you looking at the door or looking at the man?

A We were looking at the man.

Q Suppose while you were looking at the man there was some body at the door would you swear there was no body there?

A I would swear Mitchell did not see a particle of it.

Q Have you any reason .

A When we took the man out he was in the centre about 5 minutes after in the same place that he was before the patient entered the pantry.

Q But if he walked down to the other end he could look right through and see everything?

A Yes sir.

Q If he walked down to the other end you could have seen him?

A I could not.

Q If he had walked down where he could have seen the man you could have seen him?

A Yes sir.

Q Could you have kept your eyes on the deceased and on him?

A Yes sir.

Q In what part of the pantry were you?

A I was between the pantry and the ward 19 in the passage.

Q Which way were you looking, at the man or in the ward?

A I was looking through the ward and at the man.

Q At the same time?

A Yes sir.

Q Which is it?

**POOR QUALITY
ORIGINAL**

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Q Can you see that man back of you?

A I cannot.

Q Are you looking at me or at him?

A I am looking at you.

Q You don't know whether he is there or in another part of the room?

A I can see anything on my left.

Q You say you were in the passage way?

A I was in the passage way and the door leading to Ward 19 was on the left and I could see what was going on on the right and left.

Q Do you know what that man is doing on your left?

A He is behind me.

Frederick E. Hartmann, called, sworn and examined:

By The Governor:

Q What is your name?

A Frederick E. Hartmann.

Q What is your occupation?

A Fireman on the New York Central Road, Harlem Division.

Q Where do you live?

A 210 West 41st Street.

By Mr. Tamm:

Q Were you acquainted with Mr. Ferris in his lifetime?

A I knew him as long as he was employed for the company.

Q How long was that?

A Over a year, I suppose.

Q Did you visit him at any in the Ward's Island Insane Asylum?

A Twice.

Q When was the last time you called there?

A The last time I saw Mr. Ferris there was on the 1st day of April, if I am not mistaken.

Q That was the last time?

A Yes.

Q In what condition did you find him as to bodily health?

A The last time I saw him up there I was astonished at the man's appearance.

Q In what way?

A He was extremely emaciated. He was fallen away. He was

merely a rack of bones as compared with the George Ferris that I know on the road. He was a fireman on the road, on the New York Central.

Q Did he seem to be possessed of bodily strength.

A Not when I saw him last.

Q Did you notice any bruises about him?

A Not the last time I saw him.

Q Did you at any time?

A The first visit.

Q When was that?

A I think it was on the 1st or 3rd day of March. His face was then scratched, and in conversation with one of his attendants, a gentleman that was standing at the door, I asked him how he came by the marks on his face.

Objected to: objection sustained.

Q Was his condition such that it would take 4 men to hold him the last time you saw him?

Objected to.

Q How was he as far as his action was concerned?

A He was quiet.

Q You could converse with him easily?

A He was crazy and you could not hold his attention or chain his attention to any conversation on one particular point for any length of time. He was engineering, railroad, ing and steamboating.

Q He was quiet enough?

A We stayed there and he ate the refreshments that I brought for him. The last time I was there I had a sandwich and 3 or 4 cakes and 3 or 4 oranges because I saw others leaving refreshments at the first meeting. We sat on a bench together and he ate the refreshments I brought as though he had not anything to eat for about a week. He was perfectly reverent.

Q Did you meet Dr. Reynolds?

A I could not say.

Q Dr. Douglas?

A I saw him.

Q Was Dr. Douglas one of the attending physicians there?

A I saw Dr. Douglas in the office.

Q Did he tell you anything about Dr. Morris while he was in the hospital?

A Yes sir.

Q What did he say?

Objected to; objection overruled.

A Of course we applied to the office for a permit to visit the ward. When he gave me the permit he asked me whether Dr. Morris was married or whether I was a relative of his. I told him that he was neither married and that I was not a relative. I was merely an acquaintance or friend on a visit to see him. He gave me a permit to visit the ward and asked me after I had visited the patient to return to the office as he wished to have some conversation with me.

After the visit was over I went back to the office and saw Dr. Douglas and asked him about the patient, about the disease, and he told me that Mr. Ferris had general paresis and that the disorder was generally fatal. He enquired whether he had any relative in this country. I told him he had no one that I knew of. In fact, I had heard from Mr. Ferris himself that he was alone. I asked the doctor particularly, and made it a point, because we had conversations at the engine house about that before I went over. I asked the doctor whether the patient was at all violent or whether he had had any trouble. I asked if he caused him any trouble. Dr. Douglas told me that he did not give them any trouble and was not what they called a troublesome patient. About 10 days after my first visit the doctor explained he had had a little difficulty with another patient and the attendants separated them, and Doctor Douglas admitted that that was now it came by the marks on his face that he had when I first saw him; that otherwise it was not a troublesome patient; that same statement was made to me by the gentleman that was in the Ward and had charge there at the time I was in the room with Mr. Ferris.

Q Do you know his name?

A I could not say. The gentleman is here now.

Q Do you see him?

A Yes, sir.

Q Could you point him out?

A The gentleman with the gold-rimmed specs.

Q He told you that he was not troublesome at all?

A He says he is always as you find him now.

Q How was he then?

A He was standing at the window making comments about this tug boat that was running up the river.

Q Was he violent?

A No.

Q Bothering anybody?

A No.

Q

By Mr. Wellman:

Q Dr Douglas told you that the marks he had on his face were from the fight he had with one of the patients?

A A little difficulty that he had with another patient.

Q A little difficulty resulting in marks on his face?

A They were more scratches.

Q And when was it that Dr. Douglas told you that he was a quiet patient?

A The time of my first visit.

Q When was that?

A That was, as near as I can recollect, on the 7th or 8th of March.

Q He had been in then about 10 days.

A He might; I don't know.

By Mr. Byrne:

Q Did you have a second conversation with Dr Douglas?

A I did.

Q What was the second conversation?

A Regarding his possible demise; regarding his probable death.

Q Anything else? In regard to his demeanor?

A Not far as being violent was concerned except that Dr. Douglas explained that in case the patient did not improve in the next 3 days he would remove him to another ward where he could have more rest. As I understood from the explanation that he gave me that in the ward where he was then the patients were subject to certain set hours; that they were supposed to rise at a given time in the morning and retire at a given time in the evening. The doctor said if he did not recover in the next 3 days he would consign him to another ward where he could rise and go to bed when he liked.

By Mr. Wellman:

Q Did he tell you he was likely to die at any time?

A He told me from the very nature of his disease he was likely to die at any time.

Deputy Coroner Jenkins, called, sworn and examined:

By Mr. Byrne:

Q Will you state the result of the autopsy made by yourself in the presence of Dr. Wallace and I believe Mr. Harold On Saturday last at Myer's Cemetery?

A On June 11th, at 2 o'clock, the body of George Ferris having been brought to the vault at Myer's Cemetery I proceeded to make an examination. I opened the coffin myself with the assistance of one of the grave diggers and found the body in a very advanced stage of decomposition reclining on the left side of the face; that is, the head was turned to the left side. The face was discolored from decomposition, as was also the rest of the body, except the lower portions of the legs which were not so much decomposed. We first made an examination of the outer surface of the body from inspection. On the head posteriorly I found, on the left side, a hard apparently deeply lacerated wound, and over the left or outer angle of the left eye there was also a slight lacerated wound in the eye brow. We proceeded then to open the chest first. Along about in the region of the 7th and 8th ribs I saw a slight discolored mark. Then I opened the chest and found the 5th, 6th, 7th and 8th ribs fractured on the right side. The 5th, 6th, 7th, 8th and 9th on the left.

The cartilage of the 6th rib on the right was also separated from the rib. Examining into the condition of the fractures, they seemed to be fractures that were made anterior outer surface about in the line of the nipple, or a little posterior to the line of the nipple, and the fractures seemed to be made outward as if they were caused by a force from within. The 7th rib was somewhat comminuted. There was also a dark ecchymosis about an inch or an inch and a half in length which could be seen through the pleura on the inside at the 7th rib. The costal pleura was not perforated at any point. The lung cavity was filled with about a quart of fluid which was the result of decomposition. The surface of the lung could be thoroughly examined. There was no perforation of the surface at any point. The body, of course, and the tissues were very much decomposed. The heart was flabby, pale, and decomposition had advanced so far that he could not determine anything about the condition of the heart. There was a slight amount atheroma in the arch of the aorta. The liver was in a very advanced stage of decomposition. The kidneys and spleen were in a similar condition; the kidneys so far, that I would not offer any opinion with regard to their condition except that the capsule was somewhat adherent. In examining the larynx I found that the ascending cornua of the thyroid cartilage

had been fractured on the right side sometime before death. I could not specify what time before death. Upon examining the head and taking off the scalp, I found on the posterior surface under the wound above described that the tissues were hard and that apparently they had undergone a reparatory process. Over the left eye, the tissue was somewhat infiltrated with blood. If an effusion had taken place there were clots there originally, these were completely broken down by decomposition. The tissues on the left side were ^{more} infiltrated than on the right. There was no fracture of the skull anywhere. The brain was in a macerated condition, so that I could tell nothing about its condition before death. As far as I could determine from that condition it seemed to be normal.

Cross Examined

By Mr Wellman:

Q The only evidence of violence that you discovered, as far as I can follow you, were the broken ribs, the trouble with the back of the head, the trouble with the Adam's apple and the scar over the eye.

A Yes, and the slight infiltration on the left side in the tissues.

Q What is that?

A Apparently blood had been poured out and undergone a change of decomposition.

Q Bruised?

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A Not particularly bruised.

Q Take each of them up separately. The wound in the back of the head—do you agree with the other physician that that was an old wound?

A I think so.

Q Is it your opinion that it was an old wound?

A Yes sir.

Q How about the wound at the throat?

A The wound at the throat, I could not specify as to the time.

Q What does that amount to? You could cause that by grabbing a person by the throat?

A Yes sir.

Q That is a simple affair?

A Yes.

Q Then the scratch over the eye, or the laceration over the eye, or the cut over the eye?

A It was a lacerated wound.

Q Was that serious?

A It was not serious.

Q You found that there were ribs broken?

A 9 ribs and the separation of the cartilage of the 6th from the rib.

Q Were the bones displaced?

A No sir.

Q They were simply cracked through?

A They were broken completely through but not displaced.

Whether they had been displaced during life or not and decomposition distending the body had forced them in position I am unable to say.

Q Then you found them they were not displaced?

A No sir.

Q You spoke of one of them being somewhat comminuted?

A Yes sir, and a piece broken out.

Q How big a piece?

A I think, a triangular piece about an inch in size.

Q Was that in place?

A That remained in place between the bones and the tissues.

Q Then all the ends of the bones and of the broken ribs were all in place?

A Yes sir.

Q You say the costal pleura was not perforated?

A Yes sir.

Q That shows that the lungs were not perforated?

A Yes sir.

Q If the costal pleura was not perforated the lungs could not have been perforated?

A No sir.

Q And if the lungs were not perforated the lungs could not cause death with reasonable certainty?

A I will not say that they would cause death or that they would not cause death.

Q Can you say with reasonable certainty that the costal pleura not being perforated the broken ribs were the cause of death?

4 A I think that would depend upon the condition of the patient before, and I think it would be a serious condition in a perfectly healthy person.

Q The other physicians spoke at length about the condition in which he found the face of the corpse. I notice you said it was puffy from gasses and decomposition?

A The whole body was in that condition.

Q You attributed it to the gasses of decomposition?

A Yes sir.

Q How many autopsies have you made, near 1200?

4 A I should judge that I had. For 4 years I think I have one a day on the average.

Q Do you know about a patient suffering from general paresis?

A Not of my own knowledge.

Q Do you know?

oh A By consultations with persons who are expert in those matters I have been told that the bones were more brittle in patients suffering from general paresis than in health.

On that point I am not posted.

Examined by Mr. Byrne:

Q You won't express an opinion about that?

A Not of my own knowledge.

By Mr. Wellman;

Q This was the second time that you examined the corpse?

A I saw the corpse at the Morgue but in examining a great number of bodies, I do not recollect the face. I examined the body, I am positive, because I examine every body in the Morgue.

Q You examined the body and gave a certificate for it?

A The certificate of Dr. Hatheway was sufficient for me.

Q Did you look at the body at all?

A I think I looked at the body just as they were dressing it.

Q Dr. Hatheway told you there was some ribs broken. Did you examine this to see?

A I did not.

Q How big a man was this body?

A He was a man about 6 feet and a full broad man, not a thin one. He had a large frame but he was not particularly well nourished. As I said before, decomposition had made him much larger than he was during life.

Q Did you see anything about the appearance of the body including the fracture of the ribs, so that you could give an opinion as to whether this man came to his death on account of violence?

+ X A The fracture of the ribs would indicate violence.

Q Sufficient violence to cause death?

+ +
A I consider the fracture of 9 ribs a very serious matter, not taking into consideration the general paresis.

Q Sufficient to cause death?

A I have never had a case of that kind. I have never had a case of that kind of fractures. I don't know of other than cases that have been by falls. I have had one case of a fall from a great height where the man died immediately from shock.

Q But there, internal organs were injured? Here you say the internal organs were not injured?

A No sir.

Examined by Mr. Syms:

Q Did you examine the outlines of all the internal organs carefully?

A I examined all the organs. The liver was in a macerated condition.

Q Could you tell from an examination whether they had been crushed or not by the fracture of the ribs or the pressure?

A Not with reference to the liver.

Q Mr. Wellman has asked you in reference to the costal pleura as to the penetration. Could there not be a certain amount of pressure sufficient to cause death even if the costal pleura had not been affected, from the fracture of 9 ribs?

A That may have been.

Q You have heard of cases where a fracture of 9 ribs has caused death independent of any other cause?

A I think not. I have looked up the subject.

Q Was not the shock from the effect of the fracture of the nine ribs?

A I cannot give you a definite opinion upon that.

Q Do you know?

A I don't.

Q You are not able to say whether even if the costal pleura had not been penetrated, there was sufficient pressure from the effect of the fracture of the ribs, to cause death? You can't testify one way or the other?

A Certainly there was not in the thoracic organ. The only organ that I cannot testify to, is to the liver, which was in such a broken down condition that I could not tell any thing about it.

Q Mr. Wellman has asked you in respect to the certificate you gave. The certificate avers that there were two ribs broken. It is customary for you to take the certificate of the attending physician as authentic and not even make a close examination or autopsy?

A It is customary.

Q But you found out in this case that the certificate of Dr. Hatheway was not true. Did you not find that instead of two ribs being broken there were nine?

A I did.

Q And as you heard Dr. Wallace testify, they were broken before death? What is your opinion about that?

A I could not tell positively from the fracture of the ribs on the right side. From the condition that they were in and the condition of the tissue, I could not be positive.

+ 1
Q From your examination did it appear that these were crushed from the outside?

A Yes sir. But, may I add whether it was done by falling from a height or whether it was done by a heavy body falling upon him, or whether it was done by pressure, I cannot tell.

By Mr. Wellman:

Q You can't tell whether it was done before or after death?

A I could not swear positively.

Q If the ribs were broken before death, there would be inflammation?

Q We should expect to find that by the changes of decomposition and so on; early inflammatory processes would be obscure. In this case we know that the inflammatory products would probably be broken up and dissolved.

Q If two ribs were broken, it would weaken the arch so that the other ribs could be more readily broken?

A It would probably allow the ribs a little more play. They would not be so easily broken.

By Mr. Spence:

Q From your examination of the ribs, can you express an opinion as to whether the four or five ribs on the right or the four or five ribs on the left, whichever you discovered to be so fractured, could have been produced by a simple fall on the left side.

A No sir.

By Mr. Holliman:

Q Do you make your answer apply to a patient with general paresis?

A I have not much experience to answer that question. In cases of that kind where the ribs were fractured on one side it would allow more play and they would not be fractured so readily.

Q You do not answer in regard to a case of general paresis?

A I cannot.

Stewart Douglas, called sworn and examined

By The Coroner:

Q Where are you employed?

A At the New York City Insane Asylum, Ward's Island?

Q What capacity?

A Assistant physician.

Q Still employed there?

A Of course.

Q How long have you been employed there?

A Five years.

By Mr. Williams:

Q Did you have charge of this man, Dr. Morris?

A I did.

Q When did you first take charge of him?

+ A On February 14th, the day that he was admitted.

Q What was he suffering from?

X A From general paresis.

Q Tell the jury what general paresis is?

A It is a disorder that affects both the brain and spinal cord. It is a disorder from which there is no possible

+ X recovery and which in a short time ends in death.

Q How does it affect the brain and spinal cord?

A It causes destruction of the brain cells.

Q What is the cause of it?

A The cause of general paresis is a combination of three things or of two or one of these things. They are hard work, venereal or sexual excesses and intoxication or intemperance. Either one, two or three; generally two of these together.

Q Did you say there is no cure for it?

X X A No cure. The disorder also affects the muscular system so that there is loss of co-ordination. In other words, they have not the entire control of all the muscles.

Q What becomes as the disease progresses?

A As the disease progresses it is as if co-ordination also progresses and death is due to brought about by the brain or by the heart's action becoming so weak that it cannot any longer carry out its function.

Q Is the patient having general paresis sane or insane?

A Insane.

Q Was this man Ferris sane or insane?

X X A He was not only insane, but he was in the last stage of general paresis.

Q There was a witness who said that you stated to him that Mr. Ferris was not a violent patient, but a quiet patient?

A I stated to some one; I don't remember who it was; there were two visitors, a gentleman and a lady. I said on the first visit that the man was very childish; only troublesome in that way; in that he was disturbing other patients; and that at the same time I hoped he would not become a violent man on account of his large physique. He was very childish

and difficult to control only, in this that he would move around from place to place and annoy other patients.

On the next visit I told him that he had shown signs of irritability and ~~and~~ had trouble with other patients in the ward.

Q After this conversation with this man what did Dr. Morris display in regard to violence?

X X A About the 5th of March, I think, he began to be irritable instead of being very genial as formerly; he would resent any conversation at all with him. At other times he would be pleasant; and accordingly he was put on treatment. (This treatment was continued until about the 20th and then we had to give him a heavier dose of medicine to quiet him.) That was necessary because he had become very violent. He made an attack on a patient named Rush and Rush knocked him down and the cut on his head which he had at the time of admission again opened. It never healed entirely. He struck this patient Rush and Rush in turn knocked him down.

Q Where did Rush hit him?

A It is on the records of the asylum; on the 20th he had trouble with a patient named Tucker and struck Tucker in the face causing him a very black eye.

Q Did Tucker strike him back?

A I don't remember.

Q Do you remember any other of your own knowledge?

*and still don't know
how he got
there*

A I remember about the 1st of April---he always seemed to fancy me very much. He was rather a favorite of mine. I enquired about him. About the 1st of April I enquired for Mr Ferris in the ward and was told that he was in his room. I went down and attended. It is always the custom to have an attendant with the physician. I entered the room. Mr Ferris was sitting on the window sill. He was quiet at the time I approached to speak to him but he advanced on me and struck me.) He seemed to have only a partial idea of what was going on, more like some one walking in his sleep, but he approached me intending to strike me. I left.

Q Do you know of any other fight he had?

A After the injury of the 4th of May I entered his room to examine him and he made a number of efforts to kick me and succeeded in kicking attendant McCus in the face.

~~—~~ Kicked him a very hard blow.

Q Was he a large man?

A In his bare feet he was 6 feet 1 1/2 inches, and weighed 165 1/2 stripped.

Q Did you attend him all the time that he was in the hospital?

f A No. I attended him up to April 10th then he was sent to another ward.

Q I want you to tell the jury about this wound on the back of his head he had that when he came? He had that on admis-

sion. That was nothing that he got at the asylum?

A No.

Q Did you see the cut over his eye?

A I don't remember the cut over his eye. I don't remember having seen it.

Q Did you see any bruises on him at any time?

A I did after the trouble of April 8th, I examined him.

Q When did you examine him after that trouble?

A I examined him at 9 o'clock. I made an examination by inspection, that is, I could not examine the ribs thoroughly

X X because he was making violent efforts to injure me and injure every one.

Q What was he doing?

X X A He was kicking and striking; as soon as any one approached him he was violent.

Q You could not examine him?

A Not until the afternoon.

Q What did you find then?

X A I found the bruises on the back of his right thigh, his side and back, the left side of the legs, abrasions on the right shoulder over the middle of the spine, back of the right leg, and the outside of the left leg on the left side; none on the right side.

Q Did you look to see if any ribs were fractured?

A I examined him thoroughly from head to foot. He had only one spot about the size of my hand about which he complained of pain when any one touched him, but in no other por-

+ tion of the body. That was over the seventh and eighth ribs which were fractured. I could find no evidence except as to these two.

Q You examined each rib separately?

A Yes, sir.

Q And could not find any break?

A No, sir.

Q Did any other physician examine with you?

A My assistant, Doctor Reynolds.

Q Did you see any evidence of any blood from his mouth?

A No, sir.

Q Was any such thing reported to you?

A No, sir; only over the back of the head.

Q That was the old wound?

A Yes, sir.

Q How is it with the patients who are suffering with general paresis as to the brittleness of the bones?

X A Their bones are more brittle than persons troubled with other diseases.

Q How many years experience have you had?

A Five years with the insane.

Q How does a patient suffering with general paresis in the last stages as you say this man was fall?

A He falls like a drunken man. He makes no effort to save himself.

Q Why is that?

A It is because he cannot measure the danger to himself as a

general thing or else it is because his mind is so far gone that he does not know it.

Q Is there then any difference in the fall of a man suffering in the last stages of general paresis from a man in health?

A Only this; there is a difference in the fall of a man under the influence of liquor and in general paresis a man suffers like a man under the influence of liquor. He does when he is a man like Mr. Ferris.

Q I ask you whether or not there were ribs fractured from the fall by such a patient as he was?

A Yes.

Q From the fall as described by you?

X A It could occur very readily. He was a man of very large frame. His decease could readily occur. He would lose the control of his extremities and would fall over a very slight object. They cannot control them the same as a healthy person in their walk they do not raise their feet.

Q How is it with patients suffering from general paresis? Do they get into all these fits?

A One of the reasons is that they feel no pain as a general thing. Another reason is that they consider themselves stronger than any one else or all the world and have no fear. They do not know what the sense of fear is.

Q No fear and no pain?

+ A No fear and no pain unless the pain is very severe.

Q When you examined him at 9 o'clock on the 8th of April after this trouble did you discover any evidence of this trouble?

A None. His heart had been weak for a long time and on account of his weak heart the medicines had been lessened in quantity.

Q There were no evidences of stroke?

A No sir.

By Mr. Sykes:

Q Are you still in the Insane Asylum at Ward's Island?

A I am.

Q How long have you been there?

A Five years.

Q You testified that the effect of cerebral palsy loses the effect of the muscular system? What do you mean?

A I mean, in walking, for instance, instead of a person raising his feet as in health he drags his feet. He may drag one foot and raise the other. They do not come together.

Q You also testified that a man by the name of Rush knocked Mr. Ferris down on one occasion. Did it take three or four men to do it?

A Only one because he struck him in the eye.

Q Did it take three or four men to take hold of him after that?

A It is hearsay.

Q What is your knowledge on that point?

A It is reported to me by the attendants. I immediately investigated it and questioned Bush himself.

Q In respect to this assault that you saw of Tucker's, did you make any statement to my body at any time or was it so reported to you that it was Tucker's fault and Tucker was placed in another ward?

A I wish to state to that during that Tucker was removed from the ward not on account of his trouble with Morris. Morris was to blame, Tucker tried to remove a bar off his bed and tried to hurt me. Morris was not a particular, treacherous man. I do not believe his discrimination would last over a few minutes. With Tucker it was different.

Q In that moment when that you have as to your examination on the evening of the 21st of April you make no mention as to the fracture of any ribs?

A No, except the 7th and 10th.

Q Now does it happen that it has been discovered that there are 9 ribs fractured and you did not discover it?

A I did not. I know nothing about the body after it was dead. I did not believe that any fractures could have existed without my discovering them on a careful examination.

Q Can you account for the sudden illness of the patient 24 hours after this assault and his death?

A He had been ill and his heart was very weak.

Q So weak that he was unable to get around?

A On the contrary, he was able to get around very well.

Q What do you mean by he was very weak?

A His circulation was so poor that he was very weak.

Q You say the effect of general paresis in the first stage was the loss of the muscular system?

A It affects the muscular system and causes the loss of coordination. The muscles are still there.

Q Did I understand you correctly to say the muscular system is impaired by the general paresis?

A The action of the muscular system is impaired.

Q Does that deprive the patient of any strength?

+++
A (In the last stage, that is, just before the man dies of his disease; in this way the nervous system is so affected that a man cannot exert his strength.)

Q If this man died of general paresis would the action of the muscular system be very weak?

A Not necessarily. It might be perverted but not necessarily weak.

Q Would it be as strong as a man in the early stages of general paresis?

A It might readily in a moment of excitement.

Q I mean generally speaking?

A I cannot answer you generally speaking.

Q You heard one of the attendants testify that you or some physician admitted that you placed this patient in another

ward where he would be free to have his own time to get up and go to bed. Was that the intention of your physician?

X A My intention was that if his heart continued as it was at that time I should send him where he could be kept in bed all the time.

Q Why did you suggest that?

A In order that the man might be visited by his friends.

Q Could not he be visited by his friends where he was?

A Only once in two weeks.

Q You thought he was getting down so low that he could remain in bed all day long and not be moved?

A I say if it continued. There was a cessation for a time of his trouble.

Q Was he so weak that he was unable to go about?

A On the contrary, he was able to go about very well.

Q Was he strong at the time when you heard of this report of a certain man by the name of Rush knocking him down? Weaker or stronger?

A That is impossible to state.

Q You attended him all the time?

A That is true but I cannot tell whether a man is stronger upon one day than any other. I have no doubt at all that one of the attendants could knock him down if he struck him in the eye, they are never allowed to strike a patient.

X Q How do you account for the discoloration on the left side of his face?

A I do not know.

X + Q How do you account for the fracture of the 7th and 8th ribs?

A I have nothing at all to do with it.

Q And the 4th and 5th ribs on the left side and the 6th, 7th and 8th on the right?

+ + A I cannot account for them?

Q You don't know whether these attendants assaulted this man or not?

A Of course not. I was not present.

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DAVID HATHAWAY, called sworn and examined

By Mr Wellman:

Q You are a physician in the insane asylum?

A I am.

Q What is your first name?

A David.

Q How long have you been a physician in the asylum?

A Two years and a half.

Q You were there in April?

A I was.

Q Did you know the patient, Farnish or Farnis?

A I did.

Q Did you attend him?

A I did attend him.

Q Did you attend him after the trouble of the 3th of April?

A I did.

Q How soon after that trouble.

X A A He came to me on the 10th day of April.

Q Did you examine him?

A I did.

Q Did you examine his ribs?

A I did.

Q Were there any of them broken?

A Yes.

Q How many?

A Two.

Q Which ribs?

A The 7th and 8th on the left side .

Q Any other ribs broken?

A I did not find them.

Q How careful an examination did you make?

A I made an examination as careful as I could considering
that I found two ribs broken.

Q What did you do?

A I traced out each rib to see if there was any fracture.

Q Every rib in the body?

A All before the first 2 or 3.

Q Did you trace them out?

A Yes.

Q Were they fractured?

A I did not find them.

Q You only found two?

A That is all.

Q What other marks of violence were there on him?

A He had a bruise over the left eye.

Q Anything else?

A I believe he had a bruise on the neck and also a bruise
on the left side.

Q Did you keep the records of the asylum?

A I keep the records of the hospital ward.

Q Who keeps the records of the other wards?

A They are kept by different physicians.

Q Did you see any evidence of shock when you examined this man Ferris?

A I saw the man the night before he came to me. I saw him with Dr. Douglas the night before. At that time I did not see any sign of a shock.

Q Did the man die when he was under your charge?

A He did.

Q What was the cause of his death in your opinion?

Objected to.

By The Coroner:

Q That is your certificate (handing paper to witness)

A Yes sir.

By Mr. Wellman:

Q What was the cause of the death?

A Exhaustion and general paresis was the general cause in my opinion, and the contributing cause was the fracture of the 7th and 8th ribs as reported in my certificate.

By Mr. Byrne:

Q How long did it take to make this examination?

A I did not hold a watch in my hand to look.

Q Give us your recollection?

A It may have taken 20 or 25 minutes. It may have taken less.

Q Did it take five?

A I would not say whether it took five or ten.

Q Did it take three?

A I shall not answer that.

Q Did it take more than three?

A I shall not answer that.

X Q Why did you escape the first, second and third ribs on the right side as you have testified to?

X A For the simple reason that I did not consider it necessary to examine that rib?

By Mr Wellman:

Q Explain that please?

A For the very simple reason that when the man came into me I commenced as I generally do when examining those things; I generally commenced in the centre. I think probably at that time I possibly commenced at the 4th or 5th rib, somewhere there, and went down, and when I found that there was also a fracture of the 7th and 8th ribs I considered it almost impossible for a man to have a fracture of the 2 principal ribs unless there was a fracture of the 4th and 5th ribs which I would have found. That is the reason I did not examine them.

By Mr Byrne:

Q Suppose you did examine it and found the 1st, 2nd and 3rd ribs fractured?

A I would have reported it in the certificate.

X Q Would it not have affected your certificate?

A I say I should have reported it.

Q Would it not have been necessary for you to report in the certificate that the 1st, 2nd and 3rd ribs on the side of this man had been fractured.

A And then to the fact that he died of general paresis.

Q You did not examine it?

A I know.

Q If that first rib was fractured how could you tell without examining it?

X A I have never seen a case when the 3rd rib has been fractured unless the 1st, 2nd and 3rd ribs have been fractured.

Q Did you ever hear of the 3rd rib in the body being fractured without every rib on one side being fractured?

A I have.

Q Why did you not examine the 3rd rib?

+A For the very simple reason that there were no external injuries.

+ Q Were there any external injuries with respect to the 7th and 8th?

X A There was.

Q Were there any in respect to the other side of the man's body?

X A There were not.

X Q How can you account for the fact that upon the autopsy the physicians have found that there were 9 ribs fractured?

X A I do not know.

Q Among them the 6th rib with a portion of the tissue separated?

A I did not find any fracture at all on the right side. I do not know.

Q Have you ever heard of a case where the 2nd rib was fractured and no other rib in the body?

A I suppose it might occur.

Q Still you did not think it worth your while to examine the 2nd rib?

A I told you the reason why. For the very simple reason that I found no external injuries.

Q Suppose there were no external injuries, and upon examination you found that the 2nd rib, the 3rd rib, 4th, 5th, and 6th ribs were fractured, would it not have made some difference in your certificate?

A I should have put it in.

Q Why did you not find out?

A Because I maintain that it would not have occurred without something to show me that it was there.

Q Did you examine the 4th?

A I suppose I did. I don't remember.

Q Do you know?

— A I know.

Q Did you find a fracture?

A No, I did not.

Qc You heard the testimony of the Deputy Coroner, Jenkins and of Dr. Wallace. They testified that the 4th rib was also fractured?

A Yes sir.

Q Can you account for that?

— A I don't know.

By Mr. Wellman:

Q Do you know about patients in general paresis?

A I do.

Q Now about the control of the limbs when you are suffering from the last stages of general paresis?

A They lose their coordinating power.

Q What do you mean by that?

A Where they move along in regular action the man has control of them. If they have not got control of them we say they have lost their coordination.

Q How do they fall,, if they fall.

A They fall as a man who is drunk.

By Mr. Byrnes:

Q Did you ever know of a man falling that was drunk to clutch at something to prevent himself from falling, falling easy

A It all depends on how drunk the man is.

Q A man really drunk?

A When I say a man drunk I consider it more than simple intoxication, I consider he is so drunk that he does not know where he is or what he is doing. He does not walk. He stumbles around and goes this way and that way.

Q He moves his feet, don't he?

A Yes.

Q And it is through the effort of the brain that he does so?

A Yes sir.

Q In your opinion would a man suffering from general paresis a large man 6 feet one and a half inches in his stocking feet, weight 185 pounds, tripping over a mat and falling down, would that account for the fracture of the ribs as they appeared when you examined them?

A I think it would.

Q Are you positive?

A I am.

Q Do you mean to tell the jury that the fracture of the ribs that you discovered there was the result of the fall?

A I have every reason to believe it.

Q Describe what part of the body you discovered the fracture of the 7th and 8th ribs?

A It was here (indicating)

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Q Did you notice where the break was---which part of the body
---the breast ?

A It was below the breast.

Q I mean in respect to the rib?

A It was about there (indicating)

Q Was it not almost under the arm?

A That would be pretty near under the arm.

X
WILLIAM HILDITCH called sworn and examined

By The Coroner:

Q What is your occupation ?

A Night attendant at Ward's Island.

Q You keep the records there?

A Yes.

Q Is this your handwriting (indicating)?

A Yes sir.

Q From what record is this copied?

A From the injury book.

Q Under your charge?

A Yes sir.

By Mr. Byrnes:

Q Did you see all the occurrences that you described there yourself?

A No sir; they were reported to me.

(Witness directed to read the report)

Q What is your name?

A William Hilditch.

Q Upon all of those occasions it so happened that every one of the parties who were concerned in the assault, or who had a controversy with Mr Ferris, that Ferris was the only one scratched, bruised or injured. How do you account for that?

A

Q On March 15th Mr Rush struck Mr Ferris causing a slight cut on his forehead and while falling he received a slight cut on the back of his head. Nothing said as to what Mr injuries Mr Rush received although Mr Rush did strike Mr Ferris, do you know that to be the fact?

A So I was told.

Q April 8th, Mr Ferris became excited while running out of his room No., nothing said about any body else being injured?

By The Coroner:

Q Now do you explain that the injuries received by Mr Ferris only are related here?

A That is the way it was reported to me by the attendant.

By Mr Wellman:

Q Did you see any of those alterations yourself?

A No sir.

Report marked Exhibit C. June 18th, 1887.

CHARLES F. HOWMAN, called, sworn and examined.

By Mr. Wellman:

Q Doctor?

A Yes sir, at Lord's Island.

Q What department?

A Hospital Department of the Prince of Wales.

Q For how many years?

A About one year.

Q Do you remember this patient earlier?

A Yes sir.

Q When did you see him?

A I saw him on the afternoon of April 10th about 4 o'clock.

Q You are now with the hospital department?

A Yes sir.

Q Did you examine him?

A Yes sir.

Q Did you examine his ribs?

A Yes sir.

Q Did you find any fracture?

A I found a fracture of the 7th and 8th ribs on the left side?

Q Were there any other ribs fractured?

A No sir.

Q Did you examine to see?

A I did. I made a careful examination of each rib below

the second.

Q How did you examine it?

A I saw if the outline was all right.

By Mr. By no:

Q Who was present when you made this examination?

A One of the attendants, I think.

Q Was Dr. Hathaway there?

A No sir.

Q Why did you make the examination when Dr. Hathaway was the attending physician?

A Dr. Hathaway and myself are both connected with this same ward. I saw this man first, I think about 15 or 20 minutes after he came in the hospital. I was told there was a patient requiring attention.

Q Were you there when Dr. Hathaway made the examination?

A I think so.

Q When he came in you told him what you had discovered?

A I did.

Q Did you tell him what you discovered?

A No sir.

Q You told him you examined him and he did not ask you what you had found?

A I told him he had received some injuries and we proceeded to examine him together.

Q What injuries did you discover?

A I did not describe the injuries he had received to him then.

Q When?

A Afterwards.

Q How soon?

A Directly after we had examined him together.

Q You examined him together both?

A Yes sir; at the time about 2 hours after I first saw the man.

Q What led you to believe that the man had received injuries?

A There was some bruises and external marks. There was one bruise in the neighborhood of the eye on the face.

Q Did he look to you as if he had fallen down or been assaulted?

A It was hard to tell.

Q You know that he had some marks?

A Yes sir.

Q Can you account for the fracture of the 2 ribs you had discovered?

A I did not see the man when he received his injury.

Q You are still engaged as a physician there?

A Yes sir.

By Mr Wellman:

Q In your opinion, judging from the appearance of the fracture that you have discovered on this man would it be

caused by the fall of a man 6 feet 1 1/2 inches tall,
weight 180 pounds and suffering from general paresis in
the last stages?

X A I think so, very readily.

By Mr. Byrne:

X Q Could 4 ribs on one side land 3 on the other and the dis-
location of the left side of the cage, as you have testi-
fied to be caused by a man falling and landing over a mat?

A I don't know. I never saw such a case.

Q I ask you in your opinion as a physician?

A I do not think it could.

A. H. McDonald, called sworn and examined.

By the Coroner:

Q What is your first name?

A A. H. McDonald.

Q In what capacity are you located over there?

A I have charge of the asylum for the insane of this city.

Q I believe Chief Medical Superintendent?

A General Superintendent.

By Mr. Wellman:

Q For how many years have you had to do with the insane?

A About 22 years.

Q And you make a specialty, of insane patients?

A I do.

Q I ask you in relation to patients suffering in the last stages of general paresis, what about the bones--the brittleness of the bones?

A In all stages of paresis, and especially in the last stages, there is increased brittleness of the bones, and are liable to very numerous fractures from very slight causes. Even the lifting up of a weight will cause a fracture of the arm in some cases. A very slight blow, striking against a lamp post or tree, will cause very extensive fractures; a very slight fall or falling of anything upon them. The bones are extremely brittle and very easily broken.

Q How does the disorder of general paresis affect the con-

trol of the limbs?

Q There is increasing loss of control. The muscles do not act as they do in health, and the person who is affected finally cannot walk at all.

Q How does such a patient fall?

A He is very apt to trip because he shuffles instead of lifting his feet over obstacles. Instead of lifting his feet over a curb still he drags them against it and is apt to fall.

Q When he falls does his fall differ from the fall of a ordinary man?

A It is like so much dead weight. He does not attempt to save himself as a rule.

Q Does he suffer pain?

A No sir.

Q They do not feel pain?

A They do not have the same sensibility to pain as some people with other diseases. Not apt to complain about pain ~~unless~~ if they have it.

Q You have heard described here the condition of the 6th and 7th ribs, 7th and 8th ribs, were found after the altercation on the 8th of April?

A I have, yes sir.

Q In your opinion would a fall such as the attendants describe occur to this man account for the fracture of these ribs?

A In a man suffering from general paresis, 6 feet 1 1/2 inches

inches tall, weight 185 pounds, I think such a fall would readily cause such a fracture.

Q At the time this trouble occurred was the patient parais or was he the time he was in the insane asylum, you were near him?

A I had personal knowledge of the case.

By Mr. Jones:

Q Assuming your testimony to be true as to the condition of the bones of a person in the last stages of general paraisis---that is the bones are brittle---have you instructed your attendants to be very careful, or what instructions had you given them in respect to the treatment they shall give to a person who, as you claim this man was, is in the last stages of paraisis?

A The printed rules of the institution which are furnished to each attendant when he is put on duty will answer that question better than I can; but the instructions in all cases are that no violence whatever shall be used. If a patient is disorderly an attendant is furnished with a whistle that he can blow and call assistance if it is required.

Q But the fact that a man, assuming the patient to be in the condition that Dr. Douglas has testified to this man being in, in the last stages of general paraisis, with 2 or 3 men holding him down and their knees pressed on his

chest, assuming it to be true, and hammering his head against the floor, would the bones be in such a condition that they could fracture 9 ribs of the body?

A It might cause a fracture of the whole rib, the last rib.

Q Is there any printed rule of the asylum then which directs the attendants from preventing a man in the last stages of general paresis from falling, or directing the attendants preventing him from falling to keep him on his feet?

A Scarcely.

Q Then if any attendants either force a man to the ground or push him with such violence that he will fall, a man that you say has the wit of a man in the last stages of general paresis, then he is guilty of assault?

A If an attendant should push a patient over he is violating the rules and would be dismissed on the spot.

By The Coroner:

Q How many physicians have you there now?

A In that particular building 16.

Q And they are supposed to visit the patients, of course, once a day?

A More than that; twice a day at least.

Q You were not acquainted with the deceased, Morris?

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A I never saw him. He came there while I was away and died
before I returned.

ALEXANDER TROUTMAN, called sworn and examined

By the Governor:

Q Your name in full?

A Alexander Troutman:

Q You are an assistant to Dr. McDonald?

A I am the Medical Superintendent of the New York City Insane Asylum:

By Mr. Wellman:

Q How many years have you had to do with the insane?

A Nine years.

Q How much experience have you had as a surgeon?

A I think I must have had in the neighborhood of 250 or 300 autopsies.

Q I want you to describe to the jury a little more particularly about the disorder of general paresis; how it is caused, how it is first placed and then how it progresses and what effect it has on the bones of the body?

A General paresis as a rule is caused by excessive sexual indulgence, intemperance or excessive hard work. Any one of these two causes is very apt to produce general paresis.

Q Which is the principal cause?

A Two of these causes as a rule produce the disorder. Sexual excess and hard work or sexual excess and intemperance. They are very apt to produce this disorder.

Q The disease itself, what is that?

A The disorder as it is properly understood is softening of

the brain and spinal cord and if a man lives long enough his brain will waste away so that when the end comes he only possesses one half of his brain and only one half of his spinal cord. The consequence is he loses all those faculties which result from the spinal cord intact and which result from the brain intact.

Q Can he feel pain?

A After spinal cord wastes away the feeling of pain will diminish.

Q Can he control his limbs?

A He can to a certain extent, but the more the spinal cord diminishes the less his control will be and by and by he will be laid up in bed and become so helpless that bodily freedom begins to fail from the injury from the accompanying tissue.

Q Has there ever been a case of general paralysis where there had been a recovery?

A The percentage of death from general paralysis is 100.

X Every man that has it dies.

Q What effect does it have on the bones as it progresses,

A The nervous system becomes more rarified it loses its control over the blood current, the vessels dilate and this dilution of the blood vessels must be made up for by a loss of tissue around the vessels so the bones become more porous and the tissue in the brain and the general tissue becomes rarified, and it leads to the deposit of lime

*cartilage
brittle*

cells and hence the cartilages become very much more brittle. In a man advanced in age the cartilages become very much brittle and the disorder made the matter more easy to break than if he had not been so far advanced in age.

Q Do you agree with Dr McDonald that in taking up a weight they will break a bone of the arm?

A I know of a case where a man stepped over the fence and fractured his thigh bone. He evinced so little pain that they could not for two days tell where the injury was. Most of the injuries at the asylum happen on such occasions.

By Mr Ryne:

What do you mean by saying that in advancing years it becomes more porous and brittle? What age do you consider advanced age?

A As persons advance in age the cartilages become less pliable. In the young they are extremely pliable and soft. It would be impossible to break a cartilage in a young person. As they advance in age with old persons they become brittle and decay.

Q What is your opinion as to the condition of the bone of a man suffering from general paresis at the age of Mr. Ferris?

A At his age---he was in the neighborhood of 55.

Q He was 57 years of age. In giving your direct testimony you advanced the theory as to persons of the age of Mr Ferris. It turns out now that it is 55.

A As we advance in age the more brittle our cartilages will become.

Q Do you consider that is it an advanced stage of general paresis for a man 37 years of age who is two or three months suffering from the complaint?

A I don't believe that is true. I think he suffered longer from the disease. He might be in an advanced stage of general paresis after 6 months. It depends on the violence of the paresis.

Q Do you remember when Mr. Turetz entered the asylum?

A I heard of the date.

Q About when was that?

A In the end of February.

Q Did you notice his condition at that time?

A I did not examine him. I am in the Executive Board.

Q Did you see him up there?

A Yes sir.

Q Can you form an opinion as to the condition of general paresis he was suffering from?

A Not from personal examination.

Q You cannot give an opinion one way or the other?

A Not from personal examination.

Q Assuming that he entered the institution in February suffering from a form of general paresis and in April about the 10th he died, would you consider that that was an advanced stage for a man of his years and that his bones

would be in such a condition that they would break?

A There is no guarantee at all that that was a disease lasting 3 months he may have had that disease and not.

Q I ask you, assuming that he was not suffering by February from general paresis would you consider it an advanced stage about the early part of April?

A It could readily be called advanced.

Q The bones would not be so brittle as you imagine?

A That depends upon the violence of the disease.

Q They would be as brittle as a man 50 years of age?

A Readily. A man of 50 years of age, his bones would be more brittle.

Q Much more?

A Very likely.

Q A difference of 10 years?

A It could be. It varies in individual cases.

Examination Continued June 14th, 1937,
at 2 P.M.

PATRICK CLEARY called, sworn, testifies as follows;

By the Coroner:

Q What is your name?

A Patrick Cleary.

Q What is your occupation?

A Attendant.

Q Where?

A Ward's Island, Insane Asylum, Ward Nineteen.

By Mr. Wellman:

Q How long have you been in the employ of the Department?

A About 11 months.

Q And had you anything to do with this patient, Mr. Parrish?
before the 8th day of April?

A I was on the Ward that he was in.

Q Was he under your charge as keeper in any way?

A To a certain extent, the same as the others.

Q Had you any trouble with him prior to the 8th of April?

A Oh, yes.

Q What trouble had you had with him, if any?

A Well, I think I heard that he had several fights there.

Q Had you any with him yourself?

A None.

Q On the 8th of April when did you first see him?

A I first saw him in the dining room.

Q In the dining room?

A Yes, sir.

Q Who was with him then?

A Mr. Kearns and Mr. McCue.

Q Where was he, was he standing or lying down?

A He was standing.

Q What were McCue and Kearns doing?

A They were trying to get hold of his arms, and he was striking at them and backing for the door. He was at the door by this time and I saw him backing out. I turned to lock the door that I came in by, and during the time I was locking the door he had passed out, and when I followed him out I found him on the floor on the outside in the hallway.

Q How near the door on the floor?

A Perhaps his feet were almost at the door.

Q Where were McCue and Kearns then?

A They were trying to hold him down.

Q What were they doing?

A Just had hold of him, holding him down on the floor, and he was struggling to get up.

Q Did they have their bodies on him?

A They did not.

Q What part of the body were they holding?

A I think Mr. McCue was partly at his feet.

Objected to, objection overruled

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A Mr. McCue was at his feet, and Mr. Kearns and Mr. Clifford were holding him by the arms.

Q What part did you take?

A Mr. Kearns let go and I took the arms and pulled them back over his head.

Q You took Kearns' place?

A Yes.

Q And held his arms over his head on the floor?

A Yes.

Q How long had you hold; was he struggling?

A All the time I held him, from about three to five minutes

Q Then what did you do?

A Got him up and took him down to the wash room to dress him.

Q Was that all you had to do with it, holding his hands over his head after he had fallen?

A That was all, I held his hands and shoulders.

Q Where were you as compared with his head, were you over his head?

A I was on one side of him.

Q On one side?

A Yes, reaching over.

Q On your knees?

A Yes.

Q Were your knees on him?

A They were not.

Q Had you to hold him while he struggled trying to get up

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A Mr. Clifford assisted.

Q What part of him did Clifford have hold of?

A Well, he held him down and assisted me at the shoulders.

Q At that time did he have any bruise on his face over his eye?

A He had a bruise previous to that over his eye.

Q Previous to that day?

A Yes, sir.

Q Then he did not get that bruise over his eye that day?

A He did not.

Q Do you know how he got that bruise?

A Mr. Rush struck him.

Q Who is Mr. Rush?

A A patient.

Q He got that bruise from the patient?

A Yes, sir.

Q Did you see him afterwards, after you let him up?

A I saw him some time after.

Q How long after?

A Well, breakfast time.

Q Where was he then?

A He came into the dining room.

Q Walked in?

A Yes, sir.

Q Unattended?

A Yes, sir.

Q Did he eat his breakfast?

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- A I could not say as to that.
- Q But he came into the breakfast room?
- A Yes, sir.
- Q When did you next see him after that?
- A My duties took me off the ward between eight and nine o'clock. I saw him out on the walk afterwards.
- Q Walking around?
- A Yes sir.
- Q Did he complain of any pain that you heard?
- A No.
- Q Did you see him?
- A Yes.
- Q How long did you see him after he left breakfast?
- A He was on the walk up to the time I left.
- Q When did you come back again?
- A I came back between 11 and 12.
- Q Did you see him then?
- A I did.
- Q Where was he then?
- A He was still on the walk.
- Q What was he doing?
- A I could not say.
- Q Do you remember whether he was sitting or walking?
- A I don't remember.
- Q Did he complain of pain then?
- A He did not.

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Q When did you see him after that?

A I saw him in the afternoon?

Q Where was he then?

A I would not be positive, I think he was in bed.

Q Then did you hear him complain of any pain in the afternoon?

A I did not.

Q Have you stated to the jury all you had to do with him that day?

A I have.

Q And you are one of the prisoners in this case?

A I am.

By Mr. Byrne:

Q Did you have any conversation with Mr. Wellman to-day, Mr. McCue?

A I did.

Q And who else was present at that conversation?

A Why he spoke to me there as he passed through. (Indicating bench.)

Q Was that the only conversation?

A That was all.

Q Did you have any conversation with anybody else since you were arrested?

A I did not.

Q With nobody?

A Nobody

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Q Where have you been since you were arrested?

A I was up at 126th street station .

Q Did anybody visit you there?

A Nobody.

Q Mr. McCue, how long were you an attendant in Ward's Island Insane Asylum?

A About 11 months.

Q Where were you before then?

A I was doing private nursing at different hospitals around the city.

Q I mean just previously?

A The last place I was at was the Presbyterian.

Q How long were you there?

A I was there two days .

Q And before these two days where were you engaged?

A I was engaged in the Chambers Street Hospital.

Q How long were you engaged there?

A I was there ten days by the month and three or four days by the day .

Q What term did you serve there?

A Well, I served there on different occasions.

Q One continuous engagement, how long?

A Ten days.

Q You remember pretty well the 8th of April?

A I do.

Q Do you remember all that took place on that day?

A I think so.

Q When did you first see Mr. Farrish on the 8th of April?

A I saw him in the morning about 6:30 in the pantry.

Q What first called your attention to Mr. Farrish?

A I was told by Mr. Clifford as I was going down that Mr. Farrish went into the pantry, and I went down there to assist.

Q Were you told he went into the pantry for any purpose; why did you go in to assist?

A To get him out. Mr. Clifford told me the door was closed and he could not get in.

Q What else did he tell you; that he went in, that he required assistance?

A No, he did not.

Q Then, why did you go in?

A We are always supposed to give assistance where required.

Q But you say that no information was given you that it was required?

A We are supposed to see whether it is or not.

Q Who had Mr. Farrish in charge that morning?

A There was no particular one assigned to a patient.

Q After you went into the pantry, what did you do?

A I did not get in, I was the last in the pantry.

Q Who went in before you?

A Mr. Kearns and Mr. McCue did before me.

Q And what happened when you went in?

A I went around by Ward Eighteen.

Q What do you mean?

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A I went into another ward to get there.

Q You say you went into the pantry; did you go in direct or did you go that way?

A I went through Ward Eighteen to go into the pantry and to get in.

Q How did Mr. Farrish go in?

A He went in from the door leading from Ward Nineteen.

Q Was that much easier than the other way to go in?

A Certainly, he could not go out through 18 as the door was locked.

Q Who went into the pantry before you?

A Mr. Kearns and Mr. McQue.

Q And while they were going in what did you do?

A I went around with Mr. Clifford to get in by that door.

Q You heard Mr. Clifford testify yesterday that it took him from three to five minutes to go around to get into the pantry through Ward Eighteen?

A I disremember what his testimony was.

Q Was that true or not?

A I don't know.

Q How long did you take to go around?

A I should say, to open two doors and lock them again, three to five minutes.

Q Do you know what took place between Mr. Kearns and Mr. McQue and Mr. Farrish, who is now dead, in the pantry while you were going around here?

A No, sir.

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Q You do not know whether he was lying on the floor, whether they threw him down or what they did to him?

A I do not.

Q And when you got around there what did you find?

A When I got around Mr. Clifford opened the door and went in first, and I saw Mr. Farrish backing out of the door.

Q Out of which door?

A Out of the diningroom door, leading into the hall -- and striking at Mr. McCue and Mr. Kearns who were trying to catch him by the arms.

Q They struck back at him?

A They did not.

Q They stayed perfectly still?

A No,

Q What did they do?

A They tried to catch his arms.

Q Did he fall down?

A I turned to lock the door.

Q Did he fall down?

A If you will give me time I will tell you. They were trying to catch him and I turned to lock the door. I turned to lock the door that I came in by, and when I turned back to see where Mr. Farrish was he was out in the hall lying down.

Q First when you went to this room you saw Mr. Farrish striking at Mr. McCue and Mr. Kearns, and then you turned

around to lock the door, and the next thing you saw Mr. Farrish on the floor?

A Just outside the door when I got there.

Q You don't know how he fell to the floor?

A I do not.

Q How close to him was Mr. McCue?

A Mr. McCue was holding across his feet.

Q And where was Mr. Kearns?

A Mr. Kearns was at the head.

Q Did you see a mat there?

A I did, there is always one there.

Q How near to the door?

A It is right in the door?

Q On which side?

A In the center of the door.

Q How far away from the door was Mr. Farrish?

A Mr. Farrish's feet were right about at the door?

Q How do you mean, if his feet were at the door it must have been in the center of the mat?

A His feet were in the center of the mat.

Q What was the condition of Mr. Farrish when you saw him lying on the floor with Mr. Kearns and Mr. McCue attending him?

A He was struggling to get up and they were trying to hold him down.

Q Did you see Mr. McCue with his knees on his head?

A I did not.

Q Will you swear they were not on it?

A I will, while I was there.

Q How long were you engaged locking the door,

A Just a few seconds I presume.

Q And in that few seconds, while you were locking that door--
Mr. Farrish previously was on his feet -- and while you
locked the door and looked around again, he was lying on
the floor between these two defendants?

A Yes, sir.

Q And you don't know what they did, do you?

A I know as far as I saw.

Q Did you take hold of him after that?

A I did.

Q While he was lying on the floor?

A Yes.

Q Why did you do that?

A To hold him down.

Q And you put your knees on him and pressed his head against
the floor?

A I did not.

Q Did you hear Mr. Mitchell testify?

A Yes, sir.

Q Did you hear Mr. Mitchell testify that he saw you and Mr.
McCue with both of your knees pressed on each side of
this man's breast, and that you were hammering his head
against the floor, and that blood was gushing from his
mouth right within the passage way from the pantry to

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the ward; did you hear that, yes or no?

A I did not.

Q Were you here then?

A I was.

Q Did you hear him testify to that?

A If you will give me time I will tell you. He said

Q he saw me holding him down and --

Q And that blood was gushing from his mouth, did you hear that?

A I believe I did.

Q And you heard him testify that he wiped the blood up.

A I did.

Q Did you see Mr. Mitchell that morning?

A I saw him later on.

Q Late that morning?

A Yes, sir.

Q Before or after this.

A After.

Q How soon after?

A I saw him also just previous; he was in the center of the ward at the wash rooms where his duties require him.

Q That is where this Clifford testified, I understand, that he was in the center ?

A That was when I was going down.

Q If a man walked up and down, could he look through this passage way?

A Yes, he could.

Q There was nothing to prevent him from looking, was there?

A Nothing that I know of.

Q Mr. Mitchell has no animosity toward you or Mr. McGee?

A As to that I don't know.

Q You never had any dispute together?

A I spoke to Mr. Mitchell once about the performance of his duties as he used to go down to the wash room and he would not stay there while the patients were washing, and of course, there is supposed to be one attendant in that wash-room, and he was the one assigned to it, and I spoke to him about it.

Q Do you know of any reason why Mr. Mitchell should come into this court, and testify as to the acts of yourself; any personal reason?

A I don't know anything except from speaking to him about his duties.

Q When was that?

A That was, I should judge when he first came there.

Q How long ago was that?

A I think it was in March.

Q And this happened on the 8th of April?

A Yes.

Q And you have met each other very frequently since then?

A Oh, yes.

Q There was nothing between you, no hard feeling?

A Not so far as I am concerned; I don't know about him.

Q You testified to this cut on Mr. Farrish's face about

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being the result of an altercation with Mr. Rush; do you know when that happened?

A I think it happened on the 15th of March.

Q Do you know when this assault happened?

A It happened on the 8th of April.

Q Well, then, that could not have been a fresh cut if it happened on the 15th of March, could it not?

A I think it was on the 20th of March.

Q Suppose it was, and this happened on the 8th of April, that was 18 days; it was not a very fresh wound then, was it?

A No.

Q And you considered that the wound, the bruise, discovered upon the autopsy last Saturday -- a lapse of over sixty days, that that was the same cut he received on the 20th of March?

A I don't know.

Q Did you see him bleeding that day when you took him?

A He bled from an old sore in the back of his head.

Q Did you see him bleed from his mouth?

A I did not.

Q Did you see any blood on the floor?

A Yes, from the back of the head.

Q And how often did that bleed, do you know?

A It bled on one other occasion, when Mr. Rush knocked him down; that is the only time I saw.

Q Did you see any of the other attendants knock him down?

A I rather think it bled once when Mr. Mitchell knocked him down.

Q Mr. Mitchell is the witness here?

A Yes, sir.

Q When was that?

A The 5th of April, I think

Q Do you know whether Mr. Mitchell left there or was discharged?

A I don't exactly know.

Q Mr. Cleary, the physicians in this case have testified that they discovered that there were nine ribs broken on the body of Mr. Parrish? You saw Mr. Parrish on the morning of the 8th of April; you saw him lying on the ground between two of the attendants, Mr. McCue and Mr. Kearns?

A There were three attendants, Mr. Clifford was also there.

Q Can you account for the fracture of these nine ribs?

A I cannot.

Q Will you swear that you did not see Mr. McCue, Mr. Kearns or Mr. Clifford or yourself with their knees on this man's breast?

A I believe I have.

Q I ask you a question?

A Yes.

Q They did not touch his breast?

A Nothing more than to hold him down.

Q How did you hold him down?

A I had my arm across his breast with one hand on his arm

Q Which hand did you have across his breast?

A I think it was my left.

Q Are you sure?

A I think it was my left.

Q What other way did you hold him?

A I had the other hand on the other arm, the side that I was on.

Q What side was that?

A I think I was on the right side.

Q Who was on the left side?

A There was no one in particular on the left side; Mr. McQue was at his feet.

Q And there was nobody across his body at all?

A He didn't require any.

Q How long did he struggle there?

A From three to five minutes.

Q And how did you get him up?

A We raised him up.

Q How?

A Raised him up.

Q Lifted him up?

A No, not a lift; I had hold of his arms, and held him so, and raised him up till he was on his feet.

Q Did you visit Mr. Parrish in the cell after this?

A I had occasion.

Q I ask you, on this same day?

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A I believe so.

Q Do you remember Dr. Douglas giving the patient a hypo -
dermic some time that day?

A I don't know what he did.

Q Do you know that he did?

A I could not say.

Q Did you learn that he did afterwards?

A I heard that he did.

Q Do you remember making a statement to anybody on that day
that you said you were compelled to do it, and somebody
else present asked for mercy and you called him a son of
a bitch.

A That is a word I never use.

Q Suppose he testifies to that?

A It is a lie.

Q Do you remember coming out of the cell and seeing a man,
a patient there by the name of Brown?

A I saw Brown there.

Q Do you remember seeing him on that day?

A I saw him every day.

Q I mean on the 3th of April, after you came out of the
cell this man was in?

A Mr. Brown was on the ward when I visited the cell; it
was in the afternoon and I think Mr. Brown was down in
there at that time.

Q How do you know?

A As there were no patients left there, they were down for exercise.

Q Do you remember seeing him the same evening?

A I must have seen him the same evening, if he remained on the ward.

Q Do you remember saying to Mr. Brown or to anybody that you could not help it, you were compelled to do it?

A To do what?

A Injure this man?

A I don't consider that I injured him.

Q Do you remember saying that?

A I don't; we are always compelled to hold a man down who is violent.

Q How long were you in the cell that day with Mr. Parrish?

A I just merely walked in there and saw him.

Q What was he doing?

A He was in bed sleeping.

Q Did you notice his condition, whether he was able to resist?

A There was nothing to resist when the man was asleep.

Q Did you notice his condition?

A I saw him; he was sleeping, that was his condition.

Q Did you see Mr. Cleary that afternoon?

A Well, that is myself. I usually see myself every day.

Q Or Mr. McGuire?

A I saw him.

Q Did you see him in the ward?

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A I did.

Q Did you see him go into Mr. Farrish's cell?

A I did not.

Q Did he make any statement that afternoon to you about Mr. Farrish's condition.

A Nothing whatever.

Q Nothing said about it?

A Nothing.

Q When did you first hear about Mr. Farrish's ribs being fractured?

A That I could not say, some time afterwards.

Q How long?

A I could not say.

Q A week?

A That I don't know.

Q Who called your attention to it first?

A That I don't know; I heard somebody speak of it.

Q Who first informed you that you were wanted here, that you were notified to come down before the coroner?

A Mr. Hillridge.

Q What did he tell you?

A Told me I was to come down here as a witness.

Q Did he ask you what took place that day?

A Well, he asked me before that.

Q What did he ask you?

A He said to make out a statement of what I saw.

Q Did you make out that statement?

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A Yes.

Q Where is it?

A I don't know I left it with Mr. Hillridge.

Q Who asked you to make this statement on the 10th of April?

A Mr. Hillridge, head attendant.

Q Do you know why?

A Well, I suppose the doctors require that.

Q Did you make a statement every day?

A Well if anything important occurs.

Q And why did you consider this important?

A Any fights or quarrels we have to take notice of them.

Q Then you do consider this a fight?

A No, I don't.

Q Then why was it necessary to make this statement?

A Mr. Hillridge said that there were more bruises discovered on his back?

A He told you that there were bruises discovered?

A Yes.

Q Where did he say he found them?

A On his back.

Q Did he say anything about ribs being fractured?

A No.

Q Did he say anything about the left side of his face being bruised or lacerated in any way?

A No, sir.

Q Did he tell you that this man was in a dying condition when asked you to make this statement?

A He did not.

Q When he requested you to make the statement who was present?

A There was nobody?

Q And did you sit right down and make it out or consult anybody?

A I did not have time to make it at that time; I was doing other duties at that time when he asked me.

Q Mr. McCue's statement appears to be made on the same day, on the same kind of paper, with the same kind of ink; was he present when you made yours?

A He was not.

Q Did he tell you that he made one?

A Mr. Hillridge told me that he was to make one.

Q Did Mr. McCue tell you that he made one?

A I don't remember that he did.

Q You say that he did not?

A I do not.

Q To your best recollection, did he tell you that he had been requested by Mr. Hillridge that morning to make a statement?

A Mr. Hillridge, I did not see that morning.

Q Did Mr. McCue tell you that he was requested by Mr. Hillridge to make a statement?

A Not that morning.

Q When did he.

A I don't know that he told me, because it was at noon that

Mr. Hillridge told me.

X Q Do you know who else was requested?

A I believe all the attendants.

Q Do you know why?

A No, I don't.

Q Can't give any explanation for it?

A I can't.

Q Is it a customary thing for Mr. Hillridge or anybody else there to ask a statement from attendants with respect to any patients?

A Very often.

Q And is not there some reason for it?

A Different reasons I suppose.

Q Whenever there is a complaint made you have to make a statement, don't you?

A Not necessarily.

Q Don't have to answer the complaint? If you are charged with assaulting a patient there, don't you have to make some explanation for it?

A Yes, sir.

Q And don't you consider that Mr. Parrish was assaulted on this day?

A Not to my knowledge.

Q What was his condition after you came around from going through Ward Eighteen to get into the pantry?

A I don't understand you.

Q What was his condition when you saw him lying on the

floor with Mr. McCue and Mr. Kearns holding him?

A He was struggling to get up.

Q And how were they holding him?

A I answered that question.

Q I ask you again.

A They were holding him by the arms and feet.

Q Who held his arms?

A I think Mr. Kearns was at the head at that time.

Q And who held his feet?

A Mr. McCue was partly across his legs.

Q And you don't know what took place from the time you went around, you and Mr. Clifford going around from the ward, until you got into the pantry?

A I do not.

Q And you don't know whether they sat on him? or whether they pressed his head?

A It would be hard for me to tell what happened.

Q How long were you going around there?

A I believe I said from three to five minutes.

Q And when you got around there did you see any door closed on Mr. Farrish?

A I did not.

Q You do not think he fell down by reason of the push of any door?

A I don't; Mr. Farrish was backing out of the door.

Q You saw him back out clearly?

A No, I turned to lock the door, he had his back to the

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door.

Q Was the door open?

A Yes.

Q Then it could not have been the force of the door that knocked him down?

A The door opened the other way.

Q The door was open?

A Yes sir.

Q Well, then it would not be necessary to open the door to push him down, would it?

A No, not the way it opened.

Q Did you hear Mr. McCue testify at this inquest?

A Yes, I believe I did.

Q Did you hear him testify that it was the force of the door that threw him down?

A I don't remember as I did.

Q If Mr. McCue testified that this door knocked Mr. Farrish down, is that true or not?

A If I remember right Mr. McCue said something about that in opening the door into the pantry.

Q Did you see him fall?

A I did not.

By Mr. Wellman:

Q You were not there when they were trying to open the door; you did not come there till afterwards?

A They were trying to open it when I went to Ward Eighteen.

Q When you went around they succeeded in getting it open?

A Yes, sir.

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Q And what occurred during that time you do not know?

A No.

By Mr. Pymes:

Q He was lying on the ground with two men holding him?

A Yes, sir, when I turned from locking the door.

Q Have you ever been arrested?

A No.

Q Never?

A Never before.

Q
By Mr. Wellman:

Q You say you never have?

A Never.

Q Was Mr. Mitchell there when you and Kearns and Clifford and McGue were holding Garrish down?

A He was not.

By Mr. Pymes:

Q He was in Ward Nineteen, was he not?

A He was?

Q And if he was in the lower portion of Ward Nineteen he could look right through, could he not?

A No.

Q Could he look into the passage way leading from the bathroom?

A He could providing he was down.

Q I ask you, if he was in a certain passage way could he see through?

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A Down through the other, no; if he was down there he could.

Q And still be in Ward Nineteen?

A

Q What were you doing?

A I was holding Mr. Farrish

Q And were you looking in Ward Nineteen?

A Always have to.

Q At the same time you were holding him?

A We must look about to see when we are struggling to overcome one patient that another will not jump upon us.

Q And you were looking up Ward Nineteen?

A Yes.

Q And what were you doing?

A I was holding Mr. Farrish down.

Q And kept your eyes on Ward Nineteen

A Well, I could look up there.

Q Did it take a great effort on your part to hold Mr. Farrish?

A Yes.

Q And you had all you could do to hold him down?

A Very near.

Q Then how could you attend to gazing about?

A We have to, or else perhaps we would have two or three other patients on top of us.

Q Were you looking to see where Mr. Mitchell was?

A I was looking to see if any one was there.

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Q Did you pay particular attention to Mr. Mitchell?

A No.

By Mr. Wellman:

Q You were looking about to see that other patients did not attack you?

A Yes, sir.

Q Mr. Mitchell did not attack you?

A No.

Q Would you pay as much attention to Mr. Mitchell since he was an attendant there as if he were a patient?

A I would not have any occasion.

Q You would not care about making a note of the circumstances whether he was looking at you or not?

A I know he was not.

Q Would you pay as much attention to noting the circumstance if he was looking at you as if he were a patient?

A

Q Suppose Mr. Mitchell was in Ward Nineteen opposite, looking at you, would you see him?

A I would.

Q Suppose he testifies that you were there?

A It is false.

Q Suppose he described the dispute that you have given in regard to you and the others holding this man down?

A He doesn't know it.

Q He has described it?

A He does not know anything about it; if he says he does he has sworn falsely.

Q You are the prisoner in this case, are you not?

A I am.

Q You say you were on the side of Mr. Parrish -- which way was his head, pointing towards the passageway, towards the hall?

A Yes, towards the hall.

Q Then your face was not towards the wall?

A I was on one side.

Q Then you must have been facing towards the walls of the passageway?

A I was not; I was facing towards the ward.

Q Then you were facing towards the ward and not the side?

A Yes.

Q What part did you have hold of?

A His arms and shoulders.

Q Where were your knees?

A On the floor.

Q You did not touch his chest at all?

A No.

Q Did you see anything touch his breast?

A No.

Q Did you see him fall?

A No.

Q Which arm did you have over the breast of Mr. Parrish?

A My left arm.

Q On which side of the passage way was the ward

A Why, the ward was right in front of me. For instance, (illustrating) he was lying down on the floor, I had my left arm over him holding that arm on that side, and the ward was in front of me.

Q And you were not looking at Mr. Parrish at all?

A I was looking at him and looking up and down?

Q How wide is this passageway?

A I should judge it was six feet wide, I don't know exactly.

Q When did you see Mr. Mitchell after that?

A I saw him I think not up from breakfast time.

Q Did he tell you that day that he saw this?

A He did not.

Q Did you hear that he saw it?

A I did not.

Q When did you first hear that he saw it?

A When he testified here.

Q That is the first you know of it?

A That is the first I heard of it?

By Mr. Wellman:

Q Imagine this the ward (pointing to passageway) now you have to turn at right angles to go to the dining room, and the ward is the dining room; so that if Mr. Mitchell was in this ward he would have to look around the corner

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to see you, he would have to walk down to here, before he could see you; and when he turned that corner how far would he be from you?

A I don't know; I should judge ten or fifteen feet.

Q So that he would have to go within ten or fifteen feet of you before he could see where you were?

A I should judge he would.

By Mr. Byrne:

Q Then, what do you mean, Mr. Cleary that you could look into the ward where you were?

A I could, into the end of it. For instance, I was here, (Illustrating) I could look across the end of the ward.

Q Then he could look at you?

A He could.

JAMES T. CARLIN being duly sworn testifies as follows:

By the Coroner:

Q What is your occupation Mr. Carlin?

A Reporter of the "Morning Journal".

Q Do you know Mr. Kearns?

A I met Mr. Kearns a week ago to-day.

Q Where did you meet him?

A He came into the Journal office to see the city editor.

Q Were you present?

A I was present; Mr. _____ was absent.

Q Just tell the jury what took place there; what did Mr. Kearns tell you?

A Mr. Kearns came into the office in company with Mr. Brown and said he was going to talk with Mr. _____, but I said it would be just as well to talk with me, so I asked him if he had concluded to tell the truth in this investigation in the Coroner's office and he said, that he would, that he had enough to do to take care of himself without trying to back up McCue and Cleary, though he considered that they were not entirely to blame; and he went on and told me that the morning that Mr. Farrish was injured he did see McCue and Cleary kneeling on Farrish's breast, and that he begged McCue for God's sake to let up and let the poor man alone, but they continued, and some time after he spoke again, and McCue said, "You son of a bitch, if you don't keep still we

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will do you up to. That was practically all he said.

Q Who said that?

A Mr. McGuire said that to him after he had made the second protest. I asked him at that time if he would not make an affidavit and he said there was no need of it, he would go on the stand and swear it. I asked him yesterday, also.

Q Did he come to your office yesterday?

A No, I saw him in the Court room. I spoke to him and said, "Kearns, you did not testify as you said you would" and he said, "I was not asked the right questions".

Q Did he say to you that he would not state these facts unless it was brought out?

A That was the impression he gave me.

Q That it would have to be forced out?

A That was the idea.

Q You never asked him to go to your office in the Morning Journal?

A No, sir.

Q He came there voluntarily?

A Yes.

Q On the first day of this inquest?

A

By Mr. Wellman:

Q Were you here when Mr. Kearns did testify?

A I was not.

Q Why did you come over to see if he testified?

A As a matter of fact I asked him to testify to nothing.

Q Why did you come over to hear him?

A I came into the room yesterday afternoon as I very often come in, and I asked a gentleman here how Mr. Kearns had testified, and when I found that he had testified different from the way in which he said he would I asked him why.

Q What interest had you in it?

A No especial interest, except that ^{the} story had been printed in our paper and told to me by Mr. Kearns, and of course, I had some interest in it.

Q Was this gentleman any interest in your paper. (pointing to a gentleman)?

A That gentleman is a reporter.

Q This gentleman sitting here, what does he do?

A I don't know; I am not running his business.

Q Why did you come here?

A Out of curiosity, in no way connected with the Journal; on my own business.

Q What is your own business?

A I say I came here entirely out of curiosity.

Q Curiosity to hear what?

A Nothing in particular; just to see how the case was progressing.

Q This case?

A Yes.

Q And you went to see Mr. Kearns to ask him why he had not testified the way you understood he was to?

A Yes.

Q Why did you ask Mr. Kearns to make an affidavit to go as reporter of the Morning Journal?

A Not to me, but if I can get a man to affirm what he says I like to do it.

Q What did you want the affidavit for?

A Well, the affidavit makes it a great deal surer.

Q Did you want to put his affidavit in the paper?

A No, sir.

Q Then what did you want it for?

A Just to verify the story.

Q Mr. Kearns said that he went to the Morning Journal, because in printing the testimony of the day before they had used the name of Kearns instead of the name of Cleary; now, was not that what he said to you?

A He did speak of that.

Q But you did not tell us he spoke of that; I thought you said you gave the conversation?

A I gave the conversation as it referred to this case.

Q When he first came in what did he say?

A He began talking of this case, and I asked him the question if he concluded to state the truth?

Q Why did you ask him if he concluded to tell the truth; did you know he concluded to lie before?

A No.

Q Why did you ask?

A I had been informed by two people, witnesses in this case, that Kearns knew all about it.

Q Who were those two people?

A Mr. Mitchell and Mr. Ernest Brown. I have been told that Mr. Kearns had the reputation in the Asylum of being a kind hearted man and good to the patients, and that he had protested against the treatment of Barish, and that he was inclined to be truthful and would tell the truth if he did not have too much pressure exerted on him by the Asylum authorities, and this Brown told me that the next time he saw Kearns he would talk to him and see if he would not come around and talk to a reporter.

Q Who told you that there was any pressure exerted?

A I did not say there was. I said that they told me Mr. Kearns was a truthful man and would probably tell all he knew about this case if no influence was exerted on him.

Q Who told you so?

A Mr. Brown.

Q Who is Mr. Brown?

A Mr. Brown is one of Dr. _____ patients there.

Q A discharged patient?

A Yes.

Q He is a lunatic?

A Dr. _____ says he is, Dr. Douglas says he's not.

Q How did you get hold of Mr. Brown?

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A The first time I met Mr. Brown was over in the Asylum.

Q How did you see him to get this information in regard to the pressure that was brought to bear upon these witnesses?

A The first time I saw Mr. Brown was under the authority of a letter given by President Simmons; I visited the asylum.

Q When did you see Mr. Brown in connection with this case?

A In connection with the Farrish case?

Q Yes.

A Three or four weeks ago, right after Mr. Brown got out of the asylum and after we had heard of this Farrish case.

Q Then you went for Mr. Brown?

A No.

Q How did you get hold of him?

A He said he knew something about the case.

Q Then the Morning Journal started this investigation?

A No, sir.

Q How was it you went for Mr. Brown?

A I went to Mr. Brown the same that I went to Dr.

or anybody else who had any information connected with what was going on in Wards' Island.

Q But Mr. Brown was one of the patients?

A Yes, and also had some information to give, and Dr. also had some information. There was no especial reason for talking to Mr. Brown.

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Q Did Mr. Kearns say anything about his name being printed wrong?

A Yes, he said something about it; after we got through with this we spoke of that. Mr. Kearns told me that when this tussle was going on in which Mr. McCue and Mr. Cleary were engaged and saw them with their knees on Parrish's breast, and that they were pounding him, and he asks McCue for God's sake to let up on him -- I am pretty sure about that, and he protested violently against any violence; but they kept on, and a short time after that he spoke again about it and McCue said, "You son of a bitch, we will do you up too, "we will" or "I will"; that is the remark I made.

Q What did you say?

A What?

Q In reply to that?

A I had no reply. I had heard that he had made this remark, in fact I asked him if he did. There was more than one heard him say so.

Q You are referring to Mr. Mitchell?

A I am.

Q Who else?

A Mr. Brown.

Q Mr. Brown, Mr. Mitchell and Mr. Kearns?

A Yes.

Q What did you say about testifying?

A Oh, I asked him in the first case if he concluded to tell

all the facts on the stand. He said that he had.

Q And you came over to see if he had?

A No.

Q You came over from curiosity?

A I came over to see if he had been on the stand or not.

Q And he said the reason he had not said it was because he had not been asked?

A He said, "I had enough of it, I don't want any more of it." I said "It is a strange thing that you, a truthful man, should testify differently from what you know," and he said that it was not brought out. I wish to say that that afternoon Mr. Kearns was turned over to Mr. Turner and Mr. Turner took some notes of other things he said.

WALTER H. TURNER re-called: Reporter on the Morning
Journal.

By Mr. Fyrnes:

Q Mr. Turner you have met Mr. Kearns before?

A Yes.

Q When and where did you see him?

A I found him in the Journal office as I came in, some-
where between five and six o'clock on this day week.
He was in the Journal office at that time with Mr. Mit-
chell and another of the Herds' Island attendants.

Q You have no interest in this case in one way or the
other?

A None whatever.

Q You are not identified with it?

A No, sir.

Q Just explain to the jury what you heard?

A There was a conversation in progress at the time between
Mr. Kearns and Mr. Carlin and Mr. Kearns was somewhat
excited, and they were all trying to talk at once, and
Mr. Carlin asked me if I would not take some notes of
what he said. Prompted by Mr. Carlin I asked Mr. Kearns
if he was willing to testify about this case, about the
manner in which Mr. Parrish had met his death, and he
said that he did not wish to seem a willing witness;
that he would tell what he knew on the examination, but
he would not volunteer information. He said that if

he was a willing witness his life would not be safe on the Island.

By Mr. Wellman:

Q Have you the notes?

A I have not; I turned them over to Mr.

By Mr. Byrnes:

Q Continue.

A I asked him why he stayed there if he thought his life was not safe and he was witnessing the horrors that were alleged against the management, and he said that he was to have his day off the next day, I think he said, and he was going to try to get another place, and if he did he would never go back to the Island; that was the substance.

Q What else did you hear Mr. Kearns say?

A That was what I took. As I say, I came in towards the close of the conversation, I was not there during the early part of it. There was a general conversation between three men when I came in.

Q Who else was there?

A There were a number of other reporters?

Q Who was the conversation between?

A Mr. Carlin, Mr. Kearns, Mr. Mitchell and a gentleman I don't know, Mr. Brown I think.

By Mr. Wellman:

Q Did you hear the whole conversation?

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A No.

Q Did you hear him say McCue and the other men had their
knees on this man's breast?

A I did not know enough about the case to ask him that.

Q Did you hear him say that he told him ^{he would do him} up if he did not
keep still?

A I believe I did.

MR. KEARNS re-called:

By Mr. Wellman:

Q Mr. Kearns, you stated here under oath yesterday, that you did not see McGue and Cleary with their knees on Farris's breast and pounding him. Now, there have been two witnesses on the stand who say that you did see the next day that that was not the truth, and that you did see them?

A I saw them holding him down.

Q Did you not hear the last two witnesses that went on the stand?

A I have heard one or two falsehoods. First of all Mr. Cleary says that he saw McGue and I hold Farris. That is false; I never held him or touched him while he was down. The next the Journal. I went there simply to rectify the name from Kearns to Cleary. I did not want to have my name appear, and I went down stairs and we had a drink. Mr. Clifford was there and he went away and I said it was too bad for my name to be mentioned so often by the counsel and even by the coroner and they said that they would go and take me in to the Journal office but that we could go by the back way through another entrance. I went there and this gentleman, (pointing to Mr. Garlin) was there at the time and I asked him for a time, and that I was leaving in a week when this case was over. He asked me to make a

statement, an affidavit, and I declined. I said that when I came on the stand I would tell the truth and nothing but the truth.

Q Did you tell him yesterday when he came in here, why you had not testified to certain things?

+ f A I do not recollect. I am even threatened just now.

+ Mr. Clifford has just given me very ugly language.

Q What did he say?

A He said I ought to be put into a cage and drowned.

By the Coroner:

Q Ask Mr. Clifford to step forward? (Mr. Clifford steps forward.)

Q Did you try to intimidate this witness?

A No, sir, I did not.

Q What made you use such language?

+ A He told me he would fix me on the stand.

By Mr. Wellman:

Q Mr. Kearns you stated here yesterday that you did not see these men pound Mr. Ferrish, and that you did not see their knees on his chest. Now the reporter of the Morning Journal comes here and says that you told him afterwards that you did see them pound him and did see their knees on his chest. Did you tell that to the reporter?

A I do not recollect telling it. I said and I say now, that I saw them holding him.

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Q Did you see them with their knees on him and pounding him?

A No.

Q Did you tell the reporter of the Morning Journal that you did?

A I do not recollect; I am sure I did not.

Q Did you tell the reporter of the Morning Journal that McCue said that he would "do you up, you son of a bitch," if you went on?

A I will explain that. Of course, men in wards will have rows. Mr. McCue and I had words.

Q When?

A About two weeks after the Parrish affair. We had a few words and he said something to me and I to him and says he come inside and we will have it out in the dining room" and says I "I am no fighting man".

Q Did you tell the reporter of the Morning Journal that at this time when you were pleading for mercy for this McCue said man, "you son of a bitch, shut up or I will do you up too."

A He never said it, sir.

Q Did you say that to the reporter?

A No, sir.

Q About what did you tell the reporter?

A On the evening I think of last Wednesday, the first of the trial here, I was more than surprised that my name should appear in the papers. We went to the office,

Mr. Mitchell and Brown and I. I wanted to have my name rectified, and I asked the reporter if he would be kind enough to do so and he said he would see after it, and he asked me to make a statement and I declined.

Q What did you say, if anything, at the time; did you make any statement at all?

A No, sir, they asked me to make one, but I declined to do so. I said I had nothing to say until I came on the stand.

Q How long have you been an attendant?

A I am over five months.

Q What did you do before that?

A I was in business.

Q Where?

A A bartender.

Q In the City of New York?

A Yes, sir.

Q What is your disposition as to sobriety?

A I can take a drink as well as anybody else. I never was drunk in my life to my knowledge.

Q Ever been arrested for intoxication?

A Never for anything.

Q And you mean to say that you said nothing at all at the Morning Journal Office?

A Only what I have repeated.

Q Nothing but that, no statement?

A No statement of any kind.

Q What conversation did you have with this gentleman who was on the stand a short time ago, Mr. Farlin?

A I was sitting in the seat and he came to me and he said, "Mr. Kearns, I hear that you have not made your statement as you did in the office," and I said I told the truth.

Q What did he say to you?

A He said you must do it, and I said I have done so.

Q He came to you and he said that he thought you did not tell the story as you told the statement?

A Yes.

Q Then you did make a statement?

A I made no statement, I only went to the office; that was all.

Q To what extent did they draw you out?

A No extent, except merely what I told you.

Q Have you told the truth, Mr. Kearns?

A As far as I have seen of George Farrish, I have given the truth so help me, God.

Q How did you come to have a conversation with Mr. Clifford a little while ago?

A When Mr. Clifford mentioned my name he said that McCue and I had hurt Farrish, and I said certainly and emphatically that is a lie, that Farrish was not down until he had come in the room and then he was knocked out-side, and I never took hold of Farrish while he was down. It was McCue and Cleary.

Q They took hold of him as you have described?

A Yes, sir, and kept him down.

Q How did Mr. Clifford whom you have just accused of using threatening language toward you, how did he come to use it?

A I said that was false, that what Cleary was after swearing was false, and Clifford said

Q This happened in the court room?

A Yes, sir, when Mr. Cleary was giving evidence?

Q Mr. Cleary when he testified before the coroner and the jury here and said that when he came in from Ward 12 and saw you and Mr. McGue holding Mr. Farrish on the floor, he did not tell the truth, did he?

A No, sir, Mr. Farrish was on his feet.

Q When did he come in?

A Yes, sir.

Q And what were you doing?

A We thought to catch hold of him to put him out, and I am not very strong or powerful and Mr. Cleary took my place.

Q And then Mr. Farrish fell down?

A Outside.

Q When they had hold of him?

A Yes, sir.

Q And they felled him to the floor?

A I won't say that.

Q Are you sure which it was?

A I know he was backing out.

Q You gave Mr. Cleary your place, taking hold of Mr. Farrish, and the first thing you knew he was on the floor; and you won't swear how he fell there?

A I don't know.

Q Then Mr. Cleary in his testimony told a lie?

A Yes, sir, decidedly.

Q And instead of your having him down, he had him down?

A Yes, sir.

Q Mr. Clifford who threatened you with being removed from there shortly is an attendant?

A A night watchman.

Q And you are there still?

A Yes, sir.

Q Did he say anything about what you testified to on this inquest?

A He told me I was no good; that I was an old grandmother and that I ought to be put in a cage and drowned.

Q Are there many men in the ward who are in the habit of drinking?

A I see very little of it.

Q You heard Mr. Carlin testify that you appealed for mercy for Mr. Farrish; when was that?

A I never pleaded for mercy. I may have said let him up.

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X Q Then you did plead that morning?

A I asked them to let go.

By the Coroner:

Q Did you ever use the remark "let up on him" to the best of your recollection?

A I really do not recollect.

Q But if you told it to two or three people?

A It is like a dream to me.

Q If you told it to different people it must be so.

A I don't recollect.

Q You won't swear you did not?

A I won't swear it.

By Mr. Wellman:

Q I want to know what authorities have been intimidating you in relation to your testimony?

A None in Wards' Island except to-day, but I don't mind what is done to-day. I think he is drunk and I will forgive him.

X Q Mr. Clifford?

A Yes, sir.

Q He is an attendant?

A Like myself.

Q And who else spoke to you about your testimony?

A Nobody.

Q Who notified you to come here?

A The head attendant.

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Q Did he tell you what you were coming for?

A

MR. GARDIN recalled.

By Mr. Wellman:

Q Will you make your statement again in regard to what he told you about seeing these men with their knees on his breast?

A He said that at the time of this scuffle he saw McCue and Cleary kneeling on him. And he begged them to let up on the poor man and again some time after. I understood him to say that after Parrish had been removed McCue came to him and that McCue used the remark, you son of a bitch, if you don't shut up we will do you up too.

Q You are not positive that he meant that, that occurred the same morning?

A I am not positive. Now, when he explains that it may have happened a week after I think it say. But I am positive to the use of the words "we will do you up too," because that expression has been repeated to me at least twenty-five times since this investigation by people who knew it.. And something I did not tell before, I asked Kearns if McCue had made use of this expression the day after. If I remember right this affair occurred on Good Friday. McCue made the remark, God damn it, I could not have any better luck eating meat and milk and eggs on Good Friday", and I asked Kearns about that and he was not sure about it.

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By Mr. Byrne:

Q Where did you hear that?

A From Mr. Brown, who overheard Neddie telling it to
Kearns the day after the event.

MR. BROWN called:

By the Coroner:

Q Have you been an inmate of Wards Island?

A Yes, sir, I left the 30th of May.

Q Do you know anything about this Farris case?

A I do, sir.

Q Then you are in a condition to testify without counsel?

The witness is sworn.

Q What is your name?

A Ernest John Brown.

Q Where do you reside.

A 254 West 15th street.

Q What is your occupation?

A Clerk.

Q You have been a resident of New York for some years?

A Yes, sir, about seven years.

Q Married or single?

A Single.

Q What is your age, Mr. Brown?

A Going on 27.

Q How long were you an inmate of Wards' Island?

A I was about two months and three weeks; I went in on the 5th of March and came out of May 30th, Decoration Day.

Q Were you sent there at the request of anybody?

A No, sir. I went to St. Vincint's Hospital suffering

from over work and nervousness, and from there I was sent to Bellevue; from Bellevue I was shipped to Wards' Island.

Q Have you any relatives here?

A Yes, sir, I have a brother who is married and with whom I reside.

Q You were there about two months and a half?

A A little over.

Q Did you know deceased, Mr. Farrish?

A I did, sir.

Q Had you occasion to see him frequently?

A Yes, sir, I was a patient there in the same ward with Mr. Farrish.

Q What was Farrish's disposition in a general way?

A He was nothing more than an overgrown baby, and only laboring under a delusion as the doctors term it, which was that he imagined that everything was his own. To prove to you his disposition, on one occasion he was out in the yard where we get our recreation and one of the attendants there -- he was a harmless man and they used to have a little fun with him,--and they used to put this George Farrish on to a little attendant named Mr. and this attendant told him "there is your coat, George. Mr. had a coat on and George went over and got hold of him and unbuttoned his coat and looked at the lining and said "that is my coat" and got a little scared and George made an effort to take it off

and the attendants came up and they reasoned with George and went away but George followed him and kept a close eye on him, but never hit him, and on several times he has done the same thing in the ward and how this encounter came was with Mr. Bush. Mr. Bush was a young man perfectly sane.

Q Was Bush an inmate of the ward?

A Yes, perfectly sane, and he was excited, hot tempered -- that was the only thing the doctors could prove against him. He turned around and had some occasion through playing with Bush to get his temper up and he made a strike at Farrish, and Farrish fell, and in falling he cut his head on the left side. I won't swear to it, but it is my belief that that is where he had his cut. This was about seven o'clock about ten days before Farrish got the beating. I was then in the ward just coming out of the pantry, and as it was time for the doctors to come around I went down and got him up and mopped this blood up, and his head was washed but he would not allow any dressing to be put on. Sometimes he would take a fit like that, but he was not inclined to fight and would not strike the smallest man in the ward.

Q Mr. Brown, were you discharged there or were you sent away at the request of anybody?

A There is no such thing as discharge in the lunatic asylum. There are men in that asylum who are perfectly sane and Dr. Douglas states that he cannot allow any man to go

out of it until a friend claims him. Through the influence of the Journal and my employer I was delivered out of the institution.

Q You mean to say, in your judgment; it is only an opinion. Are men kept there after they are cured?

A There are men there, who from their statements to me -- and I have interested myself as far as I could to find out many cases hoping to be able to do something for them -- and they claim that there never was any insanity in them and the only reason they cannot prove it is because they have no money and friends. I gave their names to the Journal to endeavor to obtain their release.

Q How often did you see Parrish during your stay at the insane asylum?

A I seen him every day.

Q During the time you were there?

A During the time I was there except on the 14th of April.

Q And during all that time did you ever see him excited?

A On one occasion I saw him excited, but it was not in any way that would tend to fighting. He simply came running into the dining room crying "there is a big fire and all the devils are coming along".

Q Outside of that did you ever see him in a fighting mood?

A No, sir.

Q Did attempt to strike anybody or in that condition?

A Never.

Q Then you claim in a general way he was harmless?

A Yes.

Q Was he a big stout man?

A He was a complete wreck, a man about six feet two or three, but a total wreck.

Q Weighing about how many pounds?

A I should say about 200 pounds, nothing but solid bone.

Q Did you converse with him frequently?

A Not very frequently; he was not a conversative man.

On one occasion, Saturday afternoon, when the barber was gone, I said, "Come George, and we will have a game of checkers", and we played and the patients there laughed at me for playing with George but I said "he is not such a bad player" and only once in a while he made a mistake.

Q Did he play a pretty fair game?

A I showed him a mistake in judging. He wanted to take three men instead of two and I said, "that is not right George." But he played a pretty fair game.

Q And what fight he had with Rush, what was the name?

A John Rush.

Q And you claimed that it came from teasing?

A It was teasing; they do it just for sport in the asylum. There are no facilities for fun, and when we get a good sociable patient we always make a time.

Q What do you call a social patient?

A A jolly fellow.

Q Do you know the two attendants who are here under arrest

McCue and Cleary?

A Yes.

Q Were they in your ward?

A Mr. McCue was head attendant and Mr. Cleary was general assistant.

Q Did you ever see them have an encounter or any trouble with Parrish?

A Mr. Cleary I never saw anything like,

Q How about McCue?

A On the 14th of April Mr. McCue -- it was Good Friday morning. The door was open at half past six in the morning, and I came out as usual, we leaving our clothes outside the door, and I came out to dress myself, and in coming out I noticed George Parrish coming down the ward in his shirt and Mr. McCue coming after him. Mr. McCue was very red in the face and greatly excited and he walked after him, and George came slowly down to his room, I believe No. 14, and I noticed that he had the blankets and sheets spread on the floor. Then when Parrish came down opposite to his room he turned as if to go into his room, and Mr. McCue followed him down and then turned as if coming up the ward, and in doing so as soon as McCue turned his back Parrish made over and hit him on the top of the head and McCue never noticed it but walked up the ward. Then I went after I was dressed and washed myself in the bathroom and then went into the pantry. I went up the hall and turned to my left and into the

dining hall which has a folding door. I noticed that on the right hand side coming in, about two feet from where the rat was supposed to be, that there was a pool of blood. I went through into the pantry and I met Attendant Kearns there who was about to cut bread for the patients, and I remarked to him that they must have had a good time of it killing rats last night, and he said that Mr. Ferrish had got a sweater, and that he had appealed to McQue for mercy on poor George and that he was very sorry for him. Mr. Kearns proceeded then to cut the bread. I was in the pantry, getting out the butter to butter the bread, and a patient came along with a mop for to mop this blood up at the door, and I was going out then through the dining hall to lay the plates and spoons on the table. I was going down to the bath-room, I had occasion to go through the door, and I noticed that this patient had a wet mop there, and I remarked that he would spoil the floor if he was to wash the floor by that, and I told him not to mind it and I would turn around and do it myself, and I saw that the blood was soaked into the wood, and I went into the pantry and got the scrubbing brush, a hard brush and some soap, and with the assistance of the mop I got it out.

Q Was there much blood?

A I told Dr. Douglas when he inquired how much there was about an ounce, but I think there must have been more since it soaked into the wood. There might be an ounce

and a half. I then washed the blood up and finished the things in the pantry, and we measured out the coffee and set it on the table and breakfast was about begun when I noticed Mr. Farrish coming in and he sat about fourth from the end of the table. There is a table here and a table there (indicating) and he sat at the first table, and he put one foot under the table and the other he kept out, and Mr. Mitchell tried to get his other foot in but Farrish put his hand on his left side and did not seem to hear anything and partook of nothing. Inasmuch as there were very few patients eat anything that morning, it was Good Friday morning, and various of the patients did not touch anything that morning. After breakfast all went out and I heard nothing further until I had done my work, and then I heard that he had been put to bed and had got a hypodermic from Dr. Douglas and I asked another patient whom I met -- it is the custom to talk about everything that happens in the ward-- and he told me that this Mr. McDue had turned and given Mr. Farrish an unmerciful beating in the recess.

Q Who told you that?

A A man by the name of McDermott, I believe, and Mr. George Anderson was there.

Q Who was George Anderson?

A He is an inmate of the asylum, a man who is perfectly sane. In the afternoon we went out after dinner as was usual to have recreation, and after having our recrea-

tion we came up into the ward and I went into the pantry after washing my face and hands to attend to getting the supper ready, and Mr. Harte of Ward 20 came down with the other patients to get his supper. As is usual the 19th ward supper and 20th ward supper came up on the same elevator and they must come to 19 to get their supper, and he was there talking to Mr. Kearns, and while there Mr. Kearns told me about two different things McCue had done to George Farrish, and while they were talking Mr. McCue came in just as Mr. Harte was condemning the brutal treatment that McCue had given to Mr. Farrish, and McCue came in and then he spoke about George and remarked that he was very sorry for poor George.

Q Who said that?

A McCue. He said to us "well I could not expect better luck; eating meat and drinking milk of a Good Friday, when the bell rung and we had to get out the materials for supper.

Q Do you state now that you heard this?

A I heard McCue say that myself, I have also seen in the dining hall that Sunday morning Cleary came in and state for a fact that Mr. McCue was writing a very foolish letter and some attendant remarked you had better show him this, and they all showed their letters, Mr. Cleary and Mr. Mitchell. As regards Mr. Kearns he showed his and Mr. Cleary writing his on the attendants' table in the dining room failed to read. Dr. Douglas

then came around to me on Sunday the 10th of April, Dr. Douglas and Dr. [redacted] and told me they wished to speak with me and I went into the bed room and they inquired what I had seen of the Farrish case, and they said, "you were in the pantry" and I said I was not, I explained that I had been washing. Then I explained that Mr. Mund who was the assistant in the pantry was not there. He was helping in another ward and had not been brought up. He then ~~then~~ asked me if I wiped up a pound of blood and I said "no", I do not take mountains out of mole hills. Then he laughed, and when I told him about Farrish striking McCue on the head both laughed as if they did not believe what I said. They asked me again about the blood and I told them. He said "can't you guess about how much blood you washed up, was it eight ounces, and I interrupted him and said I guess about an ounce of blood, and I do not think there was more than an ounce and a half. On the day of his encounter with Rush he lost more blood than on the day of this encounter.

Q Did you notice any blood on the front of Mr. Farrish's shirt?

A Mr. Kearns came in; he was talking with Mr. McCue and partly to Mr. Warte, and he claimed that George Farrish who had been left in his case under this ward and Mr. Farrish had got the hypodermic and he was in there and awoke from the effects of this hypodermic and that he

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went for McCue and that McCue had to go for him to try and quiet him. Then it was that he said "well, what could I do, I was alone, and Mr. Warte remarked to him why did not he blow the whistle, which is customary for all attendants to blow the whistle, but I have never heard a whistle blown as long as I have been there although there has been plenty occasion.

By Mr. Wellman:

Q Then you saw nothing of the occurrence yourself?

A No, sir.

Q Did you have any difficulty with any attendants while you were there?

A No, sir. I could not say anything against me or I

Q against them.

Q Did you see any act of cruelty on their part against patients?

A Yes.

Q On the part of this man McCue?

A Yes, sir. I have seen Mr. Loddell, a patient thrown on the floor while I was in the pantry and Mr. Kearns was in it too, and thus Loddell was on the floor. He was a kind of a violent man and I saw McCue dig Loddell with his knee in the ribs when he was on the floor, but I don't know whether he was hurt or not. I never heard but I saw it and believe Mr. Kearns did too.

Q Did you see anything else of McCue or Cleary?

A Cleary was there on that occasion, but I never saw him use any violence.

Q Have you ever seen Mr. Cleary use any violence on another patient?

A I saw him slap a little boy for not sitting down. He slapped him two or three times because the boy could not sit down.

Q About how old was he?

A About 10 to 11.

Q Did you see McGee use any other violence?

A No, sir, because my time was almost always in the pantry. I had only about three hours a day to myself.

Q How long were you there?

A About two months and three weeks.

Q Are you now engaged here in New York?

A I am now engaged with my employers with whom I have been for six or seven years.

By Mr. Wellman:

Q Have you a grievance against the institution?

A No grievance; only justice demands that every American citizen shall be entitled to liberty and that he shall have liberty, and that is what I look for.

Q You say you were sent from Bellevue to Ward's Island?

A Yes, sir.

Q And were they your own physician's certificates that stated that you were insane at the time?

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A What?

Q You know, what you cannot be sent to the institution without the certificate of two doctors stating that you are insane?

A I object to answering that until my counsel is here.

Q Did you have any difficulty in being discharged when your brother or somebody applied for your discharge?

A I decline to answer.

MR. MITCHELL recalled.

By Mr. Wellman:

Q I read you your report dated April 1947 (report read)
is that true?

A Yes, sir.

Q That does not conflict with my statement you have made?

A No, sir.

Q In addition to this statement you testify that you saw
Mr. McGee and Mr. Cleary holding Mr. Farrish on the floor?

A George Farrish laid with his feet toward the recess;
there is a recess in the wall and opposite the recess
is an entrance to a bath-room and closet. Farrish
laid on the floor, with his feet towards the recess and
the wash-room, and McGee lay on the side next to him.--
that, I think, was the left side. He lay in that pos-
ition, with his knee pressed on a portion of his body--
anywhere between his throat and here (indicating) and
with the left hand he held his throat and bucked his head
against the floor, more than once.

Q Had he his hand on Farrish's throat?

A That is how he pulled the head.

Q Where was Mr. Cleary?

A On the other side. He had his knee on a portion of
the body, about here, I think (indicating) but I am not
sure. They held him about two minutes, and I stood
there looking, and the man was struggling to get up, and
after they got off the man he lay perfectly still for

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several seconds.

Q What was his appearance?

A He remained motionless.

Q Did you see blood?

A I saw blood on both sides of his mouth and on the floor where his head rested.

Q Was there much blood?

A Not much, but it left a distinct mark on his mouth.

McCue told him to get up and he did not respond. Cleary stood looking, then both of them put him on his feet; then McCue took hold of him and led him into the wash room, and what happened there, I don't know.

Q You heard Mr. Cleary testify that Mr. Kearns had hold of him?

A This is not where I speak of.

Q Did you see Mr. Kearns have hold of him?

A No, sir, only Mr. Cleary and Mr. McCue.

By Mr. Wellman:

Q What did you mean then, the night after this occurrence when you wrote to the authorities of the asylum that you did not know how he came by his death?

A Neither do I yet.

Q You say one man had his knee on his body, and the other man had his knee on his leg?

A They were pressed so closely that I could not tell for sure.

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Q Did you see Cleary have his knee anywhere on Farrish above the thigh?

A I won't swear to that, but I know he had it on a portion of his body.

Q And did you see McCue have his knee on his ribs?

A If you call that his ribs (indicating) yes, he had.

By Mr. Fynes:

Q And his hand on his throat?

A When I took Mr. Farrish in he leaned against the wall and put his hand on his left side and said, "I am sick"

Q Mr. McCue or Mr. Cleary knocked his head against the floor; how did they do it?

A Pulled his head forward and bumped it.

By Mr. Wellman:

Q You said you washed up this blood?

A I did, with the assistance of a patient.

Q Did you hear Mr. Brown testify that he washed it up?

A He did not wash this blood up. This blood was in front of the recess; what he washed up was in the dining room.

By the Coroner:

Q Mr. Brown, where was the blood that you washed up?

Mr. Brown: Outside the dining room door.

By the Coroner: How far from the mat?

A About two feet from the supposed mat.

Q Was there a mat there?

A To the best of my belief there was not; If there had been I should be obliged to move it.

By Mr. Wellman:

Q Mr. Mitchell, what is the recess?

A That window there (illustrating) would be a passage leading in, which you would have to cross over to go to the dining room, and between, opposite, there is another passage which leads to the recess.

Q This blood that you washed up was not in the dining room?

A No, in the passage.

Q And that is the blood that you washed up?

A The hall represents about 200 feet straight. In the center of that hall is a round space which they call the recess about 50 feet from the entrance to the dining room, and that is where I washed it up.

Q Then you did not see him at the entrance to the dining room?

A No, sir, I did not.

Q Were you ever in Sing Sing?

A I refuse to answer.

Q I ask you how many times you were in Sing Sing?

A I refuse to answer it.

Q I ask you if you were tried and convicted before you went to Sing Sing?

A I refuse to answer.

Q Were you not sentenced to fifteen months hard labor and

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imprisonment in Sing Sing?

A I won't answer.

By Mr. Byrne:

Q Were you questioned when you went there to serve as attendant, in regard to being convicted?

A Not at all. I got a letter from Mr. [redacted] and after this letter I was appointed.

Q They never inquired into your history?

A No, sir.

MR. BROWN re-called.

By Mr.

Q Tell the jury what you heard Mr. Kearns say to the Journal reporter in relation to this case?

A Mr. Kearns and Mr. Mitchell and I were there, and Mr. Mitchell spoke about the case and why it came up then. Mr. Kearns remarked that he felt very bad for his name being used in connection with McCue and Mr. Mitchell told him that he ought to see that it was rectified, and Mr. Kearns said he would go and see that it would be, that he did not like to have his name down for such a thing. Then we adjourned to the Journal office to have this remedied, and when we had got there they spoke to him about his giving the evidence in the case, and he made some remark about the case, but he would not make a statement.

Q What remark did he make?

A I don't know, I did not pay any attention to him. The Journal reporter asked him but he refused to make a statement. I thought I owed the Journal gratitude for getting me my liberty, and on my release I went down to see Mr. ^{me} and I asked to see the reporter who had interviewed ^{me} in the asylum, and I told him that I was willing to tell what I had known and what I had heard Mr. McCue say. Mr. Kearns also said he would tell the whole truth of what he knew only that he did not

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feel safe in the asylum, and in my presence about seven or ten days after Mr. McCue and Mr. Kearns had some words and Mr. McCue talked loud enough for every one in the ward to hear him. He asked him out to fight. Then he called him a son of a bitch and said I will make a jelly of you in less than three minutes.

Q This was how long after the Farish case?

A About ten days after the Farish case. Mr. Kearns turned around and wrote a complaint to Dr. Douglas about that, but unfortunately Mr. had falling out with Mr. McCue or with Mr. Mitchell, and Mr. Mitchell sent in his complaint to Dr. Douglas to forward it to Dr. Trautman, and I am justified in stating that it never reached Mr. Trautman and they prevented Mr. Kearns from sending his letter to Dr. Trautman about Mr. McCue.

Q We are asking you now about the interview between Kearns and a reporter of the Morning Journal. Did you hear Mr. Kearns say to a reporter that morning that he saw the men with their knees on Farish and saw them pounding him and pleaded with them for mercy and McCue said we will do you up too if you say any more?

A Mr. Kearns did not make a statement, he refused to make any. I did not listen to what Mr. Kearns said inasmuch as he said he would not make a statement and did not want to have anything to say until the case came up.

Q Did you hear him say words like that or in that substance?

A He certainly spoke of the brutality of McCue.

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Q Did you hear him use words in the substance of what I said?

A I could not say.

Q Did you hear this gentleman here ask him to make an affidavit of the facts that he stated?

X2 A He asked him as regards making a statement and Mr. Kearns said that it would not be safe for him to make a statement now while he was an employee of the institution owing to the character of McCue.

Q Did you hear Mr. Kearns say to this gentleman that if it was brought out under cross-examination by counsel he would testify to what he saw, and that he saw McCue and Cleary with their knees on Parrish's breast?

A Mr. Kearns simply admitted the fact that he would tell the truth as regards to what he had seen in the case, if it was brought out, but that he could not as attendant turn around and give the evidence right out. He would not volunteer anything against the asylum.

Q Did you hear him say in this connection, in your presence and in the presence of Mr. Garlin, that he saw McCue and Cleary with their knees on George Parrish's breast on the 8th of April?

A He wanted him to make the statement, and Mr. Kearns felt justified in not making the statement. Therefore, I could not repeat what he said as I did not listen to it.

Q Did Mr. Kearns say it was not so?

A I do not believe that he did, because he knows Mr. McCue

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has done so on more than one occasion.

By Mr. Wellman:

Q You did not hear him say anything?

A I did not hear.

Examination adjourned to Wednesday, June
15th, at 1 P.M.

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Examination continued June 15th, at 1 P.M.

Mr. Emil Sabel sworn.

By the Coroner:

Q What is your name?

A Emil Sabel.

Q Where do you live?

A 73 Second avenue.

Q What is your occupation?

A Chattel mortgage broker.

Q Were you at any time employed in the Ward's Island Lunatic Asylum?

A Yes, sir; I was employed there last year from February to the middle or end of May, three months and a half altogether.

Q Had you occasion to become acquainted with the different officials over there, the doctors, &c.?

A Yes, sir; I have seen Dr. McDonald, Dr. Talton, Dr. Wallace, Dr. White and several of the other doctors -- I forget their names now. Never had any conversation with Dr. Douglas.

Q What was your occupation there?

A I was attendant over there in Ward 15.

Q Did you know McCue, one of the keepers there?

A No, sir.

Q Or Cleary?

A No, sir.

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Q During your stay at Ward's Island as an attendant, did you ever witness anything unusual in the treatment of patients?

A Yes, sir; I have seen that the patients were not treated the way that the doctors said they were treated.

Q What doctors?

A All the doctors.

Q The doctors over there?

A Yes, sir. The doctors over there say the patients are treated like angels; I think and say they are treated like brutes.

Q Can you specify anything that came under your observation?

A I can specify one case where a man's ribs were broken.

Q What was that man's name?

A I cannot recollect his name, but I could point him out amongst a hundred; I could give a pretty fair description of him.

Q Do you know that of your own knowledge? or is it mere hearsay?

A I saw it.

Q About when?

A Perhaps in the month of April last, March or April.

Q Were you then an attendant over there?

A Yes, sir; in the very ward where I was.

Q You say you do not recollect his name?

A No, sir, but I could point him out amongst a hundred.

Q What became of that man?

A He was sent to the hospital; when I left there he was at the hospital still.

Q What did you mean by his ribs being broken?

A Well, he was lifted off the floor by two attendants and fell down on the floor twice, and his ribs were broken from the fall?

Q From the fall?

A Yes, sir; the case was stated in the Journal a few days ago by Dr. Tilton himself.

Q Is that all you know with reference to the treatment of patients over there?

A I can speak in a general way how they were treated. I can give you some idea how they were washed and bathed.

Q What do you mean?

A Well, the day they were bathed they turned on the water and put one patient in after another, sometimes, five or six patients in the same water, made no difference what disease they had. Some had syphilis in the very worst degree, and the man that was sound was put in just after him. We had a great many sound, sane patients over there.

Q How did you know they were sane?

A I have heard one patient was put over there to get him out of the way.

Q Tell us what you know of your own knowledge; never mind what you might have heard through others; confine yourself to matters of your own personal knowledge?

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A There was one patient over there--his name was Rust, I think he was a German. He was drunk here one day in New York, sent to Bellevue Hospital, from there to Ward's Island, and he asked me one day to go and see a friend of his and try and get him out, and that friend told me he did not have the money or influence to get him out. He was afterwards transferred to the Annex.

Q Were you discharged from that institution?

A No, sir; I was not.

Q How did you leave?

A Well, I got sick and tired of everything, the way the doctors treated the attendants and the food was so miserable that no person could eat it.

Q You were there three months and a half?

A Yes, sir.

Q And you left of your own free will?

A Yes, and I had hard trouble to get out.

Q You had?

A Yes.

Q You were not a patient?

A But Dr. Taliman told me I would have to go before the Commissioners. He wanted to keep me there another three days.

Q For what reason?

A As far as I understand, the Doctors over there cannot let an attendant go unless his resignation is accepted by the commissioners.

Q You say that one man's ribs were broken?

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A Yes, sir.

Q Anything else that you noticed there?

A Yes; I have seen patients ill treated; of course the time is too long ago to specify anything particular.

Q Did you ever see any of the attendants or keepers ill treat a patient; did you see it yourself?

A Yes, I have seen it.

Q Well, to what degree, to what extent?

A Once two attendants took a patient, one by the feet and another about here (indicating) and lifted him up in the air and let him fall down on the floor, and lifted him up and let him fall on the floor again. That was what was called giving a patient a lift. That is the way that man's ribs were broken.

Q You know you are under oath?

A Yes; I am only telling the truth; I am not afraid of anything.

Q You never were there as a patient?

A No, sir thank God not.

Q How many people were over there, as far as you know, when you were there, about?

A About 1650 to 1700.

Q Any patient complain to you directly, in a direct manner?

A Oh, yes; very often.

Q What did you do about it?

A There was nothing to be done.

Q Did you report any complaint to your superior?

A No, sir; never did.

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Q Why not?

A Well, the doctors did not treat me in the way they should.

Q But why did you not report if any patient complained to you that he was not properly treated; why did you not make your report to the office or the party to whom it should be reported?

A Well, to tell the truth, I did not want to get other men in trouble.

Q Other men? Whom do you mean?

A The keepers that did it.

Q Why did you think they would get into trouble?

A Certainly I did.

Q How so?

A Some men were afraid of being discharged over there, and might have nothing to do in New York, and might come to be pretty hard up.

Q Have you any special grievance against the institution over there?

A No, sir, not against the institution or against any attendant, or against anybody.

Q Have you spoken about those complaints; to anybody?

A No, sir, nobody.

Q This is the first statement you have made?

A Yes, sir.

Q Did you ever have occasion to speak to any of the doctors about any of those alleged complaints or alleged wrongs or cruel treatment?

A No, sir; the only time I complained to a doctor was when

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a patient struck me in the eye.

Q What did you do?

A I didn't do nothing. You mean what did I do to the patient?

Q Yes.

A Nothing to the patient.

Q You did not retaliate?

A No, sir, because I might have got the worst of it.

By Mr. Wainman:

Q How long were you an attendant there, or keeper?

A I was there from February, 1880, until the 30th of May.

Q A little over seven weeks?

A No, I must have gone in January, because I was there three months fully.

Q Did you maltreat any of the patients?

A No, sir, I never did.

Q You were very gentle with them?

A Well, to tell the truth I was afraid of them.

Q Then they get violent?

A In the ward where I was they were violent.

Q When an insane patient gets violent and gets out into the ward, what do they do; allow him to run about, to beat the other patients? How do they control him; allow him to stay loose?

A No, sir; he is ordered to sit down.

Q But he is insane; suppose he does not obey the order?

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A No, sir; he is ordered to sit down.

Q But he is insane; suppose he does not obey the order?

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A Then we are supposed to make him sit down, but use no force.

Q You cannot coax him down, you have to use force.

A Yes, in most cases, we can coax them down.

Q What did you do to the man who struck you in the eye? Did you coax him?

A No, sir, I did nothing; what was the use.

Q Whenever these violent patients or those that can coax them back in their beds, can they

A Sometimes not back in their beds; coax them to sit down.

Q Why did you have whistles then?

A Never had a whistle as long as I was there.

Q You had none?

A Never had a whistle while I was there. The oldest attendants who were there three or four years had whistles.

Q What did they have them for?

A In case any additional attendant was needed.

Q In this coaxing process what did you need an additional attendant for?

A Well, sometimes the patients helped each other.

Q Did you have to use force when they helped each other?

A Then you need two attendants.

Q To coax them?

A To ask them to sit down, and to make them sit down.

Q Now, is it not true that when these insane patients get loose, it is necessary to take them by force and take them back to their room, now to break their ribs or

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strike them but merely to take them back to their rooms?

Objected to; objection overruled.

A You got to use some force.

Q You do not use any straight jackets over there?

A No, sir, I never see any.

Q With all these 1600 or 1700 patients there were no straight jackets used?

A I can't tell what they do in other wards. I never saw one.

Q So with the most violent patients, if they get loose, they have control over as best they can without straight jackets?

A Yes, sir.

Q Now, there is force necessary to do that, is there not, with a wild, insane patient?

A Yes, sir, certainly.

Q Did you use that necessary force when you were there?

A Certainly, you've got to use some force; it says so in the book of directions.

Q During the time you were ^{there}, from January to the 20th of May did you see more than the one instance that you have spoken of of more than necessary force being used to control an insane patient?

A Yes, sir, I have.

Q What was another one?

A I have seen patients that would not go in the bath tub; I have seen attendants take them and throw them in.

Q Was that necessary?

A Not to throw them in; but put them in.

Q How would you change it, what would you do?

A I would sit them in. They took him and lifted him and put him in bodily.

Q Were you taking part in that?

A No, sir.

Q What were you doing?

A One time I used to turn on the water and turn it off; that is all I did.

Q That was your occupation turn on the water and turn it off?

A Yes, sir.

Q Did you, while you were turning it off and on, allow five different patients to bathe in the same bath?

A Certainly.

Q You allowed it?

A Yes.

Q Then it was your fault?

A No, sir, I got my orders.

Q You had the turning on and off of the water?

A Yes.

Q Why did you allow more than one patient, especially a syphilitic patient to bathe in the same water?

A Because I had orders to rush them through as soon as I could.

Q From whom?

A From the head attendant.

Q Who was the head attendant that gave you the order?

A I cannot recollect his name.

By The Coroner:

Q Who was the head of your ward or department, don't you know.

A I think Nash, if I am not mistaken.

By Mr. Wellman:

Q Was it Nash that gave you the order to allow syphilitic patient to bathe in same water with other patients?

A I did not say that; he gave me orders, ~~xxxxxx~~ what; to bathe them as quickly as possible.

Q And therefore you thought it necessary to put five in the same water?

A That is the way I saw it done the first time.

Q That is the way you did it?

A Certainly.

Q So that if there was anything wrong about it, you did it?

A Well, yes; but there was nothing wrong about it.

Q I thought you said to the coroner that there was something wrong about allowing five patients to bathe in the same water?

A Yes, I would think it wrong.

Q But you did it?

A I had orders to do it.

Q To use the same water for five?

A I had orders to make them bathe as quick as possible.

Q Your orders were that they should be given their baths as quick as possible, not that they should be bathed in

the same water, and to accomplish that order you bathed them in the same water?

A That is a question I cannot answer one way or the other.

Q What part of it can't you answer?

A Certainly I was told to rush them through as quick as possible.

Q Therefore, you thought it necessary to put syphilitic patients in the same water with others?

A I did it.

Q Then if anybody was to blame for it you were?

A I don't know about that.

Q Who else was to blame then, if you did it?

A There were other attendants attending there.

Q But you had control of the water; you said it was your business to turn it on and off, and do nothing else?

A Yes.

Q Whom do you blame for it except yourself?

A I don't blame anybody; I will take the blame.

Objected to, objection overruled.

I was just as much to blame as the head attendant and the attendant standing by me.

Q You have spoken of one instance where you saw force used?

A Yes.

Q What attendants? Who used the force?

A Two attendants.

Q What attendants?

A One's name was Richie and the other was McEoland.

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Q Was the patient violent?

A No, sir.

Q What was he?

A He was what I would call nervous.

Q Why did they attack him?

A They wanted to seat him so that he kept quiet.

Q Why, what was he doing?

A He wanted to get his clothes to go home.

Q To leave the asylum?

A Yes, sir.

Q He wanted to leave and they prevented him from leaving?

A That was about it.

Q What did he do to leave the asylum?

A He asked all day long for his clothes; he wanted his clothes all the time.

Q What else?

A That is about all he did.

Q What did they do?

A They did not give him the clothes, and then he asked for them again, and then they said he should sit down, he didn't sit down, but asked for his clothes again, and they lifted him the way I have described.

Q Describe it again, the lift?

A One man took him about here, (indicating) and another about here, and just lifted him off his feet, threw him up, let him fall, lifted him up again and threw him down again.

Q On the floor or on a seat?

A On the floor.

Q Lifted him up and let him fall on the floor?

A Yes, sir.

Q And did it twice?

A Yes, sir.

Q Then what did he do?

A He laid there.

Q Who attended him?

A Two attendants lifted him up and laid him on the bench.

Q That were you doing all this time?

A I was down at the other end of the ward.

Q Saw them lifting this man and stayed at the other end of the ward?

A Yes, I could not leave my patients alone.

Q Did you have patients down there?

A I had lots of patients.

Q How far away were you from them?

A Well, I guess about the length of this room away from them.

Q And you saw the whole occurrence?

A Certainly?

Q Stood watching it?

A Well I won't say I stood watching it.

Q Did you call to the men when they were taking this man up and dropping him two feet -- was that the right distance you measured, about two feet from the ground?

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A Yes, about that.

Q Did you report it to the authorities?

A No, sir.

Q You were under orders to report anything of the kind you saw, any undue force you saw used?

A I don't know.

Q I ask you did you not have such orders?

A I never had.

Q Were you not called upon often for a report?

A I don't think I was called upon once.

By the Coroner:

Q Was it your duty to report any such occurrence?

A No, sir.

Q Why didn't you?

A Because I didn't want to get other men in trouble.

By Mr. Wellman:

Q Did you see any other occurrence of this kind where you saw undue force used?

A Yes, I have seen other ones.

Q What was another?

A I have seen patients getting medicine in a very queer way.

Q Well, how did patients get medicine in a queer way?

A They laid him down on the floor and forced his mouth open and poured it down.

Q That is when the patients would not take the medicine?

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A Yes.

Q When they would not take it and the doctors ordered it administered?

A Yes.

Q And they administered it by force to an insane patient?

A Sometimes he was not insane; of course, I am no judge in that.

Q Did you see a patient who was not insane ordered medicine?

A Yes, sir.

Q How do you know he was not insane?

A Well from my general judgment, I am no doctor.

Q Was not insane in your judgment but the doctors thought

A ~~xxxxxx~~ he was and ordered him medicine?

A But the doctors did not look at him enough.

Q They looked at him enough to order medicine?

A Yes.

Q He would not take it and the attendants made him take it?

A Yes.

Q You did not see anything else?

A I can't recollect.

Q So that from some time in January till the 20th of May, in what you say was a violent ward, all the force you remember having seen, all the undue force was, once where the two attendants whose names you have given raised a patient who wanted to leave the asylum and get his clothes two feet from the floor and dropped him, raised

him again and dropped him, and then he was carried away, and again they took another patient, when he was ordered medicine and would not take it, and gave him the medicine by force ?

A I saw several patients given medicine that way.

Q Did you see anything else?

A Nothing else that I can recollect.

By Mr. Byrne:

Q With what force did he drop?

A Pretty strong force.

Q Strong enough to break nine ribs?

A I don't know that he could break nine ribs; I think he could break one; I know he would break nine that way.

Q Do you think they used unnecessary force?

A Yes.

Q They used force that was not necessary?

A Certainly.

Q In your experience as an attendant, have you found whether by coaxing a patient supposed to be insane you can do more with him than by force?

A Yes.

Q You can accomplish a good deal more by coaxing him than by using brutality or force?

A Yes.

Q When was it that you noticed this lifting of this man two feet from the floor and dropping him?

A I cannot specify any date.

Q About when?

A It must have been some time in April, if I am not mistaken.

Q And did you notice how his condition was after the effects of this dropping?

A Yes, sir,

Q What was it?

A He could not get up; he had to be lifted up by the attendants.

Q He was helpless?

A Yes, sent to the hospital afterwards.

Q He was sent to the hospital was not

A Yes, I saw him there.

Q As a result of the treatment of the attendants?

A Most likely.

Q It was not necessary to send him to the hospital previously?

A No, he was sent to the hospital the same day, immediately after, as soon as it was reported to the doctor.

Q You did not see the assault upon Mr. Parrish?

A No, sir, I did not know him.

Q Who subpoenaed you here?

A I came here myself.

Q You have no grievance against the Commissioners?

A No, sir, have no grievance against anybody.

Q Will you describe to the jury, generally speaking, the treatment that the attendants there inflict upon the patients?

A The number of patients in a ward is so small -- in our ward where we had about 65 violent patients we had only six attendants, sometimes only five -- and of course patients were not treated the way sane people ought to be treated.

Q Do they use persuasive powers or forcible efforts?

A Some attendants use persuasion, others force; all depended upon the attendant.

Q In respect to the bathroom occurrences that you wrote about, will you describe it to the jury?

A Well, I can describe the way they were bathed. About seven or eight patients enter at the same time, and one after another come in the bathroom, and each patient was in the bath from about one to three minutes, not longer than three, and taken out again and five or six patients bathed in the same water, one after the other. They were dried with a sheet and put their clothes on again.

Q How large was the bath tub?

A Just large enough to admit any ordinary sized man. We have two baths there.

Q How many men were placed in a bath tub large enough to hold one man?

A Only one man.

Q And with what quantity of water?

A About half full.

Q And when that man had his bath, was the water run through or did they keep it for another?

A They kept the water.

Q How long did you notice they kept the water?

A We sometimes kept it for five or six patients.

Q Was there any discrimination or distinction in respect to the condition of the blood of any of the patients put in there?

A They all came one after another.

Q They were all placed in there one after another?

A There was no certain order.

Q It made no difference what he was suffering from, what disease?

A No, sir.

Q All placed in the same water?

A Yes, sir.

Q About flinging them into the bath tub, what do you mean?

A Well, if he would not go into the water one attendant took him by the feet and another by the head and throw him in.

Q It did not make any difference if he broke any bones or not?

Objected to. Objection sustained.

Q What do you mean by flinging?

A I don't think I used the word flinging; I said throwing.

Q What do you mean by that?

A They just took him and threw him in.

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Q You mean by throwing him in, let him go in with the force of his own weight?

A Yes.

By Mr. Wellman:

Q This water business was something that was under your control. Are you a voluntary witness in this case?

A Yes, sir.

Asked to be called?

A I did not ask to be called; I told the coroner I could say something about this.

Q You say it is easier to coax an insane patient than to force him?

A Yes.

Q Did you ever try to coax a raving maniac?

A I never saw a raving maniac.

Q Did you ever see any of the men in your ward try to dash their brains out against the wall?

A No, sir.

Q Don't you know that that occurs frequently in an asylum?

A I never saw it; I have read that it occurs.

Q Did you know while you were there that it occurred frequently in the asylum?

A Never heard it.

Q Did you hear that there were any raving maniacs at the asylum, or were they all docile people that you coaxed to sit down and who sat down?

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A I never heard of any raving maniacs; I have been all through the building and never saw any.

Q Out of 1700 patients?

A Yes, sir.

Q They were all quiet?

A Some of them walked up and down, some walked a great deal some made a noise, but I presume that was their disease.

Q The lunatics that you have had there were all quiet?

A I did not say that.

Q But you did say there were no maniacs there?

A Oh, no; there is a difference between quiet and raving.

DR. TRAUTMAN re-called:

By Mr. Wollman:

Q Dr. Trautman, I want you to tell the coroner and the jury, give them some idea of the condition in which the 1600 or 1700 inmates of the asylum are in as to outbreaks of violence; tell them whether it is a fact that you can coax the patients around, or what you have to do without using force?

By the Coroner:

Q Dr. Trautman, you have heard the statements of the various witnesses with regard to alleged cruel and inhuman, in regard to the institution now under your charge; what have you to say?

A In order to prevent cruelty -- it is of course, the interest of the physicians to prevent any cruelty to patients, the safe-guards which have been put up to accomplish that are that to each ward is an attendant in charge; to each two or three wards a head attendant; then to each three or four wards are either two or three physicians who have nothing else to do than continually observe and watch over the patients, a limited number of patients, under their charge. The rules require that every attendant, every ward attendant, every head attendant and every physician should instantly report any cruelty that occurs in the ward, any neglect that occurs in

the ward, or anything that tends to at all diminish the discipline or the care for the insane. If they do not do that, they are themselves guilty of neglect, and as soon as it is found out they would be suspended and recommended for dismissal. The physicians in order to find out as much as they can about the wards, are instructed to visit their wards at least twice a day, two physicians, and they must spend from an hour and a half to two hours in the forenoon, to spend in the afternoon about an hour again, and in the acute wards they spend a third hour or a fourth hour as the case may be in the evening. In addition to this, a physician patrols during the night in order to see what is going on with the attendants that are on night duty. The halls have numerous doors, and the attendants who are every day engaged there will have to watch all day long in order to prevent a surprise by physicians or by the ward attendant or the head attendant, if they would engage in cruelty. If a man should attempt anything, the moment he lifts his hand against a patient he risks his discharge, and if one considers that in all those wards, in the smallest there are not less than forty, and in the larger wards are from sixty to eighty and ninety patients. Among these there are always some patients that are more or less trustworthy, and are well known as such to the physicians, and if a physician wishes to find out any dubious occurrence, or if there are marks on the patient

that are not well explained, then it is the physician's duty to inquire around from the other attendants, to put the questions directly to them, and if they cannot sift the occurrence sufficiently by the attendants, they are to ask the patients until it is fully explained.

Now, in an insane asylum that contains so many violent cases as New York city furnishes, we have to classify the patients in order to prevent the frequent occurrence of injuries of patients to patients. There are two admission wards, one for acute maniacal cases and one for the melancholy, less violent cases; and after that there are fifteen or more subdivisions.

By Mr. Wellman:

Q How much force do you allow used, and how much is it necessary to use under the rules of this asylum? We want to know how much force is necessary to keep discipline in the violent wards?

A There are several wards in which most of the accidents that occurred in the asylum, do occur. These are both the admission wards, where the mixture of new cases are

If an acute maniacal case comes, it is brought from the boat to the asylum. If there should have an attack of maniacal excitement, all the attendants that can be spared, if he rushes about, are required to hold on to him and, if possible, to sit him down, and send at once for a physician. There are continually one half at least of all the physicians of the asylum on hand and on duty; there are never more than one third of the physicians away, and one half are continually on duty. If anything occurs on the wards that would require the presence of physicians, as such great excitement could a physician must be sent for. So it is necessary whenever a patient gets violent and excited, that as many attendants as can be spared are to hold him until a physician can be called.

Q How often does that happen?

A It may happen a dozen times a day.

Q Does it happen?

A It does not.

Q On an average how much?

A On an excited ward, in twenty-four hours the physicians are certainly sent for eight or ten times.

Q For violent patients?

A Yes, sir.

Q What have the attendants to do with the violent patients?

A To hold him until a physician is sent.

Q And sit him, you say?

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A If it is necessary; if a man is weak or should wear himself out; everything is done to prevent the continued excitement.

Q But the fighting patients; what do the rules allow the attendants to do?

A The attendants should hold the patients so long until a physician could be sent for; should not let him run around and strike anybody that comes in his path, or rush along the wards and hurt himself, as many of the men do who have suicidal tendencies.

By the Coroner:

Q Doctor, admitting that all these rules are complied with, how are you made aware of any cruelty?

A Suppose, on a ward where there are at least 40 patients, as a rule, 60, frequently 80; suppose, that such an attendant could be alone with a patient, take him into a room where nobody could see anything -- there is no door allowed to be locked except the general entrance; if that man should take him into a room and knock him down, it must be a very lucky occurrence if the patient should not get any bruise.

Q You certainly have had keepers who have not complied with the rules?

A We have had men that would not only break the rules, but would lift up their hands to give them a slap, and they would be discharged.

Q Who is supposed to communicate any alleged act of cruelty?

A Either the ward physician who sees it or a ward attendant.

Q Who reports it to the ward physician?

A Any one of the attendants. The head attendant must be informed of it, and it is his duty to report it; but every attendant is requested, if anything comes to his knowledge in the way of cruelty to report it to the head attendant, and the head attendant report it to the head physician, and he to me. Now suppose that an attendant struck down a patient secretly, which is a difficult thing to do where there are so many, if he should strike him down he must run the risk that his patient cannot complain of pain, that he cannot speak about his condition, and speak to the physician when he comes. he must be very lucky if he should not get any bruises. Now once a week they are bathed in the presence of a physician, and the physician is required to watch for bruises when they are undressed, bruises that might escape them when they are dressed. Every patient must be seen as he enters the bathroom. Thereupon the attendants are called upon to explain how it happens that a patient has a bruise, if that patient should be unable to explain it. If he is unable to explain it, the more intelligent patients are asked. If the physician is unable to get any information how that bruise happened, it had frequently occurred that every attendant on that ward was discharged for failing to account for a bruise on a patient.

Q There were bruises on this patient Farrish; what investi-

gation was made?

A The physician to whom it was reported went at once to his room, and examined the man; found a bruise on his back found one on his side and found that he had fractured the seventh and eighth ribs. That was reported to me. I requested the physicians to have every attendant on there make a statement as to how Farrish came to his injuries, and at the same time -- there are three physicians connected with that ward -- they were requested in addition to find out as much as possible from all the other patients who might be able to give any occurrence, what there is at the bottom of the matter. And when it was reported that the man had come to fall, that four attendants were dressing him when he fell, that no violence had been used, and a man being in an excited state at the time a maniacal state, suffering from a disease that makes falling very liable. If he had suffered from another disease, the breaking of ribs would not be so likely, but the man suffering from the disease in which accidents happen oftener than in any other case the matter was so stated in the death certificate, and the asylum authorities not being able to find out anything there, either from the patients who were asked, or from the attendants, being unable to locate any violence, there was nothing further to be done by the asylum authorities.

Q Did you get statements from all the attendants on that?

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ward?

A Yes, sir.

Q And did you from the patients?

A Statements were required from the more intelligent patients.

Q And could you find any evidence that undue violence had been used there

A There was no evidence further than the forcing of the door; the patient had tried to hold the door.

By Mr. Byrne:

Q How do you know the patient tried to hold the door?

A It was reported as such.

Q Then you do not know of your own knowledge?

A It was the concurrent report of all these men.

Q All the men who were in the employ of the institution?

A Yes,

Q That was their universal opinion?

A Yes.

Q And as far as you are concerned you do not know anything about this?

A I do not.

Q How often do you visit the wards?

A As often as I can.

Q How often?

A Frequently, two or three times a day; sometimes once a week.

Q Do you remember the 8th of April?

A I do.

Q Do you remember visiting Ward 19?

A I did not.

Q On that day?

A No, sir.

Q And you do not know what took place there?

A I have said so.

Q And what were your duties in respect to treating the patients there?

A My duties are multifarious.

Q What are your duties?

A I have entire control of the asylum. I have to make daily reports of all that occurs in the asylum. I have to make requisition of all that is needed in the asylum. I have to order every transfer in the asylum. No one can be moved from one ward to another without my consenting to it. I have to see that for each patient an entry is made in our history book at least three days after his admission. I have to see that every patient has legal certificates when he comes into the house. That is not the hundredth part of my duties.

Q Is it your purpose, Doctor, appearing here as a witness in this case to defend the prisoners or to suppress the truth?

A On the contrary, it is my duty to see that if any cruelty is practiced the men are brought to justice.

Q Did you ever hear of any cruelty being practiced in Ward's Island Insane Asylum ?

A Nothing but what I have already stated.

Q Did you hear ?

A If any cruelty has come to my knowledge I have discharged the man.

Q Have you not heard of cruelty?

A I have; I have suspended men on account of that.

Q You know anything about the history of McQue and Cleary?

A I do not, except that there is a general history required of each man.

Q Did you get the history of Mr. Mitchell when he went there as an attendant?

A When he came there the first time.

Q The second time?

A Not the second time; he had a letter of introduction.

Q And you do not know where he was in the meantime?

A No, sir.

Q You never inquired?

A No, that was out of the question.

Q Whose duty is it to as to the respect of the character and capabilities of the attendants there ?

A My clerk and myself.

Q And did you ask Mr. Mitchell the second time he applied there, what he was doing in the meantime?

A I did not

Q In regard to the treatment of insane men; how long has

your experience run?

A Nine years.

Q Are not insane men more easily controlled by far more
that force simply by persuasion?

A I don't think so.

Q In your experience?

A I do not think so.

Q I ask your opinion in respect as to whether a man suf-
fering from general paresis can be controlled or governed
by persuasive powers or coaxing or by force?

A At times it will, when a man is not under excitement;
when he is under excitement, all the coaxing in the
world would not do.

Q Assuming that he is not, that nobody had hold of him,

A Excitement will come on without any man having hold of
him.

Q In most cases, which do you find the best way?

A We find the asylum runs far better by treating the
men kindly with consideration.

Q Makes them more submissive?

A They have less ill feeling when they are treated with
consideration, when they know that no brutality is al-
lowed. If they have any intelligence left at all they
know they should not be ill treated, and that is one
of our safe-guards, that any one who can speak will
speak up and accuse the attendants.

Q Assuming in this case that two of the attendants brutally took hold of the deceased, and forced him to the ground, held him there with their knees pressed on his chest, and knocked his head against the floor, holding him by the throat, and no evidence contradicting the fact, do you think that was proper treatment for a patient in your asylum?

A It was not, of course, it was not.

Q And you do not know anything to the contrary?

A I do not know anything to the contrary. Should such a thing come to my knowledge, the man would not stay there five minutes.

Q You cannot state that it is not so?

A I cannot because I do not know.

Q Now, with respect to what you call the violent ward, what do you mean by the violent wards?

A The wards where cases of acute mania are confined, and acute maniacal or delirious cases.

Q How many wards have you got for those cases?

A We have two wards for more or less delirious cases, but we have two admission wards to which men are sent in the state in which they are found on admission. If a man is quiet on admission he is sent to the quiet admission ward; if excited, he is sent to the excited admission ward. But a man may become excited on the quiet ward and sent to the excited ward.

Q How many wards did you classify as violent wards there,

what are the wards?

A As violent wards, well, what we were speaking of now, were acute cases.

Q But just tell us the number, and we can hasten the testimony?

A We have four excited wards, more or less excited.

Q What are the numbers?

A Wards, 14, 15, 11 and 7.

Q What do you call those wards?

A Those are excited wards where the men are more or less all the time excited.

Q And the wards that you claim are delirious and excitable, what wards are those?

A That is one of the admission wards, Ward 14.

Q Is there any other ward besides the admission ward?

A There is another admission ward for more quiet cases, that are found to be quiet on admission; that is Ward 19 where Mr. Farrish was.

Q Then he was quiet on admission?

A Yes.

Q And remained there for some time?

A Some time.

Q And you, in your course as superintendent or deputy superintendent found no reason to remove him?

A No, it was not reported to me that he was sufficiently excited to remove him.

Q How long was he there?

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A Nearly a month.

Q And how often did you visit that ward?

A I should think I must have seen him in that time, five or six times.

Q And did you visit there every day or every other day?

A As often as I could.

Q And in that month there was no statement given you for a cause for removing him to a violent ward?

A No.

By Mr. Wellman:

Q The first time that Mitchell had been taken as an attendant, he had been inquired into?

A Yes, sir.

Q And the second time he came back, having once had his history, you did not take it a second time?

A Yes.

Q And in that way, it escaped you that he had been in Sing Sing?

A Yes.

By Mr. Byrne:

Q Do the attendants there have to pass the Civil Service Examination?

A As long as we can get such men there are such taken.

Q But suppose you cannot?

A Then we have to take men as they present themselves.

If for one vacancy three or four men present themselves,

the best man is taken, but unfortunately happens that we have to take the others, no new ones presenting.

Q You did not ask this man whether he had committed a murder or assaulted anybody during the time he was away from the asylum?

A No, he had a letter from a commissioner.

Q Did you ask him?

A No, sir, I did not.

Q Did you think that was a proper way?

A After he had been there before and applies for a position a second time and had not been discharged the first time, there was nothing against him, especially if he came with a letter from a commissioner.

Q Suppose he had been during that time a burglar or a murderer or a rascal, do you think you ought to have asked him questions?

A Yes, sir.

Q Do you think you attended to your duty properly in not asking him?

A As much as I can.

Q Was there any reason why you could not ask?

A I might have asked in question, but it would be a very strange question to ask a man who had been away for a year if he ever murdered anybody.

Q Did you ask him where he had been in the meantime?

A I might have.

Q Did you?

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A I did not.

Q Would that be a difficult undertaking on your part?

A No.

Q And you did not do it?

A I did not.

Q Do you think, doctor, assuming that a man had been in Sing Sing, assuming that what my friend here says is true, he had been arrested for burglarly, he would be a proper attendant there?

A I do not.

Testimony closed.

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Gentlemen of the Jury, it is your duty to ascertain the cause of the death of George Farrish, late an inmate of the MacLis Island Asylum for the Insane, and if you find that his death was caused by violence it is your duty so to say by your verdict, and to indicate who, if anybody, was guilty of such violence toward the deceased, so as to enable us to bring the offending party to justice.

Mr. Farrish had been an inmate of the asylum for several months prior to his death. He was a fireman employed on the New York Central Railroad. When he entered the asylum he was apparently a man of rather good physique. He was thirty-seven years of age. Dr. Hathaway, a physician in attendance at the asylum, gave as the cause of his death exhaustion from general paresis and as the consecutive and contributive cause a simple fracture of the seventh and eighth ribs on the side

Of course if this be so -- that is, if the man died from exhaustion in consequence of his disease, and if the fracture of the seventh and eighth ribs on the left side was due to an accidental fall -- you will so find by your verdict, and in that case, as a matter of course, no one but himself would be to blame for his death.

On the other hand, it is charged that Farrish

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died from violence on the part of the attendants of the asylum. This, gentlemen, is a very serious charge. The unfortunate inmates of public institutions, especially those who are unable to protect themselves by reason of the affliction such as insanity, are entitled to humane and careful treatment. At all events, the authorities, ought not to place them in the care or custody of persons of violent temper or brutal disposition.

In this case the charge has been made that two of the keepers, now prisoners before you, McGuire and Cleary, were seen kneeling on Farrish or Ferris, and pounding his head on the floor, and otherwise ill treating him about three days prior to his death. In consequence of this investigation you know that Farrish's body was exhumed and properly examined, an autopsy held, and upon such examination it appeared that instead of a simple fracture of the seventh and eighth ribs on the left side as stated in the death certificate issued by Dr. Hathaway, nine of his ribs were found completely broken and I believe a tenth displaced. The left side of the face was badly disfigured, there were several wounds on the head and that part of the neck called "Adam's apple" was fractured.

The officials who were called upon to explain the condition of the body of the deceased assert that the injuries he sustained were caused by a fall; that the case that he was suffering from, namely, 'general

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parosis', would make a man stagger like a drunken man; that his bones by reason of the disease had become so brittle that they would snap like pipe-stems, &c. They further stated that the deceased had got into altercations with some of the inmates of the asylum, and that if serious injuries were sustained by him such may have been the result of his altercations and fights.

The body of the deceased certainly showed marks of severe usage. It is for you to say whether, under the circumstances, Mr. Parrish came to his death from natural causes, or whether his death was due to maltreatment on the part of the prisoners now before you or of any other person or persons.

Gentlemen, the public naturally takes deep interest in cases of this kind. The institution contains a very large number as you have heard stated, of patients, mainly of the poorer classes, many of whom are without relatives, friends or protectors. It is but fair to assume, however, and the public expects that these unfortunates should receive considerate treatment.

In so speaking I do not wish that these remarks to express any opinion reflecting upon the prisoners or either of them, as it is your duty and not mine to decide this matter strictly upon the evidence. You should not allow yourselves to be influenced by passion, bias or prejudice, nor by any public clamor or feeling, but it is your duty to consider the evidence carefully, and

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to decide accordingly. If you find that Mr. Farrish came to his death by natural causes, then do not hesitate to say so. If you find, on the other hand, that he lost his life in consequence of cruel, inhuman or brutal treatment, then it is equally your duty to say so and to place the blame where it belongs. Gentlemen, you will remember that your verdict should be ^a just one, both to the people of this community that you represent in this investigation and to the accused.

With these remarks I leave the case in your hands. I have every reason to believe that you will give it the consideration it deserves. You have certainly shown by your patient attendance and by the careful manner in which you have listened to the evidence, that you intend to weigh every word that is pertinent to the issue now before you carefully and considerately, and I trust that your verdict will be such as to do justice to all concerned in this investigation.

Mr. Wellman: I ask you to state to the jury that even if they think that the broken ribs contributed to the death of Mr. Farrish, they cannot censure any of the keepers unless they find that the evidence satisfies them that there was more force used in controlling him than was necessary to control him in the condition he was in, and that your Honor also charge the jury that the prisoners are entitled to the benefit of ~~any doubt~~ in their minds in regard to

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the evidence.

The Coroner: As far as your first request is concerned, I think that the same has been fully covered by my charge. There can be no question of censure. We are not trying the Commissioners of Charities and Correction; we are trying the prisoners. They are either innocent or guilty of the charge. But in connection therewith I would say that if you, gentlemen, sitting here to pass upon the question of criminal guilt and wilful intent on the part of the prisoners before you -- because they are here as prisoners, they have been in custody since I have issued a warrant -- if you believe that there is any reasonable doubt as to their connection with the alleged cruel treatment towards Farrish, that doubt belongs to the prisoners. As to the question of censure, that, as I said a moment ago, is entirely out of place.

Mr. Byrnes: I ask your Honor to direct to the jury, in respect to the testimony of both the physicians wherein they testified that the effect of a shock from a fracture of nine ribs, would in itself be sufficient to cause death, independent of any cause or complaint of general paresis.

The Coroner: I do not think it necessary to go into that question in a specific way. The matter before the jury is whether this man Farrish, came to his manner: whether his death was a natural

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The People
vs.
Patrick H. Cleary
and
James McHugh

Court of General Session
Part I
Before Judge Cowing
April, 1888.

People vs. Patrick Healey and Jas. McHugh.

George Anderson sworn and examined by Mr. Dawson.

Q. Mr. Anderson, were you ever at Ward's Island.

A. Yes sir.

Q. When did you go there.

A. The 2nd of November, 1886.

Q. When did you leave.

A. I left there the 22nd of June, last year, 1887.

Q. Well, did you ever meet with a man named George Farrish.

A. Yes sir.

Q. He is the deceased, did you see much of him.

Objected to.

A. George Farrish you asked me if I had seen, yes.

Q. Did you see much of him.

A. I saw him I believe every day until he died, while he was there.

Q. Every day from when until when.

A. Until the 8th of April.

Q. From the time he came there.

A. I do not remember the time that he came there exactly, perhaps a month or six weeks before he died, I think, I am not positive.

Q. From a month or six weeks before he died until when.

A. Until the day previous to his death, until the time I saw him.

Q. Do you remember the date of his death.

A. It was on good Friday, a year ago, the 8th of April, 1887.

Q. You saw him every day, please state how much you saw of him every day, was you with him.

A. Occasionally, every hour or two perhaps..

Q. Did you see him passing to and fro.

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Report of Patrick J. O'Leary and Jas. McHugh.
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Q. You saw him every day, please state how much you saw of him every day, was you with him.

A. Occasionally, every hour or two perhaps..

Q. Did you see him passing to and fro.

A. Yes sir.

Q. Did you notice his walk.

A. As much as any ordinary man.

Q. Was that walk different from that of any ordinary man.

Objected to.

By the Court. Q. How was it, lame.

A. I never noticed anything particularly different in his walk from any other large man of the kind, he was very large.

Q. He was a very large man.

A. Something over six feet high I should judge, tall.

By Mr. Dawson. Q. Did you ever converse with him.

A. Several times.

Q. Did you ever hear him converse with other people.

A. Yes sir.

Q. In those conversations did you ever notice whether he did or did not drop words out of his sentences.

Objected to as immaterial and incompetent.

Q. Did you ever notice in his conversations an omission of any word from sentences or any syllable from words.

Objected to as incompetent for reasons apparent to the Court. Objection sustained.

Q. Now then go on Mr Anderson and state whether or not you ever saw any altercation or difficulty between George Farrish and any keepers in that asylum.

Objected to. Objection sustained.

Q. Did you ever see any altercation between the Defendants on this trial and George Farrish.

Objected to on the ground that the District Attorney does not designate the time.

Q. Mr. George Anderson, did you ever see any altercation between the Defendants now on trial and that poor fellow, George Farrish, between the period that you spoke of on which he first arrived there, and his death.

A. I did, sir.

Mr. Howe: I ask that the word "poor" be stricken out of that question.

The Court: Strike out poor.

Mr. Dawson: You can substitute the word rich.

Q. Go on and state all you know and all you saw between those dates.

By the Court: Q. What these defendants did to the deceased.

A. Well, I do not remember seeing any difficulty between the man Farrish and the two prisoners with one exception and that one was on the 8th of April, as I spoke of.

Q. What year.

A. 1887, last year, last April 1887, it was on that morning.

Q. On the morning of the 8th of April, 1887.

A. Yes sir, just after getting up, between the time we got up in the morning and the time we went to breakfast, somewhere near seven o'clock. I had just came out of the wash room after completing my morning's washing and I saw a disturbance down at the further end of the hallway. I was not there myself, I was, well, forty or fifty feet from the place and I looked and saw a crowd of some of the other patients standing around and somebody lying on the floor as they went to the dining room. Directly I saw Farrish coming up towards where I was standing and towards the wash room, Mr. Cleary having hold of one arm and Mr. McHugh the other.

Q. Those two prisoners.

A. Those two men, one on each side of him, and when they got within ten or twelve feet, perhaps a little closer than that, to where I was standing, he seemed to pull back -- Farrish, he did not want to go into the bath-room as I supposed; they were taking him, leading him in that direction; he said he did not want to take a bath as that was not bathing day, the time they usually took baths, he objected. Directly there was no licks struck, no blows attempted by either side. He pulled back this way, and whether one of the defendants tripped him or whether he fell I cannot say, but he fell with a heavy thud on the floor. Mr. McHugh was at his head with his hands, one I believe on his head, or both, I do not know, there was three or four hands, one or two on his throat and one was on his head; Cleary was kneeling down on his breast and McHugh was at the head and had hold of his head, Cleary had one hand or both, I cannot say which, there was four hands mixed up, I could not tell whose hand it was.

By Mr. Howe. Q. Cleary was on his breast.

A. Yes sir, had his knee on the breast.

By the Court. Q. The other was on the deceased's breast.

A. Yes sir, Cleary.

Q. One on each side of his feet, no blows were struck, McHugh had hold of his head and the other was on the deceased's breast.

A. Yes sir.

By Mr. Dawson. Q. Go on and give a description now of all you saw.

A. As he was down Cleary rose up with one foot on the other knee and came down ^{it seemed to me} ~~at the same time~~ with all the power he had on the man's breast.

Mr. Howe: I ask that that be stricken out, "it seemed to me".

The Court: Strike it out.

by the Court. Q State what he did.

A. Cleary came down with a good deal of power on the man's breast with one knee; in fact I have seen him do that so often he is an expert in it.

Q. Cleary came down with one knee on the man's breast, that is, on the deceased's breast .

A. Yes sir.

Q. Go ahead.

A. Farrish could not seem to make any resistance, he made none excepting he was lying back, the blood was running out of his mouth, ears and nose, the blood was coming down his lip and down from his ears I presume, it was running out of them, and nose.

Q. The blood was running from his ears, nose and mouth.

A. Yes sir, and mouth.

By Mr. Dawson. Q. And mouth. A. Yes sir.

By Counsel. Q. Did you say "and mouth."

A. Yes sir; and he made no resistance that I could see except in a faint struggle, "Oh, oh" was about the exclamations he made; he spoke no intelligible words that I could understand. Then in a few minutes perhaps, this lasted two minutes ---

By Mr. Dawson. Q. This lasted two minutes.

A. I should judge about that time.

Q. Did you see either of those two men strike his head in any way.

Objected to.

by the Court. Q. Tell all the rest that you saw these two parties do.

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A. Then they both got up off him.

Q. That is, the two prisoners.

A. Yes sir, the two prisoners and he laid there; Mr. McHugh walked down towards the hall, stopped a little, walked away from him and stopped; Cleary stood over him for a second and gave him a kick in the side and called him a very bad name.

Q. Tell what it was.

A. He said, "get up, you son of a bitch"; and he could not get up. Then he and someone else, I do not know who assisted him up, and they took him in the wash room, I stood there looking at him and they went in the wash-room; of course what they done in there I do not know, I presume they were washing him, washing the blood, I did not see what they done inside the wash-room.

By Mr. Dawson. Q. Now have you stated all that you remember that occurred at that time and place, if you remember anything else, state it.

A. I do not remember anything.

By the Foreman. Q. You made a remark that you had seen him abusing him before.

A. I never saw these parties touch this man before.

Mr. Dawson: But others.

The Court: I will strike it out, what he previously said; the only question is what these parties did.

Witness: That is all I remember of at that particular time in connection with what these men did to him.

by Mr. Dawson. Q. Did you see anything more of Goegre Farrish after that.

A. I saw him as he was lying in his bed that evening, that

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afternoon.

Q. What was his condition then.

A. I only went to the door, he was lying with his head back, I thought he was dying, they moved him out that afternoon or morning to the Hospital.

Q. Did you see them move him out.

A. I saw them put him in a blanket.

Q. Where did they take him.

A. To the door, I could go no further to see.

Cross Examined by Mr. Howe.

Q. Mr Anderson, you told us that the deceased was a man six feet high.

A. About that I should judge I thought a little over perhaps.

By Mr. Dawson. Q. What was his age.

A. I judged him to be about thrity-seven or thirty-eight years old.

by Mr. Howe. Q. Thirty-seven years old and six feet high.

A. I should judge him a little over six feet.

Q. And a large man.

A. Very well built in proportion to his size.

Q. A big, muscular fellow.

A. Well, he seemed to have but very little muscle on him, there was no surplus flesh, he might have been a muscular man at times, but there was no surplus flesh on him, and he was a well built man.

Q. Sullivan had no surplus flesh.

A. Mr. Farrish was not a fighting man.

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Redirect Examination.

by Mr Dawson. Q. In speaking of the force that was used by Cleary and McHugh to hold George Farrish down, was there any resistance on the part of Farrish to that force.

A. No sir.

Q. How many persons were standing around Cleary and McHugh and Farrish at that time.

A. I suppose ten or fifteen patients, perhaps twenty.

Q. How many keepers.

A. I saw them two, and I saw Mitchell and I am not positive them three I know of, I could not say positively to any others because I do not recollect, I believe though Mr Kearns was a little further down the hallway, I would not be positive whether it was him or not.

Q. If he was there could those four men not have easily handled that man.

A. I believe either one of those men could have handled him.

Q. Either one of them.

A. Yes sir.

Q. Did you have any conversation with anybody else there besides Dr Douglass, anything about any of the Keepers.

A. There was Mr Grinsted one of the Keepers there, I never complained or made any report to him in regard to that but often have I heard him speaking of the affair and I might have said something sometimes to a patient casually but never conversation.

Q. While there were you charged with any altercations or violence.

A. None whatever, I had charge of one department, the extreme lunatics; the doctor asked me to watch over them,

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I slept in the room with eight or ten, they were afraid they were going to be suicides and they asked me to take charge of that room and report every day.

Q. For how long.

A. I think two or three months.

Q. You were in charge of one of those rooms all that time.

A. Yes sir, that room, Mr Cleary himself, the prisoner told me that the doctor requested I should do so as a favor to him and I would do anything for Dr Douglass that I could.

Q. You spoke of patients being restrained.

A. Yes sir; he asked me if there was any restraint for patients there.

Q. Did you misunderstand him in referring to your own patience.

A. My own patience was worn out.

By Mr. Howe. Q. There were a number of other patiences worn out according to your story.

A. There was a good many worn out completely.

Thomas Mitchell sworn and examined by Mr Dawson.

Q. I thought your name was George Mitchell.

A. No sir.

Q. Mr. Mitchell, were you ever a Keeper at Ward's Island.

A. An attendant.

Q. An attendant. A. Yes sir.

Q. From what date to what date.

A. From I think the 19th of February till about the 12th of May.

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Q. Which February and which May.

A. That is at one time, I was there before this, I was there in February, 1887n up to about the 12th of May, 1887.

Q. Is that the only time you were ever there.

A. Yes sir, I was there in 1884 and part of 1885.

Q. Now will you state whether or not while you were there there was a patient by the namr of George Farrish there.

A. I knew him as Ferris, I presume it is George Farrish.

Mr. Howe: I don't want any presumption..

by Mr. Dawson. Q. Was there a man there by the name of George Ferris and also one by the name of George Farrash.

A. No, not in that ward.

Q. Now did you ever see any altercation between George Farrish or Ferris and the Defendants.

A. Yes sir.

Q. Please state to the Jury when you first saw those parties engaged in that altercation, all you saw, how long it lasted, and what occurred from the beginning to the end, the date first.

A. The 8th of April, 1887, I think it was the 8th, good Friday, I did not make any record of it, that is my best recollection.

Q. Because of what fact, because it was good Friday.

A. Yes sir, because it was Good Friday.

Q. Go right on and state all you know.

A. I got down to my station in the hall about half past six that morning and I generally had to go into the closet where the men took down pails containing excrement, to see that they washed and to keep them from quarreling; I staid in there as long as it was possible in that way and came up

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again every once in a while; after raising the window I stayed in for some minutes and when I came out I saw Mr Ferris on the floor. There is a ^{recess} ~~recess~~ in front of the water-closet; he was laying on the floor, his feet was towards the recess and his head towards the closet, and on the one side Mr McHugh was kneeling on his body and on the other side was Cleary, he was kneeling on his body too.

Q. McHugh and Cleary were both kneeling on his body .

A. Yes sir.

By Mr. Howe. Q. Did you say both.

A. Both knelt on his body at the time I seen them.

By Mr. Dawson. Q. What happened.

A. I saw McHugh have him by the throat and he raised his head off the floor and knocked it down against the floor twice that I saw; McHugh had Ferris by the throat and his knee about this part of his body right here. (Illustrating.) I was on the side McHugh was, I took more notice of him than I did of Cleary; I saw him with his head in that manner on his chest and his hand on his throat and he pulled the head towards him and he put it back again on the hall floor twice.

Q. Gently.

A. I did not see what he used, I saw the head come against him, he raised his head and pushed it down twice to the floor I saw, maybe more but I know I saw twice.

Q. How long did that last.

A. I cannot swear now how long a time that they were on him because it is long ago, I kept no record, I cannot swear, I know it was of short duration, less than five minutes

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the whole business.

By the Court. Q. McHugh had Ferris by the throat, and he raised his head and pushed it on the floor twice.

A. Yes sir.

By Mr. Dawson. Q. How many persons were standing around at that time.

A. Oh, there were a good many patients, I could not tell how many, there was only two employees, there were probably eighty patients in the ward, I do not know how many were in the hall or in the immediate vicinity of the assault.

Q. Do you know whether or not it is true that any of those patients have since been discharged.

Objected to as immaterial, irrelevant and incompetent.

A. Do you mean from my actual knowledge of anybody being discharged, or hearsay? Only one that was in the ward at the time, I have seen him, I have seen no others.

Q. Who is that.

A. Ernest J. Brown.

Q. Do you know where he is now.

A. I do not.

Q. When did you see him last.

A. That was at the Coroner's Inquest last June, I have not seen him since.

By the Court. Q. What did Cleary do, anything.

A. I did not see Cleary do anything except to kneel on his body, that is all, he was on the off side, I was next to McHugh.

Q. McHugh was the one that raised his head and pushed it against the floor and Cleary was on his body, you did not see him do anything else.

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A. No sir. My intention was to keep the patients back, I had no business to allow them to go in on top on where those men were holding the man down.

By Mr. Dawson. Q. But you had a reason for it.

, Objected to.

A. Because of nervous excitement, our business is ----

Q. You have not finished that altercation, state exactly what was the next thing you saw.

A. They remained in that condition for a short time, I do not know how long, I won't swear to the time, I cannot, it is too long ago; they got off him at all events and when they got up my impression is McHugh said, "get up", and the man did not respond, he did not get up but lay perfectly still and both of them helped him to his feet; McHugh took him into the bath room, the water-closet as you call it, one was within the other, the same entrance to both, the bath-room was inside the water-closet, the closet first and the bath-room inside of that.

Q. How long were they there.

A. Then McHugh took him into the water-closet and where the blood was spilled on the floor, I did not wish the doctor to see the blood and got a mop and a pail of water and with the assistance of patients I mopped the blood up.

Q. How much.

A. Not a great deal, it was less than a gill anyway, it might have been a gill, more or less, I did not measure it. With the assistance of a patient I cleaned it up, I put away the mop, I went into the bath-room, I found Ferris standing by the wall without any clothing on, only a cotton shirt, his clothing was lying on the bath-room floor. I helped him on with the clothing and somebody

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called for breakfast and all the patients went in with the exception of Ferris, and I say I put the clothing on him and I took him by the arm and walked him down to the dining room; when I got as far as the door he leaned against the door and he put his hands on his side and said, "Oh, I am sick"; I took him into the dining room, he sat there, he ate nothing at all through the meal. After breakfast I cannot swear what was done, I do not know anything but hearsay, but after breakfast I did not see him again; I went away Easter Saturday evening on the fast, I was away twenty-four hours; on Sunday forenoon I saw him in bed in a cell; there are three cells where they put men who are given hyperdemic injections; he was in one of those and I spoke to him and he did not answer me. This was Sunday morning or forenoon between breakfast and dinner. I spoke to him, he did not answer me, I cannot say what became of him until after his death, that is the last I saw of him on Sunday. I cleaned the blood up.

Q. Was it blue blood.

A. It was not blue blood; it was red blood, I never seen blue blood.

Mr. Howe: That is where the aristocracy came in.

By Mr. Dawson. Q. Have you stated all that you now recollect that occurred at the time of the altercation between Farrish and the defendants.

A. All that I remember..

Q. Did you see him exhibit any resistance.

A. I saw him trying to get up, squirm.

Q. Did he make much of a struggle in trying to get up.

A. No, he did not.

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Q. Did he exhibit in that effort to get up, strength or weakness.

Objected to as incompetent.

Q. State what he did in trying to get up.

A. Well, he squirmed like that, (illustrating) pulled his legs out and stretched.

Q. Was he met with any resistance.

A. Undoubtedly two men were kneeling on him at the time I saw him.

Q. Were you or not at that time in the capacity of keeper in that ward.

A. Attendant they call them.

Cross Examined by Mr. Howe.

Q. Remember you are under oath now, the reason you were discharged from that institution was this man made a report against you, Cleary made a report against you for being drunk, didn't he.

A. I never heard it.

Q. Don't you know you were discharged for being drunk.

A. I do not, I never asked why I was discharged.

Q. By whom were you discharged.

A. I do not know, I was under the influence of liquor I presume, I never asked, I don't know anything about it, I never heard Mr. Cleary done that, I heard him say on the contrary on the Coroner's Inquest, that I had never any hard feelings and he was perfectly right there and I have not now either.

Q. When were you discharged, when were you drunk.

A. It was the 11th or 12th of May, I wont swear to the day.

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Thursday, April 5, 1888.

David G. Hathaway sworn and examined by Mr.
Dawson.

Q. What is your profession.

A. I am a physician.

Q. Where is your office.

A. I have no office, I am located in the New York City Asylum.

Q. How long have you been there.

A. A little over three years.

Q. Then you were there on the 8th, 9th and 10th of April, 1887.

A. Yes sir.

Q. Were you acquainted with a patient there named George Farish.

A. I knew him as George Ferris.

Q. Well, George Ferris. A. Yes sir.

Q. Did you know anything of his death, the circumstances that led to it.

A. I know that he died there.

Q. When.

A. He died there on April 11.

By the Court. Q. He died where.

A. In the New York City Asylum for the Insane.

Q. Where is that.

A. Ward's Island.

Q. In this City and County. A. Yes sir.

By Mr. Dawson. Q. In what ward did he die.

A. In the Hospital Ward, known as Ward No. 2.

Q. About what time of day.

A. He died at about a quarter of two in the morning.

Q. A quarter to two in the morning on the 11th.

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A. Yes sir.

Q. What was done with his corpse.

A. I do not know, I can only tell what I suppose.

By the Court. Q. Who laid it out, if you saw.

A. No, I do not know that.

By Mr. Dawson. Q. You do not know whose business it was to take charge of it.

A. No, for this reason, that there were two night attendants there and which one of them that did it I do not know.

Q. What are their names.

A. I can only tell you what I think their names are because they are not there now.

Q. Do you know where they are.

A. No sir, I do not.

Q. How long did the corpse remain in the hospital after he died.

A. Well, probably until the next morning.

Q. He died at 2.30 you mean.

A. He died a quarter of two, 1.45.

Q. And it remained there until the next morning.

A. That morning, after daylight.

Q. Did you attend upon him in his last hours.

A. Yes sir.

Q. What was the disease with which he was afflicted.

A. General paresis.

Q. What is general paresis.

A. Well, it is a chronic inflammation of the brain and the spinal cord.

Q. What is it caused by.

A. Well, it may be due to a great many different things.

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- Q. State some of them.
- A. It may be due to syphilis, to intemperance, to hard work and things of that character.
- Q. Do you know to what the paresis with which he was afflicted was due.
- A. I cannot say positively, no sir.
- Q. Did you diagnose the case.
- A. Yes sir.
- Q. When.
- A. I diagnosed the case about two or three days before he died.
- Q. And not before.
- A. No sir, because I did not know him before.
- Q. Do you know when he was received in that hospital.
- A. I know what they say when he was received.
- Q. I want to know what you know.
- A. I cannot say.
- Q. Who keeps the records of that hospital as to the arrivals and receipt of patients.
- A. It is kept by the physician on duty.
- Q. By the officer of the day. A. Yes sir.
- Q. You were not the officer of the day that day that he arrived. A. I think not, no sir.
- Q. Do you know if the case ever had been diagnosed before you had it. A. Yes sir.
- Q. By whom. A. By Dr. Douglass.
- Q. Did you examine that case sufficiently to say whether the cause of paresis was hemorrhage or not.
- A. I do not believe hemorrhage was the cause of the paresis.
- Q. Then you differ with those authorities that think so.

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A. I never saw any authorities who say so.

Q. Did you make a sufficient diagnosis of the case to say whether or not the paresis with which he was afflicted was caused by thrombosis.

A. Well, that is absolutely impossible to say unless the autopsy would prove it.

Q. May not this disease of paresis have been produced by embolism.

A. I do not consider it.

Q. Then it is your medical opinion that it could not.

A. That is it exactly in that case.

Q. Whether that be true or not either hemorrhage, thrombosis, or embolism was the cause of this paresis you could not tell.

A. No sir, I say that in my opinion, I do not believe it.

Q. From the diagnosis you made you could not tell.

A. I have yet to see a case of paresis caused by that.

By the Court. Q Do you know what was the cause of this man's death, what in your judgment as an expert.

A. In my opinion the man died from the exhaustion of general paresis.

Cross Examined by Mr. Howe.

Q. You were the physician, Doctor, in attendance upon him when he died, were you not.

A. Yes sir, I was one of them.

Q. You gave a certificate as to the cause of his death, did you not.

A. Yes sir, I did.

Q. And that certificate was as you have stated to-day, that

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the cause of death was general paresis.

A. The immediate cause.

By the Court. Q. What is general paresis.

A. It is a chronic inflammation of the brain and the spinal cord.

Q. I understand you to state in this case what was the cause of the general paresis you do not know, it may have been from many causes.

A. Yes sir..

Q. But the particular cause in this case you do not know.

A. No sir, I do not.

By Mr. Howe. Q. The paresis was of some months duration coming on.

A. In my opinion, yes sir.

By the Court. Q. That is, the cause of this death was of some months duration.

A. Yes sir.

By Mr. Howe. Q. There is very little controversy about the causes of paresis, there has been plenty of those cases recently before Sheriffs' Juries, has there not.

A. I have had one or two before a sheriff's jury.

Q. Paresis really means destruction of the brain, does it not.

A. Yes sir.

By the Court. Q. Softening of the brain.

A. Otherwise known as softening of the brain..

By Mr. Howe. Q. Dr. Hammond, Dr. Truax, Dr. McLane Hamilton, not Frank, and other eminent alienists have said that when paresis once takes its deadly hold that it never goes back, have not they.

Objected to.

A. I have seen what we call remissions in which the disease -

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A. In my opinion it certainly does.

By Mr Howe. Q. Its deadly work of destruction produced brittleness in the bones, does it not, beyond all question.

A. In some case to a certain extent.

Q. The indictment calls some one George Farrish and some of the witnesses have testified to Ferris and others to Farrish, I do not know which is which, the man whom you attended and who died on the 11th of April as you have told us, was suffering from paresis when he was admitted in that hospital.

A. Yes sir.

Q. So that it was not caused by any treatment in the hospital the paresis.

A. No sir.

Q. The paresis in your judgment was the cause of death.

A. Yes sir.

The Court: I suppose Mr Howe it is conceded that the George Ferris spoken of by this witness is the same person as is spoken of in the indictment as George Farrish.

Mr. Howe: Certainly, as far as we are concerned, it is the same man, I say that the person named in the indictment is George Farrish or George Ferris and that George Farrish and George Ferris are one and the same and no more.

Redirect Examination.

by Mr Dawson. Q. Did you examine Farrish either before death or after death, his person.

A. Yes sir, before death.

Q. Did you find any of his ribs broken.

A. I did, yes sir.

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Q. How many. A. Two.

Q. Were they displaced.

A. I do not exactly understand your question.

Q. Were those ribs that were broken displaced, any displacement of the broken ribs.

A. Only to a very small extent.

Q. When there is no displacement of the broken ribs is it not very difficult sometimes to discover whether the ribs are broken or not.

A. Some authorities say so.

Q. Let us hear what you say.

A. Well, I should say in certain cases it might be.

By the Court. Q. You say you found two ribs broken before death.

A. Yes sir.

Q. A few hours or a few days or a few weeks.

A. This was a few hours.

By Mr. Dawson. Q. If paresis produces brittleness of the bones, is it confined to any particular set of bones or any one bone.

A. Not to my knowledge.

Q. Then if the bones have been made brittle by paresis, all the bones in the body would be made more or less brittle by paresis.

A. I should judge so, exactly.

Q. And if one bone is made so very fragile that with a slight stroke it would have broken from paresis all the other bones would be exposed to the same extent and the same liability to be broken with the same amount of force.

A. No sir.

Q. Why not.

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A. Because the bones are not of the same size.

Q. I mean in proportion to their size.

A. I should say so, yes sir.

By the Court. Q Doctor, in your judgment did the two ribs which you found broken upon the body of the deceased cause or accelerate the death of Ferris or Farrish.

A. No sir, I do not think so.

By Mr. Dawson. Q. What is the pathological stage or other condition of the ^system which superinduces brittleness of the bones.

A. Locomotor ataxia.

Q. Please explain that condition.

A. I cannot tell you better than by simply saying that it is where there is a soft spot in the spinal cord, that is the easiest way for me to tell you; it is a soft spot in the spinal cord which continues to extend until the patient eventually dies of it; it may be a great many years, several years but eventually they die of that disease unless they die of some uncurrent trouble.

Q. That is your explanation..

A. That is the best I can do.

Q. How many stages are there of paresis.

A. That all depends according to the author; some authors recognize four and some only recognize three.

Q. How many do you recognize, three.

A. I recognize four generally.

Q. What are they.

A. The stage of excitement.

Q. That is the first.

A. Yes sir, or the stage of depression.

Q. Well, that is excitement, isn't it.

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A. Depression excitement, no sir.

Q. It produces a very decided amount of feeling, does it not.

A. That does not necessarily imply excitement. What I mean by excitement is a man who is excited where he shows it through his muscular system.

Q. That is what you refer to.

A. Yes sir.

Q. Proceed.

A. Then there is the stage of dementia which is the last stage; the first is the stage of excitement, the next is depression but of course the depression in certain cases may precede the excitement and the excitement may follow the depression; there is no regular rule for either, and there is no regular rule at all.

Q. What is the fourth stage.

A. There is only three in that form.

Q. But you maintain there are four, what is the other.

A. I say sometimes there are.

Q. What is in your estimation professionally the most dangerous stage of the disease.

A. Well, I am unwilling to answer that question because I cannot say.

Q. Is it not true, Doctor, that very frequently when they reach the third stage that they convalesce and live many years.

A. My experience has not taught me that.

Q. Your practical experience you speak of.

A. Yes sir.

Q. What is the experience of your learning on that subject.

A. Three years of clinical material, three years associated

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with clinical material to judge from.

Q. Three years then is the limit.

A. I do not understand your question.

Q. My question is, is it not true that very frequently when they reach the third stage that they convalesce and live many years.

A. There are exceptional cases that do.

Q. Exceptional cases. A. Yes sir.

Q. What are the visible changes of bone tissue in paresis.

A. I am unwilling to answer that question for the simple reason that I appear simply as a witness and that is expert testimony.

Q. You have been testifying as an expert in giving your opinion about what caused the death of this man, I will take that answer and relieve you from any further examination in that direction. Do you know what the invisible changes are produced by nerve degeneration incident to paresis.

A. I am unwilling to answer that question.

Q? In what light does the science of surgery regard the proclivity of paresis do disintegration or decay of bones.

A. I am unwilling to answer that.

Q. Is external violence the general cause of fracture irrespective of sanity or insanity.

A. Yes, to a certain extent.

Q. How many kinds of violence may be applied to fractures of bones especially in the ribs.

A. I am unwilling to answer that.

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Stewart Douglass sworn and examined by Mr. Dawson.

Q. What is your profession, Doctor.

A. I am a physician and surgeon.

Q. Are you connected with Ward's Island.

A. No sir, not now.

Q. Were you on the 8th, 10th and 15th of April, 1887 .

A. I was.

Q. How long had you been then.

A. I had been there from April, 1882.

Q. Do you remember receiving a patient there by the name of George Farrish.

A. I do.

Q. Please state when he was received there.

A. On the 24th of February, 1887.

Q. How was he affected.

A. Did you mean the form of his disease?

Q. Yes.

A. He was then suffering from a form of disease which we term general paresis.

By the Court. Q. The deceased came to the Insane Asylum, February 24, 1887.

A. Yes sir.

By Mr. Dawson. Q. Did you diagnose his case.

A. I did, the day of his admission.

Q. How many symptoms did you discover in that patient indicating that it was paresis.

A. I discovered all the symptoms found in a typical case of general paresis.

Q. Now state what they are.

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A. I found that his tongue was tremulous and slightly deviated, I found that his pupils were irregular, that his hand was extremely tremulous, both hands were extremely tremulous, that his gait was slightly affected and that in addition to these that he was excitable and restless..

Q. Let me ask you, Doctor, in what stage of paresis was he when you received him.

A. In the last or demented stage when I received him.

By the Court. Q He was in the last stage of it, was he.

A. The last stage.

By Mr. Dawson. Q. Did you diagnose his case.

A. I did.

Q. Did you put him under treatment.

A. No treatment.

Q. And for what reason.

A. Because general paresis is a fatal disease, it may not be treated.

Q. You never treat in that hospital paresis in the last stage?

A. We only treat symptoms, we try to calm excitement.

Q. How soon Doctor, in your medical opinion would he have died from the condition you found him in under any circumstances.

A. At the time of his admission or on the 8th of April, the time of the injuries?

Q. At the time of his admission.

A. That is impossible to state.

Q. Do you know of any cause calculated to aggravate the disease occurring in your hospital.

A. I know of no cause to aggravate the disease.

Q. Then in what condition did you find him on the 8th or 9th of April, 1887.

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0903

A. I found him very much excited and at the same time his pulse was very rapid and weak.

Q. How did you come to find him in that condition.

A. My attention was called to him by my head attendant before I reach^{ed} the ward.

Q. Who is that.

A. Attendant Hilditch.

Q. You then examined him.

A. I then examined him, at least I made an attempt to examine him.

Q. How far did you get in that attempt.

A. I managed to have him placed in a bed and examined his pulse and he became so violent I could make no further examination at the time.

By the Court. Q. This was on the 8th of April.

A. On the 8th of April.

Q. He was so violent you could not examine him.

A. I could not examine him.

By Mr. Dawson. Q. What did you do then.

A. I gave him a hyperdemic to quiet him.

Q. A hyperdemic of what.

A. Of hyoscyamina.

Q. What is that.

A. Do you wish to know the effects of that.

Q. Yes.

A. It is a drug which has the effect of quieting excitement.

Q. Did you give him a moderate or unusual dose.

A. I gave him an average dose.

Q. Did that dose that you gave him in your opinion have anything to do in accelerating his death.

**POOR QUALITY
ORIGINAL**

0904

A. None whatever.

Q. And could not have had.

A. I think not.

Q. Go on and state exactly what you did.

A. The same afternoon I made an examination; he was then quiet. I should state that before I began the examination, shortly before, I went into the room with an attendant and he then kicked the attendant in the face, the patient, while lying in bed, attendant McHugh went with me.

By the Court. Q. One of the Defendants here.

A. Yes sir.

Q. That same afternoon.

A. The same afternoon, I should say about four or five o'clock; I made the examination. Do you wish what I found? I will have to read from notes, they are copies of notes I made at the time in my hand-writing. I found a bruise on the back of the right thigh, on the side of the back of the right leg and the front of the right leg; abrasions I found ~~bruises~~ on the right shoulder and over the middle of the spine and on the back of the right leg and on the outer side of the left leg; these abrasions were small. I also found a bruise about the size of the palm of my hand and an abrasion on the left side over the seventh and eighth ribs. Those were all the injuries; and then on examination I found a fracture of the seventh and eighth ribs of the left side.

Q. Did you discover any cuts over his eye or in his head.

A. I remember no cuts over the eye, I remember the cut he had on the head which he had on admission, an old cut.

By the Court. Q. That is on the 24th of February.

**POOR QUALITY
ORIGINAL**

0905

A. On the 24th of February, it had not entirely closed.

By Mr. Dawson. Q. Did you notice any blood.

A. I remember no blood, he had been washed before I saw him, at least, I had been so informed.

Q. Any discoloration about the throat.

A. I remember none.

By the Court. Q. None on the throat, no discoloration there at all.

A. No, I remember none at all.

By Mr. Dawson. Q. You discovered at once did you when you made your first diagnosis of his case, what his disease was and he was under your charge, was he not.

A. He was under my charge, yes sir.

Q. Did you give any instruction to either of these defendants inform them of what his disease was.

A. I always instruct the head attendant and he instructs the others.

Q. You gave no special instruction to these.

A. No special instruction to these.

Q. In a case of paresis where it is supposed by some people that the bones are abnormally brittle, do you give any unusual instruction as to the care to be taken of the patient.

Objected to. Objection sustained.

Q. In this case did you.

A. I do not remember whether I did or not but I always give instructions to look out for general paresis.

Mr. Howe: I move your Honor to strike it out.

Mr. Dawson: I move that your Honor allow it to remain in.

The Court: I will rule it out.

**POOR QUALITY
ORIGINAL**

0906

By Mr. Dawson. Q. You attended him in the hospital, did you not.

A. No, I did not attend him at the time of the death.

By the Court. Q. What was the cause of death, do you know.

A. I was not attending him at the time he died but I believe
the cause ---

Mr Dawson: Do not state, I object.

Witness: I saw him on the morning.

Q. How long before he died had you seen him.

A. About thirty-six hours.

Q. You saw him after his death how long.

A. No, I did not see him after, he died on the 11th of April

Q. From your examination of him, from your description of
these injuries which you found upon his person, in your
judgment did they cause his death.

A. I believe that he died from exhaustion, general paresis
and that probably the shock of the fracture of the two
ribs may have hastened it by a short time.

Q. Did you discover any elevation of temperature.

A. I did not.

By the Court. Q. You think that the breaking of the two ribs ac-
celerated his death.

A. By a very short time.

By Mr. Dawson. Q. Might there not have been fractured ribs that you
overlooked. A. I think not.

By the Court. Q. You only found two broken.

A. Two broken, I am certain they were broken, I could not
find them although examining for them very carefully, made
every examination that was possible.

By Mr. Dawson. Q. What two ribs were they that you found were bro-
ken.

A. The seventh and eighth, left side.

**POOR QUALITY
ORIGINAL**

0907

John J. Truax sworn and examined.

By Mr. Dawson. Q. What is your profession, Doctor.

A. Practicing physician.

Q. How long have you been.

A. Since 1872.

Q. Are you connected with any medical institutions in the city.

A. I am connected with the Harlem Hospital.

Q. I believe you are president of that.

A. I am executive officer of the Harlem Hospital.

Q. Have you heard the evidence given in this trial by George Anderson, Thomas Mitchell and Drs. Wallace, Jenkins, Hathaway and Douglass.

A. I have.

Q. What in your opinion as a medical expert in the light of the evidence of those witnesses caused the death of George Farrish.

Objected to. Objection sustained. Exception.

Q. Assuming that a patient thirty-seven years of age, six feet one inch and a half high, weighing one hundred and eighty pounds, in the last stages of paresis, should in an altercation with two men weighing from one hundred and fifty to one hundred and seventy pounds each, have his head while in a prostrate position on the floor, thumped against the floor until a hemorrhage from the mouth was produced and should be assaulted by the pressing of the knees of one of the men upon his breast and sides (receiving in the meantime a kick from one of them), until the seventh and eighth ribs were broken, would such treatment in your opinion as a medical expert, produce a shock to the nervous system.

**POOR QUALITY
ORIGINAL**

0908

A. Yes sir.

Q. Assuming then that the patient should die in sixty hours thereafter, would you or would you not as a medical expert ascribe his death to shock.

A. I would.

Q. What is your definition of paresis.

A. Atrophy of the brain and spinal cord.

Q: Do authors on pathology assume that paresis adds to the fragility of the bones.

A. Generally not, there are some who do.

By the Court. Q. What do you mean by that, make the bones brittle.

A. Yes sir.

By Mr. Dawson. Q. What is the pathological state of other conditions of the system which superinduce brittleness of the bones.

A. Well, old age and cancer and syphilis; any diseases that interfere with the circulation or with assimilation of the body.

Q. Is there any bone or set of bones more apt than another to be fragile through disease.

A. No, they are all affected the same.

Q. Will not the same causes which produce abnormal brittleness in any one of the bones or set of bones, produce it in all.

A. Yes sir, it might, except of course from pressure: if there was a pressure on a particular bone it might produce in a particular spot a weakness but if the cause was a general cause, affecting the whole body, then all bones would be affected alike.

Q. How is paresis about that

A. Well, that would affect all bones alike.

**POOR QUALITY
ORIGINAL**

0909

By the Court. Q. Make them all brittle.

A. Yes sir, if it did do it at all.

By Mr. Dawson. Q. What are the visible changes of bone tissues in paresis.

A. I from personal experience know of none.

Q. What invisible changes are produced by nerve degeneration incident to paresis.

A. You will have to repeat the question.

The Court: I think we had better confine ourselves to this particular case.

Mr. Dawson: I will withdraw the question as your Honor suggested it.

Q. Is external violence the general cause of fracture among the sane or insane.

A. Yes sir.

Q. At what age are the ribs most liable to fracture.

A. Well, in old age of course -- the older the person the more liable, the more easily the bones are broken.

Q. Why.

A. Because the solid substance, the animal matter is absorbed taken from the bones and the bones become more cancerous.

Q. When the ribs are fractured by indirect violence at what point is the fracture most liable to occur.

A. By indirect?

Q. Yes sir.

A. The fracture then is most liable to occur on both sides and about in the anterior third of the rib.

Q. Where ribs are fractured by indirect violence what direction does the broken ends of the bone take, outward or inward.

**POOR QUALITY
ORIGINAL**

0910

A. They generally point outward -- generally there is very little displacement from indirect violence.

Q. What would be the extent or force necessary to fracture the second and other ribs in a young man of thirty-seven years of age.

Objected to. Objection sustained.

Q. What is the immediate consequence of the extensive fracture of ribs of this kind to the system.

A. Shock.

Q. Do you say there might or might not be an extensive hemorrhage, inflammation or enphysema.

A. There might be or there might not be.

Q. During life may not one or more ribs be fractured without any displacement.

A. Yes sir.

Q. So that even during life or after death it would be impossible for the most careful or skillfull surgeon to detect the location or number of the fractures without their being revealed by a postmortem.

A. There might be fracture and you could not discover it without a postmortem examination.

Q. Might not the man have died from inflammation, hemorrhage or enphysema and this condition have escaped the observation of the surgeon making the post-mortem examination through the rapid decomposition of the body.

A. Yes sir, the examination being made so long after the death of the patient.

Q. Would a blow or pressure suddenly or violently applied cause instant or speedy death without even the fracture of a bone.

**POOR QUALITY
ORIGINAL**

0911

A. Yes sir.

Q. In your opinion would it be possible in the transit of a body from the Morgue or cemetery by ordinary handling to fracture two ribs.

Objected to. Objection sustained. Exception.

By the Court. Q. You never saw George Farrish, the person mentioned in this indictment either before his death or after his death.

A. No sir.

**POOR QUALITY
ORIGINAL**

0912

Thomas H. Manley sworn and examined by Mr. Dawson.

Q. What is your profession.

A. I am a practicing physician and surgeon .

Q. How long have you been.

A. Thirteen years.

Q. With what institutions of a medical character are you connected in this city.

A. I am visiting surgeon of the Harlem Hospital at the present time.

Q. What other position have you held in your profession.

A. I have been visiting surgeon of the 99th Street Hospital and visiting surgeon to the Almshouse, the Workhouse on the Island and have been connected with that institution over six years.

Q. Have you heard the evidence given on this trial by George Anderson, Thomas Mitchell and Drs. Jenkins, Wallace, Hathaway and Douglass.

A. Yes sir.

Q. What in your opinion as a medical expert in the light of the evidence of those witnesses caused the death of George Farrish.

Objected to. Objection sustained.

Q. Assuming that a patient thirty-seven years of age, six feet one inch and a half high, weighing one hundred and eighty pounds, in the last stages of paresis, should in an altercation with two men weighing one hundred and fifty to one hundred and seventy pounds each, have his head while in a prostrate position on the floor, thumped against the floor until a hemorrhage from the mouth was

**POOR QUALITY
ORIGINAL**

0913

produced and should be assaulted by the pressing of the knees of one of the men upon his breast and sides (receiving in the meantime a kick from one of them), until the seventh and eighth ribs were broken, would such treatment in your opinion as a medical expert, produce a shock to the nervous system.

A. Yes sir.

Q. Assuming then that the patient should die in sixty hours thereafter would you or would you not as a medical expert ascribe his death to shock.

A. I should say it had a decided influence.

Q. Doctor, what would be the effect in your opinion as a medical expert of the breaking of nine ribs of a patient who was in the last stages of paresis, weighing one hundred and eighty pounds, six feet and one and a half inch high, thirty-seven years of age.

Objected to. Objection sustained.

Q. What would be the effect of breaking two ribs under the same circumstances.

A. Well, it would not be as great as breaking nine, it would be contributory, as Dr. Douglass said.

By the Court. Q. That is you say if two ribs were broken of a patient in the last stages of paresis, that would have accelerated his death.

A. Any kind of violence that would break two ribs, it would not be material.

Q. Would accelerate his death.

A. Why certainly.

By Mr. Dawson. Q. There was some evidence given about violence upon the throat, if the cartilage was fractured by being

**POOR QUALITY
ORIGINAL**

0914

choked, what would be the physical effect upon the patient or victim.

A. It must take terrible force to fracture a cartilage.

Mr. Howe: I ask that that be stricken out as immaterial, incompetent and irrelevant in this case.

The Court: The cartilage could not be broken without great force, why is not that admissible.

Mr. Howe: I do not think it is.

The Court: I think I will allow that and allow you an exception.

Mr. Howe: I won't even take an exception.

By Mr. Dawson. Q. As a medical expert will you please state to the Jury and Court why, after a fracture of the ribs more than those of any other bone of the body, it is difficult or impossible to be able to determine whether there has been a fracture or not.

A. I will answer it if you will allow me to demonstrate it on the skeleton.

Mr. Howe: We don't want anatomical lessons here.

The Court: If you withdraw your objection I will allow it.

Mr. Howe: I object to save the anatomical lesson.

By Mr. Dawson. Q. Could the ribs have been broken by a fall in the way they were.

A. I must describe the kind of fall, I must say yes and no, I must describe that in order to have it intelligible to the Jury or to anybody.

Q. From the description given of the fall of the deceased, could the ribs have been broken.

A. No sir.

**POOR QUALITY
ORIGINAL**

0915

Leary & McHugh

0916

Present: Honorable *Chas H Truax* Justice.

On reading and filing the annexed consent, and on motion of Andrew H. M. Dawson, attorney for the plaintiff, it is

ORDERED that this action be and the same is hereby discontinued without costs to either party as against the other.

**POOR QUALITY
ORIGINAL**

0917

*District Attorney's Office.
City & County of
New York.*



October 17th, 1927.

To the Foreman of the Grand Jury.

Sir :

In reply to the request of the Grand Jury, indorsed this day upon their minutes, that the District Attorney subpoena before them a Texan, named Anderson, heretofore in confinement in the House of Detention, I have to say that the said Texan, by name George Anderson, is still under the custody of the House of Detention, but was some time since transferred to Bellevue Hospital, where he now is, as I am informed, in a condition as to health which makes his removal inadvisable.

I shall be happy to execute whatever further the pleasure of the Grand Jury in the matter may be.

*Yours Respectfully
A. D. Barker,
Chief Clerk.*

POOR QUALITY
ORIGINAL

0918

People
u
McGough & Co.

The

POOR QUALITY
ORIGINAL

0919

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK. ss.

AN INQUISITION,

Taken at the Coroner's Office

No 67 Park Row

Street, in the 4th Ward of the City of

New York, in the County of New York, this 6th 13th 14th 15th day of June

in the year of our Lord one thousand eight hundred and 87 before

FERDINAND LEVY, Coroner,

of the City and County aforesaid, on view of the Body of George Fauriol

now lying dead at

Upon the Oaths and Affirmations of

Three

good and lawful men of the State of New York, duly chosen and

sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner

the said George Fauriol

came to his death, do upon

their Oath and Affirmations, say: That the said George Fauriol

came to his death by

Shock from fracture of the Ribs

the result of violence at the hands of Patrick F. Cleary and James Wostugh, Keepers at the New York City Insane Asylum Ward's Island, on April 8/87, we consider said violence the immediate cause of death and we censure the examining Physicians for not giving more correct report of the cause of death.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition, set our hands and seals, on the day and place aforesaid.

JUROS.

Henry Hughes

73 3rd Ave

Henry Rosenthal 10 St Marks Place

Andrew Janaro 8 West 3rd St.

Dick Barry

139 East 110th St

Charles Littenberg

Sam Lamber 2212 3rd Ave

Julius Aufenanger 348 2nd Ave

Julius A Netto 93 1st Ave

Howard E Walker 1718 1010 St

Ferdinand Levy

CORONER, E. S.

POOR QUALITY
ORIGINAL

0920

The special attention of Physicians is respectfully invited to the remarks below and to the list of Diseases upon the Back of this Certificate.

THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK

Has made the following Order:

"All Permits for the removal of the body of any deceased person from the City of New York for Interment, and all Burial Permits, and Permits for the Disinterment of the remains of deceased persons in the City of New York, shall be granted and signed by the Register of Records."

The Physician who attended a person in a last illness is responsible for the presentation of this Certificate, accurately filled out, to the BUREAU OF VITAL STATISTICS, within 36 HOURS after such person's death. (Sec. 161 of Sanitary Code.)

NO PERMIT FOR BURIAL CAN BE OBTAINED WITHOUT A PROPER CERTIFICATE.

All physicians practising in New York City (including those in public institutions) are required to register their names in the Bureau of Vital Statistics. (Sec. 5 of Sanit. Code.)

COUNTY OF NEW YORK.

STATE OF NEW YORK.

No. of corresponding Entry in Register Book of Deaths to be inserted here by the Registrar.

CERTIFICATE OF DEATH, IN THE CITY OF NEW YORK.

Should be certified by the head of the family or other responsible friend.

1. Full Name of Deceased, { Write legibly and spell correctly. If an infant not named, give parents' names. } George Harris
2. Age, 37 years, _____ months, _____ days Color (Race, if other than the white, &c.) W
3. ~~Single~~, Married, ~~Widow~~ or ~~Widower~~. (Cross out the words not required in this line.) 4. Occupation, Carpenter
5. Birthplace (State or Country.) Scotland (How long in the United States, if of foreign birth.) 3 yrs
6. How long Resident in this City, 3 yrs
7. Father's Birthplace, (State or Country) _____ Father's Name, _____
8. Mother's Birthplace, (State or Country) _____ Mother's Name, _____
9. Place of Death (If an Institution, please state the name.) No. NY City Asylum Street Wards Island Ward.
10. Residence before admission into the Institution (Name of Street & No. of House.) _____

Certified by the Physician and according to Chap. 812, Laws of 1880.

11. I Hereby Certify that I attended deceased from April 10 1887 to April 11 1887 that I last saw him alive on the 10 day of April 1887, that he died on the 11 day of April 1887, about 1:45 o'clock, A.M. or P.M., and that, to the best of my knowledge and belief, the Cause of his death was as hereunder written:

Chief and Determining	Consecutive and Contributing	(Write opposite each cause, if unknown, it should be so stated.) Duration of Disease in				* The duration of each Disease, when given, is reckoned from its commencement until death.
		Years.	Months.	Days.	Hours.	
<u>Expansion of</u>				<u>1</u>		
<u>General Paralysis</u>						
<u>Fracture (simple) of</u>						
<u>7th & 8th ribs upon left side</u>				<u>2</u>		

Sanitary observations, _____

Witness my hand this 11 day of Apr 1887

No. of Burial Permit, _____

Place of Burial, _____

Date of Burial, _____

Name and Residence of Undertaker, _____

(Signature,)

Residence, Wards Island

Room for granting Burial Permits, No. 48. Hours from 7 A.M. to 6 P.M. on week days; from 8 A.M. to 5 P.M. on Sundays.

† Please examine the list of diseases printed on the back of this certificate.

Law regulating Coroners' Inquests in the County of New York, Chapter 462, Laws of 1871.

SECTION 1.—Hereafter, when in the City and County of New York, any person shall die from criminal violence, or by a casualty, or suddenly, when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, the Coroner shall subpoena a properly qualified physician, who shall view the body of such deceased person externally, or make an autopsy thereon, as may be required (preparatory to an inquest).

N.B.—The Superintendent of Vital Statistics cautions all persons against accepting or using this Certificate for any purpose except that of delivering it for a Burial Permit and Registration. In case of the issuance of a duplicate Certificate, the word "Duplicate" should be written across it.

During an attack of man-
nial excitement of General
Paralysis preceding his death
by 24 hours the patient tried
the door of the room where he was
and fell when it was attempted
to open it by force. Several hours
before death a fracture of 7th rib
was discovered - the full being the

The attention of Physicians is earnestly invited to the following list of diseases, in reference to which the particulars specified are essential to the proper classification of causes of death, and consequently to the accuracy and usefulness of our statistics of mortality. It is respectfully suggested that a negative statement is often as important as a positive one—for instance: "ABORTION—At two months." "METRITIS—No cause discoverable." "CANCER OF STOMACH—Not hereditary, as far as known." "ERYSIPELAS OF HEAD—Not of traumatic origin." "GANGRENE OF LEG—No definite cause." "METRITIS—Not puerperal." "SMALL-POX—Patient never vaccinated." "OVARIAN TUMOR—No operation," etc.

- *ABORTION AND MISCARRIAGE—Cause, Mode of Death and Period of Gestation.
- ABSCESS—Location and Cause, if any.
- †ANEURISM—Vessel involved, and Mode of Death. Whether Operation.
- *ASPHYXIA—Cause.
- CELLULITIS—Seat and Cause.
- CEREBRO-SPINAL MENINGITIS—Variety. Whether probably Zymotic (Cerebro-Spinal Fever), or a simple Inflammation.
- CHILDBIRTH—Circumstances producing Death.
- CANCER—Variety and Seat. Whether Hereditary or not.
- †CALCULUS—Mode of Death. Whether after Operation, and if so, what one.
- CARBUNCLE—Location.
- CONGESTIVE FEVER—Variety.
- CONTINUED FEVER—Whether Simple Continued Fever or other Variety, and Cause.
- CONVULSIONS—Variety. Whether Epileptic, Puerperal, Uremic, etc.
- DENTITION—Mode of Death.
- DISEASE OF HEART—Variety. Valves involved, if any.
- DROPSY—Variety and Cause.
- ENTERITIS AND GASTRO-ENTERITIS—Cause, if known. Whether Diarrhoeal or not.
- *ERYSIPELAS—Seat and Cause. If Traumatic, how produced.
- *FRACTURES—Cause and Mode of Death. (State nature of Accident, etc., clearly.)
- *GANGRENE—Seat and Cause.
- GASTRIC FEVER—Whether Remittent, Typhoid, etc., or Simple Gastritis.
- GASTRITIS—Whether Simple, or from a Definite Cause.
- †HERNIA—Variety and Mode of Death. Whether any Operation.
- INSANITY—Variety and Mode of Death.
- INTERMITTENT FEVER—Variety, as Quotidian, Tertian, etc.
- JAUNDICE—Cause.
- MALARIAL FEVER—Variety.
- MALFORMATION (Congenital)—Variety.

- MALIGNANT FISTULE—Location and Cause. Whether probably dependent on Contagion or not.
- MENINGITIS—Whether Simple, Tubercular or Traumatic.
- METRITIS—Variety and Cause. Whether Puerperal or not.
- NECROSIS AND CARIES—Seat, Original Cause, and Mode of Death.
- †OVARIAN TUMOR—Mode of Death. Whether Operation.
- PARALYSIS—Variety and Cause.
- *PERITONITIS—Variety. Whether Simple, Puerperal, Traumatic, etc.; and, if the last, how produced.
- PHLEBITIS—Cause, Seat and Variety.
- *PYÆMIA—Cause, Nature of Antecedent Injury, if any, and how produced.
- *PREMATURE BIRTH—Probable Cause, Fœtal Age.
- PRETERNATURAL OR ABNORMAL BIRTH—Manner of.
- SMALL POX—How often, and when patient Vaccinated.
- SYPHILIS—Variety, Chief Location, and Mode of Death.
- *TETANUS—Whether Idiopathic or Traumatic. Nature of Antecedent Injury, if any, and how produced.
- †TUMOR—Location, Variety, and Mode of Death. Whether Operation.
- ULCERS—Nature, Chief Location, and Mode of Death.
- URÆMIA—Cause or Associate Affection. Whether Puerperal.
- *WOUNDS—Cause, Variety, Seat, and Mode of Death.

- *Particularize any Accident or other Violent Cause leading to Death, and Character of Injury.
- †Specify every Surgical Operation with fatal result, and state the disease which necessitated it.

Mention INTEMPERANCE whenever recognized as having produced or complicated the direct cause of death. Give as many particulars as possible in instances of rare diseases, such as Hydrophobia, Glanders, etc.

Particularize cause of the injury

POOR QUALITY
ORIGINAL

0922

E. 413
June 13/87

April 10
1887

All I knew about the
Circumstances with reference
to Mr George Ferris's injuries
was on Friday Morning April 8th
(@ 6.30 A.M. when standing at
my door (his room) I saw Mr Ferris
Walk up the Corridor and go on
towards the Dining Room I left
my bread knife after him and followed
him to see when he went to
I saw he had the door closed
then called Mr McHugh and told
him. He asked him to come out
but he refused Mr Cleary & Mr
Clifford came up and went round
by Ward 18 to get into the Dining
Room Mr McHugh and I had the
door opened just as they came
in from 18. Ward then we got

POOR QUALITY
ORIGINAL

0923

^{Feris}
Mr George to leave. I saw him fall
once while there in the room
but did not see any one
strike him then afterwards
I went and got Breakfast
ready for the Patients.
That is all I know with
reference to
Mr George Feris's
Injuries

William Kearns

POOR QUALITY
ORIGINAL

0924

Set. 6.
June 13/87

Copy from the Injury Book

George Ferris admitted Feb 24th/87
has a bruise on the back of his head

March 7th/87

Mr M. Carthy and Mr Ferris had an altercation
Mr Ferris received a slight bruise under his left eye
March 13th/87

Mr Ferris and Mr Chazotte had an altercation
Mr Ferris received slight scratches on his neck & face
March 15th/87

Mr Rush Struck Mr Ferris causing a
slight cut on his forehead. and while falling he received a
slight cut on the back of his head

April 8th/87

Mr Ferris became excited while coming
out of his room he knocked Mr Hingh down and then
ran into the pantry he received abrasions on his back
and left side caused by holding on to the pantry door

April 10th/87 Mr Ferris was transferred from W 19 to 2.

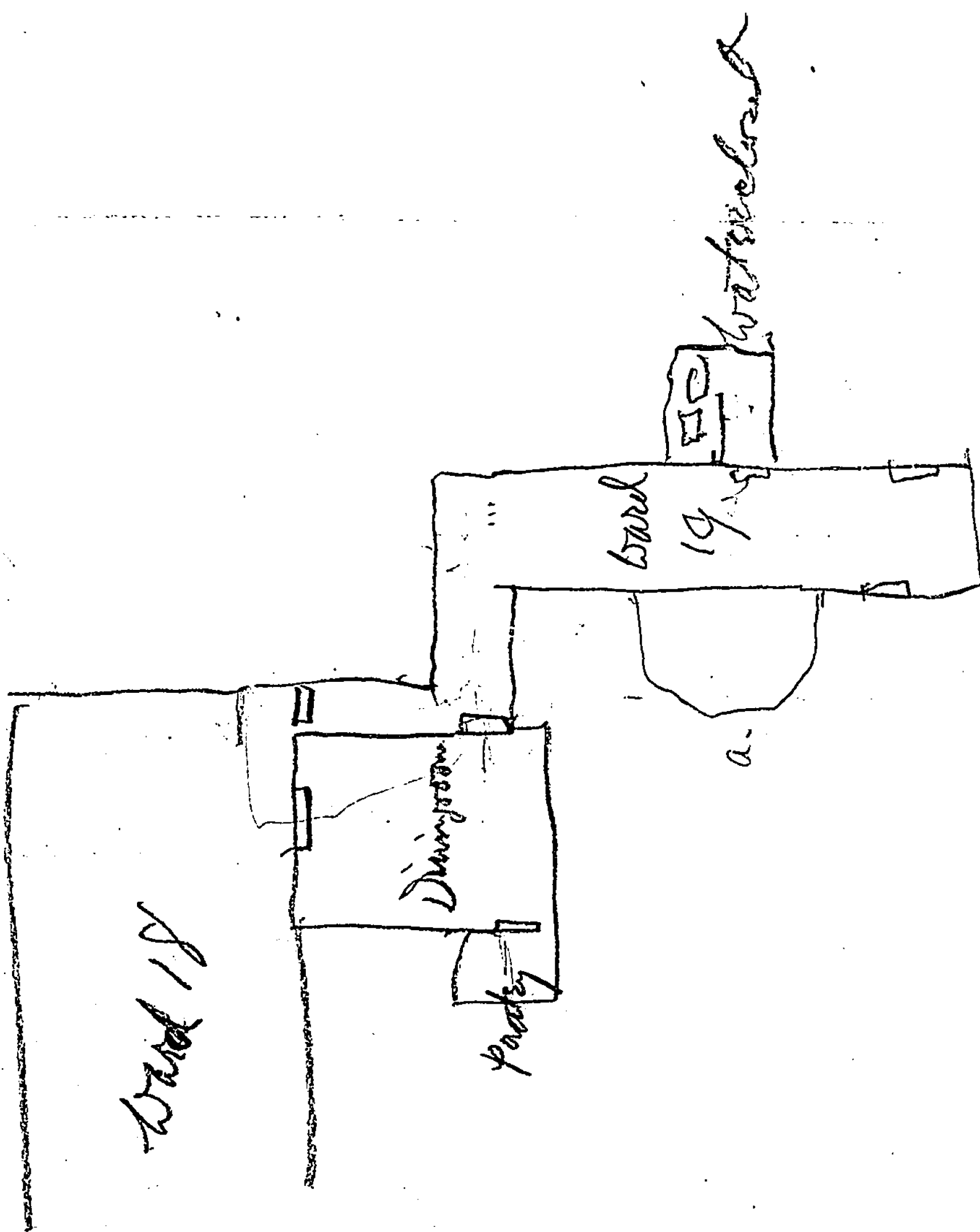
POOR QUALITY
ORIGINAL

0925

Harder

Puffy p. faces of demoprit
Somewhat Consummated
Cinta Pleura not performed.

for
What ab



From Ward Book of 19.

March 14-'87. At 4⁰⁰ Mr. Ferris & Mr. Chazott had an altercation. Mr. Ferris received slight scratches on face.
W^m Hilditch.

March 16-'87. Mr. Chazott & Mr. Ferris had an altercation, Mr. Ferris received slight scratches on his face and neck.
W^m Hilditch.

7⁴⁵ p.m. Mr. Rush struck Mr. Ferris causing a slight cut on his forehead and when falling received slight cut on back of head.
W^m Hilditch.

March 20-'87. At 11³⁰ a.m. Mr. Ferris struck Mr. Tucker causing a bruise under his left eye.
W^m Hilditch.

April 8th '87. At 6³⁰ a.m. Mr. Ferris became excited while coming out of his room; he knocked Att. McHugh down and ran into the pantry - he received abrasions on his back - chest and left side caused by holding on to the door.
W^m Hilditch.

From Injury Book.

Date	Name	Injuries.
Feb 24. 87.	Geo. Ferris	Cut over occiput.

From Night watchman's Book 18x19.

Mr. Sunday March 6th 1887.

Temperature at 9. 12. 3. 6.

Ward 19. 56". 62". 62". 60"

Mr. Ferris became rather rec'd "Med." at 9⁴⁵

without effect and again at 11⁵⁰ without effect, and continued so till morning, he kept the patients awake all night, and kept pulling the clothes off them -

D^r J.

The remaining patients were quiet during the night.

Henry Clifford.

Tuesday March 15th 1887.

Temperature at 9. 12. 3. 6.

Ward 19. 65° 65° 66° 66°

Messrs. Ferris, Hannigan and Schlosser fighting at 9³⁰. The former received two cuts about the eyes, the fight caused by the former trying to pull Mr. Hannigan & Schlosser out of their beds.

Mr. Schlosser received "Med" at 11³⁰ with effect.

Mr. Harder became noisy at 4⁰⁰ quiet after.

Remaining patients quiet during the night.

D Henry Clifford
S.P.

Friday April 8th 1887.

Temperature at 9. 12. 3. 6.

Ward 19. 58° 60° 60° 60°

Messrs. Ferris & McCauley were restless after retiring, became quiet after.

Remaining patients were quiet & slept well during the night.

H. Henry Clifford -
S.

POOR QUALITY
ORIGINAL

0928

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
37 Years - Months - Days	Scotland	Albany fr. Susan Gaylan W.D.	April 12/87

People

Do.

Pat. J. Kearney
James McHugh

F. I.

No. 136

And. Burt.

1887

AN INQUISITION

On the VIEW of the BODY of

George Hewitt

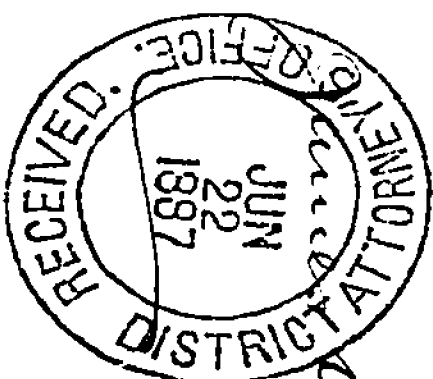
whereby it is found that he came to
his death by

Violence

at the hands of

Patrick J. Kearney

and
James McHugh.



Inquest taken on the 6.13.14, 15, 16 days

of June 1887 before

FERDINAND LEVY, CORONER.

N. Y. General Sessions.

The People &c.

vs.
James M^e Hugh and } Manslaughter.
Patrick Cleary.

To the District Attorney of the City and County of
New York.

Please take Notice that on Friday the 23rd day
of March instant at 11.0. a. m. we shall move before
Honorable Henry A. Geldersleeve in part 3 of this Court that
the above named defendants be discharged from
custody on the ground that they have been eleven months
in prison waiting trial on above charge, but have not
been brought to trial thereon although they have
frequently demanded a trial on above Indictment.

Dated this 22nd March 1888

Yours &c.

Howe & Hummel.

To Hon John R. Fellows.

District Attorney.
N. Y. City & Co.

Counsel for Defts.

57 Centre Street
N. Y. City.

N.B. District Attorney William Haven Jerome has
had this case for some time under investigation
and is well acquainted with the facts.

POOR QUALITY
ORIGINAL

0930

STATE OF NEW YORK, }
CITY 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 18 }
.....

Sept 668. 669

N. D. Generalissimo

The People

Plaintiff,

against
James McHugh &
Jack McLeary
Defendant.

Notice of Motion

HOWE & HUMMEL,

Attorneys for defendant.

87 & 89 CENTRE ST., New York City.

Received service of copy of the within
Notice of Motion as hereby admitted
this 22 day of March 1888.

John R. Fellows
Attorney.

To
per J. J. J.

Within motion
advised to J. J. J.
March 27, 1888
Same time & place
March 23/88

POOR QUALITY
ORIGINAL

0931

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To

of No.

John Ernest Ironson
C/o Legges & Bros 301 Park Street.

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *20* day of *February* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Patrick Cleary & al
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *February* in the year of our Lord 1888.

JOHN R. FELLOWS, District Attorney.

*Ask to see Mr. Ironson
at 11 o'clock A.M.*

Sho assign Office If it state If it Attor If before rial the D City being Subp Sw

Court of General Sessions.

THE PEOPLE

vs.

Patrick J. Henry

City and County of New York, ss.

sworn, deposes and says: I reside at No.

388 East 4th St

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the

City and County of New York. On the 29 day of March 1888,

I called at 309 Paul St

the alleged place of occupation of John Ernest Brown the complainant herein, to serve him with the annexed subpoena, and was informed by

a
man of the concern that John E. Brown
had been employed there until about
two weeks ago when he went to
Europe and he had no knowledge
as to when he intended to return to
this country or if he ever intended
to return. I have used diligent search
and enquiry to find the said Brown
but have failed to get any more information
than the above

Sworn to before me, this

day

1888

J. A. Maguire
Subpoena Server.

James J. Brown
John E. Brown
Mary Brown
The People

POOR QUALITY
ORIGINAL

0933

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Patrick J. Coleman
et al

Offense :

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

J. D. Maynard

Subpoena Server.

Failure to Find Witness.

POOR QUALITY
ORIGINAL

0934

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

The New York City Asylums for the Insane.

(P. O. Address, Station F.)

A. E. MACDONALD, M. D.,
General Superintendent.

New York City, Dec. 10th 1887.

Hon. Randolph B. Martine
District Attorney
37 Chambers St.

Dear Sir:

The People v. Nathl. J. Clear &c.
Henry Clifford; a witness in this
case, for whom a subpoena was
sent from your office, has left
the employ of this Department
and I have remailed it to him in care
of Thomas West Hugh, 641 South Ave.

Respectfully

A. E. MacDonald
General Supt.

**POOR QUALITY
ORIGINAL**

0935

People
v.
McHugh & Cleary

N. Y. General Sessions.

The People of the State of
New York.

vs
Patrick J. Cleary and
James M^c Hugh.

Manslaughter.

Please to take notice that we shall move this
Court before the Honorable Henry A. Gildersleeve
one of the Judges holding Part-I thereof, on Monday
August 8th 1887 at 11 o'clock in the forenoon or as soon
thereafter as the Court can attend to the same, that
the above named defendants be admitted to Bail in
a reasonable amount, and for such further and
other relief as to the Court may seem just.

Dated August 4th 1887.

Yours &c.

To Randolph B. Marline Esq.
District Attorney
New York City.

Howe & Hummel
Defendants' Attorneys
87 & 89 Centre Street
New York City.

POOR QUALITY
ORIGINAL

0937

STATE OF NEW YORK, }
CITY 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 18..... }

N. D. General Sessions

The People of the State of
New York. Plaintiff.

against
Patrick F. Cleary and
James M. Hugh. Defendant.

Notice of Motion to
admit to Bail.

HOWE & HUNNELL
ATTORNEYS FOR
87 & 89 CENTRE STREET, New York City.

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

Attorney.

To Randolph B. MacIntyre
billed attorney.

New York City.

POOR QUALITY
ORIGINAL

0938

The Coroner: ^{Y/18} You will please disinter the grave of George Ferris for the purpose of Autopsy.

Respectfully

Ferdinand Lee
Coroner

June 11th 87
Coroner Cemetery Office

Per J. H. Perkins, M.D.
Coroner's Phy

GLUED PAGE

POOR QUALITY
ORIGINAL

0939

0908

PERMIT FOR BURIAL.

Nepperton, Queens Co., N. Y.

April

19

1887

Permission is hereby granted to inter the body of

Mr. Lewis

Aged

37

Y

M

D

April

1887

; cause of death

Fractured Ribs

in

Green

Cemetery, Undertaker

Hart & Son

Permit No.

2634

granted by

James M. Smith

Clerk of the Board of Health.

POOR QUALITY
ORIGINAL

0940

Bellerose Hospital
April 10th 1887

Notify Mr Hartman
218 East 40th St
of death of George Ferris
at Susan Asylum Ward
Island

A. Hartman M.D.
Medical Supt

POOR QUALITY
ORIGINAL

0941

<small>Sec. 294. There shall not be a funeral of any person who has died of small-pox, diphtheria, scarlet fever, typhoid fever, or Asiatic cholera, but the funeral of any person who has died of any of the above diseases, or of any contagious or pestilential disease, or at any services connected therewith, any person whose attendance is not necessary, or to whom there is danger of contagion thereby.</small>	<small>This Permit must in all cases accompany the body to its destination.</small>	No. 7634	STATE OF NEW YORK.		Form G.
		R. R. Agents And All Other Carriers See Back of Permit.	TRANSIT PERMIT.		OR PUBLIC CARRIERS.
		New York, April 10 188 7			
		The Certificate of Death having been furnished to me as required by the Laws of this State, permission is hereby given to remove the remains of Geo. J. Hill			
		Aged 34	who died at 105 West 10th St.	New York City	
		on April 7 188 7	the cause of death being Brain Fever		
		and a Transit Permit being asked for burial at E. Hill			
		the State of New York			
		Name of Undertaker or person in charge of the Transit, 6153 P. Hill		J. J. McLaughlin M. D. Register of Records.	
		301 MOTT STREET, NEW YORK CITY.			

Ed. A.
June 6/87^o (Ap 10th 87^o)
6^o A. W. 2 1/2

On Friday Morning about
6.30. am. I was attending to
my customary duties in the
Wash Room. On coming out
I saw Mr. M^cHugh. &
Mr. Cleary trying to control
Mr. Geo. Ferris he seemed
violent but became calm
soon after Mr. M^cHugh took
him in the Bath Room and
I helped him on with his
clothing. he was bleeding on the
back of the head. I don't
know how he came by
his injuries.

Thomas Mitchell

att. W. 19

The People
against
Patrick F. Cleary
and James M. Hugh. }

Indictment.

One Count - Manslaughter
Charges that on April 8th, 1887,
in the New York City Asylum
for the insane the defendants
beat, bruised, and kicked
with hands, feet and knees
the deceased, George Farnish,
and he died from the effects
of these injuries -

Statement of Facts -

The facts will be found fully
stated in the accompanying report,
~~which is submitted.~~

Witnesses -

(1). George Andersen. House of Detention.
Was a patient at the asylum at
the time and saw the whole
assault.

(2). Thomas Mitchell, House of Detention.
Was a keeper at the asylum and
saw the assault immedi-
ately after the defendant was
thrown down.

(?) (3.) John Ernest Brown.

(?) (4.) Dr. Hathaway, Waikiki Island.
Physician at the Island and
attended deceased and gave
death certificate. Certified that
the cause of death was exhaustion
from general paresis with the
fracture of two ribs as contributing
cause.

(5.) Frederick L. Hartmann, 210 East 41st Street.
Went with Wm F. McVally the
undertaker to Bellevue and iden-
tified the body. Can tell whereabouts
on coffin plate.

(over)

- (6.) Wm J. Mc Kelly 842 - 3rd Ave.
Took the body that Hartmann identified to the warehouse of Hart and placed it in a coffin and entrusted it to John H. Dunn to take to Evergreen Cemetery.
- (7.) John H. Dunn, 814 - 3rd Ave.
Took the body to Evergreen Cemetery negotiated with Pfeiffer for a grave and paid for it and received the accompanying card. Deposited the body at the grave called for by this ticket.
- (8.) Adolph Beechner, Evergreen Cemetery, Brooklyn.
Will produce records of cemetery made by him and explain record as to this burial, ^{numbers, etc.} &c.
- (9.) Charles Pfeiffer, Evergreen Cemetery, Brooklyn.
Sold grave to Dunn. On June 11th went and attended autopsy and had grave opened and will show that it was the grave in which deceased was placed according to the records.
- (10.) William Fléron, Morning Journal.
Attended the autopsy and can tell what was on the coffin
- will produce burial permit transit permits and coroners order for disinterment.

plate and thus show it was the same coffin as the one seen by Hartmann in Hart's establishment.

- (11.) Dr. Jenkins, Coroners Office
Performed the autopsy and can testify as to condition of body &c.
- (12.) Dr. W^m B. Wallace 143 East 49th Street.
Assisted at the autopsy and can testify as to condition of body.

Memorandum.

Dr. Charles J. Hoffman Wards Island.

Dr. Stewart Douglas Wards Island.

These two physicians examined deceased after the assault and before his death and apparently concur with Dr. Hathaway, they will be subpoenaed for the trial.

The stenographer

The People

vs.

Patrick F. Cleary
and James M. Hough.

Thomas Mitchell,

House of Detention.

The first assault immediately outside of the dining room door I did not see.

The one I saw took place immediately opposite the water-closet door shown on the diagram and on this occasion only the defendants and myself and some patients were present, and then took place what I have narrated in my testimony before the coroner. At least I did not see Clifford there and it was not his duty to be there. He was I did not see there. I saw the patient Anderson present at the time.

George Anderson.

House of Detention.

I was a patient on Wards Island at the time of this offence. I had been on a prolonged spree and had been seen there. I went there on November 2nd 1886. I was perfectly clear and sound in mind

on the date of the occurrence of this crime. I saw the defendants throw the deceased onto the ground in front of the water closet and ~~the~~ place their knees upon his chest and McHugh bang his head on the ground. Deceased did not struggle but ~~as~~ faintly moaned. The only other persons present I think were patients and Mitchell and the defendants. Both defendants had their knees on deceased's chest and dug them into his ribs. I saw Mitchell afterwards wipe the blood up. When the defendants threw deceased down they were assisting him along, each one holding an arm. Before they threw him he seemed to refuse to go on. Before they threw him I saw a little blood on his face or head.

3-6-88
a.m. 10:30

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Patrick J. Cleary

and

James W. Hughes,

Municipality

BRIEF OF FACTS.

For the District Attorney.

Dated March 27th 1888.

Wm. Graves Jones
Deputy Assistant.

N. Y. General Sessions.

The People of the State of
New York

vs:
James M. Hugh &
Peter Cleary

Manslaughter.

"Please take notice that on Monday 12th
inst at 11.0 a.m. We shall move this
Honorable Court before Judge Eldersleeve,
that the above named defendants be
discharged on the ground that they have
been in prison awaiting trial ten months
that they have been long ready and anxious
for trial and that the District Attorney has
not yet caused them to be tried.

Dated this 10th day of March 1888.

Howe & Hummel

87 & 89 Centre St.

New York City

Depts. attys

To John R. Sellman Esq.
District Attorney
N.Y. City & Co.

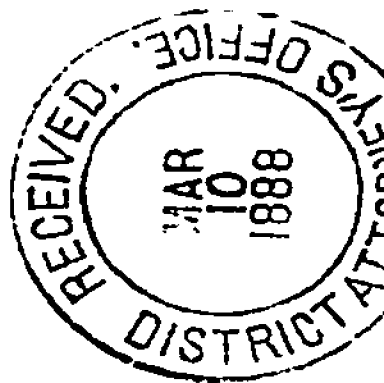
N. Y. General Sessions

The People

vs.

McHugh Henry

Notice of Motion



*Blue and red ink used
Hunt to "day of March 1888"*

To John R. Sellers Esq

Respectfully
Wm. Geo

witness present June 29. 87.

Grand Jury Room
Pople
VJ.

Patk F. Cleary et al.
Mr. Jenkins
Mr. W. B. Wallace.
F. L. Hartman.
Mr. Alex Trautman,
William Kerns,
Henry Clifford
Mr. Chas. F. Hoffmann,
Mr. David Hathaway,
off. R. Eltrick. 29
William F. Mc Nally,
E. J. Brown.
Emil Jabel.
Mr. L. Douglas,
Jas. J. Conlin

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Catrina E. Kearney and
James Mc Shafin

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

Catrina E. Kearney and James Mc Shafin
of the CRIME of *Manslaughter*, —

committed as follows :

The said *Catrina E. Kearney and James Mc Shafin*, both —

late of the *Third* Ward of the City of New York, in the County of New York afore-
said, on the *nineteenth* day of *April*, in the year of our Lord
one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

with force and arms, in a certain building
there situate, known as the New York
City Asylum for the Insane, in and
upon the body of one George Garrick,
in the presence of the said People, then and
there being, with fully and feloniously
did make an assault, and the said
Catrina E. Kearney and James Mc Shafin,
with both their hands and feet, him
the said George Garrick; in and upon
the head, neck, breast, belly, back and
sides of him the said George Garrick,
then and there with fully and feloniously
divers times, did with great force and
violence, strike, beat, kick, bruise and

wound, and the said Calinda S. Kearney
and James Mc Shaf, then and there
intelligently and knowingly did with great
force and violence with their hands, feet and
thrust him the said Fugate Barinder
down into and upon the floor of the
said building, then and there, and the
said Calinda S. Kearney and James Mc
Shaf, with both the hands, feet and
knees of them the said Calinda S.
Kearney and James Mc Shaf, then
and there, and whilst the said Fugate
Barinder was lying and lying upon the
floor of the said building, from the
said Fugate Barinder, in and upon the
head, neck, breast, belly, back and sides
of him the said Fugate Barinder, de-
liberately and intelligently, several times,
with great force and violence, did strike,
beat, kick, wound, hurt, oppress and
oppress; giving into him the said Fugate
Barinder, then and there, as well by the
striking, beating, bruising and wounding
of him the said Fugate Barinder, in and
upon the head, neck, breast, belly, back
and sides of him the said Fugate Barinder,
with the hands and feet of them the said
Calinda S. Kearney and James Mc Shaf,
as aforesaid, and by the pulling, pushing,
scooping and throwing of him the said

Tigoraz Tairind down into and upon the
 floor of the said building as aforesaid, as
 also by the striking, beating, kicking,
 mauling, pushing, pressing and squeezing
 of him the said Tigoraz Tairind,
 whilst he was so lying and being upon
 the floor of the said building as aforesaid,
 in and upon the head, neck, breast, belly,
 back and sides of him the said Tigoraz
 Tairind, in manner aforesaid, several
 mortal wounds, fractures and bruises,
 in and upon the head, neck, breast, belly,
 back and sides of him the said Tigoraz
 Tairind, of which said several mortal
 wounds, fractures and bruises, the said
 Tigoraz Tairind from the said infliction
 of said, in the year aforesaid, until the
 seventh day of April, in the same year
 aforesaid, at the Ward, City and County
 aforesaid, did languish, and languishing
 did live, on which last mentioned day the
 said Tigoraz Tairind, at the Ward, City
 and County aforesaid, of the said several mortal
 wounds, fractures and bruises did die.

And so the Grand Jury aforesaid do say that

the said Colinda F. Dean and James M. Dean, him
 the said Tigoraz Tairind, in manner and form, and
 by the means aforesaid, willfully and unlawfully
 did kill and slay, 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.

Witnesses:

W. Jenkins

Mr. A. M. Donald

Mr. Mitchell H. D.

Mr. W. B. Wallace

Off. Eltrich

Wm. Kerns

Geo. Anderson H.D.

Counsel,

Filed, 1 day of

1887

Pleads,

Not guilty.

THE PEOPLE

vs.

[Section 181 - 193, Penal Code]

Patrick J. Cleary

James McHugh

RANDOLPH B. MARTINE

Attorney at Law

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

A True Bill.

Foreman.

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of

for day of